



NATIVE WOMEN'S
ASSOCIATION OF CANADA

L'ASSOCIATION DES FEMMES
AUTOCHTONES DU CANADA



The national voice of Aboriginal women in Canada since 1974.

Small Steps on a Long Journey

Submission to the International Expert Group Meeting

December 2011



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on Combating Violence against Indigenous Women and Girls

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The Native Women's Association of Canada (NWAC) is founded on the collective goal to enhance, promote, and foster the social, economic, cultural and political well-being of Aboriginal women within Aboriginal communities and Canadian society. Incorporated in 1974, NWAC is one of the five National Aboriginal Organizations in Canada. Forming a network of Native women's organizations from coast to coast to coast we are proud to speak as a collective voice for Aboriginal women for over 36 years.

NWAC works on initiatives related to all four dimensions – physical, mental, emotional and spiritual – of well-being for Aboriginal women and girls. Between 2005 and 2010 NWAC implemented the Sisters In Spirit (SIS) initiative. This was a research, education and policy initiative developed, directed and undertaken by Aboriginal women. The primary goal was to conduct research and raise awareness of the alarmingly high rate of violence against Aboriginal women and girls in Canada, which too often results in their disappearance or death. In 2010 the publication of *What Their Stories Tell Us* by NWAC provided detailed information about the nearly 600 known cases of missing and murdered Aboriginal women and girls that have occurred in every province and territory of Canada.

NWAC worked closely with Aboriginal families who had lost a loved one to violence to share our concern and support for their journey, to document their stories and to identify gaps in Canada's justice system. The organization also worked with service providers, academics, and all levels of government to increase their understanding of this issue and to improve their provision of services to women and their families. In addition, NWAC worked to influence policy decisions around violence against Aboriginal women and girls, and to ameliorate factors that increase Aboriginal women's vulnerability to violence, such as poverty, homelessness, racism, sexism, lack of education and economic opportunity, and limited access to justice.

While NWAC does not provide direct service to individuals, because of the knowledge gained through our work with families, with service providers and with non-governmental organizations we can add value as a knowledge resource for others working through the system. Our research and policy work has led to an expertise in jurisdictional issues and awareness of the programs and services that exist in communities. Where these services and programs do not exist, or are not accessible to individuals, we support families and communities to identify gaps and work with us towards resolution. NWAC also developed tools and resources for families, for those who work with families, and for all Canadians to raise awareness, support appropriate responses, and to take action against the continued violence against Aboriginal women and girls in Canada.

Following on the success of the Sisters In Spirit initiative NWAC has embarked on a multi-year program titled Evidence to Action. This extends the work done during the Sisters In Spirit initiative by continuing the Family Gatherings for specific families who have lost a loved one to violence, organizing national Vigils on October 6th of every year, working with families to document Life Stories, conducting Community Engagement Sessions for service providers, and developing materials and approaches that support the ongoing building of awareness and the improved delivery of programs and services.

It should not be necessary to include in this paper statistics documenting the existence or extent of violence against Indigenous women: the fact that it is being prepared for an International Expert Group Meeting on Combating Violence against Indigenous Women and Girls would suggest that there is no need to 'prove' the issue to this audience. NWAC notes, however, that although we have not included statistical information about the extent of violence against Aboriginal women and girls we certainly could do so; nor should this omission be seen to imply that we find universal acceptance of the severity and extent of this appalling issue either in Canada or internationally.

Human Rights Framework

From the beginning of the Sisters In Spirit initiative, NWAC has situated the issue of violence against Aboriginal women and girls within a human rights framework. The right of Aboriginal women and girls to live free from violence is key to our vision of the work we undertake through Evidence to Action for our Sisters In Spirit. From the outset, identifying the impact of racialized, sexualized violence on Aboriginal women and girls has been vital to our work.

The Government of Canada has supported human rights legislation by voting in favour of the *Universal Declaration of Human Rights* in 1948, enacting the *Canadian Bill of Rights* in 1960, and embedding the *Canadian Charter of Rights and Freedoms* in the Canadian constitution in 1982. Each of these bills supports the recognition that “Everyone has the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice”.¹ Despite this formal recognition by the federal government of this human right our work demonstrates that Aboriginal women and girls can not depend on the institutions of Canada or Canadian society to keep them safe and secure. Instead they suffer violence at a disproportionately higher rate than other women in Canada, which frequently leads to their disappearance and death.² NWAC believes that Aboriginal women and girls in Canada are being denied this basic human right because of discrimination centered around the intersection of their gender and their race.

The ongoing experience of violence, systemic racism and discrimination endured by Aboriginal women, including the deliberate destruction of their culture, language and traditions, and legislation designed to remove their Aboriginal identity has created the reality of the violence that they face every day. Colonization is not only a strategy of the past: it is an ongoing lived experience that reinforces the silence surrounding the violence experienced by Aboriginal women today.

The overrepresentation of Aboriginal women as victims of violence must be understood in the context of a colonial strategy that deliberately dehumanizes them. Colonization consistently devalues Aboriginal women and diminishes their role and responsibilities within their own communities and within Canadian society. The persistence of patriarchal values that still influence and regulate social norms and gender relations are intentionally supported by government policies and legislation. The deliberate strategy of undermining the influence and respect held by Aboriginal women and replacing their traditional social, economic and political systems with ones rooted in patriarchy and European understandings of femininity and masculinity has resulted in the creation of a climate where Aboriginal women are particularly vulnerable to violence and victimization.³ What increases our concern about this situation is our perception that for each step forward that is taken to address these issues we see other steps that are missed, or that are movement backwards: each time we make a small gain this is followed by a loss of ground in our struggle against the colonialism, racism and sexism that perpetuate the conditions within which violence against Aboriginal women and girls occurs.

Community based anti violence strategies

Although NWAC does not provide direct delivery of services, under the Sisters In Spirit initiative we developed materials to assist individual family members as well as organizations helping family members facing the horror of a missing or murdered loved one. NWAC works closely with families who have lost a loved one to violence to determine the needs of the individuals and family members, and to identify gaps in the existing provision of programs and services. NWAC also develops tool kits and information packages that address commonly experienced frustrations and roadblocks for individuals who are dealing with the loss of a loved one. These materials are designed to provide information that will empower families in their

journey.⁴ NWAC also designs and delivers training for law enforcement personnel⁵, and conducts Community Engagement Workshops designed to mobilize community involvement and foster networking and joint efforts among those concerned with this issue.

NWAC is also aware of other excellent community-based anti-violence strategies delivered by a wide variety of organizations. In British Columbia this past year a number of these strategies were showcased at the Collaboration to End Violence: National Aboriginal Women's Forum⁶ which was co-hosted by the Government of British Columbia and NWAC, with financial support from the British Columbia and federal governments. The final report showcases a variety of Aboriginal and community based anti-violence strategies that address both the prevention of violence and intervention once violence has occurred.

Because of our work with families who have lost a loved one to violence, NWAC can identify the elements that improve the delivery of programs and services to Aboriginal women and girls who have experienced violence or their families. Programs must address the continuum of needs of families and individuals, from the time at which a violent act has first been identified to sometimes many years after the death or disappearance of a loved one. They must meet the individual at the point in their healing journey that they have reached, without making assumptions or judgments about time frames for healing or readiness to engage in programs. Services should not have restrictive entry criteria, and should be culturally relevant and appropriate for the individuals who will be accessing them. Delivery of programs and services to Aboriginal people by Aboriginal people, especially by those with personal lived experience, is optimum.

Documentation and data collection

NWAC is a leading organization in Canada in the development of indicators and data collection methods to determine the extent of the issue of missing and murdered Aboriginal women and girls. The goals of the research conducted under the Sisters In Spirit initiative were to demonstrate the existence and scope of the issue of missing and murdered Aboriginal women and girls in Canada, to better understand the root causes of violence against Aboriginal women, to identify measures to increase their safety and well being, and to honour women and girls who are missing or who have been lost to violence. NWAC's research is guided by the cultural and ethical values of sharing, caring, trust and strength. Our methodology utilizes inter-disciplinary research methods and employs the twin lenses of culture and gender to guide our analysis. The two cornerstones of our research are storytelling, as in the creation of Life Stories, and the database.⁷

As part of the Sisters In Spirit initiative, NWAC developed a sophisticated database that enabled us to prove that there are more than 582 missing and murdered Aboriginal women and girls in this country.⁸ Over 200 variables of interest linked to cases of missing or murdered Aboriginal women and girls are included in the database. These relate to the personal characteristics and life story of each woman or girl, the incident in which she went missing or was murdered, and information related to the court case, if charges were laid. NWAC conducted rigorous research and testing throughout the initiative to ensure that all entries in this database were accurate. The statistical analysis conducted as part of the Sisters In Spirit initiative resulted the publication of

reports by NWAC, including as *What their Stories Tell Us: Recent findings from the Sisters In Spirit Initiative* (2010). NWAC continues to track new cases of missing and murdered Aboriginal women and girls: sadly, we continue to find that we could make new entries in the database most weeks of the year.

Unfortunately, changes in federal government priorities have meant that maintaining the database is not an eligible activity for our continuing work on this issue through the Evidence to Action project. The federal government has taken multiple decisions that are will make identifying the level of violence against Aboriginal women more difficult. Ongoing statistical activities, such as the detailed long-form census have been modified or made voluntary.⁹ The federal government has provided a large amount of funding to the Royal Canadian Mounted Police (the federal policing service) to improve their Missing Persons Database and take other measures related to missing persons investigations. Unfortunately, not all police forces in Canada routinely collect, record, retain or report information about the Aboriginal identity of victims of crime, nor will these new measures include such ethnicity data: both of which suggests that they will not be an acceptable substitute for NWAC's research and data work.

During the Sisters In Spirit initiative NWAC conducted focus group discussions to investigate attitudes regarding whether police services should collect, use or release information on the Aboriginal identity of victims of violence. Participants in these sessions clearly understood the potential value to be gained by collecting, analyzing or releasing information about the Aboriginal identity of female victims of violence who are missing or who have been murdered. They were, however, very wary about how this information would be utilized by police, the media, and the general public as well as what impact it might have on the victims, their families, and their communities. Participants were more comfortable with the concept of collecting this information than they were with the use or release of the data. While they made some suggestions for approaches that would mitigate these concerns, overall they were worried that these approaches would only partially address the barriers and issues raised.

Those in favour of such data collection believed that it would assist police to resolve crimes more quickly and help them to work with the families of victims in a respectful, culturally sensitive and appropriate manner. They recognized the value of having an accurate depiction of the current reality of violence against Aboriginal women in Canada and believed that this information would support calls for social change by Aboriginal organizations and communities. They consistently mentioned the value of such data to support strategic planning and policy development by government and non-governmental organizations, and were also well aware that specific data such as this is critically useful to support requests for funding, resources, and program and service delivery to individuals and communities.¹⁰

The most frequently mentioned concern was the potential for this information to be used in negative ways. Participants feared that police would use the data to support racial profiling, negative labeling, biases, stereotypes or harmful assumptions about Aboriginal women. They also were concerned that the data might increase discrimination and result in the re-victimization of individuals or of families. Concerns about how accurately police would be able to determine the Aboriginal identity of individuals were raised, as were opinions about the right of the individual to self-identify. Participants who opposed the release of Aboriginal identity data to the

general public felt that doing so would reinforce negative stereotyping and racial profiling while not changing or challenging existing negative patriarchal or racist attitudes.¹¹

The obvious impacts of colonization, past history and personal experiences on participant's responses suggest that research and analysis approaches that utilize small, incremental steps and the development of strategies that emphasize partnerships outside of the police services may be useful to address issues rooted in historical relationships. Fundamentally, the preferred approach was for data collection, research and analysis to be conducted by Aboriginal organizations with whom the participants felt it would be possible to engage in a mutually beneficial relationships that emphasized sharing of information, caring about how that information would be utilized and trust between the parties that information would be presented and used in a good way.

Leadership and Capacity Building

NWAC supports leadership and capacity building among Aboriginal women and youth through mentoring, by providing opportunities for Aboriginal women and female youth to practice and demonstrate their skills, and through skill development at conferences, workshops, committees and Board of Directors activities.

NWAC is aware that moving into a position of leadership can prove difficult for Aboriginal women and girls, especially when dealing with contentious and emotionally-challenging topics such as violence. In addition, Aboriginal women and female youth experience multiple demands on their time that make capacity building and holding positions of leadership difficult. Aboriginal women and girls balance their paid and volunteer work, their own wellness, care of their families and children, and education with leadership and advocacy. A complicating element is that non-profit agencies and non-governmental organizations are often not allowed to engage in advocacy work using the funds they receive from government.¹² Advocacy activities must be carefully circumscribed in order not to impact on program or service delivery activities. As well, contentious issues divide the advocacy community and those who work within it: for example the current debate over the legalization of prostitution has polarized opinion among leaders and advocates.

NWAC is also concerned about the personal risks that Aboriginal women who enter into leadership or advocacy roles face. The recent news that Cindy Blackstock, the Executive Director of the First Nations Child and Family Caring Society of Canada and a leading child-welfare advocate for First Nations children was being targeted by the federal government for investigation is unsettling, to say the least. The Aboriginal Peoples Television Network reported on its National News that the Department of Aboriginal Affairs has collected a large file on Ms. Blackstock, including personal information and critical briefings on her activities. Ms. Blackstock has stated that she has been barred from departmental meetings, and put under security surveillance at times. Although the Deputy Minister is now investigating whether department officials broke privacy rules in their surveillance of Ms. Blackstock¹³, the fact that this has occurred presents a clear picture of the risks associated with taking a leadership role.

Leaders and advocates are at also risk for vicarious trauma as they work every day with very difficult and disquieting information and situations, and with individuals who have experienced great losses. Small gains may be made, but setbacks and reversals commonly occur. This lack of cumulative progress wears down leaders and advocates, who must continually develop ‘new’ ideas for projects and activities while facing a seemingly unchanging level of violence, racism and sexism. And, Aboriginal women who are leaders and advocates are themselves at risk of the violence that they are working to end. They may be better prepared than other women because of their awareness and knowledge: but they continue to be at personal risk because of their sex and Aboriginal identity.

Discussion

Jurisdictional divisions among multiple levels of government may provide clarity for simple matters, but for a complex issue such as that of violence against Aboriginal women and girls which exists at an intersection of so many issues – gender, aboriginal identity, economic security, health – another approach may be necessary. In Canada, legislation to enact “Jordan’s Principle” has been brought forward several times to the federal government. Under this child-first principle, it would be imperative that government acts to meet the medical needs of the child as the first priority. Children would no longer face delays or disruptions in essential medical and health services while governments argued over jurisdiction and financial resources.¹⁴ Although this legislation has not been enacted nor adopted by all provinces and territories in Canada, it has gained a strong foothold among those who believe that the obligation to meet children’s medical needs supersedes government interests in jurisdictional disputes or policy implementation issues.

Perhaps using a similar approach to address the factors underlying the issue of missing and murdered Aboriginal women and girls would provide beneficial. If a series of principles were adopted that put the needs of Aboriginal women and girls first, what might these look like?

Claudette’s Principle: that media portrayals of Aboriginal women and girls report only verified information and refrain from using sensationalized stereotypical images that promote racist and sexist views of Aboriginal women in headlines and stories.

Nina’s Principle: that culturally appropriate, adequate and timely Victim Services resources are available to families who have lost a loved one to violence, and that these resources are at least equal to those available to individuals charged with or convicted of the offence.

Shelley’s Principle: that children who have lost their mother to violence are provided with services and supports, no matter what age they are, and for as long as they need this assistance.

Helen’s Principle: that Aboriginal families who have lost one member to violence are provided with supports and services to help other women in the family to reduce their vulnerability to experiencing violence.

Kelly's Principle: that Aboriginal mothers receive financial and other supports that enable them to provide appropriate nutrition and housing for their children, to build a strong and stable family unit, and to retain their children rather than losing them to the child welfare system.

Terri's Principle: that Aboriginal grandparents have the right to visit their grandchildren after the death of their daughter, even in situations of family breakdown or dispute.

Janet's Principle: that women are provided with healing supports and programs to promote wellness and heal the scars left by Residential Schools and other colonial legacies and legislation.

Jen's principle: that accurate, complete, comprehensive data on cases of missing and murdered Aboriginal women and girls is appropriately collected, safely stored, and thoughtfully used to provide basic statistical information as well as to identify trends, developing issues, and critical gaps in addressing this issue.

Cindy's principle: that Aboriginal women in positions of leadership are supported and protected from punitive measures by those who are in opposition to their views.

Georgina's principle: that Aboriginal women and girls have the right to live in safety, free from violence.

It quickly becomes evident that that all levels of government in Canada are not going to adopt these multiple principles to guide their response to the issue of violence against Aboriginal women and girls. It is also instructive that so many of them speak to addressing violence after it has occurred by focusing on post-incident interventions, rather than encompassing true preventative measures which would address the primary human rights goal of eliminating violence.

Conclusion

NWAC is aware that the violence facing Indigenous women in other countries is worsened by situations such as civil strife, the collapse of economic systems, drought or other extreme environmental emergencies, and religious or state-supported discrimination against women. Although we are fortunate not to experience many of these problems in Canada, we still face a situation where violence against Aboriginal women and girls is systemic, is embedded in social structures and norms, and is supported by the ongoing existence of colonial attitudes, values and legislation that disadvantages Aboriginal women and girls more than any other group in Canada. The partial list of principles suggested above to combat violence against Aboriginal women and girls helps us see the size and the scope and the shape of the issue. It also helps us to identify where we are facing disconnects between the solutions we are talking about and the specific, concrete, actual measures that would help eliminate violence against Aboriginal women and girls.

While we have seen some steps taken to address specific concerns of families of missing and murdered Aboriginal women and girls in Canada, we need more action aimed at the prevention of violence. NWAC does not believe that the federal, provincial and territorial governments are responding to this critical issue in a comprehensive or meaningful manner.

Preventing violence is much harder than responding to it after the fact. Prevention means accepting the notion that violence does not have a place in our society, and taking measures to eliminate all forms of violence – including many that are currently seen as ‘acceptable’ such as violence in movies and television shows, in video games, in fiction, and in music lyrics and videos. It means finding ways to address social inequalities that are currently accepted as being part of the values of ‘personal choice’ and individual responsibility, but which act to increase the vulnerability of Aboriginal women and girls to violence.

Instead we must focus on promoting a value system that supports the fundamental human right of all individuals to life, liberty and the security of the person. This means eliminating the colonialism, racism and sexism that still permeate our societies and which promote beliefs that some individuals are less – less deserving, less important, less worthy – because of their gender or Aboriginal identity.

We understand the difficulty of the task ahead, but we are committed to the goal. We will continue to work towards the eradication of violence against Aboriginal women and girls, so that some day in the future not one family experiences the tragedy of a missing or murdered loved one.

¹ *Canadian Charter of Rights and Freedoms*, s.7, 1982, Department of Justice, Canada. Accessed at <http://laws.justice.gc.ca/eng/charter/> on December 1, 2011.

² For statistics on the incidence of violence against Aboriginal women, see *Women in Canada: A gender-based statistical report. Fifth edition, 2006. Statistics Canada, Catalogue no. 89-503-XPE*

³ *Shrugged off and brushed to the side: Police (non)responsiveness to Families of Missing and Murdered Aboriginal women and girls*. 2010. Mallory Whiteduck, Native Women’s Association of Canada.

⁴ Titles included *Unlocking the Mystery of Media Relations*, *Navigating the Missing Persons Process*, *Safety Measures for Aboriginal women*; and *Mobilizing the Caring Power of Community*. All titles published by the Native Women’s Association of Canada.

⁵ *Professional Development for Law Enforcement: Understanding Violence against Aboriginal Women*, Native Women’s Association of Canada, 2010.

⁶ *Collaboration to End Violence: National Aboriginal Women’s Forum*. 2011. Accessed on line at www.nwac.ca/research/collaboration-end-violence-national-aboriginal-womens-forum-2011 on Dec. 1, 2011.

⁷ *Sisters In Spirit Research Methodology*. 2009. Jennifer Lamborn, Native Women’s Association of Canada.

⁸ *What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative*. 2010. Native Women’s Association of Canada.

⁹ *2011 Census Questionnaire*. 2011. Statistics Canada, accessed on line at <http://www12.statcan.ca/census-recensement/2011/ref/gazette-eng.cfm> on December 1, 2011.

¹⁰ *Recording the Aboriginal Identity of Victims of Crime*. 2010. Native Women’s Association of Canada, p.7.

¹¹ *Ibid*, p. 9.

¹² For example, funding under the Women's Program states that ineligible activities include "research, ..., domestic advocacy activities...". *Women's Program Information Guide*. 2011. Status of Women Canada. Accessed on line at <http://www.swc-cfc.gc.ca/fun-fin/wcf-fcf/guide-eng.html> on 1 December 2011

¹³ *Aboriginal Affairs Minister launches probe into Blackstock "spying" affair*. 17 November 2011, Aboriginal Peoples Television Network, National News. Accessed on line at <http://aptn.ca/pages/news/2011/11/17/aboriginal-affairs-minister-launches-probe-into-blackstock-spying-affair/> on December 1, 2011.

¹⁴ *Jordan's Principle remains in limbo*. 2008, Canadian Medical Association. Accessed on line at www.cmaj.ca/content/179/12/1256 on December 1, 2011.