

Indigenous Girls and the Canadian State

Authored by Cherry Smiley

Colonization – past and present

In 1492, Christopher Columbus made his famed voyage across the Atlantic to “discover the Americas”, initiating a colonial tidal wave of white European settlers across both the United States and Canada. The process of colonization can be defined as,

a process that includes geographic incursion, sociocultural dislocation, the establishment of external political control and economic dispossession, the provision of low-level social services, and ultimately, the creation of ideological formulations around race and skin color which position the colonizers at a higher evolutionary level than the colonized¹

The consequences of this colonial invasion for the Indigenous peoples of the United States and Canada are devastating and numerous, and include land theft, language and identity loss, criminalization, child apprehension, disease, poverty, violence, sexual violence, and death.

In this process of colonization, traditional Indigenous governments, laws, world views, and social structures are ignored and violated, time and time again, and foreign and harmful systems that privilege men, both Indigenous and non-Indigenous, at the detriment of Indigenous girls and women are imposed. These systems, that are particularly harmful to Indigenous girls and women, include the federal, territorial, provincial, and municipal governments, the Indian Act and the reserve system, the residential school system, the foster care system, the health care system, the “justice” system, and the current education system.

The roots of colonialism run deep, are rooted in patriarchy, racism, and capitalism, and continue to disproportionately affect the lives of Indigenous girls. Today, in contemporary Canadian society, Indigenous girls continue to face colonial, racist, and sexist attacks because of their race, gender, and marginalized economic status. Indigenous girls are continually forced to not only struggle against the lingering effects of Canada’s genocidal policies, but also to contend with Canada’s continued colonial attitudes, policies and practices that disproportionately harm Indigenous girls. These contemporary official policies cloak the deep-rooted and intense hatred held by government and the general Canadian public toward Indigenous girls and women in “good intentions” and politically-correct terminology. The beliefs held about Indigenous girls and women by the Canadian public are rooted in hatred and help to facilitate the violence perpetrated against these girls and women

The demeaning image of Aboriginal women is rampant in North American culture. School textbooks have portrayed Aboriginal woman as ill-treated at

¹ James Frideres, *Native People in Canada: Contemporary Conflicts*, 2nd ed (Scarborough, ON: Prentice-Hall Canada, 1983) cited in Melissa Farley and Jacqueline Lynne, “Prostitution of Indigenous Women: Sex Inequality and the Colonization of Canada's First Nations Women.” *Fourth World Journal* 6, no. 1 (2005): 1.

the hands of Aboriginal men, almost a “beast of burden”. These images are more than symbolic – they have helped to facilitate the physical and sexual abuse of Aboriginal women in contemporary society²

The colonial agenda is one that is tied to capitalism, as both the land and the Indigenous girls and women that are so intimately tied to the land are constructed as “resources” and/or “objects” to be exploited and used for profit. This attitude attempts to excuse the unacceptable and violent behavior of men toward the land and toward Indigenous girls and women.

Colonial policies, practices, and attitudes have and continue to impact every aspect of an Indigenous girl’s life, limiting her options and constraining her opportunities from birth. However, despite these difficult realities, Indigenous girls continue to resist these impacts, as they work to create safe and meaningful lives for themselves and their loved ones.

Male Violence against Indigenous Teen Girls

Indigenous girls face endemic levels of male violence, both from within and without their communities. Poverty is rampant in the lives of many Indigenous girls: nearly half of off-reserve First Nations children under age six live in poverty³. In addition to the vulnerability created by gender and poverty, Indigenous girls are also targeted because of their race⁴. This lack of physical and emotional safety often begins in the home, in Indigenous communities, as noted by the FREDA Centre for Research on Violence against Women and Children:

- Up to 75% of victims of sex crimes in Indigenous communities are female under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age.⁵
- The incidence of child sexual abuse in some Indigenous communities is as high as 75 to 80% for girls under 8 years old.⁶
- Indigenous women are five times more likely than other women of the same age to die as a result of violence⁷.

² Aboriginal Justice Implementation Commission, *Report of the Aboriginal Justice Inquiry of Manitoba 1*, (Winnipeg, MN: Queens Printer, 1991), 479.

³ Statistics Canada, Social and Aboriginal Statistics Division. *Aboriginal Children’s Survey 2006: Family, Community and Child Care*. Catalogue no. 89-634-X, 16 in Statistics Canada (database). Ottawa, ON, 2008.

⁴ Amnesty International Canada, *Stolen Sisters - A human rights response to discrimination and violence against Indigenous women in Canada*, (Ottawa: Amnesty International, 2004), 29.

⁵ Correctional Service of Canada cited in Sharon McIvor and Teressa A. Nahanee, "Aboriginal Women: Invisible Victims of Violence." In *Unsettling Truths: Battered Women, Policy, Politics, and Contemporary Research in Canada*, ed. Kevin Bonycastle and George Rigakos (Vancouver, BC: Collective Press, 1998): 65.

⁶ Maureen McEvoy and Judith Daniluk, "Wounds to the Soul: The Experiences of Aboriginal Women Survivors of Sexual Abuse," *Canadian Psychology/Psychologie canadienne* 36, 3 (August 1995): 221-235.

⁷ Indian and Northern Affairs Canada, *Aboriginal Women: A Demographic, Social and Economic Profile* (Summer 1996) cited in Native Women’s Association of Canada and Canadian Feminist Alliance for International Action and University of Miami School of Law Human Rights Clinic,

Indigenous girls are frequently hesitant to report physical abuse, sexual abuse and/or incest, as they often face exceptionally poor police response. Indigenous girls are ignored, disbelieved, blamed for the abuse committed against them, and/or removed from the family home and placed into the foster care system while the perpetrator is allowed to remain in the home⁸. The imposition of foreign patriarchal values on Indigenous communities through the ongoing processes of colonialism has created conditions whereby Indigenous men can benefit, although with limitations, from a non-Indigenous misogynist culture. Encouraged by the deadly sexist and racist stereotypes created by non-Indigenous men about Indigenous girls and women, Indigenous men are, in many cases, perpetuating violence against Indigenous girls. In these cases, Indigenous girls are often even more hesitant to report cases of physical abuse, sexual abuse and/or incest, because of an awareness of the racism so prevalent in Canada's "justice" system that targets Indigenous peoples for criminalization.

The general lack of an adequate police response to cases of violence against Indigenous girls stems from the racism, sexism, and classism upon which the "justice" system was built. These barriers to safety place Indigenous girls at further risk. Various studies have shown that sexual abuse is a leading cause of homelessness among girls, as they are either forced to leave home to escape sexual abuse or are forcibly removed from their homes for their protection⁹. Once Indigenous girls leave home, their vulnerability increases:

Homelessness exposes women to an additional range of physical and emotional dangers...Homeless women, particularly young women are vulnerable to sexual exploitation, sexual trafficking, and drug abuse. Homeless Indigenous women were also reported to be at higher risk of systematic murder/disappearance¹⁰

Some Indigenous women activists have described Indigenous girls as 'homeless in their homelands' from birth, as Indigenous girls have to bear the additional suffering that accompanies the theft and destruction of traditional Indigenous territories, and the pain of identity crises and language loss that results in difficulty communicating a traditional worldview.

In addition to facing sexual abuse at the hands of male family and community members, Indigenous girls also face endemic proportions of sexual abuse at the hands of non-Indigenous men. This abuse often manifests in the form of prostitution, as

"Missing and Murdered Aboriginal Women and Girls in British Columbia, Canada: Briefing Paper for Thematic Hearing before the Inter-American Commission on Human Rights." (March 2012): 8.

As Amnesty International has stated: "It is important to note that this figure compares women with status [under the *Indian Act*] to all other women, including Inuit, Metis and non-status First Nations women. As a result, it may well underestimate the extent to which Indigenous women are at risk." See

http://www.cfne.org/modules/news/article.php?com_mode=flat&com_order=1&storyid=8774

⁸ Asia Czapska, Annabel Webb and Nura Taefi, *More Than Bricks and Mortar: A Rights-Based Strategy to Prevent Girl Homelessness in Canada*, report of Justice for Girls (Vancouver, BC: 2008): 33.

⁹ Ibid, 12.

¹⁰ United Nations Special Rapporteur on Adequate Housing Miloon Kothari. "Women and Adequate Housing," United Nations Economic and Social Council, 62nd Session (2006): 20.

Indigenous women and girls are disproportionately over-represented in street prostitution across Canada. Estimates of First Nations youth in prostitution range from 14% - 60% across different regions of Canada¹¹. Disturbingly, as Indigenous researchers Cherry Kingsley and Melanie Mark have explained, "In some communities in Canada, commercial sexual exploitation of Aboriginal children and youth forms more than 90 per cent of the visible sex trade in areas where the Aboriginal population is less than 10 per cent."¹²

Most women entered into prostitution as girls¹³. Some Indigenous women activists have estimated the average age of entry for Indigenous girls into prostitution is around 11 or 12 years old. Indigenous girls in prostitution have often been sexually abused by a number of men before they enter into prostitution. Andrea Dworkin has described girlhood sexual abuse and incest as "bootcamp" for prostitution: "incest is where you send the girl to learn how to do it"¹⁴. A 2008 study of women in street prostitution in Vancouver found that 82% of respondents had a history of childhood sexual abuse by an average of 4 different perpetrators¹⁵. In addition, this same study found that, "significantly more First Nations women than European-Canadian women reported childhood physical abuse".¹⁶

Indigenous girls, already suffering from a long history of forced migration, find themselves targeted by predatory pimps, johns, and brothel owners looking for vulnerable girls to exploit and profit from. According to the Aboriginal Women's Action Network (AWAN),

The male demand for access to the bodies of women and girls creates and fuels the market that allows pimps, brothel owners, and traffickers to profit off our backs. AWAN sees the trafficking of women and children for sexual exploitation as inseparable from prostitution, trafficking is the process; it is the forced movement of women and children and prostitution is the result of that movement and we know this from our collective experiences. Our people and our women and children have been forced to move from our traditional homelands, from our territories onto government-created reserves and church-

¹¹ Assistant Deputy Ministers' Committee on Prostitution and Sexual Exploitation of Youth, *Sexual Exploitation of Youth in British Columbia* (Ministry of Attorney General, Ministry for Children and Families and Ministry of Health, 2001), Introduction, quoted in Melissa Farley and Jacqueline Lynne, "Prostitution of Indigenous Women: Sex Inequality and the Colonization of Canada's First Nations Women," *Fourth World Journal* 6, no. 1 (2005): 26.

¹² Cherry Kingsley and Melanie Mark, *Sacred Lives: Canadian Aboriginal Children and Youth Speak Out about Sexual Exploitation*, report of Save the Children Canada (2000): 4.

¹³ Melissa Farley, "Prostitution and the Invisibility of Harm," *Women & Therapy* 26, no. 3-4 (2003): 256.

¹⁴ Andrea Dworkin, "Prostitution and Male Supremacy," Speech at a symposium *Prostitution: From Academia to Activism* (sponsored by the Michigan Journal of Gender and Law at the University of Michigan Law School, October 31, 1992).

¹⁵ Melissa Farley, Jackie Lynne, and Ann Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," *Transcultural Psychiatry* 42 (2005): 249.

¹⁶ *Ibid.*, 253.

run residential schools, and now from reserves into cities, white foster homes, and jails where we continue to struggle against racism, sexism, and violence.¹⁷

In addition to sexual violence, Indigenous girls are also victimized by physical violence. In a recent survey of Aboriginal women in the Canadian provinces,

- Young Indigenous women ages 15-24 made up 43 percent of Indigenous women and girls who reported having been victims of violence.¹⁸

Indigenous girls face many forms of male violence throughout their lives, sometimes resulting in disappearance or murder at the hands of men. The Native Women's Association of Canada's (NWAC) Sisters in Spirit (SIS) Report documented over 580 cases of missing and murdered Indigenous girls and women across Canada. The report acknowledges the research constraints, and estimates, alongside other Indigenous women's groups and Indigenous groups, that the actual number of missing and murdered Indigenous girls and women in Canada is likely much higher¹⁹. Of the 582 cases recorded, the majority of cases involved young Indigenous women and girls under the age of 30, while girls under the age of 18 represented 17 percent of missing and murdered girls and women.²⁰

Indigenous girls are often targeted by non-Indigenous men, who know that given the culture of devaluation and hatred toward Indigenous girls, crimes can be committed against these girls with entitlement and relative impunity. Such was the attitude of BC Provincial Court Judge David William Ramsay who raped and sexually assaulted Indigenous girls who had appeared before him in his court. In recent years at least 20 young women reported sexual and physical abuses by Judge Ramsay and other Criminal Justice officials in Prince George, British Columbia. The majority of these girls are Indigenous and all of these teen girls were in state care at the time they were abused. In 2004, David Ramsay eventually plead guilty to five counts of brutal sexual and physical violence against Indigenous girls (ages 12-16) and was sentenced to seven years in prison²¹. Ramsay had presided over his victims in youth criminal and family courts. Ramsay was allowed to remain on the bench for three years after the police investigation into his abuse of girls began²². During this time he continued to abuse girls. Concerns were raised by community and NGO groups regarding the judge's court rulings in remote Aboriginal communities. Justice for Girls also called on the provincial Attorney General to appoint an independent fact finder and hold a review of the judge's court rulings. To Justice for Girls' knowledge, the judge's court decisions have not been

¹⁷ Aboriginal Women's Action Network, "AWAN address to the People's Tribunal on Commercial Sexual Exploitation," (Mohawk Territories, Montreal QC, March 18 - 20, 2011).

¹⁸ Statistics Canada. 2011. *Violent Victimization of Aboriginal women in the Canadian provinces, 2009*. Brennan, Shannon (ed.). Statistics Canada Catalogue no. 85-002-X. Ottawa, ON. 19 p. <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11439-eng.pdf>

¹⁹ Native Women's Association of Canada, *What Their Stories Tell Us: Research findings from the Sisters in Spirit Initiative* (2010), 17.

²⁰ *Ibid.*, 23.

²¹ R.v. Ramsay (2004) BCSC 15631

²² Kelly MacDonald, *Justice System's Response: Violence against Aboriginal Girls, Submitted to Honourable Wally Oppal Attorney General of British Columbia*, written on behalf of Justice for Girls (Vancouver, BC: 2005): 12.

reviewed by government authorities.

Police officers and other criminal justice system members were also among officials accused of sexually exploiting/abusing teenage Aboriginal girls in Prince George, BC. None of these officials were prosecuted criminally nor disciplined by internal police processes. Internal police disciplinary hearings against two officers, Justin Harris and Joseph Kohut, who were accused of abuse/exploitation of teen Indigenous girls in Prince George were dismissed because the police waited too long to launch internal disciplinary hearings.

The case of Martin Tremblay, a sex offender who targeted multiple Indigenous girls in Metro Vancouver, also highlights systemic failures in response to violence against Indigenous girls. In 2003, Tremblay was convicted of sexually assaulting and videotaping the assaults of five Indigenous girls ages 13 – 15. Tremblay would feed the girls drugs and alcohol until they were unconscious, then sexually assault them and videotape the assaults²³. Many of the girls were unaware that they had been sexually assaulted until they were shown video evidence, some for the first time in court.²⁴ Tremblay was sentenced to 3 ½ years in custody and 18 months probation. Justice for Girls publicly criticized his sentence as totally inadequate. Disturbingly, Tremblay was released from custody without a probation condition prohibiting him from contact with girls. Prior to his release, Justice for Girls urged Crown to vary Tremblay's probation conditions to include a 'no contact with children' condition. Crown refused this request²⁵. Upon his release, Tremblay impregnated a 14 year old Indigenous girl. Many teen girls reported that after his release from prison, Martin Tremblay gave them alcohol, drugs, and a place to "party." Girls reported waking up after lengthy periods of unconsciousness, minimally clothed, and often abandoned in public locations.

In the early morning of March 2, 2010, Kayla LaLonde, a 16 year old Indigenous girl, was found dead on a Burnaby street. She had been dumped in the middle of the street and died from a lethal combination of drugs and alcohol. The same morning, Martha Jackson Hernandez (17) was attended by paramedics at the residence of Martin Tremblay, taken to hospital, and later died of a lethal combination of drugs and alcohol²⁶. After intense pressure and advocacy by Aboriginal, women's and girls' groups, to investigate Tremblay for the deaths of Martha Hernandez and Kayla LaLonde and for numerous sexual assaults against teen girls, in September 2011 Tremblay was charged with 7 counts of sexually assaulting 4 teen girls between 2005 and 2007.²⁷ Three of the four young women are Aboriginal. In December 2011, 45 year-old Martin Tremblay was

²³ Lisa Rossington, "Victims of Sexual Predator Speak Out," CTV BC News, March 31, 2010. http://www.ctvbc.ctv.ca/CTVNews/BritishColumbia/20100331/bc_martin_tremblay_100331/

²⁴ "BC Court Lenient on Man who Sexually Assaulted Numerous Unconscious Teenage Girls," Justice for Girls press release, December 4, 2003, on Justice for Girls web site, http://www.justiceforgirls.org/press/pr_112042003_tremblay.html

²⁵ Lisa Rossington, "Advocacy groups call for review of sex offender file," CTV BC News, March 29, 2010. http://www.ctvbc.ctv.ca/servlet/an/local/CTVNews/20100329/bc_martin_tremblay_100329/20100329?hub=BritishColumbia

²⁶ Ibid.

²⁷ Suzanne Fournier, "Notorious sex offender Martin Tremblay faces seven new sex assault charges," The Province, September 30, 2011. <http://www.theprovince.com/news/Notorious+offender+Martin+Tremblay+faces+seven+assault+charges/5477993/story.html>

charged in relation to the deaths of Martha Hernandez and Kayla LaLonde.²⁸ Justice for Girls believes the deaths of Martha and Kayla could have been prevented if Martin Tremblay had been legally prohibited from contacting children and intensively monitored by the criminal justice system.

Indigenous girls face male violence on all fronts. They face attacks from non-Indigenous men outside of their communities who purposefully seek out Indigenous girls to harm and exploit, as these men can do so with relative impunity. Indigenous girls also face violence from Indigenous men in their own families and own communities, as the imposition of patriarchy on Indigenous peoples across Canada has allowed Indigenous men to benefit, although with limitations, from a system that privileges men at the detriment of girls and women.

The lack of timely and adequate police response to cases of violence against Indigenous girls demonstrates the violence Indigenous girls face from individual men, societal attitudes and corresponding behaviors, and from the state itself.

Poverty in the Lives of Indigenous Teen Girls

From birth, Indigenous girls face economic disadvantage in Canada. Along with disease, corruption, patriarchy, and racism, a foreign capitalist system of monetary exchange was also introduced, a system previously unknown to the Indigenous peoples of Canada. This system is one that places profit first, at any cost, and that has proven to be exceptionally damaging in the lives of Indigenous girls and women. Being born an Indigenous girl means being born into a foreign system that views girls as objects to be bought and sold, that views the land as a 'resource' to be bought, sold, and exploited, and that ignores and discredits Indigenous worldviews.

Indigenous women disproportionately live in poverty,

- The unemployment rate of Aboriginal women is twice that of non-Aboriginal women.²⁹
- In 2005, the median income of Aboriginal women was just \$15,654, about \$5,000 less than non-Aboriginal women.³⁰
- According to the 2006 census, 26% of First Nations people living on reserves live in crowded conditions and 44% live in homes that are in need of major repairs. About 38% of the Inuit Nunaat³¹ population—live in crowded conditions and 31% of Inuit live in houses that need major repairs.³²

²⁸ Justice for Girls "R.v.Tremblay" case summary

²⁹ Statistics Canada. 2011. *First Nations, Metis and Inuit Women Statistics*. O'Donnell, Vivian and Susan Wallace (ed.). Statistics Canada Catalogue no. 89-503-X. Ottawa, ON. 27 p. <http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11442-eng.pdf>

³⁰ Ibid.

³¹ Inuit of the Northwest Territories, Nunavut, Quebec, and Labrador

³² Statistics Canada. 2007. *Canada Year Book 2007: Aboriginal Peoples*. Statistics Canada Catalogue no. 11-402-XPE. Ottawa, ON. http://www41.statcan.gc.ca/2008/10000/ceb10000_000-eng.htm

Girls are very vulnerable to various forms of abuse, and poverty only increases this vulnerability:

- In a 2007 survey of 762 homeless youth aged 12 to 18 it was found that 57% of the girls had been sexually abused.³³
- In one Vancouver study on youth homelessness it was found that 84% of Aboriginal homeless girls had experienced sexual abuse.³⁴

The vulnerability of Indigenous girls in Canada is increased not only because of the context of sexism and the devastating effects of capitalism, but compounded by the deadly effects of colonialism, racism, and genocidal policies aimed at Indigenous peoples and specifically at Indigenous girls and women. As a result, the poverty rate of Indigenous children is more than double that of non-Indigenous children³⁵ with nearly half of off-reserve young Indigenous children living in poverty.

As discussed earlier, homelessness and poverty increase the vulnerability of Indigenous girls to violent attacks by men. In large Canadian urban centres, homeless teenage girls make up one third to one half of the homeless youth population³⁶. However, shelters are often co-educational, rather than providing safe girl-only housing spaces. This de-gendering of homelessness and poverty leaves teenage girls at greater risk of violence, and many homeless teenage girls report violence and sexual harassment by teenage boys and men at homeless shelters.³⁷

A life of poverty has many other impacts for Indigenous girls as well. Girls living on-reserve face substandard and over-crowded housing, lack of employment opportunities, and often lack access to adequate nutrition. Similarly, Indigenous girls living in urban areas face many of the same conditions: poverty, substandard, unsafe and over-crowded housing, lack of employment opportunities due to racism, and lack of access to adequate nutrition.

Indigenous girls living with their families are poor because their mothers are poor. Indigenous women are more than twice as likely as non-Indigenous women to be single parents³⁸. In addition, single parent families headed by Indigenous women tend to be larger than non-Indigenous families³⁹. Abysmal rates of social welfare force Indigenous mothers to raise their girls in poverty. Racism and sexism force many Indigenous girls out of the public school system, and combined with limited job opportunities and the unlivable social welfare rates created by the same forces, Indigenous women are left with no other choice than to raise their children as best they can without the financial ability to do so.

³³ McCreary Centre Society, *Against the Odds: A Profile of Marginalized and Street-Involved Youth in BC* (Vancouver, BC: 2007): 39.

³⁴ McCreary Centre Society, *Between the Cracks: Homeless Youth in Vancouver* (Vancouver, BC: 2002): 26.

³⁵ Campaign 2000, *2010 Report Card on Child and Family Poverty in Canada: 1989 – 2010* (Toronto, ON: 2010): 5.

³⁶ Czapska, Webb and Taefi, 10.

³⁷ *Ibid.*, 42.

³⁸ Statistics Canada. *First Nations, Metis, and Inuit Women*, 20.

³⁹ *Ibid.*

The poverty of Indigenous girls and women is created and sustained by systems that continue to act as colonial agents. One would think there would be recognition of the poverty faced by Indigenous girls and their mothers and the historical and current context of colonialism, patriarchy, and capitalism, and that Indigenous mothers would be given economic and other supports to rectify their situations. Instead, Indigenous girls and women are criminalized for poverty-related crimes⁴⁰ and/or their children are apprehended by the child welfare system and placed into non-Indigenous foster homes among accusations of “neglect”. These accusations of “neglect” and the “inability to provide” for Aboriginal mother’s children mask the deeper intentions held by the government to continue its genocidal attempts on Indigenous peoples by targeting Indigenous girls and women.

Child Welfare as a Continued Agent of Colonization

- In British Columbia, an Aboriginal child is 12 times more likely to be in state care than a non-Aboriginal child⁴¹.
- Across Canada, approximately 30 – 40 percent of children in state care are Indigenous⁴².

The high apprehension rates of Indigenous children by the Canadian government are a direct continuation of colonial and genocidal policies. The rates are so high that Indigenous women activists have likened the foster care system to ‘the new residential schools’.

Canadian residential schools had and continue to have a serious impact on the lives of Indigenous girls. The last residential school in Canada closed in 1996, a visible testament to the long-standing and overt racism and hatred toward Indigenous peoples. During the period of the residential school system, Indigenous children were removed from their families and communities and forced to attend schools where they were denied the ability to speak their languages or to practice any aspects of their cultures. Physical and sexual abuse, starvation, and neglect were commonplace in the church-run, government-funded schools. Many schools had formal graveyards on school grounds in which to bury the children that were killed while attending these schools. Many other schools had unmarked graveyards⁴³ that contained and continue to contain the bodies of Indigenous children. The purpose of the Canadian residential school system was not cultural assimilation of Indigenous children into the dominant white, patriarchal, capitalist culture, but rather one of attempted genocide. Given that the rates of mortality were high enough to warrant attached cemeteries, and given the historical and current consequences of the residential school system on women survivors of this system and their children, including death, suicide, drug and alcohol addiction, disability,

⁴⁰ Native Women’s Association of Canada, *Arresting the Legacy: from Residential Schools to Prisons*, booklet (Ottawa: ON: 2011): 5. See also Czapska, Webb and Taefi, 15.

⁴¹ British Columbia Ministry of Children and Family Development, *Aboriginal Children in Care: May 2009 Report* (Victoria, BC: 2009): 2.

⁴² Cheryl Farris-Manning and Marietta Zandstra, *Foster Children in Care in Canada: A Summary of Current Issues and Trends with Recommendations for Future Research*, report prepared for Child Welfare League of Canada (2003): 6.

⁴³ Truth and Reconciliation Commission of Canada, *They Came for the Children* (Winnipeg, MB: 2012), 30. See also Truth and Reconciliation Commission of Canada, *Interim Report* (Winnipeg, MB: 2012), 17.

poverty, alienation, criminalization, and physical and sexual trauma, it becomes obvious the aim of this system was not to “assimilate” Indigenous peoples to live as “non-white white people”, but to destroy Indigenous peoples all together.

Many of the same consequences of the residential school system can be seen in Indigenous children that have been apprehended into government care. Indigenous children are often placed into non-Indigenous foster homes, where Indigenous girls are especially vulnerable to sexual abuse by foster fathers and brothers. Living in non-Indigenous foster homes as wards of the state, Indigenous girls are removed from the transmission of traditions and cultural practices that, in many nations, are passed down from Grandmother to mother to daughter to granddaughter. This lack of identity and connectedness to themselves, to their cultures, homelands, and families is very painful and alienating for Indigenous girls. This pain and distress in turn causes Indigenous girls to look for guidance and healing, and instead of the love and teachings they deserve, they are offered drugs and alcohol, by exploitative men and/or the medical system, as acceptable coping mechanisms. Drugs and alcohol interfere with the ability of Indigenous girls to organize for change and are used by predatory men as tools to facilitate violence against Indigenous girls. Indigenous girls who run away from violent foster homes or group homes are often further targeted by pimps, johns, drug dealers, and other violent men looking to exploit and harm them.

There is also a strong link between state apprehension, criminalization, and sexual exploitation of Indigenous girls:

Many girls’ first point of entry into the criminal justice system is a charge for an offence committed within a care facility. Girls may be charged with assault on a staff member or other “violent” offences and are then remanded to detention centres, where they come into contact with sexually exploited youth and recruiters”⁴⁴

As with the residential school system, the current system of child apprehension and government “care” is especially harmful and in many cases, deadly, for Indigenous girls. Indigenous children are apprehended in disproportionate numbers compared to non-Indigenous children and often without just cause. Indigenous girls that survive this system of foster and group homes suffer many of the same consequences that residential school survivors struggle against including: attempted suicide, drug and alcohol addiction, disability, poor health, poverty, homelessness, alienation, criminalization, and physical and sexual violence.

Criminalization of Indigenous teen girls

Historically and currently, colonialism, patriarchy, and capitalism have created a culture where Indigenous girls are hated, violated, and abused within their own families, outside of their communities, and in navigating the many colonial systems that collude to create conditions where Indigenous girls can be murdered and/or attacked with impunity. In response to living in poverty, under constant threat of death and/or attack by men, Indigenous girls, instead of being offered tangible help like housing, safety, reconnection with cultures and traditions, a guaranteed livable income, and access to lands and

⁴⁴ Anette Sikka, *Trafficking of Indigenous women and girls in Canada*, report of Institute On Governance and the Office of the Federal Interlocutor for Métis and Non-Status Indians (Ottawa, ON: 2009): 9.

territories, Indigenous girls are instead criminalized as they continue to struggle against the systems that are harming them. Indigenous girls are grossly over-represented in the criminal justice system across Canada.

- In B.C., Indigenous girls comprise 56 percent of all incarcerated girls⁴⁵.
- In 2008-2009, 44 percent of girls in sentenced custody across Canada were Indigenous, even though Indigenous girls make up only 6 percent of the Canadian girls' population.⁴⁶
- From 2003 – 2009, sentencing of Indigenous girls increased by approximately 20 percent, despite a drop in the police-reported crime rate, youth crime rate, and a decrease in crime severity⁴⁷.
- According to the Native Women's Association of Canada, young Indigenous girls are the fastest growing population in youth custody⁴⁸.

In addition to racism and colonialism, Indigenous girls are also facing sexism and the consequences of patriarchy when attempting to navigate their criminalization. These realities are often hidden in “youth” statistics that are de-gendered and show no indication of race, thereby erasing the experiences of Indigenous girls and interfering with the possibility of addressing solutions that would actually work in the interest of the most marginalized. Even in comparison to their young Indigenous male counterparts, Indigenous girls are criminalized at higher rates than their Indigenous male peers; Indigenous girls make up 44 % of girls sentenced to custody while Indigenous boys make up 34% of boys sentenced to custody⁴⁹.

The conditions under which Indigenous girls come into contact with the criminal “justice” system are the same conditions under which Indigenous girls continue to struggle against in a culture that demonstrates its hatred for Indigenous women and girls in many ways, sometimes obviously and sometimes more covertly. Indigenous girls are criminalized for the conditions they find themselves facing in a colonialist, sexist, capitalist society: male violence, poverty, addiction, disability, mental health, and alienation from self and community.

According to a study of criminalized Indigenous youth in British Columbia⁵⁰

- 97 percent of criminalized Indigenous girls had left their primary home
- 81 percent of criminalized Indigenous girls had been in the foster care system at some point in their lives
- Girls had lived in an average of 13 different places
- 80 percent of criminalized Indigenous girls experienced physical abuse, 65 percent had experienced sexual abuse, 30 percent had mental health issues

⁴⁵ British Columbia Ministry of Children and Family Development, *Annual Report Youth Custody Services 2010-11* (2011): 10.

⁴⁶ Statistics Canada. 2010. *Youth custody and community services in Canada, 2008/2009*. Calverley, Donna, Adam Cotter and Ed Halla (eds.). Statistics Canada catalogue no. 85-002-X. Ottawa, ON. 14 p.

⁴⁷ Native Women's Association of Canada, *Arresting the Legacy*, booklet, 11.

⁴⁸ *Ibid*, 12.

⁴⁹ Statistics Canada. *Youth custody and community services in Canada, 2008/2009*, 14.

⁵⁰ Raymond R. Corrado and Irwin M. Cohen, “A needs profile of serious and/or violent Aboriginal youth in prison,” *FORUM on Corrections Research* 14, no.3 (2002): 20-24.

in their family, and many report high rates of addictions within the family

The conditions Indigenous girls face while imprisoned and throughout the entire criminal “justice” process are disturbing and a further extension of the violence that Indigenous girls face in their daily lives. While in custody, Indigenous girls have reported a wide array of human rights violations in prisons including sexual assault, excessive use of force, physical assault, regular and repeated strip searches, regular shackling, surveillance and psychological violence, denial of basic necessities, and punishments for filing complaints⁵¹.

On July 27, 2010, a 15-year-old Indigenous girl from God’s Lake Narrows and ward of the Awasis Child and Family Services, committed suicide by hanging while detained in the Manitoba Youth Centre. On December 8, 2010, a 17-year-old Indigenous girl from Little Grand Rapids also committed suicide by hanging while being held at the Manitoba Youth Centre. In response to these suicides, the Manitoba Youth Centre increased surveillance by installing viewing windows on cell doors of girls designated medium or high suicide risks, and removed all pillow cases and sheets from female cells, among other actions⁵². Rather than attempt to address the root causes of suicide by these Indigenous girls (the “justice” system itself, criminalization of Indigenous girls, colonialism, patriarchy, poverty created by land theft and capitalism, racism, inter-generational impacts of the residential school system, loss of language, etc), the prison chose to increase surveillance in situations where girls are already experiencing surveillance and physiological violence. An inquest is being conducted into the deaths of these two Indigenous girls⁵³.

Looking at the recent suicides of these Indigenous girls in custody, in addition to the many other types of violence Indigenous girls are facing at the hands of the criminal “justice” system, Indigenous girls are consistently criminalized and over-policed, and yet under-protected while most at risk of experiencing violence.

Health/Mental Health

There is a very strong connection between poverty and poor health⁵⁴. Poverty can lead to poor health in many ways including: lack of safe and adequate housing, overcrowded housing, lack of access to proper nutrition, lack of transportation, and lack of insured health benefits such as particular types of medication⁵⁵.

Women in Canada make up the majority of people living in poverty⁵⁶. Indigenous women are disproportionately affected by poverty. The poverty Indigenous women face results from a number of state-created and sustained systems that target Indigenous girls and women with genocidal policies. One of the most overt of these policies can be

⁵¹ Native Women’s Association of Canada and Justice for Girls, *Gender Matters: Building Strength in Reconciliation*, (Ottawa, ON: 2012): 28.

⁵² Larry Kusch, “Teen Suicides at Youth Centre Probed,” Winnipeg Free Press, February 24, 2011.

⁵³ Ibid.

⁵⁴ Lissa Donner, *Women, income and health in Manitoba*, report for *Women’s Health Clinic, Winnipeg* (MB, 2002): 1.

⁵⁵ Ibid.

⁵⁶ Women’s Legal Education and Action Fund, *Women and Poverty*, fact sheet, <http://leaf.ca/wordpress/wp-content/uploads/2011/01/WomenPovertyFactSheet.pdf> , 1.

seen in the Indian Act and the harm the Indian Act has caused Indigenous girls and women by denying them their rightful Indigenous identity and access to traditional territories including traditional forms of sustainable nutrition.

Poor Indigenous girls come from poor families, and the racist and sexist policies that target Indigenous women are also aimed at Indigenous girls. Many Indigenous girls and women, because of the colonial policies that have shaped their lives, and because of racism and sexism so prevalent as barriers to adequate employment, rely on government benefits as a primary source of income. These “benefits” keep Indigenous girls and women in poverty, as both disability and welfare benefits fall short of the poverty line⁵⁷. A 2005 roundtable on Indigenous women and girls’ health identified, in addition to poverty and unemployment, the dismantling of traditional relationship systems, high levels of addictions, violence, disrupted families, homelessness, lack of social cohesion, rapidly increasing populations, high levels of mobility, widely diverse cultures, communities, languages, and needs, geographic isolation of many communities, and education levels as having significant impacts on the health of Indigenous girls and women⁵⁸.

Health coverage for all Indigenous people is the responsibility of the provincial, territorial, and federal governments. In general, Indigenous peoples and particularly Indigenous girls and women, are suffering from poor health and do not have access to the full breadth of health care required:

- Indigenous women [and girls] face “the disproportionate burden of illness and disease, including HIV/AIDS, diabetes, heart disease, hypertension, arthritis, multiple forms of cancer, mental illness, substance abuse and suicide...”⁵⁹
- “Indigenous women also have a shorter lifespan and higher infant mortality rate than non-Indigenous women”⁶⁰
- “Indigenous women in Canada experience the highest rates of chronic illness, mental health issues, and spousal abuse, and are at higher risk of succumbing to alcohol and substance abuse as a result.”⁶¹
- In British Columbia, 29% of Indigenous girls report that they seriously consider suicide⁶².

In the last ten years, the suicide rate among Indigenous teenage girls is eight times higher than the suicide rate among non-Indigenous teenage girls.⁶³ Indigenous teenage girls also attempt suicide four to five times more frequently than Indigenous teenage

⁵⁷ Ibid.

⁵⁸ National Aboriginal Health Organization. *Aboriginal Women and Girls’ Health Roundtable Final Report* (Ottawa, ON: 2005): 11.

⁵⁹ Native Women’s Association of Canada, “Culturally Relevant Gender Analysis” <http://www.nwac.ca/programs/culturally-relevant-gender-analysis>

⁶⁰ Ibid.

⁶¹ Native Women’s Association of Canada, *A Culturally Relevant Gender Application Protocol*, 4. <http://www.nwac.ca/sites/default/files/imce/CR-GAP%20Context%20AUG2010.pdf>

⁶² Girls Action Foundation, *Girls in Canada Today: National opinion poll and report on the status of girls* (2011): 9.

⁶³ Native Women’s Association of Canada <http://www.nwac.ca/programs/suicide-prevention>

boys⁶⁴. The high levels of suicide attempts are indicative of the many systems, patriarchy, colonialism, racism, and capitalism that work to actively abandon, harm, and/or murder Indigenous girls.

Many Indigenous girls mistrust the health care system, for valid reasons. Indigenous girls, once accessing the health care system, often face both sexism and racism. Negative stereotypes held about the supposed promiscuity of Indigenous girls permeate the medical field. In addition, stereotypes of the “drunken Indian” have resulted in lack of adequate care or in health care services for Indigenous girls being unnecessarily delayed. When using health care services, Indigenous girls are often dismissed, disbelieved, or accused of lying about health conditions in order to access drugs “to feed their addictions”.

Impact of Environmental destruction/toxification

The connections Indigenous girls have to their environments, lands, and traditional territories are undeniable and centrally connected to all aspects of Indigenous life and identity.

As of July 2011, the Federal contaminated sites inventory lists 4408 contaminated sites on reserves across Canada⁶⁵. Considering the strong connections that exist between Indigenous girls and their homelands, an argument could be made between the state of the land and the harmful effects of patriarchy, colonialism, and capitalism on the environment and the state of Indigenous girls and the harmful effects of patriarchy, colonialism, and capitalism on these girls. The connection is intimate and the harm done to both girls and the land is connected. In Northern Canada, climate change is having a significant and visible impact on the environment, negatively affecting the lives, cultures, traditions, and health of Inuit girls⁶⁶.

In addition to the male violence facing many girls on reserve and coming from within their own families, Indigenous girls are also confronting the capitalist and patriarchal destruction of their homelands and their legal severance and erosion of birth rights as the caretakers of these lands.

- There were 131 First Nations communities with drinking water advisories in 2011⁶⁷.

This destruction of traditional territories and the reconstruction of those territories as “resources” under a capitalist regime is intentional.

⁶⁴ Debold quoted in Native Women’s Association of Canada

<http://www.nwac.ca/programs/suicide-prevention>

⁶⁵ Treasury Board of Canada Secretariat. “Federal Contaminated Sites Inventory.” *Treasury Board of Canada Secretariat*, 24 March 2011. Web. July. 2011.

⁶⁶ Ding et al. “Environmental Rights Report 2008: Human Rights and the Environment.” *Earth Justice: because the earth needs a good lawyer*, 2 December 2008. Web. July 2011. Page 7.

⁶⁷ Aboriginal Peoples’ Television Network. “More First Nations under drinking water advisories.” *APTN National News*, February 12, 2012. <http://aptn.ca/pages/news/2012/02/03/more-first-nations-under-drinking-water-advisories/>

An unfortunately unsurprising example of government attitude towards Indigenous peoples and the environment can be seen in the government response to a 2011 call from four remote Manitoba reserves for help to solve the water crisis and sanitation issues on the reserves. The government of Canada responded by sending a shipment of 800 water containers and 1000 slop pails to the reserve to use as toilets⁶⁸.

Toxification of living environments affects all Indigenous peoples, but has particular consequences for Indigenous girls. Indigenous girls are already experiencing a number of factors that force them out of their communities including male violence, poverty, lack of educational and employment opportunities, and toxification of their traditional territories and living environments are further additions to this list of “push factors” that cause Indigenous girls to flee their communities.

Once in the city, living conditions rarely improve as Indigenous girls continue to face male violence, poverty, and the consequences of colonialism. Vancouver’s Downtown Eastside (DTES) neighborhood has often been referred to as “Canada’s poorest off-reserve postal code” and the “urban reserve”, as the residents are disproportionately Indigenous peoples. Indigenous girls are particularly vulnerable in the DTES to predatory men, abusers, tricks, pimps, and drug dealers who are looking for Indigenous girls to abuse and exploit. Once in the DTES,

young women who live in poverty, especially those with addictions, are forced to live in the most deplorable environments in the form of Single Room Occupancy (SRO) suites. These single rooms in rooming houses are often infested with bed bugs, cockroaches and rodents, inhabited by violent predatory men, and toxic with environmentally hazardous chemicals, building materials and pesticides. Many young women live in these hotels⁶⁹

Many SROs are privately owned and therefore are not commonly regulated by the government. Many of these buildings fail to meet even basic acceptable levels of sanitation, building maintenance, and services.⁷⁰ SROs are extremely dangerous for girls and for Indigenous girls, as the rooms and buildings themselves are usually unsecured, leaving girls vulnerable to violence and sexual violence by their male neighbors and other predatory men.

As of July 2011, an 18 room SRO designed for “hard to house” young women and girls is planning to open with a public address in the DTES (“Imouto”). Imouto House for Young Women will be run by a social service organization and will employ two full time “house moms” to provide support and guidance to the residents, and offer referrals to community services, and it is expected many of the young women who will access Imouto House will be Indigenous girls. Imouto House is an example of the many “harm reduction” strategies that are used against Indigenous girls, in the DTES and in other areas across Canada. This approach views harm as inevitable. The harm-reduction approach has been criticized by many women and girl-equality seeking groups, and by Indigenous women activists as insufficient in addressing root problems of such issues as

⁶⁸ Puxley, Chinta. “Chiefs outraged after Ottawa sends 1,000 slop pails in response to water crisis.” *The Canadian Press*, April 21, 2011.

⁶⁹ Czapska, Webb and Taefi, 10.

⁷⁰ Ibid.

addiction and violence against girls. Rather, some of these equality-seeking groups argue for an approach that works to fully eliminate harm and that judges violence against girls as harmful to girls and believes it should be stopped. Imouto House, with its public address and location in the DTES, abandons Indigenous girls who are looking for safety and security. An SRO with a public address in the DTES will not provide safety nor security to Indigenous girls, as pimps, tricks, and drug dealers are likely to congregate around the building, targeting the girl residents inside. Indigenous girls will be unable to escape the toxic environments created for them by colonial state policy and by the racist and sexist attitudes and behaviour of men.

Denial of access to Education & Other fundamental rights

Across Canada, Indigenous students are graduating high school at rates considerably lower than non-Indigenous students:

- In 2006, 40% of Indigenous people ages 20-24 did not have a high-school diploma compared to just 13% of non-Aboriginal people the same age⁷¹.
- In 2009, 49 percent of Indigenous students graduated high school in BC, in comparison to a 79 percent high school graduation rate in the non-Indigenous population⁷².
- Only 3 out of 10 students on First Nations reserves graduate from high school⁷³.

Among Indigenous girls living off-reserve, “pregnancy or the need to care for children” is given as the most common reason for not completing a high school education. Among Indigenous women living off-reserve, “family responsibilities” is listed as the most common reason for not completing a post-secondary education⁷⁴. Indigenous girls and women often find themselves not only struggling against and within a racist education system that devalues the knowledge and experiences of Indigenous peoples, they must also confront the sexism inherent in the public education system that devalues them not only as Indigenous people but in particular and harmful ways as Indigenous girls and women. Harmful stereotypes held by non-Indigenous teachers about Indigenous girls as “stupid” and “incapable” have led to misdiagnosed learning disabilities, undiagnosed learning disabilities, low grades, failure or being held back, or being pushed through the school system without an acceptable level of literacy. At worst, these harmful stereotypes held by male teachers and school administration have resulted in sexual violence against Indigenous girls by those men in trusted positions of authority.

⁷¹ Statistics Canada, “Labour Force Activity (8), Aboriginal Identity (8), Highest Certificate, Diploma or Degree (14), Area of Residence (6), Age Groups (12A) and Sex (3) for the Population 15 Years and Over of Canada, Provinces and Territories, 2006 Census – 20% Sample Data,” Topic-based tabulation, 2006 Census of Population (Ottawa: March 4, 2008), Catalogue no. 97-560-X2006031, cited in Canadian Council of Learning, “The State of Aboriginal Learning in Canada, 2009: A Holistic Approach to Measuring Success.” (Ottawa, ON: 2009), 6.

⁷² Macleans.ca, “Aboriginal grad rate lags in B.C.” Macleans, December 7, 2009.

<http://oncampus.macleans.ca/education/2009/12/07/aboriginal-grad-rate-lags-in-b-c/>

⁷³ Indian and Northern Affairs Canada, *Nominal Roll 1994-2000*, cited in Assembly of First Nations “The Reality for First Nations in Canada” (fact sheet). See at <http://64.26.129.156/cmslib/general/RFNC.pdf>

⁷⁴ Statistics Canada. *Canada Year Book 2007: Aboriginal Peoples*, 4.

In addition to elementary and high school curriculum not adequately reflecting Indigenous worldviews and at times, containing overtly racist and sexist content, Indigenous girls are disadvantaged by the high levels of male violence they face, high levels of poverty they and their mothers must struggle against, homelessness, disability, addictions, criminalization, and child apprehension. All of these factors, many times one compounded on another, make it very difficult for Indigenous girls to successfully remain in the school system and to graduate from high school. Not having a high school diploma can and does have serious and negative impacts on the breadth of future opportunities for Indigenous girls. Lack of a completed high school education limits not only further educational opportunities but employability and economic opportunities as well,

- Less than 15 percent of Indigenous women have a university degree or higher⁷⁵
- 1 percent of Indigenous women have a graduate degree⁷⁶
- Only 37.4% of Indigenous women without a diploma or certificate participated in the workforce in 2006, compared to 51.3% of Indigenous men⁷⁷
- The unemployment rate of Indigenous women is twice the rate of unemployment of non-Indigenous women⁷⁸.
- Most Indigenous women with jobs work in part time positions and/or only part of the year. Sixty percent of employed Indigenous women are concentrated in low-paying occupations⁷⁹.
- An Indigenous woman working in a full time position during a full year makes only 46% of earnings as a male full-time full year worker.⁸⁰

A denial of the right to an education has serious and harmful economic and social consequences for Indigenous girls. The public education system itself is not one based on experiences, and worldviews of Indigenous girls. However, in the current Canadian context, a high school diploma and/or post-secondary and/or graduate degree matters to prospective employers and carries weight in the colonial, capitalist, patriarchal culture.

Time and time again, the government systems that are supposedly in place to assist and protect Indigenous girls have instead made them poor, colluded to create conditions where individual men can attack them (often with impunity), have directly participated in violence against them, removed them from their families, criminalized them, poisoned them, and denied them their rights to lands, language, culture, traditions, and education. These massive systemic failures are because these systems were not created to assist or protect Indigenous girls. Rather, they are, at their roots, colonial, patriarchal, and capitalist tools that have in the past, and continue today, to target Indigenous girls with a

⁷⁵ Daniel Wilson and David Macdonald, *The Income Gap Between Aboriginal Peoples and the Rest of Canada*, report of Canadian Centre for Policy Alternatives (Ottawa, ON: 2010): 17.

⁷⁶ *Ibid.*, 22.

⁷⁷ Lisa Lambert, "Gendered Wage Gap Even More Pronounced for Aboriginal Women," *Pimatisiwin* 8, no. 2 (2010): 6.

⁷⁸ Aboriginal Affairs and Northern Development Canada, *Aboriginal Women in Canada: A Statistical Profile from the 2006 Census* (2012), 39.

⁷⁹ Native Women's Association of Canada, *Aboriginal Solutions Toward Stimulating Canada's Economy: Submission Prepared for the First Ministers' Meeting with National Aboriginal Leaders* (Ottawa, ON: 2009), 3.

⁸⁰ Canadian Labor Congress. "Pay Equity: What is a hardworking woman like you doing in a pay gap like this?" (fact sheet). See at http://www.canadianlabour.ca/sites/default/files/pdfs/EN-payequity_0.pdf

genocidal agenda. The state, however, doesn't only create dangerous conditions for Indigenous girls, it also blames them for struggling to survive these situations, claiming girls are making "lifestyle choices". The state then abandons Indigenous girls to face violence with no intervention.

Indigenous girls face male violence on all fronts. They face attacks from non-Indigenous men outside of their communities who purposefully seek out Indigenous girls to harm and exploit, as they can do so with relative impunity. Indigenous girls also face violence from Indigenous men in their own families and own communities, as the imposition of patriarchy on Indigenous peoples across Canada has allowed Indigenous men to benefit, although with limitations, from a system that privileges men at the detriment of girls and women.

However, despite constrained choices in this patriarchal, racist, and capitalist society, and despite living under the constant threat of violence, rape, and murder, Indigenous girls are actively demonstrating strength, resourcefulness, and courage. Indigenous girls are working together to create positive and safe spaces for themselves, are reclaiming their cultures and traditions with pride, and are organizing to resist the patriarchal, racist, and capitalist violence that targets them because they are Indigenous girls.