

National Inquiry into Missing and Murdered Indigenous Women and Girls

Justice on the Land:
Violence, Resistance and the Power in Language

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Initials

63

I/D

Entered

51



Acknowledgments



Child protection is an organized response to violence.

70% - 90% of cases involve one or more forms of interpersonal violence.

Child protection is also part of a larger system of professions and institutions a must be understood in that context.

A grounded and clear analysis of violence in the colonial context is a precondition for social just and effective protection of families and children . . . and their cultures on the land.



Today . . .


- Violence in the colonial context
- Resistance is ever-present
- The colonial code
- Concepts that hide violence, benefit offenders, blame victims
- Language and violence
- Social justice projects addressing violence in the colonial context

Violence is the most urgent problem of our times.

- 80 – 90 % of people diagnosed with serious “mental illness” report significant violence and trauma histories.
- Violence in childhood, combined with other adversities is the best predictor of diagnosis of “mental illness”.
- Homelessness, poverty.
- Eating disorders, dangerous drug use, “self-harm”, health problems . . .
- Prostitution, “porn”, “human trafficking”.
- Criminal activity, convictions, incarceration. (90% of prison populations)
- 70 to 90 % of child protection cases, depending on the jurisdiction, involve violence.



One form of violence enables others.

- Prison camps + kidnapping + torture + racism + physical, sexualized abuse of children
 - Domestic violence + child abuse + rape of parent + child sexualized abuse
 - Sexualized assault + homelessness + robbery + rape + physical assault
- 



Canada is an actively colonial nation.

Understanding and addressing the many forms of violence in Canada must take into account the colonial context, past and present.

2013, National Household Survey reveals that nearly half of the 30,000 children “in care” in Canada are aboriginal.

- 0.3% of non-aboriginal children in care.
- 4.0% of aboriginal children in care. More than 13 x than non-aboriginal.

(In Yukon, about 90% of children in care are aboriginal.)

Many of the missing and murdered aboriginal women were “children in care”.

The short and long-term outcomes for children taken into care are dismal.



Stephen Harper denies colonialism

8 months after “the apology” to First Nations, Metis, Inuit peoples, then Prime Minister of Canada, Stephen Harper, concealed genocide and other forms of colonial violence.

Reuters: David Lundgren. Pittsburgh. September 25, 2009

"We're so self-effacing as Canadians that we sometimes forget the assets we do have that other people see".

"We are one of the most stable regimes in history. . . ."

"We also have no history of colonialism. So we have all of the things that many people admire about the great powers but none of the things that threaten or bother them," he said.



Colonialism home and away . . .

News Release. 9 May 2017, 10.30am EDT

Indigenous Women from Papua New Guinea Appeal to Government of Canada for Help Obtaining Remedy for Ongoing Human Rights Abuses at Barrick Mine.

(Ottawa) Two women who have suffered sexual violence at the hands of mine security at Barrick's massive Porgera Joint Venture mine in Papua New Guinea appealed directly to the Government of Canada today.

They seek help in accessing equitable remedy for the mining-related harm they and other villagers are suffering.

<http://miningwatch.ca/news/2017/5/9/indigenous-women-papua-new-guinea-appeal-government-canada-help-obtaining-remedy>



It follows that understanding violence in the colonial context is an essential first step.

To what extent are professionals in Canada and internationally, trained?

- School teachers
- Medical doctors
- Lawyers and judges
- Psychologists
- Social workers
- Police
- Nurses
- Government officials

... and so on ...

How could this be the case?



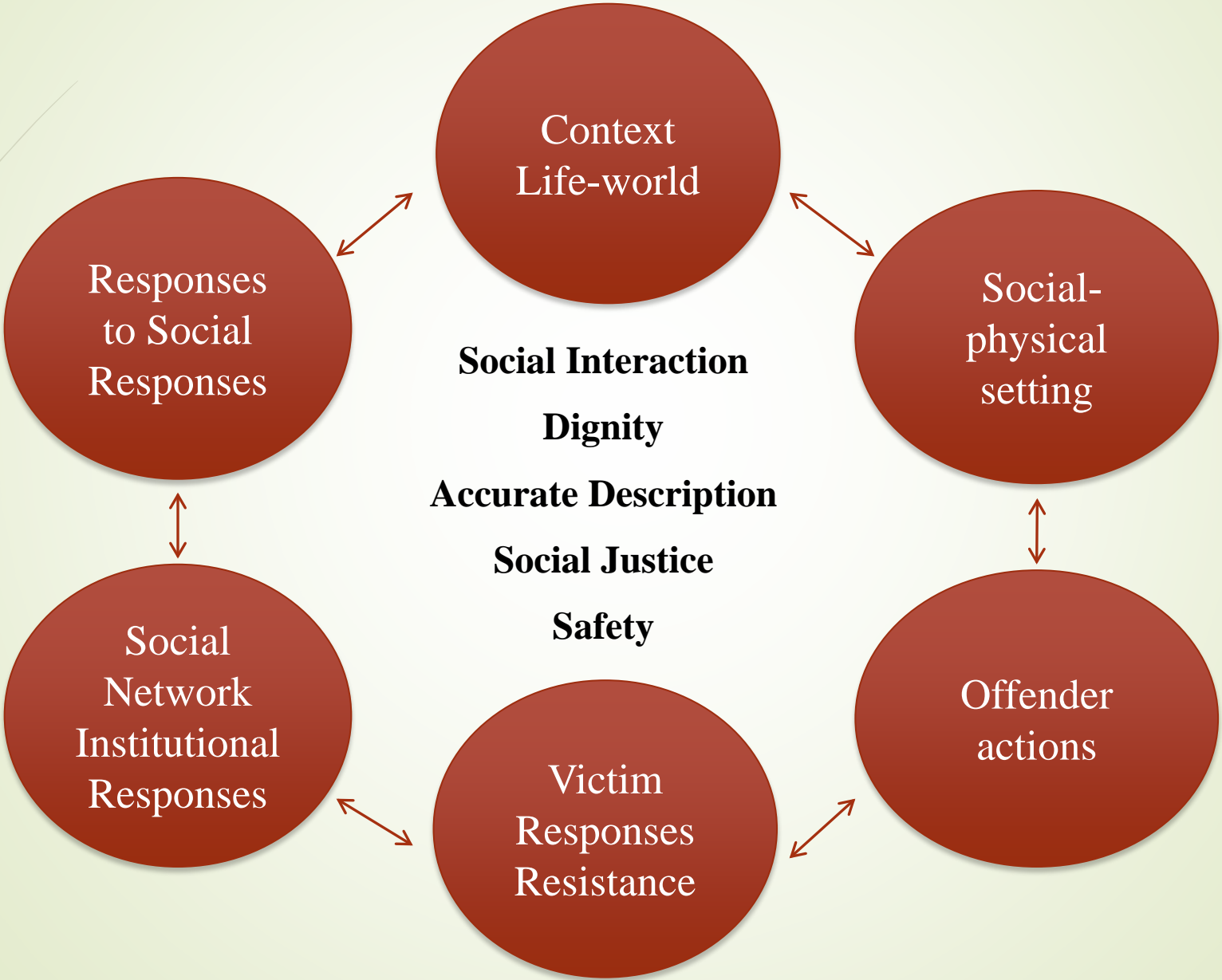
The legendary and Right Honourable Beverley McLachlin.

The Chief Justice argued that Judges must be provided with evidence which allows them to **“appreciate the lived reality of the men, women and children who will be affected by their decisions”**.

Further, the Chief Justice stated, **“Judicial inquiry into context provides the requisite background for the interpretation and application of the law”**.

The Supreme Court of Canada has stipulated that expertise in interpersonal violence is not only **“helpful”** in cases of violence, but **“needed”**.

Context in Cases of Interpersonal Violence?





Resistance and social-material context

“Jenna”

Tim and Uncle



Karin (15)

Carolina: Can I ask in those situations when you were scared and felt like something was wrong, did you feel like you could do something then?

Karin: No, that was the thing. I was so little and had so many feelings. Sometimes I could say to daddy, please dad please be quiet, don't be bothered by what mummy says. I played along with him for a while and played along with him and thought this will help and pretended that mummy was the one who was sick. So I said that if you could only be quiet don't be bothered by what she is saying you know she is wrong (pause) so be quiet and go outside and be angry.

Lars

T: Do you remember him hitting Mummy?

L: Definitely!

T: Did that happen a lot?

L: Yes. It was always in the evening.

T: Where would you be?

L: [Drawing] This is the living room and this is my bedroom. My bed is here, and they'd be fighting right here! They didn't think about the fact that I'd wake up.

T: You never went to your sister's rooms?

L: No, I couldn't, they were on the second floor. They would have heard me from the living room. I'd hear them and go and say, "Mummy, someone has thrown eggs at the window".

Lars cont'd

T: So you interrupted them?

L: Yes. Other times I said I had a bad dream. That was the best trick to make them stop. Mummy would come into my room and sleep in my bed. I liked that.

T: And where would your stepdad be?

L: He'd stay outside.

T: So you helped solve the problem.



L: Yes.

T: That was very clever of you.

L: Thanks!


T: I think you'll become an inventor.

L: Yes, that's what I want to be.



Resisting isolation and ethnocide in Lower Post prison camp.

- Winter boots
- Moose hide and marble
- The smell of the bush



If resistance is ever-present, why and how is it so widely concealed?

- The colonial code and the system of professions
- Language: The misuse of mutual terms to describe unilateral actions
Dr. Linda Coates

The culture that gave us the prison camps (“residential schools”) and the other violence of colonialism, also gave us “the talking cure”.





The Colonial Code

You are deficient.

Disordered, ill, heathen, indigenous, queer, savage, non-white, female, poor, uneducated, suffering, drug addicted . . .

I am proficient.

Christian, European, male, white, nearer to God, expert, mentally well, educated, elected, wealthy, secure . . .

Therefore . . . I have the right and duty to perform certain operations upon you.

Steal your land, destroy your culture/language, abduct and rape your children, diagnose, prescribe, educate, isolate, “name”, “theorize” . . .

. . . for your own good.



The Colonial Code & The DSM

Othmer, E. & Othmer, S.C. (1989). The clinical interview using DSM-IV. Washington: American Psychiatric Press.

The Clinical Interview

Assess Insight-Become an Ally

There are three levels of insight: full, partial, and no insight. A patient who describes his psychiatric symptoms as a result of his disorder (sic) demonstrates full insight. For instance, a patient with panic attacks who recognizes them as “ill” (sic) has full insight.



Show Expertise

Empathy goes a long way, but empathy is not enough . . . Convince him you are an expert.

Use three techniques to convince him that you understand his disorder:

- a. make him understand that his not alone, put his illness into perspective;
- b. communicate to him that you are familiar with his illness-show knowledge;
- c. deal with his mistrust.

This expertise sets you above well-meaning family members or friends. It distinguishes you as a professional.



Establish Authority

While empathy roots in your compassion with the patient's suffering, and expertise in your knowledge of his problem, authority originates from your ability to handle him.

Establish authority at the moment you meet your patient by taking control of the situation. Take responsibility for his welfare.

The acid test for your authority is his acceptance of your explanations and his willingness to comply with your treatment plan.

The Cycle of Violence

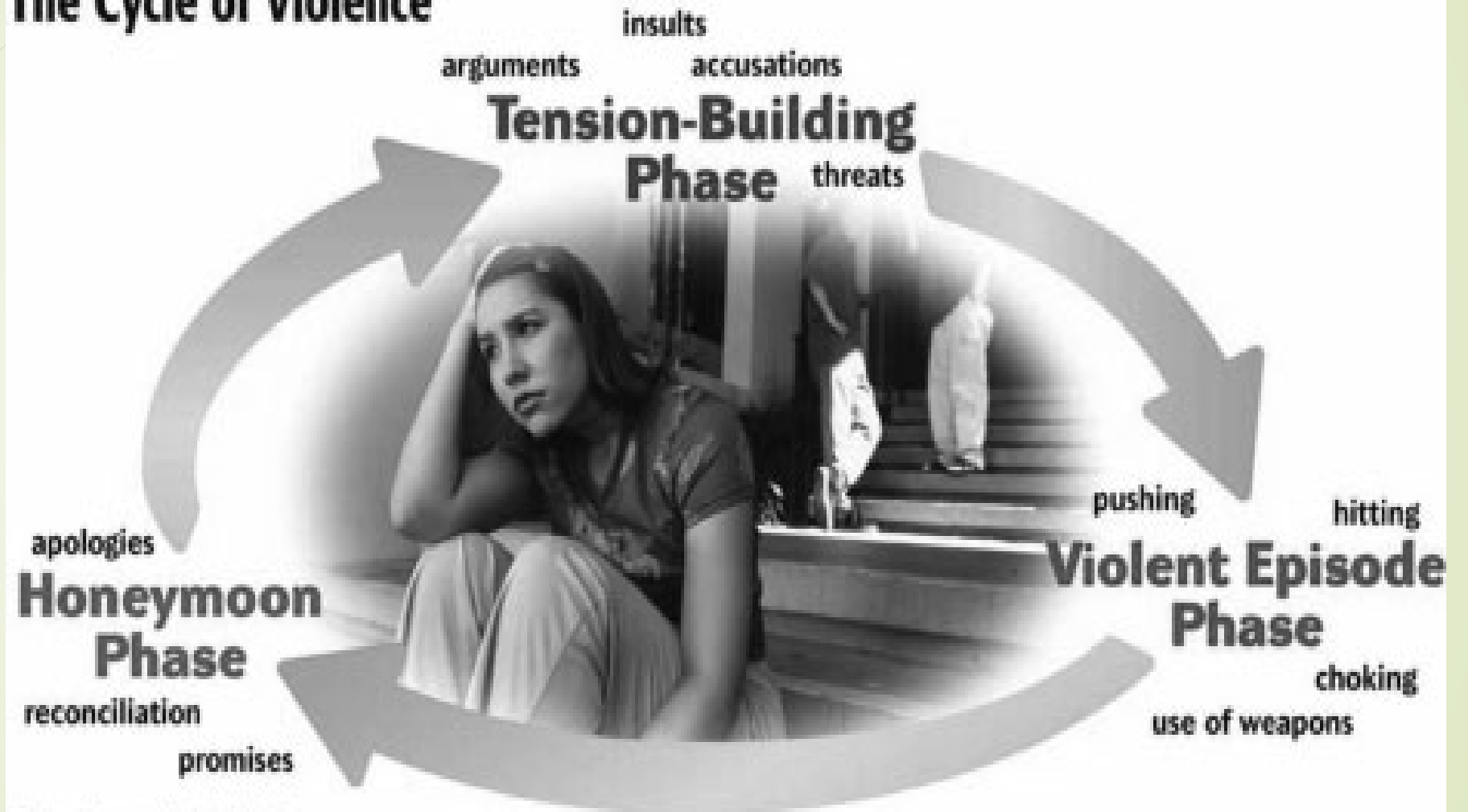


Photo - © Lawrence Manning/CC0015



Walker, L. The Cycle Theory of Violence

The batterer, **spurred on by her apparent passive acceptance** of his abusive behaviour, does not try to control himself.

(Walker, 1979, p. 57)

During the first stage, minor verbal abuse, the woman tries to calm the abuser and often changes her lifestyle to avoid angering the man. This usually **sets a precedent of submissiveness by the women building the gateway to future abuse**. The second stage consists of an “uncontrollable discharge of tension”s that have been built up during phase one. Ciraco, 2001, p. 169)



Cognitive Distortions Scale

Hard social realities are turned into mental problems (cognitive distortions)

“blames herself for negative life events”

“is highly self-critical”

“views the world as a dangerous place”

“perceives herself as unable to control or influence important life events”

“feels a sense of hopelessness regarding the future”



Trauma Informed


Cwm Taf University Health Board – Psychological Therapies Department

Introduction: How does trauma affect the mind and body?

Fight. Flight. Freeze. Submission. Dissociation.

Example of “Flight”:

‘My parents would fight when I was younger and sometimes they did this in front of me and my younger sister. They would really hurt each other and I would be afraid they would kill each other and us. I was so afraid I took my little sister and would hide in the wardrobe upstairs. I would stay very still until I couldn’t hear anything else’. (Flight)



The DSM contains no analysis of social context – including violence, never mind violence in the colonial context.

- It is designed to remove suffering from context and thereby to conceal context.
- It transforms responses and resistance to violence into negative effects and impacts of violence and symptoms of mental illness to be treated by pharmaceuticals.
- The DSM is culturally biased and should never be applied to Indigenous people.
- Related models become popular because they protect the colonial status quo and require us to ask no meaningful questions about our society.
- The problem is always re-located in the mind-brain-body of oppressed people.




Language



Violence is Unilateral: Dr. Linda Coates

- Violence consists of actions by one person against the will and well being of another
- Mutual Acts vs. Unilateral Acts
 - Hand-shaking vs hand-shaking
 - Boxing
 - Kissing
- Mutual acts imply and entail consent, co-action, co-agency, joint activity
- “If you hit someone on the head with a frying pan, you don’t call it cooking.”
(Anonymous Canadian genius)



Unilateral Language and Property Crimes

- Car theft is not “auto sharing”
- Bank robbery is not a “financial transaction”

Similarly . . .

- Wife-assault is not a “dispute” or “argument” or “abusive relationship”
- Child rape is not “sex with a child” or “child prostitution”

Unilateral

- 
- forced his mouth on hers
 - wife-assault, beating
 - forced vaginal penetration
 - beating, attack, assault
 - workplace bullying
 - invasion, genocide
 - international child rape

Mutual

- kiss
- abusive relationships
- sex, intercourse
- fight, conflict, argument
- personality conflict
- war, conflict, historical relationship problem
- sex tourist, sex with minors



Colonial Discourse

Colonization has always been based upon the existence of need and dependency. Not all people are suitable for being colonized; only those who feel this need are suitable. In almost all cases where Europeans have founded colonies . . . we can say that they were expected, and even desired in the unconscious of their subjects.

(Mannoni, 1947, cited in Macey)



Wife-Assault

The partners' characteristics hold them together. . . . As abused partners adapt and become more compliant . . . the partners' characteristics make them increasingly dependent on one another. After prolonged abuse they develop complementary characteristics: aggressive/passive, demanding/compliant, blaming/accepting guilt.

(Anonymous Family Violence Project, 2008)



Wife-assault, Sexualized Assault: Judge's Remarks

“The appellant & his wife engaged in an argument Mr. X became upset over something said during this argument. He thereupon grabbed his wife's neck, squeezing it until she nearly lost consciousness. He then let go. This brought the argument to an end. That the earlier of the two assaults arose spontaneously in the course of an argument is not in dispute. To that extent it can be said to have been unpremeditated. He was willing to take counselling in reference to his anger & his marital problems. He expressed his deep remorse for what had happened & his desire to improve the marriage. They went to bed and he said, 'Jane, I'll have to screw you one more time', and he had intercourse with her. . . . It is obvious difficulties were present in the marriage.”

Kevin Newman Live: CTV News Program on Prostitution in Winnipeg, Canada.

Victoria Ptashnik: Essentially what I have found when I was in Winnipeg doing this investigative work is that this problem is a lot bigger and a lot younger.

Kevin Newman: How young?

VP: Quite young. It looked like some of the children that I was seeing were probably about 10, 11, 12. The Canadian Women's Association has done research and they talked about 150 women who had started this as children and they got started at 13 or younger usually.

Cut to Interview with woman identified as a "prostitute".

Journalist: "How did you get started in this work . . . ?"

Woman: "Well, I was 12 years old and my neighbour took me into the back room of his house and bent me over a table and did me from behind. Then he threw 50 bucks at me. And that was my first sexual experience. And that's when it started."



Criminal Code of Canada: Sections on sexualized violation of children

“151 Sexual Interference - Every person who, for a **sexual purpose**, touches, directly or indirectly”

“152 Invitation to Sexual Touching - Every person who, for a **sexual purpose**, **invites, counsels** or incites a person under the age of sixteen years to touch, directly or indirectly “



New Zealand

Section 131B is titled, “Meeting a young person following sexual grooming”.

“132 **Sexual conduct** with child under 12”

- (1) Every one who has **sexual connection** with a child is liable to imprisonment for a term not exceeding 14 years.
- (2) Every one who attempts to have **sexual connection** with a child is liable to imprisonment for a term not exceeding 10 years.



Emergency Protection Order NWT Protection Against Family Violence Act

C = Court/Judge

A= Applicant/Victim

A: About two years ago he threw me onto the floor and started punching my head into the floor three times, to the point where there was blood all over the place. And then my friend said, “The cops are coming. You’d better get out of here”, you know. And he just took off.

C: Okay. So there was an **incident** of violence **between you** two years ago. Any other instances of that nature?

A: Not of that nature, just slapping, hits to the head, like, you know, just . . . verbal abuse.



Emergency Protection Order cont'd

C: Okay. And – and right from the start he's been aggressive and sexually abusive?

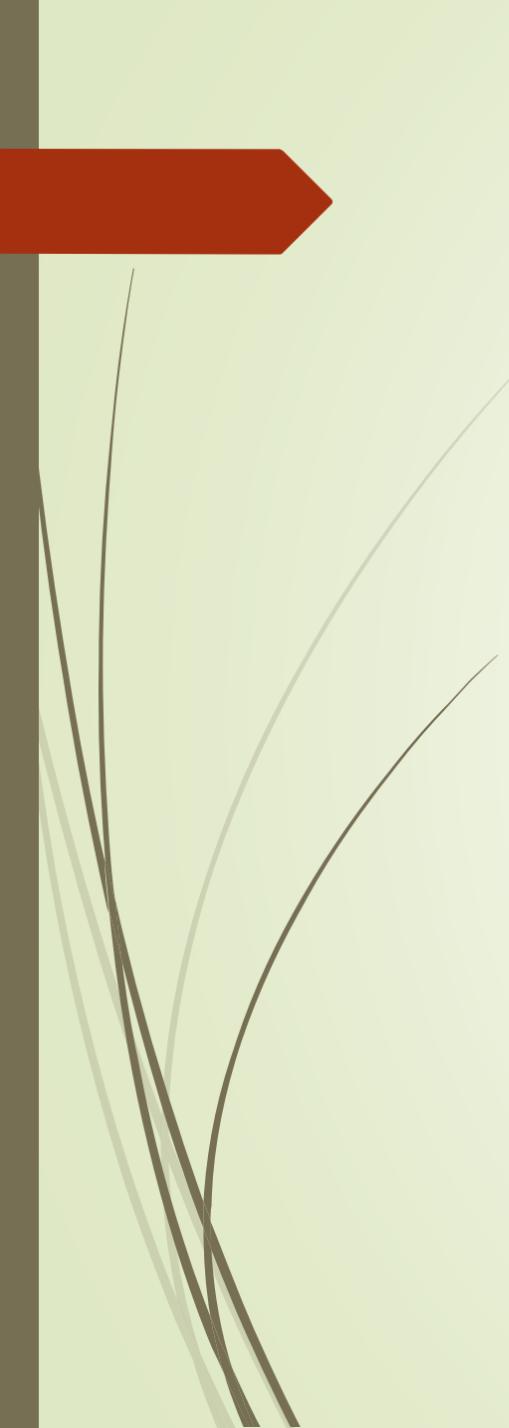
A: No. He was okay until August. Then one night we started to kiss, then I wasn't -- I didn't want to. Then he didn't listen, then (too quiet to hear).

C: Okay. Was that reported to police?

A: No.

C: No. Now, was that – that was the — was that then the first time that **you two** had – had **relations? Had sex?**

A: That was the first time I've ever **had sex.**



“Together for Justice”

Improving RCMP responses to Indigenous women and families.

“Youth for Safety and Justice”

Sexual assault prevention and community safety.

“Islands of Safety”

Working with Indigenous families involved in child protection.

“Dignity-Driven Practice” (New South Wales)

Child protection practice framework that honours the aspirations and sacred concerns of Aboriginal and Torres Strait Islander peoples, their resistance to all forms of violence, and the unending desire for dignity and justice.



“Let’s awaken on the land”

Mandatory training . . . by Indigenous communities, paid for by governments.

Long-term base funding for land-based cultural wellness and justice activities.

Long-term base funding for Indigenous women’s organizations.

Mandatory training in understanding violence in the colonial context for all legal, medical, administrative, elected, psychological, social work, education professionals.



With respect and gratitude to the Liard Aboriginal Women's Society

Thank you.

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www.responsebasedpractice.com

www.tell-it.info