

Making Space for INDIGENOUS FEMINISM

2nd Edition

edited by
JOYCE GREEN

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Perpetual State of Violence

An Indigenous Feminist Anti-Oppression Inquiry into Missing and Murdered Indigenous Women and Girls

Robyn Bourgeois

For decades, thousands of Indigenous women and girls from across Turtle Island (as many Indigenous peoples refer to the territory that constitutes North America, and for the purposes of this chapter, Canada) have been stolen from our communities through a violent social phenomenon now commonly referred to as “missing and murdered Indigenous women and girls” (MMIWG). In every province and territory, in urban centres, small towns, reserves and rural locations, Indigenous females of all ages and from all walks of life have been brutally murdered or have disappeared, fate officially unknown. In its wake, this violence has left families and communities devastated, many of whom have had to fight to have Canadian state institutions, including police forces, the judicial system and, indeed, federal and provincial/territorial governments, take this violence seriously. As I write this introduction, the Government of Canada under the leadership of Prime Minister Justin Trudeau is conducting a national public inquiry into this violence. “Not high on our radar” (CBC News Online 2014) for the previous Conservative government of Stephen Harper, this national inquiry represents a long and hard-fought battle on the part of Indigenous women (many of whom are family and friends of the murdered and missing) and their communities for a formal government investigation of the violence of MMIWG. Mandated to occur between September 1, 2016, and December 31, 2018, the inquiry will be lead by five commissioners, all but one of whom are Indigenous women, including representation from each of the three major Indigenous groups in Canada (First Nation, Inuit and Métis). The commissioners have been tasked with investigating the “systemic causes of all violence — including sexual violence — against Indigenous women and girls

If the MMIWG inquiry is to understand the systemic causes and critically examine the institutional practices and policies in response to this violence, it is imperative to consider Indigenous feminist perspectives.

also been directed to make recommendations on “concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada,” as well as the “ways to honour and commemorate the missing and murdered Indigenous women and girls” (Government of Canada 2016).

In the lead up to this inquiry, which included public consultation on its creation and content, some Indigenous women began organizing and articulating the critical need for inclusion of Indigenous feminist perspectives in this national inquiry. In Vancouver, long-time Indigenous feminist activist Fay Blaney (Xwemalhkwa), in her role as co-chair of the February 14 Memorial March Committee, held a press conferencing demanding that, in addition to consulting families, the inquiry process needed to “make room for groups that have worked with vulnerable women for years and are uniquely well-placed to address [the] sexism, racism, and violence that shadow so many victims’ lives” (Stueck 2016; see also Blaney and Grey Chapter 13). Blaney was afraid that feminism would be left out of the inquiry: “it needs to proceed from a feminist perspective ... this is an issue of Indigenous women’s equality ... I didn’t hear this coming from them” (CBC News Online 2016).

If this inquiry is to achieve its goals of understanding the systemic causes of MMIWG and critically examining the institutional practices and policies in response to this violence, it is imperative that the commissioners consider Indigenous feminist perspectives. To demonstrate their importance, I offer an Indigenous feminist anti-oppression inquiry into MMIWG that draws attention to the Canadian state’s roles in this violence. As a settler colonial state, Canada has an historical and ongoing investment in violence against Indigenous women and girls — and, indeed, all Indigenous peoples — in order to secure and retain unfettered access to Indigenous lands. Through its laws, policies and institutions, the Canadian state has inflicted extreme violence on Indigenous communities in explicitly gendered and sexualized ways that simultaneously secure patriarchy, white supremacy and colonial domination. At the same time, it has colonized — attempted to silence and subvert — the efforts of Indigenous women and their allies to address this violence.

A note on language: throughout this chapter I privilege use of the term “Indigenous” to refer collectively to First Nation, Inuit and Métis peoples in Canada. While these groups are commonly referred to as “Aboriginal” by the Canadian

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Understanding the systemic causes of racial practices and policies in response commissioners consider Indigenous importance, I offer an Indigenous that draws attention to the Canadian national state, Canada has an historical Indigenous women and girls — and, secure and retain unfettered access and institutions, the Canadian state communities in explicitly gendered the patriarchy, white supremacy and colonized — attempted to silence and their allies to address this violence. After I privilege use of the term, Inuit and Métis peoples in Canada. as "Aboriginal" by the Canadian

state, I refrain from using this term out of respect for the many Indigenous groups in Canada who have expressed opposition to its use on the basis of it being a government-imposed term (Marks 2014). I have not eliminated or replaced its use in names (such as Aboriginal Women's Action Network) or quotes. I use "Indian" strategically to trace the divisions perpetuated through the Indian Act. Again, I have not replaced its use in names or quotes. Finally, I have made every effort to name specific Indigenous communities and, whenever possible, have done so in their own language.

AN INDIGENOUS FEMINIST ANTI-OPPRESSION FRAMEWORK

My analysis of the violence of MMIWG begins with an articulation of the particular Indigenous feminist framework I employ. As noted in this collection, feminism is not "an homogenous static monolith" (St. Denis 2007: 43) but, instead, "viewed as multiples: *feminisms* analyze the diversity of women's cultural, political, and in other ways specific experiences" (Green 2007: 21). Given this multiplicity of feminisms, it's imperative to outline the particular feminist framework employed here.

The framework I advance is what I call an Indigenous feminist *anti-oppression* framework, emphasizing its overriding commitment to ending all forms of domination and violence. It draws on Indigenous and non-Indigenous feminist, anticolonial/decolonizing, critical anti-racism and anti-oppression theories, and is influenced by my anti-violence work with Indigenous women and their communities.

Like my colleagues in this collection, this framework starts from a place of honouring and respecting the knowledge and experiences of Indigenous women and girls. As "experts" in their own lives, their leadership and perspectives must be included in any discussion, decision and action with the potential to impact their lives. As the popular political slogan states, "nothing about us without us."

This framework recognizes the simultaneous impact of colonialism, racism and patriarchy on the lives of Indigenous women and girls and their communities, and advocates dismantling these dominant systems of oppression collectively. The primary theoretical underpinning that provides the "guide map" for this critical project is borrowed from the writing of critical anti-racist feminist scholar Sherene Razack (1998, and with Mary Louise Fellows 1998) on "interlocking systems of oppression." This approach understands dominant systems of oppression including colonialism, racism and patriarchy as operating simultaneously working in and through each in mutually sustaining ways to secure hierarchical relations of dominance in our societies. These

An Indigenous feminist anti-oppression framework emphasizes its overriding commitment to ending all forms of domination and violence.

Dominant systems of oppression work in interlocking ways to secure an elite on the backs and bodies of other human beings that this elite has deemed less worthy.

thus, the fruits, rights and protections of official human citizenship, including the basic human right to live lives free from violence and exploitation. As Razack and Fellows (1998: 343) explain:

The containment of the Other is a making of the dominant self. To exclude Others from membership in the human community, that is, to name, classify, and contain the Other through a number of representational and material practices, assures the material basis for domination while enabling the members of the dominant group to define themselves.

In other words, dominant systems of oppression work in interlocking ways to secure an elite on the backs and bodies of other human beings that this elite has deemed less worthy. Critically, because these systems operate by marking subordinate groups as different while leaving dominant groups unmarked (as not belonging to any racial category, for example), this "leaves these processes of domination obscured, thus intact" (Fellows and Razack 1998: 341).

Efforts to examine and eradicate these dominant systems of oppression, then, must pay close attention to how they operate in and through one another, and address them simultaneously. However, in doing this work, it is critical to avoid what Fellows and Razack (1998) call "the race to innocence." The danger here is that we use our oppression in one system to avoid examining our privilege in another and, thus, our complicity in the oppression of others. Because of the multiple systems of oppression involved, our lives are simultaneously shaped by oppression and privilege. Ignoring our privileges not only secures our complicity in the oppression and violence perpetrated against others, but also, ultimately, against ourselves: "attempts to change one system while leaving the others intact leaves in place the structure of domination that is made of interlocking hierarchies" (Fellows and Razack 1998: 336). Examining our privilege(s), then, is an essential part of the practices to achieve freedom for any of us. In the words of the Aboriginal Women's Action Network (AWAN), an Indigenous feminist women's group based in Vancouver, this requires "a collective definition of freedom" recognizing that "your freedom is tied to ours and ours to yours" (2011).

Interlocking systems of oppression are dependent on violence for their success, and in a later section I will detail how this has worked in the case of Indigenous

systems are structured by "dominance through difference" (Fellows and Razack 1998), employing actual and perceived differences (physical, cultural, social and so forth) to eject some groups of people from humanity and,

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women and girls in Canada. It is for this reason that I have emphasized anti-oppression in my theoretical framework: dismantling dominant systems of oppression is essential to ending violence against Indigenous women and girls, and all other socially marginalized and oppressed people.

MMIWG: THE SCOPE OF A "NATIONAL TRAGEDY"

In a Western society that demands statistical evidence to support claims, it has been challenging to pinpoint exact numbers of missing and murdered Indigenous women and girls across Canada. For example, at the conclusion of the Sisters in Spirit (sis) initiative — a five year, federally funded (\$5 million) research, education and policy initiative addressing the root causes and trends related to MMIWG — in March 2010, the Native Women's Association of Canada (NWAC) had documented 582 cases since the 1960s, identified through reports from families and consultation of public records (such as newspapers and court documents). Around this same time, Walk4Justice, a grassroots organization led by Indigenous activists Skundaal/Bernie Williams (Haida/Nuchatlaht/Stellat'en) and Gladys Radek (Gitksan/Wet'suwet'en), claimed to have identified more than three thousand cases of MMIWG (Williams and Radek 2010: 2). While the two organizations might have collaborated to produce an enhanced database of cases, they were never given the chance: in the second round of federal funding for their work on MMIWG, ongoing work on NWAC's database of cases was prohibited (discussed in greater detail later in this chapter).

Instead, the federal government funded a national operational overview of Royal Canadian Mounted Police (RCMP) files pertaining to MMIWG, finding 1,181 cases (1,071 homicides and 164 missing women and girls) (RCMP 2014: 3). A significant issue with these numbers (and, indeed, other police-force statistics) is the absence of established guidelines for determining how police officers collect information relating to Indigenous peoples, meaning that the Indigeneity of some victims might not be identified in case files (NWAC 2010: 15). Moreover, concerns have been voiced that the deaths of some women and girls have mistakenly been deemed "accidental" instead of suspicious death or homicide in police investigations (NWAC 2009; Moore and Trojan 2016).

In terms of a total number of MMIWG, I hold the position of journalist Warren Goulding. In his examination of the murders of Indigenous women in Alberta and Saskatchewan committed by convicted serial killer John Martin Crawford in the 1980s and 1990s, Goulding writes:

As the investigation moved into November (1994), the RCMP enlisted the help of other agencies to sift through the public records for reports of missing Native women in Western Canada. In the end, the search turned

up nearly five hundred women, reported missing in the previous three years, who matched the general criteria of the age and background of the Saskatoon victims. Officials later disputed that number, *but the number itself was almost irrelevant. Whether it was one hundred or five hundred, it was clear that something like an epidemic was raging virtually unchecked in western Canada. Whether by accident or design, choice or foul play, the whereabouts of an enormous number of aboriginal women were officially unknown.* (2001: 33, emphasis added)

For families and communities, the death of one Indigenous woman or girl is too much, let alone the thousands suggested by these estimates. An "accurate" count is unnecessary: far too many Indigenous women and girls have gone missing or been murdered over the last few decades.

At the same time, the research surrounding these numbers provides some invaluable insights into this violence. For example, analysis of NWAC's SIS database revealed that over two-thirds of their cases occurred in the western provinces of British Columbia, Alberta, Saskatchewan and Manitoba. Seventy percent of cases occurred in urban areas; however, NWAC (2010: 27) urged caution in acting on this finding:

While it is clear that the issue of missing women and girls is overwhelmingly an urban issue, the high rates of mobility of Aboriginal peoples, and particularly Aboriginal women and families, creates a different dynamic for cases of missing and murdered Aboriginal women and girls than would be experienced in the non-Aboriginal urban population. What this means is that even when cases may be linked to an urban area, there are often other circumstances impacting women and families, such as temporary or semi-permanent residence in a city and having close ties to a home community that is also impacted by the disappearance or death of a woman or girl. Cases on reserve and in rural areas, however, must also receive equal attention to identify appropriate recommendations for justice intervention. This issue is reiterated by family members who have expressed frustration over the fact that rural cases do not seem to get as much attention as those in urban areas, a situation one family member described as racism-plus.

More than half of their cases involved females under age 31, and many of the women were mothers. "Knowing the number of women who were mothers," the organization contends, "speaks to the intergenerational impact of women who have gone missing or been found murdered, and the need to provide supports and services to the children left behind" (NWAC 2010: 24). This analysis also found that

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Indigenous women and girls were more likely to be killed by strangers (16.5 percent of cases) than non-Indigenous women (6 percent of cases). Finally, the report contends that nearly half of all cases remain unsolved (2010: 17), with different clearance rates across the provinces and territories (2010: 18).

The final report of the RCMP operational overview confirmed what many have known for decades: Indigenous women have been disproportionately targeted for violence.

The final report of the RCMP operational overview also provides important insights into this violence. It confirmed what many have known for decades: Indigenous women have been disproportionately targeted for violence. Despite representing 4.3 percent of the female population, Indigenous women constituted 11.3 percent of missing females and 16 percent of female homicide cases in Canada between 1980 and 2010 (RCMP 2012). Moreover, statistics derived between 1996 and 2011 show that Indigenous women were, on average, five and a half times more likely to be victims of homicide than non-Indigenous women. They calculated the average age of Indigenous female homicide victims as thirty-five. Finally, Indigenous women were only slightly more likely (39 percent) than non-Indigenous women (31 percent) to be involved in criminal activity at the time of their murder (RCMP 2012).

This report also captures some interesting insights about perpetrators: in 90 percent of homicide cases, Indigenous women knew their perpetrators, a rate consistent with non-Indigenous women. However, they were more likely to be killed by acquaintances (30 percent compared to 19 percent), but less likely to be murdered by a current or former spouse (29 percent compared to 41 percent) (RCMP 2014). Perpetrators were also more likely to have consumed "intoxicating substances" prior the homicide (71 percent of cases involving Indigenous women compared with 31 percent of cases involving non-Indigenous women), but "less likely to have, or be suspected of having, a developmental disorder (10 percent compared to 20 percent)" (RCMP 2014: 13).

Finally, this report contends, in contrast with NWAC, that the majority of cases have been solved. The RCMP (2014) claims a female homicide solve rate of nine out of every ten deaths, regardless of ancestry (88 percent for Indigenous women and 89 percent for non-Indigenous women). They did, however, confirm NWAC's finding of variance in clearance rates across the provinces and territories.

It is imperative to understand the phenomenon of MMIWG as representing the proverbial "tip of the iceberg" when it comes to violence against Indigenous women and girls in contemporary Canadian society. Research demonstrates that Indigenous women and girls experience disproportionately high rates of all forms of violence, including intimate partner violence (Bopp, Bopp and Lane 2003; Brennan 2011), family violence (Government of Canada 2008) and sexual

violence (Bopp et al. 2009; Brennan 2011). One study suggests that 75 percent of Indigenous females under the age of 18 have experienced some form of sexual assault (Bopp et al. 2003: 27). We also know that Indigenous women and girls are aggressively targeted for sexual exploitation and human trafficking, and make up anywhere from 50–80 percent of the violent street-based survival sex trade in major Canadian cities (Sethi 2007; NWAC 2014). The high prevalence of violence in the lives of Indigenous women and girls has resulted in its “normalization” as a brutal fact of life (Shaw 2013: 11, 21; Kuokannen 2014).

STATE OF PERPETUAL VIOLENCE

How did we get to the point where violence against Indigenous women and girls is a “normal” part of life? As Indigenous women have been telling the Canadian state for decades through their participation in state-sponsored anti-violence initiatives, including previous investigatory commissions such as the Canadian Panel on Violence Against Women (1991–1993) and the Royal Commission on Aboriginal Peoples (1991–1996), the extreme forms of violence Indigenous women and girls experience in contemporary Canadian society are a direct consequence of settler colonial domination (Bourgeois 2014).

Understanding the connection between the two requires critical interrogation of the Canadian state. Canada is a settler colonial nation built on the historic and ongoing domination of Indigenous peoples and the occupation and exploitation of stolen Indigenous lands (Green 2014; Coulthard 2014). This colonial project succeeds through racist and sexist ideologies that portray Indigenous people as inferior, deviant and inherently dysfunctional. The effects of colonialism are gendered, and the colonial gaze has a gender-specific derogatory and essentialized frame for Indigenous women. A powerful component of this ideology has been the myth of the “squaw”: the dominantly held belief in the inherent sexual availability and, thus, violability of Indigenous women and girls (Acoose 1995; Smith 2005). This ideological dehumanization of Indigenous females justifies both settler domination over Indigenous peoples and lands and violence perpetrated against Indigenous women and girls. Indeed, within this system, violence against Indigenous women and girls is the most efficient means to securing and maintaining the colonial order of things in settler society. The focused destruction of Indigenous women and girls

Indigenous women have been telling the Canadian state for decades that violence Indigenous women and girls experience is a direct consequence of settler colonial domination.

plays a fundamental role in colonial domination: “In order to colonize a people whose society was not hierarchical,” argues Andrea Smith (2005: 23), “colonizers must first naturalize hierarchy through instituting patriarchy”

The Indian Act imposed patrilineality and patriarchy on many previously matrilineal and matriarchal societies.

Indian Act has eliminated millions of “official” Indians for whom the federal government would carry responsibility through treaty obligations, with the effect of forcibly removing untold numbers of women and children from their nations and communities (an act of human trafficking, as I have argued elsewhere (Bourgeois 2015)). While Bill C-31 eliminated the controversial marry-out clause (a woman lost her status under the Indian Act if she married a man without status; however, a man who did the same not only retained his status, but status under the Act was also extended to his wife and children) in 1985, sex discriminatory lineage and membership components continue to target Indigenous women and children (Cannon 2011, 2014); and Indigenous women reinstated under Bill C-31 have experienced challenges and resistance to returning to their home communities (Dick 2006). By excluding Indigenous women from status under the Indian Act, these sex discriminatory provisions, as Mary Eberts argues, promote family fragmentation and community exile that eliminate critical sources of support and heightens the vulnerability of Indigenous women and children (2014: 152–153).

The Indian Act has contributed to the oppression of Indigenous women and girls in other ways. By imposing democratically elected band council governance on reserve communities, the Indian Act undermined and eliminated many of our traditional matriarchal forms of leadership and governance (Anderson 2000, 2009). To strengthen this blow, Indian women were prohibited from participating in these elections or serving on these band councils between 1876 and 1951. The effect was the patriarchal ordering of Indian governance and leadership across Canada, with the interests, perspectives and needs of Indian men foregrounded in the governance of our communities (Anderson 2009). While this exclusion was repealed, its legacy continues to be felt through underrepresentation of Indian women within band and national (Assembly of First Nations) Indian governance (although their numbers are increasing) (Anderson 2009: 100). This legacy is also felt in the underfunding of Indigenous women’s leadership and governance — exemplified by the four-decades-long battle of NWAC to secure equal access to funding

By excluding Indigenous women from status under the Indian Act, it promotes family fragmentation and community exile that eliminate critical sources of support and heightens the vulnerability of Indigenous women and children.

and political fora as other national Indigenous organizations including the Assembly of First Nations (AFN) (representing the interests of status Indians in Canada) and the Congress of Aboriginal Peoples (CAP) (representing the interests of Métis and non-status Indigenous peoples) (Anderson 2009;

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Bourgeois 2014). In her analysis of NWAC's fight to receive equivalent standing in the political talks surrounding the constitution, Green (1993) demonstrates that the Canadian state unilaterally excluded women's organizations and encouraged NWAC to work through the "malestream" organizations who failed to support this inclusion of women's organizations. When NWAC attempted to do this, the AFN objected to some of the issues they wanted to raise and "not for the first time, the AFN sought to deny the reality of sex oppression in Aboriginal communities and to resist women's attempts to put these items on the political agenda" (11). While it remains to be seen how the 2016 Supreme Court ruling in *Daniels v. Canada* or the ongoing legal efforts of Indigenous women like Sharon McIvor will impact the future of the Indian Act, its past and present have been driven by the entrenchment of patriarchal domination and violence in Indigenous communities and, therefore, securing continuity with dominant Canadian society and its uses of racist and sexist oppression and violence.

HUMAN TRAFFICKING AND EXTERMINATION

Alongside the legislative assault of the Indian Act, the Canadian state has enabled and perpetuated violence against Indigenous women and girls through its institutions, most notably the Indian residential school and child welfare systems. As the Truth and Reconciliation Commission (TRC) (2015) made clear, gross neglect and all forms of physical and sexual abuse were prevalent and came to define the experiences of Indigenous girls and young women in the state and church-run Indian residential school system, which operated in Canada from the 1820s until 1996. Compulsory attendance legislation backed by legal penalties for non-compliance was secured through state Indian agents (Comack 2014: 63–64). The rationale for residential schools hinged on the dominant settler colonial belief in the inferiority and inadequacy (particularly in terms of the assimilationist goal of these institutions) of Indigenous peoples as parents and, according to Eberts, "among the many reasons why the Indigenous mother was considered an inappropriate influence on her own children was the alleged hypersexuality of Indigenous women" (2014: 149–150). The intergenerational trauma created through the dehumanizing and violent residential school system continues to reverberate throughout our communities, with the consequence of increased violence within our communities. The research of NWAC through its SIS initiative identified the violence and intergenerational trauma caused by the Indian residential school system as an underlying factor of the violence experienced by MMIWG (NWAC 2010).

The Canadian state has enabled and perpetuated violence against Indigenous women and girls through its institutions, most notably the Indian residential school and child welfare systems.

Canadian child welfare systems have taken over the apprehension and removal of Indigenous children from their families and communities, with statistics suggesting there are currently more Indigenous children in the custody of the state than at the height of the Indian residential school system (Troc  , Knoke and Blackstock 2004). Since the 1960s, child welfare institutions have forcibly removed Indigenous children from their families and secured their fostering or adoption with primarily non-Indigenous families. Advocates and researchers have revealed high rates of physical and sexual violence, psychological distress and death experienced by Indigenous children in the Canadian child welfare system. Indeed, many of the murdered and missing women had involvement with this system, and some, like 15-year-old Tina Fontaine, murdered in Winnipeg during the summer of 2014, were involved with this system at the time of their deaths or disappearances. As with residential schools, NWAC's SIS research identified involvement with the child welfare system as an underlying factor contributing to the violence experienced by MMIWG (NWAC 2010).

As I have argued elsewhere (Bourgeois 2015), the forced removals and confinements of Indigenous children by both the Indian residential school and child welfare systems, along with forced relocations of entire Indigenous communities from their land bases and forced relocations required for Indigenous peoples to access basic health services, constitute historical and ongoing Canadian state engagement in the crime of human trafficking. According to existing Canadian legislation, human trafficking involves the use of deception, coercion, manipulation and violence to exploit the bodies and labour of others for profit and personal gain; and Canada is the only country to legally demand that trafficking victims prove that they feared for their safety if they failed to comply with the demands of their trafficker (Perrin 2010).

Each of the relocations outlined above have involved explicit deception, coercion and manipulation on the part of the Canadian state to exploit (primarily through forced movements and confinements) the bodies of Indigenous peoples for the specific purpose of advancing its settler colonial project of domination over Indigenous peoples and, by extension, Indigenous lands and resources. For example, the confinement of "Indians" to "Indian reserves" was critical to the colonial

Forced removals and confinements of Indigenous children by Indian residential schools and child welfare, along with forced relocations of Indigenous communities, constitute historical and ongoing Canadian state engagement in human trafficking.

project because it secured unfettered access and control of Indigenous lands and resources and, thus, a land base for the Canadian state. As is well documented, this was achieved through fraudulent, coercive and broken treaties with Indigenous nations and communities, along with violence (Harris 2002;

over the apprehension and removal of children in the custody of the state school system (Trocmé, Knoke and others) have forcibly removed and researchers have revealed high levels of distress and death experienced in this system, and some, like in Winnipeg during the summer of 2014, their deaths or disappearances. As identified involvement with the child contributing to the violence experienced

15), the forced removals and confinement in Indian residential school and child of entire Indigenous communities required for Indigenous peoples to racial and ongoing Canadian state. According to existing Canadian deception, coercion, manipulation others for profit and personal gain; and that trafficking victims prove comply with the demands of their

involved explicit deception, coercion, Canadian state to exploit (primarily the bodies of Indigenous peoples) colonial project of domination over lands and resources. For example, "reserves" was critical to the colonial because it secured unfettered and control of Indigenous land and resources and, thus, a land for the Canadian state. As is well understood, this was achieved through control, coercive and broken treaties with Indigenous nations and communities with violence (Harris 2002;

Alfred 2009; Gehl 2015). The successful theft and confinement of Indigenous children through the Indian residential school and child welfare systems — both of which have been directed at assimilating and, thus, exterminating (legally, culturally and physically) Indigenous peoples and eliminating Canada's "Indian" problem — depended on deception, force and violence. Moreover, as the settler colonial project has been sustained through rampant violence against Indigenous women and girls and, indeed, all Indigenous peoples, many of us live in a perpetual state of fear in Canadian society.

THE INJUSTICE SYSTEM

The Canadian legal system (laws, courts and police) has a long history of failing to protect Indigenous women and girls from violence, while simultaneously exonerating perpetrators and erasing this violence — thanks largely to the sexualized and racialized discourses of inferior and degenerate Indigenous femininity (Razack 2002; Erickson 2011; Eberts 2014). Instead of protecting them, the legal system has tended to criminalize Indigenous women who encounter it, exhibited by very high rates of incarceration (Hylton 2002; Erickson 2011; Comack 2014).

Prostitution presents a perfect example of this. The dominant colonial discourse of the inherently sexual availability and violability of Indigenous females has, throughout Canadian history, enabled the conflation of Indigenous femaleness with prostitution (Comack 2014; Bourgeois 2014), which is reinforced, in turn, by the high numbers of Indigenous women and girls who, whether by choice, need or force, have been involved in the sex trade. As I have argued elsewhere (Bourgeois 2014), Canadian colonial history demonstrates that the state has frequently employed prostitution as a means of legally securing control over Indigenous women and, by extension, their nations and communities. Criminalization of Indigenous ceremonies, such as the potlatch, and implementation of the pass system were justified, in part, by concerns about the immorality posed by the prostitution of Indian women. Moreover, an amendment to the Indian Act in 1892 created a distinct legal category for Indian women charged with prostitution, increasing its criminal severity from a "common nuisance" and summary offence to crime against morality and an indictable offence (Erickson 2011: 62–63). Current Canadian criminal code provisions continue to criminalize Indigenous women involved in prostitution.

At the same time, Canada's (in)justice system has long used prostitution as justification for minimizing the violence perpetrated against Indigenous women and girls and for exonerating perpetrators. Erickson's (2011) study of Prairie courts between the late 1880s and early 1900s shows that perpetrators often employed the stereotype of Indigenous sexual promiscuity, including accusations of prostitution, to their legal advantage. In her analysis of the trial surrounding the 1995 murder

Prostitution has long provided justification for minimizing violence against Indigenous women and girls and has been used to exonerate perpetrators.

Indigenous femininity, with the effect of minimizing the violence of perpetrators through separation from the Canadian colonial project requiring violence against Indigenous women and girls. Razack uses similar analysis on the murder of 36-year-old Cindy Gladue (Cree) in Edmonton in 2011, demonstrating the central role that prostitution played in making both the murder and the courts' response to it a form of colonial terror and extraordinary violence (Razack 2016).

Prostitution is also at the root of Canadian state inaction in response to violence against Indigenous women and girls, perhaps best exemplified in the case of Vancouver's missing women. Between the late 1970s and early 2000s, at least sixty-eight women disappeared and/or were murdered from Vancouver's Downtown Eastside (DTES) community. While most commonly portrayed in mainstream media as a community of abject poverty, addiction, criminality and prostitution (Culhane 2009; Hugill 2010), the DTES is also a caring community whose members, along with families and friends of the missing and murdered women, recognized this pattern of violence and sought police and governmental responses. However, the actual or perceived involvement of these women in prostitution resulted in police inaction. The final report of the British Columbia Missing Women Commission of Inquiry surrounding these cases points to the criminalization of prostitution under Canada's criminal code as producing an adversarial relationship between police and women in the DTES, which contributed to the delay in catching serial killer Robert Pickton, who was preying on this community (Oppal 2012). We also know from this report that police officers and administrative staff made disparaging remarks and refused to take action because of the real or perceived involvement of the missing women in prostitution. Indeed, Lori Shenher (2015: 103), former lead detective assigned to the missing women investigation, notes in her recent book that police colleagues "avoided Project Amelia (the name [given to the] preliminary investigation of these cases) like the plague, uninterested in searching for a bunch of missing 'whores,' as several referred to them." Moreover, her investigation was chronically under-resourced:

I compared Project Amelia with the Home Invasion Task Force (occurring at around the same time) which represented a who's who of investigative talent in the VPD [Vancouver Police Department]; there wasn't a weak link among the ten detectives assigned at the height of that case. Apparently victimized homeowners warranted the big guns — missing drug-addicted sex workers did not. (Shenher 2015: 182).

of Pamela George (a Saulteaux woman originally from the Sakimay First Nation) in Regina, Razack (2002) demonstrates how, one hundred years later, prostitution continues to over-define

Pamela George (a Saulteaux woman originally from the Sakimay First Nation) in Regina, Razack (2002) demonstrates how, one hundred years later, prostitution continues to over-define the violence of perpetrators and project requiring violence against analysis on the murder of 36-year-old, demonstrating the central role of the courts' response to it (Razack 2016).

state inaction in response to violence best exemplified in the case of the 1970s and early 2000s, at least sixty years from Vancouver's Downtown Eastside portrayed in mainstream media and prostitution (Culhane 2011) whose members, along with women, recognized this pattern of responses. However, the actual investigation resulted in police inaction. The Women Commission of Inquiry into prostitution under Canada's relationship between police and women and serial killer Robert Pickton, We also know from this report disparaging remarks and refused comment of the missing women in the lead detective assigned to the case that police colleagues "avoided investigation of these cases) of missing 'whores,' as several ironically under-resourced:

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The result of this blatant inaction was sixty-eight missing and murdered women. Despite being formally indicted for the murders of twenty-five of these women and suspected in the deaths of many more, Pickton was only convicted of second-degree murder in six of these cases and sentenced to life in prison. While justified by the Attorney General for British Columbia as a move to curtail additional expenditures of time and energy to pursue charges that couldn't expand on Pickton's existing life sentences, the decision not to pursue those additional charges or prosecute additional cases against Pickton may be interpreted by some as representing this ongoing pattern of minimizing violence against Indigenous and non-Indigenous women associated with prostitution.

COLONIZING INDIGENOUS WOMEN'S RESISTANCE

Another significant way that the Canadian state has perpetrated violence against Indigenous women and girls in Canada is through its repeated and sometimes aggressive attempts at colonizing (silencing and subverting) Indigenous women's anti-violence efforts. The National Inquiry into Missing and Murdered Indigenous Women and Girls has been a long time coming and must be understood as the outcome of decades of arduous and heartbreaking organizing and effort on the part of Indigenous women, their organizations, communities and allies. For example, in Vancouver, under the leadership of Indigenous women (many of whom are family and friends of missing or murdered women), the DTES community has organized an annual memorial and march for missing and murdered women since 1991. For twenty-five years, this event has demanded the Canadian state take action to address violence against Indigenous women and girls. Since the 2000s, Indigenous women have organized solidarity events in major cities (including Edmonton, Winnipeg, Toronto, Thunder Bay and Montréal), as well as many rural and Indigenous communities. Notably, with the arrival of the Winter Olympics in 2010, organizers attempted to displace this event from its usual date (February 14) and location to accommodate the games. Organizers and participants resisted and instead secured the highest-ever attendance for this event to that point.

As mentioned throughout this chapter, NWAC has played a critical role in securing Canadian state response to the issue of MMIWG. Founded in 1974, NWAC is a national organization representing the interests of Indigenous women in Canada. Battered from the need to address sexism in the Indian Act, NWAC has expanded to address key social, economic and political issues impacting their constituents, including all aspects of violence against Indigenous women and girls. In addition to their work on MMIWG, the organization has addressed family violence, sexual exploitation and trafficking and Canadian state violence (such as sex discrimination in the Indian Act and matrimonial property rights).

NWAC's efforts to obtain a Canadian state response to violence against Indigenous women officially began in 2002, when it raised the issue in a report to a United Nations special rapporteur investigating human rights violations in Canada. In 2004, NWAC collaborated with Amnesty International Canada on the report *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada*, condemning Canada for failing to protect Indigenous women and girls from violence. Building on the attention created by that report, NWAC pursued the federal government for funding, and after more than a year and a concerted media campaign, succeeded in securing a commitment of five million dollars over five years (2005–2010) for the SIS initiative. In addition to conducting research, NWAC developed educational content and programming, including resources aimed at educating Indigenous women and girls about safety; assisting families and friends of MMIWG; and informing the state and the broader Canadian and global societies about the issue. They advised the Canadian state on how best to respond to this violence, and deployed an aggressive media campaign to raise awareness of the issue and demand further action on the part of the state.

However, the arrival of the Harper Conservative regime in 2006 contributed to the colonization of these efforts. NWAC was placed under state surveillance through increasing demands for more thorough accounting of the work of SIS: when I met with SIS director Kate Rexe in 2009, she shared with me the initiative's most recent annual report to the government, encompassing several large binders. While NWAC had pursued a second round of funding to continue its work well in advance of the conclusion of the original agreement, it wasn't secured until well after the initial funding agreement had terminated.

When I interviewed Rexe in 2012 as part of my doctoral research, she indicated that this process had been plagued by delays by the state's repeated replacement of their central contact within the Status of Women, resulting in multiple restarts to the whole negotiation process. Moreover, in a recent interview, Rexe reported, "every time NWAC submitted funding proposals to Status of Women any reference to Sisters in Spirit was scratched out or came with a clear message — that program no longer existed once the funding ran out. The name couldn't even be used" (Aboriginal Peoples Television Network 2015).

After this protracted and hostile back and forth, which led to Rexe resigning from her position, NWAC secured a second commitment of funding from the Government of Canada at the drastically reduced rate of \$1.89 million over three years. The organization was prohibited from referring to its work on MMIWG as "Sisters in Spirit," referring to it instead by the title "From Evidence to Action." They were also officially prohibited from continuing their research on the database of cases of MMIWG, although it has recently been suggested this work continued in secret (Aboriginal Peoples Television Network 2015). NWAC was permitted to

the response to violence against women when it raised the issue in a report investigating human rights violations in Amnesty International Canada on *Onset to Discrimination and Violence* naming Canada for failing to protect building on the attention created by ant for funding, and after more than ded in securing a commitment of) for the SIS initiative. In addition tional content and programming, ous women and girls about safety; forming the state and the broader hey advised the Canadian state on ed an aggressive media campaign er action on the part of the state. ive regime in 2006 contributed to d under state surveillance through ng of the work of SIS: when I met ith me the initiative's most recent everal large binders. While NWAC ue its work well in advance of the eured until well after the initial

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continue holding its annual SIS vigils (October 4), facilitate knowledge exchanges and conduct community engagement workshops. NWAC was also permitted to continue lobbying work, which it has done vehemently to ensure that the perspectives of Indigenous women and girls is present in the debates surrounding recent significant political moments in Canada, including the B.C. Missing Women Commission of Inquiry and changes to the Canadian criminal code surrounding prostitution. During this time, NWAC also supported the RCMP when it was conducting its national operational overview.

This (his) story repeated itself in NWAC's third attempt to secure funding. Despite submitting a proposal more than six months in advance of their funding conclusion of April 2014, the organization was unable to secure a final commitment until well after that end date thanks to problematic negotiations with the Government of Canada. In 2014, the Canadian state approved a pittance of \$750,000 for the organization's current three-year initiative, "Project PEACE" (Prevention, Education, Action, Change and Evaluation).¹

For the duration of his entire nine-year tenure as Prime Minister of Canada, Stephen Harper refused to consider holding a national public inquiry into MMIWG. As Indigenous women and girls were disappearing and dying in the hundreds across this country, Harper turned a deaf ear while he and his government calculatedly sabotaged Indigenous women's efforts to address this violence. Advancing his "tough on crime" political agenda, Harper funnelled millions into policing, including funding the RCMP operational overview and creating a national missing persons centre. As critics have pointed out, this amounts to investment in the ongoing criminalization and incarceration of Indigenous peoples. His government also refused to address much of the social, political and economic marginalization and exclusion that makes Indigenous women and girls highly vulnerable to exploitation and violence.

CONCLUSION

In this new era of truth and reconciliation under Prime Minister Justin Trudeau's Liberal regime, Indigenous peoples are increasingly being invited to participate in state-sponsored efforts, such as the national inquiry into MMIWG, to address our existing relationship with Canada. As Indigenous peoples, we cannot forget that, for too long, this has been an intensely violent and exploitative relationship and, thus, we need to approach such opportunities with extreme caution. We cannot forget that this is a settler colonial nation and state with an enduring and significant investment in our oppression and elimination.

For this inquiry to make meaningful change in the lives of Indigenous women and girls, several things need to happen. First, as the experts of our own lives, the commissioners need to privilege the perspectives of Indigenous women and girls

in all aspects of their work and provide adequate funding, support and opportunities so that as many Indigenous women and girls as possible can contribute to this process. This is not intended as a statement of exclusion of the participation and perspectives of others, but instead to ensure that Indigenous women and girls play a central role in the discussions and decision-making surrounding their lives. Second, it will require the commission take a hard look at the Canadian state's role in the violence of MMIWG and make recommendations that move towards addressing state complicity, specifically through dismantling settler colonial domination in Canada. Finally, it will require a humble but courageous Canadian state that acknowledges its violence and takes immediate and meaningful steps to address and eliminate it. No doubt, this will require a radical revisioning and restricting of the Canadian nation and state that eliminates settler colonial domination (and, indeed, all forms of oppression) — however, it's the only way to end the rampant violence inflicted on Indigenous women and girls.

Note

1. See <<https://nwac.ca/policy-areas/violence-prevention-and-safety/project-peace/>>).

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