

Background Paper to provide information
and strategies towards the prevention and
protection of Aboriginal women and
families against violence.

Risk Management

Violence Against Aboriginal Women

December 2011

Risk Management: Violence against Aboriginal Women Background Paper

States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

United Nations Declaration on the Rights of Indigenous Peoples, Article 22, 2007

Introduction

Expert reports such as *Stolen Sisters* by Amnesty International clearly indicate the fact that Indigenous women constitute the segment of the population most affected by violence in Canada (Amnesty International, 2004). Racism and discrimination underpin the violence; however it is amplified by the ongoing legislative discrimination within Canada's Indian Act and from the intergenerational impacts of colonialism and the residential schools. Aboriginal women and girls, regardless of status, continue to be placed in harm's way, denied equitable protection of the law, and marginalized in a way that allows men to carry out violent crimes against them with impunity.

The results of intergenerational grief and shame, widely unrecognized and unaddressed, continue to erode healthy family structures. The Elders across this land remind us every day to strive for a unity of a vision, to look beyond ourselves into the future and to work together to end all forms of violence and abuse. This paper identifies the context and strategies to engage all systems to better protect and respect Aboriginal women and their families.

Terminology

For the purposes of this paper the term Aboriginal refers to all Indigenous people of Canada, including Status Indians, non-Status Indian, First Nations people, Métis and Inuit people.

Aboriginal Worldview

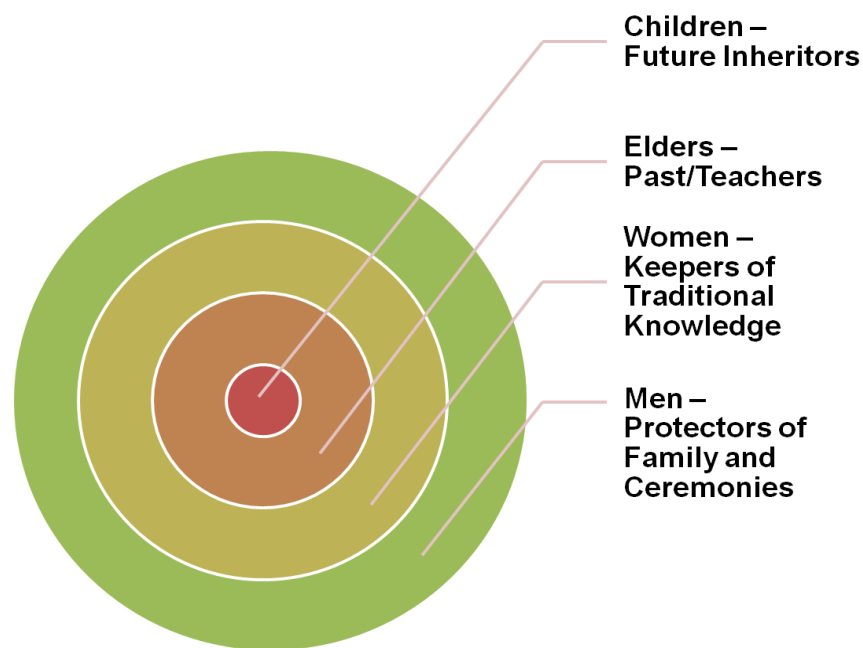
Traditionally, Aboriginal men and women worked in partnership with each other to fulfill their own roles and responsibilities and to ensure that life would continue on throughout the generations. While the Aboriginal women's main role and responsibility was to bear children and cultivate a healthy, traditional environment for children to learn and grow, Aboriginal men had the added important responsibility of protecting their women, children, and Elders (Sayers, MacDonald, 2001).

Everyone had a role that existed as part of an interdependent collective, as understood in the context of a holistic approach (Baskin, 2009). Holistic approaches were infused with harmony, balance, respect, sharing, cooperation and collective responsibilities were key supporting values in many Aboriginal cultures (Hart, 2002).

In the Aboriginal worldview, women held unique roles and had responsibilities to their nations and to the Creator. These roles and responsibilities varied across diverse nations but there was a common thread throughout - women were respected, valued, honoured and viewed as sacred human beings. “Traditionally, the influence and respect that Aboriginal women held in their societies not only gave them a voice, but kept them safe from woman abuse, sexual assault and stalking” (OFIFC, 2010, p.14)

The following diagram illustrates the sacred circle and depicts an Aboriginal worldview of the interrelation of family roles.

**Balance and Equity of Family Roles in the Sacred Circle
As taught by Maria Campbell (2010)**



In the Standing Committee on the Status of Women Violence Against Aboriginal Women Study Interim Report, 2011, Chief Angus Toulouse shares: “Our women enjoyed incomparable respect and even reverence from their families and from their nations. For example, the Haudenosaunee maintained a system of governance whereby the women held unprecedented political and social powers. They owned all the property of their nations. They maintained their own political councils in a clan system and had the power to remove their chiefs from office if they failed in their duties. Everyone had specific responsibilities to their families, to their nations, and to the

Creator. Interwoven with these responsibilities was an essential principle that our collective existence depends upon our ability to demonstrate respect and to provide safety and security for the women of our nation. It's important to point out how things were in the past in order to understand the full horror of the context in which we, and in particular our women, now live.”

The relationship between the wellness and strength of Aboriginal women in relation to their communities and Nations cannot be underestimated. When Aboriginal women are healthy, valued and respected in their families and communities, their children and the rest of the community are also more likely to be healthy and stable.

Impacts of Colonization

Historical trauma is cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma (Brave Heart, 1999)

Colonization remains the constant thread connecting the different forms of violence against Aboriginal women and girls in Canada. A long history of trauma and loss commonly referred to as historic trauma transmission permeates the lived experience of Aboriginal people today. The lack of recognition of the relationship to the land was a denial of the cultural and spiritual heritage of Aboriginal people and, as such, became the root cause of the loss of identity, the loss of health and subsequent degradation (Aboriginal Healing Foundation, 2004)

The Indian Act (1867) impacted Aboriginal women and girls negatively more than any other group. “Through the Indian Act, the Canadian government sought to make Aboriginal peoples into imitation Europeans, to eradicate Aboriginal values through education and religion, and to establish new economic and political systems and new concepts of property. This all led to the disempowerment of and devaluation of Aboriginal women and their roles within families and communities” (Baskin, 2010).

The Royal Commission on Aboriginal Peoples (1996) connects the high rate of violence in Aboriginal communities to systemic discrimination, economic and social deprivation, substance abuse, and a cycle of violence across generations. Traditional cultural and social structures were altered through various forms and years of assimilation. Family breakdown due to years of the removal of children to residential schools and/or child welfare agencies spiraled into unhealthy learned behaviors & habits, disarray and dysfunction (Aboriginal Healing Foundation, 2004).

A social worker for 25 years at Native Child and Family Services Charlene Avalos notes: “Despite what people like to think, violence is still fostered and sustained by a racial social environment that continues to perpetuate stereotypes of First Nations peoples while present day legislation continues to be Eurocentric in every way” (Baskin, 2010).

Prevalence of Violence

For Aboriginal peoples, domestic violence is commonly referred to as “family violence” given that the behavior of violence is approached with a holistic lens that values and recognizes the interconnectedness between the victim, family members, the community and nation. A holistic approach that addresses family violence in an Aboriginal context embraces processes of healing through education, intervention and prevention for the victim that is affected, but also for the offender and those impacted (e.g., children, family and community).

Family violence and violence against Aboriginal women have become a part of the way of life of many communities. It has been passed down from generation to generation. A study by the Ontario Native Women’s Association (1989) identified that eight out of ten Aboriginal women had personally experienced family violence, and are eight times more likely to suffer abuse, noting that 87% had been injured physically with 57% experiencing sexual abuse. In 2009, Aboriginal women were almost three times more likely than non-Aboriginal women to report that they have been a victim of violence in the past five years. They were also more likely to report that they have feared for their life or that they had been physically injured as a result of violence. More than half (59%) of Aboriginal women who were a victim of spousal violence, were victimized multiple times (Statistics Canada, 2009). There are several risk factors associated with being a victim of stalking and they include being female, young and Aboriginal (AuCoin, 2005).

In one study of the Vancouver sex trade, 52 of 101 women interviewed were Aboriginal (Farley et al. 2005). The overwhelming majority of these women reported both a history of childhood sexual abuse by multiple perpetrators and a history of rape and other assaults while working as prostitutes.

Sexual violence in the form of incest, assault, rape and gang rape is mostly unreported and unaddressed within Aboriginal communities due to shame and stigmatization. Aboriginal shelter staff report that the majority of women have experienced some form of sexual violence by either their partners, brothers, uncles or fathers. Risk management must include community preparedness and a coordinated and integrated response. Safety nets and confidentiality must be ensured in order to break down the barriers to disclosure.

Of most significance is that the majority of violence is not reported. LaPrairie (1995) reported in her study of Aboriginal victimization in urban centres that 74% of respondents who experienced family violence did not report their victimization. On reserve violence is often severe in nature before it is reported or before a woman decides to leave the home. Violence is likely to go unreported in 60% of cases (Indian and Northern Affairs, 2006).

The full extent of Aboriginal women's victimization including level and severity continues to be unknown. Rates of violence vary depending on the methodology of the study and whether they are community based or population based (e.g. General Social Survey). The majority of law enforcement agencies, victim services and the criminal justice system do not systematically collect statistics on Aboriginal victims. A more complete picture of Aboriginal women's victimization would inform how to best target resources for appropriate programs and services and risk management strategies.

Systemic Violence

It is very hard to put in risk management strategies when an Aboriginal woman is consistently placed in survival mode related to issues of poverty, food security issues, housing or homelessness.

Family Violence Coordination Unit, 2007

Various forms of systemic violence engendered by colonialism and its aftermath such as racism, poverty and marginalization need to be taken into account to understand the role of risk management in the lives of Aboriginal women and girls.

Poverty is a key factor and often described as a root cause of the daily violence suffered by Aboriginal women. Poverty and unemployment place stress on relationships and increase the risk of violence. For Aboriginal women living in poverty, lack of access to safe, affordable housing is a major issue in terms of preventing violence, escaping violence, and creating a life of safety for themselves and their children. This issue becomes exasperated in remote and isolated communities.

Currently there are no matrimonial real property rights on reserve; consequently, when a relationship breaks down, it is the woman who is forced to leave the matrimonial home and reserve. Many women do not want to leave their on-reserve home because it could take years to get it back or to secure another one. Often the home located on the reserve is owned by the woman's husband/partner, community and/or by the local government. In the urban areas, the issues are not dissimilar in that social housing can be lost if the woman leaves. Policies are needed to safeguard women's homes, both on and off reserve.

Aboriginal girls and women are particularly vulnerable to violence because often the racism that is directed at them is sexualized. "The sexual exploitation of Aboriginal women and girls is an example of an intersecting site of violence, wherein racism, sexism, poverty and historical dislocation and devaluation collide. (CRI-VIFF, 2011).

Therefore, instead of being a strictly personal problem, the high rate of victimization toward Aboriginal women also has a societal dimension. Risk management must take these factors into account. If they are not addressed, victimization of Aboriginal women and girls will remain the status quo. "Unfortunately, the low value of Aboriginal women continues to be demonstrated. The issue of matrimonial property on reserves has yet to be resolved. There is a pattern of shortfalls in the funding for diversion, recovery, and

other programs to assist Aboriginal women becoming healthy, productive, and gainfully employed.” (Lambertous, 2007)

Risk Factors for Victimization

Risk factors that contribute to Aboriginal women’s victimization are complex. Risk factors include being involved in prostitution, gang affiliation, being socially and geographically isolated, having disabilities, addiction issues, low self-esteem, and disconnection from community support, lacking healthy networks, and fearing or feeling antagonistic towards the police. These risk factors help to explain why the victimization of Aboriginal women has become so entrenched (Lambertous, 2007).

Many communities and families are plagued by the negative impact of alcohol addiction and the way it intensifies internal rage, frustration and despair and then leads to violence in the home or in the community in general. It has become a form of self-medication and unhealthy coping to deal with unresolved trauma of previous victimization, living in poverty, overcrowding in the home, and lack of employment. Other additions are on the rise such as gambling and prescription drug abuse. Mental health issues including depression, post-traumatic stress disorder, anxiety disorders and Fetal Alcohol Spectrum Disorder are other contributing factors.

Numerous factors have pushed Aboriginal women into extremely dangerous situations. These include government policies that have forced Aboriginal women to move away from their communities, leaving them to face heightened dangers because of their socio-economic marginalization and the racialized, sexualized racism facing them, as well as inadequate protection from the criminal justice system. (Amnesty International, 2004). The predominant reason that Aboriginal women migrate to urban centers is to flee violence and they “continue to be the most violently oppressed and vulnerable members with the greatest need in their communities” (UATF Report 2007, pg. 156).

Risk Management must take into consideration the fact that violence against Aboriginal women is not an isolated problem; it is symptomatic of other issues. Within the community, issues of family violence must be addressed alongside of others, including substance abuse, mental health conditions, poverty, social exclusion, loss of culture, unresolved trauma and historical grief. Chronic familial dysfunction that has not been effectively addressed is one of the roots of Aboriginal women’s victimization. Problems stemming from the outside community, including issues such as the impact of racism, and extreme marginalization must also be addressed.

Missing and Murdered Aboriginal Women

“Every woman who has gone missing is someone’s daughter, someone’s mother, someone’s aunt or someone’s sister. We must never lose sight of the fact that they were loved and deserve to be valued”

Sandra Gagnon, whose sister Janet Henry went missing in Vancouver in 1997

Amnesty International's research has focused on one often overlooked dimension of Indigenous women's experience of violence: the violence that takes place in urban settings or the lives of women moving between reserves and urban settings. In urban areas, the marginalization for some Aboriginal women has resulted in cases of extreme poverty, homeless and for some, prostitution. Impoverishment and marginalization has pushed many Aboriginal women into environments and situations where the risk of violence is greatly increased.

Facts:

- The Native Women's Association of Canada (NWAC) has independently documented more than 600 cases of missing and murdered Aboriginal women in the first phase of its Sisters in Spirit Initiative, but it is likely that many more cases have yet to come to light (Amnesty International, 2011).
- Research conducted by NWAC, (2010) demonstrates that Aboriginal women and girls are as likely to be killed by a stranger or an acquaintance as they are by an intimate partner—very different from the experiences of non-Aboriginal women in Canada, for whom homicides are most often attributed to intimate partner violence.
- Front line workers closely linked to the stories of the missing and murdered Aboriginal women report that many of the women that have been found murdered had also been brutally raped but this is seldom if ever investigated or reported.
- Women who work in the sex trade who experience physical or sexual assault from their clients risk criminal charges because their work is criminalized. Such laws perpetrate vulnerability and exploitation as women who work in the sex trade are reluctant to call police (Step It Up Ontario - End Violence Against Women, 2011);
- A study of women in the sex trade of Vancouver's downtown east side, reported that 52% had identified as First Nations and 90% of the women had reported that they had been physically assaulted (National Collaboration Centre For Aboriginal Health, 2009).
- A large proportion of Canadian youth involved in prostitution are from Aboriginal backgrounds (Kingsley & Mark, 2000).
- In addition to the above key findings, in their research NWAC has found links between missing and murdered Aboriginal women and girls and FASD (Fetal Alcohol Spectrum Disorder), hitchhiking, gangs, mobility, and jurisdictional issues. (NWAC, 2010)

Risk management must continue to address gaps in prevention. More attention must be given to the systemic causes of marginalization that characterizes the lives of so many Aboriginal women. Resources must be put in place to allow Aboriginal women to escape from dangerous circumstances such as violent situations in their homes or the sex trade. Additionally more work with police agencies is required to build trust with Aboriginal communities. There is a legacy of mistrust and gross negligence as demonstrated in the most recent inquiry of missing and murdered Aboriginal women in

British Columbia. Police must proactively target predators that prey on Aboriginal women.

Aboriginal Demographics

- Ontario has the largest Aboriginal population among the provinces, comprising 21% of Canada's total Aboriginal population and it has been forecasted that in 2017, Ontario will continue to have the highest absolute number of Aboriginal people (Statistics Canada, 2006)
- Over 80% of Ontario's Aboriginal people live off-reserve with 62.1% living in urban areas (Statistics Canada, 2006)
- Most significant is that Aboriginal youth are recognized as the fastest growing population in Ontario - 48% are under the age of twenty-four (Ontario Poverty Reduction Strategy, 2008)
- Further, 35.7% are children and youth aged 19 and under (Statistics Canada, 2006)
- In 2006 29% of Aboriginal children were living with a lone mother (Statistics Canada, 2008)
- 52.1 of all Aboriginal children in Canada were identified as poor (Canadian Council on Social Development, 2003)

Aboriginal Children and Youth

According to a study by Statistics Canada in 2009, when Aboriginal victims of family violence had a child with their ex-spouse, more than half (58%) of these children witnessed the abuse.

Through understanding the Aboriginal cultural holistic model and the interconnectedness of all things, it becomes clear that the high rates of victimization of Aboriginal women in communities are having a devastating effect on the children and youth. Behavioral issues that affect children and youth who have witnessed or been victim to family violence are manifested in anxiety, depression, poor self-esteem, bullying, lateral violence, anti-social or criminal behavior, gang involvement, substance abuse (including drugs, alcohol and huffing) and self-harm including cutting and suicide. They often get named as youth problems when in fact that are a direct result of family breakdown which is occurring as a result of colonization. Children and youth are acting out what they are witnessing in their homes.

Therefore, it is essential that risk management strategies address the needs of children and youth. Prevention and education strategies that promote healthy equal relationships, self-esteem and positive identity, alternatives to incarceration, supports to address children and youth with problems related to victimization and the promotion of Aboriginal culture based healing approaches are needed.

Aboriginal Child Welfare

There continues to be a need to keep the family structure intact at all costs due to fear of the unknown and of losing children, home, assets and face.

National Aboriginal Circle Against Family Violence, 2006

Over 27,000 Aboriginal children across Canada are currently in state custody. This is three times the number at the height of Indian Residential Schools and more than any other time in Canada's history, including the "60s Scoop" era (Ball, 2008). According to The Canadian Incidence Study of Reported Child Abuse and Neglect (2008): child maltreatment investigations were four times higher in Aboriginal child investigations than non-Aboriginal child investigations. Primary caregiver risk factors included: alcohol abuse (21%), drug/solvent abuse (17%), cognitive impairment (6%), mental health issue (27%), physical health issue (10%), few social supports (39%), victim of domestic violence (46%), perpetrator of domestic abuse (13%), and history of foster care/group home (8%).

The current policies of the Child and Family Services Act (CFSA) and provincial child welfare practices do not adequately address the need for Aboriginal cultural sensitivity or effectively respond to current and historic underlying socio-economic factors associated with Aboriginal child welfare involvement. Aboriginal child welfare research and literature supports the notion that the overrepresentation of Aboriginal children and youth is driven by neglect, compounded at each stage of the investigation cycle and associated with structural risk factors such as poverty, poor housing and substance abuse.

The sorrowful criminal case of baby Heikamp who died of starvation in a Toronto, Ontario shelter for abused women resulted in an inquest with several recommendations. The recommendations included a protocol which was established between violence against women (VAW) shelters and Children's Aid Societies (CAS). In particular, a public awareness and education program about the harmful effects of child neglect and abuse and the importance of early detection and intervention (e.g., Duty to Report). Consequently, children who are victims or even witness family violence are now immediately deemed of concern and are classified under a category of child maltreatment and in need of protection.

In a shelter setting, it is routine practice for staff to contact and inform the CAS upon intake of a woman who is fleeing an abusive relationship with a child or children.

While it is fair to say that evidence exists that indicates children who are exposed to domestic violence often exhibit a range of behavioral, cognitive and emotion problems, it is questionable whether or not each and every family in this type of situation should be subjected to child welfare intervention (Jenney et al., 2006).

This type of reporting procedure may result in either Aboriginal women being reluctant to leave an abusive situation or refraining from seeking support for fear of losing her children or having ongoing CAS involvement. Clearly, this may be perceived by some

as another level of re-victimization and at its best must be understood as the context of risk management for Aboriginal women.

Barriers to Services

The access to and use of supportive resources and services for Aboriginal women is compromised by:

- The distance of resources from the home community;
- Lack of transportation;
- Poor relationships with the police;
- Low awareness of existing resources;
- Lack of trust in the effectiveness of the resources;
- Complex relationships between the victim, the perpetrator, their families, and other community members. (Indian and Northern Affairs Canada, 2006)

For Aboriginal women seeking treatment for mental health or addiction issues many programs will not accept the women's children with them, raising the spectre of child apprehension while in treatment. This serves as a barrier to treatment among women.

Because most reserves do not have shelters, Aboriginal women fleeing violence often escape to a friend or a relative's home. This exacerbates the issue of overcrowding of housing on-reserve. And this is not good risk management. Families are often not able to recognize when the risks are increasing, compromising safety for the woman and her children and placing everyone at higher risk.

Issues of confidentiality and privacy could be one of the most significant barriers facing Aboriginal women. Shame and stigmatization keep women in untenable situations. Many women are uncomfortable with speaking with workers from their own communities if they live on reserve. In a feasibility study conducted for the Ministry of Community and Social Services (2007) related to implementing an Aboriginal Assaulted Women's Helpline fear, shame and confidentiality were the concerns expressed by the respondents. Findings indicated a strong belief that confidentiality would be breached and respondents feared information would get out to abuser/others. They also expressed fear of retaliation, fear of losing children and mistrust of outsiders.

Northern and Remote Communities

As indicated in the Standing Committee on Status of Women Interim Report, 2011, Aboriginal women in northern remote communities have a very unique experience; the option to flee violence becomes extremely complex. Over 70 % of Northern and remote communities in Canada do not have safe houses or emergency shelters. When women in these communities have to relocate to city centres to get to a safe house, in addition to cultural and language barriers, they may be faced with costs that are not anticipated

in the budgets of the service providers from their own communities or the budgets of service providers in the communities to which they must travel. If such funds are controlled by the Band, as they often are in small communities, the victims may be seeking funding from relatives of the perpetrator of the violence. Further, the costs are another obstacle to leaving with children, creating another significant barrier for many women who want to leave a violent relationship.

When mothers and children go to off-reserve homes or shelters, it can be difficult for them to return to the reserve and reintegrate back into the community. Women who are living in transitional housing may have to return to the community and the violence as there is no affordable housing elsewhere.

Threat Assessment

The scope of this report did not provide opportunity to assess the extent to which formalized threat assessment occurs with Aboriginal women in Ontario to determine their risk of lethality.

For the purposes of this paper the research findings of a study commissioned by The Alberta Council of Women Shelters (2009) can be very useful in discussing this topic.

Keeping Women Alive - Assessing the Danger

The study used four measures: the Danger Assessment (DA) Calendar, the Danger Assessment questionnaire, a demographics form and an outcomes collection form that asked women to rate their perceived level of risk before and after completing the Danger Assessment. Data were collected from 509 women at ten research sites across the province by shelter staff certified in the use of the DA. Over half of the respondents in the study self-identified as Aboriginal.

Findings indicated that Aboriginal women were significantly more likely to report increased physical violence, including violence when the woman was pregnant, suicide threats, partner unemployment, and partner's use of illegal drugs or addiction to alcohol.

Overall, the experience of completing the Calendar and the 20-item DA questionnaire had a very significant impact on women's perceptions of their risk of lethality and continuing abuse. The use of the DA significantly contributes to women's safety, in that it helps them to estimate risk more realistically and to better understand the need for safety planning for themselves and their children.

In the forthcoming study of the province's on-reserve shelters, it will be important to ensure that confidentiality of responses is reinforced with women using the shelters, as they are concerned about individually identifiable data and/or about Children's Service or Police access to information.

Dr. Jacquelyn Campbell served as an advisor and mentor to the project team.

(Cairns and Hoffat, 2009)

As indicated above a secondary research project is currently underway with the 'Walking the Path Together' organization in Alberta. Eight organizations are involved with this project: five on-reserve shelters (from the Alberta communities of Wabasca, Morley, Hobbema, Fort Chipewyan, and Enilda); the Alberta Council of Women's Shelters; the Centre for Children and Families in the Justice System and Dr. Jacquelyn Campbell.

To date the project has successfully adapted the DA to reflect an Aboriginal women's experience of violence. The tool utilises a holistic approach in the form of a medicine wheel. A few examples of the cultural adaptations of the DA include:

1. The current DA refers to intimate partner violence. Aboriginal women experience high levels of family violence therefore the risk of lethality may not be solely perpetrated by an intimate partner. This question has been changed to reflect this reality.
2. In reference to the question if she has ever been threatened with a gun, Aboriginal women have been threatened with many other types of weapons and as such this question now reflects this reality.
3. Shelter staff identified the need to ensure the safety of the secondary caregiver and the children. They now make provisions to interview the secondary caregiver (i.e. the grandmother, aunt etc.) and to have her fill out the DA.

The initial research project found that Aboriginal women were better able to assess their level of risk when the DA tool was administered. The secondary research project will use the cultural adaptation of the DA, which is reflective of Aboriginal woman's' experiences of violence and in a language they can relate to. The final report on this research project is due to be released in early 2012.

Training on the use of any assessment tool is very important. Training reinforces that the appropriate assessment of risk is made. Training on the unique circumstances of violence against Aboriginal women and cultural approaches are essential to administering any threat assessment tools.

An Aboriginal approach to safety planning is in everyday living. Violence is a big part of the Aboriginal women's life.

Dorothy Sam, Alberta Council of Women's Shelters

Front line workers concur that Aboriginal women will go to a shelter when it is their last resort and they fear for their life. Safety planning based on information from a manual may not be reflective of an Aboriginal women's experience. Safety planning in urban, rural and remote differs. Training for professionals, families, friends and neighbours to help to identify Aboriginal women and her children's need for protection is significant. Risk management must also be strengthened, coordinated and implemented to support

Page | 12

all Aboriginal women in high risk situations including women in isolated and remote communities.

Justice and the Law

The majority of Aboriginal people have extremely negative experiences of the justice system in this province. These experiences are based on distinct historical relationships and reflect an understanding that courts are involved in the on-going removal of children from Aboriginal communities (40% of children in state care in Canada are Aboriginal), and a deep sense of alienation from a system that does not reflect or respect an Aboriginal worldview of justice.

Most Aboriginal people who have contact with the justice system do so through the criminal or child welfare systems. Aboriginal people are over-represented in both systems. When compared to non-Aboriginal communities, Aboriginal communities receive proportionately greater law enforcement attention and proportionately less peace-keeping and other services (RCAP 1996). In short, the “justice system” is experienced as an instrument of colonization. Aboriginal women now represent a startling 33% of women in federal penitentiaries (NWAC, 2010).

As reported to the Standing Committee on Status of Women (2011) there continues to be many concerns about the way the justice system deals with violence against Aboriginal women and girls. This includes concerns with the police system, the judicial system, and the correctional system.

- In domestic violence situations, police do not always respond in a timely manner to calls for assistance.
- Police sometimes dismiss claims of sexual assault if the woman is Aboriginal and leads a “high risk” lifestyle.
- There are challenges with the application of the laws, where double charges are applied by police and Aboriginal women are treated as offenders, rather than survivors or victims. The unanticipated consequence is that these women are less likely to contact the police during a future episode of violence.
- Aboriginal women who are charged are often not aware of their rights. Women routinely plead out to lesser offences, offences they may not be guilty of at all, simply to avoid the threat of federal sentences or life sentences, depending on the offence with which they are charged.
- Cuts to legal aid make it increasingly difficult for Aboriginal women to be informed of and defend their rights.
- In northern or remote communities, women face serious barriers in accessing the justice system. Judges are flown into town infrequently and their appearances can be postponed by weather. Emergency protection orders are difficult to obtain and enforce because there are often no judges and prosecutors in the local area.
- Racism continues to be a concern for Aboriginal people in relation to both the police and the judiciary.

- Criminal Code offenses related to prostitution increases the vulnerability of women in the sex trade by forcing women to work in unsafe conditions and to distrust the police. The result is that Aboriginal women end up with criminal records, further marginalizing them.
- The ongoing criminalization of Aboriginal women and girls has led to their disproportionate representation in prison.

Family and community pressure to avoid the criminal justice processes also plays a key role in keeping Aboriginal women and their families in violent and unsafe situations..

There is a complete lack of consistent and supportive risk management responses within the criminal justice to protect Aboriginal women. This inadequacy in the judicial process is a key area for reform.

Risk Management Strategies and Recommendations

Aboriginal families, the women's communities, and the courts are the three most powerful entities in consideration of Aboriginal women's safety and well-being. This is because Aboriginal families, the women's communities, and the courts have the greatest potential for halting the victimization and they carry the weightiest role in signalling and reinforcing societal values that determine the extent to which victimization occurs and is perpetuated.

(Lemertous 2007)

Effectively addressing Aboriginal women's victimization requires increasing the capacity to take protective measures to reduce the risk of victimization, while at the same time improving the level of service for victims and addressing the larger societal factors of racism and marginalization. In order to protect the safety of Aboriginal women, holistic approaches must be developed that include measures to address the structural risks at the family and community levels.

Strategies must be created in partnership with Aboriginal women and the communities they live in.

1. Prevention and Education

There is a high level of normalization/desensitization of the violence in Aboriginal communities. It is imperative that both women and men are given the basic information about what constitutes a violent relationship including sexual violence. Unless steps are taken to develop awareness and accountability, abuse may simply go further underground.

- Awareness needs to be focused on the community as a whole, with women and community leaders playing an active role, and men emerging as champions to end violence.

- Youth and Children - Preventative measures need to start in the education system with early intervention, self-esteem programs and targeted education to encourage healthy lifestyles, relationships and anti-violence promotion.
- Educate all community members about what resources are available, as often community members are not aware of the supports that exist.
- Support and adequately resource existing culture based prevention and education initiatives (i.e. Kanawayhitowin, Kizhaay Anishinaabe Niin, Girl Power, Wolf Warrior, Violence Prevention Toolkit - NWAC)

2. Lateral Violence

Lateral violence describes the organized, harmful behaviors that Aboriginal peoples do to each other collectively as part of an oppressed group; within their families, within their organizations, and within their communities (Derrick, 2005). Risk management must accompany communal recognition of the importance of protecting and supporting women and children in the face of family violence.

- Provide training opportunities to help communities recognize, acknowledge and take ownership of the lateral violence.
- Develop and implement effective intervention practices which promote accountability and healing strategies.

3. Domestic Violence in the Workplace Violence

Preventing and responding to domestic violence in the workplace is crucial to risk management for Aboriginal women. Given the high incidence of violence against Aboriginal women there is a very high likelihood that violence will follow her into the workplace.

- Design and develop culturally relevant training for Aboriginal organizations. This training will make the links to an understanding of lateral violence and develop and support organizations to develop policy and risk management strategies related to safety planning for the woman at risk.

4. Aboriginal Leadership

It is paramount that Aboriginal leaders take a prominent role in supporting healthy families and the safety and security of Aboriginal women.

- Advocate for political responsibility to address of the issue of violence against Aboriginal women.
- Design and deliver training specific to violence against Aboriginal women for Aboriginal leadership that includes chief and council.

5. Confidentiality and Safety

Women often do not make use of programmes and services because of the stigma around domestic violence and fear of disclosure. Smaller communities can mean confidentiality is compromised and victims are more likely to encounter their perpetrators. Where a perpetrator has a high profile or is otherwise a valued member of a small community, victims may not be believed.

- It is important to understand that victims may be more willing to disclose to professionals not associated with the law (police and court staff) because of fears of a criminal justice response.
- Build trust and provide a safe, confidential environment to encourage and support Aboriginal women to share their story.

6. Outreach

Aboriginal women who do get help from police, victim services, shelters, and other programs only represent a fraction of Aboriginal women who should be getting help.

- Develop strategies to reach out to the vast numbers of Aboriginal women who live in isolation and are in need of support.

7. Transportation

- Resource a flee fund to assist women to safety
- Implement a volunteer driver system on reserve or a well-designed protocol with taxi companies to reduce women's shame and stigmatization for reaching out for support.

8. Services

A continuum of care is the working model for ending violence against Aboriginal women.

- There is a need for equitable, consistent, multi-year and sustainable funding for programs and services.
- Strengthen the capacity of parents, families and communities to recognise and heal from the impact of intergenerational effects of colonisation, residential schools and child welfare practices which have resulted in the loss of parenting skills and role models.
- Increase capacity to provide counselling services to deal with a multitude of issues related to victimization including sexual violence.
- Many young women are starting to fight back and are becoming the abusers. Develop and deliver curriculum for woman-specific perpetrator programs
- Increase the capacity to address the needs of children who witness violence through healing programs

- Increase the capacity to deliver culturally based healing programs for Aboriginal men to address their own victimization and their violent behaviour.
- Increase skills training and funding geared towards Aboriginal women becoming healthy, empowered, economically independent, and self-sufficient.

9. Coordination

Risk management within Aboriginal communities will involve integrated partnerships between communities and other stakeholders (police, social service, health, justice, local band councils). All risk management strategies designed for more than one region or area must be flexible, responsive and adaptable to meet the specific needs of each community, and allow for variations over time and in different locations.

The following guidelines, identified in Best Practices in Aboriginal Shelters and Communities Report (2006) are useful:

- network with abusers, encourage treatment and follow up on their programming;
- network with community workers in the areas of men's counselling, justice, police, child and family, healing and health promotion, home support workers, social services, etc.;
- coordinate inter-agency case management meetings to better serve victims, and to better ensure that resources and services offer the maximum safety and protection to families at high risk;
- Be involved in exchanges of information between agencies on a need-to-know basis while respecting privacy laws.

10. Threat Assessment

Some Aboriginal women may experience risk assessment questions as inquisitorial. They may also take a long time to engage with a service, and go through a process of developing trust before they will disclose information that gives an accurate picture of risk.

- Develop culture based threat assessment tools relevant to Aboriginal women's experience of violence.
- Provide relevant training on the use of threat assessment tools.
- Establish protocols and processes for high risk assessment teams.

11. Safety Planning

It is vital that risk assessment include an awareness of cultural factors and their impact on Aboriginal women's experiences of abuse, and on their ability to achieve safety.

- Develop appropriate safety plans that relate to Aboriginal woman's experience (urban, rural, remote)

12. Cultural Safety

Cultural safety enables safe services to be defined by those who receive the service. It moves beyond the idea that everyone is to be treated the same. Training should be provided to all people providing services to Aboriginal women and their families to increase cultural safety competency

- Incorporate the historical context of violence against Aboriginal women.
- Aboriginal women must always be offered the opportunity to choose the service they wish to engage with, whether that is an Aboriginal specific or mainstream family violence service.

Mainstream Services

13. Guidelines for Working in First Nation Communities

- Ask if there is a protocol to come into the community when you have programs
- Seek a link to the community , someone who will assist in making contacts with Elders, Teachers, Healers and Helpers
- Always learn the community history and make yourself aware of any current affairs that are impacting them
- Always be aware of the demand for Elders, Teachers, Healers and Helpers. Do not have expectations of expeditious responses. Traditional persons do things when the time is right, as opposed to a calendar or a clock. (Harris, 2010)

14. Relationship/Trust Building

Relationship building and capacity development between non-Aboriginal and Aboriginal service providers to better serve the needs of the Aboriginal will contribute greatly to risk management.

- Create spaces for Aboriginal participation on boards and committees.
- Incorporate Aboriginal inclusion into governance documents
- Respond positively to offers and invites to attend functions and events.
- Enter into protocols and memorandums of understanding

Systemic Issues

15. Raising Awareness

- The message to the general population should be that violence is not just an Aboriginal women's issue but a Canadian issue.
- Teach about the history of Aboriginal peoples within the education system.

- Educate the media to be a more effective partner in raising awareness on violence against Aboriginal women.

16. Justice System

The court system contributes significantly to Aboriginal people's feelings of shame and low self-esteem. From an Aboriginal worldview processes must strive for accountability in the context of the family and the community and promote healing. Issues such as inadequate response, racism and re-victimization must be addressed.

As outlined in the Strategic Framework to End Violence Against Aboriginal Women (2007)

- Support the creation of specialized courts to deal with violence against Aboriginal women.
- Deliver culturally specific training for judges, police officers, and court personnel, designed, developed and delivered by Aboriginal organizations and people
- Establish a working group comprised of Aboriginal representatives to specifically review relevant legislation.
- In addition, support sufficient and regularized funding for Aboriginal designed, developed and delivered alternative dispute resolution processes.

17. Missing and Murdered Aboriginal Women

Numerous reports indicate there are many challenges to investigating missing Aboriginal women including: investigative capacity; the mobility of victims; a lack of coordination between police agencies; delays in reporting; and a lack of police access to useful databases (Sister watch Project, 2011).

- Establish a task force with relevant stakeholders in Ontario to develop a comprehensive and collaborative strategy that addresses prevention efforts.
- Advocate and support the call for a comprehensive national plan of action.
- Develop and resource services for Aboriginal women that are transitioning from home communities to an urban centre

18. Housing

- Advocate for investment in housing in Aboriginal communities, including second-stage housing for Aboriginal women moving out of shelters.

19. Access

- Address issues of accessibility in service provision to increase Aboriginal woman's safety.

20. Political Will

There must be integrated, multi-jurisdictional approaches to addressing violence against Aboriginal women.

- Jurisdiction wrangling is not acceptable when it comes to the protection and safety of Aboriginal women and their families. Advocate for collaboration to increase safety.

21. Policy Supports

In the development of risk management strategies it is important to recognize relevant work that has been done and to draw upon it. The following documents and initiatives provide many ideas and suggestions to support the development of policy to address violence against Aboriginal women in the Province of Ontario.

- Strategic Framework to End Violence Against Aboriginal Women
- Inter-ministerial Violence Against Aboriginal Women Joint Working Group co-led by the Ministry of Aboriginal Affairs and the Minister Responsible for Women's Issues
- 2006 Ontario Provincial Domestic Violence Action Plan
- Ontario Domestic Violence Death Review Committee Reports
- Ontario's Aboriginal Health Policy
- Ontario Indian, Inuit and Métis Education Policy
- Urban Aboriginal Task Force Recommendations
- Child and Family Services Act Review
- Federal and Provincial funding arrangements and agreements
- Ontario Poverty Reduction Legislation and Strategy
- Aboriginal Justice Strategy
- Mental Health and Addictions Strategy
- Ontario Government's Relationship with Aboriginal Peoples
- Aboriginal Healing and Wellness Strategy

Summary

The relationship between the well-being and safety of Aboriginal women and their families and communities and their cultural integrity is integral. When Aboriginal women are healthy, valued and respected in society, their children and communities are more likely to remain safe and to be afforded a good cultural life free of violence.

In order to ensure that Aboriginal women, children and families enjoy full protection and guarantees against all forms of violence and discrimination, all of civil society must work collaboratively to implement culturally reflective, integrated risk management responses. Risk management must focus not only on community preparedness strategies, but also address the gaps and barriers in access to services and a long history of systemic racism and discrimination towards all Aboriginal people in Canada.

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