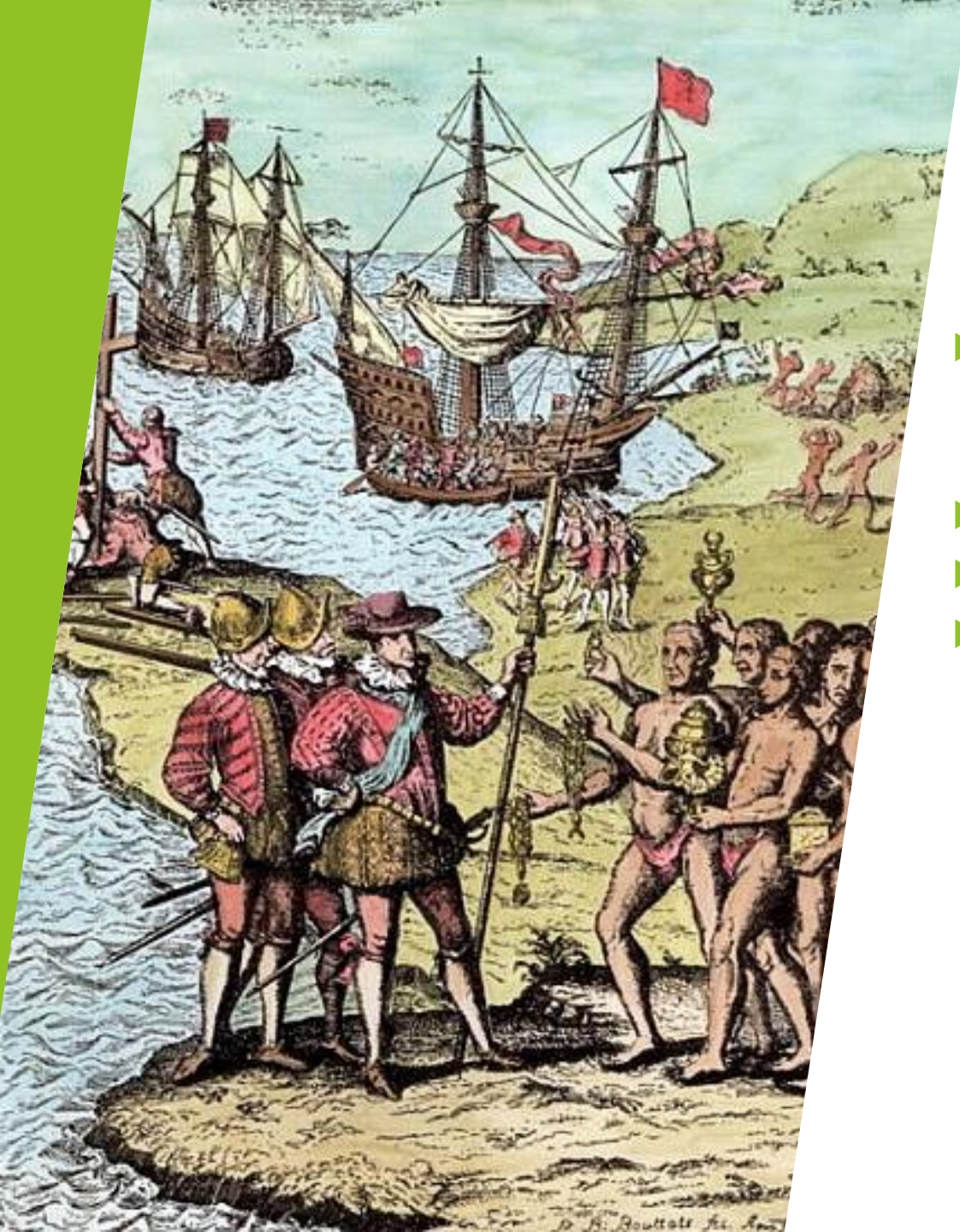




# Colonial Policies





# The Doctrine of Discovery

- ▶ Papal Bulls (public decrees) “Bulls of Discovery” or Doctrine of Discovery 1455 Romanus Pontifex (Roman Pontiff is the bull) issued by Pope Nicholas V
- ▶ *Inter Caetera* 1493 by Pope Alexander VI
- ▶ *Dum Diversas* 1452 Pope Nicholas V
- ▶ “...— to invade, search out, capture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit.” [emphasis added]”  
-Romanus Pontifex Jan. 8, 1455 to King Alfonso of Portugal to conquer Africa and beyond in the slave trade

- ▶ Concept of public international law by European monarchies to colonize and convert the world outside of Europe
- 15-20<sup>th</sup> century ideas "allowed" Europeans to seize and colonize lands outside of Europe under the concept of "discovering new land" (any land now inhabited by Christians)
- *Terra Nullis* was the term used to describe any land that was void of civilization, which was used as a justification to colonize
- *Age of Exploration* was then undertaken by France and England, after Spain and Portugal, to justify claims on the "New World"
- Any Indigenous populations that fought against it were "barbarous nations be overthrown and brought to the faith itself...[and were] enemies of God [and would face] the wrath of Almighty God."





While France and England were NOT considered under the Papal bull, they found ways to insert themselves, by claiming lands under the Pope, burying coins [a discovery ritual], or proselytizing the Indigenous populations (RS)

- ▶ Here are the 10 elements that I think constitute the Doctrine and are useful in analyzing and comparing how settler/colonizer societies have used this international law against Indigenous peoples around the globe
- ▶ **1. First discovery.** The first European country to “discover” new lands unknown to other Europeans gained property and sovereign rights over the lands....
- ▶ **2. Actual occupancy and current possession.** To fully establish a “first discovery” claim and turn it into a complete title, a European country had to actually occupy and possess newly found lands....
- ▶ **3. Preemption/European title.** The discovering European country gained the power of preemption, the sole right to buy the land from the native people....
- ▶ **4. Indian title.** After first discovery, Indian Nations and the indigenous peoples were considered by European and American legal systems to have lost the full property rights and ownership of their lands. They only retained rights to occupy and use their land....
- ▶ **5. Tribal limited sovereign and commercial rights.** After first discovery, Indian Nations and native peoples were also considered to have lost some of their inherent sovereign powers...
- ▶ **6. Contiguity.** This element provided that Europeans had a Discovery claim to a reasonable and significant amount of land contiguous to and surrounding their settlements and the lands that they actually possessed in the New World....
- ▶ **7. Terra nullius.** ...Euro-Americans often considered lands that were actually owned, occupied, and being actively utilized by indigenous people to be “vacant” and available for Discovery claims if they were not being “properly used” according to European and American law and culture.
- ▶ **8. Christianity.** ...Under Discovery, non-Christian people were not deemed to have the same rights to land, sovereignty, and self-determination as Christians....
- ▶ **9. Civilization.** ...Euro-Americans thought that God had directed them to bring civilized ways and education and religion to indigenous peoples and often to exercise paternalism and guardianship powers over them.
- ▶ **10. Conquest.** ...It can mean a military victory. “Conquest” was also used as a “term of art,” a word with a special meaning, when it was used as an element of Discovery.”

# Six Commissions of Inquiry 1800s

- ▶ With the founding of the British Indian Department in 1775, and up to 1828, reports on Indian conditions were prepared by military or Indian superintendents and focused solely on individual tribes or bands
- ▶ This was a time when Indians were military allies and very little exploration of their living conditions were evaluated
- ▶ Commissions of Inquiry into the Indian Affairs in the Canadas, 1828-1858  
([https://publications.gc.ca/collections/collection\\_2017/aanc-inac/R5-273-1985-eng.pdf](https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-273-1985-eng.pdf))
  - Following the War of 1812, strategic value of Indian warriors declined immediately
  - Therefore, the gov't sought to reduce annual costs of Indian administration
  - This led to 6 formal inquiries into Indian conditions 1828-1858 and resulted in reports, which Indian Department used to develop Indian policies for civilization
  - The cultural image of the powerful and fearful warrior was replaced immediately with the idea of the Indian as a social nuisance
  - The legacy of these reports exists today

- In order to determine “what to do with the Indians” post-War of 1812, the inquiries were supposed to determine how to move forward
- Should there be an Indian Department? Or should Indians be enfranchised?
- The six inquiries built on one another, and resulted in changes and updates to Indian policies (the Indian civilization programs)
- This was the foundation for corporate memory of Indian Affairs, surrounding the reserve policy, and developed the framework we currently exist within



# List of Inquiries

- **1828 Darling Inquiry-** recommended the reserve system under Lord Dalhousie, passed in 1830
- **1837 Executive Council of Lower Canada Inquiry-**reaffirmed Darling
- **1837 Upper Canada Macaulay Inquiry-** anger over Sir Frances Bond Head's Indian removal programme
- **1840 Upper Canada Assembly Inquiry-** response to demand for public service reform
- **1845 Bagot Inquiry-** Governor General, public service reorganization, renew Imperial interest in Indian civilization (most comprehensive inquiry- education, land title, department organization, etc.)
- **1858 Pennefather Inquiry-** demand for end to Indian gifts, determined Province of Canada will assume total responsibility for Indian Affairs as of 1860



## Bagot Commission Report 1845

- ▶ Report on the affairs of the Indians in Canada: laid before the Legislative Assembly, 20<sup>th</sup> March, 1845
- “A report commissioned in 1842 by Governor General Sir Charles Bagot, and prepared by Report Commissioners, Rawson William Rawson, John Davidson and William Hepburn. It contained a number of recommendations to deal with perceived problems with Indigenous people. Significantly, it recommended the establishment of Residential Schools to separate children from their families and ensure their “civilization.””

(<https://collections.irshdc.ubc.ca/index.php/Detail/objects/9431>)

# Bagot Commission Con't

- ▶ The Bagot Commission (1842-1844), led by then Governor-General of the Province of Canada Sir Charles Bagot, proposed that the separation of children from their parents would be the best way to achieve assimilation. In his Report on Native Education (1847), Egerton Ryerson, superintendent for education, reiterated this idea, and also recommended that Aboriginal education focus on religious instruction and on agricultural training.

1844

*The Bagot Commission was established by Governor General Sir Charles Bagot in 1842 and continued until 1844. It issued a report in 1844. The report found problems with quatters on Indian lands: poor land records: poor administration of band funds by officials: shrinking hunting territories: and alcohol abuse among Aboriginal people. It recommended centralizing control over all Indian matters, and official control of band lists: persuading Indians to take up farming and other trades: establishing boarding schools to counter parental values and promote Christianity.*

- ▶ The commission proposed that the law should recognize individual, as opposed to communal, land title for Indigenous peoples in Canada.
- ▶ It also reaffirmed the government's obligations under the Royal Proclamation of 1763, which stated that Indigenous peoples retained possessory rights to their lands; and proposed that Canadian governance of Indigenous affairs be centralized.
- ▶ In particular, the commission recommended, among other things, that Indian reserves be surveyed; that a licensing regime for forestry on reserve be introduced; that the sale and purchase of land by Indigenous people be legally recognized
- ▶ The commission recommended that the Indian Department of the provincial government be restructured.
- ▶ The Bagot commission was followed, in 1856-1858, by the Pennefather commission. The Pennefather commission was mainly concerned with settling issues of ancestry among Indigenous peoples.

# Pennefather Commission



- ▶ Between 1828 and 1858 there were 6 major investigations of Indian conditions and Indian dept., the Pennefather Commission was the final in 1856
- ▶ Previous Royal Commissions had determined\* “the best means of securing the future progress of civilization of the Indian tribes of Canada”  
([https://publications.gc.ca/collection/s/collection\\_2018/aanc-inac/R32-487-1983-eng.pdf](https://publications.gc.ca/collection/s/collection_2018/aanc-inac/R32-487-1983-eng.pdf))
- ▶ This was in addition to the Pennefather Commission’s second objective- determining the “best mode of managing the Indian property, so as to secure its full benefit to the Indians without impeding the settlement of the country...[which] reflected the new Colonial and Imperial realities of the late 1850s”

# Pennefather Treaties



- ▶ In the summer of 1859, Superintendent General of the Indian Department Richard T. Pennefather signed three separate but essentially identical treaties with Batchewana First Nation (Treaty 91 [A]), Garden River First Nation (Treaty 91 [B]) and Thessalon First Nation (Treaty 91 [C]).
- ▶ The three treaties were part of a series of land surrenders that occurred after the 1850 Robinson Treaties. The Pennefather treaties opened additional acres for settlement and resource exploitation.

# Vatican City Visit

- ▶ “In late March, 2022, an Indigenous delegation from Canada visited the Pope. And last week, the Pope met with Indigenous people on their land, in their homes.
- ▶ The Pope, representing the Catholic Church, coming to what we now call Canada was significant. He came, as he said, on a “penitential pilgrimage” to encounter, to listen, to apologize.
- ▶ The Anishinaabe speak of this as entering one another’s lodge – done in an effort to understand each other’s way of being and acting in the world.



# Papal Visit to Canada July 2022



- ▶ The encounter with Pope Francis was full of tensions, in part healing for survivors and their families and in part triggering deep wounds from a traumatic past.
- ▶ These tensions were illustrated during Cree woman Si Phi Ko's protest. After former Truth and Reconciliation commissioner Chief Wilton Littlechild placed a headdress on the Pope's head, Phi Ko could not be silent as she saw it as a sign of disrespect. But for Chief Littlechild, Pope Francis choosing to visit his territory was an honour.
- ▶ This tension, poles of reception and protest was evoked not only from what was said by Pope Francis in his apology, but by what was omitted.
- ▶ **What was omitted**
- ▶ While recognizing the importance of the apology, former TRC commissioner Murray Sinclair saw a "deep hole" in it.
- ▶ Sinclair said the Catholic Church's role in the cultural genocide of Indigenous Peoples was more than just the work of a few bad people, adding it was: *"A concerted institutional effort to remove children from their families and cultures, all in the name of Christian supremacy. While an apology has been made, that same doctrine is in place."*

# Rescind the Doctrine of Discovery



- ▶ The Doctrine of Discovery: Its effects are were being felt, but **only the Pope can rescind it**. The Archbishop of Canterbury promised to work with officials in Saskatchewan and the Vatican to determine how the Doctrine of Discovery could be dismantled so it can never be used again to cause harm.

(<https://www.cbc.ca/news/canada/saskatchewan/doctrine-of-discovery-calls-to-rescind-can-it-happen-1.6450029#:~:text=CBC%20News%20Loaded-,The%20Doctrine%20of%20Discovery%3A%20Its%20effects%20are%20still%20being%20felt,used%20again%20to%20cause%20harm.>)

- ▶ <https://www.cbc.ca/news/canada/pope-francis-doctrine-discovery-indigenous-1.6536174>

# Repudiation of the Doctrine of Discovery



- March 30, 2023, the Pope officially repudiated the Doctrine of Discovery after serious demands from the Indigenous population, one year following his visit to Canada
- Repudiate: words or conduct evincing an intention not to be bound by contract (release from the bounds of a contract)
- Rescind: a remedy when the other party has made false or misleading representation (a retraction)
- The next step is for colonial nations to examine how they implemented the Doctrine of Discovery and reform colonial and genocidal policies still in place

- ▶ We discussed the Indian Act and Treaties, but not what came before
- ▶ Moving ahead to post-Residential Schools, which we also covered, we see the change in policy again



# IS THE FOSTER CARE SYSTEM A CONTINUATION OF COLONIALISM?

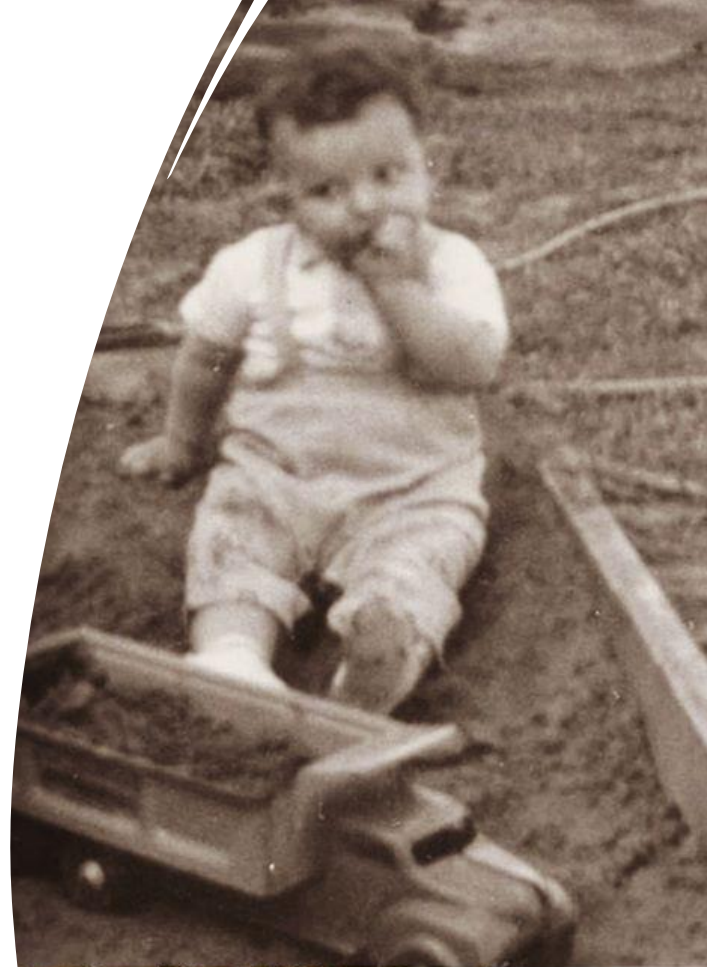


a look into how Indigenous children are overrepresented in the foster care system

# Post-RS Child Welfare System

“In the case of Aboriginal mothers, stories of government involvement in family life often go back generations. The legacy of removing children from their families and communities, first through the residential schools, and then through the child protection system, continues to impact the lives of these mothers, their children and their grandchildren.”

- ▶ —Pivot Legal Society, *Broken Promises*



# “60’s Scoop”

- ▶ The term *Sixties Scoop* was coined by Patrick Johnston, author of the 1983 report *Native Children and the Child Welfare System*
- ▶ the drastic overrepresentation of Aboriginal children in the child welfare system accelerated in the 1960s, when Aboriginal children were seized and taken from their homes and placed, in most cases, into middle-class Euro-Canadian families. This overrepresentation continues today
- ▶ transition to provincial services led to a 1951 amendment that enabled the Province to provide services to Aboriginal people where none existed federally
- ▶ In 1951, twenty-nine Aboriginal children were in provincial care in British Columbia; by 1964, that number was 1,466. Aboriginal children, who had comprised only 1 percent of all children in care, came to make up just over 34 percent

[https://indigenousfoundations.arts.ubc.ca/sixties\\_scoop/](https://indigenousfoundations.arts.ubc.ca/sixties_scoop/)



# Social Work

- ▶ Social workers made assumptions based on Eurocentric ideas regarding child welfare; such as fridge/pantry, indoor/outdoor, hunting camps, etc.
- ▶ it was not until 1980 that the Child, Family and Community Services Act required social workers to notify the band council if an Aboriginal child were removed from the community
- ▶ By the 1970s, roughly one third of all children in care were Indigenous
- ▶ Approximately 70 percent of the children apprehended were placed into non-Aboriginal homes, many of them homes in which their heritage was denied

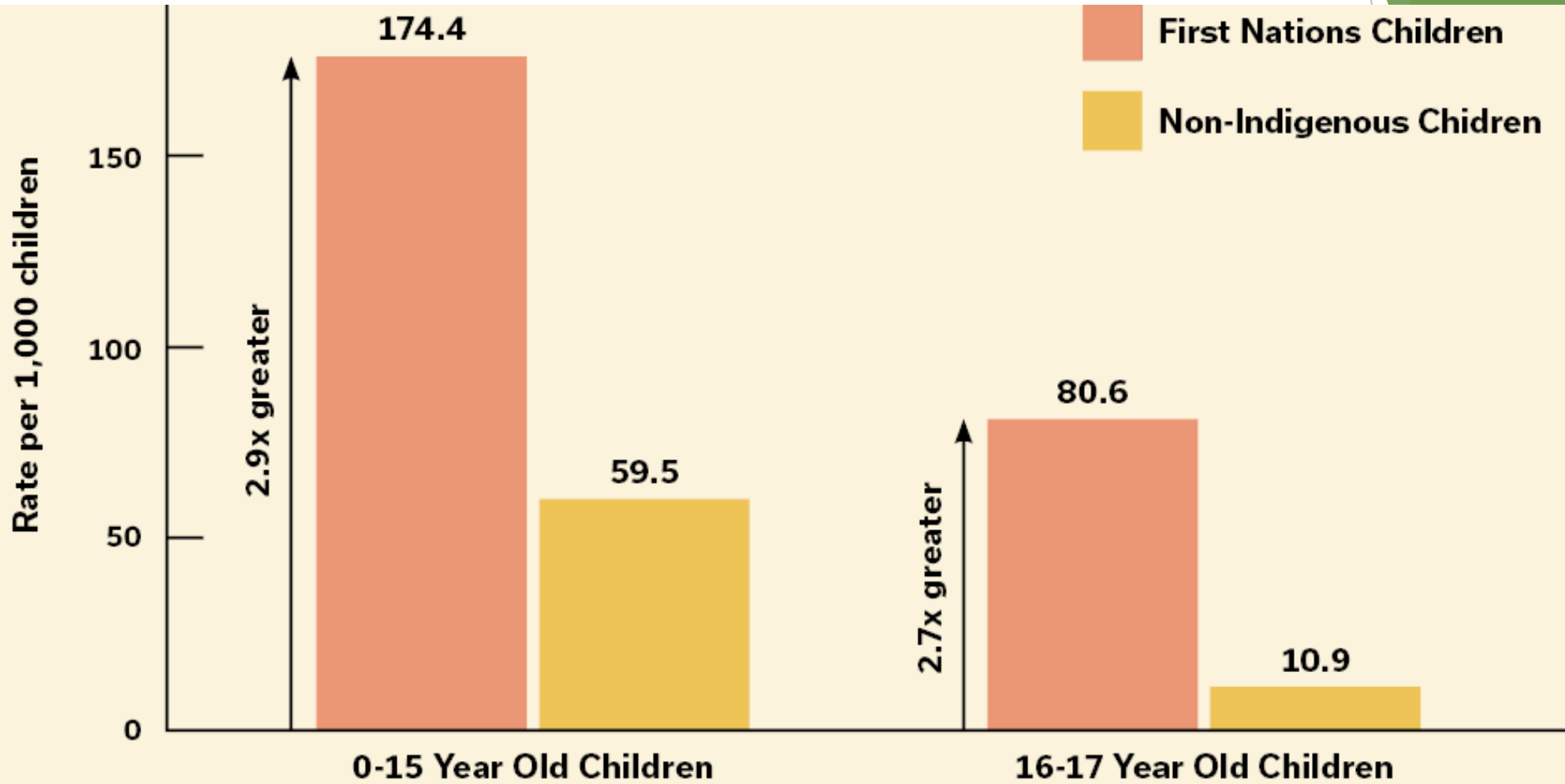


# Indigenous children in foster care

**7.7%**  
of all children  
under 14 are  
Indigenous

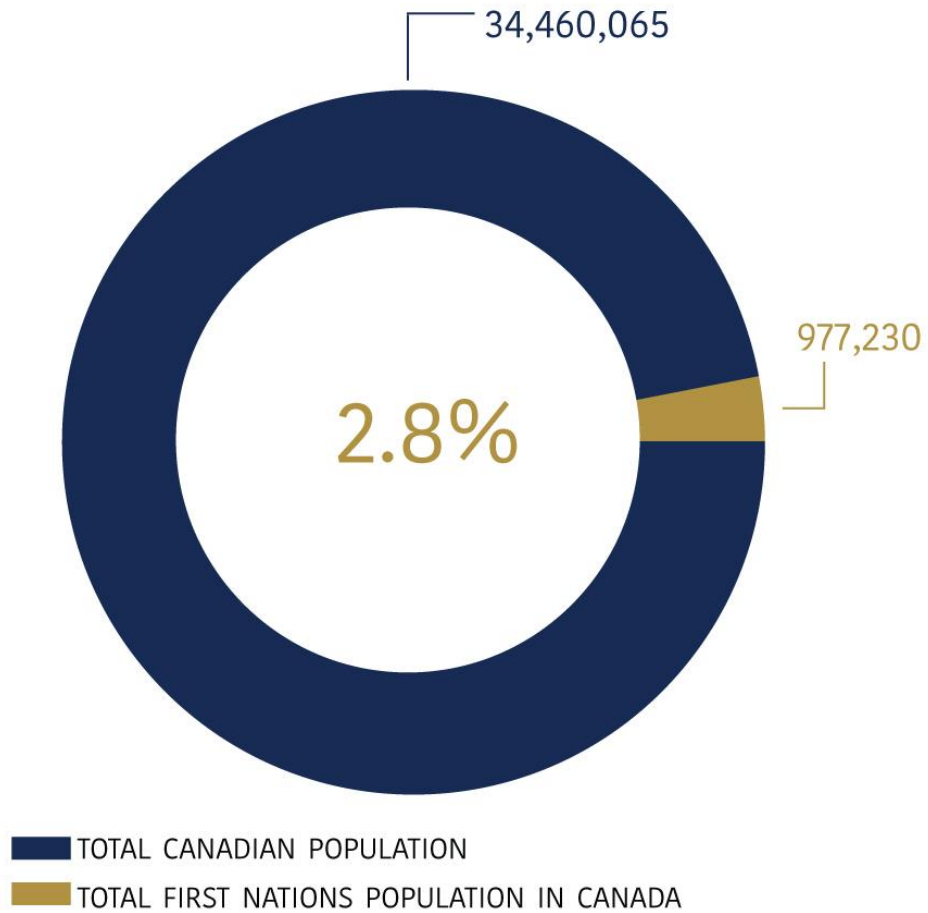


**53.8%**  
of children in  
foster care  
under 14 are  
Indigenous



Source: Crowe, A., Schiffer, J., with support from Fallon, B., Houston, E., Black, T., Lefebvre, R.,

# FIRST NATIONS CHILD PROTECTION IN CANADA: THE HARD NUMBERS



TOTAL NUMBER OF CHILDREN IN FOSTER CARE IN CANADA (44,550)



■ TOTAL NUMBER OF FIRST NATIONS CHILDREN IN FOSTER CARE

# Resistance

- ▶ The influential National Indian Brotherhood's 1972 report *Indian Control over Indian Education* inspired Aboriginal leaders to take control of other social services as well
- ▶ In 1983, the Canadian Council on Social Development developed the first comprehensive statistical overview of Aboriginal child welfare. The results showed that Aboriginal children were consistently overrepresented in child welfare services
- ▶ In 1985, *The Kimelman Report*, Kimelman and his committee, after holding hearings and listening to oral testimony, made 109 recommendations for policy change. Kimelman concluded that "cultural genocide has taken place in a systematic, routine manner." He was particularly appalled at the tendency to have Aboriginal children from Canada adopted out to American families, calling it a policy of "wholesale exportation." Kimelman finished his report by expressing his thoughts on his findings:
  - ▶ An abysmal lack of sensitivity to children and families was revealed. Families approached agencies for help and found that what was described as being in the child's "best interest" resulted in their families being torn asunder and siblings separated. Social workers grappled with cultural patterns far different than their own with no preparation and no opportunity to gain understanding



# United Nations

Child apprehension became viewed as successor to the residential school system and as a new form of “cultural genocide.” Under article 2(e) of the U.N. Convention on Genocide (1948), “forcibly transferring children of the group to another group” constitutes genocide when the intent is to destroy a culture



First Nations  
children taken  
by social services

**14X**

the rate of  
Non - Indigenous  
children



- ▶ In 1990, Indian and Northern Affairs Canada (INAC) created the First Nations Child and Family Services program (FNCFS), which transferred administration of child and family services from the province or territory to the local band

Sadly, the involvement of the child welfare system is no less prolific in the current era...the "Sixties Scoop" has merely evolved into the "Millennium Scoop."

– Sinclair, "Identity lost and found: Lessons from the sixties scoop"

In 1989, Canada helped draft the UN Convention on the Rights of the Child, an international instrument that set out the minimum standards of human rights for children everywhere. Although Canada helped draft the Convention, in 2007 UNICEF reported that “Canada has been slow to honour its commitment to uphold those rights and ensure the well-being of children.” The report addressed the situation of Aboriginal children in particular: “Improvements are urgently needed to ensure that Aboriginal children have adequate housing, safe food and water, protection from environmental contaminants and access to health care.”

- ▶ Racial profiling violates people's rights under the Ontario *Human Rights Code* (*Code*). People from many different communities experience racial profiling. However, it is often directed at First Nations, Métis, Inuit and other Indigenous peoples, Muslims, Arabs, West Asians and Black people, and is often influenced by the negative stereotypes that people in these communities face
- ▶ In Canada, First Nations, Inuit and Métis children children account for 53.8 per cent of all children in the child welfare system, according to the 2021 census



# 2023 US & Canadian Legislation

- ▶ In *Brackeen v. Haaland*, the U.S. Supreme Court
- ▶ And in *Attorney General of Québec, et al. v. Attorney General of Canada, et al.*, the Supreme Court of Canada will rule on the constitutionality of the federal government's Indigenous child welfare legislation, Bill C-92
- ▶ Bill C-92 is legislation that acknowledges Indigenous communities have the right to create their own child and family policies and laws. Under C-92, five Indigenous governing bodies have so far asserted their control over their child and family services, according to Indigenous Services Canada



# Bill C-92



- ▶ Bill C-92 creates national standards for how Indigenous children are to be treated. For example, the law says foster care authorities are to prioritize placing children with extended family and home communities over non-Indigenous placements.
- ▶ The law also allows communities to create their own child welfare laws.
- ▶ Last year, the Quebec Court of Appeal upheld most of the act, except sections 21 and 22(3).
- ▶ The court took issue with parts of the law that allow Indigenous child welfare laws to supersede provincial laws when they conflict.
- ▶ Now, Manitoba, Alberta and the Northwest Territories are joining Quebec in arguing Bill C-92 infringes upon provincial jurisdiction
- ▶ If any part of the legislation is struck down, Metallic said, it will have ripple effects across the country. But if the court upholds the law, she said, it could be a watershed moment for Indigenous self-government in Canada.

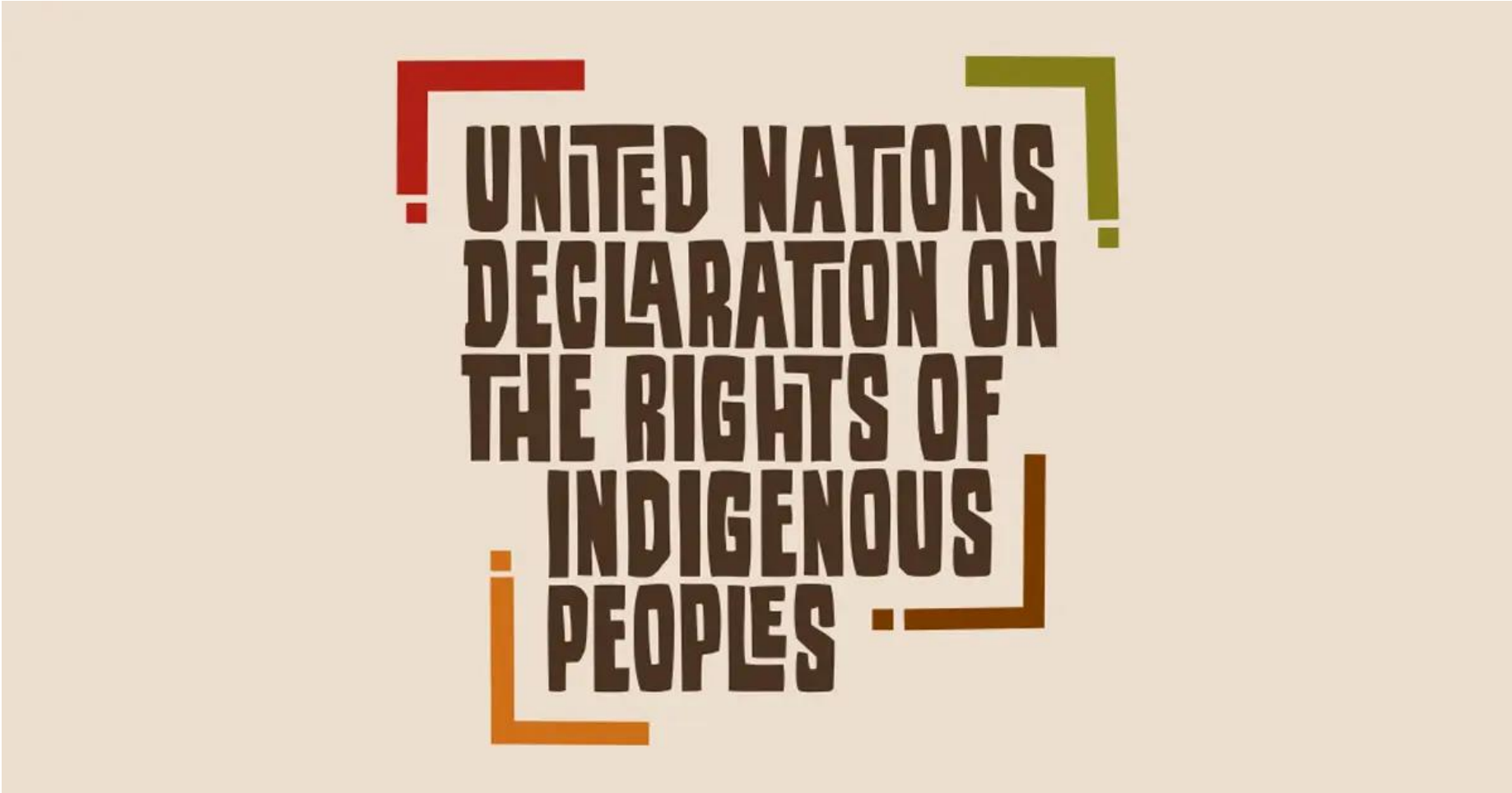
<https://www.cbc.ca/news/politics/indigenous-child-welfare-upcoming-decisions-canada-us-1.6694103>

# TRC

- ▶ 2008-2015
- ▶ Organized by the parties of the Indian Residential School Settlement Agreement
- ▶ 2015 Published Executive Summary (all TRC reports here:  
<https://nctr.ca/records/reports/>)



- ▶ The NCTR was also established as part of the TRC mandate as a permanent resource for all Canadians.
- ▶ In addition, the TRC supported community events designed by individual communities to meet their unique needs. The TRC was also advised by a 10-member Indian Residential Schools Survivor Committee, made up of residential school Survivors from across Canada.
- ▶ The TRC supported a Commemoration Initiative that provided funding for activities that honour and pay tribute in a permanent and lasting manner to former residential school students.
- ▶ The TRC prepared a comprehensive report on the policies and operations of the schools and their lasting impacts. The final report included Ten Principles for Reconciliation and 94 Calls to Action that speak to all sectors of Canadian society.
- ▶ The NCTR is now the safe and secure space for the stories collected by the TRC and other Indigenous histories and materials for communities.

The graphic features the title text centered on a light beige rectangular background. The text is framed by three L-shaped corner brackets: a red one at the top-left, a green one at the top-right, and an orange one at the bottom-left. The text itself is in a bold, dark brown, sans-serif font.

**UNITED NATIONS  
DECLARATION ON  
THE RIGHTS OF  
INDIGENOUS  
PEOPLES**

# UNDRIP

- ▶ a comprehensive international instrument adopted in 2007
- ▶ sets minimum standards for the survival, dignity, and well-being of Indigenous Peoples
- ▶ outlines 46 articles covering rights to self-determination, culture, language, land, and resources
- ▶ acts as a framework for reconciliation, particularly in Canada where it became law in 2021
- ▶ uphold the inherent human rights of Indigenous Peoples worldwide, ensuring protection against discrimination and respecting traditional institutions
- ▶ includes the rights to self-determination, maintenance of traditional lands and resources, and the protection of cultural, spiritual, and language traditions
- ▶ While initially not legally binding, it is considered an authoritative, global standard adopted by 144 nations in 2007
- ▶ Australia, Canada, New Zealand, and the USA initially voted against it, but have since reversed their positions and now support it

# Canada vs UNDRIP



- ▶ Canada voted against the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007
- ▶ Due to concerns that its provisions, particularly "free, prior, and informed consent" (FPIC) and rights to traditional lands, conflicted with Canada's Constitution, existing treaties, and laws, potentially creating an Indigenous "veto" over resource development and invalidating settled claims.
- ▶ However, Canada later endorsed it as an "aspirational" document in 2010 and announced full support in 2016, evolving its stance towards reconciliation, though debates over implementation continue.

# Where are we now?

- ▶ The federal government is currently implementing a 2023 action plan, with 170+ initiatives underway to align laws with Indigenous rights, including ongoing accountability reports to Parliament
- ▶ In particular, C-92 Reference is “Reference re An Act respecting First Nations, Inuit, and Metis children, youth, and families, 2024 SCC 5 (CanLII)
- ▶ Given the Court’s previous reluctance to substantively comment on UNDRIP, the Court’s statements on UNDRIP in the *C-92 Reference* came as a surprise. In sweeping terms, the Court **announced** its opinion that UNDRIP has been “incorporated into the country’s domestic positive law” (para. 15, see also para. 4)
- ▶ In 2021, Parliament enacted the [UNDRIP Act](#), s. 4(a) of which affirms the Declaration “as a universal international human rights instrument with application in Canadian law”. It is therefore through this Act of Parliament that the Declaration is incorporated into the country’s domestic positive law. [...]
- ▶ The Court is saying, therefore, that the *UNDRIP Act* did not create rights, but rather recognized rights that already existed. It is a codification of pre-existing Indigenous rights.
- ▶ What the Court appears to be doing in the *C-92 Reference*, therefore, is interpreting the *UNDRIP Act* as recognizing UNDRIP as a pre-existing set of rights that must continue to animate Canadian law.

# MMIW INQUIRY



*Missing and Murdered Indigenous Women & Girls: Data From 71 Cities*

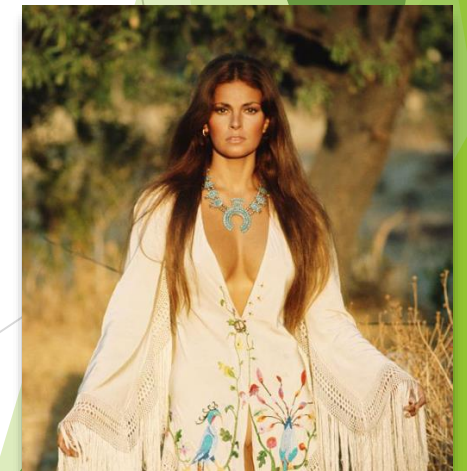
**THIS IS AN UNDERCOUNT. WE KNOW THERE ARE MORE VICTIMS.**

- 506** MMIWG cases were identified across 71 selected urban cities
- 128** were cases of missing Indigenous women
- 280** were cases of murdered Indigenous women
- 98** were cases with an "unknown status"
- 29** The median age of MMIWG victims

Urban Indian Health Institute

# 70's Cultural Reclamation and the Birth of the Indian as Fashion

- ▶ Counterculture of the 1960's and rebellion against conservative norms led to "hippie culture" embodying a much more scandalous profile
- ▶ Combined with the desire to connect with Native American spirituality led to a new fad- scantily clad Native American -styled outfits
- ▶ Remember, the 60s and 70s saw an increase in Indigenous Rights movements, so they were in the media, thereby becoming fetishized by the general public
- ▶ Combining protest against conservatism with fetishization of culture, these outfits hypersexualized Indigenous cultural regalia
- ▶ <https://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?article=2917&context=thesesdissertations>



# Amonute, 1596, Powhatan Nation

- ▶ Many Indigenous people had many names. Amonute's other names were Matoaka (familial use only) and a nickname, Pocahontas (playful one)
- ▶ Amonute was the daughter of Powhatan, chief of 30 Algonkian tribes, in what is now Jamestown, Virginia
- ▶ The narrative of Pocahontas comes from John Smith's diaries. It's important to know that John Smith's diaries are largely considered to be greatly exaggerated- he claimed to have single-handedly defeated the Turks as an Austrian volunteer force, beheading three of them in open combat. Also claimed to have been enslaved, saved Jamestown from starvation while subjugating 39 Chiefs...and was saved by the beautiful (est. 9-to 11-year-old) Pocahontas
- ▶ <https://www.americanheritage.com/was-john-smith-liar>



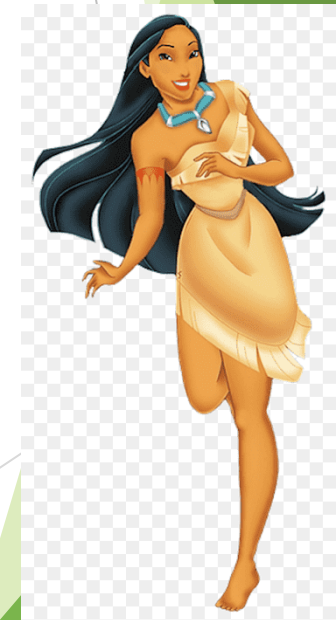
# Pocahontas

- ▶ Amonute actually married John Rolfe, famous for bringing tobacco to Virginia in 1614 and was baptized “Rebecca” and had a son named Thomas
- ▶ Many say she was a victim of rape and pedophilia by Rolfe, as conflicting dates put her as young as 11 and only as old as 17
- ▶ They travelled to England in 1616, as “Lady Rebecca Rolfe” with a dozen Powhatan
- ▶ She even attended a masque with King James I
- ▶ She died after returned to Virginia in 1617 at about age 21
- ▶ <https://www.nps.gov/jame/learn/historyculture/pocahontas-her-life-and-legend.htm>
- ▶ This story has been essential to American culture, much like the Sacawagea story (Lewis & Clark Expedition) As it can be used as “evidence” that Indians WANTED to help Americans be here & further paints Indian women as submissive and catering to American male gaze



# So how did we get here?

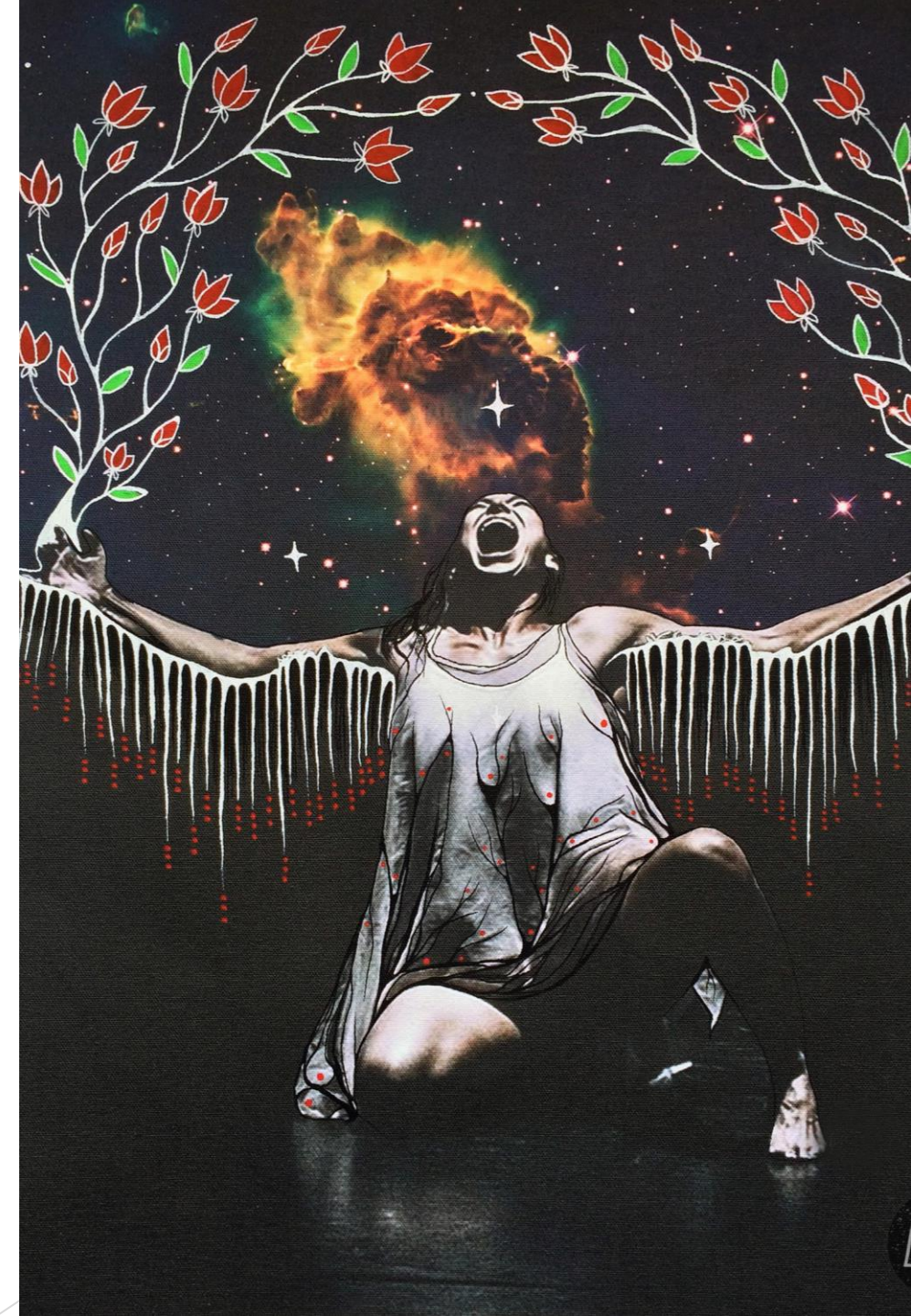
- ▶ Rooted to the “Indian Princess” myth of Pocahontas
- ▶ Shy, submissive, taboo, wild, of the earth, dumb, naïve = American male fantasy (similar to the post-WWII Geisha fetish)
- ▶ American Indian women are 2.5 times more likely to experience sexual assault crimes than all other races
- ▶ One in three American Indian women report having been raped during her lifetime, meaning 34% of Native American women are raped in their lifetime
- ▶ (<https://vawnet.org/sc/gender-based-violence-and-intersecting-challenges-impacting-native-american-alaskan-village-1#:~:text=American%20Indians%20are%202.5%20times,are%20raped%20in%20their%20lifetimes.>)



# Sexualization and Subjugation of Indigenous Women

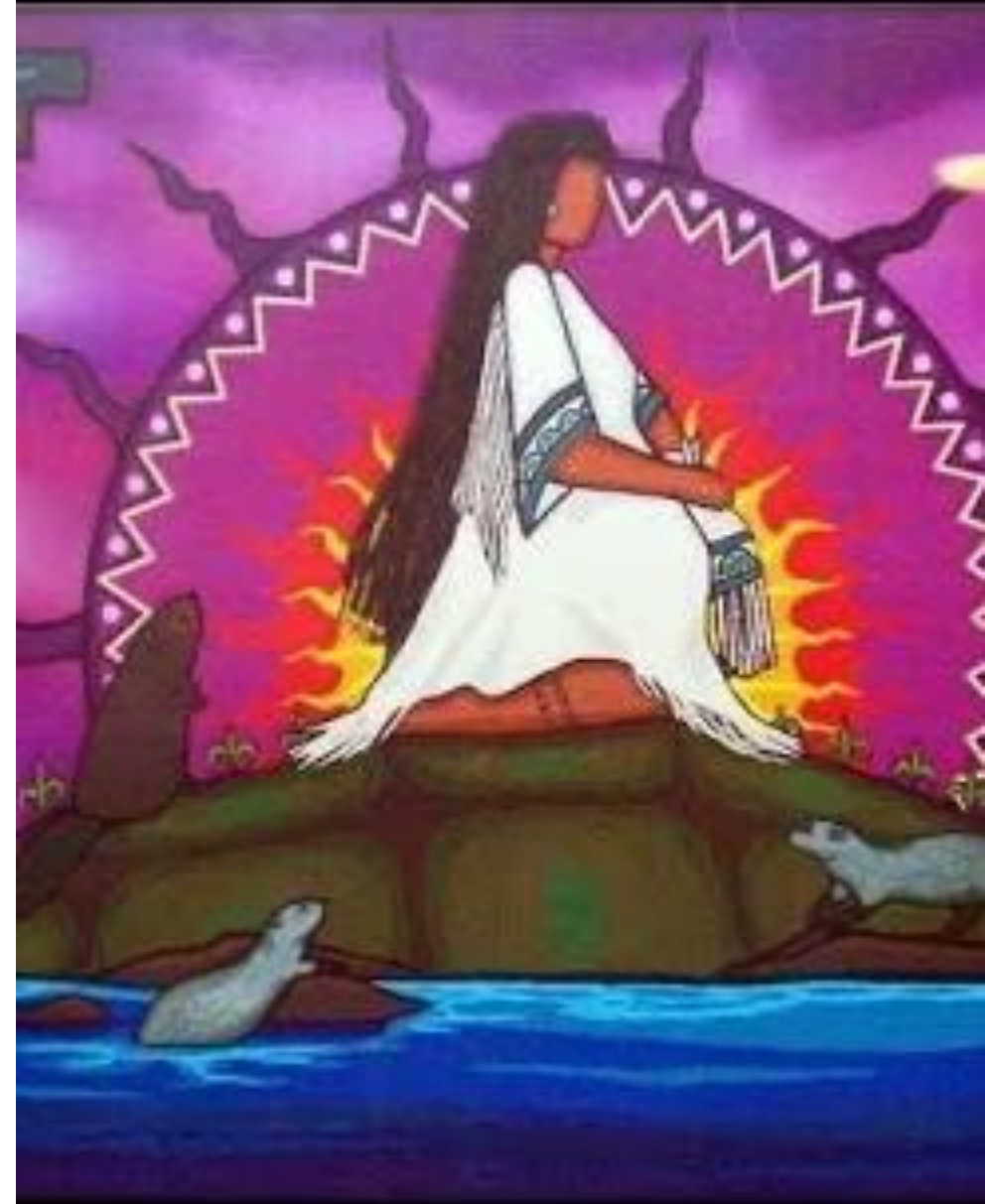
- ▶ we touched on the fact that the Indian Act was inherently sexist towards Indigenous women
- ▶ the 2<sup>nd</sup> generation cut off rule and the loss of status of Indian women who married non-Indian men
- ▶ the theft of children of Indian women into the residential school system, the sterilization of Indigenous women, racist-sexism against Indigenous women in the health care system, and we will discuss the ongoing child welfare crisis, the 60's Scoop, and others
- ▶ Advertisements

Art



# Relationship to Content

- ▶ matrilineal structure of Indigenous cultures
- ▶ Creation stories; Sky Woman is integral to our creation, just as women are integral to creation of children in our culture
- ▶ Precontact feminism and gender roles are very different from colonial gender roles



# Colonial Fear of Indigenous Women (and women in general)

- ▶ The disempowerment of women is well recorded in history, from Indigenous women to the Salem Witch Trials
- ▶ Women are disempowered through various tactics; sexualization, condescension, focus on emotionality, viewing female characteristics as weaknesses through language and behaviour, sexual violence, physical violence, etc.
- ▶ Indigenous women are seen as “less than” white women, and women are seen as “less than” men, therefore there are various systemic issues that Indigenous women face.
- ▶ We will discuss MMIW and Overrepresentation of Indigenous women in the Canadian judicial system next week

# Amnesty International “Maze of Injustice” 2007

- ▶ This report’s full title is ““Maze of Injustice: the failure to protect Indigenous women from sexual violence in the USA”
- ▶ Found that 34.1% of Indigenous women in the US, more than 1 in 3, will be r\*p\*d in their lifetime (non-Indigenous is less than 1 in 5)
- ▶ Colonialism is only possible if the colonized group is dehumanized
- ▶ Results in stereotypes; savage Indian, noble brave, drunk Indian, dirty/diseased, promiscuous ”squaw”, etc.
- ▶ Fighting Colonial Violence in “Indian Country”:  
Deconstructing racist sexual stereotypes of Native American Women in American popular culture and history  
Sophie Croisy



# The Dehumanization of Indigenous Women as a Genocidal Tactic

- ▶ We've discussed the over-sexualization of Indigenous women
- ▶ Let's explore how dehumanization as a colonial tactic works
- ▶ What is substance abuse? Dr. Gabor Mate
  - ▶ Sexualization and disempowerment of women
  - ▶ Removal of traditional lifestyles, culture, language, family, children, self-esteem, traditional roles, etc.
  - ▶ Combined with Residential school abuse, institutional racism, dehumanization in society, racism, legislation, remote communities/culture shock, etc.
  - ▶ Combined with
    - ▶ Criminalization of substance abuse
    - ▶ Criminalization of s\*x work
    - ▶ MMIW



# Disempowerment of Matriarchs

- ▶ How Laws Encourage Violence:  
Video
- ▶ Matriarchal societies valued women
- ▶ Colonial structures had patriarchal structures
- ▶ In order to colonize Indigenous societies, they needed to disempower the women





## The Link Between RS & MMIW

- ▶ The RS system was declared a genocide by the TRC in 2015
- ▶ 19<sup>th</sup> century Victorian ideals were used to label Indigenous women and mothers as immoral, unworthy, and dirty (source)
- ▶ This was used as justification for the removal of Indigenous children into the RS system

# “Quiet” Genocide Continues

- ▶ “The vicious circle of violence and problems start with children going into the child welfare system,” -Marion Buller
- ▶ “Intergenerational violence is a major factor in Indigenous women and girls going missing or being murdered.” -Buller
- ▶ 87% of Manitoba’s CFS are Indigenous
- ▶ Many of the MMIW in Manitoba were in the child welfare system
- ▶ Runaways, group homes, abuse, neglect, and other factors contribute to the victimization of Indigenous women, children, men, and 2S
- ▶ “When children are taken from mothers and the system is so difficult to navigate ... they don’t even know where their children are and they’re hopeless,” she said.
- ▶ “We’ve learned of up to 16 mothers who have taken their lives because they can’t get their child out of the child welfare system. I want that to be on the record as well.”-Cora Morgan ([CBC](#))



# Before MMIW Inquiry

- ▶ **“Um it, it isn’t really high on our radar, to be honest ... Our ministers will continue to dialogue with those who are concerned about this.”- Prime Minister Stephen Harper on a public inquiry into missing Aboriginal women, 2014 (CBC <https://www.cbc.ca/news/indigenous/stephen-harper-s-comments-on-missing-murdered-aboriginal-women-show-lack-of-respect-1.28>)**
- ▶ **“I think we should not view this as a sociological phenomenon,” [Harper] told reporters. “I think we should view it as a crime. It is a crime against innocent people and it needs to be addressed as such.” (Ottawa Citizen, <https://ottawacitizen.com/news/national/stephen-harper-blasted-for-remarks-on-missing-and-murdered-aboriginal-women>)**



# MMIWG Inquiry 2016-2019

- ▶ Trudeau campaigned in 2015 with the promise of a public inquiry and upheld the commitment
- ▶ 5 commissioners were selected; Marilyn Poitras, Qajaq Robinson, Michèle Audette, Brian Eyolfson, and Chief Commissioner Marion Buller
- ▶ Estimated cost of \$53.8 million with additional \$16.2 million over four years for liaison units across Canada
- ▶ The National Family Advisory Circle was created in 2017 to provide support to family members of MMIWG
- ▶ Family testimonies were gathered from Spring 2017 to Winter 2018 at 15 locations across Canada



# Issues with the Inquiry

- ▶ Staffing: there were many resignations during the inquiry due to the perceived lack of organization and support for staff and families. There were no clear terms of reference and there was a lack of communication. One reason for this is the lack of foresight into how large-scale and deep the inquiry would become, as it was extended for 2 additional years.
- ▶ "Throughout this report, and as witnesses shared, we convey truths about state actions and inactions rooted in colonialism and colonial ideologies, built on the presumption of superiority, and utilized to maintain power and control over the land and the people by oppression and, in many cases, by eliminating them."
- ▶ – *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, p. 54
- ▶ The Final Report was released in June of 2019



- ▶ The report stated that **1,181 Indigenous women were killed or went missing across the country between 1980 and 2012**. Moreover, it reported that, over a 33-year period (1980–2012), there were 1,181 incidents and 225 unsolved cases. Among all female homicides (Indigenous and non-Indigenous), 80% were solved.
- ▶ Compared to non-LGBTQ2+ non-Indigenous people, LGBTQ2+ Indigenous people were more likely to have been sexually or physically assaulted by an adult when they were under age 15 (58% versus 26% of non-LGBTQ2+ non-Indigenous people), to have been sexually or physically assaulted since age 15 (82% versus 41%), and to have experienced intimate partner violence (37% versus 13%), or non-intimate sexual or physical assault in the 12 months preceding the survey (28% versus 5.9%).
- ▶ [https://www.nwac.ca/assets-knowledge-centre/Fact\\_Sheet\\_Violence\\_Against\\_Aboriginal\\_Women\\_2022-05-06-192019\\_swwk.pdf](https://www.nwac.ca/assets-knowledge-centre/Fact_Sheet_Violence_Against_Aboriginal_Women_2022-05-06-192019_swwk.pdf)

# Statistics

- ▶ Results from the SSPPS indicate that more than six in ten (63%) Indigenous women have experienced physical or sexual assault in their lifetime.
- Almost six in ten (56%) Indigenous women have experienced physical assault while almost half (46%) of Indigenous women have experienced sexual assault. In comparison, about a third of non-Indigenous women have experienced physical assault (34%) or sexual assault (33%) in their lifetime.
- About two-thirds of First Nations (64%) and Métis (65%) women have experienced violent victimization in their lifetime.
- Certain characteristics were associated with a higher likelihood of experiencing lifetime violent victimization among Indigenous women, including having a disability or ever experiencing homelessness.
- Indigenous women (11%) were almost six times more likely than non-Indigenous women (2.3%) to have ever been under the legal responsibility of the government and about eight in ten (81%) Indigenous women who were ever under the legal responsibility of the government have experienced lifetime violent victimization.
- Indigenous women (42%) were more likely than non-Indigenous women (27%) to have been physically or sexually abused by an adult during childhood and to have experienced harsh parenting by a parent or guardian. These childhood experiences were associated with an increased prevalence of lifetime violent victimization.
- Results from the 2019 General Social Survey (GSS) on Canadians' Safety (Victimization) indicated that Indigenous women (71%) were more likely to perceive indicators of social disorder in their neighbourhood compared with non-Indigenous women (57%).
- Indigenous women (17%) were more than twice as likely to report having not very much or no confidence in the police compared with non-Indigenous women (8.2%).

# MMIW Statistics

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► **According to Statistics Canada's 2004 General Social Survey (GSS), Aboriginal women experience much higher rates of violence than non-Aboriginal women.**

Statistics Canada also reported the following findings:

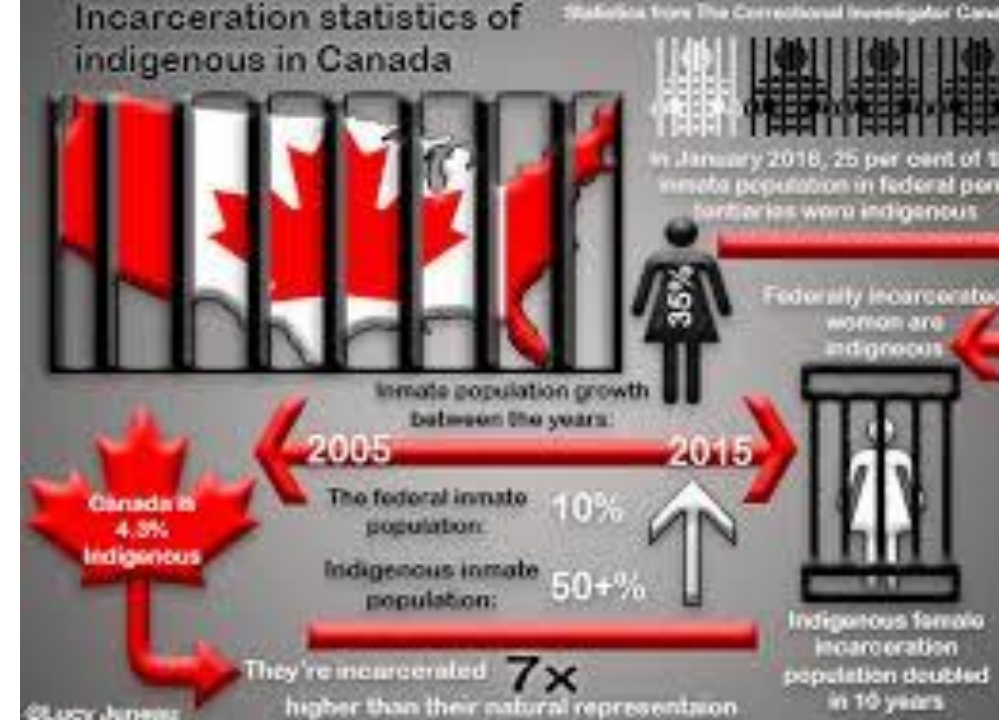
- ④ · Aboriginal women 15 years and older are 3.5 times more likely to experience violence than non-Aboriginal women.
- ④ · Rates of spousal assault against Aboriginal women are more than three times higher than those against non-Aboriginal women.
- ④ · Nearly one-quarter of Aboriginal women experienced some form of spousal violence in the five years preceding the 2004 GSS.
- **Statistics Canada reported that Aboriginal women are more likely to experience more severe and potentially life-threatening forms of family violence than non-Aboriginal women.**
- ④ · 54% of Aboriginal women reported severe forms of family violence, such as being beaten, being choked, having had a gun or knife used against them, or being sexually assaulted, versus 37% of non-Aboriginal women
- ④ · 44% of Aboriginal women reported “fearing for their lives” when faced with severe forms of family violence, compared with 33% of non-Aboriginal women.
- ④ · 27% of Aboriginal women reported experiencing 10 or more assaults by the same offender, as opposed to 18% of non-Aboriginal women.
- ④ · While the number of non-Aboriginal women reporting the most severe forms of violence declined from 43% in 1999 to 37% in 2004, the number of similar attacks against Aboriginal women remained unchanged at 54% during the same time period.

# Issues with Policing

- ▶ A major finding of the inquiry was that police were inherently biased against these cases and made several errors from clerical to investigative
- ▶ The Forensic Document Review Project (FDRP) was published to review police and other institutions that had failed the women and girls during the investigation of their deaths or disappearances
- ▶ Findings:
  1. There is no "reliable estimate of the numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA persons in Canada."
  2. The 2014 and 2015 RCMP reports on MMIWG identified "narrow and incomplete causes of homicides of Indigenous women and girls in Canada."
  3. The "often-cited statistic that Indigenous men are responsible for 70% of murders of Indigenous women and girls is not factually based."
  4. "Virtually no information was found with respect to either the numbers or causes of missing and murdered Métis and Inuit women and girls and Indigenous 2SLGBTQQIA persons."
  5. "Indigenous communities, particularly in remote areas, are under-prioritized and under-resourced."
  6. "There is a lack of communication to families and Indigenous communities by police services and a lack of trust of the police by Indigenous communities."
  7. "There continues to be a lack of communication with and coordination between the police and other service agencies."
  8. "Deaths and disappearances of Indigenous women, girls, and 2SLGBTQQIA people are marked by indifference. Specifically, prejudice, stereotypes, and inaccurate beliefs and attitudes about Indigenous women, girls, and 2SLGBTQQIA persons negatively influence police investigations, and therefore death and disappearances are investigated and treated differently from other cases."

# Incarceration of Indigenous Women

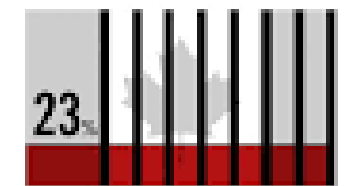
- ▶ Indigenous women now account for almost half of the female inmate population in federally run prisons, says a new report from Canada's correctional investigator.
- ▶ Indigenous people make up about 32 per cent of the federal prison population, despite accounting for less than five per cent of the total population. Indigenous women, meanwhile, account for 48 per cent of the population in women's prisons.
- ▶ Cree lawyer Eleanore Sunchild said the rising numbers are disturbing but not surprising because she doesn't think the Canadian justice system sees Indigenous people as "human beings."
- ▶ <https://www.cbc.ca/news/politics/indigenous-women-half-inmate-population-canada-1.6289674>



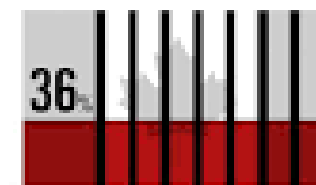
## POPULATION VS. INCARCERATION



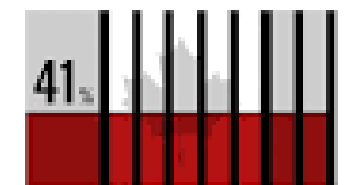
PERCENTAGE OF CANADIAN POPULATION IDENTIFIED AS ABORIGINAL (2013)



PERCENTAGE OF THE FEDERALLY INCARCERATED INMATES WHO ARE ABORIGINAL (2013)



PERCENTAGE OF WOMEN IN FEDERAL PRISON WHO ARE OF ABORIGINAL DESCENT (2011)



PERCENT OF WOMEN IN PROVINCIAL CUSTODY WHO ARE OF ABORIGINAL DESCENT (2011)