

Failing to protect and provide in the “*best place on earth*”: Can Indigenous children in Canada be safe if their mothers aren’t?

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Respectful Indigenous¹ protocol and context

Adherence to respectful Indigenous protocol guides me to locate myself as a Saulteaux woman and to acknowledge the traditional owners of the unceded Coast Salish and Secwepemc (pronounced SHE-WEP-muh) territories upon which I am a visitor. The Secwepemc Cultural Education Society (2007) states that for over 10,000 years the Secwepemc Nation occupied 145,000 square kilometers in what is now known as the south central interior of British Columbia (B.C). I am descended from the traditionally matrilineal Keeseekoose First Nation on the plains of what is now known as east-central Saskatchewan; an urban-based, heterosexual, able-bodied mother, grandmother, wife, social worker and Indigenous feminist academic. Since time immemorial my ancestors lay buried in our lands now known as Canada; indeed my ancestors are our lands. I do not self-identify as a Canadian, although the Canadian passport bearing my English name tells a different story and provides one example of fundamental and conflicting stories that continue to challenge Indigenous identity, citizenship and knowledge.

Indigenous perspective and worldview

I identify my Indigenous perspectives “biases” and worldview at the outset of this article. Indigenous perspectives bring important interpersonal and human dimensions to this article in ways that positivist perspectives cannot. This commitment to transparency supports

¹ The terms Indigenous, First Nations, Indian, Metis, Inuit, Aboriginal are used interchangeably as appropriate to identify the original peoples of Canada; regardless of where they live in Canada and regardless of whether they are “registered” under Canada’s *Indian Act*.

Indigenous resistance strategies, and personal struggles for self-determination as a critical step to be free from oppression. Politically, it links research and writing efforts to Indigenous struggles to set Indigenous agendas. Further, it encourages non-Indigenous Canadians to consider their privilege that was acquired at the expense of Indigenous peoples and Canada's occupation of unceded Indigenous lands in what is now known as B.C. Strategically it privileges Indigenous voices which are needed to counter the overwhelming amount of seemingly unjustified non-Indigenous voice in academic research and writing (Rigney, 1997; Wilson, 2008). Finally it rejects Canada's determination to "kill the Indian in the child" (Harper, 2008; John 2010) and supports Indigenous efforts to "put the Indian back in the child".

This article privileges Indigenous voices, experiences and stories as one way to challenge the Canadian child welfare concept and worldview that is imbedded in "failure to protect" policies and practices". The "failure to protect" concept is one in which assaulted mothers are held accountable by child protective authorities because their children are unintended victims or witnesses to their mother's experiences of intimate partner violence (IPV). It is a relatively recent issue in the child welfare literature, despite the fact that research concludes that "failure to protect" is the largest and most often substantiated (78% of cases) child maltreatment category in Canada (Trocmé, Knoke, Fallon & MacLaurin: 2009). Typically, child protection responses to IPV concerns, where the child is in the home, are directed at the assaulted women, who are viewed as having failed to protect their children from witnessing IPV, while the typically male perpetrators of violence are essentially ignored (Strega, 2006). This article identifies Indigenous child welfare stories that subject a disproportionate number of Indigenous women to Canada's "failure to protect" policies and practices as a result of their own IPV victimization, and contributes to the over-representation of Indigenous children in Canadian child protection systems.

I recognize that challenges to Canada's official child welfare stories about "inherent Indigenous deficit", and transparency about my Indigenous worldview, may mean that my objectivity may be questioned by some that seemingly have not needed to justify their own non-Indigenous worldview. I argue that Euro-western inherent bias exists and

is unacknowledged in every level of mainstream Canadian child protection services including within the “failure to protect” policies and practices. This lack of acknowledgement is evident to Indigenous children that were forced to enter Canadian child welfare systems as a result of their mother’s IPV experiences, the resultant gendered child protection investigations, mother blaming and lack of child protective worker engagement with violent fathers. I argue that changes are needed to stop gendered child welfare interventions that blame assaulted Indigenous mothers for IPV “failure to protect” investigations, and fail to hold violent partners and Canada accountable for actions that place Indigenous children at risk. As a result, I have come to believe, as do other Saulteaux, Cree, Maori and Koori academics, that subjectivity is a more honest position and leave it to others to consider the validity and legitimacy of my arguments (Kovach 2009; Rigney 1997; Smith 1999; Wilson 2008).

IPV against Indigenous women must be set against the larger social and economic context of historical and contemporary violence, oppression, rape, invasion of lands and cultural genocide enacted by Canada against generations of Indigenous peoples. I argue that the time for transformational child welfare, criminal justice and educational policy and practice change is now. Child welfare efforts and judicial sanctions to separate “at-risk” Indigenous children from Indigenous mothers that are not “safe” due to IPV experiences, while essentially ignoring the perpetrators of violence, mirrors Canada’s actions to ignore its own intersectional violence against Indigenous peoples and withhold that reality from Canadian educational kindergarten to grade 12 populations. None are acceptable actions that will stop violence against Indigenous women and children. Finally, I offer an Indigenous decolonizing, feminist, critical and anti-oppressive, intersectional analysis of the issues to provoke child welfare, criminal justice and educational policy and practice changes.

This article advocates for the development of effective, culturally relevant Indigenous forms of social work practice and restorative justice options. It rejects the notion that Indigenous ways are inferior to “white-know-it-all-ways” (Secwepemc activist Evelyn Camille, personal communication, February 3, 2011) and that solutions to this issue can only come from non-Indigenous worldviews and processes. Instead it draws on Indigenous knowledges, stories and ways of being to point us on our ways forward.

The historical, political, social, cultural and economic context of Indigenous women and children is fundamentally different from that of the descendants of settler societies in that today Indigenous women and children face multiple and intersectional forms of personal, gendered, historical and structural violence in Canada. We are descended from traditional Indigenous communities and a worldview that depended on wisdom of Elders and others to act as lawyer, judge and jury to reconcile matters of harm done to others. Social work policies and practices, practitioners, lawyers and social justice advocates must understand the implications of this fundamental difference. If they cannot, it will render their practice and the social work profession too dishonest to offer theoretical, policy, research or practice help to Indigenous women and children.

Understanding the “failure to protect” from an Indigenous agency perspective

Too many times Aboriginal children are not safe because their mothers are not safe. Unlike other international jurisdictions, there is no specific “failure to protect” clause identified in the BC child welfare legislation. Rather, the “failure to protect” non-clause rationale is embedded in the legislation and left open to mainstream professional social work interpretation, management and discretion. This creates tensions for Indigenous social workers who practice from an Indigenous worldview perspective. Sections 13 (1)(c),(h) and (l) of the *BC Child, Family and Community Service Act* (1996) place a disproportionate amount of blame and judgement against assaulted Indigenous women for failing to protect their children (Strega, 2006). These sections identify that a social worker delegated under the legislation and the judiciary has the power to assess whether or not a child needs protection in the following circumstances:

- (c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child’s parent is unwilling or unable to protect the child;
- (h) if the child’s parent is unable or unwilling to care for the child and has not made adequate provision for the child’s care;
- (l) if the child is in the care of a director or another person by agreement and the child’s parent is unwilling or unable to resume care when the agreement is no longer in force.

The child welfare “failure to protect” rationale has policy and practice implications today in Indigenous BC communities. The case-practice work is problematic for non-Indigenous child protection social workers, many of whom are female, represent mainstream values and beliefs and may feel discomfort and fear engaging with violent Aboriginal men (McGillivray & Comaskey, 2004). It also has practice implications for Indigenous social workers and child welfare organizations in two fundamental ways. First, the legislation belongs to and is developed by representatives of the settler child welfare systems. As strenuously as Indigenous social workers and directors struggle to work within that foreign context, it remains difficult, if not impossible, to “hang culture” on the child welfare legislation and make it “work” for our diverse Indigenous communities. For example, the Gitxsan traditions and customs are different from those of the Nuu-chah-nulth First Nations as they are from those of the Métis and Inuit Nations. It is impossible to make the argument that a “one size fits all” child welfare legislation, policy and practice will meet the needs of all First Nations, Métis and Inuit families and communities. Secondly, inequitable and inadequate funding formulas are provided to Indigenous child welfare agencies by Canada, particularly to on-reserve communities, and this results in more disruptive measures taken to ensure children’s safety in the absence of available and culturally relevant prevention services (Blackstock, 2007). This issue of Canada’s underfunding First Nations child and family service agencies is the subject of a Canadian Human Rights Tribunal appeal recently won by First Nations Child and Family Caring Society of Canada (FNCFCSC) and the Assembly of First Nations (AFN) supported by human rights philanthropic organizations such as the Bill Gates Foundation and Canadian Atkinson Foundation.

The differential impact of so much injustice, loss and grief for Indigenous children, families and small communities is complex and overwhelming. To better understand the Indigenous agency perspective and the impact on a BC First Nations community that is currently supporting one of the families of a missing Indigenous mother, I contacted the Executive Director of a First Nations child welfare agency to discuss the issue of IPV “failure to protect” child welfare investigations. Just prior to the Indigenous woman’s disappearance, her children were removed from her care by provincial child welfare authorities for her failure to protect her children from a violent intimate partner. The Executive

Director shared the agency perspective as:

Our women are tired. Too many of them have been murdered and assaulted in too many ways, by too many people and systems for too long. Too many have been forced to carry the burden of caring for our children and healing our Nations for far too long, and they've been doing it alone with virtually no resources. What kind of help and support do they get from us, from the men in our families and communities, from the leadership of our Nations? Not enough...not enough by a long shot. We all know it and we are all guilty of dumping and off-loading our frustration and the responsibility to protect our Indigenous children onto our Indigenous mothers. Then, when they can't do it anymore, what do we do? We all sit back in judgement. We blame them and take away their children. The whole system is sick and oppressive (Director of a First Nations child welfare agency in BC, personal communication, March 15, 2010).

The whole system is sick and oppressive when the societal response is to off-load the responsibility to primarily care for and protect Aboriginal children onto assaulted Indigenous mothers who may not have access to adequate law enforcement protection, timely criminal justice measures that effectively protect women and children, or culturally sensitive resources to keep themselves or their children safe. It is sick and oppressive to hold Indigenous mothers solely accountable to deal with violent partners, or question why she does not "simply leave" violent partners, despite research that demonstrates that separation from violent partners sharply increases the likelihood that men will kill their former partners. Recent research by Bala, Jaffe and Crooks (2007, p. 17) notes that approximately 50% of women killed by intimate partners were murdered in the first two months after separation and 87% were killed within the year. Understanding these risks puts assaulted mothers in the difficult position of being forced to stay with a violent partner and be subjected to additional violence, fleeing a violent partner and fearing for her life, fleeing a violent partner and fearing that he may win unsupervised access to her children and may harm her and her children during the course of that access, or risk having her children become the subject of a "failure to protect" investigation

by child protective authorities. These are isolating and horrific options for any woman to have to contemplate, and are particularly troubling for Indigenous women who experience intersectional oppressions including living in a racist, hostile and gendered society.

For whom BC is the “best place on earth”

Since time immemorial Indigenous peoples thrived, lived and continue to live on the lands now known as B.C. Between 2001 and 2011, the governing BC settler provincial neo-Liberal Party branded BC as the “best place on earth”. Since October 2011, the provincial government has quietly changed its international brand to “where Canada starts”. Apparently, unpacking BC as the “best place on earth” meant dismantling for whom this might be true and deciding that it was not the “best place on earth” for all that live on these primarily unceded Indigenous lands. From an Indigenous perspective, given the high levels of Indigenous poverty, missing and murdered Indigenous women, and over-representation of Indigenous children in the B.C. child welfare system, the provincial slogan had to change to one more credible and defensible.

Unpacking the nonsense of the “best place on earth” premise means questioning historical and contemporary provincial B.C. child welfare, criminal justice and educational policies and systems. It means asking if they are meant to stop violence against Indigenous women, address the over-representation of Indigenous children in child protection systems and Indigenous men in justice systems or if they are meant to maintain the status quo, settler surveillance and control over Indigenous peoples and lands. If they were meant to support Indigenous peoples then we would be “fixed”, “healed” and “violence free” by now, wouldn't we? We would know that because the Indigenous women and children would live in a safe and socially just society, sexualized and racialized violence against Indigenous women would not be tolerated. We would know reconciliation because Indigenous children would not be over-represented in child protection and justice systems, Indigenous nations would not be impoverished in our own lands and the provincial education system would include Indigenous knowledge throughout its curriculum. There is much work yet to be done.

Traumatized Indigenous Women and Children

This article emerged from my 2011 Indigenist doctoral study (Johnson: 2011) that is the first to enter the contested space that is the unique educational site of traumatized Urban Indigenous children in Canadian child protection systems. It identifies the historic, political, socio-legal, legislative, financial and jurisdictional wrangling and impediments to their academic and traditional Indigenous educational success. Specifically, this study explores the intersectionality of educational and child protection issues identified in the literature and personal experiences of 29 urban Indigenous former children in Canada's child protection system and representatives of two Urban Indigenous delegated child protection agencies. The research participants claim Indigenous membership or ancestry in fifty-two First Nations and Métis communities and either grew up on, or are currently living on, traditional Coast Salish territories in the Urban communities of Victoria and Vancouver, BC.

The results of this study link the educational outcomes of traumatized Urban Indigenous children to a strategic intersectional approach that accounts for social determinants such as a violent gendered and racist child protection, educational and colonial history. The enforced relocation of many Urban Indigenous peoples, and enforced constructions of Urban Indigenous children's socio-cultural and political identities into non-Indigenous families and institutions was also considered. Recommendations asserted by the Urban Indigenous participants, gathered through fifteen one-to-one interviews and two talking circles, are synthesized from the data as necessary components of culturally competent social work and educational legislation, policies and services for the burgeoning Urban Indigenous population in Canada.

This article discusses how the collective systemic "failure to protect" Indigenous children from witnessing IPV (either in their own families or in foster families remunerated by the Canadian state) is interconnected to the "failure to provide" Aboriginal child welfare agencies and communities with adequate resources to protect Aboriginal children differentially affect Aboriginal children, youth and families (Blackstock, 2010) and Métis populations. Their experiences must be set within the intersectional systemic context of the larger issues of violence against, and

intergenerational trauma experienced by Aboriginal peoples in Canada, and against Indigenous mother's and grandmother's experiences with violence in particular (Native Women's Association of Canada, 2010). It also became increasingly evident that this article must also speak to the topic of abuse and violence on Indigenous men (UBCIC, 2007) and fathers (Ball & George, 2006).

The film, *No Turning Back* (National Film Board of Canada, 1996), makes an important point that Indigenous men that perpetrate violence against Indigenous women and children were victims of abuse and violence in the federal residential schools, provincial foster care systems, and the infamous “sixties scoop”. Addressing the violence arising from Indigenous men's experiences continues to be compounded by a lack of culturally appropriate programs and difficulty accessing relevant, effective services. State violence against defenseless children is no excuse for Indigenous male violence against Indigenous women and children and is framed by one Mohawk scholar (Alfred 1999, p. 25) as “men bear a special guilt. Many have added to Native women's oppression by inflicting pain on their wives, daughters, mothers and sisters...rage is externalized, and some cowards take out their frustration on women and children rather than confronting the real (and still dangerous) oppressor”.

Canada has apologized to the survivors of the residential school project (Harper, 2008) for abuses suffered there and is settling the largest class action lawsuit in Canadian history with the survivors (Truth and Reconciliation Commission 2011), however, it is important to stress that the individual compensation amounts are minuscule compared to the enormity of loss and pain suffered by so many survivors and their families. To date, the government has not acknowledged publicly or apologized for harm and trauma caused to Indigenous children in Canada's child protection system, however that day is coming. According to Okanagan Grand Chief Stewart Phillip, President of the Union of B.C. Indian Chiefs, who was raised in B.C.'s foster care system:

“The difference is when children were taken from a community, they went as a group—brothers and sisters and cousins,” he said. “When children are taken into care, they go alone. It's a far more traumatic experience in that regard. They were denied complete

exposure to our language and culture. And we don't come home for Christmas and holidays. In many ways, it's the untold story" (Pablo: 2008, p. 1).

On May 30, 2011 Sharon Russell, a Gitksan First Nations woman, filed a class action suit in the Supreme Court of BC against the Government of Canada on behalf of Aboriginal British Columbians who were removed from their families as children by provincial welfare authorities.

The law suit alleges that between 1962 and 1996 the federal government negligently delegated Indian child welfare services to the Province of BC, ignored its obligations to Aboriginal children, took no steps to prevent the children from losing their Aboriginal identity and the opportunity to exercise their Aboriginal and treaty rights when they were placed in foster homes and adopted by non-Aboriginals (CNW Group, 2011).

This BC class action suit is similar to one filed by Marcia Martel in Ontario in 2010 that subsequently received court approval to proceed. In both cases, Indigenous women are taking leadership roles to hold Canada to account for its "failure to protect" Indigenous children and signaling that their patience and wait for justice is over despite the fact that Indigenous children are continuing to enter the child welfare and criminal justice systems at increasing rates. The next section will discuss the impact of the "failure to protect" policy on Indigenous youth once they are forced to enter, and must live inside, the BC child welfare system.

Telling the stories of Indigenous youth harmed by the "failure to protect" policies

A total of 29 participants (15 Indigenous former youth in care in B.C. and 14 Indigenous agency representatives) contributed to my 2011 doctoral research project. The impact and limitations of the "failure to protect" policies became immediately apparent in their stories, and one interviewee explained how his placement in the child protection system was triggered by violence against his mother and sister.

My Mom got in a relationship with a man when I was about 10 and she became somewhat stable. But he had problems. He was a logger and an alcoholic and really violent. He always told my Mom if she ever left him, he would hurt one of her kids. She did finally leave him. He’d go away to a logging camp & come back with pockets full of money and get drunk. My Mom got tired of that and left him. My sister was home and he got a gun and killed her. My life really plummeted after that. I dropped out of school and ended up on the streets in Vancouver – very, very angry. The guy who shot my sister only got 4 years in jail because he was drunk. He pled guilty to manslaughter. So I just gave up on any government systems because there didn’t seem to be a good outcome (Indigenous research participant, 2009).

Disturbing information provided by Indigenous research participants indicates that at times the BC government failed to protect Indigenous youth in its “care;” sometimes even with full knowledge that harm was likely to occur to children in its approved resources. In fact the following four stories testify that at times government “care” subjected Indigenous children to witness violence against foster mothers by their spouses, experience vicarious abuse, violence by older youth in the child protection system and by fellow students. As a result, these Indigenous youth were further traumatized, not safe, or removed from abusive non-Aboriginal foster placements for months or years, lacked advocacy and oversight bodies, and had limited access to culturally relevant counselling, support or safety to recover from the violence witnessed or experienced.

I saw something and I went into the cabin to say, “Hey, Mom and Dad, did you see . . .” and he just hit her [foster mother] and her glasses were on the floor. I didn’t know what to do. I wanted to jump off the boat. I didn’t want to talk to either one of them. There was violence...It would make me go inwards. I became very silent, closed (Indigenous participant, 2009).

We went through some abuse. We sued the first foster home I was in. They called it vicarious abuse, because they had two older kids in the home and they were my abusers. They called it vicarious abuse because the foster father had been abusing the older kids. It

came out in the trial that those foster parents had previously lived in Alberta and the Alberta government was so horrified by the way they had taken care of the kids that they sent a letter to BC saying, “Do not allow these people to be foster parents.” Which they ignored because they needed foster parents. The story was that the Mom stabbed one of the foster kids and I think they were giving them Valium as well. One of your questions was, “Did the social worker ever come and visit you?” It wasn’t even the social worker that dropped us off [at the foster home], it was the receptionist. That came out in court (Indigenous research, 2009).

I didn’t know where to fit in. I was really unhappy because I was being [sexually] abused at home [by the foster father] and was having a hard time sharing that with anybody. It was really hard cause I was really unhappy and keeping the secret dominated everything I did. I couldn’t confide in anyone because I was just really angry and lashed out instead. I wasn’t allowed to tell anybody because it would wreck the family. One day he just put his head on my shoulder and said he wasn’t getting the affection he needed from his wife. I said, “I don’t even know how to cook. I don’t know what you’re talking about” (Indigenous participant, 2009).

I got to find out about prejudice. I met my first bully in kindergarten. I got my first slug in the eye by a bully. I know TV programs like the Simpsons, mock and make fun of the bullies, but it was a pretty significant experience for me. There were two significant incidences that took place off school grounds and they both resulted in concussions for me. One was a pretty significant concussion. I was dazed and confused for the remainder of that day (Indigenous participant, 2009).

These examples offer evidence that the “failure to protect” clause and legislation is differentially applied when government is identified as the “child’s parent that is unwilling or unable to protect the child” versus when Indigenous women are.

In 2002, the late Sherry Charlie, a nineteen month-old Nuu-chah-nulth First Nations toddler was murdered by Ryan George, a First Nations male

caregiver under contract to the BC child protection system to provide “care” to the toddler and her three-year-old brother. George had a violent criminal record, and his rages left the toddler dead of 11 broken ribs, severe bruising that was in various stages of healing and three blows to her head (Canadian Broadcasting Corporation, CBC, 2006). Both the paramedic that attended the scene and a paediatric physician at the local hospital suspected that the caregiver’s explanation that Sherry was pushed down the stairs by her three-year-old brother did not “ring true” however, they did not report their suspicions to the BC child protection authorities. Despite the pathologist’s report established that Sherry was a “battered child,” four months from the time of her death passed before police launched an investigation. For a total of five months, the BC child protection system would leave Sherry’s three year old brother in the “care” of the real murderer (CBC, 2006). Anger and outrage at the injustice against Sherry, her brother and paternal family members moved me to suggest that the family retain legal counsel to represent them at the February 2006 inquest into Sherry’s murder. I question if such systemic inaction would be tolerated if Sherry had been a Caucasian child from middle or upper class family rather than a First Nations toddler from a poor family.

These examples provide evidence that safety for Indigenous children within the context of child protection systems will remain elusive. For Indigenous women and grandmothers that feel helpless to stop their children’s entry into the child protection system or guilt for their “failure to protect,” these stories may represent a call to action. With a billion dollar budget and infinitely more resources at their disposal, these stories prove that the BC government does not keep Indigenous children safe, either. Worse than government’s inability to keep Indigenous children safe, at times, is their decision to knowingly put vulnerable Indigenous children at risk of harm, additional trauma or death. The question that must be asked is, “Would this be the case if a fraction of the resources gathered from unceded traditional Indigenous lands were allocated to Indigenous women and grandmothers to keep themselves and their children safe?”

Holding Indigenous women accountable to deal with violent partners and a violent society may be expedient from a colonial perspective, but it does not allow for recognition of the complex historical, political, social

and economic dynamics in domestic violence cases in Aboriginal families or communities and the differential ways in which they impact Aboriginal peoples today (UBCIC, 2007). The shocking lack of knowledge and frustration wrought by these complex issues from the perspective of Director's Counsel (a lawyer under contract to provide legal child welfare representation on behalf of the Director of Child Protection in BC) is evident in this comment when he was asked about the "*failure to protect*" clause.

I think the reason we have so many Aboriginal children in care today is because their parents aren't married to each other, they're just living common-law. If they can't commit to each other, how can you expect them to be committed to parenting and raising a child? (BC MCFD Director's Counsel, personal communication, March 15, 2010).

This comment demonstrates many things; however, I will speak to the continuing lack of knowledge regarding the unprecedented levels of violence against Indigenous women, stereotypes and myths that continue to marginalize Indigenous mothers, unabated by people working within child protection and judiciary bodies. This continues despite numerous voices and experiences contained in Indigenous and advocacy reports, recommendations, research and media coverage directed at the Canadian government (Native Women's Association of Canada, 2010; National Aboriginal Circle Against Family Violence, 2005; Ontario Native Women's Association & Ontario Federation of Indian Friendship Centres, 2007; Public Health Agency of Canada, 2006) the BC government (BC Representative for Children and Youth, 2009(b); First Call, 2009; UBCIC, 2007) and its own publications (MCFD, 2010).

In BC, the office of the Representative for Children and Youth (RCYBC) publicly experienced its own high profile struggles with government bureaucracies. In 2010, the RCYBC tried to access BC cabinet documents to which it was legally entitled to complete an audit of vulnerable children living with relatives (Vancouver Sun May 18, 2010). The government's refusal to provide the documents to the children's advocate who happens to be a status Indian woman turned into a public dispute that the media characterized as a "personality clash" between two high powered women.

The Representative is a respected former provincial court judge, Harvard Law School educated law professor and Cree woman, Dr. Mary Ellen Turpel-Lafond, and the other was the former MCFD Deputy Minister (and a white South African), Leslie Dutoit. The Representative's office is staffed by a multidisciplinary team, all of whom are focused on ensuring children and youth who receive government services in BC are protected and safe (www.rcybc.ca). The Representative repeatedly asked to gain access to provincial government cabinet documents that her office was legally entitled to under the *Representative for Children and Youth Act* (2006). When government bureaucrats refused and threatened to curtail the power of the office of the RCYBC, Turpel-Lafond took the matter to court and won. BC Supreme Court Justice Susan Griffin ruled that the BC Office of the Premier and the MCFD broke the law by refusing to provide Turpel-Lafond with cabinet documents (Vancouver Sun, May 18, 2010). The fact that the Representative is an Indigenous woman at battle with government was not lost on Indigenous peoples in BC. Her court challenge, win, and determination to hold the provincial government to account for their care of vulnerable children were hailed as a victory for Indigenous women and children everywhere, and her leadership is what offers hope and proof that other Indigenous women can do the same on behalf of vulnerable children.

Our way forward

When I consider how we can move forward with all the complex issues of child welfare, IPV and a seemingly unresponsive criminal justice system, the words of a respected Saulteaux Elder, “Bones”, or John Shingoose, come to me. He cautioned me by saying “MukwaMayett the Creator made you this way and put you in that place for a purpose. When you do those things always ask yourself if they are good for your children and grandchildren. Always remember who you are in your heart. Never pick up something new and leave behind who you are, who we are and what we believe (Saulteaux Elder Bones, personal communication, November, 2006). Another Secwepemc Elder, Mike Arnouse similarly cautioned me to be careful and considerate of what the settlers, or newcomers to our lands know, and what they don't. He always tells me to remember that “We have lived together in this land called Canada for over 500 years as Indigenous and non-Indigenous peoples and yet we still

do not know one another (Elder Mike Arnouse, personal communication, September 1, 2011). Breaking the silence around colonial violence, Indigenous peoples' history and lack of successes to hold Canadian child welfare and criminal justice systems to account for gendered, racist and unfair practices are other matters that we need to pursue together. It is to that end that I offer some strategies for moving forward in the best interests of our Indigenous children.

Learn the history of Indigenous peoples from the perspective of Indigenous women and children

Métis scholar Emma LaRocque (1996, p. 14) argues that:

“We cannot assume that all Aboriginal traditions universally respected and honoured women...It should not be assumed, even in those original societies that were constructed along matriarchal lines, that matriarchies necessarily prevented men from oppressing women. There are indications of male violence and sexism in some Aboriginal societies prior to European contact and certainly after contact”.

LaRoque's (1996) Métis perspective on the oppression of women living in original matriarchal Indigenous societies differs from that of some First Nations women leaders in B.C. One contributory factor may be because European influences on traditionally matriarchal Indigenous societies in B.C. is a much more recent phenomenon than for traditionally matriarchal Indigenous nations in the rest of Canada. Significant numbers of non-Indigenous peoples only began to arrive in B.C. in the 1850s, a very short 160 years ago and it is in B.C. that Indigenous life prior to contact is most recent. Some Indigenous women from traditionally matriarchal societies within B.C. contend that until contact with European societies, Indigenous women were not treated as second-class citizens in their own territories (Johnson, 2001). Rather they believe, as some Mohawk women do, that Indigenous women from their original matriarchal nations were integral rights-holders with respect for their balanced and interdependent roles to bring forth life, care for and educate children and contribute to the leadership of social, spiritual, cultural and governance issues in their communities (Cannon & Sunseri, 2011; Johnson 2001). Additionally,

Indigenous women from matriarchal B.C. First Nations were economically entitled to land, to hunt and fish, to trap-line holdings, and responsible for food gathering, processing and distribution and the collection and making of medicines (Johnson: 2001). These Indigenous women believe that European influences disrupted Indigenous women roles as guardians and caretakers of the land, water, resources and traditional societies. These ideological impositions by primarily male European missionaries and foreign government representatives saw the unparalleled power, honor and equality that Indigenous women held in their traditional societies, relative to European women at the same time in history, and sought to destroy it. The newcomers recognized that they had to break the power of Indigenous women, create a “divide and conquer” mentality and disrupt Indigenous social organizations in order to gain control of rich Indigenous lands and resources (Johnson, 2001; Lawrence, 2004).

To achieve this goal, the newcomers deliberately enacted successive waves of violence sustained through legal, political, social, economic and germ warfare against Indigenous peoples, primarily through the influence of non-Indigenous explorers, fur traders, gold seekers, missionaries and settlers which resulted in widespread death in Indigenous communities (Muckle, 1999).

Violence against Indigenous women continues today through the imposition of foreign government systems and successive pieces of draconian colonial legislation such as the *Indian Act* (1985) that continues to discriminate against Indigenous women and our descendants. For example, in 1985, Bill C-31 amended the *Indian Act* to attempt to remove discrimination against women in the Indian Act registration provisions. Since then, all “registered” Indians have been subject to the “second generation cut-off rule” which occurs as a result of two successive generations of parenting with non-Indians of either sex. However, the Indian Act’s gender discrimination was not fully remedied by Bill C-31.

Implementation of the new Bill C-3, the *Gender Equity in Indian Registration Act* still will not confer registration status on some Aboriginal women and their descendants. For example, grandchildren who trace their Aboriginal descent through the maternal line will continue to be denied status if they were born prior to September 4, 1951, although

grandchildren who trace their Aboriginal descent through the male line will not (Day & Greene, 2010).

This race-based act still has the power to define who was, and was not, is, and is not, an Indigenous person and displaces the:

community based and self-identification approach to determining membership, which included descent, marriage, residency, adoption and simple voluntary association with a particular group...and implemented patrilineal descent that was the least common principle of descent in Aboriginal societies, but through these laws, became predominant (Royal Commission on Aboriginal Peoples [RCAP] 1996:26).

Today violence and colonizing efforts against Indigenous women continue to be enacted and enforced in full view of the Canadian public through myriad Canadian colonial pieces of legislation, bureaucracies, policies and practices. Examples of such colonial policies include Canada's *Indian Act* (1985), seven billion dollar budget to support the Canadian federal department of 'Indian and Northern Affairs'(INAC, 2011), one billion dollar budget to support the BC provincial Ministry of Children and Family Development [MCFD] where more than fifty-four percent of all children in foster care are Indigenous children (MCFD, 2010a), and approximately eighty-one million dollar budget for the BC provincial Ministry of Aboriginal Relations and Reconciliation [MARR] (MARR, 2011). These are just a few examples of the level of funding Canada controls in its racist and oppressive attempts to silence Indigenous women and direct Indigenous life from cradle to grave for status or registered Indians, politically separate and exert control over non-status, First nations, Métis and Inuit peoples. There will never be a Canadian federal Department of Japanese or Iranian Affairs or provincial Ministry of Irish or Italian Relations and Reconciliation because the rich lands and resources Canada seeks to own, manage and benefit from are (or were) Indigenous lands and resources. With few exceptions such as Treaty 8 in the north-eastern part of BC, the 14 Peace and Friendship Treaties on Vancouver Island and the lower mainland, and the Nisga'a Treaty, BC's vast provincial territory remains largely unsettled by treaties. Canada does not seek treaties with immigrant populations to Canada such as Pakistani,

Ukrainian or Chinese-Canadians (as examples of settler communities) rather Canada seeks treaties with the original owners of the land. It is important for social work students, practitioners and social justice advocates to understand this history from Indigenous perspectives and how these fundamental influences impact Indigenous peoples and women in particular. It will also guide helpers to understand the magnitude of the theft of Indigenous resources by Canada's governments and bureaucracies to manage the affairs of the country, fund these bureaucracies and develop complex relationships with multi-national corporations to extract additional resources from unceded lands (Neu&Therrien: 2003).

Given these larger colonial societal self-interests, it is sobering to consider what it will take to ensure that BC is safe for Indigenous women and children. Indigenous women and children are not from somewhere else or another country. Sovereign and diverse cultural and linguistic Indigenous nations called these lands “home” centuries before the 1867 establishment of Canada (Dickason & Newbigging, 2010). Today it is our home despite the fact that Canada has the power to organize the land into ten provinces and three territories governed by a parliamentary democracy with a British sovereign as its constitutional monarch and where French and English are the “official” languages.

Connect the failure to protect to what makes Indigenous women and children vulnerable in BC...and to what might make a difference

Growing up within a hunting community means that I am familiar with a hunting term used to describe the time of year when a particular species is allowed to be hunted according to colonial law. It's called “open season”. It is the term that immediately springs to mind when the media reports horrific acts perpetuated against Indigenous women in BC and Canada, both inside and outside child welfare, criminal justice and educational colonial institutions. It is also the term that springs to mind when I consider the stories and experiences of Indigenous women and children involved in IPV and child welfare “failure to protect” investigations. Given the current lack of options and choices available to them, there is no safe place to which they can run, hide or use to protect themselves. Examples of these atrocities include over 580 missing and murdered Aboriginal women in Canada, of which over twenty-eight

percent disappeared from BC alone and over eighty-eight percent are mothers and grandmothers (NWAC, 2010). The term stays in my mind when the media reports another missing Aboriginal woman connected to the BC Highway of Tears along route 16 west of Prince George to Prince Rupert (Vancouver Sun May 6, 2011). It resurfaced when Sto:lo First Nations Lieutenant Governor Stephen Point issued an Order in Council establishing the Missing Women Commission of Inquiry in BC on September 27, 2010 to probe why it took police investigators so long to arrest Robert Pickton, the most notorious serial killer in Canadian history. Police suspect Pickton preyed on over four dozen vulnerable Indigenous and non-Indigenous women and lured them from Vancouver's downtown eastside and killed them at his Port Coquitlam, BC pig farm. The inquiry will also review the 2008 decision by the BC Criminal Justice Branch to stop legal proceedings against Pickton because police thought one of his victims was not credible (Vancouver Sun May 5, 2011).

Tragically, too many of their stories illustrate the social and economic inequalities experienced by Aboriginal women and girls, which are directly linked to the impact of colonial policies that dislocated Aboriginal women, families and communities, and result in trauma, violence, as well as circumstances of vulnerability. However, the stories shared by families, communities, and friends also tell us that many missing and murdered women and girls were vulnerable only insofar as they were Aboriginal and they were women (Native Women's Association of Canada 2010: 38).

There is no "magic key" to ensure the safety of Indigenous women in BC and Canada and to ensure they have the resources and support to protect themselves and their children from IPV, structural, gendered, racist violence; it must happen in many sites and many ways. The transformation of social work, criminal justice, and educational policy, practice and research must be guided by diverse Indigenous peoples, communities and nations and based in specific Indigenous cultural knowledges, values, beliefs, ways of knowing and being. Indigenous peoples must lead the transformation process and contribute what we know works in our respective nations while non-Indigenous peoples act as allies and advocates to support that leadership (Archibald, 2008;

Bishop, 2002; Kovach, 2009; Wilson, 2008).

The removal of at-risk Indigenous children from Indigenous women experiencing IPV and other forms of structural violence is reflective of Canada's denial of Indigenous rights and title, self-government (John, 2010; Gray, Coates & Yellow Bird, 2008), intergenerational and intersectional impacts of colonization, racism, murder, rape, assimilation and genocidal attempts by churches and state through the residential school project (Annett, 2010; Grant, 2004; Jacobs & Williams, 2008), child welfare and adoption (Blackstock, 2010; Carriere, 2007; Johnson, 2011; Sinclair, 2009) and criminal justice systems (McGillivray & Comaskey, 2004).

There are ways forward, however. It will begin once Canada and the profession of social work, criminal justice and education have honest discourse with Indigenous peoples and leadership about the harm, blame and violence inflicted on Indigenous women in Canada and the myriad ways that prevents, fails to support and disables Indigenous women from protecting themselves and their children from personal, partner, structural or governmental violence. It depends on the amount of public, international political pressure and reconciliation efforts that can be applied on Canada. Reconciliation can never be achieved by only party to the violence.

There is a role for social workers, educators, political leadership and social justice advocates to garner support in the “court of public opinion” and elsewhere. Change is coming and it is being led through developments such as the restorative justice-focused First Nations Court led by Administrative Cree Judge Marion Buller-Bennett in New Westminster, BC. Indigenous peoples still have not yet reassumed control of the resources needed to fund change and it is true that non-Indigenous peoples dominate and control colonial institutions and systems and have vested interests in maintaining that control. Yet there is hope for the safety of Indigenous women and children, collective learning, healing, reconciliation and ally development possibilities for us all. It is a very big “if” and is dependent on both the willingness of allies to be guided by Indigenous peoples and their leadership and the success of our collaborative actions. Another place to start is by asking Indigenous

peoples, “What can I do to help?,” and then really listening to the answer before beginning to act.

Work with the political nature of Indigenous decolonizing social work practice

According to Yellow Bird (2004), the seven goals of decolonizing social work practice are better health, protected spiritual practices, a greater awareness of Indigenous history, language preservation, traditional education techniques, community building and economic development that is respectful of the environment and traditional values. Two of these goals, a greater awareness of Indigenous history and respect for traditional values, must be addressed through a process of truth-telling from Indigenous perspectives. A critical place to begin is by infusing truth-telling in the Canadian child welfare, criminal justice and educational systems. Non Indigenous Canadians must be helped to understand and take action to reconcile what was done to Indigenous communities between a historical time and today. We all must come to terms with what happened between a time when Indigenous women offered leadership, and Indigenous children were holistic and key members in self-sustaining, self-governing, rich and vibrant societies and today where Indigenous women and Indigenous children in child protection systems represent the bottom of a fragmented and marginalized population in every key income, educational, health, safe-housing, labour-force activity and socio-economic indicator that measures child well-being (RCAP, 1996). Influential Indigenous academics (Blackstock, 2010; Lawrence, 2004; Yellow Bird, 2004) argue that it is unrealistic and unwise to expect that the settler systems that have created so much trauma, pain and suffering for Indigenous peoples can now be expected to offer a way forward out of Indigenous intergenerational trauma and violence. Indigenous peoples have come to understand that Canadian systems are developed to maintain and reinforce the status quo and that social work is Eurocentric in its development and, as of today, its goal is not to transform Indigenous realities (Yellow Bird & Gray, 2008, p. 26). While that may be true today, it is difficult to know what tomorrow may bring, and as an Indigenous woman, I believe that the actions that each of us takes today will have implications for our seventh-generation descendants. Seven generations ago some believed that Indigenous peoples were a vanishing race; yet we

are still here, bloodied and bruised by the colonial war that continues to be fought, but we are here.

According to the Seven Fires Ojibway prophecy (Gaikesheyongai, 1994; Simpson, 2008), we are currently living in the Seventh Fire, a time when a new people, the Oshkimaadiziig of the Eighth Fire emerges. It is their responsibility to revive Indigenous languages, philosophies, culture, and ways of knowing and being. Their work is to develop new relationships with other nations by returning to our original instructions. Their work determines the outcome of the Eighth Fire yet it is dependent on other nations to join with us to build a sustainable future based on justice and respect. The Oshkimaadiziig certainly have their work cut out for them because statistics and examples from the research, policy and practice literature demonstrate that safety from intimate partner violence for Indigenous women in Canada is yet to be achieved (Anderson, 2006; Derosier & Neckoway, 2005; Lawrence, 2004; Native Women's Association of Canada, 2010; Sinclair, Hart & Bruyere, 2009; Strega, 2006; Wadden, 2008; White, Beavon & Spence, 2007). As an Indigenous person, the Saulteaux Elders' words continue to ring in my ears and hopefully they will resonate with the settler descendants on our lands. As we move forward to search for answers out of these complex and violent times towards reconciliation and peace, each one of us must always ask ourselves if what we are doing is good for our children and grandchildren.

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