

The UN's Sustainable Development Goal 5 in Indigenous
populations of Canada:

Missing and Murdered Indigenous Women and Girls in
Canada and the history of colonial gendered violence

Carles Maroto Pérez

NIA: 217583

Supervisor: Dr. Teresa Segura-Garcia

BA in Global Studies

Universitat Pompeu Fabra

2021



Universitat
Pompeu Fabra
Barcelona

Declaration

This dissertation is the result of my own work, is not copied from another person's published or unpublished work, and includes nothing which is the outcome of work done in collaboration, except where specifically indicated. Neither the dissertation nor any part of it is substantially the same as any writing submitted for assessment at Universitat Pompeu Fabra, another university, or any similar institution.

ABSTRACT

This dissertation analyses the intersection of mechanisms of oppression that act on the gendered experiences of indigenous women in British Columbia, and how they overexpose them to dynamics of violence and exploitation at the hands of a system that still perpetuates inherited colonial dynamics throughout its legal and political mechanisms and institutions.

The dissertation adopts a multidisciplinary approach. It draws from legal scholarship, sociological studies and geography to understand systems in place regulating and shaping Indigenous identity and communities in Canada. The main proposition is that the oppression systems that currently act on indigenous women and perpetuate their exposure to violence have been instituted throughout history by the domination of colonial cultural modes of thinking over the indigenous traditions and practices, leading to continuous disenfranchisement and violence performed on women.

The crisis of Murdered and Missing Indigenous Women is studied through this historical lens. Cases of MMIWG constitute an example of present violence and discrimination perpetuated against Indigenous women, and through them the impact of colonization becomes evident. To frame the cases of MMIWG, the dissertation also explores the present realities surrounding Indigenous women and communities which overexpose them to instances of victimization and abuse.

Keywords: indigenous women, social justice, colonialism, decolonization, inequalities

A NOTE FROM THE AUTHOR: ACKNOWLEDGMENTS

The author wants to use this space to briefly thank their dissertation supervisor, Dr. Teresa Segura-Garcia, for her continued support and understanding all throughout the endeavour of writing this thesis. Her patience, kindness and understanding, as well as her lack of judgement for the difficulties experienced over the past year by the author, have been a source of motivation and reassurance.

Furthermore, the author also wants to thank and acknowledge scholar and activist Pamela Palmater. While ultimately unable to materialize an interview with her, she took the time to reply to the author and offer them guidance on resources and insight on some of the key cases and legislation relevant to this study. She appears cited multiple instances in this thesis, and she is one of the most relevant referents currently fighting to advance the sovereignty of Indigenous peoples in Canada. Simultaneously, she is also a key scholar that has studied relevant law and the dynamics of discrimination and institutional exclusion that overwhelmingly impact Indigenous women. That she took the time to reply and offer such insightful help is a great honour and truly humbling.

Finally, the author would like to acknowledge the strength and courage of the families and communities affected by the crisis of Missing and Murdered Indigenous Women and Girls who shared their truth with the National Inquiry into Missing and Murdered Indigenous Women and Girls. While it has not been possible to reproduce their extensive testimonies, reading through them has shed light and direction into this thesis. More importantly, it constitutes an important step towards bringing to light the crimes of the Canadian state in failing to comply with its responsibilities to protect and not discriminate against Indigenous women and girls under International Human Rights Law. The author hopes that they can all find healing, justice and above all, the truth.

Table of Contents¹

I)	A PRELIMINARY NOTE ON TERMINOLOGY	I
1.	INTRODUCTION.....	3
2.	LITERATURE REVIEW.....	6
A)	INTRODUCTION: MURDERED AND MISSING INDIGENOUS WOMEN OF CANADA	6
B)	INDIGENOUS WOMEN AND VIOLENCE.....	14
C)	STEREOTYPING AND INSTITUTIONAL DISCRIMINATION OF INDIGENOUS WOMEN.....	17
3.	GENDER EQUALITY AND MURDERED AND MISSING INDIGENOUS WOMEN: THE SUSTAINABLE DEVELOPMENT GOALS FRAMEWORK.	22
A)	DEFINING SDG 5: GENDER EQUALITY	22
B)	SDG 5 AND CANADA: CENTRING MISSING AND MURDERED INDIGENOUS WOMEN	27
C)	ASSESSING THE CURRENT SITUATION OF MURDERED AND MISSING INDIGENOUS WOMEN	29
4.	AN INSTITUTIONAL HISTORY OF VIOLENCE: GENDERING, DISENFRANCHISEMENT	36
A)	THE INDIAN ACT OF 1876	38
B)	BILL C-31, 1985. AMENDING TO SURVIVE.	42
C)	BILL S-3: ADDRESSING INDIGENOUS CONCERNS BY LISTENING TO INDIGENOUS VOICES.	44
5.	POLICY RECOMMENDATIONS	47
6.	CONCLUSIONS	52
7.	BIBLIOGRAPHY	55

¹ The referencing method used during this dissertation, Chicago Full Note the 17th Edition, has expanded the extension of the work beyond its real contents. Following the guidelines provided in the dissertation handbook, the total number of pages of content of the main body of this dissertation takes up 41 pages, roughly following the structure and indications recommended.

ANNEX I: INFOGRAPHIC ON CONDITION OF WOMEN UNDER COVID-19 PANDEMIC	63
ANNEX II: MENTAL STRESS SCORE IN RELATION TO PROXIMITY TO ATTENDANCE TO RESIDENTIAL SCHOOLS.....	64
ANNEX III: URBANIZATION TRENDS AMONGST INDIGENOUS PEOPLES	65
ANNEX IV: TABLE OF FOOD BUDGETING IN THE REGINA RESIDENTIAL SCHOOL IN 1894, ACCORDING TO THE 1904 REPORT RESULTING FROM THE INQUIRY CONDUCTED BY J. MCKENNA, J. MENZIES AND R. MACKAY.	67
ANNEX V: TRANSCRIPT OF MEMO SENT TO REGIONAL DIRECTOR OF INDIAN AGENCIES IN MANITOBA R.S. DAVIS IN 1953 BY REGIONAL INSPECTOR OF INDIAN SCHOOLS G.H. MARCOUX.	68
ANNEX VI: STATUS LINEAGE UNDER BILL C-31.....	70
ANNEX VII: LEGISLATIVE AMENDMENTS AND LANGUAGE CHANGES PROVISIONED UNDER BILL S-3 ACCORDING TO THE FINAL REPORT SUBMITTED TO PARLIAMENT ON DECEMBER 2020	71
<i>Section 6: Legislative Language and Interpretation.....</i>	<i>72</i>
<i>Section 11: Legislative Language and Interpretation</i>	<i>75</i>
<i>Section 64: Legislative Language and Interpretation</i>	<i>78</i>
ANNEX VIII: INFOGRAPHICS ON IMPLEMENTATION AND CONSULTATION OF BILL S-3.....	81
ANNEX IX: SUMMARY OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS DFENDING THE RIGHTS OF INDIGENOUS PEOPLES AND INDIGENOUS WOMEN.....	82

Table of Figures

Figure 1 Female homicide data 1980 by province and ‘Aboriginal Status’	7
Figure 2 Proportion of Aboriginal identified females in relation to overall cases of female homicides.....	8

Figure 3. Number of female homicide victims in the period 1980-2012 by Aboriginal Status	9
Figure 4 Mental Distress Score by age groups in relation to Residential School attendance	64
Figure 5 Evolution of Indigenous migration to urban areas between 1961-2006 by group	65
Figure 6 Distribution of Indigenous population by area of residence disaggregated by groups	66
Figure 7 Dietary budgeting of the Regina School, showing the usage of "war economy" logic to save on food supply that was then resold or destined to supply staff and teachers instead of children	67
Figure 8 Scheme of Indian status lineage as provisioned under Bill C-31 in 1985, still discriminating against reinstated women under Section 6(1)	70
Figure 9 Infographic summarizing First Nation engagement in consultation and drafting of Bill S-3	81
Figure 10 Infographic summarizing actions taken to ensure effective implementation of Bill S-3	81
Figure 11 Summary of IHRL protecting the rights of Indigenous peoples	82

i) A preliminary note on terminology

The terminology used throughout this dissertation in order to refer to the Indigenous populations of Canada seeks to adapt itself to the preferences of Indigenous populations. Such preferences are gathered from reports and inquiries launched to study the realities of Murdered and Missing Indigenous Women and Girls (MMIWG); specifically, the prior discussion on terminology outlined in this dissertation is based on the document *Lexicon of Terminology: Preferred Terms – At a Glance* provided by the National Inquiry into Missing and Murdered Indigenous Women and Girls in 2019.

When discussing terminology in relation to Indigenous populations in Canada legal, political and social considerations must be taken into account. This section seeks to clarify the ways in which different names will be used to refer to different sectors of the Indigenous populations under different contexts and frameworks. The ever shifting nature of linguistics implies that over time the meaning attributed to these words changes, as so will preferences on how to be addressed on behalf of Indigenous communities. Furthermore, denoted preferences are not to be universalized to entire populations: within activist circles there are ongoing debates on which terminology to use when referring to Indigenous populations, and such debates tend to be complex and contentious. For that reason, this note is to be taken as a clarification on the use of terms as I will proceed to use them throughout the dissertation, as well as a declaration of intent to try to remain as respectful as possible towards Indigenous communities as I discuss the issue at hand.

With this preliminary note, I proceed to distinguish amongst some key terms that can be encountered throughout the dissertation to dissipate any doubts over their meaning:

1) **The term Aboriginal:** the term “aboriginal peoples” appears in the Constitution Act of 1982 to refer to three groups: Inuit, Métis and ‘Indians’. As of recent years, the term Indigenous has come to replace most of the uses that are given to the word Aboriginal to refer collectively to these three groups. However, there remain reports and pieces of legislation where the term ‘Aboriginal Peoples’ is used. Therefore, while the term will be mostly avoided throughout the dissertation, when discussing certain reports or pieces of legislation the term may appear. When in use, it will be used to address the three groups of Indigenous populations collectively under specific legal frameworks. The term ‘Aboriginal’ has been largely disregarded when referring to indigenous populations due to the implication

that those dubbed under the term *aboriginal* are not originary from the land (the latin prefix *ab-* meaning “away from” or “not from”).²

2) **The term Indian:** in prior pieces of legislation, the term ‘Indian’ appeared in reference to populations that belonged to the group of Indigenous peoples known as ‘First Nations’. The term has come to be rejected by the bands that fall under the grouping of ‘First Nations’. Therefore, the term will mostly be avoided, except for cases in which direct quotations reproduce the word when discussing ‘Indian’ status under the Indian Act.

3) **The term Indigenous:** alongside Native, this has become the preferred term to use when referring to Inuit, Métis and First Nation populations in general. Therefore, when referring to the general population of Indigenous Peoples of Canada, this term will be the most prominently used throughout the dissertation.

For more information on terminology and debates surrounding the issues that concern the way we name Indigenous populations in Canada, the *Lexicon of Terminology: Preferred Terms – At a Glance* provides further in-depth insight on a multitude of linguistic considerations to pay attention to when writing on Indigenous issues.

² Animikii Indigenous Technology, “Why We Say ‘Indigenous’ Instead of ‘Aboriginal,’” Animikii, 2017, <https://www.animikii.com/news/why-we-say-indigenous-instead-of-aboriginal>.

1. Introduction

In 2011 multiple NGOs and civil society organizations, including the Feminist Alliance for International Action and the Native Women's Association of Canada, sent to the Committee on the Elimination of Discrimination against Women a series of letters requesting for the Committee to launch an inquiry on the cases of Missing and Murdered Indigenous Women (MMIW) in Canada. Specifically, the letters requested the Committee to assess whether or not the Canadian Government was engaging in grave violations of their obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which it was party: namely they called out the Government for the lack of response to requests on behalf of civil society and reported cases to launch a national public inquiry into the cases and the subsequent failure to act to protect Indigenous women from such violence. Furthermore, the requested inquiry highlighted continuous violations of the rights of Indigenous women in the police and judiciary systems when cases of violence were reported on behalf of Indigenous women. The letters were supported with further backing from five members of Parliament and the Opposition Caucus of the Legislative Assembly of British Columbia.³

In response to such letters, the Committee found that it was under their capacity to request for an inquiry to be launched in accordance to article 8 of the Optional Protocol to CEDAW, ratified by Canada in 2002. Indeed, article 8 of the Optional Protocol outlines that if the Committee is to receive reliable information that a State Party engages in grave or systematic violations of their responsibilities under the CEDAW articles it reserves the right to launch an inquiry on the issue and deploy members in a visit to the State Party to report on the situation if the State Party agrees to host them.⁴ The result of the inquiry launched by the Committee was an extensive report released in 2015, in which the Committee stated:

The Committee (. . .) concludes that the violations indicated in the findings [in the report] reach the threshold of gravity given the significant negative consequences of acts violence on aboriginal women's right to life, personal security, physical and

³ Committee on the Elimination of Discrimination against Women, "Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention," 2015, 3–4.

⁴ UN General Assembly, "Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women," *Treaty Series* 2131 (1999): 87, <https://doi.org/10.1017/s0020818300024334>.

mental integrity and health. The violations outlined above, taken together, therefore constitute grave violations under article 8 of the Optional Protocol.⁵

With such a statement, the window into the realities of the ongoing violence to which Indigenous women are still exposed to even to this day were pried open. The Committee's report served to open the eyes of the international community to the ongoing violations of Human Rights taking place within Canadian borders, and gave voice to the Indigenous Peoples that up until then had been rendered invisible to the general public by Canadian institutions.

However, it must be noted that despite its undeniable relevance, the Committee's report failed to effectively explore the root causes of the violence to which Indigenous women were systemically exposed. Therefore, this dissertation seeks to build on the already registered data of cases of MMIW and frame them within a study of the ways in which colonialism still reproduces itself within Canadian institutions and reproduced in the relationships between the State and the Indigenous peoples of Canada.

The key question of the dissertation at hand does not hinge on whether or not Canada is responsible of the violation of the rights of Indigenous women: the reluctance of the State to provide answers and address the toppling cases of Murdered and Missing Indigenous Women is proof enough to the eyes of the international community that Canada is in breach of its international responsibilities. Rather this dissertation sets out to grapple with the origin of the violence to which Indigenous women are exposed to that has led to the current state of the Murdered and Missing Indigenous Women framework. The last report released by the Native Women's Association of Canada (NWAC) collected data on the cases of MMIW up until 2010, registering about 582 cases of missing and murdered indigenous women, with the oldest case registered dating back to 1944.⁶ Most recently, the Royal Canadian Mounted Police has revealed that there are at least 1,183 cases of MMIWG when adding up homicide victims and missing individuals.⁷ Of the subset studied by the NWAC, important conclusions

⁵ Committee on the Elimination of Discrimination against Women, "Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention," 53.

⁶ Native Women's Association of Canada, "Fact Sheet: Missing and Murdered Aboriginal Women" (Ottawa, 2019).

⁷ Royal Canadian Mounted Police, "Missing and Murdered Aboriginal Women: A National Operational Overview," 2014, 3.

were reached that can help us understand the impact that cases of MMIWG have: in 88% of the 582 cases studied by NWAC the victim was a mother, leaving more than 440 children impacted by the disappearance or murder of their mother and generating intergenerational impacts; furthermore, most cases happened in urban areas, showcasing the discrimination suffered by Indigenous women outside their community, with 70% of the disappearances and 60% of the murder cases happening within urban areas, and only 13% taking place on-reserve.⁸ When extrapolating these dynamics to the entirety of the 1,183 cases reported by the RCMP, it becomes clear that the crisis of MMIWG is on track to becoming an existential threat to Indigenous communities and cultures, effectively reproducing colonial practices of genocide.

Therefore, this dissertation argues that the cases of murdered and missing indigenous women are the result of the inherited institutions of colonialism, which still reproduce to this day forms of colonial violence on indigenous communities and specifically indigenous women. It is thus argued that the nature of the violence to which Indigenous women and girls is the result of colonial practices reproduced over the years that have gendered them and positioned them at an intersection of oppressive forces where the axis of gender and Indigeneity meet to disenfranchise them and create a position of vulnerability.⁹ Such vulnerability, as accurately stated by the Committee on the Elimination of Discrimination against Women, results from the socioeconomic conditions of Indigenous communities that push Indigenous women further into the margins of society and render invisible the violence exercised over them. It is important, however, to note that the current socioeconomic conditions of Indigenous communities are the result of colonial legacies reproduced through the intergenerational trauma and continued stereotyping and discrimination that Indigenous Populations continue to face to this day.

To prove this key point, relevant literature on the current conditions of Indigenous women and the systems and contexts that have placed them in these conditions is highlighted in a brief literature review. After framing the issue within the academic research carried out on issues regarding Indigenous peoples and gendered violence relevant to the study at hand,

⁸ Native Women's Association of Canada, "Fact Sheet: Missing and Murdered Aboriginal Women."

⁹ Sherene H Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space," *Canadian Journal of Law and Society* 15, no. 2 (2000): 91–130, <https://heinonline.org/HOL/P?h=hein.journals/cjls15&i=358>.

the cases of murdered and missing indigenous women will be framed within the wider scope of the United Nations' Sustainable Development Goals. Specifically, an overview of the SDG 5, 'Gender Equality', will be provided to frame the issue of MMIW within the frames of gender-based violence and discrimination, condemned by targets 5.1 and 5.2. The limitations of the SDGs framework and indicators when addressing the case of Indigenous women specifically will also be highlighted, given the consistent lack of disaggregated data available to assess the realities of Indigenous women and indicators to hold Canada accountable for its practices.¹⁰

The dissertation will then more specifically address the ways in which colonialism has played a role in gendering the identities of Indigenous women according to Western impositions through legal and political instruments such as the Indian Act of 1876. A brief overview of the history of colonialism and its impact on Indigenous populations will be provided to then link it to the ongoing cases of murdered and missing Indigenous women.

The scope of this dissertation is multidisciplinary in nature in order to compensate for the lack of academic resources and data that directly relates to the current situation of missing and murdered Indigenous women in Canada. Therefore, the aim is to provide an overview of the ways in which colonialism has functioned to gender and oppress Indigenous women based on a multiplicity of fields of study to design a pathway towards possible policies that will ensure the furthering of reconciliation, compensation and improvement of the conditions of Indigenous communities and specifically of Indigenous women, who are placed as survivors of intersecting oppressions due to their multiple crossing identities.

2. Literature Review

a) Introduction: Murdered and Missing Indigenous Women of Canada

In researching the cases of Missing and Murdered Indigenous Women, it is important to note the consistent denouncement at the hands of multiple organizations of the lack of

¹⁰ Galina Angarova and Roberto Borrero, "High Level Political Forum (HLPF): 'Ensuring That No One Is Left Behind,'" 2016; National Inquiry into Missing and Murdered Indigenous Women and Girls, "Lexicon of Terminology: Preferred Terms - At a Glance," 2019, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/MMIWG_Lexicon_FINAL_ENFR.pdf.

properly kept and disaggregated data.¹¹ This lack of data disaggregated according to relevant characteristics has led to the lack of extensive quantitative research on the field of Murdered and Missing Indigenous Women within academia.

The most recent subset of data into cases of Murdered and Missing Indigenous Women available to the public from Government organisms is found in the 2015 update of the 2014 Royal Canadian Mounted Police national report on cases of MMIW. The findings of the 2014 RCMP report confirmed a consistent over-representation of Indigenous women in the numerous cases of homicide reviewed between 1980 and 2012, accounting for 16%¹² of all female homicides across Canada (see Figure 2.1) despite representing only 4.3% of the female population at the time of the study.¹³

Province/ Territory	Aboriginal	Non- Aboriginal	Unknown	Aboriginal victim proportion
NL	10	57	1	15%
PE	0	10	0	0%
NS	5	163	4	3%
NB	5	125	0	4%
QC	46	1445	11	3%
ON	114	1901	48	6%
MB	196	188	13	49%
SK	153	116	7	55%
AB	206	533	2	28%
BC	205	890	8	19%
YK	10	8	0	56%
NT	47	3	1	92%
NU	20	0	0	100%
Total	1017	5439	95	16%

Figure 1 Female homicide data 1980 by province and 'Aboriginal Status'

Royal Canadian Mounted Police. (2014). *Missing and Murdered Aboriginal Women: A National Operational Overview*.

The studies of trends with disaggregated and isolated data further showed that while the tendency for female homicides overall was decreasing, the cases of homicides of Indigenous women was on the increase (Figure 2.2), as well as experiencing a continued increase of the proportion of cases of Indigenous women vis-à-vis non-Indigenous women in homicide

¹¹ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.," vol. 1b, 2019, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf.

¹² Royal Canadian Mounted Police, "Missing and Murdered Aboriginal Women: A National Operational Overview," 2014, 9.

¹³ Royal Canadian Mounted Police, 7.

investigations (Figure 2.3).¹⁴ Furthermore, the 2014 report exposed that the Canadian Centre for Justice Statistics (CCJS) Homicide Survey database they used to extract the data also reported 164 cases of missing Indigenous women.¹⁵ The aforementioned 2015 report reviewing the progression of data between 2014 and 2015 confirmed the continuation of these trends, and provided further insight into them by studying the 32 cases of homicide reported within RCMP jurisdiction as well as the study of the 19 new registered cases of missing indigenous women.¹⁶

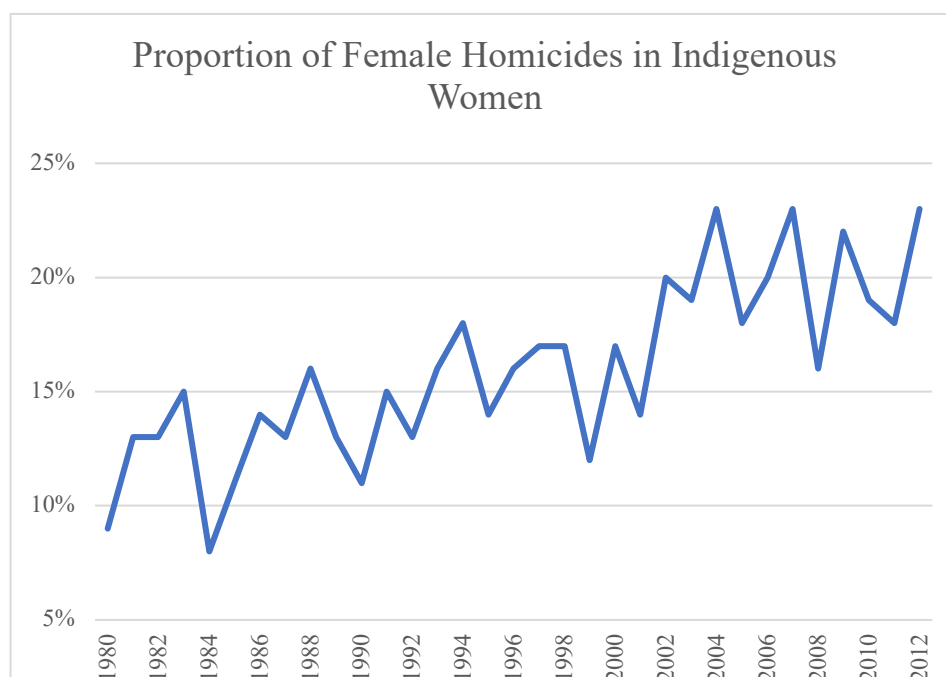


Figure 2 Proportion of Aboriginal identified females in relation to overall cases of female homicides

Royal Canadian Mounted Police. (2014). *Missing and Murdered Aboriginal Women: A National Operational Overview*.

¹⁴ Royal Canadian Mounted Police, 10.

¹⁵ Royal Canadian Mounted Police, 8.

¹⁶ Royal Canadian Mounted Police, "Missing and Murdered Aboriginal Women: A National Operational Overview," 2015, <https://www.rcmp-grc.gc.ca/wam/media/455/original/c3561a284cfbb9c244bef57750941439.pdf>.

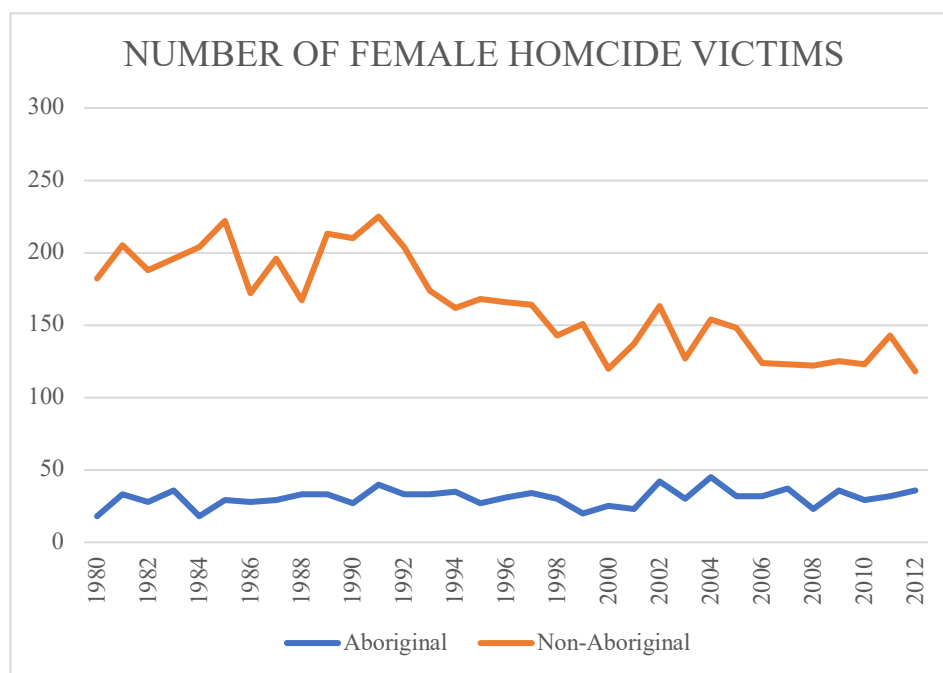


Figure 3. Number of female homicide victims in the period 1980-2012 by Aboriginal Status

Royal Canadian Mounted Police. (2014). *Missing and Murdered Aboriginal Women: A National Operational Overview*.

Furthermore, the data collected in these reports helps provide further insight into the relationship of Indigenous female victims to the perpetrators of the criminal act. Unlike the general trend observed in cases of female homicides, most homicides of Indigenous women were committed by acquaintances or strangers (a total of 38% of the cases), whereas most cases of female homicide of non-Indigenous women were linked to spousal relationships (41% as opposed to the 29% of their Indigenous counterparts).¹⁷ It becomes clear, therefore that the influence of external agents on Indigenous women's bodies and identities is a prominent feature to account for when studying the cases of Missing and Murdered Indigenous Women: there is a reason why agents outside of the family nuclei are more present as perpetrators of homicide in the cases of Indigenous women. Studies within academia have long worked to establish the link between colonial discourses that surround the female Indigenous identity and the violence experienced by Indigenous women; the dichotomy between whiteness as "civilized" and non-white individuals as "savage" has been used to consistently criminalize and judge Indigenous peoples, subjugating them and pushing

¹⁷ Royal Canadian Mounted Police, "Missing and Murdered Aboriginal Women: A National Operational Overview," 2014, 12.

their narratives and voices into the margins of society and essentializing them as inferior and less privileged than their non-Indigenous counterparts.¹⁸

It is important, however, that when interacting with these statistics we keep in mind the criticism that has been leveraged against the data sets used by the RCMP to draw conclusions on the cases of Murdered and Missing Indigenous Women. The RCMP has been criticized by organizations working on research in the field of MMIW for using limited datasets, sourcing statistics from sources and practices that racially define Indigeneity and inaccurately record data, overestimating the ratio of solved cases at 81% in the 2015 report and overrepresenting the cases in which the perpetrator was known to the victim.¹⁹ Furthermore, the RCMP has drawn criticism for the lack of statistics on cases of missing individuals in general, and the specific impact that this has in accurately studying the cases of missing indigenous women and girls; the lack of data is further emphasized in the cases of Two-Spirit people or LGBTQQIA individuals (2SLGBTQQIA).²⁰

For this reason, much of the academic research on the topic of Missing and Murdered Indigenous Women focuses primarily on qualitative methods of study to understand the impact of cases of murdered and missing indigenous women and the causes behind them. Much of the research is aimed at understanding the spaces of resistance that have resulted from the cases of missing and murdered indigenous women, providing theoretical frameworks to study the cases of the premature deaths of Indigenous women at the hands of an exploitative and neglectful system and establishing links amongst the victimized women and their communities.

With this goal in mind, Josephine Savarese calls upon the creation of scholarship that is placed at the service of victims and survivors of cases of murdered and missing indigenous women by adopting a lens of “presencing” the lives lived by those taken away and the subsequent mourning processes of those impacted by the loss.²¹ By studying the cases of two

¹⁸ Emma Laroque, “The Metis in English Canadian Literature,” *The Canadian Journal of Native Studies* III, no. 1 (1983): 86, <http://www3.brandonu.ca/cjns/3.1/laroque.pdf>.

¹⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, 1b:247–50.

²⁰ National Inquiry into Missing and Murdered Indigenous Women and Girls, 1b:251–52.

²¹ Josephine L Savarese, “Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women,” *Canadian Journal of Women and the Law* 29, no. 1 (April 1, 2017): 157–81, <https://doi.org/10.3138/cjwl.29.1.157>.

indigenous women lost due to violent practices in the judicial and police institutions, Kinew James and Amber Tuccaro, Savarese invokes the necessity of using “presencing” to showcase the plurality of Indigenous women’s lives and move towards socio-legal reforms that avoid the criminalization and essentializing of Indigenous realities for women and girls that continue playing into the narratives of passivity of Indigenous women when exposed to violence and result in victim-blaming and stereotyping in legal inquiries and processes.²²

Savarese’s article therefore serves as a key piece of literature outlining the necessity of engaging in relational and qualitative practices of research to empower Indigenous women and understand the complex nature of how colonial violence and systems continue to reproduce themselves. For instance, Savarese argues that while it may be easy to see Kinew as another face of the over-representation of Indigenous women in prison facilities who suffer neglect and are plagued by pasts of victimization at the hands of colonial violence,²³ it is important to honour Kinew’s optimism and acknowledge her dreams of studying law.²⁴ Acknowledging the impact of the residential school system on her parents, who abandoned her when she was a young child, remains important: so does understanding the ways in which surviving the physical, mental and sexual abuse she endured in the child welfare and criminal systems impacted her.²⁵ However, the framework of “presencing” allows us to do that while also understanding the ways in which Kinew remained transformative and revolutionary in her actions: therefore we must also note Kinew resisted institutional violence when she came forward to report a male guard who was bringing drugs into the Grand Valley Institution for Women, where she was housed, and exchanging them for sexual favours from female inmates.²⁶

“Presencing” allows us to avoid defining Indigenous realities on the basis of dysfunction when highlighting colonial violence, as Razack accuses the “colonial truths” of inquiries and reports of doing,²⁷ and enables us to move towards a frame that “attributes

²² Savarese, 173–74; Pamela Palmater, “Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry,” *Canadian Journal of Women and the Law* 28, no. 2 (August 1, 2016): 270, <https://doi.org/10.3138/cjwl.28.2.253>.

²³ Savarese, “Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women,” 164–65.

²⁴ Savarese, 171.

²⁵ Savarese, 168.

²⁶ Savarese, 169.

²⁷ Sherene H Razack, “Sexualized Violence and Colonialism: Reflections on the Inquiry into Missing and Murdered Indigenous Women,” *Canadian Journal of Women and the Law* 28, no. 2 (August 1, 2016): iv, <https://doi.org/10.3138/cjwl.28.2.i>.

social, political, and historical astuteness to Indigenous women and girls' interpretations and daily actions".²⁸ Conclusively, "presencing" is put forth as a new way of creating legal inquiries into the issues surrounding murdered and missing Indigenous women while avoiding the stigma, abjection and stereotyping that have traditionally persevered in mainstream discourse and institutional practices and which continue to victimize and remove autonomy from Indigenous women.²⁹

Literature into forms of resistance and violence in cases of murdered and missing indigenous women has also delved into the spatial dimensions of oppression and invisibilization. Sex, gender and race play into the creation of geographies and "ethnosexual frontiers",³⁰ which function as a way to negotiate spaces as 'respectable' and 'appropriate' and therefore segregate spaces in which violence occurs as liminal and inherently violent, marginalizing Indigenous women to these spaces and making them invisible.³¹ Beyond spaces of bodily violence, spaces of "slow violence"/"tender violence" exist where violence is reproduced through everyday affective networks and structures that engage in social reproduction of the legacies of colonialism such as the homes of Indigenous women; these spaces, however, tend to go unnoticed by the historiographies of the objective meta-narratives of colonial oppression at the hands of the Canadian government, foregoing therefore the needed intersectional perspective to analyse the geographies of violence that specifically impact Indigenous women.³²

Understanding these geographic and spatial component to colonial violence, Saramo highlights the way in which online political campaigns such as the '#AmINext' campaign create online political spaces in which activists come into contact and make visible the violence suffered by Indigenous women, spreading information and insight on cases of

²⁸ Savarese, "Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women," 170.

²⁹ Savarese, 181.

³⁰ Joane Nagel, "Ethnicity and Sexuality," *Annual Review of Sociology* 26, no. 1 (August 1, 2000): 120–22, <https://doi.org/10.1146/annurev.soc.26.1.107>.

³¹ Samira Saramo, "Unsettling Spaces: Grassroots Responses to Canada's Missing and Murdered Indigenous Women During the Harper Government Years," *Comparative American Studies An International Journal* 14, no. 3–4 (October 1, 2016): 208, <https://doi.org/10.1080/14775700.2016.1267311>.

³² Sarah de Leeuw, "Tender Grounds: Intimate Visceral Violence and British Columbia's Colonial Geographies," *Political Geography* 52 (2016): 14–23, <https://doi.org/https://doi.org/10.1016/j.polgeo.2015.11.010>.

MMIW.³³ The use of memes, hashtags and other tools to call out the Harper administration and push for a national inquiry on MMIW back in 2014 played a significant role in engaging the public and raising awareness of MMIW, but it also endangered the fundamental Indigeneity of the movement as other sectors of society co-opted the use of the ‘#AmINext’ hashtag and mainstream news sources obscured the claims put forth by the campaign in their headlines.³⁴ Indeed, in their 2018 study Moek-Pickering, Cote-Meek and Pegoraro found that the use of social media as a resource for repatriating and re-centring the stories of MMIW beyond the stereotyped and often victim-blaming approaches of mainstream media had a positive impact in educating and engaging audiences with demanding accountability for cases of MMIW; however, they also warned about the importance of ensuring that the use of social media campaigns and big data analytics and research served to further advance the narratives and voices of Indigenous Populations and not to produce engagement for the sake of research or visibility.³⁵

Beyond the creation of spaces for visibility in online campaigns, artistic projects such as the *REDress Project* and *Walking With Our Sisters*, accompanied by staged vigils and the creation of public spaces of mourning have served as critical tools for articulating resistance and denouncement within Indigenous communities.³⁶ The concerns with the impact of cases of MMIW in the communal tissues of Indigenous groups are expressed therefore within this field of geographical research into identities, affective networks and spaces of visibility that is slowly flourishing within the MMIW framework. This emergent field of study has slowly served to advocate for the articulation of a legal framework that denounces the specific forms of violence experienced by Indigenous women within society and their own communities.

The creation of such geographies of violence and resistance proves useful in drafting common patterns of colonial violence, such as in the case of García-Del Moral in her 2011 study of the murders and disappearances of Indigenous women in Canada. García-Del Moral establishes useful parallels between the femicides in Mexico and Central and South America

³³ Saramo, “Unsettling Spaces: Grassroots Responses to Canada’s Missing and Murdered Indigenous Women During the Harper Government Years,” 210–11.

³⁴ Saramo, 211.

³⁵ Taima Moek-Pickering, Sheila Cote-Meek, and Ann Pegoraro, “Understanding the Ways Missing and Murdered Indigenous Women Are Framed and Handled by Social Media Users,” *Media International Australia* 169, no. 1 (October 12, 2018): 54–64, <https://doi.org/10.1177/1329878X18803730>.

³⁶ Saramo, “Unsettling Spaces: Grassroots Responses to Canada’s Missing and Murdered Indigenous Women During the Harper Government Years.”

and the systemic murders and disappearances of Indigenous women in Canada, but she also uses the study to criticize the traditional radical feminist approach to femicide that essentializes the violence that women experience within sexed dichotomies and fails to account for the realities of anticolonial resistance and grassroots activist; the result is the proposal to move beyond traditional frameworks of femicide and use it as a legal framework to contextualize systemic colonial violence to make anticolonial claims gain ground in the international community and provide visibility to the cases of murdered and missing Indigenous women in Canada.³⁷

To conclude, the innovative ways in which research into cases of MMIW is framing qualitative research allow us to approach the issue of violence against Indigenous women through an anticolonial lens, acknowledging the complexities the intersectional oppressions that act upon them. However, as helpful as the theoretical frameworks provided to study violence within this field of research are, the lack of overall reliable quantitative data and the novel status of this field of research in academia make it necessary to contextualize the cases of MMIW and the research surrounding the realities of the Indigenous communities that witness them within other forms of violence to which Indigenous women are exposed. Indeed, practices such as sexual trafficking or prostitution are widely recorded within Indigenous communities, and they help provide insight into the situation of vulnerability generated around Indigenous women and girls. Furthermore, it is important to consider the research carried out into institutional and discursive forms of violence to understand how they have historically affected Indigenous women and positioned them within contexts of vulnerability.

b) Indigenous Women and Violence.

Literature surrounding research and inquiries into the experiences and realities of sexual labour has exposed the inherent violence to which sexual workers are exposed to simply by engaging in the practice. The body of academic literature on sex work has increased over the past forty years as rates of violence have dramatically increased. Studies have reported rates of incidence of up to 70% of women in prostitution suffering of rape, with 65% suffering

³⁷ Paulina García-Del Moral, “The Murders of Indigenous Women in Canada as Femicides: Toward a Decolonial Intersectional Reconceptualization of Femicide,” *Signs: Journal of Women in Culture and Society* 43, no. 4 (May 11, 2018): 929–54, <https://doi.org/10.1086/696692>.

assault at the hands of customers and 66% of them by pimps.³⁸ Furthermore, literature on the root causes of prostitution have identified histories of prior sexual child abuse as a key component to induction into street prostitution of youth, with prostitutes reporting rates of abuse of up to 60% as juveniles (younger than 16)³⁹. Indeed, literature on sex trade has long established an existing correlation of key factors that destabilize and create childhood trauma conducive to circumstances of sexual exploitation; among those factors homelessness or housing instability, exposure to substance abuse in their home lives, victimization at the hands of family members, criminal activity within families, and a lack of support systems due to a lack of access to educational and support institutions feature prominently in a multitude of research reports and academic papers.⁴⁰

Literature on the nature of the violence experienced by women in the sex trafficking world is of special relevance in the study of the violence experienced by Indigenous women, which exposes them as a vulnerable group and creates the potentiality for cases of MMIW to exist. Surveying data across Canada has concluded that, averaging the data of communities all around the state, Indigenous youth constitute 90% of the visible sex trade, whereas Indigenous populations represent only 10% of the population demographic.⁴¹ In a specific survey conducted in Vancouver, Farley, Lynne and Cotton contrasted census data with sexual worker demographics, concluding that 52% of the respondents were Indigenous women versus the 7% that Indigenous people constituted of the overall demographic in Vancouver at the time.⁴² The data set in Vancouver is especially relevant since, alongside Ottawa (Ontario) and Winnipeg (Manitoba), literature has identified it as one of the main hubs for prostitution

³⁸ Mimi H. Silbert, Ayala M. Pines, and T. Lynch, "Sexual Assault of Prostitutes." (San Francisco, 1982); as quoted in Melissa Farley, Jacqueline Lynne, and Ann J. Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," *Transcultural Psychiatry* 42, no. 2 (2005): 243, <https://doi.org/10.1177/1363461505052667>.

³⁹ Mimi H. Silbert and Ayala M. Pines, "Sexual Child Abuse as an Antecedent to Prostitution," *Child Abuse and Neglect* 5, no. 4 (January 1, 1981): 409, [https://doi.org/10.1016/0145-2134\(81\)90050-8](https://doi.org/10.1016/0145-2134(81)90050-8).

⁴⁰ Silbert and Pines, "Sexual Child Abuse as an Antecedent to Prostitution"; Mimi H Silbert and Ayala M Pines, "Entrance into Prostitution," *Youth & Society* 13, no. 4 (June 1, 1982): 471–500, <https://doi.org/10.1177/0044118X82013004005>; Susan M Nadon, Catherine Koverola, and Schluderma Eduard H, "Antecedents to Prostitution: Childhood Victimization," *Journal of Interpersonal Violence* 13, no. 2 (April 1, 1998): 206–21, <https://doi.org/10.1177/088626098013002003>.

⁴¹ C Kingsley and M Mark, "Sacred Lives: Canadian Aboriginal Children & Youth Speak out about Sexual Exploitation" (Vancouver, 2001), 4.

⁴² Farley, Lynne, and Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," 258. It is of important note to highlight that in the study the term 'First Nation' is used generically for all Indigenous populations.

and sexual trafficking in Canada.⁴³ Additionally, from Farley, Lynne and Cotton's we can extrapolate key insights on the life experiences of Indigenous women in prostitution when compared to non-Indigenous women: Indigenous women reported significantly more incidences of childhood sexual abuse (96%) and childhood physical abuse (81%), whereas the data set exposed a relative convergence in experiences of physical assault and rape once in prostitution and homelessness between both Indigenous and non-Indigenous women.⁴⁴ In a more recent study, set in the state of Minnesota in the USA, Farley et. al. further confirmed similar tendencies amongst Indigenous women in the field of sex work, showcasing that the overexposure to sexual trafficking is a shared experience amongst Indigenous women across North America.⁴⁵ Furthermore, both studies innovated on existing research by studying PTSD and disassociation symptoms experienced and reported by Indigenous women, showcasing an overall overrepresentation of Indigenous women in the diagnosis and symptomology experienced.⁴⁶

Ultimately, the relevance of literature on sexual trafficking and exploitation to the study of MMIW is evidenced by the role that prostitution has played in invisibilizing and dehumanizing Indigenous women. As early as 1892, prostitution clauses were used in conjunction with the then newly implemented Criminal Code to organize crackdowns on Indigenous women, criminalize them and exercise control over their movements and lives under the pretence of concerns for their safety in a context of increasing trafficking of Indigenous women.⁴⁷ Referring back to the concept of "ethnosexual frontiers",⁴⁸ the usage of criminalization at the intersection of the ethnic, gendered and sexual identities serves to invisibilize the struggle of Indigenous women, creating a framework of criminalization that creates institutional arrangements inadequate to address the crisis.

⁴³ Native Women's Association of Canada, "Sexual Exploitation and Trafficking of Aboriginal Women and Girls," 2014, 8. The report provides a compiled overview of key literature and trends to help highlight the issue of sexual exploitation and trafficking in Indigenous women.

⁴⁴ Farley, Lynne, and Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," 253.

⁴⁵ Melissa Farley et al., "Garden of Truth" (Minnesota, 2011), 3, <http://open.wmitchell.edu/facsch/226>.

⁴⁶ Farley, Lynne, and Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," 252–54; Farley et al., "Garden of Truth," 29–32.

⁴⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls," vol. 1a (National Inquiry into Missing and Murdered Indigenous Women, 2019), <https://www.mmiwg-ffada.ca/final-report/>.

⁴⁸ Nagel, "Ethnicity and Sexuality."

c) *Stereotyping and institutional discrimination of Indigenous Women*

Finally, it is of key relevance to address the inquiries done by academics and organizations on the pervasiveness of institutional discrimination that Indigenous women still suffer to this day. Palmater has written on the systemic racism and sexual violence that Indigenous women experience on behalf of government authorities. Specifically, her insights on the RCMP showcase a long history of abuse and cover ups. These resulted in a Missing Women Commission of Inquiry being launched in British Columbia, which concluded that the RCMP practices towards Indigenous families reporting missing Indigenous women were characterized by systemic inadequacies, failures and culturally insensitive practices that further marginalized and alienated Indigenous communities.⁴⁹

The issue of institutionalized discrimination and sexual violence experienced by Indigenous women has been regarded as systemic, and there has been consistent reporting on continued failures of responding to cases of domestic assault, sexual violence and abuses within the RCMP itself.⁵⁰ During interviews with Human Rights Watch, Indigenous women and girls expressed overall distrust in police and the RCMP, which led to a lack of reporting of most disappearances, abuses and murders.⁵¹ Human Rights Watch also received reports of sexual abuse at the hands of police officers in 5 out of 10 towns surveyed in the creation of their report on police violence and abuse *Those Who Take Us Away* (2013).⁵² Similarly, during the inquiry Human Rights Watch also reported at least 15 cases of police physical violence,⁵³ ranging from violence during detention in the form of unjustified detention, aggressive handcuffing and violent subjugation;⁵⁴ to violence while in custody, with the account of Joy I. describing being stripped naked down to her underwear after being rendered defenceless through the usage of pepper spray, while the account of Anna T. showcases an instance of systematic abuse of her rights and verbal violence as officers threatened to be

⁴⁹ Palmater, “Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry,” 279.

⁵⁰ Human Rights Watch, “Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada” (New York, 2013).

⁵¹ Human Rights Watch, 66.

⁵² Human Rights Watch, 59.

⁵³ Human Rights Watch, 62.

⁵⁴ Human Rights Watch, 63.

charged with assault for resisting arrest or being beaten once in custody, to which she replied she would take the beating.⁵⁵

Complimented with the cases studied in Palmater's research in the jurisdictions of Ontario and Québec, we see a pattern of systemic violation of due procedure, racist targeting and human rights violation in policing practices, which becomes intensified in cases of Indigenous women. Whereas the 2016 case of the murder committed by the police officer James Forcillo of Armenian-Syrian eighteen-year-old Sammy Yatim resulted in the conviction of Forcillo and four other police officers under charges of planting evidence and obstructing justice and received extended media coverage,⁵⁶ continued investigations and procedures brought against eight Quebec provincial police officers at the time for sexual assault and physical abuse on Indigenous women were met with suspensions with pay and little to no media coverage, as well as public statements by police unions protesting the suspensions and no institutional response to the allegations brought against the police officers.⁵⁷

However, institutional discrimination and violence does not end with police arrests and within custodies. Inquests and legal inquiries have been generally found to provide ineffective frameworks to address the concerns over the disappearances and deaths of Indigenous peoples.⁵⁸ Legal scholars such as Sherene Razack point to the fact that inquests and inquiries launched to look into the deaths of Indigenous people in custody have traditionally produced a narrative of criminalization of Indigenous identities, by displacing blame away from active perpetrators of abuse and drawing the identities of Indigenous subjects as frontiers to legality in an institutional framework that dismisses the culture and traditions of Indigenous people.⁵⁹ The reproduction of the "Frontier Myth" has framed encounters with Indigenous peoples as an ongoing war to be institutionally waged against a population that lives in the "wilderness" and in "savagery".⁶⁰ The reproduction of this dichotomy shapes interactions with all institutions, creating not just ineffective legal systems,

⁵⁵ Human Rights Watch, 64.

⁵⁶ Palmater, "Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry," 273.

⁵⁷ Palmater, 274.

⁵⁸ Sherene H Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody* (University of Toronto Press, 2015), 7.

⁵⁹ Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*.

⁶⁰ Razack, 63.

but also medical indifference and continued abuse as normative behaviours in all interactions with Indigenous communities.⁶¹

There is also a spatial component to such institutional discrimination, both in the process of dehumanization and the invisibilization of Indigenous lives. As pointed out by Razack: “Enlightenment theorists defined the human as separate from nature; all humans were placed on a scale of development, defined as their gradual emergence from the state of nature”.⁶² This framing is conducive to distinctions of distinct kinds of human beings, engaging in the creation of a dichotomy between the self-determined subject that emerges above nature and the outer-determined others that is yet subjected to the natural world and its conditions.⁶³ The contact with Indigenous peoples reproduced racial othering, and in the name of Enlightenment ideals of modernity resulted in an institutional and legal framework that invisibilized the Indigenous subject by creating legal pathways of inclusion through assimilation: a process of bringing the Indigenous populations into modernity at a symbolic level through the law, and at a material level through the policies of land management and reserve created by settler state governments, resulting in an overall invisibilization of land claims.⁶⁴

Consequently, the disappearance of Indigenous women have been tied to migratory movements from on-reserve communities to urban centres where they lack community support and where they are more likely to be exposed to gang violence, sexual trafficking, isolation dynamics, and strong gaps in services to aid them.⁶⁵ Many of these disappearances are traced to domestic trafficking of young women from families that are in socioeconomic disadvantaged positions, and they are left to deal with homelessness and poverty once in the city.⁶⁶ Razack argues that these dynamics of invisibilization in urban centres relate to the ways in which Indigenous peoples in urban settings exist in states of homelessness and poverty, leading to their “animalization” and the dumping of Indigenous peoples to the

⁶¹ Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*.

⁶² Razack, 60.

⁶³ Razack, 61.

⁶⁴ Razack, 62.

⁶⁵ Native Women’s Association of Canada, “Sexual Exploitation and Trafficking of Aboriginal Women and Girls,” 12–13.

⁶⁶ Urban Native Youth Association, “Full Circle: A Manual on Sexually Exploited Native Youth Issues in Vancouver.” (Vancouver, 2002); Maya Seshia, “The Unheard Speak Out: Street Sexual Exploitation in Winnipeg,” 2005.

outskirts of cities, ultimately showcasing the city as a space of racial-spatial economies that tend towards perpetuating structural violence towards Indigenous peoples.⁶⁷

The death of seventeen-year-old Neil Stonechild in 1990 exemplifies the indifference towards Indigenous suffering in urban centres: while Stonechild froze to death in the outskirts of Saskatoon, signs of violence on his wrists and his nose indicated an instance where violent arrest had taken place, resulting in the Wright inquiry of 2004.⁶⁸ While the inquiry concluded that there was police violence involved in the death of Neil Stonechild thanks to multiple testimonies, the conclusion of the inquiry did not produce suspects: details of the case unveiled that police had been called to arrest Stonechild under the grounds of drunken and inappropriate public behaviour, but constant lying and cover-up tactics of up to the highest ranks of the police units led to an inconclusive inquiry that reduced the case to cultural misunderstandings and violent reactions to the arrest.⁶⁹ Similarly, the freezing deaths of Rodney Naistus and Lawrence Wegner in 2000 under similar circumstances in the same area of Saskatoon were attributed to their own migratory movements within the city after the conclusion of their respective inquests, with both Indigenous men mainly framed as criminals due to their habits of drug consumption and drinking.⁷⁰

Gender further emphasizes these dynamics of dehumanization, criminalization and invisibilization. In the trial on the murder of Pamela George in 1995, the defence was able to reduce the sentence from second degree murder to manslaughter of the two university athletes that committed the murder, Steven Kummerfield and Alex Ternowetsky; the key strategy involved the discrediting of Pamela George's persona by arguing that her involvement in sexual work was a key trait of her personality, which the judge then used to incite sympathy for the young men in the jury.⁷¹ The portrayal of Indigenous women as conflated with prostitution and criminality has been instrumental since the 19th century to secure the policing of Indigenous women's movement, and it has contributed to the legitimization of the violence they have traditionally experienced when transgressing geographical boundaries: newspaper

⁶⁷ Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*, chap. Six: "It Happened More than Once": Freezing Deaths in Saskatchewan. In this chapter Razack showcases urban centres as spaces of settler colonialist violence through the perpetuation of socioeconomic segregation.

⁶⁸ Razack, 164–65.

⁶⁹ Razack, 172–78.

⁷⁰ Razack, 166.

⁷¹ Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space."

records of the 19th century serve as evidence that Indigenous women were perceived as inherent prostitutes and criminals, leading to overall inaction on behalf of government authorities and police when abuse and disappearances were reported.⁷² On the other hand, both Kummerfield and Ternowetsky as white young men benefitted from the historical institutions that enforce on-reserve segregation of Indigenous people: Indigenous people have historically been displaced from urban centres, and migration into cities results in the segregation of Indigenous people to the outskirts, where criminalized activities are more widely practiced as forms of submerged economies, reproducing the dynamics of policing that echo from the 19th century to the present.⁷³ For instance, in the prairie city of Regina, where the murder took place, policing practices of outskirt neighbourhoods were intensified in the late 1960s and early 1970s, and as a consequence soon after that the number of Indigenous peoples in Regina's jails increased by 10%.⁷⁴ Estimates in the province of Saskatchewan at the time indicated that Indigenous women were 131 times more likely to be incarcerated than non-Aboriginal women, and Jim Harding's 1993 *Presentation to the Royal Commission on Aboriginal Peoples* reported that Indigenous women "made up 80-90 percent of the prison population at Pinegrove [in Regina]".⁷⁵

When women like Pamela George move from their on-reserve hometowns (the Sakimay reserve, bordering Regina, in this case) to the urban outskirts to make a living through sex work, there is an immediate mapping of their racial, spatial, and gender identities on their bodies that invoke the reinforced practices and institutions of colonialism.⁷⁶ On the other hand, when white men such as Kummerfield and Ternowetsky move from city centres to the marginalized and socioeconomically poorer outskirts such as the Stroll street where the murder of Pamela George took place, the perception invoked upon their bodies by years of colonialist practice on behalf of the state is that of the adventurous man entering danger zones of wilderness, savagery and criminality, the hypermasculinity in this case emphasized by their engagement in sports.⁷⁷ On the night of Pamela George's murder, both men had gone to the Stroll district to pay for sex work after engaging in over-drinking and drug consumption, but

⁷² Razack, 97–98.

⁷³ Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space."

⁷⁴ Razack, 103.

⁷⁵ As quoted in Razack, 103.

⁷⁶ Razack, 105–6.

⁷⁷ Razack, 114.

rather than being perceived as criminal actions these were seen by the defence and the jury as traits of the sports culture and bonding experiences of white males.⁷⁸

Spatiality, race/ethnicity, and gender play instrumental roles in the framing of the lived experiences of Indigenous women. In Pamela George's case, whereas her identity as an on-reserve-born Indigenous woman living in the outskirts of Regina positioned her as an inherently dehumanized criminal, the men that murdered her were framed as two young men that had made a mistake and not as two murderers who had sexually assaulted and beaten to death another person: rather than being convicted from second-degree murder, they were sentenced to six years in prison for a reduced sentence of manslaughter through the invocation of white fragility and privilege.⁷⁹

This institutional discrimination has been legally reproduced over the years through the enforcement of the Indian Act of 1876⁸⁰ and its subsequent amendments in the form of Bill C-31, Bill C-3⁸¹ and most recently as of 2017, Bill S-3.⁸² The work on legal scholarship produced by both Palmater and Razack is key to understand the role that colonial history, Indigenous identity and gendered bodies play in regulating the relationships between Indigenous women and the state under the context of the Indian Act.

3. Gender Equality and Murdered and Missing Indigenous Women: the Sustainable Development Goals Framework.

a) Defining SDG 5: Gender Equality

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) defines “discrimination against women” as

⁷⁸ Razack, 110.

⁷⁹ Razack, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space.”

⁸⁰ Joanne Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada,” *American Quarterly* (Johns Hopkins University Press, June 2008), <https://doi.org/10.1353/aq.0.0002>; Richard H Bartlett, “The Indian Act of Canada,” *Buffalo Law Review* 27, no. 4 (1978): 581–616, <https://heinonline.org/HOL/P?h=hein.journals/buflr27&i=593>.

⁸¹ Lynn Gehl, “The Queen and I: Discrimination Against Women in the ‘Indian Act’ Continues,” *Canadian Women’s Studies = Les Cahiers de La Femme* 20 (June 1, 2000).

⁸² Government of Canada, “Bill S-3” (2017); Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020,” Government of Canada Website, December 24, 2020, <https://www.sac-isc.gc.ca/eng/1608831631597/1608832913476>.

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.⁸³

Ever since the initial drafting and implementation of the UN Declaration of Human Rights, discrimination on the basis of sex has been deemed as a human rights violation and form of specific violence leveraged against women.⁸⁴ The Commission on the Status of Women (CSW), established the year 1956 following the implementation of ECOSOC Resolution 11(II)⁸⁵ has served as the main international body working towards ensuring effective implementation of gender equality at an international level. The CSW works through the promotion of multi-year programmes that seek to address the most pressing issues in terms of gender equality. The most recent programme, launched through ECOSOC Resolutions 2018/8 and 2020/15, focuses on the revision of the goals set out in the Beijing Declaration and Platform for Action in 1995 to reframe them within the context of the Sustainable Development Goals.⁸⁶

Furthermore, the UN has historically supported the achievement of gender equality through cooperation with the CSW to ensure implementation of gender-sensitive policy across its institution. The UN Decade for Women launched by the UN between the years 1976 and 1985 as a result of the first-ever World Conference of Women held in Mexico in 1975 is one of the most famous instances of the UN supporting the advancement of gender equality.⁸⁷ The UN Decade for Women, and the fund set up in support of it by the UN, was instrumental in advancing the recognition of the rights of women. As a result of it, the CEDAW Convention emerged in 1979 as the main legal instrument to fight against the discrimination

⁸³ UN General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women,” *Treaty Series* 1249 (1979): sec. 1, <https://doi.org/10.4324/9780429315497-8>.

⁸⁴ United Nations, “Universal Declaration of Human Rights,” United Nations Declaration of Human Rights (1948), art. 2; United Nations, “Gender Equality,” United Nations Website, 2021, <https://www.un.org/en/global-issues/gender-equality>.

⁸⁵ United Nations, “Commission on the Status of Women,” UN Women, 2021, <https://www.unwomen.org/en/csw>.

⁸⁶ United Nations.

⁸⁷ United Nations, “Gender Equality.”

of women across the world, as well as becoming the first piece of international legislation to recognize the reproductive rights of women.⁸⁸

The Beijing Declaration of 1995, drafted in the Fourth World Conference on Women constitutes yet another landmark document for the international promotion of gender equality, and builds upon the commitment expressed by NGOs and governments in the 1985 Nairobi Conference and its parallel conferences to turn all issues into women's issues.⁸⁹ Calling upon governments and international institutions, the Beijing Declaration demanded effective action against discrimination suffered by women across the world.⁹⁰ Of specific interests are the calls to action for governments to provision healthcare that effectively addressed pregnancy as a fundamental right⁹¹, as well as the physical, emotional and psychological outcomes suffered by women due to the discrimination suffered.⁹² Similarly, the Beijing Declaration also acknowledged specific discrimination suffered in access to healthcare as a violation to their right to life, pointing to unsafe abortions and the overexposure to STDs due to sexual violence as principle issues to be addressed.⁹³ The Beijing Declaration also expanded upon the definition of "violence against women" stating:

The term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, are subjected to physical, sexual or psycho-logical harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.⁹⁴

Given the history of interest in the advancement of women's rights within international institutions, we must understand the framework of the Sustainable Development Goals as an advancement of this previous effort to centre gender equality as a global issue. Resolution A/RES/70/1 of the General Assembly in 2015 launched the 2030 Agenda and the

⁸⁸ UN General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women," secs. 11(1f), 11(2); United Nations, "Gender Equality."

⁸⁹ United Nations, "Gender Equality."

⁹⁰ The United Nations, "Beijing Declaration and Platform for Action," *Fourth World Conference on Women*, vol. 21 (New York, 2014), <http://www.un.org/womenwatch/daw/beijing/platform/health.htm>. This issue is the reprinted version of 2014, including the outcomes of the Beijing +5 Conference of 2000.

⁹¹ The United Nations, 21:58.

⁹² The United Nations, 21:60.

⁹³ The United Nations, 21:59.

⁹⁴ The United Nations, "Beijing Declaration and Platform for Action."

implementation of the Sustainable Development Goals (SDGs).⁹⁵ The preamble to the Agenda opens up by highlighting the commitment of all countries and stakeholders to the development of a more equal and freer world by accounting for the needs of people, the planet and the prosperity of humankind in pursuing a sustainable development and the eradication of poverty and inequality.⁹⁶ As part of such a world, the Agenda recognizes the need for gender equality as a basic human right in all legal, social and economic aspects,⁹⁷ recognizing the need to end gender inequality as a key challenge to sustainability and calling upon a broad and systemic implementation of a gender perspective in the implementation of all goals to ensure the progress of the Agenda.⁹⁸

Within this context, the 2030 Agenda acknowledges Gender Equality as a key SDG, assigning SDG 5 to the specific advancement of the issue.⁹⁹ Following from the efforts advanced in the Beijing Declaration and the CEDAW Convention, we can conclude that “gender equality” broadly concerns two issues faced by women: (1) to finalize discriminatory practices against women, which constitute a violation of their human rights,¹⁰⁰ no matter the practices that sustain it;¹⁰¹ and (2) to end all forms of violence experienced by women across the world in accordance to the provisions and calls to action outlined in the Beijing Declaration.¹⁰² Within this understanding of ‘gender equality’, for the purposes of understanding the discrimination and violence suffered by Indigenous women, conducive to the cases of Murdered and Missing Indigenous Women, targets 5.1 and 5.2 stick out as the most relevant for the purposes of the thesis. Target 5.1. invokes the necessity to “end all forms of discrimination against all women and girls everywhere”¹⁰³, whereas target 5.2. calls upon states to work to “eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”.¹⁰⁴

⁹⁵ UN General Assembly, “Transforming Our World: The 2030 Agenda for Sustainable Development,” 2015.

⁹⁶ UN General Assembly, sec. Preamble.

⁹⁷ UN General Assembly, para. 8.

⁹⁸ UN General Assembly, paras. 14, 20.

⁹⁹ UN General Assembly, sec. Goal 5: Achieve gender equality and empower all women and girls.

¹⁰⁰ United Nations, Universal Declaration of Human Rights, art. 2.

¹⁰¹ UN General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women.”

¹⁰² The United Nations, “Beijing Declaration and Platform for Action.”

¹⁰³ UN General Assembly, “Transforming Our World: The 2030 Agenda for Sustainable Development.”

¹⁰⁴ UN General Assembly.

While the UN ECOSOC has reported small progress on issues of gender equality, the 2017 report on the global progress of the SDGs explicitly denounced that “achieving gender equality and the empowerment of women and girls will require more vigorous efforts” at an international as well as national and regional levels to combat gender-based discrimination.¹⁰⁵ In the report the ECOSOC concluded, on the basis of data compiled between 2005-2016, that 19 per cent of women between the ages of 15 to 49 years across the 87 countries analysed had experienced physical and/or sexual violence by an intimate partner.¹⁰⁶ The pervasiveness of the issue of gender-based violence has more recently come at the forefront with the COVID—19 pandemic. In some countries reports of domestic abuse increased up to 30% during the pandemic,¹⁰⁷ and the United Nations has estimated that only 40% of the total of women that suffer gender-based violence report the abuse.¹⁰⁸ Furthermore, the 2020 report also exposes that the COVID-19 pandemic has hindered progress in finalizing harmful and violent practices against women, such as female genital mutilation (FGM) and the marriage of women when under the age of 15.¹⁰⁹ When speaking on FGM, the United Nations reported that “progress would need to accelerate by a factor of 10 to meet the global target of elimination by 2030” even in the countries with most progress that still allow FGM, which will only be harder to achieve after 2020 due to the interruption of programmes that push to end FGM during the COVID-19 pandemic.¹¹⁰ Most recently, UN Women has reported that 49 countries still lack any laws protecting women of domestic violence, as well as the banning of access to equal inheritance for daughters and sons in 39 countries.¹¹¹

These statistics show the prevalence of gender inequality in relation to targets 5.1. and 5.2. of SDG 5, even with existing programs and landmark legislations such as the CEDAW Convention and the Beijing Declaration already in place and put into motion years prior to the development of the 2030 Agenda and the SDGs. Within this context, therefore, the act of being gendered as a ‘woman’ carries with it the implications of the structural violence that

¹⁰⁵ UN Economic and Social Council, “Progress towards the Sustainable Development Goals” (New York, 2017), para. 9, [https://doi.org/10.1016/0168-9002\(90\)91300-Z](https://doi.org/10.1016/0168-9002(90)91300-Z).

¹⁰⁶ UN Economic and Social Council, para. 9.

¹⁰⁷ United Nations, “The Sustainable Development Goals Report 2020,” 2020, 12, <https://unstats.un.org/sdgs/files/report/2018/TheSustainableDevelopmentGoalsReport2018-ES.pdf>. See Annex I for the full infographic.

¹⁰⁸ United Nations, 34.

¹⁰⁹ United Nations, 34.

¹¹⁰ United Nations, 34.

¹¹¹ UN Women, “In Focus: Women and the Sustainable Development Goals (SDGs): SDG 5: Gender Equality,” United Nations Women Webpage, 2021, <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>.

women suffer, which increases at the intersection of race and class, as recognized by the 1995 Beijing Declaration.¹¹²

b) SDG 5 and Canada: Centring Missing and Murdered Indigenous Women

Canada submitted its voluntary national review on the implementation of Agenda 2030 in 2018. Within the report, the analysis of the progress made towards the advancements of the SDG targets 5.1 and 5.2 contains some significant data to discuss. First and foremost, Canada reports a slight decrease in the percentage of women that suffer domestic and intimate violence at the hands of partners in ages above 15 years (from 1.7%% in 2009 to 1.1% in 2014), as well as an 11% decrease of the cases reported to police between 2009 and 2016.¹¹³ The government highlights reforms made to the Canada Labour Code and the It's Time campaign as key proposals launched in 2017 that will help strengthen prevention of GBV and increase support for survivors by providing extensive training and guidance to health professionals to respond to cases of GBV and improve community-based programs through localized investments.¹¹⁴ The report also highlights the central role played by the Gender-based Analysis Plus (GBA+) analytical framework in informing gender-sensitive policy and gender-sensitive budgeting by reporting how different groups of women and gender-diverse divided by factors such as race and ethnicity, sexual orientation, or race, experience programs and initiatives launched to address gender inequality.¹¹⁵

With regards to Indigenous women, the report confirms the tendencies of overrepresentation of violent victimization of Indigenous women when compared to their non-Indigenous counterparts. In 2014, the rates of violent incidents per thousands of people rested at 220 for Indigenous women versus 81 for non-Indigenous women above 15 years of age, and 613 for Indigenous women to 196 for non-Indigenous women in younger adults (15-24 years).¹¹⁶ Similarly, Indigenous women in 2014 were more likely to report being victims of spousal violence in the past 5 years (10% vis-à-vis 3% for non-Indigenous women).¹¹⁷ The

¹¹² The United Nations, “Beijing Declaration and Platform for Action,” vol. 21, para. 117.

¹¹³ Global Affairs Canada, “Canada’s Implementation of the 2030 Agenda for Sustainable Development: Voluntary National Review 2018” (Ottawa, 2018), 49, https://sustainabledevelopment.un.org/content/documents/20312Canada_ENGLISH_18122_Canadas_Voluntary_National_ReviewENV7.pdf.

¹¹⁴ Global Affairs Canada, para. 49.

¹¹⁵ Global Affairs Canada, para. 47.

¹¹⁶ Global Affairs Canada, 50.

¹¹⁷ Global Affairs Canada, 50.

report also acknowledged that Indigenous women were less likely to report to the police when suffering from non-spousal or intimate violence, with 77% of the instances of violence registered having never been reported to the police in 2014.¹¹⁸

While these statistics provide us with valuable insight and confirm the overexposure of Indigenous women to violence as previously discussed, there are two key valuable datasets missing in this report. On the one hand, the voluntary review does not provide any insights on cases of sexual trafficking, exploitation or prostitution. This is a relevant gap in knowledge given the overrepresentation of Indigenous women in sex work and sexual trafficking networks.¹¹⁹ There is also no mention of any statistics on the cases of MMIW, nor any report on the progress done by the RCMP on the 18 cases of MMIW that the taskforce E-PANA was tasked with investigating along Highway 16 between the towns of Prince Rupert and Prince George in British Columbia, known as the Highway of Tears.¹²⁰

While Resolution A/RES/70/1 acknowledges the need to provide Indigenous peoples with consultative status over the monitoring of the SDGs and the implementation of the agenda, as well as disaggregation of data as needed,¹²¹ there is no mention of follow-through in any of these commitments in the 2018 voluntary review. With regards to SDG 5, the lack of specific data on sex-trade and sex work as well as cases of Missing and Murdered Indigenous Women highlights an important weakness of the SDG framework: while targets 5.1 and 5.2 are meant to visibilize and inform policy to move beyond gender-based discrimination and gender-based violence, in looking for universality the dangers of empowering invisibility remain. These concerns were already expressed by the Indigenous Peoples Major Group in its 2016 High Level Political Forum on the ECOSOC theme of “Ensuring that No One is left behind”. The IMPG warned that, while the SDG framework could be useful in the advancement of issues such as the preservation of Indigenous land and self-determination over agricultural production, the 2030 Agenda also undermined and ignored Indigenous specific-issues and contributions to sustainability, such as traditional

¹¹⁸ Global Affairs Canada, 50.

¹¹⁹ Melissa Farley and Jacqueline Lynne, “Prostitution of Indigenous Women: Sex Inequality and the Colonization of Canada’s First Nations Women,” *Fourth World Journal* 6, no. 1 (2005): 1–29; Farley, Lynne, and Cotton, “Prostitution in Vancouver: Violence and the Colonization of First Nations Women”; Farley et al., “Garden of Truth”; Silbert and Pines, “Entrance into Prostitution.”

¹²⁰ Inter-American Commission on Human Rights, “Missing and Murdered Indigenous Women in British Columbia, Canada,” 2014, 32, www.cidh.org.

¹²¹ UN General Assembly, “Transforming Our World: The 2030 Agenda for Sustainable Development,” 48, 52, 79.

medical knowledge, public-private modes of ownership of land and enterprises, and models of localized governance and partnerships in the context of relationships between Indigenous peoples and states.¹²² The consequence of this invisibilization is the underfunding of key programs and initiatives that are key to Indigenous communities, and in the context of MMIW in Canada, the absolute eradication of Indigenous concerns with regards to gender equality form the official and institutional narrative of progress.

Overall, the framework of SDG 5 and its targets on the elimination of gender-based discrimination (5.1) and gender-based violence (5.2) remain rooted in the colonial concerns of violence and discrimination as singular incidents in the intimate realm. However, they fail to produce a framework that can hold accountable the ongoing practices of settler colonialism in states where Indigenous populations create an overlap of intersected identities and conflicting interests with the State.

c) Assessing the current situation of Murdered and Missing Indigenous Women

Going by most recent estimates of police-recorded incidents of MMIWG, we currently sit at around 1,017 homicide victims and 164 missing Indigenous women.¹²³ However, upon conclusion in 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls found that the lack of recollection of Indigenous identity in many of the statistics provided by the RCMP upon first response to cases as well as the inconsistent registration of Indigenous identity by the Canadian Police Information Centre made the information provided by the RCMP unreliable, and that in accordance to the testimonies registered in the final report numbers were likely to be above the provided estimate.¹²⁴

The case of the so-called Highway of Tears exemplifies the issues of institutional response to and assessment of cases of MMIWG. Highway 16 in British Columbia connects the urban centres of Prince George and Prince Rupert to each other, and crosses several rural towns and Indigenous reserves with high rates of Indigenous populations; essentially, it

¹²² Angarova and Borrero, “High Level Political Forum (HLPF): ‘Ensuring That No One Is Left Behind.’”

¹²³ Royal Canadian Mounted Police, “Missing and Murdered Aboriginal Women: A National Operational Overview,” 2014, 3.

¹²⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.,” 2019, 1b:247–48.

functions as a connecting point for many Indigenous people in BC to economic centres.¹²⁵ Consequently, Highway 16 has been identified as a hotspot for MMIWG, who hitchhike rides to the urban centres; incidentally, hitchhiking is a practice associated with poverty and low-income households.¹²⁶ As of 2006, the *Highway of Tears Symposium* recorded community testimonies for at least 32 Indigenous women that had gone missing or been murdered along Highway 16,¹²⁷ though more recent estimates provided by Human Rights Watch in 2013 position the numbers somewhere above the 40 cases.¹²⁸ As a response to the situation, the Canadian government launched the E-PANA RCMP task force to investigate those cases that were officially deemed as being part of the MMIWG framework in Highway 16; only 18 cases met the criteria for investigation.¹²⁹ The disparity between official statistics and community reporting results in an effective invisibilization of the suffering of Indigenous women. Furthermore, it creates unreliable statistics on the solved cases rate, calling into question the 81% rate of solved MMIWG rate reported by the RCMP in 2015.¹³⁰ Here, it is also important to note the bias of the official criteria used to report cases of MMIWG on the Highway of Tears: only those cases that had been reported to have happened within a mile of Highway 16, 97, or 5 and in which women had engaged in “risky behaviour” (hitchhiking) were included in the roster of the E-PANA project.¹³¹ The bias perpetuates negative stereotypes of Indigenous women, and implicitly blames the incidents on the victims by focusing on just those cases in which Indigenous women were engaging in hitchhiking.

Most recently, in 2015, in reference to Highway 16, the CEDAW Committee expressed discontent and concern for “[the] risk that economically disadvantaged aboriginal

¹²⁵ Human Rights Watch, “Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada,” 35.

¹²⁶ Committee on the Elimination of Discrimination against Women, “Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention,” para. 106.

¹²⁷ Lheidli T’enneh First Nation et al., “Highway of Tears Symposium Recommendations Report: A Collective Voice for the Victims Who Have Been Silenced,” 2006.

¹²⁸ Human Rights Watch, “Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada,” 35.

¹²⁹ Human Rights Watch, 35; Committee on the Elimination of Discrimination against Women, “Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention,” para. 107.

¹³⁰ Royal Canadian Mounted Police, “Missing and Murdered Aboriginal Women: A National Operational Overview,” 2015; National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, vol. 1b, paras. 247–250.

¹³¹ Human Rights Watch, “Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada,” 35.

women face and that increases their exposure to violence” due to a lack of implementation of the recommendations drafted in the 2006 symposium regarding safe transportation.¹³²

Specifically, the Committee reports:

During a visit to the city of Prince George, the designated members [of the Committee tasked with investigating cases of MMIWG] were informed that the suggestion of a ‘free ride’ bus journey programme had not been implemented, and that the daily bus service along the 724-kilometer Highway 16 (...) had been reduced to one trip per week.¹³³

Furthermore, in following the recommendations drafted in the 2006 Symposium the government pushed a campaign of billboards to address cases of MMIWG in Highway 16. However, the billboards produced clearly deviated from the recommendations drafted in the Symposium: they were not produced in conjunction with Indigenous communities and, more importantly, the billboards were specifically targeted at calling Indigenous women to cease the practice of hitchhiking rather than providing information or resources to alternatives of such practice, essentially reproducing narratives of criminalization and victim-blaming.¹³⁴ This discourse not only is insensitive to the realities of class and racial struggles that Indigenous communities, and specifically Indigenous women as gendered individuals face, but it also follows a dangerous pattern of reporting.

Mediatic reporting of cases of Indigenous women victims of sexual or physical abuse tends to hyper-focus on the intimate and individual dynamics of abuse, but ignores the realities of structural discrimination and produce a dichotomy of Indigenous women as either living a life of criminality of which such violence is a natural outcome or, in the case of intracommunal violence, as victims of savage and uncivilized men.¹³⁵ There is also a marked

¹³² Committee on the Elimination of Discrimination against Women, “Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention,” para. 106.

¹³³ Committee on the Elimination of Discrimination against Women, para. 106.

¹³⁴ Katherine Morton, “Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears,” *The Canadian Journal of Sociology* 41, no. 3 (2016): 315–16, <https://www.jstor.org/stable/10.2307/canajsocahican.41.3.299>.

¹³⁵ Yasmin Jiwani, “Symbolic and Discursive Violence in Media Representations of Aboriginal Missing and Murdered Women,” in *Violence in Hostile Contexts E-Book*, ed. David Weir and Marika Guggisberg (Oxford: Inter-Disciplinary Press, 2009), 45–63. In the paper Jiwani provides an analysis of the reporting tendencies on cases of Indigenous Missing and Murdered women by dissecting the discourse of *The Globe and Mail* in portraying instances of reported sexual and physical violence experienced by Indigenous women.

lack of reporting of stories of MMIWG: a general overview of Canadian media coverage of First Nations' issues between 2006 and 2015 produced an average of at most one story on Indigenous issues a week, with intensification of reporting between 2014 and 2015 (2,473 of the total of 30,941 having taken place only during that year).¹³⁶ Furthermore, upon conclusion, the National Inquiry into Missing and Murdered Indigenous Women and Girls reported that historical representations of Indigenous women prevail in media: the archetypes of the The Queen - a sexualized and exotic Indigenous woman that is mothering and in contact with the natural world - the Indian Princess - an assimilated Indigenous woman in line with European ideals who brings progress to her people – and the Squaw, – the representation of Indigenous women as criminal prostitutes and violent, prevalent in late 19th century representations of Indigenous women outside the Victorian family models used to legitimize violence and discrimination by the Canadian government – all were seen as prevailing in the media framing of cases of MMIWG and the perpetual sexualization and criminalization of Indigenous women.¹³⁷

The mobility of Indigenous women further perpetuates these discourses: the trespassing of Indigenous women and their bodies outside of reserves challenge mappings of belonging and identity imposed by colonial discourse under the *Indian Act*, and they bring forth the instrumental issue of the 'ethnosexual frontiers' that confine Indigenous women and their sexuality to the realm of criminality.¹³⁸ Indigenous women in urban areas concentrate in the outskirts and slums as a result of socioeconomic inequalities, exposing them to higher rates of victimization and creating overrepresentation in sexual labour and trade: to transgress colonially imposed geographies of belonging is met with violent punishment that is seen as natural to the context of criminality of urban peripheries.¹³⁹ Similar discrimination is experienced with regards to the technology of mobility: class, race and gender are used to

¹³⁶ Daniel Drache, Fred Fletcher, and Coral Voss, "What the Canadian Public Is Being Told About the More than 1200 Missing & Murdered Indigenous Women and First Nations Issues: A Content and Context Analysis of Major Mainstream Canadian Media, 2014-2015," *SSRN Electronic Journal*, 2017, 3, <https://doi.org/10.2139/ssrn.2758140>.

¹³⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.," 2019, 1a:386–87.

¹³⁸ Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*, 3; Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space"; Morton, "Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears," 306–7; Nagel, "Ethnicity and Sexuality."

¹³⁹ Farley, Lynne, and Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," 258; Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space."

reproduce the image of the Indigenous woman as home-bound and undesirable to the urban economy, care work becomes their primary function, and policy accordingly treats Indigenous women as dispensable and does not prioritize their mobility needs when creating public infrastructure.¹⁴⁰

As globalization has intensified, urban centres have become increasingly important economic hubs, intensifying patterns of socioeconomic inequality between urban cores and rural peripheries: this pattern holds at the core dynamics of gendered and racial violence as well as a result of the overlap between all these intersecting factors.¹⁴¹ In 2019, the United Nations reported on the living conditions of the Indigenous population of Canada, with the key finding that 25% of Indigenous peoples living on reserves were living in overcrowded housing, and that 25% of on-reserve housing lacked access to water and plumbing infrastructure; furthermore, overall housing was assessed to lack proper isolation from cold and protection against the overexposure to dangerous chemicals used in materials for construction.¹⁴² Intergenerational trauma also plays a role in creating volatile conditions of life on-reserve: assessing a survey conducted in 2012 the National Inquiry into MMIWG concluded that a positive relationship exists between mental health disorders and proximity to relatives that had been pupils of the Residential School system.¹⁴³ This creates a context of higher rates of substance abuse and alcohol dependency, with Indigenous youth on reserve reporting up to 66% rates of drinking problems; off-reserve First Nations reported rates of heavy drinking of 35%, followed by a 39% for Inuit populations and a 30% rate for Métis, all alarmingly high when compared to the 23% rate for non-Aboriginal people.¹⁴⁴ One of the most vivid cases in recent memory that illustrates the struggles of Indigenous people living on-reserve is that of the state of emergency declared in the community of Attawapiskat in 2016 as a consequence of a dozen attempts to commit suicide in just the night of April 9th,

¹⁴⁰ Morton, “Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears,” 305–6.

¹⁴¹ Rauna Kuokkanen, “Globalization as Racialized, Sexualized Violence,” *International Feminist Journal of Politics* 10, no. 2 (2008): 216–33, <https://doi.org/10.1080/14616740801957554>.

¹⁴² Terry Haig, “New UN Report Scalds Canada for Indigenous Housing Conditions,” Radio Canada International (Radio Canada International, August 21, 2019), <https://www.rcinet.ca/en/2019/10/21/new-un-report-scalds-canada-for-indigenous-housing-conditions/>.

¹⁴³ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, 1a:422. Consult Annex II for graph.

¹⁴⁴ Susan Elaine Wallace, “Inuit Health: Selected Findings from the 2012 Aboriginal Peoples Survey” (Statistics Canada= Statistique Canada, 2014).

following a period of seven months in which there had been over 100 attempts of suicide within the community.¹⁴⁵

The context of volatility, socioeconomic inequalities and overall poverty experienced on-reserve by Indigenous populations is one of the main drivers for urban migration of Indigenous peoples. Trends of urbanization between the years 1961 and 2008 show a continued increase of urbanization trends across all Indigenous groups, with the highest incidence being that of “Non-Registered Indians” (meaning Indigenous peoples without ‘Indian status’ under the provisions of the *Indian Act*).¹⁴⁶ This poses the question of integration of Indigenous peoples in urban areas. As previously discussed, socioeconomic poverty creates dynamics of “dumping” of Indigenous populations to the outskirts of cities, increasing the situation of vulnerability of Indigenous women by exposing them to an environment where they become more likely to be trafficked.¹⁴⁷ Here, it is also important to note that non-status Indigenous peoples are not afforded with the right to access Indigenous traditional healthcare or spaces specifically devised for cultural Indigenous practices, amongst other forms of discrimination with regards to political participation in Indigenous decision-making.¹⁴⁸ This feeds into existing trends of discrimination in urban centres with regards to issues such as provisioning of health services, with specific healthcare aligned with traditional medical knowledge and community needs for ‘status Indians’ receiving severe cutbacks in financing in urban centres while being gatekept from ‘non-status Indians’ that could instead make use of it.¹⁴⁹

The high vulnerability of Indigenous women when transgressing the boundaries of colonial geographical mappings of space raises the question of how will the government adapt to these intensifying dynamics. As of 2019, the National Inquiry into Murdered and Missing

¹⁴⁵ Andrew Russell, “1 Year after Suicide Crisis, Attawapiskat Still Lacking Mental Health Resources,” *Global News*, April 12, 2017, <https://globalnews.ca/news/3373928/1-year-after-suicide-crisis-attawapiskat-still-lacking-mental-health-resources/>.

¹⁴⁶ Aboriginal Affairs and Northern Development Canada, “Aboriginal Migration and Urbanization in Canada, 1961-2006,” 2006, 2. See Annex III for graphics disaggregating urbanization trends.

¹⁴⁷ Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*, 172–78.

¹⁴⁸ Pamela D. Palmater, “An Empty Shell of a Treaty Promise: R. v. Marshall and the Rights of Non-Status Indians,” *The Dalhousie Law Journal* 23, no. 1 (2000): 133–37, <https://heinonline.org/HOL/Page?handle=hein.journals/dalholwj23&id=102&div=7&collection=journals>.

¹⁴⁹ Laura C. Senese and Kathi Wilson, “Aboriginal Urbanization and Rights in Canada: Examining Implications for Health,” *Social Science and Medicine* 91 (2013): 219–28, <https://doi.org/10.1016/j.socscimed.2013.02.016>.

Indigenous Women and Girls reports issues of severe underfunding for community-led initiatives and services that provide key support for Indigenous women, namely child welfare on Indigenous reserves,¹⁵⁰ which serve the purpose of counteracting dispersion of families and the erasure of cultural identity which further motivate the migration of Indigenous women. These were labelled in the report of the CEDAW Committee on the inquiry on MMIWG as acts of discrimination that constituted a fundamental violation of the rights of Indigenous women, limiting the options available to Indigenous women in situations of risk, perpetuating violence, and resulting in an overrepresentation of Indigenous children in child welfare.¹⁵¹ The continued discrimination suffered by Indigenous women has the potential to create serious long-lasting impact in the survival of Indigenous cultural identity by fragmenting families and communities.

If Canada is to commit to conclude and end all of these dynamics of discrimination and to effectively address the crisis of MMIWG, it must strive to improve its data collection on cases of missing persons. It is of extreme importance to centre the claims and voices of Indigenous communities and families above any institutional framework defining Indigeneity or categorizing criminal acts. Making progress in investigating cases of MMIWG requires a reworking of the implementation of SDG 5 and targets 5.1 and 5.2 to effectively track and recognize the dynamics of exclusion that lead Indigenous women to positions of vulnerability and result in higher rates of victimization. As established previously, there is extensive literature discussing the overrepresentation of Indigenous women in sex-trade, but the Canadian government does not provide transparent and reliable information on the impact this has on Indigenous communities and Indigenous women. Domestic sex trafficking of Indigenous girls and women is a prevalent issue in Canada, and its explicit condemnation in the wording of target 5.2 of SDG indicates that Canada needs to improve its efforts in tracking and ending this harmful practice.¹⁵² Amongst one of the most prevalent methods of recruitment of Indigenous girls into sex trafficking is hitchhiking,¹⁵³ indicating the need for

¹⁵⁰ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, 1b:112.

¹⁵¹ Committee on the Elimination of Discrimination against Women, “Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention,” paras. 112–13.

¹⁵² Anupriya Sethi, “Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications,” *First Peoples Child & Family Review* 3, no. 3 (2007): 57–71, [https://doi.org/https://doi.org/10.7202/1069397ar](https://doi.org/10.7202/1069397ar).

¹⁵³ Sethi, para. 60.

the Canadian government to account for the structural discrimination of Indigenous women when transgressing historical colonial mappings of space, and further emphasizing the need to combat the criminalizing narratives that surround Indigenous women and the reporting of cases of MMIWG in order to inform the public and create meaningful policy ensuring safe movement and urban integration.¹⁵⁴

4. An institutional history of violence: gendering, disenfranchisement

As has been repeatedly discussed, all cases of MMIWG must be understood within the larger historical context and practices of colonialism that have shaped the spatial, racial and gendered identities of Indigenous women over the years.¹⁵⁵ In dissecting these practices, this section turns to provide a historical analysis of institutional discrimination as inscribed in the legislation of the *Indian Act* in 1876. However, before proceeding further into the analysis there are two important remarks to make.

Firstly, in describing the history of the *Indian Act* and its successive amendments with regards to gender discrimination as a history of “violence”, the focus of violence is shifted towards the understanding of forms of “tender violence”.¹⁵⁶ Violence therefore is a continuum in space and time, not just an incident. The argument then becomes that the *Indian Act* as well as Bill C-31 and more recently Bill S-3 tell the story of wider dynamics of discrimination reproduced legally and institutionally, and that in attempts to amend the damage done reproduce the power of colonial institutions to mediate and define the Indigenous identity.

Secondly, this section discusses the *Indian Act* due to the wide range of scholarship in the legal and historical fields that has recognized the negative impact it has had on the conditions of Indigenous women across Canada in a general sense by reshaping the social structures and dynamics of Indigenous populations.¹⁵⁷ However, it is important to keep in

¹⁵⁴ Razack, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space”; Lheidli T’enneh First Nation et al., “Highway of Tears Symposium Recommendations Report: A Collective Voice for the Victims Who Have Been Silenced.”

¹⁵⁵ Razack, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space”; Morton, “Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears.”

¹⁵⁶ de Leeuw, “Tender Grounds: Intimate Visceral Violence and British Columbia’s Colonial Geographies.”

¹⁵⁷ Bartlett, “The Indian Act of Canada”; García-Del Moral, “The Murders of Indigenous Women in Canada as Femicides: Toward a Decolonial Intersectional Reconceptualization of Femicide”; Maria Noel Leoni Zardo, “Gender Equality and Indigenous Peoples’ Right to Self-Determination and Culture Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing the Rights of Indigenous Peoples and International

mind that the *Indian Act* mediates the existing relationship between registered First Nations (‘status Indians’) and the state, notwithstanding the Indigenous populations of the Inuit and Métis peoples, ‘non-status Indians’ or other Indigenous groupings. Instead, the *Constitution Act, 1982* is the piece of legislation that regulates and reaffirms the rights of all ‘Aboriginal’ peoples in Canada: Section 35(1) reaffirms that “the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed”, and Section 35(2) defines that “in this Act, ‘aboriginal peoples of Canada’ includes the Indian, Inuit and Métis peoples of Canada”.¹⁵⁸ In the case of *R. v. Marshall* in 1999 the Supreme Court of Canada ruled that the non-status Mi’kmaq tribe were still entitled to fish and sell the fish in accordance to fishing laws after Donald Marshall was charged for (1) fishing out of season, (2) using prohibited nets, (3) fishing without a license, (4) and selling eels without a license; the Supreme Court failed in favour of Marshall by arguing that despite not being recognized as a ‘status Indian’ under the *Indian Act*, the rights of the Mi’kmaq people to fish following their traditional practices and cycles as well as to sell their catch were still protected under a particular treaty signed in 1760, arguing that such rights were protected under Section 35(1) and 35(2) of the *Constitution Act of 1982*.¹⁵⁹

Consequently, in recent years debate has sparked on whether or not the *Indian Act* should be sustained as a legal framework to regulate the relationship of the Canadian State with the Indigenous peoples of Canada. If case law such as *R. v. Marshall* sustains that status is not a relevant indicator in defending the sovereignty of Indigenous rights, then what is the real purpose of the *Indian Act* but to police and exercise institutional control over indigeneity? Specifically, with regards to gendering Indigenous women, the *Indian Act* has a problematic history of disenfranchisement that upon attempting to amend, it has highlighted just how strong the power imbalance in the relationship between Indigenous peoples and the Canadian state stemming from colonial practice is. While the *Indian Act* is not the legal framework applied to all Indigenous peoples of Canada, it is undeniable that it has forever shaped the social imaginary of what Indigeneity is.

Human Rights Law,” *American University International Law Review* 28, no. 4 (2013): 1053–90, <https://heinonline.org/HOL/P?h=hein.journals/amuilr28&i=1098>.

¹⁵⁸As quoted in: Palmater, “An Empty Shell of a Treaty Promise: *R. v. Marshall* and the Rights of Non-Status Indians,” 110.

¹⁵⁹Palmater, “An Empty Shell of a Treaty Promise: *R. v. Marshall* and the Rights of Non-Status Indians.”

a) *The Indian Act of 1876*

First passed through the Canadian federal government in 1876, the *Indian Act* was in reality the result of a wider campaign to increasingly exercise governmental control over Indigenous peoples through the preceding legislation. The *Indian Act* was, in reality, the spiritual successor of the following key pieces of legislation:

- (1) The *Civilization of Indian Tribes Act of 1857*, which set out the civilizing and assimilation mission of Indians by enabling a system of enfranchisement of those Indians that the government deemed sufficiently advanced to manage their own affairs.¹⁶⁰
- (2) The *Management of Indian Lands and Property Act of 1860*, which placed land negotiated as belonging to the ‘Indian’ population under treaty law under the control of the Crown in pre-confederation Canada.¹⁶¹
- (3) The *Department of the Secretary of State Act of 1867* and the *Act for the Gradual Enfranchisement of Indians and Management of Indian Affairs of 1868*. While the 1867 Act transferred the power of land administration previously vested upon the Secretary of State as Superintendent of Indian Affairs (to be transferred to the Minister of the Interior in 1874), the 1868 Act (sometimes referred to as *Indian Act of 1868*) is the closest legislation pre-*Indian Act* to the final draft of the *Indian Act of 1876* and it expanded the powers of the Superintendent to allocate and operate on Indigenous land as well as vesting upon them the power to manage on-reserve income and funding.¹⁶² The 1868 Act also enacted the laws and procedures of governance of Indigenous land and politics by structuring band governments, and it established the Department of Indian Affairs and Northern Development (DIAND) to oversee management of reserve land and run under federal control all programs related to education, health care, housing and resource management.¹⁶³

The 1876 *Indian Act* inherited all of these provisions. In essence, as a piece of legislation the 1876 *Indian Act* was simply a legal consolidation of the mechanisms of colonization and

¹⁶⁰ Bartlett, “The Indian Act of Canada,” 583.

¹⁶¹ Bartlett, 583.

¹⁶² Bartlett, 584.

¹⁶³ Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada,” 260.

assimilation provisioned for in pre-Confederation Canada. The Indian Act consolidated the exclusive jurisdiction that the federal Government and Parliament had been given under Canada's Constitution Act of 1867, which assigned "exclusive jurisdiction" to Parliament over "Indians and Lands reserved for the Indians" under Section 91.¹⁶⁴

There are, however, two key instrumental additions that Indian Act made that severely impacted Indigenous women negatively. Firstly, it outlined the distinction between "status Indian" and "non-status Indian" by provisioning a model of patrilineal descent of inheritance of the Indian identity.¹⁶⁵ This went against all traditional models of self-identification and cultural practice of Indigenous communities. Status became necessary in order to be imbued with the rights to access Indian reserves and to culturally practice traditional , since band membership was dependant on Indian status; to ensure the policies on mobility limitation off-reserve and the policing of reserve membership the Indian Act provisioned Indian agents to each reserve who had to be consulted upon and who had to sign a waiver to access and leave reserves, and they were given the power to forcefully remove any non-status Indian from reserves.¹⁶⁶ Band membership, granted by being registered as a 'status Indian', was necessary to participate in the political live of Indigenous communities and advance the rights of Indigenous peoples, as well as to receive culturally-specific services and hold office in band government to administer taxes and the enforcement of law towards Indigenous peoples (the only rights conferred to band Chiefs and councils under the 1876 Act).¹⁶⁷

Through these provisions, not only was the Indian Act in violation of the inherent rights of self-government traditionally held by Indigenous communities insofar as their right to establish their own form of government and establish the conditions for membership in their nation,¹⁶⁸ but it also re-structured the political systems of Indigenous governance by assimilating it to municipal Western modes of governance and centring the man as the main political figure by projecting the imagery of gender roles and patrilineal inheritance. Under Section 12 (1) (b) of the Act, status was passed by men to the women they married and their

¹⁶⁴ Barker, 260.

¹⁶⁵ Bartlett, "The Indian Act of Canada," 589; Barker, "Gender, Sovereignty, Rights: Native Women's Activism against Social Inequality and Violence in Canada," 261.

¹⁶⁶ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.," 2019, 1a:252–53; Bartlett, "The Indian Act of Canada," 590.

¹⁶⁷ Barker, "Gender, Sovereignty, Rights: Native Women's Activism against Social Inequality and Violence in Canada," 261.

¹⁶⁸ Bartlett, "The Indian Act of Canada," 593.

children, and women who divorced an Indian man or married non-status or non-Indigenous men immediately lost her status and therefore her right to political participation; similarly, if she married a status man member of a different band, her status was assimilated to his identity without possibility to be reinstated to her former community if she ever divorced.¹⁶⁹ The Act succeeded in restructuring the social organization of Indigenous communities, moving away from which were models traditionally organized under matrilineal descent and matriarchal values towards a Westernized gendering model that empowered men as owners of land and political agents while actively marginalizing women.¹⁷⁰ Two parallel processes are taking place here: as spatial and political policing and denial of self-government advance under the Indian Act provisions through the imposition of Western socio-political, gendering practices become instrumental in sustaining such spatial and social modes of structuring; colonization of space and colonization of Indigenous women go hand in hand, and the transgression of spatial boundaries, which under patrilineal models of status specifically impact women, are met with violent institutional resistance and even forceful removal of Indigenous women from their communities.

On the other hand, the sexist policies of “enfranchisement” under the Indian Act only allowed for the possibility of man over the age of 21 and deemed capable of assuming the duties and responsibilities of Canadian citizenship and Western modes of living to be enfranchised.¹⁷¹ Upon approval, “enfranchisement” meant that Indigenous men gave Indian status in exchange for a per capita rate of reserve funds and the possibility to “enfranchise” land under their property; consequently, women married to “enfranchised” men and their children also lost status upon “enfranchisement”, but were never provisioned with any economic aid nor possibility to be conferred land ownership.¹⁷² This ensured that Indigenous women remained dependent on men upon losing status: the discrimination experienced in the political disempowerment of Indigenous women is here placed in the intimate relationships between Indigenous women and men by creating disparity and power differentials.

¹⁶⁹ Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada,” 261.

¹⁷⁰ Barker, 262.

¹⁷¹ Bartlett, “The Indian Act of Canada,” 590.

¹⁷² Bartlett, 590–91; Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada,” 260.

Working in conjunction with residential schools since 1879 in response to the Davin Report, when attendance was made compulsory under the Indian Act and the government began funding the system, the Indian Act was instrumental to build processes of gendering.¹⁷³ Chronic underfunding of the residential school system usually resulted in the implementation of the “economies of war”, where Indigenous children were continuously underfed and no budget was destined to sustaining health conditions in order to ensure the survival of the system.¹⁷⁴ In attempting to turn profit out of the system, the “industrial” approach was taken to the curriculum where practical skills were overemphasized and linguistic and cultural traditions were undermined in the name of assimilation to civilized practices: children were used as labour, with men being taught skills such as farming, mechanics, woodworking and others, while women were trained in household financing, cooking, household maintenance, etc.¹⁷⁵ Beyond the lasting intergenerational impacts that the abuse suffered in residential schools has had on Indigenous communities, the educational curriculum and its assimilationist approach was instrumental in gendering the roles of Indigenous women and creating a long-lasting social impact on Indigenous communities.

The denial of self-government of Indigenous peoples that the Indian Act constitutes through the implementation of ‘status’ as a racist and gendered definition of ‘indigeneity’ evidences that the Indian Act of 1876 was not a law that aimed to protect the interests of Indigenous peoples. In projecting colonial power and mappings on Indigenous land and socio-political structures, it set out to achieve assimilation of Indigenous peoples to colonial principles. By gatekeeping Indigenous communities and belonging, it set out to police cultural practice and the intergenerational reproduction of Indigenous identity. In doing so, it necessarily had to create a gendered framework to disempower and subjugate women as key agents of Indigenous communities, reproductive care and political organizing. Ultimately, the Indian Act served as the institutional tool to reproduce gendering and subjugation, and to exercise control over Indigenous populations and most specifically upon Indigenous women by reproducing sexist and racist ideology. In pursuing Indian policy, the intentionality behind

¹⁷³ J S Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, Manitoba Studies in Native History (University of Manitoba Press, 1999), 52, 54–55, <https://books.google.es/books?id=TSGmglyxgzkC>.

¹⁷⁴ Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*. See *Annex IV* for a table exemplifying food budgeting shortcomings and *Annex V* to read the transcript of a report on sanitary conditions of a residential school issued by government representatives.

¹⁷⁵ Milloy, 169–79, 183–84.

devising social and political structures of on-reserve communities and the bordering and segregation of Indigenous peoples served as a tool to reproduce institutional violence and the outrooting of Indigenous peoples from their communities, be it through the implementation of the residential school system or the mere policing of Indigenous communities legitimized under the principles defining Indian status.

b) Bill C-31, 1985. Amending to survive.

In the early 1950s, activist Mary Two Axe became one of the first women to speak out against the discrimination Indigenous women suffered under Section 12 (1) (b) of the Indian Act; legally, Jeanette Lavell and Yvonne Bedard were the first women to ever pursue legal condemnation of Section 12 (1) (b) by appealing to the fundamental violation of their right to non-discrimination sustained under the Canadian Bill of Rights in 1973, but the court ruled the Indian Act was exempt from the Canadian Bill of Rights under the ground that it set out separate specific relationships with Indigenous peoples.¹⁷⁶ The clear implication behind this ruling is that Indigenous peoples were not equal to their Canadian citizen peers: they were a subcategory in legal structures that were to be seen as conferred with less inherent rights than Canadian citizens. It was not until 1977, when Sandra Lovelace recurred to the United Nations Human Rights Committee her complaint against discrimination in Section 12 (1) (b) that advancement was made in promoting gender equality for Indigenous women with regards to Indian status: in 1981 the Committee ruled that Canada was breaching its responsibilities under the International Covenant on Civil and Political Rights by engaging in the sexual discrimination of Indigenous women over their rights to enjoy and participate of their culture and communities.¹⁷⁷ Following the entry into force of the 1982 Canadian Charter of Rights and Freedoms, the government launched reforms on the Indian Act to address gender discrimination over Indian status in 1985, known as Bill C-31.¹⁷⁸

Bill C-31 added two sections that sought to allow for the re-instatement of Indigenous women that had lost their status under Section 12 (1) (b) of the 1876 Indian Act and their offspring: Section 6 (1) and Section 6 (2). Section 6 (1) referred to the possibility of re-instatement if one's parents were both entitled to Indian status, whereas Section 6 (2)

¹⁷⁶ Gehl, “‘The Queen and I’: Discrimination Against Women in the ‘Indian Act’ Continues,” 64.

¹⁷⁷ Gehl, 64; Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020.”

¹⁷⁸ Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020.”

provisioned entitlement to status in the event that a single parent was of recognized as status Indian.¹⁷⁹

Bill C-31 failed to address gender-based discrimination by systemically sustaining the preference of patrilineal lineage. Under Section 6 (2) a second generation cut-off was implemented, meaning that over time, as women were reinstated under section 6 (1) of the act but continued to marry non-status men, the children of such marriage would fall under category 6 (2) and would not be able to pass status to their children.¹⁸⁰ This actively discriminated descendants of Indigenous women with Indian status that had been reinstated by Bill C-31, but who still freely decided to marry non-status men. In 2009, in the case *McIvor v. Canada (Registrar of Indian and Northern Affairs)*, Dr. Sharon McIvor successfully argued in the British Columbia Court of Appeal that these provisions sustained gender-based discrimination and were in violation of her protected rights to non-discrimination under the 1982 Canadian Charter of Rights and Freedoms.¹⁸¹ This resulted in the 2010 amendment Bill C-3, which provisioned Section 6 (1) (c.1) to allow for the enfranchisement of the grandchildren affected by the second generation cut-off rule in Section 6 (2).¹⁸² However, other issues such as the “double mother” rule established in 1951, under which Indigenous children conferred status with a paternal grandmother and mother that had gained status through marriage lost status when over 21, prevailed through the implementation of the “1951 cut-off principle”, through which generations born prior to 1951 could not access status-ship as they were not presumed to have suffered of the “double mother” rule.¹⁸³

Both the Superior Court of Quebec in the 2015 *Ducheneaux decision* and the Ontario Court of Appeal in the 2017 *Gehl* decision sustained that the Indian Act continued to sustain practices that discriminated against Indigenous women with regards to status: both Ducheneaux and Gehl protested that the policy of “unknown parentage” continued to gatekeep Indigeneity from children whose father’s identity was unknown by disregarding the

¹⁷⁹ Government of Canada.

¹⁸⁰ Government of Canada; Gehl, “‘The Queen and I’: Discrimination Against Women in the ‘Indian Act’ Continues,” 67. See *Annex VI* for a table dissecting inheritance of status under Bill C-31.

¹⁸¹ Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020”; BBCA 153, *McIvor v. Canada (Registrar of Indian and Northern Affairs)* (2009).

¹⁸² Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020.”

¹⁸³ Government of Canada.

status of their maternal counterpart.¹⁸⁴ Both courts called upon the government to revise and re-draft the Indian Act to address continuing gender-based inequalities that resulted in the active displacement and discrimination of Indigenous women from their communities.

Both Bill C-31 and Bill C-3 were implemented unilaterally by the government. It is also important to note that both reforms were enacted following legal condemnation of the governmental practices and the policies of the Indian Registrar offices. Therefore, one must not read these reforms as fundamentally addressing any inequalities within the Indian Act out of good will. Rather, these amendments constitute a strategy of institutional survival, similar to the criticisms that Razack has leveraged against national inquiries as tools of PR policy to sustain the image of human rights compliant governance.¹⁸⁵

c) Bill S-3: addressing Indigenous concerns by listening to Indigenous voices.

In 2017, the Government of Canada initiated the process of reforming the Indian Act through the implementation of Bill S-3, creating an open consultative forum with Indigenous communities to work on progressively implementing changes to the Indian Act to address concerns over gender inequality in Indian status and representation of Indigenous women in political bodies and communities.¹⁸⁶ Bill S-3 marks a significant improvement, by creating extensive provisions that allow for more flexible interpretations of the legal tools drafted in the Indian Act to regulate status registration, as well as addressing prominent prevalent issues as follows:¹⁸⁷

- (1) The “cousins” issue, which perpetuated differential treatment of first cousins whose grandmother lost status due to marriage to a non-Indian before the amendments done by Bill C-31 in 1985, enforcing dependance on the status of the father rather than establishing common status for all descendants of the grandmother.
- (2) The “siblings” issue, which did not allow women born outside of marriage to entitled fathers with Indian status access to status between 1951 and 1985.

¹⁸⁴ Government of Canada.

¹⁸⁵ Razack, “Sexualized Violence and Colonialism: Reflections on the Inquiry into Missing and Murdered Indigenous Women.”

¹⁸⁶ Government of Canada, Bill S-3.

¹⁸⁷ Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020”; Government of Canada, Bill S-3. See *Annex VII* for tables registering interpretation and key legal changes in provisions on the Indian Act.

- (3) The issue of “omitted minor children”, which caused minors born under entitled parents but whose mother lost status upon divorce and subsequent marriage to a non-Indian man to lose status if they were still minors at the time of such subsequent marriage.
- (4) The “unstated or unknown parent issue” raised in the *Gehl* decision, under which the Indian Registrar could deny status to Indigenous people if part of their parentage remained unknown, a problem that disproportionately affected women due to their overexposure to dynamics of sexual violence.

Bill S-3 entered into force in December 2019 after 2 years of consultative negotiations with over 395 First Nation communities and with over 10,403 participants.¹⁸⁸ The government expanded a campaign of education over the new provisions outlined under Bill S-3 that reached over 600 individuals, including government staff, band members, and Indian Registrar administrators.¹⁸⁹

However, it is important to not forget the historical context from which Bill S-3 emerges. The fundamental power imbalance existing between Canadian institutions and Indigenous people remains. There is no way to address the issues that a governmental division between status and non-status Indians imposes in the social dynamics without acknowledging that the distinction itself stands in violation of the rights to self-government inherent to Indigenous peoples as negotiated under treaty law, as well as the enforcement of practices that have resulted from it that directly violate international human rights provisions.¹⁹⁰ During the 2016 hearings on the Bill S-3, testimony given by the Assembly of First Nations to the Senate Indigenous and Northern Affairs Committee expressed the concerns that were tied to the reinforcement of the Indian Act and the funding this would necessitate when reserves and Indigenous-specific services already suffer from underfunding and could better benefit, questioning whether the continuation of the Indian Act was the best policy to regulate

¹⁸⁸ Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020.”

¹⁸⁹ Government of Canada. See *Annex VIII* for infographic on the process of communication and engagement in implementing Bill S-3

¹⁹⁰ Gehl, “‘The Queen and I’: Discrimination Against Women in the ‘Indian Act’ Continues”; Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020”; National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, 1a:608–9. Refer to *Annex IX* for complete overview of graphics summarizing the protection of the rights of Indigenous peoples and Indigenous women under international human rights law.

Indigenous and State relationships.¹⁹¹ The Assembly called upon “the federal government [to] finally work with First Nations to move beyond the *Indian Act* and its outdated, colonial concepts of ‘Indian status’ and ‘Band membership’”, stating that “First Nations are asserting [their] inherent jurisdiction despite the *Indian Act*, not because of it.”¹⁹² This sentiment echoes that of the belief stated by the Courts in the *R v. Marshall* case,¹⁹³ that the rights to self-determination are inherent to Indigenous people under treaty law and that status does not impede them from exercising those rights. In leveraging such criticisms, it becomes evident that we must remain wary of what Bill S-3 represents to Indigenous peoples. Even if carried out with consultation, it is still a tool that leverages institutional power to define and regulate Indigeneity, primarily operating under colonial concerns over identity and gender. Furthermore, legal reform may not result in effective change; returning to the framework of analysis of “tender violence”,¹⁹⁴ the reproduction of violence within the continuum of social interactions has been forever shaped by the histories of colonial imposition upon the identities of Indigenous women. If statistics are anything to go by, Bill S-3 is already shaping up to not be as effective as hoped: beyond consistent issues with underfunding for effective implementation and the lack of community outreach of the Indian Registrar office, by December 2020 only 28,000 applications vis-à-vis the 78,500 applications received,¹⁹⁵ informing us that Bill S-3 has not completely erased structural inequalities within status registration processes.

Understanding the cases of MMIWG requires us to acknowledge that the Canadian institutional system has been designed with the active disenfranchisement and victimization of Indigenous women in mind. If cases of MMIWG are invisibilized in modern times, it is a consequence of the active role that the Canadian state has played through its legal history in ensuring the continuous disempowerment and displacement, both spatial and social, of Indigenous women from their own communities. The colonial history of Canadian law in relation to Indigenous women has been shaped by active efforts to produce displacement, isolation and exercise control over their mobility by criminalizing their very own presence in

¹⁹¹ Denise Stonefish and Perry Bellegarde, “Gender Discrimination and the Indian Act,” Policy Options, November 25, 2016, <https://policyoptions.irpp.org/magazines/november-2016/gender-discrimination-and-the-indian-act/>.

¹⁹² Stonefish and Bellegarde.

¹⁹³ Refer back to page 37 for a reminder on the case.

¹⁹⁴ de Leeuw, “Tender Grounds: Intimate Visceral Violence and British Columbia’s Colonial Geographies.”

¹⁹⁵ Government of Canada, “The Final Report to Parliament on the Review of S-3: December 2020.”

their communities and exposing them to volatile off-reserve environments, where they were perceived as criminals and their means to economic independence were criminalized. Moving forward, Indigenous voices must be centered in any decision made with regards to Indigenous sovereignty, and the experiences of women that have been actively victimized by aggressive colonization must be heard. For as long as such narratives and power imbalances are not accounted for, we will continue encountering cases of MMIWG that are never accounted for and whose stories are never heard.

5. Policy recommendations

In pursuing alignment with targets 5.1 and 5.2 of the Sustainable Development Goals in relation to Indigenous women and the cases of MMIWG, the Canadian government must pursue a comprehensive approach that addresses structural inequalities and the trends of overexposure to violence that come to affect Indigenous women. The government must also improve its reporting on cases of MMIWG and work towards moving beyond criminalizing mediatic frameworks and policies that subtract humanity from Indigenous women. In pursuing these goals, the following steps are recommended:

- (1) The establishment of a nation-wide database for missing persons, with relevant disaggregated information in the cases of Indigenous women and community-centric approaches that respond to the concerns of the families of the victims.

One of the biggest challenges in implementing any further policy in order to address cases of MMIWG is the lack of data and discrepancies that exist between the numbers provided by official reports of the RCMP and those reported by communities, NGOs and grassroots organizations such as the Native Women's Association of Canada or Human Rights Watch.

As previously stated, the National Inquiry into Missing and Murdered Indigenous Women and Girls upon conclusion in 2019 has called into question the practices of the RCMP when registering cases of MMIWG and reporting on their investigations and rates of solved cases; this has resulted in accusations of misleading statistics such as that of 70% of cases of MMIWG being responsibility of Indigenous men.¹⁹⁶ These statistics clearly contradict the

¹⁹⁶ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.," 2019, 1b:247–50.

findings of organizations such as the NWAC, who report that a majority of cases occur in urban areas at the hands of non-Indigenous individuals.¹⁹⁷

Moving forward, Canada must work towards establishing a nation-wide missing persons database that disaggregates data as required to allow for proper reporting and tracking of MMIWG. Such database should be complimented by ensuring that cultural-sensitive training is provided to police forces and the RCMP so as to better engage with Indigenous communities when first responding to their claims, centering the concerns of the families of the victims above any existing bias. This could and should be accompanied by the first real nation-wide taskforce to investigate all MMIWG cases, monitored by the RCMP and as provisioned under the calls to action issued by the National Inquiry into Murdered and Missing Indigenous Women and Girls in 2019.¹⁹⁸

(2) Fighting the pervasive criminalization of Indigenous women in mediatic discourse and improve reporting practices on Indigenous issues

To better address the crisis of MMIWG the Government must fight against existing biases in society that tend to criminalize and dehumanize MMIWG. It is imperative to adopt a framework of “presencing”, acknowledging the complexities interwoven in the histories of abuse, murders and disappearances of Indigenous women and paying attention to both the intimate and structural dimensions of violence.¹⁹⁹ Increasing the representation of Indigenous women in national broadcasting and reporting agencies can play an instrumental role in ensuring that editorial lines understand the realities of MMIWG.

Furthermore, in improving its communication strategies surrounding cases of MMIWG the Government of Canada must recognize the instrumental role that social media has played in leveraging the concerns of Indigenous peoples and amplifying the concerns of

¹⁹⁷ Native Women’s Association of Canada, “Fact Sheet: Missing and Murdered Aboriginal Women.”

¹⁹⁸ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, 1a:70.

¹⁹⁹ Savarese, “Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women”; Moeke-Pickering, Cote-Meek, and Pegoraro, “Understanding the Ways Missing and Murdered Indigenous Women Are Framed and Handled by Social Media Users”; Jiwani, “Symbolic and Discursive Violence in Media Representations of Aboriginal Missing and Murdered Women.”

Indigenous communities.²⁰⁰ Canada must take steps towards ensuring that they make use of official channels in social media to platform such concerns and create a climate of transparency when reporting on MMIWG cases.

Of important note under this point is to emphasize the relevance of platforming Indigenous voices, initiatives and creatives. Projects such as the REDress project by Jaime Black, the *TAKEN* documentary series exploring cases in-depth cases of MMIWG produced by Lisa Meeches, and the movement Walking With Our Sisters are important instances of “presencing” that conjure the issue of MMIWG while centering their power and resistance and their sense of place and humanity.²⁰¹

(3) Improve efforts to address responses and reporting on cases of sex trafficking, and implement pathways out of sex-work by ensuring the socioeconomic empowerment of Indigenous women.

As established in the extensive literature review section of this thesis, sex work and sex trafficking, while not exclusively Indigenous issues, suffer of an overrepresentation of Indigenous women in their networks,²⁰² and it constitutes a pillar of victimization for Indigenous women and communities who tend to be at a socioeconomic disadvantage. The dynamics of segregation in urban centers and the socioeconomic poverty experienced in many Indian reserves generate dynamics that make Indigenous women specifically vulnerable to be trafficked or to have to resort to sex work to make a living.

Gender-based violence is condemned under international law, including gender-based discrimination,²⁰³ and target 5.2 of the 2030 Agenda specifically calls upon governments to take measures to end violence against all women and specifically put an end to all practices of sex trafficking. Beyond the existing debate between legalization, decriminalization or

²⁰⁰ Drache, Fletcher, and Voss, “What the Canadian Public Is Being Told About the More than 1200 Missing & Murdered Indigenous Women and First Nations Issues: A Content and Context Analysis of Major Mainstream Canadian Media, 2014-2015.”

²⁰¹ Savarese, “Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women.”

²⁰² Farley, Lynne, and Cotton, “Prostitution in Vancouver: Violence and the Colonization of First Nations Women”; Farley et al., “Garden of Truth”; Native Women’s Association of Canada, “Sexual Exploitation and Trafficking of Aboriginal Women and Girls”; Nadon, Koverola, and Schluderman, “Antecedents to Prostitution: Childhood Victimization.”

²⁰³ UN General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women.”

criminalization of sex work, for which the author of this thesis does not consider themselves equipped enough to opine on, it is evident that the Canadian government must design a culturally-sensitive pathway out of sex work and sex trafficking for Indigenous women. 95% of the interviewed Indigenous sexual workers in Vancouver by Farley et. al. in 2005 reported they wanted to leave sex work but could not.²⁰⁴

Canada must improve its reporting and monitoring of cases of sex trafficking and sex work, with relevant disaggregated data reporting on the specific realities of Indigenous women on the basis of self-identification to ensure transparency in the management of the situation. Acknowledging the extensive literature that proves that sexual work and sexual trafficking constitute inherently violent practices, addressing the violence suffered by Indigenous women and their root causes is of key relevance to understand cases of MMIWG and make progress on any open investigations.

(4) Increase funding of on-reserve services and grassroots and community based initiatives, and work towards ensuring equal opportunities and conditions for all Indigenous peoples on the face of intergenerational trauma.

Following the complaints of underfunding, legal challenges and rejection of a two-year extension to finalize ongoing investigations and research that the National Inquiry into Missing and Murdered Indigenous Women leveraged against the Canadian Government in 2019,²⁰⁵ serious concerns over the commitment of the Canadian government to healing and reparations for Indigenous communities are the most natural reaction.

To prevent the volatility of the on-reserve environments for all Indigenous children, and most specifically towards Indigenous women, the government must increase its funding of on-reserve services to ensure that community healing can take place and that all needs of Indigenous communities will be covered. Especial attention should be paid to social and child welfare services with sensitivity training and community trained staff to respond to the needs of Indigenous women and children, as well as a greater commitment to improving housing conditions for Indigenous communities. Furthermore, readily-available health services,

²⁰⁴ Farley, Lynne, and Cotton, "Prostitution in Vancouver: Violence and the Colonization of First Nations Women," 261.

²⁰⁵ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.," 2019, 1a:72–75.

including both physical and mental coverage and in line with traditional medicinal values of Indigenous communities, must be provided and improved with urgency. As cases of MMIWG increase, the grief and suffering of the communities, families and children impacted by the loss of their loved ones is sure to reinforce dynamics of intergenerational trauma already present as a consequence of the residential school system, potentially leading to perpetuation of abuse and poverty.

(5) Improve off-reserve assistance and ensure safe mobility for Indigenous women, following the recommendations drafted in the 2006 Highway of Tears Symposium and the 2019 National Inquiry into Murdered and Missing Indigenous Women.

Over the course of this thesis the author has attempted to emphasize repeatedly the existing spatial dynamics to the violence that Indigenous women are exposed to, especially when mobility implies on-reserve to off-reserve transgressions of colonial mappings.²⁰⁶ Responding to the crisis of MMIWG requires the improvement of public transportation systems connecting Indigenous communities in rural and peripheral areas, urban slums and on-reserve communities to the urban economic centers to ensure safety in transportation and combat class, racial and gendered discrimination in access to mobility.²⁰⁷

Furthermore, given the spatial dimension of violence inflicted upon Indigenous women, off-reserve services that aid in ensuring culturally sensitive responses to instances where Indigenous women report abuse or engage in criminalized activity is necessary. Combating institutionalized discrimination requires ensuring that Indigenous women can move freely across the country without fearing being targeted, criminalized or dehumanized upon interaction with any government official or employee. Understanding that hitchhiking constitutes one of the most prevalent reasons for victimization of Indigenous women and a common method of recruitment for sex traffickers, especially along Highway 16 in British Columbia where a high number of MMIWG concentrates, requires improvement in awareness raising and sensitization campaigns that engage Indigenous communities in ensuring that no more women continue to be put in danger as a consequence of their race, class and/or gender.

²⁰⁶ Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*; Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space."

²⁰⁷ Morton, "Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears."

(6) Beyond Bill S-3: moving towards equalized relationships and the re-establishment of Indigenous sovereignty over land and identity

While Bill S-3 constitutes a relative improvement in the status conditions for Indigenous women and an important step in working towards restoring gender equality in Indigenous communities, it is also important to acknowledge that “tender violence” is not uniquely and exclusively reproduced through institutional practice.²⁰⁸ The impacts of the practices of colonization will continue beyond the reforms provisioned under Bill S-3. The government must remain open and listen to the concerns of Indigenous communities who express that it is time to abandon the framework of Indian status and Band membership as the main legal regulation of political, economic, cultural and social relationships between Canada and its Indigenous people.

Acknowledging the legacies of colonialism requires initiating and platforming conversations with Indigenous communities, assessing the feasibility of abandoning the Indian Act as a tool and acknowledging its limitations and its historically violent and assimilationist aspirations. History shows us that the Indian Act has been used to disempower and remove agency from the reach of women, and there is no proof to think that it will not continue to do so in the future, in spite of the commitment that the Government has expressed on reforming the Indian Act time and time again. It is possible that such commitment implicitly carries with it the commitment to sustain colonial institutions, and Canada must not forget its practices of settler colonialism are what has enabled it to grow and gain wealth as a state.

6. Conclusions

While working on the final arrangements and details of this thesis, news broke out on the 29th of May that the remains of 215 children had been found in the vicinities of what once was one of the many residential schools spread across Canada, in the city of Kamloops (British Columbia). I bring this detail into focus because it highlights two key issues: (1) that which we label history is defined by our ability to remove ourselves from the proximity to those experiences and not time, because the violence and suffering that Indigenous communities is not part of “colonial history”, but a reality that Indigenous communities have to relive over

²⁰⁸ de Leeuw, “Tender Grounds: Intimate Visceral Violence and British Columbia’s Colonial Geographies.”

the years as they struggle to assert their rights and seek reparations for the crimes committed against them; and (2) that these children, like many of the pupils that attended the Indian Residential School System, were not missing but hidden.

This poses us with the question: how many of the cases of MMIWG are cases of “missing women”, and how many are cases of “hidden women”? The histories of violence and disenfranchisement that Indigenous women have been exposed to through colonial institutional arrangements are not part of “history”, but rather they exist interwoven in the material realities and experiences of Indigenous women to this day. Understanding and addressing the crisis of MMIWG requires us to engage with the voices and practices of remembrance that Indigenous communities engage in every time they are faced with the loss of yet another one of their sisters, and that entails reading the history of the present. Tracing back in time the practices of gendering and discrimination is not enough if we continue to fail to look at Indigenous peoples as self-asserted individuals and humans. If we continuously cast colonial violence to history, if we continuously focus on the instance of disappearance or homicide, if we continuously focus on the date and hour of these murders, we forget of the continuum that traces a fine thread through every instance, every breath and every experience. What we now call the “crisis” of MMIWG we might in fifty years call the “genocide” of Indigenous women, as the National Inquiry into Missing and Murdered Indigenous Women and Girls did upon conclusion.²⁰⁹ We might look back and rethink the experiences of Indigenous communities and families affected by the cases of MMIWG as part of another genocidal chapter in Canadian history, and we will continue to re-examine and re-contextualize the meaning of violence at our convenience. The more uncomfortable truth to come to terms with is that ‘genocide’ is a term of the now, and that while it happens the world is systematically looking the other way.

As the cases of MMIWG prove, the dangers in the promises of gender equality advanced under SDG 5 (and I would argue all promises of progress platformed by the SDGs) is that of the experiences it casts out of sight. In allowing Canada to slip by the cracks of such

²⁰⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” 2019, 1a:54.

promise by reporting on its successes while minimizing the realities of violence experienced by Indigenous women, it becomes apparent that rhetoric and practice will not always align.

This brings us to the difficulties encountered during this dissertation. The lack of statistical data on cases of MMIWG is a significant hinderance to any responsible policy-making that could be enacted in response. It translates into an overall lack of research on the issue, except for the voices of those who are personally affected by the crisis. This has forced the author to rely on a multitude of disciplines, and to read literature around the broader context of the violence suffered by Indigenous women, to understand and contextualize the cases of MMIWG within it. Upon doing so, the conclusion drawn is that in assessing the current situation it becomes clear that issues such as the overexposure to sex trafficking and the reliance on sexual work, the continued discursive criminalization, dehumanization and misrepresentation of Indigenous women, and the overall inefficient response from the Canadian government to show true concern over the cases of MMIWG it becomes evident that the dynamics of disenfranchisement enforced by the Indian Act in 1876 on Indigenous women continue ever-present and pulsating today beneath the surface of institutional and socioeconomic arrangements.

In discussing this issue, ideally the author would have been able to conduct interviews with key stakeholders and scholars on the field of Indigenous and gender studies, and more specifically on the histories of violence that permeate the bodies and identities of Indigenous women. However, the cancellation of the planned mobility to the University of British Columbia, as well as the emergence of pressing issues such as the discovery of the Kamloops grave site and growing challenges against the right to self-governance and self-determination of Indigenous people and their land has compromised the schedules of many of the individuals of interest contacted.

In recognizing all these limitations, it is also important to acknowledge that no numbers nor individual voices can truly grasp the scope of the violence that Indigenous women continue to experience to this day. To close off, the author advances the argument that in understanding the cases of MMIWG, one must not forget the “tender violence”²¹⁰ that has continuously been enacted upon Indigenous women: in assessing its impact, violence must be

²¹⁰ de Leeuw, “Tender Grounds: Intimate Visceral Violence and British Columbia’s Colonial Geographies.”

analyzed as a continuum and understood as present in institutional and everyday practices as well as criminalized instances of abuse and homicide.

7. Bibliography

- Aboriginal Affairs and Northern Development Canada. "Aboriginal Migration and Urbanization in Canada , 1961-2006," 2006.
- Angarova, Galina, and Roberto Borrero. "High Level Political Forum (HLPF): 'Ensuring That No One Is Left Behind,'" 2016.
- Animikii Indigenous Technology. "Why We Say 'Indigenous' Instead of 'Aboriginal.'" Animikii, 2017. <https://www.animikii.com/news/why-we-say-indigenous-instead-of-aboriginal>.
- Barker, Joanne. "Gender, Sovereignty, Rights: Native Women's Activism against Social Inequality and Violence in Canada." *American Quarterly*. Johns Hopkins University Press, June 2008. <https://doi.org/10.1353/aq.0.0002>.
- Bartlett, Richard H. "The Indian Act of Canada." *Buffalo Law Review* 27, no. 4 (1978): 581–616. <https://heinonline.org/HOL/P?h=hein.journals/buflr27&i=593>.
- BCA 153. *McIvor v. Canada (Registry of Indian and Northern Affairs)* (2009).
- Bourgeois, Robyn. "Colonial Exploitation: The Canadian State and the Trafficking of Indigenous Women and Girls in Canada." *UCLA Law Review* 62 (2015). <https://heinonline.org/HOL/Page?handle=hein.journals/uclalr62&id=1432&div=35&collection=journals>.
- Committee on the Elimination of Discrimination against Women. "Report of the Inquiry Concerning Canada of the Committee of the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention," 2015.
- Leeuw, Sarah de. "Tender Grounds: Intimate Visceral Violence and British Columbia's Colonial Geographies." *Political Geography* 52 (2016): 14–23. <https://doi.org/https://doi.org/10.1016/j.polgeo.2015.11.010>.
- Silva, Wimala de. "Some Cultural and Economic Factors Leading to Neglect, Abuse and Violence in Respect of Children within the Family in Sri Lanka." *Child Abuse and Neglect* 5, no. 4 (1981): 391–405. [https://doi.org/10.1016/0145-2134\(81\)90049-1](https://doi.org/10.1016/0145-2134(81)90049-1).
- Vries, Ieke De, and Kelly E. Goggin. "The Impact of Childhood Abuse on the Commercial Sexual Exploitation of Youth: A Systematic Review and Meta-Analysis." *Trauma, Violence, and Abuse*. SAGE Publications Ltd, December 1, 2020. <https://doi.org/10.1177/1524838018801332>.
- Drache, Daniel, Fred Fletcher, and Coral Voss. "What the Canadian Public Is Being Told About the More than 1200 Missing & Murdered Indigenous Women and First Nations

- Issues: A Content and Context Analysis of Major Mainstream Canadian Media, 2014-2015.” *SSRN Electronic Journal*, 2017, 2014–15. <https://doi.org/10.2139/ssrn.2758140>.
- Dubowitz, Howard. “Child Sexual Abuse and Exploitation—A Global Glimpse.” *Child Abuse and Neglect*. Elsevier Ltd, April 1, 2017. <https://doi.org/10.1016/j.chiabu.2017.02.011>.
- Farley, Melissa, and Jacqueline Lynne. “Prostitution of Indigenous Women: Sex Inequality and the Colonization of Canada’s First Nations Women.” *Fourth World Journal* 6, no. 1 (2005): 1–29.
- Farley, Melissa, Jacqueline Lynne, and Ann J. Cotton. “Prostitution in Vancouver: Violence and the Colonization of First Nations Women.” *Transcultural Psychiatry* 42, no. 2 (2005): 242–71. <https://doi.org/10.1177/1363461505052667>.
- Farley, Melissa, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, and Eileen Hudon. “Garden of Truth.” Minnesota, 2011. <http://open.wmitchell.edu/facsch/226>.
- García-Del Moral, Paulina. “The Murders of Indigenous Women in Canada as Femicides: Toward a Decolonial Intersectional Reconceptualization of Femicide.” *Signs: Journal of Women in Culture and Society* 43, no. 4 (May 11, 2018): 929–54. <https://doi.org/10.1086/696692>.
- Gehl, Lynn. “‘The Queen and I’: Discrimination Against Women in the ‘Indian Act’ Continues.” *Canadian Women’s Studies = Les Cahiers de La Femme* 20 (June 1, 2000).
- Gewirtz-Meydan, Ateret. “The Relationship between Child Sexual Abuse, Self-Concept and Psychopathology: The Moderating Role of Social Support and Perceived Parental Quality.” *Children and Youth Services Review* 113 (June 1, 2020). <https://doi.org/10.1016/j.chilyouth.2020.104938>.
- Global Affairs Canada. “Canada’s Implementation of the 2030 Agenda for Sustainable Development: Voluntary National Review 2018.” Ottawa, 2018. https://sustainabledevelopment.un.org/content/documents/20312Canada_ENGLISH_18122_Canadas_Voluntary_National_ReviewENv7.pdf.
- Goeman, Mishuana R., and Jennifer Nez Denetdale. “Native Feminisms: Legacies, Interventions, and Sovereignties.” *Wicazo Sa Review*, 2009, 9–13.
- Goldberg, Amy P., Jessica L. Moore, Christopher Houck, Dana M. Kaplan, and Christine E. Barron. “Domestic Minor Sex Trafficking Patients: A Retrospective Analysis of Medical Presentation.” *Journal of Pediatric and Adolescent Gynecology* 30, no. 1 (February 1, 2017): 109–15. <https://doi.org/10.1016/j.jpag.2016.08.010>.
- Government of Canada. Bill S-3 (2017).
- Government of Canada. “The Final Report to Parliament on the Review of S-3: December 2020.” Government of Canada Website, December 24, 2020. <https://www.sac-isc.gc.ca/eng/1608831631597/1608832913476>.

- Government of Canada. "The Final Report to Parliament on the Review of S-3: December 2020." Government of Canada Website, 2020. <https://www.sac-isc.gc.ca/eng/1608831631597/1608832913476#chp05>.
- Gray, Diana. "TURNING-OUT: A Study of Teenage Prostitution." *Journal of Contemporary Ethnography* 1, no. 4 (1973): 401–25. <https://doi.org/10.1177/089124167300100404>.
- Guedj, Nicole. "Le Passage a l'acte Dans La Violence Parentale." *Child Abuse and Neglect* 5, no. 4 (1981): 413–19. [https://doi.org/10.1016/0145-2134\(81\)90051-X](https://doi.org/10.1016/0145-2134(81)90051-X).
- Haig, Terry. "New UN Report Scalds Canada for Indigenous Housing Conditions." Radio Canada International. Radio Canada International, August 21, 2019. <https://www.rcinet.ca/en/2019/10/21/new-un-report-scalds-canada-for-indigenous-housing-conditions/>.
- Henderson, D. J. "Incest: A Synthesis of Data." *Canadian Psychiatric Association Journal*, 1972. <https://doi.org/10.1177/070674377201700407>.
- Herman, Judith, and Lisa Hirschman. "Father-Daughter Incest." *Signs: Journal of Women in Culture and Society* 2, no. 4 (July 1977): 735–56. <https://doi.org/10.1086/493408>.
- Holmes, Cindy, Sarah Hunt, and Amy Piedalue. "Violence, Colonialism and Space: Towards a Decolonizing Dialogue." *ACME: An International Journal for Critical Geographies* 14, no. 2 SE-Research (August 17, 2015). <https://acme-journal.org/index.php/acme/article/view/1102>.
- Human Rights Watch. "Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada." New York, 2013.
- Inter-American Commission on Human Rights. "Missing and Murdered Indigenous Women in British Columbia, Canada," 2014. www.cidh.org.
- Jiwani, Yasmin. "Symbolic and Discursive Violence in Media Representations of Aboriginal Missing and Murdered Women." In *Violence in Hostile Contexts E-Book*, edited by David Weir and Marika Guggisberg, 45–63. Oxford: Inter-Disciplinary Press, 2009.
- Johnson, Becca C. "Featured Counter-Trafficking Program: Trauma Recovery for Victims of Sex Trafficking." *Child Abuse and Neglect* 100 (February 1, 2020). <https://doi.org/10.1016/j.chiabu.2019.104153>.
- Kingsley, C, and M Mark. "Sacred Lives: Canadian Aboriginal Children & Youth Speak out about Sexual Exploitation." Vancouver, 2001.
- Knowles, R. C. "Incest." *South Dakota Journal of Medicine* 39, no. 2 (February 1986): 5–10. <https://doi.org/10.1192/bjp.120.556.301>.
- Kuokkanen, Rauna. "Globalization as Racialized, Sexualized Violence." *International Feminist Journal of Politics* 10, no. 2 (June 1, 2008): 216–33. <https://doi.org/10.1080/14616740801957554>.

- Laroque, Emma. "The Metis in English Canadian Literature." *The Canadian Journal of Native Studies* III, no. I (1983): 85–94. <http://www3.brandonu.ca/cjns/3.1/laroque.pdf>.
- Lheidli T'enneh First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Native Friendship Centre, and Prince George Nechako Aboriginal Employment & Training Association. "Highway of Tears Symposium Recommendations Report: A Collective Voice for the Victims Who Have Been Silenced," 2006.
- Martin, Kelli D., Lan Yang, and Haley R. Zettler. "Trauma Survivors in a Prostitution Court: Rethinking Outcome Success Measures." *Journal of Crime and Justice*, 2021. <https://doi.org/10.1080/0735648X.2020.1862695>.
- Medlicott, R. W. "Parent-Child Incest." *Australian and New Zealand Journal of Psychiatry* 1, no. 4 (1967): 180–87. <https://doi.org/10.3109/00048676709159192>.
- Milloy, J S. *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*. Manitoba Studies in Native History. University of Manitoba Press, 1999. <https://books.google.es/books?id=TSGmglyxgzkC>.
- Moeke-Pickering, Taima, Sheila Cote-Meek, and Ann Pegoraro. "Understanding the Ways Missing and Murdered Indigenous Women Are Framed and Handled by Social Media Users." *Media International Australia* 169, no. 1 (October 12, 2018): 54–64. <https://doi.org/10.1177/1329878X18803730>.
- Molnar, G., and P. Cameron. "Incest Syndromes: Observations in a General Hospital Psychiatric Unit." *Canadian Psychiatric Association Journal* 20, no. 5 (1975): 373–77. <https://doi.org/10.1177/070674377502000507>.
- Morton, Katherine. "Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears." *The Canadian Journal of Sociology* 41, no. 3 (2016): 299–326. <https://www.jstor.org/stable/10.2307/canajsocicahican.41.3.299>.
- Nadon, Susan M, Catherine Koverola, and Schluderma Eduard H. "Antecedents to Prostitution: Childhood Victimization." *Journal of Interpersonal Violence* 13, no. 2 (April 1, 1998): 206–21. <https://doi.org/10.1177/088626098013002003>.
- Nagel, Joane. "Ethnicity and Sexuality." *Annual Review of Sociology* 26, no. 1 (August 1, 2000): 107–33. <https://doi.org/10.1146/annurev.soc.26.1.107>.
- National Inquiry into Missing and Murdered Indigenous Women and Girls. "Lexicon of Terminology: Preferred Terms - At a Glance," 2019. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/MMIWG_Lexicon_FINAL_ENFR.pdf.
- National Inquiry into Missing and Murdered Indigenous Women and Girls. "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls." Vol. 1b, 2019. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf.

- National Inquiry into Missing and Murdered Indigenous Women and Girls. "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls." Vol. 1a. National Inquiry into Missing and Murdered Indigenous Women, 2019. <https://www.mmiwg-ffada.ca/final-report/>.
- Native Women's Association of Canada. "Sexual Exploitation and Trafficking of Aboriginal Women and Girls," 2014.
- Native Women's Association of Canada. "Fact Sheet: Missing and Murdered Aboriginal Women." Ottawa, 2019.
- Natives Women Association of Canada. "Voices of Our Sisters In Spirit." *Natives Women Association of Canada*, no. March (2009): 105. http://www.nwac.ca/sites/default/files/download/admin/NWAC_VoicesofOurSistersInSpiritII_March2009FINAL.pdf.
- Palmater, Pamela. "Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry." *Canadian Journal of Women and the Law* 28, no. 2 (August 1, 2016): 253–84. <https://doi.org/10.3138/cjwl.28.2.253>.
- Palmater, Pamela D. "An Empty Shell of a Treaty Promise: R. v. Marshall and the Rights of Non-Status Indians." *The Dalhousie Law Journal* 23, no. 1 (2000): 102–48. <https://heinonline.org/HOL/Page?handle=hein.journals/dalholwj23&id=102&div=7&collection=journals>.
- Paulson, Bob. "Letter from RCMP Commissioner Bob Paulson to Grand Chief Bernice Martial." Alberta, 2015. <https://assets.documentcloud.org/documents/1815008/2015-04-07-mmaw-rcmp.pdf>.
- Pearce, Maryanne. "An Awkward Silence: Missing and Murdered Vulnerable Women and the Canadian Justice System." University of Ottawa, 2013. <https://doi.org/10.1080/13200968.1997.11077252>.
- Peters, J. J. "Children Who Are Victims of Sexual Assault and the Psychology of Offenders." *American Journal of Psychotherapy* 30, no. 3 (1976): 398–421. <https://doi.org/10.1176/appi.psychotherapy.1976.30.3.398>.
- Pierce, Alexandra. "American Indian Adolescent Girls: Vulnerability to Sex Trafficking, Intervention Strategies." *American Indian and Alaska Native Mental Health Research* 19, no. 1 (2012): 37–56. <https://doi.org/10.5820/aian.1901.2012.37>.
- Razack, Sherene H. "Sexualized Violence and Colonialism: Reflections on the Inquiry into Missing and Murdered Indigenous Women." *Canadian Journal of Women and the Law* 28, no. 2 (August 1, 2016): i–iv. <https://doi.org/10.3138/cjwl.28.2.i>.
- Razack, Sherene H. "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George Law, Race and Space." *Canadian Journal of Law and Society* 15, no. 2 (2000): 91–130. <https://heinonline.org/HOL/P?h=hein.journals/cjls15&i=358>.

- Razack, Sherene H. *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*. University of Toronto Press, 2015.
- Royal Canadian Mounted Police. "Missing and Murdered Aboriginal Women: A National Operational Overview," 2014.
- Royal Canadian Mounted Police. "Missing and Murdered Aboriginal Women: A National Operational Overview," 2015. <https://www.rcmp-grc.gc.ca/wam/media/455/original/c3561a284cfbb9c244bef57750941439.pdf>.
- Saramo, Samira. "Unsettling Spaces: Grassroots Responses to Canada's Missing and Murdered Indigenous Women During the Harper Government Years." *Comparative American Studies An International Journal* 14, no. 3–4 (October 1, 2016): 204–20. <https://doi.org/10.1080/14775700.2016.1267311>.
- Savarese, Josephine L. "Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women." *Canadian Journal of Women and the Law* 29, no. 1 (April 1, 2017): 157–81. <https://doi.org/10.3138/cjwl.29.1.157>.
- Seshia, Maya. "The Unheard Speak Out: Street Sexual Exploitation in Winnipeg," 2005.
- Sethi, Anupriya. "Domestic Sex Trafficking of Aboriginal Girls in Canada: Issues and Implications." *First Peoples Child & Family Review* 3, no. 3 (2007): 57–71. <https://doi.org/https://doi.org/10.7202/1069397ar>.
- Silbert, Mimi H, and Ayala M Pines. "Entrance into Prostitution." *Youth & Society* 13, no. 4 (June 1, 1982): 471–500. <https://doi.org/10.1177/0044118X82013004005>.
- Silbert, Mimi H., and Ayala M. Pines. "Sexual Child Abuse as an Antecedent to Prostitution." *Child Abuse and Neglect* 5, no. 4 (January 1, 1981): 407–11. [https://doi.org/10.1016/0145-2134\(81\)90050-8](https://doi.org/10.1016/0145-2134(81)90050-8).
- Silbert, Mimi H., Ayala M. Pines, and T. Lynch. "Sexual Assault of Prostitutes." San Francisco, 1982.
- Stonefish, Denise, and Perry Bellegarde. "Gender Discrimination and the Indian Act." Policy Options, November 25, 2016. <https://policyoptions.irpp.org/magazines/november-2016/gender-discrimination-and-the-indian-act/>.
- The United Nations. "Beijing Declaration and Platform for Action." *Fourth World Conference on Women*. Vol. 21. New York, 2014. <http://www.un.org/womenwatch/daw/beijing/platform/health.htm>.
- UN Economic and Social Council. "Progress towards the Sustainable Development Goals." New York, 2017. [https://doi.org/10.1016/0168-9002\(90\)91300-Z](https://doi.org/10.1016/0168-9002(90)91300-Z).
- UN General Assembly. "Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women." *Treaty Series* 2131 (1999): 83–90. <https://doi.org/10.1017/s0020818300024334>.

- UN General Assembly. "Transforming Our World: The 2030 Agenda for Sustainable Development," 2015.
- UN General Assembly. "Convention on the Elimination of All Forms of Discrimination Against Women." *Treaty Series* 1249 (1979). <https://doi.org/10.4324/9780429315497-8>.
- UN General Assembly. "Universal Declaration of Human Rights." New York, 1948. <https://doi.org/10.1163/157181507782200222>.
- UN Women. "In Focus: Women and the Sustainable Development Goals (SDGs): SDG 5: Gender Equality." United Nations Women Webpage, 2021. <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>.
- United Nations. "Commission on the Status of Women." UN Women, 2021. <https://www.unwomen.org/en/csw>.
- United Nations. "Gender Equality." United Nations Website, 2021. <https://www.un.org/en/global-issues/gender-equality>.
- United Nations. "The Sustainable Development Goals Report 2020," 2020. <https://unstats.un.org/sdgs/files/report/2018/TheSustainableDevelopmentGoalsReport2018-ES.pdf>.
- Urban Native Youth Association. "Full Circle: A Manual on Sexually Exploited Native Youth Issues in Vancouver." Vancouver, 2002.
- Wallace, Susan Elaine. "Inuit Health: Selected Findings from the 2012 Aboriginal Peoples Survey." Statistics Canada= Statistique Canada, 2014.
- Weiner, Irving B. "Father-Daughter Incest: A Clinical Report." *The Psychiatric Quarterly* 36, no. 1–4 (December 1962): 607–32. <https://doi.org/10.1007/BF01586144>.
- Zardo, Maria Noel Leoni. "Gender Equality and Indigenous Peoples' Right to Self-Determination and Culture Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing the Rights of Indigenous Peoples and International Human Rights Law." *American University International Law Review* 28, no. 4 (2013): 1053–90. <https://heinonline.org/HOL/P?h=hein.journals/amuilr28&i=1098>.

ANNEXES

ANNEX I: INFOGRAPHIC ON CONDITION OF WOMEN UNDER COVID-19 PANDEMIC

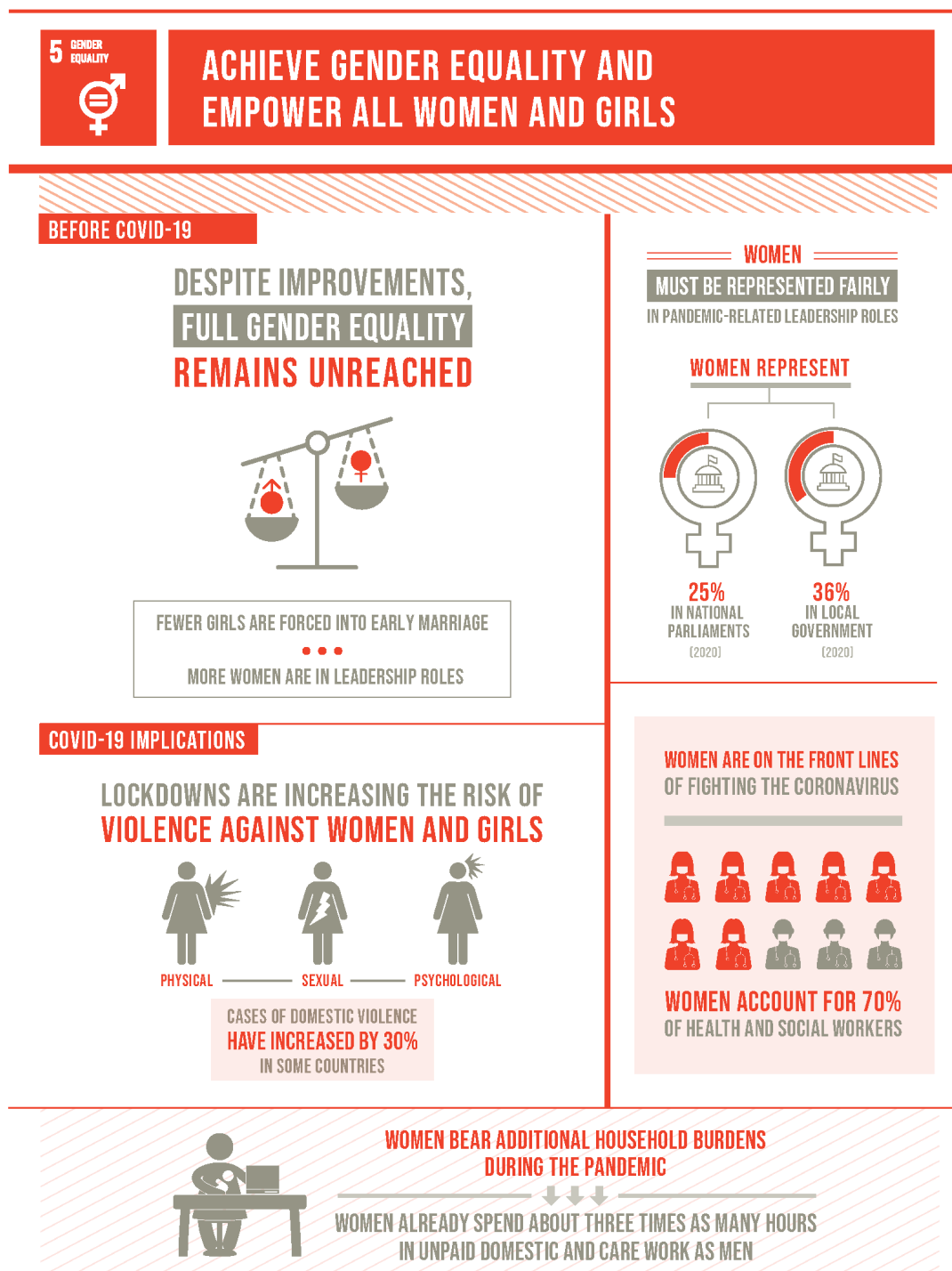


Figure 7.1 Infographic on status of women during the COVID-19 pandemic UN (2020). *The Sustainable Development Goals Report 2020*.

ANNEX II: MENTAL STRESS SCORE IN RELATION TO PROXIMITY TO ATTENDANCE TO RESIDENTIAL SCHOOLS

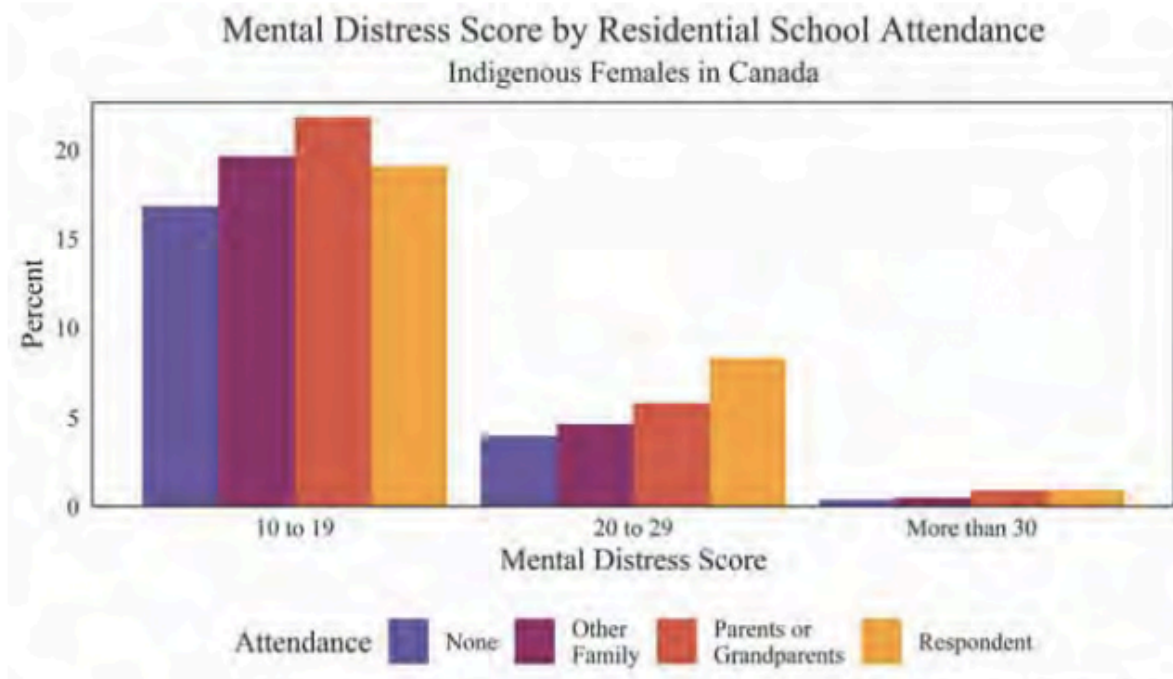


Figure 4 Mental Distress Score by age groups in relation to Residential School attendance
National Inquiry into Missing and Murdered Indigenous Women and Girls. "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls." Vol. 1a:423. National Inquiry into Missing and Murdered Indigenous Women, 2019. <https://www.mmiwg-ffada.ca/final-report/>.

ANNEX III: URBANIZATION TRENDS AMONGST INDIGENOUS PEOPLES

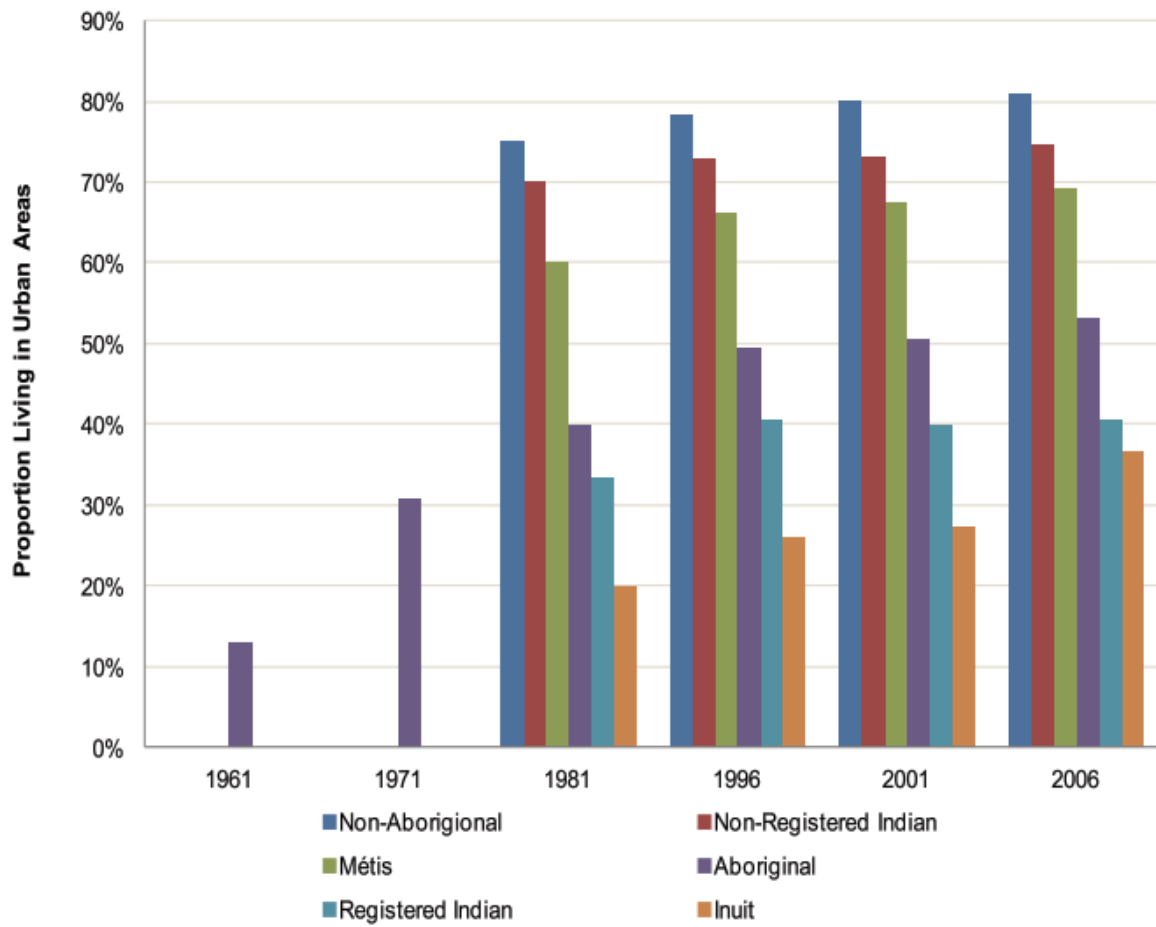


Figure 5 Evolution of Indigenous migration to urban areas between 1961-2006 by group
 Aboriginal Affairs and Northern Development Canada. "Aboriginal Migration and Urbanization in Canada ,
 1961-2006," 2006, 2.

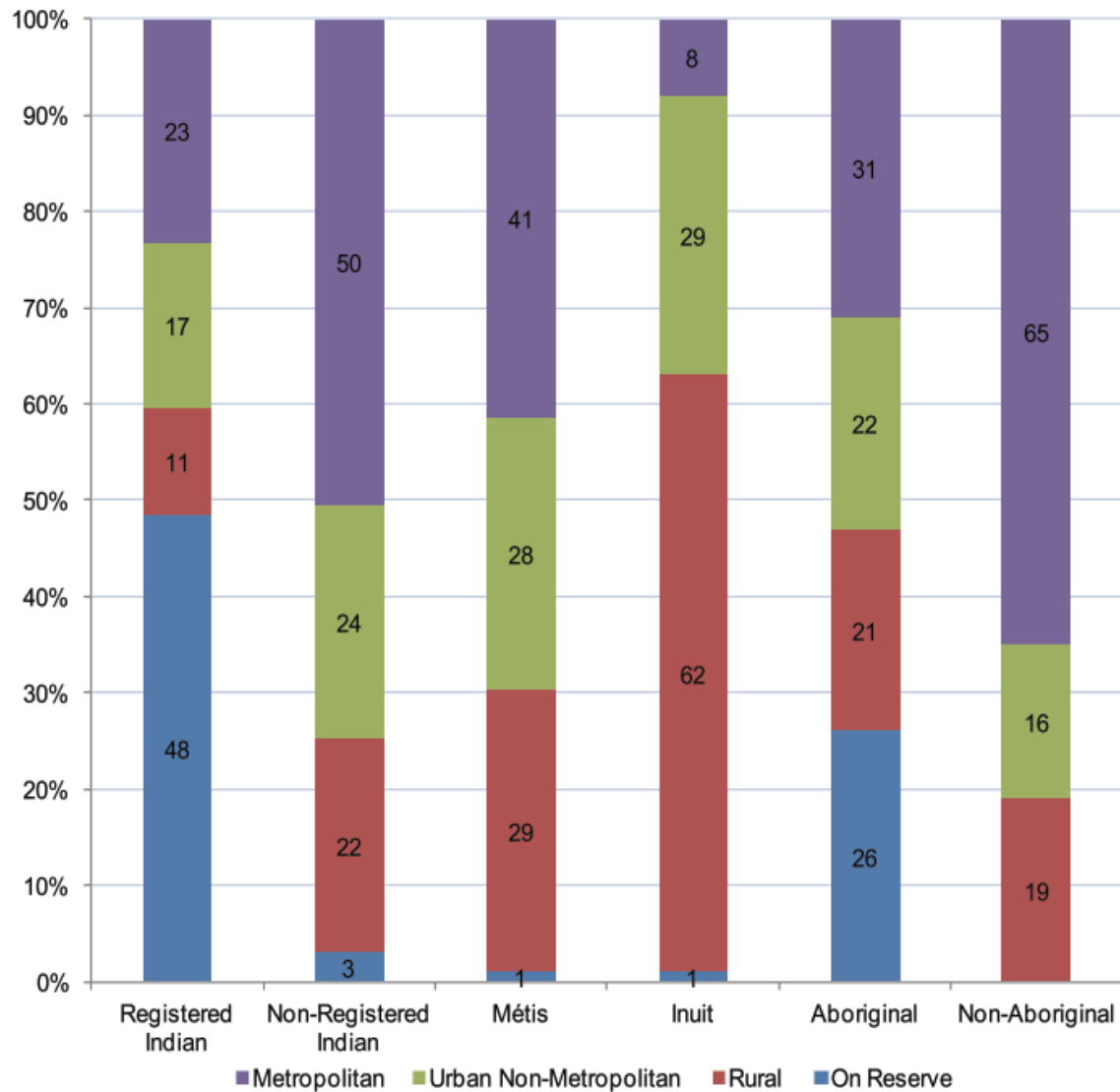


Figure 6 Distribution of Indigenous population by area of residence disaggregated by groups
 Aboriginal Affairs and Northern Development Canada. "Aboriginal Migration and Urbanization in Canada ,
 1961-2006," 2006, 2.

ANNEX IV: TABLE OF FOOD BUDGETING IN THE REGINA RESIDENTIAL SCHOOL IN 1894, ACCORDING TO THE 1904 REPORT RESULTING FROM THE INQUIRY CONDUCTED BY J. MCKENNA, J. MENZIES AND R. MACKAY.

PRODUCT	ALLOWANCE (POUNDS)	ACTUAL CONSUMPTION (POUNDS)
Beef	21,580	13,866
Cheese	515	73
Currants	206	456
Beans	1,236	700
Rice	1,236	730
Raisins	102	200

Figure 7 Dietary budgeting of the Regina School, showing the usage of "war economy" logic to save on food supply that was then resold or destined to supply staff and teachers instead of children
 Milloy, J S. *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*.
 Manitoba Studies in Native History. University of Manitoba Press, 1999, 117.

ANNEX V: TRANSCRIPT OF MEMO SENT TO REGIONAL DIRECTOR OF INDIAN AGENCIES IN MANITOBA R.S. DAVIS IN 1953 BY REGIONAL INSPECTOR OF INDIAN SCHOOLS G.H. MARCOUX.

The Department of Citizenship and Immigration
Indian Affairs Branch
Norlyn Bldg.,
309 Hargrave St.,
Winnipeg Manitoba

October 21, 1953

Memo to Mr. R.S. Davis

I visited the school on October 19th and 20th and found the following situation:

From the front entrance to the corridor of the basement one was subjected to an unbearable odor. The floor of the boiler room was covered with a liquid from the sewage system to a depth of 6 to 8 inches, some of this liquid was seeping into the boys' recreation room. At the other end of the building, in the girls' recreation room, there are a number of trap openings on the floor. Upon opening these traps one could see the same kind of liquid containing raw sewage, direct from toilets, almost to the level of the floor.

It looks as if the entire sewage piping under the floor had collapsed and that the sewage piping leading to the outside has been blocked by some obstruction.

On Monday, October 19th, the smell in the building was unbearable and no human being should be asked to live under such conditions. There is no doubt in my mind that such drastic action must be taken to remedy the situation and make sure it does not re-occur in the future. I, therefore, strongly recommend that the school be closed until such time as the necessary repairs are made. Should this condition continue or happen again at a later date, the health of the pupils and the members of the staff can be seriously affected. Furthermore, should there be an outbreak of diseases in a school like this one, the Indian parents would blame the school and refuse to send their children there. This would be a ten year set back in the education plan.

This is respectfully submitted in the hope that the Department be advised of the situation and that immediate appropriate action be taken.

G.H. Marcoux, Regional Inspector of Indian Schools.

Source: Milloy, J S. *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*. Manitoba Studies in Native History. University of Manitoba Press, 1999, 260.

ANNEX VI: STATUS LINEAGE UNDER BILL C-31

MARRIAGE INFRASTRUCTURE	STATUS OF OFFSPRING
6 (1) + 6 (1)	6 (1)
6 (1) + 6 (2)	6 (1)
6 (2) + 6 (2)	6 (1)
6 (1) + N	6 (2)
6 (2) + N	N

Figure 8 **Scheme of Indian status lineage as provisioned under Bill C-31 in 1985, still discriminating against reinstated women under Section 6(1)**

Gehl, Lynn. "The Queen and I": Discrimination Against Women in the 'Indian Act' Continues." *Canadian Women's Studies = Les Cahiers de La Femme* 20 (June 1, 2000), 67.

**ANNEX VII: LEGISLATIVE AMENDMENTS AND LANGUAGE CHANGES
PROVISIONED UNDER BILL S-3 ACCORDING TO THE FINAL REPORT
SUBMITTED TO PARLIAMENT ON DECEMBER 2020**

Section 5: Legislative Language and Interpretation

Legislative Language	Interpretation
<p>Subsection 5(6) Section 5 of the <i>Indian Act</i> is amended by adding the following after subsection (5):</p> <p>Unknown or unstated parentage 5(6) If a parent, grandparent or other ancestor of a person in respect of whom an application is made is unknown — or is unstated on a birth certificate that, if the parent, grandparent or other ancestor were named on it, would help to establish the person's entitlement to be registered — the Registrar shall, without being required to establish the identity of that parent, grandparent or other ancestor, determine, after considering all of the relevant evidence, whether that parent, grandparent or other ancestor is, was or would have been entitled to be registered. In making the determination, the Registrar shall rely on any credible evidence that is presented by the applicant in support of the application or that the Registrar otherwise has knowledge of and shall draw from it every reasonable inference in favour of the person in respect of whom the application is made.</p>	<p>The new subsection 5 (6) provides for the Indian Registrar to consider all relevant evidence to establish the entitlement for Indian registration of an applicant's parent, grandparent or other ancestor who is unknown or whose name is unstated on a birth certificate, without the requirement to establish the identity of the unknown or unstated parent, grandparent or other ancestor and to draw from any credible evidence every reasonable inference in favour of the person in respect of whom the application is made.</p>
<p>Subsection 5(7) No presumption 5(7) For greater certainty, if the identity of a parent, grandparent or other ancestor of an applicant is unknown or unstated on a birth certificate, there is no presumption that this parent, grandparent or other ancestor is not, was not or would not have been entitled to be registered.</p>	<p>The new subsection 5(7) provides that, for greater certainty, there is no presumption that the unstated or unknown parent, grandparent or other ancestor had/has no entitlement to Indian registration.</p>

Section 6: Legislative Language and Interpretation

Legislative Language	Interpretation
<p>Paragraph 6(1)(a) Paragraph 6(1)(a) of the <i>Indian Act</i> is replaced by the following:</p> <p>(a) that person was registered or entitled to be registered immediately before April 17, 1985;</p>	<p>Re-enacts paragraph 6(1)(a) of the <i>Indian Act</i> as it read before. It provides that individuals who were registered or entitled to be registered before the coming into force of C-31 on April 17, 1985, continue to be registered or continue to be entitled to be registered after that date.</p>
<p>Paragraph 6(1) (a.1) 6(1) Subject to section 7, a person is entitled to be registered under (a.1) if the name of that person was omitted or deleted from the Indian Register or from a band list before September 4, 1951, under subparagraph 12(1)(a)(iv), paragraph 12(1)(b) or subsection 12(2) or under subparagraph 12(1)(a)(iii) pursuant to an order made under subsection 109(2), as each provision read immediately before April 17, 1985, or under any former provision of this act relating to the same subject matter as any of those provisions;</p>	<p>The criteria required to meet 6(1) (a.1) includes any one of the provisions found under the previous paragraph 6(1)(c). Individuals that were entitled to be/registered under 6(1)(c) are now considered entitled to be/registered under 6(1) (a.1). This includes: those women who lost status on marriage to a non-Indian man; those individuals who enfranchised upon their mother's marriage to a non-Indian man; those individuals impacted by the "double mother" rule; those individuals who were removed in protest due to a non-Indian father; and those who were never added ('omitted') due to a non-Indian father.</p>
<p>Paragraph 6(1)(a.2) 6(1)(a.2) Subject to section 7, a person is entitled to be registered under (a.2) if</p> <p>(i) they were born female during the period beginning on September 4, 1951 and ending on April 16, 1985 and their parents were not married to each other at the time of the birth</p> <p>(ii) their father was at the time of that person's birth entitled to be registered or, if he was no longer living at that time, was at the time of death entitled to be registered and</p> <p>(iii) their mother was not at the time</p>	<p>The criteria to meet this provision is the same as the criteria under the original paragraph 6(1)(c.3). As such, women who were born outside of a legal marriage between September 4, 1951 and April 16, 1985 to an entitled father and who were previously entitled to be/registered under 6(1)(c.3) will now be entitled under paragraph 6(1)(a.2).</p>

Legislative Language	Interpretation
of that person's birth entitled to be registered;	
<p>Paragraph 6(1)(a.3) 6(1)(a.3) that person is a direct descendant of a person who is, was or would have been entitled to be registered under paragraph (a.1) or (a.2) and</p> <p>(i) they were born before April 17, 1985, whether or not their parents were married to each other at the time of the birth or</p> <p>(ii) they were born after April 16, 1985 and their parents were married to each other at any time before April 17, 1985;</p>	<p>Where an individual is a direct descendant of a person entitled to be/registered under paragraph 6(1)(a.1) or 6(1)(a.2), they're entitled under paragraph 6(1)(a.3) if born before April 17, 1985 or their parents were married to each other at any time before April 17, 1985.</p>
<p>Paragraph 6(1)(f) Paragraph 6(1)(f) of the act is replaced by the following: (f) both parents of that person are entitled to be registered under this section or, if the parents are no longer living, were so entitled at the time of death.</p>	<p>Re-enacts paragraph 6(1)(f) of the <i>Indian Act</i> as it read before. It provides entitlement for registration to any individual where both parents are entitled to be registered, deemed entitled to be registered or are registered.</p>
<p>Subsection 6(2) Subsection 6(2) of the act is replaced by the following: Persons entitled to be registered (2) Subject to section 7, a person is entitled to be registered if one of their parents is entitled to be registered under subsection (1) or, if that parent is no longer living, was so entitled at the time of death.</p>	<p>Re-enacts sub-section 6(2) of the <i>Indian Act</i> as it read before. It provides entitlement to registration to any individual with one parent who is entitled to be registered, deemed entitled to be registered or is registered under subsection 6(1).</p>
<p>Subsection 6(2.1) Clarification (2.1) A person who is entitled to be registered under both paragraph (1)(f) and any other paragraph of subsection (1) is considered to be entitled to be</p>	<p>As a result of the amendments to subsection 6(1), some individuals will have dual entitlement for Indian status under paragraph 6(1)(f) or subsection 6(2) and another paragraph under 6(1). For the</p>

Legislative Language	Interpretation
<p>registered under that other paragraph only, and a person who is entitled to be registered under both subsection (2) and any paragraph of subsection (1) is considered to be entitled to be registered under that paragraph only.</p>	<p>purposes of registration, these individuals would be registered under the other paragraph of 6(1) in order for their descendants to benefit from paragraphs 6(1)(a.2) or 6(1)(a.3) if they meet the requirements of these paragraphs.</p>
<p>Subsection 6(3) Deeming provision 6(3) For the purposes of paragraphs (1)(a.3) and (f) and subsection (2), (a) a person who was no longer living immediately prior to April 17, 1985 but who was at the time of death entitled to be registered shall be deemed to be entitled to be registered under paragraph (1)(a); (b) a person who is described in paragraph (1)(a.1), (d), (e) or (f) or subsection (2) and who was no longer living on April 17, 1985 is deemed to be entitled to be registered under that paragraph or subsection; and (c) [Repealed, 2017, c. 25, s. 2.1] (d) a person who is described in paragraph (1)(a.2) or (a.3) and who was no longer living on the day on which that paragraph came into force is deemed to be entitled to be registered under that paragraph.</p>	<p>This ensures that the children of individuals who would've been entitled under the new amendments had they not been deceased are entitled as if their ascendants were living and entitled to be registered under the new amendments.</p>

Section 11: Legislative Language and Interpretation

Legislative Language	Interpretation
<p>Membership rules for Departmental Band List Subsection 11(1) Commencing on April 17, 1985, a person is entitled to have his name entered in a band list maintained in the department for a band if</p> <p style="padding-left: 40px;">the name of that person was entered in the band list for that band, or that person was entitled to have it entered in the band list for that band, immediately prior to April 17, 1985;</p> <p style="padding-left: 40px;">that person is entitled to be registered under paragraph 6(1)(b) as a member of that band;</p> <p style="padding-left: 40px;">that person is entitled to be registered under paragraph 6(1)(a.1) and ceased to be a member of that band by reason of the circumstances set out in that paragraph; or</p> <p>(d) that person was born on or after April 17, 1985 and is entitled to be registered under paragraph 6(1)(f) and both parents of that person are entitled to have their names entered in the band list or if no longer living, were at the time</p>	<p>Changes the reference from the renumbered paragraph 6(1)(c) and replace it with the new paragraph 6(1)(a.1) as it pertains to who is entitled to have their name entered in a band list maintained in the department.</p>

Legislative Language	Interpretation
<p>of death entitled to have their names entered in the band list.</p>	
<p>Subsection 11(3) Deeming provision</p> <p>(3) For the purposes of paragraph (1)(d) and subsection (2),</p> <p>(a) a person whose name was omitted or deleted from the Indian Register or a band list in the circumstances set out in paragraph 6(1)(a.1), (d) or (e) and who was no longer living on the first day on which the person would otherwise be entitled to have the person's name entered in the band list of the band of which the person ceased to be a member is deemed to be entitled to have the person's name so entered;</p> <p>(a.1) a person who would have been entitled to be registered under paragraph 6(1)(a.2) or (a.3), had they been living on the day on which that paragraph came into force and who would otherwise have been entitled, on that day, to have their name entered in a band list, is deemed to be entitled to have their name so entered; and</p> <p>(b) a person described in paragraph (2)(b) shall be deemed to be entitled to have the person's name entered in the band list in which the parent referred to in that paragraph is or was or is deemed by this section to be entitled to have the parent's name entered.</p>	<p>This ensures that children of individuals deceased, but newly entitled under these new provisions, also are entitled to have their name entered into the same band list their parents would've been entitled to.</p>

Legislative Language	Interpretation
<p>Subsection 11(3.1) Additional membership rules — paragraphs 6(1)(a.2) and (a.3)</p> <p>(3.1) A person is entitled to have their name entered in a band list that is maintained in the department for a band if</p> <p>(a) they are entitled to be registered under paragraph 6(1)(a.2) and their father is entitled to have his name entered in the band list or, if their father is no longer living, was so entitled at the time of death; or</p> <p>(b) they are entitled to be registered under paragraph 6(1)(a.3) and one of their parents, grandparents or other ancestors</p> <p>(i) ceased to be entitled to be a member of that band by reason of the circumstances set out in paragraph 6(1)(a.1), or</p> <p>(ii) was not entitled to be a member of that band immediately before April 17, 1985.</p> <p>(c) [Repealed, 2017, c. 25, s. 3.1]</p> <p>(d) [Repealed, 2017, c. 25, s. 3.1]</p> <p>(e) [Repealed, 2017, c. 25, s. 3.1]</p> <p>(f) [Repealed, 2017, c. 25, s. 3.1]</p> <p>(g) [Repealed, 2017, c. 25, s. 3.1]</p>	<p>The new paragraphs ensure that the individuals who would now be registered under paragraphs 6(1)(a.1), (a.2) and (a.3) would've their names entered on the band list maintained by the department if they meet the requirements of the amended subsection 11(3.1).</p>

Legislative Language	Interpretation
<p>(h) [Repealed, 2017, c. 25, s. 3.1]</p> <p>(i) [Repealed, 2017, c. 25, s. 3.1]</p>	

Section 64: Legislative Language and Interpretation

Legislative Language	Interpretation
<p>Subsections 64.1(1) and (2) Subsections 64.1(1) and (2) of the act are replaced by the following:</p> <p>Expenditure of capital moneys with consent</p> <p>64.1(1) A person who has received an amount that exceeds \$1,000 under paragraph 15(1)(a), as it read immediately before April 17, 1985 or under any former provision of this act relating to the same subject matter as that paragraph, by reason of ceasing to be a member of a band in the circumstances set out in paragraph 6(1)(a.1), (d) or (e) is not entitled to receive an amount under paragraph 64(1)(a) until such time as the aggregate of all amounts that the person would, but for this subsection, have received under paragraph 64(1)(a) is equal to the amount by which the amount that the person received under paragraph 15(1)(a), as it read immediately before April 17, 1985 or under any former provision of this act relating to the same subject matter as that paragraph, exceeds \$1,000, together with any interest.</p> <p>Expenditure of capital moneys in accordance with by-laws</p>	<p>Paragraph 64.1(1) relates to individuals who received per capita distribution or bulk treaty payments upon certain enfranchisement under former Indian Acts (prior to C-31 coming into effect in 1985). If those individuals, who've been reinstated under paragraphs 6(1)(a.1), (d) or (e) received amounts exceeding \$1000, they would only be entitled to capital moneys paid from the surrender of land if it exceeds the total they received upon enfranchisement plus interest.</p> <p>Paragraph 64(1)(2) relates to individuals who received per capita distribution or bulk treaty payments upon certain enfranchisement under former Indian Acts (prior to C-31 coming into effect in 1985). If those individuals, who've been reinstated under paragraphs 6(1)(a.1), (d) or (e) received amounts exceeding \$1000, they would only be entitled to an individual benefit of capital moneys in accordance with band by-laws enacted under the various sections if it exceeds the total they received upon enfranchisement plus interest.</p>

Legislative Language	Interpretation
<p>(2) If the council of a band makes a by-law under paragraph 81(1)(p.4) bringing this subsection into effect, a person who has received an amount that exceeds \$1,000 under paragraph 15(1)(a), as it read immediately before April 17, 1985 or under any former provision of this act relating to the same subject matter as that paragraph, by reason of ceasing to be a member of the band in the circumstances set out in paragraph 6(1)(a.1), (d) or (e) is not entitled to receive any benefit afforded to members of the band as individuals as a result of the expenditure of Indian moneys under paragraphs 64(1)(b) to (k), subsection 66(1) or subsection 69(1) until the amount by which the amount so received exceeds \$1,000, together with any interest, has been repaid to the band.</p>	

Overview of Section 6 (1) and 6 (2) with latest changes

6(1)(a)	Entitlement of person who was registered or entitled to be registered on or before April 17, 1985.
6(1)(a.1)	<p>Reinstatement of individuals whose names were omitted or deleted from the Indian Register or a band list prior to September 4, 1951, because of:</p> <ul style="list-style-type: none"> • the "double mother" provision; • the person was a woman who married a non-Indian; • the person is a child omitted or removed due to their mother marrying a non-Indian; or • the person was removed by protest due to being the illegitimate child of a man who was not an Indian and a woman who was an Indian.

6(1)(a.2)	Amending the status of children born female September 4, 1951 and April 16, 1985 to Indian men outside of legal marriage.
6(1)(a.3)	Entitlement for descendants of 6(1)(a.1) and 6(1)(a.2) and they were born before April 17, 1985, whether or not their parents were married to each other at the time of the birth, or they were born after April 16, 1985 and their parents were married to each other at any time before April 17, 1985.
6(1)(b)	Entitlement for individuals who are members of a group declared to be a First Nation band after April 17, 1985.
6(1)(d)	Reinstatement for an individual who was enfranchised by application prior to April 17, 1985.
6(1)(e)	Reinstatement for an individual that was enfranchised prior to September 4, 1951 for reasons of living abroad for 5+ years without the consent of the Superintendent General or becoming ministers, doctors, lawyers ("professionals" – only until 1920).
6(1)(f)	Entitlement for children with both parents entitled to registration.
6(2)	Entitlement for children when only one parent is entitled to registration under 6(1) and the other parent isn't entitled to registration.

ANNEX VIII: INFOGRAPHICS ON IMPLEMENTATION AND CONSULTATION OF BILL S-3



Figure 9 Infographic summarizing First Nation engagement in consultation and drafting of Bill S-3 Government of Canada. “The Final Report to Parliament on the Review of S-3: December 2020.” Government of Canada Website, 2020. <https://www.sac-isc.gc.ca/eng/1608831631597/1608832913476#chp05>.

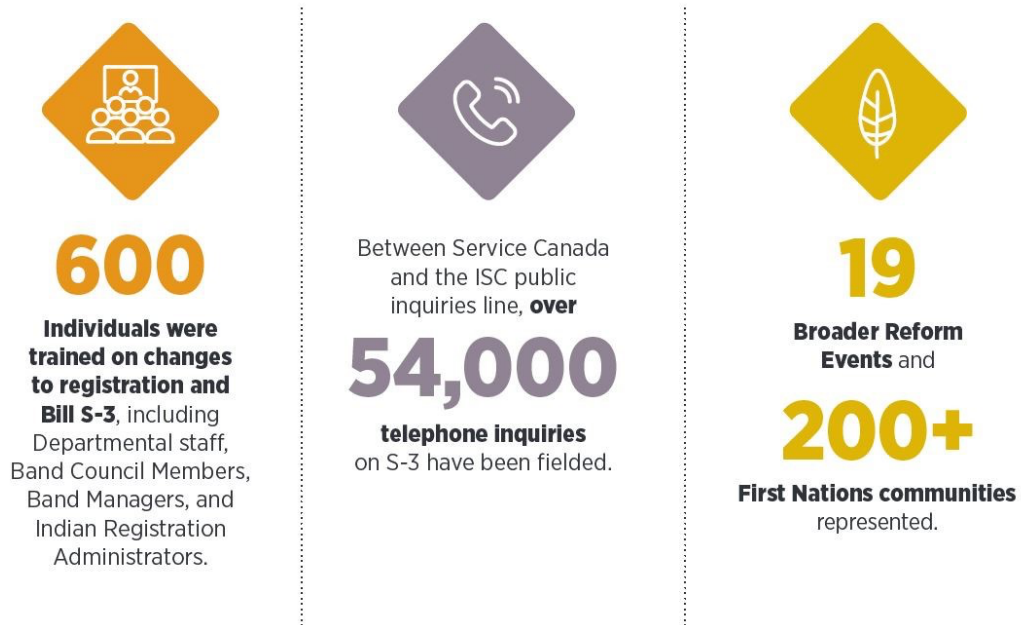


Figure 10 Infographic summarizing actions taken to ensure effective implementation of Bill S-3 Government of Canada. “The Final Report to Parliament on the Review of S-3: December 2020.” Government of Canada Website, 2020. <https://www.sac-isc.gc.ca/eng/1608831631597/1608832913476#chp05>.

ANNEX IX: SUMMARY OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS DEFENDING THE RIGHTS OF INDIGENOUS PEOPLES AND INDIGENOUS WOMEN

<p>INTERNATIONAL COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS</p> <ul style="list-style-type: none"> • right to social security • right to adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions
<p>INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS</p> <ul style="list-style-type: none"> • every child has the right, without discrimination, to measures of protection afforded to a minor on the part of family, society, and state
<p>CEDAW</p> <ul style="list-style-type: none"> • states must take all appropriate measures to suppress all forms of trafficking in women and exploitation of women • states must take measures in all fields, including social, political and economic, to ensure full development and advancement of women
<p>INTERNATIONAL COVENANT ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION</p> <ul style="list-style-type: none"> • State Parties must review all policies and rescind or nullify any laws that create or perpetuate racial discrimination and its related impacts
<p>CONVENTION ON THE RIGHTS OF THE CHILD</p> <ul style="list-style-type: none"> • State Parties must ensure that services responsible for care conform with health and safety standards • State Parties should take all measures to protect children from violence • includes every child's right to adequate standard of living • state should provide material assistance for parents
<p>DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN</p> <ul style="list-style-type: none"> • includes the right to not be subjected to torture or other cruel, inhuman or degrading treatment • promotes research, data collection and statistics to understand, prevent and redress violence against women
<p>UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES</p> <ul style="list-style-type: none"> • Indigenous Peoples have the right to life, liberty and security of person • affirms the right to the secure enjoyment of means of subsistence and development, and the right to engage freely in traditional and other economic activities, as well as redress when those rights are jeopardized
<p>THE VIENNA DECLARATION AND PROGRAMME OF ACTION</p> <ul style="list-style-type: none"> • the lack of development or infrastructure cannot be used to justify an absence of internationally recognized human rights • poverty and social exclusion represent a threat to the enjoyment of human rights • identifies poverty, hunger and other denials of economic, social and cultural rights as obstacles
<p>THE BEIJING DECLARATION</p> <ul style="list-style-type: none"> • identifies poverty for women and children as a key problem in human rights • asserts that the eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement and full participation of women in "people centred sustainable development"

Figure 11 Summary of IHRL protecting the rights of Indigenous peoples

National Inquiry into Missing and Murdered Indigenous Women and Girls. "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls." Vol. 1a. National Inquiry into Missing and Murdered Indigenous Women, 2019, 610-11. <https://www.mmiwg-ffada.ca/final-report/>.