

Why are so many First Nations, Inuit and Métis Women and Girls Criminalized?



As a result of past and present colonization First Nations, Inuit and Métis girls face extreme inequality in Canadian society, including poverty, apprehension by child welfare, and male violence both from dominant Canadian society and within their own communities. Aboriginal women disproportionately live in poverty, with considerably lower incomes than Aboriginal men and non-Aboriginal women.²⁵

Up to 75% of victims of sex crimes in Aboriginal communities are female under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age. The incidence of child sexual abuse in some First Nations, Inuit and Métis communities is as high as 75% to 80% for girls under 8 years old.²⁶

It is estimated some 40% of First Nations, Inuit and Métis people in prisons today are residential school survivors. Many others are intergenerational Survivors, and/or have survived the child welfare system, including the 60's scoop, and other government legacies of colonization.²⁸

First Nations, Inuit and Métis girls and women are disproportionately targeted by the criminal justice system.

In 2008-2009, 44% of all girls in sentenced youth custody in Canada were Aboriginal; this is shocking considering Aboriginal women and girls account for less than 6% of the female population of the country.²⁷

First Nations, Inuit and Métis girls are the fastest growing population in youth custody today. Many girls in Canadian youth prisons today are the children and grandchildren of residential school survivors, victims of the 60's scoop and more recent child welfare apprehensions.



**Zanya's Art from the Pathways to Reconciliation Project -
Britannia Outreach Program**



Similar to the past, the RCMP and other police and criminal justice agents play a specific role in continuing the colonization of Aboriginal girls and women. This is done through failure to respond to violence against Aboriginal girls and women, as well as over-policing, racial profiling, and criminalization of Aboriginal girls and women.

Racist stereotypes, which assume that First Nations, Inuit and Métis girls are criminal in nature, influence the police and courts' responses to Aboriginal young women:

Over years of advocacy, Justice for Girls has observed that the courts tend to respond to

Indigenous girls as though it is inevitable that they will become criminal, drug/alcohol addicted, or seriously ill on the street, and that their lives may only be salvaged through the harsh treatment of the criminal law.²⁹

It is common for Aboriginal girls to enter the criminal justice system, from as young as 12 years old, on relatively minor charges, including public disturbance, shoplifting, and minor aggression, only to be subsequently imprisoned for non-criminal, administrative 'failure to comply' offences, such as breach of bail or probation conditions

and failure to appear in court. The terms of probation are often so unrealistic that they set girls up to fail. There have been cases where girls went into custody on one charge at age 13, only to be released on impossible conditions, and picked up time and time again for breaches. One young girl spent her entire youth years in custody from breaches of probation stemming from a single (and fairly insignificant) charge. Girls can spend their entire youth in and out of prisons.





At the same time that First Nations, Inuit and Métis girls are targeted by the criminal justice system, the police and courts do not protect Aboriginal girls from the male violence they are subjected to; male violence is a major factor that drives girls out of their homes and communities.

On the streets, First Nations, Inuit and Métis girls face new sexual predators, the majority of whom are non- Aboriginal men. NWAC has documented the disappearances and murders of over 600 Aboriginal women and girls in Canada over a period of about twenty years.

The Canadian criminal justice system has totally failed to protect Aboriginal girls and women from male violence.

Because of these failures, the United Nations Committee on the Elimination of Discrimination against Women has decided

to conduct an inquiry into the murders and disappearances of First Nations, Inuit and Métis women and girls across Canada.³⁰

How does the legacy of residential schools contribute to criminalization?

Inter-generational survivors, like their parents or grandparents, sometimes numb their pain, anger, and grief with drugs and alcohol. Young women in our Circles talked about First Nations, Inuit and Métis youth turning to drugs and alcohol to deal with feelings of alienation and boredom on the Reserve and then they soon find themselves committing crimes to feed these addictions. Drug use, while often a symptom of underlying trauma, is one of the largest risk factors for later criminalization. Substance abuse puts girls at particular risk,

as they may end up sexually abused through prostitution or controlled by abusive older male drug dealers to finance their addictions.

Young women in our Circles identified the relationship between their parents being incarcerated and them being apprehended by child welfare, as a continuation of the residential school cycle of removing children from First Nations, Inuit and Métis families, communities, and cultures.

For Her Own Good— Residential Schools, Child Welfare, Prison

There are three times more First Nations children in state care than there were in the height of the Residential Schools.

The child welfare system also plays a key role in the continued colonization of First Nations, Inuit and Métis young women, first by removing them from their families, communities, and lands, and then setting them up for homelessness, further abuse and criminalization.

A study of criminalized First Nations, Inuit and Métis girls found that:³¹

- 97% have left their primary home to live somewhere else
- About 82% of the girls had been in foster care at some point
- On average, the girls had lived in 13 different places (for more than 3 months) other than their primary homes and reported childhood trauma including physical abuse (80%) sexual abuse (65%), mental health issues in the family (30%), and also a high rate of addictions in the family.
- 80% of the girls reported a very early introduction to hard drugs

The fact that so many First Nations, Inuit and Métis children are in state care not only mirrors the horrors of the residential school days when family bonds were ruptured and children dislocated, but also sets up the next generation for institutionalization in other systems, from jails to hospitals to psychiatric wards.

Once girls come into conflict with the law, they are subjected to systemic racism in the criminal justice system. For instance, although a smaller proportion of First Nations, Inuit and Métis girls (compared to non-Aboriginal girls) are sentenced for violent offences, Aboriginal girls spend longer periods in custody than non-Aboriginal youth and are less likely to be referred to alternative measures to incarceration.

First Nations, Inuit and Métis girls are also more likely to be sentenced for non-criminal, administrative, ‘failure to comply’ offences, which include breach of bail or probation conditions and failure to appear in court.³² Poverty related offences such as fraud, theft, or prostitution, as opposed to violent crimes, are the typical charges girls face.



Did you know?

“The models for the residential schools [were] reformatories and jails established for the children of the urban poor”.³³

Two thirds of First Nations, Inuit and Métis women in prison are heads of single mother families. Incarcerating these mothers condemns a new generation to the child welfare system. Canadian prisons continue the legacy of separating First Nations, Inuit and Métis children from parents, while holding them in environments where racism and discrimination thrive.

What happens to girls in prison and police lock-ups?

Once inside youth prisons and police lock-ups, girls face systemic abuse. Some of the human rights abuses that girls have reported include:³⁴

- **Co-ed incarceration, which puts them at risk for sexual harassment and abuse from male prisoners and guards**
- Excessive and degrading strip searches and/or forced nudity
- Denial of adequate mental health services
- Sexual abuse and harassment by prison officials including guards, doctors, and other professionals
- **Mechanical and physical restraints including routine and excessive use of shackling**
- Shackling during the Sacred Sweat Lodge ceremony
- **Tasering**
- Assaults (“excessive force”) by guards, including kicking, choking, body slamming, push-downs, tight hand cuffs or leg restraints
- **Lack of fresh or healthy food, lack of fresh air and/or recreation**
- Stimulus deprivation through prolonged segregation in empty cells, including so called ‘quiet rooms’ (girls have described this as being bored to the point of feeling “crazy”)
- **Extreme and unlawful segregation as well as segregation for seemingly arbitrary reasons**
- Imposition of Christianity (girls have reported being given only a bible to read)
- Denial of basic necessities such as blankets, pillows, menstrual products
- Punishment for having filed complaints, or institutions not accepting girls’ complaints
- **Breast and gynecological exams during psychological assessments**
- Displacement/removal from home communities and families (often hundreds of kilometers away)
- **Hours of transportation in shackles and hand-cuffs, caged in Sheriffs vans.**



Some striking similarities between residential schools and prisons today

- Children in residential schools were renamed and called by numbers that corresponded to their clothes, beds, and lockers.
- Children in residential schools were held in cells, a “punishment room”, or sometimes a small closet, when they ‘disobeyed’ colonial rules (such as speaking their own language or running away⁴).
- Children were forcibly removed from their families, communities, and Nations, often hundreds of kilometers away.
- Shackles were used to restrain children in residential schools⁵.
- Children were removed to residential schools to extinguish rights and identities. Today, Aboriginal people defending land, treaty and cultural rights are criminalized and jailed.

Many survivors of residential school who spoke to the Truth and Reconciliation Commission “*compared the schools to jail (in some cases, complete with barbed wire), and fantasized about being able to return home. Those who ran away could find themselves in trouble at home, at school, and with the police*”³⁵

For survivors, “*The feeling of being under constant surveillance continued for years.*”³⁶

Métis writer and Residential School Survivor Maria Campbell describes “*We weren’t allowed to speak Cree, only French and English, and for disobeying this, I was pushed into a small closet with no windows or light, and locked in for what seemed like hours.*”³⁷

“Runaways from the Halifax school were strapped, and repeat offenders were placed in cells, and fed bread and water. In the 1890s, there was a punishment room at the Mohawk Institute that measured six feet by ten feet, with one small light over the door. In 1902, students at the Williams Lake residential school might be placed in a small room, and put on a bread-and water diet for a few hours or up to twelve days. In 1914, a court in Brantford fined the principal of the Mohawk Institute \$400 for confining two runaway girls in a cell for two days, and whipping one of them.”³⁸

“Sometimes parents fought back. When visiting his daughter at the File Hills school in Saskatchewan in the early twentieth century, Fred Dieter noticed that a girl’s legs had been shackled together to prevent her running away. He bounded up the stairs to the principal’s office, grabbed him, and ordered him to ‘*Take those chains off that child.*’ He left with the warning that the principal was lucky to get off with a good shaking. ‘*These are children, not criminals, and I don’t ever want to see cruelty like this again.*’”³⁹



The Qu’Appelle, Saskatchewan, school dining room in 1900.

Truth and Reconciliation Commission (2012) *They came for the children: Canada, Aboriginal Peoples and residential schools.* p.31

What happens when girls and women are released from prison?

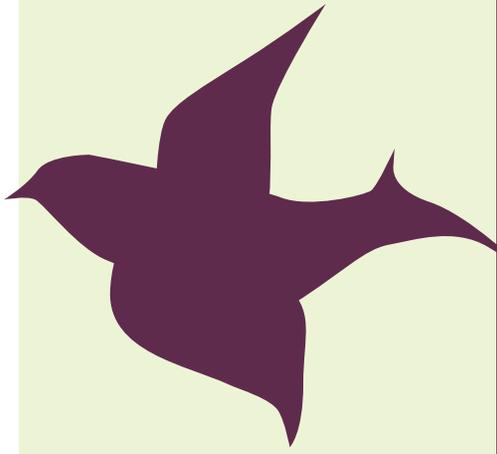
When girls and women are released from prisons they are often faced with the same circumstances that led them into conflict with the law—racism, sexual and physical abuse, poverty, lack of opportunities. The profound wounds linked to intergenerational impacts of residential schools are compounded by the added stigma of being criminalized.

In our Circles, young women spoke about the difficulty following release from youth prisons and commented that it is hard for youth when they are released from prisons with little or no job experience and a criminal record. “People give up after a while.”⁴⁰ Some commented that prisoners are not prepared for exiting during their time in prison and are set up to fail when they leave prison. “Once you have been in the system, it’s hard to get out.”⁴¹



Curtis' Art from the Pathways to Reconciliation Project - Britannia Outreach Program





Survival and Resistance

- The Strength of the People

Indigenous Peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

United Nations Declaration on the Rights of Indigenous Peoples Article 8 (1)

Children and their Parents Resisted

“Children, parents, communities and Nations resisted and fought the residential school system from its inception. First Nations organized politically to stop the theft of children by school officials. Parents pressured and engaged the legal system to stop abuse of their children in residential schools and fought for day schools and for schools on Reserves. Parents and children sometimes directly challenged staff.”⁴²

Survivor and writer Alice Blondin-Perrin, *...found herself in a conflict with a nun, who was demanding that she and a fellow student get down on their knees and beg God for forgiveness. As the confrontation heightened, she grabbed a broom and swung it at the nun, narrowly missing her. From that point on, she felt that the girls were treated more fairly. ‘That year I learned to stand up for myself and the other girls.’*⁴³

Children attempted to escape and run from residential schools from the early days of the residential school system despite the extreme abuse, including head shavings, inflicted on runaways who were caught. Some children used quiet forms of resistance like not completing assignments or taking their time when returning from their daily physical labor. Others used more forceful acts of resistance, including starting fires and even burning down residential schools; more than 50 large fires were set in residential schools.⁴⁴ One school inspector wrote, “More than one disastrous Indian school fire has been started by the pupils themselves in an effort to obtain their freedom from a school which they did not like.”⁴⁵

“The residential schools were intended to bring about the end of First Nations, Inuit and Métis people as a distinct group within Canadian society. That effort failed.”⁴⁶

Ultimately, surviving the residential schools was an act of resistance. In a remarkable show of strength and spirit, survivors have gone on to be leaders in the fight for First Nations, Inuit and Métis rights in Canada and have reclaimed Indigenous cultures, languages, families, communities and lands.

Girls and Women Define their own Vision of Reconciliation

“Indigenous peoples have the right to self-determination.”

Declaration on the Rights of Indigenous Peoples (Article 3)

Girls and women in our Circles had a vision of reconciliation in which honour and respect for women and girls are restored to a central value.

They wanted First Nations, Inuit and Métis women and girls to succeed in their lives. Women and girls called for Indigenous women’s leadership at all levels, not only in Indigenous communities, but in mainstream politics. They were clear, however, that they did not want hierarchies; instead they saw circles of support.



Facilitator Pat Mousseau with youth from Children of the Earth High School, Winnipeg.

“How about a National female chief and a female Aboriginal governor general?”⁴⁷

Young women said that reconciliation must address violence against girls including sexual abuse, discrimination/ bullying, and racism. They viewed this as a way to prevent criminalization of girls. They want an adequate standard of living and employment opportunities.

Young women were clear that reconciliation involved restoring cultural practices and identities through support for traditions such as dancing, drumming, Pow Wows and ceremonies. Young women want community programs and structures that are not only fun, but that support Indigenous young women’s leadership such as Indigenous youth councils and youth centers run by youth. They also called for drug and alcohol treatment for youth.

The women and girls in our circles decried the loss of Aboriginal justice systems and called for a return to Indigenous ways:

“We also lost our justice; we had our own way on handling an incident that wasn’t based on blame, but how to help that person. As part of the vision we want the people to have their own justice, people to be supported and understood, as well as to acknowledge that we did have our own justice system.”⁴⁸

Young Women's Human Rights

Canada has a responsibility to uphold First Nations, Inuit and Métis girls' human rights.

Canada has made commitments to girls' human rights in various ways: in the Charter of Rights and Freedoms and by signing international laws and declarations, including the Declaration on the Rights of Indigenous Peoples.

Violence against girls and women is internationally recognized as a clear violation of girls' and women's human rights, and Canada has a responsibility to prevent and protect girls and women from violence.

- Canada has committed to take all appropriate measures to protect girls from sexual exploitation and sexual abuse. (United Nations Convention on the Rights of the Child, Article 34)
- Canada must take measures, jointly with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination. (United Nations Declaration on the Rights of Indigenous Peoples, Article 22.2)
- Canada has the responsibility to ensure the full development and advancement of girls and women. (United Nations Convention on the Elimination of Discrimination against Women, Article 3)



During its recent review of Canada, the United Nations Committee on the Elimination of Racial Discrimination made the following recommendations:

The Committee recommends that the State party, in consultation with Aboriginal Peoples, implement and reinforce its existing programmes and policies to better realize the economic, social and cultural rights of Aboriginal Peoples, in particular through...(f) Discontinuing the removal of Aboriginal children from their families and providing family and child care services on reserves with sufficient funding.⁴⁹

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
Declaration on the Rights of Indigenous Peoples (Article 7.2)

Under the United Nations Declaration on the Rights of Indigenous Peoples,

Indigenous peoples have:

- The right to practice and revitalize their cultural traditions and customs
- The right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies
- The right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems...

Jessica's Art from the Pathways to Reconciliation Project - Britannia Outreach Program



Canada has made commitments to ensure that girls have an adequate standard of living.

Under international law Canada has signed, girls and their families have the right to adequate food, clothing and housing, and to living conditions that are continuously improving.

- Girls have the right to an adequate standard of living. UN Convention on the Rights of the Child (Article 27.1) and the International Covenant on Economic, Social and Cultural Rights (Article 11).

- Girls have the right to housing which means that girls have the right to live somewhere in security, peace and dignity.⁵⁰

- The UN Declaration on the Rights of Indigenous Peoples declares that Indigenous girls and all Indigenous peoples have the right to the improvement of economic and social conditions, including, in the areas of education, employment, career/job training, housing, sanitation, health and social security (Article 21.1).



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