

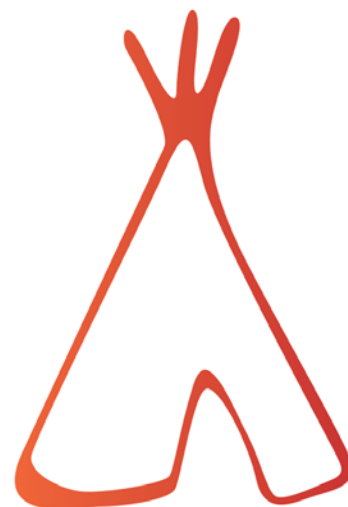
First Peoples Child & Family Review

An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges
of First Peoples through Research, Critical
Analyses, Stories, Standpoints and Media Reviews*

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Contents

Foreword	3
Editorial: Heeding the Calls to Action	4
Improving Substance Use Treatment for First Nations, Métis and Inuit Women: Recommendations Arising From a Virtual Inquiry Project	7
Defining Permanency for Aboriginal Youth in Care.....	24
Healing Through Culture for Incarcerated Aboriginal People.....	40
Indian Rights for Indian Babies: Canada’s “Unstated Paternity” Policy	54
Mining Our Lives for the Diamonds	74
Making Space for Community-Based Practice Experience and Spirit in the Academy: Journeying Towards the Making of an Indigenous Academic	82

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Foreword

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It is with great pleasure that we bring you issue 8(2) of the *First Peoples Child & Family Review* (FPCFR). 2013 was a big year for the Journal. The FPCFR is now an entirely online publication housed with Open Journal Systems (OJS), a journal management and publishing system designed to improve access to research: This move will increase the readability of our publication, making it available to a wider audience. OJS allows us to better manage the FPCFR while still keeping in touch and acknowledging all of the amazing work by our authors and reviewers. In switching to an online format, we also hoped to reduce our carbon footprint, a small effort for our future generations.

Through OJS, authors, reviewers and readers are to submit manuscripts for consideration, monitor the progress of their submission, sign up to peer review manuscripts, and receive automatic notifications of new editions as they are published. To sign up, visit us at: <http://journals.sfu.ca/fpcfr/index.php/FPCFR/index>.

We extend a heartfelt 'thank you' to both authors and reviewers for all of the hard work that went into this edition. We also know that it has been an adjustment moving to an online format and we are happy to see so many people making the switch with us. We would also like to acknowledge Web Kitchen for all of their training and set-up of OJS as well as Leah Gryfe Designs for designing a fresh new look for the journal!

We look forward to collaborating on future issues with organizations and people of all ages on important issues relating to Indigenous peoples. Here's to an exciting 2014!

Best wishes,

Andrea Auger and Jennifer King

Coordinating Editors

First Peoples Child & Family Review

An Interdisciplinary Journal

*Honoring the Voices, Perspectives and Knowledges
of First Peoples through Research, Critical Analyses,
Stories, Standpoints and Media Reviews*

Editorial: Heeding the Calls to ActionKinwa Bluesky¹

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The articles in Volume 8, Issue 2 of the *First Peoples Child & Family Review* cover a variety of topics, from discrimination in the *Indian Act* to personal narratives of struggle and success. Yet despite the diversity, the articles are connected by common themes and conclusions. The authors advocate that social issues like Fetal Alcohol Spectrum Disorder (FASD), child welfare policy, and incarceration, among others, can be positively addressed through the recognition of Aboriginal cultural practices and traditional knowledge. In addition, each article touches upon colonization, the effects of residential schools and intergenerational trauma, and the need for healing based in Aboriginal teachings, values, and culture. The authors ground their recommendations in the lived experiences of Aboriginal individuals and communities. The voices and experiences of these Aboriginal peoples must be taken as the starting point for effective policy change and practice.

In “Improving Substance Use Treatment for First Nations, Métis and Inuit Women,” authors Poole, Chansonneuve and Hache provide recommendations arising from a virtual inquiry project. Over a 15 month period, 30+ researchers, service providers, health system planners, and Aboriginal health advocates came together in a virtual community to discuss how to improve supports for First Nations, Métis and Inuit women with substance use problems at risk of having a child affected by FASD. This virtual inquiry project showed the potential to develop recommendations that can address the complexities of FASD prevention in Indigenous contexts by accounting for the varied influences on women’s substance use and the continuum of treatment options. Ultimately, the participants’ recommendations for increasing community capacity, improving access to holistic and supportive treatments, and raising awareness seek to improve Canada’s substance use system of care to better support needs of Aboriginal women.

In “Defining Permanency and Aboriginal Youth in Foster Care,” authors Stangeland and Walsh address the debate regarding culturally appropriate practices for permanency for Aboriginal children and youth. They argue that achieving permanency for all children is not simply an ideal, but a matter of social justice. Current conversations surround the significance of all stakeholders being meaningfully engaged in Aboriginal youth permanency planning. There is, however, a noticeable gap in the literature regarding Aboriginal youth permanency and culture, such as maintaining ties to tradition, ethnicity, language, and religion. Stangeland and Walsh challenge how permanency is conceptualized and operationalized by calling for Aboriginal youth in foster care to be consulted about their definitions and needs for permanency. The insights of these youth will provide practitioners with knowledge on the development

and evaluation of specific permanency models for Aboriginal youth in foster care.

Moving on, Hyatt speaks to the significance of cultural healing of Aboriginal peoples incarcerated in Canadian prisons. She begins by addressing some of the factors that contribute to the overrepresentation rates, such as age, education, and unemployment. However, these factors, which also contribute to incarceration of non-Aboriginal peoples, fail to fully explain the historical role of stigmatized oppression currently impacting Aboriginal communities. Hyatt argues cultural assimilation and the loss of Aboriginal culture is a key factor in the disproportionate incarceration rate of Aboriginal people. Since the 1980's when Aboriginal spirituality was introduced within Canadian prisons, a number of issues and barriers have arisen facing the Aboriginal spiritual practices, Elders, and program resources designed to support healing from trauma. Although Canadian prisons are evolving and making an effort to provide Aboriginal people with ways to access their culture and practice their traditions, the current cultural practices must include a dialogue regarding the impacts of colonization on Aboriginal culture, education, employment, addictions, and incarceration.

From dialogue to voice, the remaining articles offer narratives by female authors seeking to create change through honouring traditional teachings surrounding kinship, governance, and ways of being. In "Indian Rights for Indian Babies," author Gehl addresses the sex discrimination of the unstated paternity policy in the *Indian Act*. The article draws on her personal experience as a plaintiff: Gehl is challenging the continued sex discrimination in the *Indian Act* on a matter of unknown paternity. A 27-year advocate, she moves through a historical analysis of colonial policy and law and shares the efforts Indigenous women, other *Ogitichidaa Kwewag* – Warrior Women, have taken on in challenging this long time sex discrimination. She highlights the distinctions between unstated paternity, such as unreported and unnamed paternity cases, and unacknowledged, unestablished, unrecognized or unknown paternity. Gehl shares briefly how she has challenged the assumption of non-Indian paternity in situations where the paternity of the applicant is unknown and unstated.

In the narrative "Mining Our Lives for the Diamonds," author Wesley-Esquimaux questions whether we feel compelled into action – "a deeper understanding or a powerful sense of duty" – to create change. Today the diamonds we mine on our journey are "those sparkling truths that hold a brighter future for our nations." She addresses the need for our collective to shoulder the generational pain and fears of our children and Elders, to acknowledge, accept, and take responsibility for the violence, dysfunction, and addictions that permeate our homes, workplaces, and communities. Her article is a deeply personal call to "go back and speak to our fears and explain how we overcome the darkness." In this light, there is a freedom – an ability to move forward in a good way. By "mining our lives for the diamonds," we can choose to seek the courage, grace, and love that brought us to the present. Wesley-Esquimaux makes a final plea for these "victorizing" stories of the survival, courage, and will to live powerful lives to be *mined* and shared.

Finally, author Johnson recounts a narrative titled "Making Space for Community-Based Practice Experience and Spirit in the Academy" by sharing four experiences of an Indigenous social work academic employed at a Canadian university. Johnson discusses the significance of valuing community-based practice and spiritual experiences prior to entering the academy. Despite having 24 years of social work practice experience, she was shocked that her experience accounted "for nothing but a couple of employment lines in my curriculum vitae (CV)," which fails to account for spiritual or cultural

experiences, or teachings gained through community-based practices or relationship-building experiences. She recounts her journey in education and how her teachings continue to support her to make a difference for Indigenous peoples from within a university's walls. Johnson identifies some of the challenges facing racialized female academics and calls for the development of Indigenous mentors, culture, spirituality, relationships, knowledge, skills and ways of knowing and being in the academic environment. Lastly, Johnson shares seven teachings for new Indigenous academics on spiritual and cultural health in research grant applications, teaching, scholarly and service activities.

Read together, the articles in this edition of the Journal move through the life cycle to explore supports for women and mothers, youth, and adults. Wesley-Esquimaux's article reminds us of our responsibilities to our Elders, communities, and Nations. The authors impress upon us the need for Aboriginal peoples' experiences to be understood within the context of colonization and its intergenerational effects. In this light, mainstream or generalized approaches are inadequate in meeting the needs of Aboriginal peoples. Social programs and policies must recognize the diversity between and among First Nations, Métis, and Inuit by honouring the knowledges, values, and cultures of the peoples being served.

An Interdisciplinary Journal

Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews

Improving Substance Use Treatment for First Nations, Métis and Inuit Women: Recommendations Arising From a Virtual Inquiry Project

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Abstract

This article describes the work undertaken by participants in a virtual community, who came together online over a 15-month period to improve supports for First Nations, Métis and Inuit women with substance use problems at risk of having a child affected by Fetal Alcohol Spectrum Disorder (FASD). The project exemplifies a collaborative process, inclusive of people from various geographical locations, cultures and professional sectors, affording participants the opportunity to weave together research, practice wisdom, policy expertise, and Indigenous Knowledge(s) in a voluntary, nonhierarchical context. Such virtual processes have the potential to support the development of nuanced recommendations reflective of the complexities of FASD prevention in Indigenous contexts taking into account multiple influences on women's substance use, and a continuum of treatment responses. The article includes participants' recommendations for improving Canada's substance use system of care to address the treatment and support needs of First Nations, Métis and Inuit women.

Acknowledgements: The virtual community of inquiry on improving treatment was made possible through a financial contribution from Health Canada. The views expressed herein do not necessarily represent the views of Health Canada.

Building the Circle . . .

Between January 2010 and April 2011, a virtual community was created to foster discussion on how to improve the response to First Nations, Métis and Inuit women with alcohol and other substance use problems, who are at risk of having a child affected by Fetal Alcohol Spectrum Disorder (FASD). While past-year drinking among Aboriginal women is actually lower than non-Aboriginal women, concerns have been identified about the patterns of drinking among First Nations, Métis and Inuit women when they do drink, and when alcohol is used in pregnancy: a survey in Ontario found that First Nations women who

drink are heavier drinkers (Macmillan, 2008); and Inuit women in an area of northern Quebec have been found to have high rates of binge drinking in pregnancy (Muckle, 2011). The virtual community was established within the context of the renewal of the federally funded addictions treatment programs in Canada (Health Canada, 2011) and drew on promising new studies of Aboriginal women's substance use (Acoose, Blunderfield, Dell, & Desjarlais, 2009; Chansonneuve, July 2008; Niccols, Dell, & Clarke, 2009), and as such there was an optimistic action-oriented focus. Many of the discussions illuminated how gender, race, culture and geography often interact to increase stigmatization and marginalization as well as resilience and resourcefulness; and how lack of attention to the workings of these factors contributes to service barriers and inaccessibility of effectively tailored treatment options.

Over thirty researchers, service providers, health system planners and Aboriginal health advocates were involved in these small, virtual communities. The participants were from three different geographic locations: 1) Manitoba and Saskatchewan, 2) Ontario, and 3) Yukon, NWT, Nunavut, northern Quebec and Labrador. This broad geographic participation was designed to capture a sense of the rich diversity of the experiences of First Nations, Métis and Inuit women living in urban, rural, and remote settings. Their recommendations for program and policy improvements reflect the rich diversity of experience of First Nations, Métis and Inuit women in remote, rural and urban locations. Group participants included:

- Aboriginal program providers (working in pregnancy outreach, addictions treatment, midwifery and related positions serving women and their families);
- federal employees with responsibilities for managing programs on the above topics;
- leaders/women's advocates working in First Nations, Métis and Inuit organizations; and
- researchers in the substance use treatment field.

The project began and ended with a face-to-face opportunity for participants to meet each other and identify topics and plans for the online discussions. Then, over a period of six months, via online meetings, participants examined treatment and support services and made suggestions for ways to improve responses to women and girls with alcohol problems. The online meetings used a desktop video-conferencing format.

The inquiry was based on Indigenous research methodology and tailored for communicating in the online environment. Indigenous research methodology is community-based and participatory. It places a high value on experiential learning and symbol-based expression and fosters respectful, cross-cultural communications. Most importantly, the methodology takes into account Indigenous experience and ways of knowing, being and doing. Effort was made to evoke respect and integrate knowledge derived from research, practitioner wisdom, policy expertise and Indigenous world views.

One challenge in creating a virtual community of participants from widely dispersed geographical areas relates to the specificity of northern and Inuit women's experience. To avoid a pan-Aboriginal approach and ensure discussions and recommendations addressed unique geographical needs, three sub-communities were created for focused dialogue on regional issues. Recommendations from these three groups were integrated into discussions of the larger, blended virtual community.

Ideas Arising from the Virtual Discussions

The virtual groups discussed, and came to consensus on five key areas for improving the substance use treatment system. The recommendations reflect the conceptualization in Canada of a tiered system of substance use treatment – from community based supports, through brief intervention to structured treatment (National Treatment Strategy Working Group, 2008). In such a tiered system, it is acknowledged that the majority of treatment takes place outside of intensive residential settings. The work in informal community settings (Tier 1) and in brief primary care encounters (Tier 2) where it is discussed in a non-judgmental way how alcohol and other substance use affects girls' and women's lives can be particularly important to assist girls and women of childbearing age in coming to see their need for treatment. The participants stressed that every nation and each community within nations are as different as the landscape of its location. Accordingly, it is important that treatment approaches be tailored by and for each community.



Figure 1 – Services that might be in a position to discuss substance use with Aboriginal women of childbearing years living in the north of Canada

1. Improving Connections between Community-Based Professionals, Elders, and Others in a Position to Discuss Alcohol Use with Women

In the first meetings, discussions centered on who at the community level is in a position to talk with girls and women about their use of alcohol and other substances. Services and specific people were identified who were in a position to discuss alcohol use and related risks with women of child bearing years and their support networks, and also ways of coping without alcohol, prenatal supports available, and pregnancy planning (Poole, 2008). How well services were linked, or working together was also identified so as to achieve a more systemic commitment on the part of service providers working with girls and women to engage in informed and respectful discussion of drinking and related issues.

Following are a selection of the key themes that emerged from the discussions on the topic of improving connections between community-based professionals, elders, and others in a position to discuss alcohol use with girls and women.

Representatives of northern communities identified a very wide range of service providers who might be in a position to discuss substance use with girls and women and their families: pregnancy outreach program providers, women's shelter counsellors, family support workers, nurses, physicians, midwives, staff at birthing centres, maternity care workers, FASD program providers, social service workers, youth protection workers, Family Houses, Community Health Centres, Well Baby Clinics, and community mental health workers. In smaller communities in the North these groups are well connected. The range of these identified service providers illustrates how important it is to target all social determinants of

health in this work to prevent FASD and support girls' and women's health. All systems offering support to girls and women need to be involved in discussing alcohol use and helping them make the connections between drinking and other issues they may face.

The Inuulitsivik Health Centre is an example of women's leadership to promote community-wide awareness and to link substance-using women and girls with professionals. It has an FASD prevention program delivered through the midwives and birthing centre staff and other community workers. Through one-to-one counselling and community awareness programs (radio talks on prevention and wellness, baby showers, nutrition programming) girls and women receive support, and in turn begin to change voluntarily, as does the community in general. There are measurable reductions in substance use by women who used alcohol during earlier pregnancies, and the message is resonating with young people. Of note is that men have also been reducing their drinking to support women during their pregnancy.

In some southern communities there are doulas and midwives who are potential supports in the postnatal period for girls and women with alcohol problems. While there are some examples of integrated outreach services in the prairies and Ontario, there is more of a sense that the professionals who are in a position to discuss alcohol and other substance use with girls and women are not well connected to each other. What's missing is an effective support net, one that includes perinatal services, violence support services, and substance use services of the type provided by the Minwaashin Lodge Sacred Child program in Ottawa. It is not an impossible task, for in the case of solvent abuse treatment programs, connections across different systems are working and judges, social services or Child and Family Services, community National Native Alcohol and Drug Abuse Program (NNADAP) workers, FASD mentors and the solvent abuse treatment centres help identify those with FASD, and integrate FASD prevention strategies.

It was noted that for urban-based girls and women, Friendship Centres could be sites of collaboration, provided that these community-based services come to see brief, strengths-based, culturally based interventions on alcohol use, as part of their responsibility to girls and women. Multi-faceted clinics where women of child bearing years can access nurse-practitioners and midwives for prenatal support, addictions, and personal counselling, as well as cultural supports such as healers and elders can be helpful to girls and women in accessing the care they are most comfortable with, and can also increase their access to other forms of support. The Sheway model in Vancouver and the model at the All Nations Healing Hospital in Fort Qu'Appelle are important examples of this approach. Several treatment programs serving Aboriginal girls and women, such as Minwaashin Lodge in Ottawa, are involving community members and health care providers in meals and gatherings that both maintain and expand connections between girls and women in treatment and community members. In rural and remote



Figure 2 – Key service types to be linked to provide a net of support for Aboriginal women with substance use problems.

locations, a model that is being tried with some success is to have a counsellor or mentor travel to outlying communities to work with service providers, and to support women with substance use issues. This model of outreach, combined with education of allied professionals, has also been effective in urban centres, as evidenced by the Jean Tweed Centre's Pathways to Healthy Families program in Toronto.

In all three contexts represented by participants (rural, urban and northern/remote), education for service providers on how to discuss substance use was identified as critically important. This is primarily because service providers can lack understanding of the impact of colonization on First Nations, Métis and Inuit girls and women and compassion for those with substance use problems. Training on respectful engagement approaches that allow for women's self-determination and support reduction in women's self-blame is key. Often practices that make it safe to tell someone about drinking, to set realistic goals for reducing drinking, and/or to discuss personal barriers to making changes in drinking may not be in place. As such, it is important for service providers to have opportunities to learn more about how they can be conscious of the process they are using in their discussions with girls and women. Through discussion and education, service providers can learn:

- how they create safety
- how they obtain informed consent
- the implications of how they record women's drinking on perinatal records
- how they can listen and pace their discussions based on women's readiness
- how they can make an interaction empowering and strengths based
- how they can connect girls and women to other services
- how they distinguish between girls and women experiencing some problems related to their alcohol and other substance use (who may find it easier to stop drinking during pregnancy) versus those with a physical dependence
- how they can help avoid extremist prevention approaches that can have the effect of driving the issue of drinking underground, and prevent girls and women from accessing services

2. Improving Access to Holistic Treatment for Alcohol and Other Substance Use Problems

Next the virtual discussions focused on questions about treatment. Participants discussed what alcohol and other substance use treatment is available for First Nations, Métis and Inuit women and how it could be made more accessible and helpful for women of child-bearing years at risk of having a child affected by FASD. Following are a selection of the themes that emerged.

Often we limit our views on treatment, seeing only residential addictions treatment as effective, whereas community-based outpatient models can be just as effective for many pregnant women and mothers. Access to different types of treatment such as day treatment, outpatient counselling, mobile treatment (Weibe & Hubert, 1996) and land-based treatment has yet to be realised in some communities. In the North, setting up a multi-function mobile treatment team that can go to communities to assess, treat and

educate community members may improve access to treatment services, and prevent women from having to leave their children, families and communities in order to seek treatment. In this process, treatment can be designed by communities and the expertise of elders can be drawn in, as can the expertise of other women who can serve as mentors.

In Ontario, a treatment centre (Margaret Smith), a child-focused program (Our Kids Count) and Anishnawbe Care partner to provide community treatment that includes childcare. There are other examples where child protection workers, Aboriginal wellness workers, and treatment staff are working collaboratively to promote and support access. These are useful community models for increasing availability and access to treatment, in ways that are not stigmatizing. Another example is the Auntie (Ninoshe) program developed by Native Child and Family Services of Toronto, a mentoring program that helps young mothers by assigning an auntie to mentor them. This culturally informed model creates a supportive relationship for young mothers, which can be beneficial in engaging them in support services, and assisting them in navigating services. In Ottawa, Minwaashin Lodge also provides mentoring and role models for healthy, traditional parenting through their Sacred Child program.

Taking a holistic approach—addressing vocational, mental health, and physical health needs as well as culture and tradition—can improve interest, engagement and the relevance of treatment for women. This is important in both treatment and community-based wellness programs. Anishnawbe-Mushkiki has offered a 6-week women's program in self-care, self-esteem, coping with stress, and healing through the arts and herbs. This opens up connections between women and assists in mitigating and preventing mental health and substance use problems. Ekweskeet Healing Lodge in Onion Lake, SK and Sakwatamo Lodge on James Smith offer gender-based treatment cycles addressing the aforementioned issues.

Mentoring programs such as those first described by researchers in Washington state regarding the Parent-Child Assistance Program (Grant, Ernst, Streissguth, & Stark, 2005) take a different approach to treatment and support by involving paraprofessionals who help women access the services and supports they need over a three-year period. Similarly, community-based services such as Kids First and Aboriginal Family Services in Regina and Saskatoon support mothers and children; Kids First will work with mothers until their children are 5 years of age.

More focus is needed on pre-treatment readiness, finding ways to involve girls and women in accessing a range of supports while technically on a waitlist. This shift in the understanding of waitlists is seen, for example, in the pre-treatment sessions at the Round Lake Treatment Centre in BC. Waitlists can provide an opportunity to introduce women-specific information and address access issues. Where women do need to leave communities for treatment, a staged process for women and their families may be important (as the Healing Drum Society in Yellowknife has supported). It is critical that community service providers know where to find culturally specific treatment programs for First Nations, Métis and Inuit girls and women who must leave for treatment; and that plans for after-care in communities are developed and implemented.

There is a sense among participants that much more could be done to improve the linkage between women's shelters/transition houses and addictions treatment programming. Trauma, violence and substance use concerns are experienced by a very high proportion of women who seek a range of services. In some cases it was noted that women's shelters could be places where treatment and support on

substance use issues is delivered, including providing shelter for women at risk in the last two weeks of pregnancy. There was strong support for better connections between addictions and non-addictions services that work with girls and women, to support cooperation in healing and wellness, using a determinants of health framework (Poole, Salmon, & Network Action Team on FASD Prevention, 2010). Criminal justice system connections to treatment, as well as child protection, can also be important. In Ottawa, Minwaashin Lodge has taken a leadership role in an initiative of the Ottawa Children's Aid Society to develop a non-colonizing approach to Aboriginal child welfare including a process to reduce apprehension of children for women in recovery (including newborns). Oshki Kizis Lodge, the shelter component of Minwaawshin Lodge, provides a range of supports for pregnant women at risk of substance abuse before, during and after the birth.

A project involving researchers, First Nations women with substance use problems and service providers in six NNADAP treatment programs identified key healing/recovery needs for women, and key attributes needed by treatment providers to support this healing (Dell, 2009). Their focus was not only on alcohol and mothering, but on healing from all types of substance use for women who had been criminalized, yet the findings were felt to be relevant to pregnant women in need of treatment for alcohol problems and at risk of having a child with FASD (Dell, Acoose, Blunderfield, & Desjarlais, 2009). These attributes include relaying empathy, being accepting/having a non-judgmental attitude, being inspirational, recognizing the impact of trauma in women's healing, communicating in open dialogue, showing care, supporting the link to spirituality through cultural teachings and traditions, and promoting momentum in moving toward the future (assisting with parenting and healthy relationships) after acknowledging the past. Together these attributes form the acronym RE-CLAIM. These attributes seem highly relevant to people who are supporting girls and women at the community level as well as in treatment centres—if girls and women knew they would be treated by providers with these attributes, it is likely that more girls and women would feel safe coming forward for assistance.

3. Providing Treatment Supportive of Mothers and Families

Two key questions were discussed related to mothering and healing from alcohol problems: How can we support women with alcohol and other health and social concerns and their children, partners and families, without compromising the needs of each? And how can we reduce the historical tension between substance use treatment for women and child welfare approaches? Following are the key themes that emerged from the responses to these questions.

Often the court and child protection systems take an adversarial, problem-based approach and rely on ordering women into treatment or parenting skills programs, rather than seeking solutions that recognize women's agency, and the complexity of the needs of women who use substances. Many First Nations groups have funded advocates who work on behalf of the mother or family to help them navigate the courts and government ministries, or prepare for treatment. However, band representatives and Aboriginal-led child welfare agencies are not available in the NWT and Nunavut. An overwhelming workload and restrictive timelines for child welfare workers make it difficult for them to carry out comprehensive assessments, and women often say they are "forced" to take treatment or parenting classes to "get their child back."

The current practice of birth apprehensions from hospitals (based on women's histories of addiction and

contact with child welfare authorities) targets First Nations, Métis and Inuit children in the North. BC Women's Hospital in Vancouver has shown that mothers and children can be much more effectively supported through collaboration with child welfare and changes in hospital policies (Payne, 2007). There is a big divide between community actions that support a family support model of intervention versus the child protection system. The community approach, nested in culture and kinship, and acceptance/lack of judgment is the strength of programs like the FASD prevention program in Puvirnituk.

It is crucial for First Nations, Métis and Inuit women to have a self-determining role in planning for the interim care of their children and in choosing supports to prepare for treatment. Mentoring programs based on the evidence-based Parent-Child Assistance Program model to support women post partum, and advocate/mentor type programs for women with FASD themselves have been found to be helpful (CanFASD Research Network, 2012). There are a number of mentoring programs in Aboriginal communities across Canada.

Thunder Bay has a Talking Together Circle program that helps each woman develop a plan to support her to keep her child at home, and to work together to make the treatment plan successful. This is reflective of an Aboriginal alternative dispute resolution approach to child welfare (Metz, 2008). The Ottawa Children's Aid Society in collaboration with local Aboriginal service providers has implemented a 'Circle of Care' program based on the Talking Together model and on the four-phase process for reconciliation in child welfare, *Touchstones of Hope for Indigenous Children, Youth, and Families* (Blackstock, Cross, George, Brown, & Formsma, 2006). In light of the distrust northern families have for the child welfare system and in the absence of formalized supports in remote communities, the Centre for Northern Families in Yellowknife developed a family support model of practice that trains families to provide peer support. First Nations, Métis and Inuit elders responded to the model by describing it as a traditional approach they have always understood. In the model, individual family members including children identify goals and strategies that are subsequently negotiated within the family and community context.

Childcare is often missing from services helping women with addictions. For mothers, it often requires coordinating funding from different agencies in order to allow them to attend day programs or residential treatment. Childcare is a critical piece for treatment centres to address directly, or to be active in helping women arrange.

The grief, loss and trauma related to losing custody of one's children is a very significant issue for pregnant women and mothers with substance use problems and is made more complex by the "backlog of grief" carried by First Nations, Métis and Inuit women. It is important to note that over half of the children in care in Canada are Aboriginal which is about one third more than the number of children in care during the residential school era (Blackstock et al., 2005). It is critical that we find ways to support mothers and children together; the experience of healthy relationships will, in turn, foster healthy communities.

4. Connecting Support on Substance Use Issues with Support on Trauma and Violence Concerns

Trauma and violence are prevalent in the lives of First Nations, Métis and Inuit women, and the experience of trauma and violence is often connected to women's use of substances. In the virtual

discussions, the question frequently emerged: What opportunities are there for integrating our support on substance use and trauma and violence concerns in ways that take into account these connections? Following are the key themes that emerged in discussion of what actions were needed in linking our response on trauma, violence, and substance use concerns for pregnant women and mothers in First Nations, Métis and Inuit communities.

The Women and Children's Healing and Recovery Program, a trauma recovery program for women was designed and piloted in Yellowknife to help women work on trauma and other root causes of addictions. It had strong roots in the community, used a holistic approach, used empowerment as a key strategy for healing and recovery, and was women-centred and family focused (Bopp, July 2003). The Ottawa based Mamisarvik Centre, serving Inuit people, fully integrates trauma and substance use treatment.

On-the-land camps can play a role in helping women reduce trauma flashbacks related to the residential school experience, as women are in a space in nature that is familiar to them and over which they have implicit knowledge and a sense of control. There is widespread need to create spaces where women, families and community members can come together to engage in healthy relationships. If a treatment centre acts as a community hub, their spokes will reach out to violence and cultural supports. Such connection means no one service has to provide it all, but instead simply link to all that is available to help women heal.

The term “trauma-informed” is used to describe the type of approach where every effort is made by service providers to avoid re-traumatization of their clients and to establish safe, non-hierarchical relationships. Trauma informed services do not necessarily actively help people heal from trauma, but at all points of service they take into account the likelihood that clients will have experience of trauma, and create a culture of safety, connection, and trustworthiness, offering and respecting client choice wherever possible (Fallot & Harris, 2009; Poole, 2012).

Women and children need help to understand how trauma is affecting them in the present and child welfare and other service providers need to consider how relapse to substance use, and/or becoming overwhelmed by trauma symptoms can be reframed as a need for “emergency sleepover” and respite care, not removal.

Programming such as the Sacred Child Program at Minwaashin Lodge weaves learning about the effects for children witnessing family violence into culturally-based experiential work with families.

The grief of mothers and families associated with the loss of children to child welfare needs to be acknowledged as a form of trauma, and healing support must be provided. Also, the high mortality rate of mothers of children with FASD needs to be acknowledged, and healing of trauma on the part of children and families when mothers die needs to be supported. There is a profound lack of such support available through services at the community level.

High levels of substance use and deaths within Inuit communities are ongoing challenges. At the Healing our Spirit Worldwide conference, presentations identified positive ways to move forward related to parenting in Inuit cultures, and cultural adaptation during a time when the direct relationship of Inuit to their landscape is changing.

Cultural identity is central to knowing where you are, where you have been and where you can go, and as

such is a central part of healing, recovery, and empowerment. At all levels of services, support is needed that addresses: the shame that people carry regarding the residential school experience and other experiences of trauma, and the need for safe places for working through stress and vicarious traumatization. Combining traditional healing and counselling can be incorporated in every skill development program, community-based supportive service, and treatment service. The need for care for the caregivers, who work with women who come for help with trauma-related issues, is critically important.

5. Awareness Building

It was initially planned that the discussions would focus on treatment for women, however, the groups saw the need to bring particular attention to the learning needs of service providers, health system planners, community members and others in a position to lead, provide, and fund women's treatment. Building awareness of the issues related to treatment for First Nations, Métis and Inuit women not only begins to address the stigma associated with Aboriginal women's substance use, but has the potential to increase confidence and a commitment to work on increasing access and quality of treatment on the part of service providers and decision makers. A wide range of awareness building initiatives were identified and provided in communities, conferences and continuing education sessions at colleges. The potential of technology to support awareness building via webinars, podcasts, DVDs, video clips on YouTube, and other initiatives was also discussed.

Actions Identified

Based on these virtual discussions, recommendations in five key areas have been generated (for a complete list see Table 1):

1. Increasing capacity and coordination of those at the community level who are in a position to **discuss alcohol with girls and women** and help them find the optimal combination of support to make possible their healing, growth and recovery.
2. **Improving access** to treatment and related supports for girls and women through, for example, expansion of treatment and support options on the community level, and careful linkage with treatment outside the community.
3. **Supporting mothers** with alcohol and other substance use problems in their abilities to retain custody of their children, and to heal, grow, and recover within community based treatment programs that have childcare and children's treatment programming.
4. **Integrating support on violence and trauma** with treatment on substance use so that girls and women are able to make the connections among these experiences and are not re-traumatized in services that have a narrow focus on addiction, and/or the use of proscriptive, choice-limiting approaches.
5. **Building awareness** on, and respect for, the treatment and support needs of First Nations, Métis and Inuit women of child-bearing years, who are at risk of having a child affected by FASD.

Summary of Findings and Recommendations

In summary, the virtual community allowed for identifying services that offer support to girls and women with alcohol problems, and their families, both services specific to substance use treatment, and maternal and child health services that play a role in supporting girls' and women's health and the prevention of FASD. It also allowed for the participants to propose key changes in service provision and policy that may be helpful when addressing alcohol and related health and social issues facing First Nations, Métis and Inuit girls and women, across the diversity of community contexts. Finally it provided the space for diverse participants to co-construct how we might improve and expand treatment and support services for girls and women who are at risk of having a child affected by FASD, honouring the perspectives of elders, service providers, researchers, civil servants, and people working within First Nations, Métis and Inuit organizations.

Our findings confirm those of related projects that make the link between the experience of trauma, substance use, and prevention of FASD, and in turn understand and demonstrate how integrated approaches to support on these issues need to incorporate culture, treat the whole person, take a life cycle approach, have continuity of care, and include ample training for service providers (Council of Yukon First Nations, 2010, revised February 2011).

The findings also expand upon the conceptualization of a continuum of support recommended by participants in an earlier project undertaken in 2008. In the recommended continuum, four key service components were identified to assist women with substance use concerns at risk of having a child affected by FASD. These four service components were grounded in two foundational community-wide practices: awareness building/stigma reduction and community-wide support and change. Both projects have, in summary, emphasized the importance of

- Discussion and brief intervention,
- Outreach and engagement
- Specialized holistic support
- Structured substance use treatment
- Awareness building, and
- Community wide change and support



Figure 3 – Representation of types of supports and services comprising a comprehensive net of support for Aboriginal women with substance use concerns. See www.coalescingvc.org/virtualLearning/community5/documents/Cmty5_InfoSheet1.pdf

Reflections on the Community of Inquiry Process

This project used a participatory action research process based on Indigenous research methodology.

Therefore in the sessions we were able to pay attention to context of First Nations, Métis and Inuit girls' and women's health—both the immediate, local and specific, and the broader historical and structural roots of marginalization—and to consider actions to promote change to research, policy and practice. As leading Indigenous women researchers have identified, it created space for First Nations, Métis and Inuit women to be involved in the generation and reporting of information about them (McHugh & Kowalski, 2009), and recognized the central role of culture in healing (Anderson, 2009). One participant affirmed the benefits of this process, via an email communication following the final face-to-face meeting:

I am writing to you to say Thank You! . . . To be honest, I am often critical of research methods and how invasive they can be to communities and individuals. But this method which I guess would be called community based participatory research which created a safe space for people to talk and share openly about their stories, challenges and solutions was refreshing. The fact that people were so open and trusting is testament to the approach that was taken . . . – A Project Participant

Study Limitations

There are limitations to findings arising from cross-sectoral and cross-cultural communities of inquiry such as this. Participants who voluntarily attend such collective exercises are not necessarily representative of all those with expertise in holistic approaches to prevention of FASD with/for First Nations, Métis and Inuit women, who are researchers, service providers, civil servants, community advocates and mothers-at-risk. Pregnant women at risk of having a child affected by FASD were not proactively invited to the community, however several participants mentioned having had that experience at earlier points in their lives, and the perspectives of mothers of children with FASD were frequently brought forth in the discussions. The inclusion of elders could have been more adequately addressed over the duration of the community; yet two elders were formally included in the final face-to-face meeting, and contributed greatly to our understanding and to the recommendations at that point. While the majority of the virtual community participants were of First Nations, Métis or Inuit descent, this does not guarantee that their voices were adequately heard. At the same time all participants had multiple opportunities to add to, and refine the community's findings and recommendations both in the final face-to-face meeting and through multiple rounds of seeking feedback on the final report.

Table 1 - List of Recommendations

Thirteen recommendations were identified:

1. **Improve connections between community-based professionals, elders and others in a position to discuss alcohol use with women.**
 - **Recommendation 1:** Facilitate networking among community-based service providers, elders and others with an interest in women's wellness, health and substance use. In such networks these community-based experts can identify their linked roles in discussing alcohol use with women and their families. Reinforce the value of all members of the support circle, including community members and paraprofessionals. Where practical, facilitate team building at the community level so that holistic service from the most appropriate combination of people is provided.
 - **Recommendation 2:** Provide training to these community-based experts in prevention of FASD, women's substance use issues and options for treatment. In this way they can most effectively design community-based assistance for women and their families, and be aware of treatment options outside of the community where necessary.
 - **Recommendation 3:** Support dissemination of the description of the work of community agencies and networks that are effectively reaching pregnant women to inspire and assist other communities that could improve services to reach women with alcohol problems.
2. **Improve access to holistic treatment for alcohol and other substance use problems.**
 - **Recommendation 4:** Assist communities in the provision of community-based treatment for women and children, including day treatment, mobile treatment and land-based treatment. In addition explore the idea of technology-based supports to increase access for women who are isolated (geographically or psychologically) such as tele-support and online support groups.
 - **Recommendation 5:** Identify cultural- and gender-specific treatment services so that if women do need to leave their communities for treatment, they can be supported to attend services that best meet their needs. Provide pre- and post-treatment support to make the transition as smooth as possible.
 - **Recommendation 6:** Provide options that support women's access treatment by ensuring their children are well supported – such as funding for childcare to be provided in the community, onsite childcare, and onsite treatment for children. Central to women's treatment access and recovery is collaboration on the systems level that is based on the principle of supporting and strengthening the capacity of mothers with alcohol and other substance use problems to maintain custody of their children.
 - **Recommendation 7:** Integrate support for addictions with other supports for health and healing, including culturally-based support from elders and aunties, and trauma-informed approaches. Introduce girls and women to the full range of supportive options in non-threatening

ways that encourage access to treatment, as needed, yet leaves decisions in girls' and women's hands.

- **Recommendations 8:** Help service providers embody the RE-CLAIM attributes, so that girls and women know they will be treated with care and respect.

3. Provide treatment supportive of women and their families/support networks.

- **Recommendation 9:** Assist communities in the provision of community-based treatment that has the full range of childcare options for mothers and fathers, including treatment/support for children of parents with alcohol problems; the wellness of children of mothers who need treatment.
- **Recommendation 10:** Take action on bringing together the child welfare and addictions treatment providers to collaborate in the provision of seamless and respectful support of parents with alcohol problems. There are many models where joint training and collaboration has meant that a continuum of supports and protocols has been implemented successfully.

4. Integrate support on trauma with support on substance use issues.

- **Recommendation 11:** Assist communities and all treatment centres in Canada to braid in supports that address the connections between violence and trauma and substance use problems, in culturally relevant ways and ways that respect the preferences of treatment participants.
- **Recommendation 12:** Make gender-specific healing options available that support healing from trauma and substance use, in holistic and culturally relevant ways, as an option for girls and women whose experience of violence and trauma prevents them from benefitting from mixed-gender mental health and substance use treatment services. Such options need to be linked with healing options for families and communities, as well as with social change on the societal level.

5. Build awareness to reduce stigmatization and marginalisation

- **Recommendation 13:** Multi-directional and multi-audience education is needed to build awareness of and respect for the treatment and support needs of First Nations, Métis and Inuit women of child bearing years who are at risk of having a child affected by FASD. The audiences include women, their partners and families, service providers, evaluators, whole communities and health system planners. The formats can include community radio, community-based training, conferences, webinars, podcasts and many other forms of sharing and linking expertise and knowledge.

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Appendix

The topics of the questions discussed by the online participants in the first three meetings were identified collectively at the initial face-to-face meeting. They included:

- What services do we currently have, that assist women with health and social issues during child bearing years, and which are in a position to help women identify that they may have an alcohol problem?
- How are these services connected to alcohol and drug services?
- What types/levels/qualities of this programming are meeting, or might better meet women's needs?
- What kinds of substance use treatment are available for women and children?
- What recommendations do we have to make treatment more accessible and helpful for First Nations and Inuit women at risk of having a child affected by FASD?
- What opportunities are there for helping women with substance use problems heal and mother?
- How might child welfare and addictions workers collaborate to support First Nations, Métis and Inuit women at risk of having a child affected by FASD?
- What opportunities are there for integrating our support on substance use and trauma and violence concerns in ways that take into account these connections?

From meeting three forward, the questions and discussion topics emerged from the participants' priorities, and covered for example, how healing from trauma could be linked to treatment for substance use concerns; the role of learning about cultural identity in healing from trauma and substance use concerns; and the ongoing learning needs of community based professionals and paraprofessionals in a position to support girls and women with substance use concerns.

An Interdisciplinary Journal

Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews

Defining Permanency for Aboriginal Youth in Care

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Abstract

Poor outcomes associated with youth aging out of care are well documented. In recent years creative permanency planning projects have been heralded as promising alternatives to transition to adulthood programs with the aim of addressing this concern. In order to make permanency possible for youth the concept must be defined in a way that reflects the needs of those within this developmental stage. Researchers and youth have collaborated to create such definitions. However, few have considered a cultural element and none speak to specific populations, such as Aboriginal youth. There are significant differences between Western and Aboriginal worldviews, which, in turn, influence the permanency, need for children and youth. In Alberta, Canada, Aboriginal children and youth are vastly overrepresented in out-of-home care. Addressing the needs of Aboriginal youth in a culturally appropriate manner is critical. Cultural considerations include ideals of collectivism versus individualism, identity formation, and community healing. Yet, there is a deficit of literature related to the specific permanency needs of Aboriginal youth in out-of-home care. The Ecological theory informed by the Anishinabe medicine wheel framework provides a structure from which to discuss permanency planning for this population group. Further research exploring the views of Aboriginal youth in care on permanency and the utility of these models on this population is necessary.

Eminent psychologist Urie Bronfenbrenner suggested, “every child needs at least one adult who is irrationally crazy about him or her” (as cited in Brendtro, 2006, p. 163). Unfortunately children and youth who grow up in out-of-home care too often enter adulthood without the ongoing support of a caring adult. Permanency, premised on the conviction that all children need permanent, loving and secure relationships in order to become well-adjusted adults, means that children will leave government care to be a part of a family who is committed to provide for their care into adulthood (North Central Alberta Child and Family Services, 2007). For each developmental stage, from infancy to adolescence, and cultural group the meaning of permanency must be re-evaluated. Two groups for whom the meaning of permanency has generated considerable passionate discourse are youth in out-of-home care, and Aboriginal children and youth (Samuels, 2009; Smith, 2009).

Permanency planning is the process of finding committed families for children whose parent’s guardianship rights have been terminated (North Central Alberta Child and Family Services, 2007). Until recently permanency planning for youth in out-of-home care has received insufficient attention from the

child welfare community (Avery, 2009). Conventional work with these youth has focused on transition to adulthood services. However, a growing body of literature is documenting new programs, which strive to connect youth with permanent, loving families (North American Council on Adoptable Children, 2009). Discussions regarding youth permanency are gaining momentum and are taking place across Canada. For example, at a recent conference in Calgary, Dr. Denise Goodman (2011) advocated that permanency for youth is both necessary and achievable. The following article will use the province of Alberta, Canada as an illustrative example

Debates regarding culturally appropriate practices for permanency for Aboriginal children and youth are ongoing. The construct of a nuclear family, an ideal in permanency planning, is decidedly Eurocentric (Fournier & Crey, 1997). In contrast, Indigenous academic Gregory Cajete (2000) describes a network of extended family and community members who create a web of relationship around a child and guide them into adulthood. Thus, permanency for Aboriginal youth may need to be constructed in an entirely different way than for non-Aboriginal youth.

Achieving permanency for all children is a matter of social justice. The United Nations Conventions on the Rights of the Child (1989) clearly states that every child has the right to a family, identity and culture according to articles 8, 20, 21 and 30. State Parties that have ratified the convention, including Canada, are obliged to ensure that the best interests of the child are of primary consideration. In the case that a child cannot be returned to their biological family, this usually means finding alternative permanent caregivers and maintaining cultural connections (Canadian Coalition for the Rights of Children, 2011). Every child deserves to have a sense of belonging, regardless of her/his age or ethnicity. The following literature review outlines the problem of youth impermanence, current research on youth meanings of permanency and relevant cultural issues which noting the lack of research regarding Aboriginal youth in care. Ecological theory is examined to determine its applicability in providing a theoretical framework to outline the importance of permanency.

Youth and Permanency

Aging Out

When a youth is discharged from the province's child welfare system at the age of 18 years without permanency it is often referred to as aging out (Avery, 2010; Walters, 2011). In this process youth leave government care without the support of a committed adult in their life and as a consequence face serious challenges in adulthood. Adam Pertman, Executive Director of the Adoption Institute, an American non-profit based in Massachusetts, outlines the problem that the child welfare system is facing across North America:

We remove thousands of children from their original homes each year because of abuse or neglect, with the implicit promise that we'll keep them safe and give them better lives. Unfortunately, a growing number are aging out without any connections to adults, so they too often wind up pregnant, on the streets, in jail or in poverty. Simply put, as a society, we are failing them. (Howard & Berzin, 2011, para. 3)

In Canada there are an estimated 30,000 to 40,000 children in out-of-home care each year are awaiting adoption and, on average, only 7% of these children will find permanency through adoption (Canadian Coalition for the Rights of Children, 2011). There are no statistics available on how many youths age out of

care each year in Canada, however one study estimates that 680 children aged out of care in 2006 in British Columbia alone (Rutman, Hubberstey, & Feduniw, 2007). The lack of readily available statistics may indicate that this problem is not well recognized at this time.

Youth who age out of the child welfare system without permanency face poor outcomes in adulthood. Research demonstrating this problem was conducted initially in the United States and dates back to the late 1980s (Barth, 1986; Barth, 1990). The research consistently shows a strong correlation between those affected by a lack of permanency and poor outcomes in adulthood. Some of outcomes include an increased risk of poverty, homelessness, incarceration, unplanned pregnancies and unemployment (Courtney, Dworsky, Lee, & Rapp, 2010; Davis, 2009; Harris, Jackson, O'Brien, & Pecora, 2009). More recent Canadian studies echo these findings. A three year longitudinal study from Victoria, British Columbia, for example, found high rates of homelessness, poverty, unplanned pregnancies, criminal activity and drug use among former foster youth (n=37) relative to youth who had not lived in care (Rutman, Hubberstey, & Feduniw, 2007). In Ontario a study on homeless Aboriginal youth (n=24) revealed a strong link between homelessness and a history of child welfare involvement (Baskin, 2007). Raising the Roof (2009), a charity dedicated to youth homelessness, found that 43% of homeless youth (n=689) in Calgary, Toronto and St. John's had previous child welfare involvement. In his overview of Aboriginal youth gang violence in Canada, Totten (2009) points to a lack of permanency as one of the major pathways to gang violence involvement. He explains that life in care can lead to attachment problems, instability and associating with negative peers within group home settings.

Present research tells us that youth are taking much longer to transition to adulthood, relying heavily upon social supports principally from family (Arnett, 2004; Arnett & Tabler, 1994). Avery (2010) has demonstrated that youth leaving government care are even more in need of supports as they transition to adulthood and also lack the developmental maturity to succeed independently. Youth in care need options for permanency that allow them to accomplish the tasks of this developmental stage including exploration, instability, self focus and living within the transition in which they are neither an adolescent nor an adult.

Youth Permanency

The importance of timely permanency planning for children in care has been well accepted. In fact, the *Child, Youth and Family Enhancement Act* (2000) in Alberta was created with permanency goals in mind. This legislation places limits on cumulative time in care for the purposes of timely permanency. Legal permanency through private guardianship or adoption is intended to provide children with a stable, committed family to support them into adulthood and facilitate healthy identity formation (Tilbury & Osmond, 2006). The notion of permanency is founded on the premise that the need for a loving and supportive adult does not end when a child becomes a teenager.

Ecological theory holds that an individual's development is influenced by the environmental systems that surround them (Bronfenbrenner, 1994). This theory suggests that young adults need a supportive network in order to succeed (Gitterman, 2011). As outlined previously, youth aging out of care without permanency are at heightened risk for poor outcomes in adulthood. Many youth in out-of-home care have only paid staff to provide support; this lack of foundation makes it difficult for youth to focus on other goals such as education or employment (Collins & Clay, 2009; Jarboe & Agosti, 2011). Additionally, youth are left

without supports as they navigate the challenges of adulthood including pursuing education and employment as well as parenting.

Many practitioners and researchers believe that finding permanency for youth in care will improve outcomes for this group (North American Council on Adoptable Children [NACAC], 2009). This belief is supported by literature that demonstrates that adopted children fare better academically, socially and emotionally than their peers in who are in foster care (Erich & Leung, 1998; Triseliotis, 2002), as well as research which indicates that the presence of at least one committed, caring adult is a protective factor for youth aging out of care (Unrau, Seita, & Putney, 2008; Jacobs & Everall, 2009).

Adoption is also cost effective. The province of Ontario estimates that it costs \$44,820 per year to care for a child or youth in foster care for one year, not including administration costs (Canadian Coalition for the Rights of Children, 2011). A U. S. study indicates that governments spend approximately half as much to support a child who has been adopted from foster care as they do to support a similar child who is raised in foster care (Barth, Lee, Wildfire, & Guo, 2006). Barth et al. (2006) explain that the costs of adoption subsidies are less than foster care payments. In addition, children who remain in foster care frequently end up transitioned to more expensive placements such as group care (Barth et al., 2006).

There is a misconception that permanency is not achievable for the youth population due to their age and developmental stage (Louisell, 2009). While traditional approaches may not always be a good fit for this group, permanency is certainly attainable. Creative projects across the United States and Canada are successfully finding permanent connections for youth through adoption, child focused recruitment, family finding programs and reunification (NACAC, 2009). Without diluting the objective of providing youth with permanent, supportive adults in their lives, the term permanency must be defined in a manner that fits for this age group (Walters, 2011).

Defining Permanency

Several qualitative studies have explored definitions of permanency. Freundlich, Avery, Muson and Gerstenzang (2006), for example, interviewed multiple stakeholders and demonstrated that the term permanency is not clearly understood by biological parents (n=20) or youth (n=30) involved with child welfare. Child welfare professionals (n=38) in this study agreed that clear, simplified and well-explained terminology is essential in order for clear communication between stakeholders. In a study on youth transitions to adulthood, Collins and Clay (2009) reported that key stakeholders (n=34) took a broad view of permanency, pointing out the need for a strong emotional support and flexible, specialized permanency planning individualized for each youth. Samuels (2009) completed a qualitative study with foster youth (n=29), focusing on their experiences in care. She found that their definitions of permanency were tied to a desire to find something they had lost in childhood, a family and a home.

The California Permanency for Youth Project (CPYP) has led initiatives on creating a youth led definition of permanency. On behalf of CPYP, Sanchez (2004) asked youth to speak to three forms of permanence: relational/emotional, physical and legal. They defined relational permanence as an emotional connection; physical permanence was related to having a stable living environment, and legal permanence was interpreted as guardianship or adoption. Results of the individual and focus group interviews found that youth value permanency. The youth identified relational permanence as the most important type of permanency and viewed physical permanence as necessary for creating a firm foundation for their

futures. The importance of legal permanence was contested by youth, with some seeing it as essential, and others distrusting the legal system. An often-repeated theme in literature on youth permanency is the need for youth voice in the process. Youth must define what permanency means for them and engage in the permanency planning process in order to find success (CPYP, 2005; Jarboe & Agosti, 2011; Jones & Kruk, 2005). While the study by Sanchez (2004) succeeded in giving voice to youth, it neglected to acknowledge a cultural dimension of permanency.

Frey, Greenblatt and Brown (2005) provide a definition of permanency, which includes a cultural dimension:

Achieving “permanency” means having an enduring family relationship that: is safe and meant to last a lifetime; offers the legal rights and social status of full family members; provides for physical, emotional, social, cognitive and spiritual well-being; and assures lifelong connections to extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion and language. (p. 3)

National convenings on youth permanency held in the U. S. from 2002 to 2008 involved multiple stakeholders, including current and former foster youth (CPYC, 2005). Early meetings inspired people to believe that permanence was possible for youth; later convenings offered peer learning opportunities and action planning teams. More recent reports highlight the necessity of youth engagement and cultural sensitivity in permanency planning (Casey Family Services, 2008). Representatives of five Tribal Nations took part in the 2008 conference and emphasized the need to support cultural involvement and connections to a child’s home community (Casey Family Services, 2008). As conversations regarding permanency for Aboriginal youth take place it is necessary that all stakeholders are invited to meaningfully participate.

Culture and Permanency

Defining Terms

The term Aboriginal refers to the original peoples of North America and their descendents (Aboriginal Peoples and Communities, 2010). The terms First Nations, Métis and Inuit refer to specific populations of Aboriginal people. Aboriginal communities are far from homogenous; every community is unique and must be recognized as such (Voyageur & Caillou, 2001). As Klamn (2009) eloquently articulates, “[t]here is no universal depiction of any culture, or of any people. Therein is our challenge as humans as we try to interact with each other” (p. 11).

Cultural Context

Aboriginal children and youth are greatly overrepresented in the Canadian child welfare system, making up 48.1% of those in care while comprising only 7.0% of this population (Statistics Canada, 2011). In Alberta the numbers are even more dramatic. According to the Children and Youth Services Business Plan (2010), Aboriginal children comprise 64% of the child intervention caseload in Alberta, while representing only 9% of the total child population in the province (Statistics Canada, 2011). This Business Plan identifies that this overrepresentation is a serious concern and calls for well informed strategies as crucial to improving this situation. Historic policies of aggressive assimilation failed at eradicating

Aboriginal culture, but have had a devastating effect upon Aboriginal people in Canada (Bennett, Blackstock, & De La Ronde, 2005). It is important to have a sufficient understanding of this colonial history and ongoing oppressive practices in order to inform future research and practice.

Historical Context

Canada's colonial history, including the legacy of residential schools and the sixties scoop, has resulted in devastating consequences for Aboriginal communities, including generations of Aboriginal children and youth facing impermanency. Aboriginal people were originally viewed by the British as uncivilized and in need of assimilation and thus they created legislation to accomplish this end. The Bagot Commission Report of 1844 described reserves as operating in a "half civilized state" and the Davin Report of 1879 recommended "aggressive civilization" (as cited in Kirmayer, Simpson, & Cargo, 2003). The Indian Act, implemented in 1876, defines Aboriginal people as Crown wards for whom the state is responsible (as cited in Kirmayer et al., 2003). Initially Europeans used land to control Aboriginal people, and soon after began using Aboriginal children to exercise authority and influence (Bennett, Blackstock, & De La Ronde, 2005). Beginning in the mid 1800s, residential schools explicitly sought to assimilate children by removing them from their communities and banning all forms of Aboriginal culture (Bennett, Blackstock, & De La Ronde, 2005; Johnston, 1988). These schools, operated by the churches, have left a devastating legacy in Canada. Narratives and life stories recount horrific memories of abuse and forced assimilation, which are, linked to the current economic, social and mental health problems of this population (Johnston, 1988; Milloy, 1999).

In 1951 the Indian Act was revised to make provincial laws applicable to First Nations people living on reserve (Bennett, Blackstock, & De La Ronde, 2005). As a consequence, child protection became the responsibility of the provinces. By the 1960s child welfare interventions became the preferred approach over residential school placement (Armitage, 1995). This period, beginning in the 1960s and stretching into the 1970s, has been called the 'sixties scoop' which refers to the high numbers of Aboriginal children placed in care and typically with non-Aboriginal families (Kirmayer et al., 2003). This practice was based on a belief that Aboriginal parents could not provide suitable homes due to the struggling reserve communities (Fournier & Crey, 1997). In non-Aboriginal homes children were disconnected from their culture and, by adolescence, many youth were as a consequence running away or turning to drugs and alcohol (Teichroeb, 1997). Further, the mass removal of children was devastating for family systems and communities and continues to have an impact (Teichroeb, 1997). New tragedies associated with the residential schools, such as the medical experiments performed on students, continue to emerge (Porter, 2013).

Transgenerational effects of residential schools and the sixties scoop are apparent in the functioning of many Aboriginal communities currently. Kirmayer et al. (2003) lists the effects of a history of cultural oppression which includes the disruption of families and communities, punitive parenting taught through institutional settings, mental health problems, lack of warmth and intimacy in childhood, physical and sexual abuse, loss of knowledge, language, tradition, Aboriginal identity, loss of individual and collective self-esteem and individual and collective disempowerment.

Alberta Context

Provinces and territories vary with respect to the relative overrepresentation of Aboriginal children in the child welfare system, the legislation, service delivery models and funding (Sinha & Kozłowski, 2013). The degree of Aboriginal management within child welfare system also differs, ranging from no Aboriginal child welfare agencies to 31 agencies in British Columbia, with a move towards greater Aboriginal control over the provision of these services. In this paper the province of Alberta, Canada is used as an illustrative example as it, along with the other Prairie Provinces, has a dramatic overrepresentation of Aboriginal children in the child welfare system (Sinha & Kozłowski, 2013).

In recognition of the unique needs of Aboriginal people the provincial government of Alberta delegated child protection services to Aboriginal communities. Alberta has ten Child and Family Services Authorities (CFSAs) that provide child intervention services. Additionally there are 18 Delegated First Nation Agencies (DFNAs), making Alberta the province or territory with the second highest number of Aboriginal child welfare agencies in Canada (Sinha & Kozłowski, 2013). These DFNAs serve 40 of the 45 First Nations communities in the province (Children and Youth Services Annual Report, 2011). The remaining five First Nations communities work closely with their local CFSAs to ensure culturally appropriate service delivery. Additionally, one CFSAs is dedicated to serving the eight Métis communities in Alberta.

The Alberta the Child, Youth and Family Enhancement Act (2000) dictates that “the uniqueness of Aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child’s cultural identity” (p. 14). The Enhancement Policy Manual (2011) requires that a First Nations designate be consulted whenever a temporary or permanent guardianship application is made for an Aboriginal child. The intention is for this designate to assist in maintaining ties to a child’s community and culture. Additionally, any application for an adoption order for an Aboriginal child must be accompanied by a cultural connections plan. Legislation and policy place a high importance on ensuring Aboriginal children are involved with their culture, spirituality, language and tradition.

Permanency and Culture

Frey et al. (2005) defines permanency to include a cultural dimension, which involves maintaining ties to tradition, ethnicity, language and religion. Aboriginal youth have cultural needs that must be addressed in the permanency planning process. Although there is not yet a specific conversation in the literature regarding Aboriginal youth permanency in relationship to culture, there have been many discussions regarding adoption and Aboriginal children (Bertsch, 2010; Carrier, 2008; Klamm, 2009). Two themes that have been identified in the literature that are relevant to youth permanency include the contrast between collectivism and individualism, and identity developmental for Aboriginal young people.

Collectivism versus Individualism

Historically, western society has tended to be individualistic and viewed individuals and families as autonomous; the concept of a nuclear family continues to be a pervasive normative ideal that dominates public policy and legislation (Saggers & Sims, 2005). Based on this perspective permanency planning is the process of finding a nuclear family for a child. However the concept of a nuclear family is foreign to

traditional Aboriginal child rearing practices (Fournier & Crey, 1997). Aboriginal communities historically operated as collectivist societies (Goforth, 2007; Mussell, Cardiff, & White, 2004) within which parents, grandparents and community members all had a role in providing care for the children and teaching them to become contributing members of their community (Cajete, 2000). As Cajete (2000) explains:

The network of extended family and clan provided a web of relationship that profoundly affected perception. Children learned early the significance of family, responsibility, respect, and the foundations of relationship and kinship. Father, mother, aunts, uncles, cousins, and grandparents, each in their turn and special way, influenced and formed children. Older children learned to care for younger ones. Through such experience they learned to share, nurture, and support others. (p. 96)

Historically, if primary caregivers were unable to care for children, someone else in the community would take that responsibility (Miller, 1996). Contact would also remain open between all members of the adoption triad and the biological family would be honoured rather than ignored (Royal Commission on Aboriginal People, 1996).

In many Aboriginal communities children continue to be viewed as communal resources and a child's best interest is seen as inseparable from the best interest of the entire community (Klamn, 2009; Walmsley, 2005). Ideas about custom adoption have challenged mainstream permanency planning practices for Aboriginal children (Bertsch, 2010). In the same way, permanency planning with Aboriginal youth must consider the unique cultural needs of this population. Collectivist values may influence how these practices are shaped. Questions arise regarding assigning one youth to one family should be held as the ideal permanency plan, and what role a youth's community can play in this process.

Identity Formation

According to Erikson's (1968) theories on development, identity formation is the primary developmental task of adolescence (as cited in Phinney, 1993). Arnett (2004) suggests that identity formation remains the focus of development through emerging adulthood. Research indicates that identity formation is especially challenging for members of an ethnic minority (Phinney, 1993). Phinney (1993) outlines a three-stage model of ethnic identity development, which includes unexamined ethnic identity, ethnic identity search, and ethnic identity achievement. He outlines the challenges that ethnic adolescents face in navigating this process in a Eurocentric environment. Anderson (2000) explains that Aboriginal identity is passed through generations and shared experiences, inseparable from the collective identity of Aboriginal people. Thus, according to this theory an Aboriginal youth disconnected from her or his cultural group will struggle to form a healthy identity.

Kirmayer et al. (2003) also points out that, "[t]he cumulative effects of internal colonialism on cultural identity and continuing tensions between the values of Aboriginal peoples and mainstream society complicate the efforts of Aboriginal youth to forge their identities and find their way in the world" (p. 20). Aboriginal youth raised by non-Aboriginal caregivers appear to struggle with impaired physical, spiritual, mental and emotional health (Carriere, 2008; Park, 2003). In contrast, Filbert and Flynn's (2010) study of First Nations youth in care in Ontario found that a higher level of cultural assets was significantly predictive of more resilient outcomes in the case of behavioral difficulties. With identity formation as such an important task for this developmental phase and cultural group, it must be at the forefront of

considerations in permanency planning.

Community Healing

It is important to have the conversation regarding permanency planning for Aboriginal children and youth in the context of the wider situation in Canada. Actively working to reconnect children and youth with their cultures is only a small part of a larger process of healing for Aboriginal people in Canada. As Kirmayer et al. (2003) explain:

Through individual and community-based initiatives as well as larger political and cultural processes, Aboriginal peoples in Canada are involved in healing their own traditions, repairing the ruptures and discontinuity in the transmission of traditional knowledge and values, and asserting their collective identity and power. (2003, p. 15)

Moving forward, dialogue must continue between people with an interest in finding the best ways to work with Aboriginal children and youth to ensure their needs for cultural continuity, stability and safety are met. As Kirmayer et al. (2003) suggests, “[o]nly collaborative approaches that focus on the transfer of knowledge, skills, power and authority can hope to get past the backdrop of structural violence, racism and marginalization” (p. 22). Policies must be developed within an Aboriginal context, looking beyond Western models (Baskin, 2007). In the introduction of Walmsley’s (2005) book, “Protecting Aboriginal children”, Bill Simon advises social workers to stop telling Aboriginal people what is best for them and start listening to them. In the same way it is critical that we consult Aboriginal youths in care about their perspectives on permanency and use these insights to inform practice.

The Indigenous people of Canada are heterogeneous with multiple diversities, as Voyageur and Calliou explain, they:

... have distinctive identities with vibrant cultures and varying traditions that are as different from each other as French society is from British. Although there are many commonalties and beliefs held by indigenous people, there are also many differences. These differences are not only geographical (some living in the high Arctic while others reside on the plains) and linguistic but also legal, cultural, and social. (p. 19)

Although Aboriginal peoples continue to be distinct and separate from mainstream society, Aboriginal cultures are not stagnant and have changed drastically since colonization to fit with current realities. (Bennett, Blackstock, & De La Ronde, 2005). As a part of this, the role of children and youth in Aboriginal communities has become increasingly difficult to define. Traditionally young people played an important role in family and community life (Jenness, 1977), participating in daily activities of adults, learning valuable skills, through an informal, experiential process (Lafrance, 2000). Currently there exists less clarity about what a youth’s role and purpose is within a community. In order for youth to succeed they need a strong sense of cultural identity and to take an active role in their community (Kirmayer et al., 2003).

Ecological Theory

Theoretical models provide a means of identifying the necessary factors to attain permanency for Aboriginal youth. Currently ecological theory forms a foundation for youth permanency work. This

theory, originally shaped by Bronfenbrenner (1994) links an individual's developmental outcomes to the contexts to which they are exposed in their lifetime. The reciprocity of relationships is emphasized, both with other people and with the environment (Gitterman, 2011). Based on this theory one could assume that a strong, stable ecological system surrounding a youth would be predictive of future success. Gitterman (2011) explains that ecological theory, "offers a dual, simultaneous focus on people and environments" (p. 279). Social networks are an essential part of a person's environment, providing resources, emotional support and information. People who lack viable social networks lose these important supports. Gitterman (2011) uses the examples of widowers or those who suffer from chronic mental illness. One could contend that youth aging out of care also face a deficiency of social networks. Forming strong relationships around a youth, as they become young adults is particularly vital (Harris et al., 2009).

Ecological theory may parallel some Aboriginal beliefs. Cajete (2000) explains that Aboriginal people define individuals by their web of relationships including extended family, community members, spirits and ancestors. According to Cajete (2000):

Relationship is the cornerstone of tribal community, and the nature and expression of community is the foundation of tribal identity. Through community, Indian people come to understand their "personhood" and their connection to the communal soul of their people. (p. 86)

Additionally, Cajete (2000) speaks to the importance of a strong connection with one's environment, an important aspect of ecological theory (Gitterman, 2011).

Longclaws (1994) contrasts ecological theory with the Anishinabe medicine wheel framework, which comes from the teachings of Anishinabe Elders in

Waywayseecappo First Nations community in Manitoba. In this framework, Elders defined their worldview as interconnectedness between all beings and forces in the physical and spiritual worlds. The interdependence between a person and their environment is of the utmost importance. However, unlike ecological theory, Anishinabe healing principles emphasize spirituality and focus on centering oneself, acknowledging self as the principal resource. Longclaws (1994) asserts that the Anishinabe medicine wheel is not a theoretical model, but he challenges social workers to apply its teachings to practice. He stresses the importance of including Elders, ceremonies, spirituality and family in the ecological system of Aboriginal clients. He sees participation in one's culture as the primary way of restoring balance and harmony of the person and environment (Longclaws, 1994).

Conclusion

There are strong implications for permanency planning based on ecological theory and the Anishinabe medicine wheel framework. These ideas challenge social workers to consider permanency planning beyond connecting a child or youth to a singular family. Viewing Aboriginal youth as interdependent members of their communities, rather than individuals in need of one or two parents, could impact how permanency is conceptualized and in turn operationalized. Atwood (2008) states that, "[t]he goal of achieving permanent, stable placements for children in the child welfare system is an over-arching objective, but 'permanency' is a chameleon term in the child welfare world whose meaning varies from

context to context and culture to culture” (p. 239). The significant differences between Western and Aboriginal worldviews influences the permanency need for Aboriginal children and youth. As demonstrated, researchers have not yet explored the meaning of permanency for particular cultural groups. Further, it is imperative that Aboriginal youths in care be consulted about their definitions of and needs for permanency in order to provide practitioners with the foundational knowledge necessary to develop and evaluate specific permanency models for Aboriginal youths.

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Healing Through Culture for Incarcerated Aboriginal People

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Abstract

Statistically, Aboriginal peoples in Canada are over represented in prisons throughout the country (Hayman, 2006; Perreault, 2009; Rymhs, 2008; Waldram, 1997). While representatives from the Canadian government recognize that the Aboriginal incarceration rates are an issue (CBC, 2013; Perreault, 2009), they have failed to find a solution. A link has been found to demonstrate how an erosion of Aboriginal culture through the legacy of residential schools has contributed to the current inflated Aboriginal incarceration statistics (Waldram, 1997). As such, cultural healing in prisons may be a crucial factor to Aboriginal inmates' rehabilitation. Cultural healing can be implemented in prisons by: providing inmates with access to Elders, allowing Elders to perform ceremonies, providing inmates with access to sacred medicines, and increasing the number of healing lodges and sacred circles.

Contextualizing the Reviewer's Position

I am writing from the perspective of a non-Aboriginal person who is presently focused on learning and immersing myself in the area of Aboriginal psychology. My work and position comes from that of a non-Aboriginal student who is working towards becoming a mental health professional. As such, my work presented here does not represent the voice of Indigenous people, and only represents my personal thoughts and interpretations of the discussed content.

Before proceeding, I want to clarify where my perspective comes from. I am predominately of English, Irish, and Scottish descent. I was raised in the city of Brantford in South-Western Ontario. Brantford is in the heart of Six Nations territory, right along the Grand River, and as a result I was introduced to Aboriginal peoples, cultures, and issues at a young age. My Six Nations acquaintances instilled in me an interest to become more involved in the Aboriginal community. As a result, I am presently studying and researching in the area of Aboriginal psychology for my graduate work at the University of Toronto. I am deeply interested in creating and nurturing respectful relationships with the Aboriginal community both as an aspiring counsellor and researcher. In addition, I aspire to further benefit the community through my work in these areas. My research involvement with the Aboriginal community in Toronto has expanded my research interests to include the areas of education and employment issues, cultural identity, and culturally appropriate programs and resources. Thus, this work is important to me as I

aspire to become a counsellor and researcher in the Aboriginal community.

Introduction

It is well documented that Aboriginal people are over-represented in prisons across Canada (Hayman, 2006; Perreault, 2009; Rymhs, 2008; Waldram, 1997). Statistics Canada reported in 2008 that adult Aboriginal people made up 18% of the provincial/territorial prison population, (but only 3.1% of the national population) and this number continues to rise (Perreault, 2009). In fact, the Aboriginal prison population exceeds their general representation in all of the provinces and territories (Perreault 2009). In Perreault's 2009 report, he sites three factors as the basis for the over-representation of Aboriginal people in prisons: age, education, and unemployment. The Aboriginal population is one of the youngest and fast growing populations in Canada (Statistics Canada, 2013a). Thus, age is a key factor as most incarcerated Aboriginal people are between 20-years and 34-years (Perreault, 2009). In general, people with lower completion levels of education are more likely to be incarcerated (Brennan, 2012), and many Aboriginal people in prison have not completed high school (Perreault, 2009). Finally, many Aboriginal people who are incarcerated are unemployed (Perreault, 2009), but employment also contributes to the incarceration of non-Aboriginal inmates (Brennan, 2012). In fact, age, education, and employment are also factors that contribute to the incarceration of non-Aboriginal populations (Brennan, 2012). As the three factors outlined in Perreault's 2009 report to explain the over-representation of Aboriginal people in prisons are also key factors in the incarceration of non-Aboriginal people, it appears that age, education, and unemployment alone do not adequately address nor explain why Aboriginal people are disproportionately incarcerated. What Perreault (2009) does not explain is the historical role of stigmatised oppression and colonization and how these factors contribute to the over-representation of Aboriginal people in prisons. Thus, the question remains, how is it that Aboriginal peoples became so over-represented in Canadian prisons?

Factors that Contribute to Incarceration

The Legacy of Residential Schools

To begin, many Aboriginal peoples have lower educational levels than non-Aboriginal people. The obstacle to educational achievement originated with residential schools, which were in operation from the mid-1800s until the end of the 1990s (Aboriginal Healing Foundation, 2002; Blackburn, 2012; Chansonneuve, 2007; Royal Commission on Aboriginal Peoples [RCAP], 1996). Aboriginal children were forcibly removed from their families and communities, and were required to attend residential schools (Schissel & Wotherspoon, 2003; RCAP, 1996). The residential schools were used as a form of cultural genocide, oppression, and exploitation (Schissel & Wotherspoon, 2003). To elaborate, the goal of the residential schools was to achieve cultural assimilation (Aboriginal Healing Foundation, 2002; Blackburn, 2012). In order to eradicate Aboriginal cultures, Aboriginal children were prohibited from speaking in their native languages, many children were isolated from their families and communities, any acts of Aboriginal spirituality were banned, as were all activities associated with Aboriginal culture and tradition (Blackburn, 2012). If children were caught engaging in any traditional activities, they were forcibly punished (Blackburn, 2012; RCAP, 1996). Furthermore, education was not the goal or focus of the

residential schools. Very few students advanced past a grade six level, and the quality of education the students received was subpar (Aboriginal Healing Foundation, 2002). Instead, children trained for employment in the areas of domestic work, agriculture, and manual labour (Blackburn, 2012; Milloy, 1999). Physical, sexual, and emotional abuse was also rampant within the residential schools (Aboriginal Healing Foundation, 2002; Blackburn, 2012; RCAP, 1996; Schissel & Wotherspoon, 2003).

The damage incurred through residential schools is pervasive. Presently the negative effects of residential schools impact those who attended these schools, as well as those who did not attend via intergenerational trauma (Bombay, Matheson, & Anisman, 2009; Chansonneuve, 2007; Menzies, 2008). Intergeneration trauma is best understood as a continuation of the negative effects of the residential schools, which are passed down to other family members in a cycle (Bombay, et al., 2009; Chansonneuve, 2007; Menzies, 2008). The impact of intergenerational trauma is typically felt throughout entire communities and can include, but is not limited to: poor parenting skills (which can negatively impact mental health), neglect, abuse, hopelessness, inability to feel/express love, inability to trust others, loss of cultural identity and connections to the cultural community, addictions, and loss of cultural pride (Bombay, et al., 2009; Chansonneuve, 2007).

However, Aboriginal people in the Canadian mainstream education system continue to encounter barriers that prevent them from participating equally in the education system by means of having non-Aboriginal people set the standards for education (Preston, Cottrell, Pelletier, & Pearce, 2011; Schissel & Wotherspoon, 2003). As a result, the present educational system does not support Aboriginal ways of knowing, creates isolation between Aboriginal and non-Aboriginal students, further erodes Aboriginal culture and identity, leads to the devaluation of Aboriginal culture, and creates an environment where Aboriginal students face discrimination and racism (Preston, et al., 2011; Schissel & Wotherspoon, 2003).

Thus, schools both historically and presently continue to be negative environments for some Aboriginal people in Canada. While it has been acknowledged that education is key for successful integration into the workforce and society (Schissel & Wotherspoon, 2003), the fact remains that there are still several barriers to education for Aboriginal people. As a result of the legacy of the residential school system, most of the incarcerated Aboriginal population has not completed high school (Perreault, 2009), but this failure is a reflection of mainstream society by way of producing toxic education environments, which have negatively impacted Aboriginal people for hundreds of years.

Employment Barriers

Coinciding with educational outcome is employment potential. It has been observed that employment, income, and job prospects increase with education levels (Schissel & Wotherspoon, 2003). Furthermore, education credentials are commonly used as screening tools for employers, so that even if the job does not require higher levels of educational attainment (i.e., high school diploma is required, not a university degree), applicants who have additional education credentials are more likely to be employed (Schissel & Wotherspoon, 2003). The practice of employers hiring applicants with more education occurs because mainstream society tends to regard educational attainment as “a mark of social capability and, conversely, hold less regard for persons who have limited educational attainment,” (Schissel & Wotherspoon, 2003, p. 114). However, Statistics Canada reported in 2009 that the unemployment rate among Aboriginal peoples was 43% and for non-Aboriginal people 31.9% (Statistics Canada, 2011).

Many Aboriginal communities have relied on resource-based industries, including fishing, forestry, and mining, for employment opportunities. However, the recent decline in these resource-based industries has resulted in diminishing employment opportunities for Aboriginal people (Ommer and Team, 2007; White, Maxim, & Gyimah, 2003). The dwindling work opportunities have left many families struggling to get by on a day-to-day basis, while the cost of living continues to climb.

The fact that Aboriginal people are under-employed is not surprising as only 9.8% of Aboriginal adults between the ages of 25-years and 64-years have a university degree (Statistics Canada, 2013b). In comparison, 25% of Canadian adults between the ages of 25-years and 64-years have a university degree (Statistics Canada, 2012). Furthermore, the Aboriginal population is much younger (average age 25.5-years) than the non-Aboriginal population (average age 35.4-years) (Kirmayer, Simpson & Cargo, 2003). In fact, recent research by Stewart and Marshall (2011a; 2011b) examined Aboriginal youth's experiences of the supports, challenges and barriers they have faced in their quest to find sustainable work. Obstacles in the workplace, such as systemic racism and job training, are reported barriers to Aboriginal peoples obtaining meaningful employment (Stewart & Marshall, 2011a, 2011b) and as limiting factors to succeeding in the workplace (Juntunen, Barraclough, Broneck, Seibel, Winrow, & Morin, 2001). Furthermore, participants expressed solutions to employment challenge would build on their existing strength of cultural identity to help them resist the colonial oppression they experienced systemically.

Thus, when the legacy of the residential schools, oppressive work conditions, and the young age of the Aboriginal population are considered in accord with the history of colonialism, it becomes clearer that system barriers are contributing to unemployment and the Aboriginal incarceration statistics.

Systemic Barriers

A key factor to the disproportionate incarceration rate of Aboriginal people, which is not mentioned in the Perreault report, is the loss of Aboriginal culture (Martel, Brassard, & Jaccoud, 2011; Martel & Brassard, 2008; Waldram, 1997). In 1884, the Canadian government passed legislation that made participating in Aboriginal ceremonies illegal (Martel, et al., 2011; Waldram, 1997). The legislation was expanded upon in the following years and prohibited participation in: potlatch feasts, sweat lodges, and the sun dance (Waldram, 1997). This legislation was part of an effort to assimilate as well as 'civilize' Aboriginal peoples (RCAP, 1996; Waldram, 1997). Although these laws were repealed in 1951, the cultural damages were already incurred (Waldram, 1997). The combination of this detrimental legislation and the residential schools means that some Aboriginal people today have "no knowledge of traditional spirituality, language and in some instances, culture. The Elders who harboured traditional knowledge, have dwindled in number, and fewer young people have been inclined to pick up their mantle" (Waldram, 1997, p. 8). Thus, some Aboriginal inmates enter Canadian prisons with more concerns than non-Aboriginal inmates including: unhealthy communities, lack of positive role models, little understanding of Aboriginal cultural and spirituality, loss of pride in their Aboriginal identity, the need to heal from direct traumatic experiences and intergenerational traumatic experiences of emotional, physical, and sexual abuse, troubled interpersonal and familial relationships, lack of formal education, and a lack of job skills (Champagne, Torjesen, & Steiner, 2005; McMaster, 2011; Nielsen, 2003; Ruge, 2006). As such, for some Aboriginal inmates, developing the tools to succeed outside of prison includes re-connecting to their Aboriginal culture to heal and be rehabilitated (Nielsen, 2003).

Spirituality in Prisons

Despite the recognition that healing needs to occur through reacquainting Aboriginal people with their cultural traditions (Nielsen, 2003; Waldram, 1997), this has been difficult to implement within Canadian prisons. The year 1983 was the first year that Aboriginal spirituality, in the form of a sweat lodge, was permitted to be practiced within the walls of a Canadian prison (Waldram, 1997). However, it was not until the late 1980s that Aboriginal spirituality and Elders were given equal status with other religions (Martel, et al., 2011; Waldram, 1997). Despite the fact that Aboriginal spirituality has been given equal status, Elders still face challenges in the prisons. To begin, some Elders have their sacred objects searched before they are granted entry into the prison for security purposes (Waldram, 1997). The practice of searching through Elders' sacred objects is problematic; sacred objects should not be handled by anyone, except the owner (Correctional Service of Canada, 2011). Additionally, several Aboriginal spiritual practices occur in natural surroundings, and many Elders have struggled to adapt these ceremonies to occur within the confines of the prison walls (Waldram, 1997). Many ceremonies require a significant amount of preparation (e.g., food and fasting), in addition to the ceremony itself (Huber, 2010; Waldram, 1997). As such, Aboriginal ceremonies do not conform to the idea of one-hour Sunday worship as it can take several hours or days to carry out (Huber, 2010; Waldram, 1997). For example, it is traditional for members of the Ojibwa First Nation to participate in a four-day spring fast, in solitude (Huber, 2010). For Ojibwa inmates, preparation is necessary in order to follow traditional protocols. This includes spending time thinking about themselves and their lives without consuming any food or water starting four months before the spring fast occurs (Huber, 2010). While the prisoners are able to spend four days with the Elder leading the spring fast, they are not able to leave the prison's grounds or be in isolation (Huber, 2010). Furthermore, Aboriginal youth inmates in the Burnaby Youth Secure Custody Centre must wear leg shackles when attending sweat lodges (Grosse, 2006). The reasoning behind the shackles is due to the fact that in 1999 a prisoner escaped (Grosse, 2006). Additionally, the sweat lodge is located outside the prison's secure perimeter and is contained only by an eight-foot tall, barbed wire fence (Grosse, 2006). Despite the use of shackles, there is a policy of having a minimum of one prison guard present in the sweat lodge during the ceremony (Grosse, 2006).

Financial barriers present an additional difficulty in terms of carrying out Aboriginal spirituality in prisons. Across Canadian prisons there are not enough Elders and spiritual leaders available to inmates, and those who are available tend to be underpaid (Makin, 2012; Waldram, 1997). Elders also struggle to hold spiritual ceremonies as "sweat lodge ceremonies are scheduled around other programming; the resources to acquire wood and rocks run out...[which] leads to a high turnover among Elders and spiritual leaders" (Waldram, 1997, p. 219). The lack of funding has been attributed to the fact that Aboriginal inmates are so over-represented in Canadian prisons (Makin, 2012). As a result of the sheer number of Aboriginal inmates has created a shortage in funding to provide proper cultural services across Canada (Makin, 2012).

Furthermore, there are some Elders who are opposed to conducting ceremonies in prisons. Some of this hesitation stems from adherence to cultural protocols which outlines how ceremonies are to be conducted, especially the outdoor ceremonies, and who can handle sacred objects (Waldram, 1997). Thus the prison system has created an environment which some Elders believe is inappropriate for these sacred objects

and ceremonies (Waldram, 1997). Finally, some Elders may be reluctant to perform these ceremonies in prisons as many inmates are struggling with substance abuse and may not be able to adhere to cultural protocols regarding abstinence (Stewart, Elliott, Kidwai, & Hyatt, 2013). The alternative to cultural programming offered by Elders, is cultural programming offered by non-Aboriginal employees (Martel, Brassard, & Jaccoud, 2011). The non-Aboriginal staff who run these programs undergo training and receive certification (Martel, Brassard, & Jaccoud, 2011). However, the process of learning Aboriginal culture from someone who is not Aboriginal has been met with scepticism in terms of questioning how well non-Aboriginals can understand the shared history of living in isolated communities as well as understanding how spiritual ceremonies should be conducted (Martel, Brassard, & Jaccoud, 2011).

Healing from Trauma

Unfortunately, substance abuse, addiction, and mental health concerns based on traumatic experiences are some of the most common problems among Aboriginal inmates (Butler, Allnut, Kariminia, & Cain, 2007; Krieg, 2006; LaPrairie, 1996; Putt, Payne, & Milner, 2005; Thakker, 2013). However, there are ways to facilitate healing of both addictions and mental health concerns in prisons via cultural healing, which involves a combination of cultural practices and learning the history of colonization (Duran, 2006; Waldram, 1997). To begin, Elders play a large role in the cultural healing process. Elders are frequently reported to be the reason that many Aboriginal inmates reconnect to their cultural identities, by providing cultural histories and traditional teachings (Wilson, 2002; Nielsen, 2003). In prisons, Elders are the gateway to spiritual ceremonies, such as sweat lodges, pipe ceremonies, or sun dances (Nielsen, 2003). The Elders also offer guidance to the inmates on ways to prepare for the ceremonies, such as fasting requirements, an explanation of what will happen during the ceremony, and the ceremony's purpose (Nielsen, 2003). Likewise, the Elders provide medicines for the ceremonies, such as tobacco and sweetgrass, and lead the ceremonies (Nielsen, 2003).

Much of the healing that Elders provide is considered soul healing, which is a culturally appropriate approach to healing mental health and addictions by addressing the historical trauma (Duran, 2006). This type of healing differs from the bio-medical model as it teaches people to understand how their experience of trauma and intergenerational trauma has led to their current experiences (Duran, 2006; Waldram, 1997). In contrast, the bio-medical model pathologizes and diagnoses individuals by labeling the problem as something within the individual that should be eliminated (Duran, 2006). In other words, only once the absence of symptoms occurs, is the individual considered healed. However, sometimes those who receive a diagnosis are not provided with the details as how this occurred and how it can be eradicated (Duran, 2006). Thus, the bio-medical model can be confusing as individuals tend to assume diagnoses as part of their identities (Duran, 2006). Soul healing teaches ways to understand experiences and transform them into something that can be understood, mastered, and transcended (Duran, 2006; Waldram, 1997), and works by incorporating the assistance of the Elders, the Creator, and other spirits (Duran, 2006; Waldram, 1997). More specifically, soul healing is a process whereby Aboriginal peoples are taught how their history of cultural oppression has injured their soul (Duran, 2006). In order to overcome and surpass personal problems caused by the history of colonization, Aboriginal people need to understand the history of systemic oppression (Duran, 2006). Thus, the goal is to heal the soul by coming to an understanding of Aboriginal culture and spirituality through learning and partaking in ceremonies, offering tobacco, and smudging (Duran, 2006).

It is widely acknowledged that struggles with addictions stem from experiences of trauma or intergenerational trauma (Chansonneuve, 2007; Duran, 2006; Nabigon, 2006; Waldram, 1997). This is attributed to the fact that substance abuse is a means to attempt to escape or ease the pain caused by the trauma Aboriginal people have experienced (Chansonneuve, 2007; Duran, 2006; Nabigon, 2006; Waldram, 1997). As a great deal of this trauma centres on a loss of cultural identity, it makes sense that an effective way to help facilitate healing from addictions is to use cultural healing techniques. Many cultural practices, such as learning knowledge about ceremonies, using sacred medicines, and learning the history of colonization can be easily carried out in prisons. To begin with, there is a great deal of ancient wisdom contained with understanding the Medicine Wheel path, such as daily rituals and ceremonies (McCabe, 2008; Nabigon, 2006). The Medicine Wheel is also holistic as it incorporates balance between spirituality, emotions, the body, and the mind (Nabigon, 2006). The Seven Grandfather Teachings also contain the seven natural healing methods: crying, yelling, sweating, yawning, talking, laughing, and shaking (Nabigon, 2006). By learning the teachings associated with creating balance within the Medicine Wheel, it is possible to understand what aspects of the self are out of balance, and enables individuals to listen to these parts of the self that are out of balance in order to take the next steps towards restoring balance (McCabe, 2008; Nabigon, 2006).

Sweat Lodges

Another form of cultural healing occurs in the form of participating in ceremonies. One ceremony that is becoming increasingly accessible to Aboriginal inmates is the sweat lodge (Martel & Brassard, 2008; Nielsen, 2003; Waldram, 1997; Yuen, 2008). For many inmates, the first time they participate in a sweat lodge is at prison (Waldram, 1997; Yuen, 2008). Sweat lodges allow individuals to purify the mind, body, and soul via prayer (Huber, 2010; McCabe, 2008; Nabigon, 2006; Grosse, 2006). In relationship to healing from substance abuse, sweat lodge ceremonies allow the individual to reflect on the past and examine their weaknesses as well as their strengths in order for the individual to develop and focus on becoming balanced (Nabigon, 2006).

Many inmates who participated in sweat lodges indicated that the ceremony allows them to heal both physically and mentally (Waldram, 1997). For example, some inmates have reported that, through participating in sweat lodges, they experienced a cleansing whereby a negative spirit or energy was removed from their body (Waldram, 1997). Additionally, the sweat lodges have been reported to help reduce stress in the inmates as it allows the inmates to cleanse themselves of the negativity that they are constantly absorbing in their mind, heart, body, and spirit and are metaphorically reborn into a person who projects positivity (McCabe, 2008; Waldram, 1997). Sweat lodge protocols also work harmoniously with mandatory Alcoholics Anonymous meetings (for those struggling with alcohol abuse) as the inmates are taught to make amends through prayer, especially for those they have harmed through drinking (Waldram, 1997). Thus, healing inmates' substance abuse within prisons requires a two-fold spiritual healing. First, spiritual healing helps inmates understand the imbalances within the body, mind, emotions, and spirit (Thakker, 2013; Waldram, 1997). Once the imbalances in the body, mind, emotions and spirits are understood, the inmates then learn how these imbalances impact themselves and the community (Thakker, 2013; Waldram, 1997). Second, the inmates learn how the history of colonization has led to substance abuse as a means of coping (Duran, 2006; Thakker, 2013). Spiritual healing focuses on providing avenues to partake in ceremonies and allows inmates to reconnect to these cultural

ceremonies, as well as learning that sobriety is a core value in traditional spirituality (Waldram, 1997). Furthermore, inmates also learn the history of colonization through residential schools (Aboriginal Healing Foundation, 2002). In prisons, this most often occurs through access to Elders who help the inmates learn more about cultural identity and their community's history to foster an understanding of the conditions that led them to prison (Waldram, 1997). As such, Elders are invaluable in facilitating healing of the mind, body, emotions, and spirit.

Elders' approach soul healing through "cultural and spiritual education with the goal of rebuilding self-esteem and pride as an Aboriginal person," (Waldram, 1997, p. 111). One of the keys to success of this healing approach is that Elders establish a relationship of trust with the inmates. For example, all discussions and activities conducted by and with inmates are not shared with the correctional staff (Waldram, 1997). Another important facet is that the Elders uphold the cultural standard of not forcing individuals to participate; it is voluntary (Hayman, 2006; MacDonald & Watson, 2001; Nielsen, 2003; Waldram, 1997). For example, Aboriginal women who are sentenced to federal prisons can choose to serve their sentence at a women's prison, or at Okimaw Ohci Healing Lodge (Hayman, 2006; MacDonald & Watson, 2001). It is reported that by granting this choice, it fosters an environment for positive changes within the inmates, as they are treated with respect and empowered to make a choice (MacDonald & Watson, 2001).

Healing Lodges

Healing Lodges are a unique alternative to traditional prisons as the focus is on healing in order to adequately prepare inmates for release (Hayman, 2006; Nielsen, 2003; Thakker, 2013). Healing Lodges achieve healing by allowing inmates to connect with nature, to participate in traditional ceremonies, to connect with Elders, and in the case of Okimaw Ohci, even the inmates' children are allowed to live with their mothers in the Healing Lodges (Hayman, 2006; Nielsen, 2003; Thakker, 2013). Healing Lodges focus on healing and harm reduction through the provision of cultural teachings, and engaging in spiritual practices (Correctional Service Canada, 2011; Hayman, 2006; Nielsen, 2003). Within the Healing Lodge, a sense of community is further established as the inmates live in shared units where they cook and clean together (Hayman 2006; Nielsen, 2003). As the number of inmates within each Healing Lodge is quite small, inmates are able to receive individualized programming, including job training, parenting classes, and education (Hayman, 2006; Thakker, 2013). As such, upon release, inmates have had the opportunity to heal spiritually, and also to be empowered by increasing their skill set to help them obtain meaningful employment (Hayman, 2006).

Sacred Circles

Sacred Circles are another form of soul healing that occurs within some prisons (Nielsen, 2003; Waldram, 1997). Sacred Circles are used by many different Aboriginal Nations (Sanderson, 1991). Sacred Circles are a way to acknowledge the link between all life forces and the influence life forces, including people past and present, have on each other (Sanderson, 1991). In a Sacred Circle, people connect and share with other in a space where everyone is equal and equally important (Sanderson, 1991). The Sacred Circles allow inmates to explore their soul wounds with Elders through individual counselling, group counselling sessions with other Aboriginal inmates, and participating in ceremonies to aid in healing (Nielsen, 2003). This teaches the inmates to respect themselves, others, the community, and the spirits (Waldram, 1997).

Group Sacred Circles begin with a traditional opening in the form of smudging and prayer (Waldram, 1997). Each inmate is granted the opportunity to discuss any issues they are experiencing and the Elder offers guidance by relating the problem to traditional teaching and principles (Waldram, 1997).

Sacred Medicines

Another way in which prisons facilitate cultural practices is through allowing inmates to use sacred medicines, such as tobacco or sweetgrass (Hayman, 2006; Nielsen, 2003; Waldram, 1997). These sacred medicines are important for healing as they allow individuals to communicate and connect with the Creator¹ and help purify the individual's mind, body, emotions, and soul (McCabe, 2008; Waldram, 1997). The use of sacred medicines empowers the inmates as it allows them to use these cultural tools whenever necessary, and not just when they have access to an Elder (Waldram, 1997). It has also been reported that these sacred medicines allow inmates to practice self care when they are feeling stressed or upset as it helps them alleviate these feelings and focus on more constructive things (McCabe, 2008; Waldram, 1997).

Cultural Healing and Rehabilitation

The benefit of cultural healing for inmates extends beyond the prison cell; cultural healing can be used as a rehabilitation tool to prevent recidivism upon release (Cox, Young, & Bairnsfather-Scott, 2009). To begin, Sacred Circles can also have a positive impact when former prisoners participate in community Sacred Circles (Cox, et al., 2009). Cox and her colleagues have documented that prisoner participation in community Sacred Circles reduces the likelihood of reoffending by demonstrating to the former inmate how their behaviour has impacted their victim(s), family, and the community (Cox, et al., 2009). This is achieved through the Sacred Circle discussions, which allows former prisoners to take accountability for their actions in a holistic environment where it meets the healing needs of the prisoners (Cox, et al., 2009). In fact, the healing effects of the Sacred Circles have been so profound that the Canadian justice system has created several community based Sacred Circles for those who have been released from prison (Nielsen, 2003; Waldram, 1997). These community Sacred Circles further the healing process for both the perpetrator and the victim as they both have the opportunity to come together in the safety of the Sacred Circle to address their pain and suffering (Cox, et al., 2009).

While the community based Sacred Circles focus more so on healing the victim rather than the perpetrator, both the victim and the perpetrator report that this environment facilitates holistic healing and is more effective at facilitating healing than the legal system (Cox, et al., 2009). Additionally, Sacred Circles are viewed as beneficial to the community, the families of the victim, and perpetrator (Cox, et al., 2009). Sacred Circles are beneficial because they present the opportunity for the victim(s) and perpetrator to address each other, provide closure, and allows them to move forward in a positive manner, by restoring balance to the mind, body, emotions, and soul thorough discussion and spiritual practices (Cox, et al., 2009). It has also been reported that Aboriginal inmates who attend healing lodges, (such as the Okimaw Ohci Healing Lodge) instead of traditional prisons have lower rates of recidivism than Aboriginal

¹Creation stories and the relationship to the Creator vary from Nation to Nation, but many Nations believe the Creator is responsible for creating the land and the people on the land (Aboriginal Affairs and Northern Development Canada [AANDC], 2013). Many Aboriginal people also believe in many spirits and the connection to the spirit world (AANDC, 2013).

inmates who are released from traditional prisons (Nielsen, 2003).

Some Aboriginal inmates who have participated in the cultural healing programs offered in prisons reflect that it allows them to reconnect to their cultural heritage which was missing or lost before they entered prison, and now that they have had the opportunity to learn the traditional teaching and ceremonies, they have been re-born (Yuen, 2008). It has been further suggested by some Aboriginal inmates that having gained this new identity provided hope for the future as they could act as the positive, proud Aboriginal role models that they never had (Yuen, 2008). These programs also encouraged the inmates to want to maintain a connection to their culture by becoming active in Native cultural centres (Yuen, 2008).

Conclusion

While Canadian prisons are evolving and making an effort to provide Aboriginal people with accessible ways to access their culture and practice their traditions, more can be done to improve the healing for Aboriginal inmates. For example, some Aboriginal inmates perceive the cultural programming that is offered throughout the prisons, such as the Sacred Circles, Healing Lodges, and sweat lodges, as another form of colonialism (Martel, et al., 2011; Yuen, 2008). This colonized perspective on Aboriginal culture is felt in three very distinct ways. First, the Aboriginal cultural programming does not directly address the history of colonization and oppression, how colonization has negatively impacted the individual, and how the individual can heal, despite the fact that this is crucial to their healing (Duran, 2006; Yuen, 2008). While some Elders may take it upon themselves to provide a history of colonization of Aboriginal peoples and how this continues to impact Aboriginal people, this is not required as part of the cultural programming offered to Aboriginal inmates (Yuen, 2008). The second problem with these cultural programs is the fact that it is provided by the Canadian government, which presents its viewpoint on Aboriginal culture and traditions, instead of coming exclusively from an Aboriginal perspective (Cox et al., 2009; Yuen, 2008). Thirdly, the cultural programming selected certain ceremonies and aspects of Aboriginal culture to use within the prisons, however, Aboriginal culture is not homogenous and while some of these teachings may be part of some cultures, they may be irrelevant to other Aboriginal cultures (Martel & Brassard, 2008). For example, sweat lodges are commonly provided at prisons with large Aboriginal populations, but they do not exist in Inuit culture (Martel & Brassard, 2008). Thus, the cultural programming has been described as “an oversimplified, over-generalized version of Aboriginal identity and it imposes it on its Aboriginal populations” (Martel & Brassard, 2008, p. 344).

Perhaps this is why a recent investigation into Aboriginal corrections stated, “If I were releasing a report card on Aboriginal corrections today, it would be filled with failing grades,” (“Prison system failing Aboriginal inmates”, 2013). While the inclusion of the current cultural programming is a better alternative to the past where Aboriginal culture was suppressed in prisons, more needs to be done, including increasing the funding to ensure that all eligible Aboriginal prisoners who want to serve their sentences in Healing Lodges are able to, and to provide Aboriginal inmates with cultural programming that is representative of their Nation’s cultural practices and traditions. However, in order to facilitate the rehabilitation of Aboriginal inmates, cultural healing needs to occur, and this healing cannot occur without recognizing the impact of colonialism on Aboriginal people. As such, cultural programming should be modified to ensure that teachings are consistent and relevant to teachings of the inmates’ Nation. Furthermore, additional Aboriginal staff members should be hired so that cultural programming is not being taught via non-Aboriginals. Finally, the additional cultural programming needs to be

expanded to include a dialogue regarding the impacts of colonization on Aboriginal culture, education, employment, addictions, and incarceration. Some areas of focus for future research could include: an investigation into the effectiveness of having cultural programming taught by Aboriginal staff verses non-Aboriginal staff, how effective Aboriginal inmates perceive cultural programming to be on their healing journey, and an investigation into the long term benefits of cultural programming for Aboriginal people upon release from prison (e.g., how likely to reoffend, transition from prison to society, work outcomes, etc.).

Thus, in order to achieve the goal of healing incarcerated Aboriginal people, the current cultural practices must be extended upon to include the history of colonization on Aboriginal peoples and its impact on Aboriginal culture, education, employment, addictions, and incarceration. Without the knowledge of why culture was taken away and an understanding of its impact today, healing and reduced recidivism cannot occur.

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An Interdisciplinary Journal

Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews

Indian Rights for Indian Babies: Canada's "Unstated Paternity" Policy

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Abstract

Relying on an Indigenous methodology and the methods of a literature analysis, personal experience, and critical introspection this article addresses Aboriginal Affairs and Northern Development Canada's 1985 unstated paternity policy in regard to the Indian status provisions of the Indian Act. Through Canada's unstated paternity policy, with its inherent assumption where the Registrar of Aboriginal Affairs interprets all applicants' birth certificates that lack a father's signature as being a non-Indian man, many Indigenous women and their children continue to be denied the right to live free from sex discrimination. Disturbingly, this unstated paternity policy applies in situations of sexual violence such as incest, rape, gang rape, sexual slavery, and prostitution where young mothers of Indigenous Nations are particularly vulnerable. Thus, despite Canada's Charter of Rights and Freedoms and the two remedial legislations that took place in 1985 and 2011 purportedly to eliminate the sex discrimination in the Indian Act, in Canada's continued need to eliminate treaty responsibilities to Indigenous nations, the nation state is directly targeting Indigenous babies. While policy remedies are discussed, the author also argues that despite the decades of advocacy and litigation work by Indigenous women, Canada has manipulated the remedial legislative process as an opportunity to create new forms of sex discrimination rather than eliminate it. In this way Canada acts in bad faith and in a way that is counter to the Charter.

If the opposition parties support Bill C-3, Aboriginal women will be forced to spend the next 20 years litigating, once again to prove that the Indian Act violates the *Charter* (Day & Green, 2010, p. 7).

Through Aboriginal Affairs and Northern Development Canada's (A.A.N.D.C.) unstated paternity policy many Indigenous people and children are denied Indian status registration due to the lack of a father's signature on their birth certificates. This article is about A.A.N.D.C.'s unstated paternity policy and my process of being denied Indian status because I do not know who my father's father, my grandfather, was or is. I write this article for Indigenous community members, Indigenous women's organizations, and people caring for Indigenous women and their children to learn and draw from. It is in this way that I remain within the mandate of the First People Child and Family Review Journal's mandate.

In writing this article my methodology emerges from an Indigenous paradigm where in line with

Anishinaabeg² knowledge philosophy, I draw from my personal experience and my introspection as a plaintiff – rather than from the position of a lawyer offering a legal analysis and thus citing case law³ – who is currently litigating the continued sex discrimination in the *Indian Act* on the matter of unknown paternity. While it may not be the situation with western scholarship, for the Anishinaabeg of Turtle Island, knowledge gained from personal experience and introspection, and given back through first person storytelling, are legitimate forms of knowledge production and sharing. Truth for the Anishinaabeg is in-situ, meaning it is personal, subjective, and emerges from within. This philosophical idea of truth also echoes in other Indigenous Nations. As the late Haudenosaunee scholar Patricia Monture-Angus (1999) has noted, for Indigenous people “truth is internal to the self” and is gained “through personal examination” (p. 217).⁴ Despite centuries of colonization and subjugation, this process of truthing has survived and is making a wave of resurgence in our communities and thus in the academia. It is from within these Indigenous parameters of truth that this article should be read and evaluated. To do otherwise would be to perpetuate the colonial process and the subjugation of Indigenous knowledge. Lastly, regarding my methodology I also need to point out that I feel it is my moral obligation to offer an analysis of what I know on this topic.⁵

This article on unknown and unstated paternity⁶ and the *Indian Act* is structured in six main sections. First, I begin with a literature analysis on the history of the sex discrimination and the *Indian Act*. Second, again drawing from the literature I offer a discussion of the efforts that Indigenous women have taken on in challenging this long-time sex discrimination. This literature analysis of the history of the sex discrimination is intended to provide a foundation to the main purpose of this article. Third, and making up the bulk of this article with its five subsections, I move into an analysis, both literature based and a personal discussion, on the matter of unknown and unstated paternity and the *Indian Act*. Fourth, I offer an update of my court challenge first discussed in “*The Queen and I*” offering a discussion of my 28 year advocacy effort challenging the continued sex discrimination in the *Indian Act* (Gehl, 2006, 2013). Fifth, I offer a discussion on the international conventions and declarations that Canada violates with its unstated paternity policy. The sixth and last section of this article is my summary and conclusion.

Given that this article relies on personal knowledge, readers may be interested to know my motivation in gaining Indian status registration as well as my motivation for the subsequent litigation. My motivation was, and remains, for the purpose of identity affirmation,⁷ to be registered as a status Indian and become a First Nation band member, as in my situation the two are conflated, meaning I am denied membership because I do not have Indian status (see Gehl, 2006, 2013). My motivation is also for the purpose of gaining my treaty rights such as health care. In light of the amount of time that has passed – 28 years –

² The Anishinaabeg, also spelled Anishinabek, are a series of culturally and linguistically related Indigenous Nations whose territories surround the Great Lakes region.

³ I suggest people interested in reading recent legal analysis that cites case law on Indian status provisions of the *Indian Act* should read Palmater, 2011. I also suggest Eberts, 2010 and McIvor, 2004, 1995.

⁴ See also Castellano, 2000; Battiste and Henderson, 2000; Gehl, 2012; Simpson, 2003.

⁵ See Blackstock's (2011) discussion about moral courage.

⁶ Unknown and unstated paternity does not capture the complexity of this issue. This article will flesh out this very matter.

⁷ Through the abuse of colonial power Indian status registration has taken on real meaning as a signifier of Indigenous identity and as such it is now a significant element for some people (Gehl with Ross, 2013).

there is now an additional motivation: citizenship in the broader Anishinabek citizenship endeavour. Again, because I am denied Indian status I am also denied Anishinabek citizenship. While First Nation citizenship, and its ties to Indian status, are significant and require more research, it is outside the scope of this article on unknown and unstated paternity and the *Indian Act*. Suffice it to say here the unstated paternity policy⁸ A.A.N.D.C. relies on to deny me Indian status registration also denies me First Nation band membership, access to my treaty rights, as well as citizenship in the larger Anishinabek citizenship endeavour.

Before I begin this article it is also important for me to explain the relationship between Indian status registration and Indigenous treaty rights. Canada was born out of an alliance between several Nations. The *Royal Proclamation* of 1763 and the *Treaty at Niagara* of 1764 established a constitutional agreement of peace, friendship, trade, and sharing amongst several Nations of competing interests: British, French, and Indigenous (Borrows, 2002; Gehl, 2011). After this foundational constitutional framework was established, the British proceeded to enter into treaties with individual Indigenous Nations such as the Ojibway and Cree. Through these latter treaty agreements several generations of settler Canadians have gained access to Indigenous land and resources and all the benefits. In addition, through these agreements, hunting and fishing rights, education, health care, and annual annuity payments for the Indigenous Nations were affirmed, established, and protected. These Indigenous treaty rights are now enshrined in section 35 of Canada's *Constitution*. Respecting Indigenous treaty rights is Canada's responsibility. It is in this way, that just as settler Canadians are beneficiaries of the treaty agreements so are Indigenous Nations. "We are all treaty people" is a common axiom and as Commissioner Morris stated, these treaties were and are to last "as long as the sun shall shine, the grass shall grow, and the rivers flow" (Office of the Treaty Commission, 2011).

History of the Sex Discrimination in the *Indian Act*

The bill [read Bill C-3] that you have before you that you are considering ... is a piece of garbage, to be frank. It does not do anything near what it should do (McIvor, 2010).

Eventually, through the imposition of colonial policy and laws, it was through the process of Indian status registration whereby Indigenous people became, and continue to be, entitled to their treaty rights. It is because of this relationship between Indian status registration and treaty rights that many people conflate "treaty" and "status" as in a "treaty status" Indian. Initially the legislative process of defining who an Indian was followed an Indigenous model, meaning being an Indian was more about community relationships and affiliation and thus broad and inclusive. Despite this inclusive beginning, through the application of an increasingly narrow definition of Indian status, the government of Canada began limiting the number of people entitled to Indian status, and through this process began eliminating the federal government's treaty responsibilities established in 1764 during the *Treaty at Niagara* (Miller, 2004). This process of narrowly defining and controlling who an Indian was, and is, is commonly referred to as eliminating the "Indian problem" (Scott qtd. in Troniak, 2011). One example of this process is that at one time an Indian person who gained an education or who became a professional was involuntarily enfranchised into Canadian society. Consequently, they were also denied their treaty rights.

⁸ In using the term policy I am referring to standard practice.

When it was determined that the process of enfranchising Indians and eliminating Indigenous treaty rights was proceeding at a snail's pace, Indian women and their children became the target of the patriarchal and racist regime. Through a series of legislative acts dating back to the 1857 *Gradual Civilization Act*, Indian women and their children were enfranchised when their husband or father was enfranchised. It was through the 1869 *Gradual Enfranchisement Act* where Indian women, along with their children, who married non-Indian men (a.k.a. marrying out) were enfranchised, denied Indian status registration and thus their treaty rights (Miller, 2004). At this time, as per the European model of the world, women were considered chattel or appendages of their husbands and therefore if, and when, they married a non-Indian man they too became a non-Indian person (Gehl, 2006, 2013). Eventually, the process of eliminating status Indians through sex discrimination was codified in section 12(1)(b) of the 1951 *Indian Act* (Gilbert, 1996). Significant to this discussion is another form of sex discrimination first codified in the 1951 *Indian Act*: the double-mother clause. Essentially, through the double-mother clause a person was enfranchised at the age of 21 years if both their mother and paternal grandmother (two generations of non-Indigenous mothers) were non-Indians prior to their marriage (Eberts, 2010).

With this loss of status, Indian women also lost their treaty rights, their right to live in their communities, their right to inherit property, and their right to be buried in the community cemetery. Further, through this sex discrimination "Aboriginal women have been denied opportunities to hold leadership positions within their communities and organizations and have been excluded from high-level negotiations among Aboriginal and Canadian political leaders" (McIvor, 2004, p. 108).

Having offered this context, the next section of this article is dedicated to a discussion of the efforts Indigenous women have taken to eliminate this long time sex discrimination as well as a discussion of how it continues.

Ogitchidaa Kwewag

As most know, many Indigenous women have worked tirelessly to eliminate section 12(1)(b) of the *Indian Act* and its intergenerational effects. I think it is appropriate to refer to these Indigenous women as Ogitchidaa Kwewag, an Indigenous term that best translates to a brave woman who is dedicated to the safety, security, and service of her family, community, and nation. In addition, activists and scholars⁹ from many disciplinary backgrounds have written about the efforts of these Ogitchidaa Kwewag. On the national and international scale it is Mary Two-Axe Early, a Mohawk woman from Kahnawake, Quebec, who in 1966 began to speak publicly about the matter, where eventually she approached the Royal Commission on the Status of Women (Jamieson, 1978). It was in 1971 when now icon of Indigenous women's rights Jeannette Corbiere-Lavell, an Anishinaabe woman from Manitoulin Island, Ontario, took the matter of section 12(1)(b) to court arguing it violated the *Canadian Bill of Rights*. Yvonne Bedard, from Six Nations, Ontario, was also addressing the sex discrimination, and it was in 1973 when both their cases were heard together at the Supreme Court of Canada (S.C.C.) level. Unfortunately, relying on a patriarchal line of reasoning, the S.C.C. ruled that because Indian women who married non-Indian men

⁹ See also Bear with the Tobique Women's Group, 1991; Cannon, 2008; S. Day, 2011; Day and Green, 2010; Gilbert, 1996; Eberts, 2010; Fiske and George, 2006; Gehl 2013, 2011, 2006; Jamieson, 1978; McIvor, 2010, 2004, 1995; Monture-Angus, 1999; Moss, 1987; Palmater, 2011; Silman, 1987; Stevenson, 1999; Wherrett, 1996.

"had equality of status with all other Canadian married females", there was no sex discrimination to resolve (McIvor, 2004, p. 113).¹⁰

Although this 1973 S.C.C. decision was a setback, in 1981 Sandra Lovelace, a Maliseet woman from Tobique First Nation, New Brunswick, appealed to the United Nations Human Rights Committee (U.N.H.R.C.) regarding section 12(1)(b). Because her marriage and loss of status registration occurred prior to the *International Covenant on Civil and Political Rights* the U.N.H.R.C. declined to rule on the matter of sex discrimination. Nonetheless, the U.N.H.R.C. did rule that the *Indian Act* violated section 27 of the International Covenant, which protected culture, religion, and language. Through this ruling it became evident that Indigenous women did have rights that international fora were willing to stand behind and protect (McIvor, 2004).¹¹

Largely due to the actions of these Ogitchidaa Kwewag, combined with the patriation of Canada's *Constitution* in 1982 intact with the *Charter of Rights and Freedoms*, in particular section 15 – the sex equality section – in 1985 the *Indian Act* was amended.¹² As a reminder for readers section 15 of the *Charter* reads: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Through this amendment to the *Indian Act* many Indigenous women, involuntarily enfranchised for marrying non-Indian men, were re-instated as status Indians, and many of their children were *newly registered* as status Indians for the first time. Statistics Canada reports that by the end of 2002, more than 114,000 individuals gained Indian status registration through the 1985 amendment (O'Donnell & Wallace, 2012). Through this process, many re-instated women re-gained, whereas their newly registered children gained for the first time, First Nation band membership and entitlement to their treaty rights that were protected through the 1764 *Treaty at Niagara*. Indian status registration entitlement for the grandchildren of these reinstated Indian women, however, is another matter.

Although many think the 1985 amendment to the *Indian Act* was for the purpose of establishing equality between men and women, and foremost to achieve compliance with the equality provisions of the *Charter of Rights and Freedoms*, it in fact failed. Through the creation of the second-generation cut-off rule, the grandchildren of women once enfranchised for marrying out continued to be denied Indian status registration and consequently all that went with it such as band membership and their treaty rights. Succinctly, the second-generation cut-off rule is a process whereby after two successive generations of parenting with a non-Indian parent, either mother or father, the loss of status registration occurs.¹³ While the second-generation cut-off rule applies to all births after 1985 – the descendants of Indian men included – it was applied immediately in a retroactive way to the descendants of the re-instated Indian women one generation sooner. Through this discriminatory process, Corbiere-Lavell has stated, "Three of

¹⁰ See also Monture Angus, 1999; S. Day, 2011.

¹¹ See also Monture-Angus, 1999; Silman, 1987; Stevenson, 1999.

¹² April 17, 2012 marked the thirtieth anniversary of the Charter of Rights and Freedoms. Possibly needless to say, I did not celebrate.

¹³ While many may argue that it was in 1985 when the enfranchisement process was removed from the Indian Act, I disagree. It is my contention that enfranchisement has a new form: the second-generation cut-off rule.

my five grandchildren do not have legal rights to be members of my community" (as cited in Keung, 2009, n.p.).

To understand this legislative complexity is not a simple task. First, it is important to understand that because of the 1985 amendment, Indian status registration is now stratified into two main subsections: 6(1) and 6(2). While subsection 6(1) status, and its many paragraphs (sub-subsections) – (a) (b) (c) (d) (e) and (f)¹⁴ – allows a parent to pass on Indian status to his or her children in his or her own right, subsection 6(2) status does not. This means a 6(2) parent must parent with another status Indian in order to pass on Indian status registration to his or her children. For this very reason many people refer to 6(1) as a stronger form of status, and 6(2) as a weaker form. Certainly, this distinction is useful at conveying some of the legal complexity created in 1985.

Within the stronger form of Indian status registration, paragraph 6(1)(a) is the best form of status. When the *Indian Act* was amended, Indian men and all their descendants born prior to April 1985, the date of amendment, were all registered under paragraph 6(1)(a), whereas the Indian women who married out were only registered under paragraph 6(1)(c) and their children were only registered under the weaker form of status registration subsection 6(2). As a result of this difference in Indian status registration, and as suggested above, the grandchildren of Indian women became immediate targets of the second-generation cut-off rule. This of course means that the sex discrimination was not eliminated. Rather, through Bill C-31 the sex discrimination was passed on to the children and grandchildren of Indian women once enfranchised for marrying out (Eberts, 2010).¹⁵ It is precisely in this way that the 1985 amendment to the *Indian Act* through Bill C-31 was "failed remedial legislation" (Eberts, 2010, p.28).

As most know by now Sharon McIvor and her son Jacob Grismer's situation is illustrative of the government of Canada's continued reluctance to resolve the sex discrimination. Through the 1985 amendment McIvor was designated as a 6(2) Indian, the weaker form of status registration which thus prevented her from passing on status to her children in her own right because the Indian status granted descends from her Indian women forbearers versus her Indian men forbearers (McIvor, 2004).¹⁶ For 25 years, McIvor continued the important work of eliminating the sex discrimination that the children and grandchildren of Indian women once enfranchised continue to face (S. Day, 2011).¹⁷

An ally to Indigenous women, Mary Eberts, relying on her critical legal perspective, offers her comments and analysis on the McIvor decision. Eberts explains that Madam Justice Ross of the British Columbia Supreme Court agreed with McIvor's legal team that the comparator group for McIvor and her son Grismer was the Indian men who married non-Indian women and their children who on April 17, 1985, were registered as status Indians under 6(1)(a) of the *Indian Act*. Through applying this comparator group Ross J. ruled that the "preference for descent of status through the male line is discrimination on

¹⁴ Outside of my discussion of 6(1)(a) and 6(1)(c) and how A.A.N.D.C. applies them to Indigenous women and men in an unequal manner, I do not discuss the other paragraphs (sub-subsections) of 6(1). This discussion is beyond the scope of this paper.

¹⁵ See also Gehl, 2006, 2013; Gilbert, 1996; McIvor, 2004.

¹⁶ See also Eberts, 2010.

¹⁷ See also Day and Green, 2010; Eberts, 2010; Haesler, 2010.

the basis of sex and marital status" (Eberts, 2010, p. 32). Ross J. ruled that 6(1)(a) must be equally applied to Indian men and their descendants and the Indian women once enfranchised and their descendants (Eberts, 2010). Alternatively stated, the children and grandchildren of both Indian men and the Indian women who married out should all be registered under 6(1)(a) of the *Indian Act*. This ruling was cause for celebration.

Unfortunately, through yet another questionable line reasoning the Court of Appeal narrowed the scope of Justice Ross' legal remedy by using a comparator group for Grismer thereby completely ignoring McIvor's situation of her inability to pass on status registration to her grandchildren. Yet it was McIvor, not her son, who brought the matter of sex discrimination to court. The new comparator group which Justice Harvey Groberman relied on was the grandchildren once enfranchised through the double-mother clause codified in section 12(1)(a)(iv) that came into effect on September 4, 1951. As discussed above, through the double-mother clause a person was enfranchised at the age of 21 years when both their mother and paternal grandmother were non-Indians prior to their marriage. This change means that McIvor's son is only entitled to 6(1)(c) and his children 6(2) status. In relying on this comparator group Groberman J.A. narrowed the scope, where as a result, and in line with Bill C-31, the legal remedy found in Bill C-3 fails to resolve all the sex discrimination. It is precisely for this reason that Eberts (2010) has argued the "Court of Appeal decision is a deep disappointment" and further "is, in fact, almost a case-book example of judicial activism producing bad law" (p. 39-40).

One can determine, through Justice Groberman's reasoning many caveats remain in the *Indian Act's* current form. First, the grandchildren of Indian women once enfranchised, and born prior to September 4, 1951 – when the double-mother clause was first enacted – will continue to be denied Indian status registration, yet the grandchildren of Indian men in this same situation are registered. Second, grandchildren of Indian women born through common law relationships rather than the institution of marriage will continue to be denied status registration. Third, the female children (and their descendants) of Indian men who co-parented with non-status women in common law union will continue to be excluded, yet the male children (and their descendants) of Indian men who co-parented with non-status women in common law union have status. Fourth, the grandchildren of Indian women once enfranchised and now re-instated are only entitled to 6(2) status and therefore will not be able to pass on status to their children born prior to April 17, 1985, yet the grandchildren of Indian men are registered under 6(1)(a). Clearly, it is in these ways that matrilineal descendants remain targets of sex discrimination (McIvor & Brodsky, 2010).

Unfortunately, on November 5, 2009, the S.C.C. refused to hear the appeal in the case of *McIvor v. Registrar, Indian and Northern Affairs Canada*. Although Brodsky and McIvor argued Bill C-3 as inadequate remedial legislation, in January 2011 it passed into law. Thus, despite the *Charter of Rights and Freedoms*, in particular section 15 which states women have the right to live free from racial and sex discrimination, like Lovelace before her, McIvor has been forced to pursue the elimination of the sex discrimination beyond the domestic arena. Shortly after Bill C-3 became law McIvor filed a complaint against Canada with the U.N.H.R.C (S. Day, 2011). In taking on this process McIvor herself has argued, "Canada needs to be held to account for its intransigence in refusing to completely eliminate sex discrimination from the *Indian Act* and for decades of delay" (as cited in Haesler, 2010, n.p.). Similarly, the Director of the Women's Legal Education and Action Fund (L.E.A.F.), Joanna Birenbaum (2010), has

argued that forcing Indigenous women such as McIvor “to endure the emotional and financial hardship of years and years of additional protracted litigation to remove the remaining areas of sex discrimination in the status provisions is unconscionable” (n.p.). Notwithstanding these issues and arguments, it is estimated that as many as 45,000 grandchildren of Indian women once enfranchised for marrying out will gain the right to status registration through this more recent amendment (Day & Green, 2010; O'Donnell & Wallace, 2012). They will now also be more likely to be entitled to First Nation band membership and their treaty rights.

In sum, despite the efforts of Ogitchidaa Kwewag – Two-Axe Early, Corbiere-Lavell, Bedard, Lovelace, and more recently McIvor – the 156 year (as of 2013) history of the sex discrimination in the *Indian Act* continues. This is the case, regardless of the fact that Indigenous women have dedicated over fifty years to its elimination (Eberts, 2010, p. 42). Although living in a post-*Charter* era, for me and possibly many others, the equality outlined in section 15 of the *Canadian Charter of Rights and Freedoms* has no real practical value beyond that of a pitiful and meaningless fictional story. Through living, observing, and thinking about the process of remedial legislation – both in 1985 and 2011 – I have come to realize that Canada manipulates legislative change as an opportunity to create new forms of sex discrimination rather than eliminate it. The next section of this article discusses yet another form of sex discrimination that has not received much attention: unknown and unstated paternity and the *Indian Act*.

Unknown and Unstated Paternity and the *Indian Act*

Traditional Knowledge

No one born out of wedlock or any descendant of such a person, even in the tenth generation, may be included among the LORD'S people (Canadian Bible Society, 1979, p. 193).

Although not without limitations, the historical record is a useful source in discussing the Indigenous family model. After assessing the needs of the Indians of Lower Canada, the 1845 Bagot Commission reported on child rearing practices stating, “an event of this nature [child of unknown or unstated paternity] does not cast a stigma upon the mother, nor upon the child, which is usually adopted into the tribe” (App. EEE, section 1, Indians of Canada East). Similarly, in his work on the Algonquin Nation of the Ottawa River, F.G. Speck (1915) observed it was the Chief's responsibility to take care of orphaned children (p. 21). Further to this, Gordon Day (1979) has stated, “the basic unit of Algonquin society was the family: the father and mother, grandparents, children and adopted children” (p. 3).

While the historic record reveals these tidbits of knowledge, my knowledge of the Indigenous family model also emerges from the oral stories my kokomis (grandmother in Algonquin) told me. Originally from Pikwàkanagàn First Nation, Ontario my kokomis was an Anishinaabemowin language speaker and storyteller. Several times she recited to me the story about her kokomis Angeline Jocko. Angeline, a Mohawk woman from the Lake of Two Mountains, was born around 1825 and it was in 1844, when she was nineteen years old, that she married Joseph Gagnon, Sr. Despite having several biological children of her own, my kokomis explained, Angeline adopted two little boys named little Paul Jocko (possibly a sibling's son) and Moses Martell.

In my process of understanding the Indigenous family model, parenting, and community membership, I also turn to Anishinaabe governance laws, in particular the Clan System of Governance. Through clan

teachings such as the need to keep our blood clean, men and women were encouraged to seek new genetic material from outsiders as the diversity assured the health and wellness of the people. In addition to this, it was common practice for Indigenous nations to adopt, kidnap, and assimilate young children when membership loss due to disease and war was great. In this way, parenting and community membership was not always reducible to the biological parents. Pamela D. Palmater (2011) arrives at a similar realization of the limitations of blood as the criteria in determining identity and nationhood when she argues, "blood is not only unnecessary as an indicator of our identities; it is completely irrelevant" (p. 218). Rather, it is the social cultural aspect that determines who we are such as the deeply rooted connections to our nations that include family, larger community relations, and traditional territories, as well as the collective history, values, and beliefs that we share in common with one another (Palmater, 2011). Cannon (2008) concurs with this broader understanding of identity and belonging, offering there exists in Indigenous culture an "ancient context" that informs us of the importance of respecting women and the responsibilities they carry (p. 6).

Within the Anishinaabeg knowledge tradition there are many ancient and sacred stories about Ashkaakamigo-Kwe (Mother Earth), Nokomis Dibik-Giizis (Grandmother Moon), Giizhigoo-Kwe (Sky Woman), Manitou-Kwe (Spirit Woman), and Wenonah (The First Breast Feeder). Anishinaabeg stories teach us that in their role as creators and nurturers of life, these mothers loved all children regardless of what western culture refers to as non-paternity disclosure. Further, through these stories the Anishinaabeg continually learn that all children are valued as gifts from Creator and all are deserving of the love needed to achieve mino-pimadiziwin, meaning the good life.

Legislative History

As the historical record, my family oral history, traditional governance practices, and sacred teachings inform, eventually the *Indian Act* began to impose European definitions and practices on who was and who was not an Indian child, even though the inclusion of all children regardless of paternity disclosure was once traditional Indigenous practice. In 1927, section 12 of the *Indian Act*, which remained in place until 4 September 1951, stated that "Any illegitimate child may, unless he has, with the consent of the band whereof the father or mother of such child is a member, shared in the distribution moneys of such band for a period exceeding two years, be, at any time, excluded from the membership thereof by the Superintendent General" (as cited in Gilbert, 1996, p. 34). This criterion was broad and inclusive in that all that was required was the sharing of band funds. From 4 September, 1951, through 13 August, 1956 the criteria of who was an Indian shifted slightly where the test was "the Registrar had to be *satisfied* that the father was not an Indian in order to omit adding a name to the register" (as paraphrased in Gilbert, 1996, p. 33, emphasis mine). The criteria shifted once again from 14 August, 1956, through 16 April, 1985, where section 12(2) stated that illegitimate children were automatically added to the Indian register whereby the band had twelve months to protest. This provision protected Indigenous mothers and their children. That said, if and when a protest was made and the Registrar determined that the father of the child was a non-Indian person then the child's name was removed from the official Indian register (Gilbert, 1996, p. 33). In summary, although regulated by legislation, and although the inclusive process was once narrowed, it was eventually re-expanded to include all children regardless of non-paternity disclosure unless a successful protest was made. This process of inclusion remained in place until 1985.

Aboriginal Affairs' Unstated Paternity Policy Explained

Along with the issues that McIvor continues to pursue, today there is an additional form of sex discrimination of which few are aware. This sex discrimination is particularly disconcerting as it places many Indigenous children at risk of being denied their entitlement to Indian status registration and consequently First Nation band membership and treaty rights. This sex discrimination pertains to the Indigenous children whose father's signature is not on their birth certificate. Today, when a child is born and for some reason the father is unable to or does not sign the birth certificate A.A.N.D.C. assumes the father is a non-Indian person as defined by the *Indian Act*. This A.A.N.D.C. unstated paternity policy is best thought of as the application of a negative presumption of paternity, and it occurs whether the parents are married or not. Succinctly, a father's signature must appear on a child's long form birth certificate as it is the long form birth certificate, and both parental signatures, that are relied upon in determining if a child is entitled to Indian status registration.

Interestingly, as with the sex discrimination that McIvor continues to challenge, this sex discrimination was created through the remedial action of the 1985 amendment to the *Indian Act*. What is really important here is that in actuality today the *Indian Act* is silent on this very matter of missing fathers' signatures. Regardless of this legislative silence, through A.A.N.D.C.'s unstated paternity policy these children are placed at risk for the denial of Indian status registration. More particularly, when administrating applications for status registration, this policy instructs the assumption of a non-Indian father to all applicants where a father's signature is lacking.¹⁸ Through this unfair negative assumption of paternity, when a mother is registered under section 6(1), the stronger form of Indian status, and a status Indian father does not sign the birth certificate the child is only registered under 6(2). While this child is entitled to Indian status registration, when a mother is registered under 6(2), the weaker form of Indian status, and a status Indian father does not sign the birth certificate the child is deemed a non-status person (Gehl, 2006, 2013).

What is really dubious about this policy assumption is that A.A.N.D.C. relies on a discourse – unstated paternity – and practice that blames and targets mothers and their babies. Clearly there is the need to understand the situation from the perspective of mothers.¹⁹ My own reasoning informs me that sometimes, due to an abuse of power and sexual violence such as incest and rape, mothers may not obtain the father's signature on the child's birth registration form because they do not want the father to know about the child or have access to the child. Such situations may be best referred to as unreported and unnamed paternity. Again relying on my own reasoning sometimes a mother may record the father's name on the child's birth registration form, yet he refuses to sign the form because he needs to protect his standing in the community, and/or a marriage to another woman, and/or to avoid having to make child support payments, and/or the loss of his driver's license should he not make his child support payments. Such situations may be best referred to as unacknowledged and unestablished paternity. Further, I have been told that in some situations mothers do record the father's name on the birth registration form, but because the father's signature is not obtained, an official of the government of Canada

¹⁸This A.A.N.D.C. unstated paternity policy also applies to non-Indigenous women whose child's father is a registered status Indian, yet for some reason his signature is not on the birth certificate.

¹⁹In this paragraph I present my own thinking on the topic, as well as knowledge that has emerged through many conversations I have had with Indigenous mothers and community members.

blanks-out his name. Alternately stated, an official removes the father's name from the birth form. Still further, I have also been told that in many situations the father may not be present during the birth of the child, such as when the mother is flown outside of her community to give birth as many communities are not equipped to fulfill this necessary area of health care. Moreover, once again my own reasoning informs me that sometimes the father dies prior to the birth of his child. Such situations may be best referred to as unrecognized paternity. Further, a child may be conceived through the sexual violence of rape, gang rape, sexual slavery, or through prostitution where, as a result, the mother does not know who the father is and, possibly needless to say, could care less who he is as she has other matters to address.²⁰ These latter situations may be best named unknown paternity.²¹

Statistics and Figures

According to Stewart Clatworthy (2003) between 1985 and 1999 as many as 37,300 children of so-called unstated paternity were born to status Indian mothers registered under 6(1). During this same time period as many as 13,000 children of so-called unstated paternity were born to status Indian mothers registered under 6(2). Through A.A.N.D.C.'s policy, these latter 13,000 children were immediately denied Indian status registration and, therefore, potentially band membership and treaty rights. In my personal curiosity and need to glean an idea of the number of children that may have been denied as of 2012, I performed a simple extrapolation of Clatworthy's figure of 13,000. If during a 14 year period 13,000 children have been denied Indian status, this averages to 928 annually. Taking this annual figure of 928 forward to the year 2012 – meaning 928 multiplied by 27 years – I calculate that as of 2012 as many as 25,000 Indigenous children have been denied through this policy. This is my estimate.

Mann (2009) provides the percentage rates of so-called unstated paternity respective to age for section 6(1) mothers which, unsurprisingly, is higher for younger mothers. For example, mothers under the age of 15 years had a rate of 45%. Mothers aged 15 to 19 had a rate of 30%. Further, mothers aged 20 to 24 had a rate of 19%, mothers aged 25 to 29 had a rate of 14%, whereas mothers aged 30 to 34 had a rate of 12%. Although these statistics represent rates for mothers registered under 6(1), it is not unreasonable to assume that similar rates also apply to mothers registered under 6(2). When reviewing these numbers and statistics it is important to appreciate that Indigenous women experience a high rate of sexual assault. Non-Indigenous women experience sexual assault at a rate of 23 incidents per 1000, and Indigenous women experience sexual assault at a rate of 70 incidents per 1000 (see Ontario Native Women's Association, 2013; see also Native Women's Association of Canada, 2010).

Administrative Remedies Offered and My Thoughts

According to Clatworthy (2003) 53% of so-called unstated paternity cases are unintentional, while the remainder, 47% are intentional. Unintentional situations emerge due to compliance issues such as the

²⁰ I need to qualify that many women conceived through the sexual violence that occurred during their Residential School and Day School experience. In these situations it is highly unlikely that the father's signature would be recorded on the birth registration form.

²¹ While thinking through all these situations we also need to keep in mind that while a mother, grandmother, or great-grandmother may know the father, this does not mean a child, a grandchild, or great-grandchild knows. Further, these categories – unstated, unreported, unnamed, unacknowledged, unestablished, unrecognized, and unknown paternity – also apply to the paternity of one's grandfather and/or great-grandfather.

father's signature not being achieved because of his absence during the birth, the dissolution of the relationship, and the inability to pay administrative charges for changes requested after amendment deadlines have passed. Intentional situations emerge because of unstable relationships, a father's denial of paternity, confidentiality concerns of the mother, child custody concerns, mothers afraid of losing Indian status registration or First Nation band membership, and an unwillingness to pay administrative fees for birth registration changes (Clatworthy, 2003, p. 16-18). Moving from this limiting framework Clatworthy offers a number of administrative remedies. These remedies include the development of a national policy; First Nation leadership development; the production of new resource materials for parents; education initiatives for parents; and the development of birth and status registration kits for parents (p. 19-22). For the most part these remedies emerge from an androcentric position.

Fiske and George (2006) critique Clatworthy for failing to explore in greater detail why Indigenous mothers might not disclose who the father is. They argue, paternity disclosure can at times place women in "jeopardy, perhaps endanger them, and at the very least cause social conflicts where a man either denies paternity or refuses to acknowledge it to state authorities" (Fiske & George, 2006, p. 4). Similarly, the Native Women's Association of Canada (N.W.A.C.) (2007) has noted, "Issues related to personal safety, violence, or abuse may provide a reason for a woman deciding to disassociate herself with a former partner or spouse" (p.1). Adding, "mothers may wish to avoid custody or access claims on the part of the father: leaving the paternity unstated forms a partial protection against such actions by a biological father who may be unstable, abusive or engaged in unhealthy behaviours" (N.W.A.C., 2007, p. 1). Mann (2009) adds intentional situations also emerge when a mother knows who a father is yet is unwilling to identify and name the father when the pregnancy is the result of abuse, incest, or rape (p.33). Certainly Fiske and George, N.W.A.C., and Mann are getting closer to the issues and reality that many Indigenous women are forced to endure in a sexist and racist patriarchal society.

Mann (2005) offers her own discussion of administrative remedies. In some ways they do pick up where Clatworthy left off. Mann suggests; access to travel funding for fathers when mothers have to leave the community to give birth, birth forms signed in the community prior to the mother leaving to give birth, increased administrative support in communities, and alternatives to notarization when there is the need to amend birth registration forms (p. 21). In offering this discussion of remedies, Mann admits that they will serve little in situations where a mother for some very legitimate reason cannot or will not disclose the name the father. Mann then proceeds to offer several recommendations: the use of affidavits or declarations as proof of paternity by either the mother or father, or at the very least allow for affidavits or declarations to identify who the father is when the child is the result of sexual violence such as incest or rape; provide necessary resources when affidavits or declarations are required; the need for educational initiatives for both men and women; conduct research to determine additional administrative remedies; and conduct research where key stakeholders such as First Nation women and First Nation representatives are included throughout the development of policy or legislative change (p. 26). In this way, Mann's analysis moves in the right direction extending Clatworthy's limitations. But there is more thinking and research required.

Certainly, administrative remedies are within A.A.N.D.C.'s jurisdiction, and while these remedies offered by Clatworthy and Mann are on the right track – again, Mann more so – my own reasoning informs me that they do not begin to consider and thus address situations where a father, for whatever reason, while

accepting paternity refuses to officially acknowledge paternity and sign their child's birth certificate. For example, it is common knowledge that sometimes fathers go through a period of insecurity and jealously when their partner becomes pregnant. When I think about this state of being I view it as analogous to the postpartum depression – psychosis continuum that some mothers experience after childbirth. While this state of pathology has yet to be identified, named, and defined in the Diagnostic and Statistical Manual of Mental Disorders, and thus effectively addressed in our societal structures, many people know that it is during a woman's pregnancy when a father is more likely to become neglectful, abusive, and consequently likely to refuse to acknowledge paternity and sign a child's birth certificate.

Nor for that matter, and again drawing from my reasoning, do these administrative remedies offered by Clatworthy and Mann address situations where a mother does not know who the father is due to situations of rape or gang rape by unknown perpetrators. While in some situations of sexualized violence a mother may know who the perpetrator is, in other situations she may not. Moreover, there may be more than one perpetrator. In addition, and this time drawing from my own experience of being denied Indian status, these administrative remedies offered do not address situations where an individual such as myself does not know who her grandfather was or is, and has no way of determining his identity. Like the Ogitchidaa Kwewag before me, I am forced to take the matter of an unknown paternity in my lineage, and consequently the denial of Indian status registration, through Canada's legal system.

That said, I think it is also important to understand that these remedies and recommendations offered by Clatworthy and Mann do not address situations where a non-Indigenous woman has a child with an Indian man yet for some reason is unable to attain the father's signature on their child's birth certificate. Certainly administrative remedies, whether at the policy level or legislative level, need to incorporate the realities of non-Indigenous mothers who have parented with Indian men. Further research is required, research that includes non-Indigenous mothers of Indigenous children as a stakeholder group.

As a measure of fairness, objectivity, and to assure this article is comprehensive, readers will find it interesting to know that A.A.N.D.C. (2012) offers three administrative remedies on this topic. First, A.A.N.D.C. recommends that applicants for Indian status have their birth certificate amended. Second, a statutory declaration signed by the applicant's mother and biological father should be provided. Third, in the event that a biological father is uncooperative, unavailable, or deceased, it is suggested that the applicant provide a statutory declaration from the biological father's family members that affirms what they believe. These remedies fail to address many of the issues discussed by Clatworthy, Mann, and myself and as such fail to crest the horizon of the issues.

The next section of this article offers a discussion about my process of litigating the matter of A.A.N.D.C.'s unstated paternity policy. Undoubtedly, lessons can be learned from people telling their stories.

My Process of Navigating the Canadian Legal System

My grandfather's paternity in my father's lineage is both unknown and thus unstated. As a result I do not know who this man, or his ancestry, was or possibly is (Gehl, 2006, 2013). On my father's birth certificate his father's name and signature is left unrecorded. As I have discussed in this article, this situation of mine differs from that of a mother deciding not to name the father, and for that matter a situation where a father refuses to acknowledge – officially or unofficially – paternity. As the grandchild I can and will never know who this person was or is.

After a lengthy research period that began with the oral tradition with my kokomis as well as months of archival work at the Archives of Ontario searching for a link to an Indian ancestor, the Registrar of what was then called Indian and Northern Affairs Canada (I.N.A.C.) denied my application for status registration relying on their unstated paternity policy. Alternately understood, with their unstated paternity policy assumption I am denied Indian status as the second-generation cut-off rule is applied – meaning I.N.A.C. assumed my unknown grandfather (again, my father's father) was or is a non-Indian and my mother is not registered as a status Indian.

Interestingly, in applying the unstated paternity policy to my birth year (1962), I.N.A.C.'s policy was applied in a retroactive manner. Alternately stated, the new 1985 policy is applied to births that predated the policy's year of creation. It is in this way that the unstated paternity policy has a wider scope of denying Indigenous people Indian status registration, and it is in this way that the policy adds to the sex discrimination with which Indigenous women and their descendants have to contend. It was in 1995 when I first approached Aboriginal Legal Services of Toronto (A.L.S.T.) asking for help (Gehl, 2006, 2013). Shortly after this time, and following the requirement of the *Indian Act*, A.L.S.T. filed a protest on my behalf. In 1997, the Registrar of I.N.A.C. denied my protest claiming that my name was indeed *correctly omitted* from the Indian Register.

In sum, in I.N.A.C.'s process of determining my entitlement to Indian status registration, the Registrar assumed that my unknown, and thus unstated, grandfather was or is a non-Indian. Said another way, I.N.A.C. applied a negative assumption of paternity and as a result I am denied Indian status registration (Gehl, 2006, 2013). My case is significant and has implications for many First Nations mothers and their children. Regardless, my case was denied funding from the I.N.A.C. test case funding program as it seems they do not fund section 15 *Charter* challenges to the status provisions of the *Indian Act*. Nonetheless, in April 2000 we (A.L.S.T. and I) applied for and received funding from the Court Challenges Program of Canada. While the remainder of my funding remains intact, the Court Challenges Program is now defunct as it was one of the first programs the Harper Government cut when it came into power in September 2006.

In 2001, on my behalf, A.L.S.T. filed a statement of claim (also called an action or pleading) with the Ontario Superior Court of Justice, thus formally launching a challenge against the Attorney General of Canada (A.G.C.). A.L.S.T. was challenging the Registrar's assumption and administrative practice of non-Indian paternity in situations where the paternity of the applicant is unknown and consequently unstated. In October 2001, the Department of Justice (D.O.J.), representing the A.G.C., motioned to strike this statement of claim. The D.O.J. argued that there was no basis to attack an administrative decision under the *Charter*, meaning the challenge taken must be to the statute, meaning the *Indian Act* itself. On 8 November, 2001, seventeen days after the statement of claim was filed, Justice Swinton ruled in the A.G.C.'s favour (Gehl v. Canada, 2001). On 5 September, 2002, the Ontario Court of Appeal agreed with this lower court decision (Gehl v. Canada, 2002). Although my claim was struck, with the consent of the A.G.C., we were granted leave by the court to re-file a statement of claim as a challenge to the *Indian Act*. In November 2002, A.L.S.T. filed a second statement of claim. As with the first, the challenge is based on section 15 of the *Charter* – the equality guarantee. The discovery, affidavit, and cross-examination process is now complete and the expert reports are in. Recently, though, the case was dismissed because the timeline for the action had lapsed. On November 29, 2012, A.L.S.T. filed a motion to set aside the

dismissal. This motion has been adjourned and the Master assigned the file is now seeking a deadline by which the matter must be heard before he approves and signs the order. Possibly needless to say here, as McIvor (2004) has argued before me, my process of seeking equality in Canada has been "a hard and lonely road" (p. 111).

Canada Violates International Conventions and Declarations

Given that Canada's unstated paternity policy violates the *Charter* and the *Constitution* it should come as little surprise to learn that through this policy, Canada is also violating several international conventions and declarations. To help the reader digest these international instruments and the sections of them that Canada violates I offer a numbered list here.

1. The *Universal Declaration of Human Rights*, adopted by the United Nations 1948:

Article 25(2), Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

2. The *International Covenant on Civil and Political Rights*, adopted by the United Nations 1966:

Article 27, In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

3. The *Convention on the Rights of the Child*, adopted by the United Nations 1989:

Article 8 (1), States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference; (2), Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity; Article 30, In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

4. The *Declaration on the Rights of Indigenous Peoples*, adopted by the United Nations 2007:

Article 33(1), Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live; (2), Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

5. The *Convention on the Prevention and the Punishment of the Crime of Genocide*, adopted by the United Nations 1948 includes in its definition of genocide:

Article 2 (e), forcibly transferring children of the group to another group.

Summary and Conclusion

Despite decades of advocacy and litigation work by Indigenous women that eventually led to amendments to the *Indian Act*, under A.A.N.D.C.'s current regime of determining Indian status registration, and as of 1985, a father must sign his baby's birth certificate for his Indian status registration to be factored into the child's eligibility. Otherwise, through an unstated paternity policy the Registrar of A.A.N.D.C. applies a negative assumption of paternity whereby the child may not be entitled to Indian status and consequently band membership, and their treaty rights. This assumption of non-Indian paternity is sex discrimination.

What is particularly disturbing about A.A.N.D.C.'s unstated paternity policy is the way it targets Indigenous mothers and children. As I have discussed in this article, women sometimes conceive through an abuse of power such as in situations of incest, rape, gang rape, sexual slavery, and prostitution where as such the terms un-reported, unnamed, unacknowledged, un-established, unrecognized, and unknown paternity are more appropriate descriptors than the inadequate "unstated".

Through the creation of the 1985 A.A.N.D.C. unstated paternity policy it is now clear to me that the remedial legislation intended to eliminate the sex discrimination was little more than an opportunity for Canada to manipulate the legislative change process into an opportunity to create new and worse forms of sex discrimination. While many people may correctly argue additional research is required in remedying A.A.N.D.C.'s unstated paternity policy, it is my contention that a well-defined research methodology alone will not resolve the issues faced by Indigenous women. It is my view that the legislative silence presently coded in the *Indian Act* was manipulatively crafted by sexist and racist patriarchs as a mechanism to then create discriminatory policy at the departmental level. A.A.N.D.C.'s unstated paternity policy is a new low for the Canadian state that is "morally reprehensible" (McIvor, 2004 p. 133).

It is precisely this A.A.N.D.C. unstated paternity policy that is preventing me from Indian status registration and consequently First Nation band membership in my kokomis' community, citizenship in the broader Anishinaabek citizenship endeavour, as well as access to my treaty rights such as health care. When A.A.N.D.C. denies me Indian status registration they deny me important aspects of my identity as an Indigenous person, and as a result my right to live mino-pimadiziwin as an Algonquin Anishinaabekwe. It is precisely for this reason, as well as for young mothers and their babies, that I continue my effort.

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An Interdisciplinary Journal

Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews

Mining Our Lives for the Diamonds

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Abstract

*Aboriginal women across Canada have waited far too patiently for wrongs to be righted and senseless historic and contemporary pain to cease. Today, through narratives like this one, we are undertaking a heroic journey, a journey that begins with **truth**; in fact, it is a journey that begins with the laying down of seven profound Indigenous values, values that are stepping stones to an ancestral home some of us have never visited in our entire lives. This means the gathering up of a collective **courage**, a willingness to begin, to step out and into what we know to be true and waiting for release. So, this is my story, a story that begins like many others...once upon a time*

“It is time’ she said, ‘we have strayed too far, and we need a light to guide us home, will you hold up your life so we can see?” (Cynthia Wesley-Esquimaux)

Did you ever have the feeling that something, well maybe someone, was peering over your shoulder with a glint of expectation in their eye and a touch of mirth on their lips, waiting, impatiently probably, for you to move and finally take action? I have felt like that for a long time, and consequently have lived much of my life with a growing realization that my life was really never entirely my own; somehow my life belonged to the many. This is not meant as a grandiose statement or something from an overly large ego, but comes from a funny kind of knowing that wells up from a deeper understanding or a powerful sense of duty from somewhere, quite frankly, beyond me. Perhaps many of us are born this way, maybe it is the Anishnaabek or Haudenosaunee way and we spend our time waiting, or even trying hard to remain invisible, but feeling oh so exposed in our hearts to what must ultimately be. And, I believe we do all eventually come to that place of action – earlier for some, much later for others - but get there we do. Then, what we are meant to be and do with our lives and our deepest love comes bursting into being.

Indigenous women in Canada, and around the world, desperately want to remove the artificial physical, social, emotional, and spiritual boundaries that have created an “us and them” for our people. Together we have watched and felt the subtle shifting and churning that has for so long stymied the ability of our people to right the historic and contemporary wrongs; all of which have created so much pain in our homes, families and communities.

Today, more of us stand ready to undertake that heroic journey, to correct those wrongs, and make right

the future of our nations. Today, I, along with many others, am regularly called to take action. In fact, I believe we have all been walking in the direction of change for a very long time. Along with those others, I am frequently called to find and display those sparkling truths that hold a brighter future for our nations. Some of those sparkling truths come from our elders, who have learned how to be honest with each other and with us over the past few decades about the experiences they had in residential schools and in their homes. They have laid their burdens before us, guiding us carefully through minefields of loss, turbulent emotions, awareness, and change. Some of those sparkling truths come from the hard grit of surviving sexual and domestic violence. And some are reflected back to us through the eyes of children with nowhere to turn, and no one to trust. Yes, there have been some very tough experiences that have buried many a good mind and heart beneath negative emotions that no one person should ever have to carry. But remember, in our history, it has always been “the many” that have helped to carry those heavy burdens of shame, blame, and pain. Today, that reality is not any different and we still have not forgotten to embody the collective in our journey. What is different is that now we are beginning to understand that we must deliberately shoulder new burdens to ensure that our elders and children are not left to carry old generational pain and fear into the future. Those burdens constitute an acknowledgement and acceptance of what is and has been happening around us, in our homes, in our workplaces, and in our communities. It constitutes taking responsibility for the deeper pain and lateral violence, and helping to ensure there is safety in our homes, and in our hearts. It means taking a hard look at those very things that perpetuate dysfunction in our lives; the addictions, which break hearts and homes, damage our unborn, and keep the spectre of poverty dancing wantonly down the dirt roads of our existence. It means telling the truth, one of the seven values that were given to us as guides to a good mind and heart, and speaking against sexual and domestic violence in our homes, communities, and our Nations. The only way to facilitate that healing is to start the talking and writing of narratives that expose the raw honesty and humility required to jumpstart change where it counts – in your life and mine. We already know that a lot of damage has been done in the past, but what about our tomorrow?

So, we must remember that once upon a time, there were residential schools, and they made our people refugees in their own lands, in their own homes, and worse, in their own hearts. As time went by our people passed that darkness, albeit mostly unconsciously, onto those they loved best, and they unwittingly made their children the reluctant witnesses to and victims of the unspeakable and silencing process of assimilation and personal degradation they themselves had been subjected to. Generations of children were forced to wear those same mantels of shame, carrying them down through the next generations because the lens each generation was given in those schools and on increasingly hopeless reserves made the ubiquitous, they – the “power-full” – and our own families and leaders virtually the “power-less.”

It is the larger story of first contact, conflict, dislocation, and residential schools that has become the backdrop to my personal story, and quite possibly yours, because the residential school experience was not my personal experience. I did not attend those schools: I only feel as if that story is my own because of the proximity of pain and anguish that was carried into my life by those who did. That story is one of being carried away by forces that seemingly could not be fought. That story is of a small boy taken from his dad at 4 years old, and of a young girl, followed her many sisters into a strange and scary place, a place where hugs were not given and everything cost dearly. A place where Indian Agents and Missionaries, and Indian Act officials made decisions about our lives out of the arrogance of theirs. The effects of those decisions have lingered amongst our people, like the smell of a dead thing caught way deep under the

porch, where no one wants to go, and so it stays there, as a poignant reminder of our darkest fears. Although, I like to believe that today, the air is finally clearing, and maybe it is because time dissolves everything, even the dead, or maybe it is because we found the resources to tear down the porch and clear everything away for something new and fresh. We have begun to tackle the stories of residential schools in this country and even though the smell immediately got worse everywhere in Canada, I think we can all breathe a bit easier now.

My story has been lived in spite of the many effects of residential school. My story is one of challenge, change, and a returning home to the richness and joy of being “self” and a remembering of the far distant past, before the numbing began, and the darkness hid the truth. My story is about the living of a life where the glory of a far distant past was brought cautiously into the present, where light shines forth from a life held high, and people can be given hope that they too can experience choice and walk with pride in this world. It did not come easily though, and it did not come young. It came with massive uncertainty, shame, a giving away, and a terrible loss of dignity. How can we know, and who can teach us those things that will help us pass safely through the gates of hell on earth and into the arms of a life well lived?

I was raised in Toronto, the Big Smoke, as it is affectionately known. There in my very early days I was exposed to random experiences of sexuality far too young and this coloured my perception of the adult world and my place in it. Too many of the men around me had learned how to exploit and use sex as a weapon against children, and each other, and they used and hurt us without any obvious sense of the damage they were doing. Perhaps they thought we would forget, or forgive, or simply not be affected by their mean groping and forced physical contact. Well, I remember, and research supports the fact that most of us do, unless we have banished those memories to the farthest reaches of our minds or we alter our perceptions to keep those images at bay. However, like many others I also know that even when we build walls in our minds and close our hearts, the fear we felt then is ever present and distorts our vision of the world around us. I know that even if our minds forget, our bodies never do, and we go through our lives with a taint of disgust touching every physical encounter we have no matter how deeply we love or how hard we try to forget. It takes a lot of living, and a lot of personal forgiving to let those demons go, and allow that kind of pain to recede into the past. It takes consciously filling our lives with new kinds of joys, cultivating courage, and putting on a brave face each and every morning. It means washing our bodies, but more importantly cleansing our minds, scrubbing away the taint of lust and forbidden moments, and focusing on what is right with the day, the glory of sunlight, and the knowledge that every step we take takes us further away from the powerlessness that was once ours. We can do this and it doesn't have to take mind-numbing addictions to make it so. But this is where those of us who have come through and defeated those memories, with or without addictions, must step forward and declare our own truths. It is those of us now thriving that must go back and speak to our fears and explain how we overcame the darkness. We must let those young people who have been harmed in the same way know that the blame is not theirs to carry, and they too can walk forward, take our hand, and allow us to show them the light of a better day. It is still happening, this thing called sexual abuse: It is still in our homes and bedrooms. Today though, it is no longer the priests and wardens at residential school, it is us, and therefore it is us that must now make it stop. I am still reading reports and hearing about damages that are being perpetuated against our children by the adults who were once damaged by others, and it has been over 140 years, entire generations, since our people were subjected to the sexual predations of outsiders. But it has to stop now, the children are watching, and if they see and experience this kind of

behaviour today, it will continue into tomorrow.

Humans are an opportunistic bunch, that fact is well documented, so it means that we have to be vigilant and remove opportunity. We as parents, grandparents and siblings have to ensure that we have the courage to say “yes” to speaking out against sexual abuse, and “no” to allowing opportunities where it might flourish. We must act on a willingness to protect. We have to ensure that our children, all of them, have the right and the safety to say “no” and stop leaving them vulnerable in their own homes. It is our business to step in and keep them safe. Our children are gifts from the creator, gifts that can create and sustain a vibrant and positive future. Children are not there to appease sexual desires, or to be neglected and abused in the wake of domestic violence or feel the kind of abandonment that addictions spawn. This means that speaking aloud the words of “cease and desist” are the responsibility of everyone in a family and in a community, not just hired program officers and CAS officials.

Like so many others in our Nations across Canada I was born into a situation that was not entirely welcoming, not immediately anyway, my mother was young, pregnant, not married, and it was 1956. This was not a good time to be born out of wedlock, or a particularly good place to land in this life, because we know that having a strong circle of family can make living a bit easier. However, as time went by and I stumbled and fell, I learned that perhaps it was the very best place in the world to begin becoming who I am today. I had to come in fighting and learn what determination meant, what defeat tasted like, and what shame weighed. Once I figured some of that out, and, that it was up to me to survive, I began to live my life more deliberately, and struggled to cultivate a new awareness. I realized that there could be no more blame if there was to be a life well lived; blame is heavy and difficult to carry. When you carry blame, you cannot pick up anything else, because your heart and mind become too full of the rage and anger that blame breeds and feeds. Blame is a very big and unwieldy burden, and it’s not something that keeps well either: In fact it tends to stink, and makes other people avoid you. I eventually found it best to leave it at the proverbial door, and found something lighter to carry. I found that humour and forgiveness provided better soul sustenance and the materials to build necessary and strong bridges between a powerful life and myself.

One of my favourite statements to the women I work with is, “when you learn to *mine your life for the diamonds*”²² you shall be truly free and moving forward in a good way. What does this mean? It means that we all have to look back to go forward. The question is, when you and I look back, can we locate the tools for living that we have been given out of our sometimes painfully lived experience? I have learned that it is tools built from experience that help us to move forward and release ourselves, and our children from the past. Can we find the hard times, the good times, and, the times well lived, and use those times to inform our present, and to more deliberately inform our ways of being in this world? Can we afford to just let life happen to us, without thought or consideration of what we might do differently and therefore more effectively? Choice bestows the ability to live in multiple dimensions, in spiritual, mental, and emotional worlds that can animate the way you look at the world around you and how you choose to live in it on a physical and tangible basis. What will you find there, when you lift up all the bandages and fixing kinds of things that never really solved or healed anything? I have learned you will find the courage

²²This phrase was inspired by a Jim Cuddy song entitled, “She Gets Down” from the Light that Guides You Home album.

that pulled you through, you will find the grace that made you smile even when you thought you would never smile again, and you will find messages that once deciphered can give you hope. I too had to go back and lead the little girl left there in the wreckage home. I had to find the willful and angry teenager and love her anyway, and I had to find the wisdom she came in with and re-ignite it so she could find her way into the present and appreciate the beauty in her world.

This is where the idea of “*mining the diamonds*” begins to have great utility for our lives. Yes, it (whatever “it” was for you) happened, and yes, it was disgusting and gross and even painful. The thing about it is that it happened, and that will never change. What can change is how we remember it, and what we do with those memories. We have to re-frame our life experiences so we can speak to them with the wisdom we have earned through our survival. We have to see those life events through new eyes, eyes that are older and wiser and can see past our own pain and into the distant past where it all began. This is where we will find the control we did not have then, when we were small, alone, and helpless to stop what we didn’t want, or to get the healthy attention that we needed from those around us. Today, we can take those memories, and re-frame them into something that can help us now and add grace to our walk into the future. We can find our strengths, we can “*victorize*” our ability to keep standing and walking into tomorrow. Perhaps more importantly we can take those memories, enliven them as teaching tools to share and prevent what happened to us from continuing to happen to others, especially other small children and vulnerable women. We can learn and absorb the history of our people since contact, and understand that the ashes we find in our mouths today come from the fires of loss and confusion of yesterday. Understand that the death of millions of our people, the theft of an entire continent, and the rude dismissal of our spiritual, social and governance systems rendered us bereft. So we can grieve, and then we can stand up again, knowing there is good reason for our pain, and a larger reason to keep fighting. We can enliven a future that is informed, strengthened with knowledge, and symbolically cleansed through the fires of living well one day at a time.

This enlivening requires the daily application of the seven values (or grandmother/father teachings) in our lives. This means that the first step we take requires courage, to step out, speak up, and move past the shame. I always place **courage** first because this is what made it possible for me to heal my life. I had to muster up the courage, to say no, to say yes to myself and to others, and to lift my eyes up to wanting more of what is good and right in the world. The next step requires **respect**, for ourselves first, and then for those around us. See the many that have fought for you, who have not abandoned you, who are holding up the light of your existence like sparkling diamonds cast across the snow on a moonlit night. Without respect we cannot find the honour in ourselves, we cannot forgive our perceived weaknesses, we cannot forgive others and we cannot practice living in peace. Then we must have **humility**, because we are not the only ones that have suffered, many have, and that means that we must acknowledge their pain along with our own. We must learn to tell the **truth**, but not by wielding truth as a sword to cut down those who hurt us or did not intervene, but as a light that guides and restores. And, we have to be **honest**, with ourselves first, and then ask ourselves if what happened has become something else, a shield that has allowed us to stay out of life and invisible?

Remember that trickster peering over your shoulder, whispering to you day in and day out? Stop resisting, and listen carefully to those murmured promptings and get involved in making your life right, and bringing hope to those around you who are mired in despair and cannot find their way. These initial

values, once you consciously apply them to your life will take you directly through to **love**, they will help you to empty the jug of resentment, hate, and anger, and fill it with new thoughts and the ability to take your life experience into sacred places where you can help others help themselves. You will also learn to love yourself, and there are many ways to remember this throughout the day, small promptings and words that support and stop you from cutting yourself down. The last value is **wisdom**, and we don't get to wisdom when we allow our pathway through life to be cluttered with ill will and blame. We need to clear the thorny underbrush of lost emotions blocking the growth of magnificent trees of knowledge and pride just waiting to grow in our hearts and our lives and give us strength. The only way to do this is to see, hear, and feel what we have been running from. Those memories can help us heal ourselves by deliberately placing them into a context that allows us to make sense of them, not that it is ever sensible for a grown man or woman to sexually use and physically abuse children, no, you are always correct in declaring that behavior unconscionable. The making sense comes from looking at the larger picture in which the abuse occurred. See and acknowledge the pain that has become generational and has come down from a long way back, pain that hurled our people into an internal world that reeks of shame and blame. We can do much better than that, we can see past our immediate pain to the original source of social and cultural dys-ease for entire nations across Canada and virtually the entire planet, and carefully and lovingly heal it.

I have a picture of myself I created early on in my own journey towards wholeness, it is of a small girl, seated, with her hair hanging down and completely covering her face, her shoulders slumped, her body tight and unyielding. I was asked to speak to that picture the day I created it and explain it to the other women sitting in the room with me. I was unable to find any voice, let alone one that could tell of the terrible pain and confusion locked in that child. I was so choked up from seeing the small child within me so hurt and so alone that all I could produce were heavy tears. That day, I decided to set out very deliberately on a journey of rediscovery, of seeking the child that was me, and giving her the gift of life. It has been a long road, I will not try to fool you into thinking it is easy for me to find my way; the going was slow and painful. I cried rivers of tears, I raged, I denied, I laughed, and I was terribly afraid.

Today, after much therapeutic intervention, intense training sessions, and lots and lots of introspection and telling and re-telling of painful truths, I am free. I have found the peace I so desperately sought through too many unhealthy relationships, sexual and otherwise, by running away, shutting down, and harboring blatant denials and crooked beliefs; and it feels good. I turned the light on myself and saw the darkness banished. I went back to school, I learned to think straight, I believed in myself, and I spoke out loud and clear to those who would have me remain silent. In the end, I earned the highest academic degree possible; today I walk with a Ph.D. from the University of Toronto, an achievement that gives me multiple options in life. I have never forgotten where I come from, I have not forgotten that humility is a virtue, and I work hard to demonstrate that this kind of achievement is within reach of our people. I never forget that my education is a gift that allows me the privilege of working hard for our children and our Nations.

I have gone through many changes in my life, and so will you, just remember to embrace that change, and put it to work. I have worked my entire professional and academic career to protect the interests of native peoples in Canada. I have fought for treaty recognition, territorial jurisdiction, and a share of the resources of this beautiful country so that our people can thrive. This is what an education has given me,

the ability to speak and be listened to, to fearlessly tell the truth, and to take our messages into places where it can resonate and break down barriers. I have run for a federal seat in the Canadian government. Turn coat? No, it is just another next step in amplifying the voice of our communities and our young people who are ready to move into the 21st century on their own terms. I can see clearly the need to do intensive public education, even for our own peoples who have lost so much of their history because it was stolen through traumatic experiences engendered across this land by colonial powers. We have a proud and beautiful history that has been left by the wayside, discarded like so much debris, but it is in our power to pick it up, dust it off, and carry it proudly into the future in full view of our children.

As I mentioned in the beginning of this story, this life is not my own in so many ways, yes; I am living it and feeling the grief, the joy and the relief. Like you though, I am also living it for many others, guiding, prodding, and hoping that others will step on a path that encourages them to choose life. I am living for the elders who lost so much in their own childhoods, I am living for my children so they don't have to carry the pain of ages or even my pain, I am living for those I love and have contact with as a friend, and especially as my partner. I am living for the ones who cannot see, for the hearts that are broken, and the ones that want to dance. The trickster giggles in my ear sometimes at my audacity and I laugh out loud with the pleasure of knowing that we have not forgotten ourselves completely, and yet sometimes the sobs of those still fighting to survive fill my heart and head with desperation and fear. Where will we go tomorrow, will we learn to be vigilant, will we have the courage to step up and say no? Can we say yes to our own beauty? Can we wipe our eyes with the softness of doeskin so we can truly see, unblock our ears so we can hear the pleas of our youth, and drink the bounty of the rains so we can speak words with clarity, grace and wisdom?

This is a paper that I hope will be read by women, young women, old women, women of strength, women of colour, women of healing, women of rage and despair, and women of hope. In that light, I hope that I have made it clear that like them, I feel a strong commitment to making the wrongs so many of us have experienced, right. I feel a powerful dedication to the young girls and vulnerable women who are still fighting to be safe, whose tears have not yet been shed, and those that have found a hardened heart a better place of refuge. It isn't, it will make you feel safe for now, and it will keep out some of the pain. The problem is, it will also keep you locked in, and you will still have to learn, just like the rest of us, that the only way out is the removal of one heavy stone at a time. The good news is that we can help each other and, there are more women who have walked to a sacred place of healing in their own minds and hearts than ever before in our history. We are on the move, and we are making a difference, and we will win many more battles. Over the next twenty years, we have the opportunity to profoundly influence the trajectory of our young people's lives and our communities into the future. We have access to education and women are taking advantage of this wonderful opportunity and utilizing their knowledge to amazing effect. We have an incredibly young population ready to take on the world on their own terms and win. We have a stronger sense of who we are as a people and can teach the foundations of our beliefs and history in many circles. We can "*mine our lives for the diamonds*" and tell stories of strength, feminine grace, and an enduring power for living. I call it "*victorizing*" and that means calling forward the narratives of survival and transforming them into stories of continuance and courage.

We are still here, and we will be here tomorrow, and the day after that one...

Miigwetch, Cynthia...

Vice Provost (Aboriginal Initiatives) Lakehead University

Nexen Chair in Aboriginal Leadership

Chippewa of Georgina Island First Nation, Ontario

An Interdisciplinary Journal *Honoring the Voices, Perspectives and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews*

Making Space for Community-Based Practice Experience and Spirit in the Academy: Journeying Towards the Making of an Indigenous Academic

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Abstract

This narrative recounts four experiences of an Indigenous social work academic employed at a mainstream university in Canada. These experiences include: (1) valuing community-based practice and spiritual experiences prior to entering the academy; (2) learning in an Indigenous doctoral cohort; (3) using Indigenous knowledge during the hiring process into a tenure-track faculty position in a mainstream university; and, (4) including Indigenous knowledge to secure academic research grant applications, and to meet teaching, scholarly, and service expectations. Finally, this narrative identifies systemic academic issues from the perspectives of four other Indigenous and women academics of colour, and teachings that may assist new Indigenous faculty entering mainstream university employment.

Beginning in Teachings that Value Community-Based Practice and Spirit

The teachings and connections that arise when people tell stories about their lives, events, practices or ceremonies continue to fascinate and inspire me. Years ago, I used to say “I just want to talk with people and write about their stories.” A critical part of my work today, as an Indigenous academic, is listen to, and talk with people, and write about their stories. Brown (2012) calls this form of storytelling and research as “data with a soul”; while academics term it “qualitative research.” Contemporary Indigenous academics maintain that when research is conducted from Indigenous perspectives or standpoints, it’s called “Indigenist research” (Rigney, 2001); and includes perspectives that privilege tribal-based (Kovach, 2009) or ceremonial (Wilson, 2008) knowledge. According to Archibald (2008) Indigenous stories have the power to educate and heal the heart, mind, body and spirit, and she terms this pedagogical method as “storywork.” Reflecting on how teachings and learning experiences build upon each other, helps to guide Indigenous understanding about how each past event, experience, thought, dream, conversation, ceremony and prayer is necessary, and purposeful. That Indigenous knowing is grounded in repeated

knowledge shared in spiritual and cultural stories by family, friends and community. However, it wasn't always this way, because being in this place and time is an evolving dream.

Sometimes dreams include rude and abrupt awakenings, and this academic dream is no different. Upon entering academia, I was shocked to learn that my 24 years of social work practice experience counted for nothing but a few employment lines in my curriculum vitae (CV). There is nowhere in the CV to identify what or how spiritual or cultural experiences, or teachings were gained through those community-based practice or relationship-building years. There is no place to identify the skills built, knowledge learned or strength gained through difficult lessons. It is as if I entered a first employment position; and certainly one that is based on new criteria, and is enforced by White, corporate, elite power. Among this new criteria includes recounting the number of, in priority ranking: (1) solo or first authored publications in peer-reviewed journals; (2) secured Tri-Council grants; (3) courses taught at the undergraduate and graduate levels; (4) graduate student supervision; and, (5) types of service to the University, profession or community. The lesson I am learning is that although historical and holistic work practices, cultural or spiritual experiences, values and beliefs are not identified in meaningful ways in academic CV's, they support Indigenous peoples in immeasurable personal and tangible ways. One strategic way this happens is through understanding how Indigenous foundational, structural, and community support is needed, more than ever, to help Indigenous peoples work within this increasingly corporate, White, academic institution. It is difficult and challenging work for Indigenous peoples, and women in particular, because the approximately 98 publicly and privately funded universities in Canada (Association of Universities and Colleges of Canada, AUCC, 2013) overwhelmingly privilege, are dominated and reinforced by, White male power, corporate, upper class, able bodied, hetero-normative perspectives. Increasingly, post-secondary institutions in Canada are confronted with private-sector, entrepreneurial funding models, and choose to align themselves with exploitive worldviews rather than holistic and community-oriented perspectives. This academic reality points to the need for a more holistic CV model or method that can better embody Indigenous experiences, both practically and personally within the academy.

It is a perspective that is recognized and affirmed by many, including former University President Dr. Ross Paul (2011) in his recent book, *Leadership Under Fire: The Challenging Role of the Canadian University President*. In it, Paul examined 47 recent presidential appointments at Canadian universities and found that while 41 came from outside the specific university of appointment, a full 85 per cent held prior senior academic administrative positions at other Canadian universities. In addition, in Canada in 2013, there is only one Indigenous President of a mainstream university; Dr. Michael DeGagné of Nipissing University in Ontario. It is important for Indigenous peoples to be aware of the myriad and intersectional challenges inherent in working in Canadian universities, and to understand the powerful reasons that keep the elite, White institutions unwilling to look outside their ranks for leadership or change. As an Indigenous woman academic, it is important for me to understand how the insularity of elite and managerial levels, increasing financial constraints, changing political and public priorities based in economic business perspectives may well contribute to the detriment of Canadian post-secondary institutions. It is a future, and an opportunity, that Indigenous peoples must be ready to address now, and in the years to come.

Making Space for Spirit and Privileging Culture in an Indigenous Doctoral Cohort: An Indigenous Educational Experience in a Mainstream University

Prior to my doctoral experience, all but two of my Western-based academic teachers, instructors and professors were White. The two exceptions were one Indigenous sixth grade teacher from Australia, and one course in my Master of Social Work program delivered by a Cree academic. Joining an Indigenous doctoral program at the University of British Columbia (UBC) Faculty of Education was a watershed moment in my academic experience because it marked the end of 20 years of primarily White academic education. Thirteen Indigenous and two non-Indigenous doctoral students entered a 2006 cohort and were taught by Indigenous academics from Canada, Australia, New Zealand, the United States and China. It was the first time I consistently saw myself, my teachings, practices and ways of knowing modelled and reflected by Indigenous academics. The first example happened the first day of the doctoral seminar class because it was based in ceremony and immediately connected my Indigenous-self to the curriculum.

Our doctoral program began with smudging, prayers, singing, drumming and feasting. It was the day the “possibility of Indigenous education” became my “Indigenous reality.” When our first day was closing, Dr. Graham Hingangaroa Smith, a Maori academic from New Zealand, invited us to look around the room. He explained our responsibilities to help one other; to notice someone else’s struggle, to reach out to support and encourage their educational journey, and to ask for help for our own. He cautioned us to remember that if one of us fails, then we all fail. As we listened to the teaching, a sense of responsibility to our small collective settled in my mind and body. The feeling remains to this day, and is reinforced by the sense of accomplishment and joy for those that complete the program, and the sense of hope for those that are working to do so. It was also a tangible reminder that Indigenous education differs from mainstream approaches in university culture which posits that for one to do better, others must do worse. The following example provides some insight into this difference in educational approaches and occurred at the same institution.

Two months into the program, I was walking across the campus and met a friend who was already well into her first year doctoral program at the same institution. She was the only Indigenous person in her cohort, and was curious about my experience. So, I shared the story of our first day experience, and about the cultural and spiritual aspects that continue each time we gather together to learn from each other. I talked about the support we received in writing retreats, from each other, and the sense of being mentored by senior Indigenous academics like Dr. Jo-Ann Archibald (Sto:lo), Lester Irabinna Rigney (Indigenous Australian), Graham Hingangaroa Smith (Maori) and teachers such as Dr. Lee Brown (Cherokee). As she listened, she wondered aloud if she could join our cohort. When I asked about her program, she laughed and said that on her first day, the professor came into the seminar, welcomed the students to the institution, and asked them to look at one another. He said that only about 50 per cent of the students would complete the doctoral program and that if they were married or in a current relationship, about 50 per cent of them would not be in it by the end of the program. He told the students to decide which side of the 50 per cent of the program they would represent. In contrast to my welcoming and supportive experience at the same institution, hers was not.

Unfortunately, her isolating doctoral experience is shared by many Indigenous and non-Indigenous students and many leave their programs for myriad reasons. This happened to the two non-Indigenous people that began our program. A short while into the coursework, one non-Indigenous person left for personal and family health related reasons; and another left after completing all the course work, moving to candidacy status and writing a considerable amount of the dissertation. The second person left due to what he terms the combined burden of caring for aging parents and the health of his partner. Recently he commented that pursuing a doctorate had never been his priority; rather it was the learning achieved through the doctoral courses that drew him into the program. Indigenous doctoral cohort students also experienced the death of parents and partners, personal ill health, and job changes; and through those times sought the collective interdependent support from cohort members, extended family and community members, and teachers.

Five years after beginning the Indigenous doctoral program, I was the first cohort member to defend my doctoral dissertation. It was a Friday afternoon on a long weekend; and 40 people, including family and cohort members, professors, colleagues, professionals, and students witnessed it. The defense began the same way the program began and progressed; in ceremony, with prayers, drumming and singing and it ended in a feast. It was a celebration of the most unique Indigenous educational experience of my life. One of my dreams is that one day other Indigenous doctoral students can experience an Indigenous doctoral cohort in many different faculties and that it is possible to integrate this model into mainstream universities. The proof that Indigenous worldviews, ways of knowing and being can be integrated in complementary ways is self-evident. I know it can happen at various faculties at my institution, because it happened for me, across the road from where I currently work. It does not have to be an either/or experience, it does not have to compete with mainstream ways of being; it can just “be”.

Narratives as Spiritual Stories Designed to Encourage and Prepare: Being Hired into a Tenure-Track Faculty Position in a Mainstream Canadian University

Of the 40 people that witnessed or participated in my doctoral defense as examiners; two work in an Indigenous post-secondary institute, and eleven work in mainstream universities or colleges in British Columbia (BC). Following my defense I was actively recruited, along with others in an extensive national search, and accepted a tenure-track, faculty position in the same university in which I completed my doctoral program. The faculties are different; but they are literally located across the road from one another. The two-day interview process began in a welcome and prayer offered by an Elder from the local Musqueam nation, upon whose unceded territory this academic institution is located. It included a teaching demonstration, a formal panel interview, informal interviews by two faculty members, and an informal panel interview over dinner. Elders, community-based social work professionals, social work academics and students evaluated my work, and me, and made a recommendation to hire. Before, during and after the negotiations, I visited with Elders, family members, and academic colleagues to ask for guidance. Privately, I smudged, prayed and asked the Creator for guidance to know if accepting the position was the right choice. Eventually, the answer came and I accepted the academic position. In hindsight, having the courage to ask critical questions of senior colleagues and the Faculty Association about the negotiation process may have proved beneficial. However, at that time, I did not know all the questions to ask, or the concessions that could be granted by the institution. That is an important lesson

for others contemplating employment offers.

People repeatedly asked “How did that happen? I heard that universities never hire their own grads. We can never expect that to happen.” Apparently, that narrative is not always true; and the reality “depends” on many issues. This is good news for people who want to remain close to family, friends and community. Perhaps part of the reason stems from the dearth of Indigenous social work academics in North America, and the fact that some 35 Schools of Social Work across Canada are competing for a scarce resource. Perhaps it is bound up in the economic barriers created by the high cost of city living, or maybe it is the anticipated sense of isolation and racism that is experienced and communicated to others by some Indigenous academics in institutions where they are one of very few Indigenous peoples on campus.

Primarily racialized women academics provide guidance and preparation for new Indigenous academics in a newly released 30 chapter edited book, *Presumed Incompetent: The Intersections of Race and Class for Women in Academia* (2012). Four of the voices are highlighted here, common themes are identified, and a reflective connection to my own experience is offered. Michelle Jacob, a self-identified native academic, analyzed data from qualitative interviews with five Native women academics in Canada and the United States. Based on her findings, Jacob concludes that “native peoples face ongoing hostilities within academia, and (1) an extreme sense of isolation, (2) tokenism, and (3) tremendous service burdens, as well as competing and conflicting expectations from students, administrators, coworkers, family and community” (2012, p. 242). She identifies a number of strategies to deal with these challenges, including “building collectives, being transparent about challenges, valuing collectivism above individualism, advocating for community needs, focusing on current struggles as necessary for the benefit of future generations, and raising issues in official capacities” (p. 249). Yolanda Flores Niemann, a Chicana academic, echoes Jacob’s findings and writes about the consequences of racialized academics “putting themselves in a situation where they become vulnerable to the effects of tokenism, racism, stigmatization, and stereotype threat” (Niemann, 2012, p. 351). She recommends that racialized faculty do not accept positions in a department where we are the only minority members and the only ones teaching or conducting research on ethnic or racial issues. Further she argues that racialized faculty must be aware of “signs of overt, covert, and unconscious racism among potential colleagues; because racists cannot evaluate ethnic or racial minorities fairly” (Niemann, 2012, p. 351).

Every single one of the issues and strategic guidance initiatives identified by Jacob (2012) and Neiman (2012) resonate with my own academic experience. A few important strategic supports help mitigate my experiences and include: 1) the establishment of a formal academic mentor; 2) regular meetings with my Director; 3) a clear orientation to the various offices for research, equity and on-campus Indigenous supports such as an Indigenous academic caucus, library and elders; and, 4) an open-door policy and regular contact with Indigenous students.

Law professor, Adrien Katherine Wing identifies the multiplicative, not additive, holistic discrimination she feels as a black female in academia (2012, p. 357). Wing offers seven lessons for racialized women academics: (1) do more than the minimum expected for tenure; (2) understand that tenure is only the end of the beginning; (3) keep teaching the teacher and teach on a grand scale (innovate teaching techniques); (4) remember that service is the rent we pay for living on the planet, so extend your service obligation; (5) be involved in *othermothering* (also known as mentoring); (6) take care of yourself; and, (7) give credit where credit is due (2012, pp. 362 – 371). Delia Douglas (2012), a Black independent scholar in

Vancouver, BC also argues that racialized women experience multiple threats from students, faculty, administrators and community. She identifies that students struggle “with course materials because they had no background in the intersections of gender and race or critical race scholarship...which creates a growing tension and hostility among students frustrated and angry about their low grades” (p. 56). She states that Canadian universities remain “key sites of enculturation for whites since they are the places where the values and norms of the dominant culture are taught, affirmed and taken for granted” (Douglas, 2012, p. 64).

Wing’s (2012) advice to racialized women academics to do more than the minimum expected for tenure encourages me to consider if this could reinforce tokenism, and the need to prove oneself as worthy of a position of authority in the academy. It also encourages me to wonder what diverse personal, familial or community support issues might underpin a new academic’s decision work to the minimum expectation level. Perhaps those questions, decisions and answers are best left to individual academics; both Indigenous and otherwise. Wing’s recommendation to “keep teaching the teacher” offers one place to integrate Indigenous pedagogy into the classroom, through Indigenous understandings that we are all teachers, we are all learners, and that learning is cyclical, comes in many forms, and is life-long. To address the concern expressed by Douglas (2012) regarding multiple threats from students, faculty, administration and the community, it may be helpful for new Indigenous academics to know they can request a peer teaching evaluation to counter or compliment student teaching evaluations. New faculty should also be aware that at the beginning of their employment, they can work to negotiate a course release to strengthen their teaching through professional development options, and to address the heavy service burden experience. At the very least, making these issues visible can help to open the door to communication with academic leadership about Indigenous realities in academia, retention, future recruitment and success.

Learning from the experiences and advice of other racialized faculty working in diverse communities, institutions and faculties provides some important guidance. However, Indigenous academics also experience the disrespect of racism in our own ceded and unceded lands, a shared intersectional history of colonialism, exploitation and enforced relocation that is unique to us and our nations. We live with constant reminders that education was used as a weapon by Canada’s residential school project and our role to address the residential school legacy and mistrust of colonial educational institutions at the post-secondary level. It is a battle that continues in many ways and many sites. In October 2013, at the conclusion of his visit to Canada, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, professor James Anaya stated in his preliminary report that Canada faces an ongoing crisis. He acknowledged hearing:

... remarkably consistent and profound distrust toward the First Nations Education Act being developed by the federal government, and in particular deep concerns that the process for developing the Act has not appropriately included nor responded to aboriginal views. In light of this, I urge the Government not to rush forward with this legislation, but to re-initiate discussions with aboriginal leaders to develop a process, and ultimately a bill, that addresses aboriginal concerns and incorporates aboriginal viewpoints on this fundamental issue. An equally important measure for improving educational outcomes, and one that could be implemented relatively quickly, is to ensure that funding delivered to aboriginal authorities for education per student is at least equivalent to that available in the provincial educational

systems (Anaya, 2013, retrieved <http://unsr.jamesanaya.org/statements/statement-upon-conclusion-of-the-visit-to-canada>).

Clearly, there is much work to do. Within our historical and contemporary context, it is important that Indigenous academics acknowledge our valued role in Western and Indigenous institutions, to bear witness, consider, and write about our educational realities in Canada. The promise of academic freedom and autonomy must also extend to our work to uncover and challenge exactly who, or what it is, that we are not free to critique; including the work of colonial governments and other Indigenous academics. It is naïve to suggest all Indigenous academics working in educational institutions will always agree on approaches to all issues, get along, be professional in all contacts, or even like one another. Some will choose a very solitary academic path, while others will seek to form alliances and supportive research, scholarly, activist or service relationships. The reality of micro-aggressions, implied threats of violence, harassment, racism, tribal struggles, pettiness, and professional jealousy exist in the academy; as they do in other work sites. For Indigenous academics, all of these experiences are inter-connected socially, economically, politically and historically. Daily work is needed to understand these realities, the structures and processes in place to address the issues from an employment perspective, find spaces for spiritual and emotional renewal, and integrate these teachings into academic life.

If academic work cannot be reconciled with our own Indigenous selves, we can always leave it. Through our relationships, knowledge, skills and experiences, we know we can always secure employment positions in another agency, organization or institution. What we cannot do, is “get” a new Indigenous community or relationships if we leave our own behind. For me, this is not a choice and there is no way to reconcile the differences. Relationships with Indigenous and family/friend/colleagues sustain and support me to fulfill this academic role. My cultural values, beliefs, ceremonies, education and relationships prepared me for it, allow me to participate in it, and will sustain me after the academic role ends. Other Indigenous academics might ask themselves whether this is yet another either/or watershed moment, and if there is a way to complement these two experiences rather than view them as competing interests. Perhaps it does not need to be competing, and each Indigenous academic must answer that question in relation to their own experience.

Spiritual and Cultural Health in Research Grant Applications, Teaching, Scholarly and Service Activities

My experiences as a new faculty member in a corporate university began with a meeting with an Indigenous Elder and Indigenous mentors in the Education faculty and Social Work department. It also includes being repeatedly welcomed and assisted to learn about university structures designed to support my research, teaching, scholarly and service activities. Very early in my appointment, the *Office of Research Services* and the *Vice-President Research International Offices* each provided introductory sessions. These opportunities are designed to assist new faculty to navigate research application processes and manage research projects. The Centre for Teaching, Learning and Technology identified workshops to enhance our teachings and writing skills. These were needed to complement the work of Indigenous and racialized people in the academy, and those in community that mentored me in the early days, and continue to do so today. These relationships balance the non-Indigenous second year faculty recounting their grant-seeking experiences (ranging from poor to excellent), and the non-Indigenous research support staff orientation.

When people that have a vested interest in my (or your) success, offer to help, I take most at their word, and encourage others to do the same. For this reason, I offer a teaching story to make visible what is possible when we take people at their word, and step forward. I also offer this story with a couple of provisos. First, that I recognize that there is a fine line between writing “You can do it, just look at me!” and “If I could do it, there is no reason you should not be able to.” If that is what is taken from the teaching story, it will be counter to my respectful goal to encourage new Indigenous academics; rather it could instill feelings of being “lesser than” which is not, and will never, be my goal. Second, I acknowledge that the Indigenous teaching of humility sometimes means that stating publicly or writing “This is what I’ve done” could be construed as boastful and disrespectful of the efforts of others; again it is not my intention to make others feel “lesser than.” Third, I acknowledge that not everything (or anything) goes smoothly in academia, and that every so often a success occurs that might inspire others to try a novel approach or method. An often repeated teaching is that people don’t watch so much how you fall down, but they do watch how you pick yourself up. There are many failed initiatives, plans and projects in my life and they have all taught important lessons. My hope is that there is something in this successful teaching story that can also teach an important lesson.

This story begins after I attended the research orientation presentations. I followed up on their support offer and contacted the research office to ask if we could meet to discuss their services to new academics. The meeting was extremely productive, and I learned of a seed grant available to help support an eventual Social Sciences and Humanities Research Council of Canada (SSHRC) partnership development grant. The office asked for a short research outline, suggested some activities that could be supported and offered to preview it. I returned to Indigenous community members, told them about the opportunity and asked for ideas about what the funds could support. Then I waited and prayed for a useful result. When the response came, we developed a research outline, submitted it at 9:30 AM, and by 2:30 PM on the same day, learned we had a \$10,000 seed grant. We organized meetings, hired an undergraduate research assistant, talked and planned a research project with Indigenous Elders, judges, crown counsels, lawyers, court workers, academics, students, educators, health care professionals and others. Our focus is on the development of First Nations Courts in Canada; a new form of Indigenous therapeutic jurisprudence. All our preliminary work was developed on the basis of existing Indigenous relationships and guided by the prayers of Elders. Together we crafted a 62-page SSHRC grant and submitted it in November 2012. We collectively included what is important from our Indigenous perspectives, and were transparent in our intentions and rationale. In May 2013, we learned the \$200,000 grant was approved. More grant applications and articles developed using the same process, and are guided by what is important in community. Most are successful and build on existing Indigenous spirituality, knowledge, skills, abilities, culture, and traditions; all the things that are not instantly evident in a CV.

My own seven teachings for new Indigenous academics include: (1) Privilege Indigenous voices, cultural traditions, ways of knowing and being in everything academic including your education, job seeking, academic research, writing, teaching and service expectations; (2) acknowledge the dichotomy between academia and community, and work to connect community and academia in respectful, inclusive and rights-based ways that matter to Indigenous communities, and are guided by political struggles for a better future; (3) ask questions and follow up with those that have a vested interest in your success; (4) acknowledge that racism exists, deal with it in strategic, policy-supported and transparent ways; (5) view your service expectations to others as a key role in life; (6) do not allow the fear, derision, discouragement,

pettiness or racism of others to prevent you from taking risks to learn and grow; and, (7) remember that Creator puts you in Western and Indigenous educational institutions and academic roles for a purpose. Trust in that.

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