

The Missing and Murdered Indigenous Women Phenomenon in Canada

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JAMES PARKER, MAY 5 2015

Pamela George and the Historical Context for the Missing and Murdered Indigenous Women Phenomenon in Canada

Introduction: The Murder of Pamela George:

On the morning of April 18, 1995, the body of Pamela Jean George, a 28-year-old mother of two and a member of the Sakimay First Nation, was discovered near the city of Regina, Saskatchewan. She had been violently killed the night before by two young university athletes, Steven Kummerfield, age 20, and Alex Ternowetsky, age 19. Intoxicated, the two young men picked up George, an occasional sex worker, and took her to a spot outside of the city. Kummerfield drove while Ternowetsky hid in the trunk of the car. Once they reached their location, Ternowetsky came out of the trunk, frightening George and causing her to attempt to flee. The men caught her and forced her to have oral sex with them, after which they beat her violently with a blunt object, breaking her nose and bruising her head, face, and upper body. She died soon afterwards from her injuries. Kummerfield and Ternowetsky were tried for George's death and found guilty on the charge of manslaughter, and sentenced to six-and-a-half years in prison.[i] Less than four years later, both were released on parole.[ii]

The verdict sparked controversy nationwide, and led to allegations of both racism and sexism on the part of the judge and the jury. Notably, Justice Ted Malone had advised that the jury keep in mind that George "indeed was a prostitute" while deliberating on their verdict.[iii] Although the singular brutality with which Pamela George was killed is shocking, the fact is that her case is far from unique. The Royal Canadian Mounted Police estimates that in Canada between 1980 and 2012, 225 indigenous women have been murdered or gone missing, never found.[iv] George's case, like those of many other missing and murdered indigenous women, is the ultimate result of a system of colonial oppression that has denied the personhood of Canada's indigenous female population. The Canadian state, through programs like the Residential School system and legislation like the Indian Act, has been deeply complicit in this process of systematic disenfranchisement and dehumanization. The problem is systemic and pervades much of Canadian society and its institutions. Local authorities like the Regina City Council and law enforcement agencies like the RCMP are also complicit. Colonialist notions of Aboriginal inferiority, combined with patriarchal assumptions about the proper role of women in Christian European-Canadian society, have made Canada's indigenous women the country's most disadvantaged and vulnerable group, and have led to the normalization of violence, and even murder, against them.

The Effects of Colonial Policies on Indigenous Women:

In pre-colonial North America, many indigenous societies accorded a great deal of respect to women, whose traditional roles frequently differed from but were complementary to those of men. Some indigenous cultures were in fact matrilineal—wealth and property was inherited from the mother, rather than from the father. Mothers often commanded a great deal of respect and leadership, and were seen as "key to the thriving of the culture".[v] Some First Nations accorded a great deal of political power to women—the women of the Nadoueks, a group of related Iroquoian-language-speaking cultures from Central Canada and the eastern United States[vi], sat on war councils

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and held a veto on whether or not to go to war. Nadouek women were also responsible for producing crucial war materiel—arrows, shields, and rations.[vii] Although they were generally not fully-equal to men, precolonial indigenous women enjoyed far more power and respect within their societies than did their contemporary European counterparts.

British-Canadian settlers, however, were informed by Victorian views on gender and perceived Aboriginal gender relations as primitive or un-civilized. They placed a heavy burden on women, whom they expected to be chaste and subservient. The ideal which indigenous women were held up against was the “mythical archetype of the virtuous Indian Princess willing to reject her own people for Christian civilization.”[viii] This colonialist fantasy almost never reflected reality, but it was a potent and enduring symbol of the supposed superiority of white civilization. Indigenous women who failed to meet these harsh expectations were perceived as degenerate ‘squaws’. This was a colonialist variant of the virgin/whore complex, which has been described by scholars Erin Hanson and Joyce Green as an ‘Indian Princess/Squaw dichotomy’ or a ‘Pocahontas perplex’, respectively.[ix]

The task of enforcing standards of morality among Canada’s indigenous population was assigned to a group of colonial officials, the Indian agents. Under the Indian Act, agents were responsible for registering births and marriages, and for determining which members of a community were eligible for Indian Status. Indigenous customs were subordinated to colonial standards based on English common law; those who failed to conform to these standards could face steep penalties, including jail time. For example, many Indigenous cultures recognized divorce, but colonial law did not. Thus, Indigenous people who divorced and found new partners in accordance with their traditions could be arrested by Indian agents on charges of bigamy.[x] The burden of upholding sexual morality in society was disproportionately placed on women. Nevertheless, agents were known to engage in coercive sexual behavior with indigenous women, sometimes withholding rations to reserves unless women agreed to sleep with them. According to Sherene Razack, the Northwest Mounted Police, the precursor to the RCMP, turned a blind eye to Indian agents engaging in such practices because they were similarly engaged. “Oral narratives of late-nineteenth-century Lakota women,” she notes, “suggest that the NWMP had easy sexual access to Aboriginal women whose families were starving.”[xi]

The sexism of European-Canadian settler culture has been internalized, in some cases, by Aboriginal communities. Gail Stacey-Moore, of the Mohawk First Nation, writes that: “The *Indian Act* abolished the traditional matriarchal society for a patriarchal one. Our men used the *Indian Act* to get back into a position of strength, and they still use it today.”[xii] To this day, some Aboriginal people consider feminism to be a colonialist theory, incompatible with respect for Aboriginal culture and traditions. Aboriginal women’s rights activists Jeanette Lavell and Yvonne Bedard were labelled “‘white-washed women’s libbers’ who were undermining their Indian heritage”.[xiii] Labelling Aboriginal women as feminists has been a tactic in some First Nations communities to question their authenticity and the legitimacy of their viewpoints.

The Residential School System was another colonial institution that sought to impose European-Christian values on the indigenous peoples of Canada. The importance of girls to the assimilation of Aboriginals was recognized early on by the religious establishment. Father Joseph Hugonnard of Lebreton, Saskatchewan, argued that “it will be nearly futile to educate the boys and leave the girls uneducated,” because assimilated girls would pass on their beliefs to their children, whereas assimilated boys, if they went on to marry unassimilated women, would ‘revert’ to old ways.[xiv] Sir John A. MacDonald, Canada’s first Prime Minister, employed similar arguments when he declared that female education was “of as much importance as a factor in the civilization and advancement of the Indian race, as the education of the male portion of the community.”[xv] At coeducational residential schools, male and female students were strictly segregated, both in the classroom and in what was termed ‘vocational training’. This was unpaid labour that was in theory intended to teach students employable skills, but which in practice often became a way for underfunded schools to cut costs by having students do agricultural work, mend clothing, prepare food, and other tasks intended for the upkeep of the schools. These tasks were arbitrarily divided by gender—boys laboured outside while girls engaged in domestic work.[xvi] Sometimes, the labour provided to the school by female students was seen as so essential that they were kept on as full-time unpaid labourers after graduation. Mental, physical, and sexual abuse were endemic to the Residential School system, and had the effect of deeply traumatizing at least three generations of Aboriginal children. The indigenous community, and indeed all of Canadian society, is still coming to

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terms with the horrific realities of the Residential School System.

Perhaps more damaging was the 1876 *Act to consolidate the laws respecting Indians*, better known as the *Indian Act*. The act defined as an 'Indian' "any male person of Indian blood," or any wife or child of such a person.[xvii] The law reveals a fundamental assumption that a woman could not hold her own identity independently of her relationship to her closest male authority figure—assumed to be her husband or her father. If an indigenous woman married a non-indigenous man, she lost her status. This was extremely damaging. Joyce Green argues that:

By defining "Indian" consistently with colonial patriarchal social assumptions, and then bureaucratizing and enforcing that definition, the federal government stripped generations of women of their status as Indians, simultaneously depriving them of their right to live in their communities, raise their children in their cultures and participate in the social, economic and political life of their communities.[xviii]

These provisions of the *Act* were amended in 1985, but they were nevertheless replaced by provisions which allow bands to employ membership codes which discriminate by sex.[xix]

The *Indian Act* created the 'band' as a new structure for Aboriginal government in order to facilitate federal control. Women were unable to vote or to seek leadership positions in bands and could not become chiefs or band councillors. Whereas traditionally women had held a great deal of power in many First Nations communities, under the new band system their voices were entirely excluded. In 1951, an amendment to the *Act* altered the wording so that, more or less by default, Aboriginal women gained the right to vote in band elections. Aboriginal women only gained the right to vote in federal elections in Canada in 1960.[xx]

Under the *Indian Act's* original text, a married woman could not possess land or property. A widow could own land, but all of her husband's property, including their house, went to their children. This was modified in 1884 to allow Indian men to leave property to their wives upon their deaths, on the condition that the local Indian agent felt that their wives were of "good moral character". Once again, one sees the role of the Indian agent in policing the social and sexual behaviour of indigenous women.[xxi] Although this provision was overturned in 1951, land in the Reserves was held through government-issued *certificates of possession*, which were given only to men, well into the 1970s. Thus, men on reserves held exclusive ownership of property, leading to the unfortunately frequent phenomenon of women being evicted from their homes by their husbands and having no legal recourse.[xxii] Many indigenous women have thus been put into the extremely difficult position of having to leave their homes on reserves and go elsewhere, frequently to low-income areas of major urban centres, which has presented its own set of problems for indigenous women.

Indigenous Women in Urban Centres:

Urban indigeneity in Canada is a relatively recent phenomenon. In 1951, the census reported only a few hundred Aboriginal people in each of Canada's major cities; by 2006, however, the census revealed that just over half of the country's Aboriginal population lived in cities.[xxiii] The cities with the highest proportions of Aboriginals are those of the prairie provinces of Alberta, Saskatchewan, and Manitoba. Winnipeg has the highest proportion, as 10.0 percent of the city's population is Aboriginal. It is followed by Saskatoon, with 9.3 percent and Regina, where Pamela George lived, with 8.9 percent. Cities further afield, like Vancouver, Ottawa-Gatineau, Toronto, and Montreal, also have significant Aboriginal populations, but these are proportionally much smaller (1.9%, 1.8%, 0.5%, and 0.5%, respectively).[xxiv]

Canada's urban indigenous population is relatively little-studied and ill-understood. Until quite recently, the very idea of urban indigeneity was seen as rather oxymoronic. Nevertheless, what is clear is that Canada's urban Aboriginals face a wide variety of challenges, many of them related to economic marginalization. These challenges include:

"higher unemployment, higher rates of single parenthood, higher rates of domestic violence, lower education levels, higher proportion of income spent on rent, [...] higher rates of household crowding, and higher rates of homelessness."[xxv]

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In addition, 78 percent of urban Aboriginal respondents to one survey cite racism as a major issue in scenarios such as finding housing or going for job interviews, as well as in everyday encounters in public spaces like schools and shopping malls.[xxvi]

4.5 percent more indigenous women than men live in cities, for reasons which are not entirely understood but certainly tied to the lack of opportunities and social services available to indigenous women on reserves.[xxvii] Aboriginal women are disproportionately affected by economic marginalization, poverty and their related effects. Many young Aboriginal women in Canadian cities find themselves working in the sex trade, where they are faced with the stigma of prostitution, in addition to the stereotypes applied to all Aboriginal women.[xxviii] Wally Oppal notes that most Aboriginal women involved in prostitution are engaged in “survival sex work”, or sex work to meet basic needs or to support an addiction.[xxix] Survival sex workers ‘choose’ to engage in prostitution, but they do so within a larger context, a “set of social conditions they did not choose”.[xxx] Women engaged in street prostitution are 60 to 120 times more likely to be murdered than other women. One study of survival sex workers found that 57 percent reported physical or sexual abuse, and 25 percent reported rape.[xxxi]

Aboriginal people in the Prairie cities live mostly in low-income, inner city areas, which are often characterized as ‘slums’ or ‘ghettos’. This does not happen by chance. Rather, it is the result of deliberate urban planning, where larger plots are marked off in the suburbs, encouraging the out-migration of the cities’ largely white wealthy and middle classes, while inner-city zones are demarcated for the urban poor, who are often racial minorities, through the use of laws such as zoning laws and nuisance laws.[xxxii] The segregation, on Canada’s Prairie cities, between predominantly-white and predominantly-native communities has existed since colonial times, with Aboriginals cordoned off in reserves. Jim Harding of the University of Regina notes that “a white boy growing up in Regina in the 1950s would know Regina as almost exclusively white and as bordered by the reserves of the Qu’Appelle Valley: “two different worlds””.[xxxiii] Starting in the 1960s, as Aboriginal people began to migrate in large numbers from reserves to the city, this segregation and its accompanying social hierarchy were maintained, but with slum administration taking the place of colonial administration.[xxxiv]

White Privilege and Indigenous Space in Canada’s Cities:

Sherene Razack, in her monograph “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George,” argues that understanding this segregation of space in Prairie cities like Regina is key to understanding why Pamela George was murdered—and why her killers faced such light punishment. George worked in an area of downtown Regina known as ‘the Stroll’, which is known for prostitution, drug use, and violent crime, and for its “Third World” living standards.[xxxv] George’s killers, well-off university athletes whose families owned chalets in Banff, were from a completely different world. They inhabited what Razack terms the “elite spaces of middle class life”. [xxxvi] For them, buying the services of a prostitute from the Stroll was “an adventure that confirms that they are indeed white men in control who can survive a dangerous encounter with the racial Other and who have an unquestioned right to go anywhere and do anything.”[xxxvii]

The court largely upheld this unspoken assumption. The defence characterized Kummerfield and Ternowetsky as boys who did “pretty darn stupid things.” Crown and defence agreed that George’s occupation in the sex trade was “something to be considered”, a relevant fact to the case.[xxxviii] The fact that she was also a human being who was brutally killed for little reason was obscured; she was, in this court of law, a ‘prostitute’, an ‘Indian’—therefore a degenerate Other. Her killers, meanwhile, received the full advantage of their citizenship before the law.

Violence and Masculinity:

If Kummerfield and Ternowetsky affirmed their whiteness through their journey to the Stroll and their encounter with George, they affirmed their masculinity through the violence they enacted on her. Laura Robinson, in her book *Crossing the Line: Violence and Sexual Assault in Canada’s National Sport*, argues that, among young hockey players and other athletes, violence and aggression are emphasized as important elements of masculinity. Shared hatred of femininity and even shared acts of violence towards women can be important bonding activities for these young men.[xxxix] Members of high-profile athletic teams can fit the profile of gang-rapists quite well. Lee Bonker

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argues that:

The structural element of the gang-raping fraternal culture is a high-prestige, exclusively male group [...]. The activity that brings them together is tied to their male identity; one can only belong to the group if one is biologically male. [...] Membership in these groups is difficult to achieve (it frequently involves hazing, as well as particular attributes, such as skill, money, or brutality) and the group is successful, or enjoys status in the community.[xl]

He further argues that, ideologically, gang-raping culture contains: “a view of women as “other,” essentially different beings, who threaten the cohesiveness of the male group”; “a sense of entitlement due to the group’s prestige that condones lawlessness, akin to groupthink”; and

“a traditional conceptualization of sex roles and sexuality, under which women are supposed to be sexual gatekeepers who do not enjoy sex, and women who do not conform to these notions are fair game for exploitation”.[xli]

For young men who are socialized by such a culture into accepting a violent, aggressive vision of masculinity, acts of sexual violence against women become a means of reaffirming one’s masculinity. Violent masculinity is performed to show one’s brothers that one is worthy of respect and status. The women upon whom such acts of violence are performed are irrelevant—they are a means to an end, sexual objects to be used and discarded, rather than fully actualized human beings. Pamela George’s status as a prostitute; a denizen of the Stroll; and, above all, an Aboriginal, a racialized Other, allowed Kummerfield and Ternowetsky, white men from the upper-middle-class world of universities, suburbs, and vacations in Banff, to see her all the more easily as an object to enact violence upon. They realized, implicitly or not, the privilege the law would accord them to act with relative impunity.

Conclusion:

It is from a conflation of dehumanizing racism and aggressive misogyny that one of modern Canada’s great tragedies arises. The Native Women’s Association of Canada has collected data on 582 cases of missing and murdered Aboriginal women and girls. 67 percent of these cases are murder, and only 53 percent are ever solved, compared with an overall national clearance rate of 84 percent. 55 percent of victims were women and girls under the age of 31; 17 percent were 18 years old or younger. 88 percent of victims were mothers. Aboriginal women are almost three times more likely to be killed by a complete stranger than non-Aboriginal women.[xlii]

Pamela George’s murder was not an isolated incident. It was one of hundreds of such incidents, most of which go uninvestigated and unsolved. Moreover, the actions of Kummerfield and Ternowetsky are a ramification of over two centuries of Canadian colonial projects aimed at segregating, degrading, and dehumanizing indigenous people in general and indigenous women in particular.

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[i] Angus, “Saskatchewan Justice on Trial,” 5-24.

[ii] “Kummerfield released on parole,” *Canadian Press* (Mission, BC), Nov. 11, 2000.

[iii] Angus, “Saskatchewan Justice on Trial,” 23.

[iv] “Missing and Murdered Aboriginal Women: A National Operational Overview,” *Royal Canadian Mounted Police*, 2014, <http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf>, 3.

[v] Erin Hanson, “Marginalization of Aboriginal Women,” *Indigenousfoundations.arts.ubc.ca*, 2009, <http://indigenousfoundations.arts.ubc.ca/home/community-politics/marginalization-of-aboriginal-women.html>.

[vi] Nadouek peoples include the Haudenosaunee (Iroquois), Wyandot (Huron), Susquehannock, and Cherokee. For

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more information, please see Magee, "They Are the Life of the Nation".

[vii] Kathryn Magee, "'They Are the Life of the Nation': Women and War in Traditional Nadouek Society," in *Rethinking Canada: The Promise of Women's History*, edited by Mona Gleason, Tamara Myers, and Adele Perry (Don Mills: Oxford University Press Canada, 2011), 14-17.

[viii] Hanson, "Marginalization of Aboriginal Women."

[ix] Ibid.

[x] Ibid.

[xi] Sherene H. Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George," in *Race, Space, and the Law: Unmapping a White Settler Society*, edited by Sherene H. Razack, 123-156, (Toronto: Between the Lines, 2002), 131.

[xii] Joyce Green, "Taking Account of Aboriginal Feminism," in *Making Space for Indigenous Feminism*, edited by Joyce Green, 20-30 (Black Point: Fernwood Publishing, 2007), 22.

[xiii] Ibid, 24.

[xiv] J.R. Miller, "'The Misfortune of Being a Woman': Gender" in *Shingwauk's Vision: a History of Native Residential Schools*, (Toronto: University of Toronto Press, 1996), 219.

[xv] Ibid.

[xvi] *They Came for the Children: Canada, Aboriginal Peoples, and Residential Schools* (Winnipeg: Truth and Reconciliation Commission of Canada, 2012), 36-45.

[xvii] *An Act to amend and consolidate the laws respecting Indians* 1876, c.18. <https://www.aadnc-aandc.gc.ca/eng/1100100010252/1100100010254>.

[xviii] Joyce Green, "Balancing Strategies: Aboriginal Women and Constitutional Rights in Canada," in *Making Space for Indigenous Feminism*, edited by Joyce Green, 140-155 (Black Point: Fernwood Publishing, 2007), 146.

[xix] Ibid, 145.

[xx] Hanson, "Marginalization of Aboriginal Women."

[xxi] Ibid.

[xxii] Janet Silman, *Enough is Enough: Aboriginal Women Speak Out* (Toronto: Women's Press, 1992), 11.

[xxiii] Mary Jane Norris, Stewart Clatworthy, and Evelyn Peters, "The Urbanization of Aboriginal Populations in Canada: A Half Century in Review," in *Indigenous in the City: Contemporary Identities and Cultural Innovation*, edited by Evelyn Peters and Chris Andersen, 29-43, (Vancouver: UBC Press, 2013), 29.

[xxiv] Ibid, 37.

[xxv] Ibid, 52.

[xxvi] Ibid, 53.

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[xxvii] Chris Andersen, "Urban Aboriginality as a Distinctive Identity, in Twelve Parts," in *Indigenous in the City: Contemporary Identities and Cultural Innovation*, edited by Evelyn Peters and Chris Andersen, 46-64 (Vancouver: UBC Press, 2013), 61-62.

[xxviii] Ibid, 62.

[xxix] Wally T. Oppal, *Forsaken: The Report of the Missing Women Commission of Inquiry*, November 19, 2012, http://www.ag.gov.bc.ca/public_inquiries/docs/Forsaken-Vol_1.pdf, 98.

[xxx] Ibid, 100.

[xxxi] Ibid, 104.

[xxxii] Razack, "Gendered Racial Violence and Spatialized Justice," 129.

[xxxiii] Ibid, 131.

[xxxiv] Ibid, 129.

[xxxv] "Regina's Seedy Inner City," *Maclean's*, January 2007.

[xxxvi] Razack, "Gendered Racial Violence and Spatialized Justice," 127.

[xxxvii] Ibid.

[xxxviii] Ibid, 125.

[xxxix] Laura Robinson, *Crossing the Line: Violence and Sexual Assault in Canada's National Sport*, (Toronto: McClelland & Stewart, 1998), 150-152.

[xl] Lee H. Bonker, *Masculinities and Violence*, (Thousand Oaks: Sage Publications, 1998), 84.

[xli] Ibid, 84-85.

[xlii] "Fact Sheet: Missing and Murdered Aboriginal Women and Girls," *Native Women's Association of Canada*, http://www.nwac.ca/files/download/NWAC_3D_Toolkit_e_0.pdf.

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