

## “WILLING VICTIMS”: THE PREVALENCE OF VIOLENCE AND PUBLIC DISCOURSE AGAINST INDIGENOUS WOMEN AND GIRLS

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### Abstract:

Drawing on the current research, I argue that the extensive violence against Canada's Indigenous women and girls is enabled by public discourses that rely heavily on racist stereotypes. I use Sherene Razack's (2016) theoretical framework of "gendered disposability" and "colonial terror" as a lens for critically viewing violence against Indigenous women and girls. To demonstrate the severity of violence, evidence from the Highway of Tears cases, incidents of police abuse, and the creation of the National Inquiry into Missing and Murdered Indigenous Women and Girls are discussed. Through an exploration of the sexual violence against Indigenous women and girls' bodies as a rising threat against Indigenous people, I argue that public discourse emphasizing the "high-risk" lifestyles of Indigenous women fails to identify them as targets of colonial violence. I stress that we need immediate action to address the concerns surrounding MMIW, as opposed to the slow and flawed process of policy. Finally, we need action and policy that is effective at preventing and punishing police abuse and neglect towards Indigenous people.

*Keywords:* MMIGW, colonialism, violence

In this paper, I shall illustrate and critically examine the current realities faced by Canada's Indigenous women and girls through a portrayal of the relevant and current scholarly research. Specifically, I will discuss the level of violence

normalized towards Indigenous women and girls in addition to the significance of public discourses that enable violence to continue. Sherene Razack's theoretical framework of "colonial terror" and "disposability" is utilized in this paper to put into perspective the significance that colonialism plays in the violence perpetrated against Indigenous women and girls (Razack, 2016a, p. 289 & 291). In addition, Smiley's critical perspective regarding the sexualization of Indigenous women and girls is essential to understanding the public construction of them as "squaws" and "willing victims," leading the public to believe they are "deserving of the violence perpetrated against them" (Smiley, 2016, p. 310). This paper shall demonstrate how these constructed ideologies of Indigenous women and girls manifest in their lives, particularly paying attention to the missing and murdered Indigenous women, the Highway of Tears, police racism and abuse, perceived "high-risk" lifestyles, and significance of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). Through an exploration of the sexual violence against Indigenous women and girls' bodies as a rising threat against Indigenous people, I argue that public discourse emphasizing the "high-risk" lifestyles of Indigenous women fails to identify them as targets of colonial violence. I stress that we need immediate action to address the concerns surrounding MMIW, as opposed to the slow and flawed process of policy. Finally, we need action and policy that is effective at preventing and punishing police abuse and neglect towards Indigenous peoples.

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## Razack's "Disposability" as a Framework of Understanding Violence

Razack provides an inherently critical lens regarding the current reality of violence that Indigenous women face in their lives. She poses a general framework of "disposability," (Razack, 2016a, p. 291) which encompasses the sexualizing of Indigenous women's bodies that is inextricably linked with the history of colonialism and the colonial/racial power that is exerted over their bodies through the violence they experience, followed by the dehumanizing disposal of them afterwards. Razack (2016a) argues how colonial power is being "inscribed on bodies" (p. 292) through the sexual violence against Indigenous women. Razack reflects on the death of Cindy Gladue, an Indigenous sex worker that was killed during her sexual encounter with Bradley Barton, who had paid her for some "rough sex." Razack states that "the violence that ended Gladue's life reveals the dehumanization and disposability that is at the heart of colonial/slave/white supremacist regimes" (2016a, p. 293). Gladue suffered from an 11cm tear in her vaginal wall from her encounter with Barton, which led to her bleeding to death in the bathtub of his hotel suite in 2011 (Razack, 2016a, p. 286). Gladue is one of the many thousands of Indigenous women in Canada that have suffered extreme violence. Razack describes the altercation between Gladue and Barton as "colonial terror" (p. 289). According to Razack, colonial terror in this instance pertains to the violence committed against an Indigenous woman at the hands of "a white man", whereas in the case of Gladue, the terror was sustained when Barton's actions "[were] rendered legitimate in the eyes of the law and when Indigenous women continue to be violated in this way" (p. 290). Colonial terror alludes to the entire history of colonialism that was

inflicted upon Indigenous peoples by European settlers and the gruesome violence and wrongdoings that accompany it. The level of violence that Indigenous women and girls experience is a continuation of the colonial violence of the past that has not truly ceased but has taken a new form of dehumanizing and threatening Indigenous peoples.

In relation to the cases of MMIWG, it is important to critically recognize the colonial powers that have allowed the occurrences to take place as well as how Canadians fail to recognize them. In order to fully understand the phenomenon of the missing and murdered Indigenous women, we must accept responsibility to understand the entire context that has led to these occurrences and how our society enables it to continue. A popular, yet inaccurate narrative on how Indigenous women come to be missing and/or murdered proceeds as such:

what is most often said, for instance, is that Indigenous women are more vulnerable to sexual violence because they are poor. Their poverty is said to drive them into so-called "high risk" lifestyles such as prostitution. Poverty exposes them to predators – for example, the young Indigenous women who have no safe means of transportation and who are forced to hitchhike along Highway 16, a strip of highway in British Columbia where more than forty girls and women have disappeared. (Razack, 2016a, p. 292)

This view fails to take into account the history of colonialism that has driven Indigenous communities into the vicious poverty cycle. Additionally, some people may only interpret the MMIWG to be the "outcome of a generic male violence against women," where race and

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colonialism may only be seen as “complications” (Razack, 2016a, p. 292). In addition, by only recognizing poverty or “male against female” violence in the cases of MMIWG, people fail to acknowledge the fact that Indigenous women are targeted. Razack sums it up provocatively: “[women] are valuable members of their communities, and their annihilation spells the annihilation of Indigenous communities” (2016a, p. 292). It is this crucial statement that needs to be recognized by Canadian society in order to understand the severity of the MMIWG to swiftly and sufficiently make progressive changes to prevent an annihilation of people.

## **Violence and the Implication of Public Discourses**

To illustrate the violence that Indigenous women and girls face, I shall discuss the current literature on the MMIWG, specially of those along the Highway of Tears, as well as the negative public discourses that continue to enable such violence. The Highway of Tears alludes to the stretch of Highway 16 (The Yellowhead) from Prince George to the coast of Prince Rupert. Along this stretch of road, the RCMP have identified 18 cases of murders and disappearances (10 being Indigenous), but the Indigenous communities there estimate the numbers of missing and murdered Indigenous women to be approximately 40 (Rhoad, 2013, p. 36). All of the victims are young women aged from 14 to 25, with the majority being Indigenous (Highway of Tears, 2006, p. 18). A report from 2006 identifies poverty as the main contributing factor that leaves women along the highway as “vulnerable to predation” (Highway of Tears Symposium, p. 20). However, Razack’s gendering disposability framework proves otherwise. Razack (2016a) disputes this explanation of vulnerability as such: “While it is

certainly critical to understand Indigenous women’s vulnerability to violence, such an emphasis obscures the fact that Indigenous women are targets” (p. 292). Additionally, by taking a “vulnerability” only approach, the criminal justice system fails to take the disappearances and murders seriously due to this idea that the ensuing violence is the result of a “high-risk” lifestyle (Razack, 2016a, p. 296). Typically, most of the victims were last seen hitchhiking before their disappearance, which has generated ideas around the prevention of hitchhiking as the means of preventing more women from disappearing (Lheidli T’enneh First Nation, 2006, p. 14). Poverty and hitchhiking are only a small part of the equation. As Morton (2016) states, “the intersection of race, gender, mobility, and violence is central to the numerous cases of missing and murdered Indigenous women” (p. 300).

The public discourse surrounding hitchhiking and “risky” behaviour affects the availability of resources to prevent violence against Indigenous women. Strong stigmatization from the public prevents a significant response to preventing tragedies from occurring. Morton (2016) states that “hitchhiking in the contemporary setting has a reputation as being dangerous and undesirable as a mode of mobility [...] it is seen as a mode of last resort” (p. 301). This narrative ties into the public perception of “high-risk” behaviour Indigenous women are believed to engage in and the violence that follows. Morton studies the illustration of billboards along Highway 16 that warn women against hitchhiking as a means to examine the prevalence of public discourse as hitchhiking as “wrong” and “dangerous” (p. 301). One popular billboard recognized by Morton reads: “HITCHHIKING: Is it Worth the Risk?” with a small inscription reading: “ain’t worth the risk

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sister” (p. 323). It is argued that this billboard demonstrates a narrative that there is a decision to hitchhike based on the riskiness of the behaviour, connecting to racist and sexist discourses of “lifestyle choices” (Morton, 2016, p. 311). In addition to the discourse on the billboard, there is a painting of ghosts that is meant to deploy fear and grief to prevent the “decision” of choosing to hitchhike (p. 312). Morton describes her frustration at the lack of alternative options for Indigenous women who do happen to see the billboard; there are no phone numbers or any valuable suggestions to keep them safe (p. 312). A second billboard that she examines reads in bold letters: “GIRLS DON’T HITCHHIKE on the Highway of Tears” with a secondary statement in the bottom left corner “Killer on the Loose!” beside the pictures of three victims (p. 323). The second billboard reiterates the same risk-oriented approach of the first billboard. These billboards reinforce the construction of Indigenous women as “willing victims” who deserve the violence they face because of their lifestyle choices. If Indigenous women are perceived by the public to not be deserving of any assistance, there will be multiple challenges in implementing resources to help them.

Public discourse is complex and has a powerful affect on whether solutions to prevent and solve the violence against Indigenous women and girls will be enacted. The concept of the “willing victim” is used not only in relation to hitchhiking, but also in the sexualization of Indigenous women. Smiley (2016) argues that colonialism has constructed Indigenous women as “homogenized and dehumanized ‘Indian princesses’ and ‘savage squaws’” (p. 308). She states that Indigenous women and girls experience disproportionate rates of violence throughout their

lives due to being plagued by damaging discourses that only dehumanize them (Smiley, 2016, p. 309). As of 2014, Indigenous women were murdered at a rate 6 times higher than non-Indigenous women and the rate of childhood sexual abuse for Indigenous girls (under the age of 8 years old) is as high as 75-80% in some communities (p. 309). Smiley argues that our “increasingly pornified” popular culture centres on male entitlement to have sex with anyone, however they please, at any time. Thus, the sex industry “sustains and reflects a masculinity that thrives on violence, domination, and control” (p. 311). These toxic ideologies block efforts to properly address the violence that is inflicted upon Indigenous women and makes the public unwilling to assist Indigenous women when they understand them to be “willing victims” or “squaws” that enjoy risky lifestyles. Morton also recognizes how the “squaw” stereotype frames Indigenous women to be inherently promiscuous, prone to deviance, and incapable of controlling their impulses (p. 304). Such discourse portrays Indigenous women as victims that are “deserving” of the violence because of their “choice” to be risky. Smiley notes how news stories often focus on high-risk lifestyles, “thus removing the violence they experience from a context of colonial oppression and blaming women and girls for the violence they experience” (p. 310). The media is a key player in exacerbating the public discourse and preventing compassionate, critical responses to violence against Indigenous women. Smiley’s perspective rings true: “we cannot take meaningful action to address male violence against Indigenous women and girls without looking at our pornified culture that allows, at best, and celebrates, at worst, the assault, rape, and murder of women and girls (p. 311).

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## The Significance of the National Inquiry

The National Inquiry into the Missing and Murdered Indigenous Women and Girls that was initiated in 2016 has been an effort by the Canadian government to officially recognize the violence against Indigenous women and girls, including all the factors in our society that contribute to this ongoing tragedy. The National Inquiry possesses a key framework to how conversations and progressive action to end the violence should commence. Razack (2016b) states that a successful inquiry is one that holds the state accountable, engages with the public, and has a message that reflects strong reconciliation values (p. iii). The National Inquiry upholds Razack's criteria by holding the Canadian state accountable, engaging the public, specifically families, loved ones and survivors affected by the violence, and reflecting reconciliation values by placing importance on meaningful relationships between those who are affected and those who change policy. The National Inquiry places a strong emphasis on the role of relationships, stating that "while the report and its recommendations argue for changes to the relationships that colonial systems and structures are built on, it also strives to provide examples of the way individual people and their day-to-day interactions can make a difference in ending violence" (National Inquiry, 2019b, p. 64). Public discourse is often ignored in the discussion of reconciliation, but the National Inquiry is diligent to include this significant piece of information. The general public must be aware of their power and responsibility to help end the violence against Indigenous women. Toxic ideologies and discourses from the public only contribute to enable the violence. It is also significant to note that the Inquiry places Indigenous women and their wisdom at the centre

of the report, compared to other reports in the past that have valued only information from academic institutions, governments, or other Western ways of understanding and conducting research. The National Inquiry looks to Indigenous women and girls to explain what they believe needs to change in order to end the violence in their lives. These factors, combined, create a report with strong potential to address and take action against violence.

Although the National Inquiry has been a positive step, it has been a slow and flawed process which took three years to complete. The National Inquiry's Final Report outlines 19 themes that contain numerous, more specific recommendations targeted at federal, provincial, and Indigenous governments. With such an abundance of recommendations to be implemented, it will be at least another few years until the first of the recommendations are put into action and change can begin to correct the system. Razack (2016b) warns: "inquiries often function to reproduce colonial truths. ... the colonial truth that is reproduced can be a story about Indigenous dysfunction rather than a story of colonial violence and dispossession" (p. iv). With Canada's history of denying colonialism, the state could easily maintain its own agenda through the process of the National Inquiry, disguising it through the deceitful language of restitution (Razack, 2016b, p. iv). Although the Inquiry has made an effort to produce a story that centers on the strength of Indigenous women and girls, it is possible for others to misinterpret it as dysfunction. Ideally, the National Inquiry should work to change the conversation about the lives of Indigenous women and girls while progressively working to employ change where it is needed. The National Inquiry itself recognizes its challenge to create a



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meaningful and strong report while working under the federal government's rules and procedures that are "designed for government departments with long lifespans, not two-year public inquiries working in a culturally safe and trauma-informed way" (National Inquiry, 2019b, p. 72). It is complicated to discuss the matter of time regarding the National Inquiry; although more time would have allowed for an even deeper analysis of the level of violence and abuse present in the lives of Indigenous women and girls, the violence they face is ongoing and ensuring their safety is time sensitive – we need to act now to prevent more lives from being lost.

In addition to the disadvantages listed above, there is also the issue of the disregard for the *Indian Act* within the National Inquiry. Despite the government's supposed eagerness to produce the National Inquiry, they have failed to recognize the *Indian Act* legislation that continues to negatively affect the lives of Indigenous women today. Brodsky (2016) argues that when the government established Bill C-3, "at the same time as removing one more piece of sex discrimination, the government re-enacted the bulk of it" (p. 317). Therefore, while approximately 45,000 individuals were entitled to restored status, there are still people of Indigenous descent being denied status because the female line is treated as inferior. Brodsky finds that "historical *Indian Act* sex discrimination is a root cause of high levels of violence against Indigenous women and the existing vulnerabilities that make Indigenous women more susceptible to violence" (p. 317). In addition, she also notes that simply addressing the violence against Indigenous women isn't sufficient to correct the problem without addressing the underlying "factors of discrimination" (p. 317). To amend the *Indian Act* is a relatively

straightforward task for the Canadian government to achieve: placing status women on the same level of status that men currently hold (p. 319). Brodsky is critical of the necessity of the National Inquiry, stating that

what we do not need is a national inquiry on missing and murdered women that serves as an excuse for further delay in correcting blatant, long-standing legislated sex discrimination, which international treaty bodies have already identified as one of the root causes of violence against Indigenous women. (Brodsky, 2016, p. 319)

It is reasonable to question the Canadian government's motivation to initiate an inquiry while choosing to ignore the issues still at hand within the *Indian Act*. As Brodsky's title of her article suggests, "enough inquiry already, just fix it" (p. 314).

## **Recognizing the Significance of Police Abuse and Racism**

A significant contributor to the violence against Indigenous women and girls is the occurrence of police abuse and racism. In the Indigenous Carrier language of many communities in northern British Columbia, the translation of the word for police is "those who take us away," (Rhoad, 2013, p. 2) alluding to Indigenous people perceiving the police not as a source of help, but as an authority figure that comes to take away people for wrong-doing. The relationship between police and Indigenous peoples has been tainted by numerous injustices committed by the police. Specifically, the instances of police abuse and racism towards Indigenous women, failure to properly investigate those who have been missing and/or murdered, and overall failing to protect Indigenous women and girls (Rhoad, 2013, p. 7-8). The failures of the police in British Columbia have

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contributed so significantly to the violence against Indigenous women that the Human Rights Watch published an extensive report specifically covering the failures and providing recommendations. This report sparked the creation of a national inquiry to address these issues three years later, in 2016.

Police have directly contributed to the violence by inflicting abuse and racism onto Indigenous women and girls within their communities. The report outlined by Rhoad and published by the Human Rights Watch conducted qualitative research in northern British Columbia to gather data about police abuse and racism by interviewing Indigenous women about their interactions with police, as well as community activists that could provide supplementary information (Rhoad, 2013, p. 46-47). One interviewee describes their observation of police routinely incarcerating Indigenous girls for intoxication if they are in need of a ride home, whereas white girls in the same situation are much more likely to be driven home by police (p. 47). Much of the abuse that Indigenous women and girls report receiving from police officers is physical or sexual. The excessive use of force is a common theme of violence against Indigenous women and girls. A 17-year-old Indigenous girl was unlawfully arrested and beaten in the back of the police car by an officer who responded to her call about being chased by gang members. She was released by police after spending the night in a cell but when her family filed a complaint against the RCMP, the detachment retaliated by filing charges against the 17-year-old. Those charges were later dropped and the officer was charged with criminal assault (p. 51). Other abusive policing tactics documented include irregular and inappropriate searches of women/girls by male officers and poor conditions in city cells, including no food, cold

temperatures, being released into the cold weather without transportation (p. 57-59). Gabriella, an Indigenous woman who had been homeless, reported that in 2012 she was taken to a remote location outside of her town and raped by 4 police officers, stating that “they threatened that if I told anybody they would take me out to the mountains and kill me and make it look like an accident” (p. 59). She reported that she had been previously raped by police in similar circumstances. In five of the ten towns in which the Human Rights Watch conducted research, they heard allegations of rape and/or sexual assault by police officers and were struck by the level of fear present in the women they met with to talk about the sexual abuse (p. 59). Police abuse and racism towards Indigenous women must be addressed due to the significant harm they have and continue to inflict upon these women and girls.

Police abuse and racism has also taken less obvious and extreme forms, but nonetheless directly contributes to the overall violence that Indigenous women and girls face. The case of Tina Fontaine, a 15-year-old girl found dead in the Red River, demonstrates the level of police failure that directly contributed to her death. In the hours before Tina’s death, Winnipeg Police found her in the vehicle with an older, intoxicated man, ran her name through their system and sent her out alone into the night. She was later found unconscious by paramedics and taken to the hospital, then disappeared from the care of social workers and found dead (Palmater, 2016, p. 261). Palmater (2016) argues that “no parent would ever consider leaving a young girl out on the streets alone at night, especially in such a dangerous city. Yet the province and their officials – who were acting as legal guardians for Tine – did just that” (p. 261). She argues that the Winnipeg police were

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“obligated to both prevent crime (take a minor child to safety) and enforce the laws of Manitoba, including child protection laws (return a child in care to child and family services)” (p. 261-262). Palmater is disgusted by the failure the police to fulfill a duty to provide the “necessities of life” (p. 262) to Tina and take reasonable steps to protect her, which contributed to her preventable death. However, her death was not seen as a systemic issue in the eyes of the public. Former Prime Minister Stephen Harper responded to the murder of Tina Fontaine by denying the MMIWG as a sociological phenomenon and stating that he saw her death simply as a “regular crime” (Palmater, 2016, p. 271). The two officers’ actions were treated as an “issue of professional misconduct,” (p. 262) with one officer being suspended without pay and the other on active duty. The officer on active duty was subsequently charged with a criminal offence for stealing a pair of boots from another colleague. Palmater notes this is a “damning example of the lack of value put on the life on an Indigenous girl-child versus a pair of police officer’s boots” (p. 262). The actions of the two officers, as well as Stephen Harper’s comments, represent a culture of racism, abuse of power, and sexism within the police forces in Canada. How can society work towards protecting Canada’s Indigenous women and girls if the police and our government, the ones charged to protect them, continue to fail at that task?

Throughout this paper, I have explained the significance of violence and harmful public discourses against Indigenous women and girls, drawing from recent Canadian scholarly research. Razack’s “disposability” (2016a, p. 291) was used as a significant framework to understand the context and realities that Indigenous women and girls face in our society. I discussed the Highway

of Tears and the discourses surrounding Indigenous women that portray them as “willing victims”. Drawing from Morton’s research, I demonstrated how the public perception surrounding hitchhiking and Indigenous women perpetuates narratives of a “high-risk” lifestyle and portrays them as “deserving” of violence. Smiley’s research touched on the sexualization of Indigenous women as a result of our pornified culture that enables such violence. The significance of the National Inquiry into MMIWG was discussed, including its positive and negative aspects regarding its chances of appropriately recognizing violence and successfully protecting Indigenous women and girls. Brodsky’s perspective was included to provide a criticism of the National Inquiry, specifically its failure to recognize the discrimination within the *Indian Act* that is a root cause of the high levels of violence against Indigenous women. Lastly, the prominence of police abuse and racism is identified as a significant contributor to the overall violence against Indigenous women and girls. In conclusion, the literature discussed provides a clear image of the substantial violence and toxic discourses that continue to plague Indigenous women and girls in Canadian communities. It is important to take Razack’s (2016a) words to heart: “[Indigenous women] are valuable members of their communities, and their annihilation spells the annihilation of Indigenous communities” (p. 292).

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