**The Gendered Disposability of Indigenous Women Across Time and Space**

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**Abstract**

Colonization and the historical mistreatment of Indigenous women points to their gendered disposability, victimization, and criminalization today. During colonization, Indigenous women’s bodies were controlled through policy, such as the Indian Act, and through physical abuse and rape. Colonization impacted Indigenous women by forcing them to the city where poor living conditions led many to rely on the sex trade as a means of survival, causing further victimization. Due to the criminalization of prostitution, many Indigenous women who use this as a means to survive are “Othered” and perceived as disposable. This disposability extends to the courts and criminal justice system where Indigenous women are not afforded dignity or respect as human beings, for example in the case of Cindy Gladue. The lived experiences of criminalized Indigenous women are not considered and instead colonial stereotypes surrounding Indigenous women’s sexuality remain pervasive. The case of Pamela George will be discussed in the context of prostitution and Indigenous bodies as violent spaces, colonial entitlement to Indigenous bodies and the land, and incorrect implementation of the victimization-criminalization continuum in the cases of criminalized Indigenous women. A long-neglected issue that points to the continued gendered disposability of Indigenous women is the Missing and Murdered Indigenous Women and Girls. In order to break down Indigenous women’s gendered disposability, the victimization-criminalization continuum must be properly acknowledged, the state and community must acknowledge their shared responsibility to Indigenous women, and harmful stereotypical narratives about Indigenous criminality and sexuality must be removed from institutional and everyday discourse.

*Keywords*: Indigenous women, disposability, prostitution, colonization, sexual violence, criminal justice system, MMIWG

Colonization and the historical mistreatment of Indigenous women points to their gendered disposability, victimization, and criminalization today. Indigenous women’s bodies were controlled during colonization through policy, such as the Indian Act, as well as through sexual abuse. After being forced onto reserves, Indigenous women were then forced into cities where poverty led to their reliance on the sex trade and further victimization. Due to the criminalization of prostitution, many Indigenous women who use this as a means to survive are ‘Othered’ and perceived as disposable. This disposability extends to the criminal justice system (CJS) where Indigenous women are not afforded dignity as human beings, for example in the case of Cindy Gladue. The lived experiences of criminalized Indigenous women are ignored and colonial stereotypes surrounding Indigenous women’s sexuality remain pervasive. The case of Pamela George will be discussed in the context of prostitution and Indigenous bodies as violent spaces, colonial entitlement to Indigenous bodies and the land, and incorrect implementation of the victimization-criminalization continuum in cases of criminalized Indigenous women. A long-neglected issue that points to the continued gendered disposability of Indigenous women is the Missing and Murdered Indigenous Women and Girls (MMIWG). To stop the gendered disposability of Indigenous women we must properly acknowledge the victimization-criminalization continuum, the state and community must acknowledge their shared responsibility to Indigenous women, and harmful stereotypical narratives about Indigenous criminality and sexuality must be removed from institutional and everyday discourse.

**Colonization**

The effects of colonialism continue to greatly impact the lives of Indigenous women and contribute to their gendered disposability. Indigenous women’s bodies were not only controlled physically through rape and abuse, but they were relocated off reserves, to the city or to residential schools, and disconnected from their culture, their families, and their communities. Settlers took Indigenous land and allocated them to reserves only to implement the Indian Act provisions that specified Indigenous women would lose their Indian status if married to a non-Indian (Day, 2018). These provisions were a colonial tool of cultural genocide that applied to Indigenous women and their children but did not apply to Indigenous men or their non-Indigenous wives who would actually gain status (Day, 2018). Bill C-31 was enacted in 1985 to eliminate the sex discrimination; however, it maintained that discrimination and treated so-called “Bill C-31 women” as though they were less Indigenous (Day, 2018, p. 176).

The Indian Act and Bill C-31 impacted re-instated “Bill C-31” women by having to fight for recognition in their families and communities, being less entitled to benefits and housing, and still not being able to transmit their status past their children (Day, 2018). Bill S-3 was created next in another attempt to fix the sex discrimination in the Indian Act; however, despite many proposed amendments it still disregarded the status of Indigenous women’s descendants (Day, 2018). Status recognition is an ongoing battle and exemplifies how colonial institutions still treat Indigenous women as disposable and maintain that colonial power by deciding who is “Indigenous enough”. The government saves money when they deny the status of Indigenous women, as they are not required to provide non-status individuals with programs and services or make treaty payments (Day, 2018). The Inter-American Commission on Human Rights (IACHR) found in their Missing and Murdered Report that sex discrimination in the Indian Act accounts for the high levels of violence against Indigenous women and their risk for increased violence (Day, 2018). The IACHR also stated that an intermediate status class perpetuates cultural violence against re-instated women as they are seen as less Indigenous than women with full status (Day, 2018). By ignoring the effects that sex discrimination has on Indigenous women, the government continues to perpetuate colonial harms and treat Indigenous women as disposable.

Indigenous women’s status was targeted due to the colonial goals of assimilation as well as the fact that women are culturally important and bear the community’s children. Indigenous women were subject to forced sterilization to control and reduce Indigenous populations (Day, 2018). Indigenous girls were also taken from their families to Residential Schools where they were taught to assimilate to settler roles, become “civilized,” and were sexually and physically abused (Day, 2018). Indigenous children were removed from their culture, their communities, and detached from their Indigenous identity. Settlers also imposed a patriarchal governance structure on reserves which weakened Indigenous traditional self-governance (Bhandar, 2016). The positive positions of Indigenous men were replaced by male superiority and Indigenous women’s roles of protectors of the land and important cultural figures in their communities were removed (Bhandar, 2016; Farley, 2005). This system shift led to increased abuse towards Indigenous women and the creation of harmful narratives about them.

The narratives of Indigenous women being hypersexual, immoral, or unable to act in a respectable manner compared to settler white women play into their disposability (Bhandar, 2016). The government uses these narratives to deflect criticism about the discriminatory sections of the Indian Act and to justify the legal regulation and spatial confinement of Indigenous women to reserves and residential schools (Razack, 2000). These narratives describe Indigenous women as inherently rapeable which contributed and continues to contribute to their sexual and physical abuse (Gilchrist, 2010). For example, at the end of the 19th century, some of the North West Mounted Police used their power to deny rations to starving families until sexual favours were given (Razack, 2000). These narratives combined with the legal regulation of Indigenous women forced them off reserve and into urban settings where they face poverty, sexual violence, and addiction.

**Urban Survival**

Indigenous women who were forced off reserve and into the city had few community supports or resources and no choice but to find a way to survive, illegitimately or legitimately (Farley et al., 2005). Poverty was another reason that women were forced off reserves as approximately 84% of Indigenous households on reserves did not have adequate income to pay for housing (Farley et al., 2005). Many Indigenous women who migrate to the city end up living on the streets as they have no other options and are then abused, introduced to substances, witness violence, and are at risk for prostitution (Farley et al., 2005). For some women, prostitution becomes the only viable option for survival as there are few known community resources to help their living conditions. Unfortunately, due to colonial factors Indigenous women are over-represented in the street-level or visible sex trade, making up approximately 90% of these communities across Canada (Farley et a1., 2005). In Vancouver, Indigenous women were found to make up 70% of female street prostitution (Farley et al., 2005). Indigenous women forced off reserve endure extreme poverty and homelessness, which is a major factor in the introduction to prostitution, as well as being vulnerable due to initial unfamiliarity with their environment. Furthermore, Indigenous women are four times more likely to die from homicide than non-Indigenous women and much of this violence interplays with the risks associated with prostitution (Farley et al., 2005). The colonial stereotypes of Indigenous women as sexually available and exploitable are used to justify the mistreatment and gendered disposability of women in prostitution (Razack, 2016). Not only have some Indigenous men adopted these stereotypes in their own communities, but these stereotypes have bolstered the colonial entitlement and male dominance over Indigenous bodies by non-Indigenous men (Razack, 2016).

The colonial entitlement over land and Indigenous bodies is evident in the continued displacement of Indigenous peoples. Not only were Indigenous women forced to migrate to cities, but once they found themselves in an urban setting, they were placed in racialized spaces bound by class. This only exacerbates the poverty and vulnerable conditions that pull Indigenous women into prostitution as Indigenous women are left outside of the economy and without social services (Razack, 2000). About 80-90% of single parent households that are led by an Indigenous woman are below the poverty line (Razack, 2000). Discrimination within the city also creates a lack of opportunities to access services, earn an income or even enter white spaces or institutions without appearing suspicious due to their race (Razack, 2000). Indigenous women are already disadvantaged due to gender discrimination and combined with their race and the sexual stereotypes that accompany it, they face even greater oppression. The police seldom alleviate the abuses Indigenous women on the streets face and often the women reporting their abuses are charged (Razack, 2000). Police response to missing Indigenous women is also poor as being a prostitute reduces them to being part of a transient and easily disposable group (Razack, 2000). The sexually promiscuous stereotypes of Indigenous women and the stigma associated with prostitution places them at a greater risk of being abused, victimized, and killed. Indigenous women are criminalized for their survival, and further victimized, instead of being connected to social services or assisted by institutions that could aid in reducing those abuses.

**Treatment in the Courts and Criminal Justice System**

One of the institutions that contribute to Indigenous women’s victimization is the criminal justice system. This is seen through policy that criminalizes prostitution as well as the stereotypical narratives that exist within the system and practitioners. An example of this policy is a statute enacted in Minnesota in 1994 that stated adult women could sue for damages caused during prostitution, but only if they did not consent to the exchange of sex for money (Balos & Fellows, 1999). This policy assumes that women who consent to a sexual contract are unable to reap harms from their encounter (Balos & Fellows, 1999). This statute also ignores that some women are coerced into sexual encounters through threats, promises of financial rewards, manipulation, or by being isolated from others, which impedes a woman’s ability to say no (Balos & Fellows, 1999). Consent aside, prostitution is still a criminalized act that many people view as immoral and dirty, which paints harmful stereotypes of the women who engage in it.

Stereotypes of Indigenous women and those in sex work are pervasive throughout the CJS and have harmful implications on their outcomes and experiences in the system. Practitioners have the power to form narratives of Indigenous women within the CJS and unfortunately often privilege the stereotypically structured squaw narrative which becomes the most prevalent and commonly accepted narrative within the system (Balfour, 2008). Practitioners have a responsibility to navigate court and use their power to uplift Indigenous women and take their lived experiences into account to minimize their re-victimization and criminalization. The dehumanization of Indigenous women in institutions that hold colonial power demonstrates colonial terror which can cause fear in Indigenous women and inspire terror in those who wish to demonstrate their own colonial power by mutilating Indigenous bodies (Razack, 2016). The case of Cindy Gladue, a Cree woman killed in 2011, exemplifies this colonial terror.

Cindy Gladue was sexually brutalized and dehumanized by Barton, a white man who bought her services, and then she was further victimized by the CJS and the practitioners that worked within it (Razack, 2016). The disposability of Indigenous women was evident in that Gladue was left to bleed to death in a hotel bathtub by Barton who exemplified colonial entitlement over her body (Razack, 2016). However, disposability was also evident in court as her vagina was shown as evidence of the extreme brutalization and force used against her. This reduced Gladue from a valued human being to a disposable severed body part (Razack, 2016). Gladue was also described by practitioners in sexually stereotypical ways and those narratives paired with her visibly brutalized body part only worked to reinforce that colonial power. The practitioners controlled Gladue’s narrative since she was unable to do so herself and instead of privileging her voice, they used their colonial powers to dehumanize her and perpetuate gendered disposability. In the CJS we need to uplift Indigenous women’s voices, provide resources that fulfill their needs, and break the victimization-criminalization cycle.

**The Case of Pamela George**

The death of Pamela George, a Salteaux woman, in 1995 is another case that demonstrates the idea of gendered disposability (Razack, 2000). Pamela George was brutally beaten to death in Regina by two nineteen-year-old college students and left to die at an isolated location outside the city. The defense attorneys argued that the boys’ intoxication gave them diminished responsibility and suggested both that George’s role as a prostitute must be considered and that an Indigenous man likely killed her after they left (Razack, 2000). The two men’s convictions of manslaughter caused outrage as the sentence was believed to be too lenient. George’s death was justified with the idea that her death occurred in a violent space against a body often violated, whereas the men were viewed as being detached from those spaces (Razack, 2000). The fact that both men benefit from a colonial history of dispossession and violence against Indigenous women and therefore may feel entitlement to their land and bodies was ignored during the trial (Razack, 2000).

Indigenous people have a long history of displacement that spans from being pushed off their land onto reserves, being forced into residential schools, then moved off reserves into cities, as well over-incarceration that displaces Indigenous people from their communities. While Indigenous people are forced out of certain spaces, white men are privileged in their ability to move through spaces without consequence, which demonstrates their colonial power and masculine domination (Razack, 2000). Prostitution is said to be a site where a contract cancels out violence and allows for domination of one person over the other (Razack, 2000). After disclosing their actions to friends, the two men were supported in their brutal violence against George who was depicted as easily disposable and an inconvenience (Razack, 2000). This demonstrates their colonial power over Indigenous women as they can enter their spaces, abuse them, and other men will excuse this colonial terror.

Their colonial power was also demonstrated when they displaced George from the racialized space of the Stroll to an isolated stretch of land that was known for prostitution and offered them anonymity and a way to avoid accountability for their actions (Razack, 2000). George was labeled an “immoral hooker” who chose prostitution and put herself into spaces where violence was a natural consequence, while the two men were “boys being boys” and not individuals who brought violence into those spaces (Razack, 2000). Moreover, the first suspects were Indigenous men which demonstrates the privilege that affluent white men hold in being able to move within those racialized spaces and not be deemed suspicious (Razack, 2000). Throughout the trial George was also kept in a racially spaced box.

George’s lived experiences were not addressed during the trial and instead emphasis was placed on her role as a prostitute and on her criminal history (Razack, 2000). By focusing on her criminality, the court could maintain a racially degenerative stereotype of Indigenous women and justify the harms she had endured. George’s risky lifestyle of prostitution explained away her harms as something to be expected in inherently immoral and violent spaces, while the boys’ drunkenness and higher risk activity was an excuse for any harms they had caused (Razack, 2000). In the end, the courts disregarded how her lived experiences as an Indigenous woman led her to be in a deadly situation, while the men were given the benefit of the doubt that they had no intention to harm her (Razack, 2000). Justice was not extended to George because she was reduced to human waste, “Othered”, and seen as a prostitute who existed in violent spaces while her gender, race, social position and lived experiences were ignored.

**Victimization-Criminalization Continuum**

The victimization-criminalization continuum reflects women’s lived experiences and shows that violence and trauma are pervasive in almost all the spaces in which they exist (Balos & Fellows, 1999). Indigenous women are more likely than non-Indigenous women to report childhood physical and sexual abuse (Farley et al., 2005). Farley et al. (2005) found that Indigenous women sex workers also showed a greater need for certain programs such as self-defence training, peer support, job training, and individual counseling. It is imperative when examining the victimization-criminalization continuum that we listen to Indigenous women and tailor programs to their needs in order to break the cycle. These women face a state of continuous re-victimization in their lives due to constant exploitation and abuse on the streets that more often than not began in their childhoods and has accumulated over the years contributing to their criminalization (Farley et al., 2005). As women’s rights are assessed in law there is a clear implication on societal attitudes about women sex workers (Balos & Fellows, 1999).

Women sex workers are stigmatized and the harms they suffer are associated with their own immorality and poor decision making instead of focusing on the perpetrator of their harms (Balos & Fellows, 1999). It is assumed that they consent to such conduct through a sexual contract or provoke that mistreatment (Balos & Fellows, 1999). These assumptions have implications on the types of media attention, programs, stereotypes, and laws or policies that arise in regard to prostitution. Balos and Fellows (1999) stated that the general public views sex work for the obtainment of money as immoral compared to a woman who engages in sex for procreation or with someone for mere pleasure. Even more so a worthy victim is seen as “innocent” to a layperson, whereas prostitutes are deemed “unworthy” and characterized according to colonial narratives. Sexualized violence against Indigenous women is seen as self-imposed due to their perceived riskier lifestyles and inability to thrive in a modern state (Razack, 2016). Furthermore, when the body of an Indigenous woman is destroyed, especially in the context of a sexual contract, it is easier to dehumanize and devalue her as the outcome becomes a product of the woman’s choice (Razack, 2016). This absolves the state and those that perpetuate colonial terror of their wrongdoing.

These colonial narratives are still present today and continue to perpetuate inequality based on class, gender, race, and sexuality and maintain patriarchal, capitalist, and white supremacist institutions (Balos & Fellows, 1999). When you have marginalized Indigenous women, who have been pushed into conditions of poverty and enter prostitution to survive, but are then criminalized for that, all those systems of oppression work against them through that cycle of victimization and criminalization as discussed previously. Society’s perception of how women come to be involved in prostitution and the ensuing harms that they endure in order to survive on the streets in a cycle of victimization and criminalization need to be understood at a deeper level in order to incite change.

**Missing and Murdered Indigenous Women and Girls**

The issue of Missing and Murdered Indigenous Women and Girls (MMIWG) demonstrates how the effects of colonialism continue to impact Indigenous women’s lives. There are more than 1,200 missing and murdered Indigenous women and that figure does not include those that go unreported, not to mention half of these murder cases remain unresolved (Gilchrist, 2010; Razack, 2016). The cases of the MMIWG demonstrate gendered disposability since women’s bodies are often physically dumped in remote places similar to waste disposal (Razack, 2016). The intersections of race, gender, class, and the effects of colonialism make Indigenous women a vulnerable population and action needs to be taken to prevent more MMIWG (Gilchrist, 2010).

The idea of “newsworthy victims” is a roadblock in getting the general public concerned about MMIWG (Gilchrist, 2010). The way media journalists manufacture a story and construct the portrayal of victims can generate a certain response, positive or negative (Gilchrist, 2010). Gilchrist (2010) stated that often news stories are heteronormative, white, middle class, and male focused and the neglected stories are those of marginalized, racialized, and lower-class women. This is seen in the case of MMIWG as they are often disenfranchised and therefore left out of the conversation. Indigenous women are depicted as “bad women” who are unworthy victims and inferior to middle-class white women who are deemed “innocent or good victims” (Gilchrist, 2010, pp. 375-377). If the idea of an appropriate victim is not challenged, the violence against “bad women” goes without consequence or may even appear as acceptable because it is violence against seemingly disposable bodies.

As mentioned before “unworthy victims,” such as Indigenous women, may not receive media coverage at all. However, when they receive coverage, it is often tainted with colonial stereotypes of inherently sexual women or depicts them as disposable lost causes (Gilchrist, 2010). In a study by Gilchrist (2010), Indigenous women were found to have 3½ times less media coverage than non-Indigenous women. Gilchrist (2010) also found that headlines referring to Indigenous women were impersonal and detached, the images presented were smaller, and the articles were shorter and contained more superficial details than of those for white women. All of these factors point to the idea that gendered violence against Indigenous women is routine, their issues are unimportant, and they are not newsworthy victims or victim’s worth saving. The issues of MMIWG continues to be a neglected topic in media and furthermore, in government action.

The inquiry into the Missing and Murdered Indigenous Women and Girls launched in 2016 held hope for change but was met with criticism both during the process of the inquiry and upon release. For years Indigenous activists pushed for an inquiry by establishing a multitude of different projects and campaigns to bring awareness to the issue such as the Sisters in Spirit Project, the Am I Next campaign, and many more (Walsh, 2017). The Harper conservative government dismissed the violence as isolated incidents; however, Trudeau promised an inquiry following the 2015 election. The inquiry was set to investigate and report on the systemic issues of violence against Indigenous women, make recommendations on how to reduce those factors, as well as report on the institutional practices and policies that respond to violence (Walsh, 2017). However, the inquiry was criticized for not reviewing previous cases, neglecting the issue of policing, and not having legally binding recommendations. Ignoring police transgressions was a criticism as the systemic racism and bias in policing, about Indigenous women and prostitution, has led to poor investigations and the early dismissal of many cases (Walsh, 2017). Another criticism was the lack of Indigenous voices when choosing Commissioners, not including Indigenous traditions in legal processes and no grassroots involvement in the inquiry design process (Walsh, 2017). These issues demonstrate how colonial institutions use their colonial power to maintain oppressive policies and silence the voices of Indigenous people instead of privileging them.

**How Do We Attend to These Issues?**

The lived experiences of Indigenous women must be examined through an intersectional lens that considers multiple factors of marginalization that perpetuate their continued disposability and be addressed by providing women with resources or programming that they identify as useful (Farley et al., 2005). In a study by Farley et al. (2005), it was found that 95% of women, in their sample of Vancouver’s street sex workers, wished to leave prostitution and noted that social programming such as addiction treatment, job training, safe housing, health care, and counseling would be helpful. Social programs need to be situated in the context of the victimization-criminalization continuum instead of a neo-liberal context that denies Indigenous women their dignity, self-determination, and autonomy (Balfour, 2008). This calls for a focus on decolonization and decolonizing practices that empowers Indigenous women and their communities and prioritizes their voices when analyzing the interconnected systems of oppression that they face and deciding what action needs to be taken. There also needs to be culturally appropriate resources available for Indigenous women; however, those resources cannot be framed by western approaches of neo-liberalism or forced on Indigenous women (Balfour, 2008). Indigeneity is not homogenous thus the resources or programs that each woman requires to assist them or affirm their identity will differ as well. Educating laypersons and practitioners is also an important part of breaking the victimization-criminalization cycle.

Though education is only the first step in creating change, it is necessary to educate people on how the effects of colonialism contribute to Indigenous women’s victimization and criminalization by over-sexualizing, devaluing, and putting them at a higher risk for violence and death (Farley et al., 2005). To create change, it is necessary to have support from different social sectors such as public health care, mental health services, housing, etc. (Farley et al., 2005). This awareness must also be brought to laypersons who may hold stereotypical ideas about Indigenous women or may be ignorant to these issues due to lack of media coverage. Educating laypersons and practitioners, changing policy or programming within the CJS, and acknowledging women’s lived experiences is all part of breaking the cycle, but government action also needs to be taken to ensure appropriate social resources are available to Indigenous women to prevent further victimization, criminalization, and to reduce the number of MMIWG.

The good news is that social media has become a platform where Indigenous creators can use their voices to educate on many different issues relating to their lived experiences. The ability to connect with Indigenous voices is important as the awareness is what drives people to change their perceptions on Indigenous issues, find ways to support campaigns or projects, and sign petitions for policy change. As more people support these creators and educate themselves, more information on these issues is shared and could potentially mean more positive media coverage and eventual government action. Government action could mean positive change in how MMIWG investigations are run, more available social programming, better treatment of Indigenous women in the CJS and more importantly by laypersons in everyday interactions.

Though things are slowly changing, increased research focused on the post-release issues of the MMIWG inquiry is necessary, as current research focuses on pre-release criticisms. Research on the effectiveness and implementation of the inquiry recommendations can highlight the next steps for government policy that can act to protect Indigenous women. A necessary question to ask is, how do we ensure that governments prioritize Indigenous people and privilege their voices in these government processes, and how do we keep governments accountable? Another question to ask is, how do we uplift Indigenous creators and activists so that the general public becomes invested in Indigenous issues? Those who do not care or are ignorant to these issues may not seek out Indigenous educators on social media or may not even bother to listen, so how can we best reach laypeople?

**Conclusion**

Colonialism and the historical mistreatment of Indigenous women has significantly contributed to their continued gendered disposability. As discussed, Indigenous women were abused by settlers, removed from their communities by the Indian Act and Residential Schools, as well as harmed by the stereotypical narratives perpetuated by settlers. After being pushed off reserves to the city, women were subject to poverty with few social supports and had to rely on prostitution for survival. Prostitution was accompanied by many harms including physical and emotional abuse and introduction to the CJS, where many women were further victimized through stereotypical portrayals by practitioners. The system must incorporate the victimization-criminalization continuum; however, even more vital is changing the discourse used by the public and privileging Indigenous voices. By changing the perceptions of laypersons, we can draw increased public support for Indigenous peoples, more media attention and push the government to act by providing necessary resources for Indigenous women along with proper investigations into MMIWG, and a plan to stop Indigenous victimization. The inquiry into the Missing and Murdered Indigenous Women and Girls did not produce their intended results but did indicate that further work needs to be done. Despite the inquiry, things are slowly changing as social media platforms have begun to prioritize Indigenous voices and if we continue to listen and privilege their voices, we can reduce Indigenous women’s victimization and criminalization and strengthen their identities as valued members of the community.

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