
A Thesis

Submitted to the Faculty of Graduate Studies and Research

In Partial Fulfillment of the Requirements

for the Special Case Master of Arts degree

in Canadian Plains Studies

University of Regina

by

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Regina, Saskatchewan

January 2014

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Kimberly Dawn Karpa, candidate for the degree of Special Case Master of Arts in Canadian Plains Studies, has presented a thesis titled, *Healing Through Justice: The Application of Holistic Healing to Racialized and Sexualized Violence Against Aboriginal Women of Saskatchewan*, in an oral examination held on November 8, 2013. The following committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

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Abstract

Over the last three decades, feminist research has brought violence against women to the attention of policy makers and the general public. In more recent years, researchers have begun to explore the intersection of race, colonialism and gender when examining the issues of violence against Aboriginal women and women of colour (Brownridge 2009, 164-200; Dylan, Regehr, Alaggia 2008, 678-696; Razack 2002, 123-156; 1998, 56-87; Smith 2005, 7-33; Stevenson 1999, 49-80). Aboriginal women in Canada experience exponentially higher rates of violence than non-Aboriginal Canadians do (Amnesty International 2004, 23; Johnson 2006, 14; Sinha 2013, 19). Further, Aboriginal women’s mortality rates as a result of violence are three times higher than for non-Aboriginal women (Amnesty International 2004, 25).

In 2004, Amnesty International released a report, “Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada,” that brought attention to the hundreds of missing and murdered Aboriginal women and girls in Canada. In 2005, The Native Women’s Association (NWAC) Sisters in Spirit (SIS) Initiative began conducting a five-year study that found 582, and still counting, cases (2010, i). An observation in this report is that many of the families of missing and murdered Aboriginal women and girls have encountered barriers when working with the police and the other components of the criminal justice system.

The purpose of this thesis is to investigate the barriers that families of missing and murdered Aboriginal women in Saskatchewan experience when working with the Canadian justice system, particularly the police; seeking out the changes that need to be
made in order to overcome these barriers; and exploring alternative forms of justice that may be more suitable for such cases. More specifically, this research project seeks to explore the viability of restorative justice processes for families of missing and murdered Aboriginal women and girls; what kinds of restorative justice processes might be most beneficial; and finally how the restorative justice processes could work to the benefit of the families of missing and murdered Aboriginal women and girls.
Acknowledgements

This research was made possible by the generous funding from Bank of Montreal (BMO), the University of Regina Faculty of Graduate Studies and Research, and the City of Regina. This thesis would not be what it is without the support and encouragement from my supervisor Darlene Juschka and committee members Nick Jones, Carrie Bourassa and Elder Betty McKenna. A special thank you to the strong women who shared their stories with me, without you this research would not have been possible. Finally, I would like to thank my family, friends and colleagues for their constant support and words of encouragement.
This thesis is dedicated to the missing and murdered Aboriginal women in Canada and their healing families, may you receive the justice you so righteously deserve.
# Table of Contents

Abstract ............................................................................................................................... i

Acknowledgements ............................................................................................................... iii

Introduction ............................................................................................................................... 1

**Violence Against Women in Canada** .............................................................................. 8

*Prevalence of Violence Against Women In Canada* ......................................................... 8

*Violence Against Aboriginal Women in Canada* ............................................................. 10

*Postcolonial and Aboriginal Feminist Theorizing: Understanding Violence Against*  
Aboriginal Women .............................................................................................................. 12

Aboriginal Feminism .......................................................................................................... 13

Colonization: “A Gendered Enterprise” ............................................................................. 14

Aboriginal Women’s Identities: Colonial Constructions .................................................... 17

**The Criminal Justice System** ......................................................................................... 20

Understanding Law-Society Relations................................................................................. 20

*Women, Violence and the Criminal Justice System* ......................................................... 22

A Sextist Structure: Feminist Critiques .............................................................................. 24

Aboriginal Women’s Experiences with the Criminal Justice System ................................ 26

*Criminal Justice Systems Response to Missing and Murdered Aboriginal Women: Families*  
Reflections ............................................................................................................................. 29

A Racist and Colonialist Structure: Indigenous Critiques .................................................. 30

**Restorative Justice** ........................................................................................................... 35

*Filling the Gaps of the Legal System: Addressing Needs* ............................................... 36

*The Power of Story-telling: Why Victim Offender Dialogue is Successful* ..................... 43

Restorative Justice and Severe Violence: An Evidence-Based Practice ............................... 46

*Gender, Power and Violence: Feminist Engagements with Restorative Justice* ............. 47

Aboriginal Women’s Engagements with Restorative Justice ............................................. 50

**Chapter Two: Methodology and Research Design** ......................................................... 53

*Standpoint Feminism* .......................................................................................................... 54

*Locating My Own Sites of Privilege and Oppression: Application of Matrix of Domination*  
.................................................................................................................................................. 58

Data Collection....................................................................................................................... 62
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants</td>
<td>62</td>
</tr>
<tr>
<td>Procedure</td>
<td>65</td>
</tr>
<tr>
<td>Data Analysis</td>
<td>65</td>
</tr>
<tr>
<td>Reciprocity</td>
<td>68</td>
</tr>
<tr>
<td>Chapter 3 - Families Stories</td>
<td>70</td>
</tr>
<tr>
<td>Pauline Muskego's Story</td>
<td>71</td>
</tr>
<tr>
<td>Myrna Laplant's Story</td>
<td>74</td>
</tr>
<tr>
<td>Maria's Story</td>
<td>78</td>
</tr>
<tr>
<td>Chapter 4 - Analysis</td>
<td>84</td>
</tr>
<tr>
<td>Theme 1: Police Encounter</td>
<td>85</td>
</tr>
<tr>
<td>Theme 2: Emotional and Invisible Economic Costs</td>
<td>93</td>
</tr>
<tr>
<td>Theme 3: Community (Re)Building</td>
<td>96</td>
</tr>
<tr>
<td>Theme 4: Appropriateness of Restorative Justice</td>
<td>103</td>
</tr>
<tr>
<td>Discussion</td>
<td>111</td>
</tr>
<tr>
<td>Chapter 4 - Conclusion and Recommendations</td>
<td>114</td>
</tr>
<tr>
<td>Recommendations</td>
<td>117</td>
</tr>
<tr>
<td>References</td>
<td>119</td>
</tr>
<tr>
<td>Appendix A</td>
<td>134</td>
</tr>
<tr>
<td>Appendix B</td>
<td>139</td>
</tr>
<tr>
<td>Appendix C</td>
<td>140</td>
</tr>
</tbody>
</table>
Introduction

Over the last several decades it has become apparent that hundreds of Aboriginal women in Canada have gone missing or been murdered. In 2004 Amnesty International released a report, “Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada,” that drew national attention to the hundreds of missing and murdered Aboriginal women and girls. In this report the Native Women’s Association of Canada (NWAC) estimates that over 500 Aboriginal women and girls have gone missing or been murdered in Canada in the last two decades (cited in Amnesty International 2004, 24).

In response to the disturbingly high numbers of Aboriginal women and girls that have gone missing or been murdered in the last 20 years NWAC established their Sisters In Spirit Initiative—a five-year research project to examine the root causes, circumstances and trends of missing and murdered Aboriginal women in Canada. In their recently released report “What Their Stories Tell Us: Research Findings from the Sisters in Spirit Initiative,” NWAC found that Aboriginal women and girls experience higher incidents of violence than non-Aboriginal populations (2010, 2), reflected in the 582 cases, and represent the most “at risk” group in Canada (2010, 1). The majority of Aboriginal women and girls who disappear or are found murdered are under the age of

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1 The term Aboriginal is used to homogenize First Nations, Métis and Inuit peoples into a uniform category. While this research project recognizes that there is diversity among the various First Nation, Métis and Inuit groups across Canada, existing literature has come to use the term to capture the phenomenon of Aboriginal women who have disappeared or gone missing. Thus, the use of the term Aboriginal is used to refer to peoples of First Nation, Métis or Inuit descent throughout this paper.
thirty-one (55%) and lived in the Western provinces of Canada (67%) \(^2\) (NWAC 2010, ii). Furthermore, a majority of cases of missing and murdered Aboriginal women occur within urban areas (70%); however, there are also a considerable number of cases occurring within rural areas (22%) (NWAC 2010, 25). Although it is clear that the majority of cases occur within urban areas, movement between reserves and urban centres, due to travel and disconnection from family and friends for example, means that Aboriginal women are even more vulnerable to such violence (NWAC 2010, 25).

Aboriginal women account for 10% of non-spousal homicide rates\(^3\), double their representation in the Canadian population (4%) (Status of Women Canada 2013); and nearly half of the murder cases of Aboriginal women in Canada remain unsolved\(^4\) (NWAC 2010, 26).

Many of the families of missing and murdered Aboriginal women and girls have raised serious concerns regarding their interactions with the criminal justice system. Often times, families felt they were not taken seriously and had to convince the authorities that their loved one was missing (NWAC 2009, 9). Families have also

\(^2\) This percentage was calculated using the percentages of missing and murdered Aboriginal women and girls from each province (AB 16%, BC 27%, MB 14%, SK 10%)

\(^3\) According to Shannon Brennan, for a number of reasons, the disappearances and murders of Aboriginal women have been difficult to quantify through official statistics. For example, violent crimes are captured through the General Social Survey (GSS) and are limited to sexual assault, robbery and physical assault. Homicide information is collected from Canadian police services by Statistics Canada’s Homicide Survey. Neither of these sources collects data on disappearances. The Homicide Survey collects information on demographics of homicide victims; however, this is only when it is known. Brennan argues that the identity of many Aboriginal homicide victims is unknown and as a result this undercounts the true extent of this victimization (2011, 9). In light of the gap on statistical information on the disappearances and murders of Aboriginal women in Canada, NWAC’s Sister’s in Spirit Initiative created a database where they collected disappearance and homicide data to provide a clearer picture of the extent of this violence. Shockingly, within an eight-year period, 2000-2008, 153 cases of disappeared and murdered Aboriginal women were entered into NWAC’s SIS database, representing 26% of their entire database.

\(^4\) According to NWAC, the clearance rate for cases involving Aboriginal women is approximately 53% (2010, 26), a significant difference from the average clearance rate for homicides in Canada, which was 75% in 2010 (Hotton, Mahony and Turner 2012, 10).
expressed dissatisfaction with the Canadian justice system stating that they encountered barriers when seeking help from police services and a lack of sufficient justice administered during murder trials (Razack 2002, 134-136; NWAC 2009, 9).

Aboriginal women and girls (and other women marked by race) often experience revictimization when encountering the criminal justice system. Racialized discourses function in all realms of Canadian society, including the justice system. Violence against women, particularly women marked by race and colonization, typically does not end with the abuse by her attacker. The Canadian criminal justice system has been heavily critiqued by scholars and researchers who argue that it is based on a Eurowestern, masculine hegemonic state structure (rooted in Anglo-Saxon ideologies), with a history of oppressing and abusing women and minority groups, such as Aboriginal peoples\(^5\) (Dylan et al 2008, 692; Hamilton 2009, 2; Razack 2002, 126). Several studies have documented such racism and sexism that Aboriginal women experience when seeking out help from the police and in search for justice in the courtroom (see Aboriginal Justice Inquiry 1991; Dylan, Regehr and Alaggia 2008; Razack 1994; Razack 2000; Nancarrow 2006; NWAC 2010). However, in the case of Aboriginal women who go missing, or are murdered, revictimization can also be experienced by the families who are seeking to find their loved ones or receive justice. Surviving family members have expressed their dissatisfaction with the Canadian criminal justice system; however, they have often been

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\(^5\) Crimes create a power imbalance between the victim and the perpetrator. Several scholars, particularly feminist, critical race, and Aboriginal, have argued that the criminal justice system has a tendency to revictimize victims that are marked as female and/or race. For example, women who are victims of sexual violence have been blamed for their victimization, and this revictimization can be further exacerbated when victims are marked by race and colonization. Several cases involving women who are victims of sexual violence, as well as Aboriginal women that have been abducted and murdered, have been spotlighted by theorists to expose the racism and sexism operating in the criminal justice system (see Aboriginal Justice Inquiry 1991; Dylan, Regehr and Alaggia 2008; Razack, 19998; Razack 2002) For further discussion see upcoming section on the Criminal Justice system.
excluded from research on revictimization because they are not the primary victims within the retributive justice paradigm. In light of this gap in the literature, capturing the experiences of family members (secondary victims) and their experience of revictimization from the criminal justice system is central to this research project.

Concerned about the gap in the justice system, a number of scholars have examined the institutional racism and sexism that Aboriginal women and girls experience in the Canadian criminal justice system, particularly its response to cases of violence against Aboriginal peoples (see Razack 2002, 121-156; Dylan et al. 2008, 678-696; Comack and Peter 2005, 283-309). They have expressed the need to explore ways to develop more just responses to the victimization of Aboriginal women and girls. Alternative justice models, such as restorative justice, are being explored more and more frequently by scholars to address gender-based violence, particularly domestic violence.

In 2001, Iris Griffin conducted a study where she documented the first, and only, case where restorative justice measures were used in a case involving the family of an Aboriginal woman who was abducted and murdered. In this instance, the family of the victim engaged in dialogue with the murderer. Her study provides an in-depth and detailed discussion of the healing conferences that occurred, as well as includes follow-up interviews with the participants discussing their reflections on the conference and its impact on them. This dialogical process emerged from the case of Helen Betty Osborne.

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On November 13, 1971, Dwayne Johnston, James Houghton, Lee Colgan and Norman Manger allegedly abducted a young Cree woman from the streets of The Pas, Manitoba. She was driven out of town where she was sexually assaulted and brutally beaten; an attack that ultimately ended her life.

Johnston was the only one convicted for her murder. In December 1987, Johnston was convicted and sentenced to life in prison with no parole eligibility for ten years, sixteen years after he participated in taking the life of Helen Betty Osborne (Aboriginal Justice Inquiry 1991). Johnson served the ten years of his life sentence; however, prior to his release he agreed to participate in two healing conferences and a series of sweat lodge ceremonies with members of Helen Betty’s family and leaders of Manitoba's Aboriginal community.

After being silent for twenty-five years, Johnston finally discussed what happened the night Helen Betty died and disclosed his role in the murder while sitting face-to-face with members of her family. During the conferences, the Osborne family had the opportunity to express the impact the murder has had on their lives and to ask Johnston questions relating to the death of Helen Betty. Johnston was able to express his remorse for participating in the murder and as a form of restitution promised that he

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7 Lee Colgan was granted immunity for his testimony; James Houghton was acquitted, and Norm Manger was never brought to trial. For further details on this case see the final report of the Aboriginal Justice, an inquiry launched in 1991 in response to the Osborne case and the inadequate investigation into her death and subsequent sixteen-year delay before those involved were brought to trial.

would assist in getting charges pressed against the other men involved as a means of helping bring closure and healing for the family (Griffin 2001, 58).

More and more frequently restorative justice practices, such as the one used for the Osborne family and Johnston, are being developed to address the needs of victims of violent crime needing more than the offender going to jail to feel that justice has been served. This is the only case that I was able to find where a restorative justice process has been used involving the family of an Aboriginal woman who had been abducted and murdered coming together with the murderer. In a post-conference interview, Cecilia Osborne indicated that she thought that this process could be employed in similar cases (Griffin 2001, 64); therefore, exploring whether other family members with similar cases would find this process appropriate and beneficial in their healing journey is central to this project.

The purpose of the present thesis, then, is to understand the dissatisfaction and revictimization that family members of missing and murdered Aboriginal women and girls in Saskatchewan experience when encountering the Canadian justice system. Further, this thesis seeks to explore what alternative justice approaches are available, and which, if any, might be more appropriate in situations of sexual and/or racial violence directed against Aboriginal women and girls. More specifically, this research project

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9 When discussing whether restorative justice will be “more appropriate” in cases of missing and murdered Aboriginal women, “more appropriate” refers to whether restorative justice will be better suited to serving the justice needs of the victims and their families and addressing the root causes of racialized and sexualized violence. For example, restorative justice may be more culturally appropriate as it shares similar philosophies with contemporary Aboriginal culture. Moreover, as will be discussed in the latter half of this chapter, restorative justice processes may be better suited to providing closure and healing for victims/families.
seeks to explore how families of missing and murdered Aboriginal women and girls would respond to restorative justice processes and what benefits, if any, are procured.

In order to establish the problem and achieve my stated thesis goals, my literature review examines the prevalence of violence against women in Canada, particularly violence against Aboriginal women, and feminist theoretical frameworks for understanding violence against women. Thereafter, the Canadian criminal justice system is examined, paying particular attention to the experiences of gendered and raced individuals, and providing critiques from feminist and Aboriginal theorists. Lastly, this literature review examines restorative justice and the potential of this alternative justice paradigm in providing justice to families of missing and murdered Aboriginal women. Having set the stage for my research, I discuss the methods I use in the study, provide the results of my analysis and some conclusions derived.
Violence Against Women in Canada

Violence against women is a social issue that affects the lives of thousands of women across Canada annually. Decades of feminist efforts and research have been instrumental to exposing the dimensions and complexities of violence against women, as well as situating the issue of violence against women into public and legal discourse. However, despite the tremendous gains of raising awareness about violence against women, the issue remains a widespread and entrenched social problem in Canada. Women in Canada, regardless of age, race, class, sexual orientation, or race, live at risk of becoming victims of gender-based violence, and will at some point, be directly or indirectly affected by such violence.

Prevalence of Violence Against Women In Canada

In 1993, Statistics Canada conducted The Violence against Women Survey (VAWS)—a large-scale random sample survey dedicated to understanding the prevalence and nature of violence against women in Canada. They surveyed 12,300 women by telephone about their past and present adult experiences of violence endured by known males or male strangers. Data from the VAWS found that over half of Canadian women (51%) experienced at least one incident of physical or sexual assault since the age of sixteen, and ten percent had been victims of violence within the twelve-month period preceding the survey. Common assaults made up the largest share of violent offences experienced by women, with sixteen percent of women reporting they
have been assaulted by a date or intimate-partner, twenty-three percent by a stranger or other non-intimate, and twenty-nine percent of ever-married women have been assaulted by a spouse. Sexual violence was more common than physical violence, with four out of ten (39%) women reporting this type of violence. Less serious types of sexual violence, such as unwanted sexual touching, were found to have almost equal prevalence rates as violent sexual attacks (25% and 24%, respectively) (Johnson 2002, 38-41).

Since 1993, no large-scale survey, like the VAWS, has been conducted to measure violence against women in Canada (Johnson 2006, 24). Rather, current statistics on violence against women are found using the General Social Survey (GSS), which is a population surveys that gathers data to measure changes in social trends of various phenomena in society (Statistics Canada General Social Survey). The GSS surveys randomly samples approximately 10,000 people fifteen years or older living in the ten provinces with each cycle running every five years (Johnson 2002, 33). The GSS provides information that is complimentary to police statistics as it includes incidents that were reported to the police, as well as those that were not reported (Johnson 2002, 33). Holly Johnson argues that the GSS is beneficial to understanding violence against women because they provide “detailed information about victims experiences with the crime and criminal justice system, the impact of the experience on them, their reasons for contacting the police, their perception of their personal safety, and other details not available from official police records” (2002, 33).

Results from the GSS conducted in 2004 found a decline in the prevalence of violence against women. Spousal violence incidents have declined from twelve percent in 1993 to eight percent in 2004. In addition, survey results indicated that there was also
a decline in the severity of violence in spousal violence compared to the 1993 VAWS findings; fifty percent of all victims in 1993 to thirty-nine percent in 2004. As well, there has been a thirty-nine percent decline in spousal homicides of women between 1991 and 2004. Trend data on the prevalence of sexual violence outside of a spousal relationship is limited, as the GSS does not contain the same detailed questions as provided in the VAWS. Therefore, comparisons can only be made between the 1999 and 2004 GSS data, where the percentage of women reporting this type of violence was three percent in both 1999 and 2004. It must be noted; however, that less than ten percent of sexual violence incidents are reported to the police; as such, the prevalence of this type of violence is significantly underestimated (Johnson 2006, 16-26).

While there appears to be a decline in the prevalence of violence experienced by women, this phenomenon continues to affect the lives of many women in Canada. These findings indicate that violence against women is a serious societal problem, and that addressing gender-based violence needs to be a priority in Canadian society.

**Violence Against Aboriginal Women in Canada**

Women marked by race in a racist social body are at a greater risk of violence than women unmarked by race are. In Canada, Aboriginal women live at the highest risk of becoming victims of violence. Katie Scrim stated that domestic violence is the most pervasive form of victimization that Aboriginal women experience (2010, 16). Further, the “The Report of the Aboriginal Justice Inquiry of Manitoba” stated that, “violence and abuse in Aboriginal communities has reached epidemic proportions” (1991). According to the 2009 GSS measuring violence against women in Canada, Aboriginal
women are 2.5 times more likely to be victims of a violence (28%), spousal as well as acquaintance and stranger, compared to non-Aboriginal women (10.6%) (Sinha 2013, 19). The Ontario Native Women’s Association argues, however, that in some northern Aboriginal communities in Ontario, the rate of Aboriginal women’s victimization in intimate partner relationships is closer to seventy-five to ninety percent (2007, 3). Sample counts on sexual violence against Aboriginal women in the 2004 GSS were too low to produce reliable estimates; however, police statistics that compared incidences of crime on and off reserve found that sexual violence rates were much higher on reserves (Johnson 2006, 68).

In addition to the frequency of violence against Aboriginal women, the violence enacted upon them tends to be more severe and life-threatening. According to the 2009 GSS, over half (59%) of female Aboriginal victims of spousal violence reported experiencing severe and potentially life threatening violence, compared to non-Aboriginal female victims of spousal violence (41%). In fact, fifty-two percent of Aboriginal women who experienced spousal violence stated that the violence was serious enough for them to fear for their lives, compared with thirty-one percent of non-Aboriginal victims (Sinha 2013, 1). It was also found that Aboriginal women are eight times more likely than then non-Aboriginal women are to die as a result of spousal homicide (Johnson 2006, 65-67).
Postcolonial and Aboriginal Feminist Theorizing: Understanding Violence Against Aboriginal Women

Violence against Aboriginal women in Canada is complex and is interwoven with issues of race, gender, class, and the long lasting effects of colonization. As such, it demands theories that speak to those realities and costs of such violence. Theoretical explanations of violence against women are diverse and have been developed within a wide variety of disciplines; however, understanding the high rates of violence against women in Canada can be best understood within a feminist framework.

Feminist theoretical frameworks examine broader social forces that (re)produce systems of power in society; and how the unequal distribution of this power shapes the lives of women and men. More specifically, feminist analyses examine the ways in which masculine power and dominance are produced and maintained in social relationships and institutions, as well as the methods that are used to reinforce women’s subordinate status in society. Scholars such as Jennifer Marchbank and Gayle Letherby, Anne Duffy, Carol Sheffield, Rebecca and Russell Dobash, among others, have theorized about violence against women ranging from the interpersonal level to the structural level to understand and explain gender based violence\(^{10}\). However, these understandings and explanations rest on one premise, the belief that sexism is the primary source of women’s oppression.

This universalization of all women’s experiences, regardless of race, class and sexual orientation has come under heavy criticism, particularly by women marked by race.

\(^{10}\) For scholars examining violence against women, see Brownridge 2009; Calixte, Johnson and Motapanyane 2005; DeKeseredy and Schwartz 2011; Dobash and Dobash 1979; Duffy 200; Jasinkska 2001; Kaufman 2007; Kokopeli and Lakey 1995; Larken and McKenna 2002; Nelson and Robinson 2002; O’Toole 2007; O’Toole, Schiffman and Edwards 2007; Price 2005; Schechter 1982; Marchbank and Letherby 2007; Ruth 1990; Johnson 1996.
Intersectionality theory, developed by feminist scholars marked by race such as Kimberle Crenshaw (1991), bell hooks 2000[1984], Cherrie Moraga and Gloria Anzaldua (1981), emerged as a theoretical framework for understanding how the various social dimensions of women’s identities, such as race, class, and gender, intersect to shape their lived realities. Kimberle Crenshaw argues that “the violence that many women experience is often shaped by other dimensions of their identities, such as race and class” and the mainstream feminist movement has failed to include the intersectional identities of women marked by race in their discourses (1991, 1242-1243).

According to Sherene Razack, where attempts have been made by the mainstream feminists to be inclusive of race and class, these social relations have been merely added as layer of oppression and grafted on to sexism (1990, 454-455). As a result racialized women have begun writing their own theories based on their own experiences—theories of intersectionality that focus on racism, sexism, classism and colonialism as interlocking systems of women’s oppression (Crenshaw 1991, 1242-1243; Hill-Collins, 1993, 87).

**Aboriginal Feminism**

Aboriginal women have been sceptical, and even rejecting, of mainstream feminism and their analyses (Monture-Angus 1995, 231). Winona Stevenson, a Cree scholar writing on contemporary Aboriginal women’s issues, states that she is not a feminist. She believes that feminists and Aboriginal women have many similarities; however, they are separate movements:
Feminism defines sexual oppression as the Big Ugly, whereas the Indigenous Women's movement sees colonization and racial oppression as the Big Uglies. Issues of sexual oppression are seldom articulated separately because they are part of the Bigger Uglies. Sexual oppression was, and is, one part of the colonization of Indigenous peoples (in Johnson, Stevenson and Greschner 1993, 159).

Andrea Smith problematizes this dualistic analysis as she argues that it fails to examine the gendered dynamics of colonization and how sexism was fundamental to securing and maintaining imperialist projects (1997, 97-98; 2005). She, along with other Aboriginal feminists, argue that sexism needs to be addressed in order to successfully decolonize, and feminism provides useful tools to do so (Anderson 2010, 81-89; Green 2007, 21-30; Huhndorf and Suzack 2010, 1-7; LaRocque 2007; Smith 2007, 93-100; St-Denis 2007, 41-49).

Using an intersectionality approach, Aboriginal feminism examines how race, class, gender, and colonialism shape the contemporary experiences of Aboriginal women, and interrogates the power structures and practices that reproduces and maintains Aboriginal women’s diminished power, status and material circumstances (Green 2007, 25; Huhndorf and Suzack 2010, 3). Faye Blaney argues that “patriarchy is so ingrained in our communities that is now seen as a traditional trait;” thus, the goal of Aboriginal feminism is to make visible the “internal oppression” that Aboriginal women experience within their own communities, as well as within the dominant society (Blaney 2003, 158).

**Colonization: “A Gendered Enterprise”**

“As colonized persons and as women, [Aboriginal women] face a multitude of problems” (Ouellette 2002, 43), that scholars and researchers often attribute to
colonization and assimilative practices and policies, such as the Indian Act and the lasting effects of residential schools (Amnesty International 2009, 6; Bourassa 2010, 77-82; Brownridge 2009, 168; Dean 2010; 177; Green 2001, 724; Hampton, Kubik, Juschka, Bourassa and Woods 2010, 225-227; Jacobs and Williams 2008, 119-142; Johnson 2006, 14; Kubik, Bourassa, and Hampton 2009, 21; Monture-Angus, 1995, 223; NWAC 2010, 7; Peach and Ladner 2010, 88; Razack 2002, 128-129; Smith 2005,30).

Scholars investigating causes of violence against Aboriginal women have drawn a similar conclusion, that colonization is at the root of the violence that contemporary Aboriginal women experience (Brownridge 2009; Deer, Clairmont, Martell, and White Eagle 2008, xi; Hampton, Kubik, Juschka, Bourassa and Woods 2010, 225-227; NWAC 2010; Razack 2002; Smith 2005; Thobani 2007, 123; Weaver 2009, 1553-1557).

Examining the historical violence that Aboriginal women endured during initial contact with European colonizers, Andrea Smith argues that colonization is a gendered enterprise that used sexual violence as a tool of genocide. Smith argues that, “when a Native woman suffers abuse, this abuse is an attack on her identity as a woman and an attack on her identity as Native” (2005, 8). Smith’s argument speaks to the intersection of gender, race and colonialism that shaped the violence enacted upon Aboriginal women historically. However, colonial sexual violence continues to manifest today. Aboriginal women continue to be targeted for such violence and this is reflected in the hundreds of missing and murdered Aboriginal women in Canada. Hence, the need for a more holistic understanding of how Aboriginal women’s intersectional identities shape the violence that they experience.
Ian Peach and Kiera Ladner argue that, “while all Indigenous people have been affected by colonialism and have endured its violence, oppression and disempowerment, women have been doubly affected” (2010, 89). Aboriginal women are not only affected by the impacts of colonialism based on their race, but they are also affected by the sexism embedded within their own communities in part due to colonization. According to Emma LaRocque, Aboriginal women’s diminished status within their communities can be seen with the progression of colonization. Prior to colonization, many Aboriginal cultures were matriarchal and women were held with high regard. However, with white settler intrusion and influence Aboriginal cultures were drastically altered (1994, 73). Monture Angus argues that in order to confront the inequalities that Aboriginal women face today, Aboriginal women need to confront the discrimination and oppression that they suffer from at the hands of their fathers, uncles, brothers, sons, and husbands. “We must also accept that in some circumstances it is no longer the descendants of the European settlers that oppress us, but it is Aboriginal men in our communities who now fulfill this role” (Monture-Angus 1995, 229). This requires an examination of the internalization of Eurowestern values and attitudes, such as sexism, that have been assimilated into Aboriginal communities, particularly through the Indian Act and residential schools.

Amnesty International and NWAC argue that the Indian Act and residential schools have had, and continue to have, profound impacts on the lives of Aboriginal women today. According to Amnesty International, these two government policies

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11 For a more detailed account of the impact of the Indian Act and residential schools on Aboriginal women see Jacobs, Bev and Andrea Williams. 2008. “Legacy of Residential Schools: Missing and Murdered Aboriginal Women”. In From Truth to Reconciliation Transforming the Legacy of Residential
need to be examined when discussing violence against Aboriginal women because of their lasting impact on social strife within Aboriginal communities and on the marginal status Aboriginal women hold in both the dominant Canadian society as well as their own Aboriginal communities (2004, 12).

**Aboriginal Women’s Identities: Colonial Constructions**

In addition, scholars argue that degrading representations of Aboriginal women as the sexually available “squaw” or the beaten-down “drudge,” and white-settler ideologies wherein Aboriginal bodies are inherently violable have been used to denigrate Aboriginal women and they continue to operate within contemporary Canadian society. Aboriginal scholars and organizations argue that degrading colonial ideologies and images of Aboriginal women are contributing factors to the violence they experience today (Aboriginal Justice Inquiry 1991; Acoose 1995, 29; Anderson 2000, 232; Carter 1997, 185-190; Green 2007, 22; Keating in McKenzie 2010, 145; Larocque in Amnesty International 2009, 5; Smith 2005, 12). The Aboriginal Justice Inquiry argues that, “these images are more than symbolic—they have helped to facilitate the physical and sexual abuse of Aboriginal women in contemporary society” (1991).

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The historical account of this violence provides the backdrop to the current context in which this violence continues to occur. Canada is a nation that was built upon, and continues to operate within, colonial ideologies of white superiority and racialized discourses that put in place racialized hierarchies. Postcolonial theory has been heavily influenced by the work of Edward Said and his articulation of race as a European construct that was used to benefit those in power (1993, 17). In *Stolen Sisters, Second Class Citizens, Poor Health: The Legacy of Colonization in Canada*, Wendee Kubik, Carrie Bourassa and Mary Hampton argue that race is an inherent aspect of colonization and the acquisition and maintenance of European power (2009, 20). The acquisition and maintenance of European power and dominance through imperialism was impelled by ideological formations and discourses that constructed Aboriginal peoples as “inferior” or “subordinate” to the colonizers (Said 1993, 9). According to Frances Henry and Carol Tator, racialized discourses are used to distinguish between those belonging to the “us” group from those in the “them” group (2010, 14). Moreover, discourse is vital to the reproduction of oppression and control of those positioned outside of the dominate group (Henry and Tator 2010, 35). Racialized discourses produce language, images, and practices that are used to maintain control over minorities. However, racialized discourses include far more than overt descriptive representations of minority people,

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13 Canada can be seen as an imagined community, a concept coined by Benedict Anderson. During colonization white settlers imagined Canada as a white nation and Aboriginal peoples were not considered to part of that imagined community. The exclusion of Aboriginal peoples from white Canada allowed for government assimilation policies, such as the Indian Act, Gradual Enfranchisement, and Residential schools, that would “get rid of the Indian problem.” In 1920 Deputy Superintendent General of Indian Affairs, Duncan Campbell Scott stated, “Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian Question and no Indian Department.” This objective allowed for the inhumane acts that were committed against Aboriginal peoples and the racialized discourses created to maintain the divide that would exclude Aboriginal peoples from the imagined community, thus creating the us vs them divide, a divide that continue to this day.
they are deeply imbedded in the value system of Canadian society and exert a strong influence on the everyday behaviours of people within our social body (2010, 35). For example, racialized discourses, such as the “uncivilized Indian,” were used as rationales for the theft of Aboriginal peoples land, the imposition of residential schools, the removing of Aboriginal children from their families to be placed in white families (known as the “Sixties Scoop”), and the sexual violation of Aboriginal women, which continue today, by white settler men. Aboriginal and postcolonial feminists expose the gendered, racialized and colonial dynamics of violence against women marked by race and the justifications that are used to enact such violence with impunity. Viewing the issue at hand through an Aboriginal and postcolonial feminist lens provides an understanding of how colonial discourses and formations of Aboriginal women’s identities, such as “loose”, the “squaw” or the “drudge”, continue to operate in white settler society, thus increasing the risk Aboriginal women face to racialized sexual violence (see Razack 2004; Carter 1997).

Scholars and Aboriginal organizations argue that Aboriginal women’s victimization is not only manifested in the abuses that they experience, but also in the manner in which female Aboriginal victims are treated by those who should be there to help them (Aboriginal Justice Inquiry 1991; NWAC et al. 2007, 3; Dylan et al. 2008, 690). According to the Manitoba Justice Inquiry, Aboriginal female victims of violence often suffer from unsympathetic treatment by services providers and the criminal justice system has done very little to protect Aboriginal women (1991). Moreover, Monture Angus argues gender, racial and cultural “otherness” is manifested in the criminal justice system (1995, 221), thus, requiring a critical analysis of the justice system.
The Criminal Justice System

The criminal justice system is the predominate model of dispute resolution that is utilized in Canada. The justice system is complex and composed of various elements and actors, each playing a part in its various processes. It includes police, judges, Crown Prosecutors, defense lawyers, court clerks, other court staff, experts, witnesses, and a variety of technocrats, all working to maintain a system aimed at determining the “truth.” Negotiating disputes between parties is an integral part of the criminal justice process (Henry and Tator 2010, 121).

Ngaire Naffine argues that “the official version of law—what the legal world would have us believe about itself—is that it is an impartial, neutral and objective system for resolving conflict” (1990, 24). “It strives to provide an impartial adjudicative process that dispenses ‘justice’ regardless of race, class, gender, culture, creed, national and ethnic origin” (Henry and Tator 2010, 121). Symbolically, the justice system is represented by the image of the blindfolded woman – Lady Justice—holding scales that symbolize the fair and equal administration of the law (Comack 2006, 20). That Lady Justice is blindfolded suggests she is unbiased to those who stand before her—“she sees no race, no class, and no gender distinctions” (Comack 2006, 21). The scales she holds represent the measured and precise nature of the decisions that are produced by the methods employed (Comack 2006, 21).

Understanding Law-Society Relations

In both its form and method, law promotes an image of itself as fair, dispassionate, disinterested and above all just. However, over the last few decades
theorists have begun challenging the notion that law is just and unbiased. Theorists examining the law have been primarily concerned with understanding the “law-society relation”—that is, “the belief that law has a distinctly social basis; that it both shapes and is shaped by the society in which it operates (Comack 2006, 11). Ngaire Naffine raised two important challenges to laws claims. First, she argues that law’s conception of people as legal subjects is problematic in that by viewing people as abstract, decontextualized, and without human difference, the law therefore creates a universal being. More specifically, the legal subject is constructed to meet a specific set of characteristics that are presented as universal— he or she is deemed to have unhindered agency and be able-bodied, autonomous, rational, educated, wealthy, competitive, and self-interested. Naffine argues that this universal person is the stereotypical middle-upper class white male. Secondly, she argues, law professes to act “without affection” to all individuals, and it does so by removing people from their social contexts examining only the merits of their individual cases and thereby ignoring social barriers we all know are operative in Canada. Naffine’s second argument is an extension of the first, and refers to a guiding principle of impartiality and the legal practice of abstraction. Naffine problematized this practice by arguing that it is neither meaningful nor fair to remove people from their social contexts (the contexts which differentiate people) and impose an “individuating and abstract” prototype—that mimic the characteristics of the universal legal subject—on people and treat all people as if they are all equally situated in society (Naffine 1990, 51-53). Imposing the abstract and universal prototype on individuals is the law’s way of making people equal before the law in an effort to dispense fair and
blind justice. However, people do not come before the law as identical and equal; therefore, it is inappropriate to treat them as if they were. In fact, treating people who are unequal equally has the potential to result in inequality. This becomes clearer in the next two sections where I discuss gender, race and the criminal justice system.

**Women, Violence and the Criminal Justice System**

Until the 1970’s violence against women was invisible to the courts (Belknap 2007, 237). Violent crimes, such as domestic abuse and sexual violence, have always occurred; however, it is only in the last few decades that these crimes have been named and recognized as social and legal problems (Belknap 2007, 237). For example, wife assault has always existed; however, the term “battered woman” did not exist in criminal law until 1974, sexual harassment was not considered to be a crime until 1975, and date rape was only identified as a problem in the 1980’s (Belknap 2007, 237; Rebick 2005, 70). In Canada, the right of a woman to be free of sexual assault from her husband was only acknowledged when the offense of marital rape was formally recognized as crime

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14 Section 15(1) of the Canadian Charter of Rights and Freedoms establishes an equality guarantee among all people living in Canada. However, equality before the law and equal protection and benefit of the law is intimately linked to citizenship and who is considered “deserving” of such rights. Legally Aboriginal peoples are citizens of Canada and the Charter applies to them; however, historically and currently Aboriginal peoples are treated as second-class citizens and equality before the law and equal protection and benefit of the law is not always afforded to them. For example, and there are many, the “Starlight Tours” where Aboriginal people are picked up by police and dropped off outside of town forcing them to walk home, often in freezing and life-threatening temperatures (See Green, Joyce. 2006. “From Stonechild to Social Cohesion: Anti-Racist Challenges for Saskatchewan.” Canadian Journal of Political Science. 39(3):507–527.; Kossick, Don. 2000. “Death by Cold.” Canadian Dimension, 34(4): 19); or the failure of police and RCMP to take the disappearances of dozens of women, predominately Aboriginal, from the Vancouver Downtown Eastside seriously and properly investigate (see Oppal, Wally. 2012. Forsaken: The Report of the Missing Women Commission of Inquiry. Vancouver: Missing Women Commission of Inquiry).
in 1983 (MacKinnon in Regehr et al. 2008, 99)\textsuperscript{15}. Indeed, great strides have been made, particularly in naming the types and dimensions of female victimization, changing public policy and law reforms; however, contemporary feminist legal scholars argue that women continue to be treated unequally by the law.

Throughout the literature, feminist critics have pointed to the damaging effects that judicial processes have on victims of violent crimes, particularly sexual violence, suggesting that the processes in place have the potential to result in revictimization. For example, a lack of seriousness when investigating violence against women, victim-blaming discourses, ideal victim and rape myths, low conviction rates and fear of retaliation by abusers have all been identified in the literature as factors contributing to revictimization and the underreporting of gender-based violence (see Belknap 2007, 246; Comack and Peter 2005, 283-309; Dylan et al. 2008, 678-696; Hattem 2000, 13-25; Razack, 2002 ; Regehr et al. 2008, 99-113; Weiss 2010-286-310). Sheffield argues that sexual violence is not taken seriously; not only by the criminal justice system, but society as a whole\textsuperscript{16}. According to Sheffield, society manifests its lack of concern for sexual violence against women by simply denying the existence of such violence, denying the gravity of the attacks, joking about them, or attempting to legitimate them (2007, 126). This is bolstered by victim blaming-discourses that are used to relieve abusers of their actions by placing blame on women for the violence they experience.

\textsuperscript{15}Women’s rights to be free from violence were further entrenched with the drafting of the Constitution and Charter of Rights and Freedoms. Section 15 (1) of the Charter provides four distinct protections: equality before the law, under the law, equal protection of the law, and equal benefit of the law.

\textsuperscript{16}The social foundation of law creates a reciprocal relationship between the criminal justice system and the social context in which it is located. The actors that work in the criminal justice system are shaped by the ideologies and discourses located in their social body, which are in turn reproduced within the criminal justice system (Comack 2006, 11; Polan 1993, 425).
According to Belknap, female victims are frequently accused of provoking the abusive behaviour, or in the case of rape, enjoying their victimization (Belknap 2007, 248). In a study conducted by the Department of Justice in Canada on the sexual assault survivors and reporting their victimization to police, many survivors’ stated that their experiences with the police and within the courts tended to make them feel like they were dehumanized, blamed, and disbelieved (Hattem 2000, 25). Victim-blaming discourses and the lack of seriousness applied to cases of female victimization have resulted in the undermining of women’s confidence that the justice system will protect them (Hattem 2000, 16; Morash 2006, 106; Orth 2002, 314).

**A Sexist Structure: Feminist Critiques**

Since its inception in the early 1970’s, feminist jurisprudence has been calling attention to the justice system and its failure to adequately represent the needs and interests of women. At the root of such challenges is the belief that women’s subordinate status in society is reinforced by the criminal justice system (Chamallas 2003, 1). Thus, central to feminist legal theory is the exploration of women’s subordination through law by examining how gender has influenced and shaped the legal system, and how men and women are differently affected by the power in law\(^\text{17}\) (Chamallas 2003, xix). This requires going beyond examining rules and precedents, to exploring the deeper structures of the law in order to understand how and why the legal system has come to take its present shape (Chamallas 2003, xix).

\(^{17}\) As indicated in the previous section, feminism has branched out creating multiple feminisms, all with their own explanations for understanding issues that women experience. Each branch of feminism will have their own explanations for understanding the issues that women face when encountering the criminal justice system; however, space and the focus of this thesis does not allow for a discussion on the various feminist approaches. Therefore, a broad approach is taken to provide a foundation for feminist theorizing of the criminal justice system.
Feminist theorists argue that women are treated unequally before the law because the law is inherently masculine and has been constructed from, and reflects, the masculine/male experience (MacKinnon 1993a, 183; Monture-Angus 1995, 221; Polan 1993, 425; Price 2005, 96; Russell 1989, 552-553). According to Lisa Price, “the law is male in its structure, definitions, operations, personnel and products” (2005, 96). Making similar arguments, Diane Polan stated that the justice system is a system infused with sexist values and is overwhelmingly filled with male administrators (judges, lawyers, police, and lawmakers). According to Polan, male administrators have been socialized in a masculine hegemonic culture; therefore, their attitudes and judgments are shaped by their socialization and their position as beneficiaries of male supremacy (1993, 425). As a result, the law “treats women the way men see and treat women” (MacKinnon 1993b, 207).

The feminist claim that the law is a sexist structure is bolstered by the identification of sexist discourses operating in the criminal justice system. Joanne Belknap argues that female victimization and power imbalances between males and females is reinforced by the criminal justice system through sexist discourses, such as victim-blaming, as they are often used to relieve abusers of their accountability (2007, 246). Victim-blaming discourses fail to acknowledge the gender-power inequality that gender based violence creates and how such attitudes contribute to the naturalization of the hierarchical order between males and females. Even more significant, sexist discourses undermine the criminal justice systems goal of administering neutral, objective, and unbiased justice. Gender inequalities produced and reinforced within the
criminal justice system are further illuminated when examining the experiences of racialized female victims of violence particularly Aboriginality.

**Aboriginal Women's Experiences with the Criminal Justice System**

Aboriginal women in Canada not only experience a heightened risk of victimization, but also confront a criminal justice system that often compounds their victimization. When encountering the criminal justice system Aboriginal women experience discrimination based on their intersectional identities as racialized and gendered subjects. Various scholars and organizations have documented the negative experiences Aboriginal women have with the criminal justice system (Aboriginal Justice Inquiry 1991; Dylan, Regehr and Alaggia 2008; Jiwani 2001; NWAC 2007; Razack 1998; Razack 2002). These scholars and organizations identified racism that breeds “vicious stereotypes born of ignorance and aggression” (Aboriginal Justice Inquiry 1991) and assumptions that Aboriginal women are promiscuous and objects with no human value beyond sexual gratification; as factors for Aboriginal women’s victimization and the criminal justice system’s failure to adequately protect them from violence (see Aboriginal Justice Inquiry 1991; Amnesty International 2004; Razack 1998; Razack 2002).

In a study conducted by Arielle Dylan, Cheryl Regehr and Romona Alaggia (2008), female Aboriginal victims of sexual violence were interviewed to capture their unique experiences with the Canadian criminal justice system (681). The researchers were particularly interested in investigating how the intersection of race and gender influenced the response they received from criminal justice practitioners—from police to
key courtroom players. Findings from the study illustrate that the majority of those interviewed had negative experiences with the criminal justice system. Most participants stated that their encounters with police were marked by “disrespect, dismissal, and professional failure” (2008, 684). Further, victims often times felt that the lack of concern by police left them in situations where they could be revictimized by the perpetrator. For example, one participant discussed how she was dismissed by police when trying to report a sexual assault. Because the participant had consumed alcohol her report was not considered valid and was dismissed by police. It was only after she sought help from the sexual assault hotline that her claim was taken seriously and the police returned to take a report and charge the offender (2008, 685). Participants commented on the institutional racism they experienced, particularly the tenacious colonial stereotype of Aboriginal women as dirty, licentious, “squaws” and deserving of violence (2008, 690). In addition, participants commented that they are “anti-justice system because [they] have been damaged by the justice system… the justice system revictimizes people [marked by race] and it is ethnocentric” (2008, 690).

The failure of the criminal justice system to take violence against Aboriginal women seriously has resulted, in part, to the hundreds of missing and murdered Aboriginal women in Canada. In 2008, the drafters of the Convention on the Elimination of Discrimination Against Women (CEDAW) raised concern about the hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades; calling for a judicial inquiry to examine the reasons for the failure to investigate the cases of missing or murdered Aboriginal women and to take the
necessary steps to remedy the deficiencies in the system\(^{18}\) (2008, 7). On December 10, 2010, the Department of Justice Canada announced that they were taking concrete steps to address the issue of missing and murdered Aboriginal women by improving the responses of both law enforcement and the justice system to missing persons’ cases. For example, some of the measures include: a new national police support centre for missing persons that will help police forces across Canada to provide coordination and specialized support in missing persons investigations; a national “tip” Web site for missing persons; enhancing the Canadian police information centre database to capture additional missing persons data; funding for culturally appropriate victims services through provinces and territories; as well as funding for Aboriginal groups to help the families of missing and murdered Aboriginal women (see the Department of Justice Canada 2010 for more of their initiatives). While these steps are being taken, no concrete steps have been taken by the Canadian federal government to address CEDAW’s request for a national inquiry\(^{19}\). The steps taken by the Department of Justice Canada provide the justice system with better tools to respond to the issue of missing persons; however, the root causes of why the police failed to take the disappearances and murders of Aboriginal women needs to be addressed in order for real change to occur.

\(^{18}\) In a recent (2013) gathering of the Canada’s premiers and territorial leaders, similar calls for a national public inquiry into the issue of missing and murdered Aboriginal women were made. However, Prime Minister Stephen Harper states that he is “skeptical” of the effectiveness of an inquiry (CBC 2013).

\(^{19}\) An inquiry was conducted in British Columbia to investigate the women who went missing from the Vancouver Downtown Eastside and the blatant failure of the Vancouver police and RCMP to investigate the disappearances. While this inquiry provides further insight into the issue of missing and murdered Aboriginal women and the failures of the justice system and society at large to protect women who marginalized and vulnerable to violence, a national inquiry is needed to understand the issue as a national issue and in a holistic way. See British Columbia, and Wallace T. Oppal. 2012. Forsaken the Report of the Missing Women Commission of Inquiry. Vancouver: Missing Women Commission of Inquiry.
Failure to do so denies the racism and sexism operating in the criminal justice system and ignores the systemic changes that are needed.

**Criminal Justice Systems Response to Missing and Murdered Aboriginal Women: Families Reflections**

Throughout their research on missing and murdered Aboriginal women in Canada, NWAC has worked closely with the family members to ensure that their voices and experiences be documented. In working with the families, NWAC has become aware of barriers that families encountered when seeking help from police services following the disappearance of their loved ones (2009, 87). According to Beverly Jacobs and Andrea Williams, “families we work with describe an ongoing mistrust [towards] those meant to protect them or those meant to pursue justice” (2008, 134).

In 2009, NWAC released a report that captured the experiences of families seeking help from police services. Of the twenty-three families interviewed, eleven responded about their experiences with the police and criminal courts. From the eleven respondents, only two reported having positive experiences with police. The remaining nine families indicated negative experiences, with one family describing their experience with police with words such as “injustice,” “anger,” and “roadblocks” (2009, 28). Another stated that that the police gave her a “rough time” when trying to file a missing person report (2009, 33). Of the nine families who reported having negative experiences, all stated that they had to “convince” police that their loved one was missing in order to file a missing person report, and were often met with patronizing excuses and lack of seriousness taken by police. In fact, one family, frustrated by the inaction by police,
hired their own private investigator to find their daughter. Several families stated that police would not believe that their loved one was missing and would often try to convince families that they willingly disappeared and would eventually turn up.

Based on the statements provided by the families, there is a lack of seriousness paid to cases of missing and murdered Aboriginal women by police. In their research related to police responsiveness to missing and murdered Aboriginal women, NWAC (2010, 33), the Aboriginal Justice Inquiry (1991) and Missing Women Commission of Inquiry (Oppal 2012, 230-231) found that police often held stereotypical views of Aboriginal women and girls which in turn affecting the investigative process. With regard to court process, only one of the families responded. They commented feeling that justice had only been partially served, as only one of the two men responsible was punished (NWAC 2009, 16). Jacobs and William’s argue, “it is obviously difficult to deal with the loss of a loved one, but the grief is even more difficult to cope with when the institutions designed to serve you let you down” (2008, 133).

**A Racist and Colonialist Structure: Indigenous Critiques**

The Canadian criminal justice system has been heavily critiqued by scholars, who argue that it is a Eurowestern, masculine hegemonic state structure (rooted in Anglo-Saxon ideologies), that has a history of oppressing and abusing Aboriginal peoples (Dylan et al. 2008; Hamilton 2008; Johnson 2005, 65-67; NWAC 2002; Razack 2002; Zion 2005a, 68-69; Zion 2005b, 74 ). Many people understand law as being neutral and promoting the equal treatment of all; however, the fallacy of this approach becomes obvious when you look at the role the law has played in dispossessing Aboriginal peoples of their land, history, and culture; or even the disproportionate number of
Aboriginal offenders incarcerated. Sheila Neallani argues that the “Myth of Equality” is a culturally sanctioned belief that everyone in our society is legally and socially equal (in Monture Angus 1995, 220), thus, deeming social factors that bring Aboriginal peoples before the law as irrelevant. Monture Angus argues that when equality is constructed as sameness, it perpetuates race and gender oppression (1995, 220). Furthermore, the law’s claim of being objective and value free is reflection of a specific cultural (white) construction of reality (Monture 1995, 221).

Aboriginal scholars examining Aboriginal people’s relationship with the criminal justice system argue that the justice system has failed, and continues to fail, Aboriginal peoples; and at the root of these failures is the clash of two worldviews (Johnson 2005, 65-67; Lee 2005, 100; Zion 2005, 70). According to the Royal Commission on Aboriginal Peoples:

The Canadian criminal justice system has failed the Aboriginal peoples of Canada—First Nations, Inuit and Métis people, on-reserve and off-reserve, urban and rural—in all territorial and governmental jurisdictions. The principal reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people with respect to such elemental issues as the substantive content of justice and the process of achieving justice (qtd in Hamilton 2009, 29-30).

According to the Aboriginal Justice Inquiry, justice is understood differently by Aboriginal peoples (1991); for many contemporary Aboriginal groups justice is defined collectively and aims to create social harmony by meeting the needs of those affected by wrongdoings (Sawatsky in LaRocque 1997, 78). “We are all related,” is a core teaching of Aboriginal people, it is a philosophy that constitutes Aboriginal peoples worldview and is the backbone of healing (Youngblood Henderson and McCaslin 2005, 7).
worldview differs significantly from the conventional criminal justice system where harm is perceived to be individualized and as a wrongdoing against the state. Aboriginal justice acknowledges the collective harm that is created out of wrongdoings and emphasizes that a collective effort is required to repair the harm (Sawatsky in LaRocque 1997, 78).

Scholars argue that, unlike the conventional criminal justice system, establishing guilt is not central to Aboriginal justice; rather, identifying the conflict, establishing accountability and reparations, healing, and reintegration of the offender are the cornerstones of Aboriginal justice (Sawatsky in LaRocque 1997, 78; Mirsky 2004, 1). Holding those accountable is not demonstrated through the imposition of pain and punishment; rather parties are held accountable to the parties and community that have been harmed and reparations are made directly to those harmed. Therefore, Aboriginal justice requires the active participation of all those harmed—the offender, the victim, and the community.

James Sa’ke’k Youngblood Henderson and Wanda McCaslin argue that “justice as healing is an old tradition of Aboriginal thought and society;” and returning to Aboriginal jurisprudence should be the foundation for remedying contemporary issues (2005, 4). Changes are afoot; recommendations by scholars and Aboriginal organizations have resulted in the creation of Aboriginal courts, such as the Saskatchewan Cree Court, The Tsuu T’ina Nation Peacemaking, and The Gladue (Aboriginal Persons) Court. Aboriginal sentencing circles have been established as an extension of the court process, though not courts themselves, for cases involving Aboriginal victims and offenders. Sentencing circles have become a valuable tool for gaining input and advice from the
community to assist judges in setting an appropriate and effective sentence (Department of Justice Canada 2005, 8).

While there are have been gains to create more culturally appropriate justice practices to meet the needs of Aboriginal peoples, such as the restorative justice practice of the sentencing circle, “rooted” in the traditions of Aboriginal cultures, it is important not to idealize Aboriginal justice. Throughout the literature there is a tendency to romanticize Aboriginal justice and present it in a solely harmonious light. Emma Larque warns against such romanticization and argues that “original peoples held exacting notions of crime and punishment, and valued individuality as well” (1997, 83). LaRocque agrees that most Aboriginal cultures were built on egalitarian ideals; however, individual rights were not disregarded and the safety and dignity of individuals was not sacrificed for the collectivity. In fact, she argues, many Aboriginal societies lived with the biblical dictum: an eye for an eye justice. Much was done to compensate the injuries endured by victims; for example, those found guilty of committing a crime were often punished using various methods including torture, public banishment, shunning, or ridicule. In the case of murder, death of the guilty was sought (1997, 83-85). Similarly, in Conquest: Sexual Violence and American Indian Genocide (2005), Andrea Smith discusses how violence against Aboriginal women was rare prior to European contact and when such an act occurred, severe punishment was meted out. For example, within the Kiowa nation there was a man who was a chronic rapist. After he had committed a

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20 LaRocque is referring to the gender and race politics operating within the Aboriginal community and the clash between Aboriginal women/organizations that are fighting for the advancement of Aboriginal women’s equality rights and male dominated Aboriginal organizations criticising them for aligning with western feminist interests (individual rights focus) and by implication not with Aboriginal communitarian interests. This places Aboriginal women in the “untenable position of having to choose between their gender and their culture” (1997, 87). This is further discussed in Chapter 4.
number of rapes, the Kiowa women held him accountable for his actions. The women baited him with a beautiful young girl and when he attacked, the Kiowa women suddenly appeared, overpowered him, and held him helplessly on the ground, as each woman took their turn in raising their skirts and sitting on his face. The experience in itself was not fatal, but the man reportedly died soon after the incident. Indeed, his mockery is said to have lowered his status in his community and eventually resulted in his death. Smith sees this punishment as more “chastening in its effect than the electric chair in more sophisticated societies” (2005, 19).

LaRocque does not deny that treatment of Aboriginal peoples by the criminal justice system is appalling and that structural revolution is necessary. However, she does not agree that practices, such as the healing circles that have been used in sexual violence cases in Hollow Water and have been identified as restorative, are appropriate, particularly for cases involving violence against Aboriginal women by Aboriginal men. LaRocque is concerned that the notion of collectivity and social harmony will overpower Aboriginal women’s individual human rights’. In cases of violence, LaRocque argues, there will be a favouring of the needs of the offenders over the victims, thus elevating the offender’s needs in the name of social harmony. According to LaRocque, alternative justice practices, developed by white, leftist/liberal, and Christian men, are being passed off as “tradition” and are a reflection of Aboriginal peoples continuing colonization (1997, 85-86) and the sexism operating within Aboriginal communities. This is discussed further in the section Colonization and Community: Aboriginal Women’s Engagement with Restorative Justice.
Although there is conflict in Aboriginal communities, regarding community gender/sex politics, these new approaches to addressing Aboriginal peoples and their justice needs have a common thread that is shared with restorative justice, another alternative justice paradigm: repairing harm and damaged relationships. It is important to not equate Aboriginal justice with restorative justice, as has been done throughout the restorative justice literature (see Daly 2002, 61-64); however, as will be seen in the next section, the philosophy and practice that underpins contemporary Aboriginal justice shares many similarities with the philosophy and practices of the restorative justice movement (Mirsky 2004, 1; NWAC 2007, 6).

**Restorative Justice**

Restorative justice is a movement that has gained considerable attention in the last several decades by theorists and governments. The global community has readily endorsed —both in theory and in practice— restorative approaches to address harm caused by crime. Hundreds of restorative justice programs, such as victim offender mediation, family group conferencing and circles, have developed in North America, Europe, Australia and New Zealand (Pranis 1997, 70), working in collaboration with the current criminal justice systems, or in some cases the dominant approach to addressing particular types of crime, such as the juvenile justice systems in New Zealand and Australia. As well, an extensive body of literature has been produced over the last couple decades on the appropriateness and effectiveness of restorative justice to respond to crime.
This section examines restorative justice, its applications, specifically the program Victim Offender Dialogue, and appropriateness for cases of severe violence. As stated in the introduction, the purpose of this thesis is to determine the appropriateness of using restorative justice practices in the cases of missing and murdered Aboriginal women. Because there has only been one documented case where restorative justice has been used in a case involving an Aboriginal woman who has been murdered, this section incorporates various perspectives from feminist and Aboriginal scholars on the appropriateness of using restorative justice in cases of violent crimes.

**Filling the Gaps of the Legal System: Addressing Needs**

When a crime has been committed, the criminal justice system defines this behaviour as a violation of the law and the state. Thus, the state becomes the victim and the central focus of the criminal justice system, then, is determining what laws have been broken, who committed the crime and what punishment they deserve for breaking the law. It is often cited throughout the literature that the criminal justice system fails to meet the needs of victims, offenders and communities (also known as stakeholders) (Hudson 1998, 242-244; Schiff 2007, 228; Sharpe 1998, 1; Zehr 2002, 13). With its offender-driven approach and focus on punishment, the needs of victims and communities are often pushed to the margins during criminal justice processes. Restorative justice presents one approach to potentially fill the gaps of the criminal justice system.

In 1990, Howard Zehr wrote the groundbreaking book *Changing Lenses: A New Focus on Crime and Justice* where he argues that failures arising from the criminal justice system are not accidental, rather they lie in the lens through which we view and
respond to crime. According to Zehr, the lens we look through determines how we frame both the problem (crime) and the solution (justice) affecting what we include as relevant variables, what we consider their relative importance to be, and what we consider proper outcomes (2005, 178).

Restorative justice is built on the philosophy that crime creates harm, in turn creating needs and obligations; as such, justice requires identifying and addressing these needs and obligations and working towards restoring victims, offenders and communities (stakeholders) (McCold and Wachtel 2003, 1). Restorative justice seeks to repair the harm experienced by the stakeholders and put things as right as possible (Zehr 2002, 37).

There are many differences between restorative justice and criminal justice outlined in the restorative justice literature; however, a stark difference between the two paradigms is that restorative justice provides an approach where stakeholders can decide what justice looks like for them and how it can be achieved. This is a result of the principles and inclusive processes of restorative justice that (1) provide opportunities for the active involvement of those harmed by crime in seeking just solutions; (2) provide empowering opportunities for victims to name the harms they have suffered and define the obligations of the offender to repair or attempt to heal that harm; and (3) encourage offender accountability and understanding of the harm that they have created (Zehr and Mika 2003, 41; Van Ness and Heetderks Strong 2006, 43-46).

21 Kathleen Daly argues that the dichotomous relationship between restorative justice and retributive justice frequently found within the restorative justice literature is “a highly misleading simplification” of the two models that is used by restorative justice advocates to “sell the superiority of restorative justice and its set of justice products” (2002, 59). Moreover, this contrast allows restorative advocates to relay a particular kind of story, “the mythical true story of restorative justice” that will fix all of the ails of the current system. While this story may not be the real story, she argues that presenting restorative justice practices as “nirvana” has the potential to be effective in reforming parts of the current system (2002, 71-72). Also see Roche, Delcan. 2007. “Retribution and Restorative Justice.” In Handbook of Restorative Justice, edited by Gerry Johnston and Daniel Van Ness, 75-90. Portland: Routledge.
From Theory to Practice: Restorative Justice Models

Through various processes under the umbrella of restorative justice, stakeholders have the opportunity to discuss the event, the effects, and how the resulting needs and responsibilities need to be met (Schiff 2007, 228). It is this very uniqueness, the ability to attend to the needs of the individual participants by not using a “one size fits all” approach that gives restorative justice its power and creativity to transform lives.22

Three general models have tended to dominate the practice of restorative justice, they include: victim offender mediation, family group conferencing, and circle approaches.23 Throughout the literature these three models are usually presented as distinct, however, in their structure and practice these models often overlap and have many similarities. In general, these restorative justice practices bring together the victim, the offender and, in some cases, members of the harmed community in a process that is facilitated by a trained mediator to collectively attempt to devise solutions to repair the harm caused by the wrongdoing (Umbreit, Vos, Coates, and Lightfoot 2005, 269; Latimer and Kleinknecht 2000, 7). Participation in these programs, in its ideal, is strictly voluntary. The primary focus of restorative justice processes is to name what happened, identify the crimes impact on those present, and collectively come to a common

22 Ted Wachtel and Paul McCold characterize restorative justice as a model that does things with people rather than to them. Meaning restorative justice is a collaborative approach that seeks to involve all those affected by crime and work with them in seeking solutions, rather than responding to crime by handing a punishment down to the offender and seeking very little active involvement of those affected (2003, 2).
understanding, usually through an agreement on how the resultant harm can be repaired (Umbreit et al 2005, 269). These models are used at various stages of the justice process including: pre-charge (police), post-charge (crown), presentencing/during sentence (courts), post sentence (corrections) and pre-revocation (parole) (Latimer and Kleinknecht 2000, 7; Umbreit et al. 2005, 269). According to Jeff Latimer and Steven Kleinknecht, “the more serious the offence, the more likely the case will be referred later in the process” (2000, 7).

Restorative justice, however, is not a panacea for all that ails the current criminal justice system. Even in an idealized world we would still need a criminal justice system for when restorative justice fails to work or is inappropriate for certain cases. In cases that include severe violence, such as murder, sexual assault, and aggravated assault, the criminal justice system is necessary for denouncing and deterring such behaviours. While both these models are often pitted against one another in the literature they both share similar overarching goals of (re)establishing social equality between the victim and the offender and to censuring wrongdoing as part of the justice seeking process (Llewellyn and Howse 1998: 21); how to achieve those goals is where these two paradigms divide. Daniel Van Ness, however, suggests that these two models can be bridged together to create a hybrid model, “with parts of the system exhibiting strong restorative values and other parts reflecting contemporary criminal justice values” (2002, 16). According to Van Ness, restorative responses would predominate within the hybrid model, but criminal justice responses would be still be needed to provide a safety net when matters such as determining guilt are disputed (2002, 17). Thus this model would continue to use the conventional court process until guilt is determined, at which point
the matter is then transferred to restorative processes, such as those mentioned above (2007, 159). This hybrid model would be a complimentary approach; it has the potential to attend to issues that the traditional system neglects.24

As previously indicated, the more serious the offence, the more likely the case will be referred later in the process; this would still need to be the case when there are cases that involve serious violence, as imprisonment would still need to be the punishment for these serious offenses. Charles Barton argues that in order for restorative justice processes to become widely accepted, punitive elements need to be incorporated and in fact will enhance the effectiveness of restorative processes (2003, 21-22). Barton further argues that punishment for wrongdoing is a fundamental aspect of our reality, and in cases of serious violence “no amount of therapy, or indeed conference discussion, may replace a victim’s and the community’s need to know that wrongdoing is being punished, that justice, including justice in the retributive, just deserts sense, is being done” (2003, 22). Therefore, in this hybrid model restorative justice measures would then occur during the incarceration phase of the justice process, such as the victim offender dialogue program that was developed out of the State of Texas.

24 John Braithwaite proposed a similar model which he called responsive regulation and is illustrated with his regulatory pyramid. Responsive regulation is based on the premise that when a crime has been committed, we should begin at the bottom of the pyramid with a restorative approach to respond to the offense. If/when restorative approaches do not work then we move up the pyramid where more punitive measures will be taken. Braithwaite acknowledges that there will be extenuating circumstances where a restorative approach would not be appropriate and that these types of circumstances require a more punitive approach would need to be used. However, Braithwaite further argues, just as we escalate up the pyramid when there is failure to reform and repair, we also deescalate down the pyramid when reform and repair are forthcoming. Braithwaite argues that reform must be rewarded just as refusal to reform and repair must result in punishment (2002, 30-32).
**Restorative Justice in Cases of Severe Violence**

Restorative justice processes have predominately been applied to cases of non-violent property crimes and in some cases minor assaults. During the early development of restorative justice processes, it was not foreseen that restorative justice would be appropriate for cases of serious and violent offenses, such as murder, vehicular homicide, or assaults (Umbreit and Peterson-Armour 2010, 212). For proponents and restorative justice practitioners, it was difficult to envision the possibilities of restorative justice repairing harm, particularly in cases of murder. However, research suggests that there is a growing interest among victims and families of severe violence, even murder, requesting the opportunity to participate in restorative justice processes (Umbreit, Bradshaw and Coates 1999, 323).

In the last two decades, restorative justice processes are increasingly being offered to victims and families of severe violence through Victim-Offender-Dialogues (VOD) (Umbreit and Peterson-Armour 2010, 14). Victim offender dialogues are an outgrowth of Victim Offender Mediation processes and have been used to facilitate dialogues between victims and families of serious and violent offenses and offenders. VOD and VOM share very similar processes, the key difference between the two is that VOD is a “dialogue driven” rather than “settlement driven” form of conflict resolution, can only be

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25 Victim offender mediation (VOM) is the oldest, most widely practiced, and most thoroughly researched restorative justice process. Emerging in Canada, United States and Europe over twenty-five years ago, this practice can be seen as growing out of victims’ and advocates’ dissatisfaction with the criminal justice system (Umbreit in Umbreit et al. 2001, 29). VOM provides interested crime victims’, specifically victims’ of non-violent property crime and minor assault, and offenders’ the opportunity to engage in a mediated dialogue, usually face-to-face, in a safe and structured environment. In the meeting, the victim and the offender have the opportunity to discuss what happened, the impacts the crime has had on their lives, and in some cases participate directly in developing a mutually agreed upon restitution agreement. The purpose of these meetings is to have those directly affected by the crime resolve the conflict and ultimately construct their own meaning and approach to achieving justice. In face-to-face meetings, victims and offenders often have a support person present.
initiated by the victim, and occur post-sentence, usually several years after the offender has been incarcerated (Umbreit et al. 2005, 327; Miller 2011, 15). The central purpose of the dialogue is to “exchange information, express feelings, reconstruct the event, and for many, search for meaning following such a devastating event in their lives” (Umbreit et al. 2005, 328). These programs do not let offenders off the hook; in fact, offenders do not receive benefits, such as a reduced sentence or leniency, for participating in the dialogue (Miller 2011, 15). According to Susan Miller, because the dialogue typically occurs several years after the offender has been incarcerated, this has given the offender “time to move beyond the anger of being apprehended, convicted and incarcerated, and they may have begun to work on personal growth” (2011, 15). For victims, the dialogue also occurs at a later point in their life, at time where they have had some distance from the criminal event itself and the court process. This time provides opportunities for personal growth and healing where victims may be at a better place to really know what it is she or he needs to talk about with the offender and the questions that they need answer. According to Miller, “he or she may be better able to hear what the offender has to say in a way that would not have been possible when the pain was so fresh” (2011, 15), and this most likely would be similar for offenders as well. According to Umbreit et al., this type of mediation is grounded in a paradigm of healing and peacemaking, rather than problem-solving and resolution (2010, 16-17).

Testimonials of those who participated in victim offender dialogue are the most powerful way to reflect how transforming and healing this process can be for victims.

*The actual act of confronting him, looking him in the eye and telling him, was a relief. But when I walked out of there that night, it was like, ‘That’s it, it’s gone.’ I don’t know
if it's because I carried all that anger inside” I can see a change in myself. I’m more relaxed. This year it didn’t bother me at all. It’s different because I faced him...I vented my frustrations and anger to him...That night I walked out of the prison, I left it all behind. I never understood what Kim referred to as peace. I finally did understand it that night...Once we did the dialogue, I can’t explain it other than I left it there...It seems so simple, but it worked

-Kathleen after she met with the man who killed her mother

I felt I'd reached a peak in the healing process from counseling, prayer, the support of my church. This was one final thing to receive my complete closure in the grieving process."

-Sharletta Evans’s decision to meet with man who killed her son

**The Power of Story-telling: Why Victim Offender Dialogue is Successful**

“Narrative is at the heart and soul of restorative justice” (Kay 2006, 231). Stories are used to explain causes and make sense of what has occurred, and provide an opportunity for old stories to be revised or new stories to be created. Homicide survivors often assume that if the offender receives a “just and appropriate” sentence that this just conclusion will absolve them of their pain, and they are sometimes shocked when this is not the case (Canadian Parents of Murdered Children and Survivors of Homicide Victims Inc 2013). Victims of serious violence and families of murdered victims are often left with unanswered questions regarding the offense—questions only the offender can answer. Such questions have been the driving force behind the development of

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26 (Miller 2011, 139-140)
victim offender dialogues. In *Crying for Justice*, Jon Wilson tells the story of how victim offender dialogues developed in Texas out of the persistent request by a mother, Cathy Phillips, who after the death of her daughter in 1990, wanted answers to questions only the offender could give (n.d., 5).

While reading through the literature on VOD and seeing the testimonials of individuals who have participated in similar programs it is clear that in some cases more than just punishing the offender was required to achieve justice and heal, that their quest for vengeance did not fulfill them. Janice Gasker argues that when survivors’ stories are enmeshed in a narrative of revenge and hatred their story-telling causes them to re-experience the trauma repetitively, in turn hindering their ability to heal their emotional pain and construct a transformational narrative (in Kay 2006, 233). This is potentially the result of the haunting questions victims have and need answered in order to truly heal. As well as the need to have the offender listen to their story and truly understand the personal impacts that their actions have created. Judith Kay argues that “When a person tells [their] story to another who hears, both the teller and the listener can be changed for the better” (2006, 231). Kay further argues that “the act of telling a personal story to a listener rescues the narrator from the realm of silence, isolation, and despair” (2006, 231). If the listener is the offender, their listening opens up the potential for truly understanding the harm their behaviour created and they may be moved enough to “integrate the story into [their] own biography” and create change in them. For victims,
telling one’s story may allow them to abandon the revenge narrative and move on the path to healing and transformation.\(^{28}\)

Cathy Phillips story is not unique; according to Mark Umbreit, Betty Vos, Robert Coates and Katherine Brown, the past decade has seen an increase in the amount of victims of sexual assault and attempted homicide, and family members of murder and vehicular homicide victims, requesting the opportunity to meet with offenders in order to express the full impact of the offense upon their lives, to receive answers to questions regarding the offense, and to get a greater sense of closure in order to move on with their lives (2010, 13). In fact, during the early phases of VOD development in Texas there was a waitlist of 300 victims of severe violence—many of which were parents of murdered children—who requested a meeting with the offender through VOD. Further, Canada and Europe have also seen a growing interest in VOD by victims of severe violence and have developed their own programs in response (Umbreit \textit{et al.} 2010, 14-15). Today, VOD is increasingly being accepted as a restorative justice practice offered to victims of serious and violent offenses and families of murdered victims through Department of Corrections in twenty-five states in the US, Belgium, and Canada through the Collaborative Justice Project in Ottawa\(^ {29}\) (in Umbreit and Peterson-Armour 2010, 212).

\(^{28}\) In his highly influential article “Conflicts as Property,” Nils Christie argues that personal encounters can ease victim anxiety and break down misconceptions when people are able to move beyond seeing the other solely in their fixed roles as “victim” or “offender” and possibly as “people” (1977, 8).

\(^{29}\) Victim Offender Dialogues were a service provided by the Fraser Region Community Justice Initiative Association in Langley BC, however after 20 years of service the program has been suspended due to lack of funding.
Restorative Justice and Severe Violence: An Evidence-Based Practice

Having established restorative justice practices goals and how they operate, it is important to understand how these practices are assessed for effectiveness. Assessment of restorative justice is primarily based on stakeholder’s satisfaction with the process; as well as offender recidivism. Various studies have been conducted on the effectiveness of restorative justice practices (see Kurki, 2003, 294-306; Bazemore and Elis 2007, 397-425; Umbreit, Vos and Coates 2006, 2-12; Latimer, Dowden and Muise 2001, 9-16), and by a number of important criteria, have proven to be useful (Kurki, 2003, 294-306).

However, the scope, quality and result of the existing research on restorative practices are limiting (Kurki, 2003, 293). Due to space and the focus of this research project, this section discusses a study conducted by Tim Roberts on the effectiveness of restorative justice practices involving cases of severe violence in Canada.\(^{30}\)

Roberts (1995) conducted a study that consisted of twenty-two offenders and twenty-four victims who participated in victim offender dialogue. Victims who participated expressed high level of satisfaction with the mediation. They expressed that they had finally been heard and that the offender no longer exercised control over them. They reported that they felt less fear, that their preoccupation with the offender had ended, and that they were no longer angry and felt more at peace. Offenders also had high levels of satisfaction, expressing an increased awareness of their actions and discovering emotions, such as feelings of empathy. They felt an overall satisfaction having tried the

\[^{30}\text{This study is found in Umbreit, et al. 2010, 19.}\]
process and achieved peace of mind knowing that they had helped their former victim\textsuperscript{31}. However, despite the demand and high level of satisfaction that offenders and victims feel from restorative justice processes in cases of severe violence, these processes continue to be treated with scepticism and concern by feminists, victims, and governments.

**Gender, Power and Violence: Feminist Engagements with Restorative Justice**

Over the last several decades, feminist inspired law reforms and influences on legal processes have resulted in significant transformation at all levels of the Canadian criminal justice system’s response to gender-based violence. However, despite these advancements, violence against women continues to occur at unacceptable rates and female victims of crime continue to experience dissatisfaction and revictimization when encountering the justice system. Feminist scholars have examined the criminal justice system and its response to cases of gender-based violence, exploring how to create more just responses to the victimization of women (Comack and Peter 2005, 284); however, they are now questioning whether the law itself has the ability to deliver justice to victims (Frohmann and Mertz cited in Curtis-Fawley and Daly 2005, 604). As such, feminists have begun looking outside the established criminal justice system to seek alternative means to respond to such violence. Feminism is diverse and has created several responses to the application of restorative justice in cases of gendered violence. The following is a snapshot of feminist engagements with restorative justice.

In the past decade, restorative justice has been proposed as an alternative approach to respond to gender-based violence (Curtis-Fawley and Daly 2005; Daly, 2002; Hopkins and Koss 2005, 696; Hudson, 1998, 245-253; Hudson 2002, 621-627). Feminists have responded to these calls with skepticism and concern, particularly in cases of domestic and sexual violence (Curtis-Fawley and Daly 2005, 604). Feminist concerns with restorative justice often emphasise victim safety, power imbalances, the potential for revictimization and restorative justice being viewed as too lenient to respond to cases of gender based violence, thus undermine the gains feminists have made in the criminal justice system in receiving public and legal recognition of gender based offenses.

Victim safety is the most commonly cited concern raised by feminists examining the appropriateness of gender-based violence (Coker 2006, 69-77; Daly and Stubbs 2006, 17; Hopkins and Koss 2005, 708; Lewis, Dobash, Dobash, and Cavanagh 2001, 120; Stubbs 2002, 54-58). Feminists argue that restorative justice processes have the potential to put victims at risk of continued violence by their abusers. Restorative justice processes, such as conferencing and victim offender mediation, where the victim and the offender meet face-to-face, may create a contact point where the offender has the opportunity to further victimize the victim (Coker 2006, 76; Hopkins and Koss 2005, 709).

Another concern raised by feminist is that power imbalances that exist between victims and their abusers may go unchecked and reinforce abusive behaviour (Daly and Stubbs 2006, 17). Power imbalances between the offender and the victim, as well as in
the community, have the potential to be used to pressure women into participating in restorative justice processes and accepting certain outcomes, such as an apology, even when they feel that it was inappropriate and insincere (Daly and Stubbs 2006, 17). Julie Stubbs and Paula Martin argue that power imbalances created in violent relationships are too entrenched for restorative justice to work (cited in Morris and Geltsthorpe 2003, 130).

In a study conducted on domestic violence and the use of Navajo Peacemaking courts, Donna Coker found that women were often harassed by peacemakers, who repeatedly called them at the shelters they were staying at urging them to participate in the process (2006, 76). In Coker’s study, she also found that abusive men would use Peacemaking to ‘flush women out of hiding.’ In one instance, a women agreed to participate in the peacemaking process and following the session she was attacked by her husband in the parking lot (2006, 76).

This raises another concern by feminists, that violence against women would be minimized in the process and that offenders will view restorative justice as an “easy option;” in turn, having little impact on the offenders behaviour and reinforcing the belief that their behaviours is not wrong and can be justified (Coker 2006, 77; Daly and Stubbs 2006, 17). Restorative justice is considered too lenient, with insufficient punishment and gendered violence is not afforded the seriousness it deserves (Curtis-Fawley and Daly 2006, 607). Coker refers to this as the “cheap justice” problem (2006, 76). Feminists have made great strides in lifting the veil of silence off the issue of violence against women and feminists have raised concerns that restorative justice will
remove men’s responsibility, decriminalize their violence and “reprivatize” male violence against women (Daly and Stubbs 2006, 18; Morris and Geltsthorpe 2003, 130).

Yet at the same time, some feminists argue that restorative justice has the potential to better address safety, accountability, and issues of race and gender politics than the criminal justice system. Feminists who prefer the restorative justice model claim that it seeks to create a feminist space where the typically silenced victims can speak and have their voices heard. A feminist criticism of the traditional retributive criminal justice system is that victims of sex crimes are doubly disempowered (Gaarder and Presser 2006, 483). Kay Harris argues that restorative justice is compatible with feminist visions of justice based on three principles: “that all people have an equal value as human beings, that harmony and felicity are more important than power and possession, and that the personal is political” (qtd. in Gaarder and Presser 2006, 491). As noted previously, restorative justice has the ability to empower victims; and a goal such as this fits well with feminist visions of justice.

**Aboriginal Women’s Engagements with Restorative Justice**

In Canada, restorative justice has been used, with some frequency, to deal with cases of domestic violence. Canadian women have responded to these initiatives in diverse, and at times, in conflicting ways. Aboriginal women have raised several concerns regarding the implementation of restorative justice programs and alternative measures within their communities. Due to space and time, this section focuses on a study conducted in British Columbia that captures the voices of Aboriginal women on the implementation of restorative justice programs in their communities.
A study conducted by Wendy Stewart, Audrey Huntley and Fay Blaney (2001), sought to explore the implications of implementing restorative justice programs in Aboriginal communities and what kind of effects these reforms would have on Aboriginal women. Various focus groups were held that included women from communities along the Fraser River. Aboriginal women were asked voices their opinions on the issue of violence and restorative justice in their communities. Participants raised several concerns including: lack of support by the community and the prevalence of victim-blaming mentalities; lack of concern for the safety of Aboriginal women (both psychological and physical); particularly in isolated communities where the offender may continue to stay; as well as fear that restorative justice reforms would fail to address the underlying power inequity that are widespread in communities from years of oppression. Women also raised concern about the lack of power they have and their marginalization within their communities. This marginalization has resulted in women being excluded from discussions and decision making on what is good for their communities. Stewart, Huntley and Blaney argue that denying women participation in community decision making, and basing reforms on the romanticised views of a few powerful people about how restorative justice is good for the communities ignores Aboriginal women’s lived realities of violence (2001, 39-41).

Participants also raised some potential benefits of the implementation of restorative justice initiatives’ in their communities; they felt that restorative justice reforms had the potential to address Aboriginal crime in a way that criminal justice had not. As well, because restorative justice addressed the context in which crimes are committed and not simply just the individual, it had the potentials to address social problems existing in the
community. The overarching response by Aboriginal women is that they needed to be included in the decision making process and that it is imperative that their concerns be addressed prior to the developments of restorative justice programs in their communities (Stewart, Huntley and Blaney 2001, 41).
Chapter Two: Methodology and Research Design

Marginalization refers to the context in which those who routinely experience inequality, injustice, and exploitation live their lives. Being marginalized refers not just to the experience of injustice or discrimination or lack of access to resources. In the research context, it acknowledges that knowledge production has long been organized, as have assessments of the ways producing knowledge can be “legitimate,” so that only certain information, generated by certain people in certain ways, is accepted or can qualify as “truth.

-Brown and Strega (2005, 6-7)

Critical research methodologies, such as feminist and Indigenous, were developed to challenge the marginalization of women and Indigenous peoples and to create a space where these historically marginalized voices can be heard. These critical methodologies begin from the premise that voices from the margins produce legitimate and valuable knowledge and ground their theorization in the lived everyday experiences of those who have historically been excluded from the research process. Moreover, critical methodologies aim to produce knowledge about social relations and practices of domination with the ultimate goal of challenging and changing the systems that reproduce and maintain this domination.

This project uses a combination of qualitative methodologies, such as feminist intersectionality and Indigenous storytelling, along with grounded theory to engage the narratives of the participants of my study. Both Indigenous and feminist research methodologies emerge from a critical paradigm that seek to investigate social structures and power relations and how they play a role in promoting inequalities (Raphael cited in
Kirby, Greaves and Reid 2006, 14). Moreover, feminist intersectionality and Indigenous methodologies operate within a transformative paradigm where there is a goal of fostering empowerment and emancipation of marginalized peoples. According to Donna Mertens, transformative-emancipatory research paradigms recognize the absence and misrepresentation of the voices of marginalized peoples within mainstream research, thus including the voices of those who have been traditionally underrepresented within research is central to transformative-emancipatory research (2003, 142). Both feminist intersectionality and Indigenous methodologies have a transformative component where the researcher is seeking to promote social change and social justice (Brooks and Nagy Hesse-Biber 2007, 4; Kovach 2010, 41) by documenting the voices of those traditionally excluded from research. A qualitative methodology was the appropriate choice since my goal is to gain a better understanding of how justice can be achieved for families of missing and murdered Aboriginal women by directly asking this group to reflect on their experiences with the justice system. Due to the interdisciplinary nature of this research project it only seems fitting that the methodologies employed would also be multiple and interdisciplinary.

**Standpoint Feminism**

Standpoint feminism is a critical epistemology that developed out of the misrepresentation and exclusion of women from the dominant forms of knowledge making. By shedding light on women’s lived experiences, standpoint feminist epistemology seeks to uncover the valuable knowledge women hold, knowledge that has been historically absent, and use this knowledge as a means by which to understand the
world. Abigail Brooks argues that by starting with the lived experiences of women as the “point of entry” for research, standpoint feminists can “expose the rich array and new knowledge contained within women’s experiences, …and begin to fill in the gaps on the subject of women in many disciplines” (2004, 58). Standpoint theorists advocate “starting off thought” from the lives of marginalized people because they believe that it generates critical questions that do not arise when thought begins from the lives of the dominant group (Harding 2004, 128). Donna Haraway argues that “subjugated” standpoints are preferred because they are more likely to offer a more adequate, less distorted and objective account of the world (2004, 88). Standpoint theorists refer to this less distorted account of the world as the “double vision” where they argue that those within marginalized positions have a “working, active consciousness” of both their own perspective, as well as their oppressors (Smith 1990, 19). Thus, subjugated standpoints are not the result of biological identity; rather they are an achieved vision acquired through the struggle against the distorted and perverse realities made to appear natural and obvious by the dominant group in order to see their situation more clearly (Hartsock 2004, 37). However, standpoints are socially situated. Different groups are marginalized in different ways, thus each group has the possibility of developing unique

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32 Standpoint theorist Dorothy Smith critiques sociology for being a sexist and androcentric discipline that is “based on and built up within the male social universe” (2004, 22). Sociology studies the world in which we live in; however, Smith argues that sociology is a profession that has historically been predominately occupied by men, thus the topics viewed as relevant and the theories produced within sociology did not include or reflect the experiences of women (2004, 22-32).

33 Sandra Harding argues that when searching for answers to explain the distinct problems experienced by marginalized peoples that you need to move beyond the experiences that they have and critically examine the conceptual frameworks that reflect the dominant group. According to Harding, “it is the dominant groups who, in making what appear to them to be perfectly reasonable policies, shape marginal lives in ways not always visible within those lives. For example, women not seeing their household duties as real work or marital rape as rape. Thus, Harding argues, it is important to understand that “each groups social situation enables and sets limits on what it can know” (1998, 151).
and critical insights about systems of social relations that are particular to their social context. According to Patricia Hill Collins, each marginalized groups has its own partial and socially situated perspective, that “no group has a clear angle of vision” (1991, 234), thus no one group can legitimately claim to possess a standpoint that can provide a completely adequate account of reality.

In the beginning, standpoint feminism was heavily critiqued for “universalizing” women’s experiences, which was often based on the experiences of white, middle class and heterosexual women, thus neglecting the differences among women, such as race, class, geopolitical locations, and sexual orientation that shaped their lived experiences. For example, early feminist theorizing of violence against women focused exclusively on how sexism was the primary source of women’s oppression, thus neglecting to see how the experience of violence was shaped by other dimensions of women’s identities (Crenshaw 1991, 1242). This challenge required a theoretical shift that would recognize the diversity and multiplicity of women’s experiences and recognize how race, class, and gender are interlocking systems of oppression that work simultaneously to shape one’s standpoint. The theoretical orientation that emerged is commonly referred to as intersectionality.34

Contemporary standpoint feminist scholarship, influenced by Patricia Hill Collin’s “matrix of domination,” has begun to recognize the limitations of analyses that

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34 Intersectionality was coined by Kimberle Crenshaw when she was critiquing feminist and anti-racist discourses for failing to represent how intersecting social dimensions of women’s identities, particularly women marked by race, shape their experiences. Crenshaw argues that feminist and anti-racist discourses responded to one or the other (gender or race) rather than viewing them as intersecting (gender and race), thus marginalizing women marked by race within both discourses (1991, 1243-1244). Intersectionality has created a paradigmatic shift within feminist theorizing illuminating the inequality and injustices that women experience as a result of the intersection of the various social dimensions of their identities.
focuses exclusively on gender, and that an intersectional approach is necessary for understanding how various axes of inequality intersect to shape the lived experiences of marginalized women. Hill Collins' matrix of domination, inspired by Crenshaw’s intersectionality framework, moves away from the additive approach adopted by Eurowestern thought where social dimensions are ordered in such a way making them hierarchical. Hill Collin’s matrix of domination conceptualizes how race, class and gender (along with other various axes, such as sexual orientation, colonialism, disability etc.) are interlocking systems of oppression that intersect with one another in a non-hierarchical way.

Matrix of Domination

Hill Collin’s further argues that although these dimensions are intersecting simultaneously, depending on the context, they can provide both privileges and penalties. She uses the example of a white woman to show how within the matrix of domination white women are penalized by their gender but privileged by their race. Thus, the matrix of domination recognizes that when various axes (gender, race, class etc.) intersect it does not mean total domination; rather, some axes can be sites of oppression whiles others can be sites of privilege. According to Hill Collins, “depending
on the context, an individual may be an oppressor, a member of the oppressed group, or simultaneously oppressor and oppressed” (1991, 225).

bell hooks argues that marginal positions can be both sites of oppression and resistance. The experiences of oppressed people are not just experiences of oppression and powerlessness, they are also experiences of struggle to preserve one's viewpoint, to resist oppression, and to transform the world (hooks 2004, 156-157).

By exploring the issue of missing and murdered Aboriginal women and their families' experiences with the criminal justice system using feminist intersectionality theory allows me to take the position that these lived experiences are valuable, albeit partial and socially situated, and that by grounding my inquiry in these experiences leads to counter hegemonic narratives, critical questions and a site in the struggle for social justice.

**Locating My Own Sites of Privilege and Oppression: Application of Matrix of Domination**

Feminist and Aboriginal methodological approaches to research emphasise the importance of self awareness and self reflection – to situate one’s own knowledge. Nancy Naples argues that researchers need to examine their own social location (gender, race, class, age, sexual orientation, age, political perspectives) in order to understand how their social location influences the research process and analysis (2004, 380).

According to Margaret Kovach, we carry our framework—that is, our theoretical frameworks, epistemological frameworks, or research frameworks—around with us and this framework influences how we approach the data. Moreover, situating ourselves and locating our framework provides researchers the opportunity to be honest about their
perspective and how this perspective shapes the methodology and methods chosen (Kovach 2010, 52-53). Feminist methodologies recognize the importance of researchers sharing their experience of conducting research and their personal experience with the participants throughout the process (Liamputtong 2007, 11). Reflexivity speaks to the relational aspect of the research process and through self-reflection the researcher has the opportunity to create meaning from these interactions (Kovach 2010, 32). For researchers researching minority groups the process of locating oneself and situating one’s knowledge are essential. Judy Hughes argues that researchers, particularly white researchers researching racially minoritized groups, need to locate and be aware of their own sites of privilege as such awareness makes them accountable for the descriptions and explanations that they produce about the lives of those they are researching. Hughes further argues that, “creating disruptive analyses and knowledge requires that as dominant researchers we place ourselves in our accounts of the lives of Others and that we continually recognize the limits of what we can claim to know about the lives of those in minoritized positions” (2005, 208). Moreover, locating oneself and identifying one’s sites of privilege allows the researcher to understand the limitation and incompleteness of what can be known from this position (Hughes 2005, 208).

Applying Hill Collin’s matrix of domination to my own life allows me to identify and begin to understand my own sites of privilege and oppression, how they shape the research process and my relation to the participants, and the limitation of what I can know and say from my position. As a heterosexual, white-settler woman of European descent, I come to this research with an identity that has several sites of privilege that are often naturalized and unquestioned, thus making them invisible. Tim Wise argues that
white people are not forced to think about their whiteness and what it means to be white in a nation created for the benefits of white people (2011, 2). For most of my life I have not been forced to think about my whiteness and the privileges that it has afforded me. It was not until I started researching the issue of missing and murdered Aboriginal women that I have come to truly understand how my whiteness has and continues to privilege me.

My framework has been largely shaped by a combination of my lived experiences, university education and my community activism. I currently hold a Bachelor of Arts Honours degree in Women’s and Gender Studies. My calling to pursue a Women’s and Gender’s studies degree came in my third year of my undergraduate degree where I found myself relating to the issues and theoretical frameworks of feminism. Feminism has allowed me to recognize and understand the barriers that marginalized people experience based on their gender, race, class and sexual orientation; it shaped the focus of my education; and it inspired me to be a community activist and fight in the battle to end the oppression of all peoples.

My interest in the issue of missing and murdered Aboriginal women was sparked by the story of a family who came to a class that I was taking during my undergraduate program to share their story of a young woman in their family who had gone missing. My interest was ignited further during a conference I attended on the same issue. During this conference, I had the opportunity to listen the voices of survivors of missing and murdered Aboriginal women and the struggles that they had experienced. Themes emerged every time someone new came up and spoke about the struggles that they experienced after the loss of a loved one. One of the themes that emerged was the
barriers that they encountered when working with the criminal justice system. These stories forced me to question the effectiveness of the criminal justice system in providing justice to Aboriginal women and their families and set me on my journey to seek out solutions and alternative justice methods that might be more suitable to address their needs. It is through the stories of the disappearances and brutal violence enacted upon Aboriginal women that I have come to understand my white privilege and how it has shielded me from racialized violence; a privilege that is not afforded to Aboriginal women.

My whiteness has been something I have struggled with during the research process. I knew that it would shape the way that I approached the topic and the interactions that I would have with the women who were sharing their stories with me. My whiteness was confronted during my first interview with Pauline Muskego. Pauline and I met for the first time when I drove up to conduct the interview. I am not sure if she knew for certain that I was white, but she was skeptical of my inquiry. Prior to her sharing her story with me she played a slideshow that was a memorial of her daughter Daleen. She said to me “I hope this puts this into perspective for you.” The slideshow made both of us very emotional; however, I understood that she wanted to know if I was truly genuine in my inquiry. I will never forget the feelings I had when we were watching the slideshow. All too often the lives of the women who go missing or are found murdered are sensationalized and not reflective of the lives they lived. Pauline shared Daleen’s life with me, a moment that I will never forget. The memorial did put it into perspective for me, I got to see Daleen’s life outside of the gruesome details of her murder and see the life of the woman who was a mother, daughter, student and wife. As a result, when I
conducted the two interviews that followed I began the interview by having an informal conversation with the women wherein we got to know one another. I shared with them my motivations for this project and my intentions once the project was complete. This informal conversation allowed me to get to know the women who were sharing their stories while putting everyone at greater ease during the interview process. The interview became more of a personal conversation held between recent acquaintances.

Data Collection

Participants

I interviewed three Saskatchewan Aboriginal women who had a female loved one go missing or be murdered and had worked directly with the police while searching/seeking justice for them. I also attempted to include a male perspective on this issue; however, was unable to find a willing participant. The study required a specialized sample of the population; thus, purposive and snowball sampling methods were used. Families that have endured this type of tragedy seek out others who have a common experience and thus, snowball sampling was the most effective technique to locate participants. A known family member was asked to participate and help recruit other Saskatchewan families who have endured similar experiences. I received contact information for seven family members who met the criteria, two including the already known family members agreed to participate. The criterion for participating in the study was: (1) Resides in Saskatchewan; (2) have a family member of Aboriginal ancestry that is female and missing or has been murdered; (3) have worked with the police, and possibly the courts while searching/seeking justice for missing or murdered loved one. I
did not set a limit on the range of years the loved had gone missing or been murdered as the sample population was very limited.

From the three participants, one had a family member who was murdered and two had family members who were still missing. Two of the participants had family members go missing between 2004 and 2007 and one participant had a family member missing since 1985. None of the participants have gone through the court process; however one participant was awaiting the trial of the perpetrator at the time of the interview.

**Interviews**

Most Aboriginal cultures traditionally come from an oral society where knowledge is transmitted through storytelling (Kovach 2005, 27; Tuhuwai Smith 1999, 145). Storytelling methodology honours tradition and the Ancestors (Thomas 2005, 242). Russell Bishop argues that storytelling, as a research method, is a useful and culturally appropriate way of collecting and representing the “diversity of truths” found within each individual story (qtd in Tuhuwai Smith 1999, 145). Moreover, storytelling uncovers new ways of knowing and provides an opportunity to gain new insight into the experiences of Aboriginal peoples (Thomas 2005, 245). Valerie Yow argues that storytelling allows the researcher to “learn about a way of life by studying the people who live it and asking them how they think about their experience” (qtd in Kovach 2005, 245). Storytelling creates a role reversal between the storyteller and the researcher; storytellers hold the power in the research as they are in control of the story and the researcher becomes the listener (Thomas 2005, 244). Therefore, when utilizing a
storytelling method it is important for researchers to understand that they do decide what is important, but rather are open to hearing and receiving what the storytellers deem as important about their experiences (Kovach 2005, 245). Thus, storytelling can be an empowering process for storytellers.

For this research semi-structured interviews were used\(^{35}\). Semi-structured interview method was chosen to compliment Aboriginal traditions of oral storytelling and provide flexibility during the interview process allowing the participant to provide a range of information they felt was relevant to their experience. As well, this style of interviewing allows for the generation of in-depth and rich detail with respect to the experience of those being interviewed as the topic of discussion can be explored in more depth.

The interview questions were open ended and designed to allow participants the freedom to share their experiences with working with the police and reflect on the potential use of restorative justice practices in cases involving missing and murdered Aboriginal women, as well as what justice looks like for the families (Appendix A).

The interviews ranged in length from 65 minutes to 89 minutes. All interviews were digitally recorded and transcribed. After the interviews were transcribed, I sent the participants a copy of their interviews to review. This provided the participants to further reflect on their experience, makes changes or raise any concerns they may have had, or

\(^{35}\) The initial research method chosen for this research project was a talking circle, followed by follow-up interviews with willing participants. This method was chosen to compliment Aboriginal traditions of oral storytelling. The talking circle was scheduled to take place in the Fall of 2011. I received interest from a few participants who I had contacted but finding enough participants (ideally 6-8) was becoming a challenge and scheduling a date and time was unsuccessful. In light of this and to avoid further delay in the research project the method of inquiry was changed to qualitative interviews.
retract information they wished to exclude from the final project. Stories, written as personal narratives, were created from the transcripts and also sent back to the participants to review and make any necessary changes.

**Procedure**

Following approval from the University of Regina Research Ethics Board, participants were given a package that contained a detailed description of the research project, a consent form and the interview questions when asked to participate in the research project and again before each interview was conducted (Appendix B). The consent form explained the purpose of the study, what was expected of them as a participant, the potential benefits and risks of participating, confidentiality, as well as their rights as a participant. Given the very sensitive nature of the research project, participants were also given the option to request that Elder Betty McKenna accompany me to the interview in order to make them feel more comfortable during the interview process. As well, participants were provided contact information for a psychologist if they felt any stress during or after the interview.

Given the amount of personal information I was asking the participants to disclose, each was given the option to keep their identity confidential by choosing a pseudonym. Of the three women I interviewed, one woman chose to conceal her identity and will therefore be referred to the pseudonym she chose throughout the thesis.

**Data Analysis**

Once interviews were transcribed they were coded and analyzed using a grounded theory approach. Grounded theory is a method of analyzing narrative that has
been adopted by qualitative researchers conducting small scale research projects using qualitative data to study human interaction, as well as exploratory studies focused on particular contexts (Denscombe 2007, 88). It is an inductive research approach that is dedicated to generating theories grounded in the data. According to Gayle Letherby, “grounded theory is a theory developed from data and aims to be faithful to the reality of situations” (2003, 67). Although the issue of missing and murdered women is an epidemic that spans decades, the naming of the issue and research being conducted is rather limiting.

Adhering to the grounded theory approach to coding outlined by Kathy Charmaz, coding consisted of two phases: initial coding and focused coding. Initial coding is the first phase of the coding process where the data was read through quickly for a general thematic analysis and identifying what was most striking in the data. Afterwards segment-by-segment coding was employed, where segments of data were provided codes to define and name what is happening. Charmaz argues that initial coding phase allows researchers to gain a closer look at what participants are saying, identifies gaps in the data, and sparks new ideas to pursue (2006, 50-51). Thus, the initial coding phase requires a close reading of the data and remaining open to all theoretical directions that your reading of the data takes you (Charmaz 2006, 48). After examining the data from the first interview, I identified gaps within the data, thus allowing me to refocus interviews conducted later. The participant from the initial interview was contacted afterwards to comment on the gap that I had found; however, she did not respond.
The second phase of the coding process is focused coding. With the initial codes condensing the data, the focused phase of the coding process means using the most frequent and/or significant initial codes to sift through and organize large amounts of data (Charmaz 2006, 46). Moreover, during the focused coding phase, the goal during this phase is to determine the adequacy of your codes and deciding which initial codes make the most analytical sense to categorize your data (Charmaz 2006, 57-58). It is during this phase where comparisons between respondents’ statements, as well as between codes and categories can be undertaken, resulting in the focused code. Once the focused code is developed then data can be compared to these codes (Charmaz 2006, 60). The data and codes identified from the initial coding phase were entered into an excel spreadsheet to create a chart of the data and codes. Once the data was condensed into this chart, the data and codes identified in the initial coding were constantly compared and 20 categories were identified (see chapter 4). Upon further analysis and refinement of these categories, four major themes emerged that reflected the relationship between the categories and encapsulated the participant’s stories. These themes will be discussed further and in more detail in chapter 4.
Reciprocity

Within an Indigenous research framework the principle of reciprocity, or giving back, is essential. The knowledge given to you by the participants is a gift. Recognizing the research participants’ knowledge is important. Participants were given an honorarium for their involvement to demonstrate my respect for their time and knowledge they were sharing with me. However, reciprocity meant more to me than just handing the participants an honorarium and walking away, that would be too easy and convenient on my part.
Margaret Kovach states that as researchers we can give back to the community by sharing our work so that it can assist others—potentially creating social change (2009, 149). Listening to the voices of many family members, particularly those I have met through my community involvement, change is needed and it is my hope that this research will create change, or even a better understanding of the lives of the families. During a trip to Mexico City, where I had the opportunity to investigate missing and murdered Indigenous women in that context, we spoke with many individuals who shared their stories of struggle; when asked what we could do to help them they said take my story back to where you live and share it with others, this was reciprocity for them. By sharing these women’s stories so that it creates awareness and better understanding is one way in which I am giving back.

Another way I am performing reciprocity is through my continued involvement in planning and attending the October 4th Vigils that remember and honour the lives of missing and murdered Aboriginal women. As well, I participated in a ground search for one of the participants missing loved ones, an experience that was life changing and enlightening in that it revealed struggles that were not presented throughout the research.
Chapter 3- Families Stories

*Storytelling is central to strategies for social change*

--Sherene Razack³⁶

Sherene Razack argues that in the context of social change, storytelling provides a counter narrative to the dominant knowledge system where the status quo is resisted and relations of dominations can be uncovered (1998, 36). As discussed in the previous chapter, research has historically been used as a tool for the colonizer to achieve and maintain the marginalized position of colonized peoples. Storytelling methodology has been utilized in efforts of decolonizing the research process by providing a space where those who have been historically excluded and misrepresented can have their histories documented. Elizabeth Furniss argues that it is critical for stories of injustices to be told, and must be heard with an open heart and mind, in order to prevent these tragedies from being repeated (1992, 120). Moreover, Robina Thomas argues that when stories are listened to with an open heart and open heart we are honouring and respecting the storytellers and the teachings that come from their stories (244).

In reclaiming space for the voices of family members of missing and murdered Aboriginal women, I utilized storytelling methodology to provide a space where their stories could be honoured and privileged. The stories that follow emanate from the interviews I had with the women who shared their stories of working with the justice system, the struggles they encountered, and whether they think restorative justice would

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be useful in their cases. Sharing their stories allows the women to frame and tell their past and present experiences from their own perspectives. It is my hope that by sharing their stories a gap in the literature concerning missing and murdered Aboriginal women and the complexity of these gender and raced based violent acts will be filled.

Pauline Muskego's Story

Pauline and I met in the fall of 2011 after she agreed to share her story of her daughter Daleen with me. This was the first time that Pauline and I would be meeting and she requested that Elder Betty McKenna accompany me. Elder Betty and I travelled to Pauline’s home community of Onion Lake Saskatchewan at a neutral location where Pauline felt most comfortable. Prior to telling her story Pauline shared a slideshow of Daleen and her life before she was tragically taken from her family, followed with a prayer by Elder Betty to open the interview. This is the story that Pauline shared with me:

*Daleen Kay Bosse Muskego was born on March 25th, 1979; she would have celebrated her 34th birthday this year. Daleen was a daughter to Pauline and Herb Muskego, a mother to her precious daughter Faith, a big sister to her younger brothers Dana and David, and a wife to her husband Jeremiah. She was fulfilling her dream of becoming a teacher and was in her fourth year of studies at the University of Saskatchewan.*

*Daleen went missing on May 18th, 2004. We received a phone call from our son saying that Daleen hasn’t come home for two days and two nights, we don’t know what to do. Jeremiah had gone down to the police station to try and file a missing person’s report, but was told that he had to wait 48 hours. We later found out that this was not true.*
We had troubles with the police in the beginning, we were not getting the cooperation that we needed, we wanted, we hoped for. During the first two weeks of the investigation, we were told by police that Daleen had been spotted out and about and not to worry, that she will come home. A former co-worker from Scotiabank told police that she was 100 percent sure she had seen Daleen the day after she went missing. We asked to see the surveillance cameras and they said, oh the cameras were down that day. The police had no proof, just this woman’s word and they believed her 100 percent. She was said to have been seen spotted at a 7-11 near Confederation, again we asked to see the surveillance cameras to confirm that it was her, we were told no we can’t, she was seen, she was out and about.

Another time, Daleen was apparently spotted at a jewellery store where she was supposedly pawning a ring. The police did a sting operation and they surrounded this person when she came to the store to pick up her ring. It was not Daleen, it was somebody else. The bad thing about it was that the police didn’t tell us the results; it wasn’t until two weeks later that they told us that it wasn’t Daleen. I don’t know why they didn’t tell us right away.

When they found Daleen’s car, two and half weeks after she went missing, the police did fingerprinting but didn’t do a full forensic investigation. We were surprised about that. A lot of things we were surprised about when she was still missing.

Whenever we tried to meet with the officer responsible for her file, he was always on holidays or on days off. Her file would get bumped all over the police station and when it was referred to someone else then that officer had no idea what was going on.

I will never forget when we first talked to the sergeant responsible for my daughter’s case and he told us, there’s over 85 people missing in Saskatchewan at this moment, he pointed to a stack of cases a foot high and said, your daughter’s file is down here (at the bottom of the stack). We didn’t think the police were going to help us enough to find our daughter. We just wanted her home. That’s all we wanted, we just wanted to find her and know where she was.

So, we hired a private investigator. He was really good, he told us things that police didn’t even know. He pushed for things and if it wasn’t for him we wouldn’t have known a lot of the things. For example, he knew about the accused before the police became highly suspicious of the accused and put him under surveillance.

For the first three months after Daleen disappeared, Herb and I stayed in Saskatoon, we wanted to stay close to the investigation. Housing, however, became a problem so we started staying home more and going in either biweekly or monthly. But any time we heard a tip we would go there and do what we had to. Traveling back and
forth was something we did, I never thought about it, we just did it. We had to remain persistent so that Daleen’s case would not get neglected. A lot of times we would come in to see the police and they had nothing to tell us anyway, they had no updates to give. But that wasn’t sufficient, I wanted to know what they were going to do next. I always went in prepared. Every time we went in we had our papers with our questions and concerns ready, and I wrote down everything that they said. It just seemed like we had to break down the barriers first, show them that we didn’t want to work against them, we wanted to work with them to try and find my daughter. We were never giving up hope, we were not giving up and not allowing the system to beat us, we just kept going and going and going, waiting and hoping for answers.

Eight months after Daleen went missing the police finally moved her file to major crimes. It took that long until they finally did something. It was torture waiting and waiting and waiting for them to do something, to help us find her. But we kept busy trying to find her on our own; putting up posters, organizing search and rescues, and planning awareness walks. I would say now, looking back, it kept us sane, kept us busy looking for her because we didn’t know what had happened to her. We were the ones that initiated the first ground search for Daleen, not the police. However, when the police found out that we were going to do the search they took over. The search and rescue team from Montreal Lake Cree Nation, along with band members and the search and rescue team from Onion Lake, my family members from Manitoba, the RCMP, Saskatoon police and eventually FSIN, got involved in the search for Daleen. Even the National Film Board came out to document the search. A lot of times we had to go ahead and start things off, but when the police realized that we were not going to stop, that we were going to do something about it with or without them, then they took us seriously. They would get permission for us from the land owners in that area to conduct the searches on their property, they had their dogs out to help us, and eventually they did aerial searches. These things didn’t happen instantly, our persistence is what made them realize that we’re there and we’re not going to give up, that’s when they started doing more.

We did walks every summer. We started off with four walks to raise awareness, after Daleen’s remains were found my son wanted to do a memorial run. This memorial run helps my son on his healing journey, as it was very hard for him and all of us after Daleen’s remains were found. In the Aboriginal culture it is custom to do things in four, we have done three runs thus far, next year is the fourth and final year of the runs.

Although we have had troubles with the police, I don’t think that an alternative justice process, such as restorative justice, would work for us. There are two reasons why I don’t think it would work. Number one, forgiveness is very hard, it’s tough especially in a case like this. Yes, I can forgive you if you did something wrong to me,
you might have said something to hurt my feelings, I can forgive you for that. Alternative Justice in this case would not be appropriate.

"For me, participating in a restorative justice process, it’s like talking to the devil. Why would I want to talk to him after what he did, you know. He’s a liar, he’s a killer. Why would I expect him to tell the truth all of a sudden? He has been stalling since 2008, I don’t know how many times he has fired his lawyers, I don’t know how many times he has found a little loop hole here and there to try and get away with what he has done. He would still be out and about today if it wasn’t for the police. But he got caught and he wouldn’t have gotten caught if it weren’t for the police. He got caught in his lies.

All I know is the two facts, that my daughter was murdered and this guy lied for four years to try to get away with it. Why would he all of a sudden want to tell the truth? Let the justice system deal with it, and hopefully the justice system today is working better than it used to be and that justice will be served. It’s up to the justice system to do what they need to do and hopefully they will do things fairly.

I don’t think a process like restorative justice would help us find closure and heal. I don’t believe in closure, because it is never over, it’s ongoing. There are times when you think that everything is good and then it’s back again. It was like we were going through a cycle over and over; you can’t get out of it, you’re stuck in there. You’re always on an emotional roller-coaster all the time.

Our community, Onion Lake, has supported us so much throughout this process. Chief Wallace Fox was always behind us, supporting us in anything we needed. The community came together and helped us get through this. Without their ongoing support and help, it would have made the process of finding Daleen much worse. I have heard that changes have been made with how the Saskatoon police investigate missing person’s because of Daleen’s case. It wasn’t our goal to change the police system, our goal was to find our daughter. But if something good came out of it, that is what we can be thankful for.

Myrna Laplant’s Story

Myrna met with me in the winter of 2011 to share the story of her missing aunt and missing nephew. This was the first time that Myrna and I met; however, she was very comfortable meeting with me on her own. I travelled to Myrna’s home community of Saskatoon where we met over coffee and she shared the following story:
Tragedy has struck our family twice. Within a four year span we have had two of our family members disappear from us—my Aunt Emily Osmond and my nephew Cody Wolfe. My Aunt Emily lived a very reclusive lifestyle on our family farm just north of Kawacatoose First Nation, which is north of Fort Qu’Appelle. She was last seen on September 13th, 2007 and her disappearance was very unusual to our family. She had animals on the farm that she cared for and her vehicle and personal belongings were left in her house.

We reported her missing, I believe it was a Thursday, and the RCMP arrived immediately that afternoon. They were there Thursday, Friday and Saturday conducting their search. On Saturday at four o’clock we had met them on the highway, apparently they were done their search and they said they would be in contact. I was thinking to myself what the heck, don’t you meet with us to tell us what’s going on? We were just stunned. They just packed up and away they went.

Our family members said that they wanted to keep the search going. That meant figuring out what to do. We didn’t know what was required to do a search, but we set a date for the first week in October. I contacted SARSAR (Search and Rescue Saskatchewan Association of Volunteers), they are volunteer searchers, to come out and help conduct the search. They told me that they weren’t able to help me because they only come out under the direction of the RCMP. I thought, okay that’s your policy, that’s fine, there’s a list of searchers in Saskatchewan I will phone someone else. I phoned the one guy in Wadena asking if he could come out, nope I can’t come out, if SARSAR can’t come out I can’t come out.

We had to do this on our own and I didn’t know anything about setting up a search party. So with the help of a co-worker we started doing some research. We identified all the different kinds of people that we needed and what we needed for the search. I put it on my Facebook and people started e-mailing me telling me that you need this and you need that. Two week before the search. I sent out the information to my contacts saying that we were going to have the search for aunt Emily and I was calling for quads, horseback riders, and foot searchers.

The Tuesday before the weekend that we had scheduled the search for, I realized that we had no search manager. I’m not a search manager, I had no idea what the hell I was doing. I then remembered a search team, a professional search team, from the Montréal Lake Cree Nation. I phoned them up, got a hold of the manager and I said, I need help. He said, What’s going on? I told him about what had happened to my aunt

Photo courtesy of SK Crime Stoppers
and he said oh yeah I think we might’ve heard something about that, I told him we’re having a search this weekend and I have nobody to direct the search. He said, I’ll call you back, give me a half an hour. He called me back in half an hour and said, were ready to go, I have 13 people that I will be bringing with me, make your arrangements. But of course we have no money; we don’t have money and they don’t have money and we had to feed them. Long story short the community came together really quickly and thanks to my place of employment we managed to come up with the money that we needed. Keeping in touch with the RCMP we told them that the search was happening, so all of a sudden they got on board, then SARSAV got on board. So we had Montréal Lake Cree Nation, we had SARSAV, Carry the Kettle people came, and some community people came. We were able to pay accommodations for the searchers that traveled, the Regina people that traveled back and forth everyday, we were able to get a big buffet of food everyday thanks to the people who pitched in from the Kawacatoose First Nation.

Four years after my aunt Emily disappeared, my nephew Cody went missing. Cody was born on December 9, 1993, he would have celebrated his 19th birthday just this past winter. He is deeply missed by our entire family, especially his parents, Annette and Reg, and his brother Clint.

Cody went missing on April 29th, 2011. He left my mom’s place during the evening to go meet up with some friends, but he never arrived. We phoned the RCMP and they arrived immediately. The RCMP conducted a very very thorough grid search, which is methodically done foot by foot by foot, so they could clear the area. This was extremely frustrating for the family, in both Aunt Emily and Cody’s case, because they were not allowed on the property to assist the police with the search. But the thing is that if evidence gets walked on or drove over than that evidence might be lost, losing all hope of finding them. With Cody, there was one area that the police were particularly interested in. A tip came in that Cody had been at this particular house, so the police went roaring off to raid this house. Of course our family and community went charging after them to watch from a distance. The community was told that if you see them going somewhere to just let them go and do their thing, they will get back to us.

After that initial thorough search, the police were really awesome with working with the community to conduct ongoing searches, both with Cody and Aunt Emily. Of course when we had the family searches they got involved. It was really good working with them. There was one RCMP officer that came on her day off, she was from the Punnichy detachment, they had really good leaders out there. It is important for both the community and the police to work together, especially if it is in a rural area. The police
don’t know the land, not like the community does. The police need to involve the community because they know the land best, they know the back roads, they know the woods, they know the physical layout of the land, they know where people live in the rural areas.

I really wish there was more bridging of the communities. The thing with First Nations and non-First Nations communities is that they are very much separate. With Cody, it was very much the First Nations communities that responded it was Day Star, Kawacatoose, Gordons and of course Muskowekwan that came out to show their support. The non-First Nations surrounding communities did not respond. In one of the searches, I recall one non-First Nations man that came out, not to help but to report what he noticed that Saturday morning. There have be no, that I am aware of, non-First Nations searchers in Cody’s search. We put posters out Search for Cody, Help, but only the First Nations communities responded. The only time that we had non-First Nations people come out and support us is when we hosted a fundraiser bingo at Day Star. There was a whole bunch of non-First Nations people that came out, apparently they do support the bingo’s out there. When I thanked people for coming out and gave an update on Cody they didn’t even know what was going on. I mean they knew he was missing, but they hadn’t heard any of the latest stuff. You know, we want to hear what we want to hear though, we don’t want to hear what doesn’t apply to us, that’s them, oh I can’t go down that road because that’s an Indian road. A missing person is everybody’s responsibility. Communities need to be educated in terms of their role for a missing person.

It’s also not cheap when a family member goes missing, financially, emotionally and spiritually. When Aunt Emily went missing I took a week off from work and when Cody disappeared I was away for a month. Thankfully, we had mobile desktops at work so when Cody went missing I was able to be away that long and work while helping with the searches. My family appointed me the spokesperson for both Aunt Emily and Cody’s case, so I am responsible for taking care of all the media and updating the family on what is happening. But ya, every weekend, with both Aunt Emily and Cody, I was out there traveling back and forth from Saskatoon.

My experiences with the police I must say are positive. Some of our family members do not share the same opinion that I have but that is because they want aunt Emily found and they want her found yesterday. They want Cody found on May 2. So there is a high level of frustration with the families when they don’t get immediate results. But they return calls right away, they keep in touch, and for the most part will follow up right away. I know that our cases are not the only thing that they have on their agenda, you know everyone’s human resources are stretched to the max. One of the things that I was able to establish when aunt Emily went missing was a regular update at
the beginning, an e-mail update so that I would have on paper from them what was happening. It has diminished over the years because we have not been physically active on her search, I mean we just don’t know where to look at the moment. Things consume the families and they’re off with their own family needs. We have not had a physical search for her for some years now and they have not had any tips to go on, so the communication has dwindled. Just recently, I received a call from the RCMP indicating that they had transferred Aunt Emily’s file to the cold case unit with the RCMP. I talked at length with the officer about that and I told him that I would be following up. He gave me the name of our new contact in the cold case unit and I told him that I wanted to implement email updates again because the family members really need updates.

The RCMP have been so great during both cases, helping out in anyway that they can. There didn’t seem to be any distrust of them in the Cody case, certainly not in the aunt Emily case either, because we had no reason not to trust them. I think it is important for them to be involved. I don’t think restorative justice is appropriate for cases like this. For me, I would have to search in my soul to see if I would want to even participate in something like that. I am leaning towards it not being something that I would be interested in doing. Think of the families of the missing women in Vancouver, the huge injustice to those women, like who wants to go meet with Pickton, really? Just as long as I know where the person is, maybe down the road there might be a message I would want to send to him/her. But I guess justice to me justice is what is currently in the Canadian Criminal Code. That’s what it is, no less. As far as I am concerned people convicted of murder should get 25 years and no parole.

I think what is more important are things like missing and murdered women’s public inquires and the things that are happening for the families. In terms of healing, I think it’s really important to have things like family gatherings, family support meetings, inquiries; I think those would rank among the top. What would be even more therapeutic would be to say to the governments is this is what has happened and this is how you have let us down.

Maria’s Story

Maria and I met in the fall of 2008 when I volunteered with Saskatchewan Sisters in Spirit to plan their annual October 4th vigil. I continued to volunteer with Sask Sisters

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37 A picture was not included with Maria’s story as she chose to have her identity remain anonymous and a picture would jeopardize her wishes. Throughout her story her mother will not be referred to by name, only as her mother.
in Spirit where Maria and I continued to work with one another. When I set out to do this research project I sought out Maria’s help as she has been a strong advocate on the issue of missing and murdered Aboriginal women. Maria has played a vital role within this research project as she was the one who provided me with the contact information for other family members that she has met through their shared experience. In the winter of 2012 Maria and I met for lunch, at a location of her choice, where we had the opportunity to catch up with one another and for her to share her story of searching for her mother and working with the police. This is Maria’s story:

My mother was born on May 12, 1945, on the Standing Buffalo Dakota First Nation in Saskatchewan. When she was two years old, she lost her mother to tuberculosis. As a result, she was bounced around from family to family from the time that she was a little girl until the time that she went to residential school.

My mother had me in 1963, during the Sixties Scoop, the era in Canada commonly known for the mass removal of Aboriginal children from their families and placed in the welfare system. After I was born I was placed in foster care and then ended up being adopted by a German-Russian family. Growing up I yearned to reconnect with my First Nations family. When I became an adult, I set out on my journey of retracing my family and First Nations community, that is when I discovered my mother to be missing. As I came to meet all of my family members I began asking them questions about my mother. When did you last see her? What was your last communication with her? I was trying to put the puzzle pieces together to build a case that there is something more to this than she just stopped talking to her family, that contact was lost, or she left. No one in the family had seen or heard from her from my mom in twenty years, around the time when she was known to probably be involved in a high-risk lifestyle and had moved across the country.

I wasn’t really surprised to hear that my family wasn’t doing some sort of active search for my mother, it wasn’t on their radar and I don’t blame them for it not being on their radar. That’s the nature of communities that have been affected by the history of colonization. Residential schools, and subsequent Sixties Scoop, pulled so many families apart so it was normal to hear of family members losing contact with one another. She had no strong anchor left in the community and while people knew her, remembered her,
cared about her, and loved her, she just kind of slipped through the cracks. I think that this has happened to a lot of our community members. But once my family knew that she was missing, that in fact she did not just lose contact with her them, we began working together to put the pieces together and family members began to look around and ask questions themselves.

My connection with the police has not been very positive, in fact it was pure dismissal. After years of searching for my mother, I attempted to file a missing person’s report only to be told that I was unable to do so. Because I was a child of the Sixties Scoop I was told that I couldn't or that I didn't have the right to file a missing person’s report on my mother because I had been legally adopted and I was no longer considered her daughter.

With the police refusing to take a missing persons report from me, I had to find another avenue. I went to my First Nation and asked my Chief, at the time, to file the report on my behalf. The police finally filed the report, probably because they felt obligated to do so, but the effort stopped there. I was completely removed from the process and because of this I received zero information regarding my mother’s case, but as it turns out neither did the Chief. No follow-up phone calls were made with updates on what was happening with her file. I had a police file number that I could do absolutely nothing with. I waited to hear news and never heard any news, I waited because I didn't know what else to do. I didn’t know how to advocate for myself, didn't know if I could ask questions, knew that if I went to the police I would be turned away, so I just sat and waited. So that was really the first several years, just sitting and waiting and searching on my own through the Internet, through the library, through phone calls to family members, those kinds of things.

Throughout the years of searching for my mother I connected with others going through similar situations and seeking advice from them. Through my research and connection with other family members I learned to advocate for myself, putting me in a better position to deal with the police. I wasn’t going to sit around anymore and wait for them to provide me with the answers that I needed, that day where I would receive a phone call from them with an update was never going to come. I made the decision to begin to phone, ask questions, harass, be relentless, try many different strategies to try to get in and get some response. Because I was in a better position to advocate for myself, I was able to be very upfront with the police in my disgust with their inaction. They had a report that had been filed on a human being and they never took the time to investigate. Her file was being moved around and getting lost in the shuffle. I would be given different names of people to call and when I would call those people they had no knowledge of the file, they couldn’t find it, gave conflicting or confusing information, and
some of it was just pure dismissal and disrespect. I was even asked by one fellow in Edmonton, so why are you looking, again?

So for years that was my connection to the police. It was not about support, it was not about seeing my mother as a human being, it was not about seeing me as a victim of a crime or my family as victims of crime. It was around me being this annoying pest that kept showing up and going what are you doing about this. They didn't see this as a valid case. It was just a file, one of many files, that they had no desire to go back and look at because they had done nothing about it.

I caught a break in 2000 when the Picton case broke. I got a call from the RCMP at the time and they had struck the Missing Women's Task Force. Because my mother had a connection to the west coast, and there was rumour that she might have been involved in the street life of the Downtown East Side, I began asking questions. Because time had passed and because it became a little bit cloudy in terms of my mother’s case, I was able to use that confusion to insert myself in as the contact person on her file. By then the Chief who had filed the report had passed away and so this file was just dangling in nothingness, the police had done nothing. I discovered later on that the file had been made but it had just transferred across the country from Regina to Edmonton to Vancouver and it had never been investigated ever; I didn't find that out until 2000, several years after she was officially reported missing. Unfortunately, because of the horrific nature of the Picton cases I was requested by the RCMP to provide a DNA sample for checking into that case. But suddenly my case, for the first time, became investigated.

The fellow that has my mom's case now is part of the group of officers, in my opinion, that have been a part of the push to do things right and take these cases seriously, while also being embroiled in all of the negativity that has happened out there because so many others weren't taking it seriously. Maybe his response to me and his openness to talk to me and give me answers is a result of the spotlight that has been placed on the Vancouver police and their inaction in these cases. But when I do talk to him to get an update he responds very quickly by e-mail or by phone, and gives me information that demonstrates to me that he has actually done something. As little as it could be, as insignificant as it might seem to anyone else, that little tiny information that tells me that he has taken some time to do something whether it is just to phone me and say, I got your call or I got your e-mail, there's nothing new but have you thought about this or have you thought about that or I was thinking maybe this, just that is so significant.

I finally have someone who has acknowledged and validated what I have been saying for years, proving that I am not a crazy person. There are times when you go
through these peaks and valleys of obsessive searching and obsessive focus on the case, you’re exhausting all avenues and possible leads, but when your efforts produce no results you find yourself slipping into the valley. You begin to doubt yourself and think, okay what am I doing, where do I look, there’s nothing I can do. I have spoken with other family members and it was common to hear that they have gone through this as well.

When you’re in the valley you’re thinking, I’m crazy, maybe I’m making this up, or maybe it’s true that I’m reading too much into that or making too much of this, maybe it’s like the they said. Psychologically they start to get to you, well it’s true she did give me up for adoption or she did abandon me so why should I look for her, that kind of thing. You begin to doubt yourself, maybe start believing the that the inaction or complacency of the police should become your inaction or complacency as well. However, the officer who has been working on my mother’s case for the last 2-3 years now has provided me a glimmer of hope, his acknowledgement and validation has given me the strength to keep moving forward, to keep searching for my mother and never giving up on trying to find her, trying to find out what happened to her.

I have come to learn that there is no justice that can come from the Western justice system in cases like this. I think about the families who sat through court after court after court with Pickton and the way that the justice system dealt with them. It got to the point where no justice was coming out of that situation and there never will be. It certainly cannot be dealt with through this one individual, Willy Pickton. You’re not going to get your sense of healing and hopefulness back just because you sent him 26 times for life in prison instead of six. I think internally we have to come to some understanding of what it is that we really want here, is it something we want done to that person or is it something that we want rebalanced within ourselves to be able to accept that this awful thing that has happened within our family.

If there is someone responsible for my mother’s disappearance, true healing for me would come from meeting with that person and engaging in a dialogue with them about what happened the day my mother disappeared. Our lives would have became connected through my mother’s disappearance; therefore, for me, the thing that would bring closure is to have the opportunity to speak to the person who was there in the last moments of my mother's walk on this earth. Whatever the situation was I would want to try be a part of that last story in her life. To me, it would be a way where I could be there with her, besides the person inflicting a crime, as a person who cares about her during those last moments of her life. If I don't know about it and I don't hear about it, I can't imagine or place myself there with her so I wouldn’t be able to go there spiritually to be a spiritual intermediary, if that makes sense. If I don't know the story then it's just her and him or her and her or her and whoever.
This would mean knowing all of the details surrounding the day she disappeared and I wouldn't want it sugar-coated. I think if you're going to hear the story and if my intent is to insert myself there to be with her in those last moments than I need to be there in that last moment with her fully, so I need to know what I am with her through. Sparing me any of the details would be a selfish decision. Sparing me the details would be a sign of them not being able to deal with the emotional reaction, not wanting to watch somebody crumble in grief and emotion or seeing the shock because of their actions. If I don't tell you something then I don't have to see how you are affected and then I can distance myself. That's how I think about it. But true justice, I think, for families of missing and murdered Aboriginal women is if these kinds of crimes become so rare that in the future they become a sensational story where we think, oh my God, this is the first such case that we have had in 20 years. True justice would be where these kinds of crimes are so out of the ordinary that when they do occur it reminds people to never forget, to remember that it could still keep happening if we don't treat these cases with the utmost seriousness.
Chapter Four - Analysis

There is a difference, I have observed, about the people that come to this issue and the way that they approach it. There are some white women who can come into the issue and they can turn you off, they can make you feel that they are taking advantage of you, or that they are superior because they have researched the issue, because they are academic, that they are taking over the issue. Then there is this other group of women who come forward as guests and know their place and are always respectful of that place that they know they need to be. Let me just say that you have come forward as a guest, I think it is because you have come forward with this humility... I am doing it because I can't stop myself from wanting to do something different, because this is wrong. I don't know any more about it and in fact I am going to have to spend time with people (the families) who know more about it to help me understand and how I can do better.

—Maria

As Maria has indicated, how one approaches this issue is important, particularly for the families who are personally impacted. The intentions for this research project are to further contribute to understanding the issue of missing and murdered Aboriginal women and how we, as a community, can better support the needs of the families and what needs to be done to create change.

As seen in Chapter Three, each woman had their own unique and different experience, thus indicating that there is no universal experience. However, when reading the narratives I was able to compare participants’ stories and identify four major themes that related to their experiences following the disappearance of a loved one, navigating through criminal justice system, and response to incorporating an alternative justice paradigm, such as restorative justice, to the criminal justice system process: (a) Police encounter; (b) Costs; (c) Community (Re)Building; and (d) Appropriateness of
Restorative justice. The four themes reflect the research questions guiding this investigation and the common consistencies found among the three narratives when they were compared. There are several categories, illustrated with charts in each theme, that were found during the analysis; however, through refining and further analysis these categories were collapsed into the four major themes indicated above.

**Theme 1: Police Encounter**

When a loved one goes missing, the police are the families’ initial contact with the criminal justice system. As the frontline of the criminal justice system, the police have considerable power and their decision-making authority shapes what follows after the initial report is taken. Contact with the police and the treatment that they received was a central and significant topic discussed by each participant. This research has identified numerous contributing factors, both positive and negative, that shape the experiences that families of missing and murdered Aboriginal women have when working with the police.
Two out of three of the women indicated that they had negative experiences with the police during initial contact and procedures, such as when filing and following through with the missing person’s report.

Jeremiah, her husband, had gone to the police already and he had tried to report her as a missing person. I think you were told that you have to wait 48 hours back then. But we find out now that there is no such thing as 48 hours. I don’t even know if it is 24 hours, but you can go in and report now, apparently. But anyways, that was the first time we had to deal with the police (Pauline).

My connection to the police was the difficulty in trying to file the report because I was a child of the 60s Scoop. After many years of trying to go to the police asking questions, trying to file a missing persons report and being told that I couldn’t or that I didn’t have the right to because I had been legally adopted and I was no longer considered her daughter... I finally ended up having to go through another means (Maria).

The negative experiences with police described by some of the women were very troubling. The women at times described being dismissed, disrespected, and feeling like they were being blamed for their loved ones disappearance by police or others who worked within the police department. For example, when discussing her encounter with a victim services worker Pauline commented, “I got the feeling that she looked down on us, [that she thought] it’s your fault that she is missing.” Victim blaming discourses are pervasive in the realm of gender based violence. In the context of missing and murdered Aboriginal women, the labelling of Aboriginal women’s lifestyles as “transient” and “high-risk” are the most pervasive victim blaming discourses used to dismiss, justify and naturalize the violence enacted against Aboriginal women in Canada. The phrase “high-risk lifestyle” is highly problematic in that it locates responsibility for the violence with the individual and ignores and erases systemic sexism and racism. The violence Aboriginal women face in Canada due to racism and sexism, both of which translate into
poverty, despair, and alienation, is effectively erased and in this legitimated. Jiwani and Young argue that violence is treated as symptomatic of living a high-risk lifestyle, and that these lifestyles naturally invite victimization, thus making Aboriginal women even more blameworthy for the violence they experience (2006, 902). Moreover, it is assumed that Aboriginal women are “choosing” these lifestyles, in turn disconnecting their marginalization from the legacy of racist, colonialist and sexist government policies and practices that have torn apart Aboriginal families and communities.

There are many beliefs as to why Aboriginal women are understood to go missing, some of which are that Aboriginal women live high-risk lifestyles or that they are choosing to be missing; both views of which allow the police to dismiss reports of their disappearance (NWAC, Canadian Feminist Alliance for International Action (FAFIA), University of Miami School of Law Human Rights Clinic 2012, 4). When discussing her initial connection with the police, Maria stated

I've been given different names of people to call and when I call those people they have no knowledge of the file, couldn't find it, gave conflicting information, confusing information and some of it was just pure dismissal of whether it's I don't have the time or there is nothing to report. It was not about support, it was not about seeing my mother as a human being, it was not about seeing me as a victim of a crime, or my family as victims of crime. In fact, one officer asked “so why are you looking, again?”

38 Countless people lead high-risk lifestyle, such as police, soldiers, and fire-fighters to name a few, and while these are “choices” Aboriginal women who lead high-risk lifestyles are judged in a very different manner. For the police officer, soldier or fire fighter who may die as a result of their high-risk occupation they are dubbed hero’s and worthy of empathy. For the Aboriginal woman who is also living a high-risk lifestyle and disappears or is murdered she is judged in a very different manner, blamed for the circumstances that placed in her in an environment where she was likely to become a victim.

39 Maria’s mother had a connection to the Vancouver Downtown eastside and she referred to her mother as having a “high risk lifestyle.”
Holly McKenzie argues that, “Often, even Aboriginal women who do not live in poverty or engage in behaviours deemed high-risk are assumed to” (McKenzie cited in McKenzie 2012, 10). This shapes the experiences that families have with the police when they insist that their loved one is “choosing to go missing and will return home” despite the families’ convictions otherwise. This is aptly reflected in Pauline’s experiences with the police. For the first several months after Pauline’s daughter was missing, she was repeatedly told by police, “oh she's just out and about, she's here and there, she'll come home.” “Let's give it three months, let's give it six months.” Pauline described the dismissal from the police to take her daughter's disappearance seriously and their reluctance to further investigate as torturous. “It was torture waiting and waiting and waiting for them to do something, to help us find her.” It was only after the case was moved to major crimes, seven or eight months after she was reported missing, that the police finally began actively investigating the case.

The failure of the police to take the disappearance of Aboriginal women seriously and thoroughly investigate can create what Maria described as a “head to head” battle between the families and the police. Both Pauline and Maria spoke of how on top of searching on their own for their loved one, they had to regularly contact the police in order to ensure the case would not be neglected. In Maria’s story, her mother’s case was neglected until it was taken over by the RCMP’s missing women’s task force. Frustrated by the lack of cooperation and support that they were receiving from the police, Pauline and her family decided to hire a private investigator. Pauline stated, “We didn't think the police were going to help us enough to find my daughter.” “[We were] not getting the cooperation that we needed, we wanted, we hoped for.” Maria stated that when discord
occurs between the police and families, “it's almost like they are on opposite sides of the issue when they need to be working together.” According to Pauline, “I think for Native people... some of us naturally don't trust the police. It just seemed like you had to break the barriers first or you had to overcome that side of it and realize that we are working together here to try and find my daughter, we didn't want to work against them, we wanted to work with them.”

Many Aboriginal people are reluctant to trust to the police (Amnesty International 2004, 18). Historically, the police were used to further the objectives of the government in terms of assimilative policies, such as the forced removal of Aboriginal children from reserves to attend residential schools, and later the apprehension of children through child welfare agencies in the 1960s. Examples, such as the death of Neil Stonechild and the starlight tours discussed in Chapter one and the dozens of women who have disappeared from the Vancouver’s Downtown Eastside without adequate attention given to these cases by police, serve as contemporary examples of incidents where the police have been responsible for the mistreatment and reckless disregard of this vulnerable population's welfare and safety. The discord that occurs between families and police is a result of this mistrust. Carol La Prairie argues, “When Aboriginal communities are not protected from crime, they question the effectiveness of the justice system. Relations get complicated when the system does not recognize the concerns of the local community or treats these concerns as if they are not important or legitimate” (2000, 276). Racism and sexism affect how the police respond to the disappearances and murders of Aboriginal women, and the treatment that their families receive. The decisions of how to respond to a missing persons report can often fall to the discretion of
the individual officers assigned the case, and how they respond will reflect larger social racist and sexist attitudes towards Aboriginal people and women in particular. When the police are reluctant to thoroughly investigate, or to investigate at all missing Aboriginal women, it sends the message that Aboriginal women are not worthy or deserving of a proper investigation.

Collaboration between the police and families and support for the families are essential to the success of the investigation. For Pauline, in order to find her daughter she knew that it was essential that they work together with the police to make any progress in the case. However, initiative is often taken by the families and it is often only afterwards that the police eventually get involved. According to Pauline, “a lot of the times we had to go ahead and start things off [and] when they realized that we were not going to stop and not do anything about it, that we were going to do something about it, then they took us serious.”

When ground searches were being conducted they would get permission for us from the land owners in that area and make sure that we were able to go in there with proper permission. They had their dogs out...they did aerial searches eventually. But when we went there every month, I think they realized that we’re there and were not going to give up and then they started doing more to eventually more searches, they would put things on crime stoppers, [and] on TV. So they did more as well as time went by.

Myrna spoke of the difficulties of having to learn how to conduct a ground search and not receiving the support that she had hoped. Information on how to conduct a ground search or what is required is not something that is provided by the police or widely available through an internet search. When her aunt went missing Myrna decided
to conduct a ground search after the police came in and did their initial search. She contacted the provincial search and rescue team (SARSAV) to come out and help conduct a search only to be told that they were unable to help without the direction of the RCMP. After several phone calls and receiving the same answer from everyone she spoke to, Myrna learned quickly that she was on her own organizing a ground search. With lack of information available Myrna turned to her social network and searched the internet for what supplies were needed and how to do a search. “Basically you have to learn fast and basically learn on your own, or we had to learn on our own, what we had to do.” Similar to Pauline’s experience, once Myrna alerted the RCMP to the search that they were conducting the police got involved and supported the family.

While there is no doubt that two of my participants had negative experiences with the police, one described her experience as positive and supportive. “My experiences with the RCMP with Aunt Emily and with Cody have been positive; they return calls right away, they keep in touch, [and] for the most part will follow up right away.” For the women who had negative experiences with the police they discussed how once they had new officers on their case who were willing to make real effort that they began to have more positive experiences. According to Maria,

The fellow that has my mom’s case now is part of the group of officers, in my opinion, that has been part of the push to do it right and pay attention to it, but also embroiled in all of the negativity that has happened out there because of

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40 This initial search conducted by the police is a thorough grid search of the location(s) of where the missing person was last seen. Grid searches are a thorough investigation that consist of methodically searching the area foot by foot for any evidence that may be linked to the missing person. Once the police are finished this grid search they clear the area, allowing the families and the community to come in and conduct their own searches (Myrna).
so many others that weren't taking it seriously...When I do talk to him to get an update he responds very quickly by e-mail or by phone, and gives me information that demonstrates to me that he has actually done something. As little as it could be, I mean as insignificant as it might seem to anyone else, that little tiny information that tells me that he has taken some time to do something whether it is even just to phone me and say, I got your call or I got your e-mail, there's nothing new but have you thought about this or have you thought about that or I was thinking maybe this. Just that is so significant.

The data suggests that the families’ perceptions of the police are shaped by the direct treatment that they receive from the police and how the cases of their loved ones are handled. Both Pauline and Maria discussed the troubles that they encountered during the first few years of working with the police and the difficulties that they encountered as result of the dismissal and disrespect they felt when dealing with law enforcement, the lack of communication between the police and family members, and their perception that the police were not investigating the case thoroughly enough. However, these perceptions changed once new officers on the cases took a proactive position of keeping in regular contact with the family and providing updates, even if there was nothing to report on. They demonstrated that they were doing something and the case was not forgotten. As Maria stated, even the smallest amount of information makes a significant difference for families because it demonstrates that the police continue to be actively searching, and, significantly, that the case is viewed as valid and worthy of investigating.

As indicated by all of the women, returning phone calls, providing updates on the investigation, even when there is nothing to update on, and keeping in touch with the family is vital. Families need to know that the police are doing everything they possibly can, following up on every lead and conducting a full investigation in order to trust and work with the law enforcement. Trust is vital; if the families do not believe that the
police are doing everything possible then families turn away from the police and seek other means to find their missing family member. In the instances of these cases, family members already experience high levels of stress from the loss of their loved one, and this stress is exacerbated when they feel that they have to constantly contact the police for them to remain active on the case. Knowing that the police are working hard on your case, even when the results are not what you are hoping for, makes a difference in how the families feel toward the police.

**Theme 2: Emotional and Invisible Economic Costs**

Often when we think of the costs associated with this type of violence we associate it with the loss of the loved one and the emotional damage that it creates for the family. When a loved one is missing, families are holding onto hope that they will one day be found, waiting by the phone and hoping for news. When they are not waiting by the phone, they are out searching on their own. This can have emotional and psychological impacts on the families, particularly if searches and leads come up empty and there is nowhere else to search. This assumption was clearly articulated by the women in this research.
Maria reflected on her own psychological hardships while searching for her mother:

There is times where you go through these peaks and valleys of obsessive searching and obsessive focus on this case. And then when you exhaust all avenues and exhaust all possible leads you go into the valley where you think, okay what am I doing, where do I look, there's nothing I can do. When you're in the valley you're thinking, I'm crazy, maybe I'm making this up, or maybe it's true I'm reading too much into that or making too much of this.

Maria argues, for families of missing loved ones

We are living in a place called the unknown. As families of missing persons [there is a] 50/50 [chance] the person is alive or dead. As a family member you are never going to resign yourself to say that they are dead. You are always going to say they are alive, even if some part of you will say chances are pretty good that they are gone. You can’t decide and say this is as far as I want to go. I know now that she is gone.

In addition to the costs normally considered, this research uncovered another “cost” associated with the experiences of these women, financial costs.

Both Pauline and Myrna spoke of having to take time off from work to travel back and forth to the communities of their loved ones to work with the police during the investigation and conduct searches. Pauline stated,

We stayed in Saskatoon for about two months. Maybe about two months for sure we stayed there and then we would come home on weekends. Then after a while we started staying home more and then going in either biweekly or after that monthly. But any time we heard a tip we would go there and do what we had to. Traveling back and forth was something we did; I never thought about it, we just did it you know…Housing was a problem.

Myrna shared a similar experience with Pauline.

Every weekend [I was travelling] and I think I even took a week off; and with Cody I took a month off. But every weekend we were out there
traveling back and forth. All of the travel that I have done with Aunt Emily and with missing Cody has been entirely on my own dime and it's been like thousands of dollars.

Financial burdens created from having to travel and costs associated with conducting searches places a major financial burden on families, particularly if they do not have financial means. Both Myrna and Pauline indicated that there were no resources available that provide financial support to help alleviate some of the financial costs for families.

For people who do not have the means there's no support there for them, there's nothing there for them. You just have to make do and do your best. We’re thankful we had the finances ourselves to be able to go back and forth and to stay in the hotels. (Pauline)

Both Pauline and Myrna were fortunate enough to receive some financial support from their band or place of employment to conduct searches. Myrna stated,

My place of employment kicked in right away two thousand dollars for the search and that was what basically carried us through for Aunt Emily in the initial stages. We were able to pay accommodations for the searchers that traveled.

The financial support that both Myrna and Pauline received from their community and place of employment to assist in the searches for their loved ones has been vital. However, what happens to the families who do not have the financial means and do not have a community willing or able to provide this support? Aboriginal people, particularly Aboriginal women, are the most socially and economically disadvantaged group in Canada. As seen throughout this thesis, this is a direct result of the legacy of colonization. While men and women have both been affected by colonialism, women in particular have been doubly affected as a result of their gender and race (Ladner and Peach 2010, 89). Colonial policies such as the Indian Act have torn families and communities apart,
dislocating and alienating a disproportionate amount of Aboriginal women from their home communities, and stripping them of their band membership and rights.

Financial support is not provided to families who are going through these hardships and aside from receiving support from their community these families are left to carry this burden on their own. Access to financial support is essential to the empowerment of families and ensuring that they can participate effectively in resolving the case of their missing or murdered loved one.

**Theme 3: Community (Re)Building**

The issue of missing and murdered Aboriginal women is one that affects families and communities across the nation. The role of community and the building of community through networking with others who share a common experience and raising awareness about this issue were significant topics discussed by each of the participants.

All three women reflected on the importance of their communities, both their original communities and those they developed along the way through shared
experience, such as assisting with ground searches, participating in awareness initiatives, and providing emotional support and advice.

A central thread running throughout their reflections on community building was the importance of families who shared a common experience reaching out to other families and then supporting one another. Connecting with other families provides opportunities to share stories of struggle, to strategize overcoming some of the barriers they face, and to provide and receive support. All three participants spoke of the support they provided or received as a result of connecting with other families and the importance of having that network of support. Pauline discussed how she receives phone calls from families who recently had a loved one disappear seeking advice on what to do next.

I hear some of our people that have a missing loved one and they don't know what to do next. They phone us and ask us for some help, or suggestions.

When her aunt went missing, Myrna recalled receiving a phone call from another family who had background and experience navigating a missing person’s case and provided some very useful advice and support.

The first person that contacted me after about a couple weeks was Gwenda. I'm thinking oh my God I am so familiar with your case, you have time to phone little old me about our case...She was the first one to contact me that had background and experience in this, and so we had many discussions.

Now that Myrna has acquired experience working with the police and conducting ground searches, she is reciprocating that support by offering assistance to other families in similar situations.
Through Iskwewuk E-wichiwitochik I will offer to help any missing person’s family, just out of my own desire. As soon as somebody goes missing here close by I phone them up and say this is what we do (Iskwewuk), this is my knowledge and if you need help I am here. I don't impose myself I just put it out there for them. I will sometimes call the police and say have them call. I say I have experience in this, I have experience in search and search management, I know what has to be done and people are just so grateful to hear that information.

Upon learning that her mother was missing and struggling with the barriers she was encountering with the police, Maria sought out other families for support.

I began meeting people who are going through similar situations and sought advice from them.

By connecting with other families and seeking advice from them, Maria equipped herself with information that empowered her to advocate for herself and speak out about the barriers she was encountering with the police.

Many families have had the opportunity to participate in organized gatherings for families who have experienced the disappearance or murder of a loved one. Organized gatherings provide opportunities to unite families to share information and construct meaningful conversations that identify specific problems that families experience and seek solutions to overcome these struggles. Organized gatherings can also become a site for healing and empowerment. Reflecting on her experience of meeting other families through these organized gatherings, Maria comments that

The families that I have met over the years through the NWAC sponsored gatherings, it's been profound. It's been really profound some of the healing that has taken place and some of the sharing and problem solving that has taken place because families could come together and talk about their shared experiences.
Storytelling is a means through which community is created and can empower those struggling to address unresolved issues. This community then becomes a space where the play out of social forces such as racism and sexism that might be shaping their experiences can be identified: The personal becomes political. Jessica Senehi argues that in story-telling personal stories are elevated to group stories and as they evolve these narrative gains strength and provide “a new framework for thought and blueprint for action” (2000, 107). Connecting with others who share a common struggle and mobilizing for political and social change is seen through the creation of grassroots organizations such as Sisters in Spirit and Iskwewuk. Maria reflected on how connecting with other families and the opportunities that it has created for collective action and consciousness raising has been central to bringing this issue into public discourse allowing for change;

As a result of the shared experience comes the shared community action that starts to take place and I think that that has been very profound in pushing things like the missing women's inquiry to start to reveal those things that may bring about more change (Maria).

Activism was important to all three of the participants. Through the process of seeking their missing loved one, these women developed strong voices within their communities and the nation as a whole when speaking on this subject. Advocacy and activism keep the memories of their missing or murdered loved ones alive, does not allowing the public to forget, and pushes for others to take notice and take action.

Through my involvement with Sask Sisters in Spirit and supporting events that honour the lives of missing and murdered Aboriginal women I have observed that women are at the forefront of this subject. During our discussion, Maria made the same
observation commenting that “If I look at it now and think who has been at the gatherings, there have been some consistent males there, but it's been women. It's been women leading the organizations; it's been women doing the research.” The issue of violence against women is considered a “women’s issue,” and when it is framed in this way it deters men from engaging in the issue and helping to seek solutions. Jackson Katz argues that by viewing gender-based violence as a women’s issue, it gives men an excuse not to engage and recognize the role that they play within this issue. He further argues that dominant groups maintain their power and privilege when they are erased and rendered invisible in the discourses that are primarily about them (Katz 2006, 13). By rendering the dominant group invisible, their participation remains unexamined and nor will they be asked to think about their dominance. Violence against women will not be stopped if the focus continues to be on what women are doing to place themselves in violent situations or how they can change their lives in order to avoid becoming victimized. We already know why men commit violent acts against women—to reinforce and maintain power, privilege and dominance…aka sexism—feminists have been demonstrating this for decades. Therefore, the focus needs to be shifted from violence against women as a “women’s issue” to holding men accountable for the role that they play in perpetuating violent acts against women. Men are a part of the problem, a significant part of the problem; therefore, they need to be a part of the solution. Men need to take a more active position in understanding the role they play in this subject and equally engage in solutions to ending violence against women.

Community building should not stop with the families of missing and murdered Aboriginal women. Myrna spoke of the divide between Aboriginal and non-Aboriginal
communities and the need to bridge these communities. The divide between Aboriginal and non-Aboriginal communities became very evident when Myrna spoke about the lack of response they received from the surrounding non-Aboriginal communities when they requested assistance in searching for Cody. “In the search, I recall one non-Aboriginal man coming in, not to help but to report what he noticed that Saturday morning. There have be no, that I am aware of, non-Aboriginal searchers in Cody’s search, even though we put it out.” I participated in one of the searches that the family organized last spring and the lack of concern from the non-Aboriginal community was very evident when I looked around and noticed that my friend and I were the only white people in attendance, even though there was a non-Aboriginal community less than a kilometer away.

Colonization has effectively created a divide between Aboriginal and non-Aboriginal communities\textsuperscript{41}. This divide allows for non-Aboriginal communities to be apathetic towards the subject of missing and murdered Aboriginal women because they perceive it to be an Aboriginal issue. Similar to what was discussed above, when the issue of missing and murdered Aboriginal women is viewed as an Aboriginal issue then the white settler community is not challenged to think about the role they play in creating an environment where Aboriginal women experience high rates of victimization. Further, such apathy creates a climate of silence and willful ignorance wherein white settler communities are not required to be a part of the process of seeking solutions to address the subject. Myrna sums this up nicely when she states, “A missing person is everybody’s responsibility;” therefore, it demands a response from all communities.

\textsuperscript{41} See footnote 11 on imagined communities and the role that it played in creating this divide.
Non-Aboriginal communities can play a crucial role in addressing this subject and supporting the families of missing and murdered Aboriginal women. Maria discussed how activism has the potential to take an emotional toll on families and that it is important for those not directly affected by the subject to take an active role in speaking against this violence.

There’s young people, other people in the community, who are not directly affected by the issue who can learn about it and learn how to advocate for families, or on behalf of families, and can tell the story [because] I think it needs to be told. It doesn’t need to be told as the story that needs to make people cry because “oh my god one of their family members got dragged off”, it doesn’t need to be told that way. I think it needs to be told in a much more truthful way. The issue has “deeper roots than that, so let’s talk about the deeper roots instead, and let the families try to find some way to heal from this terrible thing that is happening to them.

Some of this is work is starting to happen. Maria stated,

You, non-First Nations university student, talking to me, First Nations woman who is living it, we’re talking about it and to me that's the sign that we are willing to start engaging in this shared experience of learning to try and figure out how to do differently.

Institutional racism and sexism have created a divide between Aboriginal peoples and the Canadian justice system. As seen previously, and throughout chapter one, the divide between Aboriginal peoples and the Canadian justice system has resulted in Aboriginal peoples suspicion and lack of trust in this institution. Bridging the divide between these two communities is essential to ensuring that Aboriginal women are protected from violence and that their abusers are brought to justice. Myrna and Maria both discussed how the police play a vital role and the need for them to be more actively involved in Aboriginal communities in order to gain their trust. Myrna commented that:
I think it is very, very key that the police be involved in the community activities. Things like that are really, really important; being involved in schools, being involved in the communities. We know that we can love them and we can hate them. I think it is important for them to be involved.

Some of this bridging has begun. Maria spoke of the tremendous support that she received from the RCMP when she proposed creating a place of reflection at the depot.

When I took the idea to the RCMP I had an almost instant response from them. They were really moved by the idea, they were really moved by how that could be a good way to begin to sort of come together and work together on something that would make a meaningful difference, even if it was just a message. This place that we have decided to create is on behalf of and for missing women's families… Their response to that has been really positive [and shows] their willingness to want to do something, to collaborate and to try to think of ways that we can do something when there's nothing else you can do.

**Theme 4: Appropriateness of Restorative Justice**

A central aspect of this study was to investigate whether restorative justice programs, such Victim Offender Dialogue that provides victims and offenders the opportunity to come together and engage in dialogue, would be appropriate in cases of missing and murdered Aboriginal women. The responses provided by each of the women indicate that the appropriateness of the application of restorative justice in cases involving missing and murdered Aboriginal women is intimately linked to ones definition of justice.
Two out of the three women indicated that restorative justice would not be appropriate. Pauline indicated that it would be impossible for her to meet with the man who killed her daughter. Further, she does not need to understand the reasons why he did it and doesn’t believe that she would get the truth.

I will never get the truth. All I know is the two facts; that my daughter was murdered and this guy lied for four years to try to get away with it. Why all of a sudden would he want to tell the truth?

For Pauline, the only interaction that she would like to have between her and the man accused of murdering her daughter is through a victim impact statement. The victim impact statement is a “one way thing,” where she can relay her messages to the accused without him being able to reply. Myrna also indicated that she does not believe that restorative justice is appropriate for these types of crimes. “I would have to search in my soul if I would want to even participate in something like that. I am leaning towards it not being something that I would be interested in doing.”

Both Myrna and Pauline felt that retribution, a just punishment for the crime, was the appropriate manner in which to deal with these types of crimes and felt that the
criminal justice system served these ends. Pauline and Myrna define justice in terms of what is defined in the Criminal Code and believe that the punishment needs to be meted out with a jail sentence. Although Pauline had troubles with the police during the initial stages of the investigation, she is hopeful that the justice system will be able to provide the justice that she is seeking. “It’s up to the justice system to do what they need to do and hopefully they will do things fairly. I will find out if justice will be served after the court hearing is over.” Myrna believes that crimes as serious as murder need to be met with a mandatory minimum sentence of 25 years. “We know that there are deals cut… all the time but I think if it is murder, it should be an automatic if it was intentional, I guess I am talking about first degree.”

Both Pauline and Myrna perceived restorative justice as too lenient, and that it sends the message that these types of crimes are not serious. Pauline stated “it would be like he would be getting away with it almost, that it is ok what he did.” Myrna felt that restorative justice, particularly the use of sentencing circles, was inappropriate for this type of criminal behaviour while restorative justice as more appropriate for softer crimes such as “theft and vandalism.”

Feminists have fought long and hard to construct gender-based violence as a public issue rather than a private issue. Feminist critics of restorative justice, such as Donna Coker (2002, 131) and Julie Stubbs (2002, 51) argue that restorative justice processes have the potential to “reprivatize” gender based violence and provide second-class justice for women. With the informal and communal orientation of restorative justice, the practices are more private than the legal systems procedures and many
feminists question whether restorative justice processes can properly denounce gender-based crimes and adequately protect victims. This becomes particularly problematic if communities reinforce ideologies of male dominance and victim blaming discourses and is further complicated when “cultural sensitivity” is used for offenders, specifically Aboriginal offenders, to justify their violence against women and provide more lenient punishments.

Emma LaRocque argues that when cultural sensitivity is used, emphasis is placed on how men have been harmed by colonial oppression and ignored are the damages done to women, not only by colonial oppression but also by the violent offender (1997, 89). LaRocque does not deny that colonial oppression has wreaked havoc on the lives of Aboriginal men; however, she argues that colonial oppression has not been experienced equally within Aboriginal communities (1997, 89). Aboriginal women have been doubly affected by colonization based on their race and gender, by both white-settler and Aboriginal men. Angela Harris argues that, “[c]rime does not simply emerge from structures of oppression and injustice; crime is committed by people who consciously make choices about their actions and how they wish their actions to be interpreted” (qtd in Coker 2002, 144). Coker argues that the failure to attach moral blame to offenders reinforces tendencies’ to blame victims or others for their violence (2002, 144).

Colonization has played a significant role in entrenching patriarchal relations within

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42 The use of the term patriarchy is problematic within contemporary society; however it is being used here for historical purposes given the role that Christianity has played in colonization and the development of government policies, such as the Indian Act, where the rule of the father and lineage passed through males are central to these processes and policies.
Aboriginal communities and while this needs to be acknowledged it cannot become an excuse for Aboriginal men to continue to commit violent acts against Aboriginal women.

In an interview with an anti-violence worker conducted by Andrea Smith on applying traditional methods of justice in gender based crimes, one participant argues that incarceration is the most appropriate response to violent attacks against Aboriginal women. The participant argues that when Aboriginal men commit acts of violence against Aboriginal women, they are “subscribing to white values rather than Native values. Thus, if he follows white values, he should suffer the white way of punishment” (Smith 2005, 142). In cases where Aboriginal women have been victimized by non-Aboriginal men, restorative justice can become even more complicated and limited. Kathleen Daly and Julie Stubbs argue that restorative justice “assumes that different perspectives can be reconciled” (2006, 13). Canada continues to be a colonial state where white settlers continue to feel a sense of entitlement to the land and everything on it, including Aboriginal bodies. Restorative justice has the potential to create change and transform victims and offenders perceptions of one another. However, racist and sexist ideologies, such as the pervasive “squaw” stereotype, are entrenched within the social fabric of mainstream white Canadian society and acts of violence against Aboriginal women can be motivated by these perceptions. If a “more lenient” justice approach is used, the safety of Aboriginal women could be further compromised as acts of violence against them are seen to carry few consequences by potential perpetrators. Significant change requires more large-scale measures that address mainstream society’s discriminatory attitudes and its indifference to the welfare and safety of Aboriginal women and girls.
Maria also believes that justice cannot be achieved solely through the criminal justice system. Maria argues that these types of crimes go beyond the act of one individual and the justice system does not have the ability to address the root causes of this type of violence:

If we come to understand the depths of the root of this issue we understand that it is not criminal behaviour here and there, or even twenty years ago, it's the situation that has created the climate for these kinds of crimes to occur against Aboriginal women in particular. There is no justice that can come from the western [criminal justice] system in cases like this. I think about the families who sat through court after court after court with Pickton and the way that the justice system dealt with them. It got to the point where no justice was coming out of that situation, there was no justice coming, and there never will be. It certainly cannot be dealt with through this one individual Willy Pickton. You're not going to get your sense of healing and hopefulness back just because you sent him now twenty-six times for life in prison instead of six. I think internally we have to come to some understanding of what is it that we really want here, is it something we want done to that person or is it something that we want rebalanced within ourselves to be able to accept this awful awful thing that has happened within our family.

Restorative justice provides opportunities to address the root causes of the criminal behaviour and understand why the offender came to behave in the way that they did, something the current criminal justice system does not do. For Maria, a jail sentence is required for these types of crimes; however, having the opportunity to engage with the offender through dialogue would bring the closure that she needs in order to heal.43 By engaging with the offender through dialogue, Maria would have “the opportunity to speak to the person who was there in the last moments of [her] mother's walk on this earth.” The spiritual connection with her mother that she could acquire by engaging the offender was essential to Maria.

43 Maria’s perceptions of how justice can be achieved is similar to the hybrid model, where elements of restorative justice and criminal justice are used, discussed in chapter one.
To me, it would be some way of being there, besides the person inflicting a crime, a person that cares about her in that last moment, if I don't know about it and I don't hear about it I can't imagine myself there so I can't spiritually go there.

Maria also indicated that knowing all of the details would allow her to spiritually insert herself into the last moments of her mother’s life: “I couldn't imagine myself or place myself to be there with her otherwise. If I don't know the story, then it's just her and him or her and her or her and whoever.” She indicated that she would not want the story to be “sugar coated” as she needed clear details in order to spiritually insert herself into these moments. She also felt that “sparing her the details” had more to do with sparing the offender in the face of the grief of the people they harmed: “If I don't tell you something then I don't have to see that and then I can distance myself. That's how I think about it.”

Maria indicated that if someone was found responsible for her mother’s disappearance and she had the opportunity to participate in a restorative justice process with them, she would want to do it prior to sentencing. Maria’s mother’s case has been cold for many years and waiting for the offender to serve his sentence before she would be able to engage him in such a process would not provide her closure:

My feeling would be that for a positive outcome to really happen, for healing to take place, that you couldn’t wait until that person has finished their punishment. You would have to do this before the punishment; you would have this conversation beforehand. Whether it influences the punishment at this point is irrelevant because I don’t know if I would want to go back years later. Let’s say its eight years later and they are going to get parole and be released, I’m hoping that by the time that those eight years go by that I have healed to the point where it doesn’t matter to me. I don’t need to even go back down that road and be part of that person’s life at that point because we dealt with that, the punishment was given now you go to your life and I [will] get to go back to mine.
As discussed in the previous chapter, race and gender are often treated as separate and sometimes conflicting categories. For women marked by race and gender, this poses major dilemmas when seeking justice. For example, Aboriginal women who are seeking justice for violence that is enacted upon them may be met with criticism from their community, particularly if the offender is Aboriginal. LaRocque argues that in cases of intraracial violence, Aboriginal women are expected to sacrifice their individual rights for the good of the community and to ensure social harmony (1997, 80-81). LaRocque further argues that when Aboriginal women are expected to sacrifice their individual rights for community interests, Aboriginal women are “pitted against their own people” placing them in an “untenable position of having to choose between gender and culture” (1997, 87). This creates a no-win situation for Aboriginal women who are demanding justice for the violence they face in a white-settler society.44

Although restorative justice was not favoured by the majority of the women, if a program was to be developed to provide families of murdered victims the opportunity to engage with the offender, two women indicated that there were certain measures that would need to be put in place at the outset. For example, Myrna indicated that in order for a program such as this to be successful there would need to be a skilled mediator to facilitate the discussion, as well as some key community members for support, such as Elders, Chiefs, a therapist, and a member of law enforcement. When discussing the cultural elements that could be incorporated into the program, Maria indicated that “it

44 As noted in chapter one, Aboriginal women are victimized by both Aboriginal and non-Aboriginal men. When speaking with the participants I asked if the identity, that is gender/sex, ethnicity, culture, sexuality etc, of the offender would affect their decision to participate in a restorative justice program. Two of the participants indicated it would not: “Certainly not. If some niece was responsible for Aunt Emily going missing she would get the same treatment that anybody else would. Absolutely not in my mind.”
really depends on whether the parties ascribed to certain traditional beliefs. It could be really, really good if everybody believes in that (the traditions), but it could be really bad if you have one person who doesn't really respect those traditions, whether it is the victim or the offender.”

**Discussion**

The disappearance or tragic murder of a loved one and its profound effect on the families and the daily struggles that they experience are reflected within this study. The criminal justice system is the system that these families turned to when seeking help to try to find their missing loved one or when seeking justice for the ones whose lives have been violently taken from them. Navigating the criminal justice system can be difficult, as evidenced by the experiences of some of the participants, and can further compound the struggles they are already facing, particularly if they receive apathy or resistance from the police. Trust is a significant factor that shapes the experiences the families with the police. As seen within this study, when families do not trust that the police are doing their job and thoroughly investigating their case, discord and division arises. As reflected in all of the women’s stories, open and regular communication on the progress of the case, even when there is none, are essential to families having a good experience with the police. As indicated by Maria, when the police make the effort to communicate with the family it demonstrates that the police are taking the case seriously and that their loved one is worthy and deserving of a proper investigation.

The community building between families who share a common experience and the activism that has come as a result of that shared struggle is profound. Families have
taken their shared struggles and transformed them into sites of resistance, empowerment and healing. Aboriginal women have been the leaders in this movement but they cannot fight this battle alone, they need the support of all of their community including men and non-Aboriginal women and men to stand in solidarity with them to create a world where Aboriginal women are safe from violence.

Central to this thesis was to better understand the experiences that families of missing and murdered Aboriginal women have with the criminal justice system and seeking solutions to the injustices that they experience. This study sought to investigate whether restorative justice programs would be beneficial to families if they were incorporated within the criminal justice system. The use of restorative justice with regard to cases of missing and murdered Aboriginal women was not favoured by two of the three women who shared their stories. Although the criminal justice system has a history of oppressing people marked by race, sexuality, gender and class, this system was viewed as the most appropriate for challenging violence against Aboriginal women, punishing offenders, and ultimately providing justice for families of missing and murdered Aboriginal women. However, as reflected in this study, families and communities differ and so too their ideas of what justice is and how it can be achieved.

While each of the women had their own unique story of their journey of searching for their loved one and seeking justice for them, there is one powerful message that can be seen shining through them all, that Aboriginal peoples are resilient and persevere. This resiliency is manifested in their continued efforts to locate and seek justice for their loved one, with or without the support of the police. It is manifested in the activism and
community built on honouring the lives of missing and murdered Aboriginal women and speaking out about the alarmingly high rates of violence against Aboriginal women, despite the dismissal and resistance that they receive from the dominant institutions and mainstream society.
Chapter 4- Conclusion and Recommendations

This is real. This research that you are doing, hopefully it will help in the future. I believe there are all different ways, you are being used in a good way. Maybe you don’t know it but you’re being used in a good way to help find answers. Like the women that are murdered or are still missing you’re going to help them, you’re going to help the families find justice for their loved ones. So thank you.

—Pauline

I have inherited a “terrible gift”—a difficult knowledge which forever demands a response from the inheritor of this knowledge and challenges them to rethink their way of being and relationships with others (Dean 2010, 169). Many may be tempted to turn away from this knowledge, and arguably have; however, by accepting this gift I have been given the opportunity to better understand the gift that I have inherited and identify how I fit into the story. The gift that I refer to is the knowledge that hundreds of Aboriginal women and girls have gone missing or been murdered and continue to be targets for such violence.

By accepting the gift and engaging with the knowledge that I have inherited I came to further understand the struggles that the families of missing and murdered women experience when seeking justice for their loved ones. My response to the terrible gift has come in the form of this thesis, seeking to better understand the gift that I have inherited, sharing the new gifts that I have received from the women involved in this project, and seeking solutions. It is my hope that the knowledge within this thesis will be
inherited by its readers and that they too will reflect on how they fit into the story of missing and murdered Aboriginal women.

I have been very honoured to have worked with the women who have shared their stories with me. As seen throughout this thesis, the issue of missing and murdered women is a vast and complex issue that includes a history of colonization that still affects contemporary women, negative societal attitudes about Aboriginal women that have rendered them vulnerable to violent attacks, and families and communities devastated by the loss of their sisters, mothers, aunties, grandmothers, daughters, and friends. The work that I have done is only one piece of the puzzle in trying to better understand this subject and the needs of the families who are trying to heal from the violence and loss that now shapes their lives; more work needs to be done to provide a clearer picture of the complexities of this subject.

Many cases of Aboriginal women who have been taken or have been murdered remain unsolved. Months and years may pass until their remains are found, leaving victim’s families waiting in anguish, in hopes that their loved one will one day return. And when that loved one has been found murdered, months and years can pass until justice is fully served. When justice is finally served the families’ wounds are reopened and yet they endure in the hope that justice will be served, for them and their loved one. The question that I raised in this thesis, “is the current criminal justice system enough to provide justice or do alternative justice paradigms, such as restorative justice, need to be incorporated in order for families of missing and murdered Aboriginal women to feel that justice has been served?” My participants indicate, for the most part, that the current
criminal justice system is the only system that can provide sufficient justice. However, as Maria said, “internally we have to come to some understanding of what is it that we really want here, is it something we want done to that person or is it something that we want rebalanced within ourselves to be able to accept this awful thing that has happened within our family.” Each family has different needs and different ideas of what justice looks like for their case and this is reflected in the individual stories of the participants interviewed for this thesis. I would agree with Maria that “true” justice could only be realized if this type of violence was eliminated and became something quite out of the ordinary. In her interview Myrna commented that “a missing person is everybody’s responsibility.” The subject of violence against Aboriginal women is not a women’s issue or an Aboriginal issue. Viewing violence against Aboriginal women in this way is distorting and limiting. Such constructions are problematic in that they do little to address the underlying social factors that create an environment wherein Aboriginal women are vulnerable to violence because they are Aboriginal women. Moreover, men as a group and white-settler society are not implicated for the role they play nor called to task for not taking seriously the voices, concerns, and knowledge of Aboriginal women. Men and white-settler society need to take a more active role in listening in order to understand the social and economic conditions that create Aboriginal women’s vulnerability and take part of the solution seeking process.

During the interviews with Myrna, Pauline and Maria I asked them to provide me with some recommendations to include with this thesis. I believed it was important to ask and listen to the voices of those who have been directly affected by this subject as their knowledge is grounded in the experiences of the day-to-day efforts to locate and
seek justice for missing and murdered Aboriginal women. Below are recommendations that have been provided by the women, as well as some of my own.

**Recommendations**

**Pauline**

- Given the high statistics of Aboriginal women going missing, Pauline suggested that a “red alert,” similar to an amber alert for when a child goes missing, be used when an Aboriginal woman or girl goes missing.

**Myrna**

- Education is a key component to eliminating this type of violence. Both Maria and Myrna indicated that educating the general population, and particularly youth, is vital to addressing and eliminating the disappearances and murders of Aboriginal women. Youth are a key component to this. By educating people at a young age the affects that this type of violence has on families and the Aboriginal population as a whole, it can potentially create an attitudinal shift in how Aboriginal women are perceived within their own communities.

**Maria**

- Maria suggested that more gatherings be organized to (re)connect families as they have been helpful in creating a network of support and provided healing for the families.

**Kim**

- A national inquiry into the disappearances and murders of Aboriginal women is essential. Families who are/have experienced this issue, Canadians across the nation, and major organizations such as the United Nations and the NWAC have expressed the need for a national inquiry to better understand this issue and strategize on solutions to eliminate this type of violence.
- The findings from this research have revealed the financial burdens placed on families when a loved one goes missing. Creating a fund
where families have access to financial resources will help alleviate some of the costs and stress endured by families.

- Funding needs to be provided to organizations and researchers, such as the NWAC, to further investigate this issue and devise strategies on eradicating this violence.
- This research project is very limiting. Two out of the three women indicated that restorative justice practices would not be appropriate; however, more research is necessary to further understand the role that restorative justice can play in cases of missing and murdered Aboriginal women.

I end with the inspirational saying of the Cheyenne women, as it sheds a light of hope and shows that the struggle for Aboriginal women is not over. This quote reflects the strong women stories that have been shared with me and the strong women who continue to be active and raise their voices on this subject.

“A nation is not conquered until the hearts of the women are on the ground.”
References


McKenzie, Holly. 2010. “She was not into Drugs and Partying. She was a Wife and Mother: Media Representations and (Re)presentations of Daleen Kay Bosse (Muskego).” In Torn From Our Midst: Voices of Grief, Healing and Action from the Missing Indigenous Women Conference 2008, edited by Brenda Anderson, Wendee Kubik, and Mary Rucklos Hampton, 142-161. Regina: Canadian Plains Research Center.


Appendix A

Participant Information

You are being asked to participate in the research study *Healing Through Justice: the Application of Holistic Healing to Racialized and Sexualized Violence against Aboriginal Women of Saskatchewan* conducted by Kim Karpa, with the assistance of Elder Betty McKenna, from the Canadian Plains Studies Department at the University of Regina. This research project is a part of a Masters in Canadian Plains Studies thesis under the supervision of Dr. Darlene Juschka.

**What is the purpose of the project?**

The purpose of this research project is to document dissatisfaction with the Canadian justice system among family members of missing and murdered Aboriginal women and girls in Saskatchewan. Participants will have the opportunity to express the successes and obstacles that they have experienced, as well as suggest changes that they feel might contribute to better a understanding of when family members/friends go missing (and/or are found murdered). More specifically, this research project seeks to explore alternative forms of justice, such as restorative justice, and gain an understanding of how restorative justice processes might improve the experiences of families of missing and murdered Aboriginal women and girls. Such recommendations will remain, however, contained to the research project; although these findings will be made available for consultation. The researcher is in no way affiliated with the justice system and therefore unable to recommend changes. It is the intention of the researcher to provide a safe space for family members to express and share their experiences. Following the completion of this project, results and recommendations will be shared with participants and various organizations across Saskatchewan and Canada, such as the Native Women’s Association of Canada, John Howard Society, RESOLVE, Regina Alternative Measures Program (RAMP), and Indian and Northern Affairs Canada in an effort to have these recommendations implemented.

**What will be expected of me as a participant?**

As a participant in this study you will be invited to take part in an hour long interview with the interviewer, and upon request Elder Betty McKenna. During the interview you
will be asked a series of questions regarding your experiences and needs when working with police and courts system in your city. The interview will be taped and I will be taking additional notes. The recorder can be turned off on request.

**How will I benefit from participating in this project?**

You will benefit by being able to talk about your experiences and feelings and express your opinions about the study topic. As well, a summary and recommendations will be made to various provincial and national organizations based on your insights derived from your experiences.

**What are the potential risks from participating in this project?**

The topics addressed in the interview have the potential to distress participants. If any participants indicate that they are experiencing undue stress, contact information for a psychologist can be provided. Furthermore, should the participant wish to withdraw, an offer will be made to delete their contribution from the data. A follow-up phone call will be made the next day to ask if further assistance is required.

**Confidentiality**

All personal data obtained as part of this project will be kept confidential. Individuals will be identified by pseudonym only in all reports and publications (pseudonym—see #2 of consent form). Audio tapes and transcripts of the interviews will be kept in a locked file at the University of Regina RESOLVE lab during the project and for five years afterward.

**Right to Withdraw**

Your participation is strictly voluntary and you are not required to answer questions with which you are uncomfortable. You may withdraw at any time during or after the interview with no explanation. If, following the completion of the study, you wish to withdraw from the study please contact Kim Karpa (information below) by January 31, 2012 (date of planned thesis submission, results have been disseminated, data has been pooled, etc.) and your contribution will be deleted from the data. After this date some
form of research dissemination will have already occurred and it may not be possible to withdraw your data at this time.

If at any time you have questions about the proposed research, please contact Kim Karpa (306) 737-8189

This project has been approved on ethical grounds by the UofR Research Ethics Board. Any questions regarding your rights as a participant may be addressed to the committee at [585-4775 or research.ethics@uregina.ca]. Out of town participants may call collect.
Consent to Participate

I, ________________________________, have read the above information, and agree to participate in this project as specified below. I understand that my participation is strictly voluntary. I am aware that I am free to withdraw from the study at any time, or to refuse to answer questions, for any reason without explanation or penalty. If I wish to withdraw from the study, for any reason, I have been informed that I can request that any of my contributions will be deleted and not included in the data prior to January 31, 2012. I have had an opportunity to ask questions and my/our questions have been answered. I have received a copy of this Consent Form for my records.

Please sign #1 if you wish to participate as indicated.

Please sign #2 as well if you wish to be identified only by a pseudonym.

1. I have read this consent form, and agree to participate as specified, in this research project and personal information not relevant to this project will remain confidential.

__________________________________                         ______________________
SIGNATURE OF PARTICIPANT                                                       DATE
2. I do not wish to have my name used and prefer to be identified in any written report of the research through the use of a pseudonym.

________________________________________  __________________________
SIGNATURE OF PARTICIPANT                    DATE

The pseudonym I choose for myself is:

________________________________________

You may quote me and use my name OR pseudonym name (if chosen):

Yes: ___       No: ___

Oral Consent:

I the researcher have read and explained this Consent Form to the participant before receiving the participant's consent, and the participant had knowledge of its contents and appeared to understand it.

________________________________________  __________________________  ___________
NAME OF PARTICIPANT                      RESEARCHER’S SIGNATURE          DATE
Appendix B

Interview Questions

1. Please share your experience of working with police or the courts following the disappearance and/or death of a family member/friend? For example, did you feel as if you were provided adequate information about the legal process of finding a missing person or charging an abductor/murderer?
   a. Do you feel that you received adequate assistance and support during the time that your family member/friend was missing (and found)?
   b. Do you feel that the criminal justice system consulted with you respectfully and fairly?
   c. What needs to happen for families who may encounter your experiences while working with the police and courts?
   d. Were there successes when you worked with the police and courts? If so, what were they?

2. Was your community involved during the justice process?
   a. Describe community?
   b. How important is it for your community to participate in the justice seeking process?
   c. What kinds of changes do you think are necessary for the justice system to include community participation?

3. In what is called a restorative justice model, one that has been used in some Aboriginal communities, the offender and those victimized by his/her actions meet exchanging information concerning the initial criminal event and the impact the event has had on those involved. If you were provided the opportunity, would you participate Why or why not?
   a. Would the identity, that is gender/sex, ethnicity, culture, sexuality etc, of the offender affect your decision to meet with them?
   b. How might meeting the offender effect your understanding of the criminal event and those affected by it?
   c. At what stage of the criminal justice system process would such a program be beneficial? (pre-charge, post charge, presentencing/during sentence, post sentence and pre-revocation).

4. What does justice for families of missing and murdered Aboriginal women look like for you?
Appendix C

University of Regina

OFFICE OF RESEARCH SERVICES
MEMORANDUM

DATE: May 5, 2011

TO: Kim Karpa
299 Trudelle Cr.
Regina, SK S4T 6X1

FROM: Dr. Bruce Plouffe
Chair, Research Ethics Board

Re: Healing Through Justice: The Application of Holistic Healing to Racialized and Sexualized Violence against Aboriginal Women of Saskatchewan (File #91S1011)

Please be advised that the University of Regina Research Ethics Board has reviewed your proposal and found it to be:

☐ 1. APPROVED AS SUBMITTED. Only applicants with this designation have ethical approval to proceed with their research as described in their applications. For research lasting more than one year (Section 1F), ETHICAL APPROVAL MUST BE RENEWED BY SUBMITTING A BRIEF STATUS REPORT EVERY TWELVE MONTHS. Approval will be revoked unless a satisfactory status report is received. Any substantive changes in methodology or instrumentation must also be approved prior to their implementation.

☐ 2. ACCEPTABLE SUBJECT TO MINOR CHANGES AND PRECAUTIONS (SEE ATTACHED). Changes must be submitted to the REB and approved prior to beginning research. Please submit a supplementary memo addressing the concerns to the Chair of the REB. ** Do not submit a new application. Once changes are deemed acceptable, ethical approval will be granted.

☐ 3. ACCEPTABLE SUBJECT TO CHANGES AND PRECAUTIONS (SEE ATTACHED). Changes must be submitted to the REB and approved prior to beginning research. Please submit a supplementary memo addressing the concerns to the Chair of the REB. ** Do not submit a new application. Once changes are deemed acceptable, ethical approval will be granted.

☐ 4. UNACCEPTABLE AS SUBMITTED. The proposal requires substantial additions or redesign. Please contact the Chair of the REB for advice on how the project proposal might be revised.

Dr. Bruce Plouffe

cc: Darlene Juschkà — Women and Gender Studies

** supplementary memo should be forwarded to the Chair of the Research Ethics Board at the Office of Research Services (Research and Innovation Centre, Room 109) or by e-mail to research.ethics@uregina.ca

Phone: (306) 585-4775
Fax: (306) 585-4890

140
DATE: September 22, 2011

TO: Kim Karpa
299 Trudelle Cres.
Regina, SK S4T 6X1

FROM: Dr. Bruce Plouffe,
Chair, Research Ethics Board

Re: Healing Through Justice: The Application of Holistic Healing to Racialized and Sexualized Violence against Aboriginal Women of Saskatchewan (File # 9151011)

With reference to your memo of September 22, 2011, please be advised the changes have been approved as outlined.

Please contact us if you have any further questions.

Sincerely,

Dr. Bruce Plouffe,
Chair, Research Ethics Board

cc: Dr. Darlene Juschka, Women and Gender Studies
DATE: June 12, 2013

TO: Kim Karpa
299 Trudelle Crescent
Regina, SK S4T 6X1

FROM: Meigen Schmidt
Research Ethics Board

RE: Annual Research Status Report (File # 9151011)

Thank you for submitting the required Annual Research Status Report on your project entitled, “Healing Through Justice: The Application of Holistic Healing to Racialized and Sexualized Violence against Aboriginal Women of Saskatchewan”.

This memo confirms ethical clearance for an additional 12 months beginning May 5, 2013.

Sincerely,

Meigen Schmidt
Senior Research Officer – Office for Research, Innovation and Partnership

cc: Dr. Darlene Juschka – Women and Gender Studies