



## SAFE POLICY PATHWAYS TO ADDRESS CHILD SEXUAL ABUSE IN FIRST NATIONS COMMUNITIES

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# PURPOSE

- Provide a high level overview of the history of child sexual abuse in Indigenous communities
- Identify why now is the time to act
- Alternative Justice
- Community Based Healing
- Safe Policy Pathway

# HISTORY

- Unlike violence in mainstream populations, violence in Indigenous communities has its roots in colonization and processes that perpetrated the trauma that has transcended from one generation to the next and continues over time.
- Known issue among indigenous. The Royal Commission on Aboriginal People reported 95% of First Nations have been impacted by sexual victimization.
- However, sexual abuse is an issue few are willing to give voice, due to:
  - Fears of justice system, police, child welfare and a significant lack of resources to support healing
  - Compounded by epistemic racism: the judgement of what knowledge is credible and relevant has prevented the use of Indigenous knowledge and cultural practices to support healing and wellness
- Where childhood sexual abuse has been reported, First Nations have been held accountable but Child Welfare, Residential Schools, Churches, and Police, have not experienced the same measures of accountability

## REQUIREMENTS FOR DANGEROUS OFFENDER DESIGNATION: THE INITIAL OFFENCE

A serious personal injury offence under s. 752 of the Criminal Code that:

- Involves the use of violence or attempted violence against another person,
- or likely to endanger the safety of another person,
- or likely to inflict severe psychological damage on another person

AND

- punishable by 10 years or more – this is indictable offense

# ABORIGINAL CRIMINAL JUSTICE POST-GLADUE (2017)

- There are fourteen years between the pronouncement of the “remedial mandate” in Gladue (1999) and the rebuke in Ipeelee (2012) for the collective failure to address the crisis of over-incarceration.
- The TRC sets out a shorter period of time to eliminate over-incarceration – Call to Action # 30
- In addition, the TRC focuses the effort to address alienation by recognizing Indigenous law - Calls to Action #27, 28, 45, 50, 57, 86, and 92
- and the need to implement Aboriginal justice systems - Call to Action #42

## “Cause & Tied in Some Way” at Sentencing:

- The Aboriginal Justice Inquiry of Manitoba describes the issues for an Aboriginal offender to ever establish a direct causal link between his circumstances and his offending. The interconnections are simply too complex., at p. 86: Cultural oppression, social inequality, the loss of self-government and systemic discrimination, which are the legacy of the Canadian government’s treatment of Aboriginal people, are intertwined and interdependent factors, and in very few cases is it possible to draw a simple and direct correlation between any one of them and the events which lead an individual Aboriginal person to commit a crime or to become incarcerated.
- The dilution of *Gladue's* remedial mandate through the requirement that the offender prove a direct connection between their experiences as an Indigenous person and the circumstances of the offence was the subject of rebuke in *Ipeelee*. Justice LeBel explained that this error demonstrates an “inadequate understanding of the devastating intergenerational effects of the collective experiences of Aboriginal peoples”.

# GLADUE PROCESS

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# YOUTH SHOW SIGNS OF TRAUMA



A 5 year roll up of YSAC data shows that for the youth in our care **25.96% of have already lost a friend due to sniffing and huffing.**

Some have lost more than one family member due to suicide. In addition, **49.59% have spoken or written** – not just thought – about killing themselves, and more serious, 45.% have actually tried, on average, 3.02 times.

Combine that with past abuses:

At intake, **67.28% talked about first-hand experiences with different forms of abuse. Some admit to sexual assault or sexual abuse and in some cases rape by Dad, or another male extended family member, or strangers. This may have started as young as four years.**

Throughout treatment, more disclosures take place.

National Youth Solvent Abuse Treatment Program Data (2008).

# ROYAL COMMISSION ON ABORIGINAL PEOPLE

*“The healthy functioning of Aboriginal families has been disrupted largely by misguided government policies. Today's governments have an obligation to make amends.”*

- *When Cameron Kerley was 8 years old, he and his three sisters were taken into care by the Children's Aid Society and placed in foster homes. His mother died two years later of alcoholism. Cameron was then placed for adoption with Dick Kerley, an unmarried American man who had previously adopted another Indian boy. Cameron soon began to have problems, skipping school and getting into trouble with the law. When he was 19, he killed his adoptive father with a baseball bat. He pleaded guilty to second degree murder and was sentenced to a minimum of 15 years in prison. After sentencing, Cameron described sexual abuse by his adoptive father, beginning shortly after his placement. U.S. authorities would not reopen the case but allowed him to return to Manitoba to serve his sentence.*

# FEAR, SHAME AND DISEMPOWERMENT BLOCK A PATH TO COMMUNITY HEALING

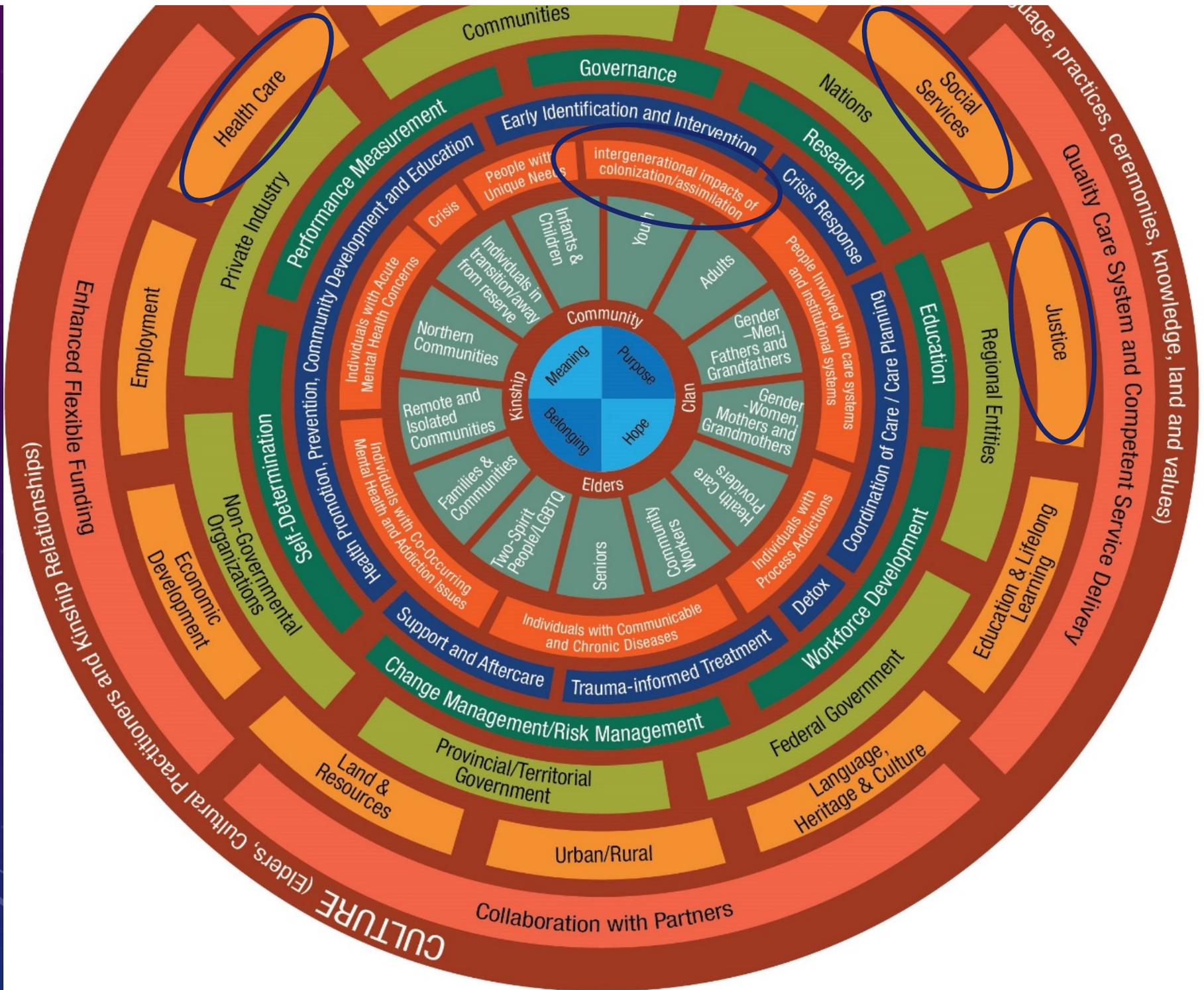
- Fear that “We aren’t equipped to handle trauma” or “We don’t have resources to deal with reactions that surface if traumatic experiences are discussed in community programs”?
- For community programs, staff members, and clients, these statements present many difficulties and unwanted outcomes.
  - For a client, such comments may replicate his or her earlier encounters with others (including family, friends, and previous health professionals) who had difficulty acknowledging or talking about traumatic experiences with him or her.
  - A hands-off approach to trauma can also reinforce the client’s own desire to avoid such discussions.
  - Even when programs services and staff are motivated in these sentiments by a good intention—to contain clients’ feelings of being overwhelmed—such a perspective sends strong messages to clients that their experiences are not important, that they are not capable of handling their trauma-associated feelings, and that dealing with traumatic experiences is simply too dangerous.
  - Statements like these imply that recovery is not possible and provide no structured outlet to address memories of trauma or traumatic stress reactions.

## WHY NOW....

- November 2016: Based on requests for support from FN communities, treatment centers and related discussions on the Opioid Crisis (medicating pain from unresolved sexual abuse) Thunderbird Partnership Foundation highlights sexual abuse in Indigenous communities as a top priority:
  - present to the FNMWC Implementation Team, Dec 2017;
  - and in presentation to FNIH Senior Management Committee in January 2017
  - AFN Chiefs Committee on Health, June 2017
- High rates of youth suicide in some Indigenous communities is identified as being linked to sexual abuse as a root cause of suicide
- December 2016: Chief Bellegarde tasks Chiefs to confront the issue of sexual abuse in FN communities
  - Some FN Chiefs meet with Health Minister, Minister of AANDC and Minister of Status of Women, asking for Government's support in dealing with sexual abuse in FN communities
- February 2017 news article - researchers and leaders have flagged alarming levels of sexual abuse in some indigenous communities and potential links to the aboriginal suicide crisis
- March 2017: NAN Chiefs pass a resolution to address sexual victimization
- October 2017: FNQLHSSC discusses how to support community healing for sexual abuse
- Oct 2017: Nunatsiavut Government starts work on "Circles of Support and Accountability" (a model of sexual-offender community re-integration programming) as part of an initiative to address sexual violence in community
- May 2018 Chiefs of Ontario begin discussion about a community based response
- FNIHB Atlantic, FNIHB Quebec, and Nunatsiavut Government continue to be interested

# CAPACITY TO ADDRESS THE ISSUE

- ON Govt investments have profiled/targeted investments to address sexual abuse/exploitation
- Existing capacity is limited; however, new funds for mental wellness teams may be part of the solution.
- Funding for Elders and Cultural Practitioners as part of NIHB counselling
- Narrative Exposure Therapy is a good approach that aligns wellness with Indigenous knowledge and values – good model for training community based workers
- FN/I community-based strategies to address sexual abuse, including but not limited to Hollow Water
- First Nations experience with restorative justice for summary offenses provides a foundation for potential expansion of process and role for indictable offense
- FNMWCF Implementation Team already has many of the partners that need to be engaged to develop a strategic systems approach to support FN communities



CULTURE (Elders, cultural practitioners and Kinship Relationships)

Enhanced Flexible Funding (sdjshs)

# CURRENT FEDERAL GOVERNMENT ACTIVITIES

## Health:

- Scientific evidence of impact of sexual abuse on health: link to diabetes, HIV, suicide, etc.
- ISC supports culturally relevant public health promotion and community-based health promotion and prevention services, including children's programs to support FN healthy child development; mental wellness; response to victims of violence and their children
- ISC intervention in the context of TRC and IRS-RHS Program

## Justice:

- Public Safety development of Community Safety Plans and investment to address sexual abuse (e.g. Hollow Water)
- Restorative justice practice has been well established

## ISC:

- First Nations Child and Family Services – system reform
- Can support trauma informed First Nations Education

# ASSEMBLY OF FIRST NATIONS

- Advocating for Federal legislation and policy changes to support a clear path for community mental wellness
  - Specific to addressing sexual abuse

**AFN AGA Resolution no. 11/2017, Support First Nation Communities Healing from Sexual Abuse:**

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Call on the federal, provincial and territorial governments to work collaboratively with First Nations to develop safe mechanisms for First Nation communities to pursue community healing that addresses sexual abuse.
2. Direct the Assembly of First Nations (AFN) to work closely with interested First Nation communities and organizations to address the issues and priorities regarding sexual abuse in a culturally competent and relevant way.
3. Direct the AFN to call on the Government of Canada to make available additional resources to develop and/or support First Nations community capacity towards sustainable community healing that is directed by and accountable to First Nations.

# CURRENT EVIDENCE BASED POLICY PATHWAYS DO NOT SUPPORT COMMUNITY HEALING

Three levels of intervention:

legislative based interventions intended to protect victims and punish perpetrators;

social service interventions designed to protect children;

and health system policy interventions intended to prevent, detect and treat the effects of maltreatment.

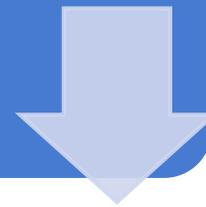
Preventing and protecting children from maltreatment requires cooperation among federal and provincial governments, and FN Communities.

Underpinning these efforts is a legislative & policy foundation that crosses jurisdictional boundaries.

# NEW EVIDENCE BASED POLICY PATHWAYS FOR FIRST NATIONS

Three levels of intervention:

- legislative based interventions intended to protect victims & ENSURE HEALING FOR CHILDREN, YOUTH, FAMILY PERPETRATORS, AND COMMUNITY;
- social service interventions designed to protect children;
- And MENTAL WELLNESS ACROSS systems policy interventions intended to prevent, identify and treat the effects of maltreatment & LEARNED BEHAVIOR



Preventing and protecting children from maltreatment, ALONG WITH A FOCUS ON COMMUNITY HEALING requires cooperation among federal and provincial governments, and FN Communities.



Underpinning these efforts is a legislative & policy foundation that crosses jurisdictional boundaries.

# WHAT IS A SAFE POLICY PATHWAY



# MOVING FORWARD

- Thunderbird Partnership Foundation continue to research and present on existing Indigenous models to respond to sexual abuse, including how the FNMWCF offers a case study for Hollow Water.
- Thunderbird Partnership Foundation and First Peoples Wellness Circle are supporting the Chiefs of Ontario in the development of a Community Wellness Framework for Sexual Abuse / Exploitation

# FIRST NATION HEALING MODELS



# FIRST NATION HEALING MODELS

## **Culture Based Models:**

- Culture is an important part of resolving the acts of sexual violence and sexual exploitation in First Nation communities.
- Culture is described as a process of learning the shared values, beliefs, norms, of Indigenous peoples across generations

# FIRST NATION HEALING MODELS

- Culture is the meaning systems of our First Nations across Ontario and Canada. It is how we think, what we believe, what we value.
- It is how we interact these social beliefs and values towards each other.
- Sometimes they are invisible, unrecognized and not discussed but we can slow it down, think about, and re-teach those specific values that bring about community wellbeing.
- Culture is knowing what justice and healing are for our people, further

# FIRST NATION HEALING MODELS

## **Survivor Centric Models:**

- Sexual violence and sexual exploitation recovery requires intensive therapies and supports within culturally safe spaces to process the long last effects associated with this trauma.
- Victims of sexual violence and sexual exploitation suffer a significant intrapersonal / interpersonal injury. Often this requires great care to manifest the healing necessary to repair the damage done.
- Restoration begins within the heart and being of the one who has been harmed, and our jobs as helpers is to ensure we support and create the path they choose.

# HOLLOW WATER: COMMUNITY HEALING MODEL

- 60% of their time is spent in victimizer services ( a majority of victimizers were men),
  - 30% in services to victims and families
  - 10% in community development
  - Mainstream services generally only attend to the victim and have limited impact in healing
- for every \$2.00 the Provincial and Federal government spent the community received well over \$6.21 to \$15.90 worth of services and value-added benefits.
- (low end are inmate costs and high end are total operation costs for housing inmates)
- Mainstream recidivism rate for sex offenders is 13% and for the Hollow Water community based program the recidivism rate was 2% over ten years

In 1984, over 75% of the community, both males and females, had been sexually abused.

In 2000, the community reports a high level of community safety has been sustained

Native Counselling Services of Alberta (2001).

# TRAUMA SPECIFIC RESOURCES

- determining how and when to address traumatic stress in community can be a real dilemma, especially if there are no trauma-specific resources in place.
- Especially when communities are left to negotiate on their own with: Crown Attorney, Policy, Child Welfare, and Mental Health supports.
- By anticipating the need for trauma-informed services and planning ahead to provide appropriate services to people who are affected by trauma, communities can begin to develop informed intervention strategies that send a powerful, positive message:
  - Both clients and providers can competently manage traumatic experiences and reactions.
  - Providers are interested in hearing clients' stories and attending to their experiences.
  - Recovery is possible.

# CORE TRAUMA-INFORMED PRINCIPLES ARE:

- Intergenerational trauma is an expression of colonization
- Acknowledgement – recognizing that trauma is pervasive
- Safety
- Trust
- Choice and control
- Compassion
- Collaboration
- Strengths-based
- Our work on epigenetics also shows the impact of “not acknowledging” or having a “safe place for disclosure”
- Post mortem studies (McGowan 2005) on the brain compared those who died by suicide and those who did not. For those who died by suicide, there is consistent impact in the hippocampus – the hippocampus is the region of the brain responsible for emotional memory

# FIRST NATION HEALING MODELS

- Survivor-centric care means that programs and services are created by survivors of sexual violence and sexual exploitation. It is through their experiences and shared perspectives, that circles of hopes are created for the person who has been harmed
- Survivor-centric care means there are principles of safety, trust, and support by 'creating safe, open, and restorative spaces' to process the violence experienced by the victim
- It also means that there is a continuum of services and networks that support the person who has been harmed throughout their healing

# FIRST NATION HEALING MODELS

## Restorative Justice Models

- Addressing sexual violence and sexual exploitation in Ontario First Nation communities has largely relied on Canadian models of justice and intervention without inclusion of, or designed with, a foundation of First Nation knowledge.
- Current systems of justice address sexual violence and sexual exploitation with a value- based system of punishment and retribution

# FIRST NATION HEALING MODELS

- The current system has paid little attention to the impacts of crime and does not always attend to treating the sexualized behavior of the individual who caused harm, providing support and healing for the individual who were harmed, and others impacted by the behaviors, and reconciling hurts within the family and community.
- Colonization has altered this protective worldview for First Nation communities resulting in increased incidence of violence to its members.

# FIRST NATION HEALING MODELS

The principles of restorative justice signify importance of:

- Community development
- Vision is necessary for development
- Individual and community transformation are interdependent
- Holistic learning

# FIRST NATION HEALING MODELS:

- Noticeable in this process of healing is the intention of addressing intergenerational transmission of trauma.
  - Restorative circles for person who has harmed, for their family, and for the community
  - Restorative circles for the person who has been harmed, for their family, and for the community
- Restorative justice models, to many, was an early form of decolonizing therapies meant to recognize First Nation knowledge and evidence as central components to reclaiming wellness for First Nation communities

# CONCLUSION

- Sexual violence and sexual exploitation in First Nation communities requires a First Nation response.
- An alternative method in dealing with sexual violence and sexual exploitation of First Nation peoples is to be culturally based, survivor-centric, while at the same time promoting the values of transformative justice.





SUPPORT THE TASK FORCE ON SEXUAL VIOLENCE AND EXPLOITATION IN INDIGENOUS COMMUNITIES TO DEVELOP A TRANSFORMATIVE FRAMEWORK THAT WILL ENABLE FIRST NATION PEOPLES TO HAVE SUSTAINABLE RESOURCES, CAPACITY AND DIALOGUE TO DEAL WITH SEXUAL ASSAULT, SEXUAL TRAUMA, SEXUAL EXPLOITATION, AND SEXUAL VIOLENCE.



DIRECT THE CHIEFS OF ONTARIO TO SEEK FINANCIAL RESOURCES THAT WILL SUPPORT THE CREATION OF A FRAMEWORK DEVELOPED BY THE TASK FORCE



WILL RECEIVE REGULAR REPORTS BACK FROM THE TASK FORCE ON THEIR PROGRESS ON THE DEVELOPMENT OF A FRAMEWORK THAT IS BUILT ON A FOUNDATION OF INDIGENOUS KNOWLEDGE AND FOSTERS INDIGENOUS HEALING MODELS.

## RESOLUTION 2018

# REFERENCES

- Canada, (1996). Royal Commission on Aboriginal Peoples. People to people, nation to nation: *Highlights from the report of the Royal Commission on Aboriginal Peoples*. Minister of Supply and Services Canada
- Native Counselling Services of Alberta, (2001). A Cost-Benefit Analysis of Hollow Water's Community Holistic Circle Healing Process. Solicitor General Canada and the Aboriginal Healing Foundation.
- Youth Solvent Abuse Committee (2008). *Emilys Story*. YSAC Data Analysis of Client Characteristics.

# QUESTIONS & COMMENTS

Thank You

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