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Aboriginal Women and the Canadian Criminal Justice System: Examining the Aboriginal Justice Strategy through the Lens of Structural Social Work

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Abstract

The purpose of this policy review was to critically examine the Aboriginal Justice Strategy (AJS), which is a federal governmental program founded in 1991 to combat the problem of high rates of criminality in the Aboriginal population in Canada. Considering the high recidivism rates of AJS program participants, we suggest the AJS is not as effective in achieving its objectives. Looking at this strategy through a lens of structural social work, we found that it is inattentive to the impact of structural factors on criminality in some Aboriginal communities, groups, and individuals. Also, the strategy does not take into consideration gender-based factors that influence the interaction of Aboriginal men and women with the criminal justice system, which is profoundly different. Moreover, the strategy is inattentive to the five pathways that often bring Aboriginal women into contact with the criminal justice system - poverty, violence, sex trade, mental illness, and addiction. These pathways are inherently linked to the primary structures of colonialism, racism, and sexism, which continue to oppress Aboriginal women in Canada. For these reasons, we proposed that gender-based analysis would be useful for an improved understanding of these pathways. We also provided several recommendations for lowering the rates of crime committed by Aboriginal women, which include, state supported economic investments for community development, job creation, education attainment, and employability skills as well as policies against homelessness and supports for trauma, addictions, and mental health issues.

Keywords: Aboriginal women, crime, Aboriginal Justice Strategy, structural social work, structural oppression

The structures of oppression and inequality in women's lives that bring them into contact with the criminal justice system are routinely overlooked. Women's marginal and disenfranchised place in society is maintained and reinforced by a system that fails to provide the proper support for an appropriate human standard of living and the ability to contribute in a meaningful way to the community. Instead, this system increasingly criminalizes and causes further harm to the women who continue to fall through the cracks (Walsh, Rutherford, Krieg, & Bell, 2013, p. 377).

Theoretical Framework: Structural Social Work

Based on social ideology, structural social work operates from a conflict view of society, according to which, people compete for power in order to impose their views, rules, and objectives on others (Mullaly, 1997). Dominant groups (people in power) impose economic, political, and social structures that support them in their dominant position, deprive others from the same chances to succeed, and further perpetuate social inequalities and inequities (Heinonen & Spearman, 2001; Mullaly, 2007). Structural social work examines how these oppressive structures discriminate against specific groups of people based on their affiliations with a particular class, gender, race, sexual orientation, (dis)ability, and migration status, to name just a few. The oppression is maintained by various political, economic, and social structures, such as state institutions, policies, and operations, which guide and determine human relations. It means social problems, such as criminal activity, are inherent in the way the societies are structured and in the way these structures are maintained by various political, socio-economic, and ideological means.

The goal of structural social work is to help liberating people from the structures of oppression and inequality, such as racism, classism, sexism, and ableism (Carniol, 1992). For this reason, structural social workers focus on advocating the changes in social, economic, and political structures that are causing oppression and alleviating the negative effects of an exploitative social order (Lundy, 2004; Mullaly, 1997). To meet these goals, structural social workers have adopted five practices: (a) defence of the client, (b) collectivization, (c) materialization, (d) increasing client power in the worker-client relationship, and (e) enhancing the client's power through personal change (Carniol, 1992).

Defence of the client involves the social worker being an ally and advocate for the client against an oppressive system. In this role, social workers provide information to the client, defend the client's rights and entitlements, and encourage them to do the same. Empowerment of the client is crucial, as the oppression the clients face often leads to feelings of powerlessness and alienation. Collectivization is used to reduce alienation and isolation by informing the client their problems are not the results of individual shortcomings. Social workers also connect their clients to support groups to facilitate consciousness-raising about the difficulties being faced. This practice is used to normalize problems clients are experiencing and decrease the shame, guilt, and self-blame they may feel (Lundy, 2004).

Materialization is a practice which acknowledges the importance of the physical and emotional needs of the clients and how those needs impact their problems. The social workers attempt to fulfill those needs by acquiring as many resources and social services as possible

(Lundy, 2004). The primary focus of this practice is immediate tension relief. To increase the power of clients, the social workers respectfully allow their clients to become agents of their own change (Mullaly, 2007). Finally, to enhance the client's power through personal change, social workers identify the clients' strengths, help them to understand their situation, and empower them to change their circumstances so they can change their thoughts, feelings, and behaviour which are self-destructive or destructive to others (Lundy, 2004).

In this article, we examine the Aboriginal Justice Strategy (AJS) using a critical lens of structural social work. The AJS was developed by the Canadian government in 1991 with the intention to combat the problem of high rates of criminality in the Aboriginal population and communities. We elaborate on the strengths and limitations of this strategy in reducing the number and nature of crimes committed by Aboriginal people, with a particular focus given to women. As structural social workers who adopted the theoretical concepts and principles outlined above, we are critical of two main aspects of the AJS. First, in our opinion, the strategy is inattentive to the impact poverty, sex trade, violence against women, mental illness, and addictions have on criminality in some Aboriginal communities, groups, and individuals. Second, the strategy does not take into consideration gender-based factors that influence the interaction of Aboriginal men and women with the criminal justice system in profoundly different ways. We believe by its inattention to the gendered impact of poverty and violence on crime, the strategy may be reinforcing the agenda of existing Correctional Services Canada institutions. This agenda aims "to modify and correct the inherent 'deviant' nature of individualized women as opposed to the larger social structures that contribute to women" coming in conflict with the law (Walsh et al., 2013, p. 379). With this article, we join the call made by other scholars for developing crime prevention strategies that would address structural inequities experienced by Aboriginal women (Monchalin, 2012; Totten, 2009).

Aboriginal Women, Crime, and the Aboriginal Justice Strategy

According to the new National Household Survey, 1,400,685 people reported an Aboriginal identity in 2011, representing 4.3% of the total Canadian population (Statistics Canada, 2013). Of the people reporting an Aboriginal identity, 851,560 (60.8%) identified as First Nations, 451,795 (32.3%) identified as Métis, and 59,445 (4.2%) identified as Inuit (Statistics Canada, 2013). Despite representing only a small fraction of the total Canadian population of 33.5 million people, Aboriginal people are disproportionately represented within the criminal justice system (Statistics Canada, 2013). As of 2011, Aboriginal people accounted for 21% of adults in custody on remand, 27% of adults sentenced to provincial and territorial custody, 19.3% of adults in federal custody, 18% of adults on probation, and 20% of adults serving conditional sentences (Department of Justice, 2011). This disproportion of Aboriginal people involved in the criminal justice system is continuously increasing. Between 2003 and 2013, the federally incarcerated Aboriginal population rose by 46.4% while the federally incarcerated Caucasian population decreased by 3% (Office of the Correctional Investigator, 2013). With the current sentencing trends in combination with the fast growth of the young Aboriginal population, the overrepresentation of Aboriginal peoples is expected to continue to rise.

In this article, we focus on crime prevention strategies targeting Aboriginal women. Aboriginal women's overrepresentation within the Canadian criminal justice system is extremely alarming. As of 2011, they accounted for 33.6% of the total female offender population in federal prisons (Office of the Correctional Investigator, 2013), which represents an increase of 83.7% over the past decade (Wesley, 2012). According to Wesley (2012), the average age of the Aboriginal women in federal custody upon admission was 29 years. Wesley further noted that many incarcerated Aboriginal women have low levels of employment experience, limited education, and majority report their marital status as single. In addition, they frequently have unmet mental and physical health needs, including addiction issues (Office of the Correctional Investigator, 2012). Finally, 90% of incarcerated Aboriginal women had experienced physical and/or sexual abuse at some point in their life (Sugar & Fox, 1990). In general, all women in Canadian prisons are largely the most traumatized and marginalized (economically, politically, and geographically) women in the society (Walsh et al., 2013).

The pattern of offences committed by Aboriginal women typically follows the general pattern of offences committed by women in Canada (Quinn, 2007). The motivation behind these offences is frequently twofold: poverty and the lack of personal security. Approximately 75% of women in provincial prisons are sentenced for administrative crimes or fraud, possession of stolen property, and theft (Currie & Focus Consultants, 2004). In federal prisons, the majority of women are incarcerated for violent domestic disputes; Aboriginal women are disproportionately incarcerated for these violent offences (Currie & Focus Consultants, 2004).

However, it must be also pointed out the higher numbers of incarcerated Aboriginal men and women may be also a result of a greater tendency to criminalize these people by the Canadian criminal justice system. Police officers, judges, and prison officials often see Aboriginals as "uncivilized and without coherent social or moral order" (Jackson, 1988, p. 5). This contributes to the fact that the police often over-surveillances the areas highly populated with Aboriginal people and discriminates against them (Neugebauer, 2000). They are more likely to be stopped, searched, and arrested than non-Aboriginals. For similar crimes, judges often give harsher sentencing to Aboriginal offenders in comparison to non-Aboriginals (Perreault, 2009). Prison officials make Aboriginal offenders more likely to be placed in maximum security, use more force against them, and force them to stay until their statutory release date or warrant expire date in comparison to their non-Aboriginal counterparts (The Correctional Investigator Canada, 2013). Aboriginal inmates have also lesser access to programs due to higher security designations (Wesley, 2012).

The AJS is an ambitious initiative developed by the federal government in 1991 as a collaborative product of the Department of Justice, Aboriginal Affairs and Northern Development Canada, the Privy Council Office, Public Safety Canada, and the Royal Canadian Mounted Police. The initiative was developed in response to the limited capacity of the mainstream justice system to address the disproportionate number of Aboriginal offenders and victims of crime in Canada (Department of Justice, 2011). It aims to pursue four core objectives:

1. to reduce the rates of crime and victimization in Aboriginal communities that operate AJS programs;
2. to support Aboriginal communities in the administration of justice system;

3. to improve the communication about existing community justice programs; and
4. to transplant significant Aboriginal cultural values into the administration of justice in Canada.

These four objectives are being pursued by providing the funds for operating the existing programs and also for building capacity to establish new programs.

Co-funded by federal and provincial governments, Community-Based Justice Programs include the provision of diversion services for Aboriginal persons who have committed non-violent property or lesser offences, community sentencing, offender-victim mediation, and court/community justice programs delivered in Aboriginal communities. As of 2011-2012, the AJS funded 214 Community-Based Justice Programs serving 634 Aboriginal communities in Canada (Department of Justice, 2011). Drawing on a culturally-based holistic approach to rehabilitation, the Justice Programs aim to restore balance in the lives of offenders and increase their feelings of self-worth. By assuming accountability for their actions, offenders can start the process of healing and connecting with self, their identity, their family, and their community. In addition to the provision of healing programs, the Justice Programs try to address the issues of poverty, mental health, and substance abuse in an attempt to sustain long-term behavioural and life-time changes of program participants. The administration of Capacity Building Fund serves several important purposes: to support the needs of communities without the programs; the development of new programs; training needs, data management and evaluation of the existing programs; and building partnerships with the mainstream justice systems. As of 2010-11, there were 50 projects across Canada supported by these funds (Department of Justice, 2011).

The Department of Justice conducts its own regular evaluation of the AJS in order to assess its relevance and performance. Based on the findings in the 2007 evaluation, the government renewed the program with a commitment to contribute 40 million dollars within the span of five years in addition to the 45 million dollars, which was already allocated for the program (Department of Justice, 2011). In 2008, the Minister of Justice concluded that the AJS is “a successful program that helps steer Aboriginal people away from a lifestyle of crime, provides hope and opportunity for Aboriginal youth and helps end cycles of violence” (Department of Justice, 2011, p. 20).

The 2011 evaluation examined the operations of the AJS Program between 2007 and 2011 and revealed the following findings respective to the achievements of initial, intermediate, and long-term outcomes (Department of Justice, 2011). First, it was found that the provision of the Capacity Building Fund increased the capacity of the Community-Based Justice Programs to provide effective services and address training and networking needs. However, the lack of funding precluded the establishment of new programs. Second, the AJS was found to be effective in involving Aboriginal communities in administrating the local justice by promoting the inclusion of Elders and a sense of ownership. Third, it was concluded the rates of reoffending were significantly lower for program participants when compared to Aboriginal offenders who did not have access to the Community-Based Justice Programs (see Table 1). These results are based on the sample of 5,141 Aboriginal persons with a prior criminal conviction out of which 4,570 participated in Community-Based Justice Programs and 571 went through the mainstream justice system (Department of Justice, 2011). For instance, eight years after the completion of the

program, 32% of program participants ($n=1,462$) reoffended compared to 48.8% of persons ($n=279$) who did not have access to the AJS programs. It means the AJS programs contributed to lowering the rates of reoffenders by 16.8% (Department of Justice, 2011).

Table 1

The AJS Average Recidivism Rates by Time and AJS Program Participation

Time After Program Completion	Percentage of Reoffenders	
	Program Participants	Comparison Group
1 year	10.9	18.2
2 years	17.6	28.5
3 years	22.0	35.1
4 years	24.8	39.1
5 years	27.2	42.4
6 years	28.7	44.5
7 years	30.4	46.7
8 years	32.0	48.8

Note. Adapted from “The AJS Average Recidivism Rates by Time and AJS Program Participation” by Department of Justice, 2011, p. 34.

While we recognize several strengths of the Community-Based Justice programs in terms of their community and cultural relevance, we share several concerns about the effectiveness of the AJS to reduce the rates of crime and recidivism among Aboriginal offenders. We consider the percentage of reoffenders (32% within eight years after the completion of the program) fairly high and believe the AJS effectiveness could be increased by addressing the reasons of recidivism, which the evaluation report did not do. It also did not offer any sex-disaggregated data on the association between gender and recidivism rates. We argue that in order to fully understand the factors underlying recidivism, the statistics would need to capture a socio-economic profile of the offenders separated by sex, age, and other important social identifiers. Such a profile could help us to confirm or contest our assumption that the reasons for recurrent offences of Aboriginal people (and women in particular) lie in larger social factors which remain largely unaddressed by the AJS programs. As we will show in the next section of this article, the scholarly literature indicates five main criminogenic factors disproportionately affecting Aboriginal women: poverty, sex trade, violence against women, mental illness, and addictions. These factors often intersect with one another to increase Aboriginal women’s conflict with the law.

Aboriginal Women and Pathways to Crime

Poverty

Poverty in Canada is a racialized and gendered phenomenon (Hadley, 2001). Aboriginal people face poor economic conditions with low income and high unemployment. In 2006, the median income for Aboriginal people was \$18,962, which is 30% less than the median income for non-Aboriginal Canadians (Wilson & Macdonald, 2010). The income gap was higher on reserves where on average income was under \$15,000, 44% of residents were unemployed and

4% were controlling the community's economic resources (Le Prairie, 2002). The income gap decreased when an Aboriginal person attained an undergraduate university education. According to Le Prairie (2002), only 8% of Aboriginal people reached this level of education as of 2006. Aboriginal women were disproportionately poor, despite being more educated than Aboriginal men. Census 2006 showed about 13.5% ($n=34,225$) of Aboriginal women were unemployed out of the 254,270 women in the labour force (Statistics Canada, 2006). Those who were able to find gainful employment were paid less than Aboriginal men (Cameron, 2008). Aboriginal women's 2006 median income was \$16,000 compared to Aboriginal men's median income of \$22,500 (Wilson & Macdonald, 2010).

Poverty related to the over-representation of Aboriginal women in low wage and precarious employment contributed to their lower access to social and community resources and supports, including social assistance and affordable childcare (Status of Women Canada, 2005). Importantly, about 19% of Aboriginal women were the primary and sole caregivers of their children. These lone-parent families were disproportionately responsible for supporting their family economically and faced more financial burden (Cameron, 2008). Many poor Aboriginal women are unable to support themselves and end-up on social welfare. While on social assistance, committing even minor bureaucratic mistakes and not reporting gifts, food, or money from friends and relatives may lead to the fraud conviction of some of these women (Mirchandani & Chan, 2007). Due to the social assistance payments being inadequate to cover the basic necessities of life, recipients usually do not report the extra cash they earn or receive. In addition, some Aboriginal women who were born on small reserves may not always possess documents, such as birth certificates or bank books in order to qualify for social assistance (Little, 2001).

A large proportion of Aboriginal women with low or no income or without social assistance become homeless due to the lack of affordable housing and accessible shelters (Native Women's Association of Canada, 2007a). Homelessness and "street life" is a typical pathway for many Aboriginal women who come into contact with the criminal justice system because "when women are denied the ability to live independently and with autonomy to support themselves and their children, they may be forced to commit illegal acts to survive" (Walsh, MacDonald, Rutherford, Moore & Krieg, 2011, p. 389).

Violence Against Women

Aboriginal women are over three times more likely to experience sexual and physical violence and five times more likely to be the victims of homicide than their non-Aboriginal counterparts (Wesley, 2012). Nearly 75% of survivors of sexual assaults in Aboriginal communities are young women under the age of 18. Approximately 54% of Aboriginal women report severe forms of spousal violence characterized as "being beaten, choked, threatened with a gun or knife, or sexually assaulted" (Wesley, 2012, p. 6). The situation is compounded by the discriminatory practices of police departments that often disregard the calls of Aboriginal women for help, as well as those of band councils (a local form of Aboriginal government in Canada, consisting of an elected chief and councillors) which force women to withdraw their testimonies against their abusers (Comaskey & McGillivray, 1999). In addition, Cunliffe and Cameron

(2007) found community sentencing circles (one type of the AJS programs) do not provide adequate protection for Aboriginal women against recurrent violence in their communities.

Not surprisingly, in their profound fear of victimization and death, Aboriginal women often attack their abusers (Balfour, 2013). Consequently, they are charged with committing violent crimes (Cameron, 2008). Aboriginal women are also likely to be counter-charged during the police responses to cases of domestic violence (Comack, Wood, & Chopyk, 2000). According to Brzozowski, Taylor-Butts and Johnson (2006), in 2004, Aboriginal women on reserves were charged with assault at a rate of 1,819 per 100,000 while the rate for Aboriginal women in urban centres charged with assault was 140 per 100,000. It must be noted the chronic abuse Aboriginal women often encounter does not result simply in a sudden attack against the abuser. Chronic abuse can be compounded by women's attachment, emotional regulation, and impulse control issues, which are often a result of post-traumatic stress disorder affecting Aboriginal women (Courtois & Ford, 2009). In fact, many Aboriginal women sentenced in federal prisons have experienced high rates of abuse in their lives (Jacobs, 2004).

Aboriginal women experiencing domestic violence can also come in conflict with the law when transitioning away from their unsafe environment. As a result of domestic violence Aboriginal women often flee their partners or families and eventually end up homeless (Lambertus, 2007). In some cases, women are evicted from their houses on reserves after their perpetrator is release from prison since the properties are often registered in the name of their male partners (Walsh et al., 2011). Homelessness and poverty make Aboriginal women resort to crime as mentioned earlier (Cameron, 2008). To complete the vicious cycle, in some cases, homelessness and poverty force women to return to their abusive relationships since their partners may be in the position to offer them financial stability and shelter (Mirchandani & Chan, 2007).

Sex Trade

Of the 3,676 women arrested for prostitution-related offences in 1995 the vast majority were arrested for "communicating" offences or "street prostitution." Approximately 97% of these women were adults and 3% were youths (Duchesne, 1997). Women convicted of communicating offences were sentenced more severely than men; this is in part due to the women's previous criminal history. In 1995, 39% of women convicted were imprisoned, 22% were sentenced to probation and 32% were ordered to pay a fine (Duchesne, 1997). Prostitution is typically a gendered survival strategy many Aboriginal women are forced into either through the pathway of escaping poverty and violence or both.

In the context of economic inequities mentioned earlier, Aboriginal women are usually forced to resort to illegal work, such as prostitution, to meet the basic needs of their selves and their family (Cameron, 2008). The high rates of poverty are typically associated with a high rate of prostitution (Lynne & Farley, 2008). Housing instability in particular leaves Aboriginal women extremely vulnerable to prostitution. When women in prostitution are asked what they need in order to escape prostitution, housing is first on their list of needs (Lynne & Farley, 2008). Prostitution is almost solely brought to the attention of the police because of poverty, as the

activities of women living in poverty occur in the public sphere. As such, street prostitution is almost exclusively criminalized (Addario, 2002).

Sex trade is also inherently linked to violence against women. The parallels of harm are very similar since the “physical coercion, rape, and violence by husband/partner/pimp and john are perpetrated against women in prostitution” (Farley, Lynne, & Cotton, 2005, p. 244). Young women and children partaking in prostitution are often running away from violent and dangerous environments (Farley et al., 2005). Save the Children Canada (2000) reported that Aboriginal youths make up 90% of the visible sex trade in various communities across Canada. For instance, out of 100 sex workers interviewed in Vancouver, 52% were Aboriginal women (Farley et al., 2005). A significant number of these women reported histories of child sexual abuse (89%), childhood physical assault (72%), adult sexual assault (92%), adult physical assault (90%), and adult verbal assault (88%). As shown, prostitution results in many Aboriginal women coming into conflict with the Canadian criminal justice system.

Mental Illness

Aboriginal people (especially women) suffer from mental illness at a higher rate than non-Aboriginal people (Statistics Canada, 2003). The most prevalent diagnosis was post-traumatic stress disorder (Corrado & Cohen, 2003). Other frequent problems included major depression, anxiety, and personality disorders (Petchovsky & San-Roque, 2002). In 2001, according to a report by the Government of Canada (2006), 13% of Aboriginal adults living off reserves were classified as distressed in comparison to 8% of non-Aboriginal adults. Additionally, about 12% of Aboriginal adults living off reserves were suffering from an episode of major depression compared to 7% of non-Aboriginal adults. The rates of depression on reserve were higher with 16% of adults suffering from depression, over twice the non-Aboriginal average (Government of Canada, 2006). According to the same governmental report, suicide rates of Aboriginal people are twice the national average; in 2000, the rate of suicide for Aboriginal peoples was 24 per 10,000. Aboriginal women are more likely to have attempted suicide than Aboriginal men; however, Aboriginal men have a higher rate of suicide mortality (Government of Canada, 2006).

People with mental illnesses are over-represented in the criminal justice system. Federal Aboriginal female offenders are disproportionately assessed to have mental illness and mental health needs. In 2004, 76% of federally sentenced Aboriginal women participated in programs related to their mental health and an additional 27% of Aboriginal women received psychological and counselling services (Bell, Trevethan, & Allegri, 2004). People with mental health issues are, in theory, supposed to receive proper care before they come into conflict with the law. However, this does not occur in practice as there is a lack of treatment and support for the mentally ill (Centre for Addiction and Mental Health [CAMH], 2013; Wesley, 2012).

Many of the mental health problems experienced by Aboriginal women are directly linked to their historical and current physical, sexual and emotional trauma, intergenerational trauma, and substance use (CAMH, 2013; Wesley, 2012). Aboriginal women’s mental health issues may cause them to behave in a manner that leads to conflict with the police and charges

being laid. The over-representation of people with mental illness in the criminal justice system is often referred to as the “criminalization” of mental illness (CAMH, 2013, p. 2).

Addiction

Addiction severely impacts the lives of Aboriginal women. According to an assessment on federally sentenced Aboriginal women’s needs conducted by the Correctional Service of Canada (Bell et al., 2004), Aboriginal women identified alcohol and drug abuse was a problem during childhood, adolescence, and adulthood, with two-thirds reporting a current substance abuse problem. Approximately 80% of the Aboriginal women who participated in this assessment identified substance abuse was prevalent in their communities and homes and 85% reported someone in their home environment currently had a substance abuse issue. Approximately 91% of the Aboriginal women reported they will need assistance with their substance abuse problem upon release into their home and community. Dealing with substance users, stressor and pressures, and lack of support networks were among the greatest challenges incarcerated Aboriginal women identified (Bell et al., 2004).

Aboriginal men have been found to suffer from addiction at a higher rate than Aboriginal women. The increased use of substances among Aboriginal men increases Aboriginal women’s experiences of domestic abuse and trauma (Belknap, 2007; The Aboriginal Justice Implementation Commission, 1999). Aboriginal women often use drugs and alcohol to cope with their experiences of childhood trauma, intergenerational trauma, violence, significant losses, distressing symptoms of mental illness, lack of opportunities, and poverty (Belknap, 2007; Cameron, 2008; Government of Canada, 2006).

These intense addiction issues result in Aboriginal women’s direct and indirect involvement with the criminal justice system. Offences, such as disturbing the peace, mischief, and assaults commonly occur while Aboriginal women are under the influence of substances. On some reserves, such as the God’s Lake Reserve in Manitoba, 95 % of the crimes in their community were found to be related to the consumption of alcohol with the majority of the Aboriginal people stating they were under the influence of substances when committing a crime (The Aboriginal Justice Implementation Commission, 1999). Indirectly, some Aboriginal women are unable to work due to their severe addiction issues and have to commit criminal acts in order to survive economically and cope with withdrawal syndromes (Owen, 1998). Aboriginal women are criminalized for their use of illegal substances resulting in charges of varying degrees of severity from conditional discharge to imprisonment (Belknap, 2007; Brzozowski et al., 2006; The Aboriginal Justice Implementation Commission, 1999).

Root Causes of Social and Health Inequities of Aboriginal Women

As indicated in the introduction, structural social work sees the root causes of major social problems inherently linked with the way a society is structured rather than with various shortcomings of groups and individuals. While reviewing relevant literature on the intersection of criminal justice and social problems of Aboriginal women, we identified five pathways that often bring Aboriginal women into contact with the criminal justice system: poverty, violence, sex trade, mental illness, and addiction. The high prevalence of these factors in the population of Aboriginal women is inherently linked to the primary oppressive structures of colonialism,

racism, capitalism, and sexism which are historically rooted in Western ideologies about racial inferiority of Aboriginal women in all patriarchal cultures (Walsh et al., 2011). Patriarchy is generally understood as “the institutionalized system of male dominance and control over women” (Nes & Iadicola, 1989, p. 14). This system of male domination is maintained by persisting ideologies, policies, and behaviours that exclude women from access to economic means and restrict their sexuality (Hartmann, 1981, pp. 18-19.)

Patriarchal oppression brought to Canada during the process of colonization contributed to Aboriginal women losing their land, societal status, and control over resources and political decisions (Jamieson, 1978). In Wesley’s (2012, p. 3) words:

The isolation from Aboriginal lands was just the beginning in a long series of government policies focused on civilization, assimilation, and eradication of Aboriginal identity. With the forced imposition of the Eurocentric worldview, Aboriginal women were marginalized not only within the European society but also within their own communities as for many, their traditional roles and places within Indigenous societies were uprooted and they in turn were displaced.

Aboriginal women were often victimized by racist policies, such as the Indian Act, which impoverished Aboriginal people by physically confining them to reservations while limiting their traditional ways of life (Jamieson, 1978). In some situations, the Act stripped women and their children of their Aboriginal identity, thereby depriving them of the needed material support from their families or the access to services and benefits designed for Aboriginal people. Some Aboriginal women and girls were victimized by eugenics practices of sterilization since they were presumed feeble-minded and therefore unfit to become mothers (Harris-Zsovan, 2010). Sterilization took away their ability to bear children and caused painful emotional trauma. Racism grounded in the colonial agenda left thousands of Aboriginal men, women, and children dead from diseases such as tuberculosis as there was a minimal interest on the part of Canadian government to provide healthcare to the people living on reserves (Sproul-Jones, 1996).

The most profound trauma Aboriginal people and women in particular endured occurred when three generations of Aboriginal children were physically separated from their families and forced to enrol in residential schools with the intention to assimilate them into dominant white, Christian, and patriarchal culture (Ing, 2011). In addition to being prevented from speaking their languages, practicing their cultural traditions, or connecting with their family, many children experienced physical, emotional, and sexual abuses (Ing, 2011). Residential schools also deprived Aboriginal people of the crucial experience of child-rearing and negatively affected their ability to parent and nurture their children. The children were not taught how to cope in safe and productive ways and were unable to pass this knowledge on to their children (Ing, 2011). Residential schools destroyed Aboriginal communities by decimating their family structures, social organizations, cultural pride and traditions, language, and ways of knowing. The negative consequences of intergenerational traumas afflicted on Aboriginal people by residential schools are still prominent today. As Wesley (2012, p. 4) aptly describes it, the legacy of residential schools

has been one of violence including physical, sexual, mental, and emotional abuse; alcoholism, drug, and solvent abuse; extreme poverty; low education rates; high unemployment rates; loss of identity; high suicide rates; loss of parenting skills with a high number of Aboriginal children in the child welfare system; and gross over-representation in the Canadian justice system.

These are just a few examples of assaults committed against Aboriginal people and women in Canada. Government policies resulted in land dispossession, outstripping of resources of economic sustenance, environmental pollution, loss of traditional ways of sustenance and cultural pride, and intergenerational emotional trauma impoverished Aboriginal communities in all aspects of life. As a result, to date, most Aboriginal people both on and off reserves struggle with poverty, low level of education, high level of unemployment, addictions, violence, poor living and sanitary conditions, as well as limited access to services. All these factors are instrumental to the disproportionately high rates of incarceration of Aboriginal women (Native Women's Association of Canada, 2007b) through the pathways we described earlier. Unfortunately, in the current neoliberal climate characterized by deregulation of business markets, reduction of public expenditures for health and social services, privatization of state-owned goods and services, and emphasis on individual responsibility for social problems (Martinez & Garcia, 2000; Rice & Prince, 2013), the factors that bring Aboriginal women to Canadian prisons remain largely unaddressed by the governmental crime prevention initiatives such as the AJS.

Recommendations for Crime Prevention Strategy

In our opinion, by decontextualizing women's crimes the AJS fails to address the interlock between the systems of racism and sexism which have plagued Aboriginal women since the beginning of colonialism. These two oppressive systems continue to reinforce and maintain each another resulting in the rates of incarceration of Aboriginal women to continue to rise (Cameron, 2008). It is reasonable to assume that when Aboriginal female offenders complete the AJS program, they typically encounter the very same societal and individual obstacles, such as poverty, unemployment, addictions, or violence, which influence their decision to commit a crime whether as a means for economic survival or as an act of self-defence. Considering that criminal activities of Aboriginal women are connected to "a complex interplay of interpersonal, family, communal, economic, and societal factors that have historical links" (Walsh et al., 2011, p. 367), we argue that the strategy designed to decrease the rates of recidivism must address these complex intertwined factors. The initial step into the right direction would be the provision of gender-based data collection and analysis. This research tool systematically integrates the perspectives of sex and gender (and their complex interaction with the other factors) into the development of policies, programs, and legislation, as well as planning and decision-making (Health Canada, 2003). This analysis could provide a more comprehensive insight into how different gender identities get involved with the criminal justice system and help ensure the proposed strategy will significantly contribute to reduction of crime.

In our understanding, an effective crime prevention strategy should start with the state supported economic investments for community development defined by Chile and Simpson (2004, p. 321) as "the process in which members of a community attempt collaboratively to

promote what they consider to be their collective well-being through unity of action.” With the sufficient funding, Aboriginal communities would be able to identify their assets and resources, perform strategic planning, and form collaborations needed for the execution of the projects designed to revitalize the communities, establish sustainable economic development initiatives, attract investments, build wealth, and encourage entrepreneurship (Wilkinson, 1999). Optimally, these community development projects would lead to creating a healthy community that Halpern defined as

a place where people want to live. [Where] community residents share information, work toward common goals, and obtain support from established institutions and relationships. [Where by] using formal and informal mechanisms, residents identify and solve problems, reinforce social norms, and promote productive outcomes for themselves and their families. [Where] community residents have mechanisms for securing resources and controlling how responses are developed to issues, that is, social capital. (as cited in Reese & Clamp, 2002, p. 8)

We believe a successful crime prevention strategy must also address the unemployment and low income Aboriginal women experience by creating more opportunities for job creation, education attainment, and improvement in employability skills within Aboriginal communities. While the government may justify that it cannot afford investing in Aboriginal communities in the current climate of global financial crisis, not investing in these areas proves to be very costly. It was estimated that keeping Aboriginal people poor, unskilled, uneducated, and unhealthy through withdrawal of resources, supports, and services costs the federal government \$7.5 billion annually (Wilson & Macdonald, 2010). This amount includes \$5.8 billion in lost productivity and \$1.7 billion in remedial costs for poor health and reliance on social services.

A comprehensive crime prevention strategy would also include the provision of programs and services that prevent homelessness and provide support for dealing with trauma, anger, addictions, mental health issues, and lack of parenting skills (Walsh et al., 2011). It is important the programs and services put in place reflect the Indigenous values and provide a culturally safe space for Aboriginal women who use them. To address the problem of violence against Aboriginal women, the strategy would need to support their own capacity of Aboriginal communities to prevent violence by increasing their social control and collective efficacy (Sabol, Coulton, & Korbin, 2004). A good example of such support for self-governance was the enactment of the Cree-Naskapi (of Quebec) Act in 1984, according to which, the nine Cree communities ceased to be subject to the Indian Act (Aboriginal Affairs & Northern Development Canada, n.d.). As such, they are now able to manage their land, participate in an environmental and social protection, and partner in creation of economic development opportunities. Importantly, the strategy to combat violence against Aboriginal women would also require the implementation of systemic changes in the operations of police departments, which should offer protection to women affected by poverty or violence rather than penalization (Balfour, 2008).

In conclusion, the AJS should ensure that Aboriginal women find safe, affordable, and stable living conditions in their communities and opportunities to meaningfully contribute to their communities either through employment or education (Walsh et al., 2013). The strategy that fails to address structural factors that contribute to women’s conflicts with the law while

attributing it primarily to women's individual deficiencies, behavioural inadequacies, and poor decision making only reproduces the primary oppressive structures of racism and sexism rather than reducing the rates of crime and recidivism. Structural social workers have a responsibility to foster an understanding of clients' living conditions by explaining their presence through primary structures of oppression and become active in demanding social justice for all marginalized people in society (Carniol, 1992). They are expected to advocate against an oppressive system, defend their clients' rights and entitlements, and encourage clients to do the same, as well as provide them with the links to useful material resources and networks. We, as structural social workers, hope this article is our first step on (what appears to become) a long journey to demand justice for Aboriginal women.

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