



ABORIGINAL CHILDREN EXPOSED TO FAMILY VIOLENCE

A Discussion Paper

*Prepared for the Native Women's Association of Canada
February 29, 2008*

*Views expressed in this paper are those of the author, and do not necessarily
represent the views of the Native Women's Association of Canada*

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Prepared under contract for the Native Women's Association of Canada
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Introduction

Family and community have traditionally been firm foundations in Aboriginal cultures and ways of life. From these foundations, and as a part of them, the collective community provided the safe, loving and encompassing caring whole into which a child was born and raised. Unfortunately however, in 2008, these foundations continue all too commonly instead to be an incubator for the ongoing experience and intergenerational transmission of destructive learned behaviours, which include the use of violence against family members.

The legacy of colonization and assimilationist practices, especially the residential schools system, deeply affected and changed Aboriginal societies. In relation to the subject area of this paper, children exposed to family violence, this legacy means successive generations of Aboriginal people robbed of their ability to benefit and learn from, and in turn themselves model, healthy parenting and community relationships to the next generation. Thus, this paper examines a specific area of concern which, when it achieves the attention and treatment plus resources that it deserves, promises a unique opportunity to change the pattern and create a renewed legacy – to rewrite the present experience of so many Aboriginal children who are exposed to violence, and thus also, in their healing, to provide hope in and for the next generation of Aboriginal parents, families and communities.

The central principle underlying and informing this paper's examination of the topic of children exposed to violence, is that it is both a reasonable expectation, and achievable, that First Nations, Inuit and Métis women and men rise together to the challenge to restore their own health and integrity and that of their families and communities, such that violence against Aboriginal women and thus the main source of Aboriginal children's exposure to violence – if not eliminated completely – become the rarest of exceptions rather than the current far too prevalent incidence.¹ Furthermore, an associated principle is that it is possible to achieve this goal in ways which are culturally relevant and simultaneously compatible with individual rights and interests, as well as Aboriginal collective rights and interests.

¹ Throughout this paper, reference is made to spousal abuse which is experienced by Aboriginal women, and the exposure of Aboriginal children to abuse of their mothers. This presumptive viewpoint is based on the statistical proportion of threat, injury and other related harms of family violence which Aboriginal women suffer. This is not intended to diminish or deny that some Aboriginal men are also victims of spousal abuse nor that they and their children should not also be beneficiaries of family violence interventions and treatment.

The main purpose of this paper is to provide sufficient background and information to stimulate discussion and action concerning the mostly invisible and frequently ignored concurrent victims of violence perpetrated against Aboriginal women: their children who are directly or indirectly exposed to the acts of violence against them. To set the stage for discussion, salient facts about the current Aboriginal population are given, highlighting what is known about the incidence of family violence and the circumstantial situations and consequent decision-making dilemmas in which abused Aboriginal women frequently find themselves. A number of definitions relevant to the field of children exposed to violence, as well as the Aboriginal-specific context are outlined, and an overview is given of the status, views, and knowledge of both non-Aboriginal and Aboriginal experts about children exposed to violence in their home, and the short- and long-term ramifications of this exposure. Current Canadian law and policy paradigms, in particular in relation to the larger field of child ‘maltreatment’ and the ‘best interests of the child’ child welfare approaches are also reviewed.

Aboriginal People and the Incidence of Family Violence

Census 2006 findings indicate that Aboriginal people in Canada now number 1,172,790 persons in total, of whom 600,695 are females of all ages. Children in the age group from birth to 14 years old number 348,890.² According to the 2004 General Social Survey (GSS), Aboriginal women reported three times the rate (24%) of non-Aboriginal women’s (8%) spousal abuse experienced at the hands of a current or past marital or common-law partner during the preceding five years.³ Statistics Canada notes that the GSS methodology does not accommodate for cultural differences, and is carried out by telephone in English and French only; therefore, women without a telephone or adequate language skills in either of these two languages would be unable to participate. Additionally, “Aboriginal women may also face additional barriers to disclosing violence to an interviewer that relate to cultural differences. The GSS is therefore likely to underestimate the true incidence of violence against Aboriginal women.”⁴

The 2004 GSS also identified that Aboriginal women victims of spousal violence more frequently experienced severe and potentially life-threatening violence, and more injuries, than their non-Aboriginal counterparts (respectively: 54% vs. 37%; 43% vs.

² Statistics Canada, *Census 2006*, Data Table: Aboriginal Identity (8), Area of Residence (6), Age Groups (12) and Sex (3) for the Population of Canada, Provinces and Territories, 2006 Census - 20% Sample Data – Cat. No. 97-558-XCB2006006, online: Aboriginal Peoples, <http://www.statcan.ca/bsolc/english/bsolc?catno=97-558-X2006006>, accessed February 22, 2008.

³ Women in Canada, a Gender-based Statistical Report, 5th ed., 2006, Cat. No. 89-503-XPE, online: Statistics Canada: <http://www.statcan.ca/english/freepub/89-503-XIE/0010589-503-XIE.pdf>, accessed February 22, 2008, p. 195.

⁴ Statistics Canada, *Measuring Violence Against Women Statistical Trends 2006*, Cat. No. 85-570-XIE, online: Statistics Canada, <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2006000.pdf>, accessed February 22, 2008, p. 4.

31%), as well as “violence serious enough to fear for their lives” (33% vs. 22%).⁵ The disparity between Aboriginal and non-Aboriginal women was also seen in their experience of emotional abuse (36% vs. 17%).⁶

Canadian children in general witness many of the acts of violence against their mothers: the 1999 GSS reported that “in 70% of spousal violence cases with child witnesses the violence was directed at their mothers, and in 30% of cases, fathers were the victims.”⁷ The National Longitudinal Survey of Children and Youth (NLSCY) found that “rates of children witnessing violence are linked to socio-economic status of households,” with the highest rates of exposure when both or the single parent(s) were unemployed or where the household fell below the low-income cut-off level.⁸ The 1999 GSS also found that “in cases with child witnesses, perpetrators of spousal violence were also more likely to have been drinking alcohol at the time of the assaults.”⁹ In light of the common knowledge about the overall disparity between Aboriginal and non-Aboriginal incomes,¹⁰ high rates of Aboriginal unemployment¹¹ and alcohol abuse,¹² as well as the above-noted under-

⁵ *Supra*, note 2.

⁶ *Ibid.*

⁷ Mia Dauvergne and Holly Johnson, *Children Witnessing Family Violence*, Juristat Vol 21, no. 6, Canadian Centre for Justice Statistics, Cat. No. 85-002-XIE, (Ottawa: Statistics Canada, 2001), p. 3.

⁸ *Ibid.*, p. 4. *Explanatory footnote in original text*: “Statistics Canada’s Low Income Cut-offs are derived by considering expenditure-to-income patterns. Families or individuals are classified as ‘low income’ if they spend, on average, at least 20 percentage points more of their pre-tax income than the Canadian average on food, shelter, and clothing. Family size and the size of the urban or rural area where the family resides are also taken into consideration.”

⁹ *Ibid.*

¹⁰ Most Aboriginal women live in poverty, with the lowest of all Canadian incomes: in 2000, an average income of just \$16,519 and a median income of \$12,311. Aboriginal men’s average income is \$21,958, while average Canadian women’s and men’s incomes are respectively \$22,885 and \$36,865. Sources: Statistics Canada, *Census 2001*, Data Table: Selected Income Characteristics (35A), Aboriginal Identity (8), Age Groups (6), Sex (3) and Area of Residence (7) for Population, for Canada, Provinces and Territories, 2001 Census - 20% Sample Data, Cat. No. 97F0011XCB2001046, online: Aboriginal Peoples of Canada, <http://www12.statcan.ca/english/census01/products/standard/themes/index.cfm>; Statistics Canada, *Census 2001*, Data Table: Total Income Groups (22) in Constant (2000) Dollars, Sex (3), Age Groups (9A) and Marital Status (6) for Population 15 Years and Over, for Canada, Provinces and Territories, 1995 and 2000 - 20% Sample Data, Cat. No. 97F0020XCB2001040, online: Income of Individuals, Families and Households, <http://www12.statcan.ca/english/census01/products/standard/themes/index.cfm>; both sites accessed February 22, 2008.

¹¹ In 2001, Aboriginal people’s unemployment rate (aged 15 years and over), at 19.1% was almost three times higher than that of non-Aboriginal people (7.1%). Source: The Canadian Labour Market at a Glance: Employment Rates, by Sex and Aboriginal Identity, online, Statistics Canada, <http://www.statcan.ca/english/freepub/71-222-XIE/2006001/chart-o85.htm>.

¹² For example, see: Assembly of First Nations, *First Nations Regional Longitudinal Health Survey 2002/03*, revised 2nd edition (Ottawa: March 2007), p. 116: “Although lower abstinence and drinking frequency rates are a positive sign for Aboriginal communities, the proportion of heavy drinkers (those who have 5 or more drinks on one occasion) remains higher for Aboriginal people than that found in the general population. ... more than double the proportion of First Nations adults (16.0%) reported heavy drinking on a weekly basis than in the general population (6.2%) appear to be at highest risk, with 20.9% of males

representation potential due to access, language and cultural barriers to participation in the GSS, these unacceptable figures for the general Canadian population of children witnessing violence suggest even more untenable ones for the Aboriginal-specific children's population.

Defining Family Violence

The lexicon relating to interpersonal violence is broad and has evolved over time as understandings and interpretations of various field experts, victims and advocates have been articulated, and various contexts more specifically linked in relation to them. The preceding section's citation of statistics regarding Aboriginal-specific and child witness experiences of violence were given using the term 'family violence'. This deliberate choice coincides with the definition combining feminist and Aboriginal perspectives, described by Cyndy Baskin, which includes citing the following 1993 Aboriginal Family Healing Joint Steering Committee definition of family violence as:

a consequence of colonization, forced assimilation, and cultural genocide; the learned negative, cumulative, multi-generational actions, values, beliefs, attitudes, and behavioural patterns practiced by one or more peoples that weaken or destroy the harmony and well being of an Aboriginal individual, family, extended family, community or Nation.¹³

Baskin adds:

This definition ... has remained strong and operational for the past ten years. Aboriginal peoples choose to refer to abusive behaviours in intimate relationships as family violence because of the value placed on the family and our holistic worldview. For Aboriginal peoples, an emphasis on the well being of the family and community is valued above that of the individual. The individual is seen in the context of the family, which is seen in the context of the community. Thus, from this holistic perspective, when an individual is harmed, it is believed that this affects all others in that person's family and community.¹⁴

The crucial matter here is that unlike other definitions which, according to Michael Bopp, Judie Bopp, and Phil Lane, "tend to focus on particular types and characteristics of abuse, and to extract particular incidences and examples and treat them as though they were the

reporting heavy drinking on a weekly basis, compared to only 10.2% of females reporting weekly heavy drinking."

¹³ Aboriginal Family Healing Joint Steering Committee definition of family violence, quoted in Cyndy Baskin, "Systemic Oppression, Violence and Healing" [hereafter, "Systemic Oppression, Violence and Healing"] in R. Alaggia and C. Vine (eds.), *Cruel But Not Unusual, Violence in Canadian Families*, (Waterloo: Wilfred Laurier University, 2006), p. 17. [hereafter, "*Cruel But Not Unusual*"]

¹⁴ *Ibid.*

whole problem,”¹⁵ elements of a comprehensive Aboriginal definition of family violence include the following:

- A multi-dimensional social syndrome, not simply an undesirable behaviour;
- A nested hierarchy (many-levelled) systems problem;
- Typical pattern is abuse plus control;
- An intergenerational problem;
- Linked to trauma;
- Constitutes a breach of trust within community life; illustrates the breakdown to true community;
- Linked to historical experience.¹⁶

In contrast, ‘domestic violence’ remains common parlance in the context of most non-Aboriginal clinical and professionals’ research and writing on the subject. Fortunately, this no longer necessarily implies a solely narrow view of the topic. As Betsey McAlister Groves put it in her book *Children Who See Too Much, Lessons from the Child Witness to Violence Project*:

Domestic violence (also termed spousal abuse, partner violence, family violence, intimate partner violence, and wife beating) technically refers to any act of interpersonal violence between or among family members, including child abuse. . . . Domestic violence is sometimes described as a “women’s issue” or a “feminist concern.” From our experience, we believe that it is everyone’s problem and a critical issue for children. For anyone who is concerned about youth violence or violence prevention, the issue of domestic violence must be among the first to receive attention.¹⁷

This broader view as “everyone’s problem,” though perhaps not as specific and thoroughly holistic in scope as the Aboriginal definitions already noted, does represent that systemic views of the problems and interventions for children exposed to family violence are gaining ground in theoretical and research issues. For example, Debra Pepler, Rose Catallo and Timothy Moore have said this:

In our efforts to understand and address the problems of children exposed to family violence, we must consider the realms of influence on their lives. Although the primary concern of this volume is exposure to violence

¹⁵ Michael Bopp, Judie Bopp, and Phil Lane, *Aboriginal Domestic Violence in Canada*, (Ottawa: The Aboriginal Healing Foundation, 2003), p. 10. [hereafter “*Aboriginal Domestic Violence in Canada*”]

¹⁶ *Ibid.*, the text from a graphic providing a summary of pp. 10-12 detail (from *Figure 1: Elements of a Comprehensive Definition* on p. 13).

¹⁷ Betsey McAlister Groves, *Children Who See Too Much, Lessons from the Child Witness to Violence Project*, (Boston: Beacon Press, 2002), p. 52. [hereafter “*Children Who See Too Much*”]

between parents, other systems are also important in the lives of children exposed to family violence. These include their relationships with their mother, father, siblings, as well as broader systems such as the peer group, the school, and the community.¹⁸

The latter systems perspective is in harmony with the widespread adoption in recent years by Canadian governments of a population health approach – an approach which shifts focus from individuals to improving the health status of population or subpopulation groups by addressing the factors affecting health, such as social determinants like education, employment, and income, and, for example, the impact of physical activity and family and social supports, among others.¹⁹ As such, the population health approach seems to perhaps offer something closer to the holistic Aboriginal concept of health that is “the physical, mental, emotional and spiritual components [which] are interconnected and must be in balance with each other for optimum health,”²⁰ thereby suggesting potential for more cooperative and mutually supportive work between Aboriginal and non-Aboriginal specialists in the eradication of and healing from childhood exposure to family violence.

Childhood Exposure to Family Violence – and Its Effects

Children may be direct victims of abuse within their families, which is a very serious issue on its own. However, the present paper focuses on Aboriginal children’s exposure to family violence, where they are directly or indirectly exposed to spousal abuse between their parents and suffer harmful consequences as a result. In fact, this topic is so important precisely because “witnessing family violence is understood to be as traumatic as the experience of abuse in terms of short-term and long-term impacts”²¹ and also because “children who witness violence in their homes have levels of emotional and behavioural problems similar to children who are themselves physically abused.”²²

Despite a growing body of research and literature, this field is still relatively young, with approximately 20 years’ history during which “agencies serving abused women and their children worked in isolation to identify and attend to safety and treatment issues in the absence of empirically based literature and lagging social policy.”²³ Documentation regarding Aboriginal-specific approaches that ensure the effects on children of their

¹⁸ Debra J. Pepler, Rose Catallo, and Timothy E. Moore, “Consider the Children: Research Informing Interventions for Children Exposed to Domestic Violence,” [Hereafter, “Consider the Children”] in Robert A. Geffner, Peter G. Jaffe, Marlies Sudermann (eds.), *Children Exposed to Domestic Violence, Current Issues in Research, Intervention, Prevention, and Policy Development*, (New York: Haworth Maltreatment & Trauma Press, 2000), p. 41. [Hereafter, “*Children Exposed to Domestic Violence*”]

¹⁹ For more information about population health, see online: Public Health Agency of Canada, <http://www.phac-aspc.gc.ca/ph-sp/phdd/approach/index.html>.

²⁰ Claudette Dumont-Smith, “Aboriginal Canadian Children Who Witness and Live with Violence,” in Einat Peled, Peter C. Jaffe, Jeffrey L. Edleson (eds.), *Ending the Cycle of Violence, Community Responses to Children of Battered Women*, (California: Sage, 1995), p. 280.

exposure to family violence are being attended to in holistic healing models appears sporadic and not yet well established, with very limited mention of children's exposure to family violence residing mainly in commission and inquiry proceedings and reports.²⁴ The possibility that this is in part due to the overwhelming magnitude of the problem of violence against Aboriginal women which has occupied most of any Aboriginal family violence focus and resources to date, bears exploring. This is particularly true when, as McAlister Groves articulates, it is now understood that:

The history of public awareness of children as the hidden victims of domestic violence is even shorter than the history of awareness of domestic violence. Before 1990 there is scant mention in the child mental health literature of child witnesses to domestic violence. Even within the battered women's movement, there was little mention of children and few programmatic resources for them. The early advocates for victims of domestic violence believed that the focus should be on women's safety. Diverting resources to children reinforced the patriarchal attitudes of women's needs being placed last.²⁵

Furthermore, it seems possible that as in the non-Aboriginal context, Aboriginal people (notwithstanding a more holistic perspective) may also have "tended to focus on specific effects and symptoms rather than thinking about how they interact with one another and combine, cumulatively, over time to influence critical [child] development."²⁶ This thought is particularly apt in light of the fact that:

... while there may be some variations in impact, it is almost universally true that children witnessing violence or exposed to persisting fear are not only likely to be traumatized, but are at serious risk for harmful impacts to the development of normal brain functions. Teicher explains:

Because childhood abuse occurs during the critical formative time when the brain is being physically sculpted by experience, the impact of severe stress can leave an indelible imprint on its structure and function. Such abuse, it seems, induces a cascade of

²¹ Cathy Vine, Nico Trocme, and Judy Finlay, "Children Abused, Neglected, and Living with Violence, An Overview" in *Cruel But Not Unusual*, p. 172. [hereafter, "Children Abused"]

²² Consider the Children, p. 39.

²³ Jasmine Hayes, Nico Trocme, and Angelique Jenney, "Children's Exposure to Domestic Violence" in *Cruel But Not Unusual*, p. 201. [hereafter, "Children's Exposure"]

²⁴ Based on research completed during preparation of this paper. Examples include the reports of the Royal Commission on Aboriginal Peoples (1993-1996) and the Aboriginal Justice Inquiry of Manitoba (1999).

²⁵ *Children Who See Too Much*, p. 54.

²⁶ Children Abused, p. 169.

molecular and neurobiological effects that irreversibly alter neural development.²⁷

This is particularly important in relation to the fact that taking in and using information are questions of capacity, which change with a child's age and development.²⁸ Common responses to exposure to violence include that children "see their world as unpredictable, dangerous, and hostile"²⁹ and develop a constant watchfulness or hyper-vigilance, or become preoccupied with thoughts and memories of the trauma – a severe stress situation. In addition to the risks to neural development noted above, this also frequently means that young children are robbed psychologically of both parents since there is no refuge for them in either of the terrifying aggressor parent or the terrified parent victim.³⁰

Contrary to what many parents may assume since children may be out of the room at the time, thought to be unaware or sleeping, or otherwise engaged during the commission of spousal violence, children are fundamentally aware of and affected by their exposure to family violence. While repeatedly exposed young children may have no basis for comparison to a healthy non-abusive family environment, research has nonetheless shown that they do not become desensitized to parental arguing/fighting.³¹

A spectrum of effects of childhood exposure to violence exists, and manifestation is usually categorized into internalizing and externalizing behaviour:

Externalizing behaviour includes responses such as temper tantrums, impulsivity, hyperactivity, aggression, conflict with siblings and with peers, cruelty to animals, and bullying. Internalizing problems are those which reflect the stresses that children endure such as: somatic complaints (e.g., headaches), sleep disturbances, anxiety, fear of separation, social withdrawal, and depression.³²

Children exposed to violence in their homes are learning lessons on a daily basis about the use of physical aggression as a part of intimate relationships, and:

... that it is acceptable to relieve stress by yelling or threatening another family member. It is normal to use force to get one's way. When these children enter day care or preschool and hear rules such as "Use your words, not your hands" or "No hitting allowed," they have no context to

²⁷ *Aboriginal Domestic Violence in Canada*, p. 44. The quoted text included within this citation is attributed by the authors to: Teicher, Martin H. (2002). Scars that won't heal: The neurology of child abuse. *Scientific America*. [sic] March: 68-75.

²⁸ *Children Who See Too Much*, p. 46.

²⁹ *Ibid.*, pp. 46-47.

³⁰ *Ibid.*, p. 59

³¹ *Ibid.*, pp. 56-57.

³² *Consider the Children*, p. 39.

rely on. These rules make no sense. Instead, these children have constructed their own understanding of the social order: Might makes right.³³

According to Statistics Canada findings from NLSCY data:

The odds of displaying aggressive behaviour continues to be higher for children who witness violence in the home, even after controlling for socio-demographic, social support, parenting and child emotional problems. Children who witness violence in the home have more than double the odds of acting out aggressively (2.2) than do children who never witness violence.

...

The odds of high aggression are 1.9 times higher for boys than girls in the sample, and 1.8 times higher for children in low income families. After adjusting for the effects of a number of other important factors in a child's life, those living in single parent families were no more likely to display high aggressive behaviour than children living in two-parent families.³⁴

Infants up to two years of age, toddlers and preschool children aged two to five years, school age children aged six to 12 years, and adolescents 13 years and older are developmental age groupings that have been shown to have certain typical responses to exposure to family violence, such as attachment problems, impairment of trust development, feelings of guilt and self blame, attempts to intervene to protect their mother, and searching for affection not found at home, in premature romantic and sexual involvement.³⁵

The full extension of these effects and experience is that:

[a]bused and neglected children tend to grow up to be angry, frustrated, confused, impulsive, even violent adults. ... [and] it often occurs that

³³ *Ibid.*, pp. 58-59.

³⁴ Tina Hotton, "Childhood Aggression and Exposure to Violence in the Home," Crime and Justice Research Paper Series, (Ottawa: Statistics Canada, 2003).

³⁵ For more information, a comprehensive yet concise, well referenced and accessible description of the effects of children witnessing family violence, see Maggie Nighswander and Jocelyn Proulx, *Children First, A guide for Service Providers Working with Children Exposed to Family Violence*, May 2007, pp. 13-16, available online: RESOLVE Manitoba, <http://www.umanitoba.ca/resolve/publications/index.shtml>, accessed February 22, 2008; or, K.J. Wilson, *When Violence Begins at Home: A Comprehensive Guide to Understanding and Ending Domestic Abuse*, (California: Hunter House, 1997), pp. 30-38.

seemingly ‘normal,’ quiet people ... will suddenly erupt into violent and dangerous behaviour while under the influence of drugs or alcohol.³⁶

Furthermore, “familial exposure to acts of violence constitutes traumatic events. These events leave direct victim and witness members feeling helpless, terrorized and vulnerable to developing symptoms of posttraumatic stress disorder.”³⁷

All the effects of children exposed to family violence, which have been briefly covered here – and many more which are well documented elsewhere as well as under investigation and discovery – have root causes and yield a spectrum of negative and destructive outcomes for individuals, their families, and their communities.

Aboriginal-specific Experience and Determinants of Family Violence

Bearing in mind some of the above-noted effects, and before speaking explicitly to intervention and treatment, and their law and policy context and relationship, it is worthwhile to recall certain of the realities and dynamics that underpin the how and why of mothers making decisions regarding their abuse and the safety and care of their exposed children.

For First Nations women living on reserves in particular, this is a very difficult issue. Unless their band has adopted an innovative housing bylaw or a regulation under their land code created pursuant to their participation in the *First Nations Land Management Act*,³⁸ which permits granting a mother sole possession of the matrimonial home (legally forcing the father to leave), in order to escape the abuse occurring in their home, women will likely be faced with the choice of leaving the reserve altogether, or staying in the abusive home situation.³⁹

Additionally, while the “choice to leave” may seem obvious to a non-Aboriginal person steeped in the culture and beliefs of their society’s individual rights paradigm, Aboriginal-specific culture- and identity-based factors mean that Aboriginal women will

³⁶ *Aboriginal Domestic Violence in Canada*, p. 46.

³⁷ Stephanie Rabenstein and Peter Lehmann, “Mothers and Children Together: A Family Group Treatment Approach” in *Children Exposed to Domestic Violence*, p. 190. [hereafter, “Mothers and Children Together”]

³⁸ S.C. 1999, c. 24.

³⁹ The challenging issues created because of the failure of the *Indian Act* to deal with matrimonial real property on reserves while also preventing the application of provincial family law which deals with the possession of the matrimonial home, and division of real property on marriage breakdown, has been comprehensively consulted on and reported in 2007 by the Native Women’s Association of Canada, see related documents at <http://www.nwac-hq.org/en/mrp.html>.

Additionally, it should also be noted that First Nations women living off reserves, and Métis and Inuit women, may have comparable challenges in securing sole possession of the matrimonial home, due to issues such as a lack of access to remedies through the Canadian courts and justice system due to poverty or denial of legal aid or inability to find a lawyer that will take a legal aid certificate, lack of emergency shelters and safe housing alternatives and/or social supports in their communities, among others.

likely experience severe conflict within themselves and sometimes specifically be overtly criticized by influential extended family and/or community members, for thinking about or adopting the non-Aboriginal norm of apparently individually focussed solutions. And often the result is, as Harry Blagg has noted:

... for many Indigenous women, choosing to leave ‘family’ – with all its complexly embedded ties of responsibility and obligation, connection with [community] and culture – is not an option. The capacity to exit family relationships (indeed, the very concept of ‘choice’ in such matters) – to repackage and reconstitute one’s identity as an autonomous individual in some new location – is a profoundly eurocentric construction.⁴⁰

This is layered with the fact that in some circumstances, “[s]ome women feel that they can mitigate their children’s safety more effectively by staying in the relationship. Abuse of children by a batterer is more likely when the marriage is dissolving...”⁴¹ Other barriers to safety include that “many abusers threaten to kill themselves, the woman or other family members if they believe the woman is taking action to protect herself and the children.”⁴² Still more barriers to seeking safety may include: being terrorized by the abuser’s threats of abduction of their children; fear of loss of child custody or the continued contact with the abuser which may come about as a result of a joint custody or access order; and, fear of “damned it they do and damned if they don’t” responses to reporting or taking legal action regarding their own or their children’s abuse by the father.⁴³

With these very specific barriers in mind, and knowledge that the Aboriginal community determinants of family violence too frequently include the absence of consequences and personal immunity for abusers, sexist or misogynist male beliefs and attitudes about women, poor examples by community leadership, and the lack of a culture of vigilance “where each person’s safety and well-being is considered a sacred trust of the whole community,”⁴⁴ among other determinants, the multiple challenges and potentially overwhelming nature of the situation for an abused mother are clear. Arguably, these determinants must be addressed and healing responses to family violence must ensure feasible options for Aboriginal women for their own and their children’s safety.

⁴⁰ Harry Blagg, “Restorative Justice and Aboriginal Family Violence: Opening a Space for Healing” in Heather Strang and John Braithwaite, *Restorative Justice and Family Violence*, (Cambridge, UK: Cambridge University, 2002), p. 198.

⁴¹ Carole Echlin and Bina Osthoff, “Child Protection Workers and Battered Women’s Advocates Working Together to End Violence Against Women and Children” in *Children Exposed to Domestic Violence*, p. 213. [hereafter “Child Protection Workers and Battered Women’s Advocates Working Together”]

⁴² *Ibid.*

⁴³ *Ibid.*, pp. 213-214.

⁴⁴ *Aboriginal Domestic Violence in Canada*, p. 52.

Intervention and Treatment for Children Exposed to Family Violence

The Aboriginal Healing Foundation's 2003 report *Aboriginal Domestic Violence in Canada* by Bopp, Bopp and Lane included a review of 14 Canadian and one American community- or regional-based programs from across the country that are responding to family violence and abuse in Aboriginal communities. One of the findings regarding the scope and nature of the programs, was that:

5. most of the programs theoretically recognized the healing and learning needs of youth and children who have witnessed violence between their parents and who have themselves been the targets of violence and abuse. However, few programs have any type of special program for these children and youth, and rely on referrals to other services providers, if indeed any therapists specializing in this issue are available. In fact, although the literature on family violence and abuse is increasingly clear about the devastating impact on children who witness family violence and abuse, very few therapy and treatment models for working with this issue have been incorporated into the programs we reviewed[.]⁴⁵

Identified in the review as a key barrier generally, is that securing adequate funding for treatment programs is a large challenge and furthermore, that jurisdictional coordination between federal and provincial sources of funding is far more demanding than it should be.⁴⁶ Clearly this is problematic to the necessary expansion required for these culturally relevant programs to also include comprehensive treatment options for exposed children. This point can perhaps not be overemphasized, especially when in the general population, “[f]unding for counselling options for children and their families has historically been meagre; programming has been available for either children *or* mothers, but rarely for both.”⁴⁷

From the perspective that we know due to higher incidence rates of family violence that Aboriginal children are proportionally more at risk for exposure, a reasonable person might think it self-evident that exposed Aboriginal children would receive intervention and treatment funded at corresponding rates. However, the necessary community and political will as well as social justice advocacy has for the most part not yet been forthcoming from either Aboriginal or non-Aboriginal sources in order for this to happen.

As Baskin points out, Aboriginal children frequently suffer multiple losses due to:

... family breakups, desertions, suicides, and death caused by violence.
Research into the experience of repeated and traumatic loss among

⁴⁵ *Aboriginal Domestic Violence in Canada*, p. 75.

⁴⁶ *Ibid.*, p. 76.

⁴⁷ Children's Exposure, p. 218. (Emphasis as in the original text.)

Aboriginal children indicates that they carry symptoms of underlying depression, low self-esteem, and feelings of worthlessness which are manifested in substance abuse, developmental delays in school, anxiety, and self-destructive behaviours such as suicide attempts.⁴⁸

The enumerated symptoms and their manifestation possibilities are very real indications of the fundamental importance of effective intervention and treatment for Aboriginal children to be assisted to heal and in reclaiming their childhood as early as possible. It should not be that these children are left to the vagaries of whether their community is ‘one of the lucky ones’ where sufficient community will has been summoned, and resources and staff secured to implement a formal treatment program, to overcome the secrecy and shame of widespread family violence and its witness by children.

There is an imperative for Aboriginal communities to deal with family violence, now, for the sake of their children who are being exposed to it. That violence has become part of the context of so many Aboriginal families’ and communities’ lives, for several generations or more, needs to be rejected if for no better reason than that experts tell us “when the intergenerational transmission of abusive interactions and sexist beliefs is identified, conscious choices can be made by the family to create a non-violent future.”⁴⁹

Interventions and treatment for Aboriginal children exposed to family violence can and should be multi-faceted, including collaborative approaches which comprise, among others, awareness education and specialized training for teachers, child and social welfare, and police officers who interact with exposed children and their families. While it is beyond the scope of this paper to address in detail various specific treatment modalities, it bears repeating because of its importance, that intervention and treatment must be culturally relevant; First Nations, Métis and Inuit peoples’ differences, including regional and local differences within and among each people must be respected. And, particularly in order to ensure the full range of family healing needs are included, language-specific programming must also be a part of the treatment picture.

Treatment must also be age appropriate and exposed children’s healing must be framed and sustained within an integrated approach that addresses economic, education, housing, health and other determinants for the children and their families. At risk of being unduly repetitive: The goal must be to heal,⁵⁰ and not only the children but all the family members – the children, the abused parent, and the abuser – and the family as a whole,

⁴⁸ Systemic Oppression, Violence and Healing, p 32.

⁴⁹ Mothers and Children Together, p. 194.

⁵⁰ It is important to distinguish what is meant and intended here regarding healing, since “[l]earning to cope with trauma ought not be confused with healing from trauma.” Helene Berman, “The Relevance of Narrative Research with Children Who Witness War and Children Who Witness Woman Abuse” in *Children Exposed to Domestic Violence*, p. 120.

as well as their broader family and community, or else, by definition, the exposed children's healing will not be complete either.

As a final thought regarding intervention and treatment, let us revisit an earlier noted observation: Many of the existing residential school healing programs, and traditional and restorative justice circle processes that deal with family violence, do not presently include treatment for children exposed to family violence. However, they would appear to have best practice experiences in other facets of the healing continuum. Furthermore, the Aboriginal Healing Foundation has foundational information and documents that are assistive, such as their "Framework for Understanding Trauma and Healing Related to Residential School Abuse," which outlines the need for healing, the necessary elements of promising healing practices, the three pillars of healing, and healing environment.⁵¹ In other words, in and through many Aboriginal communities and authorities, there is a foundational basis to begin from, and associated learning, design and development of family and community healing processes are in place, ready to be shared, tailored or redeveloped, to another community's specific needs with respect to treating children exposed to family violence.

What Do Law and Policy Have to Do With It?

Baskin asserts:

In keeping with the principle of Aboriginal self-government, it is the right and responsibility of Aboriginal communities to take control of family violence interventions. ... Aboriginal communities must have the jurisdiction, legal responsibility, and financial resources to determine their own local priorities, standards, and organizational capacities to address all aspects of family violence interventions. This includes community-based healing for all of its members.⁵²

This seemingly definitive statement does not regrettably however, describe the reality of the Canadian legal landscape – for now, at least. Instead, there are multiple law and policy situations regarding family: different laws and regulations exist applying to First Nation, Métis and Inuit in their communities, depending on where they are located (geographically within provincial/territorial and municipal settings – urban, rural, northern/remote – or on federal reserves), and whether they fall under land claim/self-government or First Nations land management regimes.

Furthermore, primary health care delivery (including to Aboriginal people regardless of on- or off-reserve residence) and child welfare are areas of provincial jurisdiction, so that

⁵¹ Aboriginal Healing Foundation, *Final Report Summary* (slide presentation), undated, online: AHF, <http://www.ahf.ca/publications/research-series>, accessed February 22, 2008, p. 12.,

⁵² Systemic Oppression, Violence and Healing, p. 28.

applicable laws and regulations will vary from one Aboriginal community to another across provincial boundaries. Additionally, some health services have been devolved or contracted to First Nations, Métis and Inuit service providers that may or may not include access to services for children exposed to family violence. First Nations and Inuit have some extended medical coverage, including for short-term crisis intervention and mental health counselling services if they are beneficiaries of the Non-Insured Health Benefits program;⁵³ Métis have no benefits of this type.

For the most part, legalities which presently come into play with respect to children being exposed to family violence, are contained in either or both of family violence protection and child and family services/welfare statutes and their associated regulations. A majority of provinces and territories have now adopted family violence protection laws, which allow a parent to obtain emergency and temporary court orders for protection from the abusive spouse, for child custody and for exclusive possession of the family home, where there has been injury or harm from family violence or where there is imminent risk of harm from it (with the caveat as outlined earlier, that sole possession orders cannot be obtained/enforced for homes on reserve lands).

The complexities of seeking protection and remedies for spousal abuse and protecting children from exposure to family violence in an Aboriginal family and community become apparent very quickly when considering relevant provincial statutes. These laws reflect the development of social policy within a dominant paradigm which supports the ongoing construction of society in terms of individuals, rather than the collective of those individuals in which every individual's interests will be served. Individual rights have in fact taken on primary importance in Canadian law, with only rare exceptions for their being overridden.

Few Aboriginal and non-Aboriginal Canadians would appear to dispute that, for example, the *Charter of Rights and Freedoms*, does indeed provide numerous legal protections which individuals can and should be able to rely on in a civilized 21st century society of any type, and from which all peoples in Canada benefit in various ways – individually and collectively. However, opinions can and do diverge when it comes to laws which essentially value individual over collective interests, or are conceived in such a way as to put individual and collective interests into competition with one another, creating a hierarchy or supremacy of interests which is then dictated by the law. (This divergence, it must be noted, is by no means limited to an Aboriginal/non-Aboriginal divide.)

Canadian law which involves children's interests has evolved in the last 30 years or so to implement a policy doctrine called "the best interests of the child." In investigation and resolution of custody and access during separation and divorce, and parental rights and

⁵³ Information about non-insured health benefits may be found online: Health Canada, http://www.hc-sc.gc.ca/fnih-spni/nihb-ssna/benefit-prestation/index_e.html.

adoption, in particular, it has been codified into relevant statutes, and has come to represent the driving force and ‘high card’ or ‘trump’, in informal and formal parental agreements, and governing court judges’ decision-making. The meaning of the best interests of the child is subjective, however, based on an evaluation of psychological and physical safety evidence and perspectives. This is also the main force behind child welfare laws which seek to protect children from abuse, neglect, and other forms of physical, mental and emotional harm and injuries which they should not, in an ideal world, be subject to in the first place.

In recent years, ‘child maltreatment’ has been expanded explicitly in some provincial jurisdictions to include exposure to family violence. Thus as a Government of Canada National Clearinghouse on Family Violence 2006 document entitled “Child Maltreatment in Canada” notes in broad brush strokes:

Child maltreatment refers to the harm, or risk of harm, that a child or youth may experience while in the care of a person they trust or depend on, including a parent, sibling, other relative, teacher, caregiver or guardian. Harm may occur through direct actions by the person (acts of commission) or through the person’s neglect to provide a component of care necessary for health child growth and development (acts of omission).

There are five types of child maltreatment:

- 1) physical abuse
- 2) sexual abuse
- 3) neglect
- 4) emotional harm
- 5) exposure to family violence.

... Most Canadian jurisdictions now categorize exposure to family violence as a distinct type of maltreatment in their child welfare legislation.⁵⁴

The challenges of the addition of exposure to violence to what constitutes child maltreatment are numerous. Perhaps first and foremost is the lack of precise definition in the statutes which do include it, so that wide interpretation is possible about what exposure to family violence means. Secondly, as Jasmine Hayes, Nico Trocme, and Angelique Jenney note in their thorough discussion about this issue, there are

⁵⁴ National Clearinghouse on Family Violence, *Child Maltreatment in Canada*, 2006, online: Public Health Agency of Canada, http://www.phac-aspc.gc.ca/nfcv-cnivf/familyviolence/pdfs/2006-Child%20Maltreatment_Overview_English.pdf, accessed February 22, 2008, pp. 1-2.

methodological difficulties with many of the studies to date which assess the effects on children of their exposure to violence.⁵⁵ They state:

Despite these research issues and calls for further study employing true experimental design, the helping field appears to have embraced these preliminary findings and has incorporated them in their efforts to serve the best interests of children through the promotion of “witnessing domestic abuses as child maltreatment” and “failure to protect” concepts. *Thus in their attempts to acknowledge the impacts of adult-on-adult violence on children present in the home, child welfare systems have made the theoretical leap from acknowledging the differential and sometimes detrimental effect of children witnessing domestic abuse to equating witnessing with child maltreatment.*⁵⁶ [Emphasis added]

Without diminishing in any way the serious nature of Aboriginal childhood exposure to family violence, and the fact that it must be addressed as a highly pressing issue (as this paper attempts to emphasize), the present danger with equating exposure with maltreatment is that absent explicit definitions of exposure to family violence in Canadian laws, a single incidence of exposure will theoretically invoke the same legal measures which a sustained history of exposure would also invoke; the corollary is that exposed children who are on a spectrum of little to very badly affected by their exposure will be subject to the same level of intervention.

In many provincial settings now, the situation may also clearly mandate a criminal justice response, when a restorative justice and holistic healing model might best serve the Aboriginal family’s and community’s interests. The automatic equation of exposure to family violence with maltreatment also does not take account of the fact that:

Clinical experience indicates that certain families are more difficult to treat depending on what risk and protective features they possess coming into treatment. ... legal and child welfare policies and practices directly influence the identification of children being exposed to domestic violence, subsequent referral to treatment services, and have an impact on the therapeutic experience.⁵⁷

⁵⁵ For example, “Another drawback in the research has been the number of studies that report associations between exposure to domestic violence and short-term or long-term difficulties, but have not separated children who were exposed to domestic violence and who were also direct victims of child abuse from those who were not direct victims of abuse.” Jasmine Hayes, Nico Trocme, and Angelique Jenney, “Children’s Exposure to Domestic Violence,” in *Cruel But Not Unusual*, p. 208.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, p. 210.

Furthermore, including exposure to family violence in child maltreatment effectively renders the victim parent just as responsible for the children's exposure as the abuser. This buys into:

...one primary myth that hinders intervention in woman abuse cases [which] suggests that women allow the abuse and that women could prevent the abuse and protect their children if they choose to do so. This myth is contradictory to the definition of woman abuse which states that the abuse is systematic and intentional. When this myth is maintained, the perpetrator is protected from responsibility in actively pursuing power and control over the woman and children. The abuser's responsibility to end the violence and keep the children safe is not addressed.⁵⁸

This is particularly problematic in light of the discussion earlier in this paper (on page 13) regarding Aboriginal women's general lack of choices to leave an abusive home should she wish to. This Carole Echlin and Bina Osthoff comment is particularly apt: "As a society we must take responsibility for the lack of safe choices for women. Blaming the individual woman for not leaving the situation ignores the social and cultural dynamics of oppressions and obscures society's accountability."⁵⁹

Unless very carefully managed, victim blaming is virtually inevitable in the present law – clearly neither a desirable outcome in terms of 21st century humanitarian and social justice perspectives, nor one sought in the Aboriginal restorative justice and healing context in which appropriate assumption of responsibility and acknowledgement of harm done are called for, rather than dictating a 'one-size-fits-all' response.

The two articles referenced in this section, by Echlin and Osthoff, and Hayes, Trocme and Jenney, speak in clear terms to the necessity of greater collaboration between service providers whose focuses are variously the victim parent and the exposed child or children. For example, Hayes et al. say:

Developing alternatives that can respond to the needs of both women and children should be a priority among child welfare agencies and domestic violence advocates. Supports that can be implemented by the child welfare system and other agencies that would not require intervention by child welfare on the basis of a child protection issue are more likely to generate a positive response not only from the parent victim but also from community resources and advocates. ... It is important to maintain individual consideration of a wide range of circumstances that may require

⁵⁸ Child Protection Workers and Battered Women's Advocates Working Together, p. 212.

⁵⁹ *Ibid.*, p. 214.

multiple, community-based responses but not necessarily legal or child welfare interventions.⁶⁰

While these comments were not made by those authors with an Aboriginal-specific context in mind, to this paper's writer, it only serves to emphasize how great is the potential for Aboriginal mothers seeking relevant supports and assistance for their children and themselves, to in fact be ill-served by reaching out to services which possess such strong potential in turn to re-victimize them. Fuelled by the existing scars of racism and gender-based discrimination in these Aboriginal women's lives and the default individualizing of family members' interests in strict application of the law, it is completely comprehensible how reaching out to non-Aboriginal services especially if they are the only ones available,⁶¹ provides no viable choice in many Aboriginal women's opinions.

Conclusion

Baskin asserts that “[s]ince family violence is learned behaviour, it can be unlearned.”⁶² Indications in the literature review completed in preparation to write this paper tend to support her assertion. The most promising key to achieving this unlearning appears however to be found in the current generation of Aboriginal children themselves, and by paying close attention – now, with no more delay – to collaboratively mitigating their exposure to family violence, facilitating intervention and treatment for their healing, and thus interrupting the intergenerational cycle of violence.

This will clearly have to include sustained pro-action on the part of Aboriginal and non-Aboriginal representative organizations and government policy makers, service providers and advocates for abused women, child and family welfare workers, police and teachers, band councils and other informal and formal Aboriginal leadership, to properly research and pilot effective work in this area. It is imperative as well that federal, provincial, and territorial governments which provide funding to crime prevention, diversion and other justice initiatives, to family violence treatment, to child and family services, to correctional services, etc., as well as the federal and provincial treasuries generally, be tasked with removing the financial resource issues which currently leave few to no options for Aboriginal families and communities, with hard choices between competing program needs.

By providing an overview and some Aboriginal-specific information about the incidence of family violence, about the short- and long-term harms for children exposed to violence

⁶⁰ Children's Exposure to Domestic Violence, p. 218.

⁶¹ It was beyond the scope of this paper to research whether Aboriginal-specific abused woman services (such as emergency shelters for Aboriginal women) and native child and family service organizations are able to better collaborate and serve their respective clients while technically operating in the same legal parameters as similar non-Aboriginal service providers.

⁶² Systemic Oppression, Violence and Healing, p. 17.

in their home, experience and determinants of violence in Aboriginal communities and Aboriginal healing, as well as current Canadian law and policy, it is hoped that this paper will succeed in some small way to stimulate thought and discussion which mark a change from more talk into concrete action, for the sake of healing today's Aboriginal children exposed to family violence, and the health and well-being of the generations of children and grandchildren who come after them.