

SUPPLEMENT TO THE  
MEMOIR ON EQUALITY:  
ABORIGINAL WOMEN'S PERSPECTIVES

PRESENTED TO  
LA COMMISSION DES AFFAIRES SOCIALES

FOR  
QUEBEC NATIVE WOMEN INC.



DECEMBER 2004

SUPPLEMENT

Supplement to the Brief Presented to *LA COMMISSION DES AFFAIRES SOCIALES*,  
December 2004

Shé:kon, Kuei, Tansi, Bonjour to the honored members of the National Assembly in the Province of Quebec.

Níá:wen – Thank you for allowing the Quebec Native Women Association the opportunity to present to you, the Aboriginal women's perspective on the issue of Equality.

Like many other Aboriginal women before me, my presence here is thanks to the many ancestors who fought to keep our identity, language, culture, spirituality and governments alive. Aboriginal people have had to fight to preserve many aspects of our identity from the effects of colonialism and oppression. We are a proud strong people with a rich history that still maintains its ties to the land and the environment of the Earth whom we call Mother.

The Quebec Native Women Association has been in existence since 1974 and has advocated on behalf of Aboriginal women for their rights, safety and well being. We have been a voice for Aboriginal women through some very turbulent times during our 30-year history due to the sexist discrimination of the Indian Act. An act of Canadian Parliament that continues to practice discrimination against Aboriginal women in spite of the passing of Bill C-31 which reinstated the inherent rights of Aboriginal women who lost their status when they married a non-Aboriginal man.

In spite of this amendment to the Indian Act, Aboriginal women continue to fight the sexist discrimination is currently being perpetuated by male dominated Band Councils under the Indian Act. With self-government negotiations between the Federal Government and Band Councils, the fear of Aboriginal women is that our fundamental human rights are in peril due to the integrated discrimination of the Band Council system. The patriarchal system that is inherent in Western society, has infiltrated the very social fabric of Aboriginal peoples' lives and culture and has resulted in the traditional roles and voice of women to being tossed to the side, becoming insignificant and often times a token for appearances sake. The creation of the Indian Act in 1876 places all Aboriginal people under the guardianship of the Federal Government. A role that continues to be played out even today.

Aboriginal people are a diverse group of people with their own unique traditions, customs, languages and governments. However, there are commonalities that we all share when it comes to the traditional roles that women possess within our own respective Nations. Aboriginal women's roles are to nurture, pass on our languages, be part of the decision making processes, but as well, our roles extended to knowledge of medicines, history, participants in economic development, custodians of land and the passing of holistic knowledge to future generations.

Colonialism has upset the very nature of the role of Aboriginal women within our societies. Acts of legislation that come under the guise of assimilation into Canadian

society have attacked not only the importance of our roles in our society but have attacked our very identity as Aboriginal people.

Residential schools that were created to assimilate Aboriginal people into Canadian society, was actually designed to create cheap labour to work in factories. However, what it created are a people who are still trying to overcome the effects of oppression and attacks against their very identity. Punishment for speaking one's language in Residential schools ranged from piercing a child's tongue with needles, forcing the child to hold their hand over a hot flame till the skin peeled off, shaving of their heads to physical beatings. How are a people who were taught to hate the very skin they live in, expected to walk away unscathed from these various acts designed to eliminate their very identity as a people?

I am only touching on some of the examples which have contributed to the root causes for ailments found in contemporary Aboriginal society.

What is troubling to many Aboriginal women's groups it that all levels of governments seem to be insist on the signing of "self-government" agreements that will do little or nothing to promote a healthy, prosperous society when we are still dealing with the effects of Residential school and oppressive legislation like the Indian Act. Self-government does little to ensure that the fundamental human rights of Aboriginal women and their families are protected. How can it be reassuring when Aboriginal women who fall under Bill C-31 are not even allowed to live in the communities where they were born and grew up in! As well, Canada in spite of being a signatory to the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, continues to enact legislation that does not defend the rights of Aboriginal women and their children for example the issue of matrimonial property. An issue that places the Aboriginal woman at risk of losing her home in cases of divorce even though she may own the family home.

The Government of Canada by its own admission admits that Bill C-31 and the Indian Act continues to discriminate against Aboriginal women and their children. Yet there has been very little movement by the government to rectify this situation.

#### **4<sup>th</sup> Policy Focus**

##### **Improve Health and Welfare by adapting services to the differences between women and men.**

The long-term effects of oppression have caused detrimental affects to the Aboriginal population. We have seen it through the statistics that indicate that Aboriginal people have the highest incidences of such diseases as diabetes, heart disease, an ever-increasing number of cases of HIV/AIDS<sub>3</sub>, and the highest rates of suicide amongst our youth. It would seem therefore that Aboriginal peoples' future is questionable to say the least.

However, Aboriginal women's groups like Quebec Native Women have been working on these very issues that affect Aboriginal women and their communities' health. Although we do not receive the same kind of funding that our male counterparts receive, we continue to forge ahead to advocate for the rights, health and well-being of our members.

**Area 1: Commit to a gender-based approach (GBA) to planning, organizing and assessing health and social services with a view to adapting them to the differences between men and women.**

The attack on our identity has had long lasting effects on the self-esteem of Aboriginal women and their children. Issues as the reinstatement of status and the plight of single mothers continue to plague the safety and well-being of Aboriginal women.

The archaic attitude learned from the policies of the Indian Act has caused Aboriginal women to become isolated, ostracized and placed in vulnerable situations that lend itself to potential violence.

In order to properly address and work on the empowerment of Aboriginal women and their families, we need to develop programs and services that are culturally adapted to the needs of Aboriginal people. We need to address the problems of access to programs and services for Aboriginal women and must place an emphasis on prevention, education, and the promotion of health as well as the level of problems of rights and jurisdictions.

We would like to see a holistic and multi-disciplinary approach to health programs and services to value culture and traditional practices while encouraging cultural sensitivity amongst health care professionals.

Since many Aboriginal people still maintain a lifestyle of hunting and fishing, this has caused become more at risk at developing mercury poisoning and organ chlorides all of which attack the central nervous system. Traditional philosophies teach the preservation of the environment for future generations. Therefore, companies who pollute the fauna, aquatic and botanical resources used by Aboriginal people must be made responsible. However, since Aboriginal people are considered, wards of the state, we do not have much impact on directing these companies to be accountable for their destruction of the environment.

A special emphasis needs to be placed on the family but in particular single mothers. In order for healthy child development to take place, Aboriginal mothers need help. Socio-economic factors which play a large role in the health, safety and well-being of Aboriginal women and their children have never been properly addressed by mainstream studies, programs and services. Aboriginal women who make up the majority of front line workers in their communities, complain that they do

not have the resources and personal to adequately deal with the problems they face in their communities. More often than not, these very workers experience high incidences of burn out and depressions.

We therefore require the financial and moral support of government agencies to help us network, coordinate and develop research files and training for front line workers who work on the issue of the of Aboriginal health. We require the help of government organizations to support the creation of a reference document that allows us a better understanding of the global situation of Aboriginal women's health. As well, we need to sensitize and peak the interest of governments who have the authority over funding into these areas so that we may make profound strides in the area of the health of Aboriginal women and their communities.

It is organizations like Quebec Native Women who provide the advocacy and services for Aboriginal women who are all too often refused services from their bands for such reasons as they have not yet been reinstated or that they are living off-reserve.

### **5th Policy Focus**

#### ***Eliminate all Gender-based Violence or violation of dignity or integrity.***

I could speak to the statistics which state very clearly that Aboriginal women experience a higher rate of gender-based violence than any other group in this country. But statistics do very little to help those directly affected by violence.

While the Government of Quebec issued a very practical and comprehensive action plan to deal with conjugal violence, the reality is that an increase in financial support for the implementation of the action plan is needed in order to truly make an impact on this very serious issue. We applaud the Government of Quebec for its initiative in regards to this action plan. The Government of Quebec is miles ahead of the federal government in its concern regarding this issue.

However, in order to truly understand the roots of conjugal violence in Aboriginal communities, one has to also remember that Aboriginal peoples' identity, livelihood, culture and sovereignty have been under constant attack since contact with Europeans and their descendants. Violence is also be attributed to the high rates of poverty, deplorable social conditions and to the political frustrations stemming from the battle for self-government and self determination.

Violence is not a tradition in Aboriginal society contrary to popular Canadian society belief. While we don't profess to have had a perfect society before Europeans arrived in the Americas, Indigenous people nevertheless had and have inherent customs and traditions that allowed for our societies to deal with those enacting violent behaviour.

The issue as far as Quebec Native Women is concerned is not just conjugal violence, but systemic and racist acts of violence against Aboriginal women and their families.

To quote the Amnesty International report titled "Stolen Sisters: A Human Rights Response to Discrimination and violence Against Indigenous Women in Canada", October 2004,

*The social and economic marginalization of Indigenous women, along with a history of government policies that have torn apart Indigenous families and communities, have pushed a disproportionate number of Indigenous women into dangerous situations that include extreme poverty, homelessness and prostitution. (page 2)*

*These acts of violence may be motivated by racism, or may be carried out in the expectation that societal indifference to the welfare and safety of Indigenous women will allow the perpetrators to escape justice. (page 4)*

It is the violation of our human rights that has a direct link to Indian Act legislation, that has caused some Indigenous women to be alienated from their families and communities and has placed them in situations that are sometimes dangerous and unhealthy. It is this consistent disregard of an Indigenous women's right that law enforcement agencies fail to provide protection or respect to acts of violence against Aboriginal women. Case in point: Helen Betty Osborne and many other Aboriginal women whose murders, kidnapping and rapes seem to go unheard of or are not dealt with properly by authorities because of their race - a fact that is evident in its occurrences (see Amnesty International Stolen Sisters report, October 2004) but is denied by police authorities. Racist stereotypes invariably make Aboriginal women vulnerable to society at large as the attitude is that all Aboriginal women are available to all men. This fact, according to front line workers it is this aspect that continues to place Aboriginal women no matter who they are, at risk..

In April 2004, Quebec Native Women's collaborated with the Quebec Government and other agencies including police, to issue a Tripartite Report on Justice. Recommendations addressed the problems of racism, sexism and insensitivity to cultural values and beliefs. It is a report that was used by the Quebec Government in its action plan against conjugal violence and is a report that should be referenced by all policing agencies across Canada.

## **Area 2: Adopt Special Measures for groups facing double discrimination**

The difficulties Aboriginal women face in receiving adequate care and services are linked to many factors some of which include linguistic factors, dealing with the multi-levels of government and all

their jurisdictional and administrative problems, cultural and traditional practises that are not acknowledged, isolation and proximity to urban centers, the degree of sensitivity of the workers from various professions and systemic racism.

For some Aboriginal women it goes further. Discriminatory provisions of the Indian Act that include: restrictions on Indian status and entitlement: the discriminatory policy of the Indian Registrar which requires identification of a child's father which does not occur for Aboriginal men and their mates in spite of the fact that the mother may be non-Aboriginal; the difficulty in transferring to another band such as the birth band because of the requirement of consent of the other band; the denial of band membership by some band councils in spite of the passage of Bill C-31; and difficulties in obtaining orders for the temporary use of the matrimonial house in situations of family violence, or to have the order enforced on reserve.

All the facts and elements mentioned in this supplement only touch the surface of the multi-faceted group of problems and contributors to the realities faced by Aboriginal women.

Quebec Native Women would like to recommend the following:

- that initiatives aimed at making known the needs, concerns and priorities of Aboriginal women in a holistic manner be reflected in government and community policies and programs such as policy analysis, research, training workshops, consultations etc.
- governments encourage inter-departmental cooperation in consulting with Aboriginal Peoples' organizations and groups.
- that governments resolve the problems of the administrative and jurisdictional factors that prevent Aboriginal people and in particular women, accessibility to quality services.
- Support be given to the development of training programs that provide capacity building in communities in a holistic manner.
- Funds be available on a recurring basis for the creation of programs, tools, and methods that empower and promote Aboriginal peoples' society, language, education and culture.
- governments put into place policies, programs and action plans that target poverty amongst Aboriginal women by encouraging education, employment, suitable living and working conditions, equitable wages, income security and access to decent housing.

It is therefore imperative that the Quebec Government, maintain the existing departments of the Condition Feminine and the Status des Femmes as each individual departments' strengths can positively contribute to the recommendations that Quebec Native Women has issued here today.

It has been said by many human rights groups that "war is archaic". Many Aboriginal/Indigenous people have stated that we continue to fight a war with the Western Governments and their acts of

legislation that commodifies our people.

In a so called “post-colonial” age, the effects of colonialism on Aboriginal people must be un-done. The discriminatory policies must be eliminated along with the acknowledgement and recognition of Indigenous peoples’ right to self-determination. Indigenous people are a nation of people who are in the process of rebuilding to make a brighter future for the generations yet to come. The recommendations of today are a small step in undoing the injustices of the past. Aboriginal people welcome dialogue with our Quebecois brothers and sisters. We hope that this is reciprocated on an equal footing that requires the knowledge and consent of Aboriginal people as an equal partner for a better future.

Niawenkó:wa

These are my words

Respectfully submitted by

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