



Femmes Autochtones du Québec Inc.
Quebec Native Women Inc.

Kahnawake, July 14th, 2010

The Right Honourable Stephen Harper
Prime Minister of Canada
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A9

Subject: Adoption of Bill C-3- *An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in McIvor v. Canada (Registrar of Indian and Northern Affairs) Amendments to the Indian Act*

Dear Prime Minister Harper,

Quebec Native Women (QNW) would like to reiterate its support for the adoption of Bill C-3 considering that according to estimates by INAC there will be approximately, 45 000 individuals that will gain *Indian Status* with the passing of this Bill. QNW believes that Bill C-3 should be adopted as soon as possible in order to limit the consequences of discrimination experienced for too long by those who are affected by this bill.

However, it is important to note that QNW remains dissatisfied with the Bill in its current form and asks the Federal Government for guarantees, that once the Bill is adopted, the concerns and recommendations expressed by Aboriginal organizations and their communities on Bill C-3 will be properly addressed. QNW recommends the creation of a Special Committee with a mandate to find solutions and tackle the outstanding issues relating to registration, membership, citizenship and other discriminatory measures in the *Indian Act* that go beyond the specifics of the *McIvor* decision.

Indeed, Bill C-3 contains only the most minimum response by the Federal government to the Court of Appeal of British Columbia's decision in the *Sharon McIvor* case and will not put an end to gender discrimination once and for all. QNW has expressed concerns about the limitations of Bill C-3 numerous times to the House of Commons Standing Committee on Aboriginal Affairs and Northern Development which in April 2010 included:

1. The lack of real and effective consultation with Indigenous peoples consistent with the constitutional obligations of the Federal Government.
2. The exclusion of the historical and the institutionalized nature of the discrimination against Aboriginal women that was permitted under the *Indian Act* since its imposition in **1876**.

3. The lack of a financial plan to remedy the existing housing shortage on reserve, insufficient land base and resources on reserves especially since the amendment will result in an increase of 6% in the status population.
4. The non inclusion of a provision to provide immediate band membership to a new registrant.

Thus, QNW supports Bill C-3 in its current form **for the sole and exclusive purpose** of allowing those who are affected by it to obtain their status without further delay and that, insofar as the federal government still opposes any of the amendments and recommendations advocated by Aboriginal organizations and their communities. In doing so, the Government of Canada has not upheld its legal obligations under section 35 of Canada's *Constitution Act, 1982* to uphold the honour of the Crown in its dealings with Aboriginal peoples. As stated by the Supreme Court of Canada, the Government of Canada has under section 35 a constitutional duty not only to consult but also accommodate Aboriginal peoples concerns when legislation adversely affects Aboriginal rights. Consultation and accommodation are an essential corollary to the honourable process of reconciliation that section 35 of the *Constitution Act, 1982* demands. The Federal Government's undertaking of "engagement" sessions from August to November 2009 by INAC in order to inform (but never properly consult) Aboriginal communities of the proposed changes to the Indian status registration provisions (section 6) of the *Indian Act* under Bill C-3 should not be mistaken as effective consultation sessions.

Considering that the issue of status is serious in nature and is affecting Aboriginal rights, QNW insists that the Government of Canada intensifies its efforts of reconciliation by formally addressing the outstanding issues of concern related to Bill C-3 in actual consultation with Indigenous peoples' communities and their organizations through the creation of a Special committee.

Sincerely

Ellen Gabriel
President

cc. Chuck Strahl, Minister of Indian Affairs and Northern Development
Jean Crowder, NDP
Anita Neville, Liberal party of Canada
Todd Russell, Liberal party of Canada
Marc Lemay. Bloc Québécois