



**FEMMES AUTOCHTONES DU QUÉBEC INC.**  
**QUEBEC NATIVE WOMEN INC.**

**Quebec Native Women Brief**

**As part of:**

*From the Day of General Discussion on the Rights of Indigenous Women and Girls to the  
79th Session of the Committee on the Elimination of Discrimination against Women*

**June 24, 2021**

**Quebec Native Women Femmes Inc.**

Business Complex, River Road, C.P. 1989, Kahnawake (Québec) J0L 1B0

T: 450-632-0088 F: 450-632-9280 C: [info@faq-qnw.org](mailto:info@faq-qnw.org) Site web: [www.faq-qnw.org](http://www.faq-qnw.org)

## **Presentation of Quebec Native Women**

Quebec Native Women (hereafter QNW) is a bilingual, non-profit organization founded in 1974 that began as a community-based initiative. Since July 2009, QNW has had consultative status with the United Nations Economic and Social Council (ECOSOC). Quebec Native Women (QNW) is an organization representing women from ten (10) First Nations of Quebec: Abenaki, Anishnabe, Attikamek, Innu, Eeyou, Wendat, Maliseet, Mig'maq, Mohawk and Naskapi. We represent First Nations women as well as urban Indigenous women. In 2015, QNW was recognized by Indigenous and Northern Affairs Canada as an Indigenous Representative Organization (IRO).

QNW's mission is to advocate for the human rights of Indigenous women and their families, both collectively and individually, and to represent the needs and priorities of its members to various levels of government, civil society and decision makers in all areas of activity that affect the rights of Indigenous people.

QNW has contributed to restoring the balance between Indigenous men and women by giving a strong voice to the needs and priorities of women for more than 47 years. QNW brings the needs and priorities of its members to the attention of authorities and decision makers in all areas of our work: health, youth, justice and public safety, women's shelters and the promotion of non-violence, human rights, international law, as well as employment and training. In this context, we play a role in education, awareness raising and research, and provide a structure for women to be active in their communities.

## **1. Systemic Racism**

Systemic racism is a reality with which Indigenous populations in Quebec and Canada are confronted extensively. Deeply rooted in the *Indian Act* of 1876 and in non-Indigenous society, racism manifests itself not only in individual thoughts, words and attitudes, but also in the workings of society itself. Disenfranchized Indigenous women are particularly affected by the discriminatory provisions of the *Act*. The inequalities that continue to manifest themselves when it comes to education, affordable housing, employment, economic independence and representation in leadership positions are rooted in the shameful history of colonization and systemic racism in our country.

Indigenous women are particularly affected by systemic racism, being doubly discriminated against both as women and as Indigenous people. It is from these affirmations that Quebec Native Women understands the importance of offering employability and educational measures to combat systemic racism by promoting the economic independence of women and girls. Anchored in a perspective of indigenization, we understand this independence as a process that emanates from the local groups themselves, in their own order, rather than as a vertically formulated strategy. Considering the collective dimensions of economic independence means addressing the structural causes of racism and inequality of power.

The ongoing, diverse and sometimes subtle presence of systemic racism also directly affects Indigenous peoples in Quebec and Canada, whether in professional, educational or health service settings. Among the barriers imposed by systemic racism, economic dependence is one of the most significant for Indigenous women. Education can also be seen as something that is difficult to acquire. Education and economic empowerment can help them escape violence, pursue justice through the court system and be able to confront their abusers, which may be an individual or an organization that perpetuates the colonialist system or exercises systemic racism.

Making economic independence and education priorities in the lives of Indigenous women and girls can help them set goals, become professionals and contribute to their families, communities and nations. The greatest challenge is to help Indigenous women deal with racism, sexism, discrimination, and sexual and domestic violence, while always respecting their

knowledge and tools to deal with them. At the same time, strengthening the economic independence of Indigenous women can provide a transformative effect for them, their communities and their nations.

## **2. Discrimination in the *Indian Act* and *Bill S-3***

QNW was founded in 1974 in response to gender-based discrimination under the *Indian Act*. The inequalities experienced by Indigenous women compared to Indigenous men have been the basis of a long struggle. For 48 years now, Indigenous women of Quebec, with all nations included, have joined forces to denounce this paternalistic, assimilative and colonial law. To this day, we are still fighting to remedy the inequalities between First Nations women and men.

In the first place, the very fact that the *Indian Act* contains the term "Indian" to this day is indicative of discrimination. The *Act* continues to provide a legal framework for determining who is eligible for "Indian status". Historically, the provisions of the *Act* regarding status do not apply equally to men and women. An Indigenous man who married a non-Indigenous woman resulted in the woman and their children gaining Indigenous status under the *Act*. Conversely, an Indigenous woman who married a non-Indigenous man was not the same: the woman lost her status and her descendants did not have access to it.

The *Indian Act* has been amended several times with respect to Indian status. *Bill C-31* and *Bill C-3* are examples of this. Their purpose was to remove discriminatory provisions of the *Act* that affected Indigenous women. The intended results were never realized as the *Act* remained residually discriminatory against Indigenous women. Our organization submitted a brief on *Bill C-3* to the *Standing Committee on Indigenous Affairs and Northern Development*.

### **2.1 *Bill S-3* and the Descheneaux decision**

On August 3, 2015, in its decision in *Descheneaux v. Canada (Attorney General)*, the Superior Court of Quebec struck down paragraphs 6(1)(a), (c) and (f) and subsection 6(2) of the

Indian Act as unjustifiably infringing on the right to equality as guaranteed under section 15 of the *Canadian Charter of Rights and Freedoms*. *Bill S-3, An Act to amend the Indian Act in response to the Quebec Superior Court decision in Descheneaux v. Canada (Attorney General)* was introduced in October 2016 and received Royal Assent in 2017. The federal government obtained an 18-month invalidation of the declaration to allow it to comply with the Quebec Superior Court decision.

In response to its consultation and reporting obligations under *Bill S-3*, the Government of Canada established the Collaborative Process on Indian Registration, Band Membership and First Nations Citizenship. The Assembly of First Nations (hereafter AFN), the Native Women's Association of Canada (hereafter NWAC) and the Congress of Aboriginal Peoples (hereafter CAP). At the time, QNW was a member of NWAC. Our organization consulted with Indigenous women in Quebec in 2018-2019 for them to share their experiences and express their views on gender-based discrimination in the *Indian Act* in order to submit a brief.

## 2.2 The impact of gender-based discrimination

During our consultations, participants said that discrimination under the *Act* affects many aspects of their lives, especially when they want to live in their community. In cases where they are unable to register their children, their children are prevented from attending school in their community. This means that they cannot take Indigenous language classes, cannot flourish within their culture and are deprived of community activities.

Moreover, there are repercussions that are tangible and significant for Indigenous people living off-reserve. The distance from the community increases the discriminatory effects of the *Act*. In addition to the complexity of the legislative terms, access to information is very difficult, particularly with respect to the registration process. The consultation we conducted demonstrated beyond any doubt that participants have difficulty understanding section 6 of the *Indian Act* and how it translates into their daily lives. Indigenous women are doubly discriminated against by the fact that they are both women and Indigenous. As explained by the intersectional approach, they are victims of both sexism and discrimination, due to stereotyping of their gender and race.

*Bill S-3* purported to correct the residual discrimination related to the differential treatment of "cousins" and "siblings" in the *Indian Act*. To date, we can say that the reality is quite different. In 2018-2019, participants in our consultation were calling for an end to discrimination and for real action by the government. They explained that the more time passes, the harder it will be to reverse the legacy of the patriarchal, sexist and racist regime of the *Indian Act*. Two years later, many women and their descendants are still waiting to be registered. The waiting period is very long and little information is available. History repeats itself: although this discrimination has been documented for many years, there is little positive change in our communities.

### **3. The Action Plan on Racism**

Both socially and economically, QNW is involved in the promotion and development of new training initiatives to help Indigenous women improve their living conditions and those of their families. These initiatives also allow Indigenous women to participate more fully in their communities. At the political level, QNW seeks to ensure that the right to equality of Indigenous women in Quebec is respected at both the constitutional and legislative levels. QNW also supports the right of Indigenous peoples to self-determination and encourages the full participation of Indigenous women in this process.

Going forward, QNW wants to develop a practical guide for Indigenous women to help them fight systemic racism in public institutions, such as the health network, educational institutions, Youth Protection (DPJ), and police and prison services. QNW is convinced that the fight against systemic racism must be fought at the institutional and political levels, but also at the personal level, that is to say, by knowing one's rights and recognizing the unfair situations in which Indigenous women are discriminated against by institutions.

In order to be familiar with the needs of Indigenous women in relation to this subject, the organization carried out, on February 20 and 21, 2021, a vast consultation process with these women in order to identify more precisely their needs in terms of information and tools and to

identify the means of communication and mobilization preferred. The main goal of the consultation was to establish women's recommendations regarding systemic racism.

#### **4. QNW Recommendations**

##### 4.1 Solutions for addressing residual discrimination in the *Indian Act* and *Bill S-3*

Our position has always been clear and we remain firm in our demands: we demand that the Government of Canada remove from the Act all gender-based discrimination and all discrimination arising from it. We demand the right to grow up with our own people, to practice our cultures and traditions, to speak our languages and to pass this on to our children and future generations.

We have made several recommendations following our consultation in relation to *Indian Act* discrimination in the brief we have submitted. Among other things, we have proposed that the January 14, 2019 decision of the United Nations Human Rights Committee in the *McIvor case* be implemented immediately and that redress be provided without delay. We have also recommended the complete abolition of classification under section 6 of the *Indian Act*. This is to ensure that all persons with an Indigenous parent have the same status and the same ability to pass it on to their children. With respect to the inherent right of Indigenous peoples to self-determination, we recommended that the Government of Canada explicitly recognize this right and that all necessary measures be put in place to replace the archaic *Indian Act* regime with a true right to self-determination, in a manner consistent with the spirit, intent and language of the *United Nations Declaration on the Rights of Indigenous Peoples*, and with respect for human rights, including the right to equality of Indigenous women. Finally, we call for the immediate and full adoption and implementation by all levels of government of the *United Nations Declaration on the Rights of Indigenous Peoples* to ensure that the rights of Indigenous peoples are adequately protected and that, as a result, the *Indian Act* is no longer seen as a double-edged sword that offers some

protection to Indigenous peoples, but rather that it is fully recognized for what it is, an archaic, racist and assimilative law that no longer has any *raison d'être*<sup>1</sup>.

As mentioned earlier, there is still residual discrimination under *Bill S-3* and the *Indian Act* due to the fact that many women and children have been waiting, for too long, to be registered. Thus, all of the recommendations we made in our *Final Report regarding discrimination against women under the registration provisions of the Indian Act* have still not been heard.

#### 4.2 Solutions for eliminating systemic racism against Indigenous women

Over the course of the two-day consultation, women regularly referred to various aspects of systemic racism, which QNW summarized as "guiding principles". Among others, tools and processes should be developed in collaboration with Indigenous people to respect their cultures and ways of doing things. The objective is to affirm and exercise the leadership and self-determination of Indigenous peoples. The tools must also be clear, visual, easily accessible and available in the second language of their choice.

On the other hand, the recommendations that deal more with public actions or changes within government sectors are:

1. Information and strategies to launch a general awareness campaign to make it clear that Indigenous people in Quebec, particularly women, are victims of persistent and normalized systemic racism
2. Posters available in hospitals, health and social services centers, and the justice system to raise awareness, recognize their rights, including the right to equality, and indicate how to receive services or support to deal with a racist situation
3. Educational materials for use in schools to better equip Indigenous children and youth to recognize, understand and address racism

---

<sup>1</sup> The recommendations presented here are not exhaustive. They can all be found in the QNW Final Report on Consultations on Discrimination under the Registration Provisions of the Indian Act, available at the following link: [https://www.faq-qnw.org/wp-content/uploads/2019/05/Rapport-S-3\\_Version-publique.pdf](https://www.faq-qnw.org/wp-content/uploads/2019/05/Rapport-S-3_Version-publique.pdf)

- This type of information should also be available in public schools for the education of non-Indigenous children and youth, so that they do not grow up with the same implicit biases as their parents
4. Training to develop skills and competencies for women to become ambassadors who can help their loved ones, especially their children and friends, to better understand, identify and address racism
    - For example, navigators who can accompany a victim of racism before, during, and after the event, both within and outside of communities, and who can act as translators and interpreters as needed
    - Counselors who provide guidance through all stages of the various legal recourses following an injury, including taking legal action and obtaining compensation, until the end.
  5. Establish an informed, respectful and equitable service evaluation and complaints department in all government departments, preferably one that is physically made up of and staffed by Indigenous or non-Indigenous people, but with a high level of knowledge and sensitivity to Indigenous issues and realities.
  6. Establish strategic partnerships to develop and deliver many of the tools included in these recommendations
  7. Commit to helping educate Quebec society to understand and address systemic racism, including the implicit biases of the vast majority that contribute to systemic racism

## **Conclusion**

The history of colonization and assimilation has left its mark and many wounds remain open and must be healed within our peoples and between our nations. This healing will require recognition of our own who have been cast aside by government so that we can together imagine the future of our peoples and communities. To do this, collaboration and co-construction must be effective and real.

In addition to being marginalized, Indigenous women are the most severely socio-economically disadvantaged group in Canadian society. The legacy of the *Indian Act* and its gender-based discriminatory provisions makes the discrimination experienced by Indigenous women different from that experienced by Indigenous men. In many cases, Indigenous women are simultaneously subject to multiple stereotypes and types of discrimination based on various accepted grounds such as gender, race, culture, residence and marital status.

Canada is regarded by the international community as a world leader in the protection of human rights. In addition to the many international treaties to which it has acceded, it has national and provincial laws guaranteeing, among other things, the right to equality and the principle of non-discrimination. In this case, there is no doubt that Canada is in violation of international human rights law.

QNW is always present at government processes to make recommendations on issues affecting Indigenous women in Quebec. We consult our members, prepare reports and actively participate in government consultations. However, we consider and deplore that we are listened to without being heard, that is to say that our recommendations are never implemented. This situation is repeated regarding discrimination against women in the *Indian Act*, as well as in the various commissions (NIMMIWG, Viens Commission).

We aspire to real changes, for the well-being and safety of our Indigenous women and girls and 2ELGBTQIA+ people.

**Nia:wen, Migwetc, Tshinashkumitin, Wela'lin, Wli Wni, Tiawenhk, Merci, Thank you!**