



May 29, 2017

The Senate of Canada
Ottawa, ON
K1A 0A4

RE: Gender discrimination in the *Indian Act*

Dear Senators:

The time for consultation and discussion has passed. On May 17th, 2017 Bill S-3 was amended in the Senate Committee on Aboriginal Peoples in order to remove the long-standing discriminatory treatment of Indigenous women. ONWA is in full support of the amendment and its immediate implementation. Furthermore, Indigenous women's children, regardless of their paternity, must have the same equality and recognition as if they were to receive status from the male lineage.

The Ontario Native Women's Association's (ONWA) mandate is to empower and support all Indigenous women and their families in the province of Ontario through research, advocacy, policy development and programs that focus on local, regional and provincial activities. Our vision is to be a unified voice for equity, equality and justice for Indigenous women through cultural restoration within and across Nations. Ending violence against Indigenous women and ensuring equal access to justice, education, health and economic development, sit at the cornerstone of the organization.

In 1970 the Report of the Royal Commission on the Status of Women in Canada identified the discrimination of Indigenous women under the Indian Act and provided the following recommendation: "The Indian Act be amended to allow an Indian women upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children." Nowhere within this recommendation did the Royal Commission propose that the reinstatement of a woman's Indian status be lesser than her male counterpart.

In 1985 Bill C-31 came into effect, as the result of the notable leadership of Indigenous women like Jeannette Corbiere-Lavell, Sandra Lovelace and Mary Two-Axe Early. But Bill C-31 did not fully address all forms of discrimination and human rights violations. Indigenous women who "married out" and lost their status were reinstated but they were only granted a lesser category of status than Indian men who never lost their status. Subsequent generations of descendants of Indian women were then denied status. And so the discrimination caused by the preferential treatment accorded to Indian men and their descendants for more than 100 years continues today. This ongoing discrimination towards Indigenous women is unacceptable, and violates the human rights of Indigenous women and children.

www.onwa.ca

 @ONWA7  @_ONWA_  /onwa_official

Head Office: 150 City Road • P.O. Box15-684 City Road • Fort William First Nation, ON P7J1J7 •
Toll Free: 1-800-667-0816 • Phone: (807) 577-1492 • Fax: (807) 623-1104

We also know that the discrimination against Indigenous women in the Indian Act is connected to the crisis of violence.

The United Nations Committee on the Elimination of Discrimination against Women and the Inter-American Commission on Human Rights have both investigated the crisis of murders and disappearances of Indigenous women and girls in Canada. Both concluded that the continuing gender-based discrimination in the *Indian Act* is a root cause of the violence. This state sanctioned violence towards Indigenous women continues today and is the foundation of the high rates of violence suffered by Indigenous women and children within Canadian society. **Until the human rights of Indigenous women are recognized and respected they will continue to be dehumanized thus increasing the risk that they go missing, be murdered, sexually exploited, and/or human trafficked.**

When our identity as Indigenous women is not recognized in law, we are vulnerable to others defining us, and others have defined us as 'disposable.' Furthermore, the ongoing delay in the process of correcting the discrimination continues the human rights violations rooted in the Indian Act.

ONWA reminds Senators of Canada's commitment to Truth and Reconciliation and a renewed relationship with Indigenous women, families and communities. For Indigenous women, a renewed relationship requires immediately eliminating the sex-based inequities in the Indian Act. Acknowledgement of the excluded Indian women and their descendants, and eliminating the discrimination against them is the first step in reconciliation.

Indigenous women are universally supported in the recommendations adopted within the United Nations Declaration on the Rights of Indigenous Peoples, specifically stated by Article 33.1 *Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions.*, and Article 22.1. 2. *States parties shall ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.*,

Even with global support for Indigenous women's rights, and the Government of Canada's commitment to Truth and Reconciliation, Indian Act policies continue to subject generations of Indigenous women, children, and their families to a legacy of discrimination, and it has continued to do so despite piecemeal amendments made over the past forty years.

Prime Minister Justin Trudeau made headlines around the world when he created gender parity within his cabinet and, explaining "because it's 2015", also pushed for gender equality at the UN Women's Conference. We trust that in 2017 Prime Minister Trudeau's government will also support the Senate Committee's crucial amendment to Bill S-3 and support the humanization of Indigenous women.

On behalf of the Ontario Native Women's Association we are pleased that the Senate Committee on Aboriginal Peoples recognizes the importance of the issue. We urge all Senators to support the "6(1)(a) all the way" amendment to Bill S-3.

www.onwa.ca

 @ONWA7  @_ONWA_  /onwa_official

Head Office: 150 City Road • P.O. Box15-684 City Road • Fort William First Nation, ON P7J1J7 •
Toll Free: 1-800-667-0816 • Phone: (807) 577-1492 • Fax: (807) 623-1104

When Mary Two-Axe Early was advocating for rights for Indian women so many years ago, she said “please search your hearts and minds, follow the dictates of your conscience, set our sisters free”. We ask the same today. We ask all Senators to support the Senate's amendment that will remove the two-tier hierarchy of status, which is the central problem in the registration provisions. This is paramount to achieving justice for Indigenous women, and will be a foundational step taken on the journey towards reconciliation

Meegwetch,



Dawn Lavell-Harvard
President
Ontario Native Women's Association

Cc: Prime Minister, Justin Trudeau
The Honourable Jody Wilson-Raybould, Minister of Justice
The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs
Charlie Angus, MP
Board of Directors, Ontario Native Women's Association

www.onwa.ca

 @ONWA7  @_ONWA_  /onwa_official

Head Office: 150 City Road · P.O. Box15-684 City Road · Fort William First Nation, ON P7J1J7 ·
Toll Free: 1-800-667-0816 · Phone: (807) 577-1492 · Fax: (807) 623-1104