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Women's Perspectives

Our people will not heal and rise toward becoming self governing and strong people both in spirit and vision until the women rise and give direction and support to our leaders. That time is now, the women are now actively participating in insuring the empowerment of their people. Life is a daily struggle as women, as mothers, as sisters, as aunties and grandmothers. We are responsible for the children of today and those of tomorrow. It is with pure kindness and our respect for life that allows us to gladly take up this responsibility to nurture the children, to teach of what we know, from what we have learned through trial and error.¹

WITH THESE WORDS, Nongom Ikkwe, an Aboriginal women's organization in Manitoba, opened its submission to the Commission. It was a message we heard in many different ways from Aboriginal women across the country.

Our terms of reference directed us to examine the position and role of Aboriginal women at present and in the future. The perspectives of First Nations, Inuit and Métis women concerning the various elements of the Commission's mandate are reflected throughout our report. But the best way to present the concerns of Aboriginal women is to let them speak directly in their own words. Where appropriate, we make recommendations to address these concerns.

The experience of Aboriginal women was described to us in compelling detail. In their words we saw their sadness, desperation, anger and pain, but we also saw their strength, courage, wisdom and hope. Throughout history, Aboriginal women have made many adjustments to cope with the circumstances facing them, and they continue to do so today.

Women were highly respected in many traditional Aboriginal societies; their thoughts and views were sought before decisions affecting the community were made.

The historical relationships and responsibilities of women in Iroquois/Mohawk society are quite significant, particularly within traditional political culture. During the formation of the Five Nations Confederacy, a woman was the first person to accept the Peacemaker's message of peace and unity. This woman was given the name Jikonsahseh, the 'Mother of Nations', by the Peacemaker, who explained that all women would have an important role in this peace.²

This is not to say that Aboriginal women enjoyed prominent roles in all pre-contact societies. For example, we note that decisions among Inuit concerned mainly hunting and fishing. Leadership was organized but not institutionalized. Decisions were most often made by consensus, with one individual (usually a man) putting the group decision into action.³

With the onset of colonization, the position and role of Aboriginal women were undermined by imported ideas and values that displaced and devalued them:

Before colonization, Aboriginal peoples had social and political organizations with distinct social classes, which ranged from simpler structures to highly complex systems of social order, social control in governments. Every individual filled a particular role and had a specific purpose within the community; life unfolded with much harmony. Since European contact, our traditions, dignity and self-respect have been systematically taken away from us.

Joyce Courchene
Indigenous Women's Collective of Manitoba
Winnipeg, Manitoba, 3 June 1993*

The imposition of the Indian Act over the last 120 years, for example, is viewed by many First Nations women as immensely destructive. Residential schools and relocations subjected Aboriginal communities to such drastic changes in their way of life that their culture suffered immeasurable damage. In Volume 1, particularly Chapters 8 to 13, we examined these areas of federal policy and action. In this volume, we focus on their impact on Aboriginal women.

We begin with a brief demographic overview. Of the total Aboriginal population of 811,400, an estimated 51 per cent (414,100) are women.⁴ As of 1991, women outnumbered men in each of the Aboriginal groups except Inuit. The female-to-male ratio is higher among Aboriginal people than in the general population of Canada (96.1 versus 97.7 males per 100 females — see Table 2.1). Over time the ratio will become higher for females; that is, Aboriginal women will represent an even greater share of the Aboriginal population and, by the year 2016, even Inuit women will outnumber Inuit men. The reason Inuit men outnumbered Inuit women in the past, particularly in the older age groups, is not well understood. It may have to do with differential mortality patterns experienced by the population at an earlier point in history.

One of the more dramatic demographic changes anticipated in the next 25 years is that Aboriginal women's share of the population, both in the labour force age group and in the older age group (65+), will increase. In particular, the share of Aboriginal women aged 65 and over will more than double by 2016, rising from 1.7 per cent of the Aboriginal population to 3.9 per cent, while the share of men in that age group will reach only 2.8 per cent (Table 2.1).

TABLE 2.1
Comparison of Demographic Characteristics, 1991 and 2016

	Total Canadian		Total Aboriginal ¹		Registered NAI	
Population, 1991	26,999,040		720,600		438,000	
Males per 100 Females		97.7		96.1		96.2
Age Groups	F	M	F	M	F	M
(% of population, 1991)						
0-14 years	10.3	10.8	18	18.5	17	17.5
15-64 years	33.9	34.1	31.3	29	32	29.9
65+ years	6.2	4.7	1.7	1.5	1.9	1.7
Projected Population, 2016 ²	37,119,800		1,093,400		665,600	
Males per 100 Females		98.2		95.5		94.6
Age Groups	F	M	F	M	F	M
(% of population, 2016)						
0-14 years	8.2	8.6	11.9	12.5	10.4	10.9
15-64 years	33.4	33.9	35.3	33.6	36.6	34.8
65+ years	8.9	7	3.9	2.8	4.3	2.9
Life Expectancy at Birth, 1991 (years)	80.9	74.6	75	67.9	74	66.9
Age Groups	F	M	F	M	F	M
Fertility Rate, 1991 (births/woman) ³	1.7	—	—	—	2.9	—
Location (% of population, 1991)						
On-reserve ⁴	—	—	47.4	52.6	47.4	52.6
Off-reserve	—	—	52.9	47.1	55.9	44.1
Urban off-reserve	—	—	54	46	56.1	43.9
Rural off-reserve	—	—	50.6	49.4	55.1	44.9

TABLE 2.1
Comparison of Demographic Characteristics, 1991 and 2016 (continued)

	Non-Registered NAI		Métis		Inuit	
Population, 1991	112,600		139,400		37,800	
Males per 100 Females		93.4		96		104.2
Age Groups	F	M	F	M	F	M
(% of population, 1991)						
0-14 years	20.6	20.9	18.5	18.8	19.4	22.5
15-64 years	29.7	26.2	31.1	28.8	28.5	27.3
65+ years	1.4	1.2	1.4	1.4	1.1	1.2

Projected Population, 2016 ²	178,400		199,400		60,300	
Males per 100 Females		97.7		96.2		97.3
Age Groups	F	M	F	M	F	M
(% of population, 2016)						
0-14 years	17.2	18.1	11.2	10.4	14.9	15.5
15-64 years	30.4	30	36	35.3	33.2	32.1
65+ years	3	2.3	3.7	3.4	2.6	1.8
Life Expectancy at Birth, 1991 (years)	77.9	71.4	76.9	70.4	68.8	57.6
Age Groups	F	M	F	M	F	M
Fertility Rate, 1991 (births/woman) ³	2.1	—	2.5	—	3.4	—
Location (% of population, 1991)						
On-reserve ⁴	—	—	—	—	—	—
Off-reserve	51.7	48.3	51	49	50.3	49.7
Urban off-reserve	52.4	47.6	52	48	65.2	44.8
Rural off-reserve	50.5	49.5	49.2	50.8	48.9	51.1

Notes: — = not available or not applicable.

NAI = North American Indian.

1. Data based on the adjusted Aboriginal identity population for 1991.
2. Aboriginal population projections for 2016 based on current trends in fertility, mortality and migration.
3. Fertility rate for Aboriginal women aged 15-49 not available.
4. Data not shown for the very small number of non-registered North American Indians, Métis and Inuit who lived on Indian reserves or in settlements in 1991.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations; Statistics Canada, 1991 Census, catalogue numbers 93-324, 93-326, 93-328 and 93-329; Statistics Canada, 1991 Census, Summary Table, unpublished; Mary Jane Norris, Don Kerr and François Nault, "Projections of the Aboriginal Identity Population in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (February 1995).

In 1991, the life expectancy of Aboriginal women (75 years) was seven years longer than that of their male counterparts (67.9 years) but still lagged behind other Canadian women by nearly six years. As shown in Table 2.1, Aboriginal women give birth to more children on average than non-Aboriginal women. Depending on the Aboriginal group, the number of births per woman ranges from 2.1 to 3.4 compared to 1.7 among all Canadian women.

In terms of their geographic distribution, there are fewer First Nations women than men residing on reserves. In non-reserve areas, particularly urban areas, Aboriginal women outnumber men.

Generally, Aboriginal women are better educated than Aboriginal men — for example, more acquire at least some post-secondary schooling (Table 2.2). The proportion of Aboriginal women who obtain a post-secondary degree or certificate, however, is not

very different from the proportion of men, perhaps in part because more women have to leave school for family or other reasons.

TABLE 2.2
Comparison of Educational Characteristics, 1991

Highest Level of Education	Total Canadian		Total Aboriginal ¹		Registered NAI	
	F	M	F	M	F	M
(% of population aged 15-64) ¹						
Less than grade 9	11.7	11.8	24.9	25.9	28.4	29.4
High school, no certificate	23	22.5	31.7	32.5	31.9	33.4
High school certificate	21.9	20.5	12.4	13.3	10.9	10.8
Other non-university ²	24.8	23.6	22.3	21.8	20.9	20.4
University, no degree	7.9	7.8	5.4	3.9	5.5	4
University degree	10.7	13.8	2.9	2.3	2.1	1.6
Population that Quit High School	—	—	92,960	83,820	57,515	50,700
(% of population aged 15-49)						
Returned	—	—	28.1	17.9	27.2	17.7
Took equivalency upgrading	—	—	14.4	13.1	15.4	13.5
Major Field of Post-Secondary Study ³						
(% of population aged 15+)						
Education, recreation, counselling	15.8	5.4	15.3	6.4	16.5	7.4
Fine and applied arts	8	3.4	7.8	3	6.4	3
Humanities	7	5.2	3.7	2.7	3.6	2.5
Social sciences	8.8	8.3	12.5	10.4	13.5	11.2
(% of population aged 15+)						
Commerce/management/administration	29.7	15.6	30.9	10	30.1	10.8
Agricultural/biological science technology	4.5	4.9	5.7	4.3	4.6	4.7
Engineering/applied sciences	0.7	6.7	-	1.3	-	1.3
Engineering/ applied science technology/trades	3.5	41.6	6.2	57.1	5.9	54.2
Health science and technology	19.5	4.2	16.6	3.1	18.5	3.3
Math/physical sciences	2.1	4.3	0.4	1	-	0.8

TABLE 2.2
Comparison of Educational Characteristics, 1991 (continued)

Highest Level of Education	Non-Registered NAI		Métis		Inuit	
	F	M	F	M	F	M
(% of population aged 15-64) ¹						
Less than grade 9	11.4	13.4	18.2	20.1	48.8	44.2
High school, no certificate	30.6	31.9	32.4	34.2	21.3	18.9
High school certificate	18.1	20.2	13.7	16.1	8.2	9.2
Other non-university ²	27.5	24.3	24.5	23.2	18.7	25.1
University, no degree	6.5	5.3	5.4	3.3	—	—
University degree	5.4	4.7	3.7	2.8	—	—
Population that Quit High School	11,275	10,050	18,490	17,705	6,190	5,845
(% of population aged 15-49)						
Returned	34.6	19.6	33.1	20.8	11.7	10
Took equivalency upgrading	11.4	13.3	11.9	10.8	17.6	17.5
Major Field of Post-Secondary Study ³						
(% of population aged 15+)						
Education, recreation, counselling	12.2	5.3	15.2	5.3	20.4	5.2
Fine and applied arts	10	2.7	10.1	3.6	-	-
Humanities	4.9	4	2.6	2.3	-	-
Social sciences	12.3	9.5	11.4	10.2	-	5.8
(% of population aged 15+)						
Commerce/management/administration	29.6	9.8	31.6	9.5	41.9	6.9
Agricultural/biological science technology	8	3.7	6.3	4.2	6	-
Engineering/applied sciences	-	1.8	-	1.3	-	-
Engineering/ applied science technology/trades	7.8	59.6	6.3	58	7.6	70.5
Health science and technology	14.3	2.2	14.5	3.7	12.9	-
Math/physical sciences	-	1.1	0.9	0.9	-	-

Notes: — = not available or not applicable. - = numbers too small to show because of sampling reliability. NAI = North American Indian.

1. Population no longer attending school.
2. Includes those with and without a non-university post-secondary certificate/diploma.
3. Columns may not add to 100% because of rounding errors and/or suppression of small numbers.
4. Table based on unadjusted data from the Aboriginal Peoples Survey, 1991.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations; Statistics Canada, 1991 Census, catalogue numbers 93-324, 93-326, 93-328 and 93-329; Statistics Canada, 1991 Census, Summary Table, unpublished; Mary Jane Norris, Don Kerr and François Nault, "Projections of the Aboriginal Identity Population in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (February 1995).

Even though Aboriginal women tend to be better educated than men, they are no more likely to find jobs (Table 2.3). Their participation rate in the labour force is much lower than Aboriginal men's — 53.4 per cent versus 72.4 per cent. Although there is a smaller

percentage of women 15 years and older seeking work, those that do participate in the labour force fare better than men. Their unemployment rate is 21.1 per cent, compared to 27.6 per cent for men. In addition, the percentage of those who are self-employed is half that of Aboriginal men and well below that of all Canadian women. It is not surprising, then, to find that the average annual income of Aboriginal women is about \$11,900, compared to \$17,400 for Aboriginal men. Aboriginal women are far behind their non-Aboriginal counterparts, for whom the average annual income is about \$17,600.

TABLE 2.3
Comparison of Economic Characteristics, 1991

	Total Canadian		Total Aboriginal ¹		Registered NAI	
	F	M	F	M	F	M
Labour Force Status						
(% of population aged 15+) ¹						
Unemployment rate	10.2	10.1	21.1	27.6	22.9	32.3
Participation rate	59.9	76.4	53.4	72.4	48.7	67.5
Self-employed	2.9	6.8	1.7	3.6	1.2	2.3
Lack of child care reported as a barrier to employment	—	—	16.4	4.2	—	—
Total Income						
(% of population aged 15+)						
Less than \$10,000	36	19.7	60.3	47.1	63.1	52.4
\$10,000-\$19,999	29.5	19.6	23.8	21.6	22.8	22.5
\$20,000+	34.5	60.7	15.9	31.3	14.2	25.1
Average total annual income (\$)	17,577	30,205	11,897	17,392	11,056	14,968

TABLE 2.3
Comparison of Economic Characteristics, 1991 (continued)

	Non-Registered NAI		Métis		Inuit	
	F	M	F	M	F	M
Labour Force Status						
(% of population aged 15+) ¹						
Unemployment rate	19.1	17.8	16.9	25.5	25.5	25.8
Participation rate	61.7	82.3	59.4	78.6	56.8	70.1
Self-employed	2.9	4.2	2	6	1.9	4.6
Lack of child care reported as a barrier to employment	—	—	—	—	—	—

Total Income						
(% of population aged 15+)						
Less than \$10,000	53.1	34.9	52.9	42.2	67.8	46.5
\$10,000-\$19,999	24.5	19.3	27.7	20.1	17.4	22.3
\$20,000+	22.2	46.1	16.4	37.7	14.8	31.2
Average total annual income (\$)	14,326	22,924	12,598	19,763	11,576	18,381

Notes: — = not available or not applicable.

NAI = North American Indian.

1. Unemployment and participation rates relate to the Aboriginal population aged 15+ that is out of school.

2. Table based on unadjusted data from the Aboriginal Peoples Survey, 1991.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations; Statistics Canada, 1991 Census, catalogue numbers 93-324, 93-326, 93-328 and 93-329; Statistics Canada, 1991 Census, Summary Table, unpublished; Mary Jane Norris, Don Kerr and François Nault, "Projections of the Aboriginal Identity Population in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (February 1995).

The occupations of Aboriginal women help to explain their low incomes, with nearly 28 per cent in clerical occupations and 26 per cent in the service industry (see Table 2.4). On the brighter side, proportionately more Aboriginal women than men hold management or administrative jobs (7.6 per cent versus 6.9 per cent). They also lead in teaching (6.1 per cent versus 1.6 per cent) and in medicine and health-related occupations (6.1 per cent versus 0.8 per cent). In some of these occupations, however, Aboriginal women tend to work in para-professional positions.

TABLE 2.4
Comparison of Occupational Distribution, 1991

	Aboriginal Population ¹		Non-Aboriginal Population ¹	
	Male	Female	Male	Female
	%	%	%	%
Management/administration	6.9	7.6	14.0	10.3
Natural science/engineering/maths	2.5	0.7	5.9	1.8
Social sciences	2.2	7.1	1.6	3.0
Religion	0.2	—	0.3	0.1
Teaching	1.6	6.1	2.9	6.3
Medicine and health	0.8	6.1	2.0	9.1
Arts and literature	1.8	1.5	1.7	1.7
Clerical	5.8	27.9	7.1	31.7
Sales	4.5	5.9	9.1	9.5
Service	11.3	25.6	10.1	15.8
Farming and related	3.7	1.3	4.4	2.1
Fishing/trapping	3.0	0.7	0.5	0.1

Forestry and logging	4.2	0.3	0.9	0.1
Mining and related	1.3	—	0.8	0.0
Processing	3.8	2.0	3.9	1.7
Machinery	2.6	0.3	3.2	0.3
Production/fabrication	6.3	1.8	8.8	3.2
Construction	20.3	0.7	10.3	0.4
Transportation/equipment	6.4	1.3	5.9	0.7
Materials handling	3.1	0.7	2.2	0.8
Other crafts	1.1	0.8	1.5	0.6
Other	6.8	1.5	2.9	0.9

Notes: — = not available or not applicable.

1. Percentage of the Aboriginal and non-Aboriginal populations aged 15+ in the experienced labour force employed in the occupations listed.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations; Statistics Canada, 1991 Census, catalogue numbers 93-324, 93-326, 93-328 and 93-329; Statistics Canada, 1991 Census, Summary Table, unpublished; Mary Jane Norris, Don Kerr and François Nault, "Projections of the Aboriginal Identity Population in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (February 1995).

It is clear that Aboriginal women engage in skills upgrading. More women than men returned to high school or to equivalency upgrading — 42.5 per cent versus 31 per cent (Table 2.2). Furthermore, of those having completed post-secondary school, nearly three times as many Aboriginal women as men completed schooling in management or administration, and their proportion was on a par with that of Canadian women (30 per cent each, as shown in Table 2.4). Aboriginal women are seeking and receiving financial assistance for schooling in almost the same proportions as men. For status Indians, the main source of funding is the department of Indian affairs or the band, while for other Aboriginal groups it is student loans and other sources (Table 2.5).

TABLE 2.5
Receipt of Financial Assistance for Education Purposes, 1991

	Total Canadian		Total Aboriginal ²		Registered NAI	
	F	M	F	M	F	M
Financial Assistance			14,519	9,250	9,755	4,920
(% of total)						
Applied/received	—	—	54.7	57.2	65.2	65.8
Applied/did not receive	—	—	7.3	10.9	5.6	9.7
Never applied	—	—	32.6	30.4	24.3	20.7
Source of Assistance			8,495	4,725	6,360	3,235
(% of population receiving assistance for post-secondary education) ¹						
Diand/band funding	—	—	61.7	54.6	80.6	78.8

Grant/bursary/scholarship	—	—	9.7	14.6	5.4	6.7
Student loan	—	—	19.7	21.9	7.9	9.8
Other	—	—	19.9	22.8	16.1	14

TABLE 2.5
Receipt of Financial Assistance for Education Purposes, 1991 (continued)

	Non-Registered NAI		Métis		Inuit	
	F	M	F	M	F	M
Financial Assistance	2,565	1,920	3,095	2,215	325	260
(% of total)						
Applied/received	26.3	23.3	45.5	42.4	-	-
Applied/did not receive	13.4	14.2	9	8	-	-
Never applied	56.3	57	38	47.1	34	57.9
Source of Assistance	680	450	1,410	940	175	-
(% of population receiving assistance for post-secondary education) ¹						
Diand/band funding	-	-	8	-	-	-
Grant/bursary/scholarship	25.8	34.5	23.5	31.8	-	-
Student loan	63.3	40.3	52	50.4	-	-
Other	23.2	35.2	33.1	47.4	-	-

Notes: — = not available or not applicable. - = numbers too small to show because of sampling reliability. NAI = North American Indian.

1. May not add to 100%, as individuals may have had more than one source of financial assistance.

2. Table based on unadjusted data from the Aboriginal Peoples Survey, 1991.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations; Statistics Canada, 1991 Census, catalogue numbers 93-324, 93-326, 93-328 and 93-329; Statistics Canada, 1991 Census, Summary Table, unpublished; Mary Jane Norris, Don Kerr and François Nault, "Projections of the Aboriginal Identity Population in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (February 1995).

Aboriginal women lag behind men and well behind Canadian women as a whole on many social and economic indicators, but statistics do not reveal why. Women themselves provide a deeper understanding of the barriers that have been placed in their path, barriers that must be recognized, acknowledged and removed before real progress can be made. We believe that by going through the process of acknowledging the harm caused by these barriers, individuals, families, communities, nations and governments will be able to work together to eliminate them.

We have stated our belief that the time has come to resolve a fundamental contradiction at the heart of Canada, to restore Aboriginal nations to a place of honour in our shared history, and to recognize their continuing presence as collectives participating in Canadian life. Before Aboriginal and non-Aboriginal people can get on with the work of reconciliation, we must deal with the wounds of the past. Aboriginal women told us about the healing that must occur, and we saw in community after community the leadership being demonstrated by Aboriginal women. When we review the historical position and role of Aboriginal women, we begin to see how certain patterns of exclusion became entrenched. Yet we also see a source of the strength Aboriginal women retain to this day — a commitment and conviction to embrace and pass on their Aboriginal heritage.

1. Historical Position and Role of Aboriginal Women: A Brief Overview

There was, in pre-contact times, a vibrant richness, diversity and complexity to Aboriginal culture and social organization (see Volume 1, Chapter 3). Aboriginal societies in North America evolved over thousands of years, interacting with their respective physical and social environments. These centuries of separate development led to belief systems, cultures and forms of social organization that differed substantially from European patterns.

The position and role of Aboriginal women varied among the diverse nations. Some historical literature suggests that Aboriginal women were either ignored or seen as having roles ancillary to those of men. These records are problematic because they were generally written by non-Aboriginal men — fur traders, explorers, missionaries and the like. Regrettably, the views of Aboriginal women were often not recorded.⁵ What was observed by European settlers was the power Aboriginal women enjoyed in the areas of family life and marriage, politics and decision making, and the ceremonial life of their people. It has been noted that the Jesuits, steeped in a culture of patriarchy, complained about the lack of male control over Aboriginal women and set out to change that relationship.⁶

A conversation between Skonaganleh:rá (Sylvia Maracle) and Osenntonion (Marlyn Kane) reveals their understanding of Aboriginal women's roles and responsibilities and provides some insight into what happened to change things:

S. In our community, the woman was defined as nourisher, and the man, protector, and as protector, he had the role of helper. He only reacted: she acted. She was responsible for the establishment of all the norms — whether they were political, economic, social or spiritual....

O. She did not have to compete with her partner in the running of the home and the caring of the family. She had her specific responsibilities to creation which were different, but certainly no less important, than his. In fact, if anything, with the gifts given her, woman was perhaps more important....

S. Woman has had a traditional role as Centre, maintaining the fire — the fire which is at the centre of our beliefs. She is the Keeper of the Culture. She has been able to play that role even in a home divided....She has maintained her role despite intermarriage which caused her to be cut off from her roots, both legislatively and sometimes physically....Her home is divided as a result of....I don't know how many more ways you can divide her house and she'll continue to maintain that fire — but she will!

O. In addition to all the responsibilities already talked about, perhaps the most daunting for woman, is her responsibility for the men — how they conduct themselves, how they behave, how they treat her. She has to remind them of their responsibilities and she has to know when and how to correct them when they stray from those. At the beginning, when the 'others' first came here, we held our rightful positions in our societies, and held the respect due us by the men, because that's the way things were then, when we were following our ways. At that time, the European woman was considered an appendage to her husband, his possession. Contact with that...and the imposition of his ways on our people, resulted in our being assimilated into those ways. We forgot our women's responsibilities and the men forgot theirs.⁷

These views are supported by Winona Stevenson, who suggests that "the deconstruction of our colonization will shed considerable light on why our communities are so troubled today and why Aboriginal women are at the bottom of Canada's socio-economic ladder....[O]ur re-education will serve to bring more people home, to encourage our youth and lost ones to safely reconnect with their pasts and communities." She concludes, "Once our beliefs become founded on more secure bases, individual confidence, self-esteem and pride will grow."⁸

During our public hearings, Aboriginal women spoke of a time when these systems and forms of social organization were strong:

We believe that true Aboriginal government must reflect the values which our pre-contact governments were based upon. We point out that, according to traditional teachings, the lodge is divided equally between women and men, and that every member has equal if different rights and responsibilities within the lodge. Historically, the lodge was a political as well as a spiritual centre of our societies. In the context of political theory, there was no division between church and state. The lodge governed our relationship with each other, with other nations, and with the Creator and all of Creation.

Marilyn Fontaine
Aboriginal Women's Unity Coalition
Winnipeg, Manitoba, 23 April 1992

Inuit women remembered what it was like:

When I was a young girl, people used to work together, together in communities. My father at that time, he was the Chief Elder and he was responsible for the communities and for their well-being...in regard to hunting, hunting caribou, fishing and helping older

people. Right now it is very difficult. A different life that we are facing today.
[translation]

Elder Silpa Edmunds
Winnipeg, Manitoba
21 April 1992

There is agreement that women were traditionally responsible for decisions about children, food preparation and the running of the camp. While clear divisions of labour along gender lines existed, women's and men's work was equally valued. If a woman was a sloppy sewer, her husband might freeze; a man who was a poor hunter would have a hungry family. Everyone in the camp worked hard and everyone had a specific role based on their age, gender and capabilities.

Martha Flaherty, President
Pauktuutit (Inuit Women's Association of Canada)
Ottawa, Ontario, 2 November 1993

Until 40 years ago, most Inuit lived among extended families in small camps. Hunting, fishing and gathering provided food for the family, and furs were exchanged for tea and other goods. During the 1950s and early '60s, Inuit were obliged, for the first time, to send their children to school.⁹ The population in newly established settlements grew as families left the camps to join their children.¹⁰ One Inuit woman recalls how life changed for her and her family:

The details of our stories may be different, but a lot of the experiences are the same. My mother talks about how it was for people on the land — I talk more about the people who are the adults in the community right now....When I got into school, everything changed for me all at once. My parents didn't have a say any more in the way my life went. When I came in off the land, the people with any type of authority were Qallunaat [non-Aboriginal]. The teachers were Qallunaat, the principals were Qallunaat, the nurses were Qallunaat, the RCMP were Qallunaat, the administrators were Qallunaat....They acted like our parents but they weren't our parents. It seemed to us at the time that the administrators...and whoever else was in authority were talking above our heads, talking about our welfare and not letting us have a say about it. They treated us like we belonged to them, not to our parents. We didn't have a say and our parents and grandparents didn't have a say....They taught us a new culture, a different culture from our own, they taught us that we have to live like the white people. We had to become like the white people.¹¹

A research study conducted for Pauktuutit describes what happened when Inuit families moved to the settlements and draws a connection between the breakdown of traditional sex roles and the rise of spousal assault as a social problem:

[Inuit] females seemed to adapt more easily to the new life. Today they are more likely than men to complete their high school education, to obtain and hold jobs — and less likely to develop problems with alcohol, drugs and crime. Now the roles in a wage-employment consumer economy are reversed, and the women, especially the younger women, are more likely to be the major providers for their families. This may constitute

the central, underlying reason for the alarming rates of spousal assault that plague northern communities: men feel threatened by their loss of status and identity, by the increased power and identity of women — to restore their sense of balance of power, men hit the women.¹²

As we have shown throughout this report, Aboriginal people see evidence of profound injustice in many aspects of government policy. Aboriginal women told us that the damaging effects of these policies are still at work today.

2. Reversing a Pattern of Exclusion — Women's Priorities for Change

Aboriginal women appearing before the Commission represented every facet of society. We observed that many are active in social, cultural, economic and political matters. Some hold prominent positions in regional, national and international Aboriginal political organizations, economic development corporations, educational institutions, student organizations, health care agencies and women's organizations. Many are employed as directors of friendship centres and cultural centres, as teachers, managers of businesses and social workers, as counsellors at women's shelters, in treatment centres, child care centres and seniors' facilities, as directors of band and tribal council portfolios, and as community health representatives. They are First Nations, Inuit and Métis women living in urban and rural communities. They come from all age groups.

It is clear that despite such diverse cultural backgrounds and places of residence, there are many commonalities among Aboriginal women, the greatest of which is an overriding concern for the well-being of themselves, their children, extended families, communities and nations. Their common vision is of a future in which the values of kindness, honesty, sharing and respect are a part of everyday life.

It is also clear that the women who appeared before us are determined to effect change in their current life situations. They told us that their priorities for change are

1. the Indian Act and the impact of the Bill C-31 amendments;
2. health and social services that are culturally appropriate, with a priority focus on healing;
3. the vulnerability of women and children to violence; and
4. accountability and fairness in self-government.

3. Aboriginal Women and Indian Policy: Evolution and Impact

The Indian Act and the 1985 amendments in Bill C-31 were recurring topics in presentations by Aboriginal women to the Commission. The policies they embody were cited as particularly damaging to Aboriginal peoples and to the role of women in

Aboriginal communities. Many feel that the obstacles confronting them today have their roots in these policies.

We presented a detailed analysis of the evolution of government policy, as implemented through the Indian Act, and its impact on the social and political cohesion of First Nations in Volume 1, Chapter 9. Here we examine the development of federal legislation to show how certain sexist notions evolved into fundamental principles underlying Indian policy. Readers are encouraged to turn to the earlier chapter for a more in-depth analysis of the development of Indian policy and the Indian Act.

I shall always be Native no matter where on the face of this earth, let alone this continent, I live. All I ask for myself and other Native women is to be granted the respect we have lost over the document entitled the Indian Act.

Pauline Lewis
Eskasoni, Nova Scotia, 6 May 1992

It is necessary to begin by recalling that for a century, as a result of the enactment of the Indian Act, which purely and simply legalized discrimination, an Aboriginal woman who married a non-Aboriginal was driven out of her community, cut off from her family and deprived of her status and some of the rights pertaining thereto. [translation]

Philo Desterres
Quebec Native Women's Association
Montreal, Quebec, 21 May 1993

The subjective sense of belonging implied by membership in an Aboriginal nation is well expressed in the following passage from *The Road*, an analysis of the evolution of tribal self-government in the United States:

Indian tribes are a common mental experience and natural fact for most Indians. Birth into a family, a territory, a spiritual world, and a race is a fact, but it is less significant than the mental experience that tribal people share. The essence of this mental experience is a world view — a warm, deep and lasting communal bond among all things in nature in a common vision of their proper relationship. This consciousness cements a collective culture that has proved resilient in modern society. Among members of the community it assumes the form of an interpersonal spiritual communion which has never been and may never be destroyed by outside forces. It continues to be the center of the tribal circle — the foundation of the whispering ideology of tribalism in this land.¹³

Membership was thus a function of the sense of belonging, the "common mental experience", and was determined by each nation on the basis of age-old principles derived from its own traditions of recognition, acceptance and kinship. In some cases, membership was confined largely to those who were born or married into the Aboriginal nation in question. In others, such as that of the Haudenosaunee, wholesale adoptions of entire groups of people were permitted. In all cases, questions of membership were for the Aboriginal nation itself to decide. There was no externally imposed definition of who could identify with and belong to a particular people or nation.

Canadian law changed all that, beginning in the historical period of displacement and assimilation. Many of the laws from this period are still operative.

Many Aboriginal people told the Commission that government policies and legislation designed to undermine their collective sense of identity have chipped away at their right to be self-governing, self-determining peoples. From this perspective, following the end of the historical stage we have described as contact and co-operation, Aboriginal peoples have been distinctly disadvantaged. If we accept this — and in the face of irrefutable evidence, we do — then Aboriginal women must be considered doubly disadvantaged.

The colonial and post-Confederation legislation applied to Aboriginal people finds its conceptual origins in Victorian ideas of race and patriarchy. Its effect has been increasingly to marginalize women in Aboriginal society and to diminish their social and political roles in community life. For example, after 1876 and the passage of the Indian Act, Indian women were denied the right to vote in band elections or to participate in reserve land-surrender decisions, and, where their husbands died without leaving a will, they were required to be 'of good moral character' in order to receive any of their husband's property.

An Indian woman could not even control her own cultural identity because it came to depend increasingly on the identity of her husband. A woman who married a man without Indian status lost her own status. Despite having been born into an Indian community, upon 'marrying out' she was no longer considered an Indian in the eyes of the government or the law. The children of such a marriage would not be recognized as Indian either. But a non-Indian woman who married a man with Indian status immediately became an Indian, as did any children of that marriage. A double standard was at work.

The issue of identity under the Indian Act has been and continues to be a source of personal pain and frustration for Indian women. Through its restrictive and sexist definition of 'Indian' and the selective application of the involuntary enfranchisement provisions, the Indian Act has created a legal fiction as to cultural identity. This has profoundly affected the rights of women of Indian ancestry, denying these rights entirely in the case of the thousands of women and their descendants who were subject, against their will, to loss of status and enfranchisement and to subsequent removal from their home communities because they married men without Indian status. Categories of aboriginality have been created through Canadian law as though Aboriginal identity and the rights that go with that identity could be chopped and channelled into ever more specific compartments or, in some cases, excised completely.

Thus, aboriginality has been broken down for purposes of colonial and later federal policy into the categories of Métis, Inuit and Indian, with the latter further broken down into status and non-status Indians. Even within the status category, there are 'new status' and 'old status' Indians, on-reserve and off-reserve status Indians, subsection 6(1) status Indians and subsection 6(2) status Indians, and on and on. Each new category brings with it different rights and risks. These categories have little to do with culture, upbringing or

identity and everything to do with administration, bureaucracy and an apparently continuing federal policy of assimilation that persists to this day.

The Indian Act was conceived and implemented in part as an overt attack on Indian nationhood and individual identity, a conscious and sustained attempt by non-Aboriginal missionaries, politicians and bureaucrats — albeit at times well intentioned — to impose rules to determine who is and is not 'Indian'. A woman's view of herself as an Indian and the views of Indian nations about the identity of their citizens were not factors in the equation.

In these and many other ways, the Indian Act undermined Aboriginal rights, Aboriginal identity and Aboriginal culture. It created divisions within peoples and communities that fester to this day. The grand chief of the Assembly of First Nations, Ovide Mercredi, described the legacy of the act thus:

What is especially hurtful about the Indian Act is that while we did not make it, nor have we ever consented to it, it has served to divide our peoples. We sometimes buy into Indian Act definitions and categories in our own assessment of people and politics. This is part of the legacy of colonialism. When Parliament tried to correct its mistakes in 1985, it exacerbated them instead. What else could be expected of a law imposed on us by the federal government?¹⁴

For many Aboriginal women, the Indian Act is a monument to the history of discriminatory federal policy. Thus, to understand the present situation of women under the Indian Act, it is helpful to look at how that policy developed and how Victorian notions were transformed into fundamental policy principles that continue to affect the lives of First Nations women today.

3.1 Policy Development and its Impact on First Nations Women

The first 100 years: 1850-1950

Historically the Indian Act has thoroughly brainwashed us. Since 1869 Indian women already were legislated as to who she should be. Six times the Indian Act changed on Indian women. But each time she lost a little bit of her rights as an Indian.

Nellie Carlson
Indian Rights for Indian Women
Edmonton, Alberta, 11 June 1992

The earliest laws dealing directly and explicitly with Indian people date from the middle of the nineteenth century and were enacted as part of the reserve policy of imperial and colonial governments to protect reserve lands from encroachment by non-Indian settlers. Once protected lands had been set aside for exclusive Indian use and occupation, it became necessary to define who was Indian.

The first statutory definition of 'Indian' is found in An Act for the better protection of the Lands and Property of the Indians in Lower Canada, passed in 1850. The definition is quite inclusive. It includes all those of Indian blood and their descendants, non-Indians who have married Indians living on the designated lands, and even persons adopted in infancy by Indians.¹⁵ Within one year, this definition became more restrictive as a result of amending legislation that denied non-Indian men who married Indian women the right to acquire Indian status, but Indian status could still be gained by non-Indian women who married Indian men.

The descendants of all intermarriages who actually resided on a reserve would nonetheless still be considered Indians irrespective of the status of one of the spouses, since they would fall within that part of the definition of Indian that referred to Indian blood.¹⁶ However, it is obvious that the same rule did not apply to men and women in mixed marriages as it had under the earlier legislation. For the first time, Indian status began to be associated with the male line of descent.

The concept of enfranchisement was introduced in 1857 through An Act to encourage the gradual Civilization of the Indian Tribes in the Province, and to amend the Laws respecting Indians.¹⁷ The act applied to both Upper and Lower Canada, and its operating premise was that by removing the legal distinctions between Indians and non-Indians through enfranchisement and by facilitating the acquisition of individual property by Indians, it would be possible in time to absorb Indians fully into colonial society. An enfranchised Indian was, in effect, actually renouncing Indian status and the right to live on protected reserve land in order to join non-Aboriginal colonial society. The modern department of Indian affairs describes the nature and effect of the Gradual Civilization Act as follows:

[The act]...contained property and monetary inducements to encourage Indians to leave tribal societies and seek enfranchisement. An enfranchised person could receive land and a sum of money equal to the principal of the annuities and other yearly revenues received by the band. The intent of this legislation was that enfranchised Indians would continue to reside in the Native community but would have the same rights as non-Indian citizens.¹⁸

The act applied only to adult male Indians. Under section 3 of the act, to be enfranchised an Indian had to be male, over age 21, able to read and write either English or French, reasonably well educated, free of debt, and of good moral character as determined by a commission of examiners. The right to exercise the franchise depended upon meeting the requirements in federal and provincial legislation in terms of property ownership. Thus, there was no automatic right to vote. Indians were given a three-year qualifying period to acquire these attributes.

Women were not to be enfranchised independently. Yet if an Indian man was enfranchised, his wife and children were automatically enfranchised along with him, regardless of their wishes; willingly or not, they lost their Indian status. From a woman's perspective, this act perpetuated the notion of a wife and children as the husband's

property, his chattels. Unlike her husband, the enfranchised woman did not receive a share of reserve lands, because by this time, in keeping with prevailing Victorian notions, maleness and the right to possess and live on reserve lands were becoming fixtures of Indian policy.

If an enfranchised man died, for example, his children of lineal descent were given precedence to inherit the estate and to live on his land. His wife would inherit the estate and land allotted to him if and only if there were no children of lineal descent. She would then have the right to use it only until her re-marriage or death, at which point it would revert to Crown ownership.

In the pre-Confederation period, concepts were introduced that were foreign to Aboriginal communities and that, wittingly or unwittingly, undermined Aboriginal cultural values. In many cases, the legislation displaced the natural, community-based and self-identification approach to determining membership — which included descent, marriage, residency, adoption and simple voluntary association with a particular group — and thus disrupted complex and interrelated social, economic and kinship structures. Patrilineal descent of the type embodied in the Gradual Civilization Act, for example, was the least common principle of descent in Aboriginal societies, but through these laws, it became predominant.¹⁹ From this perspective, the Gradual Civilization Act was an exercise in government control in deciding who was and was not an Indian.

At Confederation, the secretary of state became the superintendent general of Indian affairs and, in 1868, acquired control over Indian lands and funds through federal legislation. The definition of 'Indian' was finalized on a patrilineal model, excluding non-Indian men who married Indian women but including non-Indian women who married Indian men.²⁰

The first important piece of post-Confederation legislation, the Gradual Enfranchisement Act, was passed in 1869.²¹ This act went further than previous legislation in its 'civilizing' and assimilative purposes and in marginalizing Indian women: for the first time, Indian women were accorded fewer legal rights than Indian men in their home communities. The prevailing Victorian social and political norms were now extended to include reserve communities.²² For example, Indian women were denied the right to vote in band elections; voting was now restricted to adult men, as it was in Canadian society generally. As well, a new provision was added to the provisions carried over from the Gradual Civilization Act. Now a woman who married an Indian man from another band lost membership in her home community, as did her children, and she became a member of her husband's band.

In the eyes of Aboriginal women, the most damaging aspects of this legislation were the new provisions that penalized women who married non-Indian men. Under the earlier Gradual Civilization Act, there had been no penalty for such a marriage beyond the fact that the non-Indian husband did not gain Indian status upon marriage. Under this new legislation, by contrast, the Indian wife was legally stripped of her recognized Indian identity, and she and the children of the marriage lost the rights that flowed from Indian

status. They were no longer entitled to treaty payments, for example, unless the band council agreed to continue them. No similarly disadvantageous provisions applied to Indian men who married non-Indian women. Aside from the inherent unfairness of this policy, there were other potentially damaging consequences for women. A woman could be compelled to leave the reserve — her home community — since her non-Indian husband could be summarily ejected by the superintendent general.

From the perspective of the twentieth century, one may well wonder how such a policy could make its way into federal legislation. The official explanation at the time focused on concerns about control over reserve lands and the need to prevent non-Indian men from gaining access to them. Thus, in 1869 the secretary of state wrote to the Mohawks of Kahnawake regarding the marrying out provisions of the new legislation, stressing that the goal was "preventing men not of Indian Blood having by marrying Indian women either through their Wives or Children any pretext for Settling on Indian lands".²³

The Gradual Enfranchisement Act permitted reserves to be subdivided into lots; the superintendent general could then issue 'location tickets' allocating specific lots to individual Indian men or women.²⁴ In the earlier Gradual Civilization Act, the fear had been that non-Indian men might gain control over Indian lands; hence the need to exclude them from Indian status and reserve residency rights. In the Gradual Enfranchisement Act, that same rationale was extended to justify the exclusion of women from their own communities. Moreover, given the social values of the day, it also seems to have been assumed that Indian women who married non-Indians would be protected by them and would acquire property rights under Canadian law through their non-Indian spouse, thus rendering unnecessary the protection that came from Indian status and the property rights they might have as members of an Indian community on protected reserve lands.

In the relatively short period between the 1850 Lower Canada legislation and the 1869 Gradual Enfranchisement Act, it seems apparent that Indian women were singled out for discriminatory treatment under a policy that made their identity as Indian people increasingly dependent on the identity of their husbands. They were subject to rules that applied only to them as women and that can be summarized as follows: they could not vote in band elections; if they married an Indian man from another band, they lost membership in their home communities; if they married out by wedding a non-Indian man, they lost Indian status, membership in their home communities, and the right to transmit Indian status to the children of that marriage; if they married an Indian man who became enfranchised, they lost status, membership, treaty payments and related rights and the right to inherit the enfranchised husband's lands when he died. Despite strong objections, these discriminatory provisions were carried forward into the first Indian Act in 1876.²⁵

1876: The first Indian Act

In its 100 sections, the 1876 Indian Act consolidated and expanded previous Indian legislation, carrying forward the provisions that put Indian women at a disadvantage compared to Indian men. Commenting on these provisions, historian J.R. Miller

highlights the irony of the official justification that these measures were necessary to protect Indian lands and social structures:

The Indian Act's tracing of Indian descent and identity through the father was the unthinking application of European patrilineal assumptions by a patriarchal society; but it accorded ill with those Indian societies, such as the Iroquoian, in which identity and authority flowed through the female side of the family. All these attempts at cultural remodelling also illustrate how the first step on the path of protection seemed always to lead to the depths of coercion.²⁶

As we will see, a large share of the effects of this coercion was borne by Indian women.

The Indian Act went through a number of changes as amendments were introduced and adopted over the years, usually in response to unanticipated administrative problems or to strengthen the assimilative thrust of federal Indian policy. Although most of the provisions that discriminated against women were simply carried forward from earlier legislation, additional measures of the same nature were also adopted. Thus, in 1884, an amendment permitted the wife of an Indian man who held reserve land by location ticket to receive one-third of her husband's estate, if he died without a will. But the amendment stated that the widow might receive it only if she were living with him at the time of death and was "of good moral character" as determined by federal authorities.²⁷ This amendment applied standards to women that were not applied to men, standards that were, moreover, ambiguous and that could be interpreted arbitrarily by officials outside Indian communities.

Amendments in 1920 increased the power of the superintendent general at the expense of the band council. Until this time, councils had the authority to decide whether an Indian woman who married out would continue to receive treaty annuity payments and band money distributions, or whether she would get a lump sum settlement. Many bands allowed these women to continue receiving payments and distributions so they could retain some link to the home community. The 1920 amendments removed this power from the band and lodged it in the hands of the superintendent general of Indian affairs.²⁸ The official rationale for this provision was set out in a letter from Deputy Superintendent General Duncan Campbell Scott:

When an Indian woman marries outside the band, whether a non-treaty Indian or a white man, it is in the interest of the Department, and in her interest as well, to sever her connection wholly with the reserve and the Indian mode of life, and the purpose of this section was to enable us to commute her financial interests. The words "with the consent of the band" have in many cases been effectual in preventing this severance....The amendment makes in the same direction as the proposed Enfranchisement Clauses, that is it takes away the power from unprogressive bands of preventing their members from advancing to full citizenship.²⁹

Importantly, in that same set of amendments were new enfranchisement provisions that allowed the governor in council, on the recommendation of the superintendent general,

forcibly to enfranchise any Indian, male or female, if found to be "fit for enfranchisement", along with his or her children.³⁰

The 1951 amendments to the Indian Act

The Indian Act was completely revised in 1951. A number of provisions were introduced that would affect Indian women. The provisions dealing with status, membership and enfranchisement were significantly modified in a way that further disadvantaged women and their children. The status provisions became vastly more elaborate and spelled out in great detail who was and was not entitled to be registered as an Indian for federal government purposes.

The mention of Indian blood, a feature of the definition of 'Indian' since 1876, was replaced by the notion of registration, with a strong emphasis on the male line of descent.³¹ The new rules dealt with acquisition and loss of Indian status, referring to persons who were "entitled to be registered" as "Indian". Only they would be recognized as Indian by federal authorities. The result was that many people of Indian ancestry and culture who had been involuntarily enfranchised, who had been deleted from treaty or band lists accidentally or intentionally, or who simply did not qualify for status under the old rules were no longer eligible for registration under the new rules.

The effect was to introduce new ironies and injustices in the status system, many of which worked against Indian women and their descendants. A good example of the illogicality and injustice of the new system is provided by the so-called 'double mother' rule, first introduced at this time. Section 12 (1)(a)(iv) of the revised act stated that a child lost Indian status at age 21 if his or her mother and grandmother had obtained status only through marriage to a man with Indian status. The logic seemed to be that after two generations in which non-Indian women had married into an Indian community, any children of the second generation marriage should be removed on the basis of their mixed culture and blood quantum.

Aside from the obvious assimilative purpose of the new rule, a specific problem arose in the case of women of Indian ancestry who did not have Indian status under Canadian law but who were nonetheless Indian by birth, culture and membership in an Indian community. The Mohawk community at Akwesasne, where the Canada-United States border bisects the reserve, provides the best example of how the double mother rule could bring about a manifest wrong. At Akwesasne, Mohawk persons from the American side would not be considered Indians by Canadian authorities. If two generations of Mohawk women from the American side had married Mohawk men from the Canadian side, the double mother rule would apply to remove Indian status from the third-generation children when they turned 21. It did not matter that such a child might be wholly Mohawk in ancestry, culture and language and never have lived anywhere else but on the Canadian side of the reserve. Canadian authorities would strip such a person of Indian status at 21 and deny him or her the legal right to continue living as an Indian person in that part of the reserve community under the control of Indian affairs officials.

The marrying out provisions that had caused such distress to Indian women, their families and communities were repeated in the now infamous subsection 12(1)(b) and were actually strengthened in the new act by connecting them to the concept of involuntary enfranchisement via subsection 108(2). Henceforth, an Indian woman who married out would not only lose Indian status, she could also be enfranchised against her will as of the date of her marriage. These provisions are seen by Indian women as having been particularly discriminatory and ultimately highly damaging to them.

Such a woman lost any claim to Indian status — under the new rules, upon marriage she was not entitled to registration. Like generations of women before her who had married out, loss of status meant loss of the right under Canadian law to hold land on the reserve and loss of status for any children of the marriage. With the loss of status and membership came the forced sale or disposal of any reserve lands she may have held. Adding forced enfranchisement to loss of status meant that she was also struck off the band list and was no longer entitled to distributions of band moneys.

Before these new provisions were introduced in 1951, women who had lost their Indian status through marrying out had often been able to retain their links to their communities. Some Indian agencies would issue an informal identity card known as a 'red ticket' identifying such women as entitled to share in band treaty moneys and, in many cases, to continue to live on the reserve.³² Because they were no longer legally Indians but remained members of the reserve community by virtue of band practice and their red tickets, the precise status in law of such women was unclear to Indian affairs officials and the general Canadian public. With forced enfranchisement upon marrying out, there could no longer be doubt in anyone's mind that they were not Indian and, moreover, not part of any Indian community.

Nonetheless, Indian women who had married out before the 1951 changes were permitted to keep their red ticket status if they did not accept a lump sum settlement in exchange for their treaty payments. However, an amendment to the Indian Act in 1956 stopped this practice. After 1956, 'red ticket' women were paid a lump sum of 10 times the average annual amount of all payments paid over the preceding 10 years. These women were put in the same unfavourable position as Indian women who married out after the 1951 revision.³³

The children of mixed marriages were not mentioned in the 1951 legislation. Despite the lack of legal authority for it, enfranchisement was forced on them too, under subsection 108(2). To correct this injustice, in 1956 Indian status was restored to these children. But the 1956 Indian Act amendments also allowed the governor in council "by order [to] declare that all or any of her children are enfranchised as of the date of the marriage or any such other date as the order may specify".³⁴ While there do not appear to be any common or consistent criteria regarding how the discretion of the governor in council was to be exercised, the usual practice was that off-reserve children were enfranchised but children living on-reserve were allowed to keep their status.

None of these provisions applied to Indian men. They could not be enfranchised against their will after 1951 except through a stringent judicial inquiry procedure as prescribed in the revised Indian Act. This difference in treatment created a huge imbalance between the number of enfranchised men and the number of involuntarily enfranchised women.

Between 1955 and 1975 (when forced enfranchisement of women stopped), 1,576 men became enfranchised (along with 1,090 wives and children), while 8,537 women (as well as 1,974 of their children) were forcibly enfranchised and lost their status. From 1965 to 1975, only five per cent of enfranchisements were voluntary; 95 per cent were involuntary, and the great majority of these involved women.³⁵

Post-1951 to pre-1985: Growing awareness, growing tension

Between 1951 and 1985, equality and civil rights movements were a prominent feature of the socio-political landscape in North America. Aboriginal voices were being raised, and there was growing awareness of the concerns of Aboriginal people, including the concerns of Indian women. The governments of the day were making some effort to consult Aboriginal people about issues affecting them, but there was little change in the Indian Act until the early 1980s.

The status provisions of the Indian Act and the exclusion of women who married out were of great concern to the Aboriginal women's groups that sprang up during this period. In 1970, the Royal Commission on the Status of Women tabled its final report. The commission was particularly concerned that the "special kind of discrimination under the terms of the Indian Act...the loss of Indian status, or enfranchisement, implies that rights and privileges given to a member of a band...will be denied to that person....Enfranchisement or deletion of the name of an Indian from the Indian Registry is much more frequent for women than for men". The commission recommended that the act be amended "to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children".³⁶

Two important court cases challenged this inequality head on. Jeannette Corbiere Lavell, an Ojibwa woman and member of the Wikwemikong band on Manitoulin Island in Ontario, had married a non-Indian in 1970. She was living in Toronto when she brought the action in 1971, charging that subsection 12(1)(b) violated the equality clause in the 1960 Canadian Bill of Rights on the grounds of discrimination by reason of sex. She lost her case at trial, the judge taking the position that this was an issue that Indians ought to resolve for themselves by pressuring Parliament for an amendment to the Indian Act if they agreed that this was necessary.³⁷ Lavell later won her case on appeal.³⁸ However, this decision was revisited when another case was brought forward by Yvonne Bedard.

Yvonne Bedard, from the Six Nations Reserve in southern Ontario, lost her status when she married out in 1964. She separated from her husband in 1970 and returned to the reserve with her two children to live in a house inherited from her mother. In order to live in her family home, Bedard found she had to obtain band council permission to reside on-reserve, as she was no longer a status Indian and therefore no longer legally entitled to inherit property on the reserve. Nor were her children. She was given a year to dispose of

the property and later obtained an extension, but when it expired, the band council decided she must leave the reserve. Fearing eviction, Bedard brought legal action against the band. Her case was argued on the same grounds as the Lavell case, and she won by virtue of the legal precedent of that case. In the decision, the judge noted that the entire Indian Act might be inoperative because it violated the Bill of Rights.³⁹

Ultimately, these two cases were joined and appealed to the Supreme Court of Canada. A decision was brought down in August 1973. The Indian Act marrying out provisions were upheld by the slimmest margin, and Lavell and Bedard lost.⁴⁰

New awareness and new tensions were born of these unsuccessful legal challenges. The tensions stemmed from the perception that women's rights were pitted against Aboriginal rights (as in Bedard's challenge to the authority of the band council). There was also concern from band councils and some Aboriginal leaders that reinstatement of non-status and enfranchised women and children would severely strain their already limited financial resources, since it would mean providing housing and social services if they chose to return to reserve communities. In the face of a history of federal assimilation policy and in the absence of guarantees of additional funds for these purposes, many reserve communities feared they would simply inherit the consequences of this aspect of the failure of federal Indian policy. This concern foreshadowed what occurred with the adoption of Bill C-31 in 1985, when thousands of Indian women and their children and descendants regained Indian status and band membership.

Significantly, both Lavell and Bedard pursued their cases without any support — moral or otherwise — from their communities, band councils, or Indian political organizations. On the contrary, they were actively opposed, not only by the government of Canada but also by their own communities.⁴¹

3.2 Bill C-31

The 1982 amendment of the constitution, incorporating the Canadian Charter of Rights and Freedoms, included the provision, in section 15, that "every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability". Section 15 of the Charter came into effect on 17 April 1985. The Charter accomplished overnight what the Canadian Bill of Rights and the Canadian Human Rights Act⁴² had been unable to do — motivating the government to eliminate provisions of the Indian Act that had been criticized for discriminating against Indian women. Some influence was also exerted by the case of *Lovelace v. Canada*, in which Canada's treatment of Indian women under the Indian Act was strongly criticized by the United Nations Human Rights Committee.⁴³

Bill C-31 provisions

This led to the passage of Bill C-31 in 1985. The bill amended various sections of the Indian Act, in particular the status and band membership provisions. While Indian status

would continue to be determined by the federal government, status was restored to those who lost it under subsection 12(1)(b) and other similarly discriminatory sections of the status and membership provisions. The general rule was that in future Indian status would be granted to those with at least one parent with status. The concept of enfranchisement, voluntary or otherwise, was totally abolished, and those who lost status through enfranchisement had their status restored. First-generation children of restored persons were granted first-time status. Band membership was guaranteed for some classes of persons restored to status or admitted to status for the first time. Not all were guaranteed automatic band membership, however.

Legal status as an Indian and band membership were formally separated in the act, with the former remaining under federal control.⁴⁴ A band may now take control of its own membership from the department of Indian affairs by following the procedures set out in Bill C-31. Once a band has taken control of its membership, persons may be added to or deleted from the list of members according to the rules established by the band in a membership code. In short, the department of Indian affairs will no longer maintain the membership list for that particular band and will no longer have a say in how band membership decisions are made.

These procedures in Bill C-31 call for a band membership code that respects the rights of people reinstated to Indian status or who have first-time Indian status under circumstances that give them 'acquired rights' to band membership before the band took control of its membership. A band membership code must be adopted by a vote of the band electors, which in theory includes non-resident (off-reserve) members. This is unlike the case of band council elections which, under sections 74 to 79 of the Indian Act, are restricted to resident band members.⁴⁵ Bands also received authority under Bill C-31, subject to certain conditions, to pass by-laws determining residency rights on the reserve.

The amendments concerning restoration of Indian status and band control of membership would be a source of conflict when it came time to implement Bill C-31. There was concern that some bands might reject persons who had acquired or re-acquired Indian status through Bill C-31, whether because of sex discrimination or because of concerns that resources needed to accommodate new members might not be forthcoming from the federal government. To forestall this possibility, subsection 10(4) of the 1985 Indian Act included a provision that prohibited First Nations from excluding certain classes of persons from their membership lists.

Thus, when they took control of their membership lists from the department of Indian affairs upon the adoption of a membership code, bands were required to include as part of their initial band membership, among others, all persons who had an acquired right to be on the list supplied by the federal government. The provision was designed not only to protect newly reinstated women and their children but also to protect women who had acquired status on marriage to a status Indian before the 1985 amendments.

The impact of Bill C-31

The impact of Bill C-31 was enormous and profound. In 1989, the Department of Indian Affairs and Northern Development began a study to determine its effects. The study was developed and conducted in consultation with three national Aboriginal organizations — the Assembly of First Nations, through its chiefs committee on citizenship, the Native Women's Association of Canada and the Native Council of Canada (now the Congress of Aboriginal Peoples).⁴⁶

The department of Indian affairs had seriously underestimated the number of persons likely to seek reinstatement. More than 21,000 applications, representing 38,000 individuals, were received in the first six months after enactment. A backlog of applications took five years to clear. By June 1990, 75,761 applications had been made, representing 133,134 persons. The status Indian population grew by 19 per cent in five years because of Bill C-31 alone and, when natural growth was included, by a total of 33 per cent.⁴⁷

The report summarizing the results of the study describes the registration process, noting that responsibility for determining whether an individual is eligible for registration as a status Indian rests with the registrar, who applies the criteria outlined in section 6 of the Indian Act. The process includes searches of departmental records on the individual and/or the individual's family. If the required information cannot be located in the register, a more detailed and time-consuming search of pre-1951 records is undertaken.⁴⁸

The documentation required to prove eligibility for Indian status and the slow pace of approval were criticized. In some instances, the existence of people had not been recorded on paper, and it became necessary to seek sworn affidavits as evidence of family relationships and declarations from elders as verification of past band affiliation. In addition, the process was particularly difficult for individuals raised by adoptive parents. Adoptees of Indian descent experienced problems because of the confidentiality of provincial adoption records. Problems also arose for status Indian women with children born out of wedlock, who had to prove that the father was a status Indian before the children could be registered.⁴⁹

Our children, if they are born outside the framework of a union recognized by the [Indian Act], are also victims of discrimination. When their father is Aboriginal, he must sign a declaration or, under [Bill] C-31, our child will be considered to have been born of a non-Indian father. [translation]

Philo Desterres
Quebec Native Women's Association
Montreal, Quebec, 27 May 1993

They developed...such complex systems for re-registration. There are some things the average Canadian citizen cannot understand and doesn't have to confront, which are still aberrations, which are disguised in the way people are re-registered or even how the status is to be transmitted from one person to another, except it is necessary to understand the situation of the women who fought for it. It was that or nothing. [translation]

Of the applications received by mid-1990, 55 per cent (73,554) of all individuals seeking registration had been approved, 16 per cent (21,397) were disallowed, 8 per cent were active files, 9 per cent were inactive files, and 12 per cent were classified as "other completions". Of the 8 per cent classified as active, the majority were those requiring additional information from the applicant. Of the 16 per cent disallowed, three-quarters were denied registration under subsection 6(2), which provides that individuals seeking registration must establish that one parent is entitled to registration under subsection 6(1).⁵⁰

As of 30 June 1995, Bill C-31 had added 95,429 persons to the status Indian population in Canada, more than half of them (57.2 per cent, 54,589) female.⁵¹ The enormous increase in the status Indian population did not result in an equal increase in the population of reserve communities. This is largely because most persons restored to Indian status or with first-time status under Bill C-31 still live off-reserve.⁵² Through its survey of 2,000 registrants, the study found that 32 per cent of those individuals currently living off-reserve would like to live on a reserve. To a second survey question asking registrants living off-reserve if they might return to a reserve or Crown land at some time in the future, 52 per cent replied in the affirmative and another 15 per cent were uncertain.⁵³

Although most Bill C-31 registrants continue to live off-reserve, it is not always by choice, since it has been difficult for some of them to get reserve residency rights even when they are band members (an issue discussed later in this chapter). Some bands experienced significant population increases from Bill C-31 registrants while others had none. The average band increased in size by 19 per cent, although 80 per cent of the bands had fewer than 15 Bill C-31 registrants living on-reserve. (It is estimated that 4,600 of the Bill C-31 registrants lived on reserve in 1984 and that 2,700 more had moved to a reserve between 1985 and 1990.⁵⁴)

Clearly, the full impact of Bill C-31 on reserve communities has yet to be felt. Some band leaders and community members are concerned about the possibility of crowding and disruption and have been resistant to inclusion of new band members in their communities. Services that could be affected by a population increase include housing, health and post-secondary education.

Indian women have their own concerns about Bill C-31. Women make up the majority of people reinstated under the bill, and fully three-quarters of those whose Indian status was restored — as opposed to those who gained status for the first time — are women.⁵⁵ Despite its avowed intent of bringing about sexual equality in the status and membership provisions of the Indian Act, Bill C-31 is nonetheless seen by many Aboriginal women as a continuation of the sexist policies of the past.

3.3 The Indian Act and Bill C-31: Areas of Concern to First Nations Women

There are strong concerns among Aboriginal people that, in eliminating the major forms of discrimination in the original Indian Act, new ones have been created. For example, as noted in the Bill C-31 study summary report, "bands that control their own membership under the Act may now restrict eligibility for some of the rights and benefits that used to be automatic with status".⁵⁶ Moreover, sex discrimination, supposedly wiped out by the 1985 amendments, remains. Thus, for example, in some families Indian women who lost status through marrying out before 1985 can pass Indian status on to their children but not to their children's children. However, their brothers, who may also have married out before 1985, can pass on status to their children for at least one more generation, even though the children of the sister and the brother all have one status Indian parent and one non-Indian parent. Such anomalies result from the fact that the Bill C-31 amendments build on past status and membership policies and provisions. They are, in this respect, somewhat reminiscent of the 1951 revisions in which the notion of 'entitlement to registration as an Indian' replaced that of 'Indian blood', but without breaking with past practices.

These past practices favour descent through the male line, as imposed during the Victorian era. Although Canada no longer subscribes to these values, the legacy of discrimination continues to be felt by First Nations communities:

I married a non-Aboriginal person and was discriminated against....In 1985 the act was amended and so I regained my status, along with a number of other women. And yet the discrimination continued. This is an act which has lasted 125 years, and it is difficult to change something that old because it becomes part of people's lives. It became a habit, a tradition for our Aboriginal people to discriminate against these women. Today we are still suffering this discrimination even though the law has been amended. We speak of discrimination because I returned to my community....When the time came to apply for housing for the reinstated women, they were always told there was no land. Many excuses were given: "we have no money", "the band councils have no money"....In my community I had to fight for six years in order to meet with the chiefs....There are people who cannot return to their communities for the reasons I have given you because the bands do not accept them.... [translation]

Mèrilda St. Onge
Women of the Montagnais Nation
Sept-êles, Quebec, 19 November 1992

What the Aboriginal leaders are unfortunately applying today, I am not saying all leaders, is the policy of exclusion. In the first years of implementation of Bill C-31, from 1985 to 1987, the approach of some band councils was simply to try to make some rules that would not accept the re-registered women....I think this was extremely regrettable and the government bears a large part of the guilt...it is obvious that there was very strong opposition to the return of people to the communities because the people have no more

houses, the people have no more room....There is a terrible lack of space so the issue of re-registration is strongly linked to the issue of land. [translation]

Michèle Rouleau
Quebec Native Women's Association
Montreal, Quebec, 27 May 1993

The testimony of many First Nations women before the Commission points to their determination to fight against discrimination and policies of exclusion:

In short, an epic struggle which has left its mark has contributed to our understanding of the obstacles, in particular the strength of the prejudices and ravages caused by the Indian Act, but which has above all helped to strengthen the determination of the Aboriginal women to fight discrimination wherever it is found, beginning with the discrimination that operates at the grassroots in the communities. [translation]

Philo Desterres
Quebec Native Women's Association
Montreal, Quebec, 27 May 1993

In the next few pages we examine the major areas that concern Indian women in the current version of the Indian Act. In some cases, women are not the only ones affected. However, because the majority of people restored to Indian status under the 1985 amendments were women, they feel the impact more profoundly and encounter these obstacles more often than do Aboriginal men.

Indian status under section 6

Though I regained my status under Bill C-31, my children were denied status. The children of my male cousin, who traces his descent from our common grandmother through the male line, have full status. I am challenging this inequality in another court case, pending in British Columbia.⁵⁷

Sharon McIvor
Native Women's Association of Canada
Toronto, Ontario, 26 June 1992

First Nations women told the Commission that Bill C-31 has created a situation where, over time, their descendants may be stripped of their Indian status and rights in some circumstances in which Indian men and their descendants would be unaffected. The discrepancy arises out of the categories used to designate Indian status under Bill C-31.

The bill created two main categories of status Indians. Under subsection 6(1), legal status is assigned to all those who had status before 17 April 1985, all persons who are members of any new bands created since 17 April 1985 (none have been created), and all individuals who lost status through the discriminatory sections of the Indian Act. More specifically, these classes of persons are as follows:

- section 6(1)(a): this is a grandfather clause granting Indian status to persons entitled to it under the pre-1985 version of the Indian Act;
- section 6(1)(b): persons entitled to status as a member of a band declared by the governor in council to exist after Bill C-31 came into force (there are none: the class is therefore empty⁵⁸);
- section 6(1)(c): persons regaining status under Bill C-31 who lost or were denied status because of
 - the double mother rule (former section 12(1)(a)(iv));
 - marriage out (that is, to a non-Indian) (former section 12(1)(b));
 - illegitimate children of an Indian mother and non-Indian father (former section 12(2));
 - involuntary enfranchisement upon marriage to a non-Indian, including any children involuntarily enfranchised because of the involuntary enfranchisement of the mother (former subsection 12(1)(a)(iii) and 109(2));
 - section 6(1)(d): persons 'voluntarily' enfranchised upon application by the Indian man, including the Indian wife and children enfranchised along with him (former subsection 12(1)(1)(iii) and 109(1));
 - section 6(1)(e): persons enfranchised because of other enfranchisement provisions, that is, residency outside Canada for more than five years (former section 13 between 1927 and 1951) and upon obtaining higher education or professional standing (former section 111 between 1867 and 1920); and
 - section 6(1)(f): children whose parents are both entitled to be registered under any of the preceding subsections of section 6.

Subsection 6(2) covers people with only one parent who is or was a status Indian under any part of section 6(1). It must be stressed that the one-parent rule in subsection 6(2) applies only if that parent is entitled to status under subsection 6(1). Thus, if an individual has one parent covered by subsection 6(2) and one who is non-Indian, the individual is not entitled to status. The children or other descendants of Indian women who lost status under the discriminatory provisions described earlier will generally gain status under subsection 6(2), not subsection 6(1), since the reason their mothers lost status in the first place was that their fathers did not have Indian status when their parents were married.

As discussed earlier, the rules are complex and difficult to apply, particularly in cases where applicants may not have the required documentary proof of their ancestry. This can be a problem in some areas where written records are lacking and where oral traditions are still strong. It is also a problem where Indian children were adopted by non-Indian

parents and the records are covered by the Privacy Act or withheld because of the confidentiality of provincial adoption records.⁵⁹

Moreover, and more alarmingly for future generations of First Nations people, the consequences of falling within subsection 6(1) or subsection 6(2) are felt by the woman's children and grandchildren. For these descendants, the way their parents and grandparents acquired status will be important determinants of whether they will have Indian status and, if they do, whether and to what extent they will be able to pass it on to their children. The effects of the 6(1) and 6(2) designation are felt most acutely in the third generation (see Figure 2.1).

Comparing examples 3 and 5, it is clear in the situation of marriage to a non-Indian that the children of a 6(1) parent and a 6(2) parent have different rights under the amended Indian Act. Where the parent marries out, the child in example 3 will still have Indian status, while the child in example 5 will not. Yet each will have one parent with Indian status and one without. When one recalls that the children of women who lost status under the discriminatory provisions of the earlier versions of the Indian Act will have gained their own status through subsection 6(2), it is clear that they will be at a relative disadvantage.

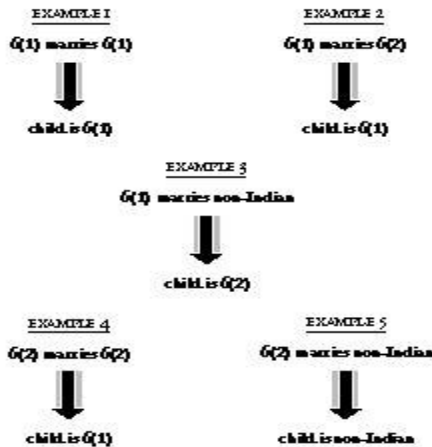
A woman who gained status under subsection 6(2) will see the impact immediately if she marries out: her children will not have Indian status. All other factors being equal, this rule creates a situation in which the descendants of a woman who married out before 1985 will have fewer Indian rights than those of her brother who married out at the same time, despite the fact that their degree of Indian ancestry is the same.

An example helps illustrate the inequality that results from these rules. The following is taken from the Report of the Aboriginal Justice Inquiry of Manitoba (which recommended that this form of discrimination cease):

John and Joan, a brother and sister, were both registered Indians. Joan married a Métis man before 1985 so she lost her Indian status under section 12(1)(b) of the former Act. John married a white woman before 1985 and she automatically became a status Indian. Both John and Joan have had children over the years. Joan now is eligible to regain her status under section 6(1)(c) and her children will qualify under section 6(2). They are treated as having only one eligible parent, their mother, although both parents are Aboriginal. John's children gained status at birth as both parents were Indians legally, even though only one was an Aboriginal person.

Joan's children can pass on status to their offspring only if they also marry registered Indians. If they marry unregistered Aboriginal people or non-Aboriginal people, then no status will pass to their children. All John's grandchildren will be status Indians, regardless of who his children marry. Thus, entitlement to registration for the second generation has nothing to do with racial or cultural characteristics. The Act has eliminated the discrimination faced by those who lost status, but has passed it on to the next generation.⁶⁰

FIGURE 2.1
Effects of Bill C-31



The establishment of categories for Indian status was a concoction of the federal government, and instead of devising a bill that would truly repair the situation, it created a 'paper blood system' that denied thousands of individuals the opportunity to claim or reclaim their heritage. The national Aboriginal organizations had certainly not suggested such a system, nor did they consent to it. Their position was that as many individuals as possible should be registered covering at least three generations. In fact, the Assembly of First Nations and the Native Women's Association of Canada issued a joint news release on 22 June 1984 reaffirming their position: "The federal government must remedy the injustice created to people of Indian ancestry by repealing sections of the Indian Act that deny Indian status to Indians and reinstate all generations who lost status as a result of discriminatory laws enacted by the Parliament of Canada."⁶¹

In 1985, the Assembly of First Nations made a presentation to the House of Commons standing committee on Indian affairs stating that "there must be full reinstatement of all our citizens who have lost status or whose status has never been recognized....[W]e cannot accept new provisions which will discriminate among different generations of our citizens, procedurally or otherwise, who have been affected by the discriminatory provisions".⁶² Despite these concerns, the amendments requested by the Native Women's Association of Canada and the Assembly of First Nations were not included in Bill C-31.

The categorization of Indian status under Bill C-31 has implications for the entire Aboriginal population in coming generations. At present rates of marriage outside the 6(1) and 6(2) categories, status Indians will begin to disappear from the Indian register if the rules are not changed (see Volume 1, Chapter 2). One report on the problem supports this conclusion in the strongest of terms, noting that Bill C-31 "is the gateway to a world in which some Indians are more equal than others" because the 6(1)/6(2) distinction

creates "two classes of Indians: full Indians...and half Indians". Moreover, the report concludes, "In the long run these rules will lead to the extinction of First Nations".⁶³

My mother married a non-Native person, and before Bill C-31 she lost her birthright, her inherent right, and her nationality right as a Native person. She, like many women who lost their status for one reason or another, regained her status through Bill C-31. This bill also allowed her children to be recognized as status, but this is where it ends....As it stands now, I am a status person under section 6(2) of Bill C-31. My two girls are not Native through the government's eyes. They have one-quarter Native blood. Do I tell my daughters that they are not Native because their governments say it's so? No. And I don't think so, and neither should the government.

Corrine Chappell
Charlottetown, Prince Edward Island
5 May 1992

It was very confusing. I don't want my children to be confused as to who they are. I married a man [who regained status under] Bill C-31. And, first of all, I told my children they were Métis and all of a sudden they can be Treaty. And I decided to leave that up to them, what they want to do. It was very confusing and...I want them to know who they are.

Pat Harper
Metis Women of Manitoba
Winnipeg, Manitoba, 22 April 1992

The Commission believes that the solution to this problem lies in the process of nation building. We set forth a number of recommendations to this end in our chapter on governance (Volume 2, Chapter 3).

The impact of band membership codes

I thought by applying and receiving my [Indian Act status under Bill C-31] I would have the same benefits as other status Indians. [But] I don't have equal rights and, in fact, I have less identity than before....I can't have a home on the reserve....The reserves at present could possibly house us, the Bill C-31 minority Aboriginal people, but refuse to....I will probably have a resting place when the time comes, but why should I accept to be buried on reserve land after I die, when I could also enjoy sharing all the services that are being kept away from me today....

[The problem is] coming from...Chief and Council. I know they are really against Bill C-31s. They have, I guess, no use for [us].

Florence Boucher
Lac La Biche, Alberta
9 June 1992

Before 1985, Indian status and band membership were practically synonymous: all band members were status Indians, and almost all status Indians were members of particular

bands (those that were not on a 'general list' of Indians). The department of Indian affairs maintained both the general list and the band lists. The 1985 amendments gave bands the authority to take control of their membership lists and determine who was and was not a band member. For the first time, Indian status and band membership were separated.

Strict rules were put in place to protect existing band members and those who acquired the right to band membership through section 6. A woman's ability to be recognized as a band member and to be treated in the same manner as other First Nations people is a significant issue. This is particularly true for women with Indian status gained under Bill C-31.

Under the 1985 amendments, bands can adopt a membership code if a simple majority of "electors of the band" agree to it in a vote called for that purpose.⁶⁴ Adoption of a membership code means that the band, not the department of Indian affairs, will maintain the membership list according to its own rules as set out in the membership code. Under the Indian Act, electors of the band are all band members over the age of 18,⁶⁵ whether they live on- or off-reserve. By December 1995, about 240 bands had adopted membership codes and 370 had not.

The 1985 amendments to the Indian Act contain apparently conflicting provisions. On one hand, First Nations can assume control of membership. This implies a form of self-government in which it is bands alone that decide their membership. On the other hand, under section 10, certain categories of persons acquired the right to have their names placed on band lists maintained by the department of Indian affairs before these lists were transferred to the bands and as soon as the amendments were passed into law. Under normal circumstances, persons whose names were placed on departmentally maintained band lists would automatically become band members, irrespective of the wishes of the bands concerned. This flies in the face of band control of membership, since the department of Indian affairs would still be making decisions about band membership, this time by restoring Indian status and band membership to those eligible under Bill C-31.

The primary intent of section 10 is to give bands control of their membership, with a secondary goal being to protect the acquired rights to membership of Bill C-31 registrants. In other words, the theory seemed to be that these persons ought not to be deprived of band membership arbitrarily by bands that may not have wished to include them as band members. Acquired rights did prevent bands from subsequently adopting band membership codes that excluded persons with these rights. Persons with these acquired rights of band membership would, in principle, have the right to vote on all band matters on which the general membership can vote.⁶⁶ This would include band membership codes. However, for reasons discussed below, this did not always happen, and band membership decisions were sometimes taken without the participation of those with acquired rights of membership.

The protection of acquired rights to band membership was established in two phases. In the first phase, which lasted roughly two years from the adoption of Bill C-31, until 28

June 1987, the following categories of Bill C-31 registrants under subsection 6(1) were automatically entitled to have their names placed on departmental band lists of the bands with which they were associated: 6(1)(a), (b), (c) and, under (f), those children born after Bill C-31 became law in 1985, both of whose parents are or were entitled to registration as a member of that band. Thus, their acquired rights were vested immediately and were in this sense absolute — the department of Indian affairs was required by law to place their names on the band lists it maintained before handing over responsibility for those lists to the bands that asked for it.

In the second phase, registrants in the other categories of Bill C-31 were required to wait until 29 June 1987 before their rights to band membership became vested. In this sense, their acquired rights were conditional. If by that date the band with which they were associated had not adopted a band membership code — so that the band lists remained with the department of Indian affairs — they acquired the right to have their names entered on the lists. These categories of persons were as follows under section 6: 6(1)(d), (e) and the balance of those falling under (f), along with those eligible under 6(2).

These provisions were minimum rules. Bands could go beyond them, but they were required by law to meet these standards. These standards apply to the 370 bands that did not pass their own membership codes. Anyone who met these criteria was placed on a membership list. Of the 240 bands that did adopt membership codes, 81 per cent did so in the four weeks preceding the 29 June 1987 deadline.⁶⁷

Acquired rights translate only into the right to be part of the initial band population for purposes of deciding on a band membership code. There is nothing to prevent these codes from subsequently being amended to exclude individuals on grounds other than the rights that they acquired before the membership code came into force. In other words, if a band decided to narrow the definition of membership by excluding individuals on grounds other than those related to acquired rights, they could do so. The fact that this might also affect certain members who had acquired rights as well would make no difference; they could be excluded. Moreover, even where Bill C-31 registrants remained on band-controlled membership lists, some bands passed residency by-laws, the effect of which was to prevent Bill C-31 band members from returning to the reserve community. New Bill C-31 band members, most of whom still live off-reserve, often cannot participate in band decisions made through band councils because they cannot meet the residency requirement under the Indian Act for voting on these decisions, or because the band operates according to custom and has similar residency requirements.⁶⁸ The department of Indian affairs has been frank in acknowledging the shortcomings of the acquired rights provisions:

The amended Act allows a band that can obtain a majority vote of its eligible electors to control its own membership and, accordingly, 232 bands now [in 1990] control their own membership lists. In these cases, the Department adds the name of the person to the Indian Register, but cannot add them to the band list, nor ensure they are able to reside on reserve or participate in community decisions.⁶⁹

In addition, because the number of people applying for restoration of Indian status was much higher than had been predicted by the department, and because restoration is a complicated and time-consuming process involving proof of descent, status decisions were sometimes delayed. In fact, in many cases it took years to get a decision. Given that most band membership codes were adopted in the first two years after passage of Bill C-31, and given that it took five years to clear up the backlog of Bill C-31 status applications, it is clear that in the interval between individuals applying for and being granted Indian status, many bands went ahead and adopted membership codes without the participation of the very people whose interests were most likely to be affected by the provisions of membership codes.

Because of delays in processing applications, it seems apparent in retrospect that bands that wished to adopt membership codes were not always aware of who their potential new members might be. By the same token, since there was no requirement that the band membership codes be published, it seems equally clear that many Bill C-31 applicants were unaware that the bands with which they were affiliated and that they might have re-joined were going ahead with codes that could exclude them. As a result, Bill C-31 registrants with an acquired right to have their names placed on band lists maintained by the department have been restored to Indian status but have found that the department no longer maintains their band's list and that they have been excluded from membership under a membership code adopted without their participation or knowledge.

Thus, in the survey of Bill C-31 registrants, the department found that only 15 per cent of registrants had been able to participate in the process by which a band membership code was adopted. These problems, coupled with the impact of the Indian Act rules requiring reserve residency as a precondition for voting, compelled the department of Indian affairs to conclude that "[g]enerally, only regular band members were involved in developing and voting on these rules".⁷⁰

Membership codes still do not have to be published, so even today Bill C-31 registrants are often unaware of decisions being taken by the bands with which they are associated.⁷¹ The department of Indian affairs has refused to intervene, on the grounds that these are issues between the individuals and bands concerned. Many Bill C-31 cases are now before the courts, involving First Nations women and their descendants who are often no further ahead than when they first applied for reinstatement, having to rely on costly litigation to obtain the band membership that they believed these amendments had given them.⁷²

In the same way, a number of bands have gone to court to prevent people who acquired or regained status under Bill C-31 from acquiring band membership. The bands have argued that their right to control their own membership is an Aboriginal or treaty right protected under the Constitution Act, 1982 that enables them to ignore the requirement in Bill C-31 to reinstate the persons who acquired rights to band membership during the first phase. In the Sawridge Band case, however, the trial judge found this argument to be without foundation, ruling that subsection 35(4) operates in the section 35 context to prevent bands from discriminating against Indian women in their membership decisions.

He also found that whatever power bands may have had to determine their membership was extinguished before the advent of section 35: "no aboriginal right either to discriminate against aboriginal women, or to control membership at large, ever survived to enjoy the protection of subsection 35(1)".⁷³

As mentioned, 240 bands representing nearly 40 per cent of the status Indian population had adopted band membership codes by December 1995. Band membership codes are based on one of four principles of descent. According to Clatworthy and Smith, among the 236 bands that had adopted codes by 1992, the breakdown was as follows:⁷⁴

- The one-parent rule — used by 90 bands across the country — holds that an individual is eligible for membership if one parent is a band member.
- Under the two-parent rule, used by 67 bands, both parents must be band members.
- Another 49 bands follow the rules set out in subsections 6(1) and 6(2) of the Indian Act. This, of course, is the same rule used by bands without a membership code, except that in the latter case the department of Indian affairs enforces it, not the band.
- The fourth and final type of membership rule is based on blood quantum and is the method chosen by 30 bands. A blood quantum rule sets a criterion for membership based on the number of Indian ancestors in an individual's family history. Blood quantum codes measure a person's quantum by adding the quantum of each parent and dividing by two. An individual with one parent of 100 per cent Indian blood and one parent with no Aboriginal blood is considered to be 50 per cent Indian. Similarly, if both parents are considered 50 per cent Indian, the child is considered 50 per cent Indian. A typical blood quantum criterion for band membership is 50 per cent, although there are codes where the quantum is set either above or below this level.

While ostensibly supportive of self-government, membership codes have the potential to undermine it in the future. An issue arises that is of concern not only to women. For example, the one-parent membership rule is more inclusive than the Indian Act rules — thereby enlarging the potential band membership under codes based on this rule — but the same cannot be said for blood quantum and two-parent rules. The two-parent rule in particular has the potential to reduce band size drastically, first through restricting the initial band population and then by penalizing the children of those who marry out.

It is clear that at current rates of marrying out, some band populations will decline quickly in the coming years.⁷⁵ Self-government seems to imply a larger rather than a smaller population if critical mass and economies of scale are to be maintained. Although a smaller group is more likely to include people who are also status Indians under federal rules and thereby entitled to all the benefits available to Indian persons, such a group appears less likely to be able to develop the infrastructure of a modern government without bringing in additional members. This may be a recipe for continuing dependency.

Another problem is that the appeal mechanisms recommended by the new Indian Act rules do not need to be established by the bands that have adopted membership codes.⁷⁶ Thus, persons refused membership must go to court to challenge membership decisions. While the acquired rights provisions are supposed to ensure that no one is denied membership unfairly, some Aboriginal women told the Commission that such practices do exist. They would like to see band membership codes reviewed and, if necessary, revised to ensure fairness and the protection of acquired rights. There was also a general call for some sort of appeal mechanism, such as a separate and impartial appeal tribunal. Appeal mechanisms are discussed in our chapter on governance (Volume 2, Chapter 3).

Ultimately, any policy that creates distinctions within a group can create divisions in that group. The amended act establishes a series of distinctions around which disputes can develop: subsection 6(1) versus subsection 6(2), members versus non-members, and Indian versus non-Indian. Even more damaging, these categories have the potential to become the basis for social divisions within First Nations communities. Divisions within a group can be accentuated, and tensions heightened, when resources are scarce.

For example, initially the non-Indian spouses of status Indian band members will have a lesser status in the band community. After one generation, however, they will be joined by the non-Indian children of 6(2) status Indians who have married non-Indians. After two generations, these non-Indian children will reach adulthood and may marry each other or other 6(2) status Indians. In either case, their children will not be Indians under the Indian Act. Thus, within a couple of generations, Indian band communities will have sizeable populations of non-Indians who, under current federal funding formulae — based on the number of status Indians in a given band — will begin to put strains on federally funded services. Moreover, these people will also be ineligible for federal programs available to status Indians, such as uninsured health benefits and post-secondary education. An underclass will thus have been created in First Nations communities.⁷⁷

In the same way, one- and two-parent band membership codes may also lead to divisions within communities. For example, under a two-parent code, in 50 years band members may well be outnumbered by non-members in a community. Since only band members will have voting rights, however, they will be in a position to control political life and the allocation of benefits such as housing. At the other end of the spectrum may be bands with one-parent membership codes in which the band membership is large but increasingly composed of non-Indians as a result of the way the 6(1) and 6(2) distinctions work in the case of out-marriage. Funding based on the number of status Indians will not be able to keep pace with community needs. Although all band members, whether status Indian or not, will be able to vote and to decide on the allocation of vital resources, band members who are status Indians and who 'count' for purposes of funding may grow to resent those who are not but who nonetheless take part in the benefits of band membership. These are hypothetical projections based on existing rules. This is not the future we have in mind.

The right to live on-reserve

I think it's a trick when they reinstate the people...they were promising too much of everything, the housing and the land. But we don't have land. I don't have land. I got a house, [but] it belongs to my husband....But whenever I go on the reserve I won't have land. I have to go and chop a tree and look around and sit on that stump, see if there is any room where I can live, put my house.

Samaria Reynolds
Indigenous Women's Collective
Winnipeg, Manitoba, 29 April 1992

The right to live on a reserve is an emotional as well as a political issue. For many Bill C-31 registrants, the reserve is an important source of personal identity: it is part of their traditional homeland, their community. The department of Indian affairs survey supports this observation. It found that, of the 2,000 Bill C-31 registrants whose views were canvassed, almost two-thirds reported that they applied for Indian status for reasons of identity or because of the culture and sense of belonging that it implied.⁷⁸

Most people whose Indian status was restored through Bill C-31 (as opposed to those who gained Indian status for the first time) were compelled in one way or another to leave their home communities; hence the attempt in Bill C-31 to repair, at least partially, the injustice done to them and their descendants. However, current reserve residents also leave their home communities for a number of reasons — to pursue post-secondary educational opportunities, for health care, to acquire marketable skills they cannot acquire on the reserve. As we point out in our chapter on Aboriginal people in urban areas (Chapter 7, later in this volume), Aboriginal women also leave their communities to escape physical and sexual abuse. Others leave because they feel that their needs are not being taken seriously and that they have no control over issues that directly affect them. But many leave with the intention of coming back and with the expectation of having a place to live when they return.

Reserve residency is not an absolute right for people with Indian status or even for those who belong to a particular band, whether the membership list is maintained by the department or by the band. In fact, subject to a number of ambiguously worded limitations and guidelines, the authority to decide on-reserve residency matters rests with the band council under subsection 81(1) of the Indian Act — a power provided in the 1985 amendments.

Unfortunately, the Indian Act, in most respects, is not very helpful in determining what rights, if any, an adult member of a band has to live on a reserve. For example, one might have assumed that, to protect the acquired membership rights of Bill C-31 registrants, residency rights would be part of the acquired rights that bands would be obliged to take into account in their by-laws. They are not, however. As a result, many Bill C-31 registrants who might otherwise wish to return to their reserve communities continue to live off-reserve.

In addition, many women object to being affiliated automatically with the bands that Indian affairs records show they were connected to in the past through their fathers or

husbands. In this regard, Indian affairs acknowledges that "[r]egistrants would much prefer to be affiliated with a band closer to their domicile or to a band with which the mother or wife in a marriage is affiliated".⁷⁹

Indian women have concerns about the right of their children to live on reserves. Children have special rights with regard to residence. The Indian Act provides in section 18.1 that children may reside on reserve lands if they are dependants of, or in the custody of, a band member who is himself or herself resident on-reserve. This provision was part of the Bill C-31 amendments. The most common situations would be cases of adoption, court-ordered custody and foster children. Because the conditional acquired rights described earlier and referred to in subsection 11(2) have been avoided by the many bands that passed membership codes before 29 June 1987, and because band membership codes may exclude children who might otherwise have been included on band membership lists under the new membership codes, situations can arise where the natural children of band members may not themselves be band members. For example, under a blood quantum test, an Indian man and his non-Indian wife would both be band members, but their child (being only 50 per cent 'Indian') might not be. However, the children will be allowed to live on-reserve because of section 18.1 as long as they are dependants. This provision would seem to constrain the authority of bands to exclude from reserve residency minor children who are not band members.

Many Indian women believe that further analysis is called for. They would like to see a review of residency by-laws to ensure that they do not unfairly affect a particular group, especially as relating to Bill C-31 people. Women would also like the relationship between residency by-laws and band membership codes examined to ensure that the two do not operate jointly to exclude people in ways they would not do individually.

Land-holding system on reserves

Many, though not all, Indian bands operate under a 'certificate of possession' system. Aboriginal women told the Commission that the regulations for issuing certificates of possession are a limiting feature of the Indian Act because of sexual discrimination.

The certificate of possession (CP) system is set out in section 20 of the Indian Act. Under it, an Indian is not 'lawfully' in possession of reserve land without an allotment by the band council as approved by the minister. A CP is therefore evidence of the right to possess reserve land and to occupy that land. But this right can be terminated if an individual ceases to be a band member. Section 25 provides that when an Indian ceases to be entitled to reside on a reserve, he or she has six months to give the right of possession to another band member (or the band). After that, the land automatically reverts to the band. Extensions can be granted, and the act allows for compensation for improvements.

This system can create a curious situation in which a band member without a CP can be expelled from the reserve by the band, but one with a CP cannot be expelled because the certificate carries with it the right to occupy the land. However, under section 25, any individual can lose the right to reside on a reserve upon loss of Indian status or band

membership. We have already seen that some individuals might have problems obtaining membership in a band even though they have obtained Indian status. This has ramifications for descendants, because the children of people stripped of membership or status will not be able to inherit, possess or even reside on reserve land. Most notably, this includes non-Indian spouses of Indian persons married after 1985 as well as spouses of Bill C-31 women and, potentially, their children. This affects Indian women and their families disproportionately.

There is no prohibition against women owning property through a certificate of possession. But the cumulative effect of a history of legislation that has excluded women and denied them property and inheritance rights, together with the sexist language embedded in the legislation before the 1985 amendments, has created a perception that women are not entitled to hold a CP. In a brief to the Commission, the B.C. Native Women's Society stated:

In the past, the Department of Indian Affairs has followed the practice of issuing Certificates of Possession solely to the oldest male member of the family. This tradition has been carried over from European notions of land holding and succession and it has resulted in the dismantling of many Aboriginal systems. For example, before contact, in many matrilineal systems, women held elevated positions of power and prestige superior to those of their husbands. Furthermore, the descendance of those rights and power continued through the female, not male, lineage....After contact, Aboriginal women not only lost their formal positions of power and prestige they formerly held but the new system may have caused them to lose their right to live with their children in their own community.⁸⁰

A further complicating factor is the division of property when a marriage fails. Marriage and the division of marriage assets upon marriage breakdown are governed by provincial law, but the Indian Act is paramount on reserves. A court cannot order the division of on-reserve property on the same basis as it can with other property. Likewise, no court can order that one party shall have exclusive possession of the matrimonial home. Indian women on-reserve, therefore, are seriously disadvantaged. In 1986, a precedent-setting decision was made on this point. In the case of *Derrickson v. Derrickson*, the court held that a woman cannot apply for possession of the matrimonial home unless the certificate of possession is solely in her name. The most she can hope for is an award of compensation to replace her half-interest in the house.⁸¹

This is seen as extremely unfair, because land and housing are in short supply on many reserves. Also, in an abusive situation, such a ruling could force a woman away from her support network of community, friends and family. The B.C. Native Women's Society has suggested that courts should view the issue as one of federal and provincial jurisdiction rather than one about "whether the application of Euro-Canadian rules and values relating to family and property are appropriate".⁸²

In principle, many Indian women want the presumption of equitable interest in reserve lands of married (or equivalent) spouses reflected in legislation. Some possibilities were

put forth, such as introducing new legislation, amending the Indian Act, or referentially incorporating provincial laws on this matter. Any such amendments or legislation would have to recognize and respect Indian custom marriages. Rather than amending the Indian Act, which would involve much energy, effort and resources, another approach would address the concerns of Aboriginal women and serve the ultimate goal.

In our vision of self-government, nations are made up of thousands of individuals — who should not be categorized as status or non-status, 6(1) or 6(2). All should be equal citizens of strong, healthy nations. The most offensive parts of the Indian Act cannot be changed overnight, but in re-establishing their concept of nationhood, Aboriginal people can overcome the many divisions that have arisen over the years as a result of federal policies. Many Aboriginal women who appeared before us spoke in eloquent terms about this important task.

In Volume 2, Chapter 3, we argued that in the reconstruction and recognition of Aboriginal nations, the intrusive, sex-biased and outdated elements of the Indian Act can be eliminated. The three-stage recognition procedure we recommend includes

- organizing for recognition (including the enumeration of potential citizens);
- preparing the nation's constitution and seeking endorsement; and
- getting recognition under the proposed Aboriginal Nations Recognition and Government Act.

One of the most important tasks in the first stage will be enumerating potential populations of citizens. At this early stage in the recognition process, the errors and injustices of past federal Indian policy should be corrected by identifying candidates for citizenship in the Aboriginal nation. Candidates should include not only those persons who are now members of the communities concerned but also those persons who wish to be members of the nation and can trace their descent from or otherwise show a current or historical social, political or family connection to that nation. Financial resources to meet the needs of all citizens of a nation will be a matter for treaty negotiation between Aboriginal nations and the federal and provincial governments.

As nations are rebuilt, it is envisioned that their citizenship codes will embrace all individuals who have ties to the nation but who, for reasons highlighted here, have been excluded in the past. These new citizenship provisions will eliminate concerns about the effects of Bill C-31 in creating categories of 'full Indians' and 'half Indians'. Rather than imposing restrictive band membership codes that may result in the destruction of communities over time,⁸³ Aboriginal nations, renewed and strengthened in the ways we have proposed, would implement a citizenship code that fosters inclusion and nurtures nation building.

The role of Aboriginal women in nation building cannot be underestimated and must not be ignored. As we have observed, many Aboriginal women play a special role in

articulating visions of nationhood founded on the best of past traditions and culture. These visions must guide the present leadership if Aboriginal nationhood within a renewed Canadian federation is to become a living, vibrant and egalitarian reality.

Recommendation

The Commission recommends that

4.2.1

The government of Canada provide funding to Aboriginal women's organizations, including urban-based groups, to

(a) improve their research capacity and facilitate their participation in all stages of discussion leading to the design and development of self-government processes; and

(b) enable them to participate fully in all aspects of nation building, including developing criteria for citizenship and related appeal processes.

4. Health and Social Services: A Priority on Healing

I find that there are so many changes that our people have undergone, so many adaptations that we have had to make to survive. There are many deep-rooted emotional problems that do not get addressed — the problems we see day to day in the high number of suicides, death by misadventure, violent deaths, high jail populations, alcohol and drug abuse and just so many throw-away people that we have.

Mavis Henry
Pauquachin Band
Esquimalt, British Columbia, 21 May 1992

Aboriginal women involved in health and social services, in both staff and volunteer capacities, have articulated what they see going on around them and identified what is needed. They are keenly aware of the difficulties encountered daily as Aboriginal people try to achieve a basic standard of health and social services:

Health is a matter of people's lives and if we as Aboriginal people want self-determination, we have to look at how we are going to recover from past and current diseases and illnesses so that we can build a healthy and sound nation.

Marlene Poitras
Edmonton, Alberta
11 June 1992

Every Canadian is aware of the fact that all people carry the experiences of the past into their present lives. For the majority, it's the basis of progress. For the Métis, the past is a collection of bitter memories which, in many cases, results in people internalizing our problems, losing our sense of dignity and self-esteem and sliding downhill into despair,

which is dealt with through alcohol and drugs. Far too often the outcome is to recreate our own misery and pass it on to the next generation. Invariably, alcoholism and substance abuse is the spark that ignites family violence, child abuse, crime and all sorts of disorders within our homes and communities. The effects are felt outside the walls of our homes. It has an impact within our schools, our churches, our community administrations, our economic development efforts and everything that touches our lives.

Sandra DeLaronde
President, Metis Women of Manitoba
Winnipeg, Manitoba, 3 June 1993

The failure of governments to provide Métis people with sufficient resources to deal with social issues is a sign of the indifference of public policy, Sandra DeLaronde concluded.

The Aboriginal Women's Canadian Labour Force (AwCLF) assists women who encounter difficulties in the workplace. Through personal and collective experiences "as Aboriginal women trying to survive and get ahead in the context of a deeply entrenched, hostile Canadian work environment", the AwCLF identified a number of issues confronting Aboriginal women, including racism and sexism:

We see a lot of evidence...where Aboriginal women have played a leadership role in the development of institutions which will eventually be rolled into self-government, such as child welfare, the court worker program, to name two of the more prominent kinds of developments....

However, despite their many contributions and developing roles as leaders, Aboriginal women continue to face special challenges...high unemployment, very low income, high rates of conflict with the law, poor health and a high incidence of suicide and teenage pregnancies....Aboriginal women also have to deal with issues such as abuse, negative stereotyping and limited participation in decision-making positions.

Jeri Von Ramin
Aboriginal Women's Canadian Labour Force
Winnipeg, Manitoba, 23 April 1992

Aboriginal women also reported problems related to a lack of Aboriginal staff in agencies and turnover in that staff:

Every year we have different nurses...different doctors coming in. This is really hard on the people....The alcohol and drug problems causing family problems, spousal assault and abuse, child neglect, all of these things have happened and I lived them....I've seen women and men suffering. I've seen children suffering because of alcohol abuse and I've seen elders suffering. I know that our people are doing all they can to help in these areas, trying to get training so that they can try to help lower the number of people suffering....

Mary Teya
Community Health Representative
Fort McPherson, Northwest Territories, 7 May 1992

Despite the problems, Aboriginal women are providing leadership and facilitating change. Nancy van Heest described the role of Urban Images, an organization serving First Nations people in the urban setting:

Initially, Urban Images worked to help women literally get off the streets, out of a life of prostitution or substance abuse, and to assist persons who wanted to get off social assistance....In the eight years the program ran, there were approximately 500-plus Aboriginal women in attendance with 376 graduating. In 1993, after self-evaluation...Urban Images changed its program focus to the Aboriginal family and now we have men in our classroom. The rationale for this shift of focus is that family systems is a more effective method. Previously the program was aimed at helping only the individual prepare for employment. There was no recognition of the importance of working with the whole family....We know that it is a waste of money to simply use a narrow pre-employment program....Unless the students empower themselves to successfully address their personal issues and future problems, these same problems will return and destroy them.

Nancy van Heest
Urban Images for First Nations
Vancouver, British Columbia, 2 June 1993

In our chapter on health and healing (Volume 3, Chapter 3), we cited testimony and research showing that Aboriginal people suffer disproportionately from social and emotional ill health. Reduced life expectancy and poor physical health are two major consequences, but another less tangible consequence is the undermining of collective self-esteem. In testimony and consultation, Aboriginal people shared insights about directions for change and progress toward wellness and well-being. In some places, they are already putting those insights into practice. For instance, we heard that in many communities Aboriginal women are providing leadership in facilitating healing processes and other initiatives:

As far as I am concerned, they are the strength of our communities. They always have been. As men, we may deny that because our egos get in the way. But, the fact is that in my tribe, the women were the voice of our community a hundred years ago.

Phil Hall
Alderman, District of Chilliwack
Victoria, British Columbia, 22 May 1992

Our roles and responsibilities have been altered. Women have had to take more responsibility, not only for the family but for the community, with very little support by leaders, by people who make decisions; and many times, as women we are left out of the decision-making processes.

Lillian Sanderson
La Ronge Native Women's Council
La Ronge, Saskatchewan, 28 May 1992

The inequalities in health and well-being between Aboriginal and non-Aboriginal people extend from physical ill health to social, emotional and community ill health. When we examine patterns and dynamics over time, we conclude that no matter what the disease or social dysfunction, it is likely to be more severe among Aboriginal people. Aboriginal concepts of health and healing take the view that all elements of life and living are interdependent. From this perspective, the Canadian system of health care is deficient because it does not address the full range of causes of ill health, nor does it encourage whole health and well-being. Certain approaches have been tried in the past and have met with limited success because they were unable to account for the underlying imbalance in relations between Aboriginal peoples and the institutions and systems of the dominant society.

Aboriginal people have told us that the past can be forgiven but it cannot be forgotten. It infuses the present and gives shape to institutions, attitudes and practices that are hostile to the aspirations of Aboriginal people to assume their rightful place in a renewed Canadian federation. Aboriginal people have also said that only by facing up to the fundamental contradictions of colonialism can true healing and reconciliation take place:

In our communities right now we need a lot of healing. There is a lot of hurt...it is hurt because of the way we, as a people, have been treated for the past 500 years. Those issues have to come out and they have to be discussed. We have to be healed so that we are no longer classed as second-class citizens. We are the Aboriginal people of this land, and we must be respected for that.

Rosa Wright
Fort Simpson, Northwest Territories
26 May 1992

Aboriginal women are profoundly aware of the need for healing, not just of the body, but of the mind, spirit and environment. Overall wellness is the ultimate goal. Aboriginal women spoke about healing as an essential component in all areas of Aboriginal life:

If improving the material living conditions of Aboriginal people is to be realized, then the all-around development of men and women as part of a comprehensive process must be accompanied by deeply entrenched cultural values, social relations, education and wellness so that they may achieve fulfilment as distinct personalities in accordance with their possibilities and capabilities.

Marlene Buffalo
Samson Band
Hobbema, Alberta, 10 June 1992

We knew we had to look back to see where we've been and we had to take a real honest, hard look at where we are now to see the reality of what we're living in right now. And we had to look ahead to see what a healthy community must be like.

Alma Brooks
Wabanoag Medicine Lodge
Kingsclear, New Brunswick, 19 May 1992

Our real goal, however, is to end all forms of violence and abuse in our communities. This will only happen when the conditions which exacerbate violence are dealt with — alcohol and drug abuse, the devaluation of women and girls, poverty and dependence, overcrowded housing and economic instability. We also need our communities to be places which provide opportunities for personal healing and growth, and our lands, economies and institutions to be Inuit controlled.

Martha Flaherty
President, Pauktuutit
Ottawa, Ontario, 2 November 1993

Aboriginal women were also clear about the types of initiatives they wish to see in their communities. They focused on initiatives that are holistic and include principles of equality and respect for self and family:

Modern medicine now knows that self-esteem is an important part of a healthy human being. By feeling good about yourself — by knowing that you have value, that your life means something — you will have confidence to lead a healthy life. More importantly, you will have the ability to add something to your family and community.... We believe that education is one of the priorities in community development. It is our firm belief that the quality of education and training is crucial to improving the standard of living for our young people.... We believe strongly that anything less will result in a continuation of the band-aid approach which perpetuates the tragedy of the status quo.

Violet Mundy
Community Health, Ucluelet Tribe
Port Alberni, British Columbia, 20 May 1993

Little information has been collected systematically about the number of Aboriginal professionals involved in health and healing services, although under-representation of Aboriginal people among health and social service professionals is acknowledged to be significant and widespread. The dearth of information reflects the low priority that has generally been accorded to the development of Aboriginal human resources in Canada, and the absence of this vital information is an obstacle to planning.

In Volume 3, Chapter 3, we set out a number of recommendations to address the complex issues surrounding Aboriginal health and social services. We were told that Aboriginal people believe the capacity to exercise responsibility resides in all beings in the natural world and that when all parts of the whole are fulfilling their responsibilities, the result is balance, harmony and holistic health — a healthy mind, body and spirit. Holistic solutions to long-standing dilemmas are being developed in diverse forms and in widely scattered locations, drawing on Aboriginal traditions of knowledge and a realistic assessment of current conditions. These initiatives mobilize the inner strength of individuals and communities, and Aboriginal people are increasingly pressing federal, provincial, territorial and municipal governments and service agencies to move aside and create political and organizational space for Aboriginal initiatives.

In Volume 3, Chapter 3, we proposed a significant shift in the locus of control of personal and community services, away from centralized, bureaucratic regulation and toward Aboriginal community control. We also endorsed the development of distinct institutions mandated by Aboriginal governments and accountable to Aboriginal people. We proposed that the new directions for Aboriginal health and healing systems be based on four guidelines for action:

- equity of health and social welfare outcomes;
- holism in the diagnosis of problems, their treatment and prevention;
- Aboriginal authority over health systems and, where feasible, community control over services; and
- diversity in the design of systems and services.

We also proposed four practical strategies for the reconstruction of health and healing systems in Aboriginal nations and communities, strategies that are preconditions for the health and social well-being of Aboriginal people no matter which governments are in charge:

- the development of a system of Aboriginal healing centres and healing lodges under Aboriginal control as the principle units of holistic and culture-based health and wellness services;
- the development of Aboriginal human resources adequate to the new system, its values and assumptions;
- the full and active support of mainstream health and social service authorities and providers in meeting the health and healing goals of Aboriginal people; and
- the implementation of an infrastructure development program to address the most immediate health threats in Aboriginal communities, including the provision of clean water, basic sanitation facilities and safe housing.

The participation of Aboriginal women in these initiatives should be viewed by Aboriginal governments as not only desirable but imperative. As we have shown, women are providing leadership in many community-based projects, and they are often in the front line of service provision. The importance that Aboriginal women attach to healing cannot be overstated, and their role in achieving wellness needs to be acknowledged and incorporated in all aspects of the design, development and implementation of health and social services.

Recommendation

The Commission recommends that

4.2.2

Aboriginal governments and organizations provide for the full and fair participation of Aboriginal women in the governing bodies of all Aboriginal health and healing institutions.

In our chapter on health and healing, we set forth other recommendations relevant to Aboriginal women. For example, we called upon the government of Canada to fund national Aboriginal organizations, including women's organizations, to prepare a comprehensive, co-ordinated plan for human resource development in health and healing that builds on regional and local knowledge and initiatives.

Concerning certain existing initiatives — the Community Health Representative Program, the National Native Alcohol and Drug Abuse Program and the Indian and Inuit Health Careers Program — we recommended that Canadian governments and national Aboriginal organizations, including national Aboriginal women's organizations, examine how to expand and improve these programs so that they become cornerstones of the more holistic and integrative approaches needed to address the health and social needs of Aboriginal people.

In Chapter 7 of this volume, we discuss migration patterns and the urban experience of many Aboriginal women, particularly in relation to housing and social services. In acknowledgement of the critical role and responsibility Aboriginal women have assumed in urban areas, we recommend in that chapter that urban service agencies seek direction and guidance from Aboriginal women in formulating policy, programs and services respecting Aboriginal women. We also recommend that non-Aboriginal individuals and organizations whose work or responsibilities affect Aboriginal women's lives receive comprehensive information and education on the specific condition and needs of urban Aboriginal women.

In further discussion on health matters, Aboriginal women also spoke to us about the importance of the environment. In the far north, for example, we heard that poor sanitation is a serious problem:

This is preventable, but in a lot of cases [there are] inadequate sewage lagoons, disposable solid wastes, inadequate clean, running water....There is evidence that certain Baffin communities are contaminated with PCBs....This recognized contamination of the sea mammals affects the staple diet of many of the Inuit who eat the traditional Native foods. Concerns have been raised that PCBs can be transferred to the milk of breast-feeding mothers.

Ineq Korgak
Executive Assistant, Baffin Regional Health Board
Iqaluit, Northwest Territories, 26 May 1992

On the west coast, where many Aboriginal people depend upon healthy fish stocks, we heard that the human and environmental crisis is exacerbated by other factors that are

ignored, or inadequately dealt with by regulations: wood fibre 'lost' and damaging habitat through smothering, oxygen depletion...leakage of toxic leachates from solids and sludges in landfills into soil and air; 'spills' of processed chemicals....We, the Tseshaht Nation, have taken the steps towards joint management to protect our resources....Our nation relies heavily on the land and sea as the Creator put it here for us all to share.

Lisa Gallic
Tseshaht Band
Port Alberni, British Columbia, 20 May 1992

In other parts of the country, we heard further representations from Aboriginal women, for example, about the effects of uranium mining:

The Baker Lake Concerned Citizens Committee speaks for the average person in Baker Lake, people who have nothing to gain and everything to lose if uranium mining goes ahead. If anything happened to the caribou, we Inuit would have nothing left but welfare. So our clean environment means everything to us. If people don't understand that, then they won't understand how determined we are to protect our environment and our culture.

Joan Scottie
Baker Lake Concerned Citizens Committee
Rankin Inlet, Northwest Territories, 19 November 1992

We also heard about environmental protection in general:

We believe that there needs to be the inclusion of environmental protection to ensure a future for all children. It must identify the rights of the earth and our responsibilities to protect the earth. Continued unrestrained development threatens us all. Aboriginal people and all Canadians need constitutional protection from more mega-project dams, clear-cut logging, mining and environmentally dangerous industries. Rather than holding out the individual or the collective to be sacred, the basic premise must be that the earth should be held sacred.

Marilyn Fontaine
Aboriginal Women's Unity Coalition
Winnipeg, Manitoba, 23 April 1992

Concerns related to the environment were raised by Aboriginal women throughout our hearings; for more detailed analysis and recommendations, see Volume 4, Chapter 6 dealing with the north; Volume 3, Chapter 3 on health and healing; and Volume 2, Chapter 4 on lands and resources.

5. The Need for Places of Refuge

In 1969, the YwCA operated a residence for status Indian women in downtown Toronto. It was called simply 'Y Place' and was funded by the Department of Indian Affairs and Northern Development. By 1973, Aboriginal women had become involved in the administration of the residence and renamed it Anduhaun, Ojibwa for 'our home'.

Twenty years later, Anduhyaun is still in operation, providing Aboriginal women and their children with a culturally based supportive environment and the resources to work on a variety of problems, including abusive relationships, family and marital breakdown, legal and financial difficulties, and alcohol and drug abuse. Staff at Anduhyaun help Aboriginal women get housing, medical services, further education, skills development and employment. They also operate a food bank.⁸⁴

In describing their work, managing director Catherine Brooks noted that many Aboriginal women who become residents of Anduhyaun are accompanied by their children, who have also been exposed to or experienced violence. She spoke about other experiences Aboriginal women go through such as discrimination in housing and employment.

In 1986, Anduhyaun began to work on the development of a second-stage supportive housing program (first-stage housing is the shelter operation). The purpose of the second-stage program is to support women making changes in their lives by addressing issues underlying substance abuse and assisting them in formulating and attaining their goals:

Whether her goals are to become an effective parent or reunite her family or acquire education or skills for...employment that is meaningful to her, Anduhyaun's purpose is to support her in achieving her goals.

Catherine Brooks
Managing Director, Anduhyaun
Toronto, Ontario, 26 June 1992

In their written brief, Anduhyaun relayed their belief that the underlying cause of violence is the sense of lack of control experienced by Aboriginal people. The answer, they believe, is self-determination in every facet of community life, which means "seeing our situation as it is, then developing and controlling the community responsive resources to change our lives in positive directions".⁸⁵

Along with the need for an increased emphasis on culturally appropriate health and social services, we were struck by the many interventions that disclosed the vulnerability of Aboriginal women and children. We heard testimony from individual women who have survived violence. We also heard from Aboriginal women's organizations whose representatives described the current difficulties and special challenges that Aboriginal women face. But, of equal importance, we heard about the goals Aboriginal women are pursuing in the firm belief that "they will lead to positive, healthy changes in their lives and those of their children as well as those of their community as a whole".⁸⁶

In Volume 3, we examined family and community violence. We highlighted the fact that violence is a complex, multi-faceted and widespread social problem in many Aboriginal communities. Since it was raised by so many Aboriginal women during our hearings, we raise the issue again here. We believe it is important to let their voices express their feelings of vulnerability and to convey what they are doing about it.

Some Aboriginal women spoke to us during private sessions because they feared repercussions from their disclosure. At one private session organized by an Aboriginal women's association in June 1993, 30 Aboriginal women spoke about incidents of sexual abuse and violence in their lives. One woman told us:

In my community, I've been ostracized, blacklisted. I'm a graduate of university and have spoken out against practices of band employees who use their power and authority...have pressed charges of battery against my husband and found that there is a band by-law that says anyone who is separated, who is not an original member, is taken off the band list. This applies to widows, women who've been abused, etc. Since then, I've been physically and verbally assaulted....We want to have our own centres, and we can't wait for band councils to decide when the community is going to go into healing...so much of the sickness is in our families...and our own people discriminate against us in the most hurtful ways. [I was] scared to come here today...it gets lonely, fighting that battle and not knowing who is going to be the oppressor, because they're one of us.

At other locations women spoke more generally about the issue, often on behalf of other Aboriginal women in their community:

During the workshop that we had in my community, the people identified many of the problems. They didn't blame anyone. They took full responsibility for the reality of life in their community and I was very proud of them. It took a lot of courage for them to do that. But they talked about family violence...sexual abuse...a very high percentage of alcohol and drug abuse and use. But they saw that the alcohol and the drugs were — had become — a mechanism of survival, to survive the pain and the sense of helplessness and powerlessness, the fact that no one listens to them, no one validates their frustration. No voice.

Alma Brooks
Wabanoag Medicine Lodge
Kingsclear, New Brunswick, 19 May 1992

Aboriginal women also spoke about the initiatives they have begun in their communities to deal with family violence:

I had no interest in women's issues. I also did not like the idea of being in close association with many women. I had seven biological sisters and I had trouble getting along with them. So I said...'I don't know if I really want to work with many women'....Three months later I find myself hired at the Manitoba Committee on Wife Abuse as a liaison worker. I quickly contacted a few Aboriginal women...and formed an ad hoc Aboriginal women's committee. We were bewildered, hurt and perplexed when the non-Native women criticized and scoffed at our organizing. We carried on in spite of this and slowly worked on our dream of services for abused Aboriginal women.

Virginia Miracle
Ikwe Widdjitiwin
Winnipeg, Manitoba, 23 April 1992

And so Ikwe Widdjiitiwin, which means 'women helping one another', was established. According to Darlene Hall (then executive director), the 20-bed short-term crisis shelter for abused women and children in Winnipeg opened its doors on 22 December 1989. Since opening, they have had more than 350 women and 1,000 children in residence. Their philosophy can be summarized thus:

Solutions towards the end of family violence can be realized by utilizing the holistic integrated approach of the traditional four directions of empowerment: mental, by respect; physical, by sharing; emotional, by caring; and spiritual, by hope.

Darlene Hall
Executive Director, Ikwe Widdjiitiwin
Winnipeg, Manitoba, 23 April 1992

In Iqaluit, Northwest Territories, we heard that the Baffin Region Aggvik Society provided safe haven for 100 families in 1987-88 and 303 families in 1991-92:

Women's voices have often not been heard because of the reluctance to share family issues publicly. Women have always been responsible for family relationships. Family relationships are the basis of Inuit culture. Therefore, women must have a voice in how the culture is developed. They must be encouraged to talk about these issues, since they are essential to a healthy culture and lifestyle.

Leetia James Aivik
Vice-Chair, Baffin Regional Women's Shelter
Iqaluit, Northwest Territories, 26 May 1992

Some estimates suggest that violence occurs in 80 per cent of Aboriginal families.⁸⁷ As we pointed out in *Choosing Life: A Special Report on Suicide Among Aboriginal People*, the statistical evidence shows that rates of suicide among Aboriginal people are significantly higher than among Canadians generally and that the gap is greatest among the young. Adolescents and young adults are in the category of greatest risk. Most disturbing of all, we identified a strong possibility that if the rate remains high, the number of suicides will rise in the next 10 to 15 years as the youth population grows.⁸⁸

Aboriginal women, as the givers of life, custodians of culture and language, and caretakers of children, want to ensure that the violence stops. And despite obstacles encountered in both Aboriginal and non-Aboriginal society, First Nations, Inuit and Métis women continue to demonstrate a powerful determination to change their situation and to work co-operatively with others:

As women we do have responsibilities. We are the keepers of our culture and we are the teachers of our children. I would just like to say that for our men that we don't want to walk behind you. We want to walk beside you. We want to heal with you and we want to help you make those decisions that are needing to be made for the future of our people and that we walk together.

Lillian Sanderson
La Ronge Native Women's Council
La Ronge, Saskatchewan, 28 May 1992

As the views of Aboriginal women attest, it is vitally important to work on relationships among Aboriginal people in their communities.

When relationships turn sour, what is the healthy thing to do? We apologize, don't we. That is pretty basic, but very fundamental to the process of change in a relationship....When you say, 'I'm sorry', you begin again on another positive note....The first round of these hearings...the Anishnabe communities expressed their deepest hurts over and over. At this point, we need to hear 'I'm sorry'....We need to hear this from the intellectuals of this country, the educators, the religious organizations, the health professionals, doctors, nurses, social workers, police et cetera, et cetera. Until we get this response, we cannot move forward towards healing....

We...have homework to do ourselves on our relationships in our communities....Let's work towards healing our relationships there too.

Merle Assance-Beedie
Barrie and Area Native Advisory Circle
Orillia, Ontario, 13 May 1993

In our discussion of the family in Volume 3, Chapter 2, we pointed out that although not all Aboriginal communities are suffering from high levels of family and communal violence, the frequency of violent behaviour directed at Aboriginal women and children is alarming. Issues of family violence are also addressed in our special report, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*, in which we discuss the need to ensure the safety of Aboriginal women and children in Aboriginal justice systems.⁸⁹ We believe that a system that cannot protect women and children is a system that fails.

That report highlighted two case studies that feature a strong role for women, a role that has helped them ensure that developments in this area do not further victimize women and children. One option we proposed was that a body be located at the nation level to review criminal justice initiatives specifically as they relate to issues of family violence. This function could be fulfilled by Aboriginal women's groups active in the nation or, where such groups are not in place, Aboriginal nations could establish women's groups to review and approve such programs before implementation. Aboriginal society is not free from the sexism that exists in the rest of Canadian society, and unless this reality is acknowledged and concrete steps are taken to address it through the justice system, women and children will remain at risk.

In considering the concept of distinct Aboriginal justice systems, we addressed the needs of women and children. We concluded that women must be consulted and participate in the development of such systems. We concluded also that the Canadian Charter of Rights and Freedoms applies to Aboriginal governments, so that individuals subject to the laws or actions of such governments enjoy the protection of its provisions.

As we concluded in *Bridging the Cultural Divide*, the provisions of the Charter, particularly section 25, operating in conjunction with Aboriginal charters, means that Aboriginal nations have a wide measure of flexibility to design justice systems more reflective of their own cultures, customs and traditions. (For a complete discussion of issues surrounding the Canadian Charter of Rights and Freedoms, see Volume 2, Chapter 3.)

Until the fundamental restructuring of relationships between Aboriginal and non-Aboriginal governments takes place, we believe it is necessary to establish transitional measures. In *Bridging the Cultural Divide*, one of the transitional mechanisms we recommend is the establishment by legislation of an Aboriginal justice council. This body would determine which Aboriginal initiatives would be funded and what the level of funding would be. It would be broadly representative of First Nations, Inuit and Métis peoples, Aboriginal people from urban areas, and women and youth. Among other functions, it would undertake research. We also identified a number of issues that call for the kind of research best performed by Aboriginal legal scholars and practitioners in conjunction with members of their nations. We have in mind, for example, the development of Aboriginal charters of rights and adjudication processes.

We also recommended that the government of Canada convene an intergovernmental conference of federal, provincial and territorial ministers of justice and attorneys general, solicitors general, ministers of correctional services and ministers responsible for Aboriginal affairs to address the issues raised and recommendations made in *Bridging the Cultural Divide*. Representatives of Aboriginal nations, communities and organizations should also be invited to attend, including those who work directly in the development and implementation of Aboriginal healing and restorative justice projects. We therefore see strong participation by Aboriginal women.

Other initiatives must also occur. In Volume 3, Chapter 2, we discussed family violence as it was described to the Commission by Aboriginal women, men, people with disabilities, youth and elders. We discussed the various barriers to change and provided some guidance to solutions advanced by people in the communities. We also set out some ground rules for action suggested by those who spoke to us:

- Do not stereotype all Aboriginal people as violent.
- Make sure that assistance is readily available to those at risk.
- Do not make social or cultural excuses for violent actions.
- Attend to the safety and human rights of the vulnerable.
- Do not imagine that family violence can be addressed as a single problem.
- Root out the inequality and racism that feed violence in its many forms.

In that chapter, we recommended that Aboriginal leaders take a firm public stance in support of the right of women, children, seniors, persons with disabilities and all other vulnerable members of the community to be free from violence and that they endorse a policy of zero tolerance of violations of the physical, emotional or economic security of all Aboriginal persons. The importance of seeing and hearing Aboriginal leaders speak out against violence cannot be overstated. Aboriginal women expect their leaders to take a strong stand on this issue and to be role models for others.

We also recommended that Aboriginal governments adopt the principle of including women, youth, elders and persons with disabilities in governing councils and decision-making bodies, the modes of representation and participation of these persons being those that they find most congenial.

We also believe that reinstatement of community standards where they have been eroded is essential to securing a safe environment for women, children, seniors and persons with disabilities. In Volume 3, Chapter 2, we recommended that Aboriginal leaders and agencies serving vulnerable people encourage communities, with the full participation of women, to design and put into action codes of behaviour aimed at engaging all citizens in the creation and maintenance of safe communities and neighbourhoods.

Peace and harmony can be restored to families in part by stopping family violence. Other concerns with respect to the position and role of Aboriginal women remain to be addressed, however.

6. The Rise of Aboriginal Women's Organizations

During the period 1951-1970, Aboriginal people became more aware of their legal rights and as a result organized to address their concerns. Aboriginal women's organizations came into being and took on a range of issues, including the development of women in leadership roles and the resolution of health and social problems in their communities. This was a far cry from the first organizations started in 1937 by the Indian affairs department with the stated goal of assisting Indian women "to acquire sound and approved practices for greater home efficiency".⁹⁰

First instituted and promoted by the department during the Depression, Indian homemakers' associations formed on reserves across Canada between 1930 and 1960. In the 1960s, most of these groups underwent a transformation from clubs focusing on home economics to clubs involved in public affairs, tackling issues such as housing standards, living conditions, Aboriginal rights and women's rights. The Indian Homemakers' Association of British Columbia was formed in 1965 to amalgamate clubs throughout the province.⁹¹ Incorporated in 1969, it has the distinction of being the country's oldest provincial Aboriginal women's organization in operation today. Other associations, chapters and locals regrouping Aboriginal women were established across Canada, on reserves, in rural communities and in urban centres.⁹²

The idea of a national body to represent Aboriginal women emerged at a 1970 international conference of Aboriginal women in Albuquerque, New Mexico, and in March 1971 the first National Native Women's Conference was held in Canada. In August 1974, the Native Women's Association of Canada (NwAC) convened its first annual assembly in Thunder Bay, Ontario. Until the early 1980s, NwAC would speak on behalf of First Nations, Inuit and Métis women.

In 1984, because of major differences in language, culture, and circumstances, Inuit women felt a need to create their own organization — Pauktuutit. Its mandate is to foster a greater awareness of the needs of Inuit women and to encourage their participation in community, regional and national concerns in relation to social, cultural and economic development.⁹³

In 1992, the Métis National Council of Women was incorporated as a federation of six independent provincial and territorial Métis women's organizations: British Columbia, Alberta, Northwest Territories, Saskatchewan, Manitoba and Ontario.

Although stated differently, the goals and objectives of each Aboriginal women's organization are similar: improving the quality of life for Aboriginal women and their children by achieving equal participation in the social, economic, cultural and political life not only of their communities but of Canadian society as a whole.

Throughout the 1970s and '80s, the discriminatory provisions in the Indian Act were a central focus of concern. Women such as Yvonne Bedard, Jeannette Corbiere-Lavell, Mary Two Axe Early and Sandra Lovelace instituted legal proceedings challenging the loss of Indian status and rights. Aboriginal women wanted to see major changes in their lives and communities, and they were determined to take action locally, regionally, nationally and internationally:

In 1981, Sandra Lovelace took her case to the United Nations Human Rights Committee. It held that Canada was in contravention of article 27 of the International Covenant on Civil and Political Rights. The committee ruled that the cultural rights guaranteed by article 27 of the Covenant were denied because she was forced to be separate from her community. Only after this decision did the Canadian government try to correct the situation, finally enacting Bill C-31 in 1985....This could not have happened if it were not for the Aboriginal women speaking out.

Kathy Martin
The Pas, Manitoba
20 May 1992

Although the discriminatory provisions of the Indian Act were important, a wide range of other concerns captured the attention of Aboriginal women's organizations. They were also placing increased emphasis on their participation in the decision-making processes of other national Aboriginal organizations.

Discussions on the patriation of the constitution had been occurring for a number of years, but it was not until 1981 that representatives of three national Aboriginal groups — the Assembly of First Nations (AFN), the Inuit Committee on National Issues (ICNI, predecessor of Inuit Tapirisat), and the Native Council of Canada (NCC) — became more involved.⁹⁴ A first ministers conference, convened in November 1981, produced a political accord on constitutional reform supported by the federal government and nine provinces. This accord had one glaring omission: Aboriginal rights. The Aboriginal Rights Coalition, led by NCC, ICNI, NwAC, the Dene Nation, the Council for Yukon Indians, the Nisg_a'a Tribal Council and the National Association of Friendship Centres, initiated a series of public protests. With the support of Canadian women concerned about sexual equality and a support network of Canadian church organizations through Project North, they were able to have Aboriginal and treaty rights — albeit qualified as 'existing' Aboriginal and treaty rights — recognized in section 35 (1) of the Constitution Act, 1982.

During the first ministers conferences held between 1983 and 1987, NwAC continued to be involved in meetings of AFN's constitutional working group and the Native Council of Canada's constitutional process. During the 1983 first ministers conference, NwAC was instrumental in gaining a further amendment to section 35 of the act: "Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons".

NwAC was not a formal participant in these conferences, however. It did not have its own seat at the table, nor was it given equitable funding. During the constitutional talks in 1992, NwAC launched a court case to gain equal participation and funding. In March 1992, the Native Women's Association of Canada put forward legal arguments that the Charter rights of Aboriginal women had been infringed by the government of Canada. After losing in the Federal Court, Trial Division,⁹⁵ NwAC was heard in the Federal Court of Appeal in June 1992. On August 28 of that year, the Federal Court of Appeal ruled unanimously in favour of NwAC. Speaking on behalf of the court, Justice Mahoney found that by funding the participation of the Assembly of First Nations, the Métis National Council, the Native Council of Canada and Inuit Tapirisat of Canada in the constitutional process and excluding the equal participation of NwAC,

the Canadian Government has accorded the advocates of male dominated aboriginal self-governments a preferred position in the exercise of an expressive activity....It has thereby taken action which has had the effect of restricting the freedom of expression of Aboriginal women in a manner offensive to paragraph 2(b) and section 28 of the Charter.⁹⁶

The federal government appealed this decision to the Supreme Court of Canada. The decision was overturned on 27 October 1994. Speaking for the court, Justice Sopinka said:

The four Aboriginal groups invited to discuss possible constitutional amendments are all bona fide national representatives of Aboriginal people in Canada and, based on the facts

in this case, there was no requirement under s. 2(b) of the Charter to also extend an invitation and funding directly to the respondents....I have concluded that the arguments of the respondents with respect to s. 15 must also fail. The lack of an evidentiary basis for the arguments with respect to ss. 2(b) and 28 is equally applicable to any arguments advanced under s. 15(1) of the Charter in this case.⁹⁷

Although NwAC ultimately lost the case, it made the point that Aboriginal women want a say in the decisions that will affect their future. At the July 1993 intergovernmental conference of federal, provincial and territorial ministers responsible for Aboriginal affairs, held in Inuvik, Northwest Territories, the Native Women's Association of Canada was officially invited to participate. NwAC also had its own seat at a similar conference in Toronto in February 1994.

7. The Need for Fairness and Accountability

Aboriginal women and their organizations point out that active participation by everyone, men and women, is needed to eliminate obstacles and clear the path to a better future for Aboriginal peoples.

We must never stop demonstrating forcefully our solidarity with the major Aboriginal demands which, fundamentally, concern the right to life and to dignity. But at the same time, we must not confuse solidarity with a false superficial unanimity that excludes all thinking and debate. On the contrary, it is important to stimulate thinking and discussion if we, as women and men on an equal footing, are to succeed in defining our future together. That is the best demonstration of solidarity that we can give. [translation]

Michèle Rouleau
Quebec Native Women's Association
Montreal, Quebec, 27 May 1993

Our public hearings and the reports submitted in the context of the Commission's Intervener Participation Program demonstrated that these organizations are fulfilling a major role in raising awareness and understanding of the needs, issues and aspirations of Aboriginal women among other Aboriginal people and organizations, governments and the general public. Through their own research, project and program development, advocacy and other activities, Aboriginal women are making substantial contributions to effect change. This work must continue and be supported.

Aboriginal women continue to feel the need for separate organizations, circles, networks and other forums in which to pursue issues of particular concern to them and to fulfil their aspirations. Governments and other organizations should recognize, respect and include them in all areas of decision making. Earlier in this chapter, we recommended that the government of Canada provide funding to the national organizations representing Aboriginal women to support their capacity to conduct research and participate in all stages of the self-government process.

Throughout our hearings, when Aboriginal women referred to issues of fairness and accountability, it was generally in the context of self-government. These views were forceful, holistic and visionary:

I see self-government as being necessary to preserve our philosophical uniqueness. I do not want to see merely a European western model of government that is run by Indians. Rather, I want an Indian government that operates in accordance with traditional principles and customs, one that rests on a spiritual base and emphasizes group, not individual rights. I understand very well that self-government implies certain essential requisites, such as an adequate land base and economic self-sufficiency.

Marlene Buffalo
Samson Band
Hobbema, Alberta, 10 June 1992

The structure and functions of the traditional lodge provides a model for the exercise of self-government. We call upon the chiefs and councils and their representative organizations...to take immediate action to institute structures and processes that will provide opportunity for full and equal participation for First Nation elders, youth, women...in the development of self-government...[and] that the development of self-government structures, institutions, processes and policies be guided by traditional Aboriginal values, customs and practices.

Marilyn Fontaine
Aboriginal Women's Unity Coalition
Winnipeg, Manitoba, 23 April 1992

I don't believe that Indian self-government, or Indian self-determination should be merely a transferring of what is there. We need to create something. We need to look back to see where we've been and to put in place once again a mechanism that will perpetuate a good, healthy life for our future generations.

Alma Brooks
Wabanoag Medicine Lodge
Kingsclear, New Brunswick, 19 May 1992

Unfortunately, the imposition of southern values, laws and institutions on Inuit society has resulted in social, political and economic chaos in our communities. Women have suffered doubly for we lost status in our own society and were subjected to the patriarchal institutions born in the south. Until a proper balance is achieved among Inuit men and women, mechanisms must be put into place to ensure that women are equally represented in all decision-making processes and on all decision-making bodies.

Martha Flaherty
President, Pauktuutit
Ottawa, Ontario, 1 November 1993

We also need a system of responsible government...a system of government that is a more accountable, representative method of conducting government, which has recognizable and respected rules of conduct.

Bernice Hammersmith
Provincial Secretary, Metis Society of Saskatchewan
La Ronge, Saskatchewan, 28 May 1992

A number of Aboriginal women identified themselves as members of nations rather than bands:

The Native Women's Association of Canada has stated previously and maintains that self-government should be granted...to nations, not to band councils....Each band council does not represent a nation....Any self-government agreement must be negotiated on a nation-to-nation basis.

Sharon McIvor
Native Women's Association of Canada
Toronto, Ontario, 26 June 1992

Quite often, our association is regarded as a special interest group. That bothers me because we are not a special interest group. We are members of a nation, and our organization represents many nations.

Marlene Pierre
Ontario Native Women's Association
Thunder Bay, Ontario, 27 October 1992

I think probably if the leaders had taken time to reflect and meditate on what those traditional values are that we would have the development of Aboriginal governments based on the principles of nationhood and not on the corporations acts of the provinces...[and that would accept] and welcome women's views as not just a particular lobby group's views but as a view of part of the nation, as part of the people, that women have real needs and have real answers to problems.

Sandra DeLaronde
President, Metis Women of Manitoba
The Pas, Manitoba, 19 May 1992

Even now as they talk self-government, they talk about imposed systems. That's for us to decide as nations, but we must organize into nations again, not as band councils.

Livina Lightbown
Vancouver, British Columbia
3 June 1993

In discussing self-government institutions and processes, Aboriginal women expressed views that focused on ensuring inclusiveness of all citizens of a nation:

In terms of what self-government might look like...first of all, we have to look at really developing a very basic philosophy of how people should be treated...that government has to be very sensitive to the needs of all its citizens.

Kathy Mallet
Co-ordinator, Original Women's Network
Winnipeg, Manitoba, 23 April 1992

The incorporation of the whole circle must be viewed as the point of reference to guarantee the survival of our peoples as nations. The extended family concept must be inclusive and applied not only to the citizens on the traditional homelands, but also to our people in the inner cities, prisons and smaller communities. Shared leadership responsibilities must become more fluid, which will allow a more positive approach to begin addressing many of the social problems that impact on our people daily. We have to begin to take a more holistic approach to these social issues.

Carol Gauthier
Shingwauk Anishnabek Student Society
Sault Ste. Marie, Ontario, 11 June 1992

They also spoke about the need to ensure that self-government models incorporate traditional principles and values:

The Aboriginal community needs to have the opportunity to come together in all its diversity, to undergo a values clarification process within the context of reviving traditional values. After all, violence is not a traditional value.

Marilyn Fontaine
Aboriginal Women's Unity Coalition
Winnipeg, Manitoba, 23 April 1992

Above all, First Nations, Inuit and Métis women expressed the need to ensure that Aboriginal governments are accountable to their citizens through mechanisms designed to ensure fairness, trust, equality and justice:

I firmly believe that self-government based upon the inherent right to be self-determining must hear the weaker voices as well as the stronger voices. Self-government must be built upon the foundation of all Aboriginal people...[and] must provide for those people in need. Self-government must be built upon fairness and equality.

Dorothy McKay
Big Trout Lake, Ontario
3 December 1992

If we are to put...self-government and our own policing and administration...in place, we must ensure that all our people will have a means to take their complaints forward. We must ensure that all our administration and self-governing is accountable to ensure that the basic rights and freedoms our grandfathers and our mothers suffered starvation for will be assured...We must protect all of our people's rights. We are being blinded by the terminology being used today that helps to divide us, such as status and non-status, on-reserve, off-reserve. What is particularly irksome for me is the irrationality behind defining the level of status a person has by your gender or where you sleep or hang your hat and by your proximity to band politics.

Linda Ross
Kingsclear Indian Band
Kingsclear, New Brunswick
19 May 1992

We have to be on guard against the danger of reproducing the same paternalistic system that has been so often criticized. Moreover, if we create agencies or councils without really developing them and defining their powers, we will make the mistake of delegating responsibilities without conferring on these bodies the authority required to fulfil their mandate. What seems of utmost importance, however, is to establish an appeal system for cases where individuals feel that their rights have been infringed. [translation]

Jeannette Boivin
Director, General Council of Atikamekw Women
Manouane, Quebec, 3 December 1992

Many Aboriginal women spoke critically about the development of self-government. Although they support self-government, Aboriginal women emphasized the need for healing in their communities:

Most women supported fully the move toward self-government and yet had many concerns and fears about the fulfilment of that right for Aboriginal peoples. Why? Why do women feel such ambivalence towards the idea of self-government? The answer is clear to women.... We have to change our priorities. We must have personal and community healing.

Lynn Brooks
Executive Director, Status of Women Council of the N.w.T.
Yellowknife, Northwest Territories, 7 December 1992

Some Aboriginal women felt they were full and equal partners in self-government discussions, but many women expressed fears that new regimes or systems could develop that would perpetuate patterns of exclusion. Aboriginal women and others spoke about situations in which they have been ignored, intimidated, mistreated and excluded:

If the question of Aboriginal self-government was raised at this assembly today, the results would be the majority lacking enough topical information to render an informed opinion on the subject. We view this communication gap between the Aboriginal elites and the grassroots people as a major flaw in the whole negotiating process on Aboriginal self-government.

Carol Gauthier
Shingwauk Anishnabek Student Society
Sault Ste. Marie, Ontario, 11 June 1992

The response of the Assembly of Manitoba Chiefs to some of the issues that we have raised has also raised a number of serious considerations to us. It has brought to the foreground the potential for the abuse of human rights in the existing political and service delivery structures of Aboriginal government. It highlighted the lack of democratic mechanisms that would allow for the full and equal participation of women and off-reserve people in decisions that concern and affect them. It has also served to demonstrate that a dangerous capacity for the abuse of power and the exercise of undue influence is greatly enhanced and facilitated within a political structure that has no

mechanism for the democratic process of appeal and no meaningful facility for accountability to its constituents.

Marilyn Fontaine
Aboriginal Women's Unity Coalition
Winnipeg, Manitoba, 23 April 1992

I would say that there is a real need for the entrenchment of women's rights within self-government. The one thing I hear from women in the communities as well is that there is a real lack of enough advocates. There are advocates, but a lack of enough advocates for their concerns. Often times, things are brought forward to band councils at the community band or regional level and their concerns don't go any farther than that.

Sarah Kelleher
N.w.T. Family Services
Yellowknife, Northwest Territories, 7 December 1992

In some cases, projects initiated by Aboriginal women faced opposition in their communities:

We ran across many barriers to healing. We found we had to overcome mistrust by families, by friends, community members and service providers. We were perceived as a threat to existing relationships, friendships, jobs and authority....In the circle, we began to learn how to communicate with each other. Trust was built, and we started to support one another....We have many strengths as Aboriginal people, especially the women who have helped us to survive as Anishnabek....Our solutions are: Remove the barriers that prevent personal, collective or community healing. The healing has to be put into the hands of the women first.

Deborah Herrmann
Co-ordinator, Kettle Point Caregivers
London, Ontario, 12 May 1993

Some Aboriginal women pointed to barriers raised by community leadership, which is often male-dominated. Other Aboriginal women see themselves as being excluded from decision-making processes:

These initiatives, for whatever reasons, are found to be intimidating and threatening to the male-dominated organizations that claim to represent us. In many situations, these organizations have come to oppose the initiatives of the community-based Métis women. They are in the process of negotiating self-governance while they actively try to exclude their female counterparts.

Melanie Omenihó
Women of the Métis Nation
Edmonton, Alberta, 15 June 1993

During our hearings, the Aboriginal Women's Council of Saskatchewan spoke about the results of their research project, which involved interviews with 74 Métis and First Nations women ranging in age from 17 to 58.⁹⁸ They found that many women know little

about self-government and feel powerless because decisions are made without them. Programs or services are introduced without their involvement being requested or encouraged.

Furthermore, the interviews revealed that some women had been thrown out of meetings or shunned for attempting to join in. Many women feared repercussions for expressing their views and did not want to be identified by name in the study. Some women reported being fired from their jobs as punishment for speaking out. Because the women knew little about self-government, they based their judgement on past negative experiences, such as the implementation of Bill C-31, and feared a similar trampling of rights under future self-government arrangements. Still, some hoped that change would bring about a better life that would empower their people and strengthen the cohesiveness of their nations.

Some Aboriginal women focused their concerns on the existing leadership, indicating that shifts in attitude and behaviour among some male leaders are required:

Native women have been bearing tremendous burdens in their family, in the home, as well as outside the home, in the workplace and in the political arenas of this country. In order to eliminate the sexism and the racism that is directed at Aboriginal women, we have to see a concerted effort on the part of Native male leadership in this country.

Brenda Small
Moose Factory, Ontario
9 June 1992

I would like to point out, to have somebody at least acknowledge the fact that these people have been elected or appointed to those positions of authority or power and that they need to remember who put them there and what they're there for. They need...to listen to those voices because sometimes our leaders get too high or too distant from our communities and they no longer hear what is important at the community level...I know there are not very many chiefs and councillors here from our communities and that concerns me somewhat because it is important that they hear it. But what we want to do at the United Indian Councils communities is turn that circle around so that our leaders are not at the top and we're not looking up at them, but that they remember that they are servants of the people and they are there to espouse our viewpoints and to support and represent us.

Cynthia C. Wesley-Esquimaux
Vice-Chief, United Indian Councils
Orillia, Ontario, 13 May 1993

It was apparent in what we heard from Aboriginal women that fairness, inclusiveness, and accountability in Aboriginal governments are of paramount importance. In Volume 1, Chapter 16, we set out the basic principles necessary to achieve a renewed relationship — recognition, respect, sharing and responsibility. These principles are also key to the relationship between Aboriginal men and women.

Testimony has revealed the strong determination of Aboriginal women to be fully involved in the negotiation and development of self-government in their communities and nations. Only if this happens can they ensure that their families are healthy and secure, living in an environment where the primary values are inclusiveness, fairness and respect:

We believe that, because it has to be a community-upward process to develop self-government, we have to make sure that the elders, our grandmothers and our grandfathers, the women, the young people in the community, are brought in to talk....They have to come and talk about what they feel their future is in the framework of self-government....I want to get rid of the division and the derision in the communities and start opening up those lines of communication right at the community level.

Marlene Pierre
Ontario Native Women's Association
Thunder Bay, Ontario, 27 October 1992

We must have faith in the ability of our nations to control our destiny. An Aboriginal government must be responsible. Every form of government is judged on how its people are treated. Assuming control of a band's membership is the first step toward political autonomy. To become a people who govern themselves, we must co-operate in developing institutions in our communities, with the participation of all our members. We must not repeat the injustices suffered by many of our members under the Indian Act. We must be a model of a more equitable system. [translation]

Mèrilda St. Onge
Women of the Montagnais Nation
Sept-èles, Quebec, 19 November 1992

Many Aboriginal societies were more egalitarian before contact than they are today. Women had important roles in the social, economic and political life of their community. They were the wisdom-keepers. They selected chiefs. They taught their children about the nature and qualities of a leader. They were responsible for resolving internal disputes and healing their communities. Aboriginal women continue to feel strongly about their place in Aboriginal society in the future.

Their responsibilities stretch all the way from cradle to grave. Our women are the mothers, the providers, the wife, the decision maker, community leader; and these many roles require them to keep a careful balance.

Rita Arey
President, N.w.T. Status of Women
Inuvik, Northwest Territories, 6 May 1992

In assuming these responsibilities as well as meeting the challenges of implementing self-government, contemporary Aboriginal women continue to struggle to establish a role for themselves. The family-based consensus process once used in many First Nations communities has been displaced by majority-based electoral systems that have altered the roles of women, elders and other members of the community. These electoral systems have shattered consensus, alienated the community from decision making, and bred

distrust of leaders and officials. Decision-making processes must be accessible and responsive to the views of the people as a whole, to communities, families and individuals.

We have seen that more and more Aboriginal women are taking on positions of leadership in social, economic, cultural and political institutions. We expect this trend to continue.

The increased political participation of Aboriginal women testifies to the increased willingness of Aboriginal women to participate in decisions aimed at improving the living conditions of not only their families but their communities and their nation.

[translation]

Michèle Rouleau
Quebec Native Women's Association
Montreal, Quebec, 27 May 1993

I think women now have to start working...on changing those very ideals that our politicians hold. They have to hold their politicians accountable and a little more responsible to the social needs. How can we advance as a people and as a society if we can't even look in our own backyard....We have to start taking that responsibility.

Margaret M. Eagle
Yellowknife, Northwest Territories
7 December 1992

Aboriginal women are also ready to define codes of conduct they see as crucial to responsible leadership.

In 1992, Pauktuutit's annual general assembly passed a resolution calling on all Inuit organizations to develop and implement codes of conduct for their leadership. These codes are to be developed with the active participation of Inuit women....Inuit women have been very clear about what they expect from their leadership. Good leaders have...the following qualities: fairness, high moral standards, commitment, honesty, the respect of their communities, kindness, understanding and the willingness to listen. Characteristics and behaviours which are unacceptable in leaders include dishonesty, insensitivity, unfairness, abuse of alcohol or drugs, wife battering, child abuse, racism, prejudice.

Martha Flaherty
President, Pauktuutit
Ottawa, Ontario, 1 November 1993

In Volume 2, Chapter 3, we noted that a government must have three basic attributes: legitimacy, power and resources. Legitimacy refers to public confidence in and support for government. It depends on such factors as the way the structure of government was created, the manner in which leaders are chosen, and the extent to which the government advances public welfare and honours basic human rights. To put in place fully legitimate governments, Aboriginal peoples must enjoy the freedom, time and resources to design

their own political institutions, through a genuinely inclusive process that involves consensus building at the grassroots level.

The capacity to exercise self-determination is vested in Aboriginal nations that share a collective sense of identity. There is a pressing need for nations to reconstitute themselves as modern political units. We agree with the views of many Aboriginal women who spoke about the need to rebuild nations.

In our discussion of governance, we noted that there are many ways for Aboriginal nations to conduct their internal affairs to ensure fairness and accountability. Aboriginal governments could establish charters or other instruments to protect individual rights and curb abusive uses of power by government. Whatever measures are adopted, Aboriginal women must be actively involved in their development and implementation.

As Aboriginal women continue to voice their concerns and take action at the community and regional level, other developments are occurring. The involvement of women in the design and development of a new government for Nunavut is a good example. The Nunavut Implementation Committee (NIC) responded to concerns expressed by Inuit women by considering ways to ensure balanced representation of men and women in elected positions. In a December 1994 discussion paper, NIC commissioners committed themselves to the principle of sexual equality.⁹⁹ The discussion paper notes that women make up just over half the population but are systematically under-represented in politics. The paper acknowledges that women have always played a prominent role in Inuit society. Communities in the eastern Arctic could not function without the contributions made by women — in the home, in the workplace, and in a wide range of organizations. But women remain significantly under-represented in electoral politics; only one of the 10 MLAs for the Northwest Territories from the eastern Arctic (the area that will become Nunavut in 1999) is a woman.

The NIC proposed that the future Nunavut legislative assembly guarantee balanced participation of men and women by having two-member constituencies. The familiar 'first past the post' system would continue to be used, but voters would choose two members in each riding, one woman and one man. The model could work whether consensus government or a party politics system was used.

The Nunavut Implementation Committee acknowledged the work of Pauktuutit and an informal network of prominent Inuit women leaders as well as the support of many Inuit men who believe in equal participation of women in politics. The committee noted that these people have helped create a social and political climate amenable to the discussion of sexual equality in electoral politics.

More generally, Aboriginal women are actively pursuing discussions on self-government and other major issues on their own, at conferences, meetings and workshops:

We are looking for solutions to improve the situation in terms of the relationship between the men and the women....There has to be a process in place whereby the women are

recognized equally and where they will be invited and respected to participate and to have input on matters that affect them.

Marguerite Saunderson
Northern Women's Resource Services
Thompson, Manitoba, 1 June 1993

And it is apparent that they are determined to accomplish their goals:

We also have to recognize that within our own nations, there has to be a healing and building and bonding of women and men for the betterment of the nations...that we will not allow ourselves to be put into the back rooms anymore by ourselves...that we need and want to be at the table for the future of the Métis Nation and Aboriginal nations; that within our nations as well, our current leadership has to take note of that fact and that they include women in all aspects of negotiation.

Sandra DeLaronde
President, Metis Women of Manitoba
Winnipeg, Manitoba, 3 June 1993

Aboriginal women's participation in developing self-government is absolutely crucial. The model developed by the Nunavut Implementation Committee is an example of how one group is pursuing a style of governing that attempts to ensure a balance between male and female participation.

Aboriginal women seek to maintain or regain their position of respect, and some Aboriginal men have acknowledged this emerging phenomenon:

It means we will elevate the women. They will be given the right to elevate chiefs as well as also to depose their chiefs. That's the kind of power. They will be the backbone of the Great Law. That's the way it's going to be. [translation]

Chief Jacob (Jake) Thomas
Cayuga Nation
Akwasasne, Ontario, 3 May 1993

[T]he spiritual law, the law of reality...is outside here. If nations don't make their law accordingly, they will fail eventually because no human being is capable of changing that particular law. Our people understood that. That is why we are having a planting dance now. That is why we will have a dance for the strawberries, the beans, the green corn, the harvest. Why? Because we understand thanksgiving, where it comes from — the earth, the mother. That is why women are fundamentally important in government — their perspective, their compassion, their choice, their attitudes toward family. The leaders that they choose are like them; otherwise, they wouldn't choose them.

Oren Lyons
Iroquois Confederacy
Akwasasne, Ontario, 3 May 1993

8. The Family

The living conditions of many Aboriginal women are marked by continuing discrimination, exclusion and powerlessness. In Volume 3, Chapter 2, we recommended that governments responsible for the application of laws, regulations and practices affecting Aboriginal people on-reserve, on Aboriginal territories and in emerging structures of self-government ensure that the rights of women to protection from discrimination on the basis of sex are observed through

- the review and, where necessary, revision of current laws, regulations and practices to ensure sexual equality; and
- the application of standards of sexual equality in drafting procedures for nation building, enacting laws, and applying regulations under Aboriginal government jurisdiction.

In maintaining their responsibilities to their families, however, Aboriginal women continue to face other difficulties. The testimony of Aboriginal women reveals that they are often both the mainstay of the family unit and the catalyst for change:

It is true that Inuit women are working outside of the home in increasing numbers, and they are also actively involved in the myriad of committees and boards which have sprung up in most communities. But women have maintained their responsibilities in the home and for child rearing. Furthermore, women are unofficially filling the gaps in social services in the north. More and more women are taking on a caregiving role at the community level, counselling and supporting friends and family members in crisis.

Martha Flaherty
President, Pauktuutit
Ottawa, Ontario, 1 November 1993

Some Métis women face problems of isolation in rural and remote communities. They are often the primary caregivers if there are children involved, and too often they must leave their home community to access education and training institutions.

Pat Harper
Metis Women of Manitoba
Winnipeg, Manitoba, 22 April 1992

A primary concern for Aboriginal women is the well-being of their children. As we pointed out in our chapter on the family, this was a prominent theme in presentations made to the Commission. A second theme revolves around the perception that healthy families are at the core of the renewal process:

During the inquiry, we have tried to listen to our children. All children need to be healthy, they need to be loved and cared for. In many ways, this inquiry and our desire to change expresses the hope that we will find the strength to help our children.

Chief Katie Rich
Sheshatshiu, Newfoundland and Labrador
17 June 1992¹⁰⁰

In sharing their views about care of the family, Aboriginal women spoke about midwifery, child care and concerns about youth, the elderly and ways of making a living.

8.1 Birth and Midwifery

Inuit women described the importance of midwifery and the problems they face in having this long-practised tradition recognized. (The issues surrounding midwifery are also covered in Volume 3, Chapter 3.) A research report prepared for us demonstrated that the traditional practice of midwifery was integral to a way of life in which birth was experienced close to the land...and was not only essential to the physical survival of successive generations, but also served to foster significant social relationships among those who participated in the life cycle event of birth. The legacy of traditional midwifery knowledge, passed from one generation to another, continues to be regarded as an important conveyor of cultural knowledge and identity, and as a source of esteem among Aboriginal women.¹⁰¹

Martha Greig of Pauktuutit pointed out in her presentation that, until recently, Inuit women gave birth on the land. This practice began to change during the 1950s and 1960s when families moved from their traditional camps into permanent settlements. In the settlements, births took place at the nursing station, often with a nurse-midwife and Inuit midwives in attendance. By the 1970s the federal government had decided that all births should take place in hospitals. Inuit women living in communities without hospital services were evacuated by air to a regional centre like Iqaluit or to southern Canada. Today, almost all Inuit children are born in a regional hospital far from home and family.

The research study points out that the current debate about the future of midwifery in the north raises questions about appropriate legislation, mechanisms of registration and licensing, educational requirements and models of training, as well as questions about safety, acceptable levels of risk, and financial costs. It goes on to note that many of these questions remain unanswered, while little effort is being put into the development of concrete midwifery options. Aboriginal women have been absent or under-represented in the power structures that retain control over maternity health services, but they are playing a lead role in efforts to change the situation:

Unfortunately, the debate we often find ourselves engaged in is premised on a disrespect for our history and for the knowledge and skills which many of our elders still possess. We often find ourselves on the defensive, endlessly declaring that we, too, are concerned about maternal and infant mortality rates. We have not been allowed to engage in this debate as equals....Changes [need to be] made to the health care system to allow women to regain control of pregnancy and childbirth. In many areas, this may mean the development of regional birthing centres; in others, it might mean providing nursing stations, with the necessary staff and equipment to safely accommodate childbirth. In all cases, it means utilizing the skills of Inuit elders as teachers and midwives and setting up training or apprenticeship programs.

Martha Greig
Vice-President, Pauktuutit
Ottawa, Ontario, 1 November 1993

The maternity project of the Inuulitsivik Health Centre (IHC) in Povungnituk, northern Quebec, has been cited as an excellent example of a program designed to restore legitimacy to the role of elders. During the Commission's round table on health and social issues, Aani Tuluguk presented information about how the IHC maternity project came into being.¹⁰² Created in 1986 in response to a proposal from the local Aboriginal women's association and with the help of a supportive physician, the project involves Aboriginal and non-Aboriginal midwives working in collaboration with other health professionals. They provide a full range of health services to pregnant women in the region. Program results to date indicate that midwifery practice in the north can be effective and beneficial to the health of mothers and babies and to the family unit as a whole.

Aboriginal women's organizations in the north have been leading the call for a return to midwifery. As pointed out in the research study prepared for the Commission, "the issue of midwifery in the North will not be adequately addressed until Aboriginal women are themselves full participants in the discussions".¹⁰³

In Volume 3, Chapter 3, we recommended that the federal government and provincial governments collaborate to develop community birthing centres in First Nations and Inuit communities. We also recommended that traditional and bio-medical practitioners continue to engage in dialogue, with two objectives: enhancing mutual respect and discussing areas of possible collaboration. (For a more thorough discussion of issues around traditional healing, see Volume 3, Chapter 3, Appendix 3A.)

8.2 Child Support and Child Care

Among all the issues addressed in our discussion of the family (Volume 3, Chapter 2), two were seen as requiring immediate attention. The first one concerned difficulties in enforcing child support orders:

The single mothers are very frustrated because the fathers are not being supportive for the children....Maybe the community can garnishee their wages.

Margaret A. Jackson
Sudbury, Ontario
31 May 1993

The difficulty relates in part to jurisdiction. Where the support recipient, or the child for whom support is payable, is an Indian within the meaning of the Indian Act, enforcement action can be taken against another Indian person's property or wages earned on a reserve. If neither the support recipient nor the child is an Indian within the meaning of the act, however, the income earned by an Indian person on a reserve cannot be garnisheed or subject to a support deduction order, nor can the individual's property on a reserve be seized.

A further difficulty is a reluctance on the part of some chiefs and band councils to comply with enforcement actions, particularly notices of garnishment. The experience in Ontario, for example, is that some bands refuse even to provide information that may assist in the enforcement of a support order or notice of garnishment.¹⁰⁴

Consistent with our recommendations in Volume 2, we proposed in Volume 3 that jurisdiction over child welfare and family matters (among others) be affirmed as matters falling within the core jurisdiction of self-governing Aboriginal nations. We also recommended that Aboriginal nations or communities establish family law committees, with Aboriginal women as full participants. These committees would study issues such as

- the interests of family members in family assets;
- the division of family assets on marriage breakdown;
- factors to be considered in relation to the best interests of the child, as the principle is applicable to Aboriginal adoption;
- rights of inheritance pertaining to wills, estates and intestacy; and
- obligations regarding spousal and child support.

The second issue requiring immediate attention is the difficulty of obtaining child care. The lack of accessible and affordable child care is particularly problematic in urban areas. Since urban Aboriginal women usually do not have the extended family and community networks available to women in rural communities, they need access to child care if they wish to seek employment or further education. In urban areas, a significant proportion of Aboriginal families are headed by sole-support mothers. Lack of child care can thus become a barrier to employment:

Often poor, without work, with little education and with dependent children, they [Aboriginal women] are isolated and particularly ill-equipped to confront a life setting that is very remote from their first culture. The young women think that in the city everything will be easier, that they will be able to find work, a boyfriend and offer a better life to their children....But the reality that awaits them is quite different.
[translation]

Éléonor Hoff
Quebec Native Women's Association
Montreal, Quebec, 27 May 1993

Aboriginal women in all parts of the country spoke about the need for culturally appropriate child care facilities and the resources to maintain them.

A lot of women...are going through hardships and a lot of times we have tried to keep the daycare centre open but, according to the law, it is impossible...because it has to look nice and it has to meet government standards....We feel we can maintain a daycare centre

on our own....We started one and the women's group ended up losing money, and that money we have raised, which never came from the government, we spent on a daycare centre.

Anna Samisack
President, Atiraq Women's Group
Inukjuak, Quebec, 8 June 1992

Child care is as much an economic development issue as a social issue. Child care is an integral factor in an individual's road to self-reliance and in community economic development and health. Although the impact of inadequate or unavailable child care is felt mainly by women, it affects the whole family and the community. At the centre of it all are the children — the men and women of the future.

In Volume 2, Chapter 5, which deals with economic development, we made several recommendations concerning child care. We recommended that Aboriginal, federal, provincial and territorial governments enter into agreements to establish roles, policies and funding mechanisms to ensure that the child care needs of Aboriginal parents are met in all Aboriginal communities. We also recommended that the federal government continue funding research and pilot projects under the Child Care Initiatives Fund until alternative, stable funding arrangements for child care services can be arranged. Third, we recommended that Aboriginal organizations and governments assign a high priority to the provision of child care services in conjunction with major employment and business development initiatives and the restructuring of social assistance programs. Finally, we recommended that provincial and territorial governments amend their legislation respecting the licensing and monitoring of child care services to make the standards for certification and facilities more flexible.

We also recommended that in developing and implementing child care strategies, governments pay particular heed to the child-rearing philosophies and practices of Aboriginal peoples.

8.3 Concern about Youth

First Nations, Métis and Inuit women are concerned about their young people and note that there seems to be a lack of involvement of youth in community life and decision making. (See Chapter 4 in this volume for our analysis and recommendations concerning Aboriginal youth.)

In 1986, 44 per cent of the Inuit were under 15 years of age. This large group of people, future talent, is neither recognized nor fully utilized in today's society. Many of the youth are in conflict with their parents, since they are caught in the transitional stage. They are pulled in two different directions — trying to follow their parents' traditional lifestyle, and trying to prepare themselves for today's modern technological society.

Ineaq Korgak
Executive Director, Baffin Regional Health Board
Iqaluit, Northwest Territories, 26 May 1992¹⁰⁵

The concerns of Inuit women about their young people were also expressed in a study undertaken for Pauktuutit.¹⁰⁶ The most serious problem is a lack of identity and a sense of confusion rooted in the conflict between Inuit and non-Aboriginal cultures. The study noted that the problems of a society in transition seem to be more visible among youth. However, in spite of problems facing Inuit youth, there is confidence in their ability to overcome obstacles:

While our communities are going through difficult times, our culture remains vibrant and capable of adapting. Our 'cultural glue' is strong, and a future which combines the best of the old with the best of the new is not just a cliché — it is achievable.

Rosemarie Kuptana
President, Inuit Tapirisat of Canada
Toronto, Ontario, 26 June 1992

Concern was expressed about racism in urban settings and its effects:

We face racism in the schools. Our children don't feel good about themselves when they come home and that is all held in here. By the time they are teenagers, they are lashing out at their own people.

Vicki Wilson
Aboriginal Women's Council of Saskatchewan
Saskatoon, Saskatchewan, 28 October 1992

In Chapter 7 of this volume, where we examine urban perspectives, we recognize that one of the most difficult aspects of urban life for Aboriginal people is dealing with the personal impact of racism. In testimony before the Commission, it became apparent that Aboriginal women often play a lead role in combatting racism and facilitating change:

As women, we need to promote a sense of personal and group identity. A positive self-concept is developed by how we see ourselves and how we think others see us. By promoting recognition of our cultural heritage, we will increase our pride and self-acceptance. As women, we have the power to end racism by redefining and implementing appropriate ways of honouring cultural diversity in our daily interactions with our children. Our own Métis children will be stronger and richer people for our efforts.

Betty Ann Barnes
Director of Social Services
Nechako Fraser Junction Metis Association
Prince George, British Columbia, 31 May 1993

Motivating Native children on their future goals is something I practise with the students I work with at the elementary level. The momentum of their dreams and ambitions has to be cultivated at the elementary level and maintained and nurtured through the secondary level.

Colleen Wassegijig
Toronto, Ontario 3 November 1992

Aboriginal women reminded us that the youth of today will assume much of the responsibility for implementing a renewed relationship between Aboriginal and non-Aboriginal people in Canada. The views and aspirations of Aboriginal youth are therefore vitally important and are addressed in Chapter 4 of this volume.

8.4 Concern about the Elderly

Concern about youth was paralleled by a concern about the elders and senior citizens of Aboriginal communities. As one speaker noted, the living conditions of seniors require immediate attention:

There are too many of our elderly that are being neglected in hospitals, in homes, or not even homes, in rooming houses. We have rooming houses with some of our elderly who need personal care, who live in one room with a little hotplate, and just one single bed and a wooden chair.

Dorothy Betz
President, KeKiNan Centre
Winnipeg, Manitoba, 22 April 1992

In our discussion of the family (Volume 3, Chapter 2), we pointed out that Aboriginal seniors are particularly vulnerable to economic abuse. Elderly persons derive their income mainly from pensions or social assistance, supplemented by food from the bush or gardens. Some children and grandchildren include pensioners in the sharing network, helping out with daily tasks in exchange for financial and other assistance. But in some cases, people exploit and even terrorize the elderly.

The KeKiNan Centre is an example of leadership by Aboriginal women in developing holistic approaches to improving the quality of life for Aboriginal people. Started by the Manitoba Indian Nurses Association and the Indian and Metis Senior Citizens Group of Winnipeg, it is the first senior citizens home for Aboriginal people in urban Canada. The original goal was to develop a geriatric care centre for Aboriginal elders in Winnipeg. However, the proposal was adapted to include enriched (or supportive) housing (30 units) in addition to the personal care (geriatric) units. The first tenants of KeKiNan moved in on 1 December 1991.

The philosophy of KeKiNan is to ensure that the elderly

- are part of the decision-making process;
 - live in conditions of safety, security, dignity and comfort;
 - have opportunities to fulfil their interests and to be productive within the community;
- and

- have access to health, social and all other services equivalent to those available to others, provided within and by persons representing an atmosphere of cultural understanding and respect.

The approach adopted by KeKiNan was echoed in other parts of the country:

Our elders need to become more active in healing, being a positive role model, teaching the younger generations about our culture and traditions. Give the healthy elders a chance to be counsellors in the community. It is our belief that we learn from the stories told by our grandmothers and grandfathers. This has been lost and must be brought back. A retirement centre for elders that have no family to provide a safe, secure and healthy environment: such a centre would provide shelter, medication, traditional foods and entertainment and be Aboriginally staffed.

Lillian George
Program Director
Sexual Abuse Treatment Services Program
Prince George, British Columbia, 31 May 1993

8.5 Making a Living

The Aboriginal population has increased sharply in recent years, in part because of high birth rates and decreasing rates of mortality. As a result, the working-age population is growing rapidly and is projected to continue to do so in the coming years.

As of 1991, the labour force participation rate for Aboriginal women was higher than that of Aboriginal men. Many more Aboriginal women are entering the work force. Some hold leadership positions in emerging or established Aboriginal training and economic development institutions and are thus very conscious of the problems facing Aboriginal women. For example, Isabelle Impey, president of the Metis Women of Saskatchewan, is executive director of the Gabriel Dumont Institute of Native Studies and Applied Research, which promotes the renewal and development of Métis culture and the design and delivery of education and cultural programs and services. She spoke about some of the frustrations Métis women encounter:

We have found that many students who enrol in our courses are single parents with one or more dependants. If such a student graduates from Teachers Training Program, for example, we have found that it takes 14 years to pay off the student loan from the year they started. That means she is living under the poverty level when she gets her first job....She cannot provide for her family's needs and the cycle of poverty is maintained....Sometimes it is more beneficial...to go to Social Assistance and get the benefits of subsidies and child care rather than go in a classroom and teach; and it is unacceptable that they are in that position today.

Isabelle Impey
Executive Director
Gabriel Dumont Institute of Native Studies and Applied Research
Saskatoon, Saskatchewan, 12 May 1993

Many Aboriginal women see their economic endeavours as contributing to community development:

We do not see the point of a few individuals or families becoming rich if the rest of the community is experiencing unemployment and poverty. Most government economic development programs and strategies are designed to assist those few individuals who can manoeuvre the system; they are not designed with community development in mind....Moreover, they are not designed with women in mind.

Simona Arnatsiaq-Barnes
Economic Development Officer, Pauktuutit
Ottawa, Ontario, 2 November 1993

Two projects described by Arnatsiaq-Barnes illustrate the holistic way Inuit women approach economic development. In Arctic Bay, the women's group established a facility that includes a sewing centre and a child care centre. The second project, started by the women's group in Igloolik, is a plan to develop a facility that will make and sell traditional clothing and offer peer counselling services for victims of family violence. In pursuing their goals, the women in Igloolik stated that they were not prepared to separate their needs artificially in order to fit into existing programs and funding guidelines.

Economic Development for Canadian Aboriginal Women (EDCAw) is a non-profit organization representing the interests of Aboriginal women in economic development. Its mission is "to restore the quality of life of Aboriginal people through the increased participation of Aboriginal women in the Canadian and world economies". Having consulted extensively with Aboriginal women, EDCAw identified a number of business development barriers: access to conventional lending institutions; raising seed financing; gaining soft asset financing; and access to financial training and business skills.

Socio-economic indicators strongly suggest that Aboriginal women are less likely to pass the standard loan criteria used by financial institutes. Also, the majority of Aboriginal women-owned businesses are in the micro and small business sector....[M]any financial institutions are inaccessible to northern and rural Aboriginal communities. Aboriginal women have little or no comfort level or experience in establishing a relationship with their financial institution....Further, without the savings component of a financial service, equity for a business idea can never be saved....

These gaps can be bridged if we keep one important principle in mind, and that is...that Aboriginal women who want to be in business must not continue to be kept outside of the economic mainstream. Aboriginal communities and Aboriginal economies will not develop without the full participation of Aboriginal businesswomen and their businesses.

Pat Baxter
National Co-ordinator
Economic Development for Canadian Aboriginal Women
Ottawa, Ontario, 1 November 1993

Aboriginal women involved at the community or nation level stated that their vision of economic development includes ensuring that their people are healthy, educated and full participants:

[We] would like to share with you the vision on economic development as established by the Gitksan-Wet'suwet'en people. This came about from a number of community consultation meetings which started in September of 1990. The Gitksan-Wet'suwet'en people were concerned about economic development. People will be healing or healed of social and spiritual disease. An inventory of people's skills will be taken. Education and training...will continue to take place....Management will be based on the Gitksan and Wet'suwet'en systems, our system of Aboriginal self-government. The Gitksan and Wet'suwet'en house groups will be healthy....Our mandate is to act as a catalyst for encouraging increased participation by the Hereditary House Groups, by the communities and by individuals in the development of a sustainable economy.

Violet Gellenbeck
Executive Chairperson
Gitksan and Wet'suwet'en Economic Development Corporation
Kispiox, British Columbia, 16 June 1992

Aboriginal governments need to regain effective control of their economies if they are to pursue forms of development appropriate to their culture and needs. To do so, they need powers in the economic realm as governments. They also need to be able to shape their economies through their own economic development institutions. We therefore recommended in Volume 2, Chapter 5 that federal, provincial and territorial governments enter into long-term economic development agreements with Aboriginal nations (or institutions representing several nations) to provide multi-year funding to support agreed economic development goals and principles. Women must have an active role in shaping these institutions and processes, so that their perspectives are incorporated in economic development and they have equal opportunities to benefit from it.

In addition, because women are particularly active in the small and micro-business sector, the business development activities of Aboriginal nations must pay special attention to their needs. In our discussion of economic development, we therefore highlighted the importance of lending and support programs for micro-businesses and noted the contributions that very small businesses can make to the economic development of a community — and to providing business-related income for women in particular. We also called for the further development of micro-lending programs as an important tool for the development of very small businesses.

On the issue of access to equity capital, Economic Development for Canadian Aboriginal Women recommended that the mandates of Aboriginal capital corporations (ACCs) be expanded so that all Aboriginal women have access, that more Aboriginal women be included in the decision-making process of ACCs, and that ACCs design specific programs and services for Aboriginal women.¹⁰⁷ In Volume 2, Chapter 5, we recommended that ACCs take appropriate steps, with the assistance of the federal government, to improve their administrative efficiency, their degree of collaboration with other ACCs, and their responsiveness to Aboriginal clients.

Our analysis of employment development in Volume 2, Chapter 5 emphasized the need for an integrated effort to get Aboriginal people into real, sustainable jobs. We recommended a special employment and training initiative, using existing levers where they work and improving on them where they have not worked (especially employment equity, a program with the potential to help Aboriginal women gain a foothold in the employment market).

We examined education and training in Volume 3, Chapter 5. Key recommendations of interest to Aboriginal women include recognizing the right of Aboriginal peoples to establish their own education systems at all stages of life. Self-government in education includes the capacity to make laws, set standards, establish policies and introduce regulations in all areas related to the education of Aboriginal citizens. We also recommended that Aboriginal governments assume responsibility for all aspects of adult education and job-related training, including program design and criteria, language of instruction, and internal allocations of funds. It is expected that Aboriginal women will be fully involved in the implementation of these recommendations.

Our public consultations and research revealed the wide and diverse range of organizations, groups and networks of Aboriginal women. Some of the organizations have existed for many years, while others are quite new. The knowledge and skills base accumulated among these groups could be used to greater effect — to identify gaps and to encourage further development of ideas, strategies and processes important to Aboriginal women. A data base or inventory of existing Aboriginal women's groups and the work they are doing would be invaluable in ensuring that experiences and skills are shared as widely as possible.

Recommendation

The Commission recommends that

4.2.3

Aboriginal governments and planning bodies with a mandate to develop new structures for human services undertake, in collaboration with women's organizations, an inventory of existing services, organizations and networks with a view to building on existing strengths and ensuring continuity of effort.

9. Conclusion

At our public hearings in Calgary, Gerri Many Fingers echoed the feelings of many Aboriginal women about the future they envision for their children and their role in making that vision a reality:

We are seeking a life of hope for our children, a life of freedom from mental abuse, physical abuse, drugs, racism, sexism.... We are aware of the political, social, mental and spiritual issues which our people are facing and confronting each day, whether we live on

the reserve or off the reserve....We are the very soil, the fertile soil, which makes, creates and nurtures our future. We are the ones who can give our people a sense of security through our homes and environment....We are the ones who can and must integrate ourselves, our families and our communities. We are all part of each other and cannot be separated, as has happened to a very large degree in the past. Our very existence, our very role, dictates to us to change to a life of brightness, hope, security and love.

Gerri Many Fingers
Executive Director
Calgary Native Women's Shelter Society
Calgary, Alberta, 26 May 1993

In this chapter, we have examined the position and role of Aboriginal women under existing social conditions and legal arrangements and in the future. Although today they sometimes have to struggle to be heard, women once enjoyed a prominent and respected place in many Aboriginal communities. Testimony at our hearings and in the research studies prepared for us provides insight into the life stories of Aboriginal women and the events that changed their situation.¹⁰⁸

The women's voices heard in this chapter have many commonalities, despite diverse cultural backgrounds and geographic locations. They share an overriding concern for the well-being of their children, families, communities and nations, a concern that encompasses all the issues in our mandate, from education to justice, lands and resources to governance, health to the environment. As their testimony reveals, Aboriginal women have often been excluded — from their home communities, from decision making, and from having a say in their future and their children's future. Their determination to change this situation — to be included in these areas and more — is the powerful message we received.

Whether their concerns related to the Indian Act, health and social services, family violence, fairness and accountability in governance, or the well-being of the family, Aboriginal women are demonstrating courage and resilience in acting to secure the kind of future they want to see for the generations yet unborn. We heard them speak of the need for governments and other Aboriginal people to acknowledge, recognize and respect their contributions and to find meaningful ways to include all citizens in the task of rebuilding Aboriginal nations.

As the givers of life, custodians of culture and language, and caretakers of children, Aboriginal women want to work co-operatively with others, despite the obstacles that often stand in the way. They want to repair relationships among Aboriginal people in their communities so as to rebuild strong nations.

Aboriginal women have a particular genius for survival. They have endured many changes. They have made and continue to make significant contributions to improving the quality of life for Aboriginal people. They are speaking out on a range of issues and demonstrating leadership by pursuing community-based initiatives to empower themselves and, in turn, their families and communities. Their approaches to problem

solving and decision making are holistic. Their vision of the future is one of inclusion, based on values of kindness, honesty, sharing and strength through mutual support.

As Aboriginal peoples develop and implement self-government, the perspectives of Aboriginal women must guide them. We offer encouragement to the Aboriginal women who came forward to speak to us, and particularly to those who could not. We acknowledge the contributions of Aboriginal women across the country; they have a critical role in providing leadership at the community and nation level. Aboriginal women are the guardians of the values, cultures and traditions of their peoples. They have a vital role in facilitating healing in families and communities. They are anxious to share their wisdom, kindness, honesty and strength with Aboriginal men so that together they can regain the self-confidence and self-esteem needed to rebuild nations governed by wise leaders dedicated to the welfare of their people and the cultural, spiritual and economic viability of their communities.

Notes:

* Tables of contents in the volumes themselves may be slightly different, as a result of final editing.

* Transcripts of the Commission's hearings are cited with the speaker's name and affiliation, if any, and the location and date of the hearing. See A Note About Sources at the beginning of this volume for information about transcripts and other Commission publications.

1 Nongom Ikkwe of the South East Region, Manitoba, "Aboriginal Women's Perspective on Self-Government", brief submitted to the Royal Commission on Aboriginal Peoples [RCAP] (1993), p. 2. For information on briefs to RCAP, see A Note About Sources at the beginning of this volume.

2 Rowena General (Katsitsakwas), "A Case Study of the Traditional Roles of Women in Collective Decision Making in the Mohawk Community of Ahkwesa'hsne", research study prepared for RCAP (1993) [note omitted]. For information on research studies prepared for RCAP, see A Note About Sources at the beginning of this volume.

3 K. Knight, "Roles of Women in Decision Making (Kuujjuaq)", research study prepared for RCAP (1994).

4 This projection for 1996 is based on the extension of recent trends in birth, death and migration rates among Aboriginal groups before 1991. A full description can be found in Mary Jane Norris, Don Kerr and François Nault, "Projections of the Population with Aboriginal Identity in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (1995).

5 K. Williams, "An Assessment of Historiographical Writings on First Nations Women in Canada", University of Ottawa, 16 December 1992, p. 1. This paper provides historical information on the position and role from a number of nations, including the Huron, Montagnais-Naskapi, Iroquois, Tlingit, Tsimshian, Nootka, Chipewyan, Mi'kmaq and Carrier.

6 Alison Prentice et al., eds., "The First Women", in *Canadian Women: A History* (Toronto: Harcourt Brace Jovanovich, 1988), p. 32.

7 Osennotion and Skonaganleh:r , "Our World", *Canadian Woman Studies*, 10/2 and 3 (Summer/Fall 1989), pp. 12-14.

8 Winona Stevenson, "Aboriginal Women's Studies: The State of the Field and a Call for Research", research study prepared for RCAP (1992).

9 The exception here is the Labrador Inuit who were converted to Christianity by the Moravian missionaries beginning in 1771. As early as 1791, converted Inuit had to promise to send their children to school. Inuit were educated in Inuktitut under the direction of the Moravian missionaries until the province of Newfoundland took over the education system in 1949. See Tim Borlase, *Labrador Studies: The Labrador Inuit* (Happy Valley-Goose Bay, Newfoundland and Labrador: Labrador East Integrated School Board, 1993), p. 203.

10 Pauktuutit, *Arnait: The Views of Inuit Women on Contemporary Issues* (Ottawa: Pauktuutit, 1991), p. 6.

11 Nancy Wachowich et al., "Unikaavut: Our Lives, Stories from the Lives of Three Generations of North Baffin Inuit Women", research study prepared for RCAP (1994).

12 Janet Mancini Billson, "Violence Toward Women and Children", in *Gossip: A Spoken History of Women in the North*, ed. Mary Crnkovich (Ottawa: Canadian Arctic Resources Committee, 1990), p. 152.

13 Russel Lawrence Barsh and James Youngblood Henderson, *The Road: Indian Tribes and Political Liberty* (Berkeley: University of California Press, 1980), p. vii.

14 Ovide Mercredi and Mary Ellen Turpel, *In The Rapids: Navigating the Future of First Nations* (Toronto: Viking, 1993), pp. 88-89.

15 S. Prov. C. 1850, c. 42., s. 5:

And for the purpose of determining any right of property, possession or occupation in or to any lands---the following classes of persons are and shall be considered as Indians---

First — All persons of Indian blood reputed to belong to the particular Body or Tribe of Indians interested in such lands, and their descendants:

Secondly — All persons intermarried with such Indians and residing amongst them, and the descendants of all such persons:

Thirdly — All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such: And

Fourthly — All persons adopted in infancy by such Indians, and residing in the village or upon the lands of such Tribe or Body of Indians, and their descendants:

Parallel legislation in Upper Canada, An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury, S. Prov. C. 1850, c. 74, s.10 simply noted that the act applied to "Indians and those who may be intermarried with Indians---."

16 An Act to repeal in part and to amend an Act, intituled, An Act for the better protection of the Lands and property of the Indians of Lower Canada, S. Prov. C. 1851, c. 59, s. 2 stated that the following persons and classes of persons, and none other, shall be considered as Indians---

Firstly. All persons of Indian blood, reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and their descendants:

Secondly. All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians or an Indian reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and the descendants of all such persons: And

Thirdly. All women, now or hereafter to be lawfully married to any of the persons included in the several classes hereinbefore designated; the children issue of such marriages, and their descendants.

17 S. Prov. C. 1857, c. 26.

18 Department of Indian Affairs and Northern Development [hereafter DIAND], Identification and Registration of Indian and Inuit People (Ottawa: 1993).

19 Sally Weaver, "First Nations Women and Government Policy 1970-92: Discrimination and Conflict", in *Changing Patterns: Women in Canada*, 2nd edition, ed. Sandra Burt, Lorraine Code and Lindsay Dorney (Toronto: McClelland and Stewart, 1993), p. 98. Weaver notes in this regard:

Traditionally, the predominant principle of descent among the tribes was bilateral — meaning that descent was traced equally through both the mother's and the father's relatives. Next most common was matrilineal descent, the tracing of descent through the female line. Patrilineal descent was much less common.

20 An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management of Indian and Ordinance Lands, S.C. 1868, c. 42, s.15. The definition was virtually identical to that in the 1850 Lower Canada legislation (see note 15).

21 An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42, S.C. 1869, c. 6.

22 Some of these measures were as follows: instituting a system of individual property holding on reserves; permitting the imposition of the three-year elective system for chiefs and councillors on chosen bands; limiting the powers of elected councils to a list of relatively minor matters, all subject to official confirmation; providing that an enfranchised Indian man could draw up a will regarding his land in favour of his children, but not his wife, in accordance with provincial law. Originally designed for the more "advanced" Indians of Ontario and Quebec, this legislation was later extended to Manitoba and British Columbia and eventually to all of Canada.

23 Letter from Hector Langevin to Sawatis Anionkiu Peter Karencho and other Iroquois Indians, Caughnawaga, Quebec (20 August 1869), National Archives of Canada [NAC], Record Group [RG] 10, Vol. 528. See also D.E. Sanders, "The Bill of Rights and Indian Status" (1972) 7 U.B.C. L. Rev. 81 at 98.

24 In the modern version of the Indian Act, location tickets have been replaced by certificates of possession and occupation. The concept in the modern act is similar to that in the 1869 legislation, however.

25 Objections were raised early on by Aboriginal groups. In 1872, the Grand Council of Ontario and Quebec Indians (founded in 1870) sent the minister in Ottawa a strong letter that contained the following passage:

They [the members of the Grand Council] also desire amendments to Sec. 6 of the Act of [18]69 so that Indian women may have the privilege of marrying when and whom they please, without subjecting themselves to exclusion or expulsion from their tribes and the consequent loss of property and rights they may have by virtue of their being members of any particular tribe. (NAC RG10, Red Series, Vol. 1934, file 3541)

These requests, of course, went unheeded. See also John Leslie and Ron Maguire, eds., *The Historical Development of the Indian Act* (Ottawa: Department of Indian Affairs and Northern Development, Treaties and Historical Research Centre, 1978), p. 55.

26 J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1989), pp. 194-195.

27 An Act to further amend "The Indian Act, 1880", S.C. 1884, c. 27, s. 5.

28 An Act to amend the Indian Act, S.C. 1920, c. 50, s. 2.

29 Letter from Deputy Superintendent General Scott to Arthur Meighen, Superintendent General of Indian Affairs (12 January 1920), reprinted in NAC RG10, Vol. 6810, file 470-2-3, vol. 7. See also Leslie and Maguire, *The Historical Development of the Indian Act* (cited in note 25).

30 An Act to amend the Indian Act, S.C. 1920, c. 50, s. 3. The provision was repealed in 1922 but reinstated in 1933 and retained in modified form until 1961, when it was finally removed permanently in An Act to amend the Indian Act, S.C. 1961, c. 9, s. 1.

31 The Indian Act, S.C. 1951, c. 29, ss. 11(c)-(e) of the amended act all refer to the male line of descent as criteria for registration as an Indian.

32 DIAND, Memorandum of 2 July 1968, as described in Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Supply and Services, 1978). The red ticket system is also referred to and described in the recent decision of the Federal Court of Canada in *Sawridge Band v. Canada*, [1995] 4 Canadian Native Law Reporter 121.

33 An Act to amend the Indian Act, S.C. 1956, c. 40, s. 6(2).

34 An Act to amend the Indian Act, S.C. 1956, c. 40, s. 26.

35 Jamieson, *Indian Women* (cited in note 32).

36 Report of the Royal Commission on the Status of Women in Canada (Ottawa: Information Canada, 1970), pp. 237-238. For a discussion of the background to the issue see Douglas Sanders, "The Renewal of Indian Special Status", in Anne F. Bayefsky and Mary Eberts, eds., *Equality Rights and the Canadian Charter of Rights and Freedoms* (Toronto: Carswell, 1986), p. 529.

37 *Re Lavell and Canada (A.G.)* (1971), 22 D.L.R. (3d) 182 (Ont. Co. Ct.). See also Weaver, "First Nations Women" (cited in note 19).

38 *Lavell v. Canada (A.G.)* [1971] F.C. 347.

39 *Bedard v. Isaac* [1972] 2 O.R. 391 (Ont. H.C.).

40 *Lavell v. Canada (A.G.); Isaac v. Bedard* [1974] S.C.R. 1349. For the majority (5-4), Justice Ritchie held that there was no impermissible discrimination. He distinguished (at p. 1372) between this case and that of *R. v. Drybones*, [1970] S.C.R. 282, on the basis that, as criminal law, the alcohol provisions in the Indian Act could not be enforced without denying equality of treatment in the administration and enforcement of the law before the ordinary courts of the land to a racial group, whereas no such inequality of treatment between Indian men and women flows as a necessary result of the application of section 12(1)(b) of the Indian Act. [emphasis added]

No one quite knows what this passage means, but it may refer to the fact that Indian women have a choice regarding whom they marry, so that subsection 12(1)(b) does not become a factor for Indian women as a necessary result of being an Indian woman. This dubious rationale has convinced few legal scholars. The case is usually cited for the proposition that Parliament can discriminate against certain classes of people, in the context of the Canadian Bill of Rights at least, in the pursuit of otherwise valid federal objectives. See Jack Woodward, *Native Law* (Toronto: Carswell, 1989), p. 146.

41 See Weaver, "First Nations Women" (cited in note 19).

42 Canadian Human Rights Act, R.S.C. 1985, c. H-6. Section 67 of the act reads as follows: Nothing in this Act affects any provision of the Indian Act or any provision made under or pursuant to that Act.

43 [1981] 2 Human Rights Law Journal 158; 68 I.L.R. 17. Canada was criticized by the Human Rights Committee established pursuant to the International Covenant on Civil and Political Rights to which Canada is a signatory. The Covenant is one of the documents that influenced the development of the Charter and it contains many human rights provisions similar to Charter protections. The Human Rights Committee took aim at section 12(1)(b) and found that it unjustifiably denied Sandra Lovelace, who had lost Indian status and band membership upon marrying out, her rights under section 27 of the Covenant as a member of an ethnic minority to enjoy her culture and language in community with other members of her band. The Committee did not find the loss of status attendant upon her marrying out to be reasonable or necessary to preserve the identity of the Tobique Band of which she had been a member. The case is discussed in Anne F. Bayefsky, "The Human Rights Committee and the Case of Sandra Lovelace" (1982) 20 Can. Y.B. Int'l L. 244.

44 This is subject to the minor exception that in cases where bands admit persons without Indian status to band membership, such persons are deemed to be status Indians for certain purposes under the Indian Act pursuant to section 4.1. Thus, the Indian Act will apply to such persons as if they were "Indians". It is important to note in this regard that the provision is only for purposes of sections associated with reserve residency and does not include deemed Indians for other purposes, such as funding from the federal government or post-secondary education benefits. For these and related purposes, only status Indians are counted.

45 In 1994, the requirement in section 77(1) that the elector must be "ordinarily resident on reserve" was struck down at trial in an action brought by off-reserve band members in *Corbiere v. Canada* [1994] 1 C.N.L.R. 71. (The trial decision was under appeal at the time of writing.)

46 DIAND, *Impacts of the 1985 Amendments to the Indian Act (Bill C-31): Summary Report* (Ottawa: Supply and Services, 1990) (hereafter, *Bill C-31 Summary Report*).

47 *Bill C-31 Summary Report*, p. ii.

- 48** Bill C-31 Summary Report, p. 5.
- 49** Bill C-31 Summary Report, p. 6.
- 50** Bill C-31 Summary Report, pp. 9 and 12.
- 51** Figures supplied by DIAND liaison office, 5 July 1995.
- 52** According to Bill C-31 Summary Report, p. iii, 90 per cent of Bill C-31 registrants still live off-reserve.
- 53** Bill C-31 Summary Report, p. 17.
- 54** Bill C-31 Summary Report, p. iii.
- 55** Bill C-31 Summary Report, p. ii. The precise figure is 77 per cent.
- 56** Bill C-31 Summary Report, p. iv.
- 57** *McIvor v. Registrar DIAND*, BCSC no. CC5/89. According to information received from the federal department of justice as of October 1995, this case is continuing.
- 58** Bands created since 1985 have not been declared bands in the sense in which the term is used in the Indian Act. Rather, they are said to result from the minister's power under section 17 to "amalgamate" or to "constitute" new bands from existing bands. According to information received from the DIAND registrar, the last band created by declaration of the governor in council was the Conne River band of Newfoundland in 1984.
- 59** Privacy Act, R.S.C. 1985, c. P-21; Bill C-31 Summary Report (cited in note 46), p. 6.
- 60** Manitoba, Public Inquiry into the Administration of Justice and Aboriginal People. Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1: The Justice System and Aboriginal People (Winnipeg: Queen's Printer, 1991), p. 204.
- 61** Assembly of First Nations/Native Women's Association, "Joint Statement on Bill C-47", 22 June 1984. Bill C-47 was the precursor to Bill C-31. The joint statement lists eight specific points relating to the right of First Nations to define their own citizenship.
- 62** Minutes of Proceedings and Evidence of the Standing Committee on Indian Affairs and Northern Development Respecting: Bill C-31, An Act to amend the Indian Act (Ottawa, 14 March 1985), Issue No. 16, pp. 7-8.
- 63** Stewart Clatworthy and Anthony H. Smith, "Population Implications of the 1985 Amendments to the Indian Act", research study prepared for the Assembly of First Nations (Ottawa: 1992), pp. vii-viii [emphasis in original].

64 Indian Act, R.S.C. 1985, c. I-5, s. 10.

65 Indian Act, s. 2(1). This definition may be affected by the outcome of the appeal in the case *Corbiere v. Canada* (cited in note 45).

66 This may also be affected by the outcome of the appeal in *Corbiere v. Canada*.

67 Clatworthy and Smith, "Population Implications" (cited in note 63), p. 20. The authors note in this context that "one motivation for passing a code was to exclude from membership a portion of the C-31 registrant population".

68 In the Indian Act of 1985, section 77(1) contains the band council election requirement that electors be "ordinarily resident on the reserve".

69 Bill C-31 Summary Report (cited in note 46), p. iv.

70 Bill C-31 Summary Report, pp. 24-25, 43.

71 The Congress of Aboriginal Peoples drew attention to this problem in early 1985. They proposed that the codes be published in the *Canada Gazette* or in a special *Aboriginal Gazette*, and had their views tabled at an intergovernmental meeting in Quebec City. See Congress of Aboriginal Peoples, "A National Aboriginal Registry", Document: 830-507/009 tabled at the Federal-Provincial-Territorial Meeting of Ministers Responsible for Native Affairs and Leaders of National Aboriginal Organizations (Quebec City, 17-18 May 1994).

72 According to information received from the federal justice department, about a dozen cases concerning Bill C-31 and its impact are under litigation.

73 *Sawridge Band* (cited in note 32), p. 127. At time of writing, an appeal had been filed.

74 Clatworthy and Smith, "Population Implications" (cited in note 63), pp. 18-19.

75 According to Clatworthy and Smith, "Population Implications", p. vii, restrictive membership codes will have the following impact:

While the registered Indian population is likely to increase for perhaps two generations, it will eventually begin to decrease. In our view the issue is not whether this will occur, but when and how quickly. Estimates of the rate of future out-marriage (or Indian to non-Indian parenting) are the critical factor. If we assume that the current rate (34 per cent) will increase by 10 percentage points over the next 40 years, then the beginning of Indian population decline is 50 years, or two generations, into the future. Membership declines under two-parent [membership] codes begin within a generation.

76 Subsection 10(2) of Bill C-31 states that a band "may---provide for a mechanism for reviewing decisions on membership". It is generally accepted that the word "may" is permissive and not mandatory in the context in which it is used.

77 The examples presented are drawn from Clatworthy and Smith, "Population Implications" (cited in note 63), pp. 54-72.

78 Bill C-31 Summary Report (cited in note 46), pp. 15-16. Respondents were asked to think back to when they first applied for registration/restoration and to state why it was important for them to apply. All comments were recorded. The reasons most often cited related to personal identity (41 per cent); 21 per cent referred to culture or a sense of belonging. A total of 17 per cent of registrants gave the correction of injustice as a reason, while 7 per cent referred to aboriginal rights---

Respondents over 25 years of age were more likely than younger registrants to refer to cultural and personal identity and the need to correct injustice as reasons for applying for status. Younger registrants expressed more interest in educational benefits and were more apt to report that their families applied for status or asked them to do so.

79 Bill C-31 Summary Report, pp. 27-28.

80 B.C. Native Women's Society, "Aboriginal Women and Divorce", brief submitted to RCAP (1993), p. 11.

81 *Derrickson v. Derrickson*, [1986] 1 S.C.R. 285.

82 B.C. Native Women's Society, "Aboriginal Women and Divorce", p. 12.

83 Clatworthy and Smith (cited in note 63).

84 Anduhyaun, "Our Role in Creating the Future Aboriginal Women Want", brief submitted to RCAP (1992), pp. 2-3.

85 Anduhyaun, "Our Role", p. 11.

86 Indigenous Women's Collective of Manitoba, "Report on the Indigenous Women's Perspective in Manitoba", brief submitted to RCAP (1993), p. 3.

87 Ontario Native Women's Association, "Breaking Free: A Proposal for Change to Aboriginal Family Violence" (Thunder Bay, Ontario, 1989). The study reported that eight out of 10 Aboriginal women had personally experienced violence. Of these women, 87 per cent had been injured physically and 57 per cent had been sexually abused.

88 RCAP, *Choosing Life: A Special Report on Suicide Among Aboriginal People* (Ottawa: Supply and Services, 1995), p. 16 and following.

89 See RCAP, *Bridging the Cultural Divide: Aboriginal People and Criminal Justice in Canada* (Ottawa: Supply and Services, 1996), Chapter 4, "Ensuring the Safety of Women and Children in Aboriginal Justice Systems", p. 269.

90 Jean Goodwill, "Historical Overview of Social, Political, Cultural and Economic Aboriginal Women's Organizations in Canada", research study prepared for RCAP (1993).

91 First Nations Eagle Women's Circle, newsletter of the Indian Homemakers' Association of B.C. (May 1993), p. 12. Information on this association was also tabled at the Commission's public hearings in Vancouver on 3 June 1993.

92 Provincial-territorial associations continued to develop and, with the exception of the Métis National Council of Women, the following groups applied for and received funding from the Commission's Intervener Participation Program (the Métis National Council of Women provided a presentation under the auspices of the Métis National Council):

- B.C. Native Women's Society, incorporated in 1969
- Aboriginal Women's Council of Saskatchewan, 1971
- Ontario Native Women's Association, January 1972
- Nova Scotia Native Women's Association, early 1970s
- New Brunswick Native Indian Women's Council, formed in early 1970s, incorporated in July 1983
- Native Women's Association of Canada, 1974
- Aboriginal Nurses Association of Canada, 1976
- Femmes autochtones du Québec/Quebec Native Women's Association, May 1978
- Native Women's Association of the Northwest Territories, 1978
- Aboriginal Women's Council (B.C.), formed in March 1984
- Pauktuutit (Inuit Women's Association of Canada), March 1984
- Indigenous Women's Collective of Manitoba, 1986
- Nongom Ikkwe, 1987
- Women of the Metis Nation (Alliance), Alberta, March 1988
- Economic Development for Canadian Aboriginal Women, July 1991
- Metis Women of Manitoba, December 1991
- Métis National Council of Women, 1992

For more information, see Intervener Participation Program: Final Report (RCAP: 1994).

93 Pauktuutit, Arnait (cited in note 10).

94 The national Métis organization, the Métis National Council, was not formed until 1983.

95 Native Women's Association of Canada [hereafter NwAC] v. Canada (1992), 2 F.C. 462.

- 96** NwAC v. Canada (1992) 3 F.C. 192 at 212.
- 97** NwAC v. Canada, [1994] 3 S.C.R. 627 at 664-665.
- 98** Aboriginal Women's Council of Saskatchewan, brief submitted to RCAP (1993).
- 99** Nunavut Implementation Commission, "Two-Member Constituencies and Gender Equality: A 'Made in Nunavut' Solution for an Effective and Representative Legislature", discussion paper released by the NIC, 6 December 1994.
- 100** See also The Innu Nation and Mushuau Innu Band Council, *The People's Inquiry Report Gathering Voices: Finding Strength to Help Our Children* (Utshimasits, Ntesinan, June 1992).
- 101** Lesley Paulette, "Midwifery in the North", research study prepared for RCAP (1995).
- 102** See Aani Tuluguk, "The Inuulitsivik Health Centre and its Maternity Project", in *The Path to Healing: Report of the National Round Table on Aboriginal Health and Social Issues* (Ottawa: RCAP, 1993), pp. 239-240.
- 103** Paulette, "Midwifery in the North" (cited in note 101).
- 104** Ontario Ministry of the Attorney General, correspondence with RCAP, 9 September 1993.
- 105** As of 1991, 42.1 per cent of Inuit were under the age of 15; see Norris, Kerr and Nault, "Projections of the Population" (cited in note 4).
- 106** Pauktuutit, Arnait (cited in note 10).
- 107** Economic Development for Canadian Aboriginal Women, "The Access to Financial Institutions by Aboriginal Business Women", brief submitted to RCAP (1993).
- 108** A number of research studies were prepared for the Commission on the lives of Aboriginal women, including Cynthia Dunnigan, "Three Generation Life History Study of Metis Women in Alberta" (1993); Camil Girard, "Culture and Intercultural Dynamics: The Life Stories of Three Women from Saguenay-Lac-Saint-Jean", (1994); Vicki English-Currie, "Three-Generational Study: Grandmother, Mother, Daughter — Indian Residential Schools: Grandmother, Mother, Daughter Speak" (1994); Tammy Anderson Blumhagen and Margaret Seguin Anderson, "Memories and Moments: Conversations and Re-Collections, Life History Project" (1994); Giselle Marcotte, "Métis, C'est Ma Nation. 'Your Own People,' Comme on dit: Life Histories from Eva, Evelyn, Priscilla and Jennifer Richard" (1995); Emily Mast, "Women's Three Generations: Life History Project in Whapmagoostui, Quebec" (1995); and Nancy Wachowich et al., "Unikaavut:

Our Lives, Stories from the Lives of Three Generations of North Baffin Inuit Women"
(1995).