



Native Women's
Association of Canada



L'Association des
femmes autochtones
du Canada

Native Women's Association of Canada

Submission to the Senate Standing Committee on Aboriginal Peoples

**Study on the new relationship between Canada, First Nations, Inuit
and Métis peoples**

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The Native Women's Association of Canada
1 Nicholas Street, Ottawa ON, K1N 7B7

www.nwac.ca

Contact information:

Marshall Ballard, Director of Strategic Policy m.ballard@nwac.ca



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About the Native Women's Association of Canada

The Native Women's Association of Canada (NWAC) is a not-for-profit National Indigenous Organization (NIO) representing the political voice of Indigenous¹ women and girls throughout Canada. NWAC was incorporated in 1974 as a result of the efforts and activism of the grassroots women of many nations and their chosen representative organizations over many years. The main reason for NWAC's formation was the promotion of the wellbeing of Indigenous women and girls in all aspects of their lives within Indigenous and Canadian societies. NWAC works to end sex-based discrimination against Indigenous women.

Today, NWAC is committed to raising the national and international profile of issues affecting Indigenous women's and girls' basic human rights. NWAC collectively works to preserve Indigenous culture, achieve quality for Indigenous women, and have a say in developing and changing legislation directly affecting women, their families and their communities. Indigenous women's and girls' issues include, but are not limited to, violence, lack of access to the legal system, high rates of incarceration, multiple and intersecting forms of discrimination, poverty, ongoing sexual exploitation, and domestic human trafficking.

¹ In the Canadian context, *Indigenous* refers to the Aboriginal peoples of Canada as defined in Section 35(2) of the Canadian Constitution (First Nations, Inuit and Métis), as well as non-status First Nations people. First Nations refers to Status and Non-Status Indians as defined in the *Indian Act, 1985*. See <http://laws.justice.gc.ca/eng/acts/I-5/>.



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Background

In 2016, the Liberal Government announced a framework for an overarching strategy to renew its relationship with Indigenous Peoples. This framework has a nation-to-nation basis. Nation-to-nation is a departure from the longstanding practice for the Federal government to include five National Indigenous Organizations (NIOs) in discussion about the issues: NWAC, the Assembly of First Nations (AFN), Inuit Tapiriit Kanatami (ITK), Métis National Council (MNC) and the Congress of Aboriginal Peoples (CAP).

The Royal Commission on Aboriginal Peoples describe the foundations of a nation-to-nation framework as the following:

“The federal government should provide a forum for negotiating a Canada-wide framework agreement to lay the ground rules for processes to establish the new relationship. The forum should be convened under the authority of the first ministers of federal, provincial and territorial government and leaders of national Aboriginal organizations and should address at least these issues:

- *Treaty renewal and new treaty making*
- *Redistribution of lands and resources*
- *Clarification of areas of independent and shared jurisdiction*
- *Redesign of short-term and long-term fiscal arrangements.²”*

The nation-to-nation approach derives from the longstanding practice for the Federal government to include the five NIOs in discussions about the issues concerning Indigenous peoples; however, by prioritizing race over other distinctions, the government has created a hierarchy that largely excludes NWAC from current negotiations and partnerships. Also, ignoring gender further excludes NWAC from the nation-to-nation approach; this is an untenable approach for a government which seeks to empower women in general and Indigenous women in particular. AFN, ITK and MNC are currently the only organizations with active accords existing between them and the government of Canada and, from the perspective of NWAC, this must be amended.

NWAC has been continuously excluded from numerous high-level discussions and the government of Canada has not provided any meaningful rationale for this exclusion. NWAC's

² Canada, Royal Commission on Aboriginal Peoples. *Highlights from the Report of the Royal Commission on Aboriginal Peoples – People to People, Nation to Nation, “The Relationship Restructured”* (1996), online <<http://www.aadnc-aadnc.gc.ca/eng/1100100014597/1100100014637>>



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main priority is to fight for the respect of Indigenous women's and girls' rights and recognition that the voices of the women and girls we represent must have full and fair participation in Canada's nation-to-nation relationship is key. Attempts at creating a nation-to-nation relationship with the government of Canada and NWAC have not been honoured and are still being worked on.

By excluding NWAC, the government of Canada has promoted the misconception that gender is not a critical lens deserving to be applied at the highest levels of negotiation and partnership; given the well documented, ongoing colonial impact on Indigenous women, NWAC strongly disagrees.

Recommendations

The current nation-to-nation framework approach has resulted in a hierarchy of priorities in which violence against Indigenous women is framed as secondary and separate from issues of housing, employment, health, community safety, policing, child welfare and education. These issues, which intersect and bolster one another, necessitate a gender-based analysis in order to establish critical mechanisms which respond to the lives of Indigenous women and girls.

- Inclusivity
 - Environment
 - Historically, Indigenous women have had a role as stewards of the land and have contributed to the development and achievement of sustainable environments. Continuing these practices has built communities where their children grow up with a strong identification of and pride in who they are and constantly seek to broaden their knowledge of the things that affect them and their relationship with the environment and the land. Indigenous women are carriers of ancestral knowledge and wisdom about the land, the waters, and the wildlife. By supporting the inclusion of ancestral knowledge and their effective participation in environmental protection and climate change programs, it would result in more comprehensive and meaningful approach on a national and international scale.
 - Full participation of NWAC in Environment, Biodiversity and Climate Change discussions and consultations at all levels of federal government.
 - Clear cross-jurisdictional guidelines for the maintenance and protection of Indigenous hunting, fishing, logging and land rights.
 - Implementing a process that includes a critical culturally-relevant gender-based perspective in Environment, Biodiversity and Climate change talks.



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- Respect of self-governance
Indigenous women must be actively involved and take their rightful place in self-determination and processes must be developed to ensure that the unique and important roles they have played and continue to play in Indigenous government be recognized.
 - Investing in Indigenous Nations: recognizing that resources for Indigenous Nations are needed to build skills and opportunities to develop healthy solutions for Canada. By investing in Indigenous Nations, we invest in the Nations' women.
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- Policy priorities with regards to Indigenous women:
Respect the priorities and diversity of all Indigenous women by ensuring these are included in the development, implementation and evaluation of all action plans and future processes, recognition of traditional ways, and investment in improving the lives of Indigenous women. Doing this will ensure that Indigenous women have resources and opportunities to reclaim their traditional governing roles within their families, communities and nations.
 - Wellbeing of Indigenous women
 - When women are made safer, communities are made stronger. The wellbeing and advancement of all Indigenous peoples rests on the strength and safety of Indigenous women.
 - Housing
 - Socio-economic disadvantages facing Indigenous women and girls regularly impact housing, leaving many Indigenous women and girls in precarious housing situations. Women and girls are more susceptible to poverty and financial dependence and thus are more likely to end up missing, murdered, trafficked and targets of racialized violence.
 - Education (close the education gap for Indigenous women)
 - Quality education is an essential human right. Success in education and training is dependent on, not merely influenced by, the conditions experienced by the individual related to their housing, their health, and their ability to meet their physical, financial and social needs.
 - A curriculum that accurately reflects Indigenous history in Canada must be developed.
 - The federal, provincial and territorial governments need to work collaboratively with Indigenous authorities to ensure Indigenous women



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and girls received the same access to education as non-indigenous women and girls.

- Overrepresentation of Indigenous Women in Prisons
 - Alternatives to incarceration are a necessary response to address the unique cultural, spiritual, emotional, and mental needs of Indigenous women offenders and to address the lasting impacts of colonization on Indigenous women.
- Mental health and accessibility
 - Indigenous women with disabilities are extremely vulnerable to violence and susceptible to poverty.
 - Services and documents need to be made accessible especially for those with little or no access to technology, geographically isolated places, blind and low sighted people, Deaf and hard of hearing, people with low literacy and women in secure custody.