



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

## Open Letter

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

**Kahnawake (March 12, 2010)** – QNW is compelled to comment on the Government of Canada's introduction of Bill C-3 regarding amendments to the Indian Act as it does not properly address the issue of gender equity for Aboriginal women and their children. It is a court ordered amendment by the Court of Appeal for British Columbia thanks to the courageous efforts of Sharon McIvor and her son Jacob.

QNW has several issues of concern; first, contrary to Indian and Northern Affairs Minister Chuck Strahl, Bill C-3 will not *end gender discrimination* as once again, the recognition of the male line will be more dominant than that of the female line.

Secondly, the statements equating status as having benefits is misleading and offensive. Canadians should be informed that these so-called benefits arise from treaty agreements for forcibly removing Indigenous peoples from their lands and territories. Nothing is free and more importantly, Indigenous peoples and our environment have paid dearly for the economic wealth of the Canadian state. The United Nations Human Development Index has reported that when we include the situation of Indigenous peoples, Canada ranks 63rd.

Nowhere in the world do we find a situation whereby another nation controls legally the identity of another. It is discriminatory and denies Indigenous peoples the enjoyment of their collective and individual human rights. The Government's proposed amendments to the Indian Act signify the continuation of colonization. The Indian Act has been the bane of Indigenous peoples existence since its creation in 1876 which introduced the notion of status to prevent "white men" from living on lands reserved for Indians. It must be stressed that the Indian Act is about policies and programs, not human rights!

It is also important to remind Canadians that since the Government of Canada's Residential School apology of June 2008 there has not been true reconciliation between Canada and Indigenous peoples. Canada must intensify its efforts of reconciliation by starting with proper consultations of Indigenous **communities** and their organizations in any serious matters affecting the enjoyment of their rights. The process of negotiations between Canada and Indigenous peoples to replace the Indian Act must be a progressive process reflective of true self-determination and Indigenous customs and laws.

It is also important to clarify that everyone in Canada is provided with access to non-insured health benefits, along with financial assistance for university and college, and for social assistance. Indigenous peoples are no exception except for the fact that funding formulas for our communities' basic needs have not been increased since 1995. Status Indians receive less than the average Canadian when it comes to

education for our children, less for our child welfare system and indeed, face discrimination based upon our Indigenous identity. Given the richness of the vast resources in Canada, it begs the question; *“why aren’t Indigenous peoples amongst the richest in the world?!”*

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states in article 6 “Every Indigenous individual has the right to a nationality” and goes on to say in art. 3 “...have the right to self-determination...”. We must remind Canada that in the Speech from the Throne they indicated they will consider endorsing the UNDRIP. Hence, they must act affirmatively by utilizing the UNDRIP as the minimal standard in discussions with Indigenous peoples concerning their collective and individual human rights.

Regarding the amendments proposal under question, Bill C-3, no new resources would be allocated to Band Councils to provide for new registrants, even though according to INAC itself, at least 45 000 individuals could gain Indian Status! As with Bill C-31 in 1985, in the absence of guarantees of additional funds for these purposes, many reserve communities will resist the increased membership that will occur as a result.

In conclusion, QNW would like to express our disappointment with the lack of proper consultations concerning the BC Court of Appeal decision on the McIvor case which has led up to the Government of Canada’s introduction to Bill C-3 proposed amendments to the Indian Act. According to the Constitution of Canada and numerous Supreme Court of Canada decisions, Canada is legally obligated to properly consult Aboriginal peoples in serious matters affecting their rights. Considering that the issue of status is serious in nature, we insist that the Government of Canada conduct the following:

- consult all Indigenous Peoples and their organizations
- oblige the Standing Committee on Aboriginal Affairs to invite any Indigenous peoples and their organizations to present their perspectives on the issue of status, identity and other related issues before Bill C-3 is passed by Parliament
- utilize an holistic approach on the issue of Indian status so that they will provide the proper support to Indigenous communities whose population will increase as a result of the proposed legislation

Finally, that this be done in a timely manner in order to accommodate Indigenous peoples’ concerns so that it may foster true reconciliation.

Skén:nen – In peace



Ellen Gabriel  
President

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