

Quebec Native Women
Statement Item 7: Beijing + 15
9th Session of the UNPFII- 27 April 2010

Speaker: Ellen Gabriel

Wa'tkwanon:weraton, Greetings,

Gender equality is virtually non-existent for Indigenous women in Canada due to the paternalistic nature of its antiquated Indian Act. Canada's refusal to embark on a genuine postcolonial process hinders women's full and effective participation in decision making processes that seriously affect their rights, as outlined in articles 18 and 19 of the UNDRIP.

Human rights instruments in Canada do not provide sufficient protection from systemic discrimination, causing Indigenous women to be one of the most vulnerable groups within Canadian society.

The double discrimination experienced by Indigenous women in Canada seriously impedes the rights affirmed by *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) to freely determine their political status and freely pursue their economic, social and cultural development and to develop priorities and strategies for the development or use of their lands or territories and other resources (Articles 3, 32).

On March 11, 2010, motivated by a court order from the Court of Appeal for British Columbia, the Government of Canada introduced Bill C-3, an act to promote Gender Equity in Indian Registration, in an attempt to end gender discrimination found with in the Indian status registration regime section 6 of the Indian Act.

However, Bill C-3 will not end gender discrimination. Bill C-3 does not recognize the fundamental rights of Indigenous Peoples and nations as supported in international human rights law to define their own nationality, identity and citizenship.

The promotion of gender equality is vital to the self-determination of Indigenous peoples.

Indigenous languages, culture, customary laws have been devastated by imperialism, colonization, papal bulls decreeing the "Doctrine of Discovery", and the Residential School system. Canada continues to impose the dominant culture's language and values while Indigenous peoples struggle for survival.

On reserve schools lag far behind Canada's education system and as evidenced in the Auditor General 2009 report, it will take 28 years for Indigenous community schools to be at an adequate level.

Although Canada officially apologized for the Residential School System on June 11, 2008 and in spite of the creation of a **Truth and Reconciliation Commission** there are no significant signs of reconciliation. The damage has been done and it will take decades for the languages, educational institutions and culture of Indigenous peoples to recover from the devastating impacts of the *Indian Act* and the Residential School

Systemic discrimination leads to the feminization of poverty and exacerbates Indigenous women's marginalization as the poorest sector of the population in Canada. According to recent studies, it will take 63 years for Indigenous peoples to attain the same level of income as the rest of the population. The government of Canada must recognize the role of Indigenous women in the development and well being of Indigenous communities.

It must also recognize the inherent right of Indigenous women to be equal partners in the decision-making processes that guide our nations and communities.

While we are pleased to hear that Canada is considering endorsing the UNDRIP, we recommend that the UNPFII call upon Canada:

- To fully endorse and implement the UNDRIP in a unqualified manner as it is the first international instrument to address the issue of double discrimination;
- To begin effective consultations in good faith with Indigenous peoples on how they intend to implement the UNDRIP;
- To implement Article 3 of the UNDRIP recognizing the inherent right of Indigenous peoples to define their own political status to freely pursue their economic, social and cultural development, allowing Indigenous peoples to move positively towards **self-determination**;
- To implement Article 32 on lands and resources, thereby harmonizing their current land claims process which is biased and requires the ceding of Indigenous rights to lands and its resources, to comply with the minimum standards conveyed in the UNDRIP;
- To eradicate all forms of gender discrimination in its administrative and legislative policies;
- To eliminate all assimilation policies that further exacerbate the economic disparities between Indigenous peoples and the rest of the population;
- To adequately fund, Indigenous communities education systems, and their efforts to protect and perpetuate Indigenous languages, equivalent to the two official languages of Canada.

It is now time to cease perpetuating discriminatory laws and embrace true equality as embodied in the Convention on the Elimination of Discrimination Against Women.