Exclusion of Indigenous women in meaningful participation in Indigenous Nation Building

In the implementation of the federal government's Nation-to-Nation policy, the government of Canada has perpetuated and maintained discriminatory practices against Indigenous women. The implementation of the policy has largely perpetuated federal government's past practices that ignore and discriminate against Indigenous women.

Evidence:

1. In 2016, the federal government established a "Nation to Nation" policy approach. It chose as their partners for "Nation" building, three national Indigenous organizations (NIOs): The Assembly of First Nations, the Métis National Council and the Inuit Tapiriit Kanatami.

2. This policy framework had the specific purpose to achieve reconciliation through nation building "based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change."

3. The government of Canada did not engage in a process that supported Indigenous communities and people to identify who they would consider legitimate representatives in Nation-to-Nation discussions. As a result, the Nation to Nation negotiations has excluded the estimated 60-80% of urban Indigenous people and non-status Indigenous people.

4. The government of Canada did not recognize or work with, in any meaningful way, the other forms of legitimate Indigenous governance structures including governance systems that include Hereditary Chiefs, Treaty Chiefs and those systems that include traditional governance roles for Indigenous women including clan mothers.

5. The government of Canada maintained their primary relationship with urban Indigenous organizations through continuing to fund the Friendship Centre movement, including protecting funding for Friendship Centres through a unique stream in the Urban Indigenous Program.

6. Throughout this time, the federal government did not recognize Indigenous women's organizations as a legitimate partner in Nation to Nation discussions. Additionally, there was no protected or separate funding allocated for Indigenous Women's organizations to support Nation building.

7. To date the Nation to Nation discussions have resulted in legislative frameworks being constructed (including Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families); reallocation of responsibilities and funding out

of the federal government and into the three NIOs including in areas that they did not have established expertise particularly in an urban context. All issues that will have a profound impact on Indigenous women. (e.g. Early Childhood Development, Housing, Health and Education)

8. The Government of Canada in 2016 also instituted a Gender Based Analysis + throughout government. It is clear that a GBA+ analysis was not applied to the Nation to Nation Policy Framework.

9. What constitutes the Assembly of First Nation's legitimacy to represent First Nation women and girls in the context of nation building and particularly urban Indigenous women who are not connected to their First Nation community? The AFN is a representative body of the Chiefs that are established and recognized through section 74 of the Indian Act.

10. The Indian Act has embedded multiple forms of sex discrimination, as demonstrated in numerous court case challenges (Lovelace, Lavell, McIvor, Matson, Desheneaux and Gehl) and in most of these cases systemic sex discrimination was recognized.

11. In the case of *Sharon McIvor v Canada,* the decision from the United Nations Human Rights Committee, para. 9 starting on p. 17, in particular sub b), there was recognition of two forms of reparations. Only one part of this remedy has been implemented so far - that is, the change in the law that entitles women and their descendants to 6(1)(a) status on the same footing as their male counterparts. The actual registration of these women, addressing the residual discrimination in communities, and reparations have not been addressed yet.

12. Article 3 the UNDRIP recognizes Indigenous peoples' right to self-determination, which includes the right "to freely determine their political status and freely pursue their economic, social and cultural development."

13. To ensure effective Nation building for Indigenous people that would have been inclusive of First Nation women, there would have to be immediate investments in the residual discrimination in communities that remain a legacy of the governance structures imbedded in the Indian Act. This would include investments for autonomous Indigenous Women's organizations to restore and rebuild women, their families and communities. The National Inquiry on Missing and Murdered Indigenous Women and Girls had specific "Calls for Justice" to restore balance in communities and effectively support meaningful nation building through specific investments in Indigenous women's organizations.

14. As the federal government, as part of it's Nation to Nation policies recognizes that past federal government approaches have been based on colonial and patriarchal

values then why continue to only fund and invest in those institutions that are based on those values that were established and perpetuates sex discrimination?

Conclusion

1. The Government of Canada has not engaged Indigenous women in any meaningful way in the development and implementation of the Nation to Nation policy framework. Further, the process continues to marginalize and alienate Indigenous women from substantive policy, funding and governance conversations and decisions.

Recommended Question #14: Please provide details of the steps being taken to ensure that the establishment and implementation of the Nation to Nation framework is in compliance with the federal government's GBA+ policy and is a remedy to the residual discrimination in First Nation communities and in urban Indigenous communities. Please show how it is not continuing to perpetuate discrimination against Indigenous women in funding, policy development and governance roles.