
**Native
Women's
Association
of Canada**



**YEARS OF NATIONAL
ADVOCACY**



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ADVOCACY



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of Canada

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CHAPTER

1

A large, stylized female symbol (a vertical bar with a horizontal top bar and a curved bottom) is the central focus. The symbol is rendered in a dark blue color. The bottom curve of the symbol is filled with a lighter blue gradient. The background is a solid, muted gold color. A thin horizontal line is visible near the top of the page. The word 'CHAPTER' is written vertically in a dark blue, sans-serif font on the left side. The title 'Indigenous Women as Agents of Change' is written in a dark blue, sans-serif font in the bottom right corner.

Indigenous Women as
Agents of Change

Looking Back – How We Got Here

FIGURE 01



Une jeune Indienne d'une réserve isolée attend avec peur et impatience le train qui la transportera dans ce "nouveau monde" des écoles résidentielles —Photo du Calgary

Caption translates as “A young Indian from an isolated reserve waits with fear and impatience for the train that will take her in the “new world” of Residential Schools.

SOURCE: INDIAN NEWS, DECEMBER 1970, P. 2.

Indigenous peoples represent a diverse tapestry of cultures, languages, and beliefs that have been in Canada since time immemorial. Indigenous peoples had created complex social, political, economic, and cultural systems that continue today.¹ However, the arrival and settlement of Europeans in North America in the 17th century would forever alter Indigenous ways of life.

Following the establishment of colonial government and structures, the federal government developed policies and legislation which sought to dismantle Indigenous ways of being. Colonial governments would initiate practices and policies, such as the *Indian Act* and the Indian Residential School system, which sought to control and assimilate Indigenous peoples and into settler society.² Processes of colonization continue today and have had devastating consequences on the health and socio-economic well-being of Indigenous peoples across Canada. As such, the birth of the Native Women’s Association of Canada (NWAC) was part of a longer strug-

gle to secure Indigenous Rights for generations to come.

In response to ongoing discriminatory policies and systemic injustices during the latter half of the 20th century Indigenous people across North America began mobilizing. In particular, the 1960s and 1970s represent a critical turning point for Indigenous activism, as pan-Indigenous efforts brought the challenges faced by Indigenous people to the forefront.³ The reassertion of Indigenous voices in the 1960s and 1970s has more colloquially become known as the “Red Power” movement across Canada and the United States. Although Red Power began in the United States, activists in Canada quickly adopted the pan-Indigenous movement.

- 1 Parrott, Z., Filice, M. (2023). “Indigenous Peoples in Canada.” *The Canadian Encyclopedia*, <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-people>
- 2 Ibid.
- 3 Shelly, J., Baker, A. (2020). “Native People’s Caravan.” *The Canadian Encyclopedia*, <https://www.thecanadianencyclopedia.ca/en/article/native-people-s-caravan>

Following a series of changes to federal government policies and programs in the late 1950s and 1960s, Indigenous political organizations finally began to achieve stability and recognition in the Canadian political sphere.⁴ In 1961, the National Indian Council was formed, later breaking into the National Indian Brotherhood and Métis Council of Canada in 1967.⁵ Moreover, the 1960s also fostered further growth of Indigenous organizations as several grassroots and national groups, such as the Congress of Aborigi-

nal Peoples and NWAC, began to emerge.⁶

The increase in Indigenous organizations during this period sparked a new era of Indigenous political action. During this time, Indigenous organizations would pressure the federal government to address the ongoing needs of Indigenous people across Canada, with the Red Power movement continuing into the early 1990s.⁷ Today, Indigenous organizations, like NWAC, continue to represent the strong and ongoing fight for Indigenous rights in Canada.

FIGURE 02



Land Bank struggle from the Ojibway occupation of Anicinabe Park near Kenora Ontario, 1974.

SOURCE: GETTY IMAGES.

4 Wilkes, R. (2006). The protest actions of Indigenous peoples: A Canadian-U.S. comparison of social movement emergence: PROD. *The American Behavioural Scientist*, 50(4), 510-525. DOI: <https://doi.org/10.1177/0002764206294059>

5 Griffith, J. (2015). "One Little, Two Little, Three Canadians: The Indians of Canada Pavilion and Public Pedagogy." *Journal of Canadian Studies*: 49(2), 171-204, 355. DOI: <https://doi.org/10.3138/jcs.49.2.171>

6 Wilkes, R. (2006). The protest actions of Indigenous peoples: A Canadian-U.S. comparison of social movement emergence: PROD. *The American Behavioural Scientist*, 50(4), 510-525. DOI: <https://doi.org/10.1177/0002764206294059>

7 Ibid.

Indian Homemakers' Association

NWAC's origins are connected through individuals and groups to a program created by the federal government to further the assimilation of Indigenous women on Reserves.⁸ From the 1930s until the 1960s, the federal government provided small grants for Indian Homemakers' Associations across Canada. The opportunity to obtain even small amounts of money for shared activities and strengthening relationships encouraged many Nations and communities to set up clubs. These groups often became increasingly political with intentions to pressure the federal government to fund actual improvements to quality of life for Indigenous women and their families.⁹

The most influential group emerging from the program was the Vancouver chapter of the Indian Homemakers' Association led by Elizabeth Rose Charlie, who was also a founder of the NWAC. After the federal program for the clubs ended, she helped establish the influential Indian Homemakers' Association of British Columbia in 1969. Among that

FIGURE 03

Marie Sylvester at the Indian Homemakers Club convention at Christian Island, Ontario, August 1959. The report from this Ontario-wide event included a speech by Elliott Moses, Six Nations, about First Nations women losing Indian status through marriage.

SOURCE: [IMAGE] LIBRARY AND ARCHIVES CANADA, HARRY MCLORINAN / GLOBE AND MAIL / LIBRARY AND ARCHIVES CANADA / DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT FONDS / E011308575.



association's accomplishments was the newspaper *The Indian Voice*, which reported on the complexities of gender politics for First Nations. The organization often took aim at the Union of BC Indian Chiefs, which had a long-term approach to Inuit Rights, but sacrificed funding for projects that would have helped Indigenous women feed and care for their families.

- 8 The Indian Homemakers' Association of British Columbia became the organizing entity for a submission by First Nations women in BC to the Royal Commission on Aboriginal Peoples in 1994.
- 9 Hanson, Erin. "Indian Homemakers' Association of British Columbia". First Nations & Indigenous Studies, The University of British Columbia. Retrieved from: https://indigenousfoundations.arts.ubc.ca/indian_homemakers_association/

In 1974, Indigenous women's activists from across Canada would meet once again and officially form the Native Women's Association of Canada.

The federal government amended the *Indian Act* to create a centralized Indian Register (“list of Status Indians”) in 1951. The list, which could be very discretionary but clearly stated that “Any woman who is a member of a band ceases to be a member of that band if she marries a person who is not a member of that band” reinforced discrimination based on sex and was often used as a punitive tool affecting the Rights and lands of First Nations women and their children. Numerous violations in applying the *Indian Act*, as well as the law itself, inspired mid-century mobilization of Indigenous women for their rights and land. They recognized that the law oppressed women and privileged Indigenous men in choosing whom to marry. Even among those who supported changes to the *Indian Act*, Indigenous women were very mindful of the role of women in passing on knowledge of Indigenous culture and laws within nations and communities. They worried that making it easier for First Nations women to retain status while marrying non-Indigenous men, in particular, would weaken

Indigenous knowledge and laws over time. They also opposed the idea that a colonial government should decide who was Indigenous or not.

Two prominent groups that emerged during this time were Equal Rights for Indian Women, established by women in Kahnawà:ke in 1967 or 1968, and the National Committee on Indian Rights for Indian Women, organized in response to the Royal Commission on the Status of Women and its recommendations regarding discrimination of women under the *Indian Act*.

Three key organizers of the National Committee group were Mary Two-Axe Earley (who was part of the Kahnawà:ke group), Kathleen Steinhauer and Nellie Carlson. Earley was a founding member of the Quebec Native Women's Association, and support the founding of NWAC.

RIGHTS FOR INDIGENOUS PEOPLES

The 1960s marked a decade of major social mobilization surrounding the rights of women, Indigenous peoples, the 2SLGBTQIA+ community, and disability activists. It was during this decade individuals began to organize themselves into grass-roots movements to address their rights. The ongoing Civil Rights Movement in the United States saw increased awareness among Canadians of the discrimination experienced by racial minorities in Canada, which contributed to the rise of scrutiny from civil organizations of Canada's record on Indigenous Rights.

Out of the American Civil Rights Movement came the Red Power Movement, and later the American Indian Movement. The mobilization of American Indians through protests and rallies had brought Indigenous issues in

the United States onto a national scale. Through the Red Power movement, activists challenged the status quo and demanded their sovereignty and self-determination.¹⁰

At the tail-end of the 1960s, the Red Power and American Indian Movements began to appear in Canada. A shared common history of discriminatory policies, discarded treaties, and systemic injustices being fought by the American Indian Movement caught the attention of Indigenous activists in Canada. As a result, American Indian Movement style demonstrations appeared across Canada, including roadblocks, marches, and the occupation of government offices.¹¹ As a result of growing social movements, Ottawa's attention was starting to become redirected towards the issues facing Indigenous people.

During this period, Indigenous peoples and activists leveraged

human rights language, popularized in Canada's Rights Revolution, to pressure governments across Canada to recognize Indigenous Rights.¹² Moreover, the 1960s saw changes in federal funding for Indigenous organizations to advocate on behalf of their communities. It was through changes in funding that allowed our founding Provincial and Territorial Members Associations to emerge and begin their advocacy efforts on behalf of Indigenous Women and Girls.

- 10 Blakemore, E. (2020). "The radical history of the Red Power movement's fight for Native American sovereignty." *National Geographic*: <https://www.nationalgeographic.com/history/article/red-power-movement-radical-fight-native-american-sovereignty>
- 11 Belshaw, J.D. (2016). *Canadian History: Post Confederation*. Victoria, B.C.: BCcampus. Retrieved from: [Canadian History: Post-Confederation - Open Textbook](https://www.canadianhistory.ca/en/article/rights-revolution-in-canada)
- 12 Ciurfo, C. (2021). "Rights Revolution in Canada." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/rights-revolution-in-canada>

MARY-TWO-AXE EARLEY

- 13 Robinson, A. (2021). "Mary Two-Axe Earley." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/mary-two-axe-earley>
- 14 Desnarauism Deidre A. The Native Women's Association of Canada's Struggle to Secure Gender Equality Rights within the Canadian Constitution. University of Regina, Regina, Saskatchewan, 1998, pp. 5.
- 15 Robinson, A. (2021). "Mary Two-Axe Earley." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/mary-two-axe-earley>
- 16 Quebec Native Women's Association. (2024). "About Us." *Quebec Native Women's Association*: <https://faq-qnw.org/en/about-us/>
- 17 Robinson, A. (2021). "Mary Two-Axe Earley." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/mary-two-axe-earley>
- 18 Women and Gender Equality Canada. (2021). "Mary Two-Axe Early (1911-1996)." *Government of Canada*: <https://www.canada.ca/en/women-gender-equality/commemorations-celebrations/women-impact/human-rights/mary-two-axe-early.html>
- 19 Bégin, Monique. (2018). Ladies Upstairs! *My Life in Politics and After*, p.74.
- 20 Lambert, M. (2023). "Expo 67." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/expo-67>
- 21 Ibid.

In the 1960s, Mary Two-Axe Earley (Kanien'kehá:ka [Mohawk]) from the Kahnawà:ke reserve in Quebec emerged as a prominent voice of Indigenous women's activism in Canada. Recognized for their advocacy, Two-Axe Earley spent much of their adult life fighting injustices sewn into the *Indian Act*, specifically section 12(1)(b). This section of the *Indian Act* removed land and treaty rights for Status Indian women who married non-status Indians.¹³ This section had a profound impact on Two-Axe Earley who had married a non-Indigenous man and subsequently lost their Status, band membership, and affiliate rights. This culminated in Two-Axe Earley mobilizing a series of campaigns to raise awareness of the abuses Indigenous women and girls faced under the *Indian Act*.

In 1967, Mary Two-Axe Earley stood in front of the Standing Committee on Indian Affairs and Northern Development and asked why she and her children should be denied their Status, band membership, and affiliate rights lost because of section 12(1)(b) of the *Indian Act*.¹⁴ Later, Two-Axe Earley would

FIGURE 04



Mary Two-Axe Earley, National Action Committee on the Status of Women and Québec, at the hearings of the Royal Commission on Aboriginal Peoples in Montréal, QC, May 1993.

SOURCE: MITCHELL, AUDREY/LIBRARY AND ARCHIVES CANADA, R2847-213-2-E, RG33-157, VOLUME NUMBER:6.

become involved with Indian Rights for Indian Women, a group recognized for their advocacy against gendered colonialism.¹⁵

In the following years, Two-Axe Earley would play a critical role in the founding of the Quebec Native Women's Association, which represents Indigenous women in Quebec.¹⁶ As part of the Quebec Native Women's Association, Two-Axe Earley would help oversee the founding of the Native Women's Association of Canada in 1974.

After decades of advocacy, the work of Two-Axe Earley and other Indigenous activists came to fruition. In 1985, Bill C-31 received Royal Assent officially amending the *Indian Act* to outline processes of reinstatement for some women who lost their status because of section 12(1)(b). In July 1985, Two-Axe Earley had their Indian status reinstated.¹⁷

Mary Two-Axe Earley would later be recognized for efforts on behalf of Indigenous women's rights and would receive the Governor General's Award in Commemoration of the Persons Case.¹⁸ The work of Mary Two-Axe Earley continues to leave an impression on Indigenous women's activism in Canada.

CENTENNIAL YEAR EVENTS

The Royal Commission on the Status of Women in Canada (RCSW) was established by the federal government in 1967 to "inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the federal government to ensure equal opportunities for women in all aspects of the Canadian society". The Commission's study and recommendations furthered an understanding of the distinct conditions faced by women in Canada and brought specific issues related to Indigenous women into focus. Interestingly, family violence was not included as a topic in the Commission's work. In her memoirs, Monique Begin, a commissioner and later an important minister in successive Liberal governments, recalls the "Violence against women - physical, sexual, and psychological - was not even identified by the commission as a feminist issue. Brutality, beating, rape, and incest were topics society was not yet ready to acknowledge existed, had they been voiced in public hearings. Of course, we all knew these were facts. By they were considered

personal problems, individual, not say exceptional, and not feminist issues."¹⁹

Further, 1967 saw the world come to Montréal, Quebec, for a world exhibition which lasted for 183 days.²⁰ Known as Expo 67, the federal government sought to use the exhibition to highlight Canada's Centennial celebration. However, Indigenous Peoples across Canada ingeniously used the Expo as an opportunity to display their own history within Canadian confederation. As such, at the Indians of Canada Pavilion Indigenous Women would lead visitors from around the world through 10 rooms, where visitors would encounter the uncomfortable and controversial themes related to Canada's colonial policies.²¹ After the tour, visitors would be invited to reflect on Canada's colonial histories that had been shared in the pavilion. Expo 67's Indians of Canada Pavilion served as a focal point of change within Indigenous activism in Canada. Moreover, Expo 67 set the stage for a new wave of international advocacy on the barriers faced by Indigenous peoples in Canada.

FIGURE 05



Profiles of Indigenous women working as official guides at the Expo 67 Indians of Canada Pavilion.

SOURCE: THE INDIAN NEWS, APRIL 1967, ONLINE THROUGH THE UNIVERSITY OF WINNIPEG.

1969

Prime Minister Pierre Elliot Trudeau's government is unable to ignore the conclusions of the 1963 report known as the "Hawthorne Study" that clearly showed the problems and prejudices inherent in the *Indian Act*. Following the government's own review of the legislation, Prime Minister Trudeau released the *Statement of the Government of Canada on Indian Policy* in 1969. The opening sentence of the document, now infamously known as the White Paper, was: "To be an Indian is to be a man, with all a man's needs and abilities." Not only did the White Paper direct its attack on Indigenous Rights, but it left Indigenous women sidelined.

The proposed the abolition of the *Indian Act* in the White Paper led to a swift Indigenous response, which reflected Indigenous political revitalization on numerous issues. Resistance to the federal government plan united political groups, communities, and individuals across Canada and generated extensive agitation, including activism by Indigenous women.

The White Paper proposed to:

- Eliminate Indian status
- Dissolve the Department of Indian Affairs within five years
- Abolish the Indian Act
- Convert reserve land to private property that can be sold by the band or its members
- Transfer responsibility for Indian affairs from the federal government to the province and integrate these services into those provided to other Canadian citizens
- Provide funding for economic development
- Appoint a commissioner to address outstanding land claims and gradually terminate existing treaties

While the White Paper faced considerable backlash across Canada and was withdrawn by the federal government in 1970, it triggered coordinated and expertly researched analysis by Indigenous Peoples about their own conditions, obligations to each other, and possibilities of working together, irrespective of distinctions imposed by the state.

FIRST NATIONAL INDIGENOUS WOMEN'S CONFERENCE & FOUNDING OF NWAC

In 1971, a national conference of Indigenous women was held in Alberta, representing "the first-time native women joined on a national basis."²² At the first national conference, First Nations and Métis women would propose the creation of a national association of Indigenous women. This conference participants would elect Bertha Clark-Jones as the chairperson for the National Steering Committee, which would be formally established in 1972.

In 1974, Indigenous women's activists from across Canada would meet once again and officially form the Native Women's Association of Canada. Moreover, founding members would elect Bertha Clark-Jones as the organization's first President. It was during this time that members began focusing nationally on addressing the inequities faced by Indigenous women and girls.

22 "Indian, Metis women form on association.." The Ottawa Journal (Ottawa, Ontario, Canada). Tue, Jan. 29, 1974, p. 33.

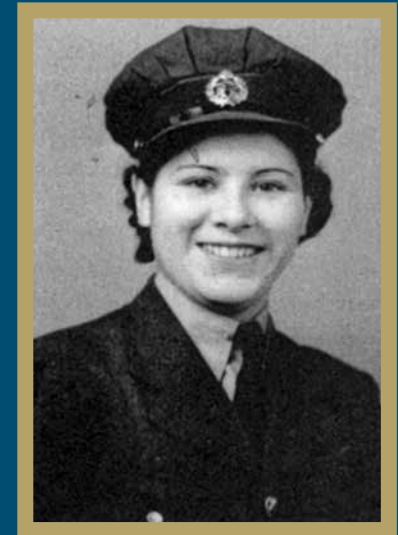
BERTHA CLARK-JONES (CREE-MÉTIS) grew up outside of Peace River, Alberta. At the age of 18, and during the Second World War, Clark-Jones joined the Royal Canadian Airforce where they would quickly progress to the rank of Corporal. Under this title, Clark-Jones would be put in charge of a squadron as a drill instructor.²³

Following the Second World War, Bertha Clark-Jones would begin their advocacy journey, joining the Aboriginal Veterans Society, where they advocated on behalf of Indigenous veterans. However, upon returning home after the war Clark-Jones was faced with several challenges buying property in the Paddle Prairie Métis Settlement, due to their gender.²⁴ Further, Clark-Jones was made aware that First Nations peoples lost their Status after leaving the reserves to join the military and being off their reserve for four years.²⁵ The discrimination faced by Indigenous women and girls sparked Bertha's interest in advocating for human and Indigenous women's rights.

In the early 1960s, Clark-Jones helped create Nistawoyou, an Indigenous Friendship Centre in Fort McMurray, Alberta. At the Centre, Clark-Jones helped establish social and recreational activities for Indigenous community members.²⁶ In 1968, Bertha Clark-Jones would go on to co-found the Voice of Alberta Native Women's Society, which represented both Status and Non-Status Indian women in the province.²⁷ In the early days, the organization would fight for the rights of Indigenous foster children.

In 1974, the Voice of Alberta Native Women's Society would become the Native Women's Association of Canada; and Bertha Clark-Jones would become the organizations first president. As president, Clark-Jones would guide and set the course for the advocacy work to come. For their work on behalf of Indigenous women and girls, Bertha Clark-Jones has received numerous awards and was named an Officer of the Order of Canada in 2007.

FIGURE 06



Military portrait of 18-year-old Bertha Clark-Jones.

SOURCE: ANCESTRY.

Bertha Clark-Jones

- 23 Conn, H. (2022). "Bertha Clark-Jones." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/bertha-clark-jones>
- 24 Ibid.
- 25 Ibid.
- 26 Nistawoyou Association of Friendship Centres. (2022). "History." *Nistawoyou Association of Friendship Centres*: <https://nistawoyouafc.com/who-we-are/history/>
- 27 Conn, H. (2022). "Bertha Clark-Jones." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/bertha-clark-jones>

NWAC's Early Days

MANDATE, PTMAS, AND SHARED INTERESTS

Upon its establishment, NWAC was the first “national association representing both Status and non-Status Native women across Canada.²⁸” NWAC “publicly asserted that they represented aboriginal women who based their identity upon self-identifying criteria,²⁹” underscoring a commitment to fighting against external forces determining status. The organization was initially composed of a 24-member Executive (two reps for each province, two reps for the NWT, and two for the Yukon).³⁰ NWAC was described by its first president, Bertha Clark-Jones, as an “an umbrella organization bringing together 10 native women’s groups.”³¹ NWAC has always been comprised of PTMAs which are its lifeblood. In provinces where no PTMA existed, two provincial representatives still sat on two provincial representatives still sat on NWAC’s Executive Committee.

Early Provincial and Territorial Associations were:

→ Saskatchewan Native Women’s Association

- Northwest Territories Native Women’s Association
- British Columbia Native Women’s Societies
- Metis Women’s Association of Manitoba
- Quebec Native Women’s Association
- Nova Scotia Native Women’s Association
- The Voice of Alberta Native Women’s Society
- Ontario Native Women’s Association.³²

During the drafting of NWAC’s constitution in 1972, items noted as being high on the list of initial priorities were:

- “Housing for Native people
- Cultural Affairs
- Working conditions for Native women, and
- Employment opportunities.”³³

According to the original NWAC Executives in their planning of their first annual conference, the tentative agenda included “native women and the law, the RCMP, native court workers.” and representatives from the federal justice department were expected to attend. Justice and incarceration topics were clear priorities. Roughly 75 women

participated as delegates to the founding conference, held in Thunder Bay, ON, in 1974. During this initial conference, it was noted that participants resolved to demand that the Alberta Indian Brotherhood consult NWAC in the revising of the *Indian Act*, and the adoption of Indigenous children by non-Indigenous families was condemned.³⁴ The national conference for Indigenous women was held in Ottawa in May 1975. Attended by 30 delegates, the delegates pressured the federal government to fund NWAC as a national organization.³⁵

28 “Indian, Métis women form on association,” *The Ottawa Journal* (Ottawa, Ontario, Canada) · 29 January 1974, p. 33.

29 Desmarais, *The Native Women’s Association of Canada’s Struggle*, p. 51.

30 Ibid.

31 “‘System’ works, says activist,” *The Ottawa Journal*, 19 August 1975, p. 26.

32 Native Women’s Association of Canada (1981). “Native Women’s Association of Canada Newsletter”, Vol.1, No. 2, October 1981.

33 “Indian, Métis women form on association,” *The Ottawa Journal* (Ottawa, Ontario, Canada) · 29 January 1974, p. 33.

34 “Native women want say,” *The Leader Post*, 28 August 1974, p. 16.

35 “Fund raising is difficult for Indian Rights for Indian women,” *Indian News*.

Native women win support 'of all Canadian women'

THUNDER BAY (CP) — Sylva Gelber, director of the women's bureau of the Canadian department of labor told a conference Friday of the native women's association of Canada that native women have won the moral support of all Canadian women.

She said native women share with other Canadian women the common bond of being deprived of a part in Canada's economic, social and cultural life.

Miss Gelber, of Ottawa, told about 100 people at the annual gathering that the conference theme — "our place in society" — could well be the theme for many women's associations.

"It is good to know that at long last, steps are beginning to be taken due in no small part to the unwillingness of the native peoples themselves any longer to tolerate the status quo."

Native people also were determined to remove the obstacles that have affected their lives adversely.

"The failure of contemporary society to implement the principle of true equality, regardless of sex, would nevertheless have seemed strange to some native people in times not too far distant."

Miss Gelber quoted from the report of an anthropologist who found Indian women were more independent in North America before the coming of the white man.

One piece of evidence cited for this contention was the number of women's signatures affixed to deeds of land transfer between the Iroquois and colonial governments.

NEED LEGAL ADVICE

Ram Sampat-Mehta of Ottawa, a legal adviser to the Federal Department of Justice, outlined to the conference the department's plans for a law information program aimed at native people.

He said the special effort was needed for native people because native people account for a disproportionately high percentage of the prison and jail population.

Mr. Sampat-Mehta said Indian offenders accounted for five to seven per cent of the federal prison population in the Maritime provinces, and between 50 to 60 per cent in some parts of the Prairies.

A pilot program for the information scheme has been launched in New Brunswick. The aim is to reduce the native prison population and create a better understanding of the legal system.

The areas for special attention would include civil rights, aboriginal rights on hunting and fishing, law enforcement agencies, and court procedures.

Mr. Sampat-Mehta stressed the need for bilateral consultation between the justice department and the native people.

CRITICIZE NEWS MEDIA

Several women at the conference criticized newspapers for discriminating against native people in reporting of minor legal offences.

The delegates argued that when Indians were involved they were always identified as such, but other racial groups were not so identified.

Miss Gelber said the native women should use the media as a valuable tool in publicizing incidents of exploitation. Some delegates, however, said they felt the media, particularly the press, were racist.

Agnes Dick of Port Alberni, B.C. a community aid worker and member of the B.C. Homemakers' Association, read a statement on behalf of the Hesquiat Band Council of Port Alberni:

"We cannot understand the purpose behind the news media drawing attention to peoples' ethnic origin when a criminal act is reported.

"If such racism continues in the media, we would insist that all non-Indians be referred to by ethnic origin, i.e. Irish, English, Chinese, German, etc.

"We, like anyone, enjoy publicity for our achievements but feel we, unlike those of other backgrounds, have been more open and honest with our problems."

FIGURE 07

NWAC is recognized by the director of the women's bureau, part of the Canadian Department of Labour, at their annual conference in 1974.

SOURCE: THE CALGARY HERALD, AUGUST 27, 1974.

DEFINING NWAC

NWAC circulated a declaration of their original aims and objectives, which were:

- To work toward a solution of problems and to promote the interest of Native women across Canada.
- To encourage Native women to assume a more positive and active role in assisting Native peoples to achieve their rightful place in society.
- To assist and encourage Native women to contribute ideas and skills to the social, cultural, and economic development of Native Society.
- To assist in the identification and stimulate interest in characteristics unique to Native culture, including arts and crafts, folklore, cultural tradition, and all other aspects of Native heritage.
- To act as a forum between Native women's organizations, through which they can share and exchange ideas and research in areas of common interest.
- To assist provincial and territorial organizations in the development and management of their local projects.
- To operate as a national body, to represent provincial and territorial organizations and to disseminate information to these organizations.
- To study in conjunction with other Native organizations problems confronting Native women and to make representation to government on behalf of the provincial and territorial Native woman's organizations.
- To act as a national representative for provincial and territorial Native women's organizations.
- To do all such other things as are incidental and conducive to the attainments of the objects of this Association.³⁶

NWAC identified itself as a “Grandmother’s Lodge,” as much a cultural group as a political one, as explained by Robyn Sanderson Bourgeois in 2014.³⁷

“Structurally, NWAC operates as a “non-profit umbrella association” providing both a national platform and political support to provincial and territorial member associations (PTMAs) who, in turn, help direct NWAC’s national political agenda through representation on its Board of Directors. Both the board and

its executive, including a President, are elected biennially at NWAC Annual General Meetings (AGMs), and are supported in their leadership by the guidance of respected Aboriginal Elders, as well as a permanent paid support staff located in Ottawa. NWAC’s leadership and the support staff undertake the political “work” of the organization, such as lobbying, information gathering and sharing, and undertaking legal cases. Significantly, while it has often involved considerable political struggle, the federal government of Canada has become a major source of funding for much of NWAC’s political work.³⁸”

36 Native Women’s Association of Canada (1982). “Native Women’s Association of Canada Newsletter”. Vol.1, No. 3, February 1982.

37 Robinson, A. (2017). “Native Women’s Association of Canada.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/native-womens-association-of-canada>

38 Robyn Sanderson Bourgeois, *Warrior Women: Indigenous Women’s Anti-Violence Engagement with the Canadian State* (2014): 185.



CREDIT: MELODY CHARLIE PHOTOGRAPHY

Standing proudly from the Okanagan Nation & Yuuthluithaht Nation in Yuuthluithaht at Kwisitis, British Columbia.

CHAPTER

The Fight for Equality:
Bill C-31 & The Constitution Act



Following the establishment of colonial government and structures, the federal government developed policies and legislation which sought to dismantle Indigenous ways of being.

Colonial governments would initiate practices and policies which sought to control and assimilate Indigenous people into settler society.³⁹ Although the *Royal Proclamation* (1763) had previously established how colonial governments would interact with Indigenous peoples, the newly confederated government sought out new measures to suppress Indigenous peoples.⁴⁰ Under the *Constitution Act* (1867), the federal government had assumed legislative jurisdiction over “Indians, and lands reserved for Indians”.⁴¹

In 1876, the *Indian Act* is passed by the Government of Canada, adopting many of the concepts developed in precursor legislation, including ideas of assimilation, enfranchisement, and the changing definition of “Indian.”⁴² In addition

to creating new ways to control and assimilate Indigenous Peoples, the implementation of the *Indian Act* extinguished the recognition of Indigenous self-government structures and established discriminatory exclusions for First Nations women that denied their rights to live on-reserve and access services, cultural practices, and their community.⁴³ Moreover, the *Indian Act* had stipulated that any First Nations woman who married anyone other than an “Indian” or “non-treaty Indian” would themselves no longer be seen as “Indian” under the act.

1951

In 1951, the federal government amended the *Indian Act* to create a centralized list of Status Indians, known as the Indian Register, formalizing registration control of who could qualify for status. The list is policed through an “Indian Registrar” who determines whether a person holds or does not hold status. The process, which is very discretionary, reinforced discrimination based on sex with the *Indian Act* through several new measures, including:

→ The “double mother rule” which revoked the status of individuals

- at the age of 21 in instances of two consecutive generations of mothers who were not born with entitlement to status;
- The “illegitimate female child rule” which permitted the male children of status men born out of wedlock to register, but which did not entitle their female children to status;
- The “marry-out rule” which caused First Nations women to lose their status upon marrying a non-status person, but which permitted First Nations men to extend status to their non-status wives; and,
- Involuntary enfranchisement, which revoked the status of First Nations women and their children when their husbands became enfranchised.⁴⁴

Moreover, the 1951 changes to the *Indian Act* meant local Indian Agents had the power to remove people from the Indian Register at their discretion. This was commonly used as a punitive tool to suppress Indigenous people.

1967

In 1967, Mary Two-Axe Earley stood in front of the Standing Committee on Indian Affairs and Northern Development and asked why she

39 Parrot, Z., Filice, M. (Eds.). (2023). “Indigenous Peoples in Canada.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-people>

40 Ibid.

41 Ibid.

42 NWAC. (2024). “Indian Act.” NWAC: <https://nwac.ca/policy/indian-act>

43 Ibid.

44 Ibid.

and her children should be denied their Status, band membership, and affiliate rights lost because of section 12(1)(b) of the *Indian Act*.⁴⁵ Two-Axe Earley would be one of many First Nations women to challenge section 12(1)(b) of the *Indian Act*.

1969

In 1969, under the leadership of Prime Minister Pierre Elliot Trudeau, the federal government released the “Statement of the Government of Canada on Indian Policy,” also known as the White Paper. The White Paper would be withdrawn in 1970, but triggered Indigenous

advocates to conduct a thorough analysis of the legislation.

1973

Jeannette Corbiere Lavell and Yvonne Bédard were emboldened in separate legal cases to use the Canadian Bill of Rights (1960), which guaranteed sexual equality, to argue for the removal of section 12(1)(b) of the *Indian Act* using the “Drybones Case” as a precedent. In 1970, Mr. Drybones successfully argued that section 94(b) of the Act was contrary to the Canadian Bill of Rights and should be removed because his original conviction by a lower court of intoxication while

on a reserve was deemed “discriminatory”.⁴⁶ For Indigenous women, loss of Status applied to their children and also meant women and their children were required to dispose of Reserve property and could not be buried on Reserve. In contrast, no penalties were applied to Status men in a Band who married non-Status women of the same Band.

Corbiere Lavell and Yvonne Bédard separately brought cases to the Supreme Court of Canada arguing against section 12(1)(b) of the *Indian Act*. The cases were so similar that they were merged, but their side lost in a close 5 to 4 split ruling. The decision of the Supreme Court of Canada was incendiary. As a headline in a newspaper blared, “Indian Act Trumps Bill of Rights. Overturning section 12(1)(b) is top of mind for Indigenous women’s groups at this time.”

1975

Sandra Lovelace brings the loss of her Status, because of section 12(1)(b) of the *Indian Act* to the United Nations Human Right Committee. At the Committee, it was ruled that Canada was in violation of the Covenant of Civil and Political Rights, increasing

NWAC recognized many of the shortcomings in Bill C-31 and would continue to advocate on behalf of women who had lost their status.

⁴⁵ Desmarais, Deidre A. (1998). *The Native Women’s Association of Canada’s Struggle to Secure Gender Equality Rights within the Canadian Constitution*. University of Regina, Regina, Saskatchewan, p. 5.

⁴⁶ Ibid, p. 49.

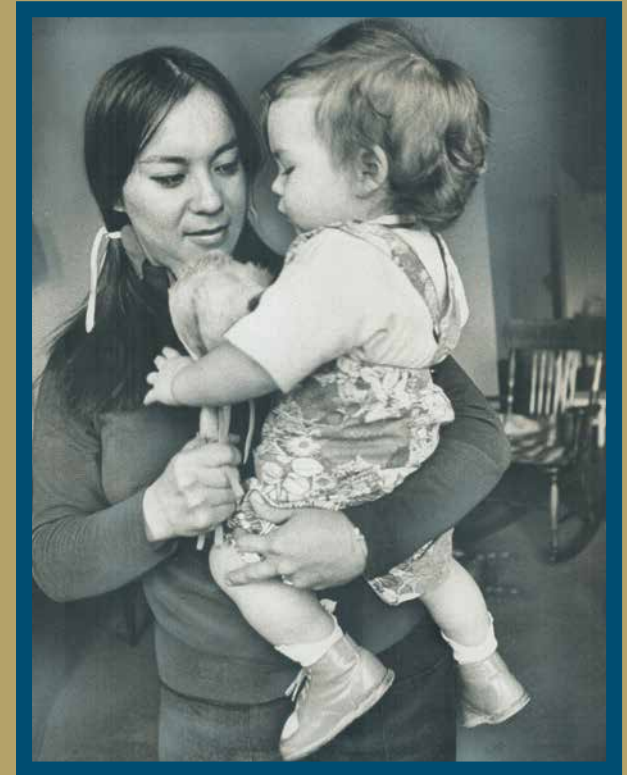
⁴⁹ Desmarais, Deidre A. (1998). *The Native Women’s Association of Canada’s Struggle to Secure Gender Equality Rights within the Canadian Constitution*. University of Regina, Regina, Saskatchewan, p. 52.

⁵⁰ “Regaining Indian Status: A Decade of Struggle”. November 28, 1980. *The Windsor Star*, page 138.

JEANNETTE CORBIERE LAVELL is an Anishinaabe (Ojibwe) activist, educator and community worker, who played an integral role in addressing discrimination experienced by First Nations women across Canada. Corbiere Lavell spent several years battling section 12(1)(b) of the Indian Act after losing their legal status in 1970.⁴⁷ Over the following decade, Corbiere Lavell's case would climb the judicial ladder before failing in the Supreme Court of Canada. Despite the Lavell case ultimately failing in the Supreme Court of Canada, their case helped spur other Indigenous women to bring their rights issues forward. As a result of this building movement, the federal government would amend the Indian Act in 1985 through Bill C-31 repealing section 12(1)(b) from the Act.⁴⁸ In 1985, Jeannette Corbiere Lavell would be among the many Indigenous women who would regain

their status as a result of this change. In 1971, Corbiere Lavell would play an integral role as a founding members of the Ontario Native Women's Association and would later serve as the organizations vice-chairwoman (1972-73) and president (1974-75). However, it was not until 2009 that Corbiere Lavell would serve as the president of the Native Women's Association of Canada. In this role, Jeannette Corbiere Lavell would continue their work to support the needs and tear down barriers faced by Indigenous women and girls across Canada.

FIGURE 08



Jeannette Corbiere Lavell (28) with her son. She won the decision against the Indian Act which says a woman marrying a non-Indian loses her status with her band.

SOURCE: DICK LOEK/TORONTO STAR VIA GETTY IMAGES.

Jeannette Corbiere Lavell

47 Robinson, A. (2018). "Jeannette Corbiere Lavell." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/jeannette-vivian-lavell>

48 Ibid.

FIGURE 09



NWAC President Jane Gottfriedson (back center) and Dene Nation President George Erasmus (front left) attending a march on Parliament Hill against an Aboriginal Rights Amendment. NWAC attended as a member of the Aboriginal Rights Coalition (ARC), which united the NCC, ITC, Dene Nation, Council of Yukon Indians and several Bands and Tribal Councils

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA NEWSLETTER, VOL 1., NO. 3, FEBRUARY 1982.

FIGURE 10

Crombie to revise act that discriminates against Indian women

OTTAWA (CP) — Indian Affairs Minister David Crombie is convinced that a new government, with time and will on its side, can do better than the old one in throwing out legislation that discriminates against Indian women.

"Once my annual, scheduled demands, I'm always very clear about what I think can be done and that I normally over-promise ... I think we can do it," the new Conservative minister said.

His Liberal Indian affairs critic, John Turner, who entered the government's office through a Conservative committee to join, said there is a second look at the act will lead to significant improvement.

"It was probably the best of a bad job," Fraser says of the last Parliament's Bill C-47.

Improved version

Despite its shortcomings, Bill C-47 made it through the Commons on its final reading day in June but was shelved in an attempt, but largely unheeded, to pass the bill.

Now the Progressive Conservative government intends to introduce a new, improved version of the bill that it hopes will address many of the native community's concerns highlighted by Bill C-47.

Just as some native Indian leaders are waiting to work with them to come up with a bill that not only eliminates sexual discrimination, but better makes comprehensive deal with all aspects.

All those in clause 12.1 of the century-old federal Indian Act, which prohibits Indian women who marry whites and married girls to lose their reserves and share in their resources. By 1982, many women who marry non-Indians not only lose their rights but can't become citizens on their own.

But while just about everyone agrees on the need to repeal the discriminatory section, there is no widespread consensus on the best way to handle the consequences.

Legislators have tried to formulate a bill that would give women and their children their rights back without placing an unbearable strain on reserves, which often have limited resources.

Pledge repeated

And many of the same problems would persist or become exacerbated if the supreme law of the land is enforced without regard for the native community's views for self-determination.

For decades, Canadian politicians have failed against the discrimination. Last December's three speech promised restrictive legislation — a pledge that was repeated by former prime minister Pierre Trudeau on International Women's Day in March.

Many native leaders, including Marlyn Kane, vice-president of the Native Women's Association of Canada, pressed for government action. But it was not until June 18 that the Commons took its first crack at Bill C-47 and a Commons committee had less than a week to give a minority-class study. It was disappointed as the House on its last sitting day before the summer recess and sent to the Senate for progress there.

But once on the bill it got. Two senators signed a rarely used procedural trick that put the bill in a backroom. When Parliament was dissolved for the election, the scheduled bill died on the order paper.

But the death wasn't largely unnoticed as John Turner's secretary to prime minister grabbed the bill.

Yet, there had been no shortage of behind-the-scenes drama during the bill's short lifetime.

The Premier committee said late in the evening, heading with Justice Department officials to discuss possible amendments.

One Liberal MP, criticized the committee was waiting for a bill that didn't do enough for Indian women, but he passed despite their efforts. Ministers later, the native leaders pushed down the bill to the Senate where they introduced former Justice Minister and talked him into blocking the bill in the end.

By tradition, the Senate needs unanimous consent to move a bill past its first legislative stage on the same day it is introduced. Instead, minister Clark Richard Greer preside there were two weeks, including Bill C-47, before unanimous consent and the bill was introduced.

Crombie says his many discussions on the subject have persuaded him that people welcome a second try at the complete issue so that a new bill not only require unanimous consent to move a comprehensive bill into account all of the women groups and concerns. Fraser said, "But, like other native leaders, I'm not an idiot."

"Once we saw the minimal amendments that were being made and the contents of those amendments, we could not support it," Kane said.

"We're talking about a long-standing government and an unopposed piece of legislation that has done so much to help us, it's not fair to say that we're going to give up on it. I was even convinced that we were expected to cooperate in agreeing to amend it in four days."

Bill died

She and others persuaded MPs on both sides of the House to stall the bill, but it passed despite their efforts. Ministers later, the native leaders pushed down the bill to the Senate where they introduced former Justice Minister and talked him into blocking the bill in the end.

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An article from the Montreal Gazette the addresses how NWAC pressed the federal government for action on the Indian Act. In the article, Marlyn Kane, who was vice-president of NWAC at the time, stated "Once we saw the minimal amendment, we could not support it."

SOURCE: THE MONTREAL GAZETTE, NOVEMBER 16, 1984.

international pressure to amend the *Indian Act*.⁴⁹

1980

Following a decade of advocacy by Indigenous women the newly elected Liberal government moved to reform to the *Indian Act*. Indian Affairs Minister John Munro at the time stated a moratorium on section 12 (1) (b) of the *Indian Act* would be considered if it was requested by Canada's 500 Indian bands.⁵⁰

1985

In 1985, Canada began to address the discriminatory parts of the *Indian Act*, in response to a series of legal interventions, often led by First Nations women and the coming into force of section 15 of the *Canadian Charter of Rights and Freedoms*.⁵¹ Changes that came under Bill C-31 would remove all sex-based distinctions affecting entitlement to register for status, but many legal mechanisms to curtail the number of individuals entitled to status would remain.

However, the amendments brought forward in 1985 would create new challenges to forwarding status in Indigenous communities. In particu-

lar, the second-generation cut-off rule remained. Under this rule, an individual with status under subsection 6(1) of the *Indian Act* would be able to pass their status to their children. In instances where a child had two parents with status, the child would also be entitled to status under subsection 6(1); however, if one parent does not have status, the child would be entitled to status under subsection 6(2) of the *Indian Act*.⁵² Further, those with status under subsection 6(2) would only be able to pass status to their children only if the other parent also had status. This means in cases where the other parent does not have status, that child would not be entitled to status.⁵³

As a result of changes to the *Indian Act* in 1985, the federal government created new discriminatory systems that perpetuated differential treatment for the descendants of women who had lost or been denied status because of their sex.⁵⁴ As a result, Indigenous women and representative organizations would continue to pursue changes to the *Indian Act* over the next several decades. Emerging as a strong national advocate for Indigenous self-determination in recent years,

NWAC would play a pivotal role in supporting the success of Bill C-31.⁵⁵ NWAC recognized many of the shortcomings in Bill C-31 and would continue to advocate on behalf of women who had lost their status.

2011

Bill C-3 comes into place to fill gaps in Bill C-31. This included granting 6(2) status to grandchildren of women who regained status in 1985, but who only passed on 6(2) status to their children.⁵⁶

In the same year, three members of the Abenakis of Odanak First Nation, Stéphane Descheneaux, Susan Yantha and Tammy Yantha, challenged the Indian registration provisions under section 6 of the *Indian Act* in the Superior Court of Quebec in what is commonly known as the Descheneaux Case.

2015

There is a decision in the Descheneaux Case. The Superior Court of Quebec rules that “several provisions under section 6 of the *Indian Act* violate section 15 of the *Canadian Charter of Rights and Freedoms*”.⁵⁷

2017

In December 2017, the federal government made changes to the *Indian Act* through Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux v. Canada (Procureur général)*. The purpose of Bill S-3 was to address existing sex-based inequities in registration that determine who is and is not entitled to register for status.⁵⁸ In response to Bill S-3 being proposed, NWAC President Francyne Joe said:

“Ideally, NWAC would like more clarity around when precisely, these amendments will benefit women born prior to 1951. However, we are encouraged that the discussion will not be around whether to accord women impacted by this cut-off these rights, but about how and when to do this in a way that respects the rights of communities and fulfills the Government of Canada’s duty to consult.”

— Francyne Joe, former president of NWAC⁵⁹

- 51 NWAC. (2024). “Indian Act.” NWAC: <https://nwac.ca/policy/indian-act>
- 52 Ibid.
- 53 Ibid.
- 54 Ibid.
- 55 Robinson, A. (2017). “Native Women’s Association of Canada.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/native-womens-association-of-canada>
- 56 Native Women’s Association of Canada. (2022). “The Indian Act Said What?”. Infographic, The Native Women’s Association of Canada.
- 57 Ibid.
- 58 Indigenous Services Canada. (2022). “Bill S-3: Eliminating known sex-based inequities in registration.” *Government of Canada*: <https://sac-isc.gc.ca/eng/1467214955663/1572460311596>
- 59 NWAC. (November 12, 2017). “NWAC Responds to Latest Version of Bill S-3.” *Alberta Native News*: <https://www.albertanativenews.com/nwac-responds-to-latest-version-of-bill-s-3/>

2019

In August 2019, additional amendments to the *Indian Act* came into force, following consultations with First Nations and Indigenous groups. Through engagements, the federal government gathered input on proposed legislative changes to the registration provision in the *Indian Act*.⁶⁰ NWAC participated in the consultation process, undertaking an assessment of the effectiveness of Bill S-3 in ending sex-based discrimination under the Act. Under Bill S-3, the federal government attempted to address sex-based inequities in the *Indian Act* in the following situations:

60 Ibid.

61 Indigenous Services Canada. (2022). “Bill S-3: Eliminating known sex-based inequities in registration.” *Government of Canada*: <https://sac-isc.gc.ca/eng/1467214955663/1572460311596>

62 NWAC. (2022). *Indigenous Gender-Based Analysis of Bill S-3 And the Registration Provisions of the Indian Act - Final Report*. NWAC: https://nwac.ca/assets-knowledge-centre/Bill_S-3_Project-NWAC-FINAL_REPORT_May2022.pdf

63 Ibid.

64 Parliament of Canada. (2022). *Bill C-38, An Act to amend the Indian Act (new registration entitlements)*. <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-38/first-reading>

65 NWAC. (2023). *Board Engagement on Bill C-38, An Act to amend the Indian Act (new registration requirements) - Final Report*. NWAC: <https://nwac.ca/assets-knowledge-centre/Board-Engagement-on-Bill-C-38-Final-Report.pdf>

66 Ibid.

- The differential treatment of first cousins whose grandmother lost their entitlement to registration due to marriage with a non-entitled man before April 1985.
- The differential treatment of women born outside of marriage to entitled fathers between September 1951 and April 1985.
- The differential treatment of minor children who were born of entitled parents or of entitled mothers between September 1951 and April

1985, but could lose entitlement to registration if they were still minors at the time of their mother’s subsequent marriage to a non-entitled man.

- Providing flexibility for the Indian Registrar to consider various forms of evidence when determining entitlement to registration for those of an unknown or unstated parent, grandparent or other ancestor.
- Ensuring the entitlement of all descendants of women who lost status or were removed from band lists for marrying non-entitled men going back to 1869.⁶¹

2022

In May 2022, NWAC released *Indigenous Gender-Based Analysis of Bill S-3 and the Registration Provisions of the Indian Act - Final Report*. Our main finding was that the time has come for the *Indian Act* to be repealed and replaced with agreements and laws that are consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and the rights, traditions, customs and procedures of First Nations.⁶² In doing so, NWAC identified several shortcomings of Bill S-3 in addressing

the challenges faced by Indigenous women in all their diversity. For example, Bill S-3 did not address the second-generation cut-off rule and the Government of Canada continues to maintain a policy respecting evidentiary burdens in cases of unknown and unstated parentage.⁶³

In December 2022, Bill C-38, *An Act to amend the Indian Act (new registration entitlements)*, was introduced by the Minister of Indigenous Services. Bill C-38 proposes to address entitlements to registration in the Indian Register to bring certain parts of the act under the *Canadian Charter of Rights and Freedoms*.⁶⁴ Since 2022, Bill C-38 has seen minimal progress in the Parliament, with the legislation still waiting to pass a second reading in the House of Commons.

2023

In August 2023, NWAC released *Board Engagement on Bill C-38, An Act to amend the Indian Act (new registration entitlements) - Final Report*. In this report NWAC delved into the proposed amendments to the *Indian Act* under Bill C-38, and found that the Bill fails to address several

ongoing issues of inequity under the Act.⁶⁵ Although NWAC recognized the importance of removing discriminatory language from the *Indian Act*, the Bill ultimately fails to dress inequities and Indigenous rights infringements related to the second-generation cut-off rule.⁶⁶



CREDIT: DEVON MANIK

Tagga Manik preparing snow geese near her community of Resolute, NU.

CHAPTER



Advocating for Inclusion
and a Stronger Voice



The passing of Bill C-31 represented NWAC's first major political victory but does not mark the end of the organization's embroilment in constitutional affairs.

As stated in earlier sections, Quebec did not sign the 1982 Constitution Act. The only means of ending the constitutional stalemate was attempted first by the failed Meech Lake Accord in 1990, after which the position of Minister of Constitutional Affairs was created, and then by the failed Charlottetown Accord in 1992.

Pre-Confederation

Before the Confederation of Canada, Indigenous-British relations had been dominated by the commercial and military needs of the time. The 19th century saw a shift in the way European settlers interacted with Indigenous peoples, adopting new policies that advocated for the assimilation, subjugation, and destruction of Indigenous people.⁶⁷ In 1867, a union was formed between the colonial governments of New Brunswick, Nova Scotia, and the Province of Canada, marking the start of Canadian Confederation. However, support for the Dominion of Canada was not universal, and received substantial push back from Indigenous people who had been excluded from formal discussions.⁶⁸ This movement directly contradicted the nation-to-nation relationships that had previously

existed, laying the groundwork for the new Government of Canada's destructive agenda to suppress Indigenous people.

1867

In 1867, the *British North America Act* (also known as the *Constitution Act, 1867*) was passed by the British Parliament, creating the Dominion of Canada. The *British North America Act* represented Canada's first Constitution, outlining the structure of government and distribution of powers.⁶⁹ Under section 91(24) of the *British North America Act*, the Parliament of Canada assumed responsibility for "Indians, and Lands reserved for the Indians."⁷⁰ The newly formed Dominion of Canada would ultimately use section 94(24) following confederation to establish a system that sought to assimilate Indigenous peoples. This gave way to the creation of the reserve system, *Indian Act*, and Residential School Systems.

- ⁶⁷ Miller, J. R. Parrot, Z. (Eds.). (2015). "Indigenous-British Relations Pre-Confederation." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-european-relations>
- ⁶⁸ The Canadian Encyclopedia. (2018). "Confederation, 1867." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/confederation-1867>
- ⁶⁹ McIntosh, A., McConnell, W.H., Foot, R. (Eds.), McIntosh, A. (Eds.) (2021). "Constitution Act, 1867." *The Canadian Encyclopedia*
- ⁷⁰ Department of Justice Canada. (2022). "British North America Act, 1867 - Enactment no. 1." *Government of Canada*: <https://justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t13.html>

FIGURE 11



Image from the Indian Women's Rights March in 1979.

SOURCE: LIBRARY ARCHIVES CANADA

- 71 The Canadian Encyclopedia. (2018). "Confederation, 1867." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/confederation-1867>
- 72 Desmarais, Deidre A. (1998). *The Native Women's Association of Canada's Struggle to Secure Gender Equality Rights within the Canadian Constitution*. University of Regina, Regina, Saskatchewan.
- 73 Native Women's Association of Canada, vol. 1 no. 5, June 1982, page 10.

1980-1981

In the early 1980s, under the leadership of Prime Minister Pierre Elliot Trudeau, the Government of Canada sought to repatriate and amend the Constitution. The *Constitution Act, 1982*, would make several changes to Canada's constitutional structure, creating a new amending formula and adding the *Canadian Charter of Rights and Freedoms* to the fold. The *Charter of Rights and Freedoms* would instill guarantees on the fundamental rights and freedoms of all Canadians.⁷¹

Most importantly, the *Constitution* made important changes to the relationship between the Government of Canada and Indigenous peoples. Early in 1981, the federal government had reached

an agreement with Indigenous groups to include section 34(1) in the constitution which stated:

The aboriginal and treaty rights of aboriginal peoples of Canada are hereby recognized and affirmed (2) in this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.⁷²

Despite the agreement between Indigenous peoples and the federal government, in November 1981 the clause would be removed. The removal would spark intense resistance and political lobbying by male-dominated Indigenous groups in response. Subsequently, an Aboriginal Rights Coalition was formed, in which NWAC would become deeply involved.⁷³

Over the course of 1981, the Native Women's Association would play a critical role in advocating for guarantees for Indigenous women in the Constitution. In a statement made in September 1981, executive director Agnes Mills would call on the government to include guarantees for Indigenous women, stating:

If the constitution is brought home the way it is, we still don't have guarantees as native women that our rights will be protected. We want to see aboriginal rights entrenched in the constitution for all native people regardless of where they live - on the reserve or off the reserve.⁷⁴

NWAC's call for the recognition of guarantees would cause a stir, as it tended to go against what the male-dominated Indigenous groups had been vying for. In

In fact, NWAC would often make public statements attesting to the fact male lead Indigenous Organization did not speak for Indigenous women.

fact, NWAC would often make public statements attesting to the fact male lead Indigenous Organization did not speak for Indigenous women.

“Local men and women back home are behind the concerns of native women. It's the Indian leadership in this country who

are just not saying what our principles and beliefs are. That's why native women are saying to our national leaders they have lost the right to lead. Leadership only comes when you have proven that you can make wise decisions on our behalf.”

— **Marlene Pierre-Aggamaway**,
January 23, 1982⁷⁵

74 The Leader Post. (23 Sep. 1981). “Indians advised to do homework on legislation.” *The Leader Post*: https://books.google.ca/books?id=MXVYAAAA-IBAJ&pg=PA20&dq=%22Native+Women%27s+Association+of+Canada%22&article_id=1205.2310132&hl=en&sa=X&ved=2ahUKewiykN-X_9aHAX-UeHzQIHAlqCr84MhDoAX-oECAgQAq#v=onepage&q=%22Native%20Women's%20Association%20of%20Canada%22&f=false

75 Montreal Gazette. (January 23, 1982). “Male Indian ‘do not speak for native women’.” *Montreal Gazette*: https://books.google.ca/books?id=Bf4hAAAAIBAJ&pg=PA12&dq=%22Native+Women%27s+Association+of+Canada%22&article_id=1775.675321&hl=en&sa=X&ved=2ahUKewjQlpWNhdeHAXV-jGzQIHZgANhs4PBDoAXoECACQA-q#v=onepage&q=%22Native%20Women's%20Association%20of%20Canada%22&f=false

1982

In 1982, the federal government would reinstate sections 34(1) and (2) within section 35(1) and (2) of the *Constitution Act, 1982*. The newly appended section 35 read as follows:

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit, and Métis peoples of Canada.

The addition of “existing” under section 35(1) of the *Constitution* caused particular concern for NWAC. In doing so, NWAC would make several calls before the Constitution was repatriated to have “existing” removed. NWAC’s calls for change would fall upon deaf ears, as in April 1982 the *Constitution Act* would be passed without the consent of Quebec. However, NWAC recognized future opportunities to address section 35 of the constitution, as section 37 compelled the Prime Minister to convene constitutional conference within the year.

1983

In 1983, the Government of Canada would host a constitutional conference, wherein Aboriginal issues would be discussed. However, NWAC was not among the recognized national aboriginal organizations invited to participate. As such, the conference lacked the much-needed voice of Indigenous women and forced NWAC to choose between supporting an existing group at the table or demanding a seat for itself.

Throughout much of 1983, NWAC would participate in discussions

pertaining to the equal rights of Indigenous women within the Constitution. In doing so, NWAC, the Native Council of Canada, and the Inuit Committee on National Issues attempted to force the federal government to rewrite a section of the constitutional accord after it was altered in a closed meeting to include more limiting language.⁷⁶ Sadly, NWAC would be shut out of the

conversation, and the federal government would move forward with their chosen language.

Over the coming years, NWAC would continue to press the federal government on equality under the constitution for Indigenous women.

FIGURE 12

Wording of accord correct, according to poll of provinces

OTTAWA (CP) - A federal poll of the provinces shows they all agree the constitutional accord signed last week contains the correct wording of a clause guaranteeing equal rights for native women and men. Justice Minister Mark MacGuigan said in the Commons Monday.

And he added that at least five of the provinces are against changing the wording of the clause to satisfy the concerns of some native groups.

But the stern over the wording, part of a broader constitutional accord signed last Wednesday, continued unabated.

Progressive Conservative MP Frank Oberle said in the Commons Monday that MacGuigan “deliberately deceived” native groups by altering the wording in the final accord after it had been agreed to at a closed meeting of federal, provincial, native and territorial leaders.

“There has emerged genuine concern that the wording of last week’s accord does not guarantee rights to native women,” Ontario Status of Women Council chairman Sally Barnes said in a statement drafted Monday.

The president of the Native Women’s Association of Canada said Monday she believes federal officials substituted their own, more limiting, version of the equality clause after an earlier version was agreed to at a closed meeting.

“I’m really upset,” Jane Gottfriedson, president of the association of Indian, Inuit and Métis women, said. “I can’t understand how they could do something like that.”

The clause was discussed at two closed meetings chaired by MacGuigan, last Tuesday night and Wednesday afternoon. Several sources at the meetings said there was ample room for confusion, the atmosphere was highly charged and, especially Wednesday, time was very limited.

The closed meetings hammered out the details of an overall accord that was then signed Wednesday by Prime Minister Trudeau, all provincial premiers but Quebec and native and territorial leaders.

The accord also requires four more years of talks on aboriginal rights, ensures land claims and commits governments to consult natives before their rights can be changed in the Constitution.

MacGuigan suggested outside the Commons the confusion of some native groups over the equality wording “may be a way of arguing their case.”

The provinces were asked Friday if they agreed the wording was correct and if they would change the accord to meet native concerns.

All provinces said it is correct and only one or two favored making a change now, he said.

MacGuigan said the federal government is now looking to see if “a change of a lesser magnitude” might be acceptable although that could be discussed at future constitutional negotiations.

The Inuit Committee on National Issues and the Native Council of Canada, both signatories to the accord, have sent messages to Trudeau and provincial premiers expressing concerns over the final wording of the equality clause.

Neither group has commented publicly, saying they are afraid the dispute could jeopardize the hard-won accord and its chances of being ratified by Parliament and provincial legislatures.

The clause in the signed accord says: “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.”

The native council and Gottfriedson say the clause that all parties agreed to at the closed meetings was:

“Notwithstanding anything in this part, the rights of the aboriginal peoples of Canada are guaranteed equally to male and female persons.”

They are concerned because the clause in the accord ties the rights to another subsection of the Constitution that affirms “existing aboriginal and treaty rights.”

Métis and non-status Indians fear it may be interpreted that they have no “existing” rights since they have no treaties and aren’t eligible to live on reserves or to receive federal benefits.

Existing legislation such as the Indian Act already discriminates against Indian women, rendering the accord “useless,” Oberle, MP for the B.C. riding of Prince George-Peace River, said in the Commons.

Federal Secretary of State Serge Joyal said last week the accord offers “more comprehensive protection” since it includes references to treaty rights.

James O’Reilly, a Montreal lawyer at the closed meetings for the Assembly of First Nations, said Monday the wording in the accord is more limiting than that proposed by the native council.

He is unsure himself what version of the equality clause was approved at the Wednesday afternoon meeting, he said in an interview Monday.

No poll was taken among the 17 parties in the room before moving away from the equality issue to other items, nor was the wording available before the formal signing at the conference table about an hour later, he said.

“There was no question there was room for a lot of misinterpretation,” he said.

President Jane Gottfriedson speaks out about amendments made to the final version of the constitutional accord that removed guarantees for the rights of Indigenous women.

SOURCE: THE LEADER POST, MARCH 22, 1983.

A Constitutional Crisis

The changing political climate of the mid-1980s opened a new round of discussions on the recently patriated Constitution. Under the leaderships of the new Prime Minister, the federal government would launch a new round of negotiations with the provinces on amending the constitution.

1987

In the Spring of 1987, Prime Minister Brian Mulroney launched a new round of negotiations on the recently patriated Constitution. Known as the Meech Lake Accord, Mulroney was attempting to form an agreement between the federal and provincial governments to amend the Constitution. In doing so, the Accord proposed to strengthen provincial powers and recognize Quebec as a distinct society in Canada.⁷⁷

In June 1987, the Quebec National Assembly was the first to ratify the Meech Lake Accord. The ratification of the Accord in Quebec started the timer for the 9 other

provinces, who would have until June 1990 to ratify the agreement.

1990

In 1990, the Meech Lake Accord unravelled as it failed to be ratified in Manitoba and Newfoundland and Labrador. The demise of the Meech Lake Accord in Manitoba can be traced back to the efforts of Elijah Harper an Oji-Cree Member of Legislative Assembly.⁷⁸ Harper's persistence created delays in the Manitoba legislature, which needed all Members of Legislative Assembly to approve the ratifying procedures. This ultimately led to Manitoba being unable to ratify the Meech Lake Accord. Harper's refusal to consent to the Accord was driven by the lack of consultation and recognition of First Nations people on Constitutional changes.⁷⁹

As a result of Elijah Harper's actions, the Premier of Newfoundland and Labrador, Clyde Wells, refused to take a second vote on the accord. As a result of the efforts in both provinces, the

deadline for ratification passed and the Meech Lake Accord fell apart.

1991

After the failure of the Meech Lake Accord, Prime Minister Brian Mulroney quickly moved to forge a new agreement with the provinces. This sparked another phase of national debate where various governments and special interest groups discussed significant issues impacting Canadian Confederation.⁸⁰ Over the course of the next two years, the federal government would host five national conferences on the future of Canada. At negotiations, the Assembly of First Nations (AFN), the Native Council of Canada (NCC), the Inuit Tapirisat of Canada (ITC), and the Métis National Council (MNC) were all invited.⁸¹ However, much like previous consultations, NWAC was excluded as the federal government chose not to recognize the organization as a national aboriginal organization.

During this period the federal government gave 10 million

- ⁷⁷ McIntosh, G., Foot, R., McIntosh, A. (2020). "Meech Lake Accord." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/meech-lake-accord>.
- ⁷⁸ De Bruin, T. (2024). "Elijah Harper." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/elijah-harper>.
- ⁷⁹ Ibid.
- ⁸⁰ Gall, G.L. (2022). "Charlottetown Accord." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/the-charlottetown-accord>.
- ⁸¹ Ibid.

- 84 Doerr, A.D. (2021). "Royal Commission on Aboriginal Peoples." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/royal-commission-on-aboriginal-peoples>
- 85 Ibid.
- 86 Native Women's Association of Canada. (1993). *The Issues and Concerns of Aboriginal Women To The Royal Commission on Aboriginal Peoples*. NWAC: <https://recherche-collection-search.bac-lac.gc.ca/eng/Home/Record?app=rcap&ldNumber=368&q=Native%20Women%27s%20Association%20of%20Canada&ecopy=rcap-586>
- 87 Doerr, A.D. (2021). "Royal Commission on Aboriginal Peoples." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/royal-commission-on-aboriginal-peoples>
- 88 Ibid.

Royal Commission on Aboriginal Peoples

AT THE SAME TIME NWAC was navigating our exclusion from the Meech Lake and Charlottetown Accord, the organization found itself working on the Royal Commission on Aboriginal Peoples (RCAP). Established in 1991, RCAP partook in extensive research and consultation on the historical and contemporary relations between Indigenous and non-Indigenous people in Canada.⁸⁴ RCAP would be responsible for investigating four overarching themes: (1) governance; (2) land and economy; (3) social and cultural issues; and (4) the North. Moreover, the Commission would also address the issues from the historical, women, youth and urban perspectives.⁸⁵

In October 1993, NWAC provided a written submission to RCAP entitled *The Issues and Concerns of Aboriginal Women*. In our submission, we highlighted the concerns of Indigenous women, including:

- Alcohol and drug abuse
- The influx of family/community violence
- Sexual/physical abuse
- Suicides and increased mental and physical health problems
- Education, daycare, and housing limitations.⁸⁶

Moreover, NWAC's submission to RCAP proposes several solutions to address the healing of Indigenous communities and families.

In 1996, after hearing from over 2000 people and more than 350 research studies, RCAP released its five-volume report documenting the relationship between Indigenous and non-Indigenous peoples in Canada.⁸⁷ The main conclusions of the report underscored a need to restructure the relationship between Indigenous and non-Indigenous people in Canada, one that acknowledges and respects Indigenous cultures, values, histories, and their inherent right to self-determination.⁸⁸ However, many of the recommendations by the royal commission have faced considerable barriers, with the report now being recognized as an aspirational research document.

dollars to be split between the four recognized groups (AFN, NCC, MNC, ITC) to fund their constitutional reform work. NWAC received funding (less than one million dollars) which was “earmarked for women’s issues,” half of which came not from the federal government but rather through AFN and NCC.⁸²

This lack of recognition and relative lack of funding represented several problems:

- NWAC was not considered national representative when NWAC is in fact the national representative of Indigenous women (gender discrimination),
- Funding earmarked for women’s issues suggests that women are an interest group,
- Fear that male-dominated Indigenous groups would not prioritize the pro-Charter view which NWAC needs to accomplish its political aims.⁸³

1992

Following the failed Meech Lake Accord in 1990, and the embroiled state of ongoing constitutional affairs, Prime Minister Brian Mulroney and the 10 premiers attempted to amend the Canadian Constitution for a second and last time. Known as the Charlottetown Accord, the federal and provincial governments attempted to amend many of the issues that emerged during Meech Lake. In addition to recognizing Quebec as a distinct society and giving more powers to the provinces, the Charlottetown Accord also sought to address Indigenous self-government and representation.⁸⁹

With the formal support of the federal and provincial governments across Canada, Prime Minister Mulroney sought out the views of the public and held a national referendum on the Charlottetown Accord. Once again, Canadian’s were unable to reach a consensus on the Charlottetown Accord.⁹⁰ This ultimately ended the Charlottetown Accord, closing the book on Constitutional discussion in Canada.

Further, in 1992, NWAC undertook a legal battle (*NWAC v. Canada*)

against the Canadian government seeking the right to serve as a recognized national aboriginal group during consultations⁹¹ and the cessation of further funding to the AFN, NCC, MNC, and ITC until NWAC received equal funding.⁹² The decision (by NWAC President Jane Gottfriedson and Vice-President Sharon McIvor) to launch *NWAC v Canada* in the thick of constitutional consultation was considered to be worthwhile as a quick victory would include NWAC in the pre-Charlottetown Accord discussions, and a loss would likely open the door to NWAC in the course of future consultation.⁹³

Over the course of the next year, NWAC would be blocked from every constitutional meeting held across Canada, while the federal government and men’s Aboriginal national organizations would discuss changes to the constitution. At the Federal Court’s Trial Division, NWAC’s application for judicial review would be heard and quickly dismissed. Later that same year (1992), NWAC took its case to the Federal Court of Appeal who would rule in favour of NWAC. In their ruling, the Federal Court of Appeal found that the federal government had “restricted the freedom of

expression of Aboriginal women in a manner that violated ss. 2(b) and 28 of the *Charter*.”⁹⁴

82 Native Women’s Assn. of Canada v Canada, [1994] 3 S.C.R. 627: <https://www.canlii.org/en/ca/scc/doc/1994/1994canlii27/1994canlii27.html>

83 Ibid.

89 Gall, G.L. (2022). “Charlottetown Accord.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/the-charlottetown-accord>

90 Ibid.

91 Native Women’s Assn. of Canada v Canada, [1994] 3 S.C.R. 627: <https://www.canlii.org/en/ca/scc/doc/1994/1994canlii27/1994canlii27.html>

92 Ibid.

93 Ibid.

94 Ibid.

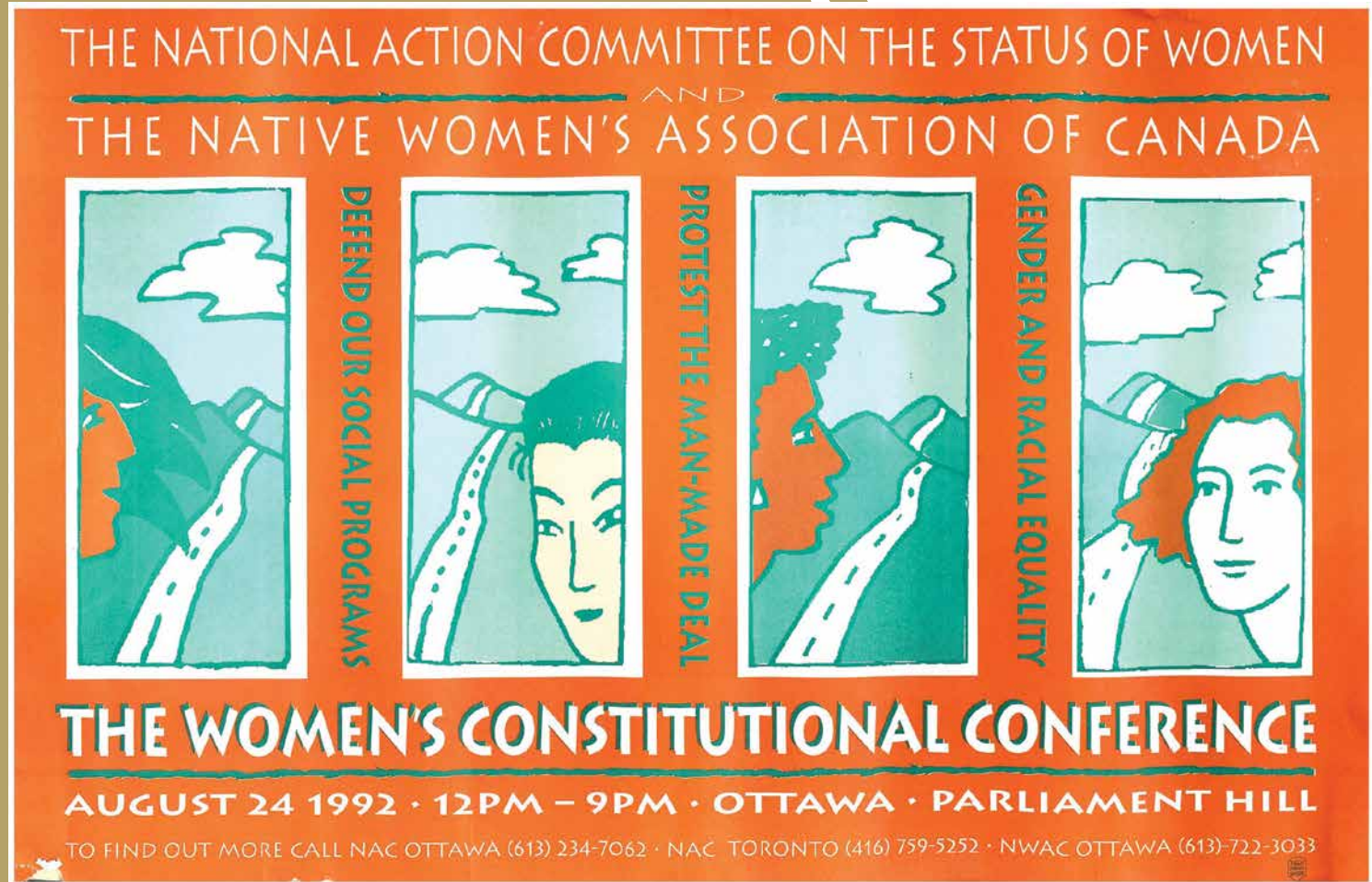


FIGURE 13

Poster for the Women's Constitutional Conference hosted by the National Action Committee on the Status of Women and NWAC to protest women's exclusion from the Constitutional Accord.

SOURCE: RISE UP FEMINIST ARCHIVES

1993

As the *NWAC v. Canada* case evolved, in 1993 NWAC was invited to be the fifth recognized national aboriginal group. Although by this time constitutional consultation was over, NWAC saw this inclusion as an important victory for Indigenous women and girls across Canada.

1994

In 1994, *NWAC v. Canada* was brought in front of the Supreme Court of Canada. Although the Charlottetown Accord and accompanying consultations had now passed, the Supreme Court of Canada determined it imperative to hear the case out. On October 27, 1994, the Supreme Court of Canada released their decision which ruled in favour of the federal government's decision to exclude NWAC from constitutional negotiations concerning Indigenous peoples.⁹⁵

2006

In 2006 the Supreme Court of Canada's decision was revisited and overturned by the Women's Court of Canada - a feminist legal project that brought together

academics, litigators and activists to "rewrite" rulings related to equality in the Charter. As a result, NWAC was vindicated in our initial challenge of the federal government and was further cemented in its place on the national stage as a voice for Indigenous women and girls.

2023

While revisiting of the decision for *NWAC v. Canada* reaffirmed an obligation to consult, NWAC continued to be left out of decision-making processes and meetings in the years following. In a 2023 literature review, NWAC provided context to this ongoing exclusion through the over-reliance on distinctions-based approaches used by the federal government. Distinctions-based approaches are a necessary response to acknowledging the distinct experiences of First Nations, Inuit and Métis people in Canada. However, NWAC argues in this literature review that the application of distinctions-based approaches has resulted in the exclusion of intersectional experiences, including gender, impacting the inclusion of organizations like NWAC at decision-making tables.⁹⁶

For example, in 2011, NWAC was denied funding for representation by legal counsel at the Missing Women Commission of Inquiry in British Columbia. NWAC had quickly filed an urgent joint appeal to ensure our voice would be heard at the decision-making table. In a 2011 press release from NWAC, President Jeannette Corbiere Lavell had urged support for our participation, stating:

“

Three levels of government will be represented at the Inquiry, all with publicly funded counsel. But NWAC, and other organizations with direct knowledge of the lives and conditions of the disappeared and murdered women, have been denied equal capacity to participate, cross-examine witnesses, and to bring forward their information and expertise.”

— NWAC President
Jeannette Corbiere Lavell⁹⁷

However, this was not the only time NWAC would be excluded from participating at national forums. Once again in 2017, NWAC was excluded from a First Minister Meeting on sustainable economic growth. NWAC had also been excluded from

95 Eberts, M., McIvor, S., Nahanee, T. (2008). *Native Women's Association of Canada v. Canada*. CJQL/RFD: <https://www.thecourt.ca/wp-content/uploads/2008/09/women-scourt-native womens1.pdf>

96 NWAC. (2023) *Distinctions-Based Approaches Literature Review*. NWAC: https://nwac.ca/assets-knowledge-centre/30NOV_AppendixD-Distinctions-Based_Approaches_Literature_Review.pdf

97 Nation Talk. (2011). « NWAC Calls on the United Nations to Help Reverse Discriminatory Exclusion from the Missing and Women's Commission of Inquiry. » *Nation Talk*: <https://nationtalk.ca/story/nwac-calls-on-the-united-nations-to-help-reverse-discriminatory-exclusion-from-the-missing-womens-commission-of-inquiry>

two First Minister Meeting in the year prior. In response, NWAC took a strong stance against our systemic exclusion by the federal government. In response, former president Francyne Joe said:

“

Indigenous women have been disenfranchised long enough. They have suffered from historic injustices as a result of colonization, including the loss of identity, dispossession of their lands, territories and resources, which increases the many forms

of discrimination and violence against them.

Its 2017 and we will no longer put up with these exclusionary actions. NWAC must be part of all Nation-to-Nation discussions.”

— Francyne Joe,
President (October 3, 2017).⁹⁸

Ultimately, NWAC has found that following a distinction-based approach without consideration of intersecting identity factors, including gender, can create

power imbalances amongst Indigenous people.⁹⁹ NWAC has therefore continued to advocate for a place at decision-making tables to provide a much-needed voice to Indigenous women in all their diversity and amplify their distinct perspectives and experiences.

98 NWAC. (2017). “NWAC’s Voices Silenced Once Again at First Ministers Meeting.” NWAC: <https://nwac.ca/media/2017/10/nwacs-voice-silenced-once-again-at-first-ministers-meeting>

99 NWAC. (2023) Distinctions-Based Approaches Literature Review. NWAC: https://nwac.ca/assets-knowledge-centre/30NOV_AppendixD-Distinctions-Based_Approaches_Literature_Review.pdf

NWAC was vindicated in our initial challenge of the federal government and was further cemented in its place on the national stage as a voice for Indigenous women and girls.



CREDIT: MELODY CHARLIE PHOTOGRAPHY

Fish Day harvesting
in Tseshaht Territory,
British Columbia.

CHAPTER



Sisters in Spirit

“

I don't get the sense the general public cares much about missing or murdered aboriginal women. It's all part of this indifference to the lives of aboriginal people. They don't seem to matter as much as white people.”

— Warren Goulding, a journalist covering the 1996 trial of a Saskatoon serial killer who killed Eva Tays up, Shelley Napope, and Calinda Waterhen (all Indigenous women).¹⁰⁰

The Sisters in Spirit Campaign

2002

NWAC submits a report to the United Nations claiming that the crisis of missing and murdered Indigenous women proves Canada's failure to meet its UN treaty obligations.¹⁰¹

2004

Amnesty International collaborates with NWAC to publish *STOLEN SISTERS: Discrimination and Violence Against Indigenous Women in Canada, A Summary of Amnesty International's Concerns*, which outlines the realities facing Indigenous women in Canada. At the same time, NWAC launched the Sisters in Spirit

campaign to “lobby the federal government to establish a \$10-million fund for research and education related to violence against Aboriginal women”.¹⁰²

2005

NWAC's *Sisters in Spirit* initiative, a multi-year “research, education and policy initiative” funded by Status of Women Canada, was launched.¹⁰³ Its aim was to compile a database of information regarding missing and murdered Indigenous women to rectify the chronic lack of attention paid to these cases by the public and by the authorities, as well as to “better understand racialized, sexualized violence

FIGURE 14



NWAC launches the Sisters in Spirit Campaign.

SOURCE: WINDSPEAKER, MAY 2004.

- 100 Amnesty International. 2004. “Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada”. *Amnesty International*.
- 101 Bourgeois, Robyn. (2014). “Warrior Women: Indigenous women’s political engagement with the Canadian State”. *University of Toronto*, p. 180.
- 102 Brascoupe, Jeremy. (2004). “Solutions sought to stamp out hate, racism”. *Windspeaker*, May 2004.
- 103 Native Women’s Association of Canada. (2009). “Voices of our Sisters in Spirit: A Report to Families and Communities”. Native Women’s Association of Canada, 2nd Edition.

104 Ibid.

105 Bourgeois, Robyn. (2014). “Warrior Women: Indigenous women’s political engagement with the Canadian State”. *University of Toronto*, p. 180.

106 Verma, Priya, Amina Hafiz, Carol Anne Douglas, Karla Mantilla, Jennifer Chapin Harris, Jennifer Simpson. (2005). “Canada: hundreds of aboriginal women disappear.” *Off Our Backs*, Vol. 35, No. 11/12 (nov-dec 2005), p 11.

107 Ibid.

108 The Gazette. (2009). “Sisters in Spirit shines a light,” *The Gazette (Montreal, Quebec, Canada)* · 25 October 2009, p. 4.

109 Amnesty International. 2004. “Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada”. *Amnesty International*.

110 Ibid.

111 Bourgeois, Robyn. (2014). “Warrior Women: Indigenous women’s political engagement with the Canadian State”. *University of Toronto*, p. 181.

112 The Gazette. (2009). “Sisters in Spirit shines a light,” *The Gazette (Montreal, Quebec, Canada)* · 25 October 2009, p. 4

113 Native Women’s Association of Canada. (2009). “Voices of our Sisters in Spirit: A Report to Families and Communities”. Native Women’s Association of Canada, 2nd Edition.

114 Ibid.

115 Ibid.

116 Ibid.

against Aboriginal women and girls” and “the root causes of this violence and identify measures to increase the safety of Aboriginal women and girls.”¹⁰⁴

Several instances over the two decades leading up to the founding of SIS had emphasized the severity of the crisis of missing and murdered Indigenous women. For instance:

- Vancouver’s Missing Women, 68 women (a disproportionate number of whom were Indigenous) abducted from Vancouver’s Downtown Eastside between 1978 and 2002.¹⁰⁵
- A 1996 study released by the Government of Canada found that Indigenous women are five times more likely to be murdered than any other demographic of Canadian women.¹⁰⁶
- Disappearances of women on a road between Prince Rupert and Terrace, British Columbia, known as the “Highway of Tears.” As of 2005, 32 Indigenous women had vanished from the Highway of Tears.¹⁰⁷ Sisters in Spirit representatives noted that the Highway of Tears only yielded mainstream interest in 2002 after the disappearance of the only white woman to be

abducted.¹⁰⁸ She was the 18th victim.

- Concurrently, similar serial abductions were taking place near Halifax airport and in Edmonton, Alberta.

Despite a growing awareness of the violence committed against Indigenous women, there was a want of information available. *Stolen Sisters* stresses that authorities had historically been careless in identifying the demographic information of homicide victims. “According to the Canadian Centre for Justice Statistics, in 11 percent of homicides in 2000, Canadian police did not record or report on whether or not the victim was an Indigenous person.”¹⁰⁹ This underlined the need for Sisters in Spirit’s comprehensive database.

Stolen Sisters reported that “over the past twenty years more than five hundred Indigenous women may have been murdered or gone missing in circumstances suggesting violence.”¹¹⁰

This claim, NWAC’s 2002 report to the United Nations, Amnesty International’s 2004 report, and the above list of abductions (reported by the media), all combined to make the 2005 funding of SIS the “best political option for the Canadian state given the particular political context of that time.”¹¹¹ Sisters in Spirit received a 5-year, 1-million-dollars per year funding promise from Paul Martin’s Liberal government.

What Sisters in Spirit Uncovered

2005-2009

The initiative began with the creation of a framework for a community-based, culturally sensitive research plan which would promote equitable collaboration between the researchers and those being approached by NWAC. The intention was to create a “relationship-based approach to research [which] privileges the experiences of

Aboriginal women, girls and their families, and allows for different cultures, values, traditions, needs and perspectives to be reflected in the stories families share.”¹¹³

NWAC refers to the Sisters in Spirit initiative as a “research for change process,” meaning that the research conducted was not merely intended to archive information, but also to collabo-

rate with “the families of missing and murdered Aboriginal women and girls, community members, and services providers” to identify a vision for the future.¹¹⁴ The Sisters in Spirit initiative conducted research activities geared towards both the discovery of root problems and to the creation of possible solutions and promotion of policy change.¹¹⁵

“

We’re dealing with a very marginalized, vulnerable community - I call it the cycle of distress. It’s not just about violence. Its health issues, housing issues, economic security, drug and alcohol abuse, mental health, racism, and all of those social factors that create a situation of being marginalized or vulnerable.”

— Kate Rexe, Director, Sisters in Spirit¹¹²

FIGURE 15



Depicting Grandmother Moon, the logo for the Sisters in Spirit campaign is a powerful symbol honouring and commemorating Indigenous women and girls lost to violence. In reports on the Sisters in Spirit initiative, Grandmother Moon is described as providing “direction, strength, protection, knowledge and wisdom for women about taking out sacred place in our families, communities and beyond”.¹¹⁶ Artist Dick Baker (of Kwakwaka’wakw and Coast Salish descent) created the image of Grandmother Moon for the Sisters in Spirit initiative.

SOURCE: NATIVE WOMEN’S ASSOCIATION OF CANADA.

In a 2009 report on the progress of SIS entitled “*Voices of our Sisters in Spirit*” A Report to Families and Communities, NWAC explained that their research was guided by four questions:

1. What are the circumstances, root causes and trends leading to racialized, sexualized violence against Aboriginal women in Canada?
2. How has the justice system responded to family and community reports of missing and murdered Aboriginal women in Canada? What issues, challenges and gaps exist?
3. What changes need to be implemented to improve the safety and well-being of Aboriginal women in Canada, particularly related to this issue?
4. How can these changes be implemented to reduce or prevent racialized, sexualized violence against Aboriginal women, particularly that

which results in their disappearance or death?¹¹⁷

These guiding questions were intended to help NWAC to create a comprehensive database and summative report which would communicate demographic and statistical evidence regarding the safety of Indigenous women in Canada, as well as present social context and recommendations for both preventing violence and responding to violence. SIS created its resources through interviews with stakeholders and by reviewing existing literature.¹¹⁸

2010

In 2010, NWAC released our final Sisters in Spirit report entitled *What Their Stories Tell Us: Research findings from the Sisters in Spirit Initiative*. This report brought together the research NWAC conducted over the previous five years to answer three fundamental questions:

1. What are the circumstances, root causes and trends leading to violence against Aboriginal women in Canada?
2. How many Aboriginal women and girls have gone missing or have been found murdered in Canada?

3. And how has this violence led to such disturbingly high numbers of missing and murdered Aboriginal women and girls in Canada without connection by authorities?¹¹⁹

To answer these questions, the SIS database recorded census-like information about missing and murdered Indigenous women and girls. Establishing the following criteria to be included in the database:

- Victim must be Indigenous
- Victim must be female or living as a woman
- Victim must be missing, murdered, or dead by negligence or other suspicious circumstance
- Victim must be Canadian¹²⁰

Further, the database was organized by demographic information, life experiences, incident information, and trial information.¹²¹

Over the course of the Sisters in Spirit initiative, NWAC investigated over 700 murders or disappearances of Indigenous women and girls, of which 582 were included in the database. Through Sisters in Spirit, NWAC uncovered critical information and data on the disproportionate violence faced by Indigenous women and girls. In addition to providing much needed data, a wealth of much needed statistical evidence attesting to the dangers faced by Indigenous women and girls was published. These can be broken down into four key categories:

1. Colonization
 - The overrepresentation of Indigenous women in Canada as victims of violence must

NWAC investigated over **700** murders or disappearances of Indigenous women and girls, of which **582** were included in the database.

be understood in the context of colonial efforts to dehumanize Indigenous women. Processes of colonization sought the deliberate restructuring of Indigenous ways of life to adhere to European principles of patriarchy and white supremacy. This resulted in an ongoing climate that made Indigenous women vulnerable to violence.

- Processes of colonization, such as the Indian Act and the Residential School System, created further barriers to the wellbeing of Indigenous women. In turn, contributing to high rates of violence against Indigenous women who are pushed into precarious situations because of poverty, homelessness, and prostitution.

2. Socio-demography

- From Sisters in Spirit, it was clear that socio-demographic factors, such as age, education, income, living arrangements, and mobility, play a significant role in the interactions of Indigenous women and violence.
- Poverty, lack of education, and access to housing

leave Indigenous women with few choices, often placing Indigenous women in unsafe situations. In many instances, Indigenous women and girls may become stuck in a cycle of violence due to overreaching sociodemographic conditions.

3. Sex Trade

- NWAC also found that women involved in sex work are murdered at a much higher rate than the general population, with many cases, including those of missing and murdered Indigenous women, often being met with ambivalence from the public and/or authorities.
- However, Sisters in Spirit found that involvement in the sex trade was not a cause of disappearances or murders; rather, we found that many Indigenous women arrive at the sex trade due to limited options and after experiencing multiple forms of trauma and victimization.

4. Policing

- Sisters in Spirit found that

Indigenous women experience a deep mistrust of the justice system, often avoiding police due to fears about their children. Stemming from colonial policies that used police and justice system to separate Indigenous families.

- Sisters in Spirit also highlighted shortcomings in police reporting. Demonstrating gaps in identification the of Indigenous identify for victims. In some instances, it was reported that police officers found it impractical, uncomfortable or insensitive to ask individuals about their cultural background.¹²²
- Further, NWAC found that overlapping and unclear jurisdictional areas of RCMP, First Nations, municipal and provincial police forces impeded investigation and resolving cases.¹²³

117 Ibid.

118 Native Women's Association of Canada. (2010). "What their stories tell us, Research findings from the Sisters in Spirit Initiative". *Native Women's Association of Canada*.

119 Ibid, p. 1.

120 Ibid, p. 17.

121 Ibid, p. 18.

122 Ibid, p 26.

123 Ibid, p 38.

| Sisters in Spirit's Legacy

**FIGURE 16**

(left to right) Gwen Brodsky, counsel to NWAC, Shelagh Day of the Human Rights Committee and Grand Chief Stewart Phillip address a news conference in Vancouver, B.C. Monday, January 12, 2015 regarding an investigation regarding the root causes of violence against Indigenous women in Canada.

SOURCE: THE CANADIAN PRESS/
JONATHAN HAYWARD.

2010 RECOMMENDATIONS

The 2010 Sisters in Spirit summative report recommended a two-stream approach to mobilizing the data uncovered by the initiative: a preventative (proactive) stream and a reactive stream.

Preventative Stream:

- “Equality is essential for the health and well-being of Aboriginal communities.
- Physical, spiritual, mental and emotional needs must be seen as interconnected and mutually re-enforcing.
- There must be support for the revitalization of [Indigenous] ways of being
- Must reclaim the balance inherent in traditional gender roles and to take responsibility for the transmission of pride, cultural awareness and traditional knowledge to future generations.
- Must integrate educational strategies that engage youth in frank discussions about healthy relationships, self-esteem and personal safety, while raising awareness about the supports and services available in communities. The roles and guidance of Elders and culturally-relevant teachings around traditional

roles and responsibilities must be understood as integral to this process.”¹²⁴

Reactive:

- Eradicate prejudice among police, kill the stereotype that missing women are gone of their own volition which often delays search efforts.
- Make victim services more accessible and navigable for the families of missing and murdered Indigenous women and girls.¹²⁵

OCTOBER 4TH - SISTERS IN SPIRIT DAY

Another ongoing legacy of the Sisters in Spirit initiative are the Sisters in Spirit Vigils which “take place across the country on October 4th to honour the lives of Indigenous women, girls, gender-diverse, Two-Spirit, and transgender people who have been murdered or gone missing as part of what a National Inquiry has determined to be a genocide. The Vigils are also times for comforting family members and friends mourning those lost to violence.”¹²⁶

FIGURE 17



Connie Greyeyes, centre right in blue, of Ft. St. John, B.C., embraces another attendee after speaking at the Families of Sisters in Spirit Vigil in support of missing and murdered Indigenous women on the steps of Parliament Hill in Ottawa, Wednesday, October 4, 2017.

SOURCE: THE CANADIAN PRESS/ADRIAN WYLD.

¹²⁴ Ibid, p. 32

¹²⁵ Ibid, p. 33

¹²⁶ Native Women’s Association of Canada. (2022). “Annual Sisters in Spirit events to be held across Canada on October 4: NWAC President to attend march in Gatineau and Ottawa”. *Native Women’s Association of Canada*. Press Release, October 3 2022.

FIGURES 18 & 19



Photos from NWAC's Annual Sisters in Spirit Vigil, October 4, 2018.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

The first of these vigils was organized on October 4th, 2006, by NWAC, KAIROS Canada and Amnesty International Canada. That year, 11 communities orchestrated simultaneous vigils, garnering hundreds of participants. By the following year, 30 communities participated.¹²⁷

According to an NWAC press release issued ahead of October 4th, 2014, a

Sisters in Spirit Vigil can take many forms: “a rally, a candlelight vigil, a workshop, a moment of silence, a walk, or a gathering of people to share memories and a meal.¹²⁸” That same year, more than 100 vigils were held across Canada. Sisters in Spirit day continues to unite Canadians in the acknowledgement of the endemic violence sustained by Indigenous women and girls.



FIGURE 20



NWAC's Annual Sisters in Spirit Vigil on the steps of Parliament Hill, October 4, 2013.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

MMIWG PUBLIC INQUIRY

“ We require nothing less than transformation: of the relationship between Aboriginal women and girls and those who are supposed to help and protect them; between Aboriginal peoples and the government, police and justice systems; and of the way that we think about and respond to violence in Canada.”¹²⁹

— Michèle Audette,
Former NWAC President and
Commissioner of the National
Inquiry into MMIWG

Among the major accomplishments born from the Sisters in Spirit initiative was the subsequent call for a public inquiry into the crisis of missing and murdered Indigenous women and girls.

2010-2014

Upon the expiration of SIS’s initial funding agreement with Status of Women Canada, NWAC applied to renew the mandate for another 5 years at the same rate of funding, to be able to continue the work which SIS had shown to be so essential. The

federal government ignored their application for months.¹³⁰ By 2010 Stephen Harper’s Conservative government was in place and obstinately refused to acknowledge the epidemic of missing and murdered Indigenous women and girls. For instance, upon the discovery of Tina Fontaine, a 15-year-old Indigenous girl, then-Prime Minister Harper felt it necessary to urge the Canadian public to view Fontaine’s murder as an isolated incident. Harper insisted that “we should not view this as a sociological phenomenon.”¹³¹ NWAC’s application for further funding was refused and the Sisters in Spirit initiative wrapped up its work in 2010.

Despite this setback, NWAC took the wealth of knowledge gathered by the SIS initiative and used it to call for a national inquiry into the crisis of missing and murdered Indigenous women. By 2013, NWAC had published a document entitled “Why Support a National Public Inquiry” explaining what a national inquiry would look like and accomplish. This document explains that

A National Public Inquiry would increase public awareness of this

human rights crisis in Canada and provide assurance to Aboriginal peoples that all levels of government recognize the severity of the issue and are committed to ending these cycles of violence. This would begin to address the crisis in confidence felt within Aboriginal communities in relation to government and justice system responses to violence against Aboriginal women and girls. This lack of confidence is increasingly understood and shared by the Canadian public, as evidenced by their support of events such as the October 4th Sisters In Spirit Vigils and related activities. Unfortunately, there are still many Canadians who do not recognize or understand that Canada is facing a human rights crisis in terms of its lack of safety and protection for Aboriginal women and girls and a National Public Inquiry is one way to change this.¹³²

- 127** Native Women’s Association of Canada. (2009). “Voices of our Sisters in Spirit: A Report to Families and Communities”. Native Women’s Association of Canada, 2nd Edition.
- 128** Native Women’s Association of Canada. (2014). “October 4th Sisters in Spirit Vigils - A Movement for Social Change”. *Native Women’s Association of Canada*. Press Release, October 1 2014.
- 129** Native Women’s Association of Canada. (2013). “Why support a National Public Inquiry?”. *Native Women’s Association of Canada*.
- 130** The Gazette. (2009). “Sisters in Spirit shines a light,” *The Gazette* (Montreal, Quebec, Canada) · 25 October 2009, p. 4.
- 131** Fekete, Jason. (2014). “Frustrated Premiers want action on issues of murdered aboriginal women,” *The Ottawa Citizen* (Ottawa, Ontario, Canada). 26 Aug 2014, Page 9.
- 132** Native Women’s Association of Canada. (2013). “Why support a National Public Inquiry?”. *Native Women’s Association of Canada*.

FIGURE 21

SEN. MICHÈLE AUDETTE, an Innu politician and activist, was appointed to the Canadian Senate in 2021. A recognized Indigenous leader, Audette was also appointed as one of five commissioners to the National Inquiry into Missing and Murdered Indigenous Women and Girls in 2017. Before the National Inquiry, Audette served as the president of NWAC between 2012-2015, and president of the Femmes Autochtones du Québec from 1998-2004.



Commissioner Michèle Audette speaks during the ceremonies marking the release of the National Inquiry's Final Report in Gatineau, Monday June 3, 2019.

SOURCE: THE CANADIAN PRESS/ADRIAN WYLD.

Sen. Michèle Audette

More than **100** vigils were held across Canada.

When provincial Premiers gathered in Charlottetown P.E.I. for the 2014 annual Council of the Federation meeting, the examination of a joint proposal by NWAC and the Assembly of First Nations was on the agenda. The proposal sought “the premiers support for national roundtables with federal ministers to explore solutions to the issue of murdered and missing aboriginal women.”¹³³ Then-President of NWAC Michèle Audette called for a National Inquiry.

FIGURE 22



Dr. Dawn Harvard, right, President of the Native Women’s Association of Canada (NWAC) looks on as Claudette Dumont-Smith, Executive Director of NWAC, answers questions as they take part in a press conference on Parliament Hill in Ottawa on Monday, January 12, 2015. A press release stated that The Inter-American Commission on Human Rights, an arm of the Organization of American States, issued a report on its investigation into the murders and disappearances of Indigenous women and girls in British Columbia. The investigation was requested by NWAC and the Feminist Alliance for International Action (FAFIA) in March 2012.

SOURCE: THE CANADIAN PRESS/SEAN KILPATRICK.

133 Fekete, Jason. (2014). “Frustrated Premiers want action on issues of murdered aboriginal women,” *The Ottawa Citizen* (Ottawa, Ontario, Canada). 26 Aug 2014, Page 9.

FIGURE 23



Photographs of Destiny Rae Tom are placed on chairs in the hearing room at the National Inquiry into Missing and Murdered Indigenous Women and Girls in Smithers, B.C. on Tuesday September 26, 2017. Destiny's body was found outside a home on the Nadleh Whut'en First Nation in 2013.

SOURCE: THE CANADIAN PRESS/DARRYL DYCK.

134 Liberal Party of Canada (2015). "A New Plan for a Strong Middle Class". The Liberal Party of Canada.

135 Native Women's Association of Canada and Feminist Alliance for International Action. (2016). "The National Inquiry on Murders and Disappearances of Indigenous Women and Girls Recommendations from the Symposium on Planning for Change - Towards a National Inquiry and an Effective National Action Plan". *Canadian Journal of Women and the Law*: 28 (2), p.5.

2015

The 2015 federal election resulted in the election of a Liberal Government led by Prime Minister Justin Trudeau. One of their campaign promises was to launch a national public inquiry into MMIWG.¹³⁴

2016-2018

In January 2016, NWAC, the Canadian Feminist Alliance for

International Action, and the Canadian Journal of Women and the Law organized a symposium in Ottawa to discuss what was expected of the upcoming Inquiry. The summary report published in the wake of this symposium noted three goals¹³⁵:

1. To identify measures that will reduce and eliminate male violence against Indigenous women and girls and ensure that the human rights of Indig-

FIGURE 24



Chief commissioner Marion Buller listens before the start of hearings at the National Inquiry into Missing and Murdered Indigenous Women and Girls in Smithers, B.C. on September 26, 2017.

SOURCE: THE CANADIAN PRESS/DARRYL DYCK.

- enous women and girls and the human rights obligations of Canadian governments are fully implemented;
2. To provide justice, redress and answers to family members of disappeared and murdered Indigenous women and girls and to their communities;
 3. To incorporate steps necessary to address the systemic violence against Indigenous women and girls, and to support and provide redress for families and communities, into a comprehensive, national coordinated plan of action.¹³⁶

In September 2016, the Liberal government upheld their campaign promise and launched the National Inquiry into MMIWG.

Ultimately, the Inquiry's activities took place between 2016 and 2019. Knowledge was gathered by:

- Community Hearings
- Private in-person or on-camera sessions
- Statement gathering
- Artistic Expression
- Institutional and Expert Knowledge Keeper Sessions

Through these means, more than 2,380 people participated.¹³⁷

2019

Over the course of the MMIWG Inquiry, NWAC created a document (*Final Written Submission of the Native Women's Association of Canada - National Inquiry into Missing and Murdered Indigenous Women and Girls*) wherein 61 recommendations were proposed. These recommendations were organized into six subsections:

1. Families-First Approach and Recommendations
2. Child Welfare Services
3. Mental Health and Addictions Support
4. Legislative and Institutional Changes
5. Education and Educational System
6. Stable and Adequate Funding

Many of NWAC's recommendations were included in the Inquiry's Final Report, released 3 June 2019, wherein 231 Calls for Justice were put forth.¹³⁸

FIGURE 25



The family of Nicole Daniels speaks to commissioner Michelle Audette at the opening day of hearings at the National Inquiry into Missing and Murdered Indigenous Women and Girls in Winnipeg, MB on October 16, 2016.

SOURCE: THE CANADIAN PRESS/JOHN WOODS.

¹³⁶ Ibid., p. 5.

¹³⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Volume 1a, p 49.

¹³⁸ Native Women's Association of Canada. (2019). "NWAC's National Roundtable on Missing and Murdered Indigenous Women and Girls: Highlights of the Key Findings & Recommendations". *Native Women's Association of Canada*, p. 3.

In December of 2019, Minister of Crown-Indigenous Relations Carolyn Bennett, affirmed that the government will consider the 231 recommendations presented in the Inquiry's final report and in turn propose an action plan in June 2020.

In the latter half of 2019 the federal government created a Core Working Group to create the National Action Plan consisting of federal, provincial, territorial, municipal, and Indigenous governments, as well as Indigenous organizations.¹³⁹ It was during this time that NWAC was approached to participate in the Core Working Group, where the organization would attempt to draw on the experiences and expertise of family members and survivors to end the ongoing genocide of Indigenous women in all their diversity. NWAC was one of 19 Indigenous organizations involved in the early development of the National Action Plan.

139 National Action Plan. (2021). *Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*. National Action Plan: Ottawa.





FIGURE 26

Lorelei Williams, second left, whose cousin Tanya Holyk was murdered by serial killer Robert Pickton and aunt Belinda Williams went missing in 1978, wipes away tears while seated with (left to right) Rhiannon Bennett, Sophie Merasty, and Summer Rain Bentham, after responding to the report on the National Inquiry into Missing and Murdered Indigenous Women and Girls, along with other Indigenous women and allies, in Vancouver on Monday June 3, 2019.

SOURCE: THE CANADIAN PRESS/DARRYL DYCK.

FIGURE 27

A woman ties red fabric with medicine in it to a tree during a vigil for Noelle "Elli" O'Soup, a 14-year-old Indigenous girl from the Key First Nation in Saskatchewan whose body was found in a Downtown Eastside apartment on May 1, 2022 in Vancouver, on Tuesday June 28, 2022. O'Soup was reported missing from her Port Coquitlam, B.C., home on May 12, 2021.

SOURCE: THE CANADIAN PRESS/DARRYL DYCK.

2020

As part of NWAC's work with the Core Working Group, the organization hosted a national roundtable in January of 2020. At the roundtable NWAC engaged with 65 family members, survivors, and grassroots Indigenous women and gender-diverse people to obtain advice on how to proceed on the 231 Calls for Justice. This engagement led to the development of six invaluable recommendations for the National Action Plan.

In May 2020, it was clear that the COVID-19 pandemic was causing major delays in the development of the National Action Plan. It was at this time NWAC expressed its dismay with the lack of progress on the action plan caused by the ongoing pandemic, noting that when "COVID has further exacerbated the situation of violence for Indigenous women and there is even more urgency to act now."¹⁴⁰ As a result, NWAC proposed eight immediate next steps to supplement the government's inaction. However, this would not be the last time NWAC would raise concerns with the National Action Plan process.

- 140** Native Women's Association of Canada. (2020). "Proposed Participation by the Native Women's Association of Canada (NWAC) in a Federal Action Plan to Address the Findings of the Inquiry into Missing and Murdered Indigenous Women and Girls: Discussion Paper". *Native Women's Association of Canada*.
- 141** Native Women's Association of Canada. (2021). "NWAC Loses Confidence in Government, Walks Away from Toxic, Dysfunctional Nap Process to Put Families - Not Politics - First; Announces Own Action Plan: Our Calls, Our Actions." Press Release, June 1, 2021.
- 142** Deer. K. (2021). "Native Women's Association leaves national MMIWG action plan process, calling it 'toxic and dysfunctional.'" *CBC News*: <https://www.cbc.ca/news/indigenous/nwac-mmiwg-action-plan-1.6047671>
- 143** National Action Plan. (June 3, 2021). *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*. Ottawa: Government of Canada.
- 144** Government of Canada. (2021). *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People*

2021

In May 2021, NWAC's frustrations with the Core Working Group would reach its boiling point and a month later NWAC would announce its departure from the working group. In a letter to the former Minister of Crown-Indigenous Relations, Carolyn Bennett, NWAC outlined how the federal governments approach to the National Action Plan had been fundamentally flawed and contributed to lateral violence.¹⁴¹

Following NWAC's departure from the Core Working Group, the federal government recognized the challenges of bringing several organizations together during the development process. Moreover, the federal government acknowledged the outstanding work to address the ongoing genocide.¹⁴²

In the face of adversity and following two years of inactivity, NWAC intended to move forward with our own MMIWG2S+ action plan. On June 3, 2021, the organization published the *NWAC Action Plan: Our Calls, Our Actions*, our response to the 231 Calls for Justice. *Our Calls, Our Actions* established 65 concrete actions that NWAC could act

upon to improve the safety of First Nations, Métis, and Inuit women in Canada, and begin the healing process through a holistic, decolonized, and trauma-informed approach.

On June 3, 2021, the Core Working Group released *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*. This plan outlines the short-, medium-, and long-term priorities, as well as the specific actions, resources, and responsibilities for responding to the 231 Calls for Justice.¹⁴³

In conjunction with the release of the National Action Plan, the federal government released the *Federal Pathway to Address Missing and Murdered Women, Girls, and 2SLGBTQQIA+ people*. The Federal Pathway represents the responsibilities and actions to be taken by the federal government to end violence against Indigenous women, girls and 2SLGBTQQIA+ people.¹⁴⁴

In June 2021, NWAC also launched the spiritual successor to the Sisters and Spirit proj-

FIGURE 28



(from left to right) Photos of Tayanna Harrison, Noelle O'Soup and Chelsea Poorman are displayed on red dresses during a vigil in Richmond B.C. on September 3, 2022. The body of Harrison, who is Cree and Metis, was found on a yacht in dry dock at a Richmond marina on May 2, 2022. O'Soup, a 14-year-old Indigenous girl from the Key First Nation in Saskatchewan, was found dead in an apartment in the Downtown Eastside of Vancouver on May 1, 2022 after being reported missing in 2021. Poorman, who was Cree, was found dead outside a mansion in Vancouver's west side on April 22, 2022 after being reported missing in 2020.

SOURCE: THE CANADIAN PRESS/DARRYL DYCK.

ect. The Safe Passage platform represents the ongoing legacy left by the Sisters in Spirit project and the continued desire to build a community-driven database. The Safe Passage platform leverages a community-driven, trauma-informed, and survivor centred approach to tracking cases of MMIWG2S+ in Canada. Moreover, the platform provides access to critical resources that promote the safety of Indigenous women, in all their diversity, in Canada. This platform is continuously updated with cases, and work to expand it also took place in subsequent years to add

community resource maps and enhancing reporting mechanisms.

2022-2024

Since the release of *Our Calls, Our Actions* in June 2021, NWAC continued to find ways of implementing the 65 concrete actions outlined in our plan. Between 2022 and 2024, NWAC reported progress or the completion of over 95% of our actions through the release of three annual progress reports.¹⁴⁵ Moreover, through these progress reports, NWAC has reaffirmed our commitment to taking ongoing actions to bring

an end to the MMIWG2S+ genocide in Canada.

In addition to internal reporting, NWAC also released ongoing annual progress reports which formally track the federal government's progress on implementing the 231 Calls for Justice. NWAC's independent audit of federal progress included a thorough examination of the programs, services, and funding offered by the federal government to resolve the MMIWG2S+ genocide. These annual progress reports have repeatedly noted the lack of implementation of

¹⁴⁵ Native Women's Association of Canada. (2024). "Update on NWAC's MMIWG2S+ Action Plan on Missing and Murdered Indigenous Women, Girls, Two-Spirit, Transgender and Gender-Diverse People)". *Native Women's Association of Canada*.

the National Inquiry's 231 Calls for Justice at the federal level.¹⁴⁶ Moreover, through the progress reports, NWAC has continued to call on the federal government to urgently respond and act on the remaining Calls for Justice.

While NWAC reported on progress since the release of the federal government's National Action Plan, the genocide of MMIWG2S+ has continued in

Canada. Notably, a serial killer who claimed the lives of four Indigenous women in Winnipeg, Morgan Harris, Mercedes Myran, Rebecca Contois and an unidentified woman that has been named Maskode Bizhiki'ikwe (Buffalo Woman), was apprehended and found guilty of first-degree murder.¹⁴⁷ While some justice has been served, the remains of Morgan Harris and Mercedes Myran have not been

recovered from where they were disposed - Prairie Green Landfill. After significant advocacy from national and regional organizations, including NWAC and Manitoba Moon Voices Inc. (a PTMA of NWAC), preparations have finally begun to search the landfill and recover the remains of Morgan Harris and Mercedes Myran.¹⁴⁸

FIGURE 29



Kera Harris, second from left, and her sister Cambria, centre, daughters of Morgan Harris, stand during a news conference calling on the federal government to take action to end violence against Indigenous women, girls and Two-Spirit people, in the Foyer of the House of Commons on Parliament Hill in Ottawa on Dec. 6, 2022. Police identified Morgan Harris as one of four women killed by an alleged serial killer in Winnipeg, but her body has not yet been found.

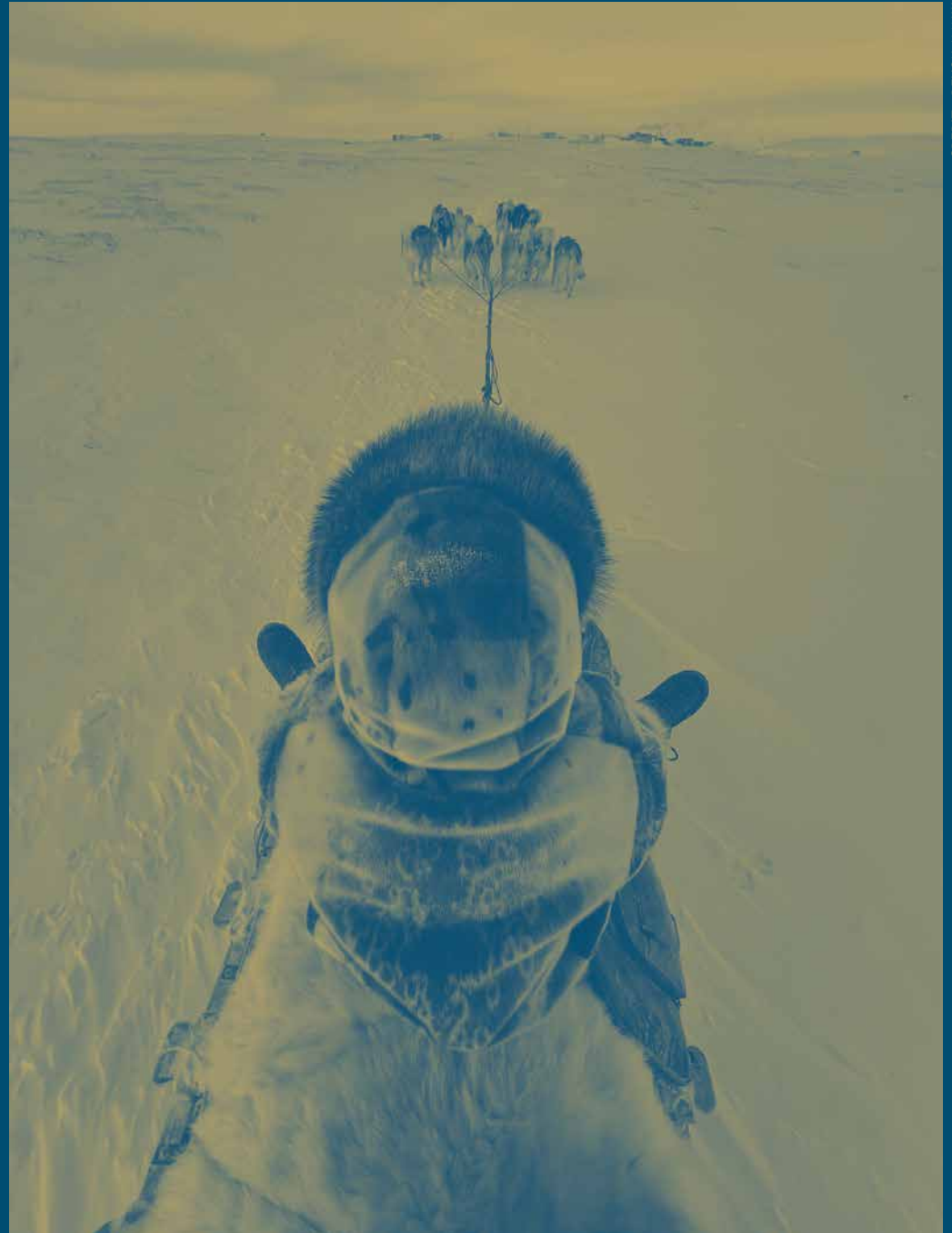
SOURCE: THE CANADIAN PRESS.

146 Native Women's Association of Canada. (2024). "National Action Plan Progress Report". *Native Women's Association of Canada*.

147 Hobson, Brittany. (August 29, 2024). "Evil monster": Man sentenced to life for slayings of 4 Indigenous women in Winnipeg". *National Post*.

148 CBC News. (October 23, 2024). "Work to prepare for Prairie Green landfill search has started, province says." *CBC News Manitoba*.

Laura Churchill
travelling by qimmiit
near Resolute, NU.



CHAPTER



Injustices and Systemic
Discrimination

Overincarceration

“

The founding myth of the prison is one of law and order, whereas its effect was and remains colonial. That is definitive of settler colonialism.¹⁴⁹

– Seth Adema, *More than Stone and Iron: Indigenous History and Incarceration in Canada, 1834-1996*.

It is widely understood that Indigenous people are “over-policed and under-protected”. Indigenous people, and Indigenous women especially, are grossly over-represented in the carceral system due to the many intersecting sociodemographic consequences of colonialism.

There has long been an understanding that Indigenous women are also subject to a harsher experience of the judicial and carceral systems than other demographics. There are some measures in place to address the needs of imprisoned Indigenous people through alternatives to standard incarceration, but few of these were conceived specifically for Indigenous women. Over the

years, NWAC has responded to the overrepresentation of Indigenous women in the carceral system and has been at the forefront of advocating for solutions reduce the harm caused to Indigenous women within these systems.

1934

There existed only one women’s prison in Canada until the 1990s; Kingston’s Prison for Women (P4W).¹⁵⁰ Built in 1934, P4W housed women from across Canada. This was problematic from the start, as evidence by this comment in a 1938 report which called for the prison’s closure: “It has been strongly represented that it is unfortunate that females from provinces in

the far east and the far west of Canada have to be brought such great distances to serve their terms, because all of the normal ties with their families and friends in their own communities are thereby broken.”¹⁵¹

The inadequacy of a single women’s prison went beyond the psychological impact of total removal from one’s support system through distance. Relocation costs for inmates from distant communities and a lack of parole services in rural areas and on reserves meant that many Indigenous women served a greater percentage of their sentence than they would if their incarceration took place near their homes.¹⁵²

¹⁴⁹ Adema, Seth. (2016). *More than Stone and Iron: Indigenous History and Incarceration in Canada, 1834-1996*. p. 4.

¹⁵⁰ Seth Adema, *More than Stone and Iron: Indigenous History and Incarceration in Canada, 1834-1996*, 221

¹⁵¹ Seth Adema, *More than Stone and Iron: Indigenous History and Incarceration in Canada, 1834-1996*, 228

¹⁵² Seth Adema, *More than Stone and Iron: Indigenous History and Incarceration in Canada, 1834-1996*, 230

- 153** Adema 245
- 154** Seth Adema 236
- 155** Dancing with the Gorilla page 11
- 156** Seth Adema, *More than Stone and Iron: Indigenous History and Incarceration in Canada, 1834-1996*, 223
- 157** Seth Adema 239
- 158** Adema 241
- 159** Adema 243
- 160** *Second Stage Housing for Native Women*, 1993, p. 10
- 161** *Ibid.*, p. 7-8
- 162** Sky Blue Morin, for Native Women's Association of Canada, "Aboriginal Women's Healing Lodge: An NWAC Report," p. 9
- 163** *Ibid.*, p. 14
- 164** *Ibid.*
- 165** Correctional Services Canada. (April 1990). *Creating Choices: The Report of the Task Force on Federally Sentenced Women*. Government of Canada.
- 166** Sky Blue Morin, for Native Women's Association of Canada, "Aboriginal Women's Healing Lodge: An NWAC Report," p.16
- 167** *Ibid.*, p. 38

On top of being barred from seeing their loved ones through distance, Indigenous women prisoners were not permitted to conduct spiritual ceremonies for healing because sacred items ("sage, sweet grass, sacred tobacco, and cedar") were forbidden from entering P4W. This seriously inhibited Indigenous women prisoner's ability to heal.¹⁵³

Though there are now several women's prisons across Canada, there are still too few institutions, meaning that the long-term separation between incarcerated women and their loved ones is on-going. This also means that Indigenous women are sometimes housed in men's prisons and psychiatric facilities, which prevents them from accessing the common spaces and group.

1960s & 70s

A report by the Native Counseling Services of Alberta indicated that 80% of Alberta's female inmate population were Indigenous women. The Indian Probation Project, recording data in Saskatchewan in the late 1970s determined that 90% of Saskatchewan's female inmate population was Indigenous. In Kenora, Ontario, it was once recorded that 100% female inmates were Indigenous.¹⁵⁴ The same is true of the Prince Albert Prison for Women.¹⁵⁵

1972

An organization which played a major role in the amelioration of Indigenous women's experience of incarceration was the Native Sisterhood. Founded in 1972, the Native Sisterhood was a support group of Indigenous women (though it is worth noting that the group was not closed to non-Indigenous women) incarcerated in the P4W who fought to allow ceremonies to take place within prisons, for the closure of P4W, and for the construction of Canada's first Healing Lodge.¹⁵⁶ "The Sisterhood set out to help each other heal by reclaiming

Indigenous culture and spirituality while in prisons. In doing so they were culturally creative, since the cultural diversity of the group and the correctional context required it."¹⁵⁷

The Native Sisterhood gained influence throughout the 1970s and worked "in isolation from Indigenous political organizations", with the notable exception of NWAC.¹⁵⁸ The Native Sisterhood and NWAC collaborated throughout the 1970s and 1980s to provide P4W prisoners access to Elders who would aid in their healing process.¹⁵⁹

1988

The 1988 Task Force on Aboriginal Peoples in Federal Corrections published a final report which included the finding that Indigenous people made up (at the least) 9% of the federal penitentiary population, despite making up only 2.5% of the entire Canadian population.¹⁶⁰ It must be stressed that 9% was in fact the minimum percentage - "The full extent of the problem is not known because statistics under-estimate the extent of Aboriginal representation in the federal correction system."¹⁶¹

1989

The Commissioner of Correctional Services Canada commissioned the Task Force on Federally Sentenced Women to investigate the unique needs of the inmates of Canada's only women's prison, P4W. NWAC participated as a member of both the Steering Committee and the Working Group to ensure that the voices of P4W's Indigenous prisoners are heard.¹⁶²

In the same year, the Elizabeth Fry Society's Women in Conflict with

the Law (WICL) program was examined by a panel of 20 Indigenous women knowledgeable about the law and justice. They deemed that the program failed to adequately address the needs of Indigenous women prisoners. NWAC was asked to conduct a national workshop to determine how best to serve incarcerated Indigenous women.¹⁶³ A group of 35 Indigenous women from across Canada participated in NWAC's workshop in Ottawa. The group became the Aboriginal Women's Caucus of the Elizabeth Fry Society. Through NWAC, they

issued a report titled *Federally Sentenced Women*.¹⁶⁴

1990

In the report published in April 1990 by the Task Force titled "*Creating Choices: The report of the task force on federally sentenced women*", there was significant reference to the lack of support for Indigenous women and, more specifically, that the needs of Indigenous women were not being met. It referenced that "Imprisoned Native women are triply disadvantaged: they suffer the pains of incarceration common to all prisoners; in addition, they experience both the pains Native prisoner feel as a result of their cultural dislocation and those which women prisoners experience as a result of being incarcerated far from home and family".¹⁶⁵ It further recommended the closure of P4W by 1994, to be replaced by five smaller regional institutions and by one Indigenous-only facility.¹⁶⁶

1991

A study is undertaken and it is announced by the Solicitor General for Canada, Hon. Doug Lewis, that because most feder-

ally sentenced Indigenous women are from Alberta or Saskatchewan, the Healing Lodge should be situated in a prairie location.¹⁶⁷

1992

Enacted in 1992, section 81 of the Corrections and Conditional Release Act was intended to correct the overrepresentation of Indigenous people in the criminal justice system. This act recognized that punishments that are appropriate for some incarcerated individuals, they may not be as appropriate or effected for Indigenous women. Section 81 allows for federal sentences to be served in Indigenous communities instead of prisons - allowing for more culturally appropriate services and access to facilities such as healing lodges.

The same year, it is announced that, in collaboration with Nekan-eet First Nations, Maple Creek Saskatchewan had been chosen as the site of the Healing Lodge.

NWAC has responded to the overrepresentation of Indigenous women in the carceral system and has been at the forefront of advocating for solutions reduce the harm cause to Indigenous women within these systems.

1993

A paper published by NWAC in 1993 (*Second Stage Housing for Native Women*) enumerates some of the root causes of conflict with the law which imprisonment does nothing to combat. The paper stresses that conventional prisons cannot address:

- “the problem of the poverty on reserves,
- the immediate or historical memories of the genocide that

Europeans worked upon Native people,

- violence,
- alcohol abuse,
- sexual assault during childhood,
- rape and other violence

Aboriginal women have experienced and are experiencing at the hands of men.”¹⁶⁸

As elaborated throughout this text, Indigenous women experience these factors at a far higher rate than the broader Canadian population. It must be stressed that during its operation, 70% of Indigenous women inmates at P4W had substance abuse problems and 90% had experienced physical or sexual abuse.¹⁶⁹

NWAC has posited and worked towards several possible alternatives to incarceration which would serve to heal Indigenous women who have come into conflict with the law. They include:

- Indigenous administration of criminal justice/sentencing
- Second-stage housing for recently released Indigenous women prisoners
- *Healing Lodges* wherein Indigenous women prisoners can serve their sentences

A handful of Indigenous courts exist in Canada, available to Indigenous offenders who have not committed a crime as serious as rape or murder. All Indigenous courts emphasize restorative justice and are cognizant of the colonial context which so often place Indigenous people in conflict with the law. However, these courts are not specifically considering the female perspective/experience. Indigenous administration of criminal justice designed to uphold Indigenous women’s well-being could look like, according to NWAC, Indigenous women being in control of sentencing all crimes involving sexual assault or violence against women and children.¹⁷⁰

NWAC also noted that the release process can contribute to rates of recidivism amongst Indigenous women prisoners in the case of those women without a home to which to return. NWAC has posited that making second-stage housing available for those being released from prison could help by providing a “culturally appropriate place where they could be with their children and within their communities if they so desired. They would then have access to various services including therapy and counselling

The full extent of the problem is not known because statistics under-estimate the extent of Aboriginal representation in the federal correction system.

168 Second Stage Housing for Native Women, 1993, page 11

169 Ibid.

170 Page 7 Dancing with the Gorilla

from other Natives who would be able to understand the situation that these formally incarcerated women came from before they became a part of the federal or provincial corrections system.”¹⁷¹ But perhaps more important than sentencing or release practices is the actual event of being incarcerated, often for years of one’s life. In a 1993 report titled “Aboriginal Women’s Healing Lodge”, NWAC proposed an alternative to incarceration in a conventional prison - for Indigenous women to spend their sentences living in a *Healing Lodge*.

“
The overall concept of the Healing Lodge Vision was derived from the teachings of the Four

Directions in the Circle of the Life with a wholistic healing focus to develop the Spiritual (East), the Emotional (South), the Physical (West) and the Mental (North) aspects of the lives of federally sentenced Aboriginal women. We begin at the centre of the Circle, the Creator, Creation and ourselves with the original instructions given at Creation. As we grow, we move around the Medicine Wheel beginning in the East with our original instructions to work on the spiritual part of ourselves, to the south for the emotions of the heart, to the west to maintain the physical body and to the north to acquire wisdom and serenity. As we travel around the Medicine Wheel in the Circle of Life, we go around many times until we complete the teachings we were

to learn through our original instructions.”¹⁷²

– Sky Blue Morin,
Aboriginal Women’s Healing Lodge: An NWAC Report

1994

Construction begins on Okimaw Ohci Healing Lodge.¹⁷³

1995

Okimaw Ohci Healing Lodge opens! Healing Lodges fall under the aforementioned section 81 of the Corrections and Conditional Release Act. Today, there are six Healing Lodges across Canada.

1999

In April 1999, the Supreme Court of Canada decided over the Gladue case (*R. v. Gladue*), which considered sentencing principles outlined in paragraph 718.2(e) of the *Criminal Code*.¹⁷⁴ In their decision, the Supreme Court of Canada clarified that judges needed to consider the unique factors faced by Indigenous offenders, which may have contributed to bringing them before the courts.¹⁷⁵ As a result, judges now had to consider any

- 171** Second Stage Housing for Native Women, 1993, page 10
- 172** Sky Blue Morin, for Native Women’s Association, 37
- 173** Adema 253
- 174** Parrott, Z. (2023). “Gladue Case.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/r-v-gladue>
- 175** Ndegwa, A., Gallant, L., Evans, J. (2023). *Applying R. v Gladue: The use of Gladue reports and principles*. Department of Justice: https://www.justice.gc.ca/eng/rp-pr/jr/gladue2/docs/rsd_gladue-caselaw-review_en.pdf

self-identified Indigenous person’s -regardless of their status - background and experiences with colonization, intergenerational trauma, racism, and discrimination when making their decision. Judges may also consider the culture, traditions, and laws of the Indigenous persons community or nation when sentencing.¹⁷⁶

The decision made by the Supreme Court of Canada had aimed to address the growing over-representation of Indigenous offenders in the criminal justice system by leveraging alternative methods to rehabilitation. Today, Gladue reports are often written documents which weave together an offender’s story into a report based on feedback provided by family, Elders, and community members, and used by judges during sentencing.

2003

In 2003, NWAC submitted a detailed position on the human rights complaint on federally sentenced women brought forward by the Canadian Association of Elizabeth Fry Societies. In our position, NWAC sought to see changes in five areas within Correctional Services Canada, including:

- “Desecration of Aboriginal women in federal prison;
- Capacity-building in Aboriginal communities to facilitate reintegration of Aboriginal women prisoners back into Aboriginal society;
- Facilitation and implementation of ss. 81 and 84 of the *Corrections and Conditional Release Act* for the benefit of criminalized Aboriginal women prisoners;
- Compensation for Aboriginal women prisoners based on the Correctional Services of Canada [the ‘CSC’] breach of its fiduciary duty to Aboriginal prisoners; and,
- Standardization of the treatment of federal Aboriginal women prisoners in British Columbia.”¹⁷⁷

In our report, NWAC called on Correctional Service Canada to make changes that address the needs of Indigenous women in corrections. Importantly, NWAC called on the government to address gaps in ss. 81 and 84 facilities, creating greater opportunities for Indigenous offenders to serve their sentences in their communities.

2007

While the 1992 Corrections and

Conditional Release Act contains sections 81 and 84, which can grant Indigenous governing bodies the right to “work towards alternatives to incarceration for Aboriginal offenders and more effective and culturally appropriate community corrections”, NWAC noted the under-utilization of these clauses in the case of Indigenous women. In 2007, when NWAC published *Aboriginal Women and the Legal Justice System in Canada*, no Indigenous women were on community release through sections 81 and 84.¹⁷⁸

2012

In March 2012, NWAC published *Gender Matters: building strength in reconciliation* with Justice for Girls, which aimed to promote opportunities for young Indigenous women and girls who are intergenerational survivors of residential schools and in conflict with the law.¹⁷⁹ To conduct this research, NWAC hosted five “Arrest the Legacy: from residential schools to prisons,” which engaged with 300 participants from across Canada on their experience with the criminal justice system. Through this work, NWAC was able to identify several long-term goals for advocating

176 Legal Aid Saskatchewan. (n.d.). “What are Gladue Principles? (Plain Language Summary).” *Legal Aid Saskatchewan*: https://gladue.usask.ca/gladueprinciples_plain-summary

177 McIvor, S.D., Johnson, E.C. (2003). *Detailed Position of the Native Women’s Association of Canada on the Complaint Regarding the Discriminatory Treatment of Federally Sentenced Women by the Government of Canada filed by the Canadian Association of Elizabeth Fry Societies on May 3, 2003*. NWAC: https://central.bac-lac.gc.ca/.item?id=detailed-position_2003&top=pdf&app=Library

178 *Aboriginal Women and the Legal Justice System in Canada*, 3.

179 Native Women’s Association of Canada, Justice for Girls. (2012). *Gender Matters: building strength in reconciliation*. NWAC: <https://www.nwac.ca/assets-knowledge-centre/Gender-Matters-Introduction.pdf>

on behalf of Indigenous women encountering the justice system. In October 2012, the Office of the Correctional Investigator released their report *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, a monumental report uncovering the injustices experienced by Indigenous people in federal corrections system. In particular, the Correctional Investigator conducted a systematic investigation of Sections 81 and 84 of the *Corrections and Conditional Release Act*, to determine the extent to which Correctional Service Canada (CSC) has implemented these sections.¹⁸⁰ In doing so, the Correctional Investigator found that CSC had failed to meaningfully incorporate Healing Lodges into their operations, noting barriers caused by chronic underfunding and restrictive eligibility and placement requirements. As a result, the Correctional Investigator found that CSC bore some responsibility for discrepancies and growing representation of Indigenous offenders in the correction system.

2019

Late in 2019, NWAC published *CSC Healing Lodges and Section 81 Heal-*

ing Lodges: Policy Backgrounder discussing alternative methods of incarceration permitted under the Corrections and Conditional Release Act.¹⁸² In our policy backgrounder, we highlight that healing lodges, whether operated by Correctional Service Canada (CSC) or Indigenous communities, must prioritize the physical, emotional, cultural, and spiritual well-being of women in their care. Moreover, we underscore how Healing Lodges were a response to the traditional prison system, which did not respond to the needs of

federally sentenced Indigenous women. In concluding our report, NWAC provided nine recommendations for CSC to address the barriers preventing federally incarcerated Indigenous women from accessing Healing Lodges.

2021

In December 2021, the Office of the Correctional Investigator released new data that demonstrated that the proportion of incarcerated Indigenous women was approaching 50% all feder-

The proportion of incarcerated Indigenous women was approaching **50%** all federally incarcerated women.

¹⁸⁰ Office of the Correctional Investigator. (2012). *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*

¹⁸¹ Office of the Correctional Investigator. (2012). *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*

¹⁸² Native Women's Association of Canada. (2019). *CSC Healing Lodges and Section 81 Healing Lodges: Policy Backgrounder*. NWAC: https://nwac.ca/assets-knowledge-centre/NWAC_HealingLodges_v7_Interactive.pdf

ally incarcerated women. Per the Correctional Investigator, this trend indicated that the number of Indigenous people in federal custody continued to increase despite an overall decline in incarceration rates.¹⁸³

2022

In February of 2022, the Office of the Correctional Investigator released its annual report which further investigated the use of force against incarcerated individuals who identified as Black, Indigenous, People of Colour and other vulnerable groups. This report identified that Indigenous individuals were overrepresented in cases where force was used in a correctional facility.¹⁸⁴

Just months later, on May 5, 2022, Correctional Investigator Ivan Zinger announced that, for the first time, Indigenous women make up 50% of the female population in federal correctional facilities.¹⁸⁵ Upon learning of the devastating news, NWAC president Carol McBride released a statement on the findings, saying:

“
At the Native Women’s Association of Canada, we have come

to understand that the federal government is blatantly ignoring the suffering of the thousands of Indigenous women, Two-Spirit, transgendered, and gender-diverse people who are behind bars in this country.

The half-empty healing lodges, the stalled construction of healing lodges that had been promised, the failure to appoint a commissioner of Indigenous corrections - these are all signs of failure on the part of successive government to meet a basic standard of human rights.

This is shameful neglect, and every elected official in Ottawa should be held accountable.”

– Carol McBride,
November 2, 2022

2023

On November 1, 2023, the Office of the Correctional Investigator released their 50th annual report, *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Correction in Canada*, which reported on the over-representation of Indigenous people in the federal prison system. This report is a predecessor to the 2013 *Spirit*

Matters: Aboriginal People and the Corrections and Conditional Release Act publication.¹⁸⁶

In *Ten Years Since Spirit Matters*, the Office of the Correctional Investigator found that the over-representation of Indigenous people in custody has continued to grow, increasing by approximately 40% over the last decade.¹⁸⁷ Moreover, the report underscored the immense growth in the representation of Indigenous women in the federal corrections system, with Indigenous women representing 50% of incarcerated women in 2023.¹⁸⁸ The investigator also made note of several other concerning trends related to the use of force, maximum security populations, self-injury, attempted suicide, and suicide. Frustratingly, the Correctional Investigator found that Indigenous individuals are entering the correction system at younger ages, spending longer behind bars, and are more likely to return to federal corrections.

Following the release of the Correctional Investigator’s report, NWAC was quick to condemn the lack of action taken by the federal government to address the over incarceration of Indigenous

183 Zinger, I. (2021). “Proportion of Indigenous Women in Federal Custody Nears 50%” *Office of the Correctional Investigator*: <https://oci-bec.gc.ca/en/content/proportion-indigenous-women-federal-custody-nears-50>

184 Office of the Correctional Investigator. (2022). *Office of the Correctional Investigator Annual Report 2020-2021*. Government of Canada.

185 White, Patrick. (2022). “‘Shocking and shameful’: For the first time, Indigenous women make up half the female population in Canada’s federal prisons”. *The Globe and Mail*.

186 Zinger, I. (2023). *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*. Office of the Correctional Investigator: <https://oci-bec.gc.ca/sites/default/files/2023-10/Spirit%20Matters%20EN%20%C3%94%C3%87%C3%B4%20Web.pdf>

187 Ibid.

188 Ibid.

189 McBride, C. (2023). “Native Women’s Association of Canada Echoes Zinger Report Findings: Over Incarceration of Indigenous Women is a Human Rights Travesty.” NWAC: <https://nwac.ca/media/native-womens-association-of-canada-echoes-zinger-report-findings-over-incarceration-of-indigenous-women-is-a-human-rights-travesty>

women. In a statement, former President Carol McBride said:

“No country that considers itself to be a world leader in human rights would allow the injustice to continue. No Canadian should rest easy knowing that 50 per cent of federally incarcerated women are Indigenous. This is a horrific situation that demands an urgent response.

Indigenous communities must be allowed to run their own justice and correction systems. This transfer of authority should have taken place 10 years ago. The overincarceration of Indigenous people in Canada is an outrageous and racist violation of human rights that must be corrected, starting today.”

– **President Carol McBride,**
November 2, 2023¹⁸⁹

FIGURE 30



President Carol McBride meeting with Dr. Ivan Zinger, Correctional Investigator, on issues of overrepresentation of Indigenous women in federal correctional facilities on April 25, 2023.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA NEWSLETTER.

Systemic Violence Within Systems of “Care”

There are gross systemic injustices that are taking place within systems that should be there to support and protect. This section will outline issues of systemic violence inflicted upon Indigenous women in all their diversity and their families by law enforcement and the criminal justice system, the health care system and the child welfare system, and the role NWAC has played in advocating against this systemic violence.

LAW ENFORCEMENT & THE CRIMINAL JUSTICE SYSTEM

While there has been a clear overcriminalization of Indigenous women - made evident by the disproportionate rates at which they are incarcerated - the criminal justice system has consistently failed to protect and seek justice for Indigenous women in all their diversity.

Police Violence

“How do you describe a loss of a whole human being? This is the daughter that I carried in my womb. I gave birth to her. He killed my daughter. Why is Const. Son still able to have a job and his freedom?”¹⁹⁰

– **Martha Martin,**
mother of Chantel Moore

The relationship between Indigenous women and the police is one that is fraught with systemic issues that inflict harm. This has resulted in more distrust in police amongst Indigenous women - with Indigenous women being over twice as likely to report “having not very much or no confidence in the police” than non-Indigenous women.¹⁹¹

It can be understood that this distrust is rooted in violence that is perpetuated through law enforcement agencies and officers. One way this takes place is through instances of violence against Indigenous women by law enforcement officers. A recent example of this can be seen in the police killing of Chantel Moore - a 26-year-old mother from Tla-o-qui-aht First Nation.

¹⁹⁰ Native Women’s Association of Canada. (2021). “Indigenous Lives Matter: NWAC Says We Will No Longer Be Silent”. *Kci-Niwesq*, Issue #4.

¹⁹¹ Heidinger, Loanna. (2022). “Violence victimization and perceptions of safety: Experiences of First Nations, Metis and Inuit women in Canada”. *Statistics Canada*.

FIGURE 31



A poster published by NWAC on June 4, 2021 calling for Justice for Chantel.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA NEWSLETTER.

Chantal Moore

ON JUNE 4, 2020, THE RCMP were called to perform a wellness check on Chantel Moore at her apartment in Edmundston, New Brunswick. According to Const. Jeremy Son, the officer conducting the wellness check, Moore approached with a knife and, out of fear for his safety, he fired his weapon four times. A hearing over a year after the killing found that there was “no reasonable prospect of conviction” and no charges were laid against him.¹⁹²

NWAC was vocal about the lack of justice for Chantel Moore in this case - pointing out that findings in the hearing failed to consider that Moore was being given instructions in French despite the fact her first

language was English, that Const. Son had options to use non-lethal force including pepper spray and a baton, and the testimony of a neighbour who witnessed the event.¹⁹³ NWAC called for reforms in policing, including the wearing of body cameras, the use of non-lethal force, and alternative approaches to wellness checks that include social workers or health care providers, as a necessary means of reducing police violence against Indigenous women. >>>

¹⁹² Native Women's Association of Canada. (2021). "Indigenous Lives Matter: NWAC Says We Will No Longer Be Silent". *Kci-Niwesq*, Issue #4.

¹⁹³ Ibid.

194 Ibid.

>>>

Martha Martin, the mother of Chantal Moore, collected a list of Indigenous people killed by police in between April and June 2020 and found that, as of 2021, none of the officers involved had faced legal repercussions¹⁹⁴:

- Eisha Hudson, 16, who was shot and killed by Winnipeg Police following a police pursuit on April 8, 2020
- Jason Collins, 36, who was shot and killed in Winnipeg Police when they responded to a domestic incident on April 9, 2020
- Stewart Andrews, 22, who was shot and killed by Winnipeg Police when they were responding to reports of a robbery on April 18, 2020
- Everett Patrick, 42, who died of wounds on April 20, 2020 that were inflicted during a police encounter that took place days prior in Prince George, BC
- Abraham Natanine, 31, who was shot and killed by the Nunavut RCMP on May 5, 2020 in an altercation at his residence
- Regis Korchinski-Paquet, 29, who died after falling from her balcony while Toronto Police were in her apartment responding to a domestic disturbance call on May 29, 2020
- Rodney Levi, 48, who was shot and killed by the RCMP in Miramichi, New Brunswick during a domestic disturbance call on June 12, 2020

Chantal Moore

CONT'D

Martha Martin, Chantal Moore's mother, at the We Remember: Press Conference for Families in Ottawa, ON on June 29, 2021.

SOURCE: MIV FOURNIER.

FIGURE 32



Police violence against Indigenous people in Canada is a pervasive issue - with data tracked between 2000 and 2021 showing that despite only accounting for 5.1% of Canada's population, Indigenous people represent 16.2% of police-involved deaths.¹⁹⁵ And, unfortunately, it does not appear this trend is slowing. Over a two-week period between August 29 and September 9, 2024, police killed six Indigenous people in Canada including Tammy Bateman, who was struck by a Winnipeg Police vehicle in a park; Steven "Iggy" Dedan, who was shot and killed by the RCMP in Elsipogtog First Nation during a wellness check; and 15-year-old Hoss Lighting who was shot and killed by the RCMP in Wetaskiwin, AB when he called for help.¹⁹⁶

Law enforcement agencies can also perpetuate violence against Indigenous women through systemic issues related to reporting crimes. The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) captured countless testimonies that noted issues with how police handled the reporting of crimes involving Indigenous people. In a foreword in the final report,

FIGURE 33



Photo of the We Remember: Press Conference for Families in Ottawa, ON on June 29, 2021.

SOURCE: MIV FOURNIER.

Melanie Morrison, who's sister went missing in 2006, outlined their experience with the police in the search for her sister:

“ My sister went missing June 18, 2006. My mother did an initial search by talking to all of my sisters' friends and people who usually knew where she was. It was unlike my sister to not come

home because she was a young mother. She told my mother she was coming home early that night. When my mom went to the police, she was met with the stereotype that because she was only 24, she was probably just out with friends and would show up. Unfortunately, my sister's remains were found four years later. It was devastating because where she was found was less

195 Tracking (In)Justice. (February 10, 2023). "Police-involved Deaths are on the Rise, as are Racial Disparities in Canada". <https://trackinginjustice.ca/analysis-increase-in-deaths-and-racial-disparities/>

196 McGuire, Michaela - Jaad Gudgihliwah. (September 24, 2024). "Two Weeks, Six Dead: Police Violence, Indigenous Dehumanization & Canadian Indifference". *Yellowhead Institute*.

- 197 National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a*.
- 198 Native Women's Association of Canada. (2022). "Safety Definitions Report". Native Women's Association of Canada.
- 199 Native Women's Association of Canada. (2023). "Systemic Inequities and Interjurisdictional Issues in Human Trafficking and MMIWG2S+". Native Women's Association of Canada.

than a kilometre from her home. Local police were in charge up to that point. Then, after follow-up with the case, it was handed over to the Sûreté du Québec and the file remains active. My niece was left to be raised without a mother. My daughter and I were very close to my sister, and my youngest never got to know her aunt. My mother hasn't recovered from the loss. My father passed in 2015. He passed without answers. She was very outspoken and a ball of energy. When her life was taken, the light fizzled and things are not the same."¹⁹⁷

Issues with reporting was also captured in two of NWAC's recent report. In NWAC's "Safety Definitions Report", it was noted that by Two-Spirit participant in a Sharing Circle that when they reported a sexual assault to the police, the police laughed and did not take them seriously. They believed "police misidentified their gender and did not

With data tracked between 2000 and 2021 showing that despite only accounting for **5.1%** of Canada's population, Indigenous people represent **16.2%** of police-involved deaths.

believe a women could be raped by another woman".¹⁹⁸ In another report titled "Systemic Inequities and Interjurisdictional Issues in Human Trafficking and MMIWG2S+", participants noted that criminalization of survivors of human trafficking that can take place when reporting a crime to the police, with one participant stating:

“
I feel like a lot of times we have this idea of who gets to be a victim and who gets that

support. When we have this idea of who gets to be the victim, then our services are designed to fit that person. We're seeing survivors being prosecuted but to my knowledge, like they're supposed to be protected from crimes that they may have committed, while they were being exploited. But I don't always see that happening whether it be like carrying weapons, or dealing drugs, or recruiting other women. I don't think it's effective. Especially for Indigenous Peoples because they

don't fit what police view as the perfect victim."¹⁹⁹

When individuals feel unsafe reporting a crime, or that their case will not be taken seriously, it can cause distrust with the police and hesitancy in filing a report. While it is not a resource which outlines the level of violence against Indigenous women that goes unreported, it is accepted that fewer Indigenous women report violence to police than do other demographics.²⁰⁰ This is chiefly because Indigenous women often have cause not to trust the police and broader justice system.

There are also practical factors preventing Indigenous women from reporting violence, for instance the lack of police services available in remote areas. There are also, significantly, no shelters for people fleeing violence at home available in those remote areas. Increasingly, Indigenous communities are taking it upon themselves to create alternatives to these missing resources, such as talking circles, healing circles, or Elder's circles and the establishment of "safe houses".²⁰¹ These grassroots efforts are significant

and may represent the future of Indigenous women's recourse in the wake of violence. However, administrative steps have also been taken to try and address the gap between Indigenous women and police protection following assault.

For instance, in the early 1990s, an amendment to the Criminal Code under Bill C-49 attempted to help women feel secure enough to report violent crimes perpetrated against them by safeguarding a victim's privacy through the charging process.²⁰² NWAC's 1992 issue paper *Proposed Amendments to the Criminal Code Under Bill C-49: The Perspectives of Aboriginal Women*, elaborates that

There is a great need for an active policy to encourage Aboriginal women to come forward. This would require assurances that they can expect fair and unbiased treatment by those within the criminal justice system.²⁰³

Another attempt at bridging the gap between Indigenous women who have been the victims of violence, and the police is the *mandatory charging policy*, which the RCMP enacted in the 1980s.

The policy is intended to relieve the victim of the burden of charging their abuser by allowing police officers responding to instances of domestic violence to lay charges automatically if they have reason to believe assault has taken place.²⁰⁴ However, NWAC investigated the enforcement of this policy in a 1994 study and found it to be ineffectual due to reluctance on behalf of the police to enforce it. This is an important reminder: While Indigenous women may be reluctant to report assault due to a storied history of abuse and betrayal at the hands of police, police are in-turn reluctant to pursue instances of assault against Indigenous women.

200 Proposed Amendments to the Criminal Code Under Bill C-49 - The Perspectives of Aboriginal Women, 1992, page 4

201 Aboriginal Women: Police Charging Policies & Domestic Violence, page 26

202 Proposed Amendments to the Criminal Code Under Bill C-49 - The Perspectives of Aboriginal Women, 1992, page 4

203 Proposed Amendments to the Criminal Code Under Bill C-49 - The Perspectives of Aboriginal Women, 1992, page 5

204 Aboriginal Women: Police Charging Policies & Domestic Violence, page 5

THE HEALTH CARE SYSTEM

While the health care system exists to ensure individuals have access to the care they need to live a healthy life, for many Indigenous women it is a system that enacts and further perpetuates violence against them.

Forced/Coerced Sterilizations

The forced and coerced sterilization (FCS) of Indigenous women in Canada has a long-documented history. During much of the 20th century, laws and government policies explicitly sought to reduce births in First Nations,

Métis and Inuit communities.²⁰⁵ Although we cannot know the total number of those who experienced FCS, there is evidence that this practice continues today.²⁰⁶ FCS is a direct violation of human rights, medical ethics, and reproductive rights, and is considered a form of torture by the United Nations.

“

The forced and coerced sterilization of Indigenous women and girls is an extremely serious violation of not only human rights and medical ethics but of personal safety and security of Indigenous women and girls. It is also a direct violation of reproductive rights.”

— Francyne Joe,
President (April 10, 2019)²⁰⁷

FCS refers to any form of sexual sterilization that occurs without free, prior, informed, and voluntary consent, and is rooted in racism, colonialism and eugenics.²⁰⁸ The effects of FCS are devastating and have stark repercussions in every facet of life. For example, survivors have recounted having to grapple with profound physical changes and mental challenges, such as early menopause, overwhelming pain, fear, shame, anxiety, depres-

FCS among Indigenous people in Canada represents a grave violation of human rights, rooted in historical injustices, and perpetuated by contemporary health inequities.

- 205** Standing Senate Committee on Human Rights. (2022). *The Scars We Carry: Forced and Coerced Sterilization of Persons in Canada - Part II*. Parliament of Canada: https://publications.gc.ca/collections/collection_2022/sen/yc32-0/YC32-0-441-4-eng.pdf
- 206** Amnesty International. (2021). *Canada - Submission to UN Committee Against Torture: 72nd Session, 8 November-3 December 2021, List of Issues Prior to Reporting*. Amnesty International: <https://www.amnesty.org/en/documents/amr20/4320/2021/en/>
- 207** Canada. Parliament. Senate. Standing Senate Committee on Human Rights. (2019). *Minutes Proceedings*. 42nd Parliament, 1st Session, Issue no. 41. Retrieved from Parliament of Canada website: <https://sencanada.ca/en/Content/Sen/Committee/421/RIDR/41EV-54680-E>
- 208** NWAC. (2024). “A History of Forced and Coerced Sterilization Among Indigenous Peoples.” NWAC: <https://forcedsterilization.nwac.ca/>

sion and suicidal thoughts.²⁰⁹ Moreover, FSC can have an alarming impact in severing one's connection to their families, communities and cultures. FSC symbolizes the deliberate erasure of Indigenous lineages and continues to perpetuate genocidal practices. The practice of FSC also perpetuates distrust in the health care system, contributing to greater health disparities between Indigenous and non-Indigenous people.

In response to the ongoing FCS of Indigenous women, advocates, experts and leaders have called for systemic and sweeping changes in health care. To address these challenges, NWAC and other Indigenous organizations have called on federal and provincial governments to make several changes, including:

- Making changes to accountability standards, legislation and policy;
- Providing education and training on cultural safety, informed consent, and anti-racism for health care providers; and,
- Offering Indigenous specific services and support.²¹⁰

Over the last several years, NWAC has taken a critical position in

advocating for an end to the practices of FCS and support the reproductive rights of Indigenous women in Canada. This includes our participation in parliamentary committees in discussions pertaining to the horrific practice in 2019 and 2022. Moreover, NWAC has also completed several research projects that identified the root causes of FSC in Canada. In 2019, NWAC participated in an expert meeting and reported on forced sterilization in Canada in *Forced Sterilization of Indigenous Women*. In doing so, NWAC identified several recommendations to resolving the ongoing practice of FSC.²¹¹ In 2020, NWAC supplemented our work on FSC by publishing the *Knowing Your Rights Toolkit: Sexual and Reproductive Health*. In this toolkit, NWAC provides valuable information to Indigenous women in all their diversity to understand their right of informed consent and decision-making. In 2024, NWAC create a historical timeline of FCS among Indigenous people in Canada. The webpage provides draws a critical conclusion that FCS among Indigenous people in Canada represents a grave violation of human rights, rooted in historical injustices, and perpetuated by contemporary health inequities.²¹²

Birth Alerts

For Indigenous life-givers and families, pregnancy, labour, and birth are foundational to cultural and social aspects of life. *Birth Alerts* for Indigenous life-givers and families, pregnancy, labour, and birth are foundational to cultural and social aspects of life. However, Indigenous life-givers continue to face longstanding social, political, and cultural challenges that negatively impact both maternal and child health. In particular, the practice of birth alerts has attracted considerable attention from NWAC over the last several years.

Birth alerts are notifications used to flag expecting parents to hospitals and child welfare services in advance of a child's birth. Typically, birth alerts are issued by a child welfare worker who believes that a newborn may be at risk or harm after they are born.²¹³ Often, birth alerts are issued by a child welfare worker without the knowledge or consent of the parent, prompting staff to contact the authorities when a child is born. In Canada, the birth alert system has been found to systemically target Indigenous families and

209 Ibid.

210 NWAC. (2020). *Knowing Your Rights Toolkit: Sexual and Reproductive Health*. NWAC: <https://nwac.ca/assets-documents/KnowingYourRights-Booklet-EN-Web-1.pdf>

211 Leason, J., Ryan, C. (2019). *Forced Sterilization of Indigenous Women*. NWAC: <https://nwac.ca/assets-knowledge-centre/NWAC-Expert-Forum-Forced-Sterilization-Summary-Report-March-25-2019-FINAL.pdf>

212 NWAC. (2024). "A History of Forced and Coerced Sterilization Among Indigenous Peoples." NWAC: <https://forcedsterilization.nwac.ca/>

213 Sistovaris, M., Sansone, G., Fallon, B. & Miller, S. (2022). *The Efficacy of Birth Alerts: Fact Sheet*. Toronto, Ontario: Policy Bench, Fraser Mustard Institute of Human Development, University of Toronto.

- 214 NWAC. (2022). “Policy Brief: Maternal and Child Health.” NWAC: <https://nwac.ca/assets-knowl-edge-centre/POLICY-BRIEF-MATERNAL-AND-CHILD-HEALTH-eng.pdf>
- 215 Sistovaris, M., Sansone, G., Fallon, B. & Miller, S. (2022). *The Efficacy of Birth Alerts: Fact Sheet*. Toronto, Ontario: Policy Bench, Fraser Mustard Institute of Human Development, University of Toronto.
- 216 National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Government of Canada: https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf
- 217 National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Calls for Justice*. Government of Canada: https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf
- 218 Ki Sun Hwang, P. (2023). “Quebec sent Ottawa hospital hundreds of birth alerts despite Ontario ban.” *CBC News*: <https://www.cbc.ca/news/canada/ottawa/birth-alert-the-ottawa-hospital-continue-after-october-2020-1.6835776>
- 219 National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming Power and Place: The Final Report on the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Vol 1. P. 414.
- 220 *Ibid.*, 469.
- 221 Page, J. (2021). “Hospital ordely, caught on video mocking Joyce Echaquan before she died, tells inquest she meant no harm.” *CBC News*: <https://www.cbc.ca/news/canada/montreal/joyce-echaquan-coroner-inquest-may-19-1.6032387>

contributes to ongoing racism experienced by Indigenous people accessing health care.²¹⁴ The practice of birth alerts has a significant impact on both a mother and child and can lead to pregnant Indigenous mothers avoiding hospitals and medical support out of fear their child will be apprehended. Further, birth alerts can contribute to damaging short and long-term consequences and can contribute to the perpetuation of intergenerational trauma and disconnection from Indigenous culture and heritage.

Since 2015, several national calls have been made to eliminate the practice of birth alerts in Canada. First, the Truth and Reconciliation Commission called for the elimination of practices that remove Indigenous children from their families and place them in the childcare system.²¹⁵ In 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls further investigated the relationship between violence against Indigenous women and birth alerts. The National Inquiry concluded that the use of birth alerts was a gross violation of the rights of the child, the mother, and the

community.²¹⁶ As a result, Call for Justice 12.8 made an explicit reference to the practice, stating:

*We call upon provincial and territorial governments and child welfare services for an immediate end to the practice of targeting and apprehending infants (hospital alerts or birth alerts) from Indigenous mothers rights after they give birth.*²¹⁷

In 2023, the Government of Quebec would announce it was ending the practice of birth alerts, being the last province to do so.²¹⁸ Although the practice has officially ended, Indigenous life-givers and families across Canada must continue to manage the trauma and disconnection caused by birth alerts.

Anti-Indigenous Discrimination in Healthcare

In the Canadian healthcare system, Indigenous women in all their diversity face unique forms of oppressive discrimination and gender-based violence. In 2019, the National Inquiry into Missing and Murdered Indigenous women and girls found that the assumptions that shape the health of

Indigenous people in Canada are racist, sexist and homophobic.²¹⁹ Moreover, the voices of Indigenous women and girls seeking care to support their health and well-being if often ignored, minimized, or dismissed by health professionals.²²⁰ Ultimately, these actions perpetuate a system of racism, which often prevents Indigenous women, in all their diversity, from receiving care. In September 2020, anti-Indigenous racism and health inequities in Canada received international attention following the tragic death of Joyce Echaquan, a 37-year-old Atikamekw woman. Joyce’s death brought considerable attention to existing racial issues that plague the Canadian healthcare system. While attending the Centre hospitalier régional de Lanaudière in Joliette, Quebec, Joyce had lives-treated hospital staff making abusive remarks and not providing her with proper medical attention.²²¹ Later that same day, Joyce died of pulmonary edema, an excess of fluid in the lungs. Joyce’s death prompted a nationwide outcry against the violence faced by Indigenous people accessing care across Canada, underscoring a continued cycle of racism.

“

The racist treatment suffered by Joyce Echaquan and countless other First Nations, Métis and Inuit people is atrocious. But it can be stopped if we have the will to take collective and decisive action. I am asking you to stand with us and say ‘No More’.”

— **Lorraine Whitman,**
President (2020)²²²

Over the last several years, NWAC has worked closely with community members to ensure the voices of Indigenous women in all their diversity are prioritized in responding to anti-Indigenous racism in health care. In doing so, NWAC has taken on a crucial role within Indige-

nous Services Canada’s Indigenous Women’s Wellness Advisory Committee to raise awareness of the needs of Indigenous women in all their diversity.²²³ Moreover, in October 2020 NWAC participated in an emergency ministerial meeting on racism experienced by Indigenous people in Canada’s health care system.²²⁴ Following these meetings, NWAC has continued to advocate on behalf of improving care for Indigenous women in all their diversity accessing Canada’s health care system.

Ultimately, these actions perpetuate a system of racism, which often prevents Indigenous women, in all their diversity, from receiving care.

²²² NWAC. (n.d.). “NWAC Calls for Provincial and Territorial Health Ministers to End Discrimination in Healthcare, Root Out Racism in Health Workforces.” NWAC: <https://nwac.ca/media/2020/10/nwac-calls-for-provincial-and-territorial-health-ministers-to-end-discrimination-in-healthcare-root-out-racism-in-health-workforces>

²²³ NWAC. (n.d.). “Anti-Indigenous Systemic Racism in Canadian Health Care Systems - Policy Brief.” NWAC: https://nwac.ca/assets-knowledge-centre/FNIHB_Systemic_Racism_in_Healthcare.pdf

²²⁴ Ibid.

FIGURE 34



Gerald Glade hold a photo of his mom Jeannie Glade who was a residential school survivor while waiting for Pope Francis arrives at the Sacred Heart Church of the First People, in Edmonton, during his Papal visit across Canada on Monday July 25, 2022. Pope Francis apologized to the Indigenous communities for the Roman Catholic Church's role in the residential school system.

SOURCE: THE CANADIAN PRESS/
JASON FRANSON.

THE CHILD WELFARE SYSTEM

The apprehension of Indigenous children by the Canadian government can be traced back to the residential school system, which sought to separate children from their families, communities, and cultures. For over 150 years, Indigenous children were taken from their homes and forced to attend residential schools. At the height of the residential school system in the 1930s there were 80 institutions in operation across Canada.²²⁵ However, it was not until 1996 that the last federally funded residential school closed, with an estimated 150,000 Indigenous children having been forced to attend the schools - many of which never returned home.²²⁶

The residential school system was created by Christian churches and the Canadian government as an attempt to assimilate Indigenous children into Canadian society. Further, the Indian Residential School system sought to destroy the cultures and languages of Indigenous peoples, equating to what the Truth and Reconciliation Commission would later deem a “cultural genocide”.²²⁷ At residential schools, Indigenous chil-

dren often suffered from physical and sexual abuse, substandard education, overcrowding, and harsh punishment from staff.²²⁸ The residential school system has had a profound impact on Indigenous peoples across Canada, ultimately creating a cycle of intergenerational trauma.

For a long time, Indigenous communities and organizations decried the horrors of the Indian Residential School system. With former students seeking an apology and retribution for their experiences at the schools. In 2007, the federal government and churches that operated the residential school system reached an agreement with former students through the *Residential Schools Agreement*.²²⁹

“Prior to the residential school system, prior to colonization, the women in our communities were very well respected and honoured for the role that they have in our communities as being the life givers, being the caretakers of the spirit that we bring to mother earth. We have been given those responsibilities to look after our children and to bring that spirit into the physical world.

Residential schools cause so much harm to that respect and to that honour. There were ceremonies for young men and for young women that were taken away for generations in residential schools. Now we have our language still, we have our ceremonies, we have our elders, and we have to revitalize those ceremonies and the respect for our people not only within Canadian society but even with our own peoples.”

— **Beverley Jacobs,**
President (June 11, 2008)²³⁰

In 2008, Prime Minister Stephen Harper, on behalf of the Government of Canada, apologized to former students at residential schools. Subsequently, between 2008 and 2015, the Government of Canada would support the Truth and Reconciliation Commission, which would facilitate the discovery of facts behind the residential school system.²³¹ In 2015, the Truth and Reconciliation Commission of Canada released their final report *Honouring the Truth, Reconciliation for the Future*, which described the abuses experienced by Indigenous children.

- 225** Miller, J.R., De Bruin, T. (Eds.), Gallant, D. (Eds.), Filice, M. (Eds.) (2024). “Residential Schools in Canada.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/residential-schools>
- 226** National Centre for Truth and Reconciliation. (2024). “Residential School History.” *University of Manitoba*: <https://nctr.ca/education/teaching-resources/residential-school-history/>
- 227** Ibid.
- 228** Ibid.
- 229** Miller, J.R., De Bruin, T. (Eds.), Gallant, D. (Eds.), Filice, M. (Eds.) (2024). “Residential Schools in Canada.” *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/residential-schools>
- 230** Government of Canada. (2008). “Official Report (Hansard) - Wednesday, June 11, 2008”. House of Commons, 39th Parliament, 2nd Session, No. 110. <https://www.ourcommons.ca/DocumentViewer/en/39-2/house/sitting-110/hansard>
- 231** Moran, R. (2020). “Truth and Reconciliation Commission.” *The Canadian Encyclopedia*: <https://thecanadianencyclopedia.ca/en/article/truth-and-reconciliation-commission>

“

I am honoured to be here today. The cultural genocide against our people is finally over, but only now can Indigenous peoples begin to heal. Now that all Canadians finally know truth about our dark past, we can begin to heal together.”

— **Dr. Dawn Lavell-Harvard**,
President ((December 15,
2015)²³²

In tandem with the final report, the Truth and Reconciliation Commission released 94 recommendations, known as the Calls to Action, to redress the legacy of the residential school system.²³³

232 NWAC. (2015). “NWAC stands in solidarity with Truth and Reconciliation Commission upon the release of their final report on tragic Indian residential school legacy in Canada.” NWAC: <https://nwac.ca/media/2015/12/nwac-stands-in-solidarity-with-truth-and-reconciliation-commission-upon-the-release-of-their-final-report-on-tragic-indian-residential-school-legacy-in-canada>

233 Truth and Reconciliation Commission. (2015). *Truth and Reconciliation Commission of Canada: Calls to Action*. Winnipeg, Manitoba.

FIGURE 35



Kisha Supernant, Archaeologist, University of Alberta, using ground-penetrating radar (GPR) equipment near Enoch Cree Nation in Edmonton.

SOURCE: JOHN ULAN.

FIGURE 36



Kisha Supernant, Archaeologist, University of Alberta, using ground-penetrating radar (GPR) equipment at the Former Muscowequan IRS National Historic Site on the reserve lands of Muskowekwan First Nation, Saskatchewan.

SOURCE: WILLIAM WADSWORTH.

FIGURE 37



An Indigenous Elder wipes her face as she listens to Pope Francis give an apology during a public event in Iqaluit, Nunavut on Friday, July 29, 2022, during his papal visit across Canada.

SOURCE: THE CANADIAN PRESS/NATHAN DENETTE.

In more recent years, as unmarked graves have been identified at sites of several former residential schools, calls for action to support residential school survivors and their families have amplified even further. NWAC was apart of this advocacy - calling for funding to support survivors and the search of former residential school sites, for access to residential school records and files, and for an apology from the Catholic Church.²³⁴ In 2022, strong calls from Indigenous communities and organizations across the country brought Pope Francis to Canada to issue apologies for the horrors of the residential school system caused at the hands of the Catholic Church.

²³⁴ Native Women's Association of Canada. (June 10, 2021). "NWAC sends letter to Pope Francis saying Indigenous people deserve a real apology - and more - from the Catholic Church". Press Release.

And there is still more advocacy to be done. Despite the TRC issuing 94 Calls to Action, almost 10 years later, only 13 of the Calls have been completed.

“ We had great hope, when the TRC released its final report, that the process of reconciliation would begin in earnest. The Prime Minister promised to meet all 94 Calls to Action. But, here we are, eight long years later, and only a handful of those Calls have been fulfilled. The work to enact them appears to have stalled. And some of the simplest have been left untouched.”

— Carol McBride,
President (September 23,
2023)²³⁵

²³⁵ NWAC. (2023). “NWAC: Eight Years Later Yet Little Action to Implement TRC’s 94 Calls to Action.” NWAC: <https://nwac.ca/media/nwac-eight-years-later-yet-little-action-to-implement-trcs-94-calls-to-action>





FIGURE 38

Sixties Scoop survivors and supporters gather for a demonstration at a Toronto courthouse on Tuesday, August 23, 2016.

SOURCE: THE CANADIAN PRESS/MICHELLE SIU.

Sixties Scoop & Millenium Scoop

In addition to the residential school system, governments across Canada supported child welfare systems that sought to separate Indigenous families and sever Indigenous children's ties to their culture and language. This resulted from changes to the *Indian Act* in 1951 that gave provinces authority over Indigenous child welfare.²³⁶ This resulted in the large-scale removal of Indigenous children from their homes and subsequent adoption into predominantly non-Indigenous families between the 1960s and 1980s.²³⁷

Instead of attempting to keep Indigenous children with their families, many provincial Child Welfare agencies saw removing Indigenous children from their homes as the easiest solution. In doing so, Indigenous children experienced a loss of cultural identity, continuing the cultural genocide of Indigenous peoples. In many instances, it would take years for Indigenous children adopted in the sixties scoop to learn about and reconnect with their birth families, with many individuals still trying to reconnect with lost family members.²³⁸

It is estimated that over 20,000 First Nations, Métis and Inuit children were taken from their families during the sixties scoop.²³⁹

236 Sinclair, N.J., Dainard, S., Gallant, D. (Eds). (2024). "Sixties Scoop." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/sixties-scoop>

237 Ibid.

238 Indian Residential School History and Dialogue Centre. (2024). "The Sixties Scoop." *The University of British Columbia*: <https://irshdc.ubc.ca/learn/the-child-welfare-system-and-the-sixties-scoop/>

239 Ibid.

- 240 Sinclair, N.J., Dainard, S., Gallant, D. (Eds). (2024). "Sixties Scoop." *The Canadian Encyclopedia*: <https://www.thecanadianencyclopedia.ca/en/article/sixties-scoop>
- 241 APTN News. (2019). "Series: The Child Welfare Industry." *APTN News*: <https://www.aptnnews.ca/child-welfare-industry/>
- 242 Hahmann, T., Lee, G., Godin, S. (2024). "Indigenous foster children living in private households: Rates and sociodemographic characteristics of foster children and their households." *Statistics Canada*: <https://www150.statcan.gc.ca/n1/pub/41-20-0002/412000022024001-eng.htm>
- 243 Native Women's Association of Canada. (1992). "Dancing with a Gorilla - Aboriginal Women, Justice & The Charter". Native Women's Association of Canada, p. 5.
- 244 NWAC. (2016). "Dismissal of "Sixties Scoop" Class Action Suit Would Violate Spirit of Reconciliation." *NWAC*: <https://nwac.ca/media/2016/12/dismissal-of-sixties-scoop-class-action-suit-would-violate-spirit-of-reconciliation>
- 245 Indigenous Services Canada. (2019). "Affirming and recognizing Indigenous jurisdiction over child and family services: An Act respecting First Nations, Inuit and Métis children, youth and families." *Government of Canada*: <https://www.canada.ca/en/indigenous-services-canada/news/2019/06/an-act-respecting-first-nations-inuit-and-metis-children-youth-and-families-has-received-royal-assent.html>

During the 1980s, several calls emerged to amend child welfare laws in the provinces and address the growing Indigenous population within the child welfare system. This resulted in several changes to child welfare policies that began to prioritize keeping Indigenous children with

their families. Further changes occurred in the 1990s, when the federal government created the First Nations Child and Family Services program, providing local bands with more power over their own child and family services.²⁴⁰

FIGURE 39



Colleen Rajotte, centre, who was put in foster care in Winnipeg and adopted by a Winnipeg family and spokesperson for the Manitoba 60's Scoop Survivors Group, and Priscilla Meeches, right, who was taken from her family in 1969 in Portage La Prairie, Man., and adopted to a Manitoba Mennonite family listen in as Jocelyne Bourbonnais, taken from her family in 1965 from Crane River, Man., and adopted to a family in Winnipeg, speaks at Thunderbird House in Winnipeg, Friday, February 16, 2018. The group met to discuss why they should opt out of the proposed 60's Scoop settlement agreement and are seeking 2000 people to reject the agreement.

SOURCE: THE CANADIAN PRESS/JOHN WOODS.

However, the Sixties Scoop was not the end of actions taken by child welfare agencies against Indigenous families. Today, the overrepresentation of Indigenous children in the welfare system is a direct result of the Residential School System and the Sixties Scoop. Known as the "Millennium Scoop," the current child welfare system closely parallels the systematic removal of children during the Sixties Scoop.²⁴¹ According to Statistics Canada, in 2021 Indigenous children accounted for 7.7% of all children under 15, but made up 53.8% of children in foster care.²⁴² The alarming overrepresentation of Indigenous children in the child welfare system has led to several calls for governments in Canada to address the child welfare system. The millennium scoop underscores continued failures in the current approach to child welfare that continues to separate Indigenous children from their families and communities.

NWAC has long advocated against the impacts of the current child welfare system - including in relation to stirring fear and distrust in the justice system. A 1992 NWAC publication ("*Dancing with a Gorilla*" - *Aboriginal Women, Justice & The Charter*) explains that while the "cultural values of

kindness, reconciliation and family cohesiveness” count among the reasons that Indigenous women may not always report instances of domestic violence to police, more significant than this is the “fear of child apprehension.”²⁴³

“

If the liberal government truly supports reconciliation, they must accept ownership and responsibility for the federal government’s role in the Sixties Scoop. As a mother, it is heartbreaking to imagine the ordeal that these children and families have undergone.”

— **Francyne Joe**,
December 1, 2016²⁴⁴

In 2019, the federal government sought to address the ongoing apprehension of Indigenous children. In doing so, the Government of Canada introduced Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*, which affirmed the rights of First Nations, Inuit, and Métis in providing their own child and family services.²⁴⁵ The act attempts to put Indigenous children first so they can stay with their families and communities, however it is still too soon to determine the effectiveness of the legislation.



CHAPTER

**Empowering
Indigenous Women**



In addition to its advocacy work, NWAC has strived throughout its history to empower and provide opportunities to Indigenous women in all their diversity, their families and their communities. This chapter will outline several key areas in which NWAC has engaged in work towards this goal.

Opportunity Development

In the early years of NWAC, economic development and employment opportunities were a key issue NWAC was engaged in. Dating back to February 1981, NWAC collaborated with Employment and Immigration Minister Lloyd Axworthy to create the Joint Working Group on Native Women's Employment, "designed as a long-term mechanism to explore issues ranging from preemployment to post-employment needs and to identify factors inhibiting the full participation of Native women in the labour force."²⁴⁶

The result of the first report developed by the Joint Working Group, titled "Native Women - Labour Force Development", included 26 recommendations to

support Indigenous women entering into the labour force. One such recommendation, referred to as the "WORTHY Project", established employment coordinator positions in 1982 at NWAC and its Provincial-Territorial Member Associations to engage in work including:

- Developing employment proposals for and provide information related to training and employment opportunities to NWAC's regional affiliates and local chapters of the regional affiliates;
- Evaluating and assessing government training and employment programs and services in relation to their impact on Indigenous women; and

- Conducting meetings, seminars and workshops to provide information, share ideas and develop projects with local and regional affiliates.²⁴⁷

Also in 1982, NWAC and the Department of Indian and Northern Affairs collaborate to launch the Economic Development Program, to "develop a comprehensive policy statement that will provide the basis for the further development of more complete strategies for the involvement of Native women in the area of economic development."²⁴⁸

NWAC was later involved with the *Employment Equity Act* in 1995 and the subsequent Employment Equity Act Review Task Force

²⁴⁶ Native Women's Association of Canada: The Voice of Native Women - Vol. 1, No. 7 - 1983, page 8.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

in 2022. NWAC's involvement in these projects is essential, as NWAC is the national voice for Indigenous women and the *Employment Equity Act* serves to correct imbalances affecting four groups: the disabled, members of visible minority groups, **Indigenous people, and women.**²⁴⁹

Among NWAC's chief concerns to economic opportunities available to Indigenous women were the lower rates of education among Indigenous women and girls. In a 2004 report, NWAC stated that as it stood, "Economic opportunities are completely outside the reach of far too many Aboriginal women in Canada."²⁵⁰

Following this, NWAC released a report in 2009 that included recommendations that the juris-

diction of education for Indigenous women and children always involve Indigenous women administrators, at every level. Further, NWAC suggested that where questions of jurisdiction arise, "Jordan's Principle" should be implemented.²⁵¹ NWAC offered these recommendations to the Council of Ministers of Education in Canada to improve educational attainment outcomes for Indigenous women and girls, including:

- "Ensuring families can acquire educational supplies for their learners.
- Ensuring learning supports for students with disabilities are available.
- Covering the real cost of transportation, daycare, housing and general living costs while individuals are in education or training programs.
- Ensuring living, daycare, disability and transportation allowances etc. are available to extended family members who are learners or who are providing care for learners (i.e. for children living with a grandparent or for a grandparent who has returned to school while responsible for the care of grandchildren).
- Ensuring children and adults with special needs or disabilities at all

levels of education and training are able to purchase or access equipment, personal support assistants or other supports as necessary.

- Providing supports and programs that address the needs of parents, children, relatives and families as an integrated unit, rather than for the child alone in isolation from their family.
- Ensuring improvements to create barrier free environments for learners with disabilities are available in a timely manner."²⁵²

NWAC's 2009 report also outlined shocking statistics detailing the stark economic reality facing Indigenous women in Canada, including that:

- "Over 40% of Aboriginal women live in poverty.
- In 2006, 51% of Aboriginal women aged 15 and over were employed, compared with 57% of non-Aboriginal women.
- In 2006, 13.5% of Aboriginal women were unemployed versus 6.4% of non-Aboriginal women yet the participation rates were nearly the same (59.1% and 61.6% respectively).
- In 2001, the highest rates of

²⁴⁹ [Task Force on the Employment Equity Act Review - Canada.ca](#)

²⁵⁰ The Native Women's Association of Canada Background Paper Canada - Aboriginal Peoples Roundtable Economic Opportunities Sectoral Sessions, 2004

²⁵¹ "Strengthening Aboriginal Girls' and Women's Success" 2009

²⁵² "Strengthening Aboriginal Girls' and Women's Success" 2009

FIGURE 40



NWAC President Dawn Lavell-Harvard (left) at a meeting with Minister of Employment MaryAnn Mihychuk in 2016 to discuss labour market development and the need to increase funding for the ASETS program.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

unemployment (22%) were experienced by Aboriginal women living on reserve.

→ In 2005, the average income of Aboriginal women was 27.7% less than Aboriginal men.”²⁵³

A major response to addressing the disparities highlighted in their 2009 report was NWAC's Aboriginal Skills and Employment Train-

ing Strategy (ASETS) program. In 2011, NWAC was funded through ASETS to engage Indigenous women in training and education opportunities and/or in establishing a small business. The program also had job creation partnerships to connect Indigenous women with opportunities, and offered wage subsidies to help create more opportuni-

ties for Indigenous women. In a presentation in front of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in 2014, Beverly Blanchard, Acting Director of Labour Market Development at NWAC, stated that between the span of 2011 to 2014, the program had assisted 463 clients, 111 of which have gained meaningful employment and 72 of which have returned to their studies.²⁵⁴

ASETS, now called the Indigenous Skills and Development Training Program (ISET), continues at NWAC today. The ISET Program continues to provide support in the form of tuition assistance, living allowance, travel costs, and childcare, and can subsidize salaries for up to 26 weeks. Though ISET, Indigenous women are provided “the opportunity to improve their skills and reach employment goals.”²⁵⁵

²⁵³ Ibid.

²⁵⁴ Standing Chair on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. (February 25, 2014). “Evidence,” House of Commons Canada Number 013, 2nd session, 41st Parliament.

²⁵⁵ Native Women's Association of Canada. “Programs - Indigenous Skills and Employment Training”. <https://nwac.ca/programs/iset>

In addition to supporting training and education goals, NWAC has engaged in significant work related to supporting Indigenous women entrepreneurs. In 2014, NWAC hosted its first Aboriginal Women's Business Entrepreneurship (AWBEN) conference - establishing a network of Indigenous women business owners and entrepreneurs. After five AWBEN conferences, NWAC expanded this network to create the #BeTheDrum Program in 2019.

#BeTheDrum is an outreach and navigation program that supports Indigenous women, Two-Spirit, transgender and gender-diverse entrepreneurs in navigating entrepreneurship and building skills related to business and management. Entrepreneurs are provided with access to dedicated navigators and mentors, as well as virtual workshops and networking circles. In addition to this, #BeTheDrum provides an online network of

FIGURE 41



Image of AWBEN Conference Agenda from the 3rd AWBEN Conference in 2016.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 42



Waneek Horn-Miller speaking at the 3rd AWBEN Conference in 2016.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 43

A promotional poster for a virtual networking event. The background is red and teal. At the top, it says 'NETWORKING CIRCLES' in large red letters. Below that, it says 'JOIN US for a special virtual networking event to make new community connections, explore peer mentorship opportunities, and develop professionally as an entrepreneur.' The event is on 'MAY 21 12-1:30 PM EST'. A call to action says 'Register today by clicking on the LINK IN THE CAPTION'. A note says 'Please include your address to receive the mail-out package.' A graphic of a smartphone shows a social media post with the hashtag #BeTheDrum and the text 'Your Business, Our Focus'. Another graphic shows a drum with a turtle on it. At the bottom, it says 'Limited to Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people.' Logos for 'Innovation, Science and Economic Development Canada' and 'Innovation, Sciences et Développement économique Canada' are at the bottom.

A #BeTheDrum poster promoting a networking session on May 21, 2024

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

business resources and promotes Indigenous women-owned businesses through an online business directory.²⁵⁶ #BeTheDrum program delivery is ongoing and continues to provide critical support to Indigenous women, Two-Spirit, transgender and gender-diverse entrepreneurs.

NWAC and the Global Community

Around the world, Indigenous Peoples have long been marginalized and excluded from decision making processes. As a result, internationally Indigenous People have for a long time gone unheard and have had their needs overlooked, perpetuating harmful colonial policies. This has resulted in Indigenous communities and organizations taking on new efforts to address the challenges and barriers that they face. Over the last several decades, Indigenous Peoples have leveraged international bodies and institutions to increase international awareness and pressure to make change at home.

Recently, NWAC's has joined the fray of other Indigenous organizations in increasing our presence on the international stage, where we have sought to bring attention to the challenges faced by Indigenous women in all their diversity across Canada. In participating in international advocacy, NWAC has seen the immense value that comes from participating in the creation of powerful human rights instruments. In turn, NWAC has also played a significant role in advocating for the recognition of international declarations that seek to uphold the rights of Indigenous women in all their diversity.

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

NWAC has long been a leader in interpreting and pressing for the recognition of the *Universal Declaration on the Rights of Indigenous Peoples* (UNDRIP) in Canadian law. In 2007, after 25 years of persistent advocacy for the recognition of Indigenous rights and human rights, the United Nations General Assembly adopted UNDRIP.

In 2006, **13.5%** of Aboriginal women were unemployed versus **6.4%** of non-Aboriginal women yet the participation rates were nearly the same (**59.1%** and **61.6%** respectively).

²⁵⁶ Native Women's Association of Canada. "Programs - Indigenous Skills and Employment Training". <https://nwac.ca/programs/bethedrum>

UNDRIP is an eloquent call for the recognition of both individual human rights and Indigenous collective rights. Further, UNDRIP represents a comprehensive instrument detailing the rights of Indigenous peoples in international law and policy, establishing a universal standard for the survival, dignity, wellbeing and rights of Indigenous peoples.²⁵⁷ However, the Declaration goes beyond individual and collective rights, recognizing cultural rights and identity, as well as Indigenous peoples' rights to education, health, employment and language.²⁵⁸ While the UN Declaration on its own does not have the status of law, the aspirations

of a declaration can influence law and policy in sovereign states like Canada. John Burrows, a constitutional law and Indigenous Law expert, explains that a declaration is a “statement of intent or future action. This directs the parties’ work in a particular field, in this case in the field of human rights as it deals with Indigenous peoples.”²⁵⁹ With respect to its application in law and the courts, scholars of Indigenous rights and law have explained that a declaration is different than a treaty or a convention because it is not binding. However, a declaration can, through various ways, become interwoven with national laws.

257 United National Human Rights Office of the High Commissioner. (2024). “UN Declaration on the Rights of Indigenous Peoples.” *United Nations*: <https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples>

258 Ibid.

259 John Borrows, “Rights & Responsibilities: Implementing UNDRIP in B.C. and in Our Own Communities,” *The UN Declaration on the Rights of Indigenous Peoples in Canada: Lessons from B.C.* (Yellowhead Institute, December 2020): 9. Online at <https://yellowheadinstitute.org/wp-content/uploads/2020/12/yellowhead-institute-bc-undrip-report-12.20-compressed.pdf>.

What is UNDRIP?



Frustratingly, Canada was one of four countries who voted against the adoption of UNDRIP in 2007, spurring Indigenous communities and organizations across Canada to lobby the federal government to recognize the declaration.

In 2010, the Government of Canada endorsed that the UN Declaration was fully consistent with Canada's Constitution and laws, however the federal government had yet to introduce legislation to integrate the Declaration into Canadian law.²⁶⁰ Following the federal government's endorsement, NWAC

would continually to call on the federal government to instill UNDRIP into law. Notably, in 2014, NWAC would participate in an ad hoc coalition on UNDRIP where we would call on the federal, provincial, and territorial governments to affirm and uphold the rights of Indigenous peoples. Specifically, the ad hoc group called on the federal government to stop contradicting their 2010 endorsement of the Declaration and uphold provisions of UNDRIP that dealt with free, prior, and informed consent.²⁶¹

In 2016, the Government of Canada fully endorsed UNDRIP and began discussions with Indigenous groups to advance the recognition of Indigenous-rights and self-determination in Canada.²⁶² In April 2016, NDP Member of Parliament Romeo Saganash introduced Private Member's Bill C-262 in the House of Commons. Under Bill C-262, the Government of Canada would have been required to take all necessary measures to align Canadian law with UNDRIP.²⁶³ Over the next two years, NWAC participated in discussions on Bill C-262 culminating in former president Francyne Joe attending the Standing Committee on Indigenous and Northern Affairs.

In 2005, the average income of Aboriginal women was **27.7%** less than Aboriginal men.

“

The United Nations Declaration on the Rights of Indigenous Peoples does not create new laws or rights. It enhances the existing rights of Indigenous peoples and holds the Government of Canada accountable to ensuring respect to First Nations, Inuit, and Métis communities. It also emphasizes that Indigenous Peoples have the right to self-determination.”

— Francyne Joe,
Standing Committee on Indigenous and Northern Affairs,
April 24, 2018.²⁶⁴

- 260** Indian and Northern Affairs Canada. (2010). “Canada Endorses the United Nations Declaration on the Rights of Indigenous Peoples.” *Government of Canada*: <https://www.canada.ca/en/news/archive/2010/11/canada-endorses-united-nations-declaration-rights-indigenous-peoples.html>
- 261** Ad hoc coalition on the *UN Declaration on the Rights of Indigenous Peoples*. (September 24, 2014). “Canada uses World Conference to continue indefensible attack on the *UN Declaration on the Rights of Indigenous Peoples*.” NWAC: <https://nwac.ca/assets-knowledge-centre/14.09.24-Canada-Continues-Attack-on-UN-DRIP-Joint-Statement.pdf>
- 262** Department of Justice Canada. (2024). “The UN Declaration explained.” *Government of Canada*: <https://justice.gc.ca/eng/declaration/what-quoi.html>
- 263** LEGISinfo. (2019). “C-262, An Act to ensure that laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.” *Parliament of Canada*: <https://www.parl.ca/LegisInfo/en/bill/42-1/c-262?view=progress>
- 264** Canada. Parliament. House of Commons. Standing Committee on Indigenous and Northern Affairs. (2018). *Minutes Proceedings*. 42 Parliament, 1st Session, meeting no. 103. Retrieved from Parliament of Canada website: <https://www.ourcommons.ca/document-viewer/en/42-1/INAN/meeting-103/evidence>

FIGURE 44



Poster from NWAC's advocacy related to Bill C-262 and the full implementation of UNDRIP (March 20, 2019).

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

Moreover, in a blog post, NWAC recognized that Bill C-262 was an integral piece of proposed legislation that would have far reaching impacts on reconciliation efforts. NWAC would go on to underscore the “painful, adversarial and expensive” processes that lay ahead of implementing UNDRIP, underscoring how these were no excuse to recognizing justice and human rights.²⁶⁵ Unfortunately, the 2019 federal election interrupted progress on Bill C-262, with the Bill failing to achieve royal assent before the election.

In December 2020, the federal government introduced Bill C-15, *An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples (United Nations Declaration on Rights of Indigenous Peoples Act)*, in the House of Commons. Like its predecessor, Bill C-15 would require the Government of Canada to take necessary measures to align Canadian law with UNDRIP. However, this new piece of proposed legislation would include additional requirements for the federal government to prepare and implement an action plan to achieve the Declaration objectives.²⁶⁶ Once again, NWAC participated in discussions revolving around the implementation of UNDRIP, providing a much-needed voice for Indigenous women in all their diversity during consultations.

On June 21, 2021 - National Indigenous Peoples Day - the federal government's *United Nations Declaration on the Rights of Indigenous Peoples Act* came into force in Canada. This now meant that the federal government would have to begin consultation with Indigenous peoples to align Canadian laws with UNDRIP. Moreover, the federal govern-

ment was now required to create an action plan, which would outline how they would implement UNDRIP.

Implementation of the Declaration on any timeline will not be a straightforward process, and much of the burden will fall on the shoulders of Indigenous Peoples, who will need to examine more closely their own legal traditions and how their laws should be applied. As Madeleine Redfern said:

The implementation of UNDRIP will require spaces for Indigenous Peoples to express their frustrations and alienation and have governments sit back to learn and listen. It is an opportunity for the government to admit that they need to shift their thinking. But it also requires Indigenous Peoples to really step up because it is a process, not a magic wand. It requires us to be involved and think about what it means for us.²⁶⁷

NWAC would share a similar sentiment, recognizing the importance of the UNDRIP Act in moving towards reconciliation and the recognition of Indigenous Peoples in Canada. However,

²⁶⁵ Department of Justice Canada. (2021). “Bill C-15: An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples.” *Government of Canada*: <https://canada.justice.gc.ca/eng/trans/bm-mb/other-autre/c15/c15.html#:~:text=Summary,the%20objectives%20of%20the%20Declaration.>

²⁶⁶ Indigenous Heritage Circle. (2025). “Understanding - United National Declaration on the Rights of Indigenous Peoples.” *Indigenous Heritage Circle*: <https://indigenousheritage.ca/understanding/united-national-declaration-on-the-rights-of-indigenous-peoples/>

²⁶⁷ As quoted in: Indigenous Heritage Circle

NWAC emphasized the importance of leveraging a thorough gender-based analysis and establishing a feasible action plan in supporting the success of the UNDRIP Act.²⁶⁸

Following the assent of *United Nations Declaration on the Rights of Indigenous Peoples Act*, the federal government began consultation processes with Indigenous communities and organizations on the development of the UNDRIP Act Action Plan. In April 2022, NWAC received funding from the Department of Justice to fund our participation in the engagement process to develop the action plan.²⁶⁹ Over the next year, NWAC would engage with legal and academic experts, Elders and knowledge keeper, national Indigenous organizations, Indigenous youth, and Indigenous women in all their diversity to prepare our submission for the UNDRIP Act Action Plan.

In June 2023, the federal government released the *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028*. The Action Plan provides a roadmap of actions that Canada needs to take in partnership with Indigenous

FIGURE 45



(left to right) NWAC President Carol McBride with Minister of Justice and Attorney General of Canada David Lametti at a meeting to discuss NWAC's relationship with Justice Canada and the implementation of UNDRIP in Gatineau, QC (March 31, 2023).

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

peoples to implement UNDRIP. Within the action plan were 181 actions for the federal government to take over the coming years.²⁷⁰ Although NWAC played a role in the development of the UNDRIP Act Action Plan, we expressed our early disappointment in the plan as it failed to affirm the role of Indigenous women as leaders in reconciliation.²⁷¹ Despite NWAC's original reservations with the UNDRIP Act Action Plan, we continue to work with the Government of Canada to ensure the implementation of the action plan is reflective of the needs, perspectives and experiences of Indigenous in all their diversity across Canada.

The implementation of UNDRIP in Canada will be pivotal in advancing the rights of Indigenous people in Canada - which is why NWAC strives to be at decision-making tables related to UNDRIP to ensure the distinct perspectives and experiences of Indigenous in all their diversity are reflected in its implementation.

- 268** Native Women's Association of Canada. (2021). "The UNDRIP Act and Action Plan." *Shining the Spotlight*: <https://shiningthespotlight.nwac.ca/issue04/article-03.html>
- 269** NWAC. (2023). *Final Report: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Act Implementation*. NWAC: <https://nwac.ca/assets-knowledge-centre/NWAC-UNDRIP-Final-Report-English.pdf>
- 270** Department of Justice Canada. (2023). *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028: The Action Plan*. Government of Canada: <https://www.justice.gc.ca/eng/declaration/ap-pa/index.html>
- 271** NWAC. (2023). "NWAC: Canada's UNDRIP Action Plan ignores the vital role of Indigenous people in regaining their own power and place." NWAC: <https://nwac.ca/media/nwac-canadas-undrip-action-plan-ignores-the-vital-role-of-indigenous-people-in-regaining-their-own-power-and-place>

INTERNATIONAL ENGAGEMENT

The Native Women's Association of Canada has long been committed to advocating for the rights of Indigenous women in all their diversity across Canada. Over the last decade, NWAC has emerged as a force on the global stage in its advocacy for the rights of Indigenous women in Canada in international fora. NWAC's international advocacy goes beyond attending the UN Permanent Forum on Indigenous

issues - extending into its critical work on climate change, violence against women, education, economic justice, and health. In its global work, NWAC has highlighted and advocated for overcoming specific challenges faced by Indigenous women in Canada. By taking part in international engagements, NWAC can contribute to the creation of powerful human rights instruments and international agreements on evolving issues.

In 2018, NWAC began expanding their presence on the international stage through ongoing diplomatic exchange and international engagement. It was at this time that NWAC sought to build stronger international relations with countries that have Indigenous populations to help promote cultural and educational exchanges on issues impacting Indigenous women around the world. As such, NWAC would increase its participation at United Nations intergovernmental bodies, such as the United Nations Permanent Forum on Indigenous Issues. Throughout 2018, NWAC sent delegations to international events such as the 62nd Session of the United Nations Commission on the Status

of Women, where our delegation would bring attention to the issues faced by Indigenous women in Canada.

“When we bring people from many nations together, we discuss the issues plaguing Indigenous women in hopes of finding solutions. Unfortunately, the issues that affect Indigenous women in Canada are also prevalent in other Nations. The magnitude of bringing leaders from several countries together at the UN is indicative of the profound nature of these concerns.”

— Francyne Joe,
former President of NWAC²⁷²

NWAC also made considerable progress in working with Indigenous organizations across the Americas in 2018, going on several missions to South America to speak on the experiences of Indigenous women and girls in Canada and learn about the overlapping issues faced by Indigenous women across the Americas. Over the course of the year, NWAC would send delegations to Bolivia, Brazil, and Peru. This culminated in NWAC's inaugural appearance at the Summit

FIGURE 46



NWAC President Francyne Joe (centre) attending a UN Summit in 2018

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 47



Meeting of the UN Expert Mechanism on the Rights of Indigenous Peoples in Geneva (July 18, 2019).

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 48



NWAC's poster announcing the International Summit of the Americas on Violence Against Indigenous Women.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

of the Americas in April 2018. In addition to our international travel, NWAC also hosted the Special Rapporteur on Violence Against Women on two occasions. NWAC used these opportunities to discuss the many challenges faced by Indigenous women and girls in Canada.

In 2019 and 2020, NWAC continued to develop our international portfolio attending several in-person advocacy activities, while also preparing written submissions to different UN thematic studies. Most notably was our attendance at the UN Commission on the Status of Women 64th Session and the 25th UN Climate Change Conference (COP25). For the first time, NWAC would expand its domestic work on the environment internationally, where we would discuss the importance of including Indigenous women's voices when addressing climate change.

“NWAC's presence at COP25 is crucial. We have been, and continue to be, very engaged in climate action at both the domestic and international levels, as well as advancing gender balance and ensuring the voices of Indige-

nous women are heard in international discussions on climate change.”

— Lorraine Whitman,
former President of NWAC

272 NWAC. (2018). “NWAC Participates in Status of Women Conference at United Nations in New York City.” NWAC: <https://nwac.ca/assets-knowledge-centre/NWAC-PARTICIPATES-IN-STATUS-OF-WOMEN-CONFERENCE-AT-UNITED-NATIONS-IN-NEW-YORK.pdf>

Over the same period, NWAC would organize numerous meetings between former President Lorraine Whitman and key international actors. Over the course of 2019 and 2020, NWAC would meet with:

- United Nations Special Rapporteur on the Rights of Indigenous Peoples
- United Nations Special Rapporteur on Contemporary Forms of Racism

FIGURE 49



NWAC delegates (left to right) Elder Constance Sewell, Angelina Perea, Amy Sock, and Dawn McDonald attending the 68th session of the UN Commission on the Status of Women in New York (March 12, 2024).

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 50



President Carol McBride (left) and Special Rapporteur on Indigenous Rights and Contemporary Forms of Slavery Tomoyo Obokata at their meeting in Gatineau, QC (August 25, 2023).

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 51



(left to right) NWAC National Youth Representative, Angelina Perea, NWAC First VP, Gena Edwards, AFN National Chief Cindy Woodhouse, and NWAC Board Member Cheryl Alexander at the 23rd session of the United Nations Permanent Forum for Indigenous Issues in New York (April 15-18, 2024).

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

→ United Nations Working Group
on Arbitrary Detention

In 2021, NWAC brought visionaries and thought leaders from across the Americas to engage in an international discussion on the crisis of Missing and Murdered Indigenous women in all their diversity. That March, NWAC hosted the International Summit of the Americas on Violence Against Indigenous Women. The goal of the international discussion was three-fold:

1. Address the violent impacts of the COVID-19 pandemic on Indigenous women, girls, and gender-diverse people, including on their physical and mental well-being.
2. Examine the intersectionality of violence and explore best practices to address the violence; and
3. Highlight the crucial importance of traditional healing and resiliency.

NWAC's Summit of the Americas was a great success - with nearly 1,000 participants registered to participate in the event.

Between 2022 and 2024, and following the COVID-19 pandemic, NWAC would once again ramp up

NWAC emphasized the importance of
leveraging a thorough gender-based analysis
and establishing a feasible action plan in
supporting the success of the UNDRIP Act.

its international advocacy efforts. During this time, NWAC attended the 22nd session of the UN Permanent Forum on Indigenous Issues, the 49th Annual General Assembly of the Organization of American States, international climate change conferences (COP28 and COP15), and a meeting with the Special Rapporteur on Indigenous Rights and Contemporary Forms of Slavery.

At the same time, NWAC also prepared a report for Canada's 4th Universal Periodic Review - monitoring Canada's domestic and international commitments and providing feedback to the United Nations.



Indigenous Knowledge and Culture

“

Traditional knowledge is specific to place, usually transmitted orally, and rooted in the experience of multiple generations. It is determined by an Aboriginal community's land, environment, region, culture and language. Traditional knowledge is usually described by Aboriginal peoples as holistic, involving body, mind, feelings and spirit.²⁷³

– Traditional Aboriginal Knowledge (ATK), as described by the Canadian Institute of Health Research and the Natural Sciences and Humanities Research Council of Canada.

NWAC's mandate refers to supporting the “socio-economic, political and cultural well-being of Indigenous women in Canada.²⁷⁴” Cultural well-being involves the nurturing of the traditional knowledge, languages, and practices.

Racism, heritage, language, voluntary and involuntary segregation, all serve to create cultural groups within the larger context of Canadian society. The knowl-

edge, languages and practices of cultural groups are subject to erosion through integration and assimilation. While the end points of integration and assimilation are similar, it is important to distinguish between the two. Integration takes place when “the lines separating cultures are frequently blurred, allowing for integrations that can account for national identity.”²⁷⁵ Assimilation, on the other hand, “results in the virtual disappearance of minority cultures, through what is commonly an aggressive political effort by the state”.²⁷⁶ In Canada, the culture of Indigenous women has undeniably been strategically attacked by the state.

Because of this, NWAC has undertaken a great many projects to uphold Indigenous cultures - including organizing workshops, roundtables, surveys, and gatherings for 50 years to fight for the preservation of Indigenous cultures through craft, memory, and education.

One such example of this is evidenced in NWAC's ongoing work in uplifting the inclusion of Indigenous women's knowledge and perspectives in relation to the environment. In 2014, NWAC





FIGURE 52

Sculpture of Mother Earth, by Algonquin sculptor Jeremy Dumont, in NWAC's headquarters. The sculpture is a tribute to the roles Indigenous women hold as healers, water carriers and life-givers.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

- 273** Native Women's Association of Canada. (2014). "Aboriginal Women and Aboriginal Traditional Knowledge (ATK): Input and Insight on Aboriginal Traditional Knowledge". Ohsweken, Ontario, page 4
- 274** Robinson, Amanda. (2017). "Native Women's Association of Canada". The Canadian Encyclopedia, Historica Canada.
- 275** Faith, Karlene, Mary Gottfriedson, Cherry Joe, Wendy Leonard, Sharon McIver. (Fall 1990) "Native Women in Canada: A Quest for Justice." Vol. 17, No. 3 (41), *Feminism and the Social Control of Gender*, pp. 167-188.
- 276** Ibid.

FIGURE 53



Photo from a 2023 beading workshop NWAC hosted at their Resiliency Lodge in Chelsea, Quebec.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

published a study and guiding document for the federal government centering Indigenous women's Aboriginal Traditional Knowledge (ATK) within the context of the Canadian state's environmental actions. NWAC has stressed that Indigenous women in particular are the keepers of this knowledge and has called for consistent collaboration between Environment Canada and Indigenous people, whose "close relationships and dependence on the land comes from their understanding that their life and livelihood is dependent upon the nurturing and caring of the land and the environment".²⁷⁷

Another example of this is through NWAC's work to diligently to preserve and revitalize Indigenous languages. In 2018, NWAC studied Indigenous language prevalence in Canada, and reported some significant findings:²⁷⁸

- Languages are not just means of communicating; they are "an intricate system of knowledge."
- There are at least 60 Indigenous languages; only 3 are expected to survive the 100 years.
- A mere 5% of First Nations children are learning an Indige-

nous language as part of their schooling.

- Funding is the largest barrier facing language revitalization programs.

In 2019, NWAC submitted a brief to the Senate of Canada regarding Bill C-91, *An Act Respecting Indigenous Languages*, wherein the importance of considering Indigenous women's unique role as "core teachers to pass Indigenous languages on to future generations" is stressed and recommendations for involving Indigenous women in the outcomes of this act are made.²⁷⁹

In more recent years, NWAC has delivered several projects to engage individuals in Indigenous cultures and languages. In a project focused on Indigenous languages, NWAC created language cards to assist in the learning of Michif and Inuktitut, hosted workshops, and posted online videos as part of their language project.²⁸⁰ Workshops that highlight Indigenous languages and cultures continue at NWAC today with the goal of increasing accessibility to traditional knowledge and practices.

The importance of considering Indigenous women's unique role as "core teachers to pass Indigenous languages on to future generations".

²⁷⁷ Ibid.

²⁷⁸ Native Women's Association of Canada. "Policy - Languages". <https://nwac.ca/policy/languages>

²⁷⁹ Native Women's Association of Canada. (2019). "Bill C-91, An Act Respecting Indigenous Languages: Brief to the Senate of Canada". https://senCanada.ca/content/sen/committee/421/APPA/Briefs/NativeWomensAssocofCanada_e.pdf

²⁸⁰ Native Women's Association of Canada. (October 18, 2022). "Preserving, Promoting, and Developing Indigenous Culture and Languages". *Shining the Spotlight*, Issue 12. <https://nwac.ca/journal/preserving-promoting-and-developing-indigenous-culture-and-languages>

- 281** Native Women's Association of Canada. (1983). *The Voice of Native Women*, Vol 1, No. 8.
- 282** Native Women's Association of Canada. (1983). *The Voice of Native Women*, Vol 1, No. 7.
- 283** Native Women's Association of Canada. (1996). "Aboriginal Women & Substance Abuse Needs Consultation". Native Women's Association of Canada, p. 3.
- 284** Totten, Mark, NWAC. (2010). "Investigating the Linkages Between FASD, Gangs, Sexual Exploitation and Women Abuse in the Canadian Aboriginal Population: A Preliminary Study," First Peoples Child and Family Review, vol. 5 no.2, p. 9-22.
- 285** Native Women's Association of Canada. (1996). "A Directory of Mental Health Programs & Services". Native Women's
- 286** Ibid, p. 8

In its early years, NWAC completed significant work on health-related topics related to substance use. In 1980, NWAC joined National Native Alcohol and Drug Abuse Program [NNAAP] task force led by Health and Welfare Canada. In June 1983, NWAC hosted "A Conference on Alcohol and Drug Abuse in Toronto to support the work of the NNAAP."²⁸¹ The conference provided a forum on issues of alcohol and substance abuse, with a particular focus on Indigenous women, their families and their communities.²⁸²

Work related to substance use continued in 1996 when NWAC published their report titled "*Aboriginal Women and Substance Abuse Needs Consultation*"

“Sobriety doesn't mean an end to other problems, like abuse. We have to counsel on the problems

- not just the symptoms - which drugs and alcohol largely are.”²⁸³

– Participant in NWAC's 1996 "Aboriginal Women and Substance Abuse Needs Consultation

Substance abuse has generational health outcomes, including the increased likelihood of children being born with Fetal Alcohol Spectrum Disorder (FASD). In 2010, NWAC (with Mark Totten) investigated the link between gang involvement, sexual exploitation, and FASD, suggesting that the trauma and sexual violence perpetrated by gangs against Indigenous women promotes the use of substances through pregnancy, as do the lasting intergenerational effects of colonial trauma.²⁸⁴

Substance abuse is often the symptom of poor mental health. It has been proven that Indigenous people experience worse

mental health outcomes than other Canadians. Between 1986 and 1990, the suicide rate for Indigenous youth was five times higher than that of non-Indigenous youth.²⁸⁵ NWAC responded to this reality by creating a resource specifically for Indigenous youth and children struggling with their mental health *A Directory of Mental Health Programs & Services*, in 1996.

“Poor mental health among Aboriginal peoples...is the result of any basic unmet human need, alienations of all kinds, oppressions of all kinds, alienation from job opportunities, from education opportunities, and with basic unmet human needs, pathologies arise, and that's where I think some of our mental health problems arise”²⁸⁶

– Madeleine Dion-Stout, *A Directory of Mental Health Programs & Services*, 1996

FIGURE 54



NWAC's poster for its conference concerning alcohol and drug consumption with a focus on the concerns of Indigenous women, their families and their communities, June 7-10, 1983.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

The “basic unmet human needs” which result in poor mental and physical health outcomes are the socioeconomic realities facing many Indigenous women, the result of systemic injustice born from colonialism. An NWAC Background Paper on Aboriginal Women's Health Canada - Aboriginal People's Roundtable (2004) reinforces this notion, explaining that high instances of substance use are “related to factors including lack of access to appropriate, women-centred treatment services, the impact of violence against Aboriginal women and lack of access to childcare services. Over-medicalization and over-prescription of anti-depressants to Aboriginal women are also health concerns.”²⁸⁷

NWAC's advocacy and research in topics related to health and well-

ness continued to expand in the 2000's. In 2006, NWAC began participating in Public Health Agency Canada's (PHAC) Canadian Reference Group (CRG), which was intended to inform Canada's contributions to the World Health Organization's (WHO) Commission on the Social Determinants of Health (CSDH). In 2007, NWAC prepared a submission to WHO on the social determinants of health in relation to Indigenous women - a component of their participant in the CRG's Aboriginal Working Group - which highlighted key social determinants of health, including gender, violence against Indigenous women and income.²⁸⁸ In the years following, NWAC was engaged in several health-related projects on topics including diabetes, mental health, suicide prevention, and child and maternal health.

²⁸⁷ Native Women's Association of Canada. (2004). “NWAC Background Paper Aboriginal Women's Health Canada - Aboriginal Peoples Roundtable Health Sectoral Session”. Native Women's Association of Canada, p. 3.

²⁸⁸ Native Women's Association of Canada. (2007). “Social Determinants of Health and Canada's Aboriginal Women: NWAC's Submission to the World Health Organization's Commission on the Social Determinants of Health”.

In 2010, NWAC hosted the Miyo Machihowin National Aboriginal Health Careers Conference and Trade Show in Edmonton, Alberta with the goal of creating “an opportunity to help youth achieve their dream in the field of health care”.²⁸⁹ The event was a success - with over 160 people in attendance, 135 of which were Indigenous youth. As one youth participant stated, “Conferences like Miyo Machihowin are so instrumental in empowering and motivating youth but most important events like these allow you to celebrate your culture as an Aboriginal person. Nobody has to check your culture at the door, we are all there to embrace and celebrate our diverse identities as Aboriginal people”.²⁹⁰

Despite the success of their initiatives, NWAC lost all its federal health funding in 2012. President of NWAC, Jeannette Corbiere Lavell, stated:

“NWAC is calling on the public to demand that the Federal Government of Canada re-think its choices and give Canadians the information they need to understand the impacts of this budget and re-think this devastating

decision. Today’s cuts to Aboriginal health and well-being will be tomorrow’s burden.”

— Jeannette Corbiere Lavell²⁹¹

While this may have temporarily slowed some of NWAC’s work on health, it did not stop it. NWAC’s work on health continued to grow with a significant new partnership emerging over the next decade. In 2014, NWAC partnered with the Canadian Institute of Health Research on the Pathways

PEKE (Partners for Engagement and Knowledge) initiative, which sought to promote health equity among First Nations, Inuit and Métis communities. In particular, the Pathway PEKE initiative focused on four priority areas: suicide prevention, tuberculosis, diabetes/obesity, and oral health. Over the next four years, NWAC would take on three key objectives under the PEKE initiative:

- Promoting gender equality in health and empowering Aboriginal women to participate in health research process.
- Linking and facilitating interactions between researchers and Aboriginal communities, policy makers and partners.
- Facilitating the scale-up of interventions across communities and translating the findings into policies and improved health.²⁹²

The PEKE initiative was supported by the NWAC PEKE Advisory Committee which was composed of Indigenous health professionals, Elders, youth, and community members. The advisory committee played a substantial role in providing advice and guidance on all NWAC PEKE

²⁸⁹ Native Women’s Association of Canada. (March 2, 2010). “Final Countdown for Miyo Machihowin Conference and Trade Show.” Press Release.

²⁹⁰ Native Women’s Association of Canada. (2010). “Miyo Machihowin 2010 National Aboriginal Health Careers Conference & Tradeshow: A Report on Outcomes”. Native Women’s Association of Canada.

²⁹¹ Native Women’s Association of Canada. (April 13, 2012). “Native Women’s Association of Canada loses 100% of its federal health funding”. Press Release.

²⁹² NWAC. (n.d.). *NWAC Pathways PEKE - Brochure*. Ottawa, Ontario: <https://nwac.ca/assets-knowledge-centre/NWAC-Pathways-PEKE-Brochure-FINAL.pdf>

FIGURE 55



Old logo of the NWAC Health Unit.

SOURCE: NATIVE WOMEN’S ASSOCIATION OF CANADA, 2008.

While this may have temporarily slowed some of NWAC's work on health, it did not stop it.

activities. As part of this project, NWAC developed several health promotion tools for Indigenous women across Canada.

Following the Pathways PEKE project, NWAC continued our health research and engagement. Through funding from the First Nations and Inuit Health Branch of Indigenous Services Canada, NWAC was able to explore the sexual and reproductive health needs of Indigenous women. Through this engagement, our

community members highlighted several gaps in sexual health education and the need to empower Indigenous women on their rights within the health care system.²⁹³ This resulted in the development of NWAC's *Know Your Rights* toolkits and campaign, which provided Indigenous women with information on informed consent, patient rights, birth control options, informed choice, and how to file a complaint to their health care provider.²⁹⁴

More recently, NWAC has continued our critical health research and advocacy through the RED Path project:

- Re-forging connections
- Empowering Indigenous women to heal
- Driving change for a healthy future.

This five-year project, funded by the Public Health Agency of Canada, aimed to connect with and empower federally incarcerated Indigenous women.²⁹⁵ More specifically, RED Path aimed to help federally incarcerated Indigenous women make informed decisions about their sexual and reproductive health. By improving

knowledge of sexually transmitted and blood-borne infections in an Indigenous-led and strengths-based way, NWAC is actively empowering Indigenous women to prevent infection, while also fighting stigma and promoting a connection to culture.

In 2023, NWAC began the second phase of the RED Path project. During the second phase, NWAC is focusing on developing trauma-informed, evidence-based, culturally competent training for employees of federal correctional institutions. Throughout the RED Paths second phase, NWAC has offered several collaborative workshops on: Indigenous histories and healthy relationships, HIV and HCV, STBBI prevention and harm re-education, and Traditional healing and supports.²⁹⁶ Over the course of Phase 2, the RED Path team also conducted a series of in-person visits to federally regulated correctional facilities, where they heard about the stories, experiences, and perspectives of federally incarcerated Indigenous women.

293 NWAC. (n.d.). "Know Your Rights." NWAC's Culturally Safe and Trauma-Informed Knowledge Hub: <https://stbbi.nwac.ca/know-your-rights/>

294 NWAC. (2020). "Knowing Your Rights Toolkit: Sexual and Reproductive Health." NWAC: <https://stbbi.nwac.ca/wp-content/uploads/2021/02/Knowing-Your-Rights-Toolkit.pdf>

295 NWAC. (n.d.). "Walking the Red Path for Incarcerated Indigenous Women." *Shining the Spotlight*: <https://shiningthespotlight.nwac.ca/issue01/article-07.html>

296 NWAC. (2023). "Walking the RED Path Project: Re-forging Connections, Empowering Indigenous Women, and Driving Change." *Shining the Spotlight*: <https://nwac.ca/journal/walking-the-red-path-project-re-forging-connections-empowering-indigenous-women-and-driving-change>

CHAPTER

7

Our Future

Moving Forward by Honouring the Past

While 50 years have passed since NWAC was established, many of the key issues that NWAC's original vision and mission sought to address continue today. In fact, many of the actions, stories, reflections and narratives told throughout this book do not reflect a firm resolution to the issues NWAC has advocated on. Rather, they represent an ongoing struggle for equality, inclusion and safety. It is for this reason NWAC's future must be understood within the context of the past - as much of our future work is an extension of our original mission and the advocacy that took place in our first 50 years.

ADVOCATING FOR EQUAL REPRESENTATION AND INCLUSION

From advocating to end discriminatory provisions in the *Indian Act* to ensuring the inclusion in decision-making processes through the Charlottetown Accord, NWAC has long been advocating for the equal representation and inclusion of Indigenous women, in all their diversity, in their communities and in decision-making spaces. Not only is our work not done, but it also seems it will only

become more significant as we move forward.

With the beginning of the implementation of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) in Canada, NWAC's advocacy for representation and inclusion will be more important than ever. If implemented as intended,

UNDRIP in Canada will bring large systemic changes that will redefine Canada's relationship with Indigenous People. NWAC's advocacy and inclusion on the implementation of UNDRIP will be critical in ensuring the voices, experiences and perspectives of Indigenous women in all their diversity are heard and accounted for.

FIGURE 56



President Carol McBride (right) with Premier of Quebec François Legault at the meeting of National Indigenous Organization Leaders and Premiers on July 10, 2023.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

PROMOTING SOCIAL AND ECONOMIC INCLUSION

Supporting Indigenous women in all their diversity reclaim their rightful place in society is tied to equal social and economic participation. As evidenced in NWAC's past, there has been a strong focus on initiatives that relate to social and economic inclusion - especially in relation to issues such as employment, entrepreneurship, education, and housing. NWAC's work to promote the social and economic inclusion of Indigenous women in all their diversity will continue into our future through ongoing programs (ie. ISETS, #BeTheDrum), research and resources on issues such as housing and education, and federal-level advocacy.

ENDING ONGOING VIOLENCE

Violence, especially in the context of colonialism, takes shape in many forms. Narratives throughout this book have outlined some of the ways violence and genocide permeate through systems (ie. healthcare, justice, child welfare, education), through policy and legislation (ie. discriminatory provisions in the *Indian Act*) and through exclusion

(ie. the Charlottetown Accord). This violence, while sometimes concealed from public view, can manifest into larger, more pervasive crises - exemplified through the ongoing genocide of MMIWG2S+ and the overrepresentation of Indigenous women in federal correctional facilities. Moving forward, NWAC will continue our work to end ongoing violence through advocacy informed by the Truth and Reconciliation Commission's Calls to Action, the MMIWG2S+ National Inquiry's Calls for Justice, the UNDA Action Plan, and regional PTMA frameworks. NWAC has been fighting this violence for 50 years and will continue to uphold the rights and ensure the safety of Indigenous women in all their diversity.

FIGURE 57

A photo of Kejeyàdizidjigwogaming (Knowledge Keeper's Place) - a space at NWAC's headquarters for people to access resources and learn more about issues that impact Indigenous women in all their diversity through artwork and imagery, with a specific focus on honouring and commemorating MMIWG2S+.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.





FIGURE 58

Candice Anderson performing a jingle dance at NWAC's 50th AGA.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

NWAC's 50th Annual General Assembly

On September 20th and 21st, 2024, NWAC hosted our 50th Annual General Assembly (AGA) at our National Headquarters in Gatineau, Quebec. The AGA was attended by members of NWAC's Provincial-Territorial Member Associations (PTMAs), including:

- British Columbia Native Women's Association
- Indigenous Women's Association of the Wabanaki Territories
- Institute for the Advancement of Aboriginal Women Alberta
- Keepers of the Circle
- Manitoba Moon Voices Inc.
- The Native Women's Association of the Northwest Territories
- Nova Scotia Native Women's Association
- Nunavut Inuit Women's Association
- Femmes autochtones du Québec/Quebec Native Women's Association
- Yukon Aboriginal Women's Council

FIGURE 59



An NWAC 50th Anniversary button on a table at NWAC's 50th AGA.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

Coming at a time of significant organizational change, the AGA was an opportunity for NWAC and PTMAs to gather together, reflect on NWAC's past, and begin defining NWAC's future. In interviews at the AGA, we heard several times of the hope individuals have for the organization and the desire to get back to the work that matters - advocating for the rights of Indigenous women in all their diversity.

FIGURE 60



Delegates taking a selfie with former NWAC President, Francyne Joe (right) at NWAC's 50th AGA.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

In her final days as President, President Carol McBride echoed this sentiment in an interview at the 50th AGA, stating:

“
NWAC represents to me the beginning of a new world. We did some hard work in the last little while, and we're back on track with what we're supposed to be doing - advocacy for people... We need to stay strong. We need to stay together and work as a team. And I can see where NWAC is going to help empower our

women. I can see where NWAC is going to make sure that our women are safe and our family our children are safe. With all the good work that we do and having us well known across this country and what our needs are, I have no doubt that by working together that a lot of these things will be accomplished in the next while.”

FIGURE 61



President Carol McBride being interviewed at NWAC's 50th AGA.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA.

Not only is our work not done, but it also seems it will only become more significant as we move forward.

Gallery

PRESIDENTS LIST

NAME	EARLIEST YEAR	YEARS	COMMUNITY
Bertha Clarke-Jones	1974	1974 - 1975	Cree Métis from Bonnyville, AB
Margaret Thomson	1975	1975-1977	Cree from Ross River, Yukon
Bertha Allen	1977	1977-1979	Vuntut Gwitchin First Nation, YK.
Donna Phillips, (Possible President)	1979	1979-1980	Oneida from an unknown community
Marlene Pierre-Aggamaway	1980	1980-1981	Fort William First Nation, ON
Jane Gottfriedson	1981	Sept 1981- 1983	Either Upper or Lower Similkameen, Keremeos, B.C.
Jean Gleason	1983	1983-1986	Kaska Nation, YK.
Marlyn Kane	1985	1985 - 1986	Kanien' Kehaka Nation, Kahnawake, QC
Donna Weaselchild	1987	1987	Siksika Nation, AB.
Jean Gleason	1987	1987 (assumed the presidency from Donna Weaselchild)	Kaska Nation, YK
Gail Stacey-Moore	1990	1990-1993	Mohawk of Kahnawake, QC
Janis Walker	1993	1993-1996	Glooscap First Nation, NS.

NAME	EARLIEST YEAR	YEARS	COMMUNITY
Marilyn Buffalo	1997	1997-2000	Samson Cree Nation, AB.
Darliea Dorey	2000	2000-2001 or 2002	Mi'kmaq from the New Germany Grant Reserve, N.S.
Terri Brown	2002	2002-2004	Tahltan First Nation, BC
Beverly Jacobs	2004	2004-2009	Mohawk Nation of the Haudenosaunee (Iroquois) Confederacy, Bear Clan.
Jeannette Corbiere Lavell	2009	2009-2012	Wiikemkoong Unceded Territory, ON.
Michèle Audette	2012	2012-2015	Uashat mak Mani-Utenam, QC
Dawn Lavell-Harvard	2015	2015-2016	Wikwemikong First Nation, ON.
Francyne Joe	2016	2016-2019	Lower Nicola Indian Band Reserve, B.C.
Gail Paul (interim president)	2019	2019	Woodstock First Nation, NB.
Lorraine Whitman	2019	2019-2022	Glooscap First Nation, NS.
Carol McBride	2022	2022-2024	Timiskaming First Nations in QC.
Josie Nepinak	2024	2024-Present	From Treaty 4 territory, with roots in Minegoziibe Anishinabe

PEOPLE & MEETINGS

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e001096685

FIGURE 62

The Indians of Canada Pavillion at Expo 67 in Montreal, Quebec, 1967.

SOURCE: LIBRARY ARCHIVES CANADA, E001096685, RG71-2296-1.

FIGURE 63

Image from the Indian Women's Rights March in 1979.

SOURCE: LIBRARY ARCHIVES CANADA.

63



e011218136

64

**FIGURE 64**

Past presidents of NWAC were awarded gifts to recognize their outstanding contributions to the Native women's movement. From left to right: Marlene Pierre Aggamaway, Bertha Clark Jones, Edith McLeod, Margaret Thomson, Donna Phillips.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA NEWSLETTER, VOL 1., NO. 2, OCTOBER 1981.

65



FIGURE 65

NWAC President Jane Gottfriedson addressing the First Minister's Conference on political and social divisions created by the Indian Act.

SOURCE: NATIVE WOMEN'S ASSOCIATION OF CANADA NEWSLETTER, VOL 1., NO. 8, SPRING 1983.

66

REGAINING INDIAN STATUS: A DECADE OF STRUGGLE

1971 In June, Jeannette Corbiere-Lavell, an Ojibwa woman from Manitowish Island who had married a white man, loses her court battle to have her status as an Indian reinstated. In October, however, Mrs. Lavell successfully appeals her case in federal court. The court rules that an Indian woman cannot be deprived of her rights as an Indian...



Jeannette Lavell, an Ojibwa woman, first tests the Indian Act in 1971 — simply because she marries a white man.

1972 Groups representing 323,000 treaty Indians plan to join the federal government at the Supreme Court in April to defend the validity of the Indian Act. Harold Cardinal, leader of the Indian Association of Alberta, says that when the federal court decision of 1971 is overturned, "it could destroy any chance of our survival in this country as a distinct cultural unit."

1973 An 83-page study delivered to April by the Federal Advisory Council on the Status of Women says that Indian women have become poorer in a political battle between the federal government and the all-Canada National Indian Brotherhood executive. In June, shortly after Sandra Lovelace's appeal to the United Nations Committee on Human Rights (two story), Indian Affairs Minister Hugh Faulkner says he will ask Parliament to eliminate discrimination against women from the Indian Act.

In November, a working paper on reform of the Indian Act argues that women who marry non-Indians should not lose their Indian status.



1978 In Ottawa there are signs that the federal attitude is swinging against the Indian Act. In May Margaret Thomson, president of the Native Women's Association of Canada, tells a Commons standing committee on Indian affairs that "Indian legislation that prohibits an Indian woman from retaining her status..."

1979 The National Committee on Indian Status for Indian Women, established in Ottawa, defines "Indian women" to mean any woman of North American Indian ancestry, regardless of marriage, as defined in the United Nations World Conference for International Women's Year. Mary Two-Axe Early — a Cree-Indian woman from the Capreol area near Montreal who had lost her status by marrying a white man — publishes her situation.

1979 Joe Clark, now prime minister, tells a group of 100 Indian women from Quebec that "the Indian Act is a disgrace" and will be amended. In October, the Conservative government in all areas of the country and John Diefenbaker calls the ruling "unjust" and "retrograde," saying that women in Canada are now second-class citizens. Trudeau defends the Supreme Court ruling, saying that its intention "would be telling the Indians how to run their affairs."



Mary Two-Axe Early from Hugh Faulkner promises equality to Indian status upon marriage to a non-Indian should be abolished. And Justice Minister Ben Barkham warns Indian leaders that the federal government will not tolerate "too long" discrimination against Indian women.

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Jeannette Corbiere-Lavell and Sandra Lovelace before the Supreme Court in 1971.



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Joe Epp, Conservative Indian Affairs minister, promises change 'next year'.

67

NWAC blasts government

By Paul Barnsley
Windsor Star Writer

OTTAWA

When the Indian Affairs department marked the first anniversary of the launch of Gathering Strength, on Jan. 7, the Liberal government issued a 12-page press release reporting progress.

"Over the past year, our priority has been to build the foundation for lasting change," Indian Affairs Minister Jane Stewart said.

Aboriginal leaders, especially national leaders in Ottawa, are worried that some of this "lasting change" won't actually be for the better.

Marilyn Buffalo, president of the Native Women's Association of Canada, says a lot of the programs the government points to so proudly are mostly about fulfilling its own agenda.

"There's been an accord with the Métis National Council, with the Congress of Aboriginal People and the Assembly of First Nations," Buffalo said.

"We have not received any new money. The Native Women's Association has not been acknowledged, nor are they recognized or given any funding. Is that punishment for refusing to accept the apology? I think so."

I've made every effort over the last year-and-a-half to put proposals to Canada but they haven't been forthcoming."

NWAC refused to accept the government's apology for sexual and physical abuse at residential schools "on behalf of those who could not speak for themselves." Many former students have supported the stand the association took at that time and have been critical of AFN Grand Chief Phil Fontaine for accepting the apology on their behalf.

Not only is the government playing hardball with the national women's organization but increasing funding or programming, Buffalo said, but Human Resources Development Canada has taken a "very significant" program away from the organization.

An employment and training program exclusively for off-reserve women was administered in all areas of the country and Buffalo says the women will soon have to look elsewhere for that help. Off-reserve groups in various parts of the country are struggling to get their share of employment and training funding.

Groups in Manitoba and Ontario have taken the government to court during the last year to force changes in the way the programs are funded.

(see Women page 2)

Women's organization frozen out

Aboriginal people. "All they're doing is maintaining status quo to appease the minister of finance. There's no real spending increase here," she said. "It's just borrowing from Peter to pay Paul. While Canada is out begging at the international level, the Aboriginal people who hold title to this territory, particularly Native women and children, are forced to line up at the food banks."

Buffalo slammed Ottawa's self-government negotiation process.

"The federal government continues to apply its extinguishment policy and forcing First Nations to 'borrow money,'" she said. "They're in shock before they even settle their land claim and part of that is the extinguishment of land inalienability status. That's not acceptable. If you own title to territory why should you have to go in to knock the government before you even start negotiating?"

Women's associations in all regions of the country are furious with the government for failing to make changes to Bill C-49, The Land Management Act, which is due to become law early this year. Buffalo believes this bill is just another way the

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en's matrimonial assets on a reserve in the event of a marriage breakdown, have not been addressed by law-makers as the bill goes through the House of Commons.

"The 14 First Nations that are involved in this process have to negotiate a land code with Indian Affairs. They have one year to do this. The problem I see is there's not going to be any uniformity. There's not going to be any national standards set," she said. "It's the same thing they gave the First Nations two years to come up with membership codes. They dumped the responsibility basically on the First Nations and there was no enforceability, no means to enforce the bill."

An invitation was extended to the AFN to comment on the anniversary of Gathering Strength but the AFN did not respond. The Inuit Tribunal of Canada and the Congress of Aboriginal People also chose not to respond.

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FIGURE 66

Article reflecting on a decade of advocacy related to the Indian Act. The feature includes key individuals in NWAC's history, including Jeannette Corbiere-Lavell, Mary Two-Axe Early and Sandra Lovelace.

SOURCE: THE WINDSOR STAR, NOVEMBER 28, 1980.

FIGURE 67

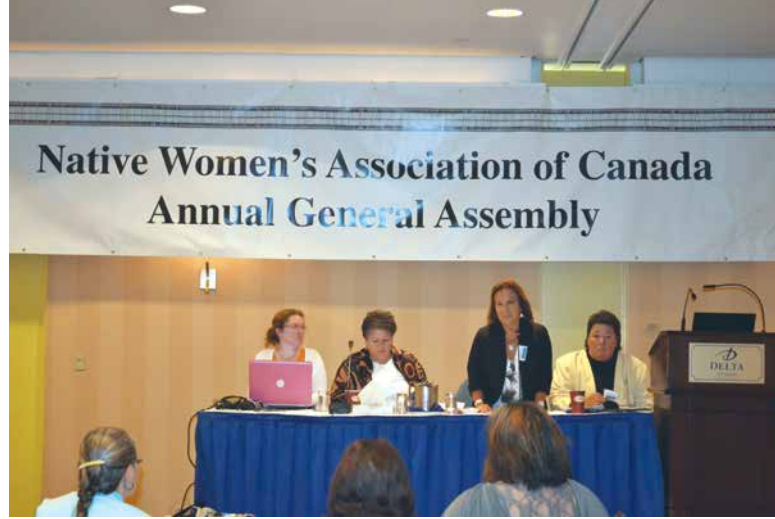
President Marilyn Buffalo speaks on a lack of funding for the organization.

SOURCE: WINDSPEAKER, FEBRUARY 1999.

PEOPLE & MEETINGS



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FIGURE 68

NWAC's 32nd Annual General Assembly in 2006.

SOURCE: THE NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 69

NWAC's 37th Annual General Assembly in 2011.

SOURCE: THE NATIVE WOMEN'S ASSOCIATION OF CANADA.



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FIGURE 70

President Dawn Lavell-Harvard at NWAC's annual Sisters in Spirit vigil on October 4, 2015.

SOURCE: THE NATIVE WOMEN'S ASSOCIATION OF CANADA.

FIGURE 71

President Francyne Joe (left) and Minister Carolyn Bennett (centre) photographed at the signing of the Canada-Native Women's Association of Canada Accord on February 1, 2019.

SOURCE: FRED CHARTRAND



71

BERTHA ALLEN

Gwich'in First Nation,
Old Crow, Northwest
Territories

- 297** Mell, D. (2017). "Bertha Allen fought for equality and empowerment." *WindSpeaker.com*: <https://windspeaker.com/news/womens-history-month/bertha-allen-fought-for-equality-and-empowerment>
- 298** Indspire. (2025). "Bertha Allen - Lifetime (2005)." *Indspire*: <https://indspire.ca/laureate/bertha-allen-2/>
- 299** Native Women's Association of Canada Newsletter - Vol 1., No. 2 - October 1981. P. 9.
- 300** Mell, D. (2017). "Bertha Allen fought for equality and empowerment." *WindSpeaker.com*
- 301** Mell, D. (2017). "Bertha Allen fought for equality and empowerment." *WindSpeaker.com*
- 302** "National Aboriginal Achievement Awards," *The Star Phoenix*, 31 March 2005. <https://www.newspapers.com/image/512764992/?match=1&terms=Bertha%20Allen>.
- 303** Mell, D. (2017). "Bertha Allen fought for equality and empowerment." *WindSpeaker.com*

“ I come from a long line of leaders. I was raised by my grandparents, and my grandfather was a traditional chief. It was instilled in me as a young woman that I was to take that role on.”²⁹⁷

— Bertha Allen

Bertha Allen was born in Old Crow, Yukon, in 1934. Bertha was raised in Old Crow, attended Grant McEwan Community College in Edmonton, and moved to Inuvik, N.W.T., at the age of 22.²⁹⁸ At the time, Inuvik was still a “tent town,” and Bertha was instrumental in the community’s rapid development.²⁹⁹ She married Victor Allen, and the pair raised seven children together.³⁰⁰

Bertha was a life-long activist, fighting for the advancement Indigenous women’s rights and for resources to be allocated to Northern communities. Among her many accomplishments were her roles in the founding of several significant community projects, namely the NWT Training Centres in Yellowknife and in Inuvik, Inuvik’s cross-country ski team (which sent two people to the 1976 Olympics), a “Native Arts and Crafts proj-

ect controlled by Native People,” and the Inuvik Hospital.³⁰¹ Bertha sat on several boards and advisory committees throughout her working life, including the Territorial Hospital Insurance Services Board, the Council of Grandmothers, the NWT Constitutional Committee, the National Aboriginal Advisory Committee to the RCMP Commissioner, NWT Judicial Appointments Committee, Multicultural Advice Committee to the RCMP, and several others.³⁰²

In 1978, Bertha founded the Northwest Territories Native Women’s Association, a territorial member association of NWAC. Shortly thereafter, Bertha served as the Native Women’s Association of Canada’s third President. While President, Bertha concentrated her efforts on lobbying the government for improved housing and health care for Indigenous women,

and for necessary changes to the Justice system. She also lobbied the government for funds for the Indian Rights for Indian Women movement during these years.

Bertha’s spectacular efforts were recognized during her lifetime. She was the recipient of many awards; In 2005, she won the National Aboriginal Foundation’s Lifetime Achievement Award. She was named to the Order of Canada in 2007 and two years later she received the Northern Medal from Governor General Michaëlle Jean.³⁰³

In 2008, Bertha lost her husband Victor, daughter Delma, and granddaughter Asta. Bertha passed away on May 7th, 2010, aged 76.

MARLENE PIERRE- AGGAMAWAY

Anishinaabe, Fort William,
Ontario

“ I had the occasion to visit Dog River, where my grandfather and them had settled on the trapline. And I stood by, I went and visited the place where he had his cabin, and saw there, and felt there, a great proudness. I was just so happy that I was born an Indian, born Anishinaabe, born Ojibway, born Ojibway Woman.”³⁰⁴

— Marlene Pierre

Marlene Pierre was born one of eleven siblings and raised in a “two-bedroom shack” in Fort William, Ontario. When reflecting on her childhood, Marlene evoked the sense of loss and community alienation born from her father’s lack of Status, the result of the Indian Act’s infamous section 12(1) (b) which stripped Marlene’s paternal grandmother of hers.

Her family’s unfair lack of status motivated Marlene to work towards justice for Indigenous people, and for Indigenous women in particular. In 1971, at a meeting held in Thunder Bay, ON, Marlene helped to found the Ontario Native Women’s Association. She was also voted founding president of “Anishinabeque”, the Thunder Bay chapter of ONWA. Marlene served on several boards and advisory committees, including the Advisory Council on Justice, the board of the Native Women’s Crises House, and the Education Task Force on Second-

ary Schools, to which she was appointed by the Ontario Minister of Education.³⁰⁵

In 1980, Marlene was elected to serve as NWAC’s fifth President. Marlene’s focus during her term was on strengthening communication between NWAC headquarters and the PTMAs.

Also in 1980, Marlene played an important role in enshrining the Equality Clause into the Canadian Constitution.

Marlene’s activism has been recognized many times over; in 1975, she was named one of Ontario’s 25 Most Outstanding Women, in 2008 she was named to the Order of Ontario by the Lieutenant Governor of Ontario, and in 2012 the Lieutenant Governor of Ontario bestowed her with the Queen’s Medal.³⁰⁶

Today, Marlene is involved with the School Indigenous of Learn-

FIGURE 72

Male leaders not listening to women

WINNIPEG, Man. — Things aren’t getting any better for native women because male leaders of Indian organizations just don’t care about what the women have to say.

That’s the conclusion of a verbal barrage levelled by Marlene Pierre-Aggamaway, past-president of the Native Women’s Association of Canada, at the University of Manitoba in February.

“Local men and women back home are behind the concerns of native women,” Pierre-Aggamaway said in a speech which touched on virtually every problem faced by native women.

“It’s the Indian leadership in this country who are just not saying what our principles and beliefs are. That’s why native women are saying to our national leaders that they have lost the right to lead: “Leadership only comes when you have proven that you can make wise decisions on our behalf.”

And as far as lifestyles are concerned, she told her virtually all-white audience, “there’s no point in claiming that native women are on the upswing now.” Indian women are still fighting for basics, like the right to heat and food.

Quoting two surveys done on Indians in the Thunder Bay area, Pierre-Aggamaway said one survey showed that, 10 years ago, 50 per cent of all Indian women headed single-parent families with an average of five children and an annual income of about \$5,000. The second survey, done recently, showed little change for the better.

“Women heading single-parent families now account for 51.2 per cent of the female population. They have an average of 4.2 children and their annual income stands at \$8,000.”

Pierre-Aggamaway said Indian women still depend on social welfare services for assistance. And, “they still live in the poorest parts of their communities; they still have the highest suicide and alcoholism rates and the lowest educational standings.”

Directing her next comment to the audience, Pierre-Aggamaway said, “Nobody seems interested in doing (anything) about the difficulties we face because of discrimination.”

Article quoting Marlene Pierre-Aggamaway, as Past-President, NWAC. “Male Leaders not listening to Women,” Indian News, February 1992, page 4.

ing, which serves to teach Anishinaabeg traditional knowledge through experiential learning. Marlene co-founded S.O.I.L. with her son, Jeordi Pierre.

- 304** TVO Today. (1994). “Transcript: Marlene Pierre | Jun 22, 1994.” *TVO Today*: <https://www.tvo.org/transcript/533403>
- 305** Native Women’s Association of Canada Newsletter - Vol. 1, No. 2 - October 1981, p. 10.
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ROSE CHARLIE

Member of the Chehalis Band (Sts'Ailes Nation), Chehalis, British Columbia

FIGURE 73



Rose Charlie, President of the B.C. Homemaker's Association, opposed the Union's decision to reject federal funds.

Rose Charlie, *Indian News*, 4 September 1975, p. 1.

“Rose is fearless. She speaks softly but carries a big club. She also goes where angels fear to tread.”

— Kitty Bell Sparrow, describing Rose Charlie

Rose Charlie (nee Felix) was born on the Chehalis Reservation in British Columbia in 1930.³⁰⁷

As a young woman, Rose belonged to a Homemaker's Club. These clubs were made up of Indigenous women living on reserve lands, who would receive a small stipend from the Department of Indian Affairs which was intended to help them with domestic tasks. However, living conditions on these reserves were often poor, so Homemaker's Clubs directed their stipends towards necessary improvements to the quality of life for Indigenous people. Recalling this time, Rose said: “We reasoned that without proper facilities for cooking and sewing, we had to begin working towards housing, ... water and sanitation systems and better education of our people.”³⁰⁸

The Department of Indian Affairs was unhappy with the use of the program for things other than what it considered to be appropriate domestic activities. As Rose recognized, “The funding was withdrawn in 1968, when they thought we were becoming too political.”³⁰⁹

In response to the end of the federally funded program, various homemakers' clubs from across B.C. gathered to protest at Chilliwack, B.C., in 1969. The Indian Homemakers Association of British Columbia (IHA) was born at this event when Rose suggested that the clubs be unified. Rose served as the organization's founding President.

Coincidentally, the infamous White Paper was published almost immediately after the IHA

was formed, incentivizing further political action on the part of the new organization.³¹⁰ The IHA was among B.C.'s first political Indigenous organizations.

During her tenure as President of the IHA, Rose spent decades on a regular commute of 240 kilometres to get to and from her home to the British Columbia British Homemakers Association office in Vancouver, where she gathered with other members of the IHA to fight for the rights of Indigenous women and children. Rose was a fierce advocate for the many children taken away from their families by child welfare services and placed in non-Indigenous foster homes. Her ambition was to improve the lives of Indigenous women so that their children would not be apprehended, to have apprehended children

returned to their families, and to install what foster homes might be legitimately needed within Indigenous communities.³¹¹

During her storied political career, Rose was involved with several Indigenous groups beyond the IHA. She was a founding member of Indian Rights for Indian Women (she also served as western vice-President), the Indian Brotherhood, and of the Native Women's Association of Canada.³¹²

FIGURE 74

Kil-Sli Native Arts and Crafts opens Downtown Vancouver's newest boutique

Vancouver, B.C. — The first Indian owned and operated Arts and Crafts boutique recently opened its doors in the heart of downtown Vancouver.

Situated in the new Royal Centre Towers, Kil-Sli is owned by the B.C. Homemakers Society. The store was aided by a grant from the B.C. government's First Citizen's Fund and the Economic Development Fund of the Department of Indian Affairs, who guaranteed a loan of \$50,000 for a five-year lease at the Royal Centre.

President of the Homemaker's Club, Mrs. Rose Charlie, expects the shop to be self-supporting in five years.

As well as featuring original designed fashions by Lorraine Joe of the Yukon, the boutique offers a wide range of high-quality Indian Arts and Crafts e.g. silver-engraved bracelets and earrings, salish woven blankets and rugs, Cowichan sweaters, argillite carvings, totem poles and wood carvings of supreme quality, cedar baskets, carved chests, leatherwork and beadwork.

Indian News,
4 August 1973,
p. 2.

FIGURE 75

B.C. Chiefs Criticized Receiving Homes Sought At Homemakers' Meeting

The B.C. Homemakers, an organized group of native women representing all areas of the province, met earlier this month to discuss funding and reserve projects for their organizations.

The Union of B.C. Indian Chiefs came in for criticism by president Mrs. Rose Charlie who claimed the Union has been ignoring them. "They (The Union) don't do anything at a reserve level and they won't support us so that we can," Mrs. Charlie said. Two years ago the Federal government cut off the Homemakers' funds and channeled them through the Union with the understanding that they could apply for financial assistance to the Chiefs through their all-male executive. This has not worked out according to the Homemakers.

The women, however, did get

some encouragement from a promise by Larry Wight, Regional Director for British Columbia Indian Affairs. Many of the women, close to tears as they approached the microphones at the Assembly, pleaded to have "receiving homes" on the reserves. "We need these receiving homes so badly it hurts us," stated Louise McCarthy.

"We have to get these homes now. We don't understand all these government places and which ones to go to. All we know is that we need these homes so don't turn your back on us."

Larry Wight agreed to set up a meeting between the Homemakers and the provincial and federal governments. "I wasn't aware of the extent of the other two departments' involvement in this, but now that I am we will meet together and discuss the question of receiving homes within the next month," he promised. He also said the meetings could result in the first receiving home being built within a year.

Indian News,
July 1972,
p. 6.

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JEANNETTE CORBIERE LAVELL

“We’re people of the land, people of our communities. And that’s our connection... We don’t belong anywhere else and we’re taught that you get your strength from the land where you are from, where you’re born.”³¹³

– Jeannette Corbiere Lavell

Jeannette Corbiere Lavell was a Citizen of the Wikwemikong Unceded Territory, Anishinaabe from Wikwemikong Unceded Territory, Ontario. Born in 1942 in Wikwemikong, she moved to North Bay, Ontario, in her teens for her education, and as a young woman she moved to Toronto.³¹⁴ It was there that she met David Lavell, her future husband.

On moving to Toronto, Jeannette worked at Toronto’s first Friendship Centre.³¹⁵ She was also involved in Indigenous culture through other channels, such as by travelling with the Company of Young Canadians (CYC). The CYC was a short-lived federal government program intended to support individuals who could improve their lives by learning new skills and working on community projects. CYC participants, much to the dismay of the federal government, raised awareness of injustices they witnessed in the communities where they worked.³¹⁶

When Jeannette and David married in 1970, only two weeks passed before Jeannette was served her notice by the federal government that she has been stripped of her Indian Status. She was a victim of section 12(1)(b) of the Indian Act, which served to erase the Status of Indigenous women who married non-Indigenous men. The saga which unfolded in the wake of this injustice has been chronicled in this publication, but to summarize it briefly: Jeannette did not accept that her Status was removed. She fought to regain not only her own Status, but the Status of all Indigenous women who had been penalized for their marriages to non-Indigenous men. It took several decades (Jeannette has now been fighting for the rights of Indigenous women for a half century), but with the help of Indigenous women’s groups, including the Ontario Native Women’s Association (of which she was a founding member) and the Native Women’s Association of Canada, Jeannette was successful.

Jeannette served as President of NWAC from 2009 to 2012.

Jeannette’s political career goes far beyond her involvement with NWAC and her formidable battle to overturn section 12(1)(b) of the Indian Act. Jeannette co-founded Indian Rights for Indian Women, served as a cabinet appointee to the Commission on the Native Justice System, and served as a key speaker on the rights of Indigenous women in front of the United Nations Human Rights Committee and the Organization of American States.³¹⁷ Jeannette has received many honours for her work, including two honorary doctorates (Universities of York and Nipissing University), a Person’s Award bestowed by Governor General Michaëlle Jean in 2009, and an Order of Canada in 2017.

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MARGARET THOMSON

Cree from Fort McMurray, lived and worked in Ross River, Yukon

“ It is not what deeds we do that give us a sense of purpose – but knowing why we do them. ”

– Quote beloved by Margaret Thomson

Margaret Thomson was born in Fort McMurray, Alberta, in 1929 to a Cree mother and a Scottish father. Margaret lived in Alberta and British Columbia during her young life, and in her early twenties she lived briefly in the Yukon when she was posted to Whitehorse as a medical assistant with the Royal Canadian Air Force. She returned to the Yukon with her husband and five children in 1967 she moved with her family to Ross River, where she lived for the rest of her life.³¹⁸

Margaret was involved in numerous Indigenous organizations and causes locally and nationally. In 1975, after several years of involvement with the Yukon Native Women’s Association, Margaret was elected to serve as the Native Women’s Association of Canada’s second-ever President. She held the role for two years, during which time she lobbied the federal government to promote NWAC’s endeavours, presented on the harm of section 12(1)(b) to the Standing Committee on Indian Affairs (she was one of only three women to speak), and represented NWAC at the International

Women’s Year World Congress in East Berlin.³¹⁹

Outside of her work with NWAC, Margaret was a prolific community worker. She was a teacher to disabled children, a hockey coach, a counsellor to those struggling with substance abuse, founder of Ross River’s local radio station, founder of Ross River’s Drop-In centre, and President of the Yukon Association of Non-Status Indians.

Margaret was the recipient of several awards for her life of service. She was awarded a Queen’s Jubilee Medal in 1977, and received an honorary doctorate in Law from the University of Victoria in 1987. In 1988, her family posthumously received a Citation for Citizenship award on her behalf.³²⁰

Margaret is commemorated in Ross River by the Margaret Thomson Healing Centre, a community resource for health and social programming.³²¹ The naming of the centre in her honour remains a tribute to Margaret’s devotion to helping others.

318 “Well-known Ross River community worker dies,” Whitehorse Daily Star, 28 June 1988, p. 3.

319 Native Women’s Association of Canada Newsletter - Vol. 1, No. 2 - October 1981, p. 9.

320 “Well-known Ross River community worker dies,” Whitehorse Daily Star, 28 June 1988, p. 3.

321 Connors, S. (2022). “Ross River, Yukon facing mental health and addictions crisis.” *APTNews*: <https://www.aptnnews.ca/national-news/ross-river-yukon-facing-mental-health-and-addictions-crisis/>



Native Women's
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