

NATIVE WOMEN'S
ASSOCIATION OF CANADA
L'ASSOCIATION DES FEMMES
AUTOCHTONES DU CANADA

Family Homes on Reserves and Matrimonial Interests or Rights Act: Collaborating for Positive Change within Our Communities

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The national voice of Aboriginal women in Canada since 1974.

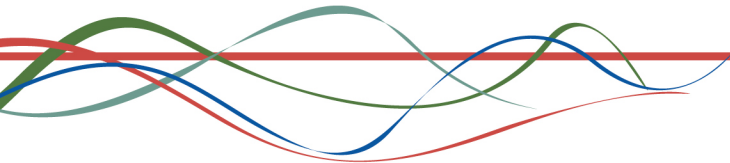
Native Women's Association of Canada

- One of the five officially recognized national Aboriginal organizations in Canada since 1974.
- To advance the well-being of Aboriginal women and girls, as well as their families and communities through activism, policy analysis and advocacy.

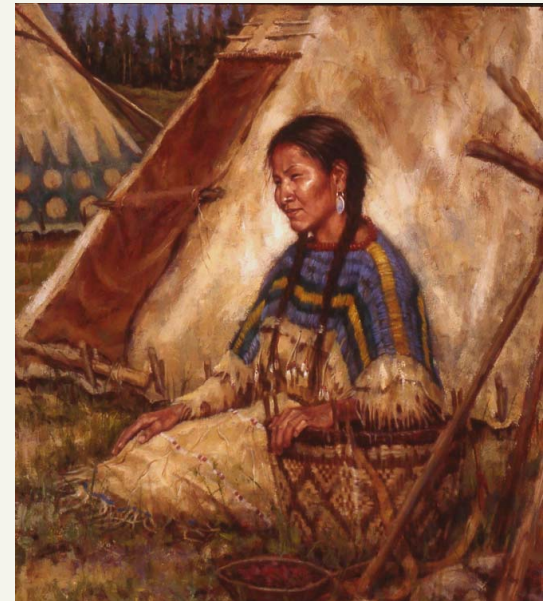




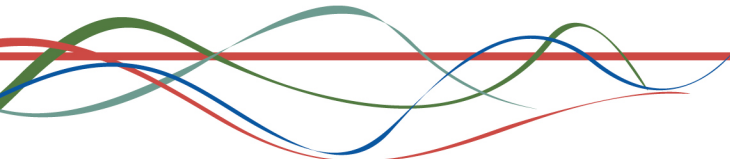
NWAC membership consists of a network of 12 Aboriginal Women's groups from coast to coast.



Aboriginal Women



Archives NA-768-4



Demographics

- According to the 2011 Canadian National Household Survey (NHS), 1,400,685 people identified themselves as Aboriginal (**4.3%** of the total population).
- Of those, 718,500 were Aboriginal women and girls making up **4.3%** of the total Canadian female population.
- 61.2% of Aboriginal females identified as being First Nations (status and non-status).
- 2011 NHS - 43% of First Nations (Status) females live on-reserve in comparison to 47% for FNs Status males

Short-Term Solutions

Intergenerational Impacts of Colonization

- Aboriginal healing and wellness programs must be expanded and adequately resourced to better address these impacts – sexual abuse, violence, low self—esteem, alcohol and drug addiction, post-traumatic stress disorders

Violence

- Increased transitional housing for women, children and families; culturally appropriate mediation and safe alternate dispute resolution mechanisms that can ensure everyone is protected
- Violence prevention awareness campaigns for all children, youth and adults

Justice

- Improve access for Aboriginal women to judicial processes which should take into consideration the unique needs of semi-remote, remote and isolated communities
- Development of multi-staged systems of Aboriginal mediation or other appropriate Aboriginal system and practices for justice / decision making under MRP

Accessibility of Supports

- Increase the funding of programs and counselling services to support Aboriginal women, men and children to prepare them for healthy relationships and to support them during the breakdown of matrimonial relationships; support groups and support networks with skilled individuals
- More funding to respond to the housing crises on reserves

Communication & Education

- Develop, implement, and resource an ongoing facilitation and communication process to increase the understanding of Aboriginal women and communities on MRP rights, policies, and processes

Legislative Change

- Implement overarching substantive federal legislation to protect the rights of women and children living on reserve in the interim until First Nations' communities can develop their own laws: this legislation should include opt-out and compensation clauses.

Medium-Term Solutions

Intergenerational Impacts of Colonization

- A mechanism is developed to implement compensation for the lack of protections for women and their descendants including disenfranchisement from First Nations' communities and loss of languages, culture and identities as a result of MRP

Violence

- Impact assessment to evaluate the impacts and gaps of existing programs and services which address violence, including shelters and transition houses and to provide additional resources where needed.

Justice

- That legal professionals and the justice system receive training regarding on reserve Aboriginal rights issues by our People so they hear from First Nations with the experience

Accessibility of Supports

- Develop a mechanism to provide a continuum of services for transitional ongoing support for Aboriginal women, men, and children

Communication & Education

- Provide additional resources for education and upgrading training to increase employability of Aboriginal women to enable them to rebuild their families, communities and Nations including the need to change eligibility requirements such as restrictive funding age limits

Legislative Change

- An enabling body consisting of Aboriginal women and First Nations representatives should facilitate a consultation and development process based on Indigenous/Traditional law approaches for the resolution of MRP that is appropriate to each of the First Nations' communities

Long-Term Solutions

Intergenerational Impacts of Colonization

- Women and their descendants will gain redress for the lack of protections of their rights that they experienced under the *Indian Act*

Violence

- Implement or expand the application of promising practices for developing healthy relationships and healthy communities

Justice

- Implementation of a community-based, culturally appropriate and safe Aboriginal conflict or dispute resolution by First Nation communities

Accessibility of Supports

- Aboriginal women and children are able to access their benefits under the *Indian Act* regardless of their residency.

Communication & Education

- Individuals, families, communities, and Nations will have resources and rights based knowledge to build healthy, viable and sustainable communities
- Leadership and Justice Officials have training and tools needed to support their community members when conflicts arise to be able to resolve them in a good way for all involved

Legislative Change

- Communities utilize Indigenous law, which includes equal participation of women, to resolve MRP issues.

Impacts of Legislative Uncertainty in MRP

- Lack of a recognized MRP law on reserves has forced many FNs women and their children to leave their communities in search of alternative accommodations. This can be for a variety of reasons such as marital breakdown, domestic violence, death of spouse / partner, marrying non-status or non-community member.
- Lack of access to justice – High costs for legal fees to settle disputes, if seeking remedies through the courts.
- Lack to access to safe mediation or culturally-appropriate alternate dispute resolution mechanisms
- Lack of culturally-appropriate and/or skilled services, programs, and counselling available to all parties affected.

Benefits of MRP Policy in FN

- Exercising First Nations' jurisdiction over land and family law matters by passing its own MRP law.
- Resolving property disputes through community-based solutions (i.e. result of marital breakdown).
- Promote fairness, rights and remedies, without discrimination on the basis of sex.
- Protects / ensures interests of children as a priority.
- Preserves and protects the mental, physical, emotional, and spiritual well-being of all parties involved and helps to prevent further conflict from arising.

Benefits of MRP Policy in FN cont...

- Protect the human rights of community members, and balance individual and collective rights.
- Promotes FNs traditional laws, customs, practices, legal traditions and dispute resolution mechanisms to assist couples in resolving disputes relating to family law matters, including disputes relating to the disposition of matrimonial real property on reserves following marital breakdown.
- Ensures the safety of all First Nations citizens, and particularly our women and children.

Best Practices

- Several First Nations have adopted MRP property laws under the FNLMA, including:
 - the Beecher Bay First Nation (BC);
 - Georgina Island First Nation (ON);
 - Lheidli T'enneh First Nation (BC);
 - McLeod Lake (BC);
 - Muskoday First Nation (SK);
 - Opaskwayak Cree Nation (MB);
 - Mississaugas of Scugog Island First Nation (ON);
 - Westbank First Nation (BC);
 - Whitecap Dakota Nation (SK);
 - Ts'kwyalakw First Nation (BC).

Best Practices cont...

Additional MRP laws in FNs include:

- Six Nations of the Grand River Matrimonial Real Property Law
- Mistawasis First Nation Housing Policy
- Squamish Nation Housing Policy
- Anishinabek Nation MRP Law

*Wela'lioq
Chi-Miigwetch
Nia:wen Ko wa
Thank you
Merci*

Native Women's Association of Canada

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