



Submitted For:

**THE NATIONAL ABORIGINAL WOMEN'S SUMMIT**

In Response to

**THEME TWO:  
EQUITY AND EMPOWERMENT**

Submitted By:

**THE CONGRESS OF ABORIGINAL PEOPLES**

**June 2007**

## Guiding Principles

- 1) CAP is committed to addressing root causes in a transparent, accountable, respectful manner. Band-aid solutions are not an acceptable approach to addressing Aboriginal issues.
- 2) CAP advocates for legislative change, eliminating all legislation that promotes and perpetuates inequities, and calls for policies and processes that are more appropriate and inclusive. This includes abolishing the Indian Act, repealing Section 67 of the Canadian Human Rights Act and addressing Matrimonial Real Property gaps on reserve.
- 3) CAP promotes Nationhood as an integral component to solving Aboriginal issues and promotes the inclusion of ALL Aboriginal people in governance structures and decision-making processes including youth, elders, men and women while fostering a vision of seven generations and balancing individual and collective rights.
- 4) CAP is committed to working in partnership with national, regional and local service providers to address jurisdictional issues and develop mechanisms that are dedicated to the equitable enhancement of life chances for ALL Aboriginal people which shall be preceded by equitable support for capacity development.
- 5) CAP believes that it is everyone's responsibility to nurture an environment of inclusiveness and mutual respect that is free from lateral violence, while promoting empowerment, healthy individuals, families, communities, and Nations.
- 6) CAP believes that Federal, Provincial, Local and Aboriginal governments, agencies and organizations have the moral responsibility to act in the best interests of ALL Aboriginal people.

# ISSUE SHEET

## ISSUE: Equality and Empowerment of Aboriginal Women

### Background:

The effects of colonization, and its European view of women and their role in society, have distorted the balanced roles in Aboriginal communities. Since then, Aboriginal women's rights have consistently been undermined by discriminatory legislation and inequitable policy. The effects of this are still felt today through the systematic and institutional lack of respect of equality rights as set forth by s. 15 of the Canadian Charter of Rights and Freedoms, and the overall lack of respect of basic human rights for Aboriginal women.

### Fast Facts:

1. The Congress of Aboriginal Peoples (CAP) and its affiliate Provincial and Territorial Organizations (PTO's) are committed to promoting and protecting of the rights of Aboriginal women considering they are at particularly high risk.<sup>1</sup>
2. The *Indian Act* creates distinctions between and among Aboriginal women limiting equal access to programs and services. This situation creates considerable inequities among and between Aboriginal women.<sup>2</sup>
3. Nothing in the Canadian Human Rights Act (CHRA) affects any provision of the *Indian Act* or any provision made under or pursuant to that Act, creating startling inequities between registered Indians and other Canadians.
4. "First Nations women currently have no right in law to certain assets where their marriage breaks down, unlike all other women in Canada."<sup>3</sup>
5. "Violence, including sexual assault, whether inflicted by a spouse or a stranger, is one of the most fundamental transgressions of the human rights of Aboriginal women."<sup>4</sup>
6. Through lateral violence, Aboriginal organizations, communities and government structures systematically perpetuate inequities.

### Recommendations:

- A. That the Federal Government take immediate steps to enact Bill C-44 in order to ensure basic human rights, and the CHRA applies to ALL Aboriginal Peoples.
- B. That federal legislation related to Matrimonial Real Property (MRP) be enacted in order to ensure that the property rights of Aboriginal women are recognized, and meaningfully respected, upon marital breakdown.

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<sup>1</sup> "In the cities, Aboriginal women are at greater risk of violence and assault than all other Canadian women, arising from racist and sexist attitudes." Michelle M. Mann for the **Status of Women Canada**, <[http://www.swc-cfc.gc.ca/resources/consultations/ges09-2005/aboriginal\\_e.html](http://www.swc-cfc.gc.ca/resources/consultations/ges09-2005/aboriginal_e.html)>, Accessed June 11, 2007.

<sup>2</sup> Michelle M. Mann for the **Status of Women Canada**, <[http://www.swc-cfc.gc.ca/resources/consultations/ges09-2005/aboriginal\\_e.html](http://www.swc-cfc.gc.ca/resources/consultations/ges09-2005/aboriginal_e.html)>, Accessed June 11, 2007.

<sup>3</sup> Ibid

<sup>4</sup> Ibid

**C. That the Federal Government immediately repeal the Indian Act in order to achieve equality and empowerment of ALL Aboriginal people and promotes the concept of nationhood.**

# ISSUE SHEET

**ISSUE:**        **Section 6 of the *Indian Act***

**Background:**

Section 6 of the *Indian Act* contains the legislated criteria that determine who is entitled to be registered as an Indian under the *Indian Act*. Proof of registration is the basis for various program entitlements and tax exemptions.

*Indian Act* definitions of “Indian” have been arbitrary assignments of Indian identity that have not considered Aboriginal history, culture or values. Over time, the application of Indian Registration provisions have excluded significant numbers and classes of aboriginal people from being identified as “Indians” within the meaning of the *Indian Act*.

**Fast Facts:**

1. Almost half of the children born to Registered Indians since 1985 have one non-Indian parent (Clatworthy)
2. Of the 976,305 people who identify as aboriginal in the 2001 Census, 418,135 (43%) were NOT Registered under the *Indian Act*.
3. Many Aboriginal families have differential entitlements to benefits and services within the same household
4. Section 6 of the *Indian Act* provides the basis for systemic discrimination against the majority of aboriginal people in Canada in modern times
5. The Nisga’a agreement or the Anishinabek Nation negotiations, seek to create citizenship recognition within reconstituted Aboriginal Nations.

**Recommendations:**

- A. That the federal government repeal the section 67 of the Canadian Human Rights Act through the immediate passing of Bill C-44**
- B. That the federal government take immediate steps to address the equities that have arisen as a result of Bill C-31 and in particular Section 6 of the Indian Act.**

# ISSUE SHEET

**ISSUE:** The Repeal of Section 67 of the *Canadian Human Rights Act*

## **Background:**

Parliament passed the Canadian Human Rights Act in 1977, which prohibits discrimination within areas of federal jurisdiction on certain specified grounds. At the time of its passage, the Indian Act was exempted from the application of the Canadian Human Rights Act.

The Indian Act exemption was intended to be temporary, and allow for consultation and a period of transition for INAC and Indian Bands. In December, 2006, Minister Prentice introduced Bill C-44 to the House of Commons. If passed, it would finally remove the Indian Act exemption.

## **Fast Facts:**

1. The Canadian Human Rights Commission has repeatedly recommended that Section 67 be repealed.
2. The Canadian Human Rights Act already applies to all INAC and Band Council activities that are outside of the Indian Act. This currently generates about fifty complaints per year to the Commission.
3. The majority of complaints originating from Indian Reserves relate to disability issues – this is a similar finding for non-reserve complaints.
4. ALL Aboriginal people have the right to be free from all forms of discrimination in Canada and seek redress where discrimination occurs.

## **Recommendations:**

- A. That the federal government in partnership with ALL National Aboriginal Organizations begins proactive and immediate public education for all Canadians on issues surrounding Aboriginal People and the Canadian Human Rights Act**
- B. That the federal government repeal section 67 of the Canadian Human Rights Act through the immediate passing of Bill C-44 and that a maximum 18 month transition period be included to allow for INAC and Band Councils to prepare for implementation.**
- C. That the federal government in partnership with ALL National Aboriginal Organizations begins proactive and immediate public education for ALL Aboriginal organizations and peoples on- and off-reserve and ALL Canadians with respect on issues surrounding Aboriginal People and the Canadian Human Rights Act.**

# ISSUE SHEET

**ISSUE:**        **Aboriginal youth “inclusion” into policy and programming directives**

**Background:**

During the late 1990’s the Ministers met to discuss the potential of a National strategy for Aboriginal youth, resulting in a working group that included youth from the NAO youth councils through a special youth committee (NAOYC). During this time, the NAOYC identified the importance of a holistic approach to “leadership development” based on cultural retention, economic participation, political awareness and social inclusion, as the keystone to success. This concept was referred to as CEPS<sup>5</sup>. During the early 2000’s, the working group and NAOYC were dismantled due to a lack of resources. CEPS was never implemented.

Currently, there is no indication that commitments directly relating to Aboriginal youth are forthcoming. Initiatives specific to NAO’s capacity to assist their youth councils, such as the Youth Intervenor Initiative were not renewed.

**Fast Facts:**

1. Aboriginal youth comprise one of the largest demographic groups among the Canadian populace<sup>6</sup>, yet are rarely called upon when issues<sup>7</sup> directly effecting them are addressed via new or current policy and programming directives.
2. Aboriginal youth will be tasked with implementing many of the long-term recommendations coming out of NAWS, and must therefore have the ability to do so.

**Recommendations:**

- A. In order to face the challenges of today and the future as identified during National Aboriginal Women’s Summit, Aboriginal youth require appropriate mechanisms and structures in place designed to address these root causes in a transparent, accountable and inclusive manner**
- B. A comprehensive strategy, that promotes the inclusion of Aboriginal youth in the design and delivery of policy, programs and services needs to be developed and implemented**
- C. Current Youth Councils at the National level should be provided the necessary holistically based leadership skills, capacity and funding necessary to responsibly provide input into program and policy directives**

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<sup>5</sup> CEPS acronym stands for Culture, Economic, Political and Social.

<sup>6</sup> Stats Can 2001 Census: Approximately 50% of the Aboriginal population in 2001 was under the age of 25. For those living off reserves, 49% were under 25 and half of non-reserve Aboriginals under 25 were living in urban CMAs

<sup>7</sup> Please refer to attached fact sheet on Aboriginal youth statistics and demographics

# Aboriginal Demographics in Canada<sup>8</sup>

*StatsCan and related data sources*

## General

- Over 1.3 million people reported some Aboriginal ancestry (4.4% of the total population)
- 71% of Aboriginal people do not live on a reserve
- Almost half (49%) of the Aboriginal population lives in urban areas, up from 47% in 1996; Aboriginal people living in urban areas are more than twice as likely to live in poverty
- The median age of Canada's Aboriginal population is under 25 compared to 37.7 years for the non-Aboriginal population

## Children and Youth

- 1/3 of the total Aboriginal population are 14 or younger, compared to 19% in the non-Aboriginal population
- 52% of urban Aboriginal children live in poverty. These children are 4 times more likely to be hungry and are more likely to suffer health problems as a result.
- 3 out of 5 Aboriginal children under the age of 6 live in poverty
- Poverty and risk of negative child outcomes are correlated
- 46% of urban Aboriginal children live in lone parent homes compared to 32% of children living on-reserve (17% of non-Aboriginal children live in lone parent homes)
- Urban Aboriginal children are over 7 times more likely to live with a relative other than their parent than non-Aboriginal child.
- 1 in 3 Aboriginal children moved in the 12-month period preceding the 2001 census
- Aboriginal youth 15-24 were twice as likely to be unemployed
- In 1996, 68% of Aboriginal youth were in school compared to 83% of non-Aboriginal youth
- Aboriginal Youth are 11 times more likely than non-Aboriginal youth to have abused solvents or sniffed aerosols
- 20% of Aboriginal youth reported abusing solvents
- Average age at which children begin abusing solvents is 9.72 years
- 30-40% of all children in care in Canada are Aboriginal
- Federal government funds Aboriginal Child and Family service agencies an average of 22% less than their provincial counterparts

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<sup>8</sup>Note that rates vary from province to province and therefore the rates in some provinces might be higher or lower than the national average.

## **Socio-Economic data**

- Aboriginal people living in urban areas were more than twice as likely to live in poverty than non-Aboriginal people -- over 55% live in poverty; this rate is as high as 66% in some urban areas
- The unemployment rate for the total Aboriginal population is 19.1% compared to 7.4% for the non-Aboriginal population
- Canada would see a 1.2% boost to the GDP if there were full Aboriginal participation in the Canadian economy
- Unemployment rate for Aboriginal peoples is at 19%
- Less than 2% are self-employed or unemployed family workers
- Between 1991 and 1996 the Aboriginal working age population grew by 33.4% compared to 5.7% for the non-Aboriginal population.
- The average income of Aboriginal people is 62% of the average income of non-Aboriginal people in Canada.

## **Education**

- Only 8% of Aboriginal peoples between the age of 25 and 34 had completed university while 28% of all Canadians did
- Pregnancy and the need to care for children was cited as the main reason Aboriginal women aged 15-19 living off-reserve quit high school
- Of Aboriginal women aged 25 to 44 living off reserve that had started, but had not completed a post-secondary program, 34% cited “family responsibilities” as their reason for not completing, while 21% reported “financial reasons.”

## **Lifestyle Choices of Off Reserve Aboriginal Populations**

- Almost half (44.9%) smoke at least occasionally, compared to 22.6% of non-Aboriginal people
- 15-17 year olds are smoking at 3 times the national rate; they start smoking 2 to 3 years earlier than the average Canadian
- 31.7% report drinking five or more drinks on one occasion, twelve or more times a year compared to 21.1% of non-Aboriginal people
- 33.3% report eating fruits and vegetables five or more times a day (up from 29.9%)
- 44.2% report being physically inactive (up from 43.9%)

## Health Status

- 16.4 % rate their health as “fair to poor”
- 28.5% report having moderate to severe functional health problems (compared to 17.5% for non-Aboriginal pops)
- 6.7% report having diabetes (compared to 4.5% in the non-Aboriginal pop); this number is up from 5.2%
- 26.5% over 18 report having a BMI of more than 30 compared to 14.4% in the non-Aboriginal pop
- 16.8% sought medical attention within a 12-month span for injuries compared to 8.5% in the non-Aboriginal pop; this number is down from 20.4%
- Aboriginal women are almost three times more likely to contract AIDS than non-Aboriginal women (23.1% versus 8.2%)
- The rate of suicide is three times the national average for Aboriginal women, compared with non-Aboriginal women
- Aboriginal women off-reserve (28.8%) are more likely than non-aboriginal women to report moderate or severe health functional health problems
- Aboriginal women off-reserve (25%) are almost twice as likely to as non-aboriginal women (13.6) to report being obese
- Aboriginal women (18%) off-reserve are more likely than non-aboriginal women to have contacted a mental health professional in the last 12 months.
- Aboriginal women (16.6%) are almost twice as likely as non-aboriginal women (9.1%) to report being at a probable risk for depression
- Aboriginal women are almost three times more likely to contract AIDS than non-Aboriginal women (23.1% versus 8.2%)

## Violence & Abuse

- About 4 in every 10 Aboriginal people aged 15 and over reported that they were victimized at least once in the 12 months prior to being interviewed<sup>9</sup>
- 21% of Aboriginal female victims of spousal abuse suffer from depression as a result of their victimization
- Overall, 21% of Aboriginal people, 24% of women and 18% of men, said they suffered violence from a current or previous spouse or common-law partner in the five-year period up to 2004; this compares to 6% of non-Aboriginal people.

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<sup>9</sup> Victimization and offending among the Aboriginal population in Canada, Canadian Centre for Justice Statistics, 2004 General Social Survey (GSS)

- Rates of violent crime committed on reserves were eight times higher for assaults, seven times higher for sexual assaults and six times higher for homicides than rates in the rest of Canada<sup>10</sup>
- Despite high rates of victimization, Aboriginal people have relatively low levels of fear: About 92% of Aboriginal Canadians indicated being satisfied with their safety from criminal victimization
- In 2004, the Canadian Center for Justice Statistics found these same trends and reported that Aboriginal people were nearly twice as likely as their non-Aboriginal counterparts to be repeat victims of crime
- Aboriginal women are three times more likely than non-Aboriginal women to suffer violence against women, including serious forms of life-threatening violence and emotional abuse at the hands of a marital or common-law partner.

### **Mobility**

- 22% of Aboriginal people moved in the 12-month period preceding the 2001 census compared to 14% of non-Aboriginal people
- Between 1991 and 1996, 58% of Aboriginal women changed their home compared with 37% of non-Aboriginal women<sup>11</sup>
- For more than 40% of families, family violence was among the factors that caused them to leave their homes<sup>12</sup>

### **Justice**

- Between 1997 and 2000, the average homicide rate for Aboriginal people was almost seven times higher than that for non-Aboriginal people. When taking population differences into account, it was found that Aboriginal people were 10 times more likely to be accused of homicide than were non-Aboriginal people
- Aboriginal women make up 29% of the Canadian prison population, but only 3% of the Canadian population overall and unlike men, have higher rates of mental illness, self-abuse and suicide.
- Aboriginal youth account for 24% of the youth in custody in ON, 23% in SK, 23% in MB, despite being only 3.9% of the total youth population in Canada
- The median age of Aboriginal youth in custody is 16 years
- Approximately 50% of maximum-security populations within the federal women's prison population are Aboriginal.
- Aboriginal women are more likely to spend more time in segregation units.

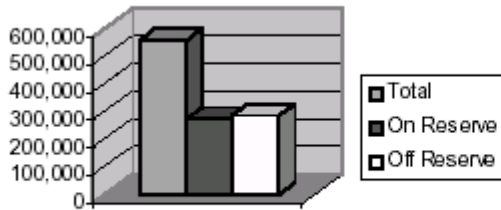
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<sup>10</sup> Canadian Centre for Justice Statistics, 2004

<sup>11</sup> Status of Women Canada

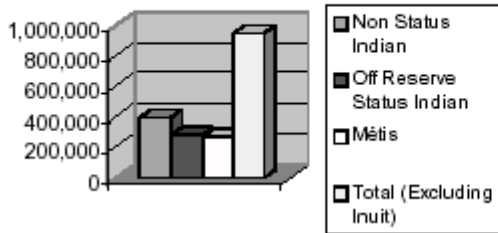
<sup>12</sup> Canadian Mortgage Housing Corporation, *Research Highlights, Family Homelessness: Causes and Solutions*, July 2003, [www.cmhc.ca](http://www.cmhc.ca)

## Congress of Aboriginal Peoples Constituents



### Status Indian Population:

- Total 558,175
- Number on reserve 274,215
- Number off reserve 283,960
- **Percent off reserve 51%**



### Off Reserve Aboriginal Population of Interest to the Congress of Aboriginal Peoples

- Non Status Indian 399,470
- Off reserve Status Indian 283,960
- Métis 266,020
- **Total 72% (excluding Inuit) 949,450**