

First Nations women on 300-mile march against Indian Act
By Gale Courey Toensing

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MONTREAL - Canada's Indian Act has had more than 20 major changes, but First Nations leaders say it's still an instrument of gender discrimination and, ultimately, bureaucratic genocide.

With a proposed new amendment to the 1876 act - Bill C-3 - a group of Native women are on a month-long, 300-mile protest march to tell the federal government that the latest fix to the Victorian-era legislation will not end Canada's institutionalized discrimination against First Nations people, especially women.

The Amun March - "amun" means "a large gathering" - began May 4 on the reservation in Wendake, the territorial lands of the Huron-Wendat First Nation near Quebec City, and was scheduled to end June 1 in front of the Canadian Parliament in Ottawa.

Through the Indian Act, Canada's federal government made First Nations people wards of the state and took control of all aspects of their lives and communities. The act provided for government registration of Natives, and the government continues to register First Nations people today.

Those granted "Indian status" are entitled to health, education and other social services. But the act's overarching theme was "assimilate or die." Natives could seek Canadian citizenship if they renounced their rights, privileges, culture, languages and traditions.

Michele Audette, who lives with her family at Wendake, helped organize the event to raise awareness of Bill C-3.

"There is nothing to stop the Canadian Parliament from completely correcting the discriminatory aspects of the Indian Act registration rules. We are marching to raise awareness and to educate the Quebec population and the rest of Canada on the injustices that have been stigmatizing us for almost a century and a half."

At the act's core was a policy that deprived women, who married non-Native men, and their children of Indian status. A Native man who married a non-Native woman could keep his status, and his wife and children would gain status. But if a child's mother and paternal grandmother did not have a right to Indian status other than by virtue of having married Indian men, the child had status only up to the age of 21.

"It's a slow genocide," Audette said. "It's not the same as genocide in Africa, but it's a kind of genocide to make sure we no longer exist as First Nations."

Bill C-3 would give Indian status to the grandchildren of women who lost their Indian status since 1985.

In 1985, Parliament passed Bill C-31 to amend the Indian Act. Indian women who had married non-Indian men prior to 1985 were allowed to apply to regain their Indian status. The bill gave all first generation children of these marriages and Natives, who were not counted and who now wished to regain status, the right to re-apply.

The bill created a patchwork of identities even within families.

"Because my mom fell in love and got married to the most beautiful Quebecer - my dad - she was kicked out from her community and also from the Indian Act, and her story reflects the story of thousands and thousands of women across Canada," Audette said. "In 1985, my mom got back her status as an Indian woman, and everyone thought the struggle was finally over and we had won. But a few years later, we realized that the gender discrimination is still in place in so many ways."

She said the government began giving status numbers to Indians, such as 6.1, which signified a person whose parents are both First Nation. A person identified as 6.2, such as Audette, has only one parent registered under the Indian Act.

"My oldest son is not recognized because his grandmother didn't register herself in 1985," Audette said.

In 2009, the British Columbia appeals court ruled the Indian Act's registration status provisions are unconstitutionally based on sex discrimination. The government was ordered to amend the act and has proposed Bill C-3 as the fix.

But the bill still leaves in place discriminatory practices involving: the division of property when a couple divorces; a requirement to disclose the father's name at the birth of a child or be deprived of services; issues regarding who determines band membership and residence in the community; and the inability of Indian women to pass on Indian status to their children in some circumstances.

"Bill C-3 is called the General Equity bill, but it really isn't because there are still discrepancies between men who marry non-Native women and their sisters and children, who don't have the same kind of equal status opportunities," said Ellen Gabriel, president of Quebec Native Women and a Mohawk from Kanehsatake.

"It's a kind of token gesture by the Canadian government to try to get international pressure off its back."

The Canadian government is facing a human rights complaint in the Inter-American Commission on Human Rights filed by the Hul'qumi'num Treaty Group that says Canada continues to violate the human rights of the area's aboriginal people. It also has come under fire for considering a limited endorsement of the U.N. Declaration on the Rights of

Indigenous Peoples, which it referred to as "an aspirational document."

Ultimately, the women marchers and the many organizations backing them say they want the federal government entirely out of the business of defining Indians.

"We're all saying the same thing: The right to define who is a Native doesn't belong to the federal government, it belongs to us," Audette said.

The Indian Act, which is all about policy and regulations, not human rights, should be abolished entirely, Gabriel said.

"I think we need to go back and look at what the impacts have been of the Indian Act upon our people and have discussions about how we can move forward and have access to our lands and territories, get rid of this Indian Act and see how many people were lost over the hundred and something years since it was created, and respect the treaties.

"Treaties are signed between sovereign nations, not between governments and minorities. And we need to examine the legitimacy of Canadian sovereignty, because it is illegitimate."