



NATIVE WOMEN'S ASSOCIATION OF CANADA (NWAC)

**Alternative Report:
Follow Up to the Sectoral Sessions,
Canada Aboriginal Peoples' Roundtable
(CAPR)**



May 2005

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I. Introduction

This document is the Native Women's Association of Canada's (NWAC's) alternative report on the Canada Aboriginal Peoples' Roundtable process. The document's intent and purpose are twofold: First, the report examines the six Roundtable Sectoral Sessions and documents produced prior to and out of these sessions, providing an analysis of how well the background documents and subsequent reports reflect Aboriginal women's issues and perspectives. Second, the report makes recommendations on how to move toward more equitable resolutions for all involved.

At the April 19, 2005 Canada Aboriginal Peoples' Roundtable (CAPR), Prime Minister Paul Martin made four key commitments to participants. He vowed to provide

- A Report on the Roundtable: *Strengthening the Relationship, Canada-Aboriginal Peoples' Roundtable*, which was released May 20, 2004
- Sectoral discussions in six priority areas with Aboriginal groups, provincial and territorial governments, sectoral experts and practitioners
- A Policy Retreat to include members of the Cabinet Committee on Aboriginal Affairs
- The development of an Aboriginal Report Card to track progress of the above

Prime Minister Martin spoke of the need for a renewed relationship with Aboriginal leaders and the Aboriginal community as a whole. Of critical importance, the Prime Minister noted that transformative change was required to bring about systemic and structural change to improve the general well being of Aboriginal people. Further he acknowledged the need for Canada's original peoples to share in the country's wealth and prosperity in the same way that other Canadians do.

The Canadian Government, through Prime Minister Martin's words set the tone for how it intends to work with Aboriginal peoples. It reaffirmed its commitment to renew and strengthen its partnership with Aboriginal leaders and organizations. Any resulting blueprint for action must, therefore, take appropriate steps to ensure that the Aboriginal community's diverse needs and issues are respected and considered, particularly in relation to gender, age, disability, sexuality and geography. Most fundamental to this process is the overall need to proceed in a manner that respects First Nations, Métis and Inuit cultural values and languages.

NWAC participated in all sessions to ensure that First Nations, Métis and Inuit women's unique issues and perspectives were reflected in all Sectoral Session discussions as well as in the follow up reports and recommendations. Although NWAC supports and adheres to the same principles of engagement as other National Aboriginal Organizations (NAOs), it also believes that applying a culturally relevant gender-based analysis (GBA) to every process is fundamental to the needs of all Aboriginal women. Further, NWAC believes that all Roundtable processes must adhere to the principles of rights-based approaches as reflected in section 35 of the Constitution Act, 1982, section 15 of the *Canadian Charter*

of Rights and Freedoms and international instruments. It must be noted that the rights we are talking about are constitutional rights and rights recognized under international law.

NWAC is founded on the collective goal to enhance, promote and foster the social, economic, cultural and political well being of First Nations and Métis women within First Nations, Métis and Canadian societies. It works collaboratively with the Pauktuutit Inuit Women's Association (Pauktuutit) towards the same collective goal for Inuit women; the distinct needs and perspectives of Inuit women are articulated by Pauktuutit when resources are available. As such, this puts NWAC in the best position of taking the responsibility of speaking for and sharing its vast wealth of knowledge, experience and work with stakeholders and governments on Aboriginal women's rights.

II. Background

The Planning Committee, represented by federal government departments, the NAOs and some provincial and territorial governments, began preparations for the sectoral sessions in June 2004. At the planning stages of the CAPR, two formats for the sectoral sessions were discussed – three breakout groups for the Métis, the First Nations and the Inuit or five breakout groups with two additional tables, one for women and one for geographical areas. It was decided that integrating the issues of geography and women into all three breakout groups would be the most effective way to address these concerns, by putting the responsibility on each of the NAOs and governments to discuss these crosscutting issues.

NWAC's review looked at the potential impacts of both processes. If gender was a separate table there were many benefits identified, but one critical disadvantage. Having a separate table would allow all other tables to avoid gender discussions. The second option of having gender as a cross-cutting issue was chosen as the most beneficial because all tables would be required to discuss gender issues and present gender perspectives, and "mainstreaming gender" would begin. All participants (NAOs, Provinces/Territories, and Federal representatives) were requested to ensure that their gender experts participated. Finally, there was a provision that if NWAC were not satisfied with the process, the opportunity to request an Aboriginal women's table was still maintained. In future, it may be determined that having a preparatory women-specific table, the results of which would feed into Métis, Inuit and First Nation specific processes, would best serve the needs of Aboriginal women. This may have been a more effective way of Indigenous gender mainstreaming.

Following the Canada Aboriginal Peoples' Roundtable (CAPR) in April 2004 and the planning session meetings, six sector-specific policy sessions were organized by the Federal Government in partnership with five recognized NAOs: NWAC, the Assembly of First Nations (AFN), the Métis National Council (MNC), the Congress of Aboriginal Peoples (CAP) and the Inuit Tapiriit Kanatami (ITK). These sessions were held from November 2004 to February 2005. Each Roundtable Sectoral Session was further divided into three breakout groups to allow First Nations, Métis and Inuit to discuss each theme and other issues specific to their needs.

The themes covered include:

- Health
- Lifelong Learning
- Housing
- Economic Opportunities
- Negotiations
- Accountability for Results

A First Nations, Métis and Inuit Elder attended the six Roundtable Sessions. Some but not all sessions also included an Elder from the Territories in attendance. They were

instrumental in setting the tone for the Roundtable Sessions and reminded participants of the importance of working together for the betterment of all Aboriginal peoples.

Throughout the six Sectoral Sessions, all NAOs expressed a desire not to have the Roundtable process viewed by governments as a pan Aboriginal process. Groups felt that this kind of process had not worked in the past, because it failed to recognize their unique status and needs as First Nations, Métis, Inuit, non-status and on and off reserve peoples. The “one size does not fit all” principle must be applied to this process. This alternative report reviews each sectoral area. It sets out NWAC’s position, followed by an examination of the reports of the NAOs that participated in the roundtable process and the federal and provincial governments (where reports are available). Lastly, the recommendations for moving forward are set out.

III. NWAC's Role in the Canada Aboriginal Peoples' Roundtable (CAPR) Process

NWAC takes the position that Aboriginal women are central and integral to the success of the CAPR. Traditional teachings show that women have played clear and defined roles within their communities, and, in many cases, continue to play a central role in the well being of these same communities. As such, NWAC recognizes that the NAOs have brought many issues to the table, including matters relating to treaty obligations and self-government; they have also been instrumental in shifting perceptions of those who believe that all Aboriginal organizations are homogenous in their needs and aspirations.

NWAC's role is to ensure that Aboriginal women's voices are heard. It provides a culturally appropriate and unique women-centred approach to discussions at hand. For the CAPR, NWAC was allowed to send only ten women to each session to speak to women's issues, so delegates felt their contributions would be most valuable if they were scattered among the break out sessions. Perhaps the words of Patricia Monture can best articulate the relevance of Aboriginal women's role in these deliberations. She states,

I began to understand that real change must come from the community. This is the only way to really change things for Aboriginal people. Real change will come when the women stand up. When the women stand up, the men and children will also soon be standing.¹

Thus, the role of Aboriginal women as leaders is central to building accountability from within the community. In fact, Métis, First Nations and Inuit women are often referred to as the keepers of the culture and language.

NWAC sees the application of a culturally relevant GBA as key to understanding women's individual and collective rights, needs and issues. Although the concept of using a gender lens is fairly new for government and other policy makers, women have advocated for this kind of thinking and analysis for many years. NWAC recognizes that using a culturally relevant GBA lens as defined by government may not necessarily capture Aboriginal women's unique cultural perspectives entirely, but none the less, it still supports the application of such, since it provides an analysis of gender differences between men and women. Status of Women Canada describes

gender-based analysis [as] a process that assesses the differential impact of proposed and/or existing policies, programs and legislation on women and men. It makes it possible for policy to be undertaken with an appreciation of gender differences, of the nature of relationships between women and men and of their different social realities, life expectations and

¹ *Journeying Forward: Dreaming First Nations' Independence*. Halifax: Fernwood Publishing, 1999.

economic circumstances. It is a tool for understanding social processes and for responding with informed and equitable options.²

Since NWAC represents Aboriginal women from First Nations, Métis and Inuit communities, non-status, urban and rural women, women with disabilities, two spirited women and trans-gendered women, youth and older women, there is a need to ensure that Aboriginal women's rights are addressed accordingly. We will ensure that the issues affecting Aboriginal women will be resolved and that a gender specific perspective will continue to be a central element of social realities.

NWAC ensured that Aboriginal women were represented in each breakout group and incorporated women's issues in all aspects of the discussions, as opposed to limiting women's issues to cross cutting sections of the agenda. This proved to be challenging at times, since the actual level of gender-based analysis by governments, NAOs and participants varied. For example, often background papers did not provide a comprehensive gender-based analysis, merely summarizing in a sentence that the perspectives of women needed to be considered without actually considering these perspectives in the background document itself.

² *Gender-based Analysis: A Guide for Policy-Making*, Revised 1998.
Available on line at: http://www.swc-cfc.gc.ca/pubs/gbaguide/gbaguide_e.html.

IV. Health Sectoral Session

Prior to the Roundtable Sessions, NAOs and government representatives were asked to develop background documents outlining their perspectives and recommendations on the six theme areas. In the Health Sectoral Session, discussions centered on

- Jurisdiction and control
- Improving access and integration
- Building capacity and sustainability
- Broad determinants of health

Questions were also posed to participants on cross cutting issues for women, Aboriginal people living in rural and urban environments, and those residing in northern and remote areas. These were:

- a. Do the statements provide Aboriginal (i.e., First Nations, Métis and Inuit) women an opportunity to participate and/or address issues of concern to their health status?
- b. Have the needs and concerns of Aboriginal people (i.e., First Nations, Métis and Inuit) in urban, remote and northern situations been addressed?

NWAC's Position

NWAC's background paper states that there is a need to implement wholistic (mental, physical, spiritual and emotional well-being), community-based approaches to improve Aboriginal women's health status through addressing broad determinants of health, such as socio-economic marginalization and violence facing Aboriginal women. A rights-based approach must be taken towards Aboriginal women's health and needs in order to ensure Aboriginal women receive adequate attention, particularly in the context of increased jurisdictional control over health care services by Aboriginal leadership.

NWAC outlined the need to ensure the rights of First Nations, Métis and Inuit women and their families to comprehensive, available, accessible, acceptable and good quality health facilities and goods and services.³ This includes a change in approach, particularly with respect to sexual and reproductive health and rights to provide culturally appropriate, gender specific sexual health education, reproductive health supplies and services and training of Aboriginal women.

NWAC's Gender-Based Analysis of the Background Papers

Violence against Aboriginal women is a human rights violation. All groups call for safe houses and shelters for women in their communities. There is, however, no mention in

³ For a more detailed review of these elements of the right to health under international law, see: Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Paul Hunt, Commission on Human Rights, 59th Sess., UN Doc. No. E/CN.4/2003/58 (2003).

any of the background papers of the need for essential services to support women in the rebuilding of their lives as they move toward or reclaim their independence. Furthermore, there are no recommendations for services to assist those who batter, certainly no steps to assist the healing of perpetrators. It is evident that NWAC's "Sisters in Spirit" initiative is an important step in combating violence in the Aboriginal community.⁴ This is a good example of when women-specific discussions and actions are appropriate and when cross-cutting needs must be met.

In AFN's background paper on health, women's health-specific needs and issues are mentioned sporadically. Since First Nations women have many and varied health related issues, NWAC believes that there should be closer attention and a more detailed approach applied in this area. Such an approach should include issues such as sexual and reproductive health rights.

The AFN background paper does question how well the current public health infrastructure responds to and addresses the health needs of high risk populations, such as Aboriginal people in federal and provincial correctional institutions, First Nations women and grassroots organizations. NWAC shares this concern, as many Aboriginal women are incarcerated in correctional institutions and the numbers are rapidly increasing. As such, they are a vulnerable population with health-related issues that often go untreated. This can, in turn, lead to deteriorating mental, physical, spiritual and emotional well being.

The AFN paper further contends that current mental health programs funded under the Non Insured Health Benefits Program (NIHB) are inadequate and crisis oriented. NWAC supports AFN on this point also, as Aboriginal women who live with mental health conditions do not receive support services and counseling programs that are sensitive to their culture or language. A lack of trained Aboriginal counselors and therapists results in Aboriginal people having to use the services of non-Aboriginal professionals. Clearly, there is a need to develop a wholistic mental health and counseling program that offers the client a series of options for treatment.

Many First Nations people are seeking out traditional healers and Elders for healing and spiritual guidance while others may opt to use more contemporary approaches to healing. NWAC believes that there should be adequate compensation of traditional healers. Aboriginal women often have distinct needs related to their experiences of violence and sexual assaults and supporting these women often falls on female Elders and traditional healers.

In its First Nations Health Action Plan, the AFN identified six determinants to bring about transformative change in health-related matters for First Nations. These include:

⁴ For more information, please go to <http://www.sistersinspirit.ca>. The Sisters in Spirit Initiative is aimed at addressing the alarmingly high rates of sexualized, racialized violence against Aboriginal women – violence that all too often leads to their disappearance and death. NWAC recently received a commitment from the federal government to provide \$5 million over 5 years to support this Initiative.

1. Sustainable Financial Base
2. Integrated Primary and Continuing Care
3. Human Resources
4. Infrastructure
5. Healing and Wellness
6. Information and Research Capacity

These are all important elements in seeking a wholistic solution to the health and well being of First Nations women. Indeed, these elements are important for all Aboriginal women.

The federal government and First Ministers responded to the above by making a series of commitments towards improving the health and well being of First Nations, Métis and Inuit peoples. This included instructing the Ministers of Health, in collaboration with Aboriginal leaders to develop within one year, a blueprint for achieving marked improvements, an Aboriginal Health Reporting Framework, a First Ministers Meeting on Aboriginal Issues and a commitment to \$700,000,000.00 (seven hundred million dollars) in new investments.

NWAC views this as a positive step towards addressing some of the immediate and long-term health needs of the community. NWAC welcomes the opportunity to work in partnership with other NAOs to develop a collaborative process to make this a reality. Applying a culturally relevant gender-based analysis in the development of the blueprint will ensure that First Nations, Inuit and Métis women's health needs will be understood and addressed appropriately. Adequate resources should be made available for NWAC to develop this analysis further.

CAP's background paper on health makes some poignant claims relevant to its members. However, it does not make direct reference to women's issues. NWAC knows that many Aboriginal women leave the community to escape violence. This fact was supported by the Aboriginal Justice Inquiry in Manitoba. NWAC also notes that there are other significant urban-based Aboriginal health needs that are gendered.

The MNC's background paper makes reference to the additional barriers faced by Métis women as they relate to gender-based individual and systemic discrimination. While details of redress for Métis women are not included in this paper, there is a stipulation that the document is preliminary in scope.

The ITK's paper on health provides an overview of the many unique barriers and challenges faced by Inuit around access to health care services in the north. Geography is seen as a health determinant for Inuit people as it requires particular focus to ensure that policy reform captures and incorporates Inuit realities. For example, Inuit women have limited access to timely diagnostic and screening tests, which could result in early detection and treatment of illness. According to the ITK paper, in 2001, 66.2% of Canadian women aged 50 to 59 were screened by mammography for breast cancer, while in Nunavik only 36% of women had been screened. Other important health indicators for

Inuit women include high maternal/fetal/infant tuberculosis rates and the fact that Inuit women have, on average, five to ten times higher levels of PCBs in their breast milk than women in the south.

The ITK paper reiterates some important points on Inuit women's issues identified at the 2001 Pauktuutit Health Conference. NWAC is pleased that the views of Pauktuutit were incorporated into the development of the ITK paper, as it demonstrates a broad sense of inclusiveness.

Current trends in perceiving and treating illness of Inuit people in a reactionary mode, as opposed to addressing health through prevention and wholistic care is critical to ITK. An example of this is when Inuit women who experience violence in their community are treated only when there is physical evidence of trauma or injury. Factors of over crowding and inadequate housing for Inuit result in elevated personal stress, interpersonal conflict and family violence. Finally, the after effects of residential schools on Inuit communities have led to a break down and change of family units and family relationships. Currently, Inuit women who are victims of violence have no access to supportive services.

As in the AFN background paper, ITK also points out that, despite the high rates of suicide within Inuit communities, current mental health services are insufficient and do not meet Inuit cultural and language needs. Services need to be sensitive to cultural and ideological practice. Inuit women have identified the need to feel welcomed and equal when attending health clinics.

Health Canada's paper, like many of the other background papers, provides a general overview of health issues, with no solid recommendations on matters related to gender, age, disability, sexuality and geography. Health Canada did not take advantage of the opportunity to set out the specific health needs of First Nations, Metis and Inuit women in its background document. This occurred despite the department's vast available human resources and the Canadian government's international commitment to apply a gender-based analysis to all its activities, programs and policies, articulated during Beijing +5. NWAC believes that the gap in this paper reflects the lack of a culturally relevant GBA within the department. This is a gap that must immediately be addressed.

Since the Sectoral Sessions appear to be the beginning of the overall process, it is imperative that "cross cutting" issues be addressed and included in more detail as subsequent activities unfold.

Follow Up Reports on Health

The AFN makes some important points on women's issues in its follow up report to the Sectoral Sessions. The First Nations Health Action Plan notes that

- Research demonstrates that First Nations women are among the poorest, irrespective of where they reside

- First Nations women are targets of discrimination, not only by broader society, but also by their own communities
- Policies and laws of the Government of Canada have actively oppressed First Nations women, diminished their traditional roles and responsibilities, and compromised the respect for First Nations women's health and well being
- Legislative variability, access, recruitment and education, scope of practice and peer support are human resource issues specifically identified by First Nations midwives

The 2003 UN Committee on the Elimination of Discrimination Against Women, (CEDAW)⁵ cites serious concerns on the situation of Aboriginal women in Canada and the responsibility of the federal government in implementing the Convention. For example, when women on reserve experience discrimination and violence, they cannot access on reserve housing. As a result, when they chose to leave abusive relationships, issues of matrimonial property rights on reserve force them to move outside of the community. First Nations women, who are often the primary caregivers in First Nations households, require healthy and nurturing environments. When women and children leave the community, they outnumber First Nations men in urban centers. Without support, they face serious health and safety issues.

AFN Roundtable Report, April 2005

NWAC has asserted the need for equal matrimonial property rights on reserve for decades.⁶ CEDAW's assessment of the realities of Aboriginal women's lives demonstrates the multiple challenges that Aboriginal women face. During the CAPR process, NWAC asserted the need to fulfill all the rights of Aboriginal women, from, for example, health to matrimonial property rights to equality in relation to land claims and self-government agreements.

NWAC Recommendations

As a result of discussions in the Health Session, to improve and ameliorate the health status of Aboriginal women, NWAC recommends,

- Addressing issues of jurisdiction and inequalities between Aboriginal women and men in terms of social relationships (particularly regarding high levels of violence against Aboriginal women) and socio-economic status through policy and protocol development to meet, respect and

⁵ For background information on CEDAW (2003), please go to <http://www.europaworld.org/week112/unofficials17103.htm>.

⁶ See, for example, the Native Women's Association of Canada's Presentation to the Standing Senate Committee on Human Rights, (Ottawa: September 2003) and to the Standing Committee on Aboriginal Affairs, (Ottawa: April, 2005) where NWAC asserted the need for legislative changes to the *Indian Act* in the short term and gender-sensitive, rights-based approaches within self-government agreements in the medium to long term.

protect the health needs of Aboriginal women in the context of increased jurisdictional control over health care services

- Improving access and integration to programs and services by taking a “right to health” approach
- Reviewing whether current access to health facilities, goods and services has improved before developing further blueprints in terms of Aboriginal health
- Meeting the sexual and reproductive health rights of Aboriginal youth and women by providing culturally appropriate, gender specific sexual health education, supplies and services.
- Building capacity and sustainability in health care programs and service delivery, including the training of Aboriginal women in all aspects of the health care system (AHHRI)
- Conducting research, gathering information and compiling data on Aboriginal women’s health issues, including broad determinants of health, such as socio-economic marginalization and violence
- Incorporating a wholistic approach to the development of health care programs and services delivery
- Address issues of overlap where health is impacted (e.g. Matrimonial Property Rights, housing, etc.)
- Resources for NWAC to consult with health professionals

V. Lifelong Learning Sectoral Session

The Roundtable on Lifelong Learning was divided into two separate sessions:

Part One: Early Childhood Development and Kindergarten to Grade Twelve

Part Two: Post Secondary Education and Labour Market and Skills Development

The two Lifelong Learning Sectoral Sessions used a similar process to that of the Health Sectoral Session in that participants were asked to discuss issues around topic areas in their respective breakout groups. In this instance, topics included

- Jurisdiction and control
- Access and integration
- Sustainability and capacity building
- Curriculum and research development

Throughout the two Sessions NWAC's representatives were both visible and vocal on the many and varied issues that keep First Nations, Métis and Inuit women marginalized and/or too often omitted from these important processes.

NWAC's Position

NWAC emphasized the importance of culturally relevant, gender specific approaches to all aspects of lifelong learning. In terms of jurisdiction and control, NWAC called for equal representation by Aboriginal women within all levels, from governance to policy reform. NWAC noted that access and increased integration for Aboriginal women cannot be achieved without considering the unique needs and perspectives of women, particularly those of single parent women, low-income families and those living in rural and isolated communities.

A wholistic approach to lifelong learning requires solutions that create an overall enabling environment, including meeting basic socio-economic and child care needs and attention to addressing the particular barriers facing Aboriginal peoples with disabilities, including learning disabilities. Overcoming discriminatory barriers facing all Aboriginal women is key to capacity-building and sustainability efforts. Culturally appropriate, gender specific curriculum and research development is identified as critical. Women-specific labour force initiatives were also identified. This can only be achieved by ensuring that Aboriginal women play a central role in these areas.

NWAC's Gender-Based Analysis of the Background Papers

Although the AFN, CAP, MNC and ITK papers delineated their group's perspective on Lifelong Learning specific to each organization's distinctive needs, a number of common themes emerged from the background documents. These included:

- The importance of viewing education and skills development as a continuum of lifelong learning
- The fact that learning starts from infancy and carries on throughout adulthood
- The need to ensure that cultural traditions and values together with language retention be seen as core principles in education for First Nations, Métis and Inuit
- The need to raise education and skills development programs and standards for Aboriginal peoples comparable to that of other Canadians
- The need to address the jurisdictional wrangling between levels of government that continue to impede Aboriginal people from accessing equitable services and programs
- The teaching of children as a shared responsibility of the whole community
- The fact that learning does not only occur inside a classroom setting, nor should it be limited to only western teaching methods that do not give credence to oral teaching and story telling
- The valuable role that Elders have to play in education, because they are the keepers of traditional knowledge and wisdom that is fundamental to the learning continuum
- The need to design educational curriculums to reflect the cultural and language differences of all Aboriginal peoples
- The need to view education in a wholistic manner to encompass the four principles: mental, spiritual, physical and emotional
- The understanding that a wholistic approach to successful education means addressing other socio economic factors, such as housing, accessible safe and affordable childcare programs, life skills, literacy and employment readiness training programs for adults
- The need to examine the role that provincial/territorial governments play in relation to education for First Nations, Métis and Inuit
- The understanding that First Nations, Métis and Inuit all desire to control, direct and provide education to their communities
- The requirement of adequate resources and funding that matches current population needs and numbers, as opposed to outdated funding formulas

The AFN identifies three main areas that require immediate attention and redress:

- Jurisdiction
- Infrastructure
- Adequate funding

The AFN's Lifelong Learning Strategy focuses on three key areas, including:

- Aboriginal Head Start⁷
- First Nations and Inuit childcare

⁷ For further information on Head Start, please go to <http://www.aboriginalcanada.com/headstart/oahspgr.htm>

- Fetal Alcohol Spectrum Disorders (FASD)

A lack of dollars upfront to assist families in crisis often results in the apprehension of First Nations children, which is both unnecessary and not cost efficient. Again, while the AFN paper covers some very important points with respect to families, it does not address women's unique perspectives and experiences. Since AFN plays a key role in these areas, it is imperative that a GBA be completed in the future.

CAP provides some important statistical data on off reserve, non-status and Métis peoples regarding education and labor market issues. For example, the success of the current Aboriginal Human Resources Development Strategy (AHRDS) initiative is evident.⁸ Data specific to Aboriginal women's education and/or labor market needs are not delineated. Since more and more First Nations, Métis and Inuit find themselves moving from their communities to urban centers, understanding the impact of relocation and its associated socio economic factors is essential to bring about transformational change. A culturally relevant gender-based analysis of the particular situation of Aboriginal women in this context will provide invaluable insight and should be pursued in the immediate future.

The ITK background paper reports that low numbers of Inuit children are graduating from high school. It is pointed out that of these graduates, a higher percentage of Inuit females are successful in attaining a high school certificate. While the paper also addresses some of the challenges faced by Inuit families, it does not expand on the particular struggles facing lone parent households, which tend to be headed up by women.

The ITK paper raises issues relevant to Inuit women surrounding

- Parenting
- FASD
- Hearing impairment
- Nutrition
- Support and care for women during pregnancy
- School readiness

The MNC paper calls for an infusion of policies and programs that are specific to Métis culture and needs. Métis seek parity to First Nations and Inuit in funding for education and employment and training services. Once again, issues specific to Métis women are not addressed.

⁸ For more information on successes of the Development Strategy, please visit the Aboriginal Relations Office website at www.hrdc-drhc.gc.ca/aro/

The Government of Canada's background paper generally supports the position of the NAOs. There is the need for sufficiency and partnerships to achieve success in the Lifelong Learning process. It is agreed that Aboriginal people face many barriers to successful learning, and have varied needs based on gender and geography. Still other Aboriginal people face multiple barriers, such as racism, poverty and living long distances from essential goods and services. There is acknowledgement that issues surrounding women and urban residents require particular attention. The Government of Canada could strengthen their support of Aboriginal women by consistently applying a culturally relevant GBA in this essential area.

The government paper supports the need to include parents and the community in all aspects of the learning process. Further, the paper supports the traditional value of both the community and the family's joint responsibility in raising and teaching the children. According to the paper, all provinces have maternal/child health programs in place to assist and support pregnant mothers, new parents and special needs children. Few of these programs exist in First Nations communities. Additionally many other Aboriginal children do not have access to early childhood development supports, such as Aboriginal Head Start and childcare. In addition, Aboriginal students in post secondary education are more likely to be mature female students, who face additional pressures related to family matters, requiring support programs and strategies such as child care.

The Government of Nunavut's background paper provides some background information on a few of Nunavut's Land Claims (NLC) agreements around the government's legal obligation to involve and consult with Inuit residents, who make up approximately 85% of the population. Further, the paper explains that, under article 32 of the NLC agreement, the Nunavut Government must ensure that Inuit are given an opportunity to participate in the development of social and cultural policies.

There are fiscal and systemic challenges faced by the Nunavut government when attempting to address the many needs of Nunavut citizens. Factors such as (shortage of) inadequate housing, a growing population and limited dollars for education and other social programs result in the territorial government having to seek additional funding from the federal government. Inuit people's education is a constitutional responsibility and should not be left to the Nunavut Territorial Government. This is another clear example of Aboriginal people being caught in the jurisdictional dispute between government levels regarding the ultimate responsibility for First Nations, Métis and Inuit peoples.

According to the Nunavut paper, the current education and skill level of the population fails to meet adequately the cultural and practical needs of the people. Although many Inuit still retain their traditional language, they are unable to access employment with the Nunavut Government, since these positions require the applicant to speak English and possess specific skills for the job. With respect to labor market needs of the young working age population, the government again contends that it is in a limited position to respond adequately to these needs with appropriate resources or capacity.

AFN's follow up document to these two Sectoral Sessions does provide more detail on women's issues in relation to the Lifelong Learning process. Audrey Zoe, a member of the AFN Women's Council and a NWAC delegate to the above Session, notes that

First Nations women voiced their concerns and issues regarding gender equity, [the need for increased] representation at regional and national levels, and the [need to keep] families healthy and strong, which will ensure healthier communities for the future.

AFN Follow Up Report, 2005

NWAC Recommendations

NWAC's recommendations for lifelong learning include:

- Ensure a coordinated, wholistic, equitable approach to funding and delivery of programs and services, with full consideration of the unique needs, aspirations and circumstances of Aboriginal women
- Utilize the knowledge and skills of non-traditional teachers and workers who have learned their professions in a non-institutional setting, i.e. healers, traditional teachers, elders, story tellers and those who retain their language
- Maximize and apply lessons learned from existing childhood development initiatives, such as the Aboriginal Head Start Program, the Community Action Program for Children and the Canadian Pre-natal Nutrition Program and apply them to Inuit, Métis and First Nations communities to assist children in their life-long learning path
- Ensure that children with disabilities and special needs and their families and caregivers are involved in all stages of the development process in working toward optimum independence
- Ensure that children diagnosed with FASD, their families and caregivers are provided with adequate resources, such as trained teachers/aids, respite care and peer support
- Assist with capacity building of the entire community
- Ensure that curriculum development reflects traditional methods of teaching, such as storytelling and oral histories
- Ensure that First Nations, Métis and Inuit specific curriculum and research portray women and girls in positive roles, so that young girls are encouraged to pursue careers in the sciences and technology fields
- Provide Aboriginal women with access to women's resource centers, counseling services, pre-employment and life skills programs, that are culturally appropriate
- Ensure that training programs will assist women in taking up responsibilities in Aboriginal governments including the Aboriginal civil service
- Ensure that training opportunities meet the needs of Aboriginal communities and their citizens
- Increase funding so that Aboriginal persons are able to access graduate programs (this is a particular concern for women who often have child care responsibilities)

- Ensure equal access to leadership positions in educational institutions and the opportunity to be employed in positions that effect educational policy making

VI. Housing Sectoral Session

As in previous Sectoral Sessions, those in attendance at the Housing Sectoral Session were divided into break out groups to focus on key themes or areas. In this instance, these included

- Jurisdiction, control and governance
- Housing supply
- Housing quality
- Affordability (access to home ownership and rental housing)

NWAC delegates provided valuable input on First Nations, Métis and Inuit women's unique requirements related to housing issues.

NWAC's Position

NWAC's background paper sets out the critical importance of addressing housing needs and human rights for Métis, Inuit and First Nations women. In particular, unmet housing needs lead to increased vulnerability of violence, involvement of the child welfare system and suicide for Aboriginal women. NWAC calls for redress of the lack of matrimonial property rights afforded to First Nations women living on reserve. Reforms to family and matrimonial real property law on reserve and federal and First Nation on-reserve housing policy frameworks are required to ensure First Nations women and their children have access to safe, secure, affordable housing. Legislative amendments will only be sufficient if all needs of women are being met. These amendments must be coupled with measures to address underlying structural inequities.

NWAC also set out the need for high quality, accessible, acceptable housing for Métis, Inuit and First Nations women and their families, including those in all geographic locals, whether urban, rural, northern, on or off-reserve. Increased funding for housing was identified as critical, along with improving the quality of housing available to Aboriginal women and their families.

NWAC's Gender-Based Analysis of the Background Papers

The needs of Aboriginal peoples to secure affordable, adequate and suitable housing were seen by all NAOs as critical, certainly demanding immediate attention and redress. Housing consultations need to incorporate mechanisms to allow for the engagement of all stakeholders. All papers cite housing shortages, over crowding and other socio economic factors as root causes of cyclical patterns of violence and family dysfunction. The specific housing needs of women, persons with disabilities, seniors and persons who are in transition or homeless should be considered in housing policy and program discussions.

With respect to Aboriginal women's housing issues, the Government of Canada's background paper provides data from Statistics Canada to show inequities in housing between Aboriginal women and non-Aboriginal women. For example, Aboriginal women

are more likely to live in lone parent households versus non-Aboriginal women. In addition, a lone parent household infers the reliance on only one income to support housing and living expenses. Finally, Inuit women who face violence in the home may have a difficult time leaving the relationship due to factors related to northern remoteness and lack of adequate housing. The Government of Canada needs to follow through on its existing commitment to incorporate culturally relevant GBA into existing policies and programs.

According to the federal government paper, the First Nations Land Management Act (FNLMA) allows more flexibility in land tenure and matrimonial real property challenges than those presented under the Indian Act:

In the event of marriage dissolution, provincial courts have no jurisdiction to award an interest in the family home, which is usually in the legal possession of the husband. This often results in women having to leave the reserve, especially where communities do not have housing policies that address such situations.

FNLMA gives First Nations who have signed agreements under this Act authority to exercise control over their lands and resources for the use and benefits of their members. NWAC recommends that a culturally relevant gender-based analysis be applied to this Act to determine whether there is any real evidence that this is benefiting women. The question is whether the provisions of some of the agreements signed in accordance with the Act have resulted in First Nations women having gained “real” rights. There is a concern that in terms of implementation, some of these provisions were vague and permissive, rather than binding in their protection of women’s rights.

The AFN background paper stresses a wholistic approach to housing, especially as it relates to health, infrastructure and demographics. Language and culture are important to the general well being of First Nations families and communities, as is the environment, particularly watershed management, the cleaning up of contaminated sites in First Nations communities, and the eradicating of mould and pesticides found in many First Nations homes. The paper calls for a negotiations process on housing to examine the treaty terms and interpretations on housing for First Nations in a contemporary context. Issues related to capital funding for housing, infrastructure, transportation and resources were cited as needing further redress, along with home ownership and financing for First Nations wishing to purchase homes.

The AFN raises many important issues for First Nations that have particular implications for First Nations women. This analysis would have been enhanced if a culturally relevant GBA was applied to these issues ensuring that women’s unique perspectives, needs and concerns on housing would be better understood. This is imperative to understanding the ways in which the same practice and policy framework affects First Nations women and men differently.

The MNC paper presents compelling evidence of the housing crisis faced by Métis people. Factors related to poverty underpin the problems that Métis encounter around housing. For example, Social Assistance recipients make up 80% of the urban native non-profit housing tenants in Winnipeg, Manitoba. The Manitoba Government has fixed the maximum shelter component of welfare for a mother with one child at \$285 a month, two children at \$310 a month, to a maximum of \$397 a month.

The poorest households tend to be those where both spouses are Aboriginal, lone parent Aboriginal households, and lone parent non-Aboriginal households. This is a direct reflection of the low-income levels of Métis and other Aboriginal people generally. This is compounded in larger urban centers by the high cost of housing, both rental and home ownership. All of this dramatically affects the total wellness of the family because, once shelter is paid for, there is no money left for other necessities of life, such as adequate nutrition and medical expenses. For those in subsidized housing (covering 30% of their gross family income), there is no incentive to improve their situation as they are penalized for every additional dollar they earn to the point of being forced out of their home.

The paper goes on to recommend that action must be taken to preserve the housing stock, and that the Royal Commission on Aboriginal Peoples' (RCAP) Report's⁹ (reporting almost a decade ago) recommendations on housing must be revisited and acted upon. For example, the RCAP Report pointed to the significant economic spin-offs of new social housing construction on Aboriginal communities. Every effort must be made to ensure that spin-offs of the Métis Housing Strategy benefit Métis people. Métis women too should benefit from the spin off effects such as employment in the construction industry.

The CAP paper makes similar comments and recommendations to those of other NAOs without articulating the needs of Aboriginal women. It does, however, emphasize the general importance of providing affordable and adequate housing for those most vulnerable, such as women, the elderly, persons with disabilities and those at risk of homelessness. Data from Statistics Canada show the disparity and serious housing needs of its membership who are primarily non-reserve residents.

Prefacing the ITK paper is the point that Inuit believe that housing is the basic building block of a healthy and productive society. NWAC wishes to fully support this principle. Overcrowding and inadequate housing conditions are linked to poor health, which, in turn, increases susceptibility to infectious diseases, such as tuberculosis and hepatitis A. Overcrowding often results in higher incidences of injury and mental health problems due to family stress and violence. Overcrowding is also seen as a contributing factor to the high suicide rates of Inuit youth, which is among the highest in the world.

In the communities of Nunavut and Nunavik, the majority of Inuit live in social housing. According to Statistics Canada 2001 Aboriginal Peoples' survey, 53% of Inuit live in overcrowded housing, as compared to other Aboriginal groups. Finally, Inuit clearly

⁹ http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html

desire their own housing programs and housing policies that are relevant to geography and northern environment.

The Territorial Government of Nunavut paper outlines a ten-year housing strategy for Inuit in Nunavut. The strategy seems comprehensive in scope, however, a culturally relevant gender-based analysis is required to accurately define and ascertain the specific needs of Inuit women. It recommends the development of a partnership between the Government of Canada and the Nunavut Housing Corporation and Nunavut Tunngavik Incorporated, pursuant to Article 2 of the Nunavut Land Claims Agreement, to ensure that the Inuit of Nunavut benefit from federal participation in provision of housing for Aboriginal peoples in Canada. This partnership would lead to implementation of the Nunavut Ten-Year Inuit Housing Action Plan. The Plan would provide for:

- Construction of new social housing to relieve the overcrowding crisis in Nunavut immediately
- Additions and/or renovations of existing units also to alleviate overcrowding and improve utility of units over time
- Technologies selected for performance in northern conditions and for their compatibility with the spirit and intent of Article 23 of the NLCA

A concerted training program for all building trades and for construction supervisory personnel targeted specifically for Inuit.

NWAC Recommendations

NWAC recommendations for housing include to

- Ensure that all housing proposals indicate how Aboriginal women's interests will be addressed, including the integration of equality of outcome measures between men and women
- Ensure that, where jurisdictional control is transferred to First Nations, Métis and Inuit communities, NWAC or other representative Aboriginal women's groups, such as Pauktuutit, conduct research and policy development. This will ensure the application of a culturally relevant GBA to the development and implementation of matrimonial real property codes, such as those currently being developed under the First Nations Land Management Initiative
- Guarantee that First Nations women living on reserve have access to legal recourse for obtaining interim exclusive possession of the family home and equal division of matrimonial property upon separation or divorce, equivalent to that which is available to all spouses living off reserve. It is only through measures such as these that violence in some Aboriginal communities will be addressed fully.

- Ensure Canadian and Aboriginal governments act in accordance with Canadian equality laws and international human rights obligations
- Provide, in the context of violence against First Nations and Métis women living on reserve, legal recourse, such as restraining orders and orders for exclusive possession of the matrimonial home
- Provide funding to conduct further research to determine the most appropriate solutions to violence against Aboriginal women
- Provide access to culturally appropriate services, such as shelters, safe houses and second stage housing, for all Aboriginal women and their children
- Resolve current shortages in high quality, safe, affordable housing available to Aboriginal women and their families through adequate funding for renovations and building of new units
- Address, particularly in urban areas, discrimination, including gendered racism against Aboriginal women
- Assist lone parent families

VII. Economic Opportunities Sectoral Session

The 2001 Statistics Canada Survey on Aboriginal peoples notes that the unemployment rate of Aboriginal peoples is two and a half times higher than that of other Canadians. Further, Aboriginal people generally earn less than their non-Aboriginal counterparts and face additional barriers to employment and business opportunities, such as

1. Poverty
2. Inadequate housing
3. Racism and discrimination
4. Low education levels and literacy skills and access to training and employment opportunities
5. Limited expertise on business development
6. Poor health and alcohol and drug abuse
7. Isolation due to geographical location
8. Limited access to capital and financial institutions

Taking the above into consideration, the objectives of the Economic Opportunities Sectoral Session were to contribute to a shared understanding of the factors supporting sustainable economic opportunities for Aboriginal peoples, reflecting similar and separate features for First Nations, Inuit, Métis, specifically women, Aboriginal people in urban centers and those in rural and remote locations. Discussions focused on improving

- Governance and capacity (e.g. Aboriginal economic institutions, skills development, connectivity and infrastructure)
- Access to capital and investment
- Economic opportunities from lands and resource development (e.g., Impact Benefit Agreements, joint ventures, etc.)
- Regulatory and legislative frameworks to facilitate economic opportunities

There was a need not only to identify what successful outcomes would look like for all stakeholders, but also to examine the linkages between economic opportunities and other sectoral matters, such as housing, negotiations and life-long learning.

First Nations, Métis and Inuit support the use of wholistic approaches in the development of economic and employment initiatives that respect their political, socio-cultural and health needs. There is a steady growth in the Aboriginal population in marked contrast to the non-Aboriginal population. In particular, the vast numbers of “baby boomers” are approaching retirement, leaving a large gap in the Canadian labor market. The Aboriginal community can fill this gap with immediate action focussed on developing training and skills development programs for the high numbers of Aboriginal youth now ready to enter the labor force. Indeed, the Royal Commission on Aboriginal People (RCAP) Report (1996) estimates that more than 300,000 jobs will be needed for Aboriginal people by 2016.

NWAC's Position

NWAC's background paper states that Aboriginal women face additional barriers to economic and employment opportunities due to gender, racism and bias. Some of these include

- Lack of or inadequate child care
- Violence
- Negative attitudes to women who want to pursue business ventures
- Lack of support services and programs
- Lack of policies and initiatives which fail to address women's specific needs

Barriers unique to Aboriginal persons with disabilities also need to be considered when exploring training and sustainable employment.

NWAC's Gender-Based Analysis of the Background Papers

An overview of the NAOs and Government of Canada's papers reveals that Aboriginal women's unique perspectives require further analysis. Many background papers incorporated women's issues only in the cross cutting section of the papers, without actually applying a culturally relevant gender-based analysis. In order to achieve productive outcomes specifically for Aboriginal women and for women to have equitable involvement in the overall CAPR process, they must be afforded equal opportunity. Women must sit at all tables to share their knowledge about what kinds of approaches work and how they would like to participate.

Along this continuum, the AFN's paper asks that women and youth participate in all aspects of the development, maintenance and review of economic and employment activities. The ITK paper calls for the active participation of Inuit women in all economic and business ventures, especially joint ventures and partnerships, such as airlines, fishing, shipping and construction. Inuit women play a role in the mixed economy of traditional hunting and harvesting of wild life for personal use or commercial sale. They are impacted significantly by conditions such as cold climate, isolation and reliance on transportation linkages via air and sea.

It is important to ensure that Inuit women benefit from the limited job and business opportunities made available in their respective communities and regions. Pauktuutit emphasizes the need to address the critical gaps that prevent significant numbers of Inuit women from becoming self-employed. Pauktuutit and regional Inuit associations could be used to provide a range of informational material, financial assistance, and other support services to potential Inuit women entrepreneurs.

The ITK and CAP papers stress the need for women and youth to access funding, affordable child care, mentoring and job shadowing programs, low interest loans and other support services related to self employment.

CAP points out that

- 86% of all self-employed Aboriginal people are located off reserve
- Increasing numbers of Aboriginal businesses service higher knowledge areas such as the professional, scientific and technical, education and health sectors sentence structure awkward.
- Greater numbers of Aboriginal women residing off-reserve are choosing self-employment in comparison to those on-reserve
- Generally, off-reserve self-employed Aboriginal people are reporting positive results in their business activities, including increased profits, sales and business longevity

NWAC Recommendations

NWAC's recommendations for economic opportunities include

- Decrease rates of poverty facing Aboriginal women through an adequate welfare state and affordable, equitable quality child care and housing
- Eliminate discrimination based on gendered racism facing Aboriginal women in educational institutions and the labor market, both within Aboriginal and non-Aboriginal communities
- Ensure governance structures responsible for economic development are sensitive to the unique needs of Aboriginal women and involve autonomous Aboriginal women's groups and individual Aboriginal women in the design, delivery and evaluation of economic development strategies and initiatives
- Provide funding for viable, sustainable, ongoing businesses and entrepreneurial activities to assist in the generation of stable incomes for First Nations, Métis and Inuit women and their families
- Ensure adequate educational and employment opportunities for other community members and training opportunities for young Aboriginal women and men, leading to healthy, vibrant communities
- Provide funding to develop programs and services, such as Aboriginal Women's Business Service Centers and a National Small Business Mentorship Program sensitive to the unique needs of Aboriginal women
- Provide access to capital and investment, including seed equity, for Aboriginal women through changes to existing lending processes within Crown corporations, the creation of low-interest micro-loan programs and other innovative ideas
- Increase land and resource development opportunities for Aboriginal women through greater involvement in non-traditional careers and ensure that these opportunities are sustainable over the long-term
- Improve Social Security to meet better the needs of Aboriginal women entrepreneurs
- Ensure that governments take an integrated approach to transfer payments to meet the wholistic needs of First Nations, Métis and Inuit communities

VIII. Negotiations Sectoral Session

The Negotiations Roundtable Sectoral Session convened discussions around the following:

- The legal principles and objectives and lessons learned for addressing Aboriginal and treaty rights consistent with the recognition and affirmation of those outlined in section 35, including subsection 4 (the gender equality clause) of the *Constitution Act, 1982*
- The relationship principles, objectives and lessons learned for addressing Aboriginal land rights, the inherent right of self-government and treaty rights
- Options for the renewal of policies to address more effectively section 35 Aboriginal and treaty rights, including the achievement and implementation of land claims agreements and the implementation of the inherent right to self-government
- Options for improving processes and mechanisms for addressing section 35 Aboriginal and treaty rights, including good faith negotiations, the implementation of land claims agreements and the implementation of the inherent right of self-government

As noted earlier in this document, at the CAPR, Prime Minister Martin reaffirmed his government's commitment to find new and better ways to negotiate and work with Aboriginal peoples. Redefining the relationship between Aboriginal peoples and the Crown would, according to the Prime Minister, mean that intervention from the courts would be unnecessary. Adding to the complexity of this issue are the 40 Supreme Court decisions (since 1982) that have impacted and changed the interpretation of how the government views Aboriginal and treaty rights. Reconciliation is central to the federal government's resolving of Aboriginal treaty rights and self-government issues. Given Aboriginal peoples' diverse needs, reconciliation can take different forms, particularly as it applies to Supreme Court decisions and recommendations.

NWAC's Position

NWAC suggests that some of the processes and mechanisms necessary to negotiate Aboriginal and treaty rights should include the need to

- Build in mechanisms to ensure negotiations are carried out on the basis of meaningful consultation with Aboriginal women. This could address some of the historic discrimination women have faced under the Indian Act regime, such as being banned from holding political office until 1951
- Implement programs aimed at increasing participation of Aboriginal women through funding to Aboriginal women's representative organizations, as indicated in the *Gathering Strength* document¹⁰

¹⁰ Available on line at http://www.ainc-inac.gc.ca/gs/index_e.html

- Include Aboriginal women's representative organizations at all future policy discussions
- Provide financial support to NWAC to develop a culturally relevant gender-based analysis framework that can be applied to strategic plans and programs aimed at policy renewal
- Support and build partnerships among NGOs to ensure continuity of application of NWAC's culturally relevant GBA framework

NWAC does not stand alone in advocating for

- First Nations, Métis and Inuit governments, women's groups and other representative First Nations, Métis and Inuit bodies to engage in full and meaningful consultation regarding proposed governance initiatives including legislation and legislative drafting.
- Full and equal participation of First Nations women in self-government and treaty negotiations. In British Columbia, this could be done through the B.C. Treaty Commission as a requirement of negotiations. The federal government, when entering into self-government negotiations could, as a prerequisite for negotiations, insist on women representatives on the negotiating teams.
- Incorporate gender equality provisions in self-government agreements, treaties, First Nations/ Métis/Inuit charters/constitutions
- Recommend that all participants in treaty and self-government negotiations (federal, provincial and First Nations/ Métis/Inuit negotiators) use a gender lens
- Include accountability frameworks for First Nations/ Métis/Inuit governments that embody principles of transparency, disclosure, redress and gender equality into First Nations/ Métis/Inuit governing structures (e.g. pursuant to the *Indian Act* or self-government agreements and treaties)
- Explore the possibility of national or regional human rights panels
- Investigate the establishment of an Aboriginal ombudsperson

In the Government of Canada's background paper, policy renewal has to be established on the recognition of existing Aboriginal and treaty rights. Since 1982, developments in constitutional law have generated a paradigm shift with respect to how Aboriginal and treaty rights operate within the Canadian constitutional framework. Just as the Charter of Rights and Freedoms has created a new dynamic between citizens, governments and the courts in shaping social policy, section 35 has created a new interface between policy and constitutional law as a vehicle for addressing Aboriginal and treaty rights. Many Canadians do not understand Aboriginal peoples' constitutional rights and treaties. Accordingly, education in the form of awareness campaigns is essential to inform all parties on this issue.

Each NAO presented several relevant points that would best meet their organization's specific needs regarding region or territory, geography and northern remoteness, culture

and language and gender and ethnicity. Participants continue to insist that their unique perspectives as First Nations, Métis and Inuit would not be adequately addressed if governments viewed their needs by applying a “pan Aboriginal” process.

The CAP paper presented additional factors associated with barriers faced by persons residing off reserve and non-status Indians, and issues particular to women’s realities and circumstances. CAP identified the need to include and involve their organization’s membership in negotiations at all levels: whether these negotiations were about lands and resources, self-government arrangements, Aboriginal rights, revenue sharing rights, consultation rights or co-management authorities. This would include, again at all levels, equal access to funding for research as provided to other Aboriginal groups.

The AFN’s paper sets out a series of actions and deliverables to bring about positive and transformational change to their communities. These include short term policy reform and policy development in the areas of land and resource rights, self-government and treaty implementation. It also includes long term actions and deliverables focused on equitable and effective recognition and implementation of treaty and Aboriginal rights to land. This would improve the land claims process and reduce the backlog.

NWAC Recommendations

In relation to negotiations, NWAC recommends that:

1. In conformity with international human rights standards, the right to equality under subsection 35(4) of the *Constitution Act* and section 15 of the *Charter*,¹¹ as well as other human rights of those most vulnerable in Aboriginal societies (including women, people with disabilities, two-spirited people and others), should be addressed and protected in developments related to addressing and recognizing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.
2. The entire policy framework applicable to Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982* be reviewed and updated to reflect recent legal and relationship developments, which, in turn, will improve the overall relationship between Canada and Aboriginal peoples, as well as the processes and mechanisms used to address section 35. Particular attention must be paid to the way in which section 35(4) can be used to protect the Aboriginal and treaty rights specific to Aboriginal women.
3. This policy framework review, along with any implementation processes and mechanisms, must involve the application of a culturally relevant gender-based

¹¹ Section 15(1) states:

“Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

analysis of all aspects of land claims, self-government and treaty negotiations. Renewal of policies to address more effectively section 35 Aboriginal and treaty rights should be done, including an examination of the ways in which section 35(4) can be used to benefit Aboriginal women. This renewal should be done with the active and equal participation of NWAC to ensure that policy development and implementation adequately reflect Aboriginal women's rights, needs and perspectives and fully integrate a culturally relevant gender-based analysis.

NWAC believes that including section 15 of the Charter in the deliberations will **not** diminish the value of section 35. These two sections can work in concert with one another to provide maximum benefit to Aboriginal women.

IX. Accountability for Results Sectoral Session

NWAC's Position

NWAC set out the critical importance of a new accountability framework essential to bringing about transformational, structural changes to the existing relationship between Canada and Aboriginal peoples. Currently, the strain caused by inequalities and injustices prevent Aboriginal peoples, particularly Aboriginal women, from enjoying a high quality of life.

A new framework must effectively address these imbalances, which will in turn lead Aboriginal women to experience:

- lower rates of violence against Aboriginal women
- improved health status
- less systemic discrimination such as racism, gendered racism, etc
- improved rates of participation in the educational systems and the economy and,
- increased political participation and leadership opportunities.

In the context of self-government, Aboriginal women view this framework as a mechanism to improve the power imbalances, so long as principles of equality are guarded in these processes:

We, as Aboriginal people, want self-government so that we may better our living conditions. We hope to abolish injustice and inequality. For us, an Aboriginal government, as with any responsible government, would operate within specific guidelines that protect its citizens, men and women alike, from abuse of power. While we support the collective rights of our Nations, we also feel that there must be a balance between these collective rights and the individual rights of people within a society. To ensure this balance, we hope to see a Charter that ensures the rights and freedoms of all Aboriginal people. Presently, the only existing model available to us is the Canadian Charter of Rights and Freedoms. The Royal Commission on Aboriginal Peoples concluded that Aboriginal governments would be subject to this Charter. We ask that this stipulation be included in any agreements on self-government.¹²

In fact, there will be cases where traditional forms of governance (i.e. not recognized under the Indian Act) operate as autonomous governments where gendered roles are specifically defined. Based on the interaction of international collective and individual human rights and their progressive development, these governance structures may provide greater protection to the equality rights of Indigenous women.

¹² Quebec Native Women's "Negotiations with the Innu Nation" paper can be read at http://www.ceaa-acee.gc.ca/013/001/0002/0004/0004/innu2_e.htm

NWAC's Gender-Based Analysis of the Background Documents

Accountability frameworks address the systemic power imbalances that exist between the federal government and Aboriginal peoples, between Aboriginal governments and their citizenry and between genders. In this Session, all participants identified the need to develop a framework to

- Improve accountability relationships in an Aboriginal context
- Establish the basis for what constitutes “good reporting”
- Improve the reporting process
- Move forward on an Aboriginal Report Card

NWAC supports the concept of a working group that would oversee a process to ensure accountability. Key aspects of this working group would include:

- Equitable representation from the five National Aboriginal Organizations
- Fair compensation paid to these organizations for providing representation and research to the process
- Annual progress reports by the working group to the community
- Fair and equitable recruitment process used to select membership to the working group, ensuring that women, urban, remote, youth, persons with disabilities and two-spirited persons are equitably represented
- External evaluation body used to assess and evaluate the process and report to the Aboriginal community

Governments are encouraged to commit to the above noted process by providing adequate resources, keeping the issue high on its political agenda and providing a concrete action plan and strategy for implementing the recommendations generated by the working group in a timely and transparent manner. The process must be a collaborative one, in which all participating governmental departments work in concert to ensure issues are addressed holistically. This model is based on governments working in full partnership with First Nations, Métis and Inuit peoples of Canada.

Application of a culturally relevant gender-based analysis is crucial to all accountability and evaluation frameworks. Wholistic, culturally appropriate models that are sensitive to the most marginalized groups of Aboriginal peoples must be developed and implemented. These must also measure progress to ensure positive outcomes and sustainability. Canada can begin by measuring success in activities that it has already committed itself, such as those made at the Beijing +5 World Conference on Women, along with the principles contained in Conventions, such as the Convention on the Elimination of All Forms of Racial Discrimination, to which Canada is a party. Finally, for all results, definitive timelines and timeframes must be put in place to ensure that the process does not get lost in government agendas.

NWAC Recommendations

Existing social relationships and overall socio-economic status between Aboriginal women and men and between Aboriginal women and non-Aboriginal women and men are not equal. Based on this recognition, NWAC identifies that there is a need to

- Apply a culturally relevant gender-based analysis to all federal and Aboriginal governance policies and programs. Requisite gender and cultural factors need to be incorporated at all levels to ensure that substantively equal outcomes for Aboriginal women are attained. Equality rights and human rights standards applicable to all Aboriginal women must be respected, protected and fulfilled. These standards must be applied to all members of Inuit, Métis and First Nations society, including youth, seniors, people with disabilities and two-spirited people.
- As jurisdictional control increases to First Nations, Inuit and Métis governments over all matters (health, lifelong learning, social and economic development, etc), it is imperative that the systems developed must be inclusive and sensitive to gender, age, disability, race, culture, language and sexual orientation. Aboriginal women must be at the forefront. NWAC will play a key role in the development and monitoring of these systems to ensure that the unique needs, perspectives and rights of Métis, First Nations and Inuit women are met.
- Meet the basic needs of First Nations, Métis and Inuit women to ensure that the rates of racial, sexualized violence they experience are reduced. Rather than perpetuating inequities and injustices, the criminal justice system is responsive to the wholistic needs and circumstances of Aboriginal women. Representative Aboriginal women's organizations play a key role in facilitating greater gender equality, bringing the voices of Métis, First Nations and Inuit women's perspectives to the forefront to all forums: programming, policy, governance and other important tables. Ensure the active and equal involvement and participation of all Métis, First Nations and Inuit women at all levels of policy and programming as well as within governance structures.
- Ensure the distinct geographic needs of all Aboriginal people are considered.
- Support NWAC to develop effective capacity building and sustainability plans for Métis, Inuit and First Nations communities, including a culturally relevant gender-based analysis to address gaps in meeting Aboriginal women's rights and needs. For example, in the area of health, a gender-based analysis would identify gaps in health research and existing health service delivery and administration models.
- Provide adequate resources to reflect population numbers and organizational and community needs. For example, the current AHRDA funding levels would be changed to reflect current data rather than outdated allocation models.

- Provide access to and integration in health, lifelong learning, etc. to all First Nations, Métis and Inuit peoples. For Aboriginal women, this would be achieved through ensuring their basic needs are met regarding affordable, equitable quality housing, safe, reliable and accessible daycare facilities, adequate living allowances and affordable transportation. Disability-related costs should be factored into budgets and programs to ensure accessibility for Aboriginal peoples with disabilities.

X. NWAC's Recommendations and Next Steps

This report has now gone full circle: we are back to the table to discuss next steps or where to go from here. The CAPR opened up a dialogue between NAO, provincial and federal governments and other key players to strengthen existing relationships and identify needs.

Now that the *Strengthening the Relationship* Report and Sectoral Sessions are completed, NAOs and governments need to congratulate themselves on a job well done; they have taken the first few steps on what promises to be a collaborative journey that will take some time to complete. There is more work to be done.

With every step that follows for NAOs, the desire is not to have activities and policy viewed by governments as 'pan Aboriginal'. There must be recognition of the unique status and needs as First Nations, Métis, Inuit, non-status and on and off reserve peoples. The "one size does not fit all" principle must stand firm. Each Aboriginal community has distinct inherent rights to self-determination, self-government and gender equality rights.

The CAPR process was successful in identifying the intersections between economic opportunities, housing, and lifelong learning and health. Addressing one area in isolation will not provide adequate results because of the correlation between each area. For example, until the fundamental economic and health needs of Aboriginal peoples are met, they will not be in a position to successfully complete education and training programs to enable them to become contributing members of society. Until Aboriginal women are provided the knowledge, skills and resources they need to make informed choices, they will not be able to move out of abusive relationships to raise their families in healthy environments.

Bearing this in mind, the next steps—policy-making and development of an Aboriginal Report Card to track progress—are no easy tasks. The federal government needs to continue to engage all Aboriginal peoples in consultation and follow up. A wholistic approach will meet the collective and individual needs of the Aboriginal community. All Aboriginal women, persons with disabilities, two spirited people, and rural and urban Aboriginal peoples must be actively involved in every step of this journey.

The Native Women's Association of Canada played a key role in the CAPR. It believes that women's unique perspectives and issues require specific attention and analysis, and can be best responded to by women's organizations such as NWAC. What has been presented to date is valuable but not all encompassing of Aboriginal women's needs. As stated earlier, a culturally relevant gender-based analysis is an essential tool to understand more comprehensively social processes and is also key to responding to identifiable needs in an informed and equitable manner. Indeed, viewing and analyzing Aboriginal women and men's circumstances in the same way assumes that women and men are equal in their day-to-day lives when this generally is not the case. **NWAC is in the unique position to provide this culturally relevant analysis, because of its skills,**

expertise, knowledge base, research capabilities and, more importantly, existing and potential partnerships with NAOs and women's groups across Canada.

NWAC calls upon the federal government to act while the momentum and energy of the Canada Aboriginal Peoples' Roundtable continues to build. As the national voice for Aboriginal women in Canada, NWAC is firmly committed to doing our part to ensure the voices of all Métis, Inuit and First Nations women are heard and that their existing human rights are fully realized in Canadian society, for the betterment of individual Aboriginal women, their families, communities and, Canadian society as a whole.

X1. Conclusion

Aboriginal peoples have gone beyond the struggle for survival as small enclaves set apart from non-Aboriginal Canada. The struggle now extends to applying cultural and ideological practice to economic activity, the provision of health services, housing and education, within Canadian society and the global community. The struggle is to live and thrive as peoples and nations maintaining and expressing distinctive worldviews and contributing uniquely to the Canadian federation. In the language of the United Nations Working Group on Indigenous Populations, this is the pursuit of self-determination:

Indigenous peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

Fundamental to the exercise of self-determination is the right of peoples to construct knowledge in accordance with self-determined definitions of what is real and what is valuable. Just as colonial policies have denied Aboriginal peoples access to their lands, so also have colonial definitions of truth and value denied Aboriginal people the tools to assert and implement their knowledge. Colonial policies are also one of the significant sources of discrimination and disadvantage Aboriginal women face in society today.

The CAPR process can be viewed as the first step in changing this destructive historical pattern of interaction. However, it will only be successful if the structural inequalities facing all Aboriginal women in Canada are eradicated. The voices of Aboriginal women cannot continue to be marginalized but must be integrated at every step of the way.

Now is the time to work in collaboration with one another for the full participation of First Nations, Métis and Inuit women in all issues fundamental to the collective as well as the individual well being of Aboriginal peoples in Canada.