

Aboriginal Peoples, the Canadian Senate
& Discriminatory Legislation:
the personal is political

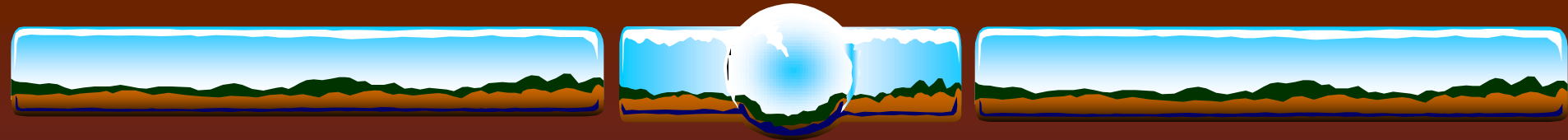
Senator Lillian Eva (Quan) Dyck, Ph. D., D. Litt.

Native Studies class, Feb 27, 2009

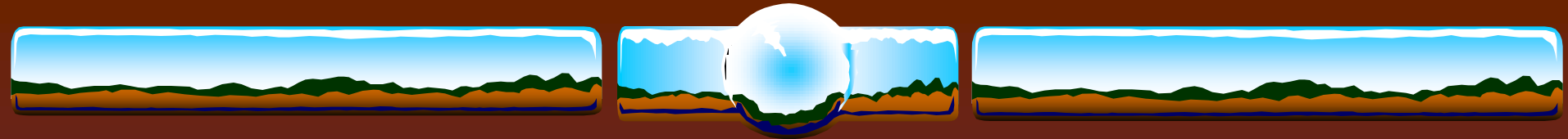


Outline

1. My family roots
2. Aboriginals in the Senate of Canada
3. Discriminatory legislation
4. The solution: new legislation
5. Questions, comments



Dad had a wife in China too!



Dad's Chinese family: Quan Sue Hoe & children



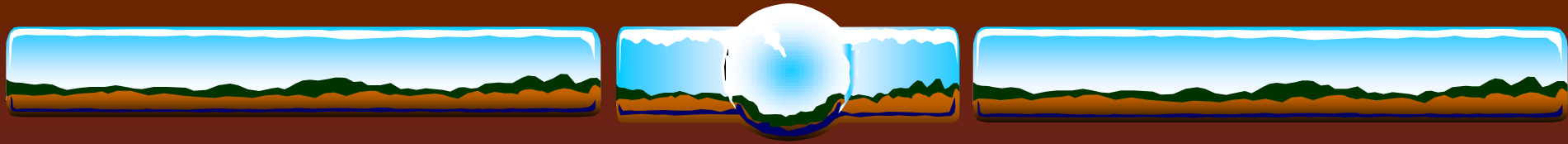
Discriminatory Legislation

- ❖ The Head tax was applied specially to Chinese (1885-1923).
- ❖ The Chinese Immigration (exclusion) Act (1923-1947).



June 2006

- ❖ Head Tax apology by PM Harper
- ❖ Redress to surviving head tax payers



My mother lost her status when she married a non-Indian.



Did my mother deliberately marry out in
1942?

Hiding her and our Indian identity was a
strategy to protect us from racism.

Keeping us off the reserve protected us from abuse.



Mom's message to Winston and me:

Pretend you're just Chinese.

Don't go back to the reserve.

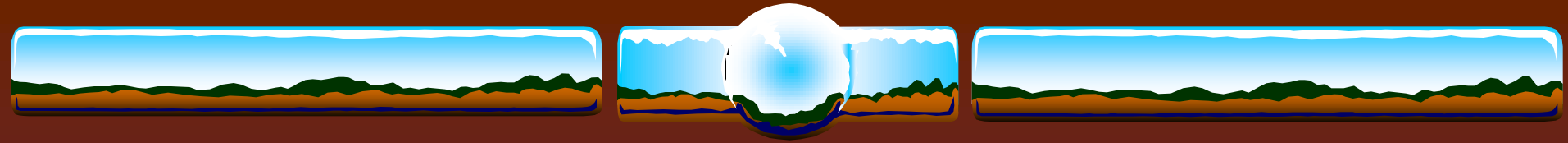
A decorative header at the top of the slide features a central globe with a blue and white color scheme. The globe is flanked by two rectangular panels, each containing a stylized landscape with green hills and a blue sky. The entire header is set against a dark blue background.

I regained my status in 1985
through Bill C-31



Other Discriminatory Laws

1. Chinese men were not allowed to hire white women to work for them. (the Female Employment Act, SK, 1912 – 1969)
2. Chinese-Canadians did not the vote until 1947.
3. Status Indians did not get the vote until 1960.



The Senate of Canada



Being sworn in as a Senator, April 2005
1st First Nations female senator

Speaker Hays, me, Clerk Belisle

Nathan, me, Winston



Composition of the Senate

	October 2005	February 2009
Women	37	34
Men	65	71
Aboriginals	7 (5 men, 2 women)	7 (5 men, 2 women)
	Liberals 68 Conservative 23 PC 5 Independent 5 NDP 1 Vacancies 3	Liberals 59 Conservative 38 PC 3 Independent 5 NDP 0 Vacancies 0



Aboriginals in the Senate

There have been 14 Aboriginal senators:

2 Inuit

3 Métis

9 First Nations



First Indian Senator

Senator James Gladstone

1958 – 1971

Independent Conservative, Lethbridge AB





First Métis Senator

Senator William Boucher

1957 – 1976

Liberal, Prince Albert SK





First Inuit Senator

Senator Willie Adams

1977 – present

Liberal, NWT, Nunavut





First Female Aboriginal (Métis) Senator

Senator Thelma Chalifoux

1997 – 2004

Liberal, Alberta





First Female Indian Senator

Senator Lillian Eva Dyck

2005 – present

Liberal, North Battleford SK





The Indian Act

- A repressive act that governs **all** aspects of an Indian's life.
- Has been amended numerous times since its inception in 1876.
- Defines who is and who is not a registered Indian.
- This is important as status confers certain benefits outlined by the treaties.



Bill C-31: an act to amend the Indian Act

-was intended to remove discrimination against Indian women from the Indian Act and bring it into accord with the Charter of Human Rights and Freedoms.

-it removed the sub-section which caused Indian Women to lose their status when they married Non-Indians

-BUT – other problems have resulted!

Mary Two-Axe Early

A Mohawk woman from Kahnawakhe, PQ



It took almost 20 years, but Mary Two-Axe Earley's campaign finally convinced Parliament to amend the Indian Act to remove discrimination against First Nations women.

One of the women leaders challenging gender discrimination in the Indian Act, and the 1st to have her status restored via Bill C-31.



Sandra Lovelace Nicholas

1st First Nations female senator from Atlantic Canada



A Maliseet woman who successfully appealed to the UN to remove gender discrimination from the Indian Act.



The problems arising from Bill C-31

i.	Second generation cut-off of status
ii.	Families of Women who married out are still discriminated against.
iii.	To maintain the status of their children, women have to prove that the father of their child is registered as an Indian.
iv.	Now the children of women and men who marry out may lose their status – with time and intermarriage, there will be no more Indians!



The 'problems' arising from Bill C-31

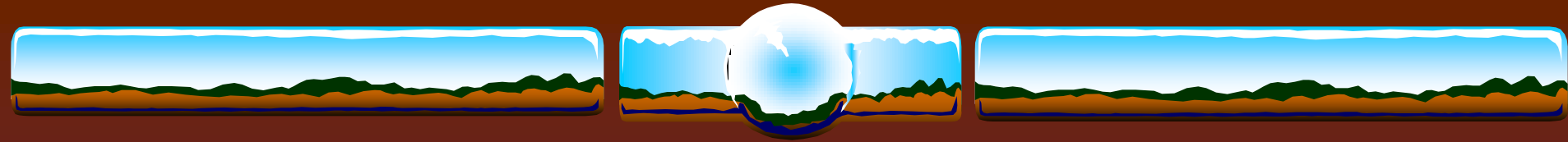
v.	Two categories of registered Indians have been created: 6(1) and 6(2).
vi.	Status no longer confers band membership.



Aboriginals and the Canadian Human Rights Act

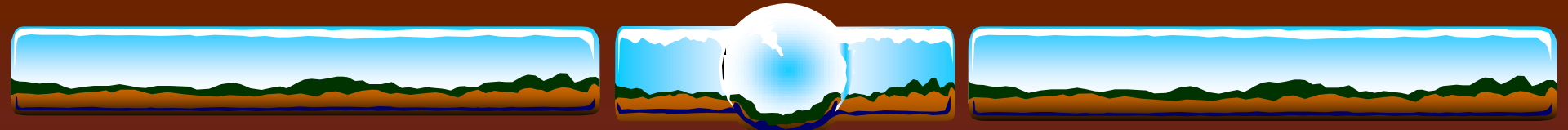
2. . . . all individuals should have an opportunity equal with other individuals . . . to have their needs accommodated, . . . without being prevented from doing so by discriminatory practices based on race, . . . sex, . . . marital status,

67. Nothing in this Act affects any provision of the Indian Act or any provision made under or pursuant to that Act.



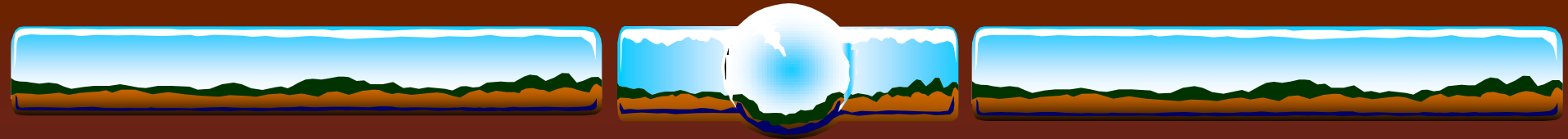
What this means is that:

The Indian Act 'trumps' the Human Rights Act.



The rights of Indian women are still less than those of Indian men

i.	Indian women do not have equal rights to matrimonial property or assets on reserves.
ii.	Indian women who regained status may not have been accepted as band members – thus they may not have been able to return to their reserve and to their former homes.
iii.	Such losses are linked to poverty and this is linked to susceptibility to violence in urban communities.



NWAC Protest against Bill C-31

Ottawa June 2005

A decorative header at the top of the slide. It features a central white globe with a blue shadow, set against a background of a stylized landscape with green hills and brown ground. The entire header is framed by a blue border with a white glow effect.

So ... what can be done?

- ❖ Enact new, better legislation to fix the problem.



Recently enacted Bill of Interest: C-21: An Act to amend the CHRA

Proposes the removal of section 67
of the CHRA after a 6 month transitional period.

Gives due regard to First Nations legal traditions
& customary laws, particularly the balancing of
individual rights and interests
against collective rights and interests.



Concluding Comments

Legislation has defined us by defining who we are and our rights.

Aboriginals did not have the same rights under the Canadian Charter of Human Rights. But Bill C-21 is intended 'fix' that.

Aboriginal women do not have the same matrimonial property rights as non-Aboriginal women. Bill C-47 (last session, now C-8) is meant fix that.