

A Conversation  
with  
the Honourable Sandra Lovelace-Nicholas

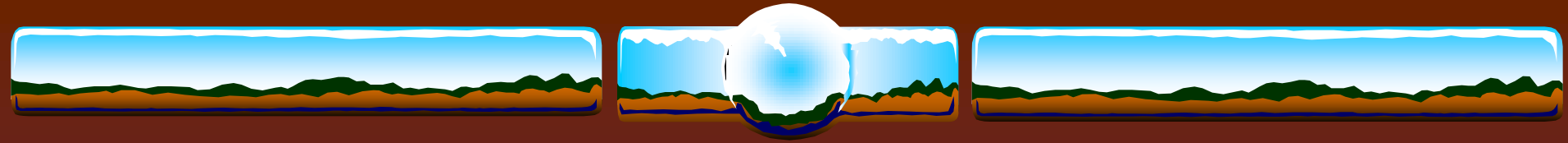
Senator Lillian Eva (Quan) Dyck, Ph. D., D. Litt.

Chains and Links: Human Rights Conference, University of Saskatchewan  
November 1, 2007



# Outline

1. My family as an example of how legislation shapes individual lives.
2. How the Indian act discriminated against Indian women until 1985.
3. **Senator Lovelace Nicholas** will tell us how she changed that!
  - How did that happen?
  - What started her fight for her/our rights?
  - What did she do?
  - Who helped her out?
  - How did that change her life?



My family, my story



# Examples of Laws that discriminated against my parents

Chinese-Canadians did not the vote until 1947.

Status Indians did not get the vote until 1960.

Indian women lost their status by marriage to non-Indians  
until 1985. (so their children had no status either)



# 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.

The header consists of three horizontal panels. The left and right panels show a stylized landscape with a blue sky, green hills, and brown ground. The middle panel features a white globe with blue and green continents, positioned over the same landscape background.

## Eva M. Quan, 1920-1956,

died before Indians were able to vote without losing their status and lived during the worst of times for Indians, including residential schooling, and before treaty benefits began to be realized.



Did my mother deliberately marry out in 1942?

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

Keeping us off the reserve protected us from abuse.

# Mary Two-Axe Early

A Mohawk woman from Kahnawakhe, PQ



Photo: CP/Toronto Star

*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. She was outraged that a friend who had lost her status and thus could not be buried on the reserve.





# Sandra Lovelace Nicholas

appointed to the Senate Sept 27, 2005



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

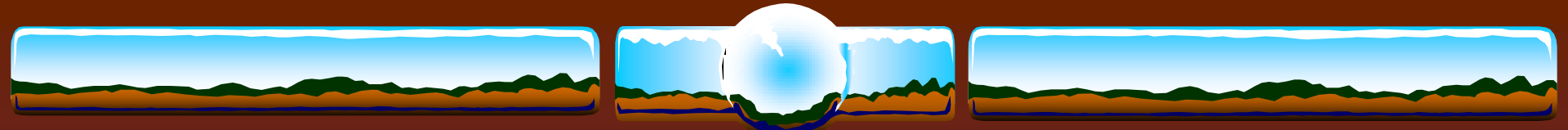


# The outcome of Sandra Lovelace-Nicholas' appeal:

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

-It 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 & their children to lose their status when they married non-Indian men.

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

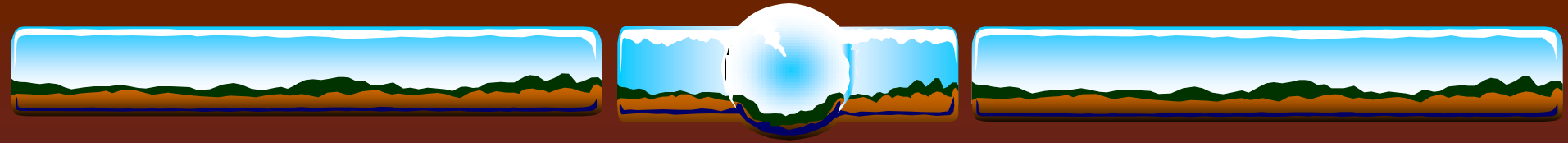
Because of the efforts of women like Sandra Lovelace-Nicholas and Bill C-31, I was able to gain my status as an Indian in 1985

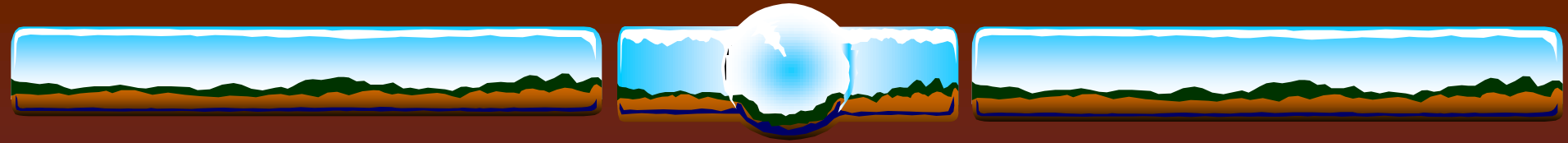


The Honourable  
Sandra Lovelace-Nicholas



A Woman Warrior





# **NWAC Protest against Bill C-31**

Ottawa June 2005



# The problems arising from Bill C-31

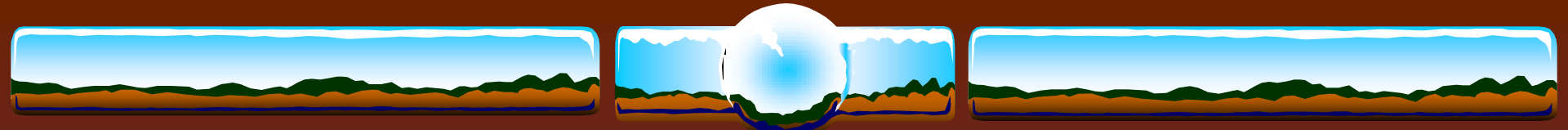
i.	Second generation cut-off of status
ii.	Families of Women who married out are still discriminated against.
iii.	To maintain the status of their children, women have to prove that the father of their child is registered as an Indian.
iv.	Now the children of women and men who marry out may lose their 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.





## 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.



# 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.



## Current Bill of Interest: C-44

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

And

a review of the effects of this bill after a 5 yr period  
with a follow-up report within one year.



## Potential impact of C-44

May help challenges to Bill C-31.

Should help Aboriginal women receive an equal share of matrimonial assets after marriage breakdown.

BUT ... may affect integrity of reserve lands, or have other 'unwanted' outcomes.



# Concluding Comments

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

Aboriginals do not have the same rights under the Canadian Charter of Human Rights.

Aboriginal women do not have the same rights as non-Aboriginal women.