Recognition and Implementation of Rights Framework
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Overview

On October 26, 2018, Les Femmes Michif Otipemisiwak/Women of the Métis Nation (LFMO) received an invitation from a senior Assistant Deputy Minister, on behalf of the Minister of Crown-Indigenous Relations and Northern Affairs (CIRNA) the Honourable Carolyn Bennett, to put forward a “Policy Submission” that provides a Métis women’s perspective on the Recognition and Implementation of Rights Framework (RIRF). Following the launch of the Recognition and Implementation of Rights Framework on February 14, 2018, Canada worked collaboratively with Indigenous Peoples to fulfill a plan that would result in legislation and policies that would recognize, among other things, the inherent rights of self-determination and self-government for Indigenous Peoples. As such, Canada would finally acknowledge that the Métis Nation possesses these inherent rights which are protected under Section 35 of the Constitution Act, 1982 and would finally begin a Nation-to-Nation and government-to-government relationship with the Métis Nation. Subsequently, Indigenous groups were invited to offer their input on the Framework. An Engagement Discussion Guide was sent out for responses. These could include written responses, email responses, and/or participation in a series of Engagement Sessions. The Guide sets out questions for reflection, broken down into themes such as what new legislation include; how current claims and treaty implementation can be improved; should there be a new distinctions-based policy for claims; what is the role of the provinces; what powers and functions would a Métis government have, and how can the two newly-created Indigenous departments best serve, and be accountable to, Indigenous Peoples. Summaries of the 102 Engagement Sessions have been posted on Canada’s website. Although some Métis women may have participated in these discussions, CIRNA’s invitation to develop this policy document will allow LFMO to provide a distinct set of recommendations and policy options specifically for Métis women.

The Engagement Discussion guide had one question explicitly referencing Indigenous women: “What role does the re-empowerment of women play in defining and rebuilding Indigenous Nations?” When reviewing the summaries of these engagement sessions, there were few references to the role of women. One comment referred to the role of women that would be determined once self-government is achieved. Another comment stated that “there needs to be more laws and frameworks to guarantee protection for women and children in order to contribute to the rebuilding of families.” Neither of these sample comments could be attributed to Métis participants, but they do set a certain tone that either sees women’s issues as relevant, albeit an afterthought, or sees women as a group in need of protection. It is important to provide the much broader reality and vision of Métis women. This paper takes the approach that the “re-empowerment” of women starts from the very beginning of the process: first, by equal participation in defining the vision and scope of a Métis government; and, second, by ensuring that women’s rights, needs and aspirations are reflected in legislation, constitutions and the policies and practices of the new Métis governments. Beginning with this basic assumption, the paper sets out to define, in part, the means by which Métis women are empowered by the process moving toward recognized Métis nationhood and further, how empowerment can flow through and lift the broader Métis female population.

Purpose

The purpose of this paper is to provide the views of the Women of the Métis Nation in response to Canada’s Recognition and Implementation of Rights Framework. It is a policy document which can inform current and future processes that would promote the empowerment of women and ensure their participation in addition to their clear reflections in actions and undertakings across all levels of government. While the points raised in this paper have a female focus, it considers the deep concerns and sense of responsibility carried by Métis women on behalf of the whole family unit. This would include their male children, the elderly, persons with disabilities, LGBTQ2S+ members and men as well. Therefore, along with female-specific recommendations set out below, certain family-oriented policy options are included.

Methodology

A literature review was first conducted which resulted in the collection of a body of rich information and data concerning the political, social, economic and cultural lives of Métis women in the Homeland. From this review and discussions with people working at the national level of the Métis Nation, a list of questions was drawn up that would guide further discussions.

7 Ibid.
There were several in-depth discussions with members at the national level, including those with years of local experience in the Métis community as well as respected lawyers who have worked on Métis legal issues. Further, the author reached out for input from women’s representatives from the five provincial governing members. This included women from British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. Sources referenced in this literature review are identified in the bibliography.

Some Basic Statistical Information

The following tables provide some basic statistical information demonstrating where Métis women are situated within the national picture. It is important to note that the Métis women reflected in the following tables are all those who identified as such in the 2016 Census.10

<table>
<thead>
<tr>
<th>Population by Group and Gender 2016*</th>
<th>Métis Male 264,095; Métis female 273,765</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canada</strong></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Male 16,971.575</td>
</tr>
<tr>
<td>Indigenous</td>
<td>813,515</td>
</tr>
<tr>
<td>Indian</td>
<td>395,670</td>
</tr>
<tr>
<td>Métis*</td>
<td>264,095</td>
</tr>
<tr>
<td>Métis in Homeland **</td>
<td>173,810</td>
</tr>
<tr>
<td>Inuit</td>
<td>31,705</td>
</tr>
<tr>
<td>Other Indigenous</td>
<td>122,055</td>
</tr>
</tbody>
</table>

This information was drawn from Core Table 1 of the Indigenous Services Canada 2016 Census tabulations.

*The figures for the Métis population needs explaining for the purposes of this document. First, the number has removed those who reported as both Indian and Métis, so the Statistics Canada number will be different. Also, the Métis population includes everyone who has identified as Métis. Further, the category “other” populations include those that fall within another description such as the Non Status persons and Inuit otherwise described.

** There are 187,190 self-identified Métis women across Métis homeland, according to 2016 Census.

Education by Group and Gender, 2016

These are outcomes of those 18 years of age and over.
Non-Indigenous 18,111,520- male 8,882,560 female 9,228,960
Métis 282,855 - Métis male 134,750
Métis female 148,105

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According to Census 2016, there are 239,120 self-identified Métis between ages 25 to 64 living across the Métis Homeland: 114,160 Métis males and 124,960 Métis female. 

This information was also drawn from Indigenous Services Canada 2016 Census tabulations. The education outcome numbers indicate that there is a large gap between Métis people and other Canadians for both males and females. The statistics clearly support the Women of the Métis Nation’s mandate to “foster culturally appropriate learning environments and lifelong learning to improve the educational outcomes for women and all Métis learners.”

The chart demonstrates that the Métis female population experiences better education outcomes than Métis males. As Métis women seek to find ways of improving the educational outcomes of girls and women, they also have concerns for their male children who, from these statistics, seem more vulnerable to barriers and pressures that result in discontinuance in schooling at an early stage.

However, Métis women’s university attainment rate is 15.5% below the non-Indigenous women. Further statistical information for 2016 in respect to Métis women is still in the process of tabulation and should be available at a later date. This would include 1) the percentage of single parent families in relation to non-Indigenous one parent families; 2) household crowding comparisons; 3) household maintenance requirements; 4) employment and unemployment comparisons and 5) average incomes. Regardless of availability at the moment, when comparing statistics available in 2011, a cursory review shows that the gap has not narrowed in 2016.

Canada Recognizes Role of Indigenous Women and Girls

Canada’s vision includes that of being a leader on gender equality and the empowerment of women and girls.\textsuperscript{12} In 1995, the Government of Canada committed to conducting gender-based analyses on all future legislation, policies and programs.\textsuperscript{13} In addition to this commitment, a long history of work on employment equity in the public service and several federal policies (including the establishment of the Status of Women Department now known as Women and Gender Equality or WAGE), signal that dignity, human rights, and the equality of women are high priority.\textsuperscript{14,15} The federal government has also created a detailed guide of how to conduct a thorough gender-based analysis across federal departments.\textsuperscript{16} The acknowledgement of the role of women follows through in Canada’s Recognition and Implementation of Rights Framework in several ways. The Recognition and Implementation of Rights Framework sets out a federal commitment to be guided by the Ten Justice Principles expressing the conduct of the Canada-Indigenous relationship and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.\textsuperscript{17} Both have explicit references to the role of Indigenous women in self-determination and self-government.

In its statement on “Principles Respecting the Government of Canada’s Relationship With Indigenous Peoples,” (known as “The Ten Principles,”) the Department of Justice states that “these principles are a starting point to support efforts to end the denial of Indigenous rights that led to disempowerment and assimilationist policies and practices. They seek to turn the page in an often troubled relationship by advancing fundamental change whereby Indigenous peoples increasingly live in strong and healthy communities with thriving cultures. To achieve this change, it was recognized that Indigenous nations are self-determining, self-governing, increasingly self-sufficient, and rightfully aspiring to no longer be marginalized, regulated, and administered under the \textit{Indian Act} and similar instruments. The Government of Canada acknowledges that strong Indigenous cultural traditions and customs, including languages, are fundamental to rebuilding Indigenous nations. As part of this rebuilding, the diverse needs and experiences of Indigenous women and girls must be considered as part of this work, to ensure a future where non-discrimination, equality and justice are achieved (emphasis by author). The rights of Indigenous peoples, wherever they live, shall be upheld.” \textsuperscript{18}

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) made a clearer reference to the consideration and protection of Indigenous women. By its commitment to implement UNDRIP, Canada agrees to measures to improve the economic and social conditions of Indigenous peoples by taking into account the special needs of Elders, women, youth, children...

\textsuperscript{12} “Canada’s Feminist International Assistance Policy.” (2017). \textit{Department of Global Affairs Canada.}

\textsuperscript{13} Irigoyen, Claudia. (2017). “Gender Based Analysis Framework in Canada.” Centre for Public Impact, a BGG Foundation.

\textsuperscript{14} “Gender-Based Analysis Plus Canada.” (2019). \textit{Status of Women.}


\textsuperscript{16} “Gender-Based Analysis Plus Canada.” (2019). \textit{Status of Women.}

\textsuperscript{17} “Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples.” (2018). \textit{Department of Justice.}

\textsuperscript{18} \textit{Ibid.}, p. 3-4.
and persons with disabilities.\textsuperscript{19} Canada’s adoption of UNDRIP also ensures that Indigenous children and women are protected from violence and discrimination.\textsuperscript{20} Finally, in overarching language, Article 44 states that, “...The rights and freedoms herein are guaranteed equally for male and female Indigenous individuals.”\textsuperscript{21} \textit{In conclusion, there exists clear authority for Métis women to press Canada to honor its commitments concerning the needs, interests and aspirations of Métis women under UNDRIP.}

**Rights Recognition**

The Recognition and Implementation of Rights Framework is premised on the recognition of Indigenous rights through federal legislation which, according to the “Overview,” could, among other things:

- “enable the Government of Canada to recognize Indigenous Nations and Collectives as legal entities with the status and capacities of a natural person;
- enable the exercise of self-government by federally recognized Nations and Collectives;
- affirm Canada’s intent to enter into government-to-government fiscal relationships with recognized Nations and Collectives; and,
- require Canada to co-develop further measures to support these elements”\textsuperscript{22}

To the extent that the RIRF contemplates a process for recognition of Métis governments, there is a need to ensure the representation of women.

In “Overview of a Recognition and Implementation of Indigenous Rights Framework,” a Government of Canada document, it is stated that:

“It is intended that through the Framework:

- Canada will remove barriers that have prevented the exercise of Indigenous rights, including inherent and treaty rights, and the achievement of true self-determination by Indigenous Nations and Collectives.
- Indigenous peoples will have flexibility to determine their own paths forward and governance systems for their Nations and Collectives.

\textsuperscript{20} \textit{Ibid.} Article 23.
\textsuperscript{21} \textit{Ibid.} Article 44.
Rights-holding Indigenous Nations and Collectives will have the choice to immediately exercise certain jurisdictions, consistent with their constitutions.

Canada will impose accountability measures on itself to ensure that rights, treaties and agreements are fully implemented.

Independent bodies could be established to keep Canada further accountable;

New dispute mechanisms could become available so that Indigenous Peoples have access to remedies outside of costly, adversarial court processes”.

HER Story: What Métis Women Say

Two main themes emerged from the discussions: Métis women spoke of the rich history of Métis women in the building of the Métis Nation and the equal role of Métis women in the development of communities, through political, social, and economic participation. The ongoing strength of Métis women in Métis governments is demonstrated by the fact that approximately 50% of the elected leadership of the provincial Métis organizations is women and Métis women are often the community leaders working with families and cultural events in their home areas. Métis women expressed strong views on equal representation in Métis governance and indicated that there is a need to ensure the continued leadership and representation of Métis women in Métis government structures.

Along with an expressed need to ensure appropriate supports for women’s participation in leadership, it was also clearly indicated that there is much more work required to empower women from the grassroots and beyond. In order to achieve this objective, Métis women have pointed to the need for concrete steps to eliminate racism, sexism, poverty, trauma and loss of cultural identity. In this regard, Métis women identified a number of matters that need to be addressed. It must be noted that the presence or severity of the challenges listed below varies among the five provinces. Across the board, however, the lack of awareness and the absence of safe and appropriate housing topped the list for all discussants.

- **Financial barriers:** This point arose not only because of the lack of money to provide for basic needs but also in respect of the absence of culturally appropriate financial and budgetary counselling and skills development. The difficulty in accessing credit in support of small businesses is also of note.

- **Employment barriers:** The necessity of obtaining a good education in order to participate in the workforce is a strong value held by Métis women. Also, job readiness skills were identified as a pressing requirement as was the need for improved access to affordable childcare.

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- **Need for raised awareness:** This was a regularly articulated by respondents. In particular, it was expressed as imperative to inform and educate Métis girls and women about their rights, their history, and their cultural traditions. However, at some point, it was acknowledged that the early engagement of men and boys in this awareness education will produce the best results. In addition, women expressed an understanding that public education can work to banish ignorance and reduce racism in the general public. There was some expression of concern over the lack of awareness of services, especially when threats to personal safety were eminent. How, for example, do a woman and her children flee from a non-urban community and where do they go?

- **Need for more educational opportunities:** This was expressed in terms of access to institutions offering high school completion, followed by post-secondary training opportunities, particularly outside of urban areas. The absence of broadband services is a real barrier to online training for many Métis girls and women; indeed, this absence has deeper, more far-reaching impacts on the lives of those who live in a world where so many of life’s transactions are online. Additionally, more support is needed to aid the working poor who have limited time and limited access to institutions for more training.

- **Lack of affordable childcare:** Since a large proportion of women are heads of their households, affordable daycare is cited as a serious barrier to Métis women’s abilities to access further education or when seeking work. However, this issue is equally important for two parent families where both parents are employed.

- **Lack of safe, affordable and suitable housing:** This point produced an interesting observation, the Métis Nation will only flourish over the long term if they have access to land. Not only was the vision expressed through the Métis Nation’s collective access to land and resources, but more from a grassroots level where access to land simply means the ability to own your own house. Home ownership is seen as a hedge against future financial insecurity, homelessness and fear of few options during senior years.

- **Lack of mental health and trauma-related counseling:** The effects of layers of unresolved trauma manifests in multiple barriers to success. These may include poor self-esteem, lack of confidence, lower education, spotty employment record and an inability to form healthy relationships. Some of the trauma arose because of residential school and the Sixties Scoop experiences, which the Métis women feel have not been seriously acknowledged by governments. Availability of culturally sensitive trauma counselling is limited or simply unavailable, some said.

- **Job readiness:** This line of thinking arose in relation to education and financial barriers (covered above) and availability of job counselling services; resume writing, interview skills, conduct expected on the job, and access to affordable, appropriate attire.

- **Access to technology:** Mention was made about the lack of access to technology, both in terms of up-to-date devices such as smart phones and portable and desktop computers, but further, the lack of service in some rural and remote areas was seen as a huge barrier to communication networks and all the benefits including health and safety issues.
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- **Improved health:** Access to improved health services outside urban areas was mentioned, particularly in respect of lack of transportation. Further, points were raised for all Métis women regardless of where they live, in terms of costs of prescription drugs, vision and dental care, physiotherapy and trauma and addictions counseling services.25

- **Healthy and safe family structures:** Concerns were raised in terms of the need for acknowledgement and supports for all types of family structures. This would include supports for grandparents, both single or couples raising grandchildren, LGBTQ2S+ families and single mothers or fathers. The role of the extended family including aunts, uncles and cousin kinships must be acknowledged, particularly in relation to foster care. There is a huge need for more childcare workers and more assessments of foster homes even if within family kinships. Financial aid should be made available to extended family members who take on the care of children. “It is shocking how non-kinship families have made an industry out of fostering Indigenous children while family foster parents receive no assistance.”

- **Cultural activities and supports:** Cultural activities and supports are seen as a positive way to build healthy communities. It was expressed that they work well to create a sense of inclusiveness and they can offer the opportunity to enhance one’s cultural identity and reduce the impacts of isolation and loneliness. Intergenerational bonds can be strengthened and the betterment of parent-child relations as well as sibling relations could be developed in a safe environment.

- **Women’s voice in governance:** There was some discussion about the work that women are doing to ensure that their voices are heard and how those efforts must continue now and in future self-governments. Expressions of the need to encourage and support women in leadership were offered. In terms of the Métis Nation’s moving to self-government, a consistently expressed theme was the importance of women being consulted; women participating in the design and development of the legislation creating the government; representation in all branches; equal opportunities in the public service and the creation of a Women’s Department within the Métis government. The legislation should include protection of human rights, the right to be consulted, appeal mechanisms and protections in the public service, such as an ombudsman function. Also, Human Resources policies on hiring, retention, career planning, harassment avoidance and so on should be developed as part of the new public service.

**Conclusion**

This paper marks an important step in developing a better understanding of the experiences and aspirations of Métis women. It addresses the unique needs of Métis women and how the Recognition and Implementation of the Rights Framework can respond to these unique needs. While there can be no denying the intergenerational effects of colonialism, racism, sexism, and

violence, the paper sets forward recommendations that are intended to facilitate the objectives of re-empowerment of Métis women.

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