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## **Les Femmes Michif Otipemisiwak / Women of the Métis Nation Submission to the House of Commons Standing Committee on Indigenous and Northern Affairs, on Bill C-15, *The United Nations Declaration on the Rights of Indigenous Peoples Act***

### **Executive Summary**

In its continuing journey to ensure the equality of rights, treatment, and access to education, health, employment, justice, and democratic leadership of Métis women, Two-Spirit and gender-diverse people across the Métis Motherland, Les Femmes Michif Otipemisiwak (LFMO) is actively engaged with its grassroots constituency in exploring options for the equitable and meaningful implementation of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* in Canada.

Elders and representatives from across the Métis Motherland have noted that this historic piece of legislation, if implemented according to its spirit and intent, could have the transformative power of a Canadian Indigenous Bill of Rights. Bill C-15, the proposed *UNDRIP Act*, represents a once-in-a-lifetime opportunity to reset both the scales of justice and the balance of power, so that Indigenous women, children, Two-Spirit and gender diverse people are protected, safe, and free.

Accomplishing the equitable implementation of *UNDRIP* domestically will be no easy feat, and will require a distinctions-based approach that recognizes no hierarchy of rights among First Nations, Inuit and Métis. Moreover, within each of the three distinctions-based groups, the unique experiences of Indigenous women, girls, and Two-Spirit and gender diverse people will also require specific analysis and attention, given their precarious, vulnerable position in Canadian society. Indeed, taking a distinctions-based *and* gender-based approach to *UNDRIP* implementation will help ensure equality of outcomes for all Indigenous women, girls, and Two-Spirit and gender diverse Indigenous peoples.

Accordingly, diligent implementation of *UNDRIP* will demand a whole-of-society acknowledgment, recognition and respect for the basic human rights, and the constitutionally-protected rights of the Indigenous Peoples of Canada, with particular protections for First Nations, Inuit, and Métis women, children, Two-Spirit and gender

diverse Indigenous peoples. From LFMO's perspective, the *UNDRIP Act* holds out the hope and promise of equality of treatment and outcomes for all our Métis women, girls, Two-Spirit and gender diverse Métis across the Métis Motherland.

## **Who we are**

Les Femmes Michif Otipemisiwak / Women of the Métis Nation (LFMO) is a National Indigenous Women's Organization that serves as the democratically-elected, representative, national and international voice for Métis women across the Métis Motherland. LFMO is mandated to represent and promote the human and Indigenous rights, and the economic, social, and political needs, interests and aspirations of Métis women, Two-Spirit and gender-diverse people across the Métis Motherland.

## **Acknowledgement**

LFMO acknowledges and appreciates that its comments on Bill C-15, provided to the government thus far, have been incorporated into the draft legislation. This includes the incorporation of Indigenous women and Two-Spirit and gender diverse persons, the use of distinctions-based language, the recognition of murdered and missing Indigenous women and girls in the preamble, and the incorporation of LFMO's *62 Calls for Miskotahâ*. Furthermore, LFMO's recommendation that the Minister responsible report annually to Parliament, rather than every three years, was accepted, and we commend the government for ensuring better accountability with respect to the implementation of this *Act*.

## **Implementation of Bill C-15**

The implementation of *UNDRIP* into Canadian law has the potential to be the most significant federal human rights legislation for Indigenous Peoples in Canada. Despite an existing framework of human rights legislation, constitutional protections, federal policies, and international commitments, as well countless reports on the need to do better, Indigenous women – and specifically, Métis women and Two-Spirit and gender diverse people – continue to fall through the cracks.

For example, the 2014 Statistics Canada Homicide Report found that Indigenous women are six times more likely to be the victim of a homicide than non-Indigenous women. With ongoing human rights violations and trauma facing Indigenous communities and territories, the time has come to fully realize the objectives, principles and spirit of *UNDRIP* in Canada. This is a once-in-a-lifetime opportunity to address Canada's ongoing colonial history and presence, reset the scales of justice, and

recalibrate the balance of power, so that Indigenous women, children, and Two-Spirit and gender diverse people are protected, safe, and free of systemic barriers. Honourable and diligent implementation of *UNDRIP* could bring together disparate visions of what a “just Canada” could look like, particularly in a post-pandemic world which has disproportionately impacted Indigenous peoples and other marginalized and vulnerable groups across the country.

### **Culturally Relevant, Distinctions-Based and Gender-Based**

Employing a culturally relevant, distinctions-based and gender-based lens to the development of Bill C-15’s action plan and implementation will be critical to the *Act’s* success. Inexplicably, Indigenous women and Two-Spirit and gender diverse persons were not included in the creation of *UNDRIP*. In Canada, we have a collective opportunity to ensure that *UNDRIP* implementation reflects the distinctions-based, gendered perspectives, lived experiences, and distinct needs of First Nations, Inuit, and Métis women, girls, female Elders, and Two-Spirit and gender diverse persons. These are the same vulnerable, marginalized Indigenous populations that experience – often on a daily basis – systemic, entrenched barriers requiring targeted, ameliorative measures to ensure their right to life, liberty and freedom of person.

To accomplish this objective, LFMO calls for an Indigenous-first, gender-based analysis plus (IFGBA+) approach to inform the development of the action plan, and the annual reporting to Parliament.

### **Indigenous Women with Equal Seats at the Table**

National Indigenous Women’s Organizations (NIWOs), regional and community Indigenous Women’s organizations, as well as Indigenous Two-Spirit and gender diverse representatives and organizations, must have an equal seat at the table as other National Indigenous Organizations for the implementation of Bill C-15. Anything less than equality of representation and voice would demonstrably detract from the honour, meaning and sense of the inherent equality contained within *UNDRIP*.

Before colonization, many Indigenous Nations were either matrilineal, matriarchal or matrilineal, with women holding important, equal positions to their male counterparts. For the Métis Nation, our women were highly respected and central to the functioning of our society. They held essential roles in buffalo hunting brigades, subsistence trapping and fishing, voyaging expeditions, governance, raising children and passing down cultural, spiritual and social knowledge. With colonization, imported Euro-Canadian notions of inequality, racism and gender norms radically transformed our society. Displacement, land dispossession, residential and day schools, and child apprehension have left Métis women marginalized and vulnerable, subject to targeted

violence and negative societal attitudes. An important part of decolonization is re-empowering the voices and the roles of women and Two-Spirit and gender diverse persons in decision-making for our Motherland.

Honourable implementation of *UNDRIP* requires that the process be inclusive and incorporate the perspectives, aspirations and lived experiences of First Nations, Inuit and Métis women and Two-Spirit and gender diverse persons in the planning and decision-making around implementation. While the male-led and male-dominated National Indigenous Organizations (NIOs) have been canvassed and consulted at length on Bill C-15, the NIWOs and Two-Spirit and gender diverse representatives also need to have an equal role in all planning and decision-making around *UNDRIP* implementation.

For greater clarity, our participation in decision-making must include:

- Ensuring that the laws of Canada are consistent with *UNDRIP* (Section 5);
- The preparation and implementation of the action plan (Section 6(1)(2)(3)); and,
- Preparation of the annual report to Parliament (Section 7(1)).

Incorporating the perspectives of Indigenous women and Two-Spirit and gender diverse persons in decision-making is also vital to meeting the goals set out in Bill C-15. For example, Section 6(2)(a)(i) speaks of the need to ensure that the action plan addresses all forms of systemic discrimination facing Indigenous women and gender-diverse and two-spirit persons. In order to design and implement an action plan that fulfills this objective, women and Two-Spirit and gender diverse representatives must be **at the table**, as only their lived experiences and understandings will inform how to address the targeted violence and systemic discrimination they face.

## Conclusion

Bill C-15 and the implementation of *UNDRIP* in Canadian law is a once-in-a-lifetime opportunity to critically address the ongoing human rights violations and trauma that plague Indigenous women, girls, Two-Spirit and gender diverse individuals in our communities, and to ensure that these vulnerable populations are protected and safe.

To implement *UNDRIP* in a meaningful way that will proactively reset the scales of justice and have lasting impacts for generations to come, it is critical that a culturally relevant lens, broken down by distinctions, and analysed through gender, is applied to all planning and decision-making. Furthermore, NIWOs and Two-Spirit and gender diverse persons and organizations must have an equal seat at the table as other NIOs. The transformative aims of *UNDRIP* and Bill C-15 cannot be met without our meaningful inclusion and participation.