

This paper deals with the position of indigenous women in Canadian society; according to study of a Department of Indian Affairs from 1979, indigenous women rank among the most severely disadvantaged groups in Canadian society.

In many communities women were removed from their roles as advisers and respected community members; Paula Gunn Allen states that the original egalitarian system of the tribes was replaced by a male-dominated, hierarchical system, stemming from worldviews of Jesuit missionaries. Based on these, indigenous men were given authority and social standing. Patricia Albers in her book The Hidden Half: Studies of Plains Indian Women states that women were ancillary to the male dominated world of diplomacy between natives and colonizers, which, along with warfare and hunting feature frequently in books, articles, and movies. Women became subjugated also spiritually: female gods were replaced by male gods after European contact; the Hopi goddess Spider Woman was replaced by Tawa; the Iroqouis sky woman gets her ideas and power from her father.

Indigenous women were thus silenced in many ways; their voices were appropriated by others. Métis academic Emma LaRocque states in her book Writing the Circle: Native Women of Western Canada that native women were “wordless”, that their voices were literally and politically negated. Their concerns and needs were determined and also articulated by their husbands and fathers, government agents and missionaries. Since the seventies, however, indigenous women are more and more speaking for themselves instead of relying on the government or their male relatives to determine their fate.

Reasons for the position of women:

European hegemonic view of the New World; the historical unimportance of women in European society; the subjugation of Indian people; ethnographic research that ignored or misinterpreted women´s issues; and the adoption of European values and governing principles by indigenous men.

European cultural hegemony – “civilising the barbarians” – this was done through means of missionaries, residential schools, foster parents etc.

Before colonisation, women were a strong force in many indigenous societies: in number of tribes, women traditionally selected chiefs and could also remove them. In many tribes, women owned property interests and had exclusive power over the means of production and products of subsistence activities, such as farming. In many tribes they also had power to initiate or stop a war. For example, the Iroquois confederacy operated on matriarchal principles, based on equality of genders.

In the nineteenth and the first half of twentieth century, the official policy on the Canadian territory was assimilation, to get rid of the “Indian problem”. Traditional practices were prohibited, and indigenous languages were suppressed. In 1920, the rationale behind this policy was “to continue until there is not a single Indian in Canada that has not been absorbed into the body politic.”

The Indian Act of 1869 stated that an indigenous woman would lose her status if she married a non-indigenous man; the act of 1876 was the first act that officially discriminated against indigenous women by assigning them fewer fundamental rights that indigenous men. Until 1951, this act (or rather, a series of acts), denied women right to vote in band election, hold elected office, and participate in meetings that decided band business. In this way, women´s traditional political and social powers were nearly entirely moved to indigenous men. This discriminatory treatment was partially amended by the Bill of Rights of 1960, the Charter of Rights and Freedoms of 1982 and Bill C-31 of 1985.

The first of these, the Bill of Rights, did not solve the issue of the loss of status upon marriage – as such, it was challenged in court. First was the Drybones case: indigenous person was not permitted to possess alcohol outside of a reserve, and since this is not true for non-indigenous people, the bill was discriminatory. The two cases which dealt specifically with loss of status were the Lavell and Bedard cases: these attempted to give indigenous women recognition as “full persons” with the same rights and status as indigenous men. Lavell and Bedard argued that the loss of status meant they were discriminated against on the basis of sex (since indigenous men do not lose their status when they marry non-indigenous women), which was against the Canadian Bill of Rights. Lavell and Bedard lost the case, the explanation stated that the Bill of Rights meant equality only in the administration and enforcement of the law.

Finally, in 1981, Sandra Lovelace took this issue before the United Nations Committee on Human Rights. She won her case and the Committee ruled that the Canadian government broke the International Covenant on Civil and Political Rights. However, the government waited another four years to amend this legislation.

In 1982, the Canadian Constitutional Act terminated the imperial authority of the UK over Canada and the Charter of Rights and Freedoms was adopted; this charter protects certain fundamental rights, such as equality before the law.

Possibly the most important of these laws for indigenous women was Bill C-31, which amended who would be given indigenous status. It also gave bands authority to determine who is the member of the band. This, however, lead to much contention. Although the bill was supposed to rectify the injustices of the Indian Act, it also allows for separation of status and band membership. The status is determined by federal government and the band membership is determined by the individual band. This means that if indigenous women marry out, their band membership is determined by councils consisting predominantly of men.

Bill C-31 thus created new problems by stratifying indigenous status: status Indian, band member, and combined status and band membership. Naturally, the bill did not singlehandedly solve the issues of indigenous women: for example in 1979, women of the Tobique tribes marched to Ottawa to protest horrible housing conditions. The political changes imposed on traditional indigenous governments by European colonisers caused a lot of damage: this new system provides a political voice only to elected chiefs and councillors, normally residents of the reserve and usually men. It silences the voice of elders, women, and young people.

The changes to this system are, however, not always welcomes by all members of the community; the National Indian Brotherhood protested the fact that women raised the issue of status – they feared that the Indian Act and the rights is provides could be struck down on the basis of discrimination. They also thought that the Indian Act should be kept intact for bargaining with the federal government. The National Indian Brotherhood and other organisations lobbied with the government to deny indigenous women their status.

Another issue are people who gained status under Bill C-31 and the distribution of already scarce resources, such as housing. Reserves usually have a long waiting list for housing: reserve people on the list considered these “newcomers” a threat to their position on the list and the perceived “special status” of the so called “C-31s”, or “paper Indians”. These reinstated indigenous people are being blamed for creating or worsening social problems on the reserve.

Last issue I would like to mention is missing and murdered indigenous women in Canada; in recent years, an inquest was made, which revealed that between the years 1980 and 2012, Indigenous women and girls represented 16% of all female homicides in Canada, while constituting only 4% of the female population in Canada.

The homicide rate for Indigenous women in Canada is almost six times as high as the homicide rate for non-Indigenous women. In Nunavut, Yukon, the Northwest Territories, and in the provinces of Manitoba, Alberta and Saskatchewan, this number is even higher. The Native Women's Association of Canada (NWAC) has documented 582 cases since the 1960s; Notable cases have included 19 women killed in the [Highway of Tears murders](https://en.wikipedia.org/wiki/Highway_of_Tears_murders), and some of the 49 women from the [Vancouver area](https://en.wikipedia.org/wiki/Greater_Vancouver) murdered by serial killer [Robert Pickton](https://en.wikipedia.org/wiki/Robert_Pickton)

There have been approximately 4,000 or more Indigenous murdered or missing women and girls in the last 30 years. That works out to about 133 a year, or three a week.