



Native Women's
Association of Canada



Press Release – For Immediate Release

**NWAC, AFN and AFN Women's Council
Unite to Oppose Bill C-8 on Matrimonial Real Property**

Ottawa, ON (May 14, 2009) – Today the Native Women's Association of Canada (NWAC), the Assembly of First Nations (AFN) and the AFN Women's Council united to express their opposition to the federal Bill C-8, *An act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.*

NWAC and the AFN (including the AFN Women's Council), all agree that Bill C-8 will do nothing to solve the problems associated with Matrimonial Real Property (MRP) on-reserve; that the federal government failed in its duty to consult and accommodate the views of First Nations; and, as a result, the Bill is fatally flawed and cannot be fixed. It should not proceed to committee.

NWAC President Beverley Jacobs says NWAC held meetings with Aboriginal women prior to the introduction of Bill C-47 and produced a "Peoples Report" that included a number of solutions to address MRP. Bill C-47, the predecessor to Bill C-8, and this Bill, C-8, ignore all of those recommendations.

"Aboriginal women, who we met with and who were directly affected by the lack of legal recourse of MRP, stated over and over again that their voices needed to be included in the creation of any legislation," said NWAC President Jacobs. "They also highlighted non-legislative solutions for the short, medium and long term. We need to ensure that the voices of the women that we talked to are heard and that their solutions are implemented. The resources are needed to implement the non-legislative solutions as soon as possible."

AFN Women's Council Chair Kathleen McHugh agrees that there was no effective consultation process. She added that Bill C-8 also ignores the recommendations of the Minister of Indian Affairs' own Ministerial Representative on MRP, Wendy Grant John, who tabled a report stating that unilateral imposed federal legislation is not the answer.

The organizations are in agreement that Bill C-8 is a one dimensional approach to a complex problem that does not address the real issues in communities.

"All Bill C-8 does is force families into provincial courts. This is not a solution. For many families it's unaffordable and it will also force families in remote communities to endure long waiting periods before their case can be heard," said the Chair of the AFN

Women Council. President Jacobs agrees, and states that, “I am also deeply concerned that Bill C-8 will put women who are experiencing family violence at further risk by forcing them to wait long periods for justice without adequate social supports, services or shelters.”

National Chief Phil Fontaine added that it is unlikely that the strict parameters imposed on First Nations will allow communities to create solutions that reflect their traditional laws, cultures and realities, including geographic remoteness, lack of access to the court system, inability to afford lawyers, overcrowding and multiple family homes and a lack of emergency shelters.

“A number of First Nations have already taken a proactive approach to this issue and have worked with their communities to develop rules and policies related to MRP. Under Bill C-8, the flawed federal approach will be imposed on First Nations and these existing community-based solutions could be struck down and replaced. This is not democratic, it is inconsistent with the values of First Nations and Canadians, and only serves to do more harm to First Nations families,” said AFN National Chief Phil Fontaine.

The AFN and NWAC believe that the legislation attempts to pit the individual rights of women against the collective rights of First Nations people. Both organizations expressed disappointment with this tactic and do not support this approach. President Jacobs, the National Chief and Chair McHugh stressed the importance of acknowledging and respecting the role of women and mothers in First Nations families, communities and Nations and ensuring that their voices are sought and accommodated within the context of this role.

The Native Women’s Association of Canada and the Assembly of First Nations, including their Women’s Council agree that Bill C-8 should be scrapped in favour of a new approach. This may include non-legislative measures such as local dispute resolution processes and community-based solutions. The urgent need for housing, counseling services and emergency shelters on-reserve must also be addressed.

NWAC President Jacobs added “Aboriginal women, girls and children continue to be subjected to violence and are often forced to leave their homes and communities to be safe. Aboriginal women have consistently stated that they want safe communities where they, their children and future generations can live. Above all else, any resolution needs to ensure that this happens.”

The resolution of MRP matters requires collaborative efforts between the federal government and First Nations. Solutions must address the root causes of the poor socio-economic conditions faced by First Nations couples that contribute to MRP issues.

The Native Women’s Association of Canada is an aggregate of 13 native women’s organizations and is the national voice of Aboriginal women in Canada.

The Assembly of First Nations is the national organization representing First Nations citizens in Canada.

The AFN Women's Council ensures the perspectives of First Nations' women are included in all AFN policy directives and activities, as well as ensuring that the AFN is an effective advocate on behalf of First Nations women.

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