



FEMMES AUTOCHTONES DU QUÉBEC INC.
QUEBEC NATIVE WOMEN INC.

Kahnawake - March 19, 2008

Open Letter to all Members of the Senate and Canadian Political Parties

Quebec Native Women agrees that legislation dealing with Matrimonial Real Property rights should be put in place. However, we would like to express our concern over certain key issues that seem to have been omitted in Bill C-47 the *Family Homes on Reserves and Matrimonial Interests or Rights Act* that has recently been introduced.

First, we do not believe that the negative gender-based impacts are “unavoidable and likely justifiable” as stated in the Gender-Based Analysis issue paper. As mentioned, courts may tend to provide caregiver spouses or common-law partners with exclusive occupation of the family home. Because women are more likely to be caregivers of dependent children and/or adults, men may be less likely to retain occupation of the family home on breakdown of a conjugal relationship. As a result, more women than men may be required to financially compensate their spouse or common-law partner for their share of the family home. What is not mentioned is that because women act as the main caregivers of children and elders, women are often not, or at least not the main breadwinners for the family.

Also, C-47 does not take into account the fact that there is a serious housing shortage on reserve. We wonder if any measures will be taken to find housing on reserve for the person against whom an emergency protection order has been made. The frustration that may result from such a situation can lead to even more violence.

This is why we would like to caution Honourable Josée Verner, Minister of Canadian Heritage, Status of Women and Official Languages on her comment: “This important new legislation will afford protections to women and children living on-reserve that are similar to those now available to women and children living elsewhere”. We would like to remind Minister Verner that Aboriginal women and children living on-reserve do not share the same realities as their non-Aboriginal counterparts. For example, Aboriginal women have a greater risk than any other group in Canada of being victims of domestic violence. A 2006 report entitled *Measuring Violence against Women*¹ by Statistics Canada demonstrated that the rates of spousal violence and spousal homicide are higher for Indigenous women than for non-Indigenous women or Indigenous men.

We therefore call upon the Federal Government to conduct meaningful, and not simply token, consultation to properly inform and seek the advice of Aboriginal peoples before passing this important legislation.

.../2

We also caution against Pan-Aboriginal legislation since the over 600 Aboriginal communities in Canada contain a diverse cross-section of traditional and cultural realities and an all-encompassing legislation cannot meet the specific needs of each Nation or community. QNW also believes that the solution to the Matrimonial Real Property issue in Quebec must take into consideration the fact that Québec is a province that applies the civil code as well as common law and therefore a uniform solution for the whole of Canada would not meet the interests of First Nations in Quebec.

More importantly, research needs to be conducted on the impact and possible effects of this legislation on our communities. As is the situation for the repeal of section 67 of the Canadian Human Rights Act, we question the capability of Band Councils to deal with all the new complaints these new legislations will generate. More resources and training will need to be provided for these new legislations to be properly implemented.

QNW asks for your support to delay the passing of this legislation before proper consultations can be conducted.

Respectfully,



Ellen Gabriel
President

c.c. Ms Jean Crowder, *New Democratic Party*
Ms Anita Neville, *Liberal Party of Canada*
Mr. Marc Lemay, *Bloc Québécois*
M. Gerry St-Germain, *Chair of the Standing Committee on Aboriginal Peoples*
M. Jacques Dupuis, *Ministère de la Justice Québec*