



For Immediate Release

## Press Release

### Repeal of S.67 Requires Consultations and Resources

**Ottawa, ON (November 16, 2007)** – Ensuring Aboriginal women have legal protection against discrimination as afforded to all other Canadians is a top priority with the Native Women's Association of Canada (NWAC). This week's re-introduction of Bill C-21 by the federal government to repeal section 67 of the *Canadian Human Rights Act* is premature. The repeal of section 67 must take into account the concerns identified by NWAC with both the process and the Bill itself.

NWAC President Beverley Jacobs has made numerous presentations before the House of Commons Standing Committee on Aboriginal Affairs and Northern Development urging that any repeal of section 67 be delayed for up to 36 months to allow for adequate and meaningful consultations to clearly identify the potential impacts of the pending legislation. Such consultation is, in fact, required by section 35(1) of the *Constitution Act, 1982* and the Supreme Court of Canada has emphasized this requirement in a number of cases. It sets a dangerous precedent for the federal government to change legislation without consultation with Aboriginal peoples, as required by law.

President Jacobs says, "Yes, we have waited three decades but I am concerned that fast tracking this process now, without proper consultation, will actually hurt more Aboriginal women than it will benefit. From our past experience and lobby efforts, equitable and effective access to human rights requires much more than simply changing the *black letter of the law*."

President Jacobs also added, "Twenty-five years after having the Charter, NWAC is well aware that having rights on paper does not guarantee the ability of all individuals to exercise those rights. NWAC believes that consultation with Aboriginal peoples and specifically, Aboriginal women, is necessary to ensuring the rights are meaningful and exercisable. We are also well aware that membership provisions under Bill C-31, off-reserve rights, health, housing and education policies as well as the continuing lack of a matrimonial real property law regime that applies on reserve are issues that the federal crown will most likely see complaints filed about.

**Head Office:** Six Nations of the Grand River 1721 Chiefswood Road, P.O. Box 331 Ohsweken, ON N0A 1M0  
Telephone: 519.445.0990 Fax:519.445.0924

**Satellite Office:** 1292 Wellington Street West Ottawa, ON K1Y 3A9  
Telephone: 613.722.3033 or 1.800.461.4043 Sisters in Spirit: 1.866.796.6053

The attempted resolutions of these issues in the past created a lot of disunity and harm in our communities and we are not convinced that the human rights process is well equipped to address these issues.”

Further, President Jacobs questions, “What happened to the Standing Committee decision during the emergency meeting this past July where it was decided to delay the repeal process for 10 months to allow for consultations?” Instead, the Conservative government has rejected its Committee’s own recommendation and is moving rapidly ahead with its own agenda.

NWAC believes that the federal government is required to do more than the simple job of writing repeal legislation. They must take into account the impact of 30 years of being statutorily barred from the exercise of human rights by Aboriginal persons. President Jacobs reiterated, “Most First Nations communities have no relationship with the Canadian Human Rights Commission and such an imposed form of ‘formal equality’ may feel very much like further colonialism. It is important for both the CHRC and First Nations communities to have the resources to build a relationship that acknowledges and respects human rights.” This is the only way equal rights for all can be promised.

NWAC remains steadfast that a repeal of section 67 is in the interests of Aboriginal women, but the repeal must take into account the concerns identified with both the process and the Bill itself to ensure that the human rights of Aboriginal women are fully protected.

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

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For further information:

Joshua Kirkey, Media Coordinator  
(613) 722-3033 ext. 231  
[jkirkey@nwac-hq.org](mailto:jkirkey@nwac-hq.org)

Robert McDonald, Team Lead of Communications and Education  
(613) 850-6922 mobile  
[rmcdonald@nwac-hq.org](mailto:rmcdonald@nwac-hq.org)

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