

VIOLENCE STATISTICS

- ✓ Aboriginal people are 4% of Cdn population
- ✓ In 2009, 27% victims of homicide
- ✓ 26% of homicide victims were women or girls
- ✓ 15% aboriginal women reported spousal violence in past 5 yrs compared to 6% non-aboriginal women
- ✓ 1 in 3 aboriginal women report emotional or financial abuse by their partner opposed to 17% of non-aboriginal women

LEGISLATION

Matrimonial Property on Reserve

- Indian Act- inability to effectively access and control property upon marital breakdown
- Affirmed and upheld by case law
- Ensure that ppl on reserve have same matrimonial real property rights and protections as other Cdns
- FNLMA- s.17(1) requires establishment of rules and procedures in case of marriage breakdown “respecting the use, occupation and possession”

LEGISLATION (con't)

Matrimonial Property on Reserve

- FHRMIA/ Rights Bill- 'opt-in' or default regime if FN does not set up own land codes...
 - restrictions on use of family home while relationship in duration;
 - exclusive occupation order for 90days in domestic violence;
 - indefinite duration when relationship ends.

FHRMIA Rights & Protections

SUMMARY

1. Equal right to occupancy of the family home;
2. Requirement of spousal consent for the sale or disposal of the family home;
3. Emergency protection orders;
4. Exclusive occupation orders;
5. Entitlement of each member spouse or common-law partner to an equal division of the value of the family home and any other matrimonial interests or rights;

FHRMIA Rights & Protections

SUMMARY (con't)

6. Order for the transfer of matrimonial real property between member spouses or common-law partners;
7. Entitlement of surviving spouses or common-law partners; AND
8. Enforcement of agreements on the division of the value of the matrimonial property.

Idle No More



'Rights Bill' CONCERNS

- ✓ Inconsistent with traditional values of communal and holistic, focus on ind rights/interest;
- ✓ Undermines sovereignty of traditional FN governance;
- ✓ Non-aboriginal peoples gain rights/ interest;
- ✓ Inconsistent with Cdn laws
- ✓ Lack of consultation, breach of Honour of the Crown, no dispute resolution mechanisms;
- ✓ **Does not solve the problem.**

TRADITIONAL PROPERTY MANAGEMENT

- Many societies matrilineal;
- Women owned the land but also the dwelling;
- Woman's rights to family property was based on political influence via the control over economic wealth of the family;
- “she had real property rights superior to that of her husband...traditionally she had control of the family assets and family life”

WOMEN'S ROLE & VALUE

- Men's role of hunting, trade or war;
- Women's role of caring for themselves, children, elderly, sick, disabled, community at large;
- Gendered responsibilities to creation;
- Each role valued and necessary to make life complete;
- Results in a high social position of Women.

FAMILY BREAKDOWNS- PRE-CONTACT

- Historical- Aji- traditionally very little family breakdown.
- “Husbands and wives were expected to respect and honour one another, and to take care of one another with honesty and kindness”. Men respected women for their sacred gifts from Creator and their role, while being honoured for their wisdom and visions.

FAMILY VIOLENCE- POST-CONTACT

- ✓ Alarming Statistics of over-represented and under-protected;
- ✓ 2002, 7-9 women out of 10 abused in past 2-3yrs;
- ✓ Abuse forms include: physical, psychological, emotional, sexual and spiritual abuse;
- ✓ Aboriginal women victims of racism, sexism and unconscionable levels of domestic violence.

UPSET OF FAMILY DYNAMICS

- Displacement of women's role in society;
- Aboriginal men lost their role (loss of self-esteem);
- No obligation on men to fulfill their responsibilities to women, children and elders;
- Social control network of the community disintegrated and respect for social responsibility is lost.

CAUSE OF FAMILY DYSFUNCTION

- “A nation is not conquered until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors or how strong its weapons.”
- Colonization actively attempted to erase the influence and respect women traditionally held.

COLONIAL LAWS & POLICIES

- ✓ Residential Schools
- ✓ Bill C-31
- ✓ Indian Act
- ✓ End Result of colonization= damaging and long-term effects

COPING WITH ABUSE CYCLE

- Aboriginal women, under-protected
- Violence often goes unreported and unpunished
- Public Policy Matters
- Current Methods

REVIEW

- Pre-contact- what we had- strong healthy families
- Contact- colonization- family breakdown
- Post-contact- impacts of colonization- denied traditional lifestyle
- Future- our vision- strong and healthy families