

Canada



Native Women's
Association of Canada

L'Association des
femmes autochtones
du Canada

CANADA – NATIVE WOMEN'S ASSOCIATION OF CANADA ACCORD

This Accord is effective from the 1st day of February 2019.

BETWEEN:

*Her Majesty the Queen in Right of Canada as represented by
the Minister of Crown-Indigenous Relations ("Canada")*

-and-

The Native Women's Association of Canada ("NWAC")

WHEREAS the Native Women's Association of Canada ("NWAC") comprises grassroots Indigenous women across Canada; who are life holders and water carriers; NWAC represents women of many Indigenous nations;

AND WHEREAS NWAC represents First Nation, Métis, Inuit, and non-status women, girls and gender diverse people, who are holders of Aboriginal and treaty rights, including Métis rights, the inherent right to self-government and self-determination, and of human rights including gender-based rights;

AND WHEREAS the United Nations Declaration on the Rights of Indigenous People ("UNDRIP") requires particular attention to the rights and special needs of Indigenous Elders, women, youth, children, and persons with disabilities in the implementation of the declaration¹;

AND WHEREAS NWAC's mandate is to be a National representative body for Indigenous women, girls and gender-diverse peoples at the regional, provincial, territorial, national and international levels;

AND WHEREAS NWAC has a unique long-standing relationship with Canada, and wishes to collaborate in the work that is being undertaken by Canada to renew its Nation-to-Nation relationship with Indigenous peoples;

AND WHEREAS the role of women as equal stakeholders and decision-makers is fundamental to many Indigenous legal systems and Canada's democratic institutions;

AND WHEREAS the Prime Minister of Canada has confirmed the importance of ensuring that the voices of Indigenous women are heard and committed in January 2017 to meeting with NWAC on an annual basis to discuss shared interests and priorities;

¹ *United Nations Declaration on the Rights of Indigenous People*, GA Res 61/295 (Annex), UN GAOR, 61st Sess., Supp. No 49, UN Doc A/61/49 (2008) Article 22.

AND WHEREAS the Royal Commission on Aboriginal Peoples calls for the assurance of the full and fair representation of Indigenous women in decision making;²

AND WHEREAS section 35 of the *Constitution Act, 1982*, states that “*the existing aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed*” and that they are “guaranteed equally to male and female persons”³;

AND WHEREAS the honour of the Crown is at stake in dealings with Indigenous peoples;

AND WHEREAS Canada has a fiduciary relationship with Indigenous peoples, which includes Indigenous women, girls and gender-diverse people in Canada;

AND WHEREAS ensuring the participation of Indigenous women, girls and gender-diverse people, through NWAC, in engagement processes that impact Indigenous women, girls and gender-diverse people is a necessary step toward reconciliation;

AND WHEREAS Indigenous women, girls and gender-diverse people have suffered from the effects of colonization, discrimination and trauma;

AND WHEREAS the disenfranchisement and perpetuation of discrimination and trauma increases the many forms of violence against Indigenous women, girls and gender-diverse people;

AND WHEREAS the health and well-being of Indigenous women, girls and gender-diverse people is inseparable from land and water, and environmental degradation contributes to separation from communities, marginalization, exclusion from important governance decisions, and the epidemic of missing and murdered Indigenous women, girls and gender-diverse people;

AND WHEREAS Indigenous women, girls and gender-diverse people have an important and equal role to play in the development of laws, policies, and programs beyond issues of violence as Indigenous women, girls and gender-diverse people are the heart of their Nations and communities and their voices on issues of economic development, natural resources, environment and climate change, encroachment on land and territories, and community well-being must be heard, uplifted, and not diminished;

AND WHEREAS the legacy of colonization and colonial attitudes should be removed from all federal legislation, institutions, policies and operational practices;

AND WHEREAS Canada recognizes the importance of considering the participation of Indigenous women, girls and gender-diverse people in engagements and consultations, through NWAC, to ensure a proper intersectional, Gender-Based Analysis Plus (GBA+) is applied to the co-development of policies, programs, services and legislation;

AND WHEREAS Canada has apologized to Indigenous people and is committed to reconciliation with Indigenous peoples and recognizes that in order to achieve true reconciliation the diverse needs and experiences of Indigenous women, girls and gender-diverse people must be considered as part of this work, to ensure a future where non-discrimination, equality and justice are achieved.

NOW THEREFORE:

NWAC and its Provincial Territorial Member Associations (PTMAs) and Canada wish to work together toward ending the systemic marginalization of Indigenous women, girls and gender-diverse people, and advancing the health and well-being of current and future generations of Indigenous women, children, and their peoples and Nations, in the spirit of reconciliation towards renewing a Nation-to-Nation relationship with Canada.

² Canada, Royal Commission on Aboriginal Peoples, *Highlights from the Report of the Royal Commission on Aboriginal Peoples - People to People, Nation to Nation*, “Ending the Cycle of Family Violence” (1996), online <http://www.aadnc-aandc.gc.ca/eng/1100100014597/1100100014637>.

³ *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 at ss. 35 & 28.

NWAC AND CANADA AGREE AS FOLLOWS:

1. Purpose and Objectives of the Canada-NWAC Accord (“Accord”)

NWAC and Canada agree that it is in their common interest to establish a process that will allow them to work together to:

- 1.1 Contribute to the establishment of a renewed Nation-to Nation, Government-to-Government and Crown-Inuit relationship between Canada and Indigenous peoples, which shall consider the distinct perspective of Indigenous women, girls and gender-diverse people;
- 1.2 Uphold the constitutional relationship, recognized and affirmed in section 35 of the *Constitution Act, 1982*;
- 1.3 Advance reconciliation of the rights, claims, interests, priorities, and aspirations of Indigenous women, girls and gender-diverse people;
- 1.4 End the legacy of colonialism, colonial attitudes, and gender-based violence wherever they remain in all Federal legislation, institutions, policies, and operational practices;
- 1.5 Work toward ensuring culturally appropriate programs and services that are available to Indigenous women, girls and gender-diverse people that address their needs, safety, and well-being through the improvement of socio-economic conditions;
- 1.6 Contribute to the review of laws, policies, and procedures in the justice system in order to provide access to justice, eliminate barriers to justice and address the over-representation in the Justice system for Indigenous women, girls and gender-diverse people;
- 1.7 Empower Indigenous women, girls and gender-diverse people, as leaders, in the design and the co-development of laws, programs, services, operational practices and policies; and,
- 1.8 Engage with Indigenous women, girls and gender-diverse people on issues affecting their lives, undertaking necessary gender-based analysis plus to determine the impact of laws, policies, operational practices, regulations, and budgeting.

2. Reconciliation Building Process

NWAC and Canada hereby agree to establish a process that will serve to contribute to the Nation-to-Nation relationship, and promote the decolonization of Canada’s relationship with Indigenous women, girls and gender-diverse people through the advancement and empowerment of Indigenous women predicated on building, maintaining and enhancing a relationship based on recognition of rights, respect, cooperation and partnership.

- 2.1 Canada and NWAC will jointly establish, review and discuss progress on policy priorities as set out in Annex 1 on a semi-annual basis through meetings with the Minister of Crown-Indigenous Relations Canada, the Minister of Indigenous Services Canada and other key federal Cabinet Ministers;
- 2.2 Quarterly meetings will occur on an individual or joint basis with relevant Deputy Ministers responsible for policy development flowing from the jointly established priorities and other relevant Deputy Ministers based on identified priorities. Meetings with relevant Assistant Deputy Ministers may also be scheduled throughout the year to support Deputy Ministers in advancing priorities;
- 2.3 Terms of Reference will be established to govern the work of this process that includes a multi-year work plan, meeting schedules, and any other mechanism or action required to act on the identified policy priorities, including the creation of sub-groups or support of subject matter experts, specifically Indigenous women, girls and gender-diverse people with lived experiences; and,

- 2.4 Canada and NWAC will present and report on the progress of shared priorities at the annual meeting with the Prime Minister.

3. Policy Priorities

- 3.1 Policy priorities will be established jointly by NWAC and Canada. These priorities are attached as Annex 1 to this Accord.
- 3.2 Policy priorities will be reviewed and renewed annually. Additions to these priorities may be made in a given year provided that NWAC and Canada agree to these changes in writing. Any such agreement shall be added to this Accord as an Annex to the Accord.
- 3.3 NWAC and Canada may enter into companion Accords, agreements, protocols, or any other arrangements in writing deemed suitable in order to achieve jointly established priorities as decided by them, within the federal jurisdiction.
- 3.4 Culturally-Relevant Gender-Based Analysis Plus is an integral part of evidence-based policy development and is the foundation of NWAC's institutional expertise in Indigenous women's rights.

This type of analysis, which must also be intersectional and trauma-informed, meaningfully addresses inequalities across and between individuals of different genders, races, classes, abilities, cultural identities, sexual orientations or identities, and geographic locations, among other factors. This is crucial to enhancing the well-being and access to rights of all Indigenous women.

Canada and NWAC agree to enter into discussions regarding the development of Culturally-Relevant Gender-Based Analysis Plus tools for use by federal departments and agencies to inform the development of policies, programs and legislation. Opportunities for NWAC to enter into arrangements with departments and agencies to undertake or contribute to Culturally-Relevant Gender-Based Analysis Plus on behalf of departments and agencies issues will also be explored.

4. Funding

- 4.1 NWAC and Canada agree to negotiate a three year resourced work plan based on mutually agreed upon specific objectives, clear timelines, regular status updates, and concrete deliverables in order to address the various priority elements outlined in Annex 1.
- 4.2 The work plan will be implemented in a timely manner following the signing of this document.
- 4.3 As part of the work plan contemplated in 4.1 and 4.2, Canada and NWAC will plan to enter into a contribution agreement through which Canada will provide “enhanced core-like” funding to NWAC for a term of three years or until a longer-term multi-year core agreement can be negotiated.
- 4.4 As part of the work plan contemplated in 4.1 and 4.2, Canada and NWAC will negotiate resources for NWAC’s Provincial/Territorial Member Associations to participate in the Policy Priority work outlined in Annex 1. This funding, provided by Canada to NWAC, will flow to PTMAs through a master contribution agreement between NWAC and the PTMAs, to be administered by NWAC.
- 4.5 Where the implementation of the objectives and subject matter of this Accord requires new resources or policy authorities, these will be sought in accordance with Government of Canada authorities, policies and applicable reporting requirements.

5. General

- 5.1 This Accord may be amended in writing with the consent of both NWAC and Canada.
- 5.2 Nothing in this Accord affects existing or future bilateral or tripartite processes in place between Canada and NWAC, other Indigenous organizations, or Indigenous Peoples and communities.
- 5.3 Nothing in this Accord shall alter, affect, limit, constrain or impede existing or future exploratory discussions, negotiations, or outstanding claims against the Crown or between NWAC or its members and Canada.
- 5.4 This Accord does not recognize, deny, define, affect, or limit any Aboriginal or Treaty rights within the meaning of section 35 of the *Constitution Act, 1982*.

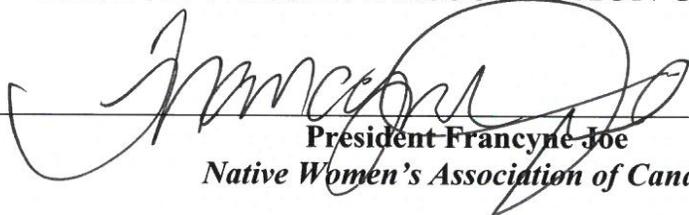
Signed the 1st day of February, 2019.

HER MAJESTY THE QUEEN IN RIGHT OF CANADA



The Honourable Carolyn Bennett, M.D., P.C., M.P.
Minister of Crown-Indigenous Relations

NATIVE WOMEN'S ASSOCIATION OF CANADA



President Francyne Joe
Native Women's Association of Canada

Witnessed by:



Newfoundland Native Women's Association



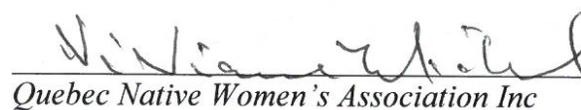
Nova Scotia Native Women's Association



Aboriginal Women's Association of Prince Edward Island



Indigenous Women's Association of the Maliseet and Mi'qmaq Territory



Quebec Native Women's Association Inc



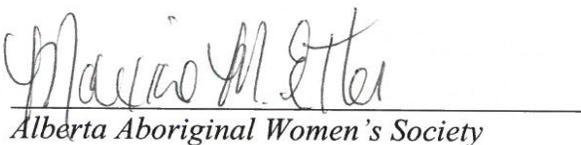
The Temiskaming Native Women's Support Group



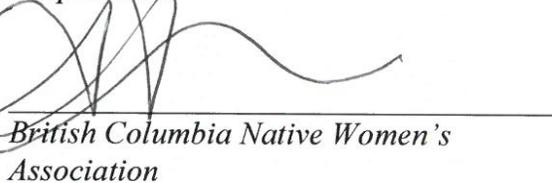
Manitoba Moon Voices Inc.



Saskatchewan Aboriginal Women's Circle Corporation



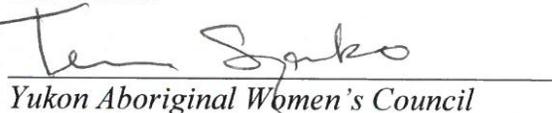
Alberta Aboriginal Women's Society



British Columbia Native Women's Association



The Native Women's Association of the Northwest Territories



Yukon Aboriginal Women's Council

Annex 1 – Policy Priorities

The following sections outline joint policy priorities areas for discussion and will inform the co-development of a multi-year work plan:

1. Well-being of Indigenous Women, Girls and Gender-Diverse People

When women are made safer, communities are made stronger. The well-being and advancement of all Indigenous people rests on the strength and safety of Indigenous women, girls and gender-diverse people.

The joint policy priorities areas for discussion are:

- mental health, healing and honouring Indigenous women;
- impact of discrimination in the *Indian Act*;
- improving cultural transmission across generations, including Indigenous languages;
- addressing domestic and international human trafficking and commercial sexual exploitation of Indigenous women, girls and gender-diverse people; and,
- ending all forms of violence against Indigenous women, girls and gender-diverse people.

2. Indigenous Women, Girls and Gender-Diverse People Economic Empowerment

NWAC and Canada recognize the importance of addressing the unique socio-economic determinants of health that have resulted in the marginalization, impoverishment, and economic deprivation of Indigenous women. NWAC and Canada agree to review and address the economic security and prosperity of Indigenous women, girls and gender-diverse people in Canada.

The joint policy priorities areas for discussion are:

- development of a strategic and coordinated approach such as an Socio-Economic Action Plan for Indigenous women including exploring opportunities for the economic empowerment of Indigenous women through the promotion of financial literacy, business development and entrepreneurship;
- promotion of the inclusion of Indigenous women within government fields of employment; and,
- exploring opportunities to address Indigenous women's poverty by empowering Indigenous women in business, through access to employment, access to education, access to health care, protection of cultural practices, and socio-economic autonomy.

3. Youth Well-being and Leadership

Youth, especially young women, have the right to participate in the decisions that affect their lives. Youth experience specific age-related systemic barriers and require unique supports appropriate to their social, cognitive, physical and emotional development. As youth transition into adulthood, many become parents at a young age. Taking a strength-based approach to youth development and supports for young children and young parents are critical to lowering the number of Indigenous children in care.

The joint policy priorities areas for discussion are:

- development of an Indigenous Youth policy framework;
- promote a better understanding/awareness of the Jordan's Principle to assist families and children;
- Foster Parenting Skills Development for young parents;
- Youth suicide strategies;
- Support early learning and child care initiatives; and,
- Support of women's reproductive health and well-being, including bringing birthing closer to community (e.g. midwifery).

4. Environment

Indigenous women represent and maintain cultures rich in knowledge, history and skills that are deeply rooted in environmental stewardship. Their close relationship with and dependency on

nature is derived from traditional knowledge and cultural understandings that are indivisible from environmental values. Many Indigenous communities across Canada entrust women, girls and gender-diverse people with traditional knowledge related to care for the environment, families and communities. Indigenous women are often entrusted with important environmental stewardship responsibilities, particularly as water keepers and life holders.

Environmental issues often disproportionately impact Indigenous women, girls and gender-diverse people due to their close relationships with nature and their connectedness to changes in the environment. Indigenous women, girls and gender-diverse people are at particular risk when it comes to climate change threats, and their participation is crucial in planning and implementing adaptation and mitigation strategies to deal with those threats and impacts. For example, when communities organize themselves to adapt to climate change, Indigenous women are often not adequately included in decision making and do not get equal access to technologies. *The Paris Agreement* emphasizes the importance of gender equality, as well as Indigenous peoples' rights and knowledge in climate change action. Canada and NWAC are committed to ensuring that Indigenous women, girls and gender-diverse people benefit from the country's transition to a low-carbon, climate resilient economy.

The joint policy priorities outlined below will be advanced through a joint work plan between NWAC and Environment and Climate Change Canada, involving other departments as necessary, to ensure NWAC has opportunities to engage in environmental and clean growth initiatives and work, as well to support NWAC's leadership on these issues. Emphasis will be placed on consideration of traditional knowledge and cultural traditions related to environmental stewardship, and on application of a Gender-Based Analysis Plus lens:

- climate change mitigation and adaptation;
- low-carbon, clean growth economy;
- environmental stewardship of the land, air and waters, including biodiversity and air quality; and,
- discussions and interventions to inform Canada's position in international fora on topics related to climate change, biodiversity, and conservation.

5. Housing

Socio-economic disadvantages facing Indigenous women, girls and gender-diverse people regularly impact housing, leaving many Indigenous women, girls and gender-diverse people in precarious housing situations. Housing is one of the areas that particularly disproportionately impacts Indigenous women, especially those with children or other dependents. Immediate focus on and remediation of the Indigenous housing crisis are required, with special attention to the needs of Indigenous women for secure, affordable, non-discriminatory, culturally sensitive housing, in sufficient quantity and locations that respond appropriately to their situation.

The joint policy priorities areas for discussion are:

- Develop opportunities for consultation and research to identify and enhance best practices and strategies to address housing needs such as sub-standard housing, overcrowding and access to housing across the spectrum for Indigenous women across Canada that takes into account cultural needs; and,
- Develop opportunities for consultation and research to identify needs and best practices with the aim of developing—through collaboration with other Indigenous organizations, community partners and shelter services—a strategy to improve Indigenous women's access to culturally appropriate and safe accommodation when fleeing violence that includes transition and second-stage housing.

6. Education

Education is an essential human right. Education for all is critical, especially for women, and education for women also creates additional benefits for others, from their children to society as a whole. Indigenous learners often have lower rates of attainment and completion of education than their non-Indigenous counterparts. Success in education and training is dependent on, not merely influenced by, the conditions experienced by the individual related to their housing, their health, and their ability to meet their physical, financial, and social needs. Therefore, education

strategies must be developed through both critical intersectional and gender lenses in order to account for the many layered influences on Indigenous women's and girls' educational success.

The joint policy priorities areas for discussion are:

- improving information taught regarding Indigenous peoples, culture, and legal and governance systems in curriculum guidelines and materials;
- improving education attainment rates among Indigenous women, girls and gender-diverse people; and,
- developing strategies to combat high school absenteeism and drop-out levels specific to Indigenous girls.

7. Overrepresentation of Indigenous Women in Prisons

Addressing the over-incarceration of Indigenous women is critical. Alternatives to incarceration are a necessary response to address the unique cultural, spiritual, emotional, and mental needs of Indigenous women offenders and to address the lasting impacts of colonization on Indigenous women.

The joint policy priorities areas for discussion are:

- the review of the use, practice and management of administrative segregation;
- lower rates of sexually transmitted blood borne infections for Indigenous women in secure custody; and,
- establish a harm reduction continuum.

8. Mental Health and Health Accessibility

NWAC and Canada will undertake work that specifically considers the needs of Indigenous women with disabilities and with disabling mental health issues. This includes conducting engagement and publishing documents through media that are accessible to people with little or no access to technology, who are in geographically isolated places, blind and low sighted people, deaf and hard of hearing, people with low literacy and women in secure custody.

The joint policy priorities areas for discussion are:

- development and implementation a Mental Wellness and Healing Framework, including but not limited to healing from child sexual abuse, sexual abuse, and the epidemic of violence against Indigenous women, girls and gender-diverse people; and,
- work towards increasing accessibility of health care.

9. International Relationships

NWAC's participation in international events can contribute to global advocacy efforts to recognize and respect the rights of Indigenous women. Engaging in international events can be an effective way to voice domestic concerns to international human rights mechanisms, such as those under the framework and auspices of the United Nations and the Organization for American States. Cross-border OR international and inter-community exchanges also provide invaluable opportunities to exchange knowledge and build solidarity among Indigenous women. Discussions and documents produced in international contexts can be powerful tools for influencing policy development and enhancing advocacy efforts at the national level.

The joint priorities for discussion are:

- through meaningful engagement with NWAC, promote and ensure that grassroots Indigenous women's perspectives and voices are represented in the implementation process for the *United Nations Declaration of the Rights of Indigenous Peoples* and Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, if enacted;

- collaboration on Canada's human rights international reporting processes with respect to issues that relate specifically to Indigenous women, girls and gender-diverse people; and,
- Identify opportunities for collaboration on human rights recommendations specific to Indigenous women, originating from human rights mechanisms, to ensure the perspectives of Indigenous women through NWAC's active engagement.