

Aboriginal Affairs and Northern Development Canada’s “Unstated Paternity” Policy/Practice is Grossly Deficient and Blames Mothers

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I estimate that since 1985, when Aboriginal Affairs and Northern Development Canada’s (AANDC) unstated paternity policy/practice came into existence, as many as 25,000 Indigenous children have been denied Indian status registration due to a lack of a paternal signature on their birth registration form. In the absence of a paternal signature, AANDC assumes a negative presumption of paternity, meaning they assume the father is a non-Indian.

While Aboriginal Affairs and Northern Development Canada relies on the language of “unstated paternity” and my effort is titled “National Strategy to Raise Awareness on Unknown and Unstated Paternity and the Indian Act” (NSRAUUP and the Indian Act) it is best that the issue of Canada denying Indigenous babies from gaining Indian status registration – and as such their treaty rights, First Nation Band membership, and First Nation citizenship – be fleshed out and understood in more particular identifying language; language that moves beyond that of blaming mothers.

This will help:

1.) **Unstated Paternity** Alternative discourses may be **Unreported Paternity** and **Unnamed Paternity**. Sometimes, due to an abuse of power and sexual violence such as incest and rape, mothers do not record the father’s name on the child’s birth registration form as they do not want the father to know about the child or have access to the child.

2.) **Unacknowledged Paternity** An alternative discourse is **Unestablished Paternity**. Sometimes, a mother records the father’s name on the child’s birth registration form, yet he refuses to sign the form because he needs to protect his standing in the community, and/or a marriage to another woman, and/or to avoid having to make child support payments, and/or the loss of his driver’s licence should he not make his child support payments.

3.) **Unrecognized Paternity** This occurs when a mother records the father’s name on the birth registration form but, because the father’s signature is not obtained, the government of Canada blanks-out his name. Alternatively stated, the government of Canada removes his name from the birth registration form. In many situations, the father is not present during the birth of the child, such as when the mother is flown out of her community to give birth. In addition, sometimes the father dies prior to the birth of their child.

4) **Unknown Paternity** This situation occurs when the child was conceived through sexual violence of rape, gang rape, or through prostitution and as a result the mother does not know who the father is.

Note: These categories that I rely upon to describe a mother, a child, a grandchild, and a great-grandchild's experience, emerge from a patriarchal understanding of parentage. Many mothers are of the perspective that a child is that of the mother.

Note: These categories – unstated, unreported, unnamed, unacknowledged, unestablished, unrecognized, and unknown paternity – also apply to the paternity of one's grandfather and/or great-grandfather. For example, many mothers conceived their children through the sexual violence of molestation and rape that occurred during their Residential School and Day School experience. In these situations, the father's name will not be recorded on the birth registration form. This will have an effect on whether the children, the grandchildren, and possibly the great-grandchildren are registered.

Note: While it may be the case that from a mother, grandmother, great-grandmother's perspective the father may be known, from a child, a grandchild, or a great-grandchild's perspective he may be unknown.

Note: A father's signature must appear on the child's birth registration form for his name to appear on the child's long form birth certificate. It is the long form birth certificate that is required in determining if a child is entitled to Indian status registration.

For more information: www.lynngehl.com

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