

Quick Facts on Aboriginal Affairs and Northern Development Canada's Policy on Unstated Paternity

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- Status registration with Aboriginal Affairs and Northern Development Canada (AANDC) is the mechanism that provides entitlement to treaty rights such as annuity payments, health care, dental care, vision care, education, and hunting, fishing, and gathering rights.
- Status registration with AANDC is the mechanism that in most First Nations provides for band membership, First Nation citizenship, and the right to live in First Nations communities.
- Status registration and treaty rights are critical for a healthy identity production, access to one's culture, and thus a critical factor in one's ability to achieve *mino-bimadiziwin* (the good life).
- Status registration places individuals in a more favourable location in terms of contemporary land claims and self-government negotiations processes and thus in terms of the benefits of final agreements.
- Through the 1985 amendment to the Indian Act, provisions that once protected children born out of wedlock, and consequently children born of unrecognized, unacknowledged, un-established, un-reported, unnamed, unknown, and unstated paternity, were removed.
- Through the 1985 amendment, the Indian Act is now silent on the matter of children born out of wedlock, and children born of unrecognized, unacknowledged, un-established, un-reported, unnamed, unknown, and unstated paternity.
- In 1985 AANDC – then the department of Indian and Northern Affairs Canada (INAC) – established an unstated paternity policy that subsumes all unrecognized, unacknowledged, un-established, un-reported, unnamed, and unknown paternity cases under its application.
- AANDC's policy on unstated paternity applies a negative presumption of paternity to these situations regardless – meaning in all new applications for status registration with an unstated paternity the Registrar assumes fathers are non-Indian persons as defined by the Indian Act.
- Status registration is now stratified in two subsections: sections 6(1) and 6(2).
- Mothers of 6(2) status registration cannot pass on registration to their children in their own right.
- During the period of 1985-1999, as many as **37,300** children of unstated paternity were born to mothers registered under section 6(1).

- During the period of 1985-1999, as many as **13,000** children of unstated paternity were born to mothers registered under section 6(2).
- Due to AANDC's unstated paternity policy, children born to 6(1) mothers are entitled to the lesser form of status registration which prevents these children from passing on treaty rights to their children in their own right.
- Due to AANDC's unstated paternity policy the children born to 6(2) mothers are not entitled to their treaty rights.
- **The rates of unstated paternity for mothers registered under 6(1) are: under the age of 15 years 45%, aged 15-19 years 30%, aged 20-24 years 19%, aged 30-34 years 12%.**
- **It is not unreasonable to assume that similar rates would apply to mothers registered under section 6(2).**
- Many mothers are victims of sexualized violence such as prostitution, sexual slavery, rape, and gang rape which prevents them from being able to name fathers.
- Many mothers are victims of sexualized violence such as physical abuse and incest which prevents them from naming fathers.
- Many mothers are victims of men who take advantage of their standing in society and communities for sexual gain which prevents them from naming fathers.
- In some situations mothers do not know who a father is.
- Many fathers refuse to take responsibility for paternity due to such matters as the desire and/or need to avoid child support payments and the need to preserve a previous relationship.
- A father's signature is required on all birth certificates regardless of marital status for paternity to be factored into AANDC's process of determining status registration for all new applications.
- AANDC's unstated paternity policy applies to all births that predate 1985. This includes situations where a grandfather or great-grandfather is unrecognized, unacknowledged, un-established, un-reported, unnamed, or unknown.

For more information:

www.lynngehl.com/

Facebook group: Unknown and Unstated Paternity and the Indian Act