

Statement of Sharon McIvor June 22, 2016

On May 26, 2016 I received official notice that Canada has asked the United Nations Human Rights Committee to suspend consideration of my petition. I filed a petition with the United Nations Human Rights Committee after the Government of Canada passed Bill C-3 in 2010 in response to my constitutional challenge to the ongoing sex discrimination in the status registration provisions of the Indian Act. I filed the petition because, although Bill C-3 removed some of the sex discrimination, and newly entitled my son and many others to registration as status Indians, thousands of Aboriginal women and their descendants are still excluded, solely because of their sex or because their Indian ancestor was a woman not a man. My petition alleges that the ongoing sex discrimination violates the *International Covenant on Civil and Political Rights* and seeks the full elimination of all sex discrimination from the Indian Act. Effective remedial action by Canada is long overdue.

Since 1876 Canada has discriminated in law against Aboriginal women on the basis of sex, denying them the right to hold Indian status and pass it on to their children on the same basis as Aboriginal men. Because of this Aboriginal women and their descendants have been separated from their families and communities, treated as less worthy, less human, less Indian, and not full members of their cultures and communities. The UN CEDAW Committee and the Inter-American Commission on Human Rights found in their 2015 reports on murders and disappearances of Aboriginal women and girls in Canada that this long-standing legislated discrimination is one of the root causes of the violence.

Starting in the 1970s Aboriginal women began to protest against this discrimination, taking challenges to courts in Canada and to the United Nations. But more than fifty years later Aboriginal women and their descendants are still not recognized as equal at law by the Government of Canada.

The Government of Canada has requested that the Human Rights Committee suspend its consideration of my petition on the grounds that:

- Canada is exploring various approaches for "engagement with First Nations and other Indigenous groups on necessary legislative changes in response to the *Deschenaux* decision" handed down by the Quebec Superior Court. In *Deschenaux*, the Quebec Court ruled, one more time, that the Indian Act discriminates on the basis of sex against Aboriginal women and their descendants
- That "these efforts will be embedded in a larger ongoing process" regarding "a renewed, nation-to-nation relationship with Indigenous peoples."

Canada also indicates that the equality rights of Indigenous women are a priority concern, demonstrated by Canada's commitment to a national inquiry on murders and disappearances of Indigenous women and girls.

Canada has **not** told the UN Human Rights Committee that when it responds to the court ruling in *Deschenaux* it will remove all the remaining sex discrimination from the Indian Act. It only undertakes to “consult”. Removing the aspects of sex discrimination identified in *Descheaux* will not necessarily remove all of the sex discrimination. Further court cases and petitions to the United Nations should not be necessary.

Today I filed a response asking the Committee to move ahead as quickly as possible and to direct Canada that complete elimination of the sex discrimination in the Indian Act is required by international human rights law.

I am dismayed that Canada, with the new Trudeau administration in charge, is asking for further delay to consider whether and how to eliminate sex discrimination against Aboriginal women and their descendants from the Indian Act. When Bill C-3 was being considered in Parliament, the Liberal Party was in Opposition and it introduced an amendment to Bill C-3, which - if the Harper government had accepted it - would have had the effect of removing all the sex discrimination from the Indian Act. But now, five years later, when the Liberals are in power, and they have both the obligation and the means to remove the discrimination, they are asking for further delay and further consultation. This is exactly what Harper did, and it is unacceptable.

No consultation is needed or appropriate on whether the Government of Canada should stop its long-standing legislated discrimination against Aboriginal women and their descendants.

The national inquiry and any consultations on a new nation-to-nation relationship can only start on a credible footing if the Government of Canada begins by publicly undertaking to eliminate the sex discrimination in the *Indian Act* immediately. Without this, Indigenous women do not begin these processes as equals.

Today I am calling on the Government of Canada to drop its request to the Human Rights Committee for a suspension, and to withdraw its opposition to my petition. I am calling on the Government of Canada to acknowledge that the sex discrimination in the *Indian Act* violates the equality rights of Indigenous women guaranteed under Canada's Charter and by international human rights law, and to undertake to eliminate it completely so that the Aboriginal women can participate in the national inquiry and any consultations on a new nation-to-nation relationship between Canada and Indigenous peoples knowing that they are finally legally recognized as equal.