

The Right Honourable Justin P.J. Trudeau
House of Commons, Ottawa, Ontario
K1A 0A6

November 7, 2017

Dear Prime Minister,

We write to ask you to support the Senate of Canada's '6(1)(a) all the way' amendment to Bill S-3 and to end the sex discrimination in the *Indian Act* immediately.

As advocates for women's equality, we are shocked that 141 years after its introduction, Canada's *Indian Act* still discriminates against Indian women and their descendants, and that your Government is poised to pass legislation that will continue that discrimination.

In 2017, there is no justification for this. For more than four decades, Canada has been urged repeatedly to eliminate the sex discrimination from the *Indian Act*, and Canada has not done so.

In 1970, forty-seven years ago, the Royal Commission on the Status of Women recommended that "[L]egislation should be enacted to repeal the sections of the [*Indian Act*] which discriminate on the basis of sex."¹ In 1991, the Manitoba Justice Inquiry recommended that "[T]he Indian Act be amended to eliminate all continuing forms of discrimination..."² In 1996, the Royal Commission on Indigenous Peoples criticized the *Indian Act*'s continuation of sex discrimination, documenting the deep harms that this ongoing discrimination causes for Indigenous women and communities.³

Again and again since 2003, United Nations and Inter-American human rights bodies have urged Canada to remove the sex discrimination fully and finally.⁴ Recently, United Nations and Inter-American human rights experts have also found that *Indian Act* sex discrimination is a root cause of the murders and disappearances of Indigenous women and girls, because it has devalued them in their communities and the broader society, and treated them as lesser in worth.⁵

¹ Report of the Royal Commission on the Status of Women in Canada, 28 September 1970, p. 238, paragraph 58. <http://epe.lac-bac.gc.ca/100/200/301/pco-bcp/commissions-ef/bird1970-eng/bird1970-part2-eng.pdf>

² Report of the Manitoba Aboriginal Justice Inquiry, Appendix I Recommendations, Indian Act, online: <http://www.ajic.mb.ca/volumel/recommendations.html#The%20Indian%20Act>

³ *Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Supply and Services Canada, 1996), pp. 20 - 50, Volume 4, Chapter 2.

⁴ Human Rights Committee, UN Doc C/CAN/CO/5 (2006), UNDOC C/CAN/CO/7 (2015), at paras 17 - 18); Committee on Economic, Social and Cultural Rights, E/C.12/CAN/CO/6, 23 March 2016, para 22 (b), UN Doc E/C.12/CAN/CO/5 (2006); Committee on the Elimination of Racial Discrimination, CERD/C/CAN/CO/8, 25 May 2007; Committee on the Elimination of Discrimination against Women, CEDAW/C/CAN/CO/8-9, 18 November 2016, para. 13, CEDAW, UN Doc C/CAN/CO/7 (2008); CEDAW, UN Doc A/58/38 (2003); Report of the Working Group on the Universal Periodic Review, Canada, A/HRC/24/11, 28 June 2013, para 128.59.

⁵ CEDAW, Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women Committee on the Elimination of Discrimination against Women, CAN/CEDAW/C/O P.8/CAN/1 (2015),

Far from heeding the recommendations of either Canada's own official inquiries and Royal Commissions, or the expert bodies that oversee the human rights treaties that Canada has ratified, Canada has perpetuated the discrimination against Indian women and their descendants, and used sex discrimination as a tool of assimilation to reduce the pool of status Indians to whom the Government of Canada owes fiduciary and other duties.

We support the Famous Six - Senator Lillian Dyck, Senator Lovelace-Nicholas, Jeannette Corbiere-Lavell, Yvonne Bedard, Sharon McIvor and Dr. Lynn Gehl - and we join them in their urgent call for equal status for Indian women and their descendants now.

The Famous Five fought to gain recognition for the equal personhood of women in 1929. So too, the Famous Six are fighting for recognition of the equal personhood of Indian women. But 88 years after the Privy Council ruled in favour of the Famous Five, the Famous Six, and the many thousands of Indian women and their descendants whom they represent, still do not enjoy equality with their Indian male counterparts under the *Indian Act*. This is an embarrassment to Canada, and a contravention of our human rights obligations.

Prime Minister, you recently visited Mexico and urged Mexican Senators to renew their efforts to advance women's rights. But at home you will not support the efforts of Canadian Senators to ensure that the *Indian Act* provides equality for Indian women and their descendants. Canada's integrity, at home and abroad, depends on your commitments being trustworthy. We want to believe that your commitments to women are real, and that a new Nation-to-Nation relationship will include Indigenous women as full and equal participants. We need to see your espoused commitments turned into concrete reality.

We ask you to eliminate all sex discrimination from the *Indian Act* now, before the end of the fall session of Parliament on December 15, 2017. We ask you to accept the Senate's '6(1)(a) all the way' amendment to Bill S-3, and grant full status to Indian women and their descendants born prior to April 17, 1985 on the same footing as their male counterparts.

In anticipation,

Canadian Feminist Alliance for International Action
and others