



PRESS RELEASE

UN Rules That Canada's Indian Act Discriminates Against First Nations Women

(Vancouver, January 17, 2019) In a decision released January 14, the United Nations Human Rights Committee ruled that Canada continues to discriminate against First Nations women and their descendants by denying them the same entitlement to full s. 6(1)(a) status under the *Indian Act* as First Nations men and their descendants. This long-standing discrimination affects First Nations women's entitlement to status, their right to transmit status, and their equality with First Nations men.

The Committee ruled that Canada is obligated to remove the discrimination and to ensure that all First Nations women and their descendants are granted status on the same footing as First Nations men and their descendants.

Sharon McIvor who filed the petition with the UN Human Rights Committee that resulted in this ruling said, "This decision is a game-changer for First Nations women, and for Canada. If the Government of Canada fulfills its obligations and finally treats First Nations women as equals, it will be a new day for us, for our communities and for Canada. First Nations women have been fighting against this discrimination in the courts and at the UN since 1970. I hope that Canada will now bring this devastating discrimination to an end."

In December 2017, the Parliamentary Budget Officer estimated that there are more than 270,000 women and their descendants who would be newly entitled to Indian status if 6(1)(a) status were granted to them on the same footing as Indian men and their descendants. "This is evidence of how profound and damaging the discrimination is" said Dr. Pamela Palmater, Chair in Indigenous Governance at Ryerson University. "Sex discrimination in the *Indian Act* has been a very effective tool of assimilation, defining First Nations women and their descendants out of the pool of status Indians to whom the Government of Canada owes recognition and benefits."

Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs stated, "Canada has clung to the sex discrimination in the *Indian Act* despite years of struggle against it by Indigenous women and their allies, in courts, at the UN, and in Parliament when amendments were being debated. Canada admitted in 2017 that the discrimination continues, and it put provisions into Bill S-3 that would eliminate the discrimination, but it never brought those provisions into force. Canada knows how to fix the discrimination. It just needs to do it. And do it now. On September 21, 2017, Prime Minister Trudeau told the United Nations General Assembly that 'the world expects Canada to adhere strictly to international human rights standards ...and that's what we expect of ourselves too.' That is what we all expect: that Canada will live up to its human rights obligations, now. We look forward to the Government of Canada's response."

Quotes:

Gwen Brodsky: "The UN Human Rights Committee says that Canada is obligated to provide an effective and enforceable remedy. This requires Canada to make full reparations, including: 1) ensuring that Sharon McIvor, Jacob Grismer, and all others excluded by, or granted only a lesser category of status, because of the sex-based distinctions in s. 6 of the Indian Act are granted full 6(1)(a) status; 2) addressing any residual discrimination in First Nations communities that arises from Canada's sex-based discrimination in the *Indian Act*; 3) communicating the decision broadly in Canada; and 4) reporting back to the United Nations in 180 days to provide information about the measures it has taken to comply with this decision. This is a very significant remedy and one that requires immediate action."

Kukpi7 Judy Wilson, Secretary-Treasurer of the UBCIC: "This decision brings the Government of Canada's current consultation process into question once again. Some of the questions that Canada is consulting about, the United Nations has answered straightforwardly and clearly. All the women and their descendants who have been excluded by sex discrimination must be granted full status, including those born prior to 1951. There should be no delay in moving registration forward quickly and efficiently. The Government of Canada should address any residual discrimination in communities that could be caused because of the addition of new members to communities or Bands, and any need for additional resources, rather than continuing to focus all their energy on trying to force pipelines through and causing further human rights violations. We need this discrimination to end, and end now."

Shelagh Day, Chair, Human Rights Committee, Canadian Feminist Alliance for International Action: "This sex discrimination has been in the law in Canada for more than one hundred years. It has had a profoundly damaging effect. The fact that First Nations women have been treated overtly, in law, as though they are the property of men, second class, and not equal, has had the effect of marginalizing First Nations women in their own communities and in the broader society. It is not surprising that in their reports on the crisis of murders and disappearances of Indigenous women and girls, both the UN Committee on the Elimination of Discrimination against Women (CEDAW) and the Inter-American Commission on Human Rights (IACHR) found that historical *Indian Act* sex discrimination is a root cause of the shocking levels of violence against Indigenous women. Canada cannot improve the lives of First Nations women and girls, and reduce their risk of violence, until Canada gets rid of *Indian Act* sex discrimination, completely and for all time."

Contact Information:

Gwen Brodsky: 604-874-9211

Dr. Pamela Palmater: 905-903-5563

Sharon McIvor: 250-378-7479

Shelagh Day: 604-872-0750

Grand Chief Stewart Phillip: 250-490-5314

Kukpi7 Judy Wilson: 250-320-7738