

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



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The Honourable Carolyn Bennett MP
Minister of Crown-Indigenous Relations
10 Wellington St, 21st floor
Gatineau, Quebec K1A 0H4

April 18, 2019

RE: Immediate Implementation of Bill S-3 and the Removal of Sex-Based Discrimination from the Indian Act

Dear Minister Bennett,

I am writing with respect to BC Assembly of First Nations Resolution 07(g) 2019, "*Immediate Implementation of Bill S-3 and the Removal of Sex-Based Discrimination from the Indian Act*," which was presented, affirmed and endorsed by consensus at the BC Assembly of First Nations 15th Special Chiefs Assembly on March 7th and 8th, 2019 (enclosed).

The BCAFN Chiefs-in-Assembly fully supports Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux v. Canada*. We call on the government of Canada to immediately implement, through an Order-in-Council, the provisions of Bill S-3 to remove all sex-based discrimination within the Indian Act without delay.

Further, we call on Canada to provide Indigenous peoples the opportunity to engage with Canada, as full partners, in developing the necessary mechanisms, reparations and processes by which we can recognize the full rights of all Indigenous women and their descendants.

The discrimination against Indigenous women through 1985 Indian Act sections 6(1)(a) and section 6(1)(c) has been a colonial tool of forced assimilation used to destabilize our communities through the inevitable reduction of our membership rolls, undermining our ability to maintain and protect the legal status and existence of our present and future citizens, and threatening our connection to our land base, our Title and Rights, our cultures, languages, knowledges and our resources. Canada continues to actively discriminate against First Nations women and their descendants by refusing to grant 6(1)(a) status on a differential basis compared to First Nations men and their descendants. Amendments to the Indian Act in 2011 and 2017 did not change this fact. In 2017 the Parliamentary Budget Officer estimated that the number of women affected is as high as 270,000, not including impacts to family and community members.

As you know, the United Nations Human Rights Committee's January 11, 2019 decision on the *Mclvor* case clearly articulated that Canada is in violation of its international commitments and obligations, and must enact an effective and enforceable remedy, as well as reparations. Canada has recognized the competence of this Committee to determine such violations as per the Optional Protocol. This ongoing sex-based discrimination is also contrary to the United

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Nations Declaration on the Rights of Indigenous Peoples, which Canada has unequivocally adopted and committed to implement.

We understand that Canada intends to report on the Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship by June 12, 2019. While flawed, we expect that this process will confirm what we already know regarding sex-based discrimination in the Indian Act; briefly, that failure to rectify this discriminatory legislation continues to negatively impact tangible and intangible rights of First Nations women every day, and that it is in violation of Canada's obligations at home and internationally. The provisions of Bill S-3 that will allow First Nations women and their descendants to access the status entitled to them on the same basis of First Nations men and their descendants have been delayed for far too long, and are currently set to remain unimplemented until an unspecified future date.

On September 21, 2017 in Prime Minister Justin Trudeau's address to the 72th Session of the United Nations General Assembly he said that, "We know that the world expects Canada to strictly adhere to international human rights standards – including the United Nations Declaration on the Rights of Indigenous Peoples – and that is what we expect of ourselves, too."

We certainly expect that you will take prompt action, without any further delay, to ensure that Indigenous women and their descendants are able to receive the status to which they are entitled without discrimination. You have heard from the international community and from Indigenous peoples in Canada that Canada must remove sex-based discrimination from the Indian Act.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Terry Teegee', written in a cursive style.

Regional Chief Terry Teegee

