



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
Nicola Valley Institute of Technology, Merritt, BC
March 7 & 8, 2019

Resolution 07(g)/2019

SUBJECT: IMMEDIATE IMPLEMENTATION OF BILL S-3 AND THE REMOVAL OF SEX-BASED DISCRIMINATION FROM THE *INDIAN ACT*

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Indigenous women are the foundations of our cultures, our communities, and our governments. The discrimination against Indigenous women 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;
- B. the discrimination against Indigenous women and their descendants through an imposed sex-based hierarchy was first introduced by the 1985 *Indian Act* in section 6(1)(a) and section 6(1)(c) and has since been continued and left unchallenged by the amendments of 2011 and 2017;
- C. on January 11, 2019, the UN Human Rights Committee released its decision on a petition filed by Sharon McIvor and Jacob Grismer. The UN Committee ruled that Canada is actively discriminating against First Nations women and their descendants by refusing to grant full 6(1)(a) status, on the same terms as First Nations men and their descendants;
- D. the committee called on Canada to ensure that section 6(1)(a) of the 1985 *Indian Act* be interpreted to allow the registration of all persons who were previously not entitled to be registered under section

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Terry Teegee, BC Regional Chief

6(1)(a) solely as a result of the preferential treatment accorded to Indian men over Indian women born prior to 17 April 1985 and to patrilineal descendants over matrilineal descendants born prior to 17 April 1985; and to also take steps to address the residual discrimination within First Nations communities arising from the legal discrimination based on sex in the *Indian Act*. Additionally, the committee made clear that Canada is under the obligation to take steps to avoid similar violations in the future;

- E. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:
- Article 8 (1):** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;
 - (2):** States shall provide effective mechanisms for prevention of and redress for:
 - a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d) Any form of forced assimilation or integration;
 - e) Any form of propaganda designed to promote or incite racial or ethnical discrimination directed against them;
- F. in June 2017, the Senate of Canada amended Bill S-3, a bill to respond to the *Descheneaux* decision, in a way that would have eliminated the sex discrimination, fully and finally, from the *Indian Act*. The Government rejected the Senate's amendment, but nonetheless, in October 2017, the Government of Canada agreed to include provisions that would entitle First Nations women and their descendants to full 6(1)(a) status on the same footing as First Nations men and their descendants (ss. 2.1, 3.1 and 3.2);
- G. problematically, the provisions of Bill S-3 do not come into force until an unspecified date that the Government may decide, by Order-in-Council, to enact them;
- H. Canada has the immediate responsibility to remove all instances of sexual discrimination from Canadian legislation, policies and practices;
- I. Canada must be held accountable to provide the necessary reparations to those it has discriminated against and to provide the necessary resources to those Indigenous communities who will be welcoming back their previously denied members; and
- J. the recognition of the rights of Indigenous women and their descendants is not disputable and is our collective responsibility.

THEREFORE BE IT RESOLVED THAT:

1. 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*;

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2. the BCAFN Chiefs-in-Assembly directs the Regional Chief to call on the government of Canada to immediately action, through an Order-in-Council, the provisions of Bill S-3 to remove all sex-based discrimination within the *Indian Act* without delay; and
3. the BCAFN Chiefs-in-Assembly directs the Regional Chief to 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.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

Terry Teegee, BC Regional Chief