



BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3
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BCAFN ANNUAL GENERAL MEETING
October 28, 29 & 30, 2025
Hybrid - In person & online via Zoom

Resolution 26/2025

SUBJECT: **ENDING SEX DISCRIMINATION IN THE INDIAN ACT AND IMPLEMENTING THE UN DECLARATION**

MOVED BY: **CHIEF MARILYN SLETT, HEILTSUK NATION**

SECONDED BY: **CHIEF SHANA THOMAS, LYACKSON FIRST NATION**

DECISION: **CARRIED**

WHEREAS:

- A. First Nation's women are the matriarchs and foundation of our laws, our communities, and the thread of our cultures and traditions. Discrimination against First Nation's women is a colonial tool used to destabilize our communities by forcibly assimilating women and their descendants, which has the inevitable result of the extinction of Indian Status. Colonial laws have undermined our ability to protect our communities and the existence of our present and future citizens, threatened our connection and stewardship of our land base, our Aboriginal Title and Rights, our cultures, languages, knowledge, the animal kingdom and the land's resources;
- B. First Nation's women and their descendants still face discrimination in the *Indian Act* and unreasonable delays and denials when applying for Indian Status, constituting ongoing discrimination and violence against women;
- C. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

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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... (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights, and (d) Any form of forced assimilation or integration;

Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;

Article 22 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration, and (2) States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

Article 33: Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live, and (2) Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures;

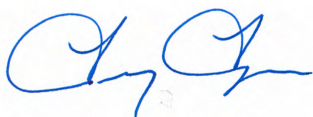
Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;

Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights; and

Article 44: All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

- D. By Resolutions 03/2010, 07(g)/2019, and 01/2023 the BCAFN Chiefs-in-Assembly called on Canada to end legislative and sex-based discrimination under the *Indian Act*, supported the recommendations of the Indian Act Sex Discrimination Working Group, the *Make It Stop: Ending the remaining discrimination in Indian registration* report, and called on Canada to ensure any amendments to the *Indian Act* are consistent with the UN Declaration and meets the requirement of free, prior and informed consent;

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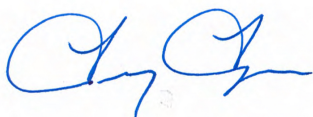
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- E. Despite numerous amendments to the *Indian Act*, and promises from Canada that “the next one” will eliminate sex discrimination, ongoing sex-based discrimination against First Nations women and their descendants persists in law and practice;
- F. Bill C-31 introduced a hierarchy of Indian Status under Section 6(1) and Section 6(2), which introduced a “second-generation cut-off.” Registrants under Section 6(2) cannot pass Indian Status to their children unless they have children with another person with Indian Status. As of 2024, Canada confirmed that 29% of the total population of registered individuals were categorized under Section 6(2), with BC falling at 27% of the total registered population. This is legislated extinction and will eventually result in the reversion of reserve lands to the Crown;
- G. Canada has an opportunity to completely end sex discrimination, eliminate the division of Section 6(1) and 6(2), reinstate everyone affected by discriminatory enfranchisement policies, and reverse the “no liability” clauses in each amendment, which prohibits any one from seeking compensation or damages from the Crown, government, or band council due to removal of a person, their parents, grandparents or other ancestors from the Indian Registrar, and any other form of discrimination in membership;
- H. Canada has not provided individuals with compensation for the harms they have suffered a result of the discrimination in the Indian Act that has kept them from maintaining membership and relations with their bands, and must be held accountable;
- I. The years long waiting period for new members to receive approval of their Indian Status is egregious and adds to the violence experienced at the hands of the federal government. As long as the Indian Status regime is in control of the government, Canada must properly fund Indigenous Services Canada and uphold their constitutional obligations to First Nations and issue timely Indian Status cards; and
- J. Canada must fully implement the UN Declaration and ensure that all laws are consistent with the UN Declaration, and this can easily be achieved through an amendment to the current bill in parliament, Bill S-2, *An Act to amend the Indian Act (new registration entitlements)*.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly continues to support the recommendations and ongoing work of the Indian Act Sex Discrimination Working Group and the *Make it Stop! Ending the remaining discrimination in Indian registration*;
2. The BCAFN Chiefs-in-Assembly call on Canada to reject the reduction in funding to Indigenous Services Canada, which will result in further delays to obtaining Indian Status and other service responsibilities, further obfuscating Canada’s constitutional and fiduciary obligations to First Nations

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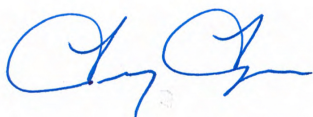


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peoples;

3. The BCAFN Chiefs-in-Assembly call on Canada to end all legislative and sex-based discrimination, reinstate all women and descendants affected by enfranchisement, remove the no liability clauses in Bill S-2 and previous amendments, eliminate 6(2) status and the second generation cut-off, amend the membership provisions of the Indian Act to ensure consistency with Articles 8, 9, 19, 22, 33, 38, 40 and 44 of the UN Declaration, and direct the Regional Chief to continue this advocacy; and
4. The BCAFN Chiefs-in Assembly directs the Regional Chief to advocate for the end to sex discrimination in the *Indian Act*, including the end to the 6(2) provision and the second-generation cut-off and removal of the no liability clauses in all previous amendments so that women and their descendants and bands can receive reparations for the harms they have faced, and continue working to achieve the full implementation of the UN Declaration and First Nations self-determination, including the right for First Nations to determine their own citizenship.

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