

The National Inquiry Supports First Nations Women Leaders Demands to End Sex Discrimination in The Indian Act

Friday April 12, 2019



The Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls commend the strong First Nations women leaders who gathered in Ottawa on April 9, 2019 to demand an end to Indian Act sex discrimination.

On January 14, 2019, The United Nations Human Rights Committee said that Canada still discriminates against First Nations women and their descendants through status requirements under the Indian Act. Further, they 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.

The registration or "status" provisions of the Indian Act have been repeatedly proven to be discriminatory towards women. Until relatively recently, status was granted primarily through male lineage. The gendered discrimination over decades has disenfranchised women from their communities, broken up families, and caused great disparity in rights and benefits as between First Nation women and men.

Bill S-3 was supposed to end discrimination faced by First Nation women because of marriages to non-Indigenous men, but the House of Commons insists on using a cut-off date of 1951 while the Senate would remove any such date. A cut-off date means that women born before 1951 or their descendants will have problems gaining or passing on status.

Bill S-3 is still unresolved and consultation is currently underway until Crown Indigenous Relations delivers a report on its consultations this June. The risk is that Bill S-3 will not be complete before a Fall election. As pointed out by Indigenous women leaders earlier this week, rights bearers are entitled to have their rights met. "Consultation" should not guide a result, the law should. It is unlawful to discriminate.

The women leadership demanded an order in council in the federal cabinet, approved by the Governor General, to resolve and complete Bill S-3. The Commissioners of the National Inquiry support this request. Discrimination and dislocation of Indigenous women from their communities contributes to and is violence towards Indigenous women, girls and 2SLGBTQIA. It needs to stop. Indigenous women are independent human rights holders and Canada should uphold their rights.

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