



MAKE IT STOP!

Ending the remaining discrimination in Indian registration

**Interim report of the Standing Senate Committee
on Aboriginal Peoples**

The Honourable Brian Francis, Chair
The Honourable Dan Christmas, Deputy Chair



JUNE 2022

MAKE IT STOP! ENDING THE REMAINING DISCRIMINATION IN INDIAN REGISTRATION



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THE COMMITTEE MEMBERSHIP

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The Honourable Senators

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The Honourable Senators Gold and/or Gagné

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Other Senators who have participated in the study:

The Honourable Bernadette Clement

The Honourable Pat Duncan

The Honourable Frances Lankin, P.C.

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Senate Communications Directorate:

Ben Silverman, Communications Officer

ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Thursday, March 3, 2022:

The Honourable Senator Francis moved, seconded by the Honourable Senator Cordy:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and any other subject concerning Indigenous Peoples;

That the documents received, evidence heard and business accomplished by the committee since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report no later than December 31, 2023, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The question being put on the motion, it was adopted.

Interim Clerk of the Senate

Gérald Lafrenière

EXECUTIVE SUMMARY

In recent decades, court challenges brought by First Nations women and their descendants have prompted Parliament to amend the *Indian Act* to address discrimination in the registration provisions. Generally, these amendments have made narrow, technical amendments to the *Indian Act* in response to court decisions, rather than taking a broad approach to address all inequities in the registration provisions. The most recent example occurred in 2017, when Parliament enacted *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)*. Despite the Superior Court of Quebec's instructions to eliminate "known" sex-based inequities in the registration provisions of the *Indian Act*, witnesses who appeared before the Standing Senate Committee on Aboriginal Peoples (the committee) identified multiple continuing inequities in registration not addressed by the 2017 amendments.

Status is important as it may confer Aboriginal and treaty rights to First Nations individuals, access to federal benefits, and potential membership in a First Nations community, among other important matters. Depending on the type of status one has, it enables an individual to pass status on to their children and grandchildren. However, First Nations women and their descendants continue to experience challenges in the highly fraught and lengthy registration process.

In 2022, the committee undertook a review of the 2017 amendments and their implementation by Indigenous Services Canada (ISC). The committee held three and a half meetings on this topic and heard from 17 witnesses. The committee wishes to thank all of the witnesses who appeared and shared their experiences and recommendations with us.

During its study, the committee found that outstanding inequities in registration remain and continue to affect First Nations women and their descendants. The committee is disappointed that, yet again, the Government of Canada is involved in litigation on the registration provisions of the *Indian Act*. The government has announced that it will modify the *Indian Act* for the fourth time to address discrimination in the registration provisions. The Government of Canada should take the opportunity in its forthcoming amendments to, once and for all, end discrimination against First Nations women and their descendants.

With this goal in mind, this report makes nine important recommendations to resolve the more than 150-year struggle over First Nations identity. The committee recommends that improvements be made to the registration process. First Nations individuals applying for status deserve to know that, as with applications for other federal documents, there are concrete timeframes for officials to process applications. Potential applicants also need an easy way to learn about their eligibility and the registration process. We recommend plain language materials be developed in Indigenous languages and Canada's official languages and communicated to the broader public.

MAKE IT STOP! ENDING THE REMAINING DISCRIMINATION IN INDIAN REGISTRATION

The committee believes action should be taken immediately to address inequities in registration. The committee urgently recommends that the Government of Canada repeal section 6(2) of the *Indian Act* (the “second generation cut-off”) that reduces the number of individuals with status. We believe the second generation cut-off perpetuates the policy of assimilation.¹

We further recommend that the Government of Canada repeal non-liability clauses in the 1985, 2010 and 2017 amendments to the *Indian Act* to pave the way for compensation for First Nations women and their descendants who have been denied status, and their very identities as First Nations people, for so long. The committee also recommends that a formal apology be provided as well as commemoration initiatives to honour those who fought to address discrimination in the registration provisions.

INTRODUCTION

The profound and long-lasting residual effects of sex discrimination on band membership, treaty rights, political participation, voice, culture, language and access to programs and benefits have not been addressed, nor is there any apparent plan for doing so. —

Ms. Sharon McIvor²

For over 150 years, the Government of Canada has controlled who can claim “Indian Status”³ (hereafter, “status”), and registration has inordinately privileged patrilineal descent. Registration provisions are set out in section 6 of the *Indian Act*, and people must apply to the Government of Canada and prove they meet certain criteria.⁴ Prior to 1985, First Nations men with status retained their status regardless of whom they married and could pass status on to non-First Nations women and their children. Conversely, First Nations women with status lost their status if they married

¹ The final report of the Truth and Reconciliation Commission of Canada explained that: “For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada.” Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future, Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, 2015, p. 1. A variety of policies and legislation aimed to assimilate Indigenous peoples into Canadian society including residential schools and the *Indian Act*. Recent commissions and inquiries have connected policies of assimilation to genocide. For example, the Truth and Reconciliation Commission of Canada described the establishment and operation of residential schools as cultural genocide.

² Standing Senate Committee on Aboriginal Peoples (APPA), *Evidence*, Ms. Sharon McIvor, As an individual, 28 March 2022.

³ The term “Indian status” refers to the legal entitlement to be registered as an Indian under the *Indian Act*. While the term “Indian” is generally viewed as outdated, it continues to be used to refer to the legal definition of First Nation individuals as recognized under the *Indian Act*.

⁴ *Indian Act*, R.S.C., 1985, c. I-5.

non-status men.⁵ This discrimination has affected generations of people across Canada and has had the net effect of “shrinking the pool of Indians who are recognized as having inherent Aboriginal[,] treaty and land rights.”⁶

At the heart of the matter is forced assimilation of Indigenous peoples and systemic discrimination. Registration provisions prevent women and families from connecting with their home First Nations communities; create barriers to accessing language and culture; deny participation in the governance of their First Nations (since individuals are excluded from negotiations, elections or referendums on rights); and prevent access to services and supports based on status including during the pandemic.⁷

The Government of Canada has only acted to rectify discrimination when the courts have instructed it to make changes to the registration provisions to eliminate discrimination on the basis of sex in accordance with *the Charter of Rights and Freedoms*. The latest case was in the Superior Court of Quebec’s decision in *Descheneaux c. Canada (Procureur général)* in 2015 where Parliament was advised to take “the appropriate measures to identify and settle **all** other discriminatory situations” and not restrict amendments to the facts of the case.⁸

We find that narrow, piecemeal changes to the *Indian Act* in 1985, 2010 and 2017 have exacerbated the problems by establishing incomprehensible and unnecessarily complex categories of registration. During our 2022 study of the implementation of Bill S-3, former senator, the Honourable Lillian Eva Dyck explained, “the government knew there were outstanding registration issues that should have been addressed but they did not do that.”⁹ We agree and find this unacceptable. It is time to end inequities in the *Indian Act* once and for all.

This work is especially important, given the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which affirms the *United Nations Declaration on the Rights of Indigenous Peoples* (the Declaration) as a “universal international human rights instrument with application in Canadian law.”¹⁰ This legislation also provides that the federal government must work with Indigenous peoples to implement an action plan to achieve the objectives of the Declaration. The Declaration

⁵ APPA, *Evidence*, Ms. Sharon McIvor, 28 March 2022. See [*Collection of Documents on Gender Discrimination and the Indian Act*](#), University of Toronto Bora Laskin Law Library, 2019.

⁶ APPA, *Evidence*, Ms. Sharon McIvor, 28 March 2022.

⁷ APPA, *Evidence*, Dr. Pamela Palmater, Chair in Indigenous Governance, Toronto Metropolitan University, As an individual, 28 March 2022.

⁸ *Descheneaux c. Canada (Procureur général)*, 2015 QCCS 3555, para. 235, (Canlii), [Unofficial translation, emphasis added].

⁹ APPA, *Evidence*, The Honourable Lillian Eva Dyck, former Senator, As an individual, 28 March 2022.

¹⁰ *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14, section 4(a).

establishes “the minimum standards for the survival, dignity and well-being of the [I]ndigenous peoples of the world.”¹¹

Some of the articles of the Declaration relate to membership and citizenship in Indigenous communities. For example, Article 9 notes that “Indigenous peoples and individuals have the right to belong to an [I]ndigenous 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.”¹² Additionally, Article 33(1) notes that “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 [I]ndigenous individuals to obtain citizenship of the States in which they live.”¹³ The committee is concerned that the federal government’s ongoing control over registration under the *Indian Act* contradicts the articles of the Declaration. Ultimately, if Canada is serious about achieving the objectives of the Declaration, the committee feels that it must take action to address ongoing inequities in the registration provisions of the *Indian Act*.¹⁴

The following sections of this report will discuss:

- the implementation of the most recent amendments to the registration provisions of the *Indian Act* in 2017;
- remaining inequities in the registration provisions;
- the need for reparations for harms caused by discrimination in the registration provisions; and
- the need to reconnect First Nations people who lost their status with their home communities.

IMPLEMENTATION OF NEW REGISTRATION PROVISIONS BY INDIGENOUS SERVICES CANADA

The committee is concerned about the obstacles to registration raised by witnesses, including: challenges accessing documentation; significant wait times; indecipherable and overly technical

¹¹ United Nations General Assembly, [*United Nations Declaration on the Rights of Indigenous Peoples*](#), UN Doc. 61/295, 2 October 2007, art. 43.

¹² *Ibid.*, art. 9.

¹³ *Ibid.*, art. 33.

¹⁴ [*Indian Act*](#), R.S.C., 1985, c. I-5.

registration provisions under section 6 of the *Indian Act*; and a complex application process. These factors will be outlined in the following section.

Prior to 1985, legislative provisions regarding status explicitly favoured paternal lineage – First Nations women who married non-status men lost their status, while First Nations men who married non-status women retained their status and conferred status on their wives and children. In order to conform to the equality provisions of the *Canadian Charter of Rights and Freedoms*, in 1985, Bill C-31, An Act to amend the Indian Act, introduced significant amendments intended to remove gender discrimination from the registration provisions in the *Indian Act*. While the 1985 amendments restored status to women who had lost it as a result of marriage, it also created two tiers of status,¹⁵ which will be further discussed in this report in the section on the second-generation cut-off. Bill S-3, An Act to amend the Indian Act in response to the Superior Court of Quebec decision in *Descheneaux c. Canada (Procureur général)*,¹⁶ was introduced in the Senate on 25 October 2016. The amendments were aimed at remedying some of the sex-based inequalities relating to the ability to register for status that were identified by the Superior Court of Quebec.

The committee heard concerns about ISC's implementation of *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)* (the 2017 amendments). First Nations women and their descendants have fought for decades in the courts to address sex discrimination. According to Ms. Shelagh Day, "It has been very difficult to get the government to move on *Indian Act* sex discrimination. We've had 50 years of legal challenges and petitions, and every single time women win something, they get the smallest sliver of what the government thinks it has to do in order to just be legally okay -- and not more."¹⁷

Restoring status to those who have lost it can be accomplished through the proper implementation of the 2017 amendments. Moreover, as pointed out by Ms. Shelagh Day:

There are different ways of depriving women and their descendants of the Indian status to which they are entitled. It can be done legislatively, as it has been for 153 years, but it can also be done by changing estimates [population projections], making information about

¹⁵ Section 6(1) of the *Indian Act* sets out the criteria for status, while section 6(2) allows an individual with only one parent registered under section 6(1) to register for status.

¹⁶ [Bill S-3, An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada \(Procureur général\)](#), 42nd Parliament, 1st Session (Royal Assent version, 12 December 2017), now [S.C. 2017, c. 25](#).

¹⁷ APPA, [Evidence](#), Ms. Shelagh Day, Chair, Human Rights Committee and Co-Founder, Canadian Feminist Alliance for International Action, 10 June 2022.

entitlement obscure, making the process difficult and hard to navigate, and keeping registration to a trickle.¹⁸

Evidence from witnesses suggests that the Government of Canada has done all of these things, potentially contributing to the low registration numbers arising from the 2017 amendments to the *Indian Act*.

First Nations women have initiated regular discussions with the Minister of Indigenous Services on the implementation of the 2017 amendments. However, the committee firmly believes that the onus should not be placed on First Nations women and their descendants to track and report on ISC's responsibilities. Individuals cannot be expected to follow and understand every technical, complex change to the *Indian Act* with respect to their potential eligibility for status. The recommendations provided in the following section are intended to guide the department towards the fulsome implementation of the 2017 amendments to see justice served for First Nations women and their descendants.

A. Low Number of Registrants

The committee heard that there is a relatively lower number of registrants compared to the initial forecasts by the Office of the Parliamentary Budget Officer (PBO) and the Government of Canada. Witnesses suggested reasons to explain the discrepancy between the number of individuals registered and the population projections.

In 2017, the Government of Canada reported that the extension of new registration provisions under an amendment to section 6(1)(a) of the *Indian Act* would result in “hundreds of thousands, or even millions, of new people [entitled to be registered] and radically alter the composition of communities.”¹⁹

The PBO estimated that the 2017 amendments to the *Indian Act* would result in about 670,000 additional First Nations people becoming eligible for registration. However, the PBO estimated that only 40% of these additional eligible people or 270,000 would register and that none of those registered would return to reserves.²⁰ More recently in 2021, Statistics Canada estimated that the number of individuals entitled to registration could vary between 87,000 and 747,000. However, depending on the assumptions used, Statistics Canada estimated that between 34,355 and 250,740

¹⁸ Ibid.

¹⁹ APPA, *Evidence*, The Honorable Carolyn Bennett, Minister of Indigenous and Northern Affairs, 16 May 2017; Indigenous Services Canada, *The Final Report to Parliament on the Review of S-3: December 2020*.

²⁰ Office of the Parliamentary Budget Officer, *Bill S-3: Addressing Sex Based Inequities in Indian Registration*, 5 December 2017.

people would register between 2017/2019 and 2041.²¹ The committee heard about the similarities and differences between the PBO and Statistics Canada projections; for example, both relied on census data and Statistics Canada also used data from the Register in its modelling.²² Greater information related to the assumptions built into the different estimates was provided by Statistics Canada in a brief following officials' appearance before committee.²³

Despite the various population projections, as of 4 April 2022, only 28,152 people have actually been registered under the 2017 amendments.²⁴ The differences between the initial registration estimates and the current numbers of new registrants raise serious concerns about ISC's implementation of the new registration provisions. As Ms. Sharon McIvor explained, registrations under new section 6(1)(a) are not occurring, resulting in the amendment having "little meaning."²⁵ Ms. Shelagh Day explained that the small number of individuals registered shows that the federal government is not taking the actions needed to inform First Nations women and their descendants that they are newly entitled to registration and assisting them with registration.²⁶

The committee recognizes the challenges of using and comparing population projections. Individuals self-identify as First Nation in the census, which may affect the accuracy of the population data. Moreover, not all First Nations communities participate in the census. Ms. Shelagh Day suggested that any new population projections should be subject to rigorous and public review where First Nations women and their advocates can participate.²⁷

Population projections are important since they "define the scope of the rights violation and the scope of the government's obligation to remedy it."²⁸ ISC uses population projections to determine its capacity to manage and process applications and to plan long-term funding needs for programs that require individuals to have status, such as child and family services, post-secondary education and housing.²⁹ When the committee studied the then proposed 2017 amendments to the *Indian*

²¹ Statistics Canada, *Projections of the Indigenous populations and households in Canada, 2016 to 2041: Overview of data sources, methods, assumptions and scenarios*, Table 8.

²² APPA, *Evidence*, Laurent Martel, Director, Centre for Demography, Statistics Canada, June 10, 2022.; APPA, *Evidence*, Mark Mahabir, Director of Policy (Costing) and General Counsel, Office of the Parliamentary Budget Officer, June 10, 2022.

²³ Statistics Canada, *Brief*, 13 June 2022.

²⁴ Indigenous Services Canada, *Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3*.

²⁵ APPA, *Evidence*, Ms. Sharon McIvor, 28 March 2022.

²⁶ APPA, *Evidence*, Ms. Shelagh Day, 10 June 2022.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Indigenous Services Canada, *Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3*.

Act, departmental officials warned that new registrants would put additional pressure on the costs of federal programs delivered to First Nations that require individuals to have status.³⁰

The committee heard concerns that ISC is using the lower population projections prepared by Statistics Canada, which are more closely aligned with the department's application processing rates. Ms. Shelagh Day suggested that the department has not admitted that it failed to take the necessary actions to inform and register First Nations women and their descendants. In her view, if the department changes the estimates, it does not have to change its actions on implementing the 2017 amendments to the *Indian Act*.³¹ However, ISC noted that the department uses the most recent available data on population projections and "has not adjusted its approach to implementation based on new projections."³²

B. People Do Not Know They Are Entitled to Register

The committee heard that, given the differences between the initial estimates of new registrations and the actual numbers, it appears that many individuals simply do not know they are newly eligible for status. The registration provisions under the *Indian Act* are complex, opaque and indecipherable, which may explain the low application rate.³³ The materials produced by ISC about the eligibility criteria and application process are not provided in plain language or Indigenous languages. The committee takes note that ISC has taken steps to broaden its outreach, for example, by supporting the production of public education materials by the Native Women's Association of Canada on the new registration provisions.³⁴

ISC must make more of an effort to educate individuals who are not connected with First Nations communities or Indigenous organizations about the new registration provisions. Other groups who may need specialized supports to understand their eligibility, such as seniors, those living in poverty, those experiencing homelessness or individuals who are incarcerated, require targeted communications strategies, different materials and potentially a special process that would meet their unique needs and constraints.

³⁰ APPA, [Evidence](#), Ms. Joëlle Montminy, Assistant Deputy Minister, Resolution and Individual Affairs, Indigenous and Northern Affairs Canada, 22 November 2016; APPA, [Evidence](#), The Honourable Lillian Eva Dyck, 28 March 2022.

³¹ APPA, [Evidence](#), Ms. Shelagh Day, 10 June 2022.

³² APPA, [Evidence](#), Ms. Christiane Fox, Deputy Minister, Indigenous Services Canada, 10 June 2022; Indigenous Services Canada, [Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3](#).

³³ APPA, [Evidence](#), The Honourable Lillian Eva Dyck, 28 March 2022.

³⁴ Indigenous Services Canada, [Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3](#).

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Applicants may also require navigation assistance, and legal and paralegal supports, to prepare correctly and to advance their applications through the lengthy registration process.³⁵ ISC reports that various documentation is required, including birth certificates, documentation from provincial or territorial authorities, and in some cases, historical or genealogical research conducted at Library and Archives Canada.

Assistance for applicants is available at some Tribal Council or First Nation offices through the Indian Registration Administrator. ISC also reports that it has three application assistance sites in urban areas with the goal of expanding to 12 through a program called the Trusted Source Partnerships.³⁶ There appears to be limited or no publicly available information about where these programs can be accessed on ISC's website, however, which may cause difficulty for new applicants seeking to obtain application assistance.

The committee was encouraged to hear that ISC has made investments to increase human resources, implement policy changes and modernize the application process to support the registration of newly entitled individuals. We also acknowledge the funds invested for engagement and outreach on the new registration provisions; however, we agree with witnesses that a more comprehensive approach is required and that more can be done to inform people of the new registration entitlements.

Furthermore, the committee remains concerned that the registration provisions are overly complicated and that the application process is difficult and time consuming. When processing applications, policies and procedures must instruct departmental officials to factor in the barriers faced by individuals accessing genealogical or historical records due to the legacy of colonialism. Greater supports should be extended to applicants to navigate the process and assist them with legal, historical, or genealogical research. All of these supports need to be communicated to the broader public and available in one place on a Government of Canada website. Printed materials will assist those with limited digital access.

³⁵ APPA, *Evidence*, Ms. Shelagh Day, 28 March 2022.

³⁶ Indigenous Services Canada, *Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3*.

Recommendation 1

We therefore recommend that Indigenous Services Canada:

- provide access to historical and genealogical records held by the department to individuals to facilitate their applications and retain more employees, such as “navigators” and researchers, to assist applicants with legal, historical and genealogical research;
- develop clear, plain language information about new and existing entitlements for status, and make these available in Indigenous languages;
- consolidate online information related to registration and develop a centralized, coherent, well-organized resource that lists where application assistance is available, where registration can take place and that links to the public education materials about registration entitlement developed by Indigenous organizations more broadly;
- ensure the same information above is available in a print format for those that require specialized supports;
- evaluate the effectiveness and reach of its public education campaign against population estimates of new registrants; and,
- establish a plan to raise awareness of the new registration provisions, including broad education and outreach beyond Indigenous organizations, and send a public notice to all individuals in Canada.

C. Effects of Colonialism on Registration and Access to Records

Individuals require genealogical, historical and legal knowledge to navigate the application process under section 6 of the *Indian Act*. The committee was told that “the registration criteria require individuals to trace their ancestry.”³⁷ As the Congress of Aboriginal Peoples reported in their brief, “the *Indian Act* registration process has always burdened First Nations individuals with the responsibility of proving their own identity to the government. For those whose ancestors have been affected by discrimination, it is a burden that gets heavier with each generation.”³⁸

³⁷ Quebec Native Women Inc., *Brief*, 6 May 2022.

³⁸ Congress of Aboriginal Peoples, *Brief*, 5 May 2022.

Tracing their ancestry is a complicated task for many individuals, as Quebec Native Women Inc. explained:

Assimilationist colonial policies, such as residential schools, have resulted in the destruction of many Indigenous families. This destruction of families is the result of losses of language, culture and Indigenous identity, as well as the loss of contact with one's family tree.³⁹

Mandatory residential school attendance meant it was common for people to relinquish their status or hide their Indigenous identities to ensure their children did not have to attend the schools.⁴⁰ If an individual was adopted into a non-Indigenous family or had a family member that was removed from the registration list decades earlier, they may be unable to find genealogical records to prove their eligibility for status.⁴¹ Individuals are required by ISC to compile and submit a complex set of records, such as birth certificates with parental information or documentation by provincial and territorial child and family service agencies.⁴² ISC notes that it has information sharing agreements in place with some provinces and territories to facilitate access to records, however it did not indicate where these are in place or how this information sharing occurs with respect to access to an individual's family or other records.⁴³

As former Grand Chief Anne Archambault, Wolastoqiyik Wahsipekuk, explained, "what happens to those Indigenous people who have lost track of their ancestors, who don't know their names, who can't find them?"⁴⁴ As the burden of proof of eligibility for status rests with the applicant, the Congress of Aboriginal Peoples noted that "no person who is entitled to be registered should be denied [status] for [the] lack of skills or resources to conduct genealogical research."⁴⁵ The committee finds that the Government of Canada has an obligation to assist claimants not associated with First Nations communities to facilitate proof of entitlement to status.

ISC should also expedite what it refers to as complex applications, representing about 10% of all applications.⁴⁶ In some cases, for example, ISC collects a vast array of information to conduct analysis of an individual's "ancestral life events going back as far as 1869 [and] may need to be considered and assessed not only against the current *Indian Act* but the Act in force at the time of

³⁹ Quebec Native Women Inc., *Brief*, 6 May 2022.

⁴⁰ APPA, *Evidence*, Mr. Ryan Beaton, Lawyer, Juristes Power, 2 May 2022.

⁴¹ Congress of Aboriginal Peoples, *Brief*, 5 May 2022.

⁴² Indigenous Services Canada, *Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3*.

⁴³ Ibid.

⁴⁴ Quebec Native Women Inc., *Brief*, 6 May 2022.

⁴⁵ Congress of Aboriginal Peoples, *Brief*, 5 May 2022.

⁴⁶ Indigenous Services Canada, *Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3*.

the event.”⁴⁷ When applications are incomplete, in accordance with ISC’s process, correspondence is sent to the applicant to provide documentation within 90 days. “Applicants are not denied if they do not respond within this time frame but their application becomes inactive until further information is provided.”⁴⁸ Individuals whose applications were denied under previous versions of the legislation must reapply with additional information to support their eligibility for status.⁴⁹ The committee believes ISC should conduct reviews of previously denied individuals against registration provisions in order to ensure individuals who are eligible can be registered.

D. Long Delays and Opaque Process to Register

The ways in which the legislative provisions are administered by federal officials can result in long delays for registration. ISC reports the current wait time for individuals to be registered is about eight months. Most applications take between six months and two years to process. Diminishing wait times necessarily requires addressing the existing backlog of applications. In correspondence to Ms. Shelagh Day, for example, ISC noted it is still processing files from May 2021.⁵⁰ Officials from ISC noted that the department has “processed or partially processed more than 85% of the applications received” under the 2017 legislative amendments. ISC has also prioritized individuals over the age of 65 for initial processing.⁵¹

Concerns were raised that the review of denials are conducted by the Registrar.⁵² Mr. Jeremy Matson and individuals interviewed by Quebec Native Women Inc. for its brief, such as Ms. Lise Malec and Ms. Voïka Copea, waited for nearly a decade or more before obtaining status for themselves or their children by going through the various stages of the process.⁵³

In accordance with section 14.2(1) of the *Indian Act*, an individual can protest the decision of the Registrar within three years. Protests can be made regarding an individual’s inclusion or addition, omission or deletion on the “Indian Register” or a Band List by a representative of the individual, a band council or a member of a band the individual is affiliated with. The burden of proof lies with the individual to substantiate their claim under the protest.⁵⁴ It is concerning that the process to appeal decisions is through the same decision-making body, the Registrar, that may have denied

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ APPA, Email from Indigenous Services Canada to Ms. Shelagh Day, 3 June 2022.

⁵¹ APPA, *Evidence*, Ms. Christiane Fox, 16 May 2022 and Indigenous Services Canada, *Follow-up from the Standing Senate Committee on Aboriginal Peoples, June 10, 2022, Government Initiatives on S-3*.

⁵² Mr. Michael Maillet, *Brief*, 4 May 2022.

⁵³ Quebec Native Women Inc., *Brief*, 6 May 2022; Mr. Michael Maillet, *Brief*, 4 May 2022; APPA, *Evidence*, Mr. Jeremy Matson, As an individual, 2 May 2022.

⁵⁴ *Indian Act*, R.S.C., 1985, c. I-5, section 14(2)(3).

the original decision. If an individual is unsatisfied with the outcome of the protest, they have no recourse other than to launch a legal challenge of the decision in the respective Superior Court of their province. This would obviously come with significant costs to the individual. This inherent conflict of interest could be resolved by ISC through the creation of an independent administrative review mechanism that includes First Nations representation.

In May 2022, ISC reported that it conducted a file review of its “protests inventory.” The audit was designed to ensure that the files of individuals who had been previously denied status, but who now could be eligible under the 2017 amendments, were brought forward to the Registrar for reconsideration. There are 254 individuals that have been previously denied that may be newly eligible.⁵⁵ However it is unclear if all of those individuals who were denied status under the previous legislative provisions have been contacted by ISC to advise them of new registration provisions. ISC still indicates that individuals whose applications were denied under prior legislation must re-apply. In correspondence to the committee, Dr. Lynn Gehl, Algonquin Anishinaabe-Ikwe noted that during her case *Gehl v. Canada (Attorney General)*⁵⁶ “evidence surfaced in the form of a policy where Canada admitted they were not going to re-open files where a person was denied Indian status registration due to an unknown and unstated paternity.” She recommended that ISC conduct a file review in cases of denial of registration due to unknown and unstated paternity.⁵⁷

The Committee recognizes the important role that the United Nations has played in providing guidance and observations about discrimination against women and their descendants in the *Indian Act*. In a recent observation studied by the committee, for example, the Committee on the Elimination of Discrimination against Women noted that pursuing remedies domestically in Mr. Jeremy Matson’s case “would have been unreasonably prolonged and unlikely to bring effective relief.”⁵⁸

In its brief to the committee, ISC noted that:

[E]very effort is made to complete a Protest in 6 months from receipt of any additional information. The Protest provisions specify a higher standard of care because it is as a result of an investigation, rather than an outcome of an application. As a result, care is taken to

⁵⁵ APPA, *Follow-up Questions*, Indigenous Services Canada, 16 May 2022.

⁵⁶ *Gehl v. Canada (Attorney General)*, 2017 ONCA 319.

⁵⁷ APPA, *Correspondence to the Committee members from Dr. Lynn Gehl Algonquin Anishinaabe-Ikwe*, 13 June 2022.

⁵⁸ The Committee on the Elimination of Discrimination against Women, *Views adopted by the Committee under article 7(3) of the Optional Protocol, concerning communication No. 68/2014*, Convention on the Elimination of All Forms of Discrimination against Women, Advance unedited version, 3 March 2022, para. 17.5; APPA, *Evidence*, Mr. Jeremy Matson, May 2, 2022.

ensure each file is given the proper due diligence. Once presented to the Registrar for decision, in the majority of the cases, a decision will be rendered within weeks.⁵⁹

Witnesses emphasized the importance of implementing service standards for status applications. Dr. Pamela Palmater, Chair in Indigenous Governance, Toronto Metropolitan University, recommended that registration be deemed an essential service so that people can still be registered during extraordinary circumstances such as a global pandemic. This would enable individuals to access important benefits such as supplementary health care and education. Registration, witnesses stressed, slowed down during COVID-19 and was not prioritized for all “women and their descendants who have waited so long for their rights to be recognized.”⁶⁰ Departmental officials explained that they have established a six-month timeframe to process applications, and it intends to meet this target starting in September 2022.⁶¹ Furthermore, the committee was pleased to receive data and information with respect to the ways in which ISC uses population estimates, how the registration provisions are administered by officials and the improvements to the process of applying for registration. However, real concerns remain.

Had the committee not requested all of this information, for example, there is no other publically available source. ISC’s Departmental Results Report contains limited internal information about registration and the department does not report publicly on any the following: how it establishes or meets its service standard related to the registration applications; how many people ISC reached on the new eligibility requirements through communications plans and outreach; the backlog of applications or the number of new applications by region or official language; and its implementation of legislative amendments to the *Indian Act* in 1985, 2010 or 2017. This needs to change.

While ISC indicated that it reports regularly to Cabinet on its implementation of the 2017 amendments, officials also told the committee about how the department evaluates its progress on implementation. In this testimony, for example, officials suggested the department uses projections to look at its internal capacity to respond to requests for registration. The department does not, however, appear to use these projections to measure whether its public education materials and outreach are effective in educating people about the new registration provisions. Nor does it appear that data is used to inform the development of internal departmental processes, such as changes to the administration of the registration provisions to streamline applications, the procedures for the collection of documents, or procedures for responding to protests and complex

⁵⁹ APPA, [Brief](#), Indigenous Services Canada 16 May 2022.

⁶⁰ Quebec Native Women Inc. et al., *Reference Document, Outstanding Issues: Sex Discrimination and the Indian Act*.

⁶¹ APPA, [Evidence](#), Ms. Christiane Fox, 16 May 2022.

applications in a timely manner.⁶² The committee is concerned that if it had not undertaken a study to review the implementation of the 2017 amendments and followed up to request clarification following an initial appearance from officials, the departmental statistics outlined in this section would not have been made public. It is clear that greater transparency and accountability is needed with both external and internal mechanisms. First Nations people deserve better.

Recommendation 2

We therefore recommend that Indigenous Services Canada:

- **establish and publish on the departmental website, a ten-day service standard to complete new and existing registrations following receipt of required documents from applicants;**
- **address the backlog of applications on a priority basis, ensuring that applications from older applicants are dealt with as quickly as possible;**
- **conduct a file review of previously denied status applications to determine whether applicants may be eligible under amendments to the *Indian Act* in 1985, 2010 and 2017, including those applications on unknown or unstated paternity, and that Indigenous Services Canada proactively contact individuals to notify them of their potential eligibility for registration;**
- **simplify and transform the application process, set strict publicly available timelines for department officials to respond to applicants, clearly explain the stages of the application process and communicate these to the general public, to applicants and to this committee;**
- **conduct an internal evaluation of registration more broadly focused on improving service delivery to First Nations;**
- **publish an annual service standard report that includes:**
 - **Indigenous Services Canada's estimates of new registrations, actual registrations disaggregated by gender, region, and linguistic profile;**
 - **the effectiveness of Indigenous Services Canada's public education campaign, and the number of new applications for registration;**

⁶² Ibid.

- average and median wait times for application processing, including times for the processing of complex applications;
 - progress toward implementing a ten-day service standard; and
 - number of protests and number of registration decisions that are appealed to the Superior Courts of each province.
- establish a service standard committee that reviews the above report in order to make recommendations to monitor progress and assess policies and processes, provide guidance to officials and achieve greater accountability within Indigenous Services Canada. This committee should be comprised of First Nations leaders, as well as legal and statistical experts that reflect the diversity of First Nations; and
 - establish a robust independent registration review panel with First Nations representation to review denials, protests and complex applications to achieve greater accountability and transparency.

The committee requests a progress report on the implementation of these recommendations on a quarterly basis starting in October 2022.

Recommendation 3

We therefore recommend that the Office of the Auditor General of Canada conduct a performance audit of the registration of individuals by Indigenous Services Canada with a focus on the implementation of legislative amendments to the registration provisions of the *Indian Act* since 1985.

REMAINING DISCRIMINATION IN THE REGISTRATION PROVISIONS OF *THE INDIAN ACT*

ISC has reported that all sex-based inequities in registration have been eliminated. It acknowledges that there are remaining residual impacts that continue to affect registration, such as enfranchisement (discussed below).⁶³

⁶³ Indigenous Services Canada, *The Final Report to Parliament on the Review of S-3: December 2020*.

Many witnesses disagreed with the department, noting that sex-based discrimination remains in the registration provisions of the *Indian Act* and continues to affect the lives of First Nations women and their descendants.⁶⁴ Discriminatory effects related to registration include, for example, those flowing from enfranchisement, the second-generation cut-off and the 1985 cut-off. These inequities are discussed in more detail below. They are well known and have been documented by witnesses appearing before the committee and in the 2019 report by the Minister of Crown-Indigenous Relations and Northern Affairs Canada's Special Representative on the collaborative process on registration, band membership and First Nation citizenship, Claudette Dumont Smith.⁶⁵

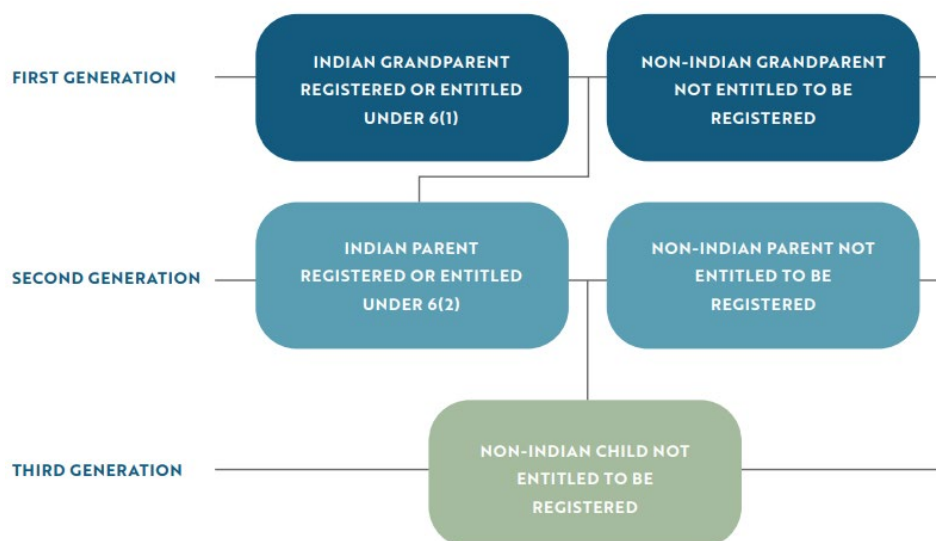
A. Removing The Second Generation Cut-off

While the 1985 amendments to the *Indian Act* restored status to women who had lost it as a result of marriage, it also created two tiers of status. First Nations children with one parent with status had a different status than their peers with two parents with status. Section 6(1) of the *Indian Act* sets out the criteria for status, while section 6(2) allows an individual with only one parent registered under section 6(1) to register for status. Section 6(2) is a more restrictive category of status because an individual registered under this section can only pass status on to their child if the child's other parent also has status. This provision is often referred to as the "second generation cut-off" because, as illustrated in Figure 1 below, eligibility for status ends after two consecutive generations of mixed status parentage. This provision has the effect of decreasing the numbers of individuals with status over time.

⁶⁴ APPA, *Evidence*, Ms. Sharon McIvor; Dr. Pamela Palmater, 28 March 2022; APPA, *Evidence*, Mr. Ryan Beaton, May 2, 2022; APPA, *Brief* submitted by Quebec Native Women Inc., 6 May 2022; Quebec Native Women Inc. et al., *Reference Document, Outstanding Issues: Sex Discrimination and the Indian Act*.

⁶⁵ Crown-Indigenous Relations and Northern Affairs Canada, Claudette Dumont-Smith, Minister's Special Representative, *Annex A: Minister's Special Representative final report on the collaborative process on Indian registration, band membership and First Nation citizenship*, May 2019.

Figure 1: The Second Generation Cut-Off



Source: Native Women's Association of Canada, [Ongoing Indian Act Inequity Issues, Second Generation Cut-Off Rule](#), p. 3.

Witnesses connected the second generation cut-off to the overarching goal of the *Indian Act* when it was first enacted in 1876, which was to assimilate First Nations into Canadian society.⁶⁶ In some First Nations communities, status is directly linked to band membership. The second generation cut-off may contribute to a decrease in the number of band members and “eliminates the option to be a band member” for those that lose their status.⁶⁷ Since status ends after two consecutive generations of mixed status parentage, according to Dr. Pamela Palmater, the second-generation cut-off “means that every First Nation in this country has a legislated extinction date that you can calculate based on their birth, death and out-parenting and section 6(2) of the *Indian Act*.”⁶⁸

The second generation cut-off also has an adverse and disproportionate effect on First Nations women and their descendants. In 1985, First Nations women who had lost their status because of marriage to a non-status man regained their status. However, the children from these marriages were at a disadvantage because they only had one status parent and were registered under the more restrictive section 6(2). As a result, they are only able to pass on their status to the next generation if they marry an individual with status. In comparison, prior to 1985, First Nations men with status who married non-status women retained their status and conferred it to their wives and children. Children from these marriages have two status parents and can pass status on to the

⁶⁶ APPA, [Evidence](#), Mr. Jeremy Matson, May 2, 2022; APPA, [Evidence](#), Dr. Pamela Palmater, 28 March 2022.

⁶⁷ APPA, [Evidence](#), Mr. Jeremy Matson, 2 May 2022.

⁶⁸ APPA, [Evidence](#), Dr. Pamela Palmater, 28 March 2022; APPA, [Evidence](#), The Honourable Lillian Eva Dyck, 28 March 2022.

next generation regardless of whether they marry an individual with status.⁶⁹ This inequity places the descendants of First Nations women at a disadvantage since they are more likely to be registered under section 6(2) and be thus unable to transmit their status to fewer subsequent generations than the descendants of First Nations men.⁷⁰

The second generation cut-off also affects women in cases of unstated or unknown paternity. As explained in a brief to the committee, “[w]ho is a child’s mother is usually pretty apparent. Who is the father is not always apparent. Whether the father acknowledges his paternity and thus can be ‘counted’ as the second status parent for purposes of s. 6(1)(f) is essentially his decision.”⁷¹ There are many reasons why a First Nations woman may not name the father of her child in an application for status. The same brief goes on to say, “[a] child may be born of incest, and putting that on the birth certificate or status application will have negative effects on both the child and the mother. The father of the child may be unknown, as in cases of rape or gang rape.”⁷² Further, naming the father of their child could put women at risk, “economically, socially or even for their physical safety.”⁷³ Dr. Lynn Gehl, Algonquin Anishinaabe-Ikwe suggested that the number of applicants denied status due to unknown or unstated paternity is increasing “in part because Canada is now imposing on Indigenous women and girls the need for evidence of who the ‘father’ is/was.”⁷⁴

However, as noted previously, the descendants of First Nations women are more likely to be registered under section 6(2) of the *Indian Act*. As a result, these women can only pass on status to their children if they successfully prove that the father of their child has status.⁷⁵ Ultimately, this situation places a disproportionate burden on First Nations women and can affect not only their quality of life, but also that of their children. A brief explained the challenges faced by single mothers registered under section 6(2) where the father is unnamed or unknown, if they are unable to obtain status for their child:

⁶⁹ Ms. Sharon McIvor, Ms. Shelagh Day and Dr. Pamela Palmater, [*Follow-up to Appearances on March 28, 2022 – Section 6\(2\) of the Indian Act, “The Second Generation Cut-off”*](#); Native Women’s Association of Canada, [*Ongoing Indian Act Inequity Issues, Second Generation Cut-Off Rule*](#).

⁷⁰ Ms. Sharon McIvor, Ms. Shelagh Day and Dr. Pamela Palmater, [*Follow-up to Appearances on March 28, 2022 – Section 6\(2\) of the Indian Act, “The Second Generation Cut-off”*](#); Native Women’s Association of Canada, [*Ongoing Indian Act Inequity Issues, Second Generation Cut-Off Rule*](#), p. 3.

⁷¹ Ms. Sharon McIvor, Ms. Shelagh Day and Dr. Pamela Palmater, [*Follow-up to Appearances on March 28, 2022 – Section 6\(2\) of the Indian Act, “The Second Generation Cut-off”*](#).

⁷² Ibid.

⁷³ APPA, [*Evidence*](#), Mr. Adam Bond, Manager of Legal Services, Native Women’s Association of Canada, 28 March 2022.

⁷⁴ APPA, [*Correspondence to the Committee members from Dr. Lynn Gehl, Algonquin Anishinaabe-Ikwe*](#), 13 June 2022.

⁷⁵ Ms. Sharon McIvor, Ms. Shelagh Day and Dr. Pamela Palmater, [*Follow-up to Appearances on March 28, 2022 – Section 6\(2\) of the Indian Act, “The Second Generation Cut-off”*](#).

While it may be possible for the non-status child and “6(2)” mother to stay on reserve during the child’s early years, preventing an immediate severance from family and community, the child’s life on reserve will not be the same as the life of children with status. That child will not be eligible for any benefits under the *Indian Act* and thus will not have access to the same medical care and education as the child’s status peers. In the long run, the child will be required to leave the reserve, as only status people can live there. Even if the mother and child live off the reserve anyway, the child will still be ineligible for *Indian Act* benefits, making their life even more difficult than the life of other young single status women with children. They will probably be living as the poorest of the poor.⁷⁶

ISC told the committee that the 2017 amendments to the *Indian Act* addressed the issue of unknown or unstated paternity. In such cases, where the father of the child is unnamed or unknown, the Registrar must rely on the evidence presented by the applicant and draw every reasonable inference in favour of the applicant.⁷⁷ The department acknowledged that more work could be done to interpret these amendments and communicate changes to policies regarding unknown or unstated paternity to those affected.⁷⁸

ISC surprisingly explained that “[a]t this time, there remains no consensus among First Nations on a solution for the second generation cut-off. The Department recognizes that co-developing a collaborative consultation process with First Nations is required to ensure that First Nations’ substantive preferences and needs are met, as a remedy for the second generation cut-off is developed.”⁷⁹ However, witness testimony suggested otherwise, calling for the elimination of the second generation cut-off and noting that there was widespread support from Indigenous women and organizations to do so.⁸⁰ As explained by Dr. Pamela Palmater, “[o]n a go-forward basis, why should we be cutting off our children? That would mean my grandchildren could not be a member of the Mi’kmaq community, even though they will grow up in the culture and the language and the community.”⁸¹ Mr. Jeremy Matson also argued that the second generation cut-off violates Indigenous peoples’ human rights and Canada’s international obligations since it is inconsistent with articles of the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Convention on the Rights of the Child*.⁸² The Committee on the Elimination of Discrimination against Women found that the second-generation cut-off rules are “unilaterally established” by Canada and contribute to differential treatment and discrimination against

⁷⁶ Ibid.

⁷⁷ *Indian Act*, R.S.C., 1985, c. I-5, section 5(6).

⁷⁸ APPA, *Evidence*, Ms. Christiane Fox, 16 May 2022.

⁷⁹ APPA, *Written response submitted to the Committee by Indigenous Services Canada*, 20 May 2022.

⁸⁰ APPA, *Evidence*, Mr. Jeremy Matson, May 2, 2022; APPA, *Evidence*, Dr. Pamela Palmater, 28 March 2022.

⁸¹ APPA, *Evidence*, Dr. Pamela Palmater, 28 March 2022.

⁸² APPA, *Evidence*, Mr. Jeremy Matson, May 2, 2022.

descendants of First Nations women who previously lost their status in comparison to the descendants of First Nations men.⁸³

The committee believes that a complete overhaul of the registration provisions is required. Currently, the status provisions are convoluted, overly technical and inaccessible to members of the public. As part of this overhaul, the committee believes that the repeal of section 6(2) of the *Indian Act* is necessary and long overdue. The second generation cut-off has been in place for over 30 years and continues to disproportionately affect the lives of First Nations women and their descendants across Canada. ISC told the committee that removing the second generation cut-off would result in a minimum of 250,000 people being eligible for registration which would affect the population projections for status First Nations, the registration process, and programs and services offered by the department.⁸⁴

Regardless of the population projections and pressures on departmental programs and services, the committee believes that the second generation cut-off is a continuation of the policies of assimilation and removing it is an issue of justice. It would contribute to equality for the descendants of First Nations men and women and ultimately prevent another generation from experiencing the negative effects of the second-generation cut-off. Although the federal government is undertaking consultations on the second generation cut-off,⁸⁵ the committee believes that this matter must be addressed urgently. However, legislative measures must be accompanied by a comprehensive transition plan to ensure that those who are registered under section 6(2) and their descendants remain registered or are eligible for registration as applicable. Therefore, the committee recommends:

Recommendation 4

That the Government of Canada introduce legislation repealing section 6(2) of the *Indian Act* and develop an accompanying transition plan for those registered under section 6(2) as soon as possible, but no later than June 2023.

B. Addressing Age and Marital distinctions (the 1985 Cut-off)

The second-generation cut-off also intersects with age and marital distinctions in the *Indian Act* and again demonstrates the indecipherable nature of the registration provisions of the *Indian Act*.

⁸³ The Committee on the Elimination of Discrimination against Women, *Views adopted by the Committee under article 7(3) of the Optional Protocol, concerning communication No. 68/2014*, Convention on the Elimination of All Forms of Discrimination against Women, Advance unedited version, 3 March 2022, para. 18.3.

⁸⁴ APPA, *Evidence*, Ms. Christiane Fox, 10 June 2022.

⁸⁵ APPA, *Evidence*, Ms. Christiane Fox, 16 May 2022.

There are a series of provisions involving the dates in April 1985 that may affect entitlement to registration and are collectively referred to as the “1985 cut-off rule.” While witnesses felt the 1985 cut-off was a distinct and separate inequity that had to be addressed, ISC noted that the second generation cut-off and the 1985 cut-off were the same issue.⁸⁶ In some cases, whether an individual was born on or after 16 April 1985 and whether their parents were married to each other before 17 April 1985 may affect their eligibility for, and category of registration under the *Indian Act*. Under these provisions, an individual’s eligibility for status under the *Indian Act* could still be affected by the marital status of their parents. “Specifically, in these circumstances, if the applicant was born after 16 April 1985, they will only be entitled to status if their parents had been married to each other at any time before 17 April 1985[sic].”⁸⁷

The 1985 cut-off can also lead to different categories of status within the same family, depending on when the children were born. As explained by the Native Women’s Association of Canada, this could lead to “siblings of the same parent who were born before and after 16 April 1985 being differently entitled to status for no other reason than the age and marital status of their parents.”⁸⁸ The Committee on the Elimination for the Discrimination Against Women found that the 1985 cut-off, “even if not currently based on the gender of the descendants themselves, perpetuates in practice the differential treatment of descendants of previously disenfranchised Indigenous women.”⁸⁹

A brief by Quebec Native Women Inc. explained that these differences amount to discrimination:

Ms. Paillé Arseneault has two older sisters (all three have status) who were born before April 1985. Her sisters’ children qualify, but hers do not because she was born after April 1985. Considering that all three have the same parents, Ms. Paillé Arseneault and her children continue to experience discrimination based on section 6 of the *Indian Act*. For them, their situations reflect “the previous objective of the hidden discrimination of the *Indian Act*, the desire to assimilate Indigenous peoples, which persists to this day,” because no one born after April 1985 will be able to bequeath their status.⁹⁰

The committee observes that the 1985 cut-off creates challenging situations for First Nations families, where some members may have a different ability to transmit status to future

⁸⁶ APPA, *Written response submitted to the Committee by Indigenous Services Canada*, 20 May 2022.

⁸⁷ Native Women’s Association of Canada, *Ongoing Indian Act Inequity Issues: Marital Status*, 2 February 2022.

⁸⁸ APPA, *Evidence*, Mr. Adam Bond, 28 March 2022.

⁸⁹ APPA, *Evidence*, Ms. Corinne Dettmeijer-Vermeulen, Member, Committee on the Elimination of Discrimination Against Women, 2 May 2022.

⁹⁰ Quebec Native Women Inc., *Brief*, 6 May 2022.

generations. The committee finds that, as with the second generation cut-off, this matter must be urgently addressed by the Government of Canada to ensure equality in the registration provisions.

C. Ending the Effects of Enfranchisement

Enfranchisement refers to the loss or termination of status under the *Indian Act*. Enfranchisement provisions first appeared in legislation in Upper Canada in 1857; in order to vote or retain other rights similar to Canadian citizens, First Nations had to relinquish their status. Over time, enfranchisement provisions evolved through various iterations of the *Indian Act* and were only removed by the 1985 amendments to the *Indian Act*.⁹¹ As noted by the Native Women's Association of Canada, "enfranchisement created an either-or scenario for Indigenous people: you could be "Indian," or you could be Canadian, and in many cases, it was Indigenous women [who] had no choice."⁹² Ultimately, "[t]he underlying purpose of enfranchisement was to assimilate Indians to mainstream society, thus, Indians who were enfranchised were no longer permitted to be on the band list (pre-1951), or to have Indian status (post-1951) ensuring their ties to their communities were legally severed."⁹³

There were two forms of enfranchisement – "involuntary" or "voluntary." For example, between 1876 and 1920, First Nations were forced to give up their status, that is to say, involuntarily enfranchised, if they pursued a university degree or became a doctor, lawyer or member of the clergy. First Nations women were involuntarily enfranchised, or automatically lost their status before 1985 if they married a non-status man.

Under so-called "voluntary" enfranchisement provisions, between 1876 and 1985, First Nations individuals could apply to enfranchise and lose their status.⁹⁴ Some First Nations individuals made the difficult decision to apply for enfranchisement for important reasons including to vote, own property, or to protect their children from being forced to attend a residential school.⁹⁵ The Royal Commission on Aboriginal Peoples noted that, "voluntary" enfranchisement "was not a realistic or popular policy" among First Nations, "most of whom had no intention of renouncing their personal

⁹¹ Dionne Schulze Attorneys, *Brief: Overview of the rules for entitlement to registration under the Indian Act and sources of continuing discrimination*, 9 May 2022; Mr. Ryan Beaton, Juristes Power Law, *Brief: Summary of Charter Challenge to Indian Act registration provisions and remedy sought*, 2 May 2022; The Native Women's Association of Canada, *Ongoing Indian Act Inequity Issues: Enfranchisement*.

⁹² The Native Women's Association of Canada, *Ongoing Indian Act Inequity Issues: Enfranchisement*.

⁹³ Crown-Indigenous Relations and Northern Affairs Canada, Claudette Dumont-Smith, Minister's Special Representative, *Annex A: Minister's Special Representative final report on the collaborative process on Indian registration, band membership and First Nation citizenship*, May 2019.

⁹⁴ *Ibid.*

⁹⁵ APPA, *Evidence*, Mr. Ryan Beaton, May 2, 2022.

and group identity by assimilating into non-Aboriginal society.”⁹⁶ Initially, given that there were few First Nations people who voluntarily enfranchised, Parliament made enfranchisement compulsory in certain situations, including those described above.⁹⁷

Despite being called ‘voluntary’ enfranchisement, the effects of this process were not voluntary for First Nations women. If a status First Nations man applied for enfranchisement, his wife and any minor, unmarried children automatically lost their status.⁹⁸

There is currently outstanding litigation on enfranchisement. *Nicholas v. Canada (Attorney General)* is a constitutional challenge launched in June 2021 involving 16 plaintiffs from three families who “are children, grandchildren, great-grandchildren of individuals who submitted applications to enfranchise under earlier versions of the *Indian Act*.”⁹⁹ Mr. Ryan Beaton, the plaintiffs’ lawyer, explained their litigation:

From our perspective, both situations [of enfranchisement] clearly involve sex-based discrimination that was perpetuated in the 1985 amendments in Bill C-31. Bill C-3 and Bill S-3 remedy forms of sex-based discrimination tied to the first situation, of an Indian woman who married out, but did nothing to address the sex-based discrimination tied to the second situation of an Indian woman who was enfranchised involuntarily pursuant to her husband’s application.¹⁰⁰

On 3 March 2022, the Minister of Indigenous Services and the law firm representing the plaintiffs, Juristes Power Law, announced that they had agreed to put the litigation on hold and to find a legislative solution to end the ongoing effects of enfranchisement under the *Indian Act*. The Minister of Indigenous Services has committed to work towards the introduction of legislation in the House of Commons by the summer of 2022 to further amend the registration provisions of the *Indian Act*.¹⁰¹ However, ISC officials told the committee that as part of the agreement, the Government of Canada committed to initiate the parliamentary process to “co-develop” the legislation with Indigenous partners. Departmental officials did not specify a timeframe for the introduction of the legislation.¹⁰² According to the Congress of Aboriginal Peoples, under this

⁹⁶ Report of the Royal Commission on Aboriginal Peoples, *Volume 1 – Looking Forward, Looking Back*, p. 264.

⁹⁷ Ibid.

⁹⁸ APPA, *Evidence*, Mr. Ryan Beaton, May 2, 2022.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Indigenous Services Canada, *First Nations families and Canada agree to put litigation on hold while working to end the legacy of “enfranchisement” under the Indian Act*, News Release, 3 March 2022.

¹⁰² APPA, *Evidence*, Ms. Christiane Fox, 16 May 2022.

proposed legislation, individuals should not be required to repay any of the compensation they or their ancestors received when they relinquished their status.¹⁰³

The committee is pleased to learn the Minister will be introducing legislation to address enfranchisement. However, the committee finds that ISC has not addressed all instances of discrimination in the registration provisions. Witnesses clearly called for an end to *all* discrimination in the registration provisions of the *Indian Act* and its effects. However, since 1985, “despite numerous legal challenges, Canada has amended the discriminatory provisions with piecemeal changes rather than ending the discrimination entirely.”¹⁰⁴ The disjointed nature of the previous amendments was raised by the Quebec Superior Court in 2015, as when Parliament limits the scope of legislative amendments to the “bare minimum...it appears that the holders of legislative power prefer to wait for the courts to rule on a case-by-case basis before acting, and for their judgments to gradually force statutory amendments to finally bring them in line with the Constitution.”¹⁰⁵ The net effect has left First Nations people spending decades in court, and in some cases, not seeing a resolution of the discriminatory effects of the registration provisions within their lifetimes.¹⁰⁶

The committee strongly urges the federal government to avoid taking a piecemeal approach, by taking steps to remove the other remaining discrimination in the registration provisions and its effects in this forthcoming legislation. We remain concerned that narrow changes may introduce new, unintended discriminatory effects in the registration provisions. The committee therefore recommends:

Recommendation 5

That Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada provide quarterly reports to the committee on the process and consultations undertaken to co-develop legislation to address enfranchisement with the first report due in October 2022.

¹⁰³ Congress of Aboriginal Peoples, *Brief: Review on implementation of An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général) (S.C. 2017, c. 25)*, 5 May 2022.

¹⁰⁴ APPA, *Evidence*, Ms. Corinne Dettmeijer-Vermeulen, May 2, 2022.

¹⁰⁵ *Descheneaux c. Canada (Procureur général)*, 2015 QCCS 3555, para. 239, (Canlii), [Unofficial translation].

¹⁰⁶ APPA, *Evidence*, Mr. Ryan Beaton, May 2, 2022.

D. The Need for a Proactive Approach to Addressing Discrimination in the Registration Provisions of the *Indian Act*

The preceding discussion does not capture all remaining inequities in the registration provisions. For example, the report of the Minister's Special Representative on the collaborative process on registration, band membership and First Nation citizenship identified a number of additional inequities including cross-border issues and concerns related to adoption.¹⁰⁷

The federal government has indicated that more consultations are needed to address what it deems "residual impacts of sex-based inequities," including the second-generation cut-off and enfranchisement. ISC noted that unlike other remaining inequities, addressing enfranchisement is a time sensitive matter due to the agreement arising from litigation. The committee heard that ISC is "committed to co-developing solutions with First Nations partners to address these remaining inequities that deny First Nations peoples their inherent rights."¹⁰⁸ ISC noted that other inequities including the second generation cut-off, and cross border issues would be addressed in another consultation process.¹⁰⁹ However, the committee is of the view that there have already been ample consultations on ending discrimination under previous ministers and governments. The federal government launched engagements on registration under the *Indian Act* and issues related to band membership and First Nations citizenship in 2011 and 2018. Furthermore, the Minister's Special Representative on the collaborative process on registration, band membership and First Nation citizenship, Claudette Dumont-Smith, was mandated to undertake consultations and engagements with Indigenous groups on these matters.

The committee is concerned that additional consultations may delay addressing all discrimination in the registration provisions. Each passing day, month and year unjustly affects First Nations women, their descendants and their communities. The roadmap to address discrimination in the registration provisions is clear. For example, the committee believes that the 2019 report of the Minister's Special Representative, Claudette Dumont-Smith provides comprehensive and concrete recommendations to address the remaining inequities grounded in the views of First Nations

¹⁰⁷ For example, the report noted that concerns were raised about "the adoption of non-Indian children who can obtain full status when adopted by Indians. Though they have no Indian blood, status can be transmitted to their descendants. This was seen as being unfair and it was stated that the community should be more involved in the adoption process and to have a say in who can be a band/community member." Crown-Indigenous Relations and Northern Affairs Canada, Claudette Dumont-Smith, Minister's Special Representative, *Annex A: Minister's Special Representative final report on the collaborative process on Indian registration, band membership and First Nation citizenship*, May 2019.

¹⁰⁸ APPA, *Evidence*, Ms. Christiane Fox, 16 May 2022.

¹⁰⁹ APPA, *Evidence*, Ms. Christiane Fox, 10 June 2022.

people and communities.¹¹⁰ The committee urges the federal government to implement these recommendations as part of initiatives to address remaining inequities.

This time, the federal government has a responsibility to take a proactive approach to ensure equality for First Nations women and their descendants. To ensure that consultations do not amount to delays, the committee compels the federal government to develop an action plan with clear timeframes to resolve this unjust discrimination against First Nations women and their descendants once and for all. This approach would ensure that all inequities are addressed, not just the ones profiled in the committee's report. The committee believes that this should not be a top-down exercise. First Nations people and communities should be leading the process to develop the action plan including by identifying remaining discrimination and its effects. The committee therefore recommends:

Recommendation 6

That Indigenous Services Canada work with First Nations people and communities to develop an action plan with clear timeframes for the repeal of all discriminatory provisions of the *Indian Act*; the resolution of all outstanding inequities including enfranchisement, the 1985 cut-off and age and marital distinctions; and the implementation of all the recommendations from Claudette Dumont-Smith's 2019 report; and that the department provide its first progress report on this plan by December 2022 and a final report by June 2023.

PROVIDING REPARATIONS

Discrimination in the registration provisions of the *Indian Act* has impacted generations of First Nations women and their children, families and communities. A brief provided to the committee explained:

Women have been expelled from their communities, from their places, languages, and cultures, and families have been torn apart. Women have been deemed to be lesser parents, unable to pass on status in the way men can, and branded as traitors for “marrying out.” They have been

¹¹⁰ Crown-Indigenous Relations and Northern Affairs Canada, Claudette Dumont-Smith, Minister's Special Representative, [*Annex A: Minister's Special Representative final report on the collaborative process on Indian registration, band membership and First Nation citizenship*](#), May 2019.

denied belonging, identity, services, and voice in decision-making for their communities.¹¹¹

Witnesses called for reparations for the harms caused by discrimination in the registration provisions of the *Indian Act*. Mr. Jeremy Matson referred to a document prepared by the United Nations Permanent Forum on Indigenous Issues:

[t]he Inter-American Court has confirmed that “it is a principle of international law that any violation of an international obligation which has caused damage carries with it the obligation to provide adequate reparation for it.” Reparations “consist of measures that tend to make the effects of the violations committed disappear,” including measures such as restitution.¹¹²

The broader need for reparations on matters related to the registration provisions in the *Indian Act* has also been echoed on a few occasions by the United Nations.¹¹³ For example, Mr. Jeremy Matson submitted a communication to the Committee on the Elimination of Discrimination against Women on behalf of himself and his children. The case related to what he viewed as long-standing and ongoing gender-based discrimination against First Nations women and their descendants through the registration provisions of the *Indian Act*.¹¹⁴ In its report, the Committee on the Elimination of Discrimination against Women recommended that Canada provide appropriate reparations to Mr. Jeremy Matson and his children.¹¹⁵

Witnesses called for compensation, which in Mr. Jeremy Matson’s view, should cover intergenerational impacts due to “forced assimilation” and the “illegal removal of Indigenous people” in the past and present through provisions of the *Indian Act*.¹¹⁶ However, non-liability clauses in the 1985, 2010 and 2017 amendments to the *Indian Act* prevent Indigenous women and their children from making claims against the Crown and First Nations band councils (and therefore claiming or receiving compensation) for harms suffered due to inequities in the registration

¹¹¹ Quebec Native Women Inc. et al., *Reference Document, Outstanding Issues: Sex Discrimination and the Indian Act*.

¹¹² Mr. Jeremy Matson, *Brief*; United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the impacts of the Doctrine of Discovery on indigenous peoples, including mechanisms, processes and instruments of redress*, 20 February 2014.

¹¹³ For example, United Nations Human Rights Committee, *Views adopted by the Committee under article 5(4) of the Optional Protocol concerning communication No. 2020/2010*, 11 January 2019, pp. 17-18.

¹¹⁴ The Committee on the Elimination of Discrimination against Women, *Views adopted by the Committee under article 7(3) of the Optional Protocol, concerning communication No. 68/2014*, Convention on the Elimination of All Forms of Discrimination against Women, Advance unedited version, 3 March 2022, para. 3.3.

¹¹⁵ *Ibid.*, para. 20.

¹¹⁶ Mr. Jeremy Matson, *Brief*, p. 5.

provisions of the *Indian Act*. Some witnesses argued that these non-liability clauses themselves constitute sex-based discrimination against First Nations women and their descendants.¹¹⁷ As noted by former senator, the Honourable Lillian Eva Dyck, “why can’t we afford to compensate descendants of Indigenous women who lost their status? It’s a matter of what your priorities are. Indigenous women typically have not been high on the level of priority.”¹¹⁸ Further, the Ontario Native Women’s Association suggested that compensation should include investments in healing since “[w]ithout it, Indigenous women and their families who have their status reinstated will continue to experience challenges and hardships.”¹¹⁹

Witnesses also called for other forms of reparations including an apology by the federal government or the prime minister, and compensation for “the many generations of discrimination” against Indigenous women and their children.¹²⁰ Others emphasized the need for a memorial or other commemoration initiatives to honour the First Nations women who spent lifetimes fighting against discrimination in the registration provisions of the *Indian Act*.¹²¹ Public education was also recommended to ensure that *Indian Act* sex discrimination and associated legal challenges are discussed in Canadian schools.¹²²

The committee agrees with witnesses that reparations, including compensation and a formal apology, are essential to recognize the harms experienced by First Nations women and their descendants as a result of discrimination in the registration provisions under the *Indian Act*. Reparations are a fundamental part of reconciliation, providing the opportunity for Indigenous women and their children to heal, and for all Canadians to learn about this ongoing injustice in our shared history. However, before reparations are provided, remaining discrimination in the registration provisions must end. Canada should not redress harms while they continue to be perpetuated. Additionally, the committee believes that non-liability clauses must be repealed to enable First Nations women and their descendants to access compensation. First Nations women and their descendants must be at the forefront of all discussions concerning reparations. Moreover, reparations must also include commemoration initiatives to honour First Nations

¹¹⁷ Quebec Native Women Inc. et al., *Reference document, Outstanding Issues: Sex Discrimination and the Indian Act*; Canadian Feminist Alliance for International Action, Ms. Sharon McIvor, Ms. Shelagh Day, and Dr. Pamela Palmater, *Brief: Review of the Government of Canada’s Report to Parliament on Bill S-3*, 9 May 2022.

¹¹⁸ APPA, *Evidence*, The Honourable Lillian Eva Dyck, 28 March 2022.

¹¹⁹ APPA, *Evidence*, Ms. Cora McGuire-Cyrette, Executive Director, Ontario Native Women’s Association, 28 March 2022.

¹²⁰ APPA, *Evidence*, Dr. Pamela Palmater, 28 March 2022; Mr. Jeremy Matson, *Brief*.

¹²¹ Mr. Jeremy Matson, *Brief*; APPA, *Evidence*, Pamela Palmater, 28 March 2022; Quebec Native Women Inc. et al., *Reference Document, Outstanding Issues: Sex Discrimination and the Indian Act*.

¹²² Quebec Native Women Inc. et al., *Reference Document Outstanding Issues: Sex Discrimination and the Indian Act*.

women who fought to address discrimination in the registration provisions. The committee therefore recommends:

Recommendation 7

That the Government of Canada introduce legislation to repeal section 22 of *An Act to Amend the Indian Act* (1985); section 9 of the *Gender Equity in Indian Registration Act* (2010); and sections 10 and 10.1 of *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)* (2017)¹²³ to enable First Nations women and their descendants to access compensation.

Recommendation 8

That Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada work with Indigenous People and communities to provide reparations including an apology and compensation for the harms experienced by Indigenous women and their children. This must also include initiatives to commemorate the First Nations women who fought discrimination in the *Indian Act*.

RECONNECTING FIRST NATIONS WHO LOST STATUS TO THEIR HOME COMMUNITIES

In some First Nations communities, status is connected to band membership. When First Nations women and their descendants lost their status, they lost their ability to participate in their communities and were “removed from their Indigenous cultures for generations.”¹²⁴ The 1985 amendments to the *Indian Act* made changes to band membership as First Nations could control their own membership and develop their own membership codes. For First Nations that chose not to exercise this option, band lists were maintained by the Department, today referred to as ISC. However, the committee heard of examples of First Nations women who would like to be members of their original First Nations communities but are unable to do because their communities will not let them become members.¹²⁵

¹²³ *An Act to amend the Indian Act*, R.S., c. I-5, Chapter 32, 1st Supp., 1985, section 22; *Gender Equity in Indian Registration Act*, S.C. 2010, c. 18, section 9; *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)*, S.C. 2017, c. 25, sections 10 and 10.1.

¹²⁴ APPA, *Evidence*, Mr. Adam Bond, 28 March 2022; APPA, *Evidence*, Ms. Sharon McIvor, 28 March 2022.

¹²⁵ APPA, *Evidence*, Ms. Sharon McIvor, 28 March 2022.

The addition of new status First Nations members to band membership lists is a concern for some communities.¹²⁶ The federal government provides funding for programs primarily for status First Nations living on reserve. As noted by one witness, “for the purposes of resource allocation and self-government agreements, Canada only recognizes, and counts, persons with status as members of a Nation.”¹²⁷ Where First Nations women and their descendants do not have status they are denied access to essential federal programs and services that require them to be registered.¹²⁸ However, many First Nations communities have limited budgets to support essential services and cannot meet the levels of need for their existing members.

Moreover, the federal government is currently signing 10-year grants with some First Nations communities that provide federal funding for service delivery in a number of areas including elementary and secondary education.¹²⁹ However, Dr. Pamela Palmater explained that First Nations women who have not reconnected and are not members of their communities are excluded from these arrangements. First Nations may be unknowingly locked into per capita funding arrangements with little opportunity to change funding amounts if there is an influx in new members.¹³⁰

Ultimately, Sharon McIvor explained that First Nations should be able to have membership in their birth communities, because “[W]e have the right to belong to our communities, and people in the community today shouldn’t decide whether we can exercise that right or not.”¹³¹ The federal government has indicated that it intends to remove itself from registration under the *Indian Act* and will “continue to amend the Act [*Indian Act*] until First Nations take full jurisdiction over citizenship.”¹³² While witnesses acknowledged that First Nations should be determining their own membership, there were matters that needed to be addressed before this could take place. According to a brief received by the committee, there is a need to restore First Nations women and their descendants as members of their rightful communities before the federal government removes itself from registration.¹³³ There also may be particular concerns in relation to jurisdiction over citizenship for First Nations individuals living off-reserve who may not have a connection to

¹²⁶ Crown-Indigenous Relations and Northern Affairs Canada, Claudette Dumont-Smith, Minister’s Special Representative, [*Annex A: Minister’s Special Representative final report on the collaborative process on Indian registration, band membership and First Nation citizenship*](#), May 2019.

¹²⁷ Canadian Feminist Alliance for International Action, Ms. Sharon McIvor, Ms. Shelagh Day, and Dr. Pamela Palmater, [*Brief: Review of the Government of Canada’s Report to Parliament on Bill S-3*](#), 9 May 2022.

¹²⁸ Quebec Native Women Inc. et al., *Reference Document, Outstanding Issues: Sex Discrimination and the Indian Act*.

¹²⁹ Indigenous Services Canada, [*10-year grant*](#).

¹³⁰ APPA, [*Evidence*](#), Dr. Pamela Palmater, 28 March 2022.

¹³¹ APPA, [*Evidence*](#), Ms. Sharon McIvor, 28 March 2022.

¹³² APPA, [*Evidence*](#), Ms. Christiane Fox, 16 May 2022.

¹³³ Canadian Feminist Alliance for International Action, Sharon McIvor, Shelagh Day, and Dr. Pamela Palmater, [*Brief: Review of the Government of Canada’s Report to Parliament on Bill S-3*](#), 9 May 2022.

their home communities. The Congress of Aboriginal Peoples recommended that further consultations are needed to determine effective membership and citizenship models for Indigenous peoples living off-reserve.¹³⁴ The Native Women’s Association of Canada called for resources and supports for First Nations communities so “that women and their descendants can be reconnected with their communities.”¹³⁵

The committee recognizes that these issues are complex and believes that First Nations people, including those with and without status, are best positioned to lead consultations on these matters to arrive at solutions on how to re-establish connections between those that lost status and their home communities. For this reason, the committee recommends:

Recommendation 9

That Indigenous Services Canada provide funding to support First Nations organizations to undertake consultations on how to re-establish connections between those who have lost status and their home communities. Further, that Indigenous Services Canada provide funding for any remedies or solutions proposed as a part of these consultations.

¹³⁴ Congress of Aboriginal Peoples, *Brief: Review on implementation of An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général) (S.C. 2017, c. 25)*, 5 May 2022.

¹³⁵ APPA, *Evidence*, Mr. Adam Bond, 28 March 2022.

CONCLUSION

There are long-standing inequities in the registration provisions that disproportionately affect First Nations women and their descendants. Ms. Sharon McIvor told the committee about the effects of the inequities:

in March 2022, after 50 years of struggle by First Nations women to end the sex discrimination in the *Indian Act*, where are we?... The *Indian Act* has defined thousands of Indigenous women and their descendants as non-Indians and forced them into the non-Indigenous population. The sex discrimination has also stripped First Nations of thousands of women and their descendants, shrinking the pool of Indians who are recognized as having inherent Aboriginal treaty and land rights. The sex discrimination has worked effectively to damage the women and the nations.¹³⁶

However, rather than take a proactive comprehensive approach to addressing these inequities, the federal government has made narrow technical amendments to the *Indian Act* in response to court decisions. The committee's report provides a series of recommendations for the federal government to take immediate action to address ongoing inequities, rather than awaiting decades for the results of court decisions. We cannot let these inequities persist for future generations. Now is the time to restore long overdue equality to First Nations women and their descendants in the registration provisions of the *Indian Act*.

¹³⁶ APPA, *Evidence*, Ms. Sharon McIvor, 28 March 2022.

APPENDIX A – WITNESSES

Monday, March 28, 2022

- The Honourable Lillian Eva Dyck, former senator
- Adam Bond, Manager of Legal Services, Native Women's Association of Canada
- Shelagh Day, Chair, Human Rights Committee and Co-Founder, Canadian Feminist Alliance for International Action
- Cora McGuire–Cyrette, Executive Director, Ontario Native Women's Association
- Sharon McIvor, As an Individual
- Pamela Palmater, Chair in Indigenous Governance, Toronto Metropolitan University, As an individual

Monday, May 2, 2022

- Ryan Beaton, Lawyer, Power Law
- Corinne Dettmeijer-Vermeulen, Member, Committee on the Elimination of Discrimination Against Women
- Jeremy Matson, As an individual

Monday, May 16, 2022

- Christiane Fox, Deputy Minister, Indigenous Services Canada
- Paula Hadden-Jokiel, Assistant Deputy Minister, Regional Operations Sector, Indigenous Services Canada
- Michael Walsh, Senior Director of Registration and Integrated Program Management, Indigenous Services Canada

Friday, June 10, 2022

- Shelagh Day, Chair, Human Rights Committee and Co-Founder, Canadian Feminist Alliance for International Action
- Yves Giroux, Parliamentary Budget Officer, Office of the Parliamentary Budget Officer
- Mark Mahabir, Director of Policy (Costing) and General Counsel, Office of the Parliamentary Budget Officer
- Stéphanie Langlois, Senior Analyst, Centre for Demography, Statistics Canada
- Christiane Fox, Deputy Minister, Indigenous Services Canada
- John Gordon, Indian Registrar, Office of the Indian Registrar, Indigenous Services Canada
- Laurent Martel, Director, Centre for Demography, Statistics Canada
- Michael Walsh, Senior Director of Registration and Integrated Program Management, Indigenous Services Canada

APPENDIX B – BRIEFS

Briefs are available online: APPA, [Briefs and Other Documents](#).

- Ryan Beaton, Power Law
- Congress of Aboriginal Peoples
- Shelagh Day, Canadian Feminist Alliance for International Action
- Indigenous Services Canada
- Michael Maillet, As an individual
- Jeremy Matson, As an individual
- Sharon McIvor, As an individual
- Office of the Parliamentary Budget Officer
- Pamela Palmater, Chair in Indigenous Governance, Toronto Metropolitan University, As an individual
- Quebec Native Women Inc.
- David Schulze, Dionne Schulze Attorneys
- Statistics Canada



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