



RYERSON UNIVERSITY



The Honourable Marc Miller,
Minister of Indigenous Services Canada

The Honourable Carolyn Bennett,
Minister of Crown-Indigenous Relations

The Honourable Maryam Monsef
Minister for Women and Gender Equality

July 29, 2021

Dear Ministers Miller, Bennett, and Monsef,

Recently many women's organizations received a request from Indigenous Services Canada to help with distribution of information that highlights the legislative changes to the *Indian Act* under S-3. We have indeed made it clear in our conversations with you since November 2019 that an active outreach campaign is necessary to reach the thousands of First Nations women and their descendants who are now entitled to status, since many of them will not be aware of that entitlement, or know how to apply for their status. The videos and infographic that you have sent out to women's organizations, with a request that they distribute them, represent a first small step in that direction.

However, this initial gesture falls short of addressing the significant barriers that stand in the way of registration for those who are now entitled. A much larger and more strategic public information campaign must be created and mobilized, if First Nations women and their descendants who have been discriminated against since 1869 are to be fully restored to their rightful places in their communities, and in the broader society. Such a campaign must be developed with community-based First Nations advocates familiar with peoples' experience of the registration system, so that it will actually address the information needs and other requirements of potential registrants.

By the estimates accepted by your government, Canada now has an obligation to grant, or restore status, to between 270,000 and 450,000 First Nations women and their descendants. The current registration system is dysfunctional and incapable of fulfilling this obligation. The number registered since 2017 – only 17,500 as of March 2021 - and the fact that most applicants were not registered within the government's own standard of service (6 months to 2 years), demonstrate this clearly.

The present registration system does not enable Canada to fulfil the legal obligations created by Bill S-3 and other legislation passed since 1985. The system is under-resourced, over-complicated, difficult for the people it should be serving to understand or use, bogged down in delay, and full of bureaucratic obstacles. It does not provide the navigation assistance that applicants need to become registered in a timely way.

The registration system needs to be re-vamped, simplified, and properly staffed and resourced. It needs to be accountable and transparent. Applicants need access to the government's own records, and they need paralegal and other supports to make the process accessible and workable. Applicants with disabilities need to have access to appropriate assistance, and applications from older applicants and applicants with disabilities need to be fast-tracked.

We note that full implementation of Bill S-3 is included in the Federal Pathway component of the National Action Plan on Missing and Murdered Indigenous Women and Girls. This connection heightens the need to proceed effectively with the registration of those newly entitled. There can be no delay in articulating goals and timelines, deploying an extensive information campaign, allocating resources to improve registration processes and results, and accomplishing the

comprehensive redesign that will make the registration system an instrument of redress and reconciliation.

Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, came into force on June 21, 2021, and this new law requires the Government of Canada to prepare an action plan which includes measures to address injustices experienced by Indigenous peoples. Article 8 of UNDRIP states that “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture” and “States shall provide effective mechanisms for prevention of, and redress for... any form of forced assimilation.”

There is, by now, no doubt that discrimination against women in the *Indian Act*, and their resulting exile from their communities and families has been used as a tool of assimilation for over 150 years. The United Nations Human Rights Committee found in *Mclvor v. Canada* that the sex discrimination in the *Indian Act* has violated the rights of First Nations women to equal protection of the law and to equal enjoyment of their culture, and the numbers who have been excluded from status demonstrate that sex discrimination has been very effective as a tool of assimilation.

We believe that Bill C-15 offers both a spur and an opportunity to repair the registration system so that it will properly implement the rights of Indigenous people. As a matter of priority, Canada should develop a plan with the elements described above to effectively get the entitled women and their descendants registered, restored to their bands and communities, and made whole. This would bring Canada into line with its own laws and international treaties, and with UNDRIP, Bill C-15, and the Calls for Justice from the National Inquiry. Surely it is time for this to happen. Maintaining a completely dysfunctional registration system has the effect of maintaining the exclusion of women and their descendants. In short, it has the effect of continuing the discrimination, and colonial practices of assimilation, not ending them.

Our request is direct and simple. We would like to work with you, under C-15, to develop a positive corrective plan for the Indian registration system, and other measures that will bring Indian registration into compliance with UNDRIP and with Canadian human rights and equality law. We would like that work to begin without delay.

We request a meeting with you in order to discuss this request and how to proceed.

We look forward to your reply. All best regards,



Sharon McIvor

Jeannette Corbiere Lavell, C.M.

Dawn Lavell Harvard, President, Ontario Native Women's Association

Viviane Michel, President, Quebec Native Women's Association/Femmes

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