Indian Act Sex Discrimination Working Group
Submission to the
United Nations Human Rights Committee
for the
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Executive Summary

1. Since 1876, the *Indian Act* has discriminated against First Nations women and their descendants, discrimination that continues today. As a result, thousands of women and their descendants have been denied 'Indian status' and denied the many economic, social, and political benefits that go with legal recognition. Since 1981 UN bodies have repeatedly recommended that Canada eliminate sex discrimination from the *Indian Act*. These recommendations have not been heeded.

2. In 1981, 2019, and 2022, United Nations treaty bodies (the UN Human Rights Committee and CEDAW) issued decisions on the petitions of Sandra Lovelace, Sharon McIvor, and Jeremy Matson. All three petitions found Canada in violation of its treaty obligations. Canada has failed to fully implement the remedies recommended in all three petitions. Canada has flatly rejected the finding of the CEDAW Committee in *Matson v. Canada* that there is continuing sex discrimination in the *Indian Act* that affects women and their descendants, including Jeremy Matson and his children.

3. Canada's continued discriminatory policies, enshrined in the *Indian Act*, are in direct violation of Articles 2, 3, 26 and 27 of the *International Covenant on Civil and Political Rights* (ICCPR).

4. In 2026, Canada is at a crucial moment in the history of *Indian Act* discrimination. The most significant outstanding form of *Indian Act* discrimination is the second generation cut-off, which was introduced in 1985. The effect of the second generation cut-off is to bar transmission of Indian status to a child who has both a grandparent and a parent who conceived a child with a non-status person. In other words, two generations of out-parenting (a status Indian parenting with a non-status Indian) results in no status.

5. Embedded in the second generation cut-off is a two parent rule. A parent with full status (or 6(1) status) who parents with a non-status person can only transmit half status, or 6(2) status. In Canada now 29% of status Indians have only 6(2) status. If they parent with a non-status person, their child will have no status. A 6(2) Indian must parent with another status Indian in order to transmit status to a child. This rule, which requires two status parents in order to transmit full status to a child, is the vehicle for continuing Canada's policy of forced assimilation, and the goal of making Indians 'disappear.'

6. This is a genocidal policy that will result in the legal extinction of status Indians. Everyone – demographers, legal experts, and the Government of Canada – agrees that

these rules will make status Indians legally extinct in three or four generations. Because of rates of out-parenting, under the current policy, the numbers of those who are legally eligible for Indian status is diminishing rapidly[1].

7. In addition, although the second generation cut-off is gender neutral on its face, it perpetuates past sex discrimination, because it causes the descendants of women who 'married out' to lose status sooner than the descendants of men who 'married out'. In addition, the burden of the second generation cut-off falls particularly heavily on a woman with 6(2) status because she cannot transmit status to her child if the father refuses to claim paternity, or if she cannot name the father because the child was conceived as a result of violence, incest, adultery or other abuse.

8. On May 29, 2025, Bill S-2[2] was introduced to amend the *Indian Act* in response to a decision in the *Nicholas v. Canada* case, in which the British Columbia Supreme Court ruled that sections of the *Indian Act* are unconstitutional[3] because they automatically remove status from the women and children of men who enfranchised, whether voluntarily or involuntarily. The Court allowed the Government of Canada until April 30, 2026, to enact law allowing enfranchised individuals and their direct descendants to register for status[4] (If needed, the Government of Canada can apply to the court to extend this deadline).

9. Bill S-2 was introduced in the Senate and referred for consideration to the Standing Senate Committee on Indigenous Peoples (Senate Committee). That Committee, faced with another piecemeal amendment to the *Indian Act* designed only to respond to another constitutional challenge that Canada lost, voted to amend Bill S-2 to eliminate the *Indian Act*'s second-generation cut-off, return to a one parent rule for transmission of status, and end the legislative extinction plan for Indigenous peoples.[5] The Senate Committee heard 57 witnesses, including many Chiefs and Indigenous organizations representing Bands in different regions of the country, as well as First Nations women's organizations, legal experts and affected individuals. Witnesses expressed overwhelming support for the immediate removal of the second generation cut-off. The Chair of the Committee, Mi'kmaw Senator Paul Prosper, when urging the Senate as a whole to support the amendments adopted by the Senate Committee, noted the

[1] Government of Canada, Second Generation Cut-Off Issue Sheet, https://www.sac-isc.gc.ca/eng/1710424351084/1710424389393#sec3
[2] Bill S-2, an Act to amend the Indian Act (new registration entitlements), online at: https://www.sac-isc.gc.ca/eng/1662142490384/1662142638971
[3] https://www.ubcic.bc.ca/senate_committee_votes_to_eliminate_the_second_generation_cut_off
[4] https://www.firstpeopleslaw.com/public-education/blog/bill-s-2-and-the-second-generation-cut-off-patricia-lawrence
[5] https://www.ubcic.bc.ca/senate_committee_votes_to_eliminate_the_second_generation_cut_off

damage being done now to First Nations individuals and communities because of the discriminatory and assimilationist effects of the second-generation cutoff.[6] On December 5, 2025, the Senate, as a whole, voted 63-0 in favour of Bill S-2 with amendments to remove the 1985 second-generation cut-off and return to a one parent rule for transmission of status.[7]

10. Bill S-2, with the amendments made by the Senate, was introduced in the House of Commons on December 10, 2025, and will be referred to the Standing Committee of the House of Commons on Indian and Northern Affairs.[8] It is expected that the Government of Canada will urge this Committee, and the House of Commons as a whole, to remove the Senate's amendments before referring Bill S-2 back to the Senate.

11. It is vital that these amendments be retained. Removing the second generation cut-off now, and returning to a one parent rule for transmission of status, is crucial. While Canada now recognizes that it must end the second generation cut-off, it is determined to continue consultation on this issue, despite the fact that forty years of consultation since 1985 have produced no legislative reform and that the extinction plan is a clear violation of Indigenous rights and perpetuates race- and sex- based discrimination. Moreover, witnesses before the Senate Committee, who have urged the immediate elimination of the second generation cut-off, represent the majority of participants in Canada's consultation process.

12. Right now, children and grandchildren of status Indians are being cut off from their heritage, culture, and families, and are being denied the benefits of status, which include recognition by Canada as a First Nations person, with Indigenous rights and title, and entitlement to statutory benefits, services and programs essential to well-being for Indigenous peoples. Only a return to one parent rule for transmission of status can end both the continuing sex discrimination and legal extinction.

13. The amendments to Bill S-2 must be retained for Indigenous women's rights to be protected and for Canada to be in compliance with the *International Covenant on Civil and Political Rights (*Articles 2, 3, 26, and 27), the *Convention on the Elimination of All Forms of Discrimination against Women*, and the *UN Declaration on the Rights of Indigenous Peoples*. Canada has the opportunity to end historical wrongs, and to relinquish its legislated extinction plan, by passing the amended Bill S-2.

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[6] *Ibid.*
[7] https://www.cbc.ca/news/indigenous/bill-s2-indian-act-status-9.7004888.
[8] https://www.ourcommons.ca/documentviewer/en/45-1/house/sitting-71/hansard

Recommendations

That the Government of Canada:

a) Support the amendments to Bill S-2 made by the Senate of Canada, which will have the effect of removing the second generation cut-off and the 1985 cut-off, and restoring a one parent rule for transmission of status;

b) Implement the CEDAW and Human Rights Committee recommendations[9] to fully eliminate all remaining discrimination from the *Indian Act*;

c) Initiate a pro-active, effective and timely campaign to register all those entitled to registration including by: creating an information campaign to ensure that First Nations individuals, particularly women and their descendants, know that they may be newly entitled to status, and assigning sufficient resources to register them promptly;

d) Include a new provision in the *Indian Act* to clarify that women and their descendants whose status has been restored, corrected, or improved by changes to the *Indian Act* are entitled to band membership, including in s. 10 bands;

e) Implement the Senate Committee's recommendations from the "Make It Stop!" report to fully eliminate all sex discrimination from the *Indian Act* and to improve the registration process;

f) Remove all bars to compensation for all forms of discrimination against First Nations women and their descendants caused by status provisions of the *Indian Act*;

g) Provide full reparations including compensation, apology, and public education on sex discrimination in the *Indian Act*;

h) Respond, with a meaningful plan for action, to the recommendations from the decision of this Committee in *McIvor and Grismer v. Canada* and the decision of the CEDAW Committee in *Matson v. Canada*; and

i) Provide sufficient funding, resources and land to First Nations to support new members, and to correct historic underfunding and under-resourcing of infrastructure and social programs.

[9] See Annex B here: https://docs.google.com/document/d/1SE8qMDbMWb8MvVjHXdy5ZcwbpX7shU-5fEBJfw-7OLk/edit?tab=t.0

Introduction

The Indian Act Sex Discrimination Working Group

14. The Indian Act Sex Discrimination Working Group (the Working Group) is convened and supported by the Canadian Feminist Alliance for International Action (FAFIA). The Working Group is composed of the leading plaintiffs in the court and UN petitions that have challenged *Indian Act* sex discrimination, Canada's top legal experts on this sex discrimination, and leaders from two of Canada's largest Indigenous women's organizations - the Ontario Native Women's Association and the Quebec Native Women's Association – as well as the Union of B.C. Indian Chiefs, Justice for Girls and FAFIA. The Working Group advocates for the fulfillment of the rights of First Nations women, for an end to the sex and race discrimination in the *Indian Act*, and for redress of all its resulting harms.

History of sex discrimination in the Indian Act; a legal extinction plan

15. Since its inception in 1876, the *Indian Act* has defined who is an 'Indian,' entitled to recognition by Canada, and owed fiduciary duties. The *Indian Act* has accorded privilege to male Indians and their descendants and treated female Indians and their descendants as non-persons, or second-class Indians. In the beginning, the *Indian Act* defined an Indian as: a male Indian, the wife of a male Indian, or the child of a male Indian. These persons had 'status' as an 'Indian' and were entitled to be registered and recognized as members of Indian Bands. Under successive versions of the *Indian Act*, for the most part, Indian women's status relied on their relationship to a father or husband. Indian women lost status when they married a non-Indian, while Indian men endowed Indian status on their non-Indian wives. Indian women had no independent status or ability to transmit status to their descendants.

16. Prior to 1985, there had always been a one parent rule for transmitting status and the transmitting parent was male. In other words, the *Indian Act* recognized only patrilineal descent and penalized Indigenous women, but not men, for 'marrying out.' While amendments to the *Indian Act* made in 1985 (Bill C-31), 2011 (Bill C-3, the *McIvor* amendment) and 2017 (Bill S-3, the *Descheneaux* amendment) corrected some elements of the discrimination, they also added new forms of discrimination, and all have failed to fully eliminate the discrimination.

17. The sex discrimination has had profoundly harmful effects on First Nations women, their descendants and their communities. This persistent discrimination has been identified by the CEDAW Committee and the Inter-American Commission on Human Rights (IACHR) as a root cause of the violence against Indigenous women and girls. The sex discrimination has also been an effective tool of assimilation, defining thousands of First Nations women and their descendants as non-Indian, not entitled to

recognition, belonging in their communities, political voice, or the benefits of treaties or inherent rights.

18. The 2017 amendment, Bill S-3, followed the 2015 *Descheneaux v. Canada* case, which highlighted inequalities that remained in the *Indian Act* after the *McIvor* case[10] and even after the legislative reform introduced in Bill C-3 to respond to it. The *Descheneaux* Court criticized the Government of Canada for continuing to make piecemeal and narrow amendments to the *Indian Act* only in response to legal challenges. Despite this rebuke from the Quebec Superior Court, the Government of Canada introduced Bill S-3, which made only a narrow amendment to cure the particular forms of discrimination identified in *Descheneaux*.

19. Fortunately, Bill S-3 was broadened by a Senate amendment, dubbed the '6(1)(a) all the way' amendment, which came into force on August 15, 2019.[11] The effect of the Senate's amending provision was to finally entitle women who married out prior to 1985 to the same full Indian status enjoyed by men who married out. This eliminated a major piece of the preferential treatment accorded to men and their descendants that had been in place from 1869 to 1985, and that had not been corrected by 1985 and 2011 amendments. It was a big step forward. But it did not remove the second generation cut-off and the post 1985 discrimination that was still entrenched in the *Indian Act*. The Government of Canada claimed that, after Bill S-3, there were no sex-based inequities in the *Indian Act*, a claim that was soon shown to be false.

20. On June 10, 2021, Juristes Power Law[12] filed the Charter challenge *Nicholas v. Canada*[13] in British Columbia Supreme Court.[14] The *Nicholas* plaintiffs argued that the loss of Indigenous women's status and rights resulting from their male relatives' enfranchisement ("history of family enfranchisement"[15]) violated sections 7 (life, liberty, and security) and 15 (equality) of the *Canadian Charter of Rights and Freedoms*.[16] On January 6, 2022, the Government of Canada made an agreement with the *Nicholas* plaintiffs that, if the court process was put on hold, it would create a legislative solution for enfranchisement-related issues.

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[10] https://www.mandellpinder.com/descheneaux-v-canada-2015-qccs-3555-case-summary/

[11] https://www.faq-qnw.org/wp-content/uploads/2017/03/Descheneaux-Information-Toolkit-final-low-res.pdf

[12] On behalf of plaintiffs: Sharon Nicholas, Terra Jean Nicholas, Nicole Eileen Nicholas, James Edward Nicholas, Joan Martha Ward, Jack Ray Ward, Royce Sagar Ward, Wanda Alexis Salmaniw, Nadia Alexis Salmaniw, Nicholas Alexander Salmaniw, Edith Fournier, Kathryn Fournier, Gabrielle Heroux, Philippe Heroux, Mervin Smith, and James Hanson.

[13] https://www.canlii.org/en/bc/bcsc/doc/2025/2025bcsc1596/2025bcsc1596.html

[14] https://www.sac-isc.gc.ca/eng/1659021979260/1659022082327#chp10.

[15] https://powerlaw.ca/wesley-et-al-v-his-majesty-the-king/

[16] https://thenarwhal.ca/canada-bill-c38-indigenous-land-rights/

21. In 2022, the Government of Canada introduced Bill C-38 to amend the *Indian Act* and respond to the *Nicholas* case. If passed, Bill C-38 would have enacted one more legislative amendment to the *Indian Act* that addressed only a sliver of the remaining discrimination and did not fully correct the decades of sex and family-based discrimination.

22. In January 2025, Bill C-38, the Government of Canada's response to the *Nicholas* case, died on the Order Paper before passing its second reading due to the prorogation of Parliament.[17] It had been stalled for nearly two years in the legislative process.

23. Between 2022 and 2025, with no legislated remedy, the Nicholas plaintiffs resumed their litigation. The British Columbia Supreme Court ruled that denial of status to them violated sections 7 and 15 of Canada's *Charter*.[18] The Court gave the Government of Canada until April 30, 2026 to enact a law allowing enfranchised individuals and their direct descendants to register for status[19]

24. On May 29, 2025, Bill S-2 was introduced in the Senate of Canada and referred for study to the Senate Committee on Indigenous Peoples. Bill S-2 is Bill C-38 renamed, the Government's response to the *Nicholas v. Canada* case.

25. On November 18, 2025, the Senate Committee voted to amend Bill S-2 to eliminate the second-generation cut-off, the 1985 cut-off and the two parent rule, in order to end the legislative extinction scheme embedded in the *Indian Act*.. The second generation cut-off, the 1985 cut-off and the two parent rule were introduced in 1985 with Bill C-31.

26. On December 5, 2025, the Senate of Canada voted 63-0 with eight abstentions to support the amendments made by the Senate Committee.[20] These amendments restore a one parent rule for determining status eligibility, eliminating subsection 6(2) of the *Indian Act*, which grants only half status to those with one Indian parent,[21]and eliminating the second generation cut-off. [22]

27. The Senate's amendments are a monumental step. They eliminate the sex and marital status discrimination that is perpetuated by the second generation cut-off and

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[17] https://www.parl.ca/legisinfo/en/bill/44-1/c-38
[18] https://www.ubcic.bc.ca/senate_committee_votes_to_eliminate_the_second_generation_cut_off
[19] https://www.firstpeopleslaw.com/public-education/blog/bill-s-2-and-the-second-generation-cut-off-patricia-lawrence
[20] https://www.cbc.ca/news/indigenous/bill-s2-indian-act-status-9.7004888.
[21] *Ibid.*
[22] https://www.ubcic.bc.ca/senate_committee_votes_to_eliminate_the_second_generation_cut_off

the 1985 cut-off, and they eliminate the legal extinction scheme that continues Canada's program of forced assimilation by legally defining out of the pool of 'Indians' those with only one 'Indian' parent.

28. It is important to note that since 1985, the second generation cut-off has been repeatedly identified and repudiated by experts appointed by the Government of Canada. The Royal Commission on Aboriginal Peoples, commissioned in 1991, was clear about the impacts of Bill C-31, stating "[Bill C-31] was written to eliminate discrimination in the Indian Act. What it has really done is found a way to eliminate status Indians all together. Thus, it can be predicted that in future there may be bands on reserves with no status Indian members. They will [..] effectively have been assimilated for legal purposes into provincial populations. Historical assimilation goals will have been reached, and the federal government will have been relieved of its constitutional obligation of protection, since there will no longer be any legal 'Indians' left to protect."[23]

29. In 2018, the Government of Canada initiated a *Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship* to consult First Nations about continuing discrimination in the *Indian Act*..[24] Final findings of the consultation issued in June 2019 revealed that "the inequity of greatest concern throughout the consultation was the issue of the second-generation cut-off".[25]Claudette Dumont-Smith, who lead this consultation on behalf of the Government of Canada, stated in her report "This inequity will see the gradual elimination of persons eligible to be registered as an Indian with some communities feeling this impact in the next generation while most First Nation communities, regardless of location, will feel this impact within the next four generations. The end result, in the not-so-distant future, is that some communities will no longer have any registered Indians, or the number of registered Indians will have declined significantly."

30. Despite these reports and extensive prior consultations on the second-generation cut-off that have been completed since 1985,[26] Indigenous Services Canada Minister Mandy Gull-Masty, has stated that the Senate's amendments, are too dramatic. She cited Section 35 ("Duty to Consult") of the *Canadian Charter of Rights and Freedoms* as the basis for requiring extended consultations instead of immediately accepting the

[23] https://data2.archives.ca/e/e448/e011188230-01.pdf
[24] https://www.rcaanc-cirnac.gc.ca/eng/1522949271019/1568896763719
[25] https://www.sac-isc.gc.ca/eng/1706281094364/1706281216732
[26] https://www.ubcic.bc.ca/senate_committee_votes_to_eliminate_the_second_generation_cut_off

Senate's amendments to Bill S-2.[27] The Minister's proposes to continue the consultations, but can provide no guarantee of future amendments nor an agreed timeline. Senator Prosper, Chair of the Senate Committee on Indigenous Peoples, stated that the collaborative process is being weaponized to delay the current Liberal government's promise of rectifying inequities.[28] Refusal to accept the Senate's amendments to Bill S-2 on the grounds that the Government must consult further is viewed as a weaponization of the duty to consult – especially in light of the fact that other recent bills, such as Bill C-5 (One Canadian Economy Act), which will have profound impacts on the rights of Indigenous peoples, was passed with no prior consultation with Indigenous peoples.[29]

31. Continuation of the second generation cut-off, the 1985 cut-off, and the two-parent rule will fulfill the original genocidal intention of the *Indian Act* – getting rid of the "Indian problem" – through forced assimilation. These discriminatory policies, and the race, sex, and family status discrimination they perpetuate, will continue if the amendments to Bill S-2 are reversed in the House of Commons this year.

32. In 2026, it is apparent that Canada's legislated sex discrimination has not only denied First Nations women and their descendants their right to equality and their right to culture contrary to articles 26 and 27 of the Covenant, it has also been an effective tool of forced assimilation. Since its inception, the *Indian Act* has defined thousands of First Nations women and their descendants as non-Indians and forced them into the non-Indigenous population. By doing so, it has stripped First Nations of thousands of members, shrinking the pool of Indians who are recognized as having inherent, Aboriginal, treaty and land rights, and to whom the government owes a fiduciary duty. That discrimination is being perpetuated and added to by the second generation cut-off and the two parent rule.

33. Article 8 of UNDRIP sets out the right of Indigenous Peoples to reparations for any form of forced population transfer. In 2016 Canada endorsed the *United Nations Declaration on the Rights of Indigenous Peoples*, and in 2021 Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which requires Canada to ensure that its laws and policies are consistent with UNDRIP. In 2023 Canada released its Plan for implementing the *UNDRIP Act*. Despite the fact that discrimination in the *Indian Act*, including the second generation cut-off, the 1985 cut-off and the two parent rule

[27] https://www.aptnnews.ca/national-news/bill-s-2-amendments-to-eliminate-second-generation-cutoff-pass-major-hurdle/
[28] *Ibid.*
[29] https://www.firstpeopleslaw.com/public-education/blog/the-national-interest-and-the-future-of-bill-c-5

clearly violate a number of Articles of UNDRIP, the Plan does not include measures that will fully eliminate all remaining discrimination from the *Indian Act*.

34. Canada's plan for implementing the *UNDRIP Act* does not include recognition of the comprehensive steps that must be taken to end the discrimination and forced assimilation, and repair the harms, and provide reparations.

35. To go beyond rhetoric in its commitments to truth, reconciliation, and the human rights of Indigenous Peoples, Canada must:

- Implement a comprehensive plan to restore status, entitlements, and membership lost because of sex discrimination to women and their descendants;
- Abolish the second generation cut-off, the 1985 cut-off and the two parent rule;
- Provide reparations to women, their descendants, and their Nations

Without these, the colonial policy of assimilation will be successful.

36. On December 10, 2025, Bill S-2, with the Senate's amendments, was given first reading in the House of Commons. In the next few months the House of Commons will review and vote on the Bill and its amendments.[30] At any point during this review and debate in the House of Commons, the Senate's amendments to Bill S-2 could be deleted.[31]

37. To ensure the equality of Indigenous women and their descendants, and to stop the legal extinction of status Indians in Canada it is critically important that the current amendments to Bill S-2 eliminating the second generation cut-off are retained by the Committee and by the House of Commons. The Government of Canada can and must support the Senate's amendments.

[30] https://www.ourcommons.ca/documentviewer/en/45-1/house/sitting-71/hansard
[31] https://www.aptnnews.ca/national-news/bill-s-2-amendments-to-eliminate-second-generation-cutoff-pass-major-hurdle/

Canada's failure to implement recommendations from UN bodies

38. Since 1981, UN treaty bodies and the UN Human Rights Committee[32] (HRC) have recommended repeatedly (Annex B) that Canada remove all sex discrimination from the *Indian Act* and repair the harms done to Indigenous women and their descendants.

39. Since 2003, the CEDAW Committee has issued concluding observations after every review of Canada calling for the elimination of legislated sex discrimination.

40. On October 16, 2024, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) reviewed Canada's compliance with the *Convention on the Elimination of All Forms of Discrimination Against Women* for the tenth time. The CEDAW Committee concluded that Indigenous women and girls in Canada still face gender-based discrimination.[33] The Committee, noting that modifications to the *Indian Act* have been unsuccessful in fully remedying sex-based discrimination present in the legislation, recommended that Canada remove sections 6(1)(f) and 6(2) from the *Indian Act*, eliminate any other legal provisions denying men and women equal rights over status entitlement, and abolish distinctions between levels of status, "including differentiations in entitlement caused by birth and marriage dates before and after April 17, 1985".[34] While respecting the Government's duty to consult, the Committee urged the Government of Canada to overhaul the *Indian Act*, with emphasis on removing the second generation cut-off and finally stopping discrimination against Indigenous women, girls, and their descendants.[35]

41. The CEDAW Committee sent Canada an Information Request on the response to Committee recommendations, particularly those surrounding sex discrimination within the *Indian Act*. However, Canada failed to respond by the May 1, 2025, deadline.

42. In his 2024 visit to Canada, the Special Rapporteur on the Rights of Indigenous Peoples, Mr. José Francisco Calí-Tzay, recommended that further amendments be made to the Indian Act "to eliminate the remaining discrimination" and that there should be "increased support for registration of women and their descendants who are newly eligible for status."[36] The Special Rapporteur also recommended that Canada should create accessible remedies and compensation.

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[32] Human Rights Committee, Concluding Observations on Canada CCPR/C/79/Add.105, 7 April 1999, para 19; Human Rights Committee, Concluding Observations on Canada, CCPR/C/CAN/CO/5, 20 April 2006, para 22; Human Rights Committee, Concluding Observations on Canada, C/CAN/CO/7 (2015), paras 17 – 18.

[33] https://www.sac-isc.gc.ca/eng/1765550289110/1765550326340#sec4_4

[34] https://www.sac-isc.gc.ca/eng/1765550289110/1765550326340#sec4_4

[35] *Ibid.*

[36] See paragraphs 40, 41, and 93. https://docs.un.org/en/A/HRC/54/31/Add.2

McIvor v. Canada

43. In 2007, Sharon McIvor and her son, Jacob Grismer, brought an action in Canadian courts alleging the *Indian Act* perpetuated discrimination against her. She won, and her case led to the adoption of amendments in 2010 in Bill C-3. Yet these amendments did not fully remedy the sex discrimination she challenged, so she and her son filed a petition with the HRC, claiming that the *Indian Act* continued to discriminate based on sex in violation of the *International Covenant on Civil and Political Rights*. On January 11, 2019, this Committee ruled on that petition and found that the *Indian Act* violates the rights of First Nations women to equal protection of the law and to equal enjoyment of their culture.

44. This Committee stated that Canada is obliged to provide Ms. McIvor, and all those similarly situated, with full reparations, which include:

> (a) ensuring registration to all those denied registration under 6(1)(a) (full status) of the 1985 *Indian Act* solely as a result of preferential treatment accorded to Indian men over Indian women born prior to 17 April 1985 and to patrilineal descendants over matrilineal descendants, born prior to 17 April 1985;
>
> (b) taking steps to address residual discrimination within First Nations communities arising from the sex discrimination in the *Indian Act*, and
>
> (c) taking steps to avoid similar violations in the future.

45. In its August 2022 Report on *Follow up progress on individual communications* this Committee assessed Canada's response to its decision as only partially satisfactory. Canada has failed to show that it has satisfied three standards:

> a) inclusive interpretation of section 6(1)(a) of the *Indian Act* of 1985;
>
> b) taking steps to address residual discrimination within First Nations; and
>
> c) non-repetition.

This Committee asked Canada to report back by February 2023 on additional measures it has taken to satisfy these standards and provide a full and effective remedy for the discrimination. The Working Group does not know of any submitted report.

46. Full reparation would include registration of all those who are entitled to status, compensation, apology, and education on the issue of sex discrimination in the *Indian Act*. But Crown Indigenous Relations informed the Working Group in 2020 that: "We do not currently have a mandate to negotiate on this matter." In other words, the Government of Canada has not authorized representatives to provide the remedy directed by the Human Rights Committee. Canada's response to its obligations under international law is wholly inadequate, especially considering Canada's commitment to make Canadian law

consistent with UNDRIP and the affirmation by the Supreme Court of Canada that UNDRIP has been incorporated into Canada's domestic positive law.

47. Canada has consistently failed to fully implement treaty body recommendations. Every time Canada states that it is removing the sex discrimination from the *Indian Act*, it does so in a piecemeal and incomplete fashion, thus allowing discrimination to continue. The uncertainty about whether the Senate's vital December 2025 amendments to Bill S-2 will be passed in the House of Commons signals Canada's lack of urgency and willingness to comply with its international human rights obligations and repeated treaty body recommendations.

48. Furthermore, there is no domestic mechanism to monitor Canada's follow-up to concluding observations, UPR recommendations, decisions on petitions, or reports from mandate holders.[37]

Matson v. Canada

49. In 2022, the CEDAW Committee issued its decision in *Matson v. Canada* urging Canada to eliminate the 1985 cut-off dates in the registration provisions and take all other measures necessary to provide registration to all matrilineal descendants and patrilineal descendants on an equal basis. CEDAW concluded that the *Indian Act* continues to perpetuate "the differential treatment of descendants of previously disenfranchised Indigenous women, which constitutes transgenerational discrimination."[38]

50. Canada's response to Jeremy Matson's petition, asserted that there are no sex-based inequities the *Indian Act*, which is an embarrassment to Canada's human rights record.

51. The Working Group is gravely concerned by Canada's rejection of the Committee's findings concerning communication No. 68/2014 and continued failure to address the reparation claim of Mr. Jeremy Matson in line with the views adopted by the CEDAW Committee.

52. Similarly, Canada has failed to address the joint communication of several special rapporteurs in October 2023, on this same issue (ALCAN/3/2023). On October 27, 2023, several Special Rapporteurs issued a communication concerning the sex-based discrimination against Indigenous women and their descendants under the *Indian Act* and

[37] Please see the submission of the Canadian Feminist Alliance for International Action (FAFIA) to CEDAW's review of Canada in 2024 for further information on this point. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCSS%2FCAN%2F59717&Lang=en

[38] The Working Group would like to note, in relation to CEDAW's emphasis on self-identification, the importance of the multiple factors included in the current understanding of who Indigenous Peoples are, which goes beyond solely self-identification at the individual level, and includes acceptance by the community as a member, in addition to multiple other factors. In Canada, there is growing concern about the issue of "pretendians", or people who falsely claim to be Indigenous through self-identification.

failure to provide an effective remedy to victims of this discrimination, in light of Canada's response to the Matson decision. Canada's reply of November 30, 2023, is yet another example of the denial and delay of rights that Indigenous women and their descendants have experienced for generations.

Continuing non-compliance with articles 2, 3, 26 and 27 of the ICCPR and other human rights obligations

53. Now, in 2026, the Indian Act continues to discriminate against Indigenous women and their descendants, in violation of articles 2, 3, 26, and 27 of the Covenant. The Working Group submits that the outstanding issues are:

- the discriminatory effects of the second generation cut-off, 6(2) status ("half status") and the two-parent rule on women and their descendants;
- the effect of earlier sex discrimination on following generations due to differentiation in status eligibility for those with pre- and post-1985 birth and marriage dates; (the 1985 cut-off)
- the automatic removal of status from the wives and children of men who enfranchised, whether voluntarily or involuntarily; (the *Nicholas* amendment is included in Bill S-2)
- the automatic transfer of women from their natal bands to their husbands' bands;
- the loss of band membership by women and their descendants who lost or were denied status;
- the bar to compensation for harms caused by sex discrimination in the *Indian Act* and the consequent failure to provide reparations to women and their descendants, including restoration to band membership, compensation for lost benefits, services, and entitlements, apology, and memorialization; and
- the failure to register, and therefore actually grant status to, thousands of women and their descendants who have gained, or regained, entitlement to status through amendments to the *Indian Act* in Bill C-31 (1985), Bill C-3 (2011), and Bill S-3 (2017), and particularly through the '6(1)(a) all the way' amendment to Bill S-3 that was brought into force in August 2019.

54. This submission addresses these issues under the following sub-headings: 1) Registration Issues, 2) Outstanding Law Reform Issues, 3) Reparations and Restoration.

1. Registration Issues

55. In its August 15, 2019 announcement, the Government of Canada estimated that removing the sex discrimination from the *Indian Act* would newly entitle between 270,000 and 450,000 First Nations women and their descendants to Indian status.

56. As of June 17, 2024, the number of newly registered individuals under Bill S-3 was 55,804.[39] While Indigenous Services Canada (ISC) reports that the registration process has improved, the Working Group remains concerned with:

- how long the registration process takes (six months to two years) and thus how long individuals continue to be denied their rights;
- the lack of adequate resources to effectively deal with registration;
- the lack of adequate assistance for applicants; and
- the lack of appropriate information dissemination to those individuals who might be eligible to register if they only knew.

57. By June 10, 2025, the federal department responsible for registration (ISC) was operating with a backlog of 12000 applications, nearly 1,500 of which had been delayed for over two years.[40] This same report found that community-based processing centres, a core element of ISC's mandate to gradually transfer power to First Nations communities, receive only $5,000 annually to staff the position of registration administrator, a number that has not changed since 1994.[41] In order to properly facilitate the expanded recognition of status holders, which will increase should Bill S-2 pass successfully, this funding must increase (this was also stated by Canada's Auditor General in 2025). The underfunding of ISC and community-based processing centres has also been cited as a concern relating to the passing of Bill S-2.[42] As of the Auditor General's report in June 2025, ISC missed their service standard 6-month processing period 80% of the time.[43]

58. Unless the women and their descendants are registered, the changes to the law that came in 2011, 2017, and 2019 (and, hopefully, 2026) are without meaning. Registration is fundamental to women and to their descendants for accessing rights and entitlements, including treaty payments. For many it opens the door to regain lost culture, voice, and belonging. There is still no effective plan in place to ensure that

[39] See footnote 1.
[40] https://www.cbc.ca/news/indigenous/auditor-general-indian-status-registration-1.7557301#:~:text=Indigenous%20Services%20Canada's%20headquarters%20misses,aid%20for%20post%2Dsecondary%20schooling.
[41] Ibid.
[42] https://www.cbc.ca/news/politics/minister-consultations-changes-first-nations-status-eligibility-9.7007961
[43] https://www.oag-bvg.gc.ca/internet/docs/parl_oag_202506_01_e.pdf

women and their descendants know about their new entitlements, and to handle increased applications.

59. In June 2022, the Standing Senate Committee on Aboriginal Peoples released a report entitled *Make it Stop! Ending the remaining discrimination in Indian registration*, including nine comprehensive recommendations.

60. Regarding the registration process, the Senate Committee made recommendations that the Government of Canada:

- simplify the process,
- give additional assistance to applicants,
- establish an effective public awareness campaign,
- set a ten-day service standard, and
- establish an independent registration review panel.

In addition, the Senate Committee recommended that there be oversight of the registration process, and a study led by the Office of the Auditor General of Canada. To date, no action has been taken on these recommendations.

61. Actually getting the women and their descendants registered remains a key issue. It is registration that makes any legislative reform meaningful.

Loss of Band Membership

62. Women who lost membership in their natal bands and were transferred automatically to membership in their husbands' bands lost familial and community connections, and access to their traditional territories, culture and language.

63. Bill S-2 provides a new legal mechanism that would allow those women who lost the right to be members of their natal band prior to 1985, because they were transferred to their husband's band, to apply to have their membership in their natal band restored. The new mechanism and associated policies must ensure that it is easy to trigger this return. The Working Group fully supports the intent of this new provision.

64. However, there are two outstanding issues. First, the Working Group notes that ISC maintains (see ISC Rights-Holders Engagement Kit) that section 10 bands, that have adopted their own membership codes, can, on the face of the law, refuse to accept a requested transfer of a woman back to her natal band. This hands-off approach by the Government of Canada could permit section 10 bands to perpetuate the same sex discrimination that women have experienced through the *Indian Act*, even though both the Government and the bands are constrained from discriminating based on sex by the *Canadian Human Rights Act*, s. 15 of the Charter and Articles 9, 44 and 22 of the *United Nations Declaration on the Rights of Indigenous Peoples*

and Article 26 of the ICCPR, which guarantee the right of Indigenous women to belong to an Indigenous community or nation without discrimination. Consequently, the amendment should clarify that women who were transferred automatically to their husband's bands have an unrestricted right to return to their natal band when and if they choose, whether it is a s. 10 or a s. 11 band.

65. Secondly, the Working Group notes that restoration of band membership is an issue not just for women who wish to transfer back to their natal bands. It is a significant issue for all First Nations women and their descendants who, but for the sex discrimination in the *Indian Act*, would have been band members in their home bands. Canada has a legal obligation to remedy ongoing sex discrimination in band membership which is directly tied to the historic and/or ongoing sex discrimination in Indian registration. Band membership is an issue for women whose eligibility for status has been reinstated, corrected and/or improved) because of post-1985 amendments to the *Indian Act*.

66. As statutory human rights, the Charter, and international human rights law all apply to band membership codes, and restoration of band membership is an essential element of unwinding *Indian Act* sex discrimination, the *Indian Act* should contain a new provision that states that a band cannot exclude a woman whose status has been restored, corrected, or improved under the *Indian Act,* whether it is a s. 10 or a s. 11 band.

2. Outstanding Law Reform Issues

67. The Working Group fully supports Bill S-2, with the amendments made to Bill S-2 by the Senate Committee, and the Senate as a whole, in 2025. However, although these amendments will eliminate crucial elements of the post-1985 discrimination, even these amendments will not completely remove the discrimination from the *Indian Act*. Barriers to registration and compensation, as well as issues regarding restoration to band membership, remain outstanding. Moreover, the House of Commons appears poised to delete the Senate's amendments in favour of yet more consultation on whether this discrimination should be perpetuated.

Removal of the bar to compensation for discrimination

68. Bill S-2 and its amendments do not remove all the legal barriers to compensation for First Nations women and their descendants for the harms caused by the sex discrimination in the *Indian Act*. The amendments to Bill S-2 passed by the Senate on December 5, 2025, removed the non-liability clause that was included in this Bill. That non-liability clause would have protected the Canadian government from liability for its past discriminatory actions covered by Bill S-2 only, such as automatic removal of

status from Indigenous women married to men who were enfranchised..[44] Though this clause has been removed, similar non-liability clauses still exist in the 1985, 2011 and 2017 amendments to the *Indian Act* meaning that not all restrictions on liability have been removed

69. The Senate Committee on Aboriginal Peoples in its June 2022 report recommended that "the Government of Canada…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) to enable First Nations women and their descendants to access compensation."

70. The Senate Committee explained: "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. …[T]he committee believes that non-liability clauses must be repealed to enable First Nations women and their descendants to access compensation."

71. Bars compensation, first introduced in 1985, constitute blatant sex discrimination, contrary to Article 26 of the ICCPR, CEDAW and s. 15, the equality provision of the *Canadian Charter*. These bars are particularly egregious in light of compensation that has been offered to Indigenous peoples for other harms caused by colonial laws, policies and practices. These include:

- Inuit compensation for forced relocations - $50M;
- Inuit compensation for dog slaughter - $20M;
- Indian residential school settlement - $3.23B;
- Indian day school settlement - $1.27B; 60's scoop settlement - $750M;
- First Nations child welfare settlement - $40B;
- First Nations drinking water settlement - $8B;
- First Nations flooding settlements (nationwide) - $45M - $90M;
- Robinson-Huron Treaty annuity settlement – $10B; and,
- Robinson-Superior Treaty annuity litigation – up to $126B.

[44] https://www.sac-isc.gc.ca/eng/1662142490384/1662142638971.

72. The bars to compensation also contravene the rights of Indigenous women and their descendants to redress for forced assimilation, guaranteed by Article 8(2)(d) of UNDRIP. Barring Indigenous women from pursuing compensation also directly violates Articles 28 and 39 of UNDRIP.[45] These violations constitute further examples of Canada's failure to comply with its international human rights obligations.

73. The Working Group notes that CEDAW *General Recommendation No. 39 (2022)*, states: "The Committee acknowledges that Indigenous women and girls have suffered and continue to suffer from forced assimilation policies and other large-scale human rights violations, which may in certain instances amount to genocide. It is critical for States parties to address the consequences of historic injustices and to provide support and reparations to the affected communities as part of reconciliation and the process of building societies free from discrimination against indigenous women and girls."

74. In October 2025, the Ontario Native Women's Association (ONWA) in its submission for the Standing Senate Committee on Indigenous Peoples published a list of amendments to Bill S-2. Proposed amendment 4 called for the removal of legislative barriers to compensation to empower women and descendants seeking redress for past sex-based discrimination.[46] After years of calls from advocates, the Government of Canada continues to violate its human rights obligations by maintaining non-liability clauses in its latest Bill meant to remedy the harms of the *Indian Act*.

75. The Senate Committee also stated in its Report: "No Canadian law should include a bar to compensation for discrimination. The committee heard from witnesses who contend that the bars to compensation in the *Indian Act* violate the Charter and international treaties Canada has ratified. This committee agrees with witnesses that First Nations women should not have to resort to litigation in order to eliminate this bar. Your committee believes that a clear, statutory commitment is required that provides adequate, sustainable and predictable funding to First Nations to administer new regulations regarding status and membership. Currently, First Nations are already chronically underfunded, and many are unable to support current membership levels. Without investments, First Nations will continue to bear

[45] Articles 28 and 39 of UNDRIP state, respectively: "Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration", and "Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent." https://www.un.org/development/desa/Indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

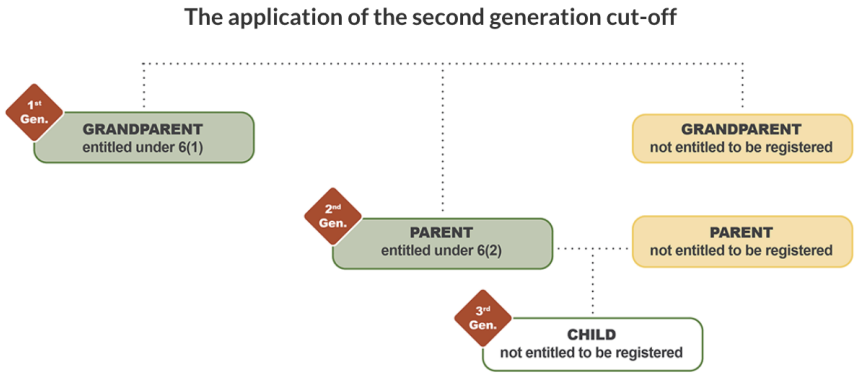
[46] https://sencanada.ca/Content/Sen/Committee/451/APPA/briefs/2025-10-28_APPA_S-2_Brief_ONWA_e.pdf

the administrative and financial burdens of current and increased membership levels.

76. The Working Group has repeatedly recommended that all bars to compensation be removed, and that First Nations women and their descendants be compensated for the harms of sex discrimination, including the harm that not treating them as equal parents, able to transmit status on an equal footing with their male counterparts, has done to women in their role as principal conveyors of culture and language.

Removal of 6(1)(f), 6(2), the second generation cut-off, and the two-parent rule

77. Section 6(2), the second generation cut-off and the two-parent rule, were introduced to the *Indian Act* in 1985. Section 6(2) provides that someone who has only one status parent will get status for their lifetime. However, the 6(2) person must parent with another status person in order to ensure that their children have status. If a 6(2) person has a child with a non-status person that child will *not* be entitled to status under the *Indian Act*. This is called the 'second generation cut-off.' The second generation cut-off is illustrated in the graphic below:



78. As Claudette Dumont-Smith reported to the Minister for Crown-Indigenous Relations in 2017 regarding her consultations on *Indian Act* discrimination issues "the inequity of greatest concern that was raised throughout the collaborative process was the second generation cut-off. The effect of this inequity is felt in the community and amongst families where some family members are registered and others [are] ineligible in spite of recent legislative changes through Bill S-3."[47]

[47] https://www.rcaanc-cirnac.gc.ca/eng/1561561140999/1568902073183

79. The second generation cut-off has been a focus of concern for years. The Senate's recent amendments to Bill S-2, currently before the House of Commons, seek to completely eliminate the second generation cut-off..

80. The second generation cut-off and the two-parent rule perpetuate discrimination against women in three ways, outlined here.

1. They Penalize Women if the Father of their Child is Unknown or Unnamed

81. Until 1985, an Indian woman had the independent right to transmit status to her child in just one situation – where the state could not prove that the father was non-status. Under that old provision, the onus was on the government and its agents to show that the father was not an Indian. However, in 1985, the onus was reversed. Since then, the mother has – by way of ISC policy – the onus of establishing that the father of the child **is** a status person in order for the child to have status.

82. This is sexist and problematic. Who is a child's mother is usually readily 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 eligibility for status is essentially his decision. The provision thus perpetuates the patriarchal and privileged role of the father in conferring status which was a feature of the *Indian Act* before 1985, albeit in a new way.

83. Moreover, there may be instances where it is not desirable or possible to name the father. In some cases, putting the name of the father on the birth certificate or status application will have negative effects on both the child and the mother. Reasons for this are varied, but may include cases of incest, the presence or threat of violence, or other. Furthermore, there are cases where the father of the child may be unknown, as in rape or gang rape.

84. Where the father of the child is unnamed or unknown, the 'Gehl provision,' introduced in 2017, in Bill S-3, allows the mother to bring forward such evidence as she can to establish the father's Indian status, and the Registrar must give that evidence a reasonable interpretation. The father need not be named. However, if she does not have that evidence, and if she has 6(2) status herself, the child will not receive Indian status.

85. By contrast, the Senate's December 2025 amendment to Bill S-2 introduces a one parent rule for transmission of status: so long as one parent of the child is a status-holder, the child will be eligible for status. This removes the sex-based discrimination inherent in the two-parent rule, empowering women who are unable to attain evidence, who do not wish to name their child's father, or who do not know the identity of their child's father.

2. They Carry Forward the Original Sex Discrimination

86. The 1985 amendment, Bill C-31, preserved the old advantages of Indian men by providing that the non-status – often non-Indigenous – women whom they married and endowed with status before 1985 would henceforth be able to pass status on to a child, something they could not do before 1985.

87. In this way, a whole population of eligible two-parent status families came into being in 1985. By contrast, the non-status men who had married status women, cost the women their status, but were ***not*** given status. Thus the women restored to status were left out of the privileged circle of families with two status parents. It is thus more likely that the children of families led by status women will become 6(2)s before the children of families led by status men. The new rules simply perpetuate the old discrimination against the female line under a new guise.

88. The current version of Bill S-2 in the House of Commons, as amended by the Senate, directly addresses the differences in status resulting from decades of discrimination against Indigenous women. If passed in the House of Commons, the Bill would eliminate the second-generation cut-off, which prevents children with one 6(2) and one non-status parent from registering as status Indians.

3. Pre and Post 1985 Birth and Marriage Dates

89. In some families, siblings with the same birth parents, have full section 6(1)(a) status or no status depending on whether they were born before or after April 17, 1985. Similar anomalies arise because of the date of marriage of the parents, whether before or after April 17, 1985. This '1985 cut-off' was found to be discriminatory by CEDAW in its ruling in *Matson v. Canada*. CEDAW Committee member, Ms. Corinne Dettmeijer-Vermeulen, in testimony before the Senate Committee on Aboriginal Peoples in May 2022 regarding the CEDAW Committee's decision, stated that "even if not currently based on the gender of the descendants themselves, it perpetuates in practice the differential treatment of descendants of previously disenfranchised Indigenous women." The CEDAW Committee directed Canada to "[a]mend its legislation… to address fully the adverse effects of the historical gender inequality in the *Indian Act* ….including by eliminating cut-off dates in the registration provisions and taking all other measures necessary to provide registration to all matrilineal descendants on an equal basis to patrilineal descendants." The 1985 cut-off date also causes discrimination on the basis of age, family and marital status.

90. The Canadian Human Rights Commission has encouraged Canada to take the CEDAW ruling into account in its new amendment to the *Indian Act*. The Senate Committee found 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."

91. The Working Group has urged the Government of Canada to eliminate core elements of the discrimination caused by the second generation cut-off and the 1985 cut-off by establishing a one parent rule for transmission for both male and female parents. The Working Group fully supports the Senate amendment to Bill S-2, which would do so. This is what should have been done in 1985 to correct the decades of discrimination against the women and to put them on the same footing as their male counterparts. The 2019 '6(1)(a) all the way' amendment that was hard fought for by First Nations women, their allies, and the Senate of Canada. It reflects the decision of the UN Human Rights Committee in *McIvor and Grismer v. Canada* and essentially established a one parent rule for women and men from 1869 to 1985. However, it did not correct the post-1985 discrimination caused by the Government of Canada's imposition for the first time of a two-parent rule. Instating a one parent rule for both male and female parents from 1985 onwards is what should have been done in 1985. But it was not. Canada can do it now.

3. Reparations and Restoration

92. The Senate Committee's *Make It Stop!* report highlights the importance of reparations in Recommendations 7 and 8. Yet Canada has not taken action on either of these, despite its stated commitments to truth and reconciliation, and its legislated commitment to the implementation of UNDRIP. Article 8 of UNDRIP provides that States shall provide effective redress for any form of forced assimilation.

93. The *McIvor* and *Matson* cases also highlight this critical issue of redress and restoration.

94. Reparations are essential for the effective implementation of the ICCPR, CEDAW and UNDRIP, and are a means of "addressing colonization and its long-term effects and of overcoming challenges with deep historical roots." The women and their descendants who have been prevented from enjoying and exercising their rights as registered First Nations individuals have waited 150 years to be recognized. It is past time for this discrimination to be addressed through compensation, apology, memorialization, and public education about Canada's persistent denial of rights and its ongoing impacts. Importantly, as noted by EMRIP in its 2019 study on the subject of reparations, that "while apologies and other measures of satisfaction are to be commended, they should translate into tangible changes in terms of respect for and protection of the rights of indigenous peoples."

Conclusion

95. Despite some progress, Canada refuses to act to fully remove all sex discrimination from the *Indian Act*, even though it has been urged to do so repeatedly by UN treaty bodies, and even though this discrimination has been identified as a root cause of the human rights crisis of murders and disappearances of Indigenous women and girls. Indigenous women have been fighting to end this sex discrimination for more than fifty years.

96. In 2026, First Nations women and men and First Nations are facing the devastating effects of the legal extinction plan introduced in 1985, which perpetuates sex discrimination, is resulting in the loss of status by children and grandchildren of current status holders, and threatens the future of First Nations. Unless, and until, the discrimination and the extinction plan are fully addressed, eliminated and repaired, Canada's program of assimilation, which began at contact, will be successful. Now is the time for Canada to fully and finally end *Indian Act* discrimination and forced assimilation.

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