

January 2025

# Indian Act Second-Generation Cut-off and Section 10 Voting Thresholds

Relevant Legislation, Recommendations,  
Obligations, and Reports



# Timeline

<b>1850</b>	An Act for the Better Protection of the Lands and Property of the Indians	5
<b>1869</b>	The Gradual Enfranchisement Act	5
<b>1869-1951</b>	Land and financial compensation for enfranchised individuals	7
<b>1876</b>	Indian Act	7
<b>1880</b>	Amendment to the Indian Act	8
<b>1918</b>	Amendment to allow voluntary enfranchisement	8
<b>1920</b>	Amendment to allow Forced Enfranchisement of Status Indians	8
<b>1951</b>	Amendments Establishing Indian Registrar & Double Mother Rule	9
<b>1985</b>	C-31 Creating Sections 6(1) and 6(2)	10
<b>1960</b>	Bill of Rights	11
<b>1969</b>	White Paper	11
<b>1970</b>	Report on the Royal Commission on the Status of Women	11
<b>1976</b>	United Nations Human International Covenant on Civil and Political Rights	12
<b>1982</b>	Section 35 of the Constitution Act (1982)	12
<b>1983</b>	Penner Report	13
<b>1984</b>	Assembly of First Nations & Native Women's Association of Canada Call to Action	14
<b>1985</b>	Canadian Human Rights Act	14
<b>1989</b>	Indigenous and Tribal Peoples Convention (No. 169)	15
<b>1995</b>	Federal Policy on Aboriginal Self-Government	16
<b>1965</b>	Report on the Royal Commission on Aboriginal Peoples	17
<b>2007</b>	United Nations Declaration of the Rights of Indigenous Peoples	19
<b>2007</b>	Clatworthy Report	20
<b>2009</b>	United Nations Committee on the Rights of the Child	20
<b>2009</b>	McIvor v. Canada	22
<b>2010</b>	Bill C3 Gender Equity in Indian Registration Act S.C.	22
<b>2010</b>	Federal Exploratory Process on Indian Registration, Band Membership and Citizenship	22
<b>2015</b>	Descheneaux	23

<b>2017</b>	Canadian Human Rights Act Amendments	23
<b>2017</b>	Gehl v. Canada	23
<b>2017</b>	Bill S-3 to Address Sex-based Discrimination	23
<b>2017</b>	Collaborative Process on Registration, Band Membership and First Nations Citizenship, Special Report	25
<b>2018</b>	Federal Consultations	25
<b>2019</b>	Declaration on the Rights of Indigenous Peoples Act	26
<b>2019</b>	Bill S-3, An Act to amend the Indian Act	26
<b>2021</b>	Nicholas v. AGC	28
<b>2022</b>	Bill C-38: An Act to amend the Indian Act	28
<b>2022</b>	Demand for Consultation on Amendments to the Indian Act	29
<b>2022</b>	United Nations Committee on the Elimination of Discrimination against Women, Draft General Recommendation on the Rights of Indigenous women and girls	29
<b>2022</b>	Make it Stop: Ending The Remaining Discrimination In Indian Registration	31
<b>2022</b>	United Nations Human Rights Committee, Follow-up progress report on individual communications, CCPR/C/134/4	33
<b>2023</b>	What We Learned Implementing UNDRIP	33
<b>2023</b>	United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan	34
	Applicable First Nations Resolutions	35
<b>2024-2027</b>	B.C. Assembly Of First Nations Gender Equity Strategic Action Plan	36

# Purpose

The history of legal discrimination against Indigenous peoples in Canada spans over 170 years, beginning with the *1850 Act for the Better Protection of the Lands and Property of the Indians* and continuing to this day. Although incremental progress has been made, and despite numerous reforms, core issues such as identity control, sex inequities, and self-determination remain unresolved.

This timeline builds on the [federal government timeline](#) and includes additional relevant findings, comments and recommendations, including:

- Indigenous-led reports, resolutions, and recommendations that relate to discriminatory practices in the *Indian Act*.
- Court decisions that have been instrumental in highlighting and addressing sex-based inequities in the *Indian Act*.
- Canada's international obligations requiring the elimination of discrimination against Indigenous peoples.
- Canada's national obligations stemming from court decisions and federal legislation.

Ultimately, this chronology shows that the Government of Canada has faced legal and societal pressure to address inequities, has advanced various reform efforts (including at least 15 significant failed or incomplete attempts), and has consistently fallen short of its commitments to eliminate sex, race, and family-based discrimination in the *Indian Act*.

## 1850 **An Act for the Better Protection of the Lands and Property of the Indians**

This Act marked the beginning of formal legislative efforts to define who is considered an "Indian" in Lower Canada. It defined an "Indian" based on blood relation and residency among Indian tribes. For the first time, Indian status began to be associated with the male line of descent.

## 1869 **The Gradual Enfranchisement Act**

*The Gradual Enfranchisement Act* created a legal definition of 'Indian', not based on First Nations kinship and community ties, but on the colonial belief in the predominance of men over women. It was not repealed from legislation until 1961, 92 years of cultural assimilation and genocide. The "marrying out rule" was introduced, resulting in First Nations women who married non-entitled men lost their status and lost the ability to transmit status to their children. First Nations men who married non-entitled women not only kept their status, but their non-entitled wives were granted status, and they retained the ability to transmit status to their children.<sup>1</sup>

"Provided always that any Indian woman marrying any other than an Indian, shall cease to be an Indian within the meaning of this Act, nor shall the children issue of such marriage be considered as Indians within the meaning of this Act; Provided also, that any Indian woman marrying an Indian of any other tribe, band or body shall cease to be a member of the tribe, band or body to which she formerly belonged, and become a member of the tribe, band or body of which her husband is a member, and the children, issue of this marriage, shall belong to their father's tribe only."<sup>2</sup>

S (4) In the division among the members of any tribe, band, or body of Indians, of any annuity money, interest money or rents, no person of less than one-fourth Indian blood, born after passing of this Act, shall be deemed entitled to share in any annuity, interest or rents, after a certificate to that effect is given by the Chief or

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<sup>1</sup> Archived - An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42, S.C. 1869, c. 6

<https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/1869-Gradual-Enfranchisement-Act.pdf>

<sup>2</sup> Archived - An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42, S.C. 1869, c. 6.

<https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/1869-Gradual-Enfranchisement-Act.pdf>

Chiefs of the band or tribe in Council, and sanctioned by the Superintendent General of Indian affairs.

S (6) "Provided always that any Indian woman marrying any other than an Indian, shall cease to be an Indian within the meaning "of this Act, nor shall the children issue of such marriage be Indians, not to considered as Indians within the meaning of this Act; Provided also, that any Indian woman marrying an Indian of any other tribe, band or body shall cease to be a member of the tribe, band or body to which she formerly belonged, and become a member of the tribe, band or body of which her husband is a member, and the children, issue of this marriage, shall belong to their father's tribe only."

Chapter 18 1. The term " band Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible; the term " the band " means the band to which the context relates ; and the term " band," when action is being taken by the band as such, means the band in council.

According to RCAP, women were subject to the following:

- they could not vote in band elections,
- if they married an Indian man from another band, they lost membership in their home communities,
- if they married out by wedding a non-Indian man, they lost Indian status, membership in their home communities, and
- the right to transmit Indian status to the children of that marriage; if they married an Indian man who became enfranchised, they lost status, membership, treaty payments and related rights and the right to inherit the enfranchised husband's lands when he died. Despite strong objections, these discriminatory provisions were carried forward into the first Indian Act in 1876.

Between 1955 and 1975 (when forced enfranchisement of women stopped), 1,576 men became enfranchised (along with 1,090 wives and children), while 8,537 women (as well as 1,974 of their children) were forcibly enfranchised and lost their status. From 1965 to 1975, only five percent of enfranchisement(s) were voluntary; 95 percent were involuntary, and the great majority of these involved women.<sup>3</sup>

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<sup>3</sup> RCAP

## 1869 Land and financial compensation for -1951 enfranchised individuals

From 1869 to 1951, an enfranchised individual could receive land compensation by being provided a portion of the band's land to take care of. An enfranchised individual would have three to five years to prove he was able to be independent. If successful, the enfranchised individual would own the land. From 1951 to 1985, land continued to be available to enfranchised individuals by making compensation to the band. From 1876 to 1985, enfranchised individuals received a percentage (or per capita) payment of what their band would have received from the government. From 1951 to 1985, when a Treaty Indian enfranchised, they would receive an amount equal to twenty years of treaty payments.<sup>4</sup>

## 1876 *Indian Act*

The *Indian Act* came into power on 12 April 1876. It continued to limit who was considered an Indian under the law. It stated that an Indian was “any male person of Indian blood reputed to belong to a particular band”. Status also applied to “any child of such person” and to “any woman who is or was lawfully married to such person.” A person lost status if they graduated university, married a non-status person (if they were a woman) or, from 1876 to 1880, became a minister, doctor or lawyer. This was known as enfranchisement.

From 1869 to 1985, an Indian woman marrying a non-Indian man would be enfranchised. Section 112 of the *Indian Act* – known as the “compulsory enfranchisement” section — wasn’t removed until 1961. The administration of status was a tool of assimilation and cultural destruction. In 1951, the *Indian Act* was amended to establish the Indian register, which now acts as the basis for determining the status of a person.

The *Indian Act* makes it easier to control us: where we live, how we choose leaders, how we live under those leaders, how we learn, how we trade, and what happens to our possessions and relations when we die. They often talk

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<sup>4</sup> [https://www.rcaanc-cirnac.gc.ca/eng/1540403281222/1568898803889#\\_Enfranchisement](https://www.rcaanc-cirnac.gc.ca/eng/1540403281222/1568898803889#_Enfranchisement)  
(accessed June 26, 2024)

about changing the *Indian Act* to make us more accountable, and create more opportunities and freedom, but their language and underlying direction is largely assimilative.

John Borrows, "Stewardship and the First Nations Governance Act" (2004) 29 *Queen's Law Journal* 103.

**1880    Amendment to the *Indian Act***

Amendment to formally disenfranchises and disempowers Indigenous women by declaring they "cease to be an Indian in any respect" if they marry "any other than an Indian, or a non-treaty Indian."

**1918    Amendment to allow voluntary enfranchisement**

Amended to allow for the voluntary enfranchisement of unmarried women and widows along with their minor unmarried children.

Under the 1918 Indian Act, Indian men (along with their wives and children) could become voluntarily enfranchised if they lived away from their communities. The policy of enfranchisement was not only racialized, but it was also therefore simultaneously patriarchal. Enfranchisement policy assumed that, like other women, Indian women were to be legally subject to their husbands.

**1920    Amendment to allow Forced Enfranchisement of Status Indians**

Amended to allow for the forced enfranchisement of First Nations whom the government thought should be removed from band lists.

"Until this time, councils had the authority to decide whether an Indian woman who married out would continue to receive treaty annuity payments and band money distributions, or whether she would get a lump sum settlement. Many bands allowed these women to continue receiving payments and distributions so they could retain some link to the home community. The 1920 amendments removed this power from the band and lodged it in the hands of the superintendent general of Indian Affairs."

(RCAP)

“Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian questions, and no Indian Department.”

Duncan Campbell Scott,  
Superintendent General of Indian Affairs, 1920

“When an Indian woman marries outside the band, whether a non-treaty Indian or a white man, it is in the interest of the Department, and in her interest as well, to sever her connection wholly with the reserve and the Indian mode of life.”

Royal Commission on Aboriginal Peoples,  
Report of the Royal Commission on Aboriginal  
Peoples, vol. 4, Chapter 2, page 12;  
citing Letter from Superintendent General Scott to  
Prime Minister Arthur Meighen, 12 January 1920

## 1951 **Amendments Establishing Indian Registrar & Double Mother Rule**

In 1951, the Indian Act was amended to establish an Indian Register and created the position of a Registrar to determine who was or was not entitled to be registered.

- The 1951 amendments created a system where registration and status were synonymous with band membership – if a person was entitled to be registered, they were typically entitled to band membership automatically.
- Established an Indian Register and a Registrar to determine eligibility for registration. Enfranchisement provisions continued, and the Double Mother Rule was introduced to remove status from grandchildren of women who acquired status through marriage.

The “double-mother rule” was introduced in the 1951 *Indian Act* and removed status from grandchildren at age 21, whose mother and paternal grandmother both acquired status through marriage to an Indian. This “double-mother” rule was nullified by Bill C-31 in 1985. As a result, it left the children of those Indian men who had married non-Indian women in a better position than the children of Indian men

who had married non-Indian women. In addition, that nullification also created more favourable conditions for the children than the conditions existed for them under the rules operating before 1985. Amendments to the Indian Act in 1951 made it no longer illegal for First Nations people to: gather in groups of more than three, leave the reserve without a pass, hire a lawyer, own property and practise their culture.

But many of the more harmful provisions still remained, including:

- the definition of who is an “Indian”
- the reserve system
- residential school policies
- an imposed system of government

As of 2017, all of these provisions still remain, except residential schools.<sup>5</sup>

## 1985 **C-31 Creating Sections 6(1) and 6(2)**

In 1985, C-31, *An Act to amend the Indian Act* introduced two options for the control of band membership under sections 10 and 11 of the *Indian Act*. It was amended to remove sex-based discrimination, reinstating status to women who lost it through marriage to non-Indians. Created sections 6(1) and 6(2) to differentiate between those who could pass on status and those who could not. This bill aimed to comply with the *Canadian Charter of Rights and Freedoms* but did not fully address all forms of discrimination. Parliament passed Bill C-31 in 1985 as an amendment to the *Indian Act*, aiming to eliminate sex-based discrimination and allowed many who had lost status through marriage to be reinstated. While it eliminated the links between marriage and status, gave individual bands greater control in determining their own membership, and defined two new categories of Indian status. Through this amendment, some 60,000 persons regained their lost status. In addition, Bill C-31 distinguished between band membership and Indian status. While the government would continue to determine status, bands were given complete control over membership lists.

“Before 1984, Indian status and band membership were practically synonymous: all band members were status Indians, and almost all status

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<sup>5</sup> <https://opentextbc.ca/indigenizationfoundations/chapter/the-indian-act/>

Indians were members of particular 41 bands (those that were, not were on a 'general list' of Indians). The department of Indian affairs maintained both the general list and the band lists. The 1985 amendments gave bands the authority to take control of their membership lists and determine who was and was not a band member. For the first time, Indian status and band membership were separated. Strict rules were put in place to protect existing band members and those who acquired the right to band membership through section 6. A woman's ability to be recognised as a band member and to be treated in the same manner as other First Nations people is a significant issue. This is particularly true for women with Indian status gained under Bill C-31.”

(RCAP)

## 1960 **Bill of Rights**

Guarantees equality under Canadian law.

## 1969 **White Paper**

The White Paper proposed by Prime Minister Pierre Trudeau and Minister of Indian Affairs Jean Chrétien recommended terminating all special rights for Indians, ending legal status and the Indian reserve system, and repealing the *Indian Act*. It faced strong opposition from First Nations, who argued it would eliminate their rights and status. This led to the formation of the National Indian Brotherhood.

## 1970 **Report on the Royal Commission on the Status of Women**

In 1970, the Royal Commission on the Status of Women tabled its final report. The Commission was particularly concerned that the "special kind of discrimination under the terms of the *Indian Act*...the loss of Indian status, or enfranchisement, implies that rights and privileges given to a member of a band...will be denied to that person...Enfranchisement or deletion of the name of an Indian from the Indian Registry is much more frequent for women than for men". The commission

recommended that the act be amended "to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children".

## 1976 United Nations Human International Covenant on Civil and Political Rights

The United Nations Human Rights Committee recognizes that the *Indian Act* of 1985 discriminates against First Nations descendants through the maternal line, violating Articles 3, 26, and 27 of the International Covenant on Civil and Political Rights. To remedy this, section 6(1)(a) must be interpreted to allow registration for all individuals excluded due to preferential treatment for Indian men and their patrilineal descendants before April 17, 1985. Further steps must address residual sex-based discrimination in First Nations communities and prevent similar violations in the future, requiring:

- (a) a proactive and effective information campaign that reaches First Nations communities, both on and off reservations, to advise First Nations women and their descendants of their eligibility and the registration process; and
- (b) a timely and effective registration process to allow them to enjoy the status that they have been discriminatorily denied

## 1982 Section 35 of the Constitution Act (1982)

The 1982 amendment of the constitution, incorporating the *Canadian Charter of Rights and Freedoms*, included the provision, in section 15, that "every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability".

- Section 15 of the *Canadian Charter of Rights and Freedoms 1982*, came into effect on 17 April 1985 and guarantees equality between men and women
- Section 35(4) of the *Constitution Act, 1982* which guarantees that the inherent Aboriginal, treaty and land rights of "Indians" are guaranteed equality between male and female persons

- Section 3(1) of the *Canadian Human Rights Act* prohibits the federal government from discriminating based on race or sex. In 2017 the *Canadian Human Rights Act* and the *Criminal Code* were amended to add “gender identity or expression” to the list of prohibited grounds of discrimination, and to include as a hate crime, violence motivated by a person’s gender identity or expression.

“The Charter accomplished overnight what the *Canadian Bill of Rights* and the *Canadian Human Rights Act* had been unable to do — motivating the government to eliminate provisions of the *Indian Act* that had been criticized for discriminating against Indian women.”

([RCAP, Vol 4](#))

## 1983 Penner Report

The Special Committee on Indian Self-Government’s final report was tabled on November 3, 1983. The Penner Report endorsed the establishment of a “new relationship” with First Nations and the entrenchment of Aboriginal self-government in the Constitution. On the question of membership, it recommended the use of a general list “as a means of providing special status to people who are Indian for purposes of Indian programs, but who are not included in the membership of an Indian First Nation.” The report did not provide recommendations on how to resolve conflicting views on whether reinstatement to membership should be automatic or controlled by the band.

The Penner Report’s 58 recommendations were endorsed by all three parties in the House of Commons and were fully supported by the Assembly of First Nations. **After the Penner Report was tabled, however, officials had little hope that a consensus could be found within the Indian community on how to end discrimination against Indian women.**<sup>6</sup>

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<sup>6</sup> Gerard Hartley, Bill C-31 and First Nation Membership Aboriginal Policy Research Conference Pre-Conference Workshop Summary of Collected Papers The Search for Consensus: Legislative History of Bill C-31, 1969-1985, Public History Inc. [https://publications.gc.ca/collections/collection\\_2018/aanc-inac/R5-672-2006-eng.pdf](https://publications.gc.ca/collections/collection_2018/aanc-inac/R5-672-2006-eng.pdf) Published by Indian & Northern Affairs Canada, 2006.

## 1984 Assembly of First Nations & Native Women's Association of Canada Call to Action

The federal government must remedy the injustice created to people of Indian ancestry by repealing sections of the Indian Act that deny Indian status to Indians and reinstate all generations who lost status as a result of discriminatory laws enacted by the Parliament of Canada.

## 1985 Canadian Human Rights Act

The *Canadian Human Rights Act* prohibits discrimination on various grounds, including race, sex, and family status.

**Section 3(1)** Prohibits discrimination by the federal government and federal agencies on the basis of race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, or conviction for an offense for which a pardon has been granted.

In 2017 the *Canadian Human Rights Act* and the *Criminal Code* were amended to add "gender identity or expression" to the list of prohibited grounds of discrimination, and to include as a hate crime, violence motivated by a person's gender identity or expression.

Examples of discrimination under the *Canadian Human Rights Act*

- You apply for Band membership, but the band refuses because you are a woman (sex).
- You apply for a loan, but the bank refuses because you are Aboriginal (race, national or ethnic origin, colour).
- A Band Council refuses to hire you because you are from another First Nation (national or ethnic origin).
- You are fired from your job because you become pregnant (sex).
- You are fired because your boss doesn't like someone in your family (family status).

- You are fired because you failed a random drug test at work (disability).<sup>7</sup>

## 1989 Indigenous and Tribal Peoples Convention (No. 169)

Convention concerning Indigenous and Tribal Peoples in Independent Countries  
(Entry into force: 05 September 1991) Adoption: Geneva, 76th ILC session (27 June 1989)

### Article 3

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.
2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

### Article 8

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.
2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.
3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

**Article 8 (2)** of the Convention which affirms that a child who has been illegally deprived of some or all of the elements of his or her identity shall be provided with

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<sup>7</sup> Canadian Human Rights Commission, Your Guide to Understanding the Canadian Human Rights Act, 2010. (archived found on line at <https://www.chrccdp.gc.ca/en/resources/yourguideunderstandingthecanadianhumanrightsactpage1> August 5, 2024.)

appropriate assistance and protection in order to re-establish his or her identity. Article 8 of UNDRIP sets out that effective mechanisms should be provided for prevention of, and redress for, any action which deprives Indigenous peoples, including children, of their ethnic identities. The presence of Indigenous peoples is established by self-identification as the fundamental criterion for determining their existence. There is no requirement for States parties to officially recognize indigenous peoples in order for them to exercise their rights. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)

**Article 9 (1)** To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.

## 1995 **Federal Policy on Aboriginal Self-Government**

The Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the *Constitution Act*, 1982. It recognizes, as well, that the inherent right may find expression in treaties, and in the context of the Crown's relationship with treaty First Nations. In 1995 the federal government introduced a mechanism for the federal government to recognize the option for First Nations to determine their band membership, through signing a Modern Treaty or a Self-Government Agreement with Canada. Aboriginal governments and institutions exercising the inherent right of self-government will operate within the framework of the *Canadian Constitution* and the *Charter of Rights & Freedoms*.

## 1965 Report on the Royal Commission on Aboriginal Peoples

In the context of identity and citizenship, Royal Commission on Aboriginal Peoples (RCAP) recognized:

- the sense of belonging implied by membership, includes a common experience and consciousness, communal bond among all things in nature membership determined by each nation based on its own traditions of recognition, acceptance and kinship
- historical period of displacement and assimilation and laws steeped in Victorian principles
- government policies and legislation designed to undermine their collective sense of identity have chipped away at their right to be self-governing, self-determining peoples, and
- the marginalization of women in Aboriginal society, diminishing their social and political roles in community life.

“In our view, the inherent right of self-government [of which the right to determine citizenship is part] is vested in the entire people making up an Aboriginal nation and so is shared in an organic fashion by the various overlapping groups that make up the nation, from the local level upward. The inherent right does not vest in local communities as such, considered apart from the nations of which they are part.”

Report of the Royal Commission, *supra* note 9, text preceding Recommendation 2.3.7. See also discussion preceding Recommendation 2.3.2

## **RCAP Recommendations include:**

**2.3.10** – Aboriginal Nations, in exercising the right to determine citizenship, and in establishing rules and processes for this purpose, adopt citizenship criteria that:

- (a) are consistent with Section 35(4) of the *Constitution Act*, 1982
- (b) reflect Aboriginal Nations as political and cultural entities rather than as racial groups, and therefore do not make blood quantum a general prerequisite for citizenship determination; and
- (c) may include elements such as self-identification, community or nation acceptance, cultural and linguistic knowledge, marriage, adoption, residency, birthplace, descent and ancestry among the different ways to establish citizenship.

**2.3.11** – As part of their citizenship rules, Aboriginal Nations establish mechanisms for resolving disputes concerning the nation's citizenship rules generally, or individual applications specifically. These mechanisms are to be:

- (a) characterized by fairness, openness and impartiality;
- (b) structured at arm's length from the central decision-making bodies of the Aboriginal government; and
- (c) operated in accordance with the *Canadian Charter of Rights and Freedoms* and with international norms and standards concerning human rights.

“As nations are rebuilt, it is envisioned that their citizenship codes will embrace all individuals who have ties to the nation but who, for reasons highlighted here, have been excluded in the past. These new citizenship provisions will eliminate concerns about the effects of Bill C-31 in creating categories of ‘full Indians’ and ‘half Indians’. Rather than imposing restrictive band membership codes that may result in the destruction of communities over time, Aboriginal nations, renewed and strengthened in the ways we have proposed, would implement a citizenship code that fosters inclusion and nurtures nation building.

[Volume 4 Perspectives and Realities, Chapter 2: Women’s Perspectives](#)

## 2007 United Nations Declaration of the Rights of Indigenous Peoples

UNDRIP acknowledges that Indigenous peoples have the right to belong to Indigenous communities, and that they have the right to establish their own membership rules. The Declaration also states that such rights must be exerted with respect for human rights, which involves equality and non-discrimination:

### **Article 9**

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

### **Article 33**

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of Indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

### **Article 44**

All the rights and freedoms recognized herein are equally guaranteed to male and female Indigenous individuals.

### **Article 46 2.**

In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. [...]

The UN Declaration was adopted by First Nations in B.C., with consistent calls and resolutions for accelerated implementation. It includes standards upholding the rights of Indigenous peoples to live freely without discrimination.

## 2007 Clatworthy Report

Clatworthy projects that the 1985 amendments to the *Indian Act* (or Bill C-31) have the potential to affect First Nations significantly:

- the registered Indian population will witness a dramatic decline because of section 6(2) and other changes stemming from the 1985 Indian Act amendments.
- that on- and off-reserve populations entitled to membership and Indian registration will witness a population of 914,300 by the year 2077, a dramatic drop from the projected 987,600 in 2052.

In the short term, the populations of many First Nations have experienced considerable growth as a result of the reinstatement and registration provisions introduced. In the longer term, inter-marriage and the rules governing entitlement to Indian registration are expected to result in growing numbers of descendants who lack registration entitlement. Most of these descendants will also not qualify for First Nations membership.<sup>8</sup>

## 2009 United Nations Committee on the Rights of the Child

General comment No. 11 (2009): Indigenous children and their rights under the Convention [on the Rights of the Child]

### **Recommendation 23**

Repeal and amend all legislative and policy instruments, such as laws, policies, regulations, programmes, administrative procedures, institutional structures, budgetary allocations and practices, that directly or indirectly discriminate against Indigenous women and girls.

Ensure that Indigenous women are equal before the law and have equal capacity to conclude contracts and administer and inherit property and ensure the recognition

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<sup>8</sup> Stewart Clatworthy: "Indian Registration, Membership, and Population Change in First Nations Communities", Aboriginal Policy Research Consortium International (APRCi), Western University, 2007.

of the legal capacity of Indigenous women with disabilities and support mechanisms for the exercise of legal capacity.

Adopt effective measures to eliminate and prevent all forced assimilation policies and other patterns of denials of cultural and other rights vested in Indigenous Peoples, including the prompt investigation, accountability, justice and reparations for past and present assimilation policies and practices that significantly compromise Indigenous cultural identity, and establish and ensure that truth, justice and reconciliation bodies are vested with adequate and sufficient resources.

16. The Committee recalls the close linkage between article 30 of the Convention on the Rights of the Child and article 27 of the International Covenant on Civil and Political Rights. Both articles specifically provide for the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language. The right established is conceived as being both individual and collective and is an important recognition of the collective traditions and values in indigenous cultures. The Committee notes that the right to exercise cultural rights among indigenous peoples may be closely associated with the use of traditional territory and the use of its resources.

### **On Non-discrimination**

23. Indigenous children have the inalienable right to be free from discrimination. In order to effectively protect children from discrimination, it is a State party obligation to ensure that the principle of non-discrimination is reflected in all domestic legislation and can be directly applied and appropriately monitored and enforced through judicial and administrative bodies. Effective remedies should be timely and accessible. The Committee highlights that the obligations of the State party extend not only to the public but also to the private sector.

45. The Committee draws the attention of States to article 8 (2) of the Convention which affirms that a child who has been illegally deprived of some or all of the elements of his or her identity shall be provided with appropriate assistance and protection in order to re-establish speedily his or her identity. The Committee encourages States parties to bear in mind article 8 of the United Nations Declaration on the Rights of Indigenous Peoples which sets out that effective mechanisms should be provided for prevention of, and redress for, any action which deprives indigenous peoples, including children, of their ethnic identities.

## 2009 **McIvor v. Canada**

This case highlighted sex-based discrimination in the *Indian Act*, leading to amendments that partially addressed the inequities. The British Columbia Court of Appeal found that the Indian Act's status provisions discriminated against Indigenous women and their descendants. In 2011 the Gender Equity in Indian Registration Act (GEIRA) amended the Indian Act to address certain sex-based inequities in registration provisions, following the *McIvor v. Canada* case.

## 2010 **Bill C3 Gender Equity in Indian Registration Act S.C.**

*Gender Equity in Indian Registration Act* (Bill C-3) comes into force on January 31, 2011. This legislation amends provisions of the *Indian Act* that the Court of Appeal for British Columbia found to be unconstitutional in the case of *McIvor v. Canada*. It was intended to eliminate specific barriers of discrimination for particular individuals, such as ensuring that eligible grandchildren of women who lost status as a result of marrying non-Indian men are entitled to registration. Individuals who want to register must meet all three criteria. Once registered, applicants will have access to federal benefits and services for registered Indians.

- Their grandmother lost her Indian status as a result of marrying a non-Indian;
- One of their parents was registered, or were entitled to be registered, under sub-section 6(2) of the Indian Act;
- They or their siblings were born on or after September 4, 1951.

## 2010 **Federal Exploratory Process on Indian Registration, Band Membership and Citizenship**

With the introduction of *The Gender Equity in Indian Registration Act* (Bill C-3) in Parliament on March 11, 2010, the Federal government also launched [\*The Exploratory Process on Indian Registration, Band Membership and Citizenship\*](#) in

January 2011 with the *Royal Assent* of Bill C-3 and ended in December 2011. Its purpose was to identify, examine and discuss the broader issues associated with registration, membership and citizenship that go beyond the amendments in Bill C-3.

## 2015 Descheneaux

The Superior Court of Quebec ruled that the Indian Act continued to perpetuate sex-based discrimination contrary to the Canadian Charter of Rights and Freedoms. The federal government introduced Bill S3 (2017) Introduced to address sex-based inequities in the Indian Act following the Descheneaux decision.

## 2017 Canadian Human Rights Act Amendments

In 2017, the *Canadian Human Rights Act* and the *Criminal Code* were amended to add “gender identity or expression” to the list of prohibited grounds of discrimination, and to include as a hate crime, violence motivated by a person’s gender identity or expression.

## 2017 Gehl v. Canada

This case challenged the policy on unstated paternity, resulting in the inclusion of the "Gehl provision" in Bill S3 (2017), allowing greater flexibility in proving a parent’s status. The removal of the 1951 cutoff and other discriminatory provisions, through full implementation and further amendments, are still required.

## 2017 Bill S-3 to Address Sex-based Discrimination

This 2017 legislative amendment was in response to the Descheneaux decision, aimed at removing sex-based discrimination from the *Indian Act*. Bill S-3 was meant to address known sex-based inequities in the registration provisions of the *Indian Act* for these situations:

- the cousins issue (December 2017): differential treatment of first cousins whose grandmother lost her entitlement to registration due to a marriage with a non-entitled man before April 17, 1985

- the siblings issue (December 2017): differential treatment of women who were born outside of marriage to entitled fathers between September 4, 1951 and April 17, 1985
- the omitted minor children issue (December 2017): differential treatment of minor children who were born of entitled parents or of an entitled mother between September 4, 1951 and April 17, 1985 but could lose entitlement to registration if they were still minors at the time of their mother's subsequent marriage to a non-entitled man
- the [unknown or unstated parent issue](#) (December 2017): in response to the Ontario Court of Appeal's Gehl decision, Bill S-3 provides flexibility for the Indian Registrar to consider various forms of evidence in determining entitlement to registration in situations of an unknown or unstated parent, grandparent or other ancestor
- the [removal of the 1951 cut-off date](#) (August 2019): ensuring the entitlement of all descendants of women who lost status or whose names were removed from band lists for marrying a non-entitled man going back to 1869, which recognizes descendants of women who married non-entitled men the same as descendants of men who married non-entitled women.

In 2019, Bill S-3 obligated the Minister of Indigenous Services Canada to follow up on key issues relating to adoption, unstated paternity, enfranchisement, and the federal government's role in determining Indian Status and Band membership. This included the full consideration of the *Charter* and the *Canadian Human Rights Act*.<sup>9</sup> In 2019, An Act to amend the *Indian Act* in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général), Bill S-3, came into full effect, eliminating various sex-based inequities in the registration provisions of the *Indian Act*.

In 2020 the Final Report to Parliament on the Review of S-3 acknowledged that residual inequities remain. These include the ongoing impacts of a family history of enfranchisement on entitlement to registration today. Descendants of individuals and families who were enfranchised are, in many cases, currently not entitled to registration in the same way as descendants of those who were not enfranchised.

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<sup>9</sup> Assembly of First Nations, [Sector Update: Bill S 3 & First Nations Citizenship](#), June 2021.

## 2017 Collaborative Process on Registration, Band Membership and First Nations Citizenship, Special Report

As Claudette Dumont-Smith reported to the Minister for Crown-Indigenous Relations in 2017, “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 ineligible in spite of recent legislative changes through Bill S-3.” In her final report on the findings of the Collaborative Process on Indian Registration, Band Membership and First Nations Citizenship, the Minister’s Special Representative Claudette Dumont-Smith stated that the second-generation cut-off:

- Has more severe impacts in communities that have a small population base, that are not isolated, and that have more instances of “marrying out”.
- Will inevitably lead to a significant number of children who, despite being born to a parent who is entitled under the Indian Act, will be unentitled for registration under the Indian Act due to this cut-off.
- Will see the gradual elimination of persons eligible to be registered under the Indian Act 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.
- Will have an end result, “in the not so distant future” where some communities will no longer have any entitled or registered individuals, or the number of entitled or registered individuals will have declined significantly.

## 2018 Federal Consultations

**-2019** Consultations under the collaborative process on Indian registration, band membership and First Nation citizenship were launched on June 12, 2018, to seek input on 3 consultation streams:

1. the implementation of the removal of the 1951 cut-off from the *Indian Act* (delayed coming into force of provisions in Bill S-3)
2. remaining inequities related to registration and membership under the *Indian Act*

3. how to go about transferring the exclusive responsibility for the membership and citizenship to First Nations.<sup>10</sup>

## 2019 Declaration on the Rights of Indigenous Peoples Act

On November 26, 2019, the Province unanimously passed the *Declaration on the Rights of Indigenous Peoples Act* following a process of co-development with Indigenous Peoples in B.C.. It establishes the UN Declaration as the framework for reconciliation in B.C..

## 2019 Bill S-3, An Act to amend the Indian Act

In 2019, the Government of Canada brought into force [\*Bill S-3, An Act to amend the Indian Act\*](#), to remove all known sex-based discrimination against First Nations women and their descendants from the provisions regarding entitlement to status.

ISC, On June 12, 2019, the second [\*report to parliament on the Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship\*](#) was tabled. A total of 14,108 people participated in the collaborative process. This report summarizes what was heard throughout the consultation process:

Briefly, we heard that there was general support for implementing the removal of the 1951 cut-off to ensure women and their descendants who are impacted by remaining sex-based inequities under the *Indian Act* can be registered going back to 1869. First Nations also highlighted the need for additional funding to accommodate the delivery of programs and services to additional registered individuals, the need for more time to understand the impacts of the delayed coming-into-force amendments on their communities, and the need for access to genealogical records to assist their people in applying for registration or membership.

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<sup>10</sup> Federal Pathway – National Action Plan on MMIWG  
<https://www.rcaanc-cirnac.gc.ca/eng/1622233286270/1622233321912>

Several other inequities in the *Indian Act* were identified as needing to be addressed, in particular how the different categories under the Indian Act and the second-generation cut-off are impacting families and communities. The consensus was that all inequities need to be addressed, and that First Nations need to be involved in identifying the solutions. To do so, additional funding and resources are required for First Nations to engage with their members.

Ultimately, there was a clear and unequivocal message that First Nations should determine who their people are through control of their membership and citizenship. Discussions on a path forward need to be ongoing between the government and each First Nation, with enough time, funding and support available to First Nations to engage with their members.

**The elimination of sex-based discrimination going back to 1869 will be achieved once the provisions related to the 1951 cut-off come into force. Those amendments were delayed coming into force to allow for consultations with Indigenous partners on an implementation plan, to ensure we get this right.**

Ms. Claudette Dumont-Smith, as the Minister's Special Representative, prepared a report to Minister Carolyn Bennett outlining what she heard during the consultations and her recommendations on how to address the issues raised during the collaborative process ([Annex A](#)). Bill S-3 also required that the minister responsible for the *Indian Act* report to Parliament on:

- the design of the consultations: [Report to Parliament on the Design of a Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship](#) tabled on May 10, 2018
- the status of the consultations: [Report to Parliament on the Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship](#) tabled on June 12, 2019
- the implementation of the bill: [Report to Parliament on the Review of S-3](#) tabled on December 11, 2020.

## 2021 Nicholas v. AGC

A group of plaintiffs launched a constitutional challenge to address ongoing inequities faced by individuals with a family history of enfranchisement under the *Indian Act*. The Federal Government introduced Bill C-38, An Act to amend the Indian Act (new registration entitlements), in Parliament to remedy the impacts of historical enfranchisement. Bill C-38 completed first reading in Parliament in December 2022 and advanced to second reading in October 2023.

## 2022 Bill C-38: An Act to amend the *Indian Act*

On December 14, 2022, Bill C-38, An Act to amend the Indian Act (new registration entitlements) was introduced and proposed four amendments to address issues recommendations made during the 2018/19 Collaborative Process, including enfranchisement and deregistration. **Bill C-38 has yet to be given royal assent and become law, so, until then, the proposed amendments can't be applied to applications for registration or protests.** Introduced on December 14, 2022, Bill C-38 seeks to:

- address the inequity of enfranchisement
- enable deregistration by application
- eliminate sex-based inequities in the membership provisions of the Indian Act
- remove some outdated and offensive language from the Indian Act

If passed, Bill C-38 will:

- ensure persons with a family history of enfranchisement will be treated the same as those without
- enable persons who wish to have their names removed from the Indian Register to apply for deregistration
- enable women who were automatically transferred to their husbands' band to seek reaffiliation with their natal band
- remove dated references to mentally incompetent Indians<sup>11</sup>

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<sup>11</sup> <https://www.sac-isc.gc.ca/eng/1662142490384/1662142638971>

## 2022 **Demand for Consultation on Amendments to the *Indian Act***

First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 42/2022, (1985), which calls on the Government of Canada to not table any legislative amendments until it has adequately consulted with First Nations and provided the necessary resources for community engagement. The AFN has continued to monitor Bill C-38 and has called on the Government of Canada to provide adequate resources to all First Nations to engage with their community members. At this time, the Minister of Indigenous Services committed to a consultation and cooperation process on broader reform issues related to registration and band membership under the Indian Act, notably including the second-generation cut-off.

## 2022 **United Nations Committee on the Elimination of Discrimination against Women, Draft General Recommendation on the Rights of Indigenous women and girls**

On 14 February 2022, the Committee on the Elimination of Discrimination against Women (CEDAW) determined that Canada violated articles 1, 2, and 3 of the Convention on the Elimination of All Forms of Discrimination against Women, as the Indian Act established and maintains a two-tier registration system for status that adversely impacted descendants of enfranchised Indigenous women.

The Committee found that Canada unilaterally imposed cut-off rules to registration that applied only to descendants of Indigenous women, who had previously lost their status and their right to determine their own identity. The cut-off rules for registration caused differentiation in status for descendants of Indigenous women, compared to the descendants of Indigenous men. This resulted in unequal criteria for descendants of enfranchised Indigenous women to pass on status to their children, contrary to the fundamental right of self-identification and in violation of the Convention.

The Committee acknowledges that Indigenous women and girls have suffered and continue to suffer from forced assimilation policies and other largescale 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.

The Committee further provided that the registration system runs contrary to the right of Indigenous persons to belong to an Indigenous community or nation, and the right not to be subjected to forced assimilation or destruction of their culture. Specifically, the Committee found that the Indian Act continues to perpetuate differential treatment of the descendants of enfranchised Indigenous women.

In presenting his findings to the Human Rights Council the Special Rapporteur on Indigenous Peoples recommended that (A/HRC/54/31/Add.2) Canada should:

Set up an independent Indigenous-led human rights mechanism in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor and enforce the implementation by Canada of the United Nations Declaration on the Rights of Indigenous Peoples and the *United Nations Declaration on the Rights of Indigenous Peoples Act*, (para.89. (b)); implement the recommendations of the Standing Senate Committee on Indigenous Peoples to repeal section 6 (2) of the Indian Act (the “second generation cutoff”), which reduces the number of individuals with status; to repeal non-liability clauses in the amendments to the Act, in order to allow First Nations women and their descendants who were denied status to be compensated; and to develop plain language materials in Indigenous languages and the country’s official languages to explain the eligibility and the registration process; support registration by women and their descendants newly eligible for status through a streamlined, easily accessible process; and create an affordable, reliable, timely and accessible remedy to compensate those who have suffered the effects of discrimination (paras. 93 (a)).

## 2022 **Make it Stop: Ending The Remaining Discrimination In Indian Registration**

In its June 2022 report, the Senate Committee on Aboriginal Peoples wrote: “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.’ We agree and find this unacceptable. **It is time to end inequities in the *Indian Act* once and for all.**”

The Senate Committee on Aboriginal Peoples recommended in its report Make It Stop! “[t]hat 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.”<sup>20</sup> As noted earlier, it is mandated by Article 8 of UNDRIP, which sets out the right of Indigenous peoples not to be forcibly assimilated, and to redress for forced assimilation Article 44 guarantees this right equally to Indigenous women and men.

Senate Standing Committee on Indigenous Peoples presented to the Senate of Canada on September 21, 2022. Recommendations one and two focus on the Indigenous Service Canada process for registration and lengthy waits, recommending streamline process and transparency of information and access to historical and genealogical records held by the department.

### **Recommendation 3**

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.

### **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.

## **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.

## **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.

## **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) 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.

## **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 provides funding for any remedies or solutions proposed as a part of these consultations.

## 2022 United Nations Human Rights Committee, Follow-up progress report on individual communications, CCPR/C/134/4

The UN Human Rights Committee (the “UNHRC”) in its August 2022 Report on Follow up progress on individual communications has assessed Canada’s response to the Committee’s decision in *McIvor v. Canada* 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. The UNHRC has 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.

## 2023 What We Learned Implementing UNDRIP

On March 20 2023, the Department of Justice released a report on learnings stemming from initial efforts to implement UNDRIP commitments. Recommendations included:

- Implementing special measures as per the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination Against Women to advance the equality of Indigenous women, girls and 2SLGBTQI+ persons.
- Implementing domestic reporting mechanisms on how Canada is meeting its obligations as set out in international human rights treaties.
- the need for committing financial and technical assistance to fulfill the statutory requirement for consultation and cooperation with Indigenous peoples, with accountability mechanisms such as consultation protocols, including further recognizing existing Indigenous protocols on consultation and cooperation. First Nations women noted their special need for financial and technical assistance to support their equal participation and access to consultation, cooperation, co-development and FPIC in Action Plan and Declaration implementation.

## 2023 United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan

On June 21, 2023, after two years of consultation and cooperation with First Nations, Inuit and Métis, the Department of Justice released the UN Declaration on the Rights of Indigenous Peoples Act Action Plan. Chapter Two of the Action Plan presents Action Plan Measures (APMs) specific to First Nations Priorities. These include the following three measures:

### **APM #7**

support the adoption of Bill C-38, which seeks to address discrimination in the registration and membership provisions of the *Indian Act*.

### **APM #8**

co-develop a collaborative consultation process on a suite of broader reforms relating to registration and band membership issues, prior to any transition away from the *Indian Act*. This includes to consult, cooperate and effectively engage with First Nations women to eliminate remaining gender-based issues; Canada recognizes that the *Indian Act* is a colonial-era law designed to exert control over the affairs of First Nations, and as such, the Act will never be fully aligned with the UN Declaration. For Canada's laws to fulfill the UN Declaration, the *Indian Act* must be repealed. The government is seeking to make the Act's registration and band membership provisions more consistent with the UN Declaration, until a clear consensus on a way forward on comprehensive change or the Act's repeal is possible.

### **APM #9**

consult First Nations and other impacted Indigenous groups to support the co-development of opt-in alternatives to *Indian Act* registration and membership (First Nation citizenship). This will include a broad spectrum of Indigenous demographic groups, such as women, girls and 2SLGBTQIA+ people, Elders, Treaty groups, etc.

# Applicable First Nations Resolutions

- **UBCIC Resolution 2023-47:** the UBCIC Chiefs-in-Assembly call on Canada to immediately increase and prioritize sustainable and ongoing funding directly to First Nations governments and Nation governments to exercise self-determination and jurisdiction over all their citizens whether on or off reserve.
- **UBCIC Resolutions 2010-08, 2012-18, and 2019-11:** the UBCIC Chiefs Council has expressed concerns with government-imposed definitions of First Nations identity and belonging and has called upon Canada to immediately end sex-based discrimination in the *Indian Act*.
- UBCIC and BCAFN Resolutions reaffirm Canada's duty to consult and to uphold the rights of First Nations peoples as well as Indigenous peoples' rights upheld through UN Declaration including the right not to be subjected to forced assimilation (Article 8), the right to belong to an Indigenous community or Nation (Article 9); the right to participate in decision-making (Article 18); and states' obligation to consult and cooperate in good faith (Article 19).
- UBCIC and BCAFN Resolutions advocate for the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and call for the Government of Canada to amend the Indian Act to eliminate sex, race, and family-based discrimination in the status provisions.
- **UBCIC Resolution 2023-61:** Respect First Nations sovereignty and the right to determine their own membership and citizenship laws based on their First Nation laws and traditions by upholding their fiduciary responsibility to First Nations irrespective of racist colonial definitions of citizenship based on blood quantum.
- **AFN Resolution 42/2022** calls on the Government of Canada not to table any legislative amendments until it has adequately consulted with First Nations and provided the necessary resources for community engagement.
- **BCAFN Resolution 11/2020:** Despite the Canadian Charter of Rights and Freedoms guaranteeing gender equality, from 1982 to 2019, the Indian Act discriminated against Indigenous women because of their gender and has cut off women from their communities, entitlement to Status and the benefits that flow from that entitlement and created familial tensions and separation that have resulted in exclusion and isolation. Indigenous women and 2SLGBTQQIA+

people are underrepresented in political processes at the local, regional and national levels.

- **UBCIC Resolutions 2010-08, 2012-18, 2019-11:** the UBCIC Chiefs Council expressed concerns with government-imposed definitions of First Nations identity and belonging and has called upon Canada to immediately end sex-based discrimination in the *Indian Act*.

## 2024 B.C. Assembly Of First Nations

### -2027 Gender Equity Strategic Action Plan

Section 3.4 Ending sex discrimination in the Indian Act and supporting First Nations self-determined citizenship

#### **Actions & Indicators**

- Implement the recommendations of [Make it Stop: Ending the remaining discrimination in Indian Registration](#), especially repealing section 6(2) and advancing reparations
- Implement First Nations control over citizenship, including mechanisms to uphold the rights of women and 2SLGBTQQIA+ people
- Increase in registration of those entitled to be registered
- Removal of remaining sex and family-based discrimination within the Indian Act
- Increase in First Nations-led citizenship governance
- Removal of legislative bars to reparations