

**SHARON MCIVOR AND JACOB GRISMER v. CANADA  
COMMUNICATION NO. 2020/2010**

**AFFIDAVIT OF GRAND CHIEF STEWART PHILLIP  
JUNE 17, 2016 (AFFIDAVIT #2)**

*Before:*

**The United Nations Human Rights Committee Petitions Team  
Office of the High Commissioner for Human Rights United Nations Office at  
Geneva  
1211 Geneva 10, Switzerland  
Fax + 41 22 9179022**

*Submitted by:*

**Sharon McIvor and Jacob Grismer Merritt, British Columbia  
Canada**

*Represented by:*

**Gwen Brodsky  
Barrister and Solicitor  
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Vancouver, British Columbia Canada V5Y 2A8**

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**AFFIDAVIT OF GRAND CHIEF STEWART PHILLIP**

I, Stewart Philip, President of the Union of B.C. Indian Chiefs of R.R. #2, Site 75, Comp 13, Penticton, British Columbia, V2A 6J7, SWEAR THAT:

1. I am the President of the Union of B.C. Indian Chiefs ("UBCIC"), current Chair of the Okanagan Nation Alliance, and former Chief of the Penticton Indian Band, and as such, have personal knowledge of the facts and matters deposed to by me, save

and except where such are stated to be on information and belief and as to such facts and matters, I verily believe them to be true.

2. I swear this affidavit in support of Sharon McIvor's request that the Human Rights Committee consider and provide a full and effective remedy in the matter of *Sharon McIvor and Jacob Grismer v. Canada* (COMMUNICATION NO. 2020/2010), without delay. The UBCIC reiterates its support for the petitioners' request for a remedy that fully and finally eliminates sex discrimination in the status registration regime of the Indian Act.
3. As described in my December 11, 2011 affidavit, filed in this proceeding, the UBCIC has long advocated for the elimination of discrimination under the Indian Act against Indigenous women and their descendants. The advocacy efforts of UBCIC include having intervened in the constitutional case of *McIvor v. Canada* in the British Columbia Court of Appeal in 2008. The UBCIC's position was then, and remains, that the only effective remedy to the ongoing sex discrimination is to place Indian women and their descendants born prior to April 17, 1985 (matrilineal descendants) on the same footing as Indian men and their descendants born prior to April 17, 1985, (patrilineal descendants) who are entitled to registration under s. 6(1)(a) of the Indian Act.
4. As described in my earlier affidavit, the UBCIC also participated in the parliamentary review process for Bill C-3 in 2010, to urge Canada to completely eliminate the sex discrimination in the status provisions. UBCIC was deeply disappointed by Canada's decision to once again engage in piecemeal reform, rather than removing the sex discrimination completely and finally. UBCIC's submissions were ignored. Bill C-3 addressed some of the discrimination but left most of it in place. As a consequence, Aboriginal individuals and communities have continued to suffer under the discriminatory dictates of the sex-based criteria for determining Indian status, contrary to the non-discrimination requirements of the ICCPR, UNDRIP.

5. The UBCIC participated in Canada's "engagement process" around Bill C-3. This process did not lead to any further efforts by the government towards the complete elimination of Indian Act sex discrimination.
6. For a number of years the UBCIC has also been in the forefront of supporting Indigenous women in their calls for a national inquiry into missing and murdered Indigenous women. I am aware that in the recommendations included in reports of their investigations into missing and murdered Indigenous women both the Inter-American Commission on Human Rights<sup>1</sup> and the United Nations Committee on the Elimination of Discrimination against Women<sup>2</sup> have called for the immediate elimination of sex discrimination from the status provisions of the Indian Act. The UBCIC supports the recommendations of those bodies.
7. I am aware of the May 5, 2016 submissions of Canada requesting a suspension of the McIvor petition, and the factors that Canada has asked the Human Rights Committee to take into account, including Canada's expressed intention to hold an inquiry into the missing and murdered Indigenous women and to forge a new nation-nation relationship through an "engagement process". The UBCIC strongly disagrees that the Committee's consideration of the McIvor petition should be delayed. The processes referred to by Canada do not in any way justify delaying the McIvor petition or further delay by Canada in taking the necessary legislative steps to end Indian Act sex discrimination.
8. The UBCIC's position is that in light of Canada's long history of piecemeal reform and the damage of this ongoing discrimination Canada must move to eliminate all of the sex discrimination in the status registration regime, forthwith. Clear and

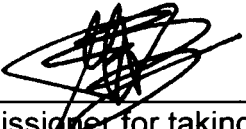
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<sup>1</sup> Inter-American Commission on Human Rights, *Missing and Murdered Indigenous Women in British Columbia, Canada* OEA/Ser.L/V/II, Doc 30/14 21 (2014), Organization of American States <[www.oas.org/en/iachr/reports/pdfs/Indigenous-Women-BC-Canada-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Indigenous-Women-BC-Canada-en.pdf)>

<sup>2</sup> CEDAW, *Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* Committee on the Elimination of Discrimination against Women, Doc CAN/CEDAW/C/O P.8/CAN/1 (2015), <[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW\\_C\\_OP-8\\_CAN\\_1\\_7643\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW_C_OP-8_CAN_1_7643_E.pdf)>

immediate direction to Canada from the UN Human Rights Committee to this effect is needed.

- 9. It is the position of the UBCIC that there is no impediment to Canada eliminating the sex discrimination in the status provisions immediately. Although an inquiry into missing and murdered women and nation-to-nation talks will be welcome, the time for talk and consultation about whether to continue Indian Act sex discrimination is long past. Further consultation on this issue is neither necessary nor appropriate.

SWORN BEFORE ME )  
in the City of Vancouver )  
in the Province of British Columbia, )  
this 17<sup>th</sup> day of June, 2016. )  
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\_\_\_\_\_)  
A Commissioner for taking affidavits )  
for British Columbia. )

  
\_\_\_\_\_  
**Grand Chief Stewart Phillip**

Name of Commissioner:

**Gwen Brodsky**  
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