



FEMMES AUTOCHTONES DU QUÉBEC INC.
QUEBEC NATIVE WOMEN INC.

May 31, 2021

Ibrahim Salama, Chief
Human Rights Treaties Branch,
and CCPR follow-up Team

Re: CCPR Follow-up Process for Ascertaining the Measures Taken by Canada to Implement the 11 January 2019 Decision of the Committee concerning the Petition of Sharon McIvor and Jacob Grismer, CCPR/C/124/D/2020/2010

Dear Mr. Salama and Members of the CCPR Follow-up team,

Quebec Native Women (hereinafter QNW) writes to support the petitioners' requests for immediate and effective implementation of the decision of the United Nations Human Rights Committee and redress in the case of *McIvor v. Canada*, CCPR/C/124/D/2020/2010.

QNW is a bilingual non-profit organization founded in 1974 that began as a community initiative. As an Indigenous Representative Organization (IRO), we represent women from ten (10) First Nations of Quebec: Abenaki, Anishnabe, Atikamek, Innu, Eeyou, Wendat, Wolastoqiyik (Maliseet), Mig'maq, Mohawk and Naskapi as well as urban women. For over 47 years, our organization has contributed to the restoration of balance between Indigenous men and women by giving a strong voice to the needs and priorities of women. QNW brings the needs of its members to the attention of authorities and decision-makers in all sectors of our activities: health, youth, justice and public safety, women's shelters and the promotion of non-violence, human rights, international law, and employment and training.

In *McIvor*, the United Nations Human Rights Committee ruled that in relation to the Indian Act, Canada is in violation of articles 3 and 26, read in conjunction with article 27 of the *International Covenant on Civil and Political Rights*. Our organization wonders where Canada's respect for human rights fits in, given that the sex discrimination identified by the Committee persists today. Contrary to what the Government of Canada claims, our organization is firm in its position on the existence of discrimination in the Indian Act, despite the *Bill S-3* amendments (*An Act to amend the Indian Act in response to the Quebec Superior Court decision in Descheneaux v. Canada*). Our Indigenous women and girls still experience racism, sexism, and sex discrimination under these laws, which are still steeped in colonialism.

Canada claims that the amendments made by *Bill S-3* to section 6 of the Indian Act eliminated discrimination against Indigenous women with respect to registration. It maintains, in its January 8, 2021 submission to the Committee, that there are no longer sex-based inequities arising from this legislation. However, we are of the opposite opinion since non-registration persists and since the consequences for women and their families are heavy to bear. QNW can see the impacts of the delay in the registration process for women and their descendants on a daily basis. We therefore ask the Committee to strengthen its direction to Canada to put an end to these inequalities between First Nations men and women by immediately implementing the decision and the right to redress as directed in the *McIvor* decision.

The directions given by the Committee in *McIvor* were unequivocal and clear. However, concrete actions to implement the decision have not been forthcoming: many women and their descendants are still waiting to obtain their status because the registration process is very slow. Furthermore, the accessibility of information concerning the new registration procedures of *Bill S-3* is significantly lacking. QNW deplores the fact that there has been no proactive and collaborative information campaign to inform Indigenous women of their possibility of registration and the steps to take to obtain it. Our organization also deplores the legislative obstacle of section 10 of *Bill S-3* which prevents victims of sex discrimination from obtaining compensation before the courts. If our women are deprived of administrative and, above all, cultural privileges due to their non-registration, they are entitled to obtain compensation. QNW considers that this obstacle inserted by the government in the Act is tangible proof of its unwillingness to achieve a real reconciliation with the Indigenous peoples. Lastly, we ask the government to be required to be transparent about the registration process since no up-to-date information is available on the number of registrations fully completed and the number of people waiting to be registered.

The Government of Canada is attempting to justify delay in the registration process by pointing to the Covid-19 pandemic. Our organization maintains that this delay is unjustified because the situation in which Indigenous women and their descendants are left violates their human rights to non-discrimination and equality. The

pandemic is not a valid excuse for the government's inaction in implementing *McIvor*. In these uncertain times, the denial of registration to those entitled to registration status under section 6(1)(a) of the *Indian Act* prevents them from receiving health benefits and specific government assistance for the pandemic.

QNW is dedicated to Indigenous women and the promotion of their rights. The lie that the Government of Canada is trying to make us believe about the elimination of discrimination in the Indian Act must stop. Our organization joins its voice, in calling for the effective and immediate implementation of the decision in *McIvor*. We hope that as a result of the Follow-up Process of the United Nations Human Rights Committee, concrete actions will be taken to ensure that the right to equality for our Indigenous women and girls is respected, protected and fulfilled.



Viviane Michel
President of QNW

Merci, Thank you, Nia:wen, Migwetc, Tshinashkumitin, Wela'lin, Wli Wni, Tiawenhk