

Women's Legal Education and Action Fund (LEAF)
Calls on the Conservative Government to Withdraw its Opposition to Amended Bill C-3

May 5, 2010 – the Women's Legal Education and Action Fund (LEAF) urges the Government of Canada to withdraw its challenge to the amended Bill C-3 (*Gender Equity in Indian Registration Act*) and to end sex discrimination in the *Indian Act* once and for all.

Although entitled "Gender Equity" in the *Indian Act*, Bill C-3 as originally drafted failed to achieve full equality between Aboriginal women and men in eligibility for and transmission of Indian status. Amendments to Bill C-3 are necessary. Bill C-3 "leaves intact significant areas of sex discrimination" says Aboriginal law expert and LEAF member Naomi Metallic, "the amendments seek to address serious deficiencies within the Bill".

The Amended Bill adopted by the Standing Committee on Aboriginal Affairs and Northern Development received the unanimous support of the opposition parties and followed the demands by individual Aboriginal women, Aboriginal women's organizations, Aboriginal governments and Chiefs, including the Assembly of First Nations and the Union of B.C. Indian Chiefs, and legal experts, that sex discrimination under the *Indian Act* be eradicated.

Despite this overwhelming tide of support, the Conservative government is opposing the Bill as adopted by the Committee on the basis that the amendments are outside of the scope of the Bill. "In my view the amendments fall well within the scope of the Bill" says Metallic. "According to its title, the Bill is an act 'to promote gender equity in Indian registration' by "responding" to the British Columbia Court of Appeal decision in *McIvor*. There is certainly nothing to prevent the Committee or the government from amending the *Indian Act* registration provisions in a comprehensive and meaningful fashion".

In a brief submitted to the Standing Committee last week, LEAF argued that "enough is enough". "It is unacceptable and inconsistent with the substantive equality guarantee and the interests of justice" to deny full equality to Aboriginal women any longer says LEAF legal director Joanna Birenbaum. "Aboriginal women and children are among the most disadvantaged in Canada. Forcing them to endure the emotional and financial hardship of years and years of additional protracted litigation to remove the remaining areas of sex discrimination in the status provisions is unconscionable".

"The length of time it has taken for Aboriginal women to fight for equality in the regime of Indian status is staggering" says Metallic. "LEAF's view is that it is completely unacceptable to prolong the injustice any further. As long as there are still vestiges of unequal treatment, there is no equity. Equity is what the Bill purported to achieve. Equity will be achieved by passing amendments that seek to eradicate all forms of gender discrimination within the *Indian Act* status provisions".

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