LEAF FAEJ
WOMEN'S LEGAL EDUCATION & ACTION FUND
FONDS D'ACTION ET D'ÉDUCATION JURIDIQUE POUR LES FEMMES

National Office
180 Dundas St. West, Suite 1420
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May 5, 2026

Standing Committee on Indigenous and Northern Affairs
House of Commons
Ottawa, ON K1A 0A6

Delivered via email to: INAN@parl.gc.ca

Dear Standing Committee Members:

Re: Bill S-2, *An Act to amend the Indian Act (new registration entitlements)*

I write on behalf of the Women's Legal Education and Action Fund (LEAF) to urge you to accept the Senate of Canada's amendments to Bill S-2 and to ensure its swift passage through the House of Commons before it rises in June.

LEAF is a national charitable organization that advances substantive equality rights for all women, girls, trans, and non-binary people through litigation, law reform, and public legal education. LEAF has been proud to play a supporting role in the struggle of First Nations women, Indigenous organizations, and allied organizations to end sex discrimination in the *Indian Act*, including through litigation with the Native Women's Association of Canada (NWAC) at the Supreme Court of Canada,[1] litigation at the Ontario Court of Appeal,[2] and ongoing advocacy.[3]

The *Indian Act* continues to carry forward sex and race discrimination that has harmed First Nations women and their descendants for generations. Although Parliament has amended the registration provisions over time, the law still does not fully remedy the effects of the pre-1985 discrimination against women, their children, and their descendants. The result is that descendants through the matrilineal line continue to be disadvantaged compared to descendants through the patrilineal line.

[1] See Supreme Court of Canada Decision Disappointing for Equality Rights and Access to Justice in Canadian Human Rights Commission v. Attorney General of Canada - LEAF.
[2] See Gehl v. Canada (Attorney General) (2017) - LEAF.
[3] See LEAF urges full implementation of Bill S-3 - LEAF and LEAF and NWAC joint letter in support of access to justice for Indigenous people in Canada - LEAF.

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This was recognized by the United Nations Committee on the Elimination of Discrimination against Women in *Matson v. Canada*.[4] The Committee found that the 1985 cut-off, when combined with the ongoing effects of the pre-1985 discrimination against First Nations women and their descendants, continues to perpetuate disadvantage. Canada has rejected that finding, stating that the 1985 cut-off is simply a neutral legislative date. But it is not neutral in its effects. A date that locks in the consequences of prior sex discrimination continues that discrimination.

Bill S-2 must address two connected harms. First, it must end the continuing sex and race discrimination embedded in the Indian Act's registration provisions. Second, it must end the assimilationist impact of the second-generation cut-off, which prevents a person from transmitting status to their child if that person has one parent and one grandparent who are not entitled to status.

The second-generation cut-off is not a technical rule. It is a legal extinction mechanism. Approximately 29% of status Indians in Canada are registered under section 6(2), which means they cannot transmit status to a child unless the other parent is also entitled to status. Given known rates of exogamy, this rule will result in the legal disappearance of status Indians over the course of a few generations. This is not reconciliation. It is the continuation of an assimilationist policy through the language of registration.

The Senate's amendments would remove the second-generation cut-off, the 1985 cut-off, and the two-parent rule. These amendments are necessary to address both the ongoing discrimination in the *Indian Act* and the long-term assimilationist consequences of the current registration scheme.

The second-generation cut-off continues the 150-year-old policy of eliminating the "Indian problem" by assimilating First Nations people into the non-Indigenous population. In 2026, Canada must finally shed this colonial approach and give life to the rights set out in the *United Nations Declaration on the Rights of Indigenous Peoples,* including Article 8, which affirms the right of Indigenous Peoples and individuals not to be subjected to forced assimilation or destruction of their culture.

[4] Communication No. 68/2014, UN Doc CEDAW/C/81/D/68/2014 (February 14, 2022).

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Minister Gull-Masty has acknowledged that the second-generation cut-off must be removed, but has said that Canada needs more time to consult. Along with many First Nations leaders and organizations, we reject the use of consultation as a reason for further delay. Canada has had 40 years to consult on the second-generation cut-off. It has been studied, reported on, litigated, and repeatedly identified as harmful. The duty to consult should not be used to delay action when the government is unwilling to act, while being ignored when the government wishes to move quickly.

The children and grandchildren of current status Indians are being denied status now. That means they are being denied legal recognition of their identity, rights, title, political voice, and belonging in their families and communities. The harm is immediate. It also perpetuates and replicates the harm caused by decades of sex and race discrimination that expelled First Nations women and their descendants from their families, communities, and Nations.

On the 150th anniversary of the *Indian Act*, LEAF urges your government to support the Senate's amendments to Bill S-2 and eliminate the second-generation cut-off, the 1985 cut-off, and the two-parent rule without delay. Canada has an opportunity to take a concrete step toward equality, human rights, and reconciliation. We urge you to act now.

Sincerely,

Ruth Goba
Executive Director
Women's Legal Education and Action Fund