HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

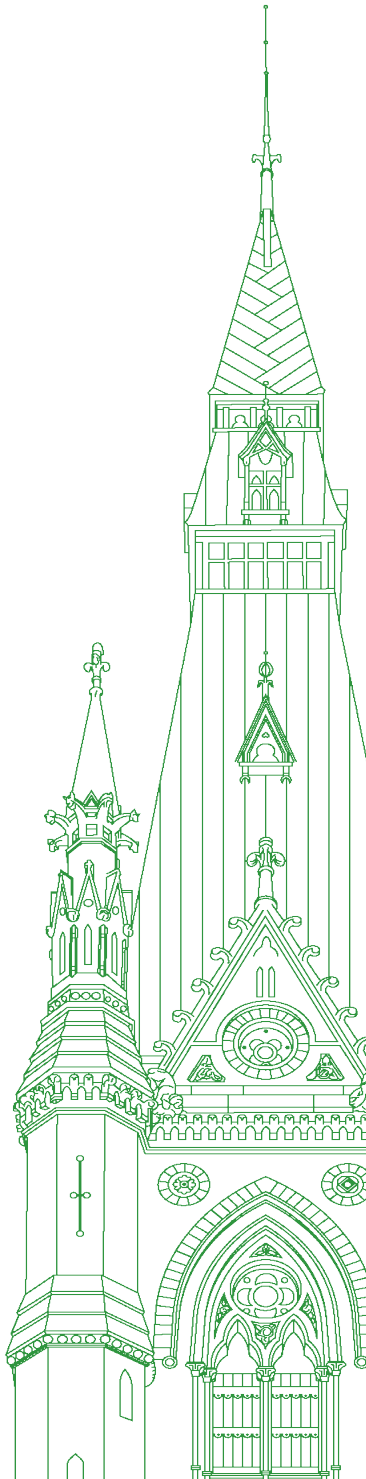
45th PARLIAMENT, 1st SESSION

Standing Committee on Indigenous and Northern Affairs

EVIDENCE

NUMBER 030

Thursday, April 30, 2026



Chair: Terry Sheehan

Standing Committee on Indigenous and Northern Affairs

Thursday, April 30, 2026

● (0815)

[*English*]

The Chair (Terry Sheehan (Sault Ste. Marie—Algoma, Lib.)): I call this meeting to order.

Good morning, everyone. Welcome to meeting number 30 of the House of Commons Standing Committee on Indigenous and Northern Affairs.

We recognize that we meet on the unceded territory of the Algonquin Anishinabe people.

I'd like to welcome two new members of our committee. Both Lori and Will are online. Deputy Gill is online as well.

We have quite a few people to present today. I would ask that you keep your earpieces in your ear, because people will switch back and forth between English and French. It's so you don't get delays. That way, you'll be able to hear, and it's better for the interpreters.

For people online, use the “raise hand” function, and the clerk will help me identify you.

I want to thank everyone for being here.

As individuals, we have Kathryn Fournier; Ryan Beaton, lawyer; Jeannette Corbiere Lavell; Mary Hannaburg; and Dawn Lavell Harvard, director, First Peoples House of Learning. We have, as Edmonton Stragglers, Steven Bentley, elder and band politics committee member, and Mark Nixdorf, elder and band politics committee member.

Welcome.

We'll start with the individuals.

Kathryn and Ryan—whoever will be speaking—you have five minutes. I'll let you know when you have about 30 seconds left so you can wrap up your thoughts. There will be a lot of time for exchanges in the rounds of questions and answers.

Go ahead, please.

Kathryn Fournier (As an Individual): Thank you very much.

I'd like to start by telling you a bit of my family's history.

My dad was francophone, my mother Cree and Ojibwa. Her parents—my maternal grandparents—spent many years in a residential school and married after leaving the school. Mostly, they lived in Indian country, but they moved to Kenora just before my mother was born. My grandfather enfranchised in 1922 in order to vote, because Kenora was a place where he could possibly vote if he wasn't an Indian. At that time, his family was automatically enfranchised, so my grandmother, aunts and uncles were automatically enfranchised.

My mother was born after that, so she never had status. She received status in 1985 when the Indian Act was changed, but she received a very limited status that she could pass only to her children. Growing up, we always knew that story about the Indian Act and enfranchisement, but we could never imagine challenging the Indian Act or that idea. While enfranchisement was well known by my family, it was never talked about anywhere. Even as the context of what you might call “indigenous rights”, “recognition”, “self-government” or those kinds of things began to come into the public discourse, enfranchisement, as far as I knew, was never talked about. I didn't know any other families with this history.

Then, several years ago, I heard about a case in Quebec regarding enfranchisement, in which INAC was taken to court. That case was won by the plaintiff. It led me to Ryan and the two families he was working with on enfranchisement. Our three brave little families, with Ryan's support and leadership, decided to challenge the Indian Act and the Government of Canada on the enfranchisement provisions. That's what led us here today.

I will let Ryan explain the ups and downs of the legal challenge and legislative process. All I will say is that, when we began this process, I was astounded by how many people contacted me after hearing about this challenge to the enfranchisement provisions. They told similar stories, and we learned more and more about how many families had a history of enfranchisement. It proved to me, even more clearly, that the goal of enfranchisement was not just to “reward Indians of good character”—as it was presented to my grandfather back in 1922—by letting them become citizens of Canada. It was also to remove, once and for all, status Indians from the calculus of this country, which I think we can agree meets certain definitions of a genocidal approach.

We are very glad to be here today and to see this work being undertaken.

Thank you.

The Chair: Thank you very much.

Ryan Beaton (Lawyer, As an Individual): I want to add something, as an initial matter, that it's really important to understand: Unlike in the McIvor and Descheneaux cases, in this case the court ordered a tailored remedy. If it went into effect, it would not hinder anyone else's ability to register or Parliament's ability to go further in changes if it wanted to.

I'll briefly note what the court said on this point:

> In summary, the Declarations would remedy the precise Charter violations identified by the plaintiffs, as conceded by Canada, without restricting any entitlements or benefits under the Indian Act and without limiting Parliament's ability to craft any further legislative changes that it may consider appropriate.

I want to stress that there's no need to hold hostage the charter rights of the plaintiffs and those like them, whom the court has identified as having their rights violated, in order for Parliament to carry on the work of Bill S-2 and decide whether it wants to remove the second generation cut-off and go broader. We would certainly urge Canada to stop fighting to stop the court order from going into effect. If that went into effect, it would deal with the charter violations already identified, and Parliament would be free to pursue its debate on Bill S-2 without the pressure of a court-ordered deadline. I think it's really important for the committee to understand that point.

The Chair: Thank you very much.

Next we have Jeannette Corbiere Lavell. You will have up to five minutes.

Jeannette Corbiere Lavell (As an Individual): *Meegwetch*.

[*Witness spoke in Anishinawbemwin and provided the following text:*]

Aanii, boozoo. “Keewedanoung” ndiz niikaaz. Makaadekek n'dodem. Anishinabekwe n'daaw. M'nidoominissing doonjibaa.

[*Witness provided the following translation:*]

Hello, greetings. “Northstar” is my name. Blackbird is my clan. I'm from Manitoulin Island.

[*English*]

Good morning, everybody. My name is Jeannette Corbiere Lavell. I am the E-niigaanwidood E’Dbendaagzijig, the citizenship commissioner for the Anishinabek Nation. We represent 39 first nations across northern Ontario with a combined population of 70,000 citizens, or one-third of Ontario's first nations population.

E’Dbendaagzijig means “those who belong”. We adopted our E’Dbendaagzijig Naaknigewin based on the one-parent rule. I am mandated to assist our first nations in the exercise of our inherent right to self-determination. Last year we adopted the Declaration on E’Dbendaagzijig, which is the foundation of our jurisdiction and our first nations citizenship laws.

I must be clear: We know who belongs. We know our families, our people. E’Dbendaagzijig Naaknigewin is distinct from Indian status, which is determined by the federal government. These two must not be mixed up.

With respect to Indian status, Canada must end the sex and race discrimination now. You can do this by passing Bill S-2 as amended.

I live on the Wiikwemkoong unceded reserve. In 1970, two weeks after I married a non-status man, I received a letter from Indian Affairs: “Jeannette Corbiere, you are no longer a member of the Wiikwemkoong unceded reserve. Find enclosed a cheque for $35.”

That was it. That was all my rights were worth—$35. Why should I lose my connection to my people and my sense of belonging? This is where I was born. My family and my relatives are here. My ancestors are buried here. If I returned, I could have been charged with trespassing and hauled away by the police. That's the way it was.

I began a lifetime of fighting sex discrimination in the Indian Act. I am the plaintiff in the 1971 case of the Attorney General v. Lavell, which challenged paragraph 12(1)(b) of the Indian Act. I argued that the provision violated the equality clause of the 1960 Canadian Bill of Rights by discriminating on the basis of sex. The judge suggested I should be happy because a white man married me and because I was better off, but I didn't give up. We've seen a few victories over the years. However, I'm still here before you, fighting, because young people now are facing the same stripping of rights that I did in those early days.

In my Anishinabek Nation, we follow a one-parent rule. We know who our people are—E’Dbendaagzijig, those who belong. Eliminating the second generation cut-off, following a one-parent rule and supporting our first nations' inherent jurisdiction to decide who belongs is the way for the Government of Canada to right its wrongs. This is the only way to stop the forced assimilation that I faced when I married and that our young people are facing today.

It's also really sad for me to say that this forced assimilation is still going strong. Because of Canada's laws, some of our 39 first nations in the Anishinabek Nation are 50% subsection 6(2) status Indians. I know what this means for our collective nations. This means the Government of Canada is legally extinguishing our people.

Now we hear that the government—you—wants to keep consulting through the collaborative process. My Anishinabek Nation says to eliminate the second generation cut-off. You don't need to wait for those consultations to make it right. You have consulted us for quite a while now.

● (0820)

The Chair: Jeannette, you have 30 seconds.

Jeannette Corbiere Lavell: Okay.

All I want to remind you of is this: End the second generation cut-off and return our women, children and grandchildren to their rightful place, where they belong. You can do that by eliminating the second generation cut-off in Bill S-2.

● (0825)

The Chair: *Chi-meegwetch*.

Next, we have Mary Hannaburg for five minutes.

Mary Hannaburg (As an Individual): [*Witness spoke in Mohawk*]

[*English*]

My name is Mary Hannaburg. I'm a member of the Kanesatake Mohawk community, and I live on the territory. I am a mother, a grandmother and an aunt.

Thank you very much for the invitation to the people's house.

In 1996, I went to see Sister Mary Two-Axe Earley, a pioneer woman who fought alongside all the other women, and who also fought with Nellie Carlson. Before she passed away at the hospital, she told me on her deathbed that it was up to me to continue the fight.

I'm here today. It's been a long and arduous fight. Throughout the decades, I've been involved in the fight that has seen Bill C-31, Bill C-3 and Bill S-3, following the Descheneaux decision. I've fought alongside many other women in the same fight for equality against the ongoing discrimination in the Indian Act.

This is what I have seen. It's a non-priority with the government. It doesn't matter; it's not a priority.

As a mental health worker in my community, I have witnessed that the second generation cut-off impacts community members on a day-to-day basis. These impacts include loss of culture; loss of language; no access to services, such as psychologists and therapists covered by non-insured health benefits; no medical transportation—you cannot ride the bus; no educational funding; no access to culturally appropriate resources, such as detox centres, especially with the growing problem of alcohol and opiate addiction; inability to own or inherit land to build a home; inability to participate in voting for your elected leadership in your community; and inability to be buried in a cemetery with your own kin. This is how it impacts our lives on a daily basis.

Exclusion and denial of services equal loss of sense of belonging, loss of hope, loss of purpose and loss of connection. The discrimination has an impact on our sense of belonging, which is a fundamental human need. You feel less than. You're not enough. It causes grave psychological, emotional, spiritual and economic harm.

There is a Kanesatake Mohawk community-specific data sheet. You will each receive one or you have them. As of December 31, 2025, 36.54% in section 6(2) are registered. This is what genocide looks like.

I've seen that community members are impacted; yet, they are reluctant to speak out for fear of outing themselves because discriminatory policies have been internalized. I have seen incited violence within my own community as a result of the lack of resources. It would be irresponsible to bring about these changes without the necessary addition to community funding. I will give you an example of a blanket. Adding more people to the blanket, which represents the resources, means it never gets bigger. This is what causes violence and racism.

The MMIWG2S+ report in 2019 explicitly identified discriminatory policies as having a direct connection with increased violence towards indigenous women. It broadened the gap and increased the risk.

I agree with Mr. Troy Chalifoux, who presented in the previous session. The work has already been done for you.

There are ongoing talks of consultation, when the solution has already been brought forward on many occasions and in various documents. Lengthy litigation has been taking our precious time away from our families, when the government knows that this is a discriminatory policy and practice. It is reluctant to change under the guise of a need for additional consultation, knowing that no consultation was had when my mother was stripped of her rights. It was devastating for my mother. Her broken connection was stolen from her. My mother was a fluent speaker. She had ties to her community, but she could not live there.

● (0830)

There are solutions spelled out in a document. It's called “Make it Stop!” This document was sent to you.

I would like to see the solutions that are spelled out so that this is rectified before I find myself on my deathbed. I do not want to leave this for the next generation to fight. We deserve to just be.

Governments move quickly on certain bills and laws, such as Bill C-5, without any long-term consultation. It suits their political agenda. There's no need for broader consultation. Then there's the political will, and it moves.

Please work to pass Bill S-2 with the Senate amendments. We've waited far too long.

Niawen'kó:wa. *Skén:nen*. Peace.

The Chair: Thank you very much.

Now we have Dawn Lavell Harvard for five minutes, please.

Dawn Lavell Harvard (Director, First Peoples House of Learning, As an Individual): Thank you. *Chi-meegwetch*.

[*Witness spoke in Ojibwa*]

[*English*]

I'm the director of the First Peoples House of Learning and a former president of the Native Women's Association of Canada. As director, I'm responsible for the academic success, health and well-being of hundreds of our first nations youth each year. I'm here to share what I've learned, after spending countless nights in the emergency unit with yet another first nations youth who has tried to end their life.

We know that culture saves lives. Having a strong identity and a strong sense of community saves lives. Knowing who you are and where you belong gives our young people the strength to continue on living. If we care about the lives of our first nations youth—and I truly believe that everyone in this room does—I'm here to tell you that, with respect to Indian status, Canada must end the sex and race discrimination now. You must pass Bill S-2 exactly as amended by the Senate, as quickly as you can, to end the second generation cut-off before more lives are lost.

In 1985, when the subsection 6(2) category was created, the government created a legal situation that is still causing irreparable harm to our young people. We know, as Mary said, that having a sense of belonging is vital for our mental health, yet every day we see first nations youth who are in crisis, who feel that they don't belong in their first nation, that they don't have a right to be there. In fact, back in 1985, Canada passed legislation to ensure that they don't have a right to be there, that they don't have a right to belong and that they don't have the same rights as their cousins.

There are 14,000 children since just 2019, according to ISC's own numbers, who have grown up without rights: without the rights to language and culture programs, without the right to even play on the hockey team in their community. They're sitting on the sidelines and watching their cousins and siblings. Our youth are being told, right to their faces, that, because they are 6(2), or they are non-status, they don't belong in our first nations, they don't belong at our ceremonies or at our fires.

Our youth are being attacked on social media. They're being told that they're taking up resources that should be for the “real” Indians—and we wonder why we have a mental health crisis. Suicide rates among our youth are six times higher than among non-indigenous youth, and that's according to the government's own statistics. Suicide and self-inflicted injuries are the leading cause of death for first nations youth and adults up to 44 years old.

Canada must correct what was made wrong in 1985. We are not talking about going back hundreds of years to some distant ancestor. We are talking about the children of our current 6(2) band members. We are talking about babies, children and youth. Canada needs to make this right so that we can tell all of our children that they belong. Our teachings tell us every life is precious. Everyone says, “All lives matter.” Even one life lost to suicide is too much.

I have spent over 52 years at my mother's side, fighting against this discrimination, and I am still here, fighting, because our children deserve better. Why, after 55 years, are we still continuing study after study, delay after delay, instead of eliminating the root cause? We have an opportunity to make a change. We know this is causing harm. If we're not acting to stop the harm, then we are, in fact, complicit.

In some of our first nations, up to 50% have subsection 6(2) status. We know this means that individual rights holders, like my children and my nieces, who are working hard to achieve their dreams, are the end of their line. Our people have been on this land for over 60,000 years—and yes, we have the archaeological research to prove it—but they are going to be the end of that line.

We also know that, for our collective nations, this means the legal extinguishment of our people, and so, unless this was the intention and still continues to be the intention, this must stop. We've been part of the collaborative process. You've heard from our elders and youth, and I really believe we must act now before we lose even one more youth.

We don't have time for more studies. We can debate numbers. We can talk about costs. We can talk about the 320,000 people over the next 40 years—which works out to about 12 per band per year—or we can pass Bill S-2 as amended, end the second generation cut-off, tell our young people that they belong and end this legislative distinction policy.

Exactly 10 years ago, in May 2016, I stood at the United Nations behind Carolyn Bennett, when the Liberal government said it was signing on to the United Nations Declaration on the Rights of Indigenous Peoples. I was standing behind her because our tradition is that you physically get up and you stand behind the people you believe in. You stand behind them to show them support.

● (0835)

I was the first one to stand up behind her when she said that this government was signing on to the United Nations Declaration on the Rights of Indigenous Peoples.

Ending the second generation cut-off does not violate the UN declaration. It is not telling our first nations who their people are. It's in fact removing a barrier that prevents us from accepting who we know our people are, because we must remember that Indian status is distinctly separate from band membership. There are processes for bands to develop their own membership. This is not in any way infringing on the United Nations declaration or the rights of our bands, our inherent rights. This is about lives. This is not about numbers.

Every day on social media I see people fundraising millions for some treatment. If we would pay millions for one person or hundreds of thousands for their cancer treatment, how much does one life in our community, one of our children...how much would we pay? Let's stop debating about how much it's going to cost.

Chi-meegwetch.

The Chair: Thank you, Dawn.

Next we have Steven Bentley, elder, from the Edmonton Stragglers.

Steven Bentley (Elder and Band Politics Committee Member, Edmonton Stragglers): Good day.

My name is Steven Bentley. I represent the Edmonton Stragglers, a historically removed band that was made up primarily of women and represents one of the earliest legislative removals using gender.

We have a story that's rooted in Bill S-3 legislation and has harbingers for Bill S-2. We appear before you today to speak to the origins of continuity and the present-day legal reality of the Edmonton Stragglers, an indigenous collective whose existence has been documented, administered and yet paradoxically denied.

The registrar is registering our people per section 11, band membership regulations, from our band list of the Edmonton Stragglers, but the registration is fraught with difficulty, both in obtaining the requisite information and in privacy concerns of the department, creating a bottleneck and impeding timely and complete registrations.

We ask Minister Alty, who has the discretion under the power of "may", to direct Indigenous Services Canada, ISC, to engage with us to overcome these issues and move on to empower the rights of our ancestors' women, allowing their descendants to form a chief and council and thus to fully engage with the Crown.

We ask further that a dedicated registration expediter be appointed to address the ongoing delays in systemic inefficiencies in the Indian status registration process, a model similar to the expedited passport processing "90 days or it's free" agenda. It would introduce accountability and timeliness into a process that currently leaves applicants waiting years. Justice delayed, in this case, is justice denied.

We also submit that a second generation cut-off should not be rigidly applied to those being now registered under Bill S-3. A more equitable approach would be to allow third-generation registration for our members whose exclusion was rooted in historical discrimination.

This is not expansion. It's restoration, which is unique to our case and thus differentiates us from other instances of corrective measures of other peoples who were never on pay lists, whilst our people spanned over 100 years of enrolment. They have demonstrated treaty community connections dating back to the Two Row Wampum and the Selkirk Treaty of 1817 before reclassification by Canada, which allowed for processing under inferior legislation protected by the fourth clause of the 1850 Indian Act and other legislation.

The Edmonton Stragglers were not a transient or incidental grouping. We were a recognized band explicitly identified in the public record as a band of Indians who owned land in the Edmonton vicinity. Our members were enumerated, tracked and governed through the colonial administrative systems, including Hudson's Bay Company records, ecclesiastical records and early census instruments tied to imperial Crown obligations.

Despite this clear documentary foundation, the Crown later advanced a legal fiction that scrip extinguished our collective identity and rights. Scrip, in practice, did not function as a lawful extinguishment mechanism. It was inconsistently applied, often coercive and, critically, it targeted individuals, not the collective identity of a band. The notion that it erased a people is unsupported in law and fact.

Today, under the amendments of Bill S-3, we are witnessing a quiet but profound contradiction. The federal registrar is actively reconstructing the very ban list that Canada once treated as extinguished. Individuals are being registered precisely because their ancestors were last recognized on the Edmonton Stragglers list. This is not a revival. It's a confirmation of the continuity of our community, and that continuity carries legal consequences.

Under section 11 of the Indian Act, control over band membership flows from recognized band lists. What now exists is a growing population of entitled people—our families, whose lineage traces directly to this list—without the corresponding recognition of the band entity itself. This creates a structural inconsistency: a band list without a band.

The historical reason for this fragmentation is clear: sex-based discrimination embedded in the Indian Act. Our women lost status upon marriage; our children were excluded, and entire family lines were administratively severed. The result was not extinction but dispersal.

I will turn this over to my colleague—

● (0840)

The Chair: You have 30 seconds to contribute, but we have quite a bit of time in the question and answer period too.

Mark Nixdorf (Elder and Band Politics Committee Member, Edmonton Stragglers): *Tansi, asiniy awâsis*. My name in Cree is Stonechild.

To carry on from where my colleague left off, we are now engaged in correcting that injustice, but the process is slow, burdensome and incomplete. Many of our families remain one step away from registration or reoccurring administration completion. However, the passage of Bill S-2 would expand entitlement, further compounding an already strained system.

Finally, the legal continuity of our claim is not speculative; it is grounded in clear legislation and constitutional lineage. The Royal Proclamation of 1763, the 1847 provincial census framework and 1850-57 Indian legislation defining indigenous belonging—

The Chair: Mark, we're going to have to move on to questions. I think everyone wants to ask you guys questions, because the time is up for the presentation. Please submit your stuff that you have in writing to us as well. People will ask you questions and you'll be able to pull it out, because we're over the time and we want to have the exchange between you and our members.

First up are the Conservatives. You'll have six minutes for questions and answers.

Billy, you're first.

Billy Morin (Edmonton Northwest, CPC): Thank you, Chair.

Thank you to our guests for coming today.

I want to start with Ms. Lavell Harvard.

You mentioned you were at the UN and were standing behind former Liberal minister Carolyn Bennett, and she was endorsing the United Nations Declaration on the Rights of Indigenous Peoples.

I've been a first-time MP for the last year. The government's very good at making announcements but not necessarily good at follow-through or actual substance for real reconciliation. What does it say about the government when its members can make those announcements—you can stand behind them—but they've made no indication that they'll get rid of the second generation cut-off?

Dawn Lavell Harvard: This is exactly the thing. It needs to be more than a performative moment, standing in New York. Carolyn Bennett literally got a standing ovation. I was the first person to stand up behind her; the entire room stood up, and the entire world was watching.

The entire world is still watching to see if the government is willing to walk the talk and make the changes. This is why the United Nations declaration is so important. It says that we have the right to determine who our own people are, our own members. This barrier, the second generation cut-off, is preventing us from exercising that right.

I truly believe the Government of Canada can continue in honour, walk the talk, be more than performative and actually make a change. This is the moment right now to show that it was more than a performative action and that it's more than just Conservatives versus Liberals. This is about Canada, what Canada stands up for on an international stage and how the world sees what Canada stands for.

● (0845)

Billy Morin: Thank you.

I want to go to Ms. Hannaburg.

You were talking a lot about real life, tangible things in communities. I've heard these testimonies over the last six months. I lived it myself on my own first nation. One kid gets to be on the hockey team, but another kid doesn't get to be on the hockey team. One kid gets to go to school on the bus, but the other kid, who's their first cousin—or even their sister or brother in some cases—doesn't get to go on the bus. It's really good that you were talking about real-life situations. We've heard those testimonies.

Can you elaborate a bit more on those? The government has committed to doing Jordan's principle. They've made some announcements in that regard, but I'm reading, and even the Jordan's principle qualifications say, “is registered or eligible to be registered under the Indian Act”, “has one parent or guardian who is registered or eligible to be registered under the Indian Act”, “is recognized by their nation for the purposes of Jordan's Principle” and “is ordinarily a resident on reserve”.

Can you see that the second generation cut-off also inhibits kids from rightfully getting the support they need?

Mary Hannaburg: Certain funding is specific, and certain services want to have the band number. The indigenous service number clears the way. It clears the way for our community because council and leadership understand per capita. The per capita opens that door. We have people who are waiting for a long time to see a psychologist because the psychologist wants only the band number. You cannot even go in as a family under one band number; they want the band number for that particular person. If you have a child who needs a special therapist and we have the therapist in the community, that's too bad. Your child will not be seen. We are excluded. There are exclusions.

In my own family, my son has a daughter. My granddaughter is registered because my son was born in 1974. He had a child, and she's registered. My daughter was born in 1989, so—too bad—it's past the cut-off date. How does that make sense, that one from the same parent, from the same community, living in the community, trying to participate...? There are others; there are not only mine. I get up and speak, regardless of how I'm going to be treated. I've had racism. I've had violence in my community. We've had people show up and beat up my nephews because we had taken a home. We needed a place to live. This is what goes on in our daily lives, and this has to stop. It is insane. It is perpetuated by the Indian Act. The second generation cut-off is the barrier right now. We've gone through all the other barriers, but it's taken years of litigation and court proceedings.

Billy Morin: I'm sorry to cut you off. I have one more minute.

You mentioned politics earlier. We've heard that it seems to be using consultation as a shield, but it doesn't consult on other bills, so there's a double standard. Do you feel as though the reconciliation of the government has become performative?

Mary Hannaburg: I've seen it over many years. I've been through so many ministers that you would not believe it. Every minister that has represented indigenous affairs, whether it is Marc Miller, Gary Anandasangaree or Patty Hajdu, all of them.... You go and talk to them, and they say, “We're working on it.” It's performative. It's words without concrete actions and results. In the end, they start avoiding us because they know we're going to be continuing. Every day I send a letter to this Parliament, to the House of Commons. All the Liberals and all the other people have received a letter requiring that Bill S-2 be worked on. I brought one today for the INAN committee. I've sent one in the past. I will continue.

● (0850)

The Chair: Thank you, Mary. We have the letter, and I truly appreciate that.

Mary Hannaburg: Thank you very much.

The Chair: Next we have Lori for six minutes. She's online.

Lori Idlout (Nunavut, Lib.): *Qujannamiik*.

Thank you to all the witnesses for sharing their experiences and the importance of making sure that we address discrimination in the Indian Act. I've heard clearly that there continues to be discrimination.

It's wonderful to meet you, Kathryn, at least virtually. My question for you is about the Senate amendments and the consultation that might be required.

We've heard, for example, from the admittance regulars one set of recommendations to make a fix. We've heard that, for example, the Senate amendments include a solution as well. We have different solutions that have different potential impacts for different first nations. I wonder if you could share with us why it would be important to learn what the most appropriate solution will be to avoid a situation such as the one in which you sought legal action.

Thank you, Kathryn.

Kathryn Fournier: Thank you very much for the question. I would like to let Ryan, as well as our legal counsel, respond to some of the points that you're raising, Ms. Idlout.

One thing I will say is from my own family's experience. My mother, who was the daughter of two status Indians in their own right who endured residential school, didn't have status because of enfranchisement, as opposed to the marrying out kinds of reasons. She was provided the most limited subsection 6(2) status in 1985 when she applied for status. It allowed her to pass that only to her children.

In the case of the three families and then all the other people we've heard from since, we realize that the issue, at least for us, is that enfranchisement caused a whole different series of procedures and policies to come into play for those families that have the experience of enfranchisement. In my view, there are differences between that and the second generation cut-off issues.

Certainly, I think we have heard enough on enfranchisement to know that a remedy is required for it. In fact, when the original Bill C-38 was introduced, the minister at the time, Patty Hajdu, said it would be as though enfranchisement never occurred. That's what we have been looking forward to, aiming at and working toward for this last number of years.

I can let Ryan speak a little more to the actual issues involved. My understanding is that in Bill S-2, provisions were included to address other outstanding issues within the Indian Act, although the work began with our three little families on enfranchisement as an important enough, strong enough and complex enough issue on its own. I'm not able to say whether the inclusion of other issues in Bill S-2.... That's for others and those around this table to decide.

I will say that enfranchisement was identified at the time by Canada and by the ministers of what I still call INAC as being a wrong that required resolution. It required being righted. That's why we're here.

Perhaps Ryan can speak a bit more to some of the specific questions you've raised, Ms. Idlout.

The Chair: Ryan, you have just over a minute, please.

Ryan Beaton: I'll say that the plaintiffs in Nicholas have collectively asked me to tell the committee that they support the Senate amendments. They support removal of the second generation cut-off. They know what it is to be separated from their communities. They don't want the second generation cut-off to remain in the act in their name with the excuse that there needs to be a narrower fix for the Nicholas case.

As I've stressed, the court order in Nicholas is a tailored remedy. If it goes into effect, it does not hinder anyone else registering. It does not take entitlements away from anyone who's different from what the situation was in McIvor and Descheneaux. We say there's no reason for Canada to keep fighting to prevent the court order from going into effect in order to allow Parliament to continue to debate Bill S-2.

Canada said in court that there's an issue on how the court order would apply in B.C. and not outside. There's a very easy solution, which is an order on consent from the Federal Court. It's been done in previous cases in which Canada has accepted that the law is unconstitutional, as it did here.

There's a very easy fix so that the charter violations that have been identified can end, while Parliament can continue its debate on Bill S-2.

● (0855)

The Chair: Thank you. That's the time we have.

Next, we go to MP Gill.

[*Translation*]

You have six minutes.

Marilène Gill (Côte-Nord—Kawawachikamach—Nitassinan, BQ): Thank you, Mr. Chair.

I'd like to thank all the witnesses joining us today.

I listened carefully to what you said. You mentioned genocide and discrimination several times.

I get the impression that if certain political parties have reservations about passing Bill S-2, it's because of the Senate's amendments, including the abolition of the second-generation cut-off rule.

When we speak about genocide, we're speaking about language, identity and culture. Fundamentally, it's identity that is lost.

What do you think explains the government's desire to further delay the passage of the bill? When we speak about genocide and discrimination, I wonder whether that's really the question the government wants to ask the various communities. I don't think anyone would say they support discrimination or genocide. What would motivate the government to consult first nations?

At the same time, I ask you: Are we ready to vote on this bill?

Ms. Hannaburg, I'll give you and all the other witnesses the floor for the remainder of my time so you can indicate whether you support consultations or not.

Thank you.

[*English*]

Mary Hannaburg: I see the government as utilizing.... This is another thing I didn't get a chance to say. We're tired of being held hostage. We feel as though we're being held hostage. My family feels as though we're being held hostage, because we're being negotiated. This is perhaps an agenda to go further. It's mixing membership, band membership, self-government, and decision-making and self-determination. We're not talking about that. That is for a bigger debate and a bigger discussion with all other nations and other leadership.

We're talking about discrimination in the Indian Act, as well as our ability to pass our lineage on to our children and grandchildren. This is not being respected. We are the only race for which the government dictates who we are as a people. This is unacceptable. I have a daughter and grandchild. To me, it's as though the government is saying this child cannot be recognized, even while that child carries ancestral blood and lives in our community.

The children want to learn the language. They want to be part of the community, but we're not being allowed to because of the status number. It has to do with Bill S-2, and it's cultural. Yes, it is cultural. Everything about living in a community is cultural. We live in a holistic and inclusionary way. When that is being blocked and the funds are not there, you're not included. People start internalizing this racism. It's said to them that they are not native. Cousins are telling cousins. We've heard this before. This is not the new dialogue. Everybody's been talking about this, when children get pulled off the ice because they don't have a band number. They're no longer recognized. This has to stop. It's being perpetuated by the government and the policies within the government.

Bands can determine their membership. There are membership codes they can adopt. Some communities have them. They're worried and concerned about who their members are going to be, so they have a membership code. However, do not put us all into this whole thing about self-determination. The government is muddling everything all together. We're on the sidelines, standing still and waiting for 40 to 50 years to have our equality. We are the only race to be treated like this. This is unacceptable.

● (0900)

[*Translation*]

Marilène Gill: Ms. Hannaburg, I didn't mean to cut you off.

That means we're ready to vote on Bill S-2 with the Senate's amendments, or at least on the first amendment.

Are we ready? Are consultations necessary?

Mary Hannaburg: Absolutely not.

Marilène Gill: Thank you very much.

I'd also like to ask the other witnesses with you the exact same question.

Mary Hannaburg: I'm in favour of the bill being passed.

[*English*]

The Chair: We have one minute. If you want to split it in half, it's going to be 30 seconds for some comments between Kathryn and Dawn, who had their hands up.

Dawn Lavell Harvard: Thank you.

I would like to note that with these federal changes, “The duty to consult is a constitutional obligation that arises when the Crown considers conduct that might adversely affect potential or established Aboriginal or treaty rights under section 35 of the Constitutions Act”. This change, in fact, “enhances equality and rectifies past injustices.”

This is not an adverse effect. This is going to enhance their quality of life and support the perpetuation of indigenous people. Unless somebody wants to suggest that we're not in support of perpetuating the lives of indigenous people, there's no reason to continue consulting.

The Chair: Kathryn, you wanted to comment as well. You have 30 seconds.

[*Translation*]

Kathryn Fournier: Thank you very much, Mr. Chair.

I'd just like to add something to these remarks.

When we talk about consultation, it's true that we can get lost in minutiae that can lead to even more minutiae. As a result, we end up with a sort of endless consultation process.

In response to the member's question, I'd say that consultations can be useful if they are conducted on a sufficiently large scale and cover the basic principles, as the other members have just mentioned. However, there are consultations that go into such great detail that we inevitably reach a point where a certain group, certain individuals, or certain communities say yes to this and no to that, while others say the opposite. I think we're done with that kind of consultation.

[*English*]

The Chair: Thank you very much.

We're still doing questions and answers. We have MP Schmale next.

You have five minutes.

Jamie Schmale (Haliburton—Kawartha Lakes, CPC): Thank you very much, Mr. Chair.

Thank you again to our witnesses on this important topic.

I'll start with Ms. Hannaburg because you were one of the last people to speak.

Given the fact that the dynamics in Parliament has changed from a minority Parliament to a majority Parliament, are you getting a warm and fuzzy feeling from the government that they're going to move forward with these amendments?

Mary Hannaburg: I want to say that there are mixed messages, and they're fuzzy—yes, very fuzzy. They don't seem to want to move, and there are things going on, such as the potential for changing the United Nations Declaration on the Rights of Indigenous Peoples.

It suits certain agendas and policies, as I mentioned. When things suit them, they will move fast. However, adding more people and allowing our communities to flourish is not a priority. Even though there's talk about reconciliation, wanting healthy communities and the determinants of health that they sign with Health Canada, it's not coming through as genuine.

I'm very concerned about that because we need to see some action. Regarding the words that were spoken—for example, when Dawn mentioned UNDRIP—being at the United Nations and standing behind us.... The lip service has to stop. We need to see some action now. We're losing our people. This is genocide policy. We're moving toward genocide. We don't know how many years, but some of the communities are in their last generation of being able to pass on status. We have to move on this, and we have an equal responsibility to keep those communities healthy.

This is why we're here today. We want to speak about the injustices that are going on, along with the barriers and obstacles that have been put in front of us. We must have those barriers and obstacles removed.

● (0905)

Jamie Schmale: There are a few things I want to dive into from your opening remarks. They tweaked my interest.

Your seatmate, Ms. Lavell Harvard, reacted to my first question.

Maybe I could get a comment from you. I also have a question about enfranchisement. I have a limited amount of time but a lot of questions.

Dawn Lavell Harvard: I would like to jump in because I have a history with this particular government. I was one of the national leaders who stood with the former prime minister at sunrise. We were all stumbling around in the dark at four o'clock in the morning on Parliament Hill in the first sunrise ceremony. In our first national leaders meeting, the Liberal government said, “There is no relationship more important” to this government than that with indigenous peoples, first nations peoples.

If this does not go through, and if we continue to delay and use consultation as a stalling tactic, then that comment will be proven false. We really need to see this government uphold its commitment to our people, in front of our elders, our youth and all of our national leaders. It was the commitment it made on those territories and that land, saying that this relationship is important. The most important part of the relationship is whether we continue to exist.

Jamie Schmale: I have about 90 seconds left, and I have two or three questions. I'll quickly go to you, Ms. Hannaburg, but I really want to get to Ms. Fournier as well.

You mentioned cost in your opening remarks. We've heard the department say costs. There's the monetary costs and the humanitarian costs as well. When you have this gigantic budget with ISC, it's really minimal when you look at it.

I don't want to take up too much time. In 30 seconds or less, can you explain the cost? I think it's more the humanitarian cost, as well, that you were mentioning,

Mary Hannaburg: Basically, it would be the cost that goes to communities when they're putting out a budget to make sure that it will match the needs of the people, the new registrants. There is cost and there are programs. Indigenous Services needs to tally the cost per person, per capita, and increase it so that there is not this racism and hatred with people saying, “Oh, you're taking away.... You're pulling at my little end of the blanket. You're coming here, and you're taking our resources.” We've seen this before. This has created violence. We've witnessed violence because of it.

The Chair: I think that's all the time we're going to have.

Perhaps all of you could submit that in writing so we could have it, because I think it's a good question.

We have to go to our next questioner, and that is MP Lavack.

[*Translation*]

You have the floor for five minutes.

Ginette Lavack (St. Boniface—St. Vital, Lib.): Thank you very much, Mr. Chair.

I thank all the witnesses joining us today. We're so grateful for their testimony and their presence.

First of all, we all agree that the Indian Act is extremely discriminatory and has caused immense harm. We're here because we want to address the provisions of this act that cause such harm.

I'd also like to point out that I disagree with my colleagues who say the government is doing nothing toward reconciliation. We're taking concrete steps. Over the past year, the government, as well as the Minister of Indigenous Services herself, has publicly committed, on multiple occasions, to correcting the act with respect to the second generation cut-off. The question is not whether we will do this, but how we will do it. I wanted to mention this because it is important.

When Bill S-2 was drafted, it was intended to address the issue of enfranchisement. Ms. Fournier, can you tell us more about the real impact that enfranchisement has had on you and your loved ones?

● (0910)

Kathryn Fournier: Thank you for your question.

I have to say that I don't use the word "*émancipation*" when I talk about the situation in French. I say "enfranchisement" because the word "emancipation" reminds us of the emancipation of slaves. There may be some similarities, but I don't use that word.

My mother spoke of the "enfranchisement" she experienced when she was younger. She knew who she was. She was the child of two people who belonged to a particular community but had left it to spend several years at a residential school. As a result, she didn't feel a sense of belonging to that community. We've also heard other witnesses speak of that same feeling. It was very significant for her in her life.

In one of the two other families involved in the legal case Mr. Beaton mentioned, there was an enfranchisement process so that the children wouldn't be required to attend residential school, because at one point, it was mandatory for indigenous children. Those people described by the other witnesses experienced the exact same thing: a sense of disconnection and a lack of belonging to their community.

I also think about my children. I've had my status since the steps my mother took in 1985, but my children weren't entitled to it, even though their grandmother is indigenous. Above all, it is about being able to identify as members of their community, and speak openly and proudly of their heritage.

Ginette Lavack: Do you think Bill S-2 needs further modifications in order to settle the "enfranchisement" issue, or is the clause that talks about it sufficient as it is?

Ryan Beaton: Both versions of the bill would resolve the issue raised in our litigation. As I mentioned, the plaintiffs asked me to tell the committee that the narrower bill should not be passed on their behalf. There's no reason why Parliament should limit itself to the narrower remedy proposed in the initial version of the bill. Parliament could certainly be allowed to debate and adopt broader remedies.

Ginette Lavack: Thank you.

The Chair: Thank you very much.

[*English*]

Our last questions go to MP Gill.

You have two and a half minutes.

[*Translation*]

Marilène Gill: Thank you very much.

Two witnesses, Ms. Lavell Harvard and Mr. Bentley, didn't have an opportunity to answer my question, so I'll briefly restate it: Are we ready to pass this bill, with the Senate's amendments, without consultation?

I'll give them some time to respond.

[*English*]

Steven Bentley: Thank you for the opportunity to speak to that.

The issues have affected our community in several very stringent ways. The community was one community, and it was severed at the time of treaty, when we were cookie cut into several distinct bands. There was a remnant that was processed under law and removed from the communities and therefore had to try to exist.

Over time, we impacted the registered communities, because we were still related by family and we married into or married out of those communities. As one issue, I have nephews who were born on or into a treaty community, and they experience the same rejection, I guess you would call it, because they don't have the same status. Even though they have Bill S-2 status, it's not enough for them to be fully appreciated by the community as full members.

Other things have happened that dispersed our people quite a bit, so it's been harder for us to keep our community history together, but whenever we come together at any event, our history blooms and comes back. It shows that we still have a vibrant and strong connection although it has been impacted by the enfranchisement rules.

These were very historic, but they impacted a historical Indian community that was extant when Canada showed up, and they chose to have different rules than the imperial Crown. In this way, we were treated in a separate and different way and processed differently than, say, peoples in Ontario or Quebec. There are differences in that way as well.

It has impacted our people in many ways, too, because we have this strong loss of a sense of identity, and even though we were present in the diaspora and we were always recognized as being Indian, we never had any connection to express that. It was very frustrating, because in many ways we experienced the racism from both sides over that time, and it's been difficult to comprehend.

With the passing of Bill S-2, I think that restoration would be complete.

As far as—

● (0915)

The Chair: Thank you very much.

That's all the time we have.

Thank you ever so much for your testimony and sharing your stories. This is very important.

Chi-meegwetch.

We're going to suspend and go to our next panel.

● (0915)

_____(Pause)_____

● (0920)

The Chair: Welcome back, everybody.

We're going to start with the testimony online.

From the Council of Yukon First Nations, we have Grand Chief Math'ieya Alatini.

You will have five minutes to present, and I'll give you a 30-second warning to wrap it up.

Thank you. You may proceed.

Grand Chief Math'ieya Alatini (Council of Yukon First Nations): Thank you.

Good morning. Thank you for the invitation to speak.

[*Witness spoke in Southern Tutchone and provided the following text:*]

Danche eyinje Mathieya. luan Mün a keyi kwaché.

[*Witness provided the following translation:*]

Hi, my name is Math'ieya; I come from Kluane Lake area.

[*English*]

I'm zooming in from the traditional territory of Kwanlin Dün and Ta'an Kwäch'än Council in Whitehorse, Yukon.

My name is Math'ieya Alatini. I serve as the grand chief of the Council of Yukon First Nations and as the AFN Yukon regional chief. I'm a citizen and former chief of Kluane First Nation, a self-governing nation and modern treaty holder in southwest Yukon.

I'm speaking today as a representative of Yukon first nations—that is, 11 modern treaty holders and three nations still under the Indian Act. All of those nations carry both the promise and the burden of Canada's laws.

I want to begin by thanking the senators for truly listening to first nations' testimony and understanding that testimony, as well as for having the wisdom and, as my mom says, the gumption to amend Bill S-2 to end the second generation cut-off. I want to state clearly that we support the swift passage of Bill S-2 exactly as amended by the Senate.

I speak to you today as a subsection 6(2) status Indian whose family has survived several generations of Indian Act discrimination. My 97-year-old grandmother lost her status after having children with a non-status first nations man, or an enfranchised first nations man. My mother was enfranchised not because she was any less Dene or Kluane but because of an arbitrary Indian Act clause. The Indian Act turned a family matter into a tool of assimilation. My mother was later reinstated under Bill C-31 as a 6(1), and I am now a 6(2). My children's other parent does not have status, so my line ends with me.

This is not reconciliation; this is legislated extinction. The system divides our families into haves and have-nots, barring kids from programs and services and turning identity into paperwork. In the Yukon, we see this every day in health, education and sport when non-status first nations kids are excluded from activities with their status cousins. They're turned away from tournaments that build connection and pride. In civic life, non-status family members cannot vote or lead in some of their home nations. This erodes identity and community belonging. In public health and safety, in the time of opioid poisonings and violence, anything that disconnects our youth from people within our communities deepens their risk.

"Reconciliation" is a verb, and it requires action once the truth is known. The truth is that the second generation cut-off is a discriminatory extinction policy. This has been known since 1982, before it was even implemented in 1985. If this government truly cares about reconciliation and not merely litigation management, then it must address all the known discriminatory laws now, not later. Later is not neutral. Every day you wait, more children are cut off.

Bill S-2 must move through the committee urgently to make reconciliation real for the kids impacted by this before the House rises for the summer. Don't make these kids wait another 40 years. Now is the time for action, not weaponizing consultation and conflating Indian status with band membership or citizenship to confuse people, and it's certainly not time to conveniently misinterpret the UN declaration to delay justice.

I want to make clear how much support from first nations there is for this change. In December, I witnessed how chiefs from across Canada worked together to draft a strong, collaborative resolution in support of the passing of Bill S-2, as amended, to end the second generation cut-off without delay and to support a federal framework for implementation after it passes.

● (0925)

The Chair: You have 30 seconds, Chief.

Grand Chief Math'ieya Alatini: This resolution was adopted unanimously at the AFN special chiefs assembly with widespread support. The path is clear. Pass Bill S-2 as amended by the Senate to ensure Canada's compliance with international law and our Constitution, which apply equally to male and female persons. Those who are pushed out must be able to pass on status on equal terms. The second generation cut-off discriminates on the basis of race and sex and must be ended to uphold section 15 of the charter.

The Chair: Thank you very much.

Next, from the Feminist Alliance for International Action, we have Shelagh Day, chair of the human rights committee.

You have five minutes, please.

Shelagh Day (Chair, Human Rights Committee, Feminist Alliance for International Action): Thank you very much for this invitation and for allowing me to present to you this morning.

The Feminist Alliance is a member of the Indian Act sex discrimination working group and calls on this committee and the Government of Canada to support Bill S-2 as amended by the Senate and pass it into law without further delay.

Today I want to talk to you about forced assimilation. Since its introduction, the goal of the Indian Act has been to erase first nations people and absorb them into the non-indigenous population. Settler governments have used many different strategies to control and erase first nations peoples in order to acquire their lands and resources through killing, scalping, starvation, residential schools, forced sterilization and sex discrimination in the status registration provisions of the Indian Act.

The devastating role that sex discrimination in the Indian Act has played in diminishing the size and strength of first nations communities is too often overlooked. By denying first nations women and their descendants Indian status, Canada has forced them into the non-indigenous population, reducing the pool of Indians to whom Canada owes a fiduciary duty. This has hurt the women, their descendants and their nations.

Let us be clear: Status is a legal invention of the Government of Canada. It defines which individuals the government recognizes as holders of indigenous rights and title and who is entitled to benefits and access to programs and services designed for first nations. Canada confers status; when Canada takes it away, it is a profound punishment.

Because the effects of pre-1985 sex discrimination are now entangled with the second generation cut-off, the 1985 cut-off and the two-parent rule, women and their descendants remain at a disadvantage with respect to status and transmission of status even in 2026, 150 years later. However, in 1985, when Canada began ever so slowly to discard bits of the sex discrimination, Canada did not stop its program of forced assimilation but broadened it. Canada introduced half status, or 6(2) status, for the first time and barred transmission of status to those with a parent and grandparent who married out, ensuring that it could continue to reduce the pool of Indians.

The Indian Act sex discrimination working group is grateful to Indigenous Services Canada for publishing the data on percentages of 6(2) status holders in every band in the country, as this permits everyone to see that the extinction of status Indians is the inevitable result of the second generation cut-off, as is the elimination of bands and reserves.

There is no question that the second generation cut-off violates article 8 of the United Nations Declaration on the Rights of Indigenous Peoples. That article guarantees indigenous people the right not to be forcibly assimilated. Canada officially endorsed the declaration, as Dawn said this morning, and passed legislation in June 2021 that commits Canada to ensuring that domestic laws mirror the rights set out in the declaration.

If this commitment is real, Canada must get rid of the second generation cut-off now. In addition to extinguishing first nations in the near future, the second generation cut-off harms first nations, individuals and families right now. First nations women know too well the harms caused by decades of exclusion, which fractures identity and breaks people and communities in social and psychological ways. The second generation cut-off is now visiting these same harms on young first nations women and men.

● (0930)

The Chair: You have 30 seconds, Shelagh.

Shelagh Day: Okay.

In 1967, Pierre Trudeau famously said, “There's no place for the state in the bedrooms of the nation”, but the state has been in the bedrooms of first nations since 1876 and is still there. Prime Minister Mark Carney recently said that a core Canadian value is the freedom for individuals to embrace their identity and love whom they choose. He was speaking about the characters in *Heated Rivalry*. Unfortunately, the value he expressed seems to apply to gay men but not to first nations.

I'm encouraging you to pass this immediately.

Thank you.

The Chair: Thanks, Shelagh.

Next, we have Mary Eberts online.

Go ahead, Mary. You have five minutes.

● (0935)

Mary Eberts (Lawyer, Law Office of Mary Eberts): Thanks very much.

I speak today in support of the amendments made by the Senate to Bill S-2, and I urge its swift passage by the House of Commons.

I am a constitutional lawyer. I taught at the Faculty of Law at the University of Toronto, and I have held chairs at the law schools of the University of Ottawa and the University of Saskatchewan. I have, for many years, also practised constitutional and charter law, and I appeared as counsel in the McIvor, Descheneaux and Gehl cases. That is the perspective I bring to you today.

This hearing is the latest stage in a long struggle—almost 70 years—for justice for women who lost status, and their children.

I honour one of your other witnesses today, Jeannette Corbiere Lavell, who was one of the plaintiffs in a case heard by the Supreme Court in 1974 attacking the marrying-out rules. The Supreme Court ruled against Jeannette Lavell and her co-plaintiff Yvonne Bédard, holding that the marrying-out provision did not violate equality before the law but might well violate equality under the law.

Nationwide efforts were made, successfully, to have a guarantee of equality under the law included in section 15 in order to make a strong guarantee. The case of Andrews v. Law Society of British Columbia was the first one decided on section 15, in 1989. Recognizing the contribution of indigenous women to the development of section 15, Justice McIntyre said, in that case, “The worst oppression will result from discriminatory measures having the force of law. It is against this evil that s. 15 provides a guarantee.” That is a Supreme Court judge describing what is going on under the Indian Act now.

The marrying-out rule did not appear in Bill C-31. Paragraph 6(1)(c) restored status to women who lost it upon marriage, but that did not end the matter. As of 1985, the couple headed by a male who had given status to his wife and the couple in which the wife regained status lost upon marriage were not on an equal footing, nor were their children. Challenges to these inequalities in the McIvor and Descheneaux cases produced legislative changes but did not put the maternal and paternal lines of descent on an equal footing.

What kept the descendants of the maternal line in a subordinate position, and still does, was the 1985 cut-off. They had to be born before April 17, 1985, or of a marriage contracted before that date, in order to take advantage of the equality conferred by the amendments to section 6. These provisions assign and confine people, years and years after 1985, to the pre-1985 era, when women were denied equality with men. Descendants of such women are told, now, that you can only have rights under the charter if you are in the same position Jacob Grismer was in, in 1985, all those years ago.

This committee is at a crucial moment. It can accept the Senate amendments and recommend that Parliament end the discrimination now, or it can insist on keeping the present provisions in effect longer, continuing to threaten the very existence of many first nations. What will keep them in effect? Consultations will keep them in effect, as will people despairing of this process and bringing litigation. The provisions will remain in effect as long as the litigation takes.

I urge Parliament to act now instead of abdicating its legislative power in favour of the judiciary. We now know that the 2017 version of the two-parent rule, second generation cut-off and 1985 cut-off violate the charter, just as their predecessors were found to do. We do not need more litigation to establish that.

In the years before this legislation comes into effect, consultations with first nations can proceed not on whether to end the discrimination—there's no option about that, as it must end—but on how to transition into an ordered world without discrimination, which provides opportunity and belonging to children from either the paternal or the maternal line of descent.

● (0940)

The Chair: Thank you very much.

We will now go to Littlechild Law and Dr. Wilton Littlechild, international lawyer.

Go ahead, Chief. You have five minutes.

Wilton Littlechild (International Lawyer, Littlechild Law): [*Witness spoke in Cree*]

I bring greetings in my language, Mr. Chairman, to all of you.

I have a brief note that I want to share with you, but first I want to thank the Great Spirit for blessing us with another day of life.

Honourable members, I address you briefly to build on the strength of your work. Before I share a story, allow me to thank you for your ongoing courage to lead our nation during challenging times globally.

Last week, the second global summit for indigenous peacebuilding was held during the 25th session of the UN Permanent Forum on Indigenous Issues. Through you, Mr. Chairman, I thank all the delegations from Canada, including some of you here today, for your ongoing contributions to advance reconciliation, peace and justice. Of particular importance were the discussions on Bill S-2, which, with your permission, Mr. Chairman, I'll share with you. First, however, let me go back to the work since the introduction of Bill S-2. Our two delegations that presented before you would like to reaffirm the interventions made then and restate our call for a treaty lens through which we must consider ways forward.

Today, I'd like to propose that we consider together a solution with three elements to it. The three elements are similar to the braid of sweetgrass with the three strands. The strands are the UN declaration, with the American Declaration on the Rights of Indigenous Peoples; the Truth and Reconciliation Commission's calls to action; and the treaty—in our case, Treaty No. 6.

As we look at those three things, I want to tell you the story of how a Cree nation took an approach, which started in 1981 and 1982. After ceremonies for permission, they decided to put into writing a constitution, a treaty-based constitution. On this foundation is a treaty-based government and treaty-based laws. One of those laws is a citizen's law, or a membership law. Implementing the TRC call to action number 43 as a treaty-based government, they incorporated the declaration's articles on treaty enforcement into their constitution.

As it is settled law that treaty rights are human rights, they also follow a declaration that Cree is the official language in their territory. They're currently reviewing their citizen's law, taking into consideration what courts have decided recently, so as to ensure that they respect all four elements of treaty and are in compliance with at least seven articles of the UN declaration, together with the enhancements by the American declaration.

Within this legal framework are the same considerations of Bill S-2, which were the subject of discussions last week at the United Nations. Coincidentally, a 40th year report was tabled last week at the UN, and wouldn't you know it, there's a section on Bill S-2. If I may, I'll quote a couple of sentences from it, Mr. Chairman:

> The path forward for Bill S-2 appears uncertain.... As a result, Bill S-2 will likely face debate and proposed amendments in the House of Commons, further delaying justice for First Nations women and their descendants.

There is also a resolution, which was adopted by delegations in New York, that resulted in a letter that has been submitted to the Prime Minister on Bill S-2. Of course, it's calling for the immediate adoption of the Senate bill. Within this legal framework, we would like to submit for your consideration a copy of the letter, which has a lot of signatures, supporting the adoption of Bill S-2 immediately.

With that, I look forward to your questions, Mr. Chairman.

● (0945)

The Chair: Thank you so much, Chief. Please submit that letter to our clerk so that we can circulate it.

Next we have the Ontario Native Women's Association, Ingrid Green, director of research and evaluation. You will have five minutes.

Ingrid Green (Director of Research and Evaluation, Ontario Native Women's Association): *Meegwetch*.

Greetings, honourable members of Parliament. I am Ingrid Green, the director of research and evaluation at the Ontario Native Women's Association. Founded in 1971, ONWA is the oldest and largest indigenous women's organization in Canada. We have over 50 years of experience in listening to, supporting and advocating for indigenous women, including first nations women and their descendants. The issue of sex discrimination in the Indian Act was one of the catalysts for the formation of the indigenous women's movement in Canada, including establishing ONWA as an agency.

I am here today urgently calling for your support of the Senate committee's amendments to Bill S-2 without further delay. It is ONWA's position that first nations women have the right to our indigenous identities, culture, community and nations, as well as the right to pass on our identity and culture to our children. While Bill S-2 is the start, the amendments are needed to fully remedy all the remaining and residual discrimination stemming from previous versions of the Indian Act. Without these amendments, we risk further perpetuating the profound and lasting harm to first nations.

I want to speak about this harm, in particular the ongoing impacts of sex discrimination on first nations women and their families. The loss of status and band membership from “marrying out” has over time been linked with the appallingly high rates of gendered colonial violence that indigenous women continue to experience, including human trafficking and the missing and murdered indigenous women and girls crisis. First nations women spoke to this at the Royal Commission on Aboriginal Peoples in the 1990s. The National Inquiry into Missing and Murdered Indigenous Women and Girls also linked sex discrimination in the Indian Act with these high rates of violence against us. The consequences of the legislated discrimination are deadly. The violence against us has been rising at an exponential rate since the national inquiry was launched in 2016. In fact, it has doubled.

In addition to the gendered colonial violence we face, many first nations women experience trauma, poor health, addictions, poverty and homelessness, which lead to further intergenerational harm through colonial systems. These challenges are then greatly compounded by the lack of access to community and cultural supports.

Since 1985 Canada's approach to fixing the two-tiered and convoluted status provisions has displaced first nations women and their children from their families, communities and nations, denying them the right to equal enjoyment of their identities, cultures, languages and lands. Previous attempted remedies have not been able to fully repair what was lost. The establishment of levels of status resulted in social divisions and, too often, lateral violence. First nations women under subsection 6(2) bear the brunt of this colonial violence. The divisions and lateral violence within first nations communities are aggravated by ongoing underfunding from the federal government, which positions new registrants as a threat to first nations already grappling with a scarcity of resources.

Committee members, the rights of first nations women should not be pitted against the collective rights of our communities. It is time not only to listen to first nations women but also to act on our recommendations. With respect to the path forward, we implore this committee to fully, and with urgency, end the sex discrimination in the Indian Act and endorse the amendments to Bill S-2. This includes amendments to remove the second generation cut-off by returning to a one-parent rule for transmission of status. Failure to eliminate the second generation cut-off will allow numbers of registered Indians to decline, eventually leading to the extinction of status Indians and entire communities, as you have heard from several witnesses already. A one-parent rule tackles not only the urgent issue of extinction but also sex discrimination. This rule effectively legislates who first nation peoples can fall in love with. They should not have to choose their partners based on the ability to pass their rights to their children.

I want to close by saying that amending the legislation is just one step. First nations must also be financially supported to welcome those who have been displaced from their community through forced assimilation. This is central to meeting Canada's fiduciary duties.

Honourable members, ONWA calls on each of you to support the amendments to Bill S-2 as endorsed by the Senate and by the United Nations Human Rights Committee just last month in their review of Canada's compliance with the International Covenant on Civil and Political Rights. This is an opportunity for a unified act of reconciliation. Our survival as first nations in Canada and our very lives, safety and well-being as first nations women depend on it.

Meegwetch. Thank you for your time.

● (0950)

The Chair: *Chi-meegwetch*.

Let's go to questions and answers.

First off, for the Conservatives for six minutes, we have MP Morin, please.

Billy Morin: This question has been about discrimination. We've heard some legal precedents in terms of not discriminating while you uphold that discrimination.

I want to go to Ms. Shelagh Day. She mentioned a comment by the Prime Minister. I want to allow her to finish her comment, which may have been stopped a little bit early.

Can you finish your last comment that you were making? You were quoting the Prime Minister.

Shelagh Day: Thank you for the invitation to finish.

Former prime minister Pierre Trudeau famously said in 1967 that there's "no place for the state in the bedrooms of the nation." The state has been in the bedrooms of first nations since 1876, and it is still there, deciding who can be an Indian.

Another prime minister, Mark Carney, said two months ago, when he celebrated the stars of *Heated Rivalry*, that a core Canadian value is the freedom for individuals to embrace their identity and love who they choose. Unfortunately, that value seems to apply to gay men but not to first nations. Canada is robbing young indigenous women and men of their identities and forcing them to choose partners based on Indian status—not love.

In 2026, all the victims of the second generation cut-off and the 1985 cut-off are being told to wait. They can't wait longer. They should not be asked to wait longer. They should not be put in the terrible position that they are in now.

Billy Morin: Thank you, Ms. Day.

You were talking about waiting and time.

I want to go to Grand Chief Alatini.

Our previous witness said that she was doing court actions in the 1960s and 1970s. We've had subsequent court actions since 1985, step by step. We've heard from several witnesses that it seems as though the government's using consultation as a shield. When my colleagues from the government say that we need to get this right, I think that the testimony we've heard from across the country is that they've been telling us what the answer is since 1985 and even prior.

Even in the government's own documents, it says it's going out on this consultation phase, but its latest document also says that in November 2023, "The Minister of Indigenous Services Canada launched the Collaborative Process on the Second-Generation Cut-off and Section 10 Voting Thresholds as well as the Indigenous Advisory Process." It started these consultation processes in 2023.

The last thing on its latest document says that in the fall of 2026 or the winter of 2027, "Memorandum to Cabinet with proposed solution(s) [will] be introduced."

Is it using consultation as a shield? From those statements, do you have any faith that it will deal with the second generation cut-off in this current Parliament?

Grand Chief Math'ieya Alatini: My hope is that the House—this committee—will recommend accepting the bill as it has been amended by the Senate. I honestly think that the Senate really listened to the testimony that was received and did what was required. This is extremely impactful in all of our communities.

Consultation is a shield for what we're seeing right now.

I encourage the committee members to end the second generation cut-off. We've heard it. You have so many experts telling you that this is the right step. Delaying is discrimination.

● (0955)

Billy Morin: Thank you, Chief.

I'll go to Chief Littlechild.

Chief, you're a champion of sports. We've heard a few testimonies today, right down to families themselves, about how kids have been excluded from sport. We've seen that sport builds bridges between first nations indigenous communities and non-indigenous communities.

Have you witnessed how the second generation cut-off has torn people apart, even in sport, when it comes to the youth or indigenous people in general?

Wilton Littlechild: Thank you for that important observation.

Let me begin by thanking all of you. Yesterday I was notified that the sports allocation in the economic statement was enhanced quite substantially. For lots of years, we've been saying that more investment in sport reduces health care costs. There's a ratio that one dollar for sports equals $26 of health care costs. I hope this balance will sort itself out in the future.

To go to your question, it's a really serious issue, currently. As a new incoming chair for Hockey Canada on indigenous participation, I heard stories last week, and the weekend before we had our provincial championships in Alberta, both native championships and treaty championships. There were stories about exclusion, as you heard about this morning. There are more stories about negative impacts that are racial.

There's one arena, for example, I'm told, in which adults form a line in football. I forget what it's called. You have a line, and everybody tackles you, hits you or bumps you.

The Chair: You have 30 seconds left, Chief.

Wilton Littlechild: The adults are doing that to young children in hockey arenas. It's overflowing with racial discrimination and even hatred in some cases.

Sport has the power to advance reconciliation.

The Chair: Thank you very much.

Wilton Littlechild: I'll stop there.

The Chair: There will be more opportunities for questions and answers.

Jaime, you're next for six minutes.

Jaime Battiste (Cape Breton—Canso—Antigonish, Lib.): Thank you.

My first question goes to Mary Eberts. I believe the second generation cut-off is discriminatory in its restrictiveness towards first nations' passing on their descent. It's been mentioned that it's also discriminatory towards women. I haven't seen a gender analysis or a court case recently that looks at subsections 6(1) and 6(2) and says that is discriminatory either for gender or for race purposes.

You are someone who used to research this, who published on it and who was the Mi'kmaq citizenship coordinator for many years. As such, do you know if there has been a recent precedent that has stated that this specific portion of the Indian Act is discriminatory in gender or race?

Mary Eberts: I think we have to look at the cases that have already taken place, which are the McIvor case and the Descheneaux case. There certainly are lots of statements in there about the gender and sex discrimination of the second generation cut-off.

I take your point that there has not yet been a case analyzing sex discrimination in the requirement of two parents, but I have analyzed that myself, and it is serious. Some people have spoken about that this morning. It is very easy to tell who is a mother. It is not as easy to tell who has donated sperm for the creation of a child. The other thing about this is that women face not knowing the father of the child in situations of rape or gang rape. They also face intimidation in situations of incest for not being able to put the name of a known father on the certificate.

The two-parent rule is absolutely ripe for successful section 15 challenges.

● (1000)

Jaime Battiste: If you could do a gender analysis sometime, and send me an email, that would be great. I'd love to read the analysis. We don't have time for that now.

I really wanted to get to Wilton.

We spoke at the United Nations about this. I'm happy to have you here.

Are status and membership things that are only being discussed in Canada? How do our neighbours to the south in America handle this status and membership question?

Wilton Littlechild: They approach it quite differently, in the sense that they have a blood quantum rule that they use. The blood quantum approach is starting to spill into our area through customs, through the border and the border issues. Our people are now being asked to show their blood quantum before they're allowed into the United States. The U.S. approach is very different in that way. We don't use that approach here.

The interesting discussion that's currently being held, and that we've gone through already, is their boarding school experience and the impact of boarding schools on the Indian tribes in the United States, because with that, too, there's a path similar to what we've experienced in Canada. They both are culminating in the same question: How do we go forward in a good way?

Although they use that blood quantum approach and we don't, there's still good news in the sense that there's a solution for a way forward, but that solution has to include a treaty lens. That's our main concern, because treaty membership is being impacted as well. There are some estimations that there will no longer be any treaty Indians pretty soon and thus no treaties, so the American approach may be necessary as well.

Jaime Battiste: Thank you, Wilton.

I know that I have only about one minute left, but I wanted to be sure of something. We've had conversations about this committee's continued involvement with the United Nations Permanent Forum on Indigenous Issues. There have been some discussions, Mr. Chair, and I think it's okay for me to read into the record what we had agreed to in December when we tabled a notice of motion:

> That the committee undertake a review of key findings, recommendations, and themes originating from the Permanent Forum Session Report of the United Nations Permanent Forum on Indigenous Issues (UNPFII), and that the committee allocate at least one meeting to this topic each calendar year, following the tabling of the official report from the United Nations Permanent Forum on Indigenous Issues (UNPFII).

I think there's unanimous consent to get this done. I wanted to make it official, because I know that we might be the first country to make time as a Parliament to get an overview of what the UN permanent forum talked about that year. I think it's historic, and I want to thank you for your advocacy on this in making sure that this is a reality.

Thank you.

The Chair: Thank you, Jaime. I saw nodding heads.

(Motion agreed to)

The Chair: It's been read into the record and duly noted. Thank you very much. It carries.

Now we'll go online to MP Gill, please, for six minutes.

[*Translation*]

Marilène Gill: Thank you, Mr. Chair.

Once again, I'd like to thank the witnesses joining us today.

Obviously, I'm pleased that we can study UN reports, for example. This is necessary, but I also hope that concrete action will be taken. Regarding Bill S-2, even today, some witnesses raised the consultation issue. In my view, based on the witnesses I've heard, we're ready to vote on Bill S-2, as well as on the amendments, of course, which are important to just about all the witnesses we've heard from. I can't speak for those who have not yet appeared.

Since I have five minutes left and there are five of you, I suggest that each of you speak for one minute to add your comments. I'd also like you to tell us whether you believe Parliament is ready to vote on the bill, so that this doesn't drag on any longer and, of course, so that the genocide stops. I know that some have already done so, such as Ms. Alatini, in her opening remarks.

Let's start with Ms. Eberts, since she's the first one I see on the screen.

Once again, thank you very much.

● (1005)

[*English*]

The Chair: Go ahead. You have one minute each. I'll try to keep time for you.

Mary Eberts: At the conclusion of my introductory remarks, I said that Parliament's passing Bill S-2 will not preclude consultation. Consultation is very important, but my view is that it should be consultation about how to move on from here, rather than looking at what we can possibly do about past discrimination.

Moving on from here involves questions like these: Do first nations have enough resources? What are we going to do about the damage that has already been done? Do we need legislation to repair the situation of families, for example, in which the children are all in different situations and some may not have status?

Consultation is extremely important. This is acknowledged in UNDRIP, but so are the abolition of assimilation and the repairs for assimilation. The consultation can very nicely be about the repairs for the past assimilation and measures that were included in section 6 in 1985.

I'm not saying no to consultation. I am saying that we can pass the act first and then consult on how best to create a better world for those who have been harmed by what Justice McIntyre called the “evil” of discrimination.

The Chair: There are two minutes left for any takers.

Shelagh has her hand up.

Go ahead.

Shelagh Day: I agree with what Mary Eberts has just said. I'd like to add that over this long period when we've been trying to deal with sex discrimination in the Indian Act, consultation has never led to a change to the discriminatory provisions of the Indian Act. Those changes have come about only through litigation and through Senate amendments to litigation that were introduced for a narrow reason.

We need to look at what the history of consultation is with respect to getting rid of discriminatory provisions in the Indian Act. There is no record that it works.

I agree with Mary. We need to pass this legislation as quickly as possible and pivot to the future and how we're going to repair the harms that have been done.

The Chair: Thank you very much.

There is one more minute left. Do we have some hands up?

Go ahead.

Grand Chief Math’ieya Alatini: Thank you.

I'll add that I absolutely agree that passing the bill as it appears right now is the right thing to do. I absolutely agree with consultation on the remedies to the discriminatory impacts of the Indian Act.

I'll take it a step further with regard to modern treaty holders. There needs to be discussion about the reconciliation between modern treaty citizenship lists or membership lists versus Indian Act band lists, as well as the reconciling of programs and services that modern treaty holders deliver to their communities through those registry lists.

● (1010)

The Chair: Thank you very much.

Next on the list we have Eric for five minutes, please.

Eric Melillo (Kenora—Kiiwetinoong, CPC): Thank you, Mr. Chair.

Once again, I want to thank all of those who have joined us for this important discussion.

When we look at all that we've discussed today and through other meetings, we see that there are different layers of conversation, if I could phrase it that way. There's the discussion of the second generation cut-off itself as a whole. There's a discussion of this legislation and a discussion of the amendments. We've heard loud and clear, from witnesses today and at other meetings, about the desire to see this pass with the amendments that have been made in the Senate.

I want to come to you, Chief Littlechild—if I can start with you—and lean on your expertise to speak to what the substantive effect would be if those amendments were to be removed. It's a hypothetical situation so that those of us around this table, as well as Canadians and those who might be watching, can understand what that effect would be.

Wilton Littlechild: For one interesting positive outcome, we could look at the lead from the Supreme Court of Canada, if I may use that example. In their decision on the Bill C-92 case from Quebec, they looked at the approach that I was advocating, in which you have the three elements—the UN declaration, treaty and the TRC calls to action—as a cluster. Maybe we can take that cluster and create a new legal space for a path forward. We could have the example I gave you of a treaty-based government as a solution to the challenge we have collectively on discrimination, racism and so on, relying on traditional laws, incorporating this into their own constitution and merging it with Canadian law.

I think we need to recognize there are possible ways forward. Sometimes we have to create a new legal space of recognition. The example I'm using works. It's working for that nation through their constitution, through their own law, and incorporating traditional practices to create a way forward for their own nation that deals with the discriminatory challenges we're talking about through Bill S-2.

Eric Melillo: Thank you very much.

I'll go online now.

I share the frustration that many have expressed in terms of how this government is very good at making promises and announcements and saying a lot of the right things, but then we don't often see that follow-through. I think of the promise to end all boil water advisories on reserve. I think it was by 2019 when the promise was first made. Obviously, that hasn't happened. A former minister of public safety promised that legislation to recognize indigenous policing services as essential would be right around the corner. That was in 2022 or 2023. It's taken a long time to drive around that corner. There's housing and child welfare; the list goes on. I know that all in this meeting know this very well. We also see a similar situation here in the government dragging its feet.

I'll go to Shelagh Day, if I can, because you're on the screen in front of me. I see you there. If anyone else wants to jump in, time permitting, please do so.

Can you speak further to the frustration with how slow the process has been and the impacts it has on people who have been waiting?

Shelagh Day: Thank you for the question.

The Chair: You have just over 30 seconds, please.

Shelagh Day: I will speak very quickly.

I work with the Indian Act sex discrimination working group. As many of you know, that's a coalition of the lead plaintiffs in the litigation and UN petitions that have been brought to deal with the sex discrimination with the largest first nations women's organizations in Canada, the Union of BC Indian Chiefs and Justice for Girls. It's a broad coalition of groups and individuals. It also includes the leading legal experts on this matter.

The frustration in that coalition of expert groups and individuals is profound. They've been dealing with this since Jeannette Lavell—whom you heard from this morning—did so in 1971. It's 50 years of dealing bit by bit with sex discrimination that transforms itself, takes a different shape and gets added to at the same time as bits are subtracted.

The frustration you hear from Jeannette, Dawn, Mary Hannaburg and Ingrid Green is profound. I hope the committee members will listen to it. This can't keep going on.

● (1015)

The Chair: Thank you very much.

For the final questioner, we have Dr. Hanley.

Brendan Hanley (Yukon, Lib.): Thanks, everyone, for being here and for participating.

Grand Chief Alatini, I don't think anyone has given you a shout-out yet for how early in the morning you had to be up in order to be present at committee. I'm not sure if you were able to witness the first hour. It's certainly forgivable if you were not.

As always, you've been very clear in your message. In your opening words, you noted “the promise and the burden of Canada's laws.” We've previously had discussions around the interface or the overlap between membership, citizenship, and status and non-status. You referred to that a bit in your one minute in the previous testimony. I wonder if you could elaborate on that, using Kluane First Nation as an example.

There are examples, for instance, of people who become citizens but are non-status, as you've described. There are also people who may be status but either are not eligible or choose not to become members. However, they have an allegiance or a hereditary relationship with Kluane First Nation. There are definitely some nuances and overlaps. I'm wondering if you could describe that for a minute or two to help us understand that difference.

Grand Chief Math'ieya Alatini: Absolutely. Thank you, Dr. Hanley, for your representation of Yukoners in Ottawa and for that question.

I want to highlight the fact that among Yukon first nations, there are 11 modern treaty holders. We get to create our own citizenship code. Most of those nations have something defined in the citizenship code that looks at your familial ties to a nation. From our Kluane First Nation perspective, you have to tie your ancestry back matrilineally to Kluane First Nation from 1949 and prior. We get to determine those who become citizens of Kluane First Nation, and we provide services to all those citizens.

There are some weird anomalies in which we have individuals who are status Indians—maybe they were in the sixties scoop or they were adopted out—and who do not want to be citizens of Kluane First Nation but have applied to have their status under Kluane as Indian Act status members. Those two things don't reconcile. That's one issue.

The larger issue we see in implementing our modern treaties is the fact that we've established our citizenship list. This is not recognized by Canada at the negotiation table when it comes to negotiating our financial transfer arrangements with Canada for programs and services and for core dollars. There are complex equations applied to that. Our status numbers are used. As Shelagh mentioned, those numbers are decreasing because of the diminishing ability to have individuals registered as status Indians. It directly affects our modern treaty holders in Canada because of the inability to register our citizens as status members.

I was going to give an example about my grandpa and my grandmother, who have very different lines when it comes to status citizenship, but I'll leave it there.

There is definitely an impact on modern treaty holders in the territory.

● (1020)

The Chair: Thank you very much.

That brings us to the conclusion.

If anybody has anything they want to share in writing, they can send it in to our clerk, and it will be given to the analysts to be included in the entire testimonial process. Thank you very much.

Chi-meegwetch to everyone. I truly appreciated your testimony. Have a great day.

There we go. We're done.