

**Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

Ref.: AL CAN 1/2025  
(Please use this reference in your reply)

27 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 50/7, 52/36 and 54/8.

In this connection, we would like to follow up on our letter (**AL CAN 3/2023**) sent to your Excellency's Government on 27 October 2023 and made public on 27 December 2023 **concerning gender-based discrimination of Indigenous women and their descendants under the Indian Act and the failure to provide an effective remedy to victims of such discrimination**, to which we have not received any response from your Excellency's Government beyond the interim letter acknowledging receipt of the letter.

According to the information received:

Since 27 December 2023, Mr. Jeremy Eugene Matson has contacted numerous State actors responsible for the issues raised in the letter AL CAN 3/2023, including the offices of the Prime Minister, Ministers, Deputy Ministers, Members of Parliament, and department heads across relevant governmental sectors in Canada. Despite these efforts, there has been no formal acknowledgement in writing, or no action taken by the Government of Canada addressing the concerns raised in AL CAN 3/2023. The letter AL CAN 3/2023 highlighted the persistent denial of equal status rights to the descendants of Indigenous women compared to those of Indigenous men under the Indian Act, despite previous amendments intended to eliminate sex-based discrimination. The continued failure to address these disparities has left individuals like Mr. Jeremy Eugene Matson without equal legal recognition, reinforcing systemic inequalities that have long disadvantaged Indigenous women and their descendants. Furthermore, the lack of an effective remedy exacerbates these injustices, depriving affected individuals of any meaningful recourse to challenge or rectify their exclusion.

Mr. Matson reached out to a sector of Indigenous Services Canada (ISC) responsible for demographic information, specifically requesting data on the national demographic statistics related to section 6(2) of the Indian Act at both the national and community levels, which was provided to the victim on 1 March 2024. However, to Mr. Matson's knowledge, ISC has not formally

acknowledged that the provision of this information was connected to or prompted by the letter AL CAN 3/2023. Therefore, this is the only specific information obtained by Mr. Matson regarding section 6(2) population statistics and there has been no further action taken by the Government of Canada addressing the concerns raised in AL CAN 3/2023.

In light of the above, we would appreciate receiving your Excellency's Government's observations and substantive response to our letter AL CAN 3/2023 at the earliest possible opportunity. More specifically, we would be interested to know what measures your Excellency's Government has taken or is planning to take with regard to the review of the Indian Act in order to address the sex and gender discrimination in the registration system for status recognition for Indigenous women and girls. Furthermore, we would appreciate receiving information as to the measures taken or intended concerning compensation of those who have suffered the effects of such discrimination.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

K.P. Ashwini  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

Bernard Duhaime  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of  
non-recurrence

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to your Excellency's Government to its legal obligations under the international treaties it has ratified and to broader international human rights standards.

We refer to the Committee on the Elimination of Discrimination against Women's general recommendation No. 39 (2022) on the rights of indigenous women and girls emphasizes that "indigenous women and girls have the right to be free from all forms of discrimination on the basis of their sex; gender; Indigenous origin, status or identity." The General Recommendation also notes that discrimination, together with gender-based violence "against Indigenous women and girls threatens and disrupts the spiritual life, connection with Mother Earth, cultural integrity and survival, and social fabric of Indigenous Peoples and communities."

We further note that in its recommendations in response to communication No. 68/2014 (CEDAW/C/81/D/68/2014), the CEDAW Committee urged the Government of Canada to (i) amend its legislation, after an adequate process of free, prior and informed consultation, to address fully the adverse effects of the historical gender inequality in the Indian Act and to enshrine the fundamental criterion of self-identification, including by eliminating cut-off dates in the registration provisions and taking all other measures necessary to provide registration to all matrilineal descendants on an equal basis to patrilineal descendants; and to (ii) Allocate sufficient resources for the implementation of the amendments of the law (para. 20).

The need to protect indigenous women and girls from discrimination was reiterated by the former Special Rapporteur on the rights of indigenous peoples, who highlighted that article 22 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) specifically provides that States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination (para. 7).

In its decision of 14 January 2019 by United Nations Human Rights Committee in favour of Sharon McIvor, the Committee held that the sex-based hierarchy between s. 6(1)(a) and s. 6(1)(c), introduced by the 1985 Indian Act and continued by the amendments of 2011 and 2017 violates the right to the equal protection of the law without discrimination based on sex, as well as the equal right of men and women to the enjoyment of Indigenous culture guaranteed by the International Covenant on Civil and Political Rights. The Committee also found that Canada is obligated to provide full reparation, and "to take steps to address residual discrimination based on sex by the federal government arising from the Indian Act."

The incompatibility of the current Indian Act with the rights to self-determination of indigenous peoples of Canada was also referenced by the Special Rapporteur on indigenous peoples in his end of visit statement to Canada in March 2023, in which he reiterated his predecessor's recommendation "to remove any existing

legal barriers to the effective exercise of indigenous self-government, including those contained in the Indian Act.” The Special Rapporteur further noted that the federal government has the authority to decide who has First Nations status, forcibly shaping the identities of thousands of Indigenous persons. Through sex discrimination in the Indian Act, thousands of Indigenous women and their descendants are denied status and associated benefits, including health care.

In presenting his findings to the Human Rights Council the Special Rapporteur on indigenous peoples recommended that (A/HRC/54/31/Add.2) Canada should: Set up an independent Indigenous-led human rights mechanism in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor and enforce the implementation by Canada of the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples Act, (para. 89. (b)); implement the recommendations of the Standing Senate Committee on Indigenous Peoples to repeal section 6(2) of the Indian Act (the “second generation cutoff”), which reduces the number of individuals with status; to repeal non-liability clauses in the amendments to the Act, in order to allow First Nations women and their descendants who were denied status to be compensated; and to develop plain language materials in Indigenous languages and the country’s official languages to explain the eligibility and the registration process; support registration by women and their descendants newly eligible for status through a streamlined, easily accessible process; and create an affordable, reliable, timely and accessible remedy to compensate those who have suffered the effects of discrimination (paras. 93(a)).

During her visit to Canada in April 2019, the former Special Rapporteur on violence against women and girls stressed the urgency and importance of repealing any provisions in the Indian Act that discriminate against indigenous women and girls. The former Special Rapporteur also emphasized that the Indian Act “discriminates against First Nations women and their descendants with respect to the entitlement and transmission of Indian status, which represents a continuing violation of international and national gender equality provisions.” The treatment of First Nations women as secondary to men perpetrates violence against them. This discrimination and hierarchy among status exacerbates collateral violence within communities, as well as jurisdictional and logistical barriers for First Nations people to access services. The 2011 and 2017 reforms to the Indian Act have fallen short of providing equality to First Nations women and their descendants, which results in further unequal access to benefits and services.

In her report to the Human Rights Council on violence against indigenous women in 2022, the Special Rapporteur on violence against women and girls pointed to the strong intergenerational component of violence against indigenous women and girls, pointing to the endemic nature of the violation of the right of self-determination of indigenous peoples and its detrimental impact on indigenous women and girls. The Special Rapporteur observed that “violations through both colonization and post-colonial power structures and State practices have included assaults on the cultural integrity of indigenous communities, non-recognition of customary laws and governance systems.” In her report, the Special Rapporteur also referenced the observation of the Inter-American Commission on Human Rights that in its report Indigenous women and their human rights in the Americas of 2017, “acts of violence

and discrimination against indigenous women not only harm those women individually, but also negatively impact the collective identity of the communities to which they belong”.

The Special Rapporteur’s report further noted that, the Committee on the Elimination of Discrimination against Women, in March 2022, having considered claims of long-standing gender-based discrimination in the Indian Act of Canada that continued to affect tens of thousands of descendants of indigenous women, called on Canada to amend its legislation to enshrine the fundamental criterion of self-identification and to provide registration to all matrilineal descendants on an equal basis to patrilineal descendants.