
First Nations families sue Canada to bring an end to ongoing sex-based discrimination and the oppressive legacy of “enfranchisement” in the registration provisions of the *Indian Act*

On behalf of several First Nations families, 16 individual plaintiffs have launched a constitutional challenge seeking to end the ongoing sex-based discrimination and exclusion faced by families who were “enfranchised” under earlier versions of the *Indian Act*.

“Enfranchisement” was a process whereby members of First Nations were stripped of Indian status and membership in their home communities in exchange for Canadian citizenship; it was finally removed from the *Indian Act* in 1985.

Yet even today the discriminatory effects of enfranchisement continue to be imposed, notably, on Indigenous women who were stripped of Indian status pursuant to an application by their husbands, and on the descendants of such women. The families represented in the present constitutional challenge have each been fighting for decades to end the ongoing discrimination tied to enfranchisement. These families continue to see children and grandchildren denied status and membership in First Nations communities because of the legacy of enfranchisement that Canada continues to defend today.

“As the Supreme Court of Canada has emphasized, enfranchisement was a discriminatory policy aimed at eradicating Aboriginal culture and assimilating Aboriginal peoples,” explains Ryan Beaton, lawyer for the plaintiffs. He adds that “Parliament’s stated intention for enfranchisement was to gradually reduce the number of status ‘Indians’, while imposing a discriminatory view of women as subservient to their husbands, as recognized by this country’s highest court.”

This discrimination has been found in violation of the *Canadian Charter of Rights and Freedoms*, notably in the landmark cases of *McIvor v Canada*, decided by the British Columbia Court of Appeal in 2009, and *Descheneaux v Canada*, decided by the Quebec Superior Court in 2015. The courts have urged Parliament to remedy all remaining forms of unconstitutional discrimination in the registration provisions. Parliament has failed to do so.

The plaintiffs bear witness to the fact that discrimination tied to enfranchisement still exists. They are asking the courts to finally remove this ongoing discrimination flowing from the oppressive legacy of enfranchisement in Canada, as Parliament has not been up to the task.

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