

**Mr. Jeremy Matson**

**Submission to the Senate Standing Committee on Aboriginal Peoples (“APPA”)**

***Bill S-3(Descheneaux): An Act to amend the Indian Act (elimination of sex-based inequities in registration)***

**November 24, 2016**

## Introduction-Matson

My name is Jeremy Matson. As was requested from the Senate Standing Committee on Aboriginal Peoples Clerk, Mr. Palmer, on November 21, 2016 that I was to construct and submit a written brief.

I would like to thank the Algonquin people for allowing me to speak on their traditional territory and I would like to thank Mr. Descheneaux and Ms. Yantha, Ms. Sharon McIvor and her son Jacob Grismer, Ms. Sandra Lovelace-Nicholas, Ms. Bedard and Ms. Lavell-others, Mary Two-Axe Earley and many others who have and or continue to advance the rights of Indigenous Peoples here in Canada.

I am a registered status Indian under s.6 (2) of the current *Gender Equity in Indian Registration Act, Bill C-3*(McIvor)<sup>1</sup>. I am a member of the Squamish Nation and I have direct Ancestral connections to the Tsleil-waututh, Musqueam and other Coastal Nations. The Squamish Nation is located in North Vancouver, BC<sup>2</sup>. I am married to my wife Taryn Matson (nee Moore) together we have two children Iris (8 years old) and August Matson (5 years old).

I am a Grandson of Nora Johnston and Waino Ilamar Mateoja("Vino Elmer Matson"). My Grandparents were married in 1927 and due to my Grandmothers marriage to my Grandfather; my Grandmother ceased to be an Indian upon marriage according to the provisions of the Indian Act, because my Grandfather was a non-Indian.

My Father Eugene V. Matson, was 1 of 7 children born to Nora Matson (nee Johnston) and Vino Matson between 1928-1942. My Grandparents had approximately 30 Grandchildren born between the years 1950-1980. My Father passed away when I was 3 years of age.

My Grandmother and her 7 children remained disentitled to Band membership and or Indian status until April 17, 1985 when amendments were made to the *Indian Act*, commonly known as *Bill C-31*. My Grandmother was reinstated under the s.6 (1) (c) of the *Indian Act* and as a Band member of the Squamish Nation under s.11 of the *Indian Act*. My Grandmothers 7 children were entitled to and or were registered for the first time under s.6 (2) of the *Indian Act* under the *Bill C-31* amendments.

Canada has imposed discriminatory legislation against my Family for 90 years, the intergenerational impact is significant. Canada has denied our cultural identities and or placed my Family members in an inferior position compared to other Indigenous Families in concerns to our identities, due to sex-gender discrimination and its adverse impact.

## Proposed Bill S-3(Descheneaux) Amendments and its Shortcomings

Currently as *Bill S-3* is drafted<sup>3</sup>, it will fall short of equality as was the case with its predecessors *Bill C-31*(1985-Lovelace) and *Bill C-3*(2011-McIvor). *Bill S-3* will not eliminate the discrimination faced by my Family and my children. My children Iris and August Matson will not be entitled to equality, *Bill S-3* in its current form under sub-section "C.4" should be adapted, currently "C.4", "(i)", "(ii)", "(iii)"states:

<sup>1</sup> [http://laws-lois.justice.gc.ca/eng/annualstatutes/2010\\_18/page-1.html](http://laws-lois.justice.gc.ca/eng/annualstatutes/2010_18/page-1.html)

<sup>2</sup> <http://www.squamish.net/>

<sup>3</sup> <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=8532512>

"(c.4) that person meets the following conditions:

- (i) one of their parents is entitled to be registered under paragraph (c.2) or (c.3) or, if that parent is no longer living, was so entitled at the time of death or would have been so entitled on the day on which that paragraph came into force, had he or she not died,
- (ii) their other parent is not entitled to be registered or, if that other parent is no longer living, was not at the time of death entitled to be registered or was not an Indian at that time if the death occurred before September 4, 1951, and
- (iii) they were born before April 17, 1985, whether or not their parents were married to each other at the time of the birth, or they were born after April 16, 1985 and their parents were married to each other at any time before April 17, 1985;"

My children Iris and August Matson meet *Bill S-3's* sub-section "C.4" "(i)" and "(ii)" and do not meet "(iii)" due to my marriage date to my wife being post April 17, 1985.

The newly entitled Great-Grandchildren (2<sup>nd</sup> Generation Cousins) of Nora Johnston under the *Bill S-3's* draft amendments will be treated in a differential manner compared to each other, this is due to the dates of the marriage of their parents.

Many Great-Grandchildren (2<sup>nd</sup> generation cousins) of Nora Johnston were born prior to the *Bill C-31* April 17, 1985 *Indian Act* and many Great-Grandchildren (2<sup>nd</sup> generation cousins) of Nora Johnston were born after the *Bill C-31* April 17, 1985 *Indian Act* or after April 16, 1985.

Below is a color coded breakdown of the Matson Family and Grandchildren, the yellow represents the 3 Grandchildren who will not be entitled to s.6 Indian Status due to the September 4,1951 cut-off under *Bill S-3*, the Red represents the Grandchildren who had children pre-April 17,1985 or post- April 16,1985 and were married prior to April 17,1985 who will be able to pass s.6(1)(c.4) status to their children under *Bill S-3*, and the remaining non-highlighted represent the Grandchildren who were married post-April 17,1985 and who will be treated in a different manner due to their marriage dates being post-April 17,1985.

**Matson Family Reference:**

(Grandchildren) 1<sup>st</sup> Generation Cousins Not entitled under the *Bill C-3(Mclvor) Indian Act* or 2017 *Bill S-3 Descheneaux Indian Act* Amendments, due to dates of birth being prior to September 4, 1951.

(Grandchildren)1<sup>st</sup> Generation Cousins who had Children prior or post to *Indian Act* of April 17,1985(*Bill C-31*) and were married prior to April 17,1985(*Bill C-31*).

(Grandchildren) 1<sup>st</sup> Generation Cousins who had children post *Bill C-31*, April 17, 1985 and were married post April 17, 1985.

Nora Johnston and Waino Ilmar Mateoja( Vino Elmer Matson) had the following 7 Children and 30 Grandchildren:

i. **Mervin Rodney Matson.** Mervin married Mary West. Mervin Matson and Mary West had the following child:

i. Laurie Matson (Not entitled under Bill C-3(Mclvor) or 2017 Bill S-3(*Descheneaux*)*Indian Act Amendments*)

ii. **Mary Elvina Matson.** Mary married Aaro Aake Palo. Mary Elvina and Aaro Palo had the following children:

i. Mary Lynne F.(nee Palo)(Not entitled under Bill C-3(Mclvor)or 2017 Bill S-3 (*Descheneaux*)*Indian Act Amendments*)

ii. Barry Palo. (Not entitled under Bill C-3(Mclvor) or 2017 Bill S-3 (*Descheneaux*) *Indian Act Amendments*)

iii. **Donna Mavis Matson.** She married Andrew Lechkobit. Andrew (Andy) Lechkobit and Donna Matson had the following children:

i. Linda Poisson(nee Lechkobit)

ii. Steve Lechkobit

iii. Suzie De Long(nee Lechkobit)

iv. Richard Lechkobit

v. Dale Lechkobit

vi. Roary Lechkobit

vii. Sheila Hyde(nee Lechkobit)

iv. **Elma Iris Wanda Matson.** She married 1<sup>st</sup> Buddy Roberts. She married 2<sup>nd</sup> James Barrington Pittman. Elma Matson and Buddy Roberts had the following children:

i. Donlada Roberts

ii. Ralph Roberts

iii. Jimmy Roberts

iv. Dale Roberts

v. Iris Roberts

vi. Buddy Roberts

Elma Matson and James Pittman had the following child:

i. Nola Marceau (nee Pittman)

v. **Della Myra Matson** She married Hector Jean Dignard. Della Matson and Hector Dignard had the following children:

i. Sherry Rosemarie Eichhorst(nee Dignard)

i. Nora Anne McColl(nee Dignard)

ii. Denise Lorraine McCann(nee Dignard)

iii.Hector Dale Dignard

iv. Michele Dignard

v. Michael Richard Dignard

vi. Darwin James Dignard

vi.**Eugene Vaino Matson** .He married Margery Donna Tryon. Margery Donna Tryon is of Aboriginal descent and can trace her Ancestry to a tribe in Florida and Michigan, some of Margery's Ancestors were known as Melungeons. Eugene Matson and Margery Tryon had the following children:

i. Mardy Eugene Matson

ii. Jeremy Eugene Matson

iii. Melody Katrina Schneider(nee Matson)

vii. **Rennie Dale Matson**. He married 1st Sandy Webber. He married 2nd Darleen Pruden. Rennie Matson and Sandy Webber had the following child:

i. Dianna Matson

Rennie Matson and Darleen Pruden had the following children:

i. Joyce Matson

ii. Rene Matson

Below is a detailed Chart of the differential treatment between the Matson 1<sup>st</sup> Generation Cousins (Grandchildren) and descending generations under the draft *Bill S-3*.

***Bill S-3 Descheneaux Amendments:***



### Recent International Developments and Implications of s.6 of the *Indian Act*

On October 25, 2016 Canada had been reviewed under the United Nations Committee on the Elimination of Discrimination Against Women (“CEDAW”) in CEDAW’s 65<sup>th</sup> session. Numerous witnesses had participated and testified in Canada’s review and on November 18, 2016 the United Nations CEDAW produced its report and at paragraph 12 and 13 recommended to Canada:

“Legislative framework

12. The Committee notes the various constitutional, legislative, statutory, administrative and policy provisions promoting gender equality and defining sex as a prohibited ground of discrimination. **It further notes that a new Bill (Bill S-3) amending the Indian Act is currently being developed. However, the Committee remains concerned about continued discrimination against indigenous women, in particular regarding the transmission of Indian status, preventing them and their descendants from enjoying all the benefits related to such status.** (Emphasis added)

13. The Committee recommends that the State party remove all remaining discriminatory provisions of the Indian Act that affect indigenous women and their descendants, and ensure that aboriginal women enjoy the same rights as men to transmit status to their children and grandchildren.”

On May 10, 2016 the Minister of Indigenous and Northern Affairs Canada, Honourable Dr. Carolyn Bennett announced at the 15<sup>th</sup> session UNPFII(Permanent Forum on Indigenous Issues) that Canada had become a full supporter of the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”), without qualification. The United Nations Permanent Forum on Indigenous Issues produced its report E/2016/43-E/C.19/2016/11<sup>4</sup> and stated: “The Permanent Forum welcomes the endorsement by Canada of the United Nations Declaration, without qualification...as a critical step in the reconciliation process between indigenous peoples and the State”. Article 8 of UNDRIP states:

#### “Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for **prevention** of, and **redress** for:

( a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or **ethnic identities**;

....( d) Any form of forced assimilation or integration;”

<sup>4</sup> <http://undocs.org/E/2016/43-E/C.19/2016/11> or <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/unpfii-fifteenth-session.html>

The United Nations Committee on Economic, Social and Cultural Rights produced its report dated March 23, 2016 E/C.12/CAN/CO/6<sup>5</sup> and recommended to Canada:

“(20) The Committee recommends that the State party, in consultation with indigenous peoples:

(c) Implement the recommendations put forward by the Special Rapporteur on the rights of indigenous peoples following his mission to Canada in 2013(see A/HRC/27/52Add.2);

(22)(b) Repeal the remaining discriminatory provisions in the Indian Act;”

The United Nations Committee on Elimination of Discrimination in its March 29, 2015 report CEDAW/C/OP.8/CAN/1<sup>6</sup> noted and recommended under “C. Overcoming the legacy of the colonial period and eliminating discrimination against aboriginal women”:

“(e) To amend the Indian Act to eliminate discrimination against women with respect to the transmission of Indian status,....”

On July 4, 2014 the Special Rapporteur on the Rights of Indigenous people, James Anaya produced his report A/HRC/27/52/Add.2<sup>7</sup> at paragraph 94 he recommended:

94. Concentrated efforts should be taken to address outstanding concerns related to gender discrimination in determining eligibility for registration under the Indian Act,...

The United Nations Working Group on Universal Periodic Review produced its report A/HRC/24/11<sup>8</sup> on June 28, 2013 and recommended:

“128.59 Abolish all discriminatory implications of the Indian Act...”

These are just a few examples of the International community calling Canada to remedy the *Indian Act*; other reports about the Indian Act can be found on the United Nations Canada Homepage<sup>9</sup>. The United Nations Conventions and Declarations that Canada is party to sets out the minimum human rights standards under international law that Canada is meant to implement into its domestic laws, policies and procedures, as the United Nations have pointed out Canada has not met its international standards in concerns to the *Indian Act*.

Canada with its s.6 (2) (“2<sup>nd</sup> generation cut-off”) provision of the *Indian Act* is in violation of the following international convention:

<sup>5</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/CAN/CO/6&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/CAN/CO/6&Lang=En)

<sup>6</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fOP.8%2fCAN%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fOP.8%2fCAN%2f1&Lang=en)

<sup>7</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/27/52/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/27/52/Add.2)

<sup>8</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?c=33&su=44](http://ap.ohchr.org/documents/dpage_e.aspx?c=33&su=44)

<sup>9</sup> <http://www.ohchr.org/EN/Countries/LACRegion/Pages/CAIndex.aspx>

**"Convention on the Rights of a Child:**

**Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."

*Bill S-3*(Descheneaux) in its current draft form will put my children in the exact same position as their late Grandfather under *Bill C-31*, their Father's position under *Bill C-3* and provide them with inferior entitlement under s.6(2)("2<sup>nd</sup> generation cut off") instead of s.6(1) entitlement under the *Indian Act*.

The Senate Standing Committee on Aboriginal Peoples has been made aware I currently have a petition before the United Nations Committee on the Elimination of Discrimination Against Women ("CEDAW"), petition *CEDAW/OP/CAN(6),CE/IP/ak/68/2014*("petition #68/2014). Petition #68/2014 is covering matters about the ongoing discrimination against Indigenous women and their descendants under s.6 of the *Indian Act* of Canada. Petition #68/2014 had gained significant support across Canada and Internationally. The CEDAW Committee has been apprised to the *Bill S-3*(Descheneaux) draft amendments and *Bill S-3's* potential shortcomings with my Family. CEDAW is still tasked with rendering its decision in the matter about s.6 of the *Indian Act*.

I also have a petition before the Inter-American Commission on Human Rights about s.6 of the *Indian Act*, Petition # P-603-12. I also had a file-petition with the former Special Rapporteur on the Rights of Indigenous Peoples, Dr. James Anaya, #Indigenous 2001-5 and I presented my information before him in person in 2013 on his Canada tour.

**Recommendation (1):**

- (1) Provide s. 6(1)(c.4) entitlement to all of the newly entitled Great-Grandchildren regardless of the marriage date of their parent being pre or post April 17,1985 and for Bill S-3 subjection s.6(1)(c.4) (iii) to read:

*"(iii) they were born before April 17,1985, whether or not their parents were married to each other at the time of the birth, or they born after April 16, 1985 and their parents were married to each other at any before [or after ]April 17,1985"*

This recommendation will provide equality for the newly entitled in compared to each other.

**Recommendation (2):**

- (2) Provide *s.6 Indian Act* entitlement for Matrilineal Grandchildren born prior to September 4, 1951 and entitlement for their descendants, in comparison to their 1<sup>st</sup> generation cousins and their descendants and or in comparison to their Patrilineal comparators.

I would like to thank the Senate Standing Committee on Aboriginal Peoples for the opportunity and consideration of my recommendations.

All the best.

*"Signed By"*

**Jeremy Matson**

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