



For Immediate Release

Supreme Court of Canada misses opportunity to redress discrimination against Aboriginal Women

Toronto, November 5, 2009 - This morning the Supreme Court of Canada refused to hear the appeal in the case of *Mclvor v. Registrar, Indian and Northern Affairs Canada*. This decision represents a lost opportunity for the Court to redress the historic and ongoing discrimination against Aboriginal women under the *Indian Act*.

The Women's Legal Education and Action Fund (LEAF) applauds Sharon Mclvor, who has tirelessly pursued the redress of discrimination against Aboriginal women under the *Indian Act* for more than two decades. She first commenced her equality rights challenge to the discriminatory provisions of the *Indian Act* in 1985 with the support of LEAF. She has challenged the *Indian Act* in its definition of who is "Indian" under the Act, which accords diminished entitlement to Indian status to descendants of Aboriginal women. Mclvor's challenge was successful at trial and on appeal. The remedy on appeal, however, was narrower than the remedy ordered at trial. Mclvor therefore sought leave of the Supreme Court of Canada to obtain broad redress for historic discrimination against Aboriginal women and their descendants, consistent with the ruling of the trial judge.

The elimination of sex discrimination under the status provisions of the *Indian Act* remains a priority for LEAF. The federal government is currently amending the Act, although its proposed amendments have been criticized by Mclvor and Aboriginal organizations. "LEAF encourages the federal government to amend the legislation in a manner which comprehensively removes historic and ongoing sex discrimination under the Act and which responds to the concerns and demands of Aboriginal women," said Audrey Johnson, Executive Director of LEAF.

The Mclvor case was originally funded by the Court Challenges program. This federally-funded program provided resources to historically challenged individuals or groups to take test cases into courts to challenge federal laws based on equality rights in the *Charter*. This program was cancelled by the federal government in 2006, without warning.

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LEAF is a national, non profit organization committed to confront all forms of discrimination through legal action, public education, and law reform to achieve equality for women and girls under the *Charter of Rights and Freedoms*. For more information, please visit us at www.leaf.ca.