

Just Planet

Submission to: UN Committee on the Elimination of All Forms of Discrimination Against Women at its eighty-ninth Session and Tenth Periodic Review of Canada

RESOURCE EXTRACTION AND GENDER-BASED VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS IN CANADA

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Justice for Girls

Justice for Girls is a Canadian non-government organization based in Vancouver, British Columbia (BC) that works to promote the health, well-being, and human rights of teenage girls who are homeless or living in poverty. Since 1999, the organization has worked locally, nationally, and internationally to promote and protect the rights of teenage girls who face poverty, violence, colonization, and environmental injustices. Justice for Girls has maintained consultative status with the UN Economic and Social Council (ECOSOC) since 2009. Justice for Girls acknowledges the ancestral, unceded territories of the xwm̓θkw̓y̓m̓ (Musqueam), Skwxwú7mesh (Squamish), and s̓l̓íl̓w̓ta̓/ Selilwitulh (Tseil-Waututh) Nations.

Just Planet

Just Planet, founded in 2015, is a Geneva-based international human rights organization. Just Planet advances human rights, recognizing the indivisibility of all human rights across past, present, and future generations, as well as the interdependence of humanity and the planet. Guided by international human rights law, international criminal law, and international humanitarian law, Just Planet's mission is to promote and defend human rights worldwide by identifying contemporary and emerging human rights challenges, and strategically responding to human rights violations.

TMX Indigenous Advisory and Monitoring Committee- Socioeconomic Subcommittee (IAMC-TMX SESC)

The Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion and Existing Pipeline ("IAMC-TMX") was established in 2017 and is intended to form the basis of a new relationship between Indigenous Communities, the Government of Canada, and the Canada Energy Regulator in respect to Trans Mountain Corporation and Trans Mountain Expansion Project ("TMEP") activities. The Committee, composed of 13 Indigenous and six senior federal government representatives and serving 129 impacted Indigenous communities, provides for collaborative, inclusive and meaningful Indigenous involvement in the review and monitoring of the environmental, safety, and socioeconomic issues related to TMC activities over the project's life cycle.

One of IAMC-TMX's key priorities is identifying and addressing the impacts on Indigenous communities resulting from temporary work camps and the influx of non-local workers to Indigenous territories. The IAMC-TMX Socioeconomic Subcommittee ("SESC"), established in 2018, seeks to support Indigenous communities in their efforts to improve how socioeconomic effects associated with major projects, such as TMEP, are identified, addressed, and managed.

Introduction

This submission outlines issues for consideration at Canada's periodic review by the Committee on the Elimination of All Forms of Discrimination Against Women at its 89th session.

This submission is made by Justice for Girls and Just Planet, with the support and knowledge of the Trans Mountain Expansion and Existing Pipeline Indigenous Monitoring and Advisory Committee's ("IAMC-TMX's") Socioeconomic Sub-Committee ("SESC").

Together, we write to express our grave concern about the human rights impacts of temporary work camps ("man camps" or "industrial camps") and large temporary workforces associated with resource extraction projects on Indigenous women and girls, in communities near resource development sites, or in cities that temporary workers transition through to get to these locations.

Indigenous women and girls are intersectionally impacted by environmental destruction/degradation, climate change, and the socioeconomic and human rights impacts of resource development industries. In their roles as primary land defenders, women and girls bear additional civil and political rights violations that accompany human rights/land defense. Based on this intersectional approach it is important to note that discrimination against women is inextricably linked to other factors such as sexual orientation, gender identity, physical ability, geographic location, and other factors of vulnerability.

We urge the Committee to give special consideration to the situation and fundamental rights of Indigenous women and girls by identifying Canada's obligations to prevent and respond to persistent inequality, discrimination, and violence that characterizes their lived realities in Canada and across the globe. The right to live free from violence is a fundamental human right encoded in CEDAW, and Indigenous women and girls continue to be subject to the gendered impacts of resource development, linked to a genocide with historical linkages.

Canada is failing to properly implement and adhere to Articles 10, 12, 13 and 14 of CEDAW by continuing to approve, subsidize, and otherwise support the development of fossil fuels, which has the direct effect of accelerating and exacerbating climate change and its negative human rights impacts.

The Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) has specifically discussed the impact of extractive industries on indigenous women

The loss of territory as a consequence of situations such as armed conflicts, militarization, the execution of mega development projects, extractive industries, mass tourism and, in some cases, the declaration of territories as heritage of Humanity or conservation areas can seriously harm indigenous women and place them in a situation of great vulnerability, being forced to leave their land, and to migrate to cities, often in situations of extreme poverty and vulnerability, leaving them with multiple discriminations to contend with. They might be forced to integrate into other cultures and more individualistic economic systems that threaten their identity.

The rights of Indigenous women and girls are especially important in the context of resource extraction and climate change. The climate crisis – extreme weather disasters, profound ecological degradation, and conflicts over increasingly scarce natural resources – results in disproportionate harms to Indigenous women and girls. Their vulnerability stems from their land-based subsistence and culture, and economic and social vulnerability due to colonization's erosion of Indigenous peoples' original protections and concept of safety as concerns women and girls. In addition to its contribution to the climate crisis, extractive industries pose immediate, serious human rights concerns for Indigenous women and girls in Canada.

Fossil Fuel Production & Climate Change (Articles 10, 12, 13, 14)

Canada is failing to properly implement and adhere to Articles 10, 12, 13, 14 of CEDAW by continuing to approve, subsidize, and otherwise support the development of fossil fuel production infrastructure, despite widespread international agreement that fossil fuel production must be rapidly phased down in order to avoid a tipping point for catastrophic climate destabilization and human rights disaster. Current science tells us that reducing atmospheric CO₂ from its current level of over 400 parts per million ("ppm") to below 350 ppm is necessary to restore the Earth's energy balance and stabilize our climate system. In the absence of climate stabilization, human life is at risk.

Despite findings by the International Energy Agency that no new fossil fuel infrastructure is needed globally, and that none should be built if we are to meet climate emissions targets and slow climate change, Canadian federal and provincial governments continue to permit oil and gas development.

In addition to fossil fuel production, mining, logging, and hydroelectric development activities continue throughout the country. A large proportion of these projects are in British Columbia (BC) and in Alberta (AB), on the unceded territories of Indigenous peoples and on lands covered by historic treaties between Canada and First Nations, often without their free, prior, and informed consent. Many pipeline projects cross the unceded territories of multiple Indigenous nations, such as the Trans Mountain Pipeline Expansion project (“TMX”), the Coastal Gaslink Pipeline (“CGL”), the Eagle Mountain Pipeline (“FortsBC pipeline”), and the Prince Rupert Gas Transmission Line (“PRGT”).

Due to ongoing colonial legacies and persistent systemic racism in Canada, Indigenous girls and women are hit the hardest by climate change. Devastation from natural disasters linked to climate change damages the delicate ecosystems that many Indigenous communities have relied upon to survive since time immemorial. This destruction affects the food chain, damaging trees, destroying plants, disrupting wildlife and fish migration patterns, contaminating waterways, and eviscerating traditional territories used for hunting, fishing, gathering, and spiritual practices. Prolonged evacuations and forced displacement have further exacerbated harms to Indigenous women and girls, including increased poverty and violence, housing insecurity, and denial of their full enjoyment of traditional lands and territories.

There is an indivisible relationship between land rights and other Indigenous rights. Indigenous peoples, especially women, maintain a unique, reciprocal relationship and deep cultural connection to land, water, culture, language, and traditions, which includes a responsibility to protect and steward the land. It is important to note that Indigenous territories hold an estimated 80% of earth’s biodiversity.

This unique relationship to the land is affirmed by CEDAW, who identified that,

Infringements on land rights is one of the situations that most severely impacts indigenous women. The women play a very important role in their communities as food providers, administrators of natural resources, conservators of sacred places, transmitters of their traditions and producers of art, among others. All of these aspects have forged the identity of indigenous women and nurtured their profound knowledge, intimately linked to the land and natural resources.

We urge CEDAW to emphasize the central role of resource development industries in causing climate change, environmental degradation, and serious human rights impacts for Indigenous women and girls in Canada.

Indigenous girls and women continue to experience the highest rates of violence, poverty, housing insecurity, incarceration, and inequality of access to health care of any population in Canada. Indigenous girls continue to be over-represented among those apprehended and placed in government foster care. Climate change, accelerated by continued investment in and advancement of fossil fuel production, compounds and exacerbates the impacts of colonialism, particularly at the intersection of their gender, age, and Indigenous identity. For Indigenous women and girls, identity, culture and human rights are inherently and indivisibly tied to the land and environment. Climate change and environmental degradation are thus a fundamental human rights violation. For children and future generations, who will experience the greatest harm because they will live long enough to endure the worst impacts, climate change is an existential threat and a violation of their right to life.

Recommendations

Canada must immediately comply with its commitments and obligations under the Paris Agreement to reduce emissions and limit global warming to a maximum of 1.5 degrees Celsius above pre-industrial levels. This can only be achieved by ceasing all fossil fuel production in Canada and investing in renewable and sustainable energy through a just transition.

Resource Extraction and Indigenous Women and Girls (Articles 1, 2, 6 & 14)

Environmental racism/colonization - toxics

Extractive economies, especially those governed by colonial regimes, threaten Indigenous women's and girls' rights, territories, and ability to live on their ancestral lands. Extractive projects occupy and toxify Indigenous lands, often without consent, forcing Indigenous peoples to defend their ancestral territories against environmental destruction, toxification, and impacts of climate change.

Indigenous and racialized peoples, including many who live in poverty, are more likely to live near extractive industries and be disproportionately harmed by environmental pollutants. Extractive economies, especially those governed by colonial regimes, threaten Indigenous women and girls' rights, territories, and ability to live on their ancestral lands and practice their culture.

On a visit to Canada, the Special Rapporteur on Toxic Wastes identified that,

The health risks posed to Indigenous peoples by the multibillion-dollar oil sands industry are another example of concerns. Fort McMurray, Fort MacKay and Fort Chipewyan (Fort Chip) paint a disturbing picture of health impacts of the oil sands (i.e. tar sands) that were not properly investigated for years, despite increasing evidence of health impacts on local communities. Fort Chip was repeatedly raised as having alarming health trends. The situation with the oil sands cannot be divorced from the troubling Trans Mountain Pipeline Expansion Project, strenuously opposed by many. Landfills, incinerators and other waste disposal sites are often closest to Indigenous reserves.

The health and environmental risks posed by extractive industries seriously threatens the rights of Indigenous women and girls. The Government of Canada has failed to fully understand, map, monitor, and mitigate these impacts. The Special Rapporteur on Toxic Waste's 2020 report asserts that,

Unfortunately, no socio-economic mapping has been done by the Government of the proximity of sources of exposure to toxics with Indigenous peoples, or others at elevated risk, such as low income or minority communities. Disaggregated data including economic and social indicators for ethnic minority groups, Indigenous peoples and non-citizens, consistently collected and maintained, would support monitoring and evaluation regarding actions to achieve environmental justice. For example, comprehensive health studies have not been undertaken on all communities affected by the oil sands in Alberta by either Federal or provincial authorities noting, however, Alberta's attempt to conduct a comprehensive health study about a decade ago.

Indigenous peoples' culture, sustenance, self-determination, and survival are closely linked to the natural environment. Land destruction dislocates Indigenous peoples from their lands and territories, increasing loss of language and culture through loss of biodiversity, including critical traditional plants and animals relied upon by Indigenous peoples. Industrial pollution and toxins impact Indigenous peoples' ability to access clean water, practice their culture, and live off the land.

More work is needed to understand and prevent toxic bioaccumulation of chemicals and elevated levels of rare cancers and other health conditions prevalent in Indigenous communities living close proximity to oil and gas extraction and transportation projects. Women and girls are disproportionately harmed by these health issues - especially the development and health of their reproductive systems, pregnancies, and breast milk.

Resource Extraction and Violence Against Indigenous Women & Girls

Violence against Indigenous women and girls is increased as a result of resource extraction industries. For example, climate change resulting from fossil fuel development exacerbates and magnifies existing systemic inequalities. Along with current and future climate harms, women and girls face immediate harms such as environmental toxicity, violence, exploitation, disappearances, and murders linked to large extractive projects and their industrial work camps.

Physical, sexual, and racially motivated violence accompanies the transient workforces employed by resource extraction companies. Transient workforces that are largely male, and associated 'man camps' (where male workers live in close quarters for weeks or months at a time) located in or near Indigenous territories are linked to increased sexual violence, trafficking, and murder of Indigenous women and girls.

Violence and exploitation of Indigenous women and girls near mining, logging, and other resource extraction sites has occurred since first contact by Europeans in North America. This violence is rooted in long held discriminatory

attitudes about Indigenous women. These attitudes contribute to the high rates of violence against Indigenous women and girls as well as inaction and indifference by law enforcement. The resource extraction sector is plagued by hyper-masculine, colonial male culture, often amplified by alcohol and drug consumption, that is the basis for serious and ongoing human rights violations against Indigenous women and girls.

Extractive industry projects are typically located in remote areas in Canada, which have limited safe modes of transportation and are often connected to communities and nearby areas by remote highways. It is along these remote highways and in these rural communities, such as the Highway of Tears in B.C. (Highway 16), that many Indigenous women and girls experience violence, disappear, or are murdered at alarming rates. While the prevalence of resource development projects and camps is more often in rural areas near Indigenous communities, there are also projects and industry presence in urban centers such as Edmonton, AB and the Woodfibre LNG in Squamish (near Vancouver, BC) with similarly devastating impacts.

Given the scale of fossil fuel production and resource extraction in Western Canada, we have grave concerns that Canada is failing to take appropriate and adequate action to prevent, investigate, prosecute, and remedy gender-based violence associated with these projects. These failures have disproportionately harmful impacts on Indigenous girls and women.

The 2019 National Inquiry into Missing and Murdered Indigenous Women and Girls (“MMIWG Inquiry”) concluded that resource extraction industries and their large temporary workforces are linked to increased violence against Indigenous women and girls. Rural Indigenous communities are disproportionately impacted by violence associated with these projects due to the remote and northern locations of resource extraction projects. The MMIWG Inquiry final report Calls to Justice 13.1-13.5 directly addresses the role of resource extraction in the genocide of MMIWG

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) has long recognized the relationship between violence against Indigenous women and girls, corporate and industry impunity, and extractive industries:

Violence against Indigenous women and girls by State and non-State actors and corporate actors in the public domain [includes]: “militarization and the activities of multinational corporations and extractive industries that operate with impunity on Indigenous peoples’ territories. Those actors and their activities have a detrimental impact on Indigenous women and girls, which manifests itself in sexual assault, sex trafficking, prostitution, bonded labour, the exploitation of overseas contract workers, the internal displacement of women and environmental violence”.

The IAMC-TMX’s SESC found that major resource projects, such as the Trans Mountain Pipeline Expansion Project, lead to an influx of thousands of non-local workers into Indigenous territories, amplifying Indigenous concerns regarding the safety of their members, including women and children. The SESC heard from some communities that Indigenous women and girls are having to perpetually consider their own safety when making decisions about day-to-day activities, such as if and when they will leave the house to access local services, to visit cultural sites (if those have not been disrupted by construction), or to participate in cultural activities, such as hunting and/or harvesting (if access has not been prohibited due to construction).

The SESC also heard from Indigenous communities that the sudden influx of cash into communities is linked to increased rates of violence, organized crime, use of unregulated and toxic drugs, alcohol abuse, and sexual exploitation. Sexual assault, sexual harassment, and human trafficking are issues that remain of critical concern for Indigenous communities living proximate to resource development and work camps, as well as communities facing large influxes of mostly-male temporary accommodation, such as hotels, motels, rental housing, and RV parks where industrial workforces are temporarily housed. The rise in violence and human trafficking associated with the influx of non-local workers and temporary industrial camps has a serious detrimental impact on the safety, security, health and wellness of Indigenous women and girls.

JFG has worked for over two decades to support Indigenous women and girls facing violence in BC, Canada. The prevalence of sexual assault among teen girls in Northern BC is a serious issue that violates fundamental human rights and requires immediate attention. At the intersection of their gender and age, teenage girls (12-18) in these communities are particularly vulnerable to sexual violence, sexual harassment, commercial sexual exploitation, and human trafficking. According to recent statistics, teen girls are disproportionately at risk of sexual violence in

Canada:

96% of human trafficking victims are women and girls, over 25% of those are girls. Nearly 50% are Indigenous.

Sexual violence against teenage girls (12-17) represents one of the highest rates of violence in Canada when disaggregated by age, gender and type of violence. When physical violence and sexual violence are combined, girls aged 15-19 experience the highest rates of violence.

JFG has consulted girls in communities impacted by resource extraction in BC, including along the Highway of Tears in Hazelton, Kitimat, Terrace, and Prince Rupert where Canada LNG and the PRGT Line are in development. Teenage girls reported that adult male workers from the project sexually harass and proposition them for sex on a regular basis. Girls report avoiding or being told to avoid certain areas of town where male workers gather, including certain restaurants or geographic areas of the city. JFG has received reports of adult male workers inviting teenage girls to parties with camp workers, adult male workers housing teenage girls in hotel rooms, and adult male workers sexually exploiting and abusing teenage girls.

The violence associated with men from the camps, and the ever-present disappearances and murders of Indigenous girls in these communities, is normalized and treated as an open secret among girls. High rates of addiction and poverty, exacerbated by the boom economy of extractive projects, leave girls vulnerable to sexual exploitation and abuse.

Canada has a history of forcible removal of Indigenous peoples from their territories for resource extraction projects. A 2013 report by UNICEF et al. found that forced dispossession of Indigenous peoples from ancestral lands is a risk for increased violence against women and girls. Once removed from their territories, women and girls are often forced to migrate from rural communities to urban centers, where they experience extreme poverty, state apprehension, violence, and exploitation, including human trafficking. These violations of their rights to peace and security, including freedom from all forms of genocide and violence, are committed globally with near-impunity, highlighting the urgency of requiring Canada to fulfill its legal duty to protect women and girls, especially in rural and isolated areas, against such violence.

Inadequate violence prevention and safety resources in communities

As resource extraction projects are disproportionately situated in rural, remote, and northern communities, there are inadequate community resources to prevent and respond to the increased violence that comes with transient workforces. For communities along the TMX pipeline, the SESC heard from Indigenous communities that inadequate supports were put in place to protect Indigenous women and girls. Lack of public transportation has long been an issue identified by Indigenous women as a contributing factor to violence against girls and women in the north.

Communities in the north are also faced with severe shortages of essential workers, including health care providers, social services, victim services, and Royal Canadian Mounted Police (RCMP) resources. In some rural communities, RCMP detachments are operating at 50% capacity due to vacant positions. Hospitals and emergency rooms have experienced resource constraints that have led to weekend closures of emergency rooms in rural communities in BC. SESC research in process has found that the increased strain on local services, including medical services, is not well-reported or addressed. We are concerned about allegations that 15% of desperately needed funding for policing in northern communities was re-allocated to dedicated militarized policing resources to police Indigenous land defenders.

Northern and remote communities lack essential services for girls and women who have experienced sexual violence, exploitation, or are fleeing violence in the home. For example, there are waitlists for women in some resource development hubs when seeking help from non-profits in response to violence and sexual assault.

Housing costs and availability are also impacted when large transient workforces are housed in local accommodation. The 'living-out-allowances' provided by industry allow them to pay higher rent and fill all available rental stock for an extended period of time, driving up the local cost of living and increasing housing insecurity. Tent encampments have developed in many northern communities as community members are no longer able to find affordable housing.

These impacts disproportionately harm girls and women in rural and remote areas, particularly Indigenous girls and women. The compounding impacts of poverty, housing insecurity, lack of access to essential services like health care, inadequate law enforcement, and under-resourced violence prevention and response services render girls and women in these communities exceptionally vulnerable to gender-based violence and other human rights violations. Combined with the large influx of [mostly male] temporary workers into these towns and cities, the risks of violence for women and girls become extreme.

Findings from Indigenous Monitoring of One Project; TMX and Conclusions by the SESC

The advisory oversight work undertaken by the IAMC-TMX's SESC since 2018 emphasizes that the requirements and conditions for identifying, managing, monitoring, and responding to the social, economic, cultural, and health and wellbeing issues that Indigenous women and girls face as a result of natural resource projects is insufficient. According to what has been learned by the SESC, Canada has much more to do to effectively understand and manage these concerns, including in relation to matters concerning MMIWG and gender-based violence.

SESC engagement with Indigenous communities has identified deep, ongoing concerns regarding community safety and security related to the TMEP, which has now been completed, as well as other current and future resource projects.

This includes the rights violations associated with the high numbers of non-local workers entering into Indigenous territories, and where vulnerable populations, including Indigenous women and girls and 2SLGBTQQIA+ people bear disproportionate impacts such as reduced access to traditional harvesting and/or hunting sites, increased incidents of racism on and off construction sites, escalation in violence, increased drug and alcohol, and perpetuation of MMIWG-linked genocide. This is in violation of a wide range of Indigenous women and girls' rights to life, language, culture, safety, justice, and freedom from racism, violence, and discrimination as protected by CEDAW, CRC, UNDRIP, and CERD.

SESC's learnings to date assert that:

Effective mechanisms in Canada to support community safety, and that can ensure the security of Indigenous women and girls and 2SLGBTQQIA+ people, remains deficient.

The absence of appropriate grievance mechanisms to access justice in connection with major resource development projects means that victims are likely to not report incidents when they do occur, including due to a lack of trust that the incident will be meaningfully addressed.

Major projects are not currently required to track Indigenous-focused data, including as this pertains to the effects of the project on Indigenous communities, and nor are impacts by gender being appropriately tracked. This is an ongoing concern expressed by the SESC.

There is still much work to be done by Canada to take meaningful action to address and respond to MMIWG National Inquiry Call to Justice 13.1-13.5 and UNDRIP Action Plan Measure 12, which both seek to understand, address, and prevent gender-based, socioeconomic concerns and rights violations Indigenous women and girls face as a result of extractive industries.

Impact Assessments, Regulatory Oversight, and Access to Remedies

The Committee specifically inquired about impact assessments of resource development projects in #9 of the LOI for this periodic review. The Committee asked Canada to comment on the Impact Assessment Act, 2019 S.C. c.28, which requires impact assessments of resource development projects, including gender-based impacts of projects under federal jurisdiction. The Committee also asked Canada to comment on the progress related to implementation of the 2016 concluding observations on this topic and from the Working Group on the issue of human rights and business on its mission to Canada.

The Working Group report highlighted the need for Canada to pay particular attention to the context of gender-based discrimination and risks of sexual violence that women experience in male dominated industries, such as extractive industries.

The 2016 Concluding Observations recommended that Canada implement effective mechanisms to investigate complaints against Canadian corporations involved in resource extraction domestically and abroad, including establishing an ombudsperson with the power to receive complaints and conduct independent investigations. The Committee also recommended that Canada ensure access to justice for women who are victims of human rights violations.

Impact Assessments

In the past, resource extraction companies were not required to submit detailed proposals or plans for housing their temporary workforce on impact assessments. Proposed workforce housing strategies have included housing workers in local accommodation (such as renting, purchasing houses), placing workers in hotels and short-term rentals, or building large workforce camps (“man-camps”).

The federal energy regulator has required plans under past and present legislation, however oversight and compliance mechanisms have been deficient. Modifications to plans and growing workforce sizes are not adequately addressed by regulators.

Recent legislative amendments to the federal impact assessment process now require corporations to consider the socioeconomic and health impacts of projects on distinct populations, particularly Indigenous communities. However, the regulatory requirements for projects that are regulated provincially are not consistent across the provinces and territories as each province has its own legislation. BC is the only province that requires assessment of the impacts on distinct populations, including as concerns temporary workforce accommodations.

Where impact assessments and permit amendments are required to consider health and socioeconomic impacts of projects under the new federal Impact Assessment Act, the federal Impact Assessment Agency does not appear to interpret this as applying to projects that were approved under the pre-2019 legislation.

Many projects, such as Woodfibre LNG, were approved under the old act but are just beginning construction now. Worker housing was the subject of a permit amendment application by Woodfibre LNG in 2019, however the federal government deemed it unnecessary to consider the gender or socioeconomic impacts of the proposed workforce housing amendment in 2023, and issued a permit for Woodfibre LNG to house its workers on a “floatel” (converted cruise ship) without community consultation.

Access to effective oversight and remedies

Canada’s legislative framework governing regulation and oversight for resource projects is complicated, making it difficult for civil society to meaningfully engage with regulatory oversight bodies and attempt to hold corporations accountable for violations. Each province has its own impact assessment and energy regulation legislation, and there is also a federal impact assessment and energy regulator that governs resource extraction projects. In some cases, projects are subject to both federal and provincial jurisdictions.

Even if regulators put conditions on corporations to prevent violations of human rights, individuals with little or no experience navigating the matrix of regulators, permits, and conditions may not know they exist or, if they do, how to report violations to the regulators for enforcement and compliance.

This is particularly true in the context of gender-based violence and sexual exploitation. Compliance and enforcement mechanisms are complaint-based, unless there are specific reporting criteria in permits. As reporting rates for sexual violence and exploitation are among some of the lowest of all crimes, we believe many cases of violence against women and girls related to resource extraction go unreported. Even where they are reported to police, they may not be appropriately connected to the project and documented accordingly as impacts. These concerns are shared by the IAMC-TMX SESC.

Additionally, some community members perceive that ties between government regulatory agencies and extractive corporations are too close. This perception erodes the community’s trust that regulators are transparent and will meaningfully hold corporations accountable for human rights violations. This perception is perpetuated by former government officials taking lobbying and senior executive positions in corporations.

Canada has yet to take steps to set up an independent, extractive sector ombudsperson with the power to receive and investigate complaints, as recommended by the committee in 2016.

No standardized or transparent data collection

Canada has not implemented a standardized and transparent system for documenting the violence and socioeconomic impacts of these projects and activities. Major projects are also not required to track data that specifically focuses on the impacts and rights of Indigenous girls and women.

Data collection is frequently left to the corporations to collect and they are only required to report on it if there is a compliance concern. Corporations may collect and report on a voluntary basis and this data is not necessarily made publicly available.

The lack of standardized, disaggregated data collection likely contributes to industry's underreporting of violence against women and girls associated with extractive industries.

Recommendations

Canada must implement national legislation mandating human rights impact assessments (HRIA), with a gender and socioeconomic analysis (Call for Justice 13.1 and 13.2) as part of the decision-making and ongoing monitoring of these projects.

Canada must fully understand, prevent, map, document, monitor, and mitigate the impacts of resource developments industries on Indigenous women and girls' lives and rights, including funding further Indigenous-led research and studies to fully understand the relationship between resource extraction and other industrial development projects and the related violence against Indigenous women and girls, in line with the National Inquiry into MMIWG Final Report's Call for Justice 13.4.

Canada must make increased funding and capacity support for Indigenous oversight of resource development activities, including the development of community-based socioeconomic and human rights impacts monitoring programs. Canada must grant Indigenous oversight bodies the power and capacity to hold industry and regulators accountable.

Canada must collect and provide updated statistical data, disaggregated by age, sex, ethnic origin, socioeconomic background, national origin, geographic location and socioeconomic status on the health and wellbeing of Indigenous women and girls living in proximity to resource development projects.

Canada must adhere to a standard of due diligence when addressing the issue of violence against Indigenous women and girls in relation to extractive industries. This standard consists of four equally important obligations: prevention, investigation, prosecution, and compensation.

Canada must enhance funding and access to confidential support services for survivors of sexual assault, particularly in remote or rural areas and strengthen accountability mechanisms for perpetrators of sexual violence, including resource extraction companies.

Canada must track and document the availability and use of services focused on preventing and addressing violence against Indigenous women and girls in regions with high levels of resource extraction to allow for impacts to be traced back to industrial activity.

Implementation of UNDRIP

Canada's periodic report points to legislation to nationally implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). However, there are no concrete timelines or deliverables associated with the implementation of this legislation. There continues to be a significant lack in meaningful steps taken to address Canada's UNDA Action Plan, specifically Measure 12 which calls for the State to:

Partner with Indigenous communities and organizations, industry, other federal departments and provinces and territories to develop and implement a strategy to:

Increase safety and security of Indigenous women, girls and 2SLGBTQI+ people at all stages of resource project development

Empower Indigenous women, girls and 2SLGBTQI+ people to influence and equitably benefit from resource development through increased participation across disciplines and occupations, leadership positions and throughout the supply chain

[Natural Resources Canada should] partner and path find with other federal departments to identify whole of government responses to mitigate the impacts of resource development projects on Indigenous women, girls and 2SLGBTQI+ people.

Recommendations

Canada must urgently prioritize and expedite the recommendations of the National Inquiry into MMIWG, the UNDA Action Plan, and the Truth and Reconciliation Commission including specific timelines and resources for full implementation, in accordance with the gravity of the rights violations associated with the genocide.

Canada must provide information to the Committee detailing substantive actions – including policies, budgets, programs, governance, and reconciliation measures– in response to the National Inquiry Calls for Justice and the subsequent National Action Plan.

Canada must provide information to the Committee detailing substantive actions and timelines – including policies, budgets, programs, governance, and reconciliation measures – for the legislative implementation of UNDRIP, specifically Action Plan Measure 12.

Canada must follow the leadership of Indigenous peoples and support them to form their own institutional body to monitor Government actions and implementation of the 2021 National Action Plan.