

# Skeena Watershed Conservation Coalition

Submission to the United Nations

Committee on the Elimination of Discrimination Against Women

for the consideration of the Eleventh Periodic

Reports of Canada (CEDAW/C/CAN/10)

At the 89th Session

August 2024

## Introduction

Skeena Watershed Conservation Coalition (SWCC) submits this stakeholder report to the 89th Session of the UN Committee on Elimination of Discrimination Against Women, to reveal the current situation of Wet'suwet'en and Gitksan women land defenders whose fundamental rights have been repeatedly violated by the Government of Canada. The report aims to shed light on the challenges faced by Indigenous Wet'suwet'en women in the province of British Columbia, highlighting systemic violations of their fundamental rights by the Government of Canada. SWCC seeks to draw attention to pervasive discrimination and ongoing human rights violations experienced by Wet'suwet'en women who reside on their traditional territories (in rural areas), and who wish to maintain their traditional ways of life and to protect the ecological integrity of their territories. Women working to protect their territories against incursions of extractive industries have been subjected to these abuses. Wet'suwet'en women are persistently targeted by the Canadian government and provincial Royal Canadian Mounted Police (RCMP) forces that also include their Community Industry Response Group (CIRG). These forces work in collusion with multinational extractive corporations and well-trained private security forces to terrorize and criminalize Indigenous women. This report is presented with the hope that it prompts comprehensive questions and specific recommendations from the Committee to remedy the violations of CEDAW and urges Canada to address the outlined human rights issues and align its actions with CEDAW principles and articles.

## Compliance with CEDAW Articles

Article 1 and Article 2 (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms the human rights of Indigenous women, yet these rights are consistently violated in the Wet'suwet'en, Gitksan, and British Columbia. Canada's colonial history and ongoing systemic discrimination are deeply tied to the marginalization of Indigenous women, impacting their cultural identity and socio-economic status. This is evident in the failure to fully implement recommendations from the National Inquiry into Murdered and Missing Indigenous Women and Girls (MMIWG) and the "Gladue factors" used in Canadian courts to account for colonial impacts during sentencing. The lack of adherence to these recommendations highlights systemic neglect and reinforces harmful prejudices against Indigenous women.

Canada has largely ignored its legal obligation to enact the 231 Calls For Justice framework from the MMIWG National Action Plan, which seeks to dismantle colonial structures and address the high rates of violence against Indigenous women. This neglect perpetuates the view that Indigenous women are less deserving of protection and support compared to non-Indigenous women. Over three decades of commission inquiries reveal that Indigenous women face significant disadvantages, such as lower education levels, poorer health outcomes, and inadequate housing, which heighten their vulnerability. Additionally, their cultural traditions are frequently disregarded, particularly by industries focused on resource extraction from their lands.

International human rights law obligates Canada to protect against abuses by third parties, including businesses. Companies like Coastal GasLink have violated Indigenous women's rights by damaging their lands and employing tactics of intimidation and psychological terror. For instance, in 2023, Coastal GasLink constructed a Liquid Natural

Gas (LNG) pipeline through Wet'suwet'en territory, targeting Indigenous women who opposed the project with surveillance, threats, and psychological abuse. Furthermore, the construction of large "man-camps" brought numerous outsiders into remote Wet'suwet'en and Gitxsan territories, increasing the risk of violence and harassment.

Canada's failure to provide accountability or safety for missing and murdered Indigenous women creates an environment where their rights are systematically violated.

Recommended Questions:

What judicial mechanisms will Canada put in place to ensure corporations like Coastal Gas Link will adhere to the UN Guiding Principles on Business and Human Rights (UNGPs)?

When will Canada establish a commission on the educational outcomes of Indigenous women with the Native Women's Association in order to develop and implement actionable policies that will reduce barriers to education and training in culturally relevant ways that will enable them to participate more fully in high-impact decision-making in their communities and in provincial and federal decision-making?

Recommendations for Canada

Canada should ensure corporations like Coastal GasLink adhere to UN Guiding Principles on Business and Human Rights (UNGPs).

The Canadian government should meet with the Native Women's Association before International Human Rights Day (December 10, 2024) to develop policies for improving educational outcomes and increasing Indigenous women's participation in decision-making, as well as implementing concrete steps to improve the rights and wellbeing of Indigenous women in Canada and establishing a process to address the rights violations.

Canada must ensure that under Bill C-45, companies like Coastal GasLink are held criminally liable for mental harm caused to Indigenous women by their agents' harassment and threats.

Article 5 Gender roles and gender stereotypes

Canada's educational, health, and judicial systems are shaped by colonialism, racism, and discrimination, affecting Wet'suwet'en and Gitxsan women land defenders who face a "double burden" of being both women and Indigenous. This intersectional discrimination involves race, class, and gender, leading to stereotypes that justify police inaction and result in underreporting of domestic and sexual violence. Indigenous women and girls make up 50% of human trafficking victims in Canada.

The most severe impact of these prejudices is seen in the inadequate police response to missing persons and murder cases for Indigenous women. In 2022, BC Indigenous women were subjects of 600 missing persons alerts; 15 remain missing, and 15 are deceased.

Running through the territories of Wet'suwet'en and Gitxsan women is the infamous Highway of Tears. Highway 16, a 720km corridor between Prince George and Prince Rupert traverses economically disadvantaged areas with poor public transportation and cell service and has been the site of the disappearance of dozens of Indigenous women and young girls. Remote roads used by extractive industry personnel and Wet'suwet'en and Gitxsan women also lack cell service, increasing vulnerability to harassment and violence. Women land defenders have reported being intentionally stopped, intimidated and harassed either in person or over radios on these dark roads, far from witnesses and help.

The Royal Canadian Mounted Police (RCMP) has further institutionalized targeted harassment through the Community Industry Response Unit (C-IRG), now renamed the Critical Response Unit (CRU). The CRU conducted four militarized raids on Wet'suwet'en land defenders, which utilized unnecessary force against unarmed women. RCMP/CRU officers arrested numerous Indigenous women for defending their traditional territories from Coastal GasLink. Audio recordings from November 19, 2021, capturing those same RCMP/CRU officers mocking Indigenous women and the symbols they wore to represent missing and murdered individuals, as well as making jokes about police violence.

Recommended Questions:

When will Canada order a full investigation of the discriminatory actions of the RCMP- and C-IRG by an independent investigative body?

When will Canada fully implement the recommendations received from United Nations treaty bodies, specifically the Committee on the Elimination of Racial Discrimination, related to police harassment and intimidation experienced by women of the Wet'suwet'en and Gitksan nations?

#### Recommendations for Canada

All RCMP and C-IRG/CRU-BC unit members must undergo training and intensive education programs related to implementation of the UN DRIP in their daily work.

C-IRG/CRU-BC should be examined with potential to end its engagement as it only added to the gross systematic human rights violations of Indigenous women across the province of British Columbia.

Canada must immediately establish an intergovernmental task force to implement the previous recommendations from UN human rights treaty bodies as well as the upcoming recommendation from CEDAW.

Canada must ensure that affordable cell network service is made accessible along the entire route of Highway 16 and in communities most impacted by development projects.

#### Article 6: Prevention of and combat of human trafficking and exploitation of women for sex work

The presence of transient man-camps on Wet'suwet'en and Gitksan territories in which hundreds of men (disproportionately white) are flown in to work in extractive industries puts Indigenous women at excessive risk of exploitation and gender-based violence. Many of these man-camps are in remote areas without cell phone service or witnesses, which puts women in the vicinity of these camps in danger. Chronic poverty in First Nations communities and reserves can lead women to engage in opportunity-seeking behaviours at these camps or with men temporarily residing in them outside of camps in ways that put their safety at risk and endanger their wellbeing.

Small, often remote communities around extractive projects lack the social and health infrastructure to mitigate the gendered impacts of the presence of man-camps on women. Without this infrastructure, statistical reporting of these impacts is impossible to obtain and so they are made invisible, untraceable and without any carriage of justice.

#### Recommended Questions:

What regulatable and fiduciary obligation will Canada put on resource-extraction and development industries to anticipate, and fund increased social infrastructure around projects on Wet'suwet'en, Gitksan and other Indigenous territories to mitigate potential harms to Indigenous women?

When will Canada enforce the obligation of extractive industries to enter into binding impact benefit agreements with Indigenous communities directly impacted by their projects that must include provisions that address the impacts of projects on the safety and security of Indigenous women prior to licenses to operate?

#### Recommendations for Canada

Canada must implement the UN Guiding Principles on Business and Human Rights in the communities impacted by extractive industries. Indigenous women and entire First Nations must be included in the process before an extractive industry operates on Indigenous peoples lands.

Canada must create and enforce a Free, Prior & Informed Consent process for all activities on ancestral homelands. Canada must include directly impacted communities.

Canada must develop a reasonable timeline in which to fully implement the 231 Calls For Justice framework and National Action Plan that came out of Native Women's Association of Canada led National Inquiry into Missing and Murdered Indigenous Women and Girls.

#### Article 9 Nationality Issues

UNDRIP Article 3 asserts that "Indigenous Peoples have the right to self-determination" to freely determine their political status and pursue their own economic, social, and cultural development. Article 4 grants them the right to

autonomy or self-government in their internal and local affairs, including financing these functions.

The 1997 Delgamuukw decision by the Supreme Court of Canada recognized Wet'suwet'en Hereditary Chiefs as the definitive authorities of their Nation. In 2020, a Memorandum of Understanding between British Columbia and the Wet'suwet'en Hereditary Chiefs confirmed that "Wet'suwet'en rights and title are held by Wet'suwet'en houses under their system of governance." Despite this, Wet'suwet'en and Gitksan Hereditary Chiefs have consistently argued that they did not consent to the construction of the Coastal GasLink (CGL) pipeline, Prince Rupert Gas Transmission (PRGT) pipeline, or any other proposed future pipelines on their territories. The lack of Free, Prior, and Informed Consent (FPIC) within these matriarchal nations represents a violation of women's rights and undermines their equal participation in governance and the sovereign development of their lands.

The Chiefs have never ceded their collective title to their territories, yet the ongoing failure to recognize their sovereign authority and the persistent criminalization of women land defenders undermine traditional matriarchal governance. Witnessing the repeated, violent arrests, dehumanization and criminalization of Wet'suwet'en and Gitksan matriarchs has a demoralizing and detrimental effect on the willingness of women to participate in leadership roles within their communities.

During protests against the CGL pipeline, police and RCMP conducted frequent, militarized raids on Wet'suwet'en and Gitksan territories, often at all hours of the day and night. When asked to leave, officers claimed they were not trespassing as they were on "Crown Land." These raids, carried out without regard for community safety, severely impacted the mental health of women and youth and compromised their sense of safety and security in their own homes.

Recommended Questions:

When will the government of Canada uphold the Delgamuukw decision and the MOU that recognizes the right of Indigenous women to be the sovereign rights and titles holders of their traditional lands?

When will the state of Canada recognize their participation in the governance and protection of their territories as rights holders whose authority overrides that of corporations?

When will Canada to implement the Truth and Reconciliation Commission's 47th recommendation and stop relying on Doctrine of Discovery and terra nullius and reform those laws, government policies, and litigation strategies that continue to rely on claims of title and access to Indigenous territories that allow them to make claims of expropriation and to trespass on their lands at will?

When will the State of Canada implement the Truth and Reconciliation Commission's 52nd (ii) recommendation and accept the Delgamuukw v. British Columbia ruling as an acceptable and authoritative meeting of the burden of proof of title that would deny the RCMP the authority to carry out random raids like these on Indigenous women's homes and lands?

Recommendation for Canada

Canada must implement the Supreme Court Decision on Delgamuukw immediately in partnership with the Indigenous peoples and establish a timeline and mechanisms to recognize the human rights of Indigenous Peoples enshrined in the Delgamuukw decision.

Canada must establish an implementation for the important reports by the Truth and Reconciliation Commission, specifically recommendations 47 and 52 that Canada acknowledge the hereditary governance system of the Wet'suwet'en and Gitksan as the authority on their territories and end its reliance on the concepts of the Doctrine of Discovery and terra nullius as cudgels against First Nations land claims.

Canada must immediately revise the Impact Assessment Act (2019) to include elements of projects in its impact assessments that may overlap with elements of provincial jurisdiction when assessing whether they are in the public interest or not as means to reduce the adverse impacts of resource development projects on Indigenous women.

Article 14 says States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized

sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

Through the processes of colonization and dispossession, most First Nations peoples inhabit both on and off reserve areas in Canada may be referred to as “rural.” The ecologically rich territories (on and off reserve) of the Wet’suwet’en and the Gitksan people have provided the sustenance of life for millennia. The forests, rivers, lakes of their territories have been the sources of food, medicines and are the foundation of Wet’suwet’en and Gitksan governance and cultural practice. The land is inextricably tied to identity, and ways of being and knowing. To be a rural Indigenous woman on these territories is to live constantly under the spectre and threat of colonial corporate extractive enterprises such as forestry, fishing, oil and gas.

To defy these projects is to be placed in the crosshairs of the RCMP, Community Industry Group C-IRG (now the Critical Response Unit or CRU-BC) and the provincial judicial system. To accept them is to participate in the destruction of their territories. These decisions often pit community members against one another and create painful rifts that can be ostracized in consequential ways that impact a woman’s ability to find employment in communities with few jobs and their ability to participate, without prejudice, in the lives of their communities. In “rural” communities this isolation can lead to substance use, depression and behaviours that put women and their children at risk in areas with limited health and social services infrastructure.

Recommended Questions:

What funding does the federal government provide to ensure culturally relevant supportive services are provided for Wet’suwet’en women so that they may receive the support they need as they pursue educational, employment and training opportunities?

When will Canada mandate parties in negotiations of impact benefit agreements related to resource-extraction and development projects include provisions that address the impacts of projects on the safety and security of Indigenous women, girls?

What will the government of Canada do to prioritize and expedite the construction of the Gitksan-Wet’suwet’en Primary Health Care Centre on Gitksan Territory?

Recommendations for Canada

Canada must ensure adequate resources for educational, employment and training opportunities for Gitksan-Wet’suwet’en for women as well as entire population on Gitksan Territory

Canada must generate genuine partnerships with Gitksan-Wet’suwet’en in the design, construction and operations of the recently proposed Primary Health Care Centre on Gitksan Territory. The Health Care Centre must enshrine the articles of CEDAW and UNDRIP to ensure the protection and promotion of women’s rights and wellbeing.

Article 15 Ensuring Women’s equal rights before courts of law

UNDRIP Article 7 states “Indigenous people have the collective right to life, physical and mental integrity, liberty and security of person.” Indigenous women represent 48.6% of women admitted to federal custody in Canada. In 2023, Indigenous women accounted for 65% of all women sentenced in maximum security custodial facilities across Canada. While in custody, Indigenous women land defenders are frequently transferred to court houses and prisons that are far away from their communities, cultural supports, and families. The tactics used by the RCMP during four militarized raids on Wet’suwet’en land defenders were disproportionate and grossly asymmetrical to the situation they were responding to. Conversely, there are no reports of defenders using violence or representing a physical threat to industry employees or police. These raids included the use of lethal oversight and the deployment of semi-automatic sniper rifles, dogs, bulldozers, and helicopters.

The RCMP enforce court sanctioned removal of women from their territories by court injunctions and bail conditions. Women land defenders are not permitted to return to their homes on their unceded territories as they await court hearings and other court proceedings. The weaponization of injunctions and bail conditions benefit industry actors and deter women from protesting or engaging in non-compliance with industry policies and activities on their unceded lands. Wet’suwet’en and Gitksan women are indiscriminately surveilled while they engage in their

cultural practices on their territories and around their private homes by police and industry-hired private security forces who conduct random patrols around the clock in their alleged deterrence of criminal code offences and potential breaches of bail conditions.

A recent investigation into surveillance carried out against Wet'suwet'en women land defenders showed that, since 2021, they have been the victims of multiple violations of the provincial Freedom of Information Protection of Privacy Act.

#### Recommended Questions:

When will the State of Canada drop all contempt of court charges against Wet'suwet'en women land defenders?

When will Canada adopt human rights and environmental due diligence legislation requiring companies to proactively ensure they do not cause or contribute to human rights violations and abuses against Wet'suwet'en and Gixtsan women, including rights contained in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), through their own activities?

When will Canada adopt measures to ensure that injunctions are not used to infringe the human rights of Wet'suwet'en and Gixtsan women, including forcibly removing them from their territories by arrest or the terms of bail conditions?

Why did the Indigenous Relations Ministry, tasked with furthering reconciliation with First Nations, rely on information gathered illegally by industry rather than speak directly with Wet'suwet'en leadership on matters as they arose during the construction of the CGL pipeline?

#### Recommendations for Canada

Canada must ensure that Wet'suwet'en and Gixtsan women can freely exercise their rights from the Universal Declaration of Human Rights to the UN Declaration on the Rights of Indigenous Peoples without fear of harassment or arrest.

The injunctions being issued by CGL must immediately cease as they forcibly remove women from their ancestral homelands and communities, and families (including their children) and also contribute to removal from land with arrests and bail conditions. Canada must immediately desist in criminalizing being Indigenous and implement UNDRIP.