

Joint Submission of Just Planet & Justice for Girls

for consideration by the
UN Human Rights Committee during its Review of
Canada's 7th periodic report under the
International Covenant on Civil and Political Rights
145th Session (March 2-19 2026)

*On LOI Para 13 (Article 6- Right to Life) and LOI Para 24 (Articles 2, 25-27-
Rights of Indigenous Peoples)*

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Submission Prepared by:
Zoe Craig-Sparrow, MA PhD Candidate (London)
Annabel Webb, MA (UBC) MSt (Oxford) PhD Candidate (London)

JUSTICE FOR GIRLS

Justice for Girls (JFG) is a Canadian non-governmental organization based in Vancouver, British Columbia that works to promote the health, wellbeing and human rights of teenage girls who are homeless or living in poverty. Since 1999, JFG has worked locally, nationally and internationally to promote and protect the rights of teenage girls who face poverty, violence, colonization and environmental injustices. JFG has maintained consultative status with the UN Economic and Social Council since 2009.



Just Planet is an award winning non-governmental organization with a broad range of expertise, on the ground experience, and a global network of human rights experts and activists. 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. Just Planet was recognized in 2023 with the UN Prize in the Field of Human Rights, along with our coalition partners, for outstanding achievement in human rights for our advancement of the universal right to a clean, healthy, and sustainable environment. Identifying contemporary and emerging human rights challenges and responding to human rights violations, Just Planet promotes and defends human rights worldwide. Our work is guided by international human rights law, international criminal law, and international humanitarian law. Just Planet has maintained special consultative status with the UN Economic and Social Council since 2021.

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Summary

This submission responds to the Committee's List of Issues:

- **Para 13:** Canada's obligations under Article 6 (Right to Life) in the context of climate change and environmental degradation
- **Para 24:** Canada's obligations regarding meaningful consultation and Free, Prior and Informed Consent (FPIC) of Indigenous peoples, particularly women and girls

We assert that Canada is:

- Failing to protect and ensure the right to life of Canadian girls—especially Indigenous girls—through climate inaction, fossil fuel expansion, and denial of positive obligations; and
- Failing to engage in meaningful consultation to secure the free, prior, and informed consent of Indigenous peoples—particularly Indigenous women and girls—in the context of natural resource projects and land disputes.

Right to Life & Climate Change (ICCPR Article 6)

- Canada has never met a climate target and is experiencing warming at twice the global average, with severe impacts including heat domes, record wildfires, floods, and ecosystem collapse.
- Canada continues to expand oil and gas production, is rolling back environmental protections and continuing to subsidize fossil fuels.
- Canada rejects the interpretation of Article 6 articulated in General Comment No. 36, denying that climate change engages the right to life or creates positive State obligations.

Indigenous Rights, Consultation & FPIC (ICCPR Arts 2, 25–27)

- Canada continues to fail to obtain FPIC for major extractive projects, relying on narrow, procedural 'consultation' that does not secure consent.
- The Committee on the Elimination of Racial Discrimination has repeatedly:
 - Condemned Canada's approach and misunderstanding of the duty to consult
 - Called for suspension of projects like TMX, CGL, and Site C without FPIC
- Indigenous women and girls are systematically excluded from decision-making, despite being disproportionately harmed by extractive industries through:
 - Increased sexual violence, trafficking, and exploitation of Indigenous women and girls
 - Militarization of Indigenous territories and criminalization of land defenders

Key Recommendations

- Cease new fossil fuel development and end fossil fuel subsidies
- Align climate action and policies with best available science
- Recognize the scope and content of the right to life in relation to climate change pursuant to General Comment 36, paragraph 62
- Ensure meaningful participation of children, especially Indigenous girls
- Secure FPIC, with specific attention to Indigenous women and girls
- Provide effective remedies for State and corporate human rights violations

Introduction

1. This joint submission responds to the Committee's List of Issues, particularly:
 - a. Paragraph 13 on Canada's prevention and mitigation of the effects of climate change and environmental degradation on the right to life (art. 6), and
 - b. Paragraph 24 on Canada's duty to consult, especially the right to free, prior, and informed consent (FPIC) and meaningful participation of Indigenous peoples, particularly women and girls, in decisions that affect them (arts 2 and 25-27).
2. **In relation to climate change and environmental degradation, we assert that Canada is failing to protect and ensure children's right to life under Article 6 of the Covenant through their acts, omissions, and denial of positive obligations under Section 7 of the Canadian Charter of Rights and Freedoms. We assert that these failures disproportionately harm girl children, especially Indigenous girls.**
3. **We assert that Canada is failing to fully discharge its duty to consult Indigenous women and girls in relation to resource extraction projects thereby violating their rights under Section 35 of the Canadian Constitution, the United Nations Declaration on the Rights of Indigenous Peoples Act (S.C. 2021, c. 14), and the Covenant (Arts 2 and 25-27).**
4. We urge the Committee to emphasize the central role of extractive industries in causing climate change, environmental degradation, and militarization of Indigenous territories in Canada.

Special consideration of the rights of the girl-child

5. Recalling Articles 2, 3 and 24 of the Covenant, **we urge the Committee to give special consideration to the situation and fundamental rights of the girl-child** in the context of climate change and natural resource projects, which specifically and disproportionately undermine the rights of Canadian girl children, especially Indigenous girls.
6. Girls' right to special protections under the Covenant is enumerated in Article 24 paragraph 1 and General Comment No. 17.¹ These protections are also articulated in General Comment No. 36, paragraph 60, which requires States to take special measures of protection guided by the best interests of the child and ensuring the survival and development of all children.²
7. Intersectionality is an established normative framework for interpreting the scope of Canada's obligations under the Covenant, especially those contained in Articles 2 and 6.³ Girls' rights under the Covenant engage a comprehensive international human rights framework, guided by norms and standards set out by the Committee on the Rights of

¹ UN Human Rights Committee (HRC), CCPR General Comment No. 17: Article 24 (Rights of the Child), 7 April 1989

² HRC, CCPR General Comment No 36 on Article 6 (Right to Life), para 60.

³ CCPR General Comment No 36 on Article 6 (Right to Life), para 61.

the Child, the Committee on the Elimination of Discrimination against Women, the UN Declaration on the Rights of Indigenous Peoples and the rights of the girl-child framework set out in the United Nations Beijing Declaration and Platform for Action.⁴

8. Ecological elements of Canada's human rights obligations to girls are set out, *inter alia*, in General Comment No. 36,⁵ CRC General Comment No. 26,⁶ and UNDRIP.⁷ Climate-related human rights obligations have been authoritatively affirmed by the International Court of Justice in their unanimous advisory opinion.⁸

LOI para 13 - Article 6 - Right to life

9. There is a global consensus amongst scientists and human rights experts that climate change is an existential and imminent threat to humanity, one that disproportionately impacts children and future generations.
10. The Committee has defined environmental degradation, climate change, and unsustainable development as, "some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life."⁹
11. The Committee on the Rights of the Child in its General Comment No. 26 on children's rights and the environment with a special focus on climate change, authoritatively defines States' obligations to environmentally respect, protect and fulfill children's right to life,

The right to life is threatened by environmental degradation, including climate change, pollution and biodiversity loss, which are closely linked to other fundamental challenges impeding the realization of this right, including poverty, inequality and conflict. States should take positive measures to ensure that children are protected from foreseeable premature or unnatural death and threats to their lives that may be caused by acts and omissions, as well as the activities of business actors, and enjoy their right to life with dignity. Such measures include the adoption and effective implementation of environmental standards, for example, those related to air and water quality, food safety, lead exposure

⁴ United Nations Specialised Conferences, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, -, United Nations, 27 October 1995.

⁵ Para 62; Communication No 2751/2016 (Application No) UN Doc CCPR/C/126/D/2751/2016 (Official Case No) IHRL 3956 (UNHRC 2019) para 7.3; CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change

⁶ CRC General comment No. 26.

⁷ Preamble, Articles 29 & 32; see also: United Nations Office of the High Commissioner for Human Rights (OHCHR). *Five UN human rights treaty bodies issue a joint statement on human rights and climate change*, 16 September 2019, available via the OHCHR website:

<https://www.ohchr.org/en/statements/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human-rights-and-climate-change>.

⁸ *Obligations of States in Respect of Climate Change*, Advisory Opinion, I.C.J. Reports 2025 (23 July 2025), General List No. 187.

⁹ CCPR General Comment No. 36, para 62

and greenhouse gas emissions, and all other adequate and necessary environmental measures that are protective of children's right to life.¹⁰

12. In Paragraph 13(a) of its List of Issues, the Committee called upon Canada to provide information about its efforts to prevent and mitigate the effects of climate change pursuant to its obligations under Article 6.¹¹
13. Canada's response¹² failed to inform the Committee that **Canada has never met any of its GHG emissions targets** pursuant to its obligations under international environmental obligations, such as the Paris Agreement, and that Canada is on track to breach these obligations yet again.¹³
14. Instead of making efforts to prevent and mitigate the effects of climate change and environmental degradation, Canada is ramping up oil and gas production, rolling back environmental protections, and failing to discharge its duties with respect to the free, prior, and informed consent of Indigenous peoples in relation to fossil fuel projects.
15. Canada is already experiencing serious, harmful environmental impacts of climate change. These impacts disproportionately harm children and future generations—especially girls. These harms are compounded for Indigenous girls whose peoples, cultures, food security, ancestral lands and territories, are at the frontline of harms caused by fossil fuel development and climate change.
16. The annual average temperature in Canada has increased at roughly twice the global average rate.¹⁴ Annual temperatures over northern Canada increased by roughly three times the global warming rate on average.¹⁵ Canada has also experienced deadly temperature and heat domes,¹⁶ catastrophic flooding, record wildfire seasons,¹⁷ and other climate-induced disasters, including serious threats and impacts on marine and terrestrial ecosystems.
17. Girls' right to life is indivisible from the right to participation.¹⁸ The Committee asked Canada to report on its efforts to provide inclusive processes for the participation of civil society groups and the public, including women, persons with disabilities, Indigenous

¹⁰ Para 20.

¹¹ CCPR/C/CAN/QPR/7, para 13 (a).

¹² CCPR/C/CAN/7, para 82.

¹³ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104; CBC News (17 December 2025) [Canada's 2030 climate target far out of reach, according to federal data | CBC News](#); Canadian Climate Institute (18 September 2025) [Canada's emissions flatlined in 2024, early estimate shows](#).

¹⁴ Government of Canada, [Temperature change in Canada](#)

¹⁵ Ibid.

¹⁶ Canadian Climate Institute, [Climate change and extreme heat waves in Canada](#)

¹⁷ In 2025, as of mid-September, nearly 9,000,000 hectares (an area larger than the province of New Brunswick), had burned, making it the second worst wildfire season on record. See: [Prime Minister Carney's climate track record: grand bargain or bargain bin? | West Coast Environmental Law](#); [2025 Canadian wildfires - Wikipedia](#)

¹⁸ CRC, General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, 27 November 2003.

peoples and rural communities, when developing and implementing legislation and policy on climate change.

18. Canada is failing to meaningfully engage children about climate legislation and policies that directly and disproportionately impact their right to life.¹⁹ While Canada claims to seek youth perspectives through its Environment and Climate Change Youth Council,²⁰ Federal and Provincial governments fight children's constitutional climate claims in court, arguing they are not justiciable, rather a matter for the legislative branch.²¹ Due to a lack of meaningful opportunities for participation, child climate litigants, not old enough to participate in the political process through voting, argue courts are their only meaningful avenue for participation and remedy to threats to their right to life, liberty and security caused by Canada's acts and omissions contributing to the climate crisis. Due to their age, children are limited to civil disobedience, protest, and legal claims as the means to influence climate policy and action.

Canada's actions and retrogress breach environmental obligations under the Covenant

19. **Canada is not on track to meet its 2030 emissions targets.**²² According to the Canadian Climate Institute,

After yet another summer of terrible wildfires, extreme weather, and rising costs, Canadians would be right to expect their governments to take more action to fight climate change, not take their foot off the accelerator. Instead, the latest emissions data confirm that two decades of climate progress is in jeopardy without a policy reboot from governments right across the country. With emissions flatlining and important policies being scaled back, Canada's 2030 target is now out of reach—and the longer we take to get back on track, the more Canadians will pay the price.²³

20. Canada's actions continue to breach international environmental obligations under the Covenant:

- a. Rather than investing in climate action to meet its legislated climate commitments,²⁴ Canada continues to prioritize subsidizing the fossil fuel industry. In 2024, Canada contributed \$30 billion in fossil fuel subsidies (direct subsidies,

¹⁹ Canada has obligations to ensure children's right to express their views freely in all matters affecting them and that their views are given due weight in accordance with their age and maturity pursuant to article 12 of the UN Convention on the Rights of the Child.

²⁰ [Environment and Climate Change Youth Council - Canada.ca](https://www.canada.ca/en/environment-climate-change/youth-council.html)

²¹ *Mathur v. Ontario*, 2024 ONCA 762; *La Rose v His Majesty the King* 2023 FCA 241

²² CBC News (17 December 2025) [Canada's 2030 climate target far out of reach, according to federal data | CBC News](https://www.cbc.ca/news/politics/canadas-2030-climate-target-far-out-of-reach-1.6403011)

²³ Canadian Climate Institute ([2024 emissions estimate shows progress stalled, Canada's 2030 climate target out of reach](https://www.cci.org/canada-2030-climate-target-far-out-of-reach))

²⁴ In 2023, the Canadian Climate Action Network estimated Canada must spend \$57 billion per year (approximately 2% of GDP) for 5 years to put Canada on track to achieve its legislated climate commitments by mid-century.

tax breaks and government-backed financial support),²⁵ far more than the \$10-15 billion allocated for climate action.²⁶

- b. Despite international calls for phasing out of fossil fuels, according to the International Energy Agency, Canada's production of crude oil increased 137% between 2000-2024.²⁷
- c. With a population of 45.5 million (38th largest population worldwide), Canada is the world's 11th largest emitter of GHGs and second largest emitter on a per person basis.²⁸
- d. International climate action monitors have rated Canada's climate policy and actions as "highly insufficient" to meet the goal of 1.5 degrees.²⁹ Canada's rating was downgraded primarily due to "weakened policy ambition, slow implementation, and a widening gap between current emissions levels and Canada's 2030 target."³⁰
- e. Fossil fuel development accounts for approximately 31% of Canada's emissions and continues to rise due to LNG development.³¹

21. In 2021 the Auditor General stated, "Canada has consistently failed to meet its emission reduction targets" and has gone from being a "climate leader to falling behind other developed countries."³² The situation seems to be deteriorating further. Rather than increasing efforts to prevent and mitigate the effects of climate change and environmental degradation, Canada has recently rolled back environmental protections and continued to expand fossil fuels.

22. In light of the global and national economic emergency induced by the erratic trade action and policies of the Trump administration, Canada's Prime Minister Mark Carney has recently rolled back climate policies and environmental regulations and increased subsidies to the oil and gas industry.³³ A memorandum of understanding with the Province of Alberta aims to establish "Canada as a global energy superpower, unlocking the growth potential of Western Canada's oil and gas (including liquified natural gas

²⁵ See Environmental Defense report on Canada's fossil fuel subsidies:

<https://environmentaldefence.ca/the-running-list-of-federal-fossil-fuel-subsidies-in-canada-in-2024/>

²⁶ <https://climateactionnetwork.ca/wp-content/uploads/Spending-What-It-Takes.pdf>

²⁷ IEA, <https://www.iea.org/countries/canada/oil>

²⁸ Government of Canada, [Global greenhouse gas emissions - Canada.ca](https://www.cci.ca/en/reports/global-greenhouse-gas-emissions-canada); Canadian Climate Institute (24 September 2025) [Canada won't meet its 2030 climate target. Now what?](#)

²⁹ The Climate Action Tracker (CAT) is an independent scientific analysis that measures government climate action against the globally agreed aim of holding warming well below 2°C, and pursuing efforts to limit warming to 1.5°C. It is produced by two research organisations, Climate Analytics and [NewClimate Institute](#).

³⁰ Canadian Climate Institute (24 September 2025) [Canada won't meet its 2030 climate target. Now what?](#); Climate Action Tracker (3 November 2025) [Canada | Climate Action Tracker](#)

³¹ Canadian Climate Institute (18 September 2025) [Canada's emissions flatlined in 2024, early estimate shows](#)

³² Office of the Auditor General of Canada (25 November 2021), [Lessons learned from climate change challenges and opportunities](#)

³³ [Canada rolls back climate rules in energy deal with Alberta | Reuters](#) (27 November 2025)

(LNG)), renewable energy, critical minerals, and other resources that the world needs.”³⁴ The MOU boosts energy production, incentivizes new pipelines, and grants Alberta exemptions from federal clean electricity regulations. The MOU was so environmentally regressive, Minister of Environment and Climate Change, Stephen Guilbeault, resigned in protest.³⁵

Canada’s rejection of environmental human rights obligations under the Covenant

23. In *La Rose v His Majesty the King*, Canadian Children are claiming their right to life, liberty and security of the person under section 7 of the Charter of Rights and Freedoms, arguing that the Government of Canada has engaged in actions that increase climate threats and failed to implement effective climate policies based on the best available climate science.³⁶ While Canada acknowledges the seriousness of climate change, it argues that its climate policies do not violate the right to life because the children’s claims are overly broad, non-justiciable, seek to constitutionalize policy choices, and violate the doctrine of incrementalism.³⁷ Canada’s position is in direct contradiction with General Comment No. 36, which articulates States’ obligations on climate change within the scope of the right to life and States’ obligation to act preventively and substantively to protect children from foreseeable environmental threats.³⁸
24. Canada does not accept the international framework on the right to life in relation to climate change pursuant to General Comment No. 36 para 62. As noted above, **Canada narrowly interprets the right to life, rejecting environmental obligations within the scope of Section 7 of Canadian Charter of Rights and Freedoms.**³⁹ Further, **Canada continues to argue against its positive obligations to promote and fulfill the right to life, liberty and security under section 7.**

³⁴ Office of the Prime Minister (27 November 2025) [Canada-Alberta Memorandum of Understanding](#)

³⁵ CBC News (27 November 2025), [Guilbeault quits Carney’s cabinet over energy deal with Alberta | CBC News](#)

³⁶ The children claim that the Canadian Net-Zero Emissions Accountability Act, S.C. 2021, c. 22, including the 2030 Plan promulgated under that Act, unjustifiably infringes the plaintiffs’ rights to life, liberty and security if the person under s. 7 of the Canadian Charter of Rights and Freedoms by continuing a trajectory of greenhouse gas emissions that is inconsistent with what the best available science says is required to restore and maintain a climate system that is capable of sustaining human life, liberties and security of the person.

³⁷ *La Rose v. His Majesty the King*, 2020 FC 1008, para. 23.

³⁸ Para 62; CRC, General Comment No. 26.

³⁹ Defense Submission of the Government of Canada, *La Rose v His Majesty the King*, available at: https://www.climatecasechart.com/documents/la-rose-v-her-majesty-the-queen-reply_6696; *La Rose v His Majesty the King* 2023 FCA 241; For more detailed commentary see: [Canadian Youth Climate Action Challenge Proceeds to Trial: La Rose v His Majesty the King | OHRH](#); Young, M. (2021). "A Code Red for Humanity": Judicial Relevance in a Time of Climate Emergency. *Journal of Law and Equality*, 17(1), 1; Chalifour, Nathalie J., Jessica Earle, and Laura Macintyre. "Coming of age in a warming world: The Charter's Section 15 (1) equality guarantee and youth-led climate litigation." *JL & Equal.* 17 (2021): 1; Chalifour, Nathalie, Environmental Justice and the Charter: Do Environmental Injustices Infringe Sections 7 and 15 of the Charter? (2015). 28:1 J.E.L.P. 89, Ottawa Faculty of Law Working Paper No. 2017-12, Available at SSRN: <https://ssrn.com/abstract=2922653>

25. The Covenant protects the right to life under Article 6 and imposes obligations on States under Article 2 to take positive measures to protect the right to life. General Comment No. 36 articulates that the right to life includes foreseeable threats to life and life with dignity, including those arising from environmental degradation and climate change.⁴⁰ States have an obligation under Article 6 to implement positive measures to combat impacts to the right to life posed by climate change and to act with due diligence to prevent and remedy harms from both State and private actors.
26. General Comment No. 36 also establishes that this right includes precautionary positive obligations; States must anticipate future harms based on current acts or omissions even if loss of life has not yet materialized.⁴¹ The Committee has recognized that climate change and environmental degradation are some of the most serious threats to the ability of present and future generations to enjoy the right to life.⁴²
27. Canadian children are entitled to specific protections under Article 24 of the Covenant and outlined in General Comment 17, where States are required to adopt special measures of protection under the best interests of the child and ensuring their survival and development.⁴³
28. Interpretation of Canada's obligations under Article 6 is also informed by the Convention on the Rights of the Child (CRC). **Canada must apply an interpretive framework for children's right to life that is consistent with the scope and meaning of children's right to life under Article 6, but also consistent with CRC Article 6, a broader framework including survival and development authoritatively elucidated by the Committee on the Rights of the Child.** In its 2022 concluding observations and recommendations on Canada, the CRC raised concern about Canada's "disproportionately high carbon footprint of the State party, in particular through investments made in fossil fuels, and the negative impact of climate change and air pollution on children's health."⁴⁴ The CRC called on Canada, *inter alia*, to reduce its GHG emissions in line with its international commitments.

Environmental contamination- Concerning health impacts of toxics/oil and gas

29. Indigenous and racialized peoples, including those who live in poverty, are more likely to live near extractive industries and thus are disproportionately harmed by environmental pollutants. Extractive economies, especially those governed by colonial regimes such as Canada, threaten Indigenous women and girls' rights, territories, ability to live on their ancestral lands and practice their culture.
30. On a visit to Canada, the Special Rapporteur on toxics and human rights identified that,

⁴⁰ GC 36 para 62

⁴¹ GC 36 para 21-13

⁴² GC 36 para 62

⁴³ HRC General Comment No. 36, para 60

⁴⁴ CRC/C/CAN/CO/5-6, para 37

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.⁴⁵

31. These health and environmental risks seriously threaten the rights of Indigenous women and girls, including their right to life. The Government of Canada has failed to fulfill its obligations under the Covenant by failing to fully understand, map, monitor and mitigate the impacts of toxics on Indigenous women and girls. 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.⁴⁶

32. 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. Furthermore, pollution and toxins also impact their access to clean water, ability to practice their culture, and live off the land.
33. Toxic bioaccumulation of chemicals and elevated levels of rare cancers and other health conditions are prevalent in Indigenous communities in close proximity to oil and gas extraction and transportation projects.⁴⁷ Women and girls are disproportionately

⁴⁵ Report of the Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes on his visit to Canada, A/HRC/45/12/Add.3, para 38.

⁴⁶ Ibid, para 72.

⁴⁷ See: A/HRC/45/12/ADD.1 (SR Toxic wastes 2020); e.g., C O'Callaghan-Gordo, M Orta-Martínez and M Kogevinas, 'Health Effects of Non-occupational Exposure to Oil Extraction' (2016) 15 Environmental Health 1, 2; Oxfam America, 'Oxfam Fact Sheet: Oil, Gas, and Mining Industries: Women's Rights at Risk' (Oxfam America 2015) 1. See also E Dewailly et al, 'Inuit Exposure to Organochlorines through the Aquatic Food Chain in Arctic Quebec' (1993) 101 Environmental Health Perspectives 618; N Kukarenko, 'Climate Change Effects on Human Health in a Gender Perspective: Some Trends in Arctic Research' (2011) 4 Global Health Action 7913.

impacted by these health issues—namely impacting the development and health of their reproductive systems, pregnancies, and their breast milk.⁴⁸

Recommendations

34. **Canada must accept and fulfill its environmental obligations under international environmental law pursuant Article 6 of the Covenant and section 7 of the Canadian Charter of Rights and Freedoms.**
35. **Based on the climate science and recommendations of the IPCC, Canada must immediately cease all new fossil fuel development, end fossil fuel subsidies, and urgently and substantially invest in a rapid transition to renewable energy.**
36. **Canada must strictly regulate oil and gas companies to ensure their activities do not infringe on children's right to life and are consistent with an emissions pathway that keeps warming below 1.5°C.**
37. **Canada must ensure that laws and policies related to the environment, climate change, and disaster risk reduction address the specific, disproportionate impacts of climate change and other forms of environmental degradation, including the triple planetary crisis, on the rights of children and future generations, especially girls and Indigenous children.**
38. **Canada must ensure that girls, especially Indigenous girls, have equal opportunities to meaningfully and effectively participate in decision-making related to the environment, disaster-risk reduction, and climate change.**
39. **Canada must prevent human-induced environmental degradation from negatively impacting the territories, lands, and natural resources of Indigenous peoples.**
40. **Consistent with General Comment No. 36 and its obligations under Article 2, Canada must ensure effective remedies for acts and omissions of State and non-State actors that contribute to the increasing crisis of climate change and its interference with girls' rights under the Covenant. In this regard, the Government of Canada must revise its legal position in *La Rose v. His Majesty the King*, to affirm the justiciability of such climate litigation and affirm binding environmental obligations (including positive obligations) under Article 6 of the Covenant and Section 7 of the Canadian Charter of Rights and Freedoms.**

⁴⁸ See: Ibid “Indigenous Women and Environmental Violence: A Rights-based approach addressing impacts of Environmental Contamination on Indigenous Women, Girls and Future”, NGO submission to EMRIP Expert Group Meeting “Combating Violence Against Indigenous Women and Girls” (18-20 January 2012). Available at:

https://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf ;

LOI para 24 - Articles 2, 25-27 - Meaningful Consultation & FPIC of Indigenous Peoples

41. The Committee has asked Canada, in reference to previous concluding observations,⁴⁹ to report on its efforts to ensure the promotion and protection of the rights of Indigenous peoples and their meaningful participation in decisions that affect them. The Committee requested information on the specific steps taken to obtain the free, prior, and informed consent (FPIC) of Indigenous peoples, including Indigenous women, particularly in relation to lands, waters, and territories affected by natural resource legislation or projects, and efforts to resolve ongoing land disputes.
42. Canada's response to this issue was devoid of substance, woefully inadequate, and failed to properly address these very critical issues raised by the Committee. For instance, Canada vaguely referenced 'tables' where Indigenous people are invited to participate and a random assortment of region-specific examples but failed to offer a comprehensive national strategy to implement Indigenous rights to consultation.⁵⁰ Government 'tables' offer a process of participation, but neither ensure Indigenous participation is meaningful nor guarantee a specific result.
43. Canada's response champions the First Nations Land Management Act (FNLMA)⁵¹ as a mechanism allowing First Nations to develop land codes to govern and manage their reserve lands, environment and resources. However, Canada fails to highlight that the FNLMA specifically pertains to environment and resources **on reserve lands**, making up only about 0.36%⁵² of Canada's land mass, and does not apply to projects taking place on Indigenous traditional territories beyond reserve lands – where the majority of challenges over lack of FPIC and land disputes with Indigenous peoples are in fact taking place.
44. Canada's submission references their obligation to consult under Section 35 of the Canadian Constitution, however, failure to fully discharge duties in relation to the right to participation are evidenced in cases across the country, particularly in relation to extractive industries. These rights violations are especially egregious for Indigenous women and girls who are directly and disproportionately harmed by resource extraction projects as victims of genocide. Failure to obtain FPIC has resulted in the widespread resistance of Indigenous peoples and criminalization of Indigenous land defenders, many of whom are matriarchs and leaders.⁵³

⁴⁹ CCPR/C/CAN/CO/6 para 16

⁵⁰ CCPR/C/CAN/7, para 163.

⁵¹ CCPR/C/CAN/7, para 165.

⁵² [Committee Report No. 4 - AANO \(41-2\) - House of Commons of Canada](#).

⁵³ See for instance the situation in Wet'suwet'en territory in British Columbia: [Criminalization of Wet'suwet'en land defenders - Amnesty International](#)

Failure to obtain free, prior, and informed consent - extractive

45. **Current consultation mechanisms with Indigenous governments and organizations are inadequate, resulting in Canada's persistent failure to fully discharge its obligations to secure the free, prior, and informed consent (FPIC) of Indigenous peoples in relation to extractive and other projects.**
46. Canada's failure to secure FPIC of Indigenous peoples on resource extraction projects has been strongly admonished by the Committee on the Elimination of Racial Discrimination (CERD) under its Early Warning & Urgent Action Procedures.⁵⁴
47. CERD's 2019 Decision 1(100) stated concern about Canada's "refusal to consider free, prior and informed consent as a requirement for any measure, such as large-scale development projects, that may cause irreparable harm to indigenous peoples rights, culture, lands, territories and way of life" and articulated their concern about the continuation and approval of projects like Site C, TMX, and CGL without FPIC.⁵⁵ CERD called on Canada to suspend all construction of these projects until FPIC is achieved and urged Canada to "freeze present and future approval of large-scale development projects affecting indigenous peoples that do not enjoy free, prior and informed consent from all indigenous peoples affected."⁵⁶
48. Following an inadequate response from Canada to CERD's Decision 1 (100), CERD continued to emphasize the failures of Canada's consultation processes, stating,

The Committee regrets the State party interprets the free, prior and informed consent principle, as well as the duty to consult, as a duty to engage in a meaningful and good faith dialogue with Indigenous peoples and to guarantee a process, but not a particular result [emphasis added]. In this regard, the Committee would like to draw its attention on the Committee's general recommendation No. 23 (1997) on the rights of Indigenous peoples, in which it calls upon States parties to ensure that no decisions directly relating to the rights or interests of Indigenous peoples is taken without their informed consent.⁵⁷

49. In 2024, CERD followed up in another communication to Canada, expressing concern over a lack of response from Canada on the very issues this Committee is asking about in its List of Issues. The Committee stated,

Notwithstanding the information provided, the Committee regrets the lack of detailed information on some of the allegations and concerns set out in the

⁵⁴ Committee on Elimination of Racial Discrimination, Decision 1 (100) under its Early Warning and Urgent Action Procedures.

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷ CERD/EWUAP/102 nd session/2020/MJ/CS/ks at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/CAN/9296&Lang=en

Committee's letter of 29 April 2022 and its Decision 1 (100), particularly regarding: (a) measures envisaged to cease the construction of the Trans Mountain Pipeline and the Coastal Gas Link pipeline, until free, prior and informed consent is obtained from all affected Indigenous communities of the Secwepemc people and the Wet'suwet'en people; (b) measures envisaged to cease the forced eviction of Secwepemc and Wet'suwet'en peoples; and (c) measures envisaged to prevent and to effectively investigate all reported cases of use of excessive force, arbitrary detention, intimidation and harassment of, and threats against, human rights defenders and protesters, in particular those belonging to the Secwepemc and Wet'suwet'en peoples, by the RCMP, C-IRG, and private security firms. In this regard and in accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party provide updated and detailed information on the situation of the Secwepemc and Wet'suwet'en Indigenous communities in relation to the Trans Mountain Pipeline and the Coastal Gas Link Pipeline projects as part of its combined twenty-fourth and twenty-fifth periodic reports, overdue since November 2021.⁵⁸

Retrogress

50. There continues to be retrogress on Indigenous rights across both Federal and Provincial levels of government; 'commitments' to Indigenous rights in relation to land, water, and other natural resources appear rhetorical, leading to meaningless consultation rather than true reconciliation and free, prior and informed consent. This is seen both practically on the ground, with a multitude of natural resource projects continuing to be fought by Indigenous land defenders, and in legislation and policy, where both the Federal Government and the Provincial Government are poised to continue rolling back commitments on Indigenous rights and reconciliation.

Federal retrogress

51. The Canada-Alberta MOU referenced earlier (para 23) opens the door for a new oil pipeline from Alberta to a deep-sea export terminal on British Columbia's coast. This plan requires lifting/suspending the 2019 Oil Tanker Moratorium Act, which prohibits large oil tankers from stopping, loading, or transporting along the coast.⁵⁹ While the MOU frames this as an opportunity for Indigenous co-ownership and shared economic benefits, there is opposition from BC First Nations – particularly the Coastal First Nations who have defended the moratorium since its legislation in 2019.⁶⁰

⁵⁸ CERD/EWUAP/114session/2024/CS/BJ/ks at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALB%2FCAN%2F11090&Lang=en

⁵⁹ S.C. 2019, c. 26.

⁶⁰ See: APTN News (2 December 2025) [Chiefs vote to reject changes to B.C. coastal oil tanker ban](https://coastalfirstnations.ca/resources/cfn-responds-to-albertas-pipeline-announcement-oil-tankers-are-not-welcome-in-our-coastal-waters/); CFN Statement <https://coastalfirstnations.ca/resources/cfn-responds-to-albertas-pipeline-announcement-oil-tankers-are-not-welcome-in-our-coastal-waters/>

52. Coastal First Nations have asserted that tanker ban is *non-negotiable* and have publicly rejected⁶¹ any exemptions, warning that this would undermine their rights and protection of their territories and waters, violating Canada's legal FPIC obligations and UNDRIP. Chiefs representing hundreds of First Nations voted at the Assembly of First Nations in December 2025 to reject changes to the tanker ban and to defend Indigenous opposition to the pipeline — highlighting that the federal-Alberta deal proceeded without meaningful consultation and without their consent.⁶²

53. **Canada is demonstrating retrogression on Indigenous rights to free, prior, and informed consent (FPIC). Decisions to roll back environmental and Indigenous rights to pursue major energy projects are being advanced through federal-provincial deals without the consent of the affected First Nations whose rights, territories and waters are impacted. Canada–federal and provincial governments—is prioritizing economic interest over climate action and Indigenous rights.**

Retrogress - British Columbia

54. The British Columbia government unanimously passed the Declaration on the Rights of Indigenous Peoples Act (BC DRIPA) in 2019.⁶³ Following a recent B.C. Supreme Court decision awarding the Quw'utsun (Cowichan) Nation title to between 300 and 325 hectares of land, which includes 150 pieces of private property, British Columbia is attempting to roll back rights set out in BC DRIPA.⁶⁴ Details of BC Premier Eby's amendments have not yet been made public, but he stated he believes that the recent court decision has caused confusion and that reconciliation is between federal, provincial and First Nations governments, "not for the courts to take over."⁶⁵ He also stated in reference to the recent decision, "for our government, private property is non-negotiable" and that he plans to amend the BC DRIPA to limit the judiciary and to ensure the protection of (settler) private property.⁶⁶

55. Indigenous leaders see any amendment to the BC DRIPA as a roll back of reconciliation measures. Dozens of First Nations have signed a joint statement opposing amendments to the BC DRIPA arguing that,

It establishes minimum standards of survival and dignity for Indigenous peoples and has contributed to greater trust, stability, and economic certainty across the province. It is landmark legislation—and one British Columbia should be proud of.⁶⁷

⁶¹ See: [CFN Responds to Alberta's Pipeline Announcement: Oil Tankers are not Welcome in Our Coastal Waters](#)

⁶² APTN News (2 December 2025) [Chiefs vote to reject changes to B.C. coastal oil tanker ban](#)

⁶³ Declaration on the Rights of Indigenous Peoples Act, SBC 2019, c 44.

⁶⁴ CBC News (25 January 2026) [Indigenous leaders oppose B.C. premier's plan to amend DRIPA | CBC News](#);

⁶⁵ B.C. Premier David Eby Speaks at Natural Resources Forum – January 20, 2026

[B.C. Premier David Eby Speaks at Natural Resources Forum – January 20, 2026 - Headline Politics - CPAC.ca](#), at 18:50-1926.

⁶⁶ Ibid.

⁶⁷ Union of BC Indian Chiefs, [Joint Statement: B.C.'s Declaration Act Provides a Backstop of Certainty in a World of Chaos - UBCIC](#)

Failure to obtain FPIC of Indigenous women and girls

56. Extractive economies, especially those governed by colonial regimes such as Canada, threaten the rights of Indigenous women and girls and are responsible for gross human rights violations around the globe.⁶⁸ James Anaya, former Special Rapporteur on the Rights of Indigenous Peoples, identified natural resource extraction and other development projects on or near Indigenous territories as, “one of the foremost concerns of indigenous peoples worldwide, and possibly also the most pervasive source of the challenges to the full exercise of their rights.”⁶⁹ The immediate and long-term environmental impacts of extractive industries— toxification of Indigenous lands and waters and the potential for catastrophic climate destabilization— disproportionately and severely harm Indigenous girls through direct environmental and economic impacts, and male sexual violence.
57. **Canada has an obligation under Articles 2, 25 and 26 to obtain the FPIC of Indigenous women and girls in relation to land, water, and other natural resources.**
58. The CEDAW Committee outlined the specific discrimination Indigenous women and girls face, and the need for their specific free, prior and informed consent in General Recommendation No. 39,

*One of the root causes of discrimination against Indigenous women and girls is the lack of effective implementation of their rights to self-determination and autonomy and related guarantees, as manifested, *inter alia*, in their continued dispossession of their lands, territories and natural resources. The Committee acknowledges that the vital link between Indigenous women and their lands often forms the basis of their culture, identity, spirituality, ancestral knowledge and survival. Indigenous women face a lack of legal recognition of their rights to land and territories and wide gaps in the implementation of existing laws to protect their collective rights. Governments and third-party actors frequently carry out activities related to investment, infrastructure, development, conservation, climate change adaptation and mitigation initiatives, tourism, mining, logging and extraction without securing the effective participation and obtaining the consent of the Indigenous Peoples affected.*⁷⁰
59. Canada must implement obligations under the Covenant to respect, protect and fulfill the specific rights of Indigenous girls pursuant to CRC General Comment No. 11 on the rights of Indigenous children and CEDAW General Recommendation No. 39 on the rights of Indigenous women and girls.

⁶⁸ Statement on ‘Resources extraction fuels rights violations and racial subordination’ by Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24801&LangID=E>

⁶⁹ Human Rights Council (HRC) ‘Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya’ UN Doc A/HRC/18/35 (11 July 2011) para 57.

⁷⁰ UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 39 (2022) on the Rights of Indigenous Women and Girls, CEDAW/C/GC/39, 31 October 2022 para 11

60. Canada's obligations include the full realization of Indigenous women and girls' right to meaningful consultation, which must include gender-specific FPIC.

Indigenous women and girls are disproportionately impacted by natural resource projects and have the right to participate meaningfully in decisions that affect them under the Covenant (Articles 25-26), Article 12 of the Convention on the Rights of the Child, and UNDRIP—especially decisions that have discriminatory and genocidal impacts on their lives and rights.

61. The CEDAW Committee in its General Recommendation No. 39 on the rights of Indigenous women and girls emphasizes the right to consultation,

Indigenous women and girls tend to be excluded from decision-making in local, national and international processes, as well as in their own communities and Indigenous systems. Under article 7 of the Convention, they have the right to effective participation at all levels in political, public and community life. This right includes participation in decision-making within their communities, as well as with ancestral and other authorities; consent and consultation processes over economic activities carried out by State and private actors in Indigenous territories; public service and decision-making positions at the local, national regional and international levels; and their work as human rights defenders.⁷¹

62. These projects disproportionately impact Indigenous women and girls' health and access to culture, contribute to the violence and genocide they experience, and threaten them as land and rights defenders. Canada continues to fail to recognize this disproportionate impact, engage their meaningful participation, or obtain their free, prior, and informed consent.

Impact to Health and Culture

63. Indigenous girls' rights to food, water and health are all compromised by the environmental pollutants of extractive industries. Indigenous girls in Canada rely on their traditional territories, animals, plants and waters for both physical and cultural sustenance, and are thus threatened by toxins that bioaccumulate in plants and animals.

64. This can be seen in the alarmingly high levels of toxins found in Indigenous women's breast milk, placental cord blood, blood serum and body fat.⁷² For Indigenous young women, toxins and pollution can place them at risk for miscarriage, sterility, decreased lactation, reproductive system cancers, and directly impact their health, fertility, and development of their reproductive systems.⁷³ This is a violation of, *inter alia*, their right to

⁷¹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 39 (2022) on the Rights of Indigenous Women and Girls, CEDAW/C/GC/39, 31 October 2022 Para 43.

⁷² See: "Indigenous Women and Environmental Violence: A Rights-based approach addressing impacts of Environmental Contamination on Indigenous Women, Girls and Future", NGO submission to EMRIP Expert Group Meeting "Combating Violence Against Indigenous Women and Girls" (18-20 January 2012). Available at: https://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

⁷³ See: Ibid; A/HRC/45/12/ADD.1 (SR Toxic wastes 2020); e.g., C O'Callaghan-Gordo, M Orta-Martinez and M Kogevinas, 'Health Effects of Non-occupational Exposure to Oil Extraction' (2016) 15 Environmental Health 1, 2; Oxfam America, 'Oxfam Fact Sheet: Oil, Gas, and Mining Industries: Women's Rights at Risk' (Oxfam America 2015) 1. See also E Dewailly et al, 'Inuit Exposure to Organochlorines through the Aquatic Food Chain in Arctic Quebec' (1993) 101 Environmental Health Perspectives 618; N

health,⁷⁴ impacting and possibly extinguishing their ability to have children thereby limiting/extinguishing their ability to both retain and pass on their culture, stories, language, ceremonies, and songs.⁷⁵

65. Indigenous girls are also indirectly harmed; the impact of extractive industry activities on the environment affects “traditional practices that rely on maintaining the integrity of the environment.”⁷⁶ When ecological integrity is compromised, food security is compromised.⁷⁷ Indigenous girls are “particularly vulnerable to food insecurity, as they may skip meals or cut meal sizes to allow other members of the family to eat.”⁷⁸
66. Extractive industries specifically interfere with Indigenous women and girls’ rights to belong in their communities and practice their cultures. These rights are directly violated through Canada’s authorization of extractive projects that irrevocably damage their traditional territories and spiritual sites and through their arrest and forced removal from their homelands as land defenders.

Impact on Violence and Genocide

67. Extractive industries “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.”⁷⁹ In 2012, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) examined violence against women and girls in the context of extractive industries and recognized that ‘unsustainable extractive industry development can have unique ecological, economic and spiritual impacts on Indigenous women in their role as traditional caretakers of the environment.’⁸⁰
68. The Canadian National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) found that Indigenous girls, and women, experienced violence as a result of resource extraction industries active near their communities and that this was a contributing factor to the genocide they face.⁸¹ However, the 2021 National Action Plan

Kukarenko, ‘Climate Change Effects on Human Health in a Gender Perspective: Some Trends in Arctic Research’ (2011) 4 Global Health Action 7913.

⁷⁴ Article 29 of UNDRIP guarantees the right, without discrimination, to conservation and protection of the environment, the right to free prior and informed consent in the storage and disposal of toxics, monitoring and Indigenous led remedy in the case of toxic substances and their impacts on Indigenous girls’ health.

⁷⁵ NGO submission to EMRIP, Indigenous Women and Environmental Violence.

https://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

⁷⁶ Deonandan et al (n 9) 3. See also HV Kuhnlein and HM Chan, ‘Environment and Contaminants in Traditional Food Systems of Northern Indigenous Peoples’ (2000) 20 Annual Review of Nutrition 595.

⁷⁷ H Ferguson, ‘Inuit Food (In)Security in Canada: Assessing the Implications and Effectiveness of Policy’ (2011) 2 Queen’s Policy Review 54, 59.

⁷⁸ Ibid 56; MC Beaumier and JD Ford, ‘Food Insecurity among Inuit Women Exasperated by Socio-economic Stresses and Climate Change’ (2010) 101 Canadian Journal of Public Health 196, 198. See also P Watts et al, ‘Inuit Food Security in Canada: Arctic Marine Ethnoecology’ (2017) 9 Food Security 421.

⁷⁹ (E/C.19/2012/6, para. 21)

⁸⁰ HRC ‘Follow-up Report on Indigenous Peoples and the Right to Participate in Decision- Making, with a Focus on Extractive Industries’ UN Doc A/HRC/EMRIP/2012/2 (30 April 2012) para 37.

⁸¹Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a, pp. 584-586.

failed to specifically discuss the relationship between resource extraction and MMIWG, or its connections to trafficking and violence.

69. Extractive industries perpetuate the sexual exploitation of indigenous women and girls, who are raped and sex trafficked at higher rates when these industries and labour camps are on or near indigenous lands.⁸² Primarily non-Indigenous male workers are largely immune from criminal prosecution and victims in remote locations are unable to access protective, legal or victim services, compounding the intergenerational harms and genocidal impacts of colonization.⁸³
70. Following his 2013 mission to Canada, James Anaya specifically documented "that the rise in violence and trafficking associated with man camps has a serious detrimental impact on the health, especially reproductive, of indigenous girls" and that "the influx of workers into indigenous communities as a result of extractive projects also led to increased incidents of sexual harassment and violence, including rape and assault."⁸⁴ Similarly, the CEDAW Committee acknowledged that the trafficking, prostitution and exploitation of women and girls is exacerbated by extractive industries.⁸⁵
71. This is further supported by the UN International Labour Organization's 2014 report which asserted that "sexual violence and trafficking is exponentially higher near points of extraction and worker camps than it is in locales of similar populations."⁸⁶

Impact to Human Rights and Land Defenders

72. Indigenous women and girls are at the forefront of the movement to protect Indigenous rights and the environment in Canada, playing prominent roles as youth climate litigants, leaders of land defense movements, and in public education and calls to action. Indigenous girls are also subject to the human rights violations that Indigenous women land defenders face—dispossession, forcible removal from and loss of title to ancestral

⁸² See, Lori Culbert, "Indigenous women vulnerable to 'man camps'": MMIWG report. So, what's at stake with the pipeline approval?' Vancouver Sun (6 July 2019); Brandi Morin, 'Pipelines, man camps and murdered Indigenous women in Canada' Al Jazeera (5 May 2020); University of Colorado Boulder, "Violence from Extractive Industry 'Man Camps' Endangers Indigenous Women and Children." Available at: <https://www.colorado.edu/program/fpw/2020/01/29/violence-extractive-industry-man-camps-endangers-indigenous-women-and-children> ; Rebecca Tsosie, Indigenous Women and International Human Rights Law: The Challenges of Colonialism, Cultural Survival, and Self-Determination, 15 UCLA J. Int'l L. & For. Aff. 187, 198 (2010); Kayla Walsh, "Moving More than Oil: The intimate link between dirty energy and human trafficking in Minnesota," Earth Island Journal (Online). Available at: <https://www.earthisland.org/journal/index.php/magazine/entry/moving-more-than-oil/> ; Gibson, G., K. Yung, L. Chisholm, and H. Quinn with Lake Babine Nation and Nak'azdli Whut'en. 2017. Indigenous Communities and Industrial Camps: Promoting healthy communities in settings of industrial change. Victoria, B.C.: The Firelight Group.

⁸³ Lack of prosecution of non-tribal members committing crime on tribal lands can be seen, for example, in the US: <https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=2459&context=mlr>

⁸⁴ Anaya, J. (2014). UN Special Rapporteur: Oil, Gas & Mining Operations Brings Increased Sexual Violence. <http://www.minesandcommunities.org/article.php?a=12551>

⁸⁵ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*, 20 November 2020,

⁸⁶ See: https://bcaafc.com/wp-content/uploads/2019/05/3_OSNFSFinalReport2015.pdf

lands, threats and intimidation, and criminalization—coupled with the barriers, threats, and vulnerabilities associated with their age.⁸⁷

73. According to Global Witness, killings of land defenders is on the rise, with 10% of those killed being female activists.⁸⁸ Indigenous girls who have been put in a position where they must defend their land and rights do so often at the expense of their education, leisure activities, and freedom/liberty; Indigenous girls fight to protect their rights to culture, language, land and water at the expense of their other rights.
74. The CEDAW Committee has done extensive work in this area, including in General Recommendation No. 39, where they explain,

At particular risk are Indigenous women and girls who are environmental human rights defenders in the course of advancing their land and territorial rights, and those opposing the implementation of development projects without the free, prior and informed consent of the Indigenous Peoples concerned. In many cases, Indigenous women and girl human rights defenders face killings; threats and harassment; arbitrary detentions; forms of torture; and the criminalization, stigmatization and discrediting of their work.⁸⁹

75. Natural resource extraction projects in Canada threaten Indigenous women and girls' territories and rights to live on their ancestral lands. Forcible removal of Indigenous girls from their territories for the development of oil and gas projects or mining operations is common, including in Canada.⁹⁰ Once removed from their territories, women and girls are forced to migrate from rural communities to urban centres, where they end up experiencing extreme poverty, state apprehension, violence and exploitation, including human trafficking.⁹¹

Recommendations

76. **Canada must fully discharge its duty to obtain the free, prior, and informed consent of Indigenous peoples—with an emphasis on gender and age specific obligations under the Covenant to respect, protect and fulfill the rights of the girl child— in all matters affecting their environment, lands, and natural resources.**

⁸⁷ Ibid.

⁸⁸ Global Witness, “Defending Tomorrow: The climate crisis and threats against land and environmental defenders” 29 July 2020, available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>

⁸⁹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 39 (2022) on the Rights of Indigenous Women and Girls, CEDAW/C/GC/39, 31 October 2022 Para 45.

⁹⁰ See for example, CERD Decision 1 (100) at its Hundredth session 25 November -13 December 2019; <https://www.theguardian.com/us-news/2017/feb/23/dakota-access-pipeline-camp-cleared-standing-rock>; See also, End of Mission Statement by the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz of her visit to the United States of America 3 March 2017, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21274>.

⁹¹ See Justice for Girls’ Submission on LOI paragraphs 17 and 23 by Sue Brown.

- 77. Canada must prevent and strictly regulate activities by private actors that risk interfering with the rights of Indigenous children, especially girls, to their lands, territories and environment. Canada must employ a precautionary approach to protecting these rights.**
- 78. Canada must adopt a comprehensive strategy to address discriminatory stereotypes, attitudes, and practices, which undermine Indigenous girls' rights to land, territories, and natural resources.**
- 79. Canada must take proactive measures to recognize, support, and protect the lives, integrity, and work of Indigenous human rights defenders, particularly girls, and ensure they are able to conduct their human rights activities in conditions of safety, and in an enabling environment. States' measures should include the creation of specialized government agencies to protect women and girls, with the effective, real, and meaningful participation of Indigenous women and girl human and environmental rights defenders.**