

OUT OF SIGHT, OUT OF MIND

EXECUTIVE SUMMARY

GENDER, INDIGENOUS RIGHTS, AND ENERGY DEVELOPMENT
IN NORTHEAST BRITISH COLUMBIA, CANADA

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INTERNATIONAL



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Cover photo: Close up of a woman's headband, beaded by Saulteau First Nation artist Della Owens. Della told Amnesty International that, "traditionally, when someone wasn't healthy and women got together to bead, we'd say a prayer with each bead we sewed." © Amnesty International

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GLOSSARY

INDIGENOUS

The term Indigenous used in this report is equivalent to the term Aboriginal in the Canadian Constitution and includes Inuit; the numerous distinct societies known collectively as First Nations; and Métis, the distinct society that emerged from the meeting of Indigenous and European cultures.

TREATY 8

A formal agreement between the government of Canada and First Nations, first signed in Alberta in 1899 and subsequently expanded to cover a 841,487km² area of northeast BC, northern Alberta, northwest Saskatchewan, and southern Northwest Territories. Treaty 8 First Nations in BC include Blueberry River, Doig River, Fort Nelson, Halfway River, Prophet River, Sauleau, and West Moberly First Nations.

SHADOW WORKERS

Temporary or transient workers who come to a region on a temporary basis while maintaining permanent residence elsewhere. Shadow workers are usually excluded from census-based local population estimates.¹

GENDER-BASED VIOLENCE

Gender-based violence is violence directed against a person because of their gender, gender identity and/or expression, or because of their failure to conform to restrictive gender norms. Gender-based violence against women is violence directed against a woman because she is a woman or that affects women disproportionately.

VIOLENCE AGAINST WOMEN

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.²

¹ Alberta Municipal Affairs, *Municipal Census Manual: Requirements and Guidelines for Conducting a Municipal Census*, February 2015, p. 9, available at www.municipalaffairs.alberta.ca/documents/msb/2015-Municipal-Census-Manual.pdf

² *UN Declaration on the Elimination of Violence against Women*, Article 1.

EXECUTIVE SUMMARY

“It’s not a pity story. We’re not looking for sympathy. But the public has to recognize that this is a disaster in the making.”

Norma Pyle, Blueberry River First Nations

Intensive energy development in the Peace River region in northeast British Columbia (BC) is a microcosm of the Canadian resource economy. Oil and gas extraction, coal mining, and hydroelectric development help fuel the provincial economy and create high paying jobs that attract workers from across the country. In actively promoting intensive development in the northeast, federal and provincial officials have emphasized these benefits, while largely ignoring serious—and sometimes deadly—unintended consequences for wellness and safety that disproportionately impact the lives of the Indigenous peoples who live there, particularly Indigenous women and girls.

Government statistics show that Indigenous women and girls across Canada face much higher rates of violence than all other women and girls. Accounts from women and frontline service providers in northeast BC suggest that, if anything, the threats to the safety of Indigenous women and girls are even more acute in this region. For many Indigenous women and girls in the northeast, domestic violence, violence in the workplace, and violence at the hands of social acquaintances and strangers, is so pervasive it has become normalized. Amnesty International believes that failure to adequately address the unintended social impacts of resource development contributes to the risks faced by Indigenous women and girls.

High wages for resource sector workers, and the large numbers of workers attracted to the region, have driven up local prices for essentials such as food and housing. However, not everyone has access to these wages. In fact, women’s wages in the northeast are well below the average for women in Canada. This has created sharp inequalities in the northeast. The consequence is that those without access to resource sector wages—particularly Indigenous women and girls—are forced into economically precarious conditions where they experience food and housing insecurity.

The economic insecurity experienced by many in the northeast is a concern in its own right. In addition, economic insecurity is also associated with increased risk of violence against women. The presence of a very large, young, mostly-male transient workforce adds to this risk, because young men are statistically more likely to be perpetrators of violent crime. These concerns are further compounded by patterns of drug and alcohol abuse among some resource industry workers which can fuel violence. Misogyny and racist attitudes toward Indigenous peoples, largely unaddressed in public life, have also made Indigenous women and girls more likely to be targets of violence.

Indigenous women and girls in northeast BC do not have access to adequate government supports and services to reduce the risk of violence. Frontline service providers supporting marginalized individuals, such as women’s shelters and food banks, describe a situation of constant crisis, as needs outpace their capacity to respond. Amnesty International has also found law enforcement resources in the northeast, including the numbers of officers, as well as officer training and orientation, to be inadequate to meet urgent community needs.

A unique arrangement with the provincial government transfers additional funds to municipalities in northeast BC to offset the burden of hosting the resource industry, including the strain placed on social services and infrastructure by the many workers who temporarily migrate to the region for employment in the resource sector. However, no comprehensive and systematic assessment of the social service and infrastructure needs of communities in northeast BC has been conducted. There is also no accurate assessment of the actual size of the “shadow population” of temporary workers being served.

Traditions of hunting, fishing, and gathering berries and plant medicines are central to the cultural identity of the Dane-Zaa, Cree, Métis, and other Indigenous peoples in the northeast and are indispensable to the

health and well-being of their communities. Indigenous elders and social workers describe the land as a source of individual and collective healing. The scale of resource development in the northeast has meant that Indigenous peoples, whose traditional territories are at the heart of the energy economy, now have very little land left that has not been directly impacted by some form of industrial development.

Oil and gas wells, pipelines, industry roads, and other development have fragmented the landscape, destroyed habitat crucial to culturally important species such as moose and caribou, and contaminated rivers and streams. The energy economy has also led to increased competition for dwindling wildlife from recreational hunters—including industry workers themselves—accessing wilderness through industrial roads. A third major hydro-electric dam now under construction on the Peace River threatens to destroy some of the few remaining, relatively intact, ecosystems that are readily accessible to First Nations.

While Indigenous peoples have been able to negotiate access to specific benefits from resource development, including contracts for community-owned businesses, a much greater share of the benefits goes to non-Indigenous people or flows out of the region entirely. At the same time, Indigenous peoples bear a particular and harsh burden from resource development on their lands, including the dramatic loss of access to their traditional territories and the rapid transformation of their economies. This contributes to further social strain on communities already severely harmed by largely unaddressed discriminatory government policies of the past.

Although Indigenous leaders and activists, local officials, academic researchers, and the province's own health ministry have long raised concerns about the potential negative social impacts of resource development in northeast BC, these concerns have had little influence on the decision-making processes around resource development. Although Indigenous peoples are increasingly able to negotiate benefit agreements around projects approved by government, it is unlikely their voices will be heard if they believe a project should not proceed or should be substantially altered. Governments have denied that there is any requirement for Indigenous consent to resource development projects, despite domestic legal precedents indicating otherwise and the obligations under international law.

Decisions are made on a project-by-project basis with inadequate attention to the long-term cumulative social impacts, including the specific impacts on Indigenous women and girls. Land rights of Indigenous peoples protected in historic treaties and enshrined in the Canadian Constitution are not formally incorporated into the approvals process. Moreover, analysis of the distinct impacts of initiatives on people of all genders, in particular women and girls—which is a requirement for projects involving Canadian government-supported overseas development assistance—is almost never part of the decision-making process domestically and has never been part of the decision-making process for projects in northeast BC.

The resource sector is subject to sharp rises and falls in the scale and pace of new activity, affected both by seasonal work schedules and longer term cycles in the global economy. The challenges that this creates for long-term planning are compounded by the desire of elected leaders to focus attention on the promise of growth.

International human rights standards that Canada has committed to uphold require all levels of government to take every reasonable measure to ensure that the rights to health, livelihood, culture, and the right to live free from violence and discrimination are respected, protected and fulfilled. These obligations impose a duty on all levels of government to take rigorous precautions to ensure that their decisions and actions reduce, rather than increase, the risk of harm and resulting human rights violations. In particular, all levels of government must refrain from taking actions that deprive people of their human rights, to ensure that individuals and corporations do not violate human rights, and to take positive action to foster the enjoyment of human rights by all. The requirement of 'due diligence'—the responsibility to take every reasonable precaution to prevent human rights violations—is even greater when past government actions have already harmed groups or individuals or put them in situations of heightened risk of further human rights violations.

In decisions potentially affecting the rights of Indigenous peoples, governments in Canada need to take account of the lasting harm created by such wrongs as the denial of their land rights and efforts to forcefully assimilate Indigenous societies. Particular attention must be paid to the fact that Indigenous women and girls in Canada face much higher rates of violence than other women and girls.

Amnesty International is calling on the federal and provincial governments to work with Indigenous peoples organizations and frontline service providers to uphold these crucial human rights safeguards in northeast BC.

CONTEXT

● Legacy of Colonialism

Lasting, largely unaddressed harms from government policies such as denial of land rights and removal of Indigenous children from their families, leads to greatly increased risk of further harm, including violence against women and girls.

● Reckless Decision-Making about Land and Resources

The decision-making process has too narrow a focus on individual projects. Numerous warnings about cumulative social and environmental impacts have been largely ignored. Human rights obligations, including obligations to uphold Indigenous land rights and prevent violence against women, have also been ignored. There is no assessment of specific impacts on women.

● Limited Space for Indigenous Peoples in Decision-Making

There are limited opportunities for Indigenous governments and governance structures to influence decisions about how their traditional lands will be used. The global standard of free, prior and informed consent has not been incorporated in Canadian law.

● Underfunding of Basic Services for Indigenous Peoples

Specific services for Indigenous peoples, such as on reserve social services, have been chronically underfunded. BC has carried out extensive overall cuts to social services including protections and supports for women's equality.

● Rampant Resource Development

Oil and gas, hydro-electricity, coal mining and forestry—northeast BC is the site of some of the most rapid-paced and extensive resource development anywhere in Canada.

DIRECT IMPACT

Treaty promise broken

There are fewer and fewer remaining places where Indigenous peoples can practice traditions like hunting and gathering plant medicines.

Influx of workers

The resource sector relies on drawing large numbers of workers from across Canada. This has led to rapid population growth in the northeast and constant turn-over of temporary and transient workers.

Great wealth and great inequalities

Not everyone has equal access to high wages and other benefits created by resource development. The wage gap between women and men in northeast BC is even greater than the national average, with women in the northeast earning less on average than women in other regions. Unemployment in First Nations communities remains high.

INDIRECT IMPACT

Undermining foundations of well-being in Indigenous communities

Life on the land is essential to individual and collective well-being in First Nations communities. This is being undermined as it becomes harder and harder to practice traditional ways of life.

More people, more crime

The sheer numbers of people coming to the region drives crime rates higher. Young men in Canada, the same demographic that fills most of the resource sector jobs, are proportionally more likely to commit violent crime. This is compounded by the fact that for some, high pressure work conditions lead to unhealthy patterns of behaviour at the end of long shifts, including drug abuse and binge drinking.

Dangerously high cost of living

High wages in the resource sector drive up local costs, and created competition for necessities like housing. Economic insecurity among those without access to resource sector wages, or who have abruptly lost their incomes, drives some into dangerous situations, such as insecure housing or illegal occupations.


● Overwhelmed Social Safety Net


Organizations and institutions providing support to women escaping violence, people without homes, and marginalized groups and individuals, are overwhelmed by the demand.

SAFETY OF INDIGENOUS WOMEN AND GIRLS AT RISK

Violence against women and girls is widespread in the northeast, whether in the home, the workplace or the community. For many Indigenous women and girls, violence is so pervasive it has become normalized.

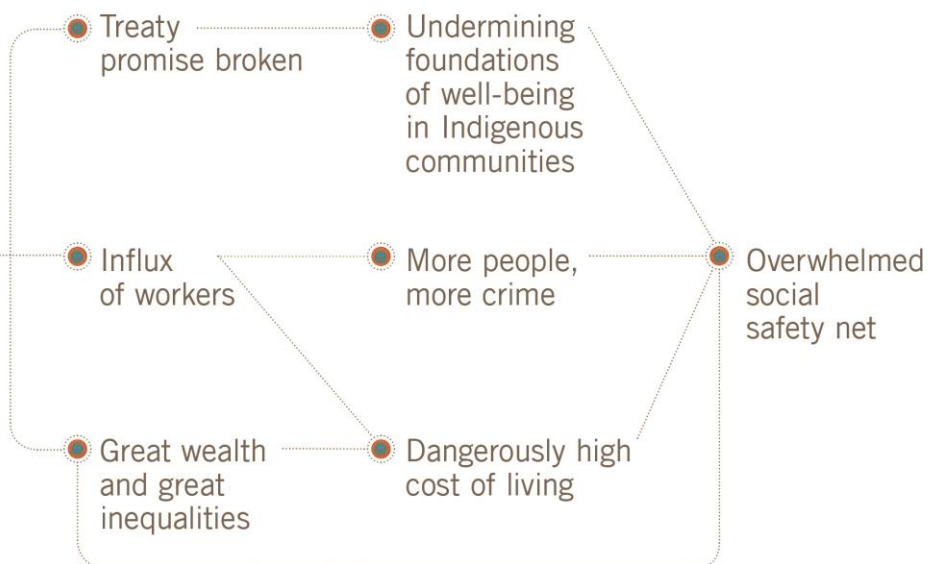
LEGACY OF COLONIALISM


**RECKLESS
DECISION-MAKING
ABOUT LAND
AND RESOURCES**


**LIMITED SPACE
FOR INDIGENOUS
PEOPLES IN
DECISION-MAKING**


**UNDERFUNDING
OF BASIC
SERVICES FOR
INDIGENOUS PEOPLES**


**RAMPANT
RESOURCE
DEVELOPMENT**



Beading by Della Owens

SAFETY OF INDIGENOUS WOMEN AND GIRLS **AT RISK**

OPPORTUNITIES FOR STATE ACTION

As noted in this report, Indigenous peoples' organizations, local government, service providers, and independent researchers have long raised serious concerns over the social impacts of large-scale energy development in northeast BC. The patterns observed in Amnesty International's research—the undermining of Indigenous societies, pervasive violence against Indigenous women and girls, the impact of already insufficient social services, and other social stresses—are of urgent importance because of individuals, families and societies that are experiencing irreparable loss and harm.

Amnesty International does not believe these concerns are unique to northeast BC. The underlying factors—the legacy of discrimination against Indigenous peoples and their continued exclusion from decision-making processes, under-resourced and over-burdened social services, and the dynamics of a resource economy dependent on shadow workers—play out in other communities across Canada. Effective response to community concerns in the northeast could set positive examples of benefits well beyond the Peace River Valley.

In recent years, there has been significant increase in public attention to the situation of Indigenous peoples in Canada, especially the crisis levels of violence faced by Indigenous women and girls. Combined with significant government commitments to establish better relations with Indigenous peoples, this could create significant new opportunities for governments to work with Indigenous peoples to implement meaningful, long-term solutions to ensure the safety of Indigenous women and girls, and the health and well-being of Indigenous families and communities.

The following recent developments are of particular relevance:

- The federal government's public commitments to honour the “spirit and intent of the original treaty relationship”³ and implement the *UN Declaration* without conditions.
- The National Inquiry into Missing and Murdered Indigenous women and girls, which commenced in September 2016.
- The release of the Truth and Reconciliation Commission's 94 calls to action and the commitment of the federal government and all provincial and territorial government to implement these far reaching reforms.
- The recently initiated review of federal environmental assessment legislation and resource regulation policies.
- The January 2016 ruling by the Canadian Human Rights Tribunal that clearly affirmed the duty to ensure substantive equality in access to government services⁴ and the acknowledgement in the mandate of the Federal Minister of Indigenous Affairs of the need for “sufficient, predictable and sustained funding” for services to First Nations.⁵

Far too often, issues of pressing concern to residents of northeast BC—particularly Indigenous peoples—have been out of sight and out of mind for decision-makers elsewhere in the province or country. It is crucial governments seize the current opportunities to ensure that the rights of Indigenous peoples in northeast BC are upheld.

³ Prime Minister Justin Trudeau, Speech to the Assembly of First Nations Special Chiefs Assembly, 10 December 2015.

⁴ Canadian Human Rights Tribunal, *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)* (Index: 2016 CHRT 11), 5 May 2016.

⁵ Office of the Prime Minister, Minister of Indigenous and Northern Affairs, Mandate Letter, 13 November 2015.

CONCLUSION AND RECOMMENDATIONS

Northeast BC is rich in energy resources, but while some people enjoy enormous benefits, others are further marginalized and impoverished. Indigenous peoples whose lands and resources provide the basis for the wealth generated in the region, are excluded from a meaningful role in decision-making and bear a greater burden, including loss of culture and traditional livelihoods. The model of resource development, particularly the reliance on large numbers of transient workers, widens inequalities between Indigenous and non-Indigenous people and between women and men, negatively impacting Indigenous families' access to food, housing and social services and increases risks of violence. Government has failed to allocate sufficient resources to services necessary to meet these needs.

In order to comply with national and international human rights obligations and to protect Indigenous peoples' rights in the region, Amnesty International calls on the authorities to implement the following recommendations:

TO THE GOVERNMENTS OF CANADA AND BRITISH COLUMBIA

- Immediately suspend or rescind all approvals and permits related to construction of the Site C dam.
- Incorporate the standard of free, prior and informed consent in all decision-making processes related to resource development where the rights of Indigenous peoples may be affected.
- Work with Indigenous peoples to fulfil the commitment to implement all Truth and Reconciliation Commission calls to action, including application of the *UN Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
- Require that reviews and approvals of resource development projects, and other decision-making and programming processes, be informed by a comprehensive gender-based analysis, conducted in consultation with women's rights and Indigenous organizations, including an intersectional analysis of the specific impacts on Indigenous women and girls.
- Ensure the National Inquiry on Missing and Murdered Indigenous Women and Girls leads to the adoption of a comprehensive national action plan on violence against women and girls, with specific measures to decrease resource development-related risks of violence to women and girls in northern communities.
- Ensure that at least one of the Family Information Liaison Units established through the National Inquiry is located in northeast BC.
- Establish a centre of excellence in northern law enforcement and justice, located in northeast BC, to encourage greater attention to the unique public safety concerns in northern communities, recognize and promote best practices, and build greater expertise and capacity among police officers, victims services workers, public prosecutors and others working in law enforcement and the justice system.
- Establish a committee of law enforcement and community representatives that can, under conditions of confidentiality, review outstanding case files concerning violence against women, missing persons, and other sensitive cases, to provide greater assurance to victims of violent crime and their family members, that all cases have been handled without bias.

TO THE GOVERNMENT OF CANADA

- Establish capacity for independent police review of unresolved cases of missing and murdered Indigenous women and girls where there are concerns that bias or other factors have led to inadequate investigation.
- Collaborate with Indigenous peoples' organizations to carry out a comprehensive reform of the *Canadian Environmental Assessment Act 2012* and related laws and policies to ensure that in future decisions about resource development:
 - Indigenous peoples have a say in the design of assessments concerning their rights;
 - Where Indigenous peoples have developed their own systems of assessment and decision-making, these systems are recognized and supported; and

- No decisions are made that are contrary to Canada’s legal obligations toward Indigenous peoples, as set out in treaties, the Canadian Constitution and international human rights law.
- Implement fully and immediately the Canadian Human Rights Tribunal ruling on discrimination in the provision of services for children on First Nations reserves.
- Work with Indigenous peoples to ensure substantive equality in access to all government services and programs, including women’s shelters and other culturally-relevant programs to prevent violence, ensure the safety of Indigenous women and girls, and support Indigenous violence survivors.

TO THE GOVERNMENT OF BRITISH COLUMBIA

- Collaborate with Indigenous peoples to implement a comprehensive regional land use plan for northeast BC in which treaty and Indigenous land use rights will be effectively protected.
- Conduct an assessment of the cumulative social impacts of resource development projects in northeast BC, with concrete recommendations to mitigate negative social impacts associated with the scale and nature of resource development, including the specific impacts on Indigenous women and girls.
- Undertake an assessment of infrastructure and service needs in northeast BC, with recommendations addressing the need for culturally-relevant, gender-specific programming for Indigenous peoples, and gender equality and Indigenous cultural competency training for frontline service providers.
- Reverse cuts to social services including rights-based protections and reform funding models to ensure that urgently needed and culturally appropriate social support services have access to stable core funding.
- Reinstate the provincial human rights commission and gender equality ministry.

TO THE RCMP

- Work with the provincial government to implement the Missing Women Commission of Inquiry recommendation to institute a “broad and expansive” recognition of the duty to carry out law enforcement in a manner consistent with the obligation to respect and uphold the equal rights of Indigenous peoples and other marginalized groups.
- In conjunction with Indigenous peoples, develop and implement a robust Indigenous cultural competency program for all officers before deployment to northern communities.
- Increase police resources to match the actual service population in northeast BC, including shadow workers.
- Review personnel policies with a view to increasing the number of experienced officers working in the north.

TO LOCAL GOVERNMENTS IN NORTHEAST BC

- Develop a local census model that more accurately reflects the number of people accessing services in the region, including shadow workers.
- Provide Indigenous cultural competency and gender equality training to municipal employees.
- Work with neighbouring First Nations, and with First Nations and Métis organizations, to develop municipal protocols that convey the importance of Indigenous history and treaty relationships, and acknowledge and make these relationships visible in prominent locations, published materials, and at official events.
- Work with frontline service providers and other women’s rights advocates to develop a local action plan to prevent and address violence against women and girls.

TO PRIVATE INDUSTRY

- Develop employee codes of conduct to address potentially harmful impacts on host communities of actions and behaviours undertaken outside of work hours and away from job sites.
- Support the health and wellness of employees by ensuring access to physical and mental health services, including addiction treatment, and allow working arrangements that enable employees to access such services.
- Take steps to diversify the workforce to include more women and Indigenous peoples, by making employment more accessible including by developing flexible schedules and childcare supports.
- Work with local service providers to ensure that corporate investment in the host community is aligned with local needs and priorities, paying particular attention to the specific needs of Indigenous women and girls.
- Collaborate with local and provincial governments to enable accurate tracking of the number and location of temporary or transient workers and labour camps.

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TO ONE PERSON, IT
MATTERS TO US ALL.**

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GENDER, INDIGENOUS RIGHTS, AND ENERGY DEVELOPMENT IN NORTHEAST BRITISH COLUMBIA, CANADA

Northeast British Columbia, Canada, is rich in energy resources, but while some people enjoy enormous benefits, others are further marginalized and impoverished. The model of resource development is both fuelling violence and increasing vulnerability to violence. Government has failed to allocate sufficient resources to services necessary to meet the needs. Indigenous peoples whose lands and resources provide the basis for the wealth generated in the region, are excluded from a meaningful role in decision-making and bear a greater burden, including disproportionately high rates of violence against Indigenous women and girls.

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