



# OUT OF SIGHT, OUT OF MIND

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

AMNESTY  
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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# EXECUTIVE SUMMARY

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**



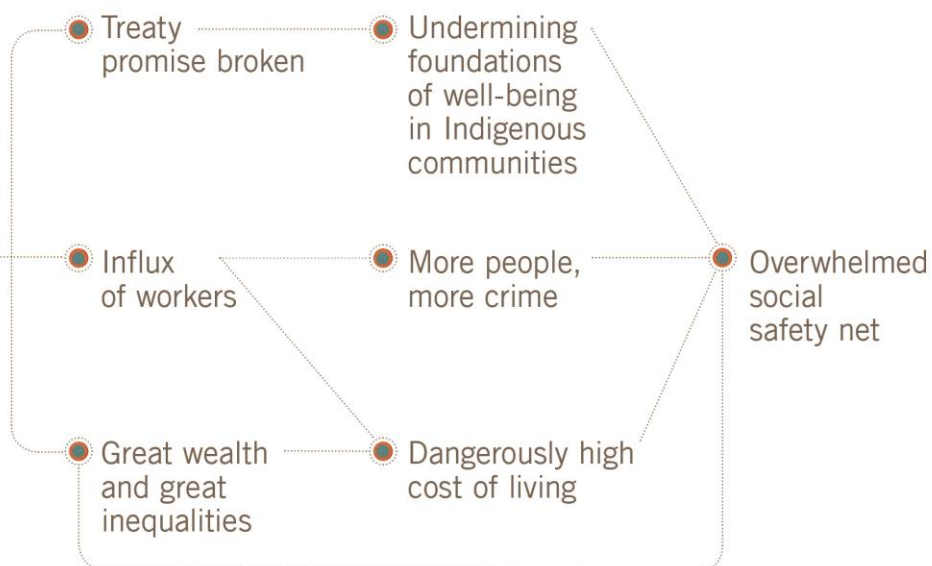
**LIMITED SPACE  
FOR INDIGENOUS  
PEOPLES IN  
DECISION-MAKING**



**UNDERFUNDING  
OF BASIC  
SERVICES FOR  
INDIGENOUS PEOPLES**



**RAMPANT  
RESOURCE  
DEVELOPMENT**

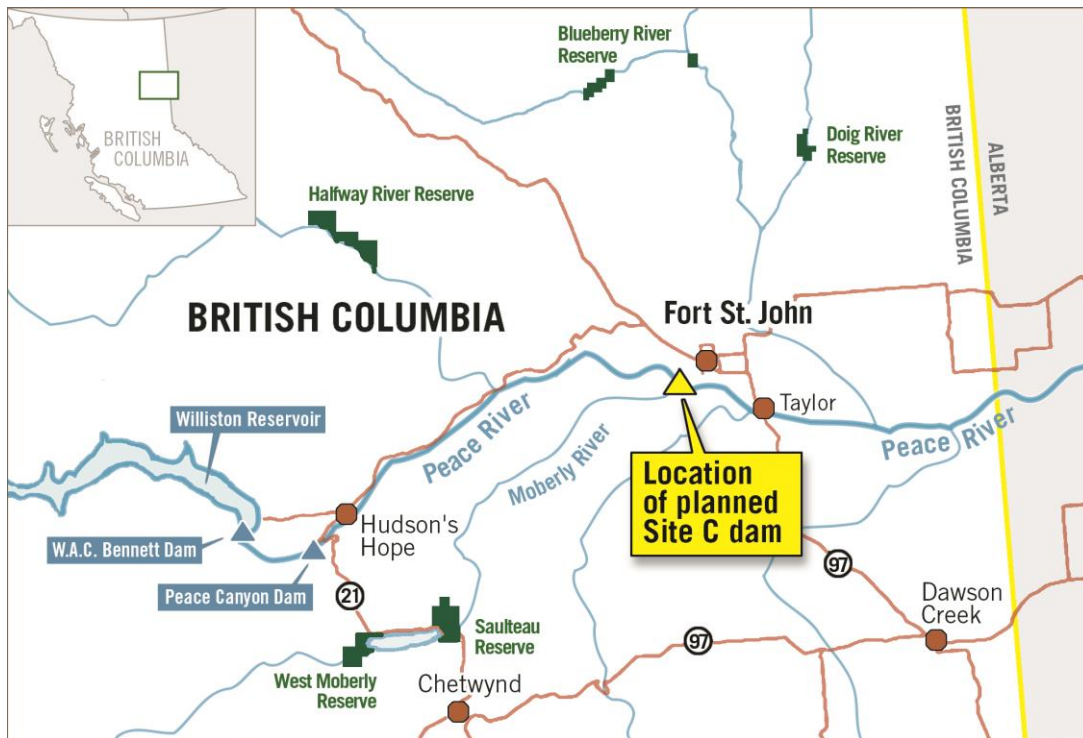


Beading by Della Owens

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



©Joss McLennan.



The Site C hydroelectric dam is being built in the heart of the Peace River region. ©Joss McLennan, adapted from the Report of the Joint Review Panel.



# SCOPE AND METHODOLOGY

Amnesty International began research in northeast BC after being approached by Indigenous leaders and community members concerned by the impacts of large-scale energy development in their communities. This report is the result of more than two years of research by Amnesty International, including reviews of previous reports and studies, and repeated visits to the region.

Northeast BC is a geographically large region in Canada's western-most province. Different federal and provincial government departments define and divide the region in a wide range of ways. Amnesty International's research focused primarily on the Peace River watershed near the city of Fort St. John, an area which includes some of the most intensive resource development in Canada as well as remaining areas of largely pristine forests, mountain slopes and river valleys that Indigenous peoples are struggling to protect.

As part of this research, Amnesty International carried out interviews with more than 100 Indigenous and non-Indigenous people of all genders, including survivors of violence, families of missing and murdered Indigenous women and girls, people working in the resource sector, and social service providers. Amnesty International also met with local, regional, provincial and federal government officials, as well as members of the Royal Canadian Mounted Police, Canada's national police service. Community members interviewed by Amnesty International were informed of the voluntary nature of the interviews. No one has been quoted in this report without their consent. In some cases, names of people interviewed have been changed to ensure confidentiality.

Field visits to northeast BC between April 2015 and October 2016 covered a period of significant economic change in the region. During initial visits, a global economic downturn had begun in the oil and gas industry, but considerable optimism remained about a potential economic boom in northeast BC. In subsequent visits, the region was clearly dealing with the fallout of the economic downturn, including widespread layoffs in the resource sector.

This research builds on Amnesty International's previous work in Canada on missing and murdered Indigenous women and girls and violations of the land rights of Indigenous peoples. In this report, Amnesty International has sought to trace some of the complex interactions between the historic harms inflicted on Indigenous peoples and the contemporary changes in the land and society brought about by the resource economy, focusing particular attention on issues such as violence against women that are too often ignored in public discourse and decision-making processes surrounding the resource economy. The report is neither exhaustive nor definitive, and Amnesty International's overall recommendation is for greater continued attention to these issues.

# ACKNOWLEDGEMENTS

Amnesty International is grateful to the First Nations of Treaty 8 in BC, and their elders and community members for welcoming us to their traditional territory, taking time to meet with us, and for sharing their stories and their experiences.

This research would not have been possible without the support of community activist Connie Greyeyes, who encouraged Amnesty International to undertake this research and facilitated our first introductions to community members and elders. Our gratitude goes also to CUPE, for supporting advocates like Connie, and for so warmly welcoming us to Fort St. John. Many thanks to Deborah Trask, Yvonne Tupper, Amanda Trotter, Helen Knott, Paulette Flamong, and Garry Oker for helping connect us with other community members and organizations. Thank you to YouthCo for reviewing our research questionnaire and accompanying Amnesty International on our October 2015 field visit. We would like to extend our gratitude to Ann-Marie Sam of the Nak'azdli First Nation whose work in that community was an important source of guidance as we developed this project, to Chastity Davis of the BC Minister's Advisory Council on Aboriginal Women, and to researcher Jacqueline Quinless for feedback on the research. We would also like to acknowledge the work of The Peace Project and others who have conducted research on the gendered impacts of resource development and violence against women and girls in northeast BC.

Finally, we are grateful to everyone who generously took the time to meet with Amnesty International throughout the course of our research. Our deepest gratitude goes to the survivors who accepted to talk to us and share their stories of violence and discrimination.

# GLOSSARY

<b>INDIGENOUS</b>	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.
<b>TREATY 8</b>	A formal agreement between the government of Canada and First Nations, first signed in Alberta in 1899 and subsequently expanded to cover a 841,487km <sup>2</sup> 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, Saulteau, and West Moberly First Nations.
<b>SHADOW WORKERS</b>	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. <sup>1</sup>
<b>GENDER-BASED VIOLENCE</b>	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.
<b>VIOLENCE AGAINST WOMEN</b>	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. <sup>2</sup>

<sup>1</sup> 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](http://www.municipalaffairs.alberta.ca/documents/msb/2015-Municipal-Census-Manual.pdf)

<sup>2</sup> *UN Declaration on the Elimination of Violence against Women*, Article 1.

# 1. THE OBLIGATION TO PROTECT THE HUMAN RIGHTS OF INDIGENOUS PEOPLES

**“The State must be cognizant that certain groups of females, such as girls, poor women and Aboriginal women, may be even more vulnerable to these acts of violence; and that they are, therefore, under a heightened duty of due diligence vis-à-vis these groups.”**

BC Missing Women Inquiry

Everyone has the right to live in dignity and safety<sup>3</sup> and to maintain and practice their identity and culture.<sup>4</sup> Under international human rights law, states are obligated to do everything they can to ensure that rights essential to individual and collective well-being, such as the rights to education, health, livelihood, and the right to live free from violence, can be fully realized in the lives of all people, without discrimination. All governments are expected to take every reasonable measure to stop human rights violations, including preventing crimes and abuses committed by private actors such as corporations and individuals. Where rights have been violated, states have an obligation to ensure justice by acknowledging the harm, assisting the victims in their recovery, and preventing the harms from being repeated.

Canada has been an active participant in the development of international human rights law and is a party to core human rights treaties including the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Elimination of Racial Discrimination*, the *Convention on the Elimination of Discrimination against Women*, and the *Convention on*

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<sup>3</sup>The *Universal Declaration of Human Rights* (1948) recognized that “All human beings are born free and equal in dignity and rights” (Article 1) and that “Everyone has the right to life, liberty and security of person” (Article 3).

<sup>4</sup>For example, Article 27 of the *International Covenant on Civil and Political Rights* states, “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” The Lubicon Cree, an Indigenous nation in the Canadian province of Alberta, used this article to challenge oil and gas developments taking place in their traditional territory without their consent. The UN Human Rights Committee ruled in their favour in 1990. UN Human Rights Committee, *Communication No. 167/1984: Canada* (Index: CCPR/C/38/D/167/1984), 10 May 1990. The federal and provincial governments failed to act on this ruling. See Amnesty International, *Canada - 20 years’ denial of recommendations made by the United Nations Human Rights Committee and the continuing impact on the Lubicon Cree* (Index: AMR 20/003/2010), 2 March 2010.

*the Rights of the Child*, as well as the Charter of the Organization of American States (OAS).<sup>5</sup> Specific measures to protect the rights of Indigenous peoples are consolidated in the 2007 *UN Declaration on the Rights of Indigenous Peoples (UN Declaration)*, which Canada has publicly committed to implement.<sup>6</sup> Domestic human rights protections are set out in the Canadian Constitution, including the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act and provincial and territorial human rights legislation.

Canada has not explicitly incorporated its human rights obligations into many areas of national law and policy, such as laws governing resource development. Instead, Canada claims that it relies on domestic laws and policies being interpreted in a manner that is consistent with corresponding international obligations. For example, a federal cabinet directive states that all federal departments and agencies are to “respect Canada’s international obligations in areas such as human rights, health, safety, security, international trade, and the environment” and “to implement provisions related to these obligations at all stages of regulatory activity, as applicable.”<sup>7</sup>



It is an established principle of Canadian law that courts and tribunals can use international human rights treaties and declarations, the jurisprudence of international human rights bodies, and the analysis of experts within the UN and Inter-American system, to help interpret domestic laws and ensure their consistency with Canada’s international and regional obligations.<sup>8</sup> In a 2016 ruling concerning discrimination against First Nations children, the Canadian Human Rights Tribunal stated that Canada’s commitments to human rights

<sup>5</sup> Canada has not ratified the core human rights treaty of the OAS, the *American Convention on Human Rights*. However, as a member of the OAS, Canada has explicitly agreed to uphold the obligations contained in the American Declaration on the Rights and Duties of Man. OAS, *General Assembly Resolution No. 371/78 (reaffirming Member States’ commitment to promote compliance with the American Declaration on the Rights and Duties of Man)* (Index: AG/RES VIII-O/78), 1 July 1978; and OAS, *General Assembly Resolution No. 370/78 (referring to Member States’ international commitment to respect the rights recognized in the Declaration)* (Index: AG/RES 370 VIII-O/78), 1 July 1978.

<sup>6</sup> Indigenous and Northern Affairs Canada, ‘Canada Becomes a Full Supporter of the United Nations Declaration on the Rights of Indigenous Peoples,’ News Release, 10 May 2016.

<sup>7</sup> Treasury Board of Canada, *Cabinet Directive on Regulatory Management*, 1 April 2012, available at [www.tbs-sct.gc.ca/rtrap-parfa/cdrm-dcgr/cdrm-dcgr01-eng.asp](http://www.tbs-sct.gc.ca/rtrap-parfa/cdrm-dcgr/cdrm-dcgr01-eng.asp)

<sup>8</sup> *Baker v. Canada (Minister of Citizenship and Immigration)* (Index: 2 SCR 817), 9 July 1999, para. 70; *Reference re Public Service Employee Relations Act (Alberta)* (Index: 1 SCR 313), 9 April 1987, para. 57; and *R v. Hape* (Index: 2007 SCC 26), 7 June 2007, para. 53.



“whether expressed on the international scene or at the national level, should not be allowed to remain empty rhetoric.”<sup>9</sup>

Domestic and international human rights standards consistently affirm the need for an enhanced standard of care to respect, protect, and fulfil the rights of groups and individuals who have been historically marginalized and disadvantaged or who face ongoing discrimination because of their gender, ethnicity, or other aspects of their identity. This standard of care is particularly relevant to the situation of Indigenous peoples as a whole, and to Indigenous women and girls in particular.

The ability of Indigenous peoples to live on their traditional lands and maintain traditional harvesting practices is crucial to the fulfilment of a wide range of human rights, including the right to health and the right of children to grow up within their own cultures.<sup>10</sup> As a consequence, international human rights bodies have recognized the need for an especially rigorous standard of protection to ensure Indigenous peoples’ continued secure access to their lands and resources. In the report of its recent investigation into violence against Indigenous women and girls in BC, the Inter-American Commission on Human Rights (IACHR) stated that “special protection for the right of indigenous peoples to their lands and resources” is essential because the “economic, social, spiritual, and cultural development” of their communities as a whole depends on their relationship to the land.<sup>11</sup>

**“States must implement specific measures to address the social and economic disparities that affect indigenous women.”**

**– Inter-American Commission on Human Rights**

The *UN Declaration* and a larger body of rulings and interpretative statements by UN and Organization of American States (OAS) human rights mechanisms are consistent in affirming that whenever there is risk of serious harm to the cultures, well-being, and safety of Indigenous peoples, decisions should be taken only with their free, prior and informed consent (FPIC). The former UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya said that states should generally presume that FPIC is required for any large-scale resource development project because of the

inherently high risks to Indigenous land use and traditions. He argues that before an exception to this requirement can even be considered, there must be a compelling and objective rationale, alternatives must be fully explored, any harmful impact must be minimized, and care must be taken to ensure that Indigenous peoples enjoy more benefit than harm.<sup>12</sup>

A similarly high, rigorous, and comprehensive standard of human rights protection is required to address violence against women.<sup>13</sup> UN Women has said that states must address the risk factors that increase the likelihood that a woman will experience violence including: having experienced childhood violence, limited economic opportunities and gender-based income disparities, and impunity for perpetrators.<sup>14</sup> Following an investigation on violence against Indigenous women in BC, the IACHR has called for action to address root causes of inequality and discrimination including improving women’s “enjoyment of economic, social and cultural rights”<sup>15</sup> and public education to eliminate misogyny, racism and other prejudices, and combat harmful stereotypes.<sup>16</sup> In its final report, the IACHR noted that prevention of violence requires specific attention to the social and economic situation of Indigenous women and girls. The IACHR stated, “Given the

<sup>9</sup> 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, available at [decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/143898/index.do](https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/143898/index.do)

<sup>10</sup> For example, The UN Committee on Economic, Social and Cultural Rights has noted that “development-related activities that lead to the displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, has a deleterious effect on their health.” UN Committee on Economic, Social and Cultural Rights, *General Comment No. 14, The right to the highest attainable standard of health* (Index: E/C.12/2000/4), 11 May 2000, para. 27. Similarly, a report by the UN Secretary-General on the rights of the child, noted that efforts to reduce poverty, which are essential to the fulfilment of the rights of Indigenous children, are hindered where development projects such as “construction of dams, mining, oil exploration, plantation developments and logging, including those managed by the private sector” are “undertaken without the free, prior and informed consent of indigenous peoples and without regard to appropriate compensation.” UN General Assembly, *Status of the Convention on the Rights of the Child: Report of the Secretary-General* (Index: A/67/225), 3 August 2012, para. 21.

<sup>11</sup> Inter-American Commission on Human Rights, *Missing and Murdered Indigenous Women in British Columbia, Canada* (Index: OEA/Ser.LV/II. Doc.30/14), 21 December 2014, para. 117, available at [www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en.pdf) (hereinafter: IACHR, BC Investigation).

<sup>12</sup> S. James Anaya, *Extractive industries and indigenous peoples, Report of the Special Rapporteur on the rights of indigenous peoples* (Index: A/HRC/24/41), UN Human Rights Council, 2013, paras. 31-36.

<sup>13</sup> UN General Assembly, *Declaration on the Elimination of Violence Against Women* (Index A/RES/48/104), 20 December 1993; and UN, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979.

<sup>14</sup> UN Women, ‘Causes, protective and risk factors,’ [www.endvawnow.org/en/articles/300-causes-protective-and-risk-factors-.html](http://www.endvawnow.org/en/articles/300-causes-protective-and-risk-factors-.html)

<sup>15</sup> IACHR, BC Investigation, para. 171.

<sup>16</sup> IACHR, BC Investigation, para. 158.

strong connection between the greater risks for violence that indigenous women confront and the social and economic inequalities they face, States must implement specific measures to address the social and economic disparities that affect indigenous women.”<sup>17</sup>

The IACHR also said in its report to Canada that prevention of violence against women necessarily encompasses “the entire state structure – including the State’s legislative framework, public policies, law enforcement machinery and judicial system.”<sup>18</sup> A UN Human Rights Council resolution introduced by the government of Canada calls for violence prevention at the local and regional levels including through measures such as “public transportation, sanitation facilities, street lighting and improved urban planning.”<sup>19</sup> Canada also introduces and leads negotiations with respect to the annual Human Rights Council resolution on violence against women.<sup>20</sup> A report on violence against Indigenous women and girls in Canada by the UN Committee to Eliminate Discrimination Against Women calls on Canada to “develop national anti-poverty, food security, housing, education and employment strategies focusing on women in the aboriginal community.”<sup>21</sup>

The state’s responsibility to take every reasonable precaution to prevent human rights violations is often described as the duty of “due diligence.” In relation to violence against women, the standard of due diligence is so well-established and so widely accepted that it is considered a matter of customary international law, meaning that not only is it a moral obligation of all states, it is a legally-binding obligation.<sup>22</sup> A BC provincial inquiry into the disappearance and murder of marginalized women in the province’s largest city, Vancouver, acknowledged the importance and relevance of the due diligence framework in international law, stating that meeting the obligation of due diligence is “heightened” with respect to marginalized women such as Indigenous women and women living in poverty.<sup>23</sup> The report concluded that “inadequate housing, food insecurity, health issues and inadequate access to health care, extreme poverty, and drug dependency”<sup>24</sup> all contributed to the high levels of violence experienced by women in Vancouver’s downtown eastside neighbourhood.

## THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The *UN Declaration on the Rights of Indigenous Peoples* was adopted by the UN General Assembly in September 2007. Its provisions are set out as the minimum standards “for the survival, dignity and well-being” of Indigenous peoples in every country. The commitment of the international community to implement the *UN Declaration* was unanimously affirmed in the Outcome Document of the 2014 UN World Conference on Indigenous Peoples.<sup>25</sup> In May 2016, Canada’s federal Minister of Indigenous and Northern Affairs told the UN Permanent Forum on Indigenous Issues that her government’s support for the *UN Declaration* was unconditional<sup>26</sup> and that the *UN Declaration* “reflects the spirit and intent” of the country’s existing treaties with Indigenous peoples.<sup>27</sup>

The *UN Declaration* recognizes that Indigenous peoples—like all peoples—have the right to self-

<sup>17</sup> IACHR, BC Investigation, para. 165.

<sup>18</sup> IACHR, BC Investigation, para. 157.

<sup>19</sup> UN Human Rights Council, *Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence* (Index: A/HRC/RES/23/25), 25 June 2013.

<sup>20</sup> See, for example, UN, *Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls* (Index: A/HRC/32/L.28/Rev.1), Human Rights Council, 30 June 2016.

<sup>21</sup> UN Committee on the Elimination of Discrimination Against Women, *Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (Index: CEDAW/C/OP.8/CAN/1), 30 March 2015, p. 57 (hereinafter: CEDAW, Canada Investigation).

<sup>22</sup> Yakin Ertürk, *Report of the Special Rapporteur on violence against women, its causes and consequences* (Index: E/CN.4/2006/61), UN Commission on Human Rights, 20 January 2006, para. 29.

<sup>23</sup> Wally T. Oppal, *Forsaken: the Report of the Missing Women Commission of Inquiry*, 19 November 2012, Vol. I, pp. 126, 324, available at [www.missingwomeninquiry.ca](http://www.missingwomeninquiry.ca) (hereinafter: BC Missing Women Inquiry).

<sup>24</sup> BC Missing Women Inquiry, Vol. IIA, p. 1.

<sup>25</sup> UN General Assembly, *Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples* (Index: A/RES/69/2), 25 September 2014.

<sup>26</sup> Indigenous and Northern Affairs Canada, ‘Canada Becomes a Full Supporter of the United Nations Declaration on the Rights of Indigenous Peoples,’ News Release, 10 May 2016.

<sup>27</sup> Bruce Cheadle, ‘Carolyn Bennett: UN Declaration on Rights of Indigenous Peoples Should Not Be Scary,’ Canadian Press, 10 May 2016.

determination. It calls on states to consult with Indigenous peoples, and to cooperate and collaborate with them. The *UN Declaration* affirms the right of Indigenous peoples to “determine and develop priorities and strategies” for exercising the right to development (Article 23) and for use of their lands, territories and resources (Article 32). It recognizes the right of Indigenous peoples to “own and control” their lands (Article 26) and requires the free, prior, and informed consent of Indigenous peoples for legislative or administrative decisions affecting their rights (Article 19),<sup>28</sup> including for projects affecting their lands, territories and resources (Article 32).<sup>29</sup> The *UN Declaration* recognizes that confiscating, using, or damaging the lands and territories of Indigenous peoples without consent is a violation of rights requiring redress (Article 28).

The provisions in the various articles are interconnected—each helps inform the meaning of the others—and need to be read as a whole. Articles 21 and 22 call for particular attention to be paid to “the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.” Article 22 also requires states to take measures, “in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

Like most human rights protections, the vast majority of provisions of the *UN Declaration* are understood to be relative, rather than absolute. This means that there is a recognition of the need to reconcile potentially conflicting rights between Indigenous peoples and between Indigenous peoples and the state. Article 27 calls for “fair, independent, impartial, open and transparent” processes to adjudicate Indigenous land disputes. Article 46 calls for the “human rights and fundamental freedoms of all” to be respected. Article 46 also requires that any limitations on the rights of Indigenous peoples be “determined by law and in accordance with international human rights obligations,” be non-discriminatory, and applied only as “strictly necessary for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of democratic society.”

While declarations are not directly binding in the same way that international human rights treaties are, the *UN Declaration* includes provisions that are already considered customary international law<sup>30</sup>, and therefore legally-binding on all states, or which expert bodies have said are necessary to meet the requirements of other binding treaties. Courts, tribunals and regulatory bodies in Canada have already applied the *UN Declaration* to interpret Canadian law. For example, the *UN Declaration* has been used by an environmental assessment panel,<sup>31</sup> the Canadian Human Rights Tribunal,<sup>32</sup> the Federal Court of Canada,<sup>33</sup> and the Supreme Court of Canada.<sup>34</sup>

The former United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, has said that protections for the rights of Indigenous peoples set out in the *UN Declaration* are intended to repair “the ongoing consequences of the historical denial” of their rights<sup>35</sup> and to ensure that a precautionary approach is applied as a “safeguard” against further violations.<sup>36</sup>

## 1.1 WARNING SIGNS IGNORED

<sup>28</sup> Article 19: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

<sup>29</sup> Article 32.2: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent prior to the approval of any project affecting their lands or territories or other resources, particularly in connection with the development, utilization or exploitation of mineral, water, or other resources.”

<sup>30</sup> International Law Association, *The Hague Conference (2010): Rights of Indigenous Peoples*, p. 43.

<sup>31</sup> Canadian Environmental Assessment Agency, *Report of the Review Panel – New Prosperity Gold-Copper Project*, 31 October 2013, pp. 204-205, 210-213.

<sup>32</sup> *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 2), 26 January 2016, paras. 428-455. Upheld on appeal to the Federal Court of Appeal: *Canada (Attorney General) v. Canadian Human Rights Commission* (Index: 2013 FCA 75), 11 March 2013.

<sup>33</sup> *Canada (Human Rights Commission) v. Canada (Attorney General)* (Index: 2012 FC 445), 18 April 2012, paras. 348-355.

<sup>34</sup> *Mitchell v. M.N.R.* (Index: 2001 SCC 33), 24 May 2001.

<sup>35</sup> S. James Anaya, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, UN Human Rights Council (Index: HRC/9/9), 11 August 2008, paras. 36, 86.

<sup>36</sup> S. James Anaya, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, UN Human Rights Council (Index: HRC/21/47), 6 July 2012, para. 52.

Amnesty International is not anti-development. It is clear that resource development can bring numerous benefits to Indigenous and non-Indigenous communities alike, including generating jobs and public revenue needed for social services and infrastructure. However, when governments make decisions about what scale of development is desirable and which specific projects should proceed, great care must be taken to ensure that human rights are protected. This includes careful attention to the actual consequences for the safety, wellness and quality of life of people living in the host communities so that individuals and groups who are marginalized, or are at heightened risk of harm, are not put in greater jeopardy but can instead have the opportunity to share equitably in the benefits.

A growing body of studies and reports in Canada and worldwide draw links between intensive resource development and negative social impacts in host communities. These negative impacts include social strain and increased violence against women, as well as factors such as wage inequalities and shortages of affordable housing that lead to a heightened risk of violence.<sup>37</sup>

These concerns are already well-known in northeast BC. Indigenous peoples in the region have long struggled to draw public attention to the need to understand and address the negative impacts of resource development in a more comprehensive and systemic way.<sup>38</sup> There have also been numerous studies by government agencies and frontline service providers, such as the regional health agency Northern Health, and the Fort St. John Women's Resource Society,<sup>39</sup> that specifically link the resource economy in northeast BC and significant social strains being experienced in the region.<sup>40</sup> In a 2015 submission to the provincial government, a coalition of northeast BC municipalities, including the City of Fort St. John, noted the urgency of planning for the cumulative social and economic impacts of continued resource development, calling such planning "mandatory and essential."<sup>41</sup> There is no indication that these concerns have significantly affected provincial and federal government decision-making around resource development in the region.

The provincial health ministry has noted that concerns about harmful social impacts of resource development in the northeast have been documented for at least three decades.<sup>42</sup> For example, a study of Chetwynd, a community near Fort St. John, conducted during an increase in resource development activity

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<sup>37</sup> See for example, The Labrador West Status of Women Council et al., *Effects of Mining on Women's Health in Labrador West*, 7 November 2004; Alison Cretney et al., *Boom to Bust: Social and cultural impacts of the mining cycle*, Pembina Institute, 2008; Catherine Coumans and Mining Watch Canada, 'Research on Contested Ground: Women, Mining and Health,' in *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, 3:1, Winter 2005, pp. 9-32; Ginger Gibson and Jason Klinck, 'Canada's Resilient North: The Impact of Mining on Aboriginal Communities,' in *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, 3:1, Winter 2005, pp. 116-139; First Nations Women Advocating Responsible Mining, *Submission to Committee on the Elimination of Racial Discrimination, 80th Session*, January 2012; Conseil du statut de la femme Quebec, *Opinion - Women and Plan Nord: for Equality in Northern Development*, October 2012; Janis Shandro et al., *Ten Steps Ahead: Community Health The Social Dimension of Sustainable Development and the Mining Industry: A Background Paper and Safety in the Nak'at'la/ Bun/Stuart Lake Region During the Construction Phase of the Mount Milligan Mine*, December 2014; Lisa Aurore Lapalme, *The Social Dimension of Sustainable Development and the Mining Industry: A Background Paper*, Natural Resources Canada, November 2003, p. 14; Robert James Early, *DISCONNECT: Assessing and Managing the Social Effects of Development in the Athabasca Oil Sands*, University of Waterloo, 2003, p. 167; Nobel Women's Initiative, *Breaking Ground: Women, Oil and Climate Change in Alberta and British Columbia*, 2013, pp. 18-20; Pauktuutit, *The impact of resource extraction on Inuit women and families in Qamani'tuaq, Nunuvut Territory: a qualitative assessment*, January 2014; Linda Archibald and Mary Crnkovich, *If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey's Bay Nickel Project*, November 1999; National Aboriginal Health Organization, *Resource Extraction and Communities in Northern Canada: Gender Considerations*, 2008; World Health Organization, *Managing the public health impacts of natural resource extraction activities: a framework for national and local health authorities*, Draft Discussion Paper, 17 November 2010; Shira M. Goldenberg et al., 'Sexually Transmitted Infection (STI) Testing among Young Oil and Gas Workers: The need for Innovative, Place-based Approaches to STI Control,' in *Canadian Journal of Public Health*, 99:4, July-August 2008, pp. 350-254; Shira M. Goldenberg et al., 'And they call this progress? Consequences for young people of living and working in resource-extraction communities,' in *Critical Public Health*, 20:2, p. 162; S. Barton, 'Aspects of the effect of substance use on health, wellness and safety of employees and families in northern remote work sites,' in *Social Indicators Research*, 60:1, p. 267; S. Markey and K. Heisler, 'Getting a fair share: Regional development in a rapid boom-bust rural setting,' in *Canadian Journal of Regional Science*, 33:3, p. 56; Northern British Columbia Women's Task Force, *Report on Single Industry Communities: Kitimat, BC; Fraser Lake, BC; Mackenzie, BC*, 1977; Northern Health, *Men's Health Matters Because Men Matter: Community Consultation on Men's Health: What We Heard*, September 2011; and Northern Health, *Where are the Men? Chief Medical Health Officer's Report on the Health and Wellbeing of Men and Boys in Northern BC*, November 2011.

<sup>38</sup> Treaty 8 Tribal Association, *Site C Environmental Impact Statement – General Comments*, Submission to the Joint Federal Provincial Environmental Impact Assessment of the Site C Dam, 12 April 2013.

<sup>39</sup> Northern Health, *Understanding the State of Industrial Camps in Northern BC: A Background Paper*, Version 1, 17 October 2012; and Clarice Eckford and Jillian Wagg, *The Peace Project: Gender Based Analysis of Violence against Women and Girls in Fort St. John – revised*, Fort St. John Women's Resource Society, February 2014 (hereinafter: Clarice Eckford, Peace Project).

<sup>40</sup> Northern Health, *Population Health and Oil and Gas Activities: A Preliminary Assessment of the Situation in North Eastern BC*, 10 January 2008, available at [prdd.bc.ca/board/meetings/agenda/documents/rd/cfour011008.pdf](http://prdd.bc.ca/board/meetings/agenda/documents/rd/cfour011008.pdf) (hereinafter: Northern Health, Population Health); BC Ministry of Health, *Identifying Health Concerns relating to oil and gas development in northeastern BC: human health risk assessment - phase 1 compendium of submissions*, Fraser Basin Council, 30 March 2012; and W. Beamish Consulting Ltd. and Heartwood Solutions Consulting, *Policy, Communications, Capacity: A Time to Lead: Scoping the Impacts and Benefits of Work Camps in the Peace Region*, prepared for Peace Valley Regional District, 27 June 2013.

<sup>41</sup> NEBC Resource Municipalities Coalition, *Submission to the Select Standing Committee on Finance and Government Services*, 14 October 2015.

<sup>42</sup> Northern Health, Population Health, pp. 17-19.

in the late 1970s, concluded that “this increased economic activity in the community resulted in increased demand for accommodation, and inflation in housing, rental accommodations, and land prices.”<sup>43</sup> The Chetwynd study also found that, “proximity of the construction camp labour force to the community may also have affected the increase in alcohol consumption within the community, but the workforce was blamed for incidents within the community, such as breaking and entering, theft or alcohol offences.”<sup>44</sup>

Two studies conducted in 1979, one by the Women’s Research Centre, a Vancouver-based feminist research organization, and the other by the Northern BC Women’s Task Force, listed issues of concern to women in northeast BC during pipeline construction as including “access to healthcare for women and their families, adequate education for children and adults, higher food prices and lower quality, shortage of affordable housing, transportation outside of the community, and increased crime rates within the communities.”<sup>45</sup> In the early 2000s, a study of the community of Fort Nelson, north of Fort St. John, found that rapid development of the oil and gas sector had led to increased drug and alcohol use, increased need for addiction treatment facilities, and accommodation shortages.<sup>46</sup>

**“Our Coalition believes that cumulative resource development planning for Northeast BC is mandatory and essential.”**

**– NEBC Resource Municipalities Coalition**

The 2008 health ministry study called for continued attention to the “potential social impacts of resource development on northeastern British Columbia communities, particularly with respect to a transient workforce.” The study recommended that this investigation “should include, at a minimum, an analysis of community social health effects.”<sup>47</sup> Such scrutiny, however, has often been resisted from industry and government.

For example, from 2012-2013, the BC Ministry of Health conducted a risk assessment of the health impacts of the oil and gas sector in northeast BC. In the first phase of the assessment, individuals, organizations and government identified key issues of concern to include in the study. The University of Victoria’s Environmental Law Clinic, for example, called for the assessment to define health broadly to include the social determinants of health, and to study community health impacts such as drug and alcohol abuse, sexually transmitted infections, family strain, sex work, crime and violence, housing shortages, and increased cost of living.<sup>48</sup> In contrast, the Canadian Association of Petroleum Producers called on the Ministry of Health to place “sensible boundaries on the investigation of social and social-economic impacts.” Progress Energy called for social impacts to be considered instead in a hypothetical “larger socioeconomic study by the appropriate BC government department” and not be included in the study that was underway. The Ministry of Health eventually decided that the assessment of “non-chemical related health determinants” was beyond the scope of the study, which would focus only “on chemical emissions associated with oil and gas activity and potential human health effects.”<sup>49</sup>

## 1.2 A DEBT OF JUSTICE

When the federal and provincial governments promote resource development on the traditional territories of Indigenous peoples anywhere in Canada, there is a crucial historical context that must guide their actions and decisions. First, Indigenous peoples have already experienced widespread and profound harm as a consequence of past government decisions. Secondly, Indigenous peoples continue to suffer problems of impoverishment, ill-health, discrimination, and social marginalization that are the product of these harms remaining largely unaddressed. In such a context, governments must take extra precaution to ensure that their decisions do not further compound this harm. More than that, the requirements of justice mean that governments should prioritize decisions and approaches that support the restoration of Indigenous societies and communities.

International human rights bodies have repeatedly expressed concern over persistent gaps in the respect, protection, and fulfilment of the human rights of First Nations, Inuit, and Métis individuals and communities

<sup>43</sup> Northern Health, Population Health, p. 17.

<sup>44</sup> Northern Health, Population Health, p. 17.

<sup>45</sup> Northern Health, Population Health, p. 18.

<sup>46</sup> Northern Health, Population Health, pp. 18-19.

<sup>47</sup> Northern Health, Population Health, p. 42.

<sup>48</sup> Ministry of Health, *Identifying Health Concerns relating to oil and gas development in northeastern BC: human health risk assessment - phase 1 compendium of submissions*, Fraser Basin Council, 30 March 2012.

<sup>49</sup> BC Ministry of Health, *Phase 2 Direction Document: Phase 2 - Human Health Risk Assessment of Oil and Gas Activity in Northeastern British Columbia*, Intrinsik Environmental Sciences Inc., 3 February 2013, p. 10.



in Canada, particularly when compared to the overall quality of life of most non-Indigenous people.<sup>50</sup> In the report of his 2013 mission to the Canada, the UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, concluded that “the human rights problems faced by indigenous peoples in Canada...have reached crisis proportions in many respects”<sup>51</sup> with “the most jarring manifestation of these human rights problems” being “the distressing socio-economic conditions of indigenous peoples in a highly developed country.”<sup>52</sup>

The social and economic gap between Indigenous and non-Indigenous families and communities in Canada is both well-documented and routinely acknowledged by government officials. A 2010 federal government study that ranked communities in terms of educational attainment, employment, income, and housing, found that 96 of the 100 lowest ranked communities were First Nations or Inuit. The report also found that in the five-year study period, “little or no progress” had been made in improving the well-being of Indigenous communities, with a third of First Nations and Inuit communities experiencing worsening conditions.<sup>53</sup> The Auditor General of Canada has similarly commented on “a lack of progress in improving the lives and well-being” of people living in First Nations communities.<sup>54</sup>

In 1996, a high-level public inquiry into the situation of Indigenous peoples in Canada, the Royal Commission on Aboriginal Peoples, concluded that persistent inequalities are, to a large degree, the legacy of colonial policies and practices that undermined Indigenous peoples’ control over and ability to benefit from their traditional territories, severely strained the social fabric of Indigenous communities, and subjected Indigenous women, men, and children to racism and discrimination in Canadian society.<sup>55</sup> Almost two decades later, the national Truth and Reconciliation Commission (TRC)—established as a result of a collective legal action on behalf of generations of Indigenous children forcibly removed from their cultures and communities to attend residential schools—underscored the extreme seriousness of these harms in its conclusion that governments in Canada have carried out a systematic assault on Indigenous cultures and traditions that the Commission termed a “policy of cultural genocide.”<sup>56</sup>

The fact that so many First Nations, Inuit and Métis people in Canada still practice their traditions is a demonstration of the strength of their cultures and the determination of community leaders, parents and others that these traditions will not be lost. As Chastity Davis, the chair of the BC Minister’s Advisory Council on Aboriginal Women, told Amnesty International, “We are resilient people.”<sup>57</sup> At the same time, enormous work needs to be done to address and overcome the lasting harm of longstanding, deeply entrenched and institutionalized discrimination and oppression. Justice (now Senator) Murray Sinclair, who chaired the TRC, said on the release of the Commission’s final report, that reconciliation between Indigenous and non-Indigenous peoples in Canada “will take generations” requiring tools “that will live beyond today.”<sup>58</sup>

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<sup>50</sup> UN Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada* (Index: E/C.12/CAN/CO/4-E/C.12/CAN/CO/5, 22 May 2006; UN Human Rights Committee, *Concluding observations of the Human Rights Committee: Canada* (Index: CCPR/C/CAN/CO/5), 20 April 2006; UN Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada* (Index: CERD/C/CAN/CO/18), 25 May 2007; UN Committee on the Rights of the Child, *Concluding Observations of the UN Committee on the Rights of the Child: Canada* (Index: CRC/C/15/Add.21), 17 October 2003; and UN Human Rights Council, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari: Addendum: Mission to Canada (9 to 22 October 2007)* (Index: A/HRC/10/7/Add.3), 17 February 2009.

<sup>51</sup> UN Human Rights Council, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya – Addendum: The situation of indigenous peoples in Canada*, 2014, para. 14.

<sup>52</sup> UN Human Rights Council, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya – Addendum: The situation of indigenous peoples in Canada*, 2014, para 15.

<sup>53</sup> Indian and Northern Affairs Canada, *First Nation and Inuit Community Well-Being: Describing Historical Trends (1981-2006)*, Strategic Research and Analysis Directorate, April 2010.

<sup>54</sup> Auditor General of Canada, *2011 June Status Report*, available at [www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_201106\\_04\\_e\\_35372.html](http://www.oag-bvg.gc.ca/internet/English/parl_oag_201106_04_e_35372.html)

<sup>55</sup> Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples*, 1996, available at [www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm\\_e.html](http://www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html)

<sup>56</sup> Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, June 2015, available at [www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec\\_Summary\\_2015\\_05\\_31\\_web\\_o.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf) (hereinafter: Truth and Reconciliation Commission, Executive Summary).

<sup>57</sup> Interview with Chastity Davis, Minister’s Advisory Council on Aboriginal Women, Fort St. John, 28 September 2015.

<sup>58</sup> Reul S. Amdur, ‘Final Truth and Reconciliation Report Draws Action Promises from Tearful Trudeau,’ *Indian Country Today*, 17 December 2015.

## THE FAILURE TO RESPECT AND RESTORE INDIGENOUS LAND RIGHTS

In 1996, the Royal Commission on Aboriginal Peoples estimated that Indigenous nations in Canada retain control of less than 0.5% of the land in the ten provinces.<sup>59</sup> This is despite legal traditions from the beginning of contemporary European settlement and continuing through the 1982 Canadian Constitution and its interpretation by the courts that affirm that assertion of European sovereignty in Canada did not extinguish Indigenous peoples' ownership and rights over their traditional lands and territories.

After entering into Treaty 8, First Nations in northeast BC selected lands from within their traditional territories that would be reserved for their exclusive use based on where they had seasonal camps and carried out activities like hunting and fishing. The locations and boundaries of these reserves were repeatedly altered by the federal government. In 1945, the federal department of Indian Affairs sold the Montney reserve just outside Fort St. John (known in Dane-Zaa as *Su Na chii k'chige* or 'the place where happiness dwells') to another government department so that the land could be redistributed to non-Indigenous veterans returning from the Second World War. Descendants of First Nations leaders who met with government officials before the sale dispute whether they ever agreed to the surrender of their land.<sup>60</sup> Transfer of the land also included mineral rights which the federal government was supposed to manage on their behalf. These sub-surface rights became a source of considerable wealth to non-Indigenous landowners once oil and gas production began in the northeast. In 1995, the Supreme Court of Canada ordered compensation to be paid to the Blueberry River and Doig River First Nations, after an 18-year legal battle.<sup>61</sup> A further twenty years later, in November 2015, a federal tribunal ordered additional compensation for the fact that new lands set aside for the First Nations after the sale of the Montney reserve excluded sub-surface rights.<sup>62</sup>

This long legal battle to address a wrong from 1945 is far from unusual. Indigenous peoples in BC and across Canada have faced lengthy, difficult—and in most cases, still unresolved—struggles for redress for lands and resources that have been wrongfully taken from them. In response to a petition brought by the Hul'qumi'num Treaty Group on behalf six First Nations on Vancouver Island in BC, the Inter-American Commission on Human Rights (IACHR) concluded that the available means to resolve outstanding land and title disputes in Canada, whether through negotiation or legal action, are too slow and too onerous to meet basic standards of access to justice, which require timely and effective remedy.<sup>63</sup>

The West Moberly and Prophet River First Nations have challenged the federal and provincial approval of the Site C dam in court, using a legal process known as a judicial review that is meant to provide more timely access to justice. As of October 2016, these legal challenges were unresolved. The federal government has acknowledged in court that it approved the Site C dam without conducting a legal analysis of whether doing so would be compatible with its obligations under Treaty 8.<sup>64</sup> The government has argued that it has no obligation to conduct such an analysis and that the onus is entirely on the affected First Nations to prove in court that their rights have been infringed.<sup>65</sup> The federal government has further argued that a judicial review is not an appropriate way to address an issue of such complexity and that the First Nations must instead initiate a full trial processes<sup>66</sup>—which could take years or even decades to resolve—by which time the dam would be completed.

In 2014, the Supreme Court of Canada recognized the Tsilhqot'in people in central BC as the exclusive owners of approximately 2,000km<sup>2</sup> of the original territory they had occupied before the creation of the reserve, with the right to benefit from that land and control how it will be used in the future.<sup>67</sup> The Tsilhqot'in decision marked the first time that a court in Canada has ordered land restored to an Indigenous nation based on customary land title. The Tsilhqot'in decision notably came only after an extremely long and expensive legal process of more than two decades in which the recognition of Indigenous title was vigorously opposed by the federal and provincial governments and by private interests. So far, neither level of

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<sup>59</sup> The Royal Commission on Aboriginal Peoples' estimate excludes the far north, including the Northwest Territories, where subsequent negotiations with the Inuit established the Nunavut government.

<sup>60</sup> Robin Ridington and Jillian Ridington, *Where Happiness Dwells: A History of the Dane-Zaa First Nations*, 2013, p. 302 (hereinafter: Robin Ridington, *Where Happiness Dwells*).

<sup>61</sup> *Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development)* (Index: 4 SCR 344), 1995.

<sup>62</sup> Johnny Wakefield, 'First Nations tribunal win corrects 75-year-old mistake,' *Alaska Highway News*, 9 November 2015.

<sup>63</sup> IACHR, *Report No 105/09 on the admissibility of Petition 592-07, Hul'qumi'num Treaty Group, Canada*, 30 October 2009, paras. 37-39.

<sup>64</sup> Attorney General of Canada, *Memorandum of Fact and Law of the Respondents Attorney General of Canada, Minister of the Environment, Minister of Fisheries and Oceans, and Minister of Transport, Prophet River First Nation v. Canada (Attorney General)* (Index: FCA 120, 2016, paras 67-68 (hereinafter: Attorney General of Canada).

<sup>65</sup> Attorney General of Canada, paras. 79-81.

<sup>66</sup> Attorney General of Canada, paras 85-93.

<sup>67</sup> *Tsilhqot'in Nation v British Columbia* (Index: 2014 SCC 44), 26 June 2014.

government has applied the Tsilhqot'in decision as the basis for restoring land and decision-making powers to other Indigenous nations.<sup>68</sup>

Government policies that discriminated against First Nations women created additional barriers and disruptions to Indigenous land use and the transmission of traditional knowledge through the generations. Under laws in place between 1951 and 1985, the federal government arbitrarily and unilaterally redefined any First Nations women who had married outside their community—and all their descendants—as effectively being non-Indigenous for the purposes of determining access to rights under federal legislation including the right to live in reserve communities, participate in decision-making, and carry out harvesting practices on their traditional territories.<sup>69</sup> There were no such consequences for First Nations men who married outside their community. Through amendments to the Indian Act, the federal government has since restored legal Indigenous status to many but not yet all of those descendants.<sup>70</sup>

The loss of secure access to sufficient land for hunting, fishing, gathering and other traditional practices has had multiple, far-reaching and devastating impacts on Indigenous families and societies. Indigenous peoples in Canada experience significantly higher rates of preventable and treatable diseases, including tuberculosis, heart disease and diabetes.<sup>71</sup> Many of these health challenges are associated with the erosion of traditional ways of life, including diminished access to wild foods, and exposure to environmental contaminants.<sup>72</sup> The loss of access to wild foods is all the more concerning in the context of widespread impoverishment among Indigenous communities and the high food prices in many remote and northern communities. A study by the University of Northern British Columbia found that 7% of families in First Nations communities in BC regularly go without enough food to eat, a rate of severe food insecurity that is double that of the general population.<sup>73</sup>

The BC government has publicly acknowledged the profound importance of resolving outstanding disputes over Indigenous ownership and control of lands and resources, stating:

The moral issue is self-evident. The quality of life for Aboriginal people is well below that of other British Columbians. Aboriginal people generally die earlier, have poorer health, have lower education and have significantly lower employment and income levels than other British Columbians. This is directly related to the conditions that have evolved in Aboriginal communities, largely as a result of unresolved land and title issues, and an increasing reliance on federal support programs.<sup>74</sup>

## THE LEGACY OF RESIDENTIAL SCHOOLS

Beginning in the 1870s, and for more than a century afterward, the Canadian government oversaw the removal of more than 150,000 First Nations, Inuit and Métis children from their families and traditional territories to attend residential schools often located far from their communities. In 1920, the federal government made it illegal for First Nations to attend any other educational institution. Children in the northeast were taken give hundred or more kilometres away to schools outside the region and even in other provinces.

**“There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever prevail again.”**

**— Government of Canada statement of apology to former students of residential schools**

The express purpose of the residential school program was to break the ties between Indigenous children and their cultures so that these cultures would eventually die out. The TRC characterized the schools as “a systematic, government-

<sup>68</sup> Amnesty International Canada and Canadian Friends Service Committee, *Open Letter to the Premier of British Columbia: Tsilhqot'in decision provides a framework for a principled and respectful relationship between Indigenous and non-Indigenous peoples*, 10 September 2014.

<sup>69</sup> National Aboriginal Law Section and Canadian Bar Association, *Bill C-3: Gender Equity in Indian Registration Act*, April 2010 (hereinafter: National Aboriginal Law Section, Bill C-3); and Pamela D. Palmeter, *Presentation to the Standing Committee on Aboriginal Affairs and Northern Development Re: Bill C-3 – Gender Equity in Indian Registration Act*, 20 April 2010.

<sup>70</sup> National Aboriginal Law Section, Bill C-3.

<sup>71</sup> Malcolm King et al., Indigenous health part 2: the underlying causes of the health gap, in *The Lancet*, 374, 4 July 2009, pp. 76-85.

<sup>72</sup> Malcolm King et al., Indigenous health part 2: the underlying causes of the health gap, in *The Lancet*, 374, 4 July 2009, pp. 76-85.

<sup>73</sup> Laurie Chan et al., *First Nations Food, Nutrition and Environment Study (FNFNES): Results from British Columbia (2008/2009)*, University of Northern British Columbia, 2011, p. 21.

<sup>74</sup> Government of BC, Ministry of Aboriginal Relations and Reconciliation, available at [www.gov.bc.ca/arr/treaty/negotiating/why.html](http://www.gov.bc.ca/arr/treaty/negotiating/why.html)

sponsored attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed as distinct peoples.”<sup>75</sup>

The quality of education at residential schools was sub-standard, intended as a basis for Indigenous women and men to enter the Canadian society and economy in only the lowest paid jobs. Students were punished if caught speaking their own languages.<sup>76</sup> Former students have provided numerous accounts of the inhuman living conditions caused by chronic under-funding and neglect, the harsh punishments sanctioned by the school authorities, and the impunity with which individual staff carried out horrendous acts of physical and sexual abuse.<sup>77</sup>

Mandatory attendance for months at a time effectively removed Indigenous parents from the lives of their children, substituting teachers and other school staff in their place.<sup>78</sup> A provincial justice inquiry in Manitoba noted: “Many Aboriginal grandparents and parents today are products of the residential school system. The development of parenting skills, normally a significant aspect of their training as children within Aboriginal families, was denied to them by the fact that they were removed from their families and communities, and by the lack of attention paid to the issue by residential schools.”<sup>79</sup>

Rather than learning positive examples of parenting from their family members, many of these children experienced or witnessed adult behaviour that lacked love or compassion and denigrated their very humanity. Young women and men left the schools without any acknowledgement of the harm that they suffered or any help to recover from the physical and psychological trauma. Many survivors who testified to the TRC about the horrific abuses they had suffered and witnessed said it was the first time they had spoken about their experiences. The TRC summarized the harm done to students—and ultimately to their families and communities—in this way:

Many students were permanently damaged by residential schools. Separated from their parents, they grew up knowing neither respect nor affection. A school system that mocked and suppressed their families’ cultures and traditions destroyed their sense of self-worth. Poorly trained teachers working with an irrelevant curriculum left students feeling branded as failures. Children who had been bullied and abused carried a burden of shame and anger for the rest of their lives. Overwhelmed by this legacy, many succumbed to despair and depression. Countless lives were lost to alcohol and drugs. Families were destroyed.<sup>80</sup>

Christy Jordan-Fenton is an educator living in Fort St. John who has published books for children about the residential school experience. She told Amnesty International,

One of the worst things that happened was the normalization of violence. Two things happened from that. First, Indigenous women left the schools and became involved in relationships where they felt most comfortable—in situations that maintained violence because they didn’t know how else to live. That became their normal at an early age.... Second, Indigenous boys were taught how awful and sinful women were. They had probably been abused, possibly sexually themselves. It made it difficult for those boys to become men who could support women, and for girls to become women who could uphold men, in traditional ways. The normal became violent patriarchal relationships. In some cases, when the survivors went back to their communities, they became perpetrators themselves.<sup>81</sup>

In June 2008, the federal government issued a formal apology to the survivors of residential schools, again as a condition of the legal suit brought by these survivors. The apology stated, “There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever prevail again.”<sup>82</sup>

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<sup>75</sup> Truth and Reconciliation Commission, *Executive Summary*, p. 153.

<sup>76</sup> Truth and Reconciliation Commission, *Executive Summary*, p. 81.

<sup>77</sup> Truth and Reconciliation Commission, *Executive Summary*.

<sup>78</sup> Roberta Stout and Sheryl Peters, *kiskinohamâtôtápânâsk: Inter-generational Effects on Professional First Nations Women Whose Mothers are Residential School Survivors*, The Prairie Women’s Health Centre of Excellence, August 2011.

<sup>79</sup> Commissioners A.C. Hamilton and C.M. Sinclair, *Report of the Aboriginal Justice Inquiry of Manitoba: The Deaths of Helen Betty Osborne and John Joseph Harper*, 1991.

<sup>80</sup> Truth and Reconciliation Commission, *Executive Summary*.

<sup>81</sup> Interview with Christy Jordan-Fenton, Fort St. John, 19 November 2015.

<sup>82</sup> Government of Canada, *Statement of Apology – to former students of Indian Residential Schools*, 11 June 2008, available at [www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649](http://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649)

## THE TRUTH AND RECONCILIATION COMMISSION

In its June 2015 calls to action, the Truth and Reconciliation Commission of Canada (TRC) concluded that a century long program of forced removal of First Nations, Inuit and Métis children from their families and communities was “part of a coherent policy to eliminate Aboriginal people as distinct peoples and to assimilate them into the Canadian mainstream against their will.” The TRC was established as part of a legal settlement with survivors of the government-funded and church-run Indian Residential Schools. Over a period of six years, the TRC heard more than 1,300 hours of testimony and received almost 7,000 statements from witnesses. In the TRC’s “calls to action,” it sets out 94 measures to meet the needs of residential school survivors, address the lasting harm that has been done to Indigenous families and societies, and build a new relationship between Indigenous peoples and the Canadian state.

The TRC’s 94 “calls to action” include:

- permanent funding for Indigenous peoples to carry out healing programmes, including language and cultural revitalization;<sup>83</sup>
- measures to address the continued removal of Indigenous children by the child welfare system, including addressing the underfunding of services that could better meet children’s needs within their own families and communities;
- elimination of inequalities in funding for Indigenous education;<sup>84</sup>
- a national public inquiry into “the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls”;<sup>85</sup>
- improved public education on Indigenous cultures and histories, and specialized training for lawyers, journalists and others;<sup>86</sup> and
- implementation of the *UN Declaration on the Rights of Indigenous Peoples* as “the framework for reconciliation.”<sup>87</sup>

The federal government has committed to fully implement the TRC’s calls to actions,<sup>88</sup> as have all the provinces and territories, including the government of BC.<sup>89</sup>

## ONGOING DISCRIMINATION IN PROVISION OF GOVERNMENT SERVICES

Under the constitutional division of powers, the federal government has jurisdiction over provision of social services in First Nations reserves while the provincial and territorial governments have jurisdiction in other communities. Services in First Nations communities are increasingly delivered by agencies appointed or controlled by First Nations governments. Critically, however, the specific services provided, and the quality of those services, is largely determined by the levels of funding received through the federal government. The Auditor General of Canada has questioned the federal government’s commitment to ensuring services on First Nations reserves and whether they “are reasonably comparable” to those available in other communities, noting that “comparability is often poorly defined” and may not even include “the level and range of services to be provided.”<sup>90</sup>

In fact, despite the often greater needs resulting from past harms such as the residential school policy, and the higher costs of delivering services in small and remote communities, per capita federal allocations for services on reserves is often significantly less than provided in other communities. For example, for the last two decades, funding for child and family services on First Nations reserves has been at least 22% less per child than provided in communities under provincial jurisdiction.<sup>91</sup> A 2008 report by the federal Auditor General concluded that the federal funding formula for child and family services was out of step with the

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<sup>83</sup> Truth and Reconciliation Commission, *Executive Summary*, pp. 203-205.

<sup>84</sup> Truth and Reconciliation Commission, *Executive Summary*, pp. 185-196.

<sup>85</sup> Truth and Reconciliation Commission, *Executive Summary*, pp. 226-227.

<sup>86</sup> Truth and Reconciliation Commission, *Executive Summary*, pp. 341-342.

<sup>87</sup> Truth and Reconciliation Commission, *Executive Summary*, p. 253.

<sup>88</sup> Office of the Prime Minister, Minister of Indigenous and Northern Affairs, Mandate Letter, 13 November 2015, available at [pm.gc.ca/eng/minister-indigenous-and-northern-affairs-mandate-letter](http://pm.gc.ca/eng/minister-indigenous-and-northern-affairs-mandate-letter)

<sup>89</sup> BC Ministry of Aboriginal Relations and Reconciliation, *Minister’s statement on the Truth and Reconciliation Commission of Canada Report*, 2 June 2015.

<sup>90</sup> Office of the Auditor General of Canada, *June 2011 Status Report of the Auditor General of Canada: Chapter 4 – Programs for First Nations on Reserve*, 9 June 2011.

<sup>91</sup> Dr. Rose-Alma J. Macdonald et al., *First Nations Child and Family Services Joint National Policy Review Final Report, Assembly of First Nations with First Nations Child and Family Service Representatives in Partnership with the Department of Indian Affairs and Northern Development*, June 2000.



actual cost and failed to take into account the varying populations and needs of First Nations communities.<sup>92</sup> More broadly, the Auditor General of Canada has noted that government services such as education and healthcare available in First Nations communities routinely fall below the standard provided in primarily non-Indigenous communities.<sup>93</sup>

A recent ruling by the Canadian Human Rights Tribunal concerning the federal underfunding of child and family services for First Nations children on reserve has far reaching consequences for other services.<sup>94</sup> The complaint was first filed in 2007 by the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations, and was vigorously opposed by the federal government which repeatedly sought to have it dismissed.<sup>95</sup> In January 2016, the Tribunal ruled that the federal government's arbitrary funding formula fails to consider "the actual service needs of First Nations children and families."<sup>96</sup> The Tribunal concluded that the requirement of "substantive equality" in Canadian and international human rights law requires that all children, whether on reserve or off, should have access to "child and family services of comparable quality and accessibility" and that these services must be "sufficiently funded to meet the real needs of First Nations children and families" and not "perpetuate historical disadvantage."<sup>97</sup>

**"Canada's statements and commitments, whether expressed on the international scene or at the national level, should not be allowed to remain empty rhetoric."**

**– Canadian Human Rights Tribunal**

The Tribunal also called for the federal government to "implement the full meaning and scope of Jordan's Principle,"<sup>98</sup> a Canadian public policy principle requiring that government actions necessary to meet children's needs must not be delayed or obstructed by jurisdictional disputes between different government departments or different levels of government. Jordan's Principle has been officially adopted by both the federal government and the government of BC.<sup>99</sup>

First Nations in BC have collaborated with the federal and provincial governments on innovative efforts to close gaps in two crucial areas of social services, health and education. The First Nations Health Authority, established in 2013, under the control of an Indigenous board of directors, has taken over administration and delivery of federally-funded health programs and services for reserve communities and collaborates with provincially funded services to First Nations people living in other communities.<sup>100</sup> In 2012, the provincial and federal governments entered into an agreement with the First Nations Education Steering Committee to implement a five-year plan to establish more appropriate and effective funding arrangements for on reserve schools operated by First Nations.<sup>101</sup>

Despite such positive directions, significant gaps remain in the quality and accessibility of supports and services available to First Nations across Canada and in northeast BC. For example, children in many of the reserve communities in northeast BC cannot complete their public schooling on reserve and must travel to off reserve schools to complete their education. In some instances, the distances involved are so great that students must travel for hours each day or be billeted with families in urban centres.

In addition, the vast majority of First Nations reserves across Canada do not have shelters for women escaping violence. At the time of publication, there were 39 federally funded shelters for First Nations women,<sup>102</sup> with funds allocated for the construction of five more across Canada by the end of 2019.<sup>103</sup> In contrast, there are 617 federally-recognized First Nations communities in Canada. Since some of the

<sup>92</sup> Office of the Auditor General of Canada, *May 2008 Status Report of the Auditor General of Canada: Chapter 4 – First Nations Child and Family Services*, May 2008.

<sup>93</sup> Office of the Auditor General of Canada, *June 2011 Status Report of the Auditor General of Canada: Chapter 4 – Programs for First Nations on Reserve*, 9 June 2011.

<sup>94</sup> 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 (hereinafter: Canadian Human Rights Tribunal, FNCFCFS).

<sup>95</sup> Vanessa Currie and Vandana Sinha, 'What are the federal government's main arguments before the Tribunal?' Centre for Research on Children and Families, Information Sheet #153E, Spring 2015, available at [cwpr.ca/sites/default/files/publications/en/153e.pdf](http://cwpr.ca/sites/default/files/publications/en/153e.pdf)

<sup>96</sup> Canadian Human Rights Tribunal, FNCFCFS.

<sup>97</sup> Canadian Human Rights Tribunal, FNCFCFS.

<sup>98</sup> Canadian Human Rights Tribunal, FNCFCFS.

<sup>99</sup> BC Ministry of Child and Family Development, *Factsheet–Jordan's Principle: A Child-First Approach*, April 2009.

<sup>100</sup> First Nations Health Authority, 'About the FNHA,' [www.fnha.ca/about/fnha-overview](http://www.fnha.ca/about/fnha-overview)

<sup>101</sup> First Nations Education Steering Committee/First Nations Schools Association, *Annual Report 2014/15*, available at [www.fnesc.ca/wp/wp-content/uploads/2015/06/61305-FNESC-FNSA-2014-15-AR-210815A-w-COVER-FINAL-WEB-Version.pdf](http://www.fnesc.ca/wp/wp-content/uploads/2015/06/61305-FNESC-FNSA-2014-15-AR-210815A-w-COVER-FINAL-WEB-Version.pdf)

<sup>102</sup> The federal government website states that there are 41 such shelters. Amnesty International has been informed that two of those shelters have in fact been closed. Indigenous and Northern Affairs Canada, 'Family Violence Prevention Programme,' 10 June 2016, [www.aadnc-aandc.gc.ca/eng/1100100035253/1100100035254](http://www.aadnc-aandc.gc.ca/eng/1100100035253/1100100035254)

<sup>103</sup> Canadian Mortgage and Housing Corporation, 'Shelter Enhancement Programme Frequently Asked Questions,' available at [www.cmhc-schl.gc.ca/en/first-nation/financial-assistance/renovation-programs/frequently-asked-questions.cfm](http://www.cmhc-schl.gc.ca/en/first-nation/financial-assistance/renovation-programs/frequently-asked-questions.cfm)

federally funded shelters serve multiple First Nations, the federal government asserts that 45% of First Nations are served by federally-funded shelters.<sup>104</sup> This claim is contested by Indigenous women's organizations.

While Indigenous women may have access to shelters funded by the provincial and territorial governments, these shelters are often far from their home communities and many do not offer culturally-based programming for Indigenous women.<sup>105</sup> There are no federally funded on reserve shelters in northeast BC. There are five provincially-funded shelters for women in towns and cities in northeast BC which can be accessed by Indigenous women. These provincially-funded shelters are not required, however, to provide specific programming for Indigenous women.

**“Cynthia had to aggressively fight every step of the way.”**

**– Judy Maas**

Judy Maas, the Director of Health Services for the Splatsin First Nation in the southern interior of BC, told Amnesty International that Indigenous people seeking support from government services available in urban centres often face profound barriers because of continued racism in Canadian society and the assumption by some service providers that First Nations peoples should only be accessing services that

are in their home communities. “People don't understand how little money there is for services on reserves,” she said.<sup>106</sup>

Judy is originally from the Blueberry River First Nation in northeast BC. Her sister Cynthia Maas struggled with addictions and developmental issues, but was determined to maintain her independence and to be able to raise her own daughter. Cynthia left the northeast to move five hours south to Prince George to have better access to the supports and services she needed. Judy describes her sister's struggle as “a real David and Goliath story. Cynthia had to aggressively fight every step of the way.”<sup>107</sup> While living in Prince George she was targeted and killed by a serial predator convicted in 2014 for her murder, the murder of two other women and the murder of a 15-year-old girl.<sup>108</sup>

## **POLICING AND INDIGENOUS PEOPLES**

Numerous public inquiries have concluded that systemic racism within Canadian police services has denied Indigenous peoples equal protection of the law and created a wide gulf of mistrust between police and Indigenous people in the communities they serve.<sup>109</sup> The Manitoba Justice Inquiry, for example, concluded that many police officers view Indigenous peoples not as individuals deserving their help and protection, but as a menace from which the rest of society must be protected, leading to a situation of Indigenous communities being “over-policed” but “under-protected.”<sup>110</sup>

The UN Committee for the Elimination of Discrimination Against Women's (CEDAW) investigation into violence against Indigenous women and girls in Canada found “rampant” police bias “reflected in the use of demeaning or derogatory language towards aboriginal women and in stereotypical portrayals of aboriginal women as prostitutes, transients or runaways and of having high-risk lifestyles.”<sup>111</sup> The CEDAW investigation found that police bias affected Indigenous women's expectation of “whether the police would take their complaints seriously” and thus whether they would turn to police for help.<sup>112</sup>

A BC provincial inquiry examining police response to the disappearance and murder of Indigenous and non-Indigenous women from Vancouver's low-income downtown eastside neighborhood concluded in 2012 that

<sup>104</sup> Indigenous and Northern Affairs Canada, ‘Family Violence Prevention Programme,’ 10 June 2016, [www.aadnc-aandc.gc.ca/eng/1100100035253/1100100035254](http://www.aadnc-aandc.gc.ca/eng/1100100035253/1100100035254).

<sup>105</sup> Sara Beattie and Hope Hutchins, *Shelters for abused women in Canada, 2014*, Statistics Canada, 2015.

<sup>106</sup> Telephone interview with Judy Maas, 23 September 2015.

<sup>107</sup> Telephone interview with Judy Maas, 23 September 2015.

<sup>108</sup> Rhiannon Copin, ‘Cody Legebokoff guilty of 4 counts of 1st degree murder - Convictions mark Legebokoff as one of Canada's youngest serial killers,’ CBC, 11 September 2014.

<sup>109</sup> For example, Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform (Saskatchewan Justice Reform Commission), *Final Report*, 2004; Commissioners A.C. Hamilton and C.M. Sinclair, *Report of the Aboriginal Justice Inquiry of Manitoba: The Deaths of Helen Betty Osborne and John Joseph Harper*, 1991; Province of Nova Scotia, *Royal Commission on the Donald Marshall, Jr., Prosecution: Digest of Findings and Recommendations*, December 1989; Sidney B. Linden, *Report of the Ipperwash Inquiry*, Government of Ontario, 31 May 2007; and Anthony Sarich, *Report on the Cariboo Chilcotin Justice Inquiry*, Government of BC, 15 September 1993.

<sup>110</sup> Paul Chartrand and Wendy Whitecloud, *The Aboriginal Justice Implementation Commission, Final Report*, Government of Manitoba, 29 June 2001.

<sup>111</sup> CEDAW, Canada Investigation, p. 34.

<sup>112</sup> CEDAW, Canada Investigation, p. 34.

“institutional bias” was a critical factor leading police to “under-prioritize” the safety of women<sup>113</sup> and to make a series of false assumptions about the reasons they were going missing.<sup>114</sup> The inquiry’s report stated that this “systemic bias operating in the missing women investigations was a manifestation of the broader patterns of systemic discrimination within Canadian society and was reinforced by the political and public indifference to the plight of marginalized female victims.”<sup>115</sup>

The BC inquiry raised particular concerns about the failure of police to develop specific strategies for working with Indigenous women and Indigenous communities despite the vastly disproportionate numbers of Indigenous women among those going missing and later found to have been killed, and the effort of Indigenous leaders to draw attention to these concerns. The Commissioner, a former provincial attorney general, wrote that this “systemic blindness to distinctiveness and specificity of the Aboriginal communities is staggering.”<sup>116</sup>

**“Systemic blindness to distinctiveness and specificity of the Aboriginal communities is staggering.”**

**– BC Missing Women Inquiry**

As the inquiry noted, police “mirror the society they serve.”<sup>117</sup> In fact, many of the most oppressive policies described in this chapter, such as the forced removal of children to residential schools, were carried out and enforced by Canadian police services. It would be unrealistic to expect police to overcome this history and separate themselves from societal racist attitudes toward Indigenous peoples, unless supported by rigorous programs of education and training.<sup>118</sup>

Many law enforcement agencies in Canada have in fact made efforts to address bias within their ranks. The national police service—the Royal Canadian Mounted Police (RCMP)—which is the primary police service in smaller towns and rural areas in most of Canada, as well as many other police services working at a provincial or municipal levels, have undertaken significant efforts to recruit more Indigenous officers, establish formal community liaisons, and provide greater training and awareness on Indigenous history and culture. These are commendable efforts. Amnesty International is unaware, however, of any examples of police engaging an independent review of the effectiveness of their efforts in changing police attitudes and behaviours towards Indigenous peoples.

As part of the newly established National Inquiry into Missing and Murdered Indigenous Women and Girls, the federal government has allocated funding for Family Information Liaison Units in all the provinces and territories to assist families of missing and murdered Indigenous women interact with police, find information about the state of investigations, and gain access to other services and supports.<sup>119</sup> However, there are no provisions within the inquiry to ensure that cases that have been mishandled because of bias are now properly investigated.

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<sup>113</sup> BC Missing Women Inquiry, Volume IIB, p. 237.

<sup>114</sup> BC Missing Women Inquiry, Volume IIB, p. 71.

<sup>115</sup> BC Missing Women Inquiry, Volume IIB, p. 217.

<sup>116</sup> BC Missing Women Inquiry, Volume IIB, p. 106.

<sup>117</sup> BC Missing Women Inquiry, Volume I, p. 120.

<sup>118</sup> BC Missing Women Inquiry, Volume I, p. 120.

<sup>119</sup> Indigenous and Northern Affairs Canada, ‘About the independent inquiry,’ [www.aadnc-aandc.gc.ca/eng/1470140972428/1470141043933](http://www.aadnc-aandc.gc.ca/eng/1470140972428/1470141043933)

# 2. A DISASTER IN THE MAKING

**“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

In November 2014, the federal and provincial governments approved construction of a major hydroelectric dam on the Peace River. The Site C dam, now under construction just west of the city of Fort St. John, at an estimated cost of at least C\$8.8 billion (US\$6.7 billion),<sup>120</sup> would flood more than 100km of the Peace River Valley and its tributaries. Although there are no First Nations or Métis communities within the lands that will be flooded, Indigenous individuals and families rely on the valley for vital cultural and subsistence activities such as moose hunting and gathering plant medicines and berries.

A joint environmental review carried out on behalf of the federal and provincial governments concluded that the dam’s impact on Indigenous peoples would be of high magnitude, permanent, and irreversible. These impacts include “severely” undermining the ability of Indigenous peoples to hunt, making fish in the river unsafe for at least a generation, and wiping out hundreds of cultural and historic sites, including grave sites.<sup>121</sup> A group of Canadian academics who reviewed the assessment report concluded that the “number and scope” of harms identified by the joint review panel was “unprecedented in the history of environmental assessment in Canada.”<sup>122</sup>

The BC government previously rejected proposals for construction of the Site C dam in 1982 and 1989 on the grounds that the electricity to be generated by the dam was unnecessary to meet BC’s energy needs.<sup>123</sup> The latest proposal was approved in 2014 by both the federal and provincial governments despite ongoing questions about the actual need for the dam that were identified in the environmental assessment process.<sup>124</sup> The federal government’s decision states that “the significant adverse environmental effects” of the Site C dam “are justified in the circumstances”<sup>125</sup> but provides no further explanation of how the federal cabinet came to that decision.

The dam was vigorously opposed throughout the review process by the Treaty 8 Tribal Association,<sup>126</sup> an organization representing many of the First Nations in northeast BC that are signatories to Treaty 8, an historic agreement between First Nations and the Canadian state meant to protect Indigenous culture and livelihoods. In a 2011 statement opposing the Site C dam, four of the Treaty 8 nations—Doig River, Halfway

<sup>120</sup> Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>121</sup> Canadian Environmental Assessment Agency, *Report of the Joint Review Panel: Site C Clean Energy Project: BC Hydro*, 1 May 2014, available at [www.ceaa-acee.gc.ca/050/documents/p63919/99173E.pdf](http://www.ceaa-acee.gc.ca/050/documents/p63919/99173E.pdf) (hereinafter: Joint Review Panel, Site C).

<sup>122</sup> Programme of Water Governance, *Statement of Concerned Scholars on the Site C Dam project*, University of British Columbia, 24 May 2016.

<sup>123</sup> Mike Clarke, ‘Site C dam: How we got here and what you need to know,’ CBC, 16 December 2014.

<sup>124</sup> Joint Review Panel, Site C, pp. 280, 305-306.

<sup>125</sup> The Honourable Leona Aglukkaq, Minister of the Environment, *Decision Statement Issued under Section 54 of the Canadian Environmental Assessment Act, 2012*, 14 October 2014.

<sup>126</sup> Treaty 8 Tribal Association, [treaty8.bc.ca](http://treaty8.bc.ca)

River, Prophet River, and West Moberly—called for an independent study of viable alternatives for meeting the province’s future energy needs.<sup>127</sup> Such a study was never carried out.

After the federal and provincial governments approved the project over the objections of Indigenous peoples, some First Nations entered into agreements with the provincial energy utility BC Hydro to receive benefits such as jobs and contracts for the dam’s construction. However, two of the First Nations affected by the Site C dam, West Moberly and Prophet River, initiated a series of legal challenges to the federal and provincial authorizations for construction. The dam has also been the subject of legal challenges by non-Indigenous farmers and other local landowners. At the time of publication, these legal challenges remain unresolved.

Amnesty International has publicly opposed construction of the dam because of the known harm that would be done to Indigenous peoples’ cultures and traditions and because of the failure to properly respect, protect and fulfil the rights of Indigenous peoples during the decision-making process.<sup>128</sup> Amnesty International is concerned that a final court determination of the legal rights at stake could come too late to protect the human rights of Indigenous peoples in the Peace River region. Construction of the dam has proceeded at a rapid pace while the case is still before the courts. In January 2016, the provincial premier, Christy Clark, said of the Site C dam, “I will get it finished. I will get it past the point of no return.”<sup>129</sup>

The lands threatened by the Site C dam are particularly important to Indigenous peoples in northeast BC because the valley is one of the few areas close to their communities that have been relatively protected from the impacts of large-scale resource development. Chief Roland Willson of the West Moberly First Nations has said, “It’s the last piece of our backyard that’s relatively untouched.” Helen Knott, a social worker from Prophet River First Nation and the great-great granddaughter of one of the signatories of Treaty 8 said, “My major concern with the impact of Site C is that this is my home. This is where I want to raise my children and my grandchildren. This is where my people are from. And what will we have left? That’s the part that scares me.”<sup>130</sup>

## 2.1 A STORY OF RAMPANT RESOURCE DEVELOPMENT

Canada is a significant producer and exporter of resources such as oil, gas, and minerals. Canada, for example, produces approximately 5% of the global supply of natural gas.<sup>131</sup> Governments in Canada often see continued expansion of resource development as key to economic growth and job creation. At the time the Site C dam was approved, the federal government was working under a national economic action plan that promised to “unleash Canada’s natural resource potential” by “streamlining” reviews of major development projects.<sup>132</sup> Before the current downturn in the global oil and gas industry, Canadian officials had predicted that 600 major resource development projects would get underway across Canada before 2022, creating “tens upon tens of thousands of high-quality, well-paying jobs for Canadian middle-class families in every sector of our economy, in every region of the country.”<sup>133</sup>

The BC government has actively promoted resource development in the northeast for more than 50 years, beginning with the construction of the first major dam on the Peace River in the 1960s. The northeast currently produces 25% of the electricity consumed in BC.<sup>134</sup> The northeast also produces all the natural gas in the province. BC is the second largest producer of natural gas in Canada, following Alberta.<sup>135</sup> The province has stated that natural gas production in the northeast contributed C\$6.8 billion (US\$5.2 billion)<sup>136</sup> to the provincial economy in 2014,<sup>137</sup> about 3.3% of provincial gross domestic product. A recent study

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<sup>127</sup> Doig River, Halfway River, Prophet River, and West Moberly First Nations, *Declaration Concerning the Proposed Site C Dam on the Peace River*, 17 September 2010.

<sup>128</sup> Amnesty International, *Site C Dam and the Human Rights of Indigenous Peoples in the Peace Valley: Open Letter to Prime Minister Justin Trudeau and Premier Christy Clark from Amnesty International Secretary General Salil Shetty* (Index: TG AMR 20/2902/2015), 18 November 2015; and Amnesty International, *‘The point of no return’- The human rights of Indigenous peoples in Canada threatened by the Site C dam* (Index: AMR 20/4281/2016), August 2016.

<sup>129</sup> News 1130 and Canadian Press, ‘Former B.C. premier Bill Bennett’s accomplishments celebrated at memorial,’ 31 January 2016.

<sup>130</sup> Interview with Helen Knott, Ottawa, 18 February 2016.

<sup>131</sup> National Energy Board of Canada, *Canada’s Energy Future 2016: Province and Territory Outlooks*, May 2016.

<sup>132</sup> Treasury Board of Canada, ‘Economic Action Plan, 2012, Overview,’ [actionplan.gc.ca/en/page/r2d-dr2/overview](http://actionplan.gc.ca/en/page/r2d-dr2/overview)

<sup>133</sup> The Honourable Joe Oliver, Minister of Natural Resources, *Natural Resources: Canada’s Advantage, Canada’s Opportunity*, remarks at the Canaccord Genuity Corporation, 4 September 2012.

<sup>134</sup> Urban Futures, *Exports Analysis - Northeast & Peace River Regions*, North Peace Economic Development Commission, 15 September 2014, p. 8 (hereinafter: Urban Futures, Exports Analysis).

<sup>135</sup> National Energy Board of Canada, *Canada’s Energy Future 2016: Province and Territory Outlooks*, May 2016.

<sup>136</sup> Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>137</sup> Government of BC, *BC Jobs Plan 4-year Progress Update: Natural Gas Sector Update*, 2015.

concluded that in total northeast BC produced 9% of BC's exports in 2013, although the region is home to only 2% of the province's population.<sup>138</sup> The majority of these exports were oil and gas.<sup>139</sup>

Activity in the resource industry in the northeast varies with the season—for example, there is a sharp decline in activity during the “spring break up” when the thawing ground is too wet and muddy for heavy machinery. The scale of development also rises and falls, often quickly and dramatically, as technology changes and global markets fluctuate.

Northeast BC includes most of the Montney Formation, one of the largest known reserves of marketable natural gas in the world.<sup>140</sup> The vast majority of this gas cannot be accessed through conventional drilling. In the last decade, new technologies for accessing this gas, including horizontal drilling, and hydraulic fracturing or “fracking,” led to the rapid expansion of the amount of gas accessed from the Montney Formation. These so-called “unconventional” forms of gas production now dominate gas production in the region, accounting for more than three quarters of all natural gas production by the end of 2014.<sup>141</sup>

**“This is where I want to raise my children and my grandchildren. This is where my people are from. And what will we have left?”**

– Helen Knott

When Amnesty International's research began in 2014, there was widespread speculation that the natural gas industry was about to fuel a new economic boom in BC.<sup>142</sup> A provincial government employment plan released in 2011 promised that BC would soon have its first major facility to convert natural gas into a highly compressed, liquefied form.<sup>143</sup> Liquefied natural gas (LNG) is more readily transported, potentially opening the door to export to more lucrative markets in Asia.

Development of LNG production would require construction of processing plants, pipelines, and export facilities, and spur increased natural gas production. The BC government predicted that total production in the northeast could more than double by 2020 as the result of LNG development.<sup>144</sup> Some analysts have suggested that the province's support for the Site C dam may be linked to the potential energy needs of LNG development.<sup>145</sup>

During the 2013 provincial election campaign, Premier Clark repeatedly emphasized the potential of LNG. At a campaign stop in the northeast, Clark stated, “The northeast of British Columbia is home to British Columbia's economic opportunity of a lifetime. Liquefied natural gas is the industry that will make British Columbia debt free.”<sup>146</sup> In addition to paying off the province's public debt of over C\$60 billion (US\$46 billion), Clark predicted that LNG would create 100,000 jobs and enable the creation of a C\$100 billion (US\$77 billion) fund for future economic development in the province.<sup>147</sup>

These promises have yet to be realized. Twenty major LNG related projects have been proposed in BC. To date, none have gone forward. In July 2016, a joint venture called LNG Canada announced that further investment in an export facility in Kitimat, on the northwest coast of BC—the first facility to receive provincial approval—had been delayed indefinitely.<sup>148</sup> In September 2016, the federal government approved a second major processing facility on the northwest coast, but at the time of the announcement, the company that had propose the project had reportedly not decided whether or not to proceed.<sup>149</sup>

The state of LNG reflects an overall reduction in new oil and gas development in the northeast resulting from lower global prices for oil and gas. While the actual volume of natural gas produced in the northeast is higher

<sup>138</sup> Urban Futures, Exports Analysis, p. 7.

<sup>139</sup> Urban Futures, Exports Analysis, p. 8.

<sup>140</sup> National Energy Board of Canada, British Columbia Oil and Gas Commission, the Alberta Energy Regulator, and the BC Ministry of Natural Gas Development, *The Ultimate Potential for Unconventional Petroleum from the Montney Formation of British Columbia and Alberta - Energy Briefing Note*, November 2013.

<sup>141</sup> Natural Resources Canada, ‘British Columbia's Shale and Tight Resources,’ [www.nrcan.gc.ca/energy/sources/shale-tight-resources/17692](http://www.nrcan.gc.ca/energy/sources/shale-tight-resources/17692)

<sup>142</sup> Brent Lang, ‘B.C.'s multibillion-dollar path to an energy powerhouse,’ *The Globe and Mail*, 25 January 2014; and Western Canadian Properties Group, ‘A New Dawn for Northeast BC: A Region Positioned for Growth,’ January 2015, p. 5.

<sup>143</sup> Government of BC, *Canada Starts Here – BC Job Plan*, 22 September 2011, available at [engage.gov.bc.ca/bcjobsplan/files/2014/09/BC-Jobs-Plan.pdf](http://engage.gov.bc.ca/bcjobsplan/files/2014/09/BC-Jobs-Plan.pdf)

<sup>144</sup> BC Ministry of Mines and Energy, *Liquefied Natural Gas: A Strategy for BC's Newest Industry*, undated.

<sup>145</sup> Ben Parfitt, *Fracking Up Our Water, Hydro Power and Climate: BC's Reckless Pursuit of Shale Gas*, Canadian Centre for Policy Alternatives, 9 November 2011.

<sup>146</sup> ‘Christy Clark talks up natural gas in northeastern B.C.,’ *CBC*, 18 April 2013.

<sup>147</sup> Richard Zussman, ‘B.C. Premier Christy Clark still trying to deliver on her LNG promise,’ *CBC*, 6 February 2016; and Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>148</sup> Brent Jang, ‘Shell-backed LNG Canada delays plans for terminal on B.C. coast,’ *The Globe and Mail*, 11 July 2016.

<sup>149</sup> The Canadian Press, ‘Liberals approve controversial natural gas project on B.C. coast,’ 27 September 2016.



than ever<sup>150</sup> and wells continue to be drilled, the pace of new development has slowed dramatically. According to the BC Oil and Gas Commission, 171 new wells were drilled in the first six months of 2016. This is 77% lower than the average for the last decade, and dramatically lower than the most recent peak of resource development in 2006 when 1,435 new wells were drilled in first six months of the year.<sup>151</sup> The amount of drilling in the region has not been this low since 1993. Some estimates have suggested that the oil and gas sector in BC might not undergo another major expansion for a decade or longer.<sup>152</sup>

## 2.2 THE ECOLOGICAL FOOTPRINT OF RESOURCE DEVELOPMENT

Northeast BC is bound by the Rocky Mountains in the west, by the Alberta provincial border in the east, and in the north by the Yukon and Northwest Territories. The region is at the centre of an important wildlife corridor stretching from the interior of BC and Alberta north to the Yukon. The Peace River, which crosses the Rockies flowing east into Alberta and eventually north to the Arctic, supports an estimated 200 wild animal species and 400 wild plant species in its unique micro-climates.<sup>153</sup> The federal department of the environment has described the Peace River Valley as a “biodiversity hotspot.”<sup>154</sup>

The scale of resource development in northeast BC has had a profound impact on the natural environment. Approximately 70% of the Peace River in BC is now behind large dams. The W.A.C. Bennett Dam, built in the 1960s and a crucial catalyst for resource development in the region, flooded more than 1,400km<sup>2</sup> of forest, turning Williston Lake into one of the largest reservoirs in North America. The reservoir cut off animal migration routes and is blamed for the drowning deaths of hundreds of moose and caribou.<sup>155</sup> Numbers of caribou have declined so sharply that First Nations stopped hunting caribou after the dam was completed. Chief Roland Willson of the West Moberly First Nations has said, “I’m 50 years old and I’ve never hunted caribou.”<sup>156</sup>

There are also ongoing, unresolved concerns about mercury contamination in the reservoir. A study commissioned by the West Moberly First Nations found that virtually all the trout caught by the community on one of the rivers flowing into the Williston Reservoir had mercury contamination exceeding provincial health guidelines.<sup>157</sup> The West Moberly First Nations believe this contamination is a lingering consequence of the construction of the Bennett dam a half-century earlier. Flooding large areas of forest releases naturally-occurring mercury into the water. This mercury accumulates in the food chain, making fish unsafe for human consumption.<sup>158</sup>

A report by Global Forest Watch Canada found that by 2012 more than 20% of land in the Peace River watershed was being used for some form of industrial development, including access roads, pipelines and other oil and gas infrastructure, and seismic exploration for oil and gas.<sup>159</sup> There has also been a history of coal mining in the region, with a least two new mines currently under consideration.<sup>160</sup> The pervasiveness of such development represents not only a direct loss of habitat for wildlife and plants, but also a fragmenting of the ecosystems.

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<sup>150</sup> According to figures from the National Energy Board of Canada, natural gas production between April 2015 and March 2016 (the latest figures posted at the time this report was written) was more than 60% higher than a decade earlier. National Energy Board, *Marketable natural gas in Canada*, 5 July 2016, available at [www.neb-one.gc.ca/nrg/sttstc/ntrlgs/st/mrktblntrlgsprdctn-eng.html](http://www.neb-one.gc.ca/nrg/sttstc/ntrlgs/st/mrktblntrlgsprdctn-eng.html)

<sup>151</sup> BC Oil and Gas Commission, *OGCR9960 Number Of Wells Drilled in B.C. – Monthly*, available at [iris.bcogc.ca/reports/rwservlet?prod\\_ogcr9960](http://iris.bcogc.ca/reports/rwservlet?prod_ogcr9960)

<sup>152</sup> Labour Market Information Directorate, *Environmental Scan: British Columbia*, Employment and Social Development Canada, 2016.

<sup>153</sup> Asa Feinstein, *B.C.’s Peace River Valley and Climate Change: The Role of the Valleys’ Forests and Agricultural Land in Climate Change Mitigation and Adaptation*, West Moberly First Nations and the Peace Valley Environment Association, p. 5.

<sup>154</sup> Joint Review Panel, Site C, p. 62.

<sup>155</sup> Tina Loo, ‘Disturbing the Peace: Environmental Change and the Scales of Justice on a Northern River,’ in *Environmental History*, 12:4, October 2007, pp. 895-919.

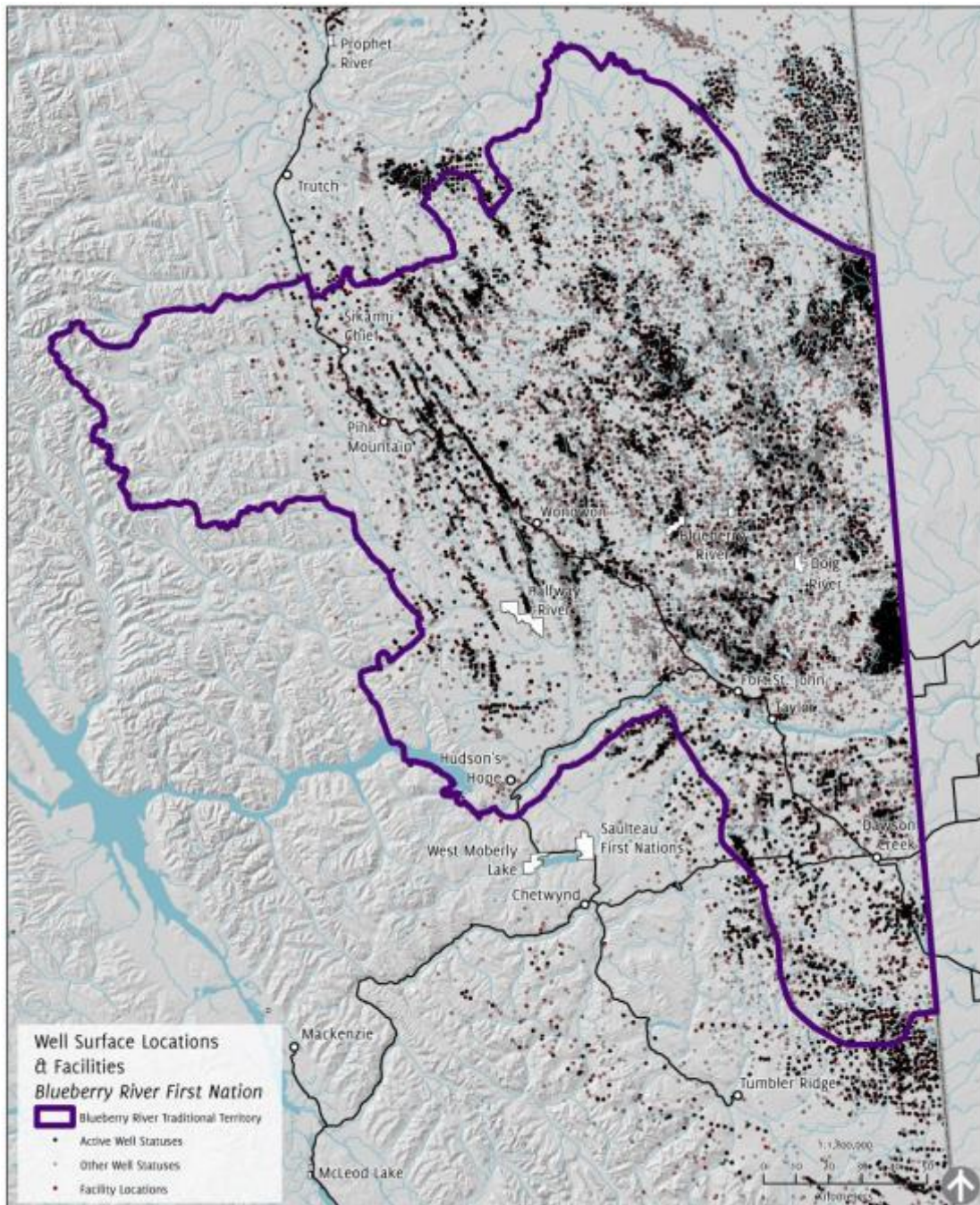
<sup>156</sup> Presentation by Chief Roland Willson, Public Forum, University of Ottawa, Ottawa, 13 September 2016.

<sup>157</sup> Dirk Meissner, ‘West Moberly First Nations concerned about mercury contamination in fish,’ Canadian Press, 12 May 2015.

<sup>158</sup> Joint Review Panel, Site C, p. 35.

<sup>159</sup> Peter G. Lee and Matt Hanneman, *Atlas of land cover, industrial land uses and industrial-caused land change in the Peace Region of British Columbia (Report #4)*, Global Forest Watch Canada, 2012.

<sup>160</sup> Eliana Macdonald, *Atlas of Cumulative Landscape Disturbance in the Traditional Territory of the Blueberry River First Nations*, Ecotrust Canada and David Suzuki Foundation, 2016, pp. 68-69 (hereinafter: EcoTrust and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*).



Almost 20,000 oil and gas wells have been drilled within the traditional territory of the Blueberry River First Nations in northeast BC. ©EcoTrust Canada and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*.

In 2016, a follow-up study focused specifically on the traditional territory of the Blueberry River First Nations, which overlaps with the traditional territories of a number of other First Nations, including West Moberly, Doig River, Halfway River, Prophet River, and Saulteau, and lies at the heart of the most intensive resource development in northeast BC. The study found that almost three-quarters of the traditional territory was within 250m of some form of industrial development or land disturbance.<sup>161</sup> This includes almost 20,000 oil and gas wells, of which more than one-third were active,<sup>162</sup> more than 50,000km of roads,<sup>163</sup> and more than 480km of power transmission lines.<sup>164</sup>

<sup>161</sup> EcoTrust and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*, p. 73.

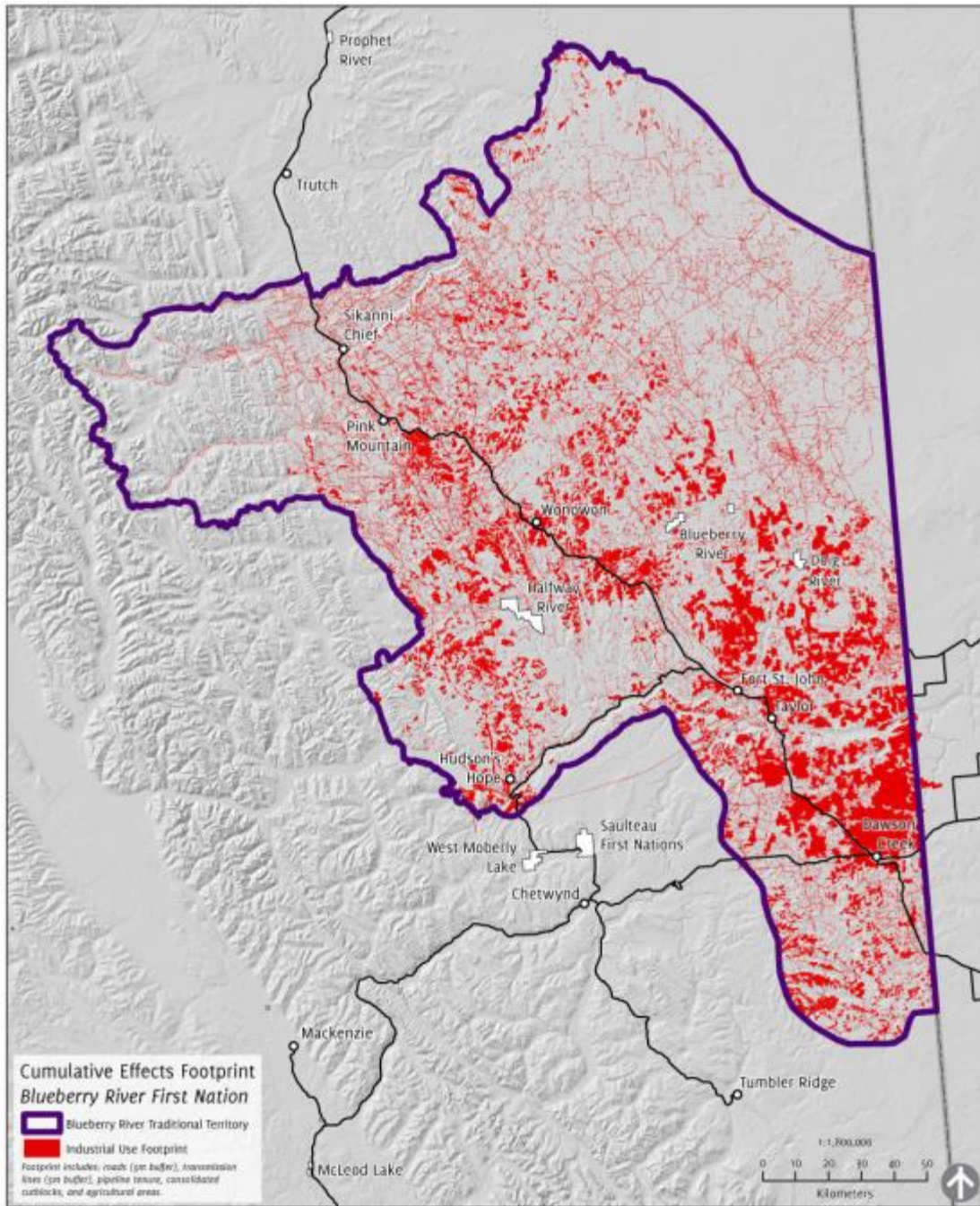
<sup>162</sup> EcoTrust and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*, p. 39.

<sup>163</sup> EcoTrust and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*, p. 32.

<sup>164</sup> EcoTrust and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*, p. 36.



When gas is “fracked,” a pressurized mix of water and chemicals is pumped into the ground to open seams of previously inaccessible gas. Fracking uses large quantities of water drawn from rivers, lakes, accumulated rainwater and snowmelt, and other sources.<sup>165</sup> The high volume of water being withdrawn, and its use in combination with various chemicals, raises concerns about groundwater contamination and depletion.



A 2016 study found that almost three-quarters of the traditional territory of the Blueberry River First Nations was within 250m of some form of land development or disturbance. ©Ecotrust Canada and David Suzuki Foundation, *Atlas of Cumulative Landscape Disturbance*.

<sup>165</sup> In 2010, a single operator reported using 980,000m<sup>3</sup> of water for fracking at one of its sites. Ben Parfitt, *Fracking Up Our Water*, *Hydro Power and Climate: BC's Reckless Pursuit of Shale Gas*, Canadian Centre for Policy Alternatives, 9 November 2011. A 2016 study of cumulative impacts on the traditional territory of the Blueberry River First Nations found that the province Oil and Gas Commission had authorized withdrawal of 13,150,816m<sup>3</sup>. *Atlas of Cumulative Landscape*, p. 60.

In September 2015, the Fort Nelson First Nation in northeast BC successfully challenged a license issued by the provincial regulatory body, the BC Oil and Gas Commission, which would have allowed a natural gas company to take water from a lake on their traditional territory. The BC Environmental Appeal Board cancelled the license after finding that the province had never seriously considered First Nations objections and that the province's claim that there would be no significant environmental impact was based on inadequate information.<sup>166</sup>

In addition, much of the natural gas in northeast BC is “sour gas,” meaning that it is contaminated with deadly hydrogen sulphide. In 1979, the Blueberry River First Nations reserve, which has around 250 residents, was forced to relocate after a massive sour gas release. Community members have been advised to carry sour gas detectors when they go out onto many areas of their traditional territory.<sup>167</sup>

**“People are happiest and strongest when out on the land and rivers.”**

**– Treaty 8 Tribal Association**

Indigenous peoples who regularly spend time on the land are acutely conscious of the rapid changes that have taken place with the rise of the resource economy. Norma Pyle is the Blueberry River First Nations land manager. Like many others in her community, she is also a lifelong hunter. She describes how the traditional territory where community members hunt,

fish and gather berries and plant medicines has been “cut up, eroded, destroyed” by the rapid pace of oil and gas and other intensive resource development in the region.<sup>168</sup>

“This has happened in my lifetime and I’m not old,” Norma said. “In my lifetime, I was able to go with my family, when we were kids, to set up a camp and go down to a creek in the muskeg and get a pail of water that we could drink. Today that creek is gone and the water that remains in other muskeg is filthy.”<sup>169</sup>

## 2.3 LAND AND WELLNESS FOR INDIGENOUS PEOPLES IN THE NORTHEAST

Della Owens, an elder from the Saulteau River First Nation in northeast BC, recalls being “rich” when she was young. “When I say rich, I don’t mean money,” she said. “I mean that we had everything we needed. We always had plenty of food, plenty of moose meat.”<sup>170</sup>

Indigenous people make up just over 12% of the permanent population of northeast BC.<sup>171</sup> The region includes the traditional territories of a number of First Nations including Doig River, Fort Nelson, Halfway River, Prophet River, Saulteau, and West Moberly First Nations, as well as Métis communities. Archaeological evidence shows that Indigenous peoples have lived in northeast BC for more than 10,000 years.<sup>172</sup> Indigenous peoples have built intricate ties to the landscape and natural environment on which they have relied for food, medicines, clothing, shelter and sacred ceremony. Complex traditional knowledge of how to hunt, trap and fish; find and cultivate berries and medicines; process and preserve food for the future; and turn animal hide into clothing are expressed in stories and teachings preserved and passed on by community elders.

Life on the land is the foundation of the traditional governance systems and laws of the Dane-Zaa, Cree, Métis and other Indigenous peoples in northeast BC. Their social rules and expectations for how people relate to each other are all rooted in their identity as hunters, fishers and stewards of the land. By continuing to go out on the land to conduct ceremonies and harvest wild foods, Indigenous women and men provide for many of the basic needs of their families and communities, while also maintaining and revitalizing cultures and traditions that have been undermined and attacked throughout Canada’s history. Without exception, the many dozens of Indigenous women and men who spoke with Amnesty International during our research all described a strong identification with the land and a love of “country foods” like dried moose meat.

<sup>166</sup> Gordon Hoekstra, ‘Fort Nelson First Nation wins ruling against Nexen: Water licence for fracking operation cancelled,’ Postmedia News, 8 September 2015.

<sup>167</sup> Interview with community members, Blueberry River First Nations, 17 November 2015.

<sup>168</sup> Interview with Norma Pyle, Blueberry River First Nations, 29 September 2015.

<sup>169</sup> Interview with Norma Pyle, Blueberry River First Nations, 29 September 2015.

<sup>170</sup> Interview with Della Owens, Saulteau First Nation, 18 November 2015.

<sup>171</sup> Leslie T. Foster et al., *British Columbia Atlas of Wellness, 2nd edition*, University of Victoria, 2011.

<sup>172</sup> Robin Ridington, *Where Happiness Dwells*, pp. 67-68.

In a submission to the environmental assessment of the Site C dam, the Treaty 8 Tribal Association said, “Being on the land makes Dane-zaa people happy and promotes wellness. People are happiest and strongest when out on the land and rivers.”<sup>173</sup>

“Us Native peoples, our culture and our stories are all out there in the bush,” said elder Tommy Attachie from Doig River First Nation. “Money—sometimes it’s good, but it spoils a lot of things. Me, I’d rather have an empty wallet and be able to live off the land.”<sup>174</sup>

Helen Knott, from Prophet River First Nation, said it is vital for young people to have the experience of going out on the land with their elders. “All my grandmother’s stories are connected to land,” Helen said. “It’s like that for all our elders. You have to be on the land to be able to share those memories.”<sup>175</sup>

Both women and men have traditionally engaged in all the activities that feed and care for their families and communities, but certain activities such as gathering berries and plant medicines, preserving meats, and preparing hides were more often done by women, while others such as hunting large game were more often done by men. The land was abundant enough that those who excelled in these skills could share with other families and community members and would be respected and valued for doing so.

Many Indigenous community members told Amnesty International about turning to the land when dealing with trauma or grieving from loss. In 2011, elders from Doig River First Nation led their community in declaring 900km<sup>2</sup> of largely undisturbed land spanning the Alberta-BC border as the K’iht saa?dze Tribal Park. While the Alberta and BC governments have not recognized the park, the elders from Doig River First Nation have had some success in encouraging industry to withdraw from its borders. Doig River First Nation elder Margaret Davis told Amnesty International that “our people, a long time ago, we used to camp up here every summer. This is where we taught our kids about our culture and how to live off the land. When something goes wrong and we feel really down, we come up here and spend all day. It’s a healing place for us.”<sup>176</sup>

Organizations and groups that take a culturally-based approach to healing and well-being, like Nenane Dane zaa Deh Zona Family Services Society, use traditional practices, like working with hides or going out on the land, to bring people together and promote a sense of self-worth. “Traditionally when women gather together there’s healing in that, whether they’re gathering to bead or to sew or to cook together,” says Connie Greyeyes, who helped found an informal organization called the Fort St. John Women Warriors to support women dealing with violence and loss. “It’s real, raw pain that people carry. If you didn’t let out that pain, you will carry it with you the rest of your life. And you’re likely going to turn to drugs and alcohol to try to deal with it.”<sup>177</sup>

**“Traditionally when women gather together there’s healing in that, whether they’re gathering to bead or to sew or to cook together.”**

**– Connie Greyeyes**

While many individuals and organizations are working to promote and restore traditional practices and knowledge, community members also describe a dramatic decline in the amount of time that they and others now spend on the land, and the resulting erosion of knowledge and skills. The harmful impacts of government assimilation policies, including more than 100 years of forced removal of children to attend residential schools (see *The Legacy of Residential Schools* section below) played a critical role in breaking the lines of

transmission of traditional knowledge and skills, alienating many people from their own cultures and traditions. The disruption and fracturing of the landscape by extensive resource development in the northeast is not the original cause of cultural loss and social strain, but it has amplified the harm that was already done, depriving Indigenous peoples of access to lands that they have used for generations, and which are associated with specific stories, traditions and ceremonies.

Dane-Zaa elder Lillian Gauthier, now 76, grew up at West Moberly First Nations and moved to the nearby Sauleau First Nation after she married a man from that community. Lillian recalls how her mother taught her

<sup>173</sup> Treaty 8 First Nations Community Assessment Team, *Telling a Story of Change the Dane-zaa Way, A Baseline Community Profile of: Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations*, 27 November 2012.

<sup>174</sup> Interview with Tommie Attachie, Fort St. John, 28 April 2015.

<sup>175</sup> Interview with Helen Knott, Ottawa, 18 February 2016.

<sup>176</sup> Interview with Margaret Davis, Doig River First Nation, 7 May 2015.

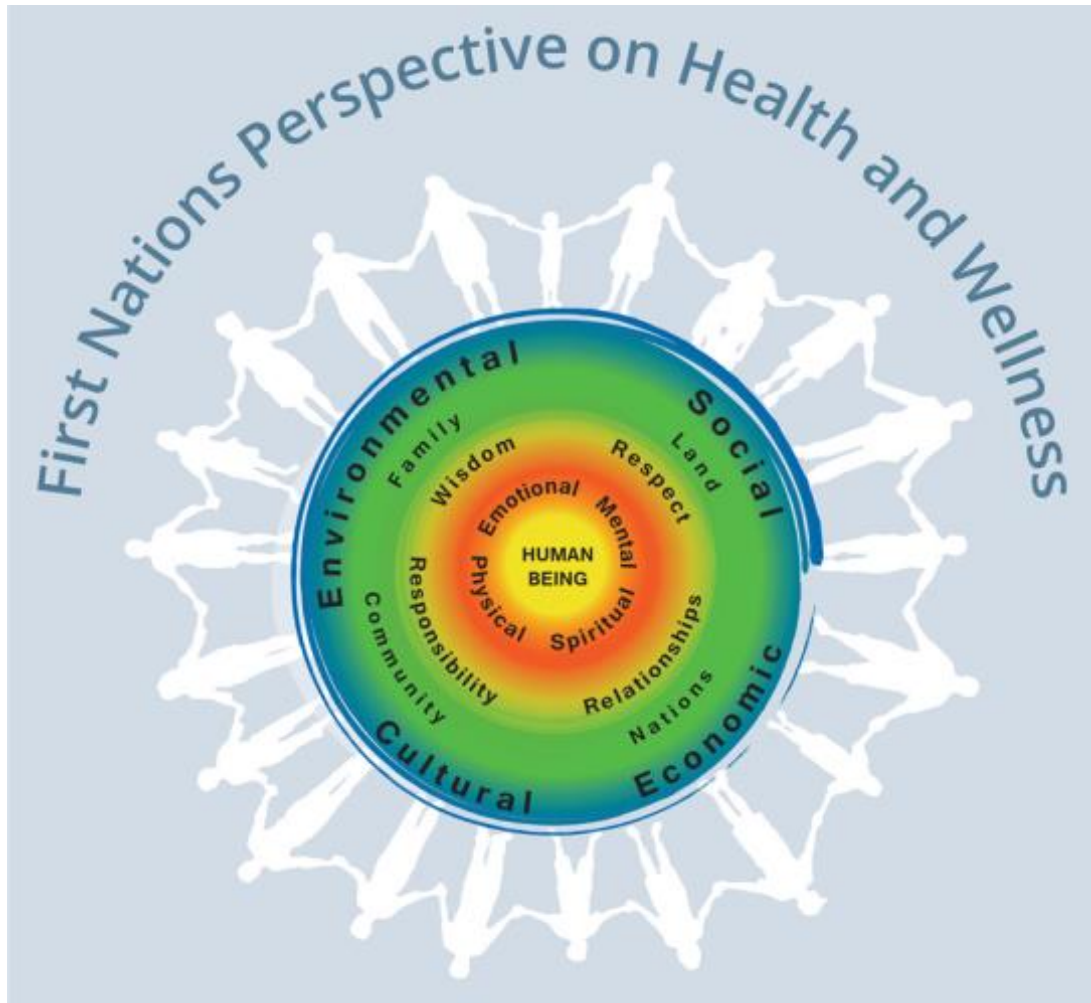
<sup>177</sup> Interview with Connie Greyeyes, Fort St. John, 8 July 2016.



how to trap when she was 10 years old. Lillian still dries meat on a rack beside her house at Saulteau First Nation.

Lillian told Amnesty International how her whole family, including aunts, uncles, and cousins, used to go out on the land together for weeks at a time, to hunt and to preserve the meat and hides. Time together on the land reinforces family bonds and provides the opportunity to pass on skills and knowledge to the next generation.

Today, however, the place where Lillian's family used to camp has been destroyed by logging. Lillian said berry patches are harder to find. The springs and streams that provide drinking water for people when they are out on the land have become dirty and contaminated or have dried up entirely. Moose have become scarce. "Now you can go out days and days and never even get a moose," Lillian said.<sup>178</sup>



The First Nations Perspective on Wellness, developed by the BC First Nations Health Authority in consultation with First Nations communities in the province, situates the health of the individual within a larger sphere of interactions including family, community, culture and the land. ©First Nations Health Authority.

The extensive loss of land and wildlife has meant that Indigenous people have to travel farther away from their home communities to carry out activities like hunting and fishing. This is a particular challenge for elders and youth and for community members who cannot afford their own vehicles. This in turn has critical impacts on the transmission of knowledge and skills from one generation to the next.

Indigenous women and men also describe increasing competition for declining wildlife from non-Indigenous hunters and fishers who have come to the region to work. Indigenous peoples are now greatly outnumbered

<sup>178</sup> Interview with Lillian Gauthier, Saulteau First Nation, 18 November 2015.



on their own lands. Industry roads have opened much of the territory to anyone with a vehicle and the time to travel.

Della Owens told Amnesty International, “We’re trying to save the land and our voice isn’t being heard. What gives them the right to go ahead and destroy everything along the way.”<sup>179</sup>

## 2.4 THE TREATY PROMISE

In the early years of the 20<sup>th</sup> century, as the first significant wave of European settlement began in the region, Indigenous leaders tried to protect their way of life by joining an existing treaty—Treaty 8—that had originally been negotiated between Canada and Indigenous peoples in what became central Alberta. Treaty 8 recognizes the right of the signatory First Nations to “pursue their usual vocations of hunting, trapping and fishing” throughout the territory. At the time of signing, First Nations were promised that the “same means of earning a livelihood would continue after the treaty as existed before it.”<sup>180</sup> They were further “solemnly” assured “that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it.”<sup>181</sup>

The treaty rights of Indigenous peoples are enshrined in the Canadian Constitution. The Supreme Court of Canada has found that historic treaties such as Treaty 8 must be given a “liberal,” contemporary interpretation that is consistent with the promises made to Indigenous peoples during the negotiations and with Indigenous peoples’ own understandings of the agreements reached.<sup>182</sup> International human rights standards affirm the right of Indigenous peoples to “recognition, observance and enforcement of treaties”<sup>183</sup> and for such treaties to be interpreted according to their original “spirit and intent.”<sup>184</sup>

Like other treaties of its era, Treaty 8 includes a “taking up” clause permitting the state to remove land from Indigenous use for “settlement, mining, lumbering, trading or other purposes.” However, the Supreme Court of Canada has found that the treaty and associated promises still impose an obligation to preserve a “meaningful” opportunity to exercise protected treaty rights.<sup>185</sup> Furthermore, this “meaningful right” cannot be fulfilled simply by having access to suitable lands somewhere in the vast extent of the treaty lands. The court said instead that rights must be protected within the specific territories “over which a First Nation traditionally hunted, fished and trapped, and continues to do so today.”<sup>186</sup> The court went on to note, “If the time comes that in the case of a particular Treaty 8 First Nation ‘no meaningful right to hunt’ remains over its traditional territories, the significance of the oral promise that ‘the same means of earning a livelihood would continue after the treaty as existed before it’ would clearly be in question.”<sup>187</sup>

In March 2015, the Blueberry River First Nations launched a legal suit to “stop the consistent and increasingly accelerated degradation of the Nation’s traditional territory.”<sup>188</sup> The civil suit argues that the cumulative impact of years of resource development in their traditional territory has left the members of that nation “almost no traditional territory within which to meaningfully pursue their constitutionally protected economic and social activity.”<sup>189</sup> The case has yet to come to court.

“Industry has mistreated our people for 50 years,” Chief Marvin Yahey of the Blueberry River First Nations told Amnesty International. “The First Nations elders say, they take, and they take, and they take, and they leave nothing for our young ones. That’s the issue here. They’re extracting as fast as they can. They’re pursuing their interests at the price of people who have been here thousands of years.”<sup>190</sup>

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<sup>179</sup> Interview with Della Owens, Saulteau First Nation, 18 November 2015.

<sup>180</sup> Report of the Treaty Commissioners, cited in *R. v. Badger* (Index: 1996 1 SCR 771), 3 April 1996, para. 39.

<sup>181</sup> Report of the Treaty Commissioners, cited in *R. v. Badger* (Index: 1996 1 SCR 771), 3 April 1996, para. 39.

<sup>182</sup> *R. v. Badger* (Index: 1996 1 SCR 771), 3 April 1996, para. 39.

<sup>183</sup> *UN Declaration on the Rights of Indigenous Peoples* (Index: A/RES/61/295), Article 37, 2 October 2007.

<sup>184</sup> *American Declaration on the Rights of Indigenous Peoples* (Index: AG/doc.5537/16), 8 June 2016, Article 24.1.

<sup>185</sup> *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* (Index: 2005 SCC 69), 24 November 2005.

<sup>186</sup> *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* (Index: 2005 SCC 69), 24 November 2005, para. 48.

<sup>187</sup> *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* (Index: 2005 SCC 69), 24 November 2005, para. 48.

<sup>188</sup> *Notice of Civil Claim* (Index: S-151727), Supreme Court of British Columbia, 3 March 2015.

<sup>189</sup> *Notice of Civil Claim* (Index: S-151727), Supreme Court of British Columbia, 3 March 2015.

<sup>190</sup> Interview with Chief Marvin Yahey, Blueberry River First Nations, 17 November 2015.

# 3. A TERRIBLE BLESSING: INEQUALITY AND SOCIAL STRESS

**“There’s great money. But there’s so much strain on the family. It’s tough on those who aren’t in the camps, the wives and the kids.”**

Captain Sheldon Feener, Salvation Army

Energy development in northeast BC has generated significant wealth for those with access to high paying jobs in the resource industry. However, not everyone has access to these jobs. The work force in the resource sector is overwhelmingly young and male, and the majority of these workers come from outside the region, often on a temporary basis. Working conditions in the resource sector are challenging, with long periods of time spent away from home under difficult working conditions. When workers return home, some release work-related stress through a pattern of destructive and anti-social behaviours referred to locally as “blowing off steam,” which can include excessive partying accompanied by drug and alcohol use. One impact is an increased risk of violence in the host communities, including violence against women.

Compared to most of BC, the northeast is sparsely populated. The growth of the resource sector has brought high paying jobs to many in the northeast and attracted workers and families from across the country to make new homes there.<sup>191</sup> Largely due to migration from within Canada, the rate of population growth in Fort St. John and surrounding communities has often exceeded the provincial average.<sup>192</sup> In the mid-1960s, prior to the substantial development of the resource sector in the northeast, the population of Fort St. John was less than 4,000 people. In 2015, the official population figure for Fort St. John was just over 20,000 people, with more than 40,000 additional people living in smaller cities and towns in the region.<sup>193</sup> The median age is 32, 10 years younger than the median age for the province as a whole.<sup>194</sup>

Despite the rapid growth of population in the northeast, the labour demands of the resource sector continue to exceed the size of the local workforce, even in times in economic slow down. The resource industry in northeast BC has relied on tens of thousands of transient workers who maintain permanent residences elsewhere in Canada,<sup>195</sup> returning home at the end of their contracts, or even during time off between multi-day or multi-week shifts in the oil and gas fields. When the Site C dam was going through the environmental assessment process, employment opportunities for construction workers and other skilled tradespeople were considered “abundant” in Fort St. John area.<sup>196</sup> Construction of the dam began after a slow-down in the oil

<sup>191</sup> Ingenia Consulting, *Labour Market Supply Side Environmental Scan for BC’s Natural Gas Sector*, produced for the Resource Training Organization of the BC Industry Training Authority, December 2012, p. 13.

<sup>192</sup> Vann Struth Consulting Group in collaboration with Eric Vance and Associates, *North Peace Fringe Area Economic Growth Impact Study*, prepared for Peace River Regional District, September 2015, p. 7.

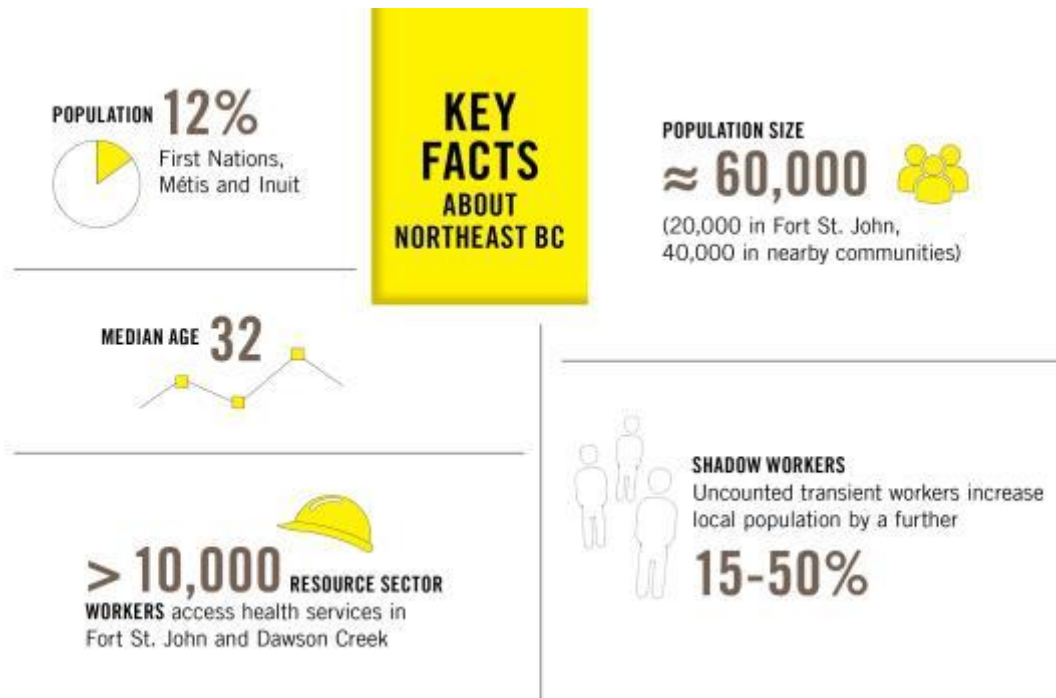
<sup>193</sup> BC Statistics, *British Columbia Regional District and Municipal Population Estimates*, undated.

<sup>194</sup> Statistics Canada, *Focus on Geography Series, 2011 Census: Census agglomeration of Fort St. John, British Columbia*, available at [www12.statcan.gc.ca/census-recensement/2011/as-sa/fogs-spg/Facts-cma-eng.cfm?LANG=Eng&GK=CMA&GC=977](http://www12.statcan.gc.ca/census-recensement/2011/as-sa/fogs-spg/Facts-cma-eng.cfm?LANG=Eng&GK=CMA&GC=977)

<sup>195</sup> Northern Health, Population Health.

<sup>196</sup> Joint Review Panel, Site C, pp. 195-196.

and gas industry lead to widespread layoffs in the northeast. However, even after a concerted effort to hire local workers, the provincial energy utility BC Hydro reported in July 2016 that out of 1,345 people employed on site, only 636 or 47% were local residents.<sup>197</sup>



There are no official statistics for the total number of people who come to northeast BC for work but maintain a permanent residence elsewhere. These people, sometimes referred to as a “shadow population,” are not included in the official population figures for the region. Informal estimates suggest that the numbers of transient workers could be equal to 15-20%<sup>198</sup> of the total permanent population, or as high as 50% for smaller towns close to major resource industry operations.<sup>199</sup>

In the province of Alberta, the regional municipality of Wood Buffalo, which encompasses some of the most intensive resource development in the province, conducts its own census in a specific effort to determine numbers of shadow workers. In 2015, Wood Buffalo determined that actual population of the region, including both permanent residents and the shadow population, was more than 50% greater than would be identified by a standard census, such as is conducted in BC.<sup>200</sup>

BC has incorporated and unincorporated municipalities. Incorporated municipalities have primary responsibility for the delivery of services such as policing, water, and sanitation and can tax the population for this purpose. In unincorporated municipalities these services are provided directly by the province. In northeast BC, many suburban and rural communities are unincorporated. The consequence is that there are differences in available services based on whether you reside inside or outside municipal boundaries, and there is no comprehensive planning framework to ensure the needs of all people in the region are met regardless of where they reside.<sup>201</sup>

The resource industry in northeast BC relies extensively on temporary labour camps, which are primarily located outside municipal boundaries. Labour camps serve both to house transient workers who might

<sup>197</sup> BC Hydro, ‘Site C Employment by Month: July 2016,’ available at [www.sitecproject.com/sites/default/files/July-2016-Workforce-Statistics.pdf](http://www.sitecproject.com/sites/default/files/July-2016-Workforce-Statistics.pdf)

<sup>198</sup> Business Vancouver, ‘Plenty of room at the Inn in Dawson Creek: Work camps, ‘shadow populations’ a growing concern for northern B.C. businesses,’ 2 June 2014; and W. Beamish Consulting Ltd. and Heartwood Solutions Consulting, *Policy, Communications, Capacity -A Time to Lead: Scoping the benefits and impacts of transient workers and work camps in the Peace Region*, prepared for the Peace River Regional District, 27 June 2013.

<sup>199</sup> HD Mining International Limited, ‘Chapter 14: Assessment of Economic Effects,’ in *Environmental Impact Statement Murray River Coal Project*, 28 June 2014.

<sup>200</sup> Wood Buffalo Regional Municipality, *Census 2015*, available at [www.rmwb.ca/Municipal-Government/Census-2015.htm](http://www.rmwb.ca/Municipal-Government/Census-2015.htm)

<sup>201</sup> Interview with Mayor Lori Ackerman, City of Fort St. John, Fort St. John, 9 September 2016.

otherwise be unable to find accommodation in the host communities, and to provide accommodation for permanent residents and transient workers alike at more remote work sites. The province does not officially track the number of work camps. The best available study identifies more than 1,500 work camps in northeast BC. While most are small, housing only a few workers, at least 15 could potentially house hundreds of workers.<sup>202</sup> BC Hydro is building a large work camp, intended to house up to 1,600 people as part of the construction of the Site C dam.<sup>203</sup>

**“You start drinking and this and that. It all gets out of hand very fast. That’s oil patch money for you.”**

**– Industry worker**

Conditions at work camps vary enormously. One local official told Amnesty International, “There are good camps and there are bad camps.”<sup>204</sup> Some are comparable to high-end hotels, with extensive recreational facilities. In others, workers sleep in run-down trailers, women and men share the same space, and there is little or no security. While provincial labour laws apply, there is little government regulation or monitoring of conditions for workers at the camps during off hours.

Because labour demands have consistently outpaced the local population, northeast BC has had among the lowest unemployment rates in the province.<sup>205</sup> Despite this, individual workers often have little job security. Construction of new facilities and infrastructure typically generate more jobs than ongoing operations, but these jobs are often short-term and contract-based. Layoffs are frequent due to seasonal work patterns and boom and bust economic cycles. Patterns of sub-contracting and self-employment limit the assistance available to workers from their employer or the state when they lose their jobs.

Amnesty International was told that many workers in the resource sector, especially younger workers, have little knowledge or experience of how to manage the high wages they are earning. Many spend their earnings rapidly, building up debts that they cannot afford if they are abruptly laid off. Service providers said large numbers of resource sector workers end up using supports like the food bank when laid off.<sup>206</sup> One service provider described how many young workers are “just one pay cheque from being out on the street.”<sup>207</sup> Amnesty International was also told how the free flow of money is often exploited by drug dealers who get women and men addicted to drugs and demand that drug debts be re-paid by selling drugs, sex, or working as an enforcer—someone who forces other people to pay off their drug debts through threats and violence.<sup>208</sup>

A young Indigenous man who started working in industry as a teenager told Amnesty International that he would return from camp with thousands of dollars in his pocket and did not know how to manage this wealth. He became involved in using and selling illicit drugs. “There are people who put money away, have a nice house, and stick with it. But there’s too few of them,” he told Amnesty International, “I didn’t do drugs at first, but I bought a lot of nice stuff. You start drinking and this and that. It all gets out of hand very fast. That’s oil patch money for you.”<sup>209</sup> The young man eventually broke away from this lifestyle after serving a prison sentence for drug dealing. He has returned to working in the resource sector but said he stays away from drugs and alcohol and concentrates on providing for his young children, which is something he feels very proud about.

## 3.1 BARRIERS TO ACCESSING RESOURCE SECTOR EMPLOYMENT

Access to work in the resource sector varies considerably between Indigenous and non-Indigenous people. Many companies operating on the traditional territories of Indigenous peoples have entered into agreements

<sup>202</sup> Northern Health, *Understanding the State of Industrial Camps in Northern BC: A Background Paper*, 17 October 2012, Appendix B.

<sup>203</sup> BC Hydro, ‘1,200 rooms now open at Site C worker lodge-Second of three phases completed on schedule and on budget,’ News Release, 18 July 2016.

<sup>204</sup> Interview with Amnesty International, Fort St. John, 29 April 2015.

<sup>205</sup> Ingenia Consulting, *Labour Market Supply Side Environmental Scan for BC’s Natural Gas Sector*, produced for the Resource Training Organization of the BC Industry Training Authority, December 2012. In 2015, the unemployment rate in the region was 5.9%, compared to a provincial average of 6.2%. In previous years, the unemployment rate in the northeast had gone as low as 4.1% while it remained above 6% for the province as a whole. BC Statistics, *Employment and Unemployment Rates by Industry and Development Region*, July 2015.

<sup>206</sup> Interview with Anita Lee, Fort St. John Friendship Society and Amanda Trotter, Fort St. John Women’s Resource Society, Fort St. John, 8 September 2016.

<sup>207</sup> Interview with Amnesty International, Fort St. John, 7 May 2015.

<sup>208</sup> Interviews with Amnesty International, Fort St. John, 30 April, 2 May and 14 October 2015.

<sup>209</sup> Interview with Amnesty International, Fort St. John, 27 September 2015.

to hire specific numbers of Indigenous workers or to give contracts to Indigenous-owned companies. In 2013, the overall labour force participation for Indigenous peoples in the Peace River area was slightly higher than for Indigenous peoples in BC as a whole, and the unemployment rate was lower—but still lagged behind the non-Indigenous population.<sup>210</sup> In some communities, unemployment remains significantly higher at 33%<sup>211</sup>, an unemployment rate six times higher than the provincial average. “The Premier keeps talking about jobs,” said Chief Marvin Yahey of Blueberry River First Nations. “How come all my young people are at home?”<sup>212</sup>

Many Indigenous people in the region told Amnesty International that the legacies of colonialism create significant barriers to qualifying for the better jobs in industry. A study prepared for the Treaty 8 Tribal Association notes,

While there are many successful First Nation businesses and employees in the region, the legacy of limited access to poor education has led to significant deficiencies in educational outcomes for many individuals in basic literacy, numeracy and the workplace skills required for most skilled or semi-skilled jobs and trades. There are no quick fixes to the deficits and disparities developed over decades and generations.<sup>213</sup>

First Nations and Métis people who spoke to Amnesty International about their experiences working in the resource industry said their treatment varied enormously among companies and at different worksites. They described being made to feel unwelcome or even unsafe in some work places due to the attitudes of co-workers; this was especially acute for Indigenous women. Others described companies that employed Indigenous workers according to the terms of their impact benefit agreements and then looked for excuses to terminate their employment. The phrase “last hired, first fired” was often expressed.

“There’s an old boys club that controls hiring,” said Chief Yahey, who has long worked in the oil industry as an employee and as an operator of his own business. “After everything is in play, they invite the First Nations in for the shovel jobs, the grunt jobs.”<sup>214</sup>

An additional factor is the conflict between jobs that require long, multi-day and multi-week shifts often far from home, and cultural traditions of being out on the land with extended family. One young First Nations oil worker told Amnesty International that being out on the land with his family was the thing that defined his identity as an Indigenous person—and then acknowledged that it had been years since he had been able to go out on the land and he did not expect to be able to do so any time soon.<sup>215</sup>

**“After everything is in play, they invite the First Nations in for the shovel jobs, the grunt jobs.”**  
– Chief Marvin Yahey

According to the 2011 census, men in Fort St. John were more likely to work full-time, while women were overrepresented in part-time work. Men were more likely to work in occupations related to the resource sector—which tend to be higher paying jobs—while women were more likely to work in office and retail jobs.<sup>216</sup>

Workers and local officials interviewed by Amnesty International commented that long hours away from home can create significant barriers to employment in the oil industry for the primary caregivers of children or the elderly, which tend to be predominantly female. Women also told Amnesty International that women seeking employment in the resource sector face discriminatory hiring practices and a work environment that is not considered friendly to women (see *Industry Working Conditions for Women* section below). A woman employed in the resource sector said women “work twice as hard to get half the recognition.”<sup>217</sup> A former industry worker said the attitude on job sites is, “she’s the woman, she’s got to prove herself.”<sup>218</sup>

<sup>210</sup> Diana Gibson and the Firelight Group, *Blueberry River First Nations Socioeconomic Baseline Profile for the Prince Rupert Gasline Transmission Project*, interim report prepared for the Blueberry River First Nations, 20 October 2014 (hereinafter: Firelight Group, Blueberry River First Nations); gender disaggregated data was not available.

<sup>211</sup> Firelight Group, Blueberry River First Nations, citing Statistics Canada, p. 31

<sup>212</sup> Interview with Chief Marvin Yahey, Blueberry River First Nations, 17 November 2015.

<sup>213</sup> Askiv Resources, *Treaty 8 First Nations Labour Market Human Resource Strategy: Planning for a Sustainable Future For as Long as the Sun Shines, the Grass Grows and the Rivers Flow*, prepared for the Treaty 8 Tribal Association, December 2015, p. vii.

<sup>214</sup> Interview with Chief Marvin Yahey, Blueberry River First Nations, 17 November 2015.

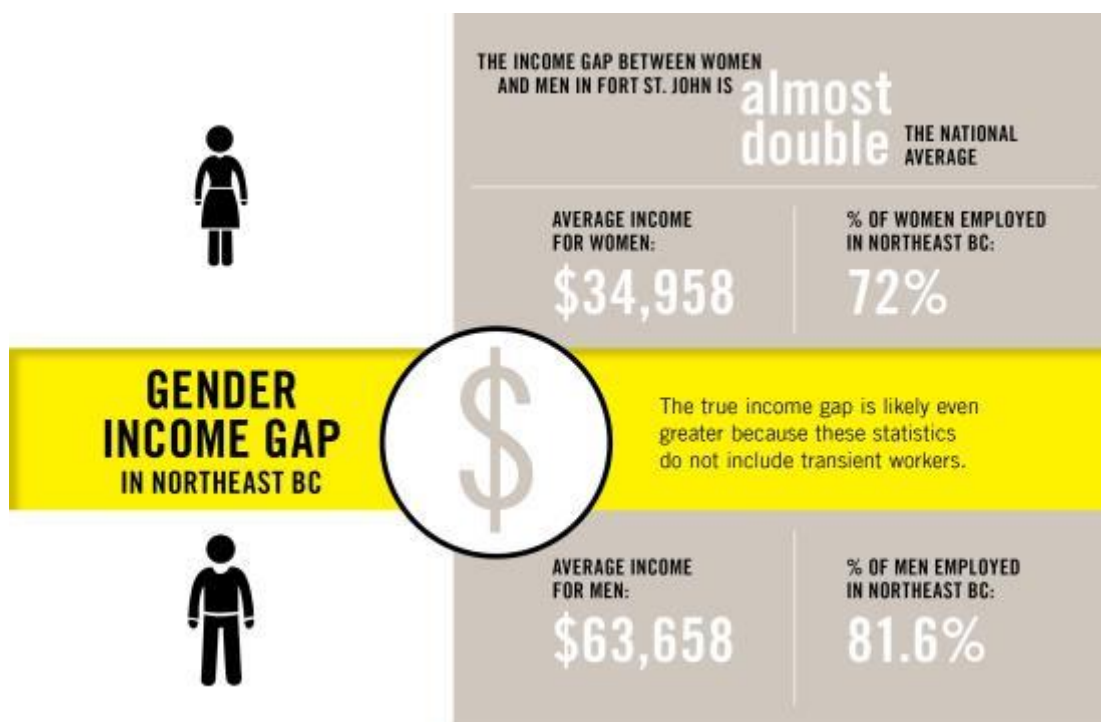
<sup>215</sup> Interview with Amnesty International, Fort St. John, 27 September 2015.

<sup>216</sup> Statistics Canada, *NHS Profile, Fort St. John, CA, British Columbia, 2011*, 2011.

<sup>217</sup> Interview with Amnesty International, Fort St. John, 7 May 2015.

<sup>218</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

The result is that the income gap between women and men in Fort St. John is almost double the national average. According to the latest available census data, the average total income for a man in Fort St. John in 2010 was C\$63,658 compared to C\$34,958 for a woman.<sup>219</sup> According to the census, women in Fort St. John had a slightly higher income than the average for women in Canada (C\$33,000 in 2010) and men earned much more than the national average (C\$48,594). The gap in income between women and men in Fort St. John was a difference of C\$28,700, or 45% of men's income. This compares to a gender gap of C\$15,594, or 32% of men's income, for Canada as a whole.<sup>220</sup> At the time of the census, 72% of all working age women in northeast BC were employed, compared to 81.6% of men.<sup>221</sup> The true income gap in the northeast is likely even greater than suggested by the census figures because these statistics do not include shadow workers who are earning their living in the northeast but are recorded as living elsewhere.



## 3.2 WORKING CONDITIONS IN THE RESOURCE SECTOR

Many resource sector employees work in difficult and potentially dangerous conditions. Working conditions may include extremely long shifts and lengthy periods of days and even weeks away from home. Employers typically devote considerable attention to workplace safety and accident prevention, but little to the actual health of their workers, including mental health. Workers needing mental health supports, or medical attention for chronic medical conditions, may not be able to access the help they need because of working long shifts or working in camps located far from medical services.

Amnesty International was told that workers “feel enormous responsibilities and pressure to maintain uninterrupted production.”<sup>222</sup> Teams of workers often receive pay bonuses for days worked without injuries. Amnesty International heard numerous accounts of workers pressured by co-workers to finish their shift despite serious injuries requiring medical attention. One woman told Amnesty International that her entire family was sick and her spouse went to work because he feared losing his job if he missed even one shift. She also reported that he once accidentally splashed diesel fuel on his leg at work and did not stop to change clothing or clean his leg because he did not want to interrupt his team's productivity; as a result, he

<sup>219</sup> Statistics Canada, *NHS Profile, Fort St. John, CA, British Columbia, 2011*, 2011.

<sup>220</sup> Statistics Canada, *NHS Profile, Fort St. John, CA, British Columbia, 2011*, 2011.

<sup>221</sup> Ingenia Consulting, *Labour Market Supply Side Environmental Scan for BC's Natural Gas Sector*, produced for the Resource Training Organization of the BC Industry Training Authority, December 2012, p. 17.

<sup>222</sup> Interview with Amnesty International, Fort St. John, 1 May 2015.



sustained burns on his leg.<sup>223</sup> Since many employers will conduct drug tests after an accident to determine if illicit drugs were at fault, workers who do use illicit drugs are even more reluctant to report accidents.

**“They did pay me well, but I ran myself right into the ground.”**

**– Industry worker**

Many workers return to work too early after treatment for serious injuries, relying on prescription painkillers to be able to work. “People are using drugs to keep going to work even when they’re sick and drained,” said Dr. Charle Badenhorst of Northern Health.<sup>224</sup>

“They did pay me well,” said one worker, “but I ran myself right into the ground.”<sup>225</sup> Another worker told Amnesty International, “What we’re asked to do is inhuman.”<sup>226</sup>

High rates of alcohol consumption and illegal drug use among resource sector workers is well documented.<sup>227</sup> The northeast has the highest rates of alcohol consumption and alcohol-related deaths in BC.<sup>228</sup> Fort St. John has some of the highest reported number of drug offenses in northern BC.<sup>229</sup>

An Indigenous man with experience working in the oil and gas industry spoke to Amnesty International about the availability of drugs in labour camps. “You get on site, you know who has speed, who has coke, who has weed, who has ecstasy, who has steroids. There’s few people who aren’t on anything.”<sup>230</sup>

## **WORKING CONDITIONS FOR WOMEN IN THE RESOURCE SECTOR**

Many women told Amnesty International they would never take a job that required them to stay in a labour camp. Some camps have separate sections for women and men while others are integrated. A highly stressful environment, physical isolation, and the drug and alcohol abuse at some camps all create an environment that can be unsafe for women. This is combined with the fact that police could be several hours drive away. One woman who works in labour camps told Amnesty International that the majority of men she has worked with are good people, “but the ones who aren’t, well, those tendencies get amplified.”<sup>231</sup>

Connie Greyeyes described the daily harassment experienced on some worksites. “The kind of stuff we have to put up with as women, it would never be tolerated in an office,” she said. “That’s the oil patch.”<sup>232</sup> Another woman told Amnesty International that, “It’s a boys club, so if something happens you don’t say anything.”<sup>233</sup> Another told how supervisors often expected that female employees would be sexually available to them.<sup>234</sup> A former industry worker told Amnesty International that “there was expectations welders had, if they had a female helper, of what those helpers were expected to do on the side.”<sup>235</sup>

**“The kind of stuff we have to put up with as women, it would never be tolerated in an office. That’s the oil patch.”**

**– Connie Greyeyes**

These problems may be particularly severe for Indigenous women. Retired Aboriginal support worker David Rattray said, “Racism in the oil patch is sometimes obvious, but most of the time it is very subtle. Probably because of this, and other factors, there’s an assumption that if you’re an Aboriginal woman you’re an easy lay. Some oil patch men prey on Aboriginal women, and I suspect this racial attitude plays an important part.”<sup>236</sup>

Women spoke of how not only the job sites and labour camps, but also travel to and from work sites and camps, can be dangerous for female employees. Sometimes, particularly in winter, people cannot make the

<sup>223</sup> Interview with Amnesty International, Fort St. John, 5 May 2015.

<sup>224</sup> Interview with Dr. Charle Badenhorst, Fort St. John, 29 April 2015.

<sup>225</sup> Interview with Amnesty International, Fort Nelson, 5 May 2015.

<sup>226</sup> Interview with Amnesty International, Fort St. John, 7 May 2015.

<sup>227</sup> See footnote 37.

<sup>228</sup> Northern Health, *BC Community Health Profile, Fort St. John 2014*, available at [www.phsa.ca/Documents/Community-Health-Profile/Fort\\_StJohn.pdf](http://www.phsa.ca/Documents/Community-Health-Profile/Fort_StJohn.pdf)

<sup>229</sup> Police Services Division, *British Columbia Policing Jurisdiction Crime Trends, 2005-2014*, Ministry of Justice, October 2015.

<sup>230</sup> Interview with Amnesty International, Fort Nelson, 5 May 2015.

<sup>231</sup> Interview with Amnesty International, Fort St. John, 7 May 2015.

<sup>232</sup> Interview with Connie Greyeyes, Fort St. John, 1 October 2015.

<sup>233</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>234</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>235</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>236</sup> Interview with David Rattray, Aboriginal support worker (retired), School District 60, Fort St. John, 30 April 2015.

long commute on snow-covered or icy roads back home to Fort St. John and have to find a place to sleep. “And sometimes bad things happen when you crash,” one woman said, referring to sexual assaults that sometimes happen when female and male employees share insecure and informal accommodation.<sup>237</sup>

**“Racism in the oil patch is sometimes obvious, but most of the time it is very subtle. Probably because of this, and other factors, there’s an assumption that if you’re an Aboriginal woman you’re an easy lay. Some oil patch men prey on Aboriginal women, and I suspect this racial attitude plays an important part.”**

**—David Rattray**

Some women told Amnesty International that their supervisors acted quickly when harassment was reported, firing the offender and barring them from working for the company in the future. Others said their complaints were ignored and that the work environment was one in which harassment was tacitly condoned by the inaction of supervisors and other workers.

One woman told Amnesty International of a co-worker who was sexually assaulted on a construction site and did not report the assault because she feared losing her job.<sup>238</sup>

Another woman told Amnesty International that a co-worker who reported being sexually assaulted lost her job and could not find other work in the industry.<sup>239</sup> One woman said that

she did not report harassment to her supervisors because she was new to her job and did not want to jeopardize her reputation and future employment prospects. Of her male colleagues who witnessed her harassment, she said, “nobody stood up for me.”<sup>240</sup>

### 3.3 POWER IMBALANCES IN THE HOME

Barriers to women accessing high wage industry jobs in the northeast and low female workforce participation, combined with the overall high cost of living, can lead to women becoming highly dependent upon a male partner. This dependence can create an unequal power dynamic in relationships. Service providers in the region talked about “hyper-masculinity” and “hyper-femininity” in which harmful stereotypes of men as the breadwinner and women as the homemaker are played out in exaggerated extremes.

Male partners may control how their wages are spent or use this power to exert pressure on their partner. If a woman leaves her male partner, she is at great risk of plunging into poverty. One woman told Amnesty International that her industry worker spouse comes home from camp and spends his pay bonuses on alcohol and at strip clubs. Their family income is such that if she left the relationship she would not qualify for social services. Without access to social services, she cannot afford to leave her spouse. She described this situation as being an “economic hostage.”<sup>241</sup> One service provider told Amnesty International, “You’d be surprised how many women are just one argument with their spouse away from being on the streets. It can be a very precarious situation.”<sup>242</sup>

“It’s a terrible, terrible way to live for the women here,” said Connie Greyeyes. “They put up with a lot from their spouses. The ones that are in abusive relationships really don’t have much of an option. You stay, generally, because you can’t afford not to. I’ve had people in my life who have men who I know who have said, ‘What’s she going to do? Nothing. She has to take it because I’m the one that makes the money.’”<sup>243</sup>

Time spent apart often means that women and men have very different expectations of how the man should use his time when he returns from camp. While the man may want to relax, the woman may want him to take up responsibilities that she has been carrying in the family and the household so that she can also get a break. “Women run the households,” Amnesty International was told. “Men don’t quite fit in at home.”<sup>244</sup>

<sup>237</sup> Interview with Amnesty International, Fort St. John, 16 October 2016.

<sup>238</sup> Interview with violence survivor, Fort St. John, 16 October 2015.

<sup>239</sup> Interview with former industry worker, Fort St. John, 14 October 2015.

<sup>240</sup> Interview with former industry worker, Fort St. John, 14 October 2015.

<sup>241</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>242</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>243</sup> Interview with Connie Greyeyes, Fort St. John, 1 October 2015.

<sup>244</sup> Interview with Amnesty International, Fort St. John, 28 September 2015.

“It’s a terrible blessing,” Captain Sheldon Feener of the Salvation Army told Amnesty International about the jobs available in the resource sector. “There’s great money. But there’s so much strain on the family. It’s tough on those who aren’t in the camps, the wives and the kids.”<sup>245</sup>

### 3.4 BLOWING OFF STEAM

When industry workers are on shift, or away in camp, their activities may be both stressful, and highly restricted and controlled, creating what some describe as a “pressure cooker environment.” The response, when workers get off shift, especially after a long period, isolated in camp, is to “blow off steam.” A service provider noted that for industry workers “accumulated stress is released into drugs and alcohol.”<sup>246</sup> Northern Health reported “an atmosphere of partying all night, where workers are introduced to and enter the drug scene, and where older partiers set the standard for new workers at the camps.”<sup>247</sup>

One woman who spoke with Amnesty International, whose partner works in the resource industry, said that when he returns from camp he wants to drink, visit strip clubs, and party with his friends. “How hard you work, how much you party, and how many toys you have—that’s oil patch culture,” she said. “I don’t get hit, though I get a lot of emotional abuse. But some women get hit because their men hit the bar first. They come home, they come through the door, and they explode.”<sup>248</sup>

A police officer in Fort St. John described the overwhelming young and male composition of this workforce as a prime demographic for violent crime, meaning that as group they are statistically more likely to commit violent crime.<sup>249</sup> Numerous studies have also identified a destructive pattern of behaviours associated with “blowing off steam” that can spill over into host communities. These negative behaviours can include binge drinking and violent crime, especially violence against women.

Service providers told Amnesty International that there is a noticeable rise in the demand for services whenever there are unusually high numbers of workers returning from camps—such as after a period of layoffs or during the annual “spring break-up” when many job sites are temporarily closed while the ground thaws—because violence against women increases.<sup>250</sup>

Negative behaviors associated with “blowing off steam” may be compounded by the fact that many of the transient workers do not have families or other ties in northeast BC. “There’s no attachment to the community and there’s no attachment to the women,” Amnesty International was told. Community activist Connie Greyeyes believes that the large numbers of short-term and temporary workers in Fort St. John have made the community more unsafe for women. She told Amnesty International, “It’s very easy to be an unknown in this town. You can commit a crime and no one knows who you are.”<sup>251</sup>

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<sup>245</sup> Interview with Captain Sheldon Feener, Salvation Army, Fort St. John, 28 September 2015.

<sup>246</sup> Interview with Karla Marsh, Community Bridge, Fort St. John, 28 September 2015.

<sup>247</sup> Northern Health, *Part 1: Understanding the State of Industrial Work Camps in Northern BC: A Background Paper*, 17 October 2012, p. 9.

<sup>248</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>249</sup> Interview with Corporal Jody Shelky, Royal Canadian Mounted Police, Fort St. John, 29 September 2015.

<sup>250</sup> Interviews with Amnesty International, Fort St. John, 29 and 30 April 2015.

<sup>251</sup> Interview with Connie Greyeyes, Fort St. John, 1 October 2015.

# 4. DIFFICULT CHOICES: ESSENTIALS OUT OF REACH FOR MANY

**“Many women are just one argument with their spouse away from being on the streets.”**

Sylvia Lane, Poverty Law Advocate

Life in northeast BC can be precarious for anyone without access to the high wages of the resource industry. As energy development has expanded in the northeast, costs for housing, food, childcare, and transportation in the region have risen in line with the high wages paid to resource industry workers, making it harder than ever for those without access to such wages to make ends meet. Competition from workers coming to the region for jobs has created periodic local shortages of necessities such as housing and childcare. People in lower wage jobs, on fixed incomes, or laid off from industry, can be severely constrained in the choices they make about where to live and work. This can push people into precarious situations like unsafe housing or late night shifts where there is no public transportation. Some women told Amnesty International that lack of other options led them to engage in commercial sex to make ends meet.

“I can either have a roof or food,” a homeless woman in Fort St. John told Amnesty International. A woman relying on government assistance payments intended to cover rent, food and other necessities, pointed out that these payments amount to only one-third the average rent in Fort St. John.<sup>252</sup>

**“I can either have a roof or food.”**

– Homeless woman in Fort St. John

“How do single mothers live on that?” asked Connie Greyeyes. “How do you feed your child and put a roof over your head as a waitress at one of the restaurants? You don’t. Do you go to places like the Women’s Resource Society that are already spread so thin and seek help that way? The

consequence of having an economy like this is that either you have it made or you’re one of the ones that are unfortunate and lives on the streets, or has to rely on food banks to get by. That’s the way it is here.”<sup>253</sup>

## 4.1 ECONOMIC INSECURITY

### HOUSING

The average price to buy a house or rent an apartment in Fort St. John is higher than any place else in the province, except the largest city of Vancouver.<sup>254</sup> The Canadian Mortgage and Housing Corporation defines affordable housing as housing that costs less than 30% of before tax household income.<sup>255</sup> A housing study

<sup>252</sup> Interview with Amnesty International, Fort St. John, 16 October 2015.

<sup>253</sup> Interview with Connie Greyeyes, Fort St. John, 1 October 2015.

<sup>254</sup> Frank O’Brien, ‘Northeast B.C. realtors confident despite negative outlook,’ *Business in Vancouver*, 8 December 2015; and Matt Prepost, ‘Vacancy rates in Fort St. John jump up to 4 per cent,’ *Energetic City*, 15 June 2015.

<sup>255</sup> Canadian Mortgage and Housing Corporation, ‘About Affordable Housing in Canada,’ available at [www.cmhc-schl.gc.ca/en/inpr/afhoce/afhoce\\_021.cfm](http://www.cmhc-schl.gc.ca/en/inpr/afhoce/afhoce_021.cfm)

by the City of Fort St. John found that two-thirds of individuals surveyed were spending more than 30% of their household income on housing.<sup>256</sup> The city does not have an affordable housing strategy.

During the most recent economic boom in the oil and gas industry, the price of housing in Fort St. John climbed much faster than income. According to a Fort St. John housing study, the median selling price for a single family home increased by 96% between 2003 and 2008, an increase almost three times greater than the increase in median household income during the same period.<sup>257</sup>

A service provider told Amnesty International that high housing prices mean low income families cannot find rental accommodation, middle income families who are renting cannot save money to purchase a house, and even high income families are living beyond their means. “People who would be considered high income earners in many other communities can’t afford to own their own homes in Fort St. John,” said Maxine Mease of the Fort St. John Friendship Society.<sup>258</sup>

“I don’t know how anyone on a fixed budget or income assistance can afford to live,” said Corinne Cahoose, a former family support worker with Blueberry River First Nations.<sup>259</sup> Rents are so high that service providers themselves have trouble finding safe and affordable housing in Fort St. John for their own families. Captain Sheldon Feener of the Salvation Army said, “If we could bring the rents back to a more reasonable level, you’d have a lot more people able to fend for themselves without having to make a choice between food and housing.”<sup>260</sup>

There has been extensive housing construction in the northeast but most new houses being built are geared to higher income earners. “No one wants to build a building to rent for someone making \$610 a month” said a support worker with the service organization Community Bridge, referencing the monthly support that a person on social assistance may receive.<sup>261</sup> The average monthly rent for a two-bedroom apartment in Fort St. John is almost double the available monthly social assistance.<sup>262</sup> She also noted that in a competitive housing market landlords can pick and choose their tenants and—despite protections against discrimination in provincial law—they may elect not to rent to people on social assistance.

The high cost of heating a house or apartment in the cold northern climate also contributes to the high cost of accommodation in the region. A service provider told Amnesty International about a First Nations client who left her reserve because of overcrowded housing and moved to Fort St. John with her three children, but was unable to afford the cost of the deposit required to start an account with the public electricity utility.

**“I don’t know how anyone on a fixed budget or income assistance can afford to live.”**

**– Corinne Cahoose**

During the course of Amnesty International’s research, the pressure on the rental market diminished because of a downturn in the resource sector that led many workers to leave Fort St. John. From April 2014 to April 2015, vacancy rates in Fort St. John rose from 1.5% to 4%.<sup>263</sup> Figures for 2016 were not available at the time of publication. However, the slightly greater availability of rental accommodation has not

necessarily made such housing more affordable. Landlords are reluctant to reduce rents to fill rental housing because provincial regulations restrict the amount that they can then be raised again.<sup>264</sup> Amnesty International was told that it is often more profitable for landlords to keep rental units vacant during economic downturns.<sup>265</sup>

<sup>256</sup> Urban Systems, *City of Fort St. John Affordable Housing Needs Assessment: Volume 1: Summary and Results*, City of Fort St. John, April 2011; and Urban Systems, *City of Fort St. John Affordable Housing Needs Assessment: Volume 2: Detailed Analysis*, City of Fort St. John, April 2011.

<sup>257</sup> Urban Systems, *City of Fort St. John Affordable Housing Needs Assessment: Volume 1: Summary and Results*, City of Fort St. John, April 2011; and Urban Systems, *City of Fort St. John Affordable Housing Needs Assessment: Volume 2: Detailed Analysis*, City of Fort St. John, April 2011.

<sup>258</sup> Interview with Maxine Mease, Fort St. John Friendship Society, Fort St. John, 19 November 2015.

<sup>259</sup> Interview with Corinne Cahoose, Blueberry River First Nations, 29 September 2015.

<sup>260</sup> Interview with Captain Sheldon Feener, Salvation Army, Fort St. John, 28 September 2015.

<sup>261</sup> Government of BC, ‘Income Assistance Rate Table,’ [www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/bc-employment-and-assistance-rate-tables/income-assistance-rate-table](http://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/bc-employment-and-assistance-rate-tables/income-assistance-rate-table)

<sup>262</sup> Matt Prepost, ‘Vacancy rates in Fort St. John jump up to 4 per cent,’ *Energetic City*, 15 June 2015; and Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>263</sup> Canada Mortgage and Housing Corporation, *Rental Market Report: British Columbia Highlights*, Spring 2015.

<sup>264</sup> Government of BC, ‘Rent increases,’ [www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/during-a-tenancy/rent-increases](http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/during-a-tenancy/rent-increases)

<sup>265</sup> Interview with Amnesty International, Fort St. John, 19 November 2015.

There are government programs to support housing construction for low income earners, and to subsidize the cost of rent. According to the Peace Project, however, those most needing access to housing and rental assistance may face challenges in accessing these programs because “the applicant must have been living in BC twelve months prior to applying, been employed at least once in the last year, spend over 30% of their income on housing, have at least one or more dependent children, and they cannot receive other forms of income assistance.”<sup>266</sup> The project noted that single mothers have the hardest time finding housing in Fort St. John because, while they are less likely to have access to have high paying jobs in the resource sector, they still may not meet all the criteria for government-supported housing such as being previously employed in the last year or not receiving any other form of assistance.<sup>267</sup>



## FOOD SECURITY

Food costs more in northern Canada, in part because of transportation costs.<sup>268</sup> According to the provincial health minister, in 2015 the average monthly cost of a “nutritious food basket” for a family of four in northeast BC was C\$1,022 (US\$783), which is higher than the provincial average.<sup>269</sup>

The Salvation Army and the Fort St. John Women’s Resource Society collect private food donations and redistribute them to clients in Fort St. John. The Fort St. John Friendship Society provides a prepared meal service.<sup>270</sup> According to the charitable agency United Way, the use of food banks in Fort St. John doubled in 2016, as an economic downturn led to increased layoffs in the resource sector.<sup>271</sup> The Fort St. John Friendship Society reported a comparable increase in demand for their meal service.

Northeast BC is home to one-third of the province’s active agricultural lands.<sup>272</sup> The region produces most of the BC’s oil and grain seeds, and the warm micro-climate and fertile soils of the Peace River Valley have the potential to produce many crops currently imported to BC from the United States and Mexico.<sup>273</sup> A 1980 study conducted for BC Hydro concluded the Peace River Valley could potentially produce enough vegetables to feed more than one million people.<sup>274</sup> However, the BC government’s plan to flood the Peace

<sup>266</sup> Clarice Eckford, Peace Project, pp. 15-16.

<sup>267</sup> Clarice Eckford, Peace Project, pp. 15-16.

<sup>268</sup> Hilary Beaumont, ‘Food Prices Are Out of Control in Northern Canada,’ VICE, 8 April 2016.

<sup>269</sup> Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>270</sup> Email from Anita Lee, Fort St. John Friendship Society, 4 October 2016.

<sup>271</sup> Betsy Trumpener, ‘Food bank use doubles in Fort St. John,’ CBC, 22 August 2016.

<sup>272</sup> Wendy Holm, *Submission to CEAA/EAO Joint Review Panel BC Hydro Site C Clean Energy Project Environmental Impact Statement (EIS) – Potential Project Impact on Agriculture (Economic)*, 9 December 2013, p. 6 (hereinafter: Wendy Holm, Impact on Agriculture).

<sup>273</sup> Wendy Holm, Impact on Agriculture, p. 9.

<sup>274</sup> Canadian Resourcecon Limited and R&H Services Limited, *Peace River Site C Hydroelectric Development Vegetable Industry Study*, conducted for BC Hydro and Power Authority, 1980 cited in Wendy Holm, Impact on Agriculture, p. 11.



River Valley as part of construction of the Site C hydroelectric dam has restricted and discouraged investment in food production in the valley. Agronomist Wendy Holm has stated that current land use does not reflect the economic potential of “how that land might be farmed today absent the shadow of the dam.”<sup>275</sup> Holm has written that the lands threatened with flooding by the Site C represent the only area in BC that would allow the province to significantly increase its current food production.<sup>276</sup>

## CHILDCARE

Amnesty International was repeatedly told of barriers to accessing quality and affordable childcare. According to Heather McBryan of the Childcare Resource and Referral Centre in Fort St. John, the city does not have enough regulated childcare spaces for infants and toddlers to meet the city’s needs.<sup>277</sup> The average daily cost of childcare for an infant in a regulated daycare is C\$50 (US\$38).<sup>278</sup> These costs can be prohibitive, particularly for lower income households. Childcare providers also have difficulty recruiting and retaining qualified staff because they are unable to compete with the high wages in the resource sector.

No regulated weekend or evening childcare services are available in Fort St. John, making it near impossible for a single parent to work shifts in the resource sector. Some families rely on relatives and friends to take on child minding responsibilities, but this may not be possible for families who are new to Fort St. John and lack extensive social support networks. The consequence of the high cost and limited availability of childcare in Fort St. John, and the lack of high-paying resource sector jobs for women, is that many women stay home with young children while their partners work in the resource sector.

## TRANSPORTATION

Bus service in Fort St. John does not run in the evening, with limited service on Saturday and no service on Sunday.<sup>279</sup> This is a critical issue for people without access to high wage jobs who may not be able to afford a vehicle. Although the population of Fort St. John is relatively small, the city covers a large geographic area. Walking to work, to school or to a grocery store may not be feasible, especially in the cold winter months.

Distances between communities in northeast BC are long and it is common to travel two or more hours between communities. These distances can be exacerbated by poor weather, which can slow travel times considerably or result in roads being closed entirely. The distance between communities can lead to social isolation and make it harder to access essential services.

People living on First Nations reserves regularly need to travel to nearby urban centres to shop for groceries or access services not available on reserve. Despite this need, there is no public transportation from reserve communities to urban centres such as Fort St. John. In the absence of public transportation, some First Nations have established shuttle services to bring elders and people with medical appointments to urban centres. Such shuttle services, however, do not meet the needs of the entire population. Amnesty International heard accounts of Indigenous persons, and elders in particular, being stranded after coming to Fort St. John and other urban centres for shopping and appointments and that without a way home, they were left in situations where they were vulnerable to abuse.

A lack of public transportation also leads community members to hitchhike, which can be hazardous in a cold, northern environment. Métis elder Arlene Laboucane told Amnesty International that she picked up two elderly First Nations women along a highway on a cold winter morning, whom she feared were at risk of freezing.<sup>280</sup>

## 4.2 TRANSACTIONAL SEX AND SEX WORK

Sylvia Lane, a poverty law advocate with the Fort St. John Women’s Resource Society, told Amnesty International that economic insecurity leads some women in the northeast to remain in, or enter a

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<sup>275</sup> Wendy Holm, *Impact on Agriculture*, p. 6.

<sup>276</sup> Wendy Holm, ‘Why all the fuss over the Site C dam?’ *The Georgia Straight*, 2 July 2016.

<sup>277</sup> Interview with Heather McBryan, Childcare Resource and Referral Centre, Fort St. John, 30 April 2015; and telephone interview with Heather McBryan, Childcare Resource and Referral Centre, 20 September 2016. There is no central waiting list for regulated childcare facilities, no registry of children in unregulated childcare facilities, and no way to quantify how many children are being cared for by family or friends because they cannot secure a regulated childcare space. As such, it is impossible to determine how many regulated infant and childcare spaces are needed to meet Fort St. John’s needs.

<sup>278</sup> Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>279</sup> BC Transit, ‘Fort St. John Transit System: Schedules and Maps,’ [bctransit.com/fort-st-john/schedules-and-maps](http://bctransit.com/fort-st-john/schedules-and-maps)

<sup>280</sup> Interview with Arlene Laboucane, Fort St. John Métis Society, Fort St. John, 6 May 2015.

relationship because doing so is their only means to maintain housing and meet other needs. She described such decisions as a part of a continuum of economic survival that includes more overt or explicit forms of transactional sexual relations. Struggling to make ends meet—and denied other economic opportunities—some women may engage in housekeeping, companionship and sexual relations in exchange for work, housing, drugs, or alcohol. Some women may describe what they are doing as prostitution or sex work.<sup>281</sup> For some, exchanging sex for other benefits is so commonplace it is considered ‘just the way things are.’<sup>282</sup>

**“They’re trading sex for drugs, they’re trading off for a place to stay because they’re homeless. It’s all a matter of survival.”**

– Sylvia Lane

Studies have shown that demands for commercial sex<sup>283</sup> rise in areas of intensive resource development because of the large numbers of male workers brought into the area and large amounts of disposable income.<sup>284</sup> There may be additional factors leading to increased levels of commercial sex in close proximity to resource development projects—including few employment options for marginalized women—which were not examined in these studies.

Women in Fort St. John—especially Indigenous women—described how they are frequently approached by men they have just met asking for sex in return for unsolicited offers of money, drugs, and alcohol. Additionally, Amnesty International heard widespread accounts of men soliciting sex by being “big spenders” or having access to drugs. Men using online dating website profiles may refer to “pay for play,” in their profiles, implying that they will supply money, drugs and alcohol, and in return expect sex in exchange.<sup>285</sup>

Amnesty International also repeatedly heard of drug dealers demanding that women work off their debts by selling sex. The Fort St. John Women’s Resource Society tries to maintain regular contact with approximately 46 “high, high risk” women who sell sex in the streets because they have few other options to earn a living. Most have addiction issues. All the women are from northeast BC, and about half are Indigenous women.<sup>286</sup> “If we don’t keep track, who will?” said Sylvia Lane. “They’re trading sex for drugs, they’re trading off for a place to stay because they’re homeless. It’s all a matter of survival.”<sup>287</sup> The Fort St. John Women’s Resource Society tries to maintain regular contact with these women to facilitate access to services and to help ensure that if a woman goes missing she is promptly reported as such. This is vital since some women may leave Fort St. John to sell sex in other communities—some close and some far away—to pay for drug debts.<sup>288</sup>

There is no way to quantify the extent of transactional sex or sex work in the northeast. Amnesty International is not in a position to comment broadly on commercial sex in Fort St. John. Amnesty International did, however, interview some of Fort St. John’s most marginalized women who sell sex, as well as the frontline service providers working with these women. Sex work and other forms of commercial sex are highly stigmatized and commercial sex is largely criminalized by virtue of the fact that buying sexual services is illegal in Canada. The stigma surrounding commercial sex, the fact that commercial sex is largely criminalized or that illegal drugs were involved, may make women who sell sex reluctant to report violence for fear of mistreatment and punishment by law enforcement officials, and men may exploit this reality and engage in violence with impunity.<sup>289</sup>

<sup>281</sup> Amnesty International uses the chosen terms of the women we interviewed. Amnesty International defines sex work as “the exchange of sexual services (involving sexual acts) between consenting adults for some form of remuneration, with the terms agreed between the seller and the buyer. Sex work takes different forms, and varies between and within countries and communities. Sex work may vary in the degree to which it is more or less “formal” or organized.” Amnesty International, *Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers* (Index: POL 30/4062/2016), 26 May 2016, available at [www.amnesty.org/en/documents/pol30/4062/2016/en/](http://www.amnesty.org/en/documents/pol30/4062/2016/en/). The term “sex work” is used to describe situations where adults who are engaging in commercial sex have consented to do so. Where consent is absent for reasons including threat or use of force, deception, fraud, and abuse of power or sexual exploitation of a child, such activity would constitute a human rights abuse which must be treated as a criminal offence.

<sup>282</sup> Interview with Amnesty International, Fort St. John, 19 November 2015.

<sup>283</sup> The phrase ‘commercial sex’ describes all forms of sexual transactions. Amnesty uses the term ‘sex work’ specifically to describe situations where adults consensually engage in commercial sex. Not all commercial sex is consensual.

<sup>284</sup> See footnote 37.

<sup>285</sup> Interviews with Amnesty International, Fort St. John, 14-16 October 2015.

<sup>286</sup> Interview with Sylvia Lane, Fort St. John Women’s Resource Society, Fort St. John, 7 May 2015.

<sup>287</sup> Interview with Sylvia Lane, Fort St. John Women’s Resource Society, Fort St. John, 7 May 2015.

<sup>288</sup> Interview with Sylvia Lane, Fort St. John Women’s Resource Society, Fort St. John, 7 May 2015.

<sup>289</sup> The sale of sex is not illegal in Canada, though many aspects of selling sexual services are illegal including advertising sexual services or communicating for the purpose of selling sexual services “in a public place, or in any place open to public view, that is or is next to a park or the grounds of a school or religious institution or that is or is next to any other place where persons under the age of 18 can reasonably be expected to be present.” The purchase of sexual services is illegal. Criminal Code of Canada, ‘Commodification of Sexual Activity,’ Subsection 286 (1-5).

# 5. A DANGEROUS PLACE

**“When you experience a lot of violence in your life it becomes part of the norm.”**

Helen Knott, Social Worker

Police statistics show that Fort St. John, the largest urban center in northeast BC, has a disproportionately high crime rate. In 2014, Fort St. John had the highest per capita crime rate among 31 British Columbia municipalities of 15,000 people or more.<sup>290</sup> The per capita rate of criminal charges was almost twice as high as Vancouver.<sup>291</sup> National statistics comparing the frequency and seriousness of violent crimes, ranked Fort St. John 11<sup>th</sup> among 239 municipalities across Canada.<sup>292</sup>

The published police statistics for the northeast do not indicate the gender of crime victims or whether they are Indigenous or non-Indigenous. There are numerous indications, however, that the overall high crime rate includes a very high rate of violence against women, including violence against Indigenous women and girls. The adult criminal court in Fort St. John is reported to try more cases of domestic violence than any other court in northern BC.<sup>293</sup> In 2011 and 2012, domestic violence cases accounted for roughly one in five cases before the court.<sup>294</sup> The Peace Project, a research initiative carried out on behalf of the Fort St. John Women’s Resource Society, reported that among the more than 300 women surveyed, 78% had experienced violence in their past.<sup>295</sup> Even more alarmingly, 93% percent of Indigenous women surveyed reported having experienced violence. The Women’s Resource Society told Amnesty International that two-thirds of their clients are Indigenous women. One service provider told Amnesty International that “it’s dangerous to be a woman up here.”<sup>296</sup>

**“I won’t even walk anywhere by myself.”**

**– Indigenous woman in Fort St. John**

Because violent crime is generally underreported, especially crimes of violence against women, the actual levels of violence may be higher than police and court statistics suggest.

Women and girls who do report acts of violence face a lack of victim support services, and lengthy court processes, as well as stigmatization in their communities. Jennifer,<sup>297</sup> a violence

survivor from Fort St. John, told Amnesty International that “it’s common for girls not to report. There is lots of victim blaming from other girls.”

During research visits to the northeast, Amnesty heard a staggering number of stories of women and girls, particularly Indigenous women and girls, who have faced pervasive violence throughout their lives—including violence within the family, in the workplace, and in the community. The stories shared with Amnesty International included accounts of domestic violence and violence against women, as well as encounters with strangers ranging from aggressive harassment to extreme violence, and unsolicited offers of

<sup>290</sup> Police Services Division, *Police Resources in British Columbia, 2014*, Ministry of Public Safety and Solicitor General, December 2015, p. 9.

<sup>291</sup> Police Services Division, *British Columbia Policing Jurisdiction Crime Trends, 2005-2014*, Ministry of Justice, October 2015.

<sup>292</sup> Shannon Brennan, *Crime Severity Index values for 239 police services policing communities over 10,000 population, 2011*, Statistics Canada, 24 July 2012.

<sup>293</sup> Clarice Eckford, Peace Project, pp.4-5.

<sup>294</sup> Clarice Eckford, Peace Project, pp.4-5.

<sup>295</sup> Clarice Eckford, Peace Project, p. 20.

<sup>296</sup> Interview with Amnesty International, Fort St. John, 29 April 2015.

<sup>297</sup> Real name not used to protect identity.

drugs and money in exchange for sex, attempts to coerce women into vehicles with groups of men, sexual assault, and gang rapes.

Amnesty International was repeatedly told that the violence against women was so pervasive that many women cannot imagine a life without violence. Helen Knott told Amnesty International that, “violence has been my life. I didn’t even realize that this wasn’t normal. When you experience a lot of violence in your life it becomes part of the norm.”<sup>298</sup>

The high rates of violence experienced by women in northeast BC is a matter of urgent concern and also a symptom of wider social strains being experienced by Indigenous and non-Indigenous communities in the region.

## 5.1 VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS IN URBAN CENTERS

An Indigenous woman who spoke with Amnesty International in Fort St. John described a long series of violent encounters throughout her life. She witnessed domestic violence in her home growing up. She has been raped three times, the first when she was 13 years old. She has struggled with drug and alcohol addiction and her three children have been removed from her care. As an adult, she was in a long-term abusive relationship. She described three separate occasions in which men she had met in Fort St. John took her outside the town and abandoned her at the roadside. On one occasion she was badly beaten and left in a ditch on a patch of ice. She only survived because she was spotted by the driver of a passing car.

Governments and law enforcement in Canada have acknowledged that Indigenous women and girls across the country face more frequent violence, and more severe forms of violence, than other women and girls. Amnesty International’s 2004 report, *Stolen Sisters: Discrimination and Violence against Indigenous Women in Canada*, noted that multiple social, economic, and historical factors contribute to the high rates of violence against Indigenous women and girls, put Indigenous women and girls in situations of heightened risk, or deny them the protection that they deserve.<sup>299</sup> These factors include specific racist and misogynist attitudes toward Indigenous women and girls that make them more frequent targets of sexual violence and other human rights violations. Accounts of violence against Indigenous women and girls shared with Amnesty International in northeast BC are consistent with this national pattern.

**“We’re a small community here and our lives were intertwined. One woman would go missing and all our lives would be affected.”**

– Connie Greeyes

Helen Knott said that the risk to Indigenous women and girls in the northeast is increased by the large numbers of men who come to the region to work in industry and the way that their economic power emboldens them to express racist and sexist attitudes they might suppress elsewhere. She said the racist and sexist stereotypes that Indigenous women and girls are “drunk, easy, and wanted it anyway” is used by men to justify street harassment and violence.<sup>300</sup>

Helen chose to speak publicly about how she was brutally assaulted by a group of men she had met in Fort St. John, whom she believes were among the tens of thousands who have passed through the area to work in the resource sector. In January 2016 she told a reporter from a national newspaper, it is “imperative” to talk about the violence that she and so many of her friends and family have experienced because the turmoil created by resource development “really does create a dangerous place for our women and our young women coming up.”<sup>301</sup>

Most non-Indigenous women and girls who spoke with Amnesty International said they felt relatively safe walking down the street in Fort St. John. Indigenous women and girls, however, consistently reported feeling unsafe at night, and even during the day, in public spaces in Fort St. John. Amnesty International heard accounts of groups of men in vehicles following Indigenous women on the street, or repeatedly circling the

<sup>298</sup> Interview with Helen Knott, Fort St. John, 16 October 2015.

<sup>299</sup> Amnesty International, *Canada: Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada* (Index: AMR 20/003/2004), 3 October 2004; and Amnesty International, *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada* (Index: AMR 20/012/2009), 2009.

<sup>300</sup> Interview with Helen Knott, Fort St. John, 16 October 2015.

<sup>301</sup> Joanna Smith, ‘Fort St. John ‘a dangerous place for our women,’ Indigenous activist says,’ *The Toronto Star*, 3 April 2016.

block where they were standing waiting for a ride. Other women told Amnesty International stories of “cat-calling” on the street or of men yelling racial slurs like “squaw.” One First Nations woman described how a group of men tried unsuccessfully to force her cousin into their vehicle by driving their truck onto the sidewalk to cut her off and then tried to pull her into the vehicle. “I won’t even walk anywhere by myself,” another Indigenous woman told Amnesty International.

For many years, women’s rights activists from northeast BC have travelled to Ottawa to attend an annual vigil drawing attention to a national pattern of murders and disappearance of Indigenous women and girls. “It really is quite shocking when you think of the numbers of women here who were friends and that are missing right now or have been murdered,” said Connie Greyeyes, a Cree woman from Fort St. John, who regularly participates in the national vigils. “We’re a small community here and our lives were intertwined. One woman would go missing and all our lives would be affected. Their traumas were just overlapping each other and so heavy for families to carry.”<sup>302</sup>

### **THE STOLEN SISTERS OF NORTHEAST BC**

Lynn Gauthier’s sisters remember her as outspoken, smart and determined. “She was a bubbly person and nothing scared her or stopped her. She lived life to the fullest,” said her sister Norma Podolecki. Lynn, the daughter of the elder Lillian Gauthier of Saulneau First Nation, was brutally murdered by her spouse in 2000 after a long history of domestic violence. Her sisters, Geraldine Gauthier and Norma Podolecki, told Amnesty International how their sister’s spouse, who had come to the region to work in construction, had isolated her from family and friends and threatened to kill her if she left him. She never reported the violence he inflicted upon her to the police because “that’s how scared she was,” Geraldine said.<sup>303</sup>

Shirley Cletheroe worked hard to support her five children. She was a nurturer, someone who would bring people into her home and take care of them. “Her door was always open. Everyone knew they could come there. She would have a meal on and tell you to sit down and eat. She never looked down on anyone,” said her niece Brandy Cletheroe. “She was an elder to us and took care of everyone.” Shirley went missing at age 45 in June 2006; she has not been found.<sup>304</sup>

Rene Gunning grew up in Fort St. John and Nanaimo, BC. “When Rene was born, I was the first to hold her,” said her father Jo Gunning. “Here was this beautiful little girl. My heart just melted away... We talked about everything,” he said of their close relationship. Nineteen-year-old Rene went missing from Edmonton in February 2005 along with her friend, 16-year-old Krystle Ann Knott. Their remains were found in May 2011 near Grand Prairie, Alberta; their murders remain unsolved.<sup>305</sup>

Cynthia Maas was “so innocent, trusting, believing,” said her sister Judy Maas. Cynthia’s daughter was her world and Cynthia struggled with the social services system to access supports she needed to be able to best take care of her. Cynthia, who was originally from Fort St. John, went missing from Prince George in September 2010. Her body was found the following month. She was 35.<sup>306</sup>

Ramona Shular was the joker of her family. She “was a very loving mother... very involved with children all the time,” said her sister Becky Shular. Ramona went missing at age 37 from Fort St. John in November 2003; she has not been found.<sup>307</sup>

Loretta Capot-Blanc “was a really good mom. She always had her baby on her back and she breastfed. She always had him [her son] dressed up really nice,” her mother Elsie Duntra. Loretta went missing at age 31 from Fort Nelson First Nation in August 1997. Her remains were found three weeks later; Loretta’s murder remains unsolved.<sup>308</sup>

Pamela Napoleon had a beautiful spirit, according to her family and friends. She put others first and always showed respect. She loved hunting and camping, was an excellent cook, had a wide circle of friends, and

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<sup>302</sup> Interview with Connie Greyeyes, Fort St. John, 8 July 2016.

<sup>303</sup> Interview with Geraldine Gauthier and Norma Podolecki, Fort St. John, 7 May 2015.

<sup>304</sup> Interview with Brandy Cletheroe, Fort St. John, 28 April 2015.

<sup>305</sup> Interview with Jo Gunning, Fort St. John, 6 May 2015.

<sup>306</sup> Telephone interview with Judy Maas, 23 September 2015.

<sup>307</sup> Interview with Becky Shular, Fort St. John, 28 April 2015.

<sup>308</sup> Interview with Elsie Duntra, Fort Nelson, 4 May 2015.

was well liked and respected. Pamela went missing from Blueberry River First Nations in July 2014 and her remains were found the next month; her murder remains unsolved.<sup>309</sup>

## STOLEN SISTERS

For many years, Amnesty International has worked alongside the Native Women's Association of Canada, affected families and many other organizations and activists, in calling for a comprehensive and coordinated national response that addresses all aspects of the prevention, investigation and prosecution of violence against First Nations, Inuit and Métis women and girls which meets Canada's international human rights obligations.<sup>310</sup> While Canada does not yet have a national action plan on violence against women, a National Inquiry into Missing and Murdered Indigenous Women and Girls commenced on 1 September 2016 and is set to conclude by December 2018.<sup>311</sup>

A 2014 government survey found that that violent assaults against Indigenous women and girls in the 10 Canadian provinces are close to three times more frequent than attacks on non-Indigenous women. In addition to the higher overall rate of violence, attacks on Indigenous and girls are more violent, leading to high rates of serious injury.<sup>312</sup> The best available government statistics suggest that the homicide rate for Indigenous women and girls in Canada is at least six times higher than the national average homicide rate for non-Indigenous women.<sup>313</sup>

Indigenous women and girls face higher rates of violence in every aspect of their lives: family violence, attacks by community members, and assaults by strangers are all disproportionately high.<sup>314</sup> The majority of all murders of women in Canada—whether Indigenous or non-Indigenous—are committed by someone known to the woman. However, Indigenous women and girls face distinct patterns of violence, including a higher proportion of violence attacks outside intimate relationships and the family.

According to a 2014 RCMP report, a higher proportion of Indigenous women were killed by an acquaintance than non-Indigenous women (42% versus 35%).<sup>315</sup> The relationships categorized as acquaintances include anyone known to the victim but not a spouse, intimate partner or family member and included casual acquaintances, close friends, people in a business relationship, neighbours, and authority figures.<sup>316</sup>

While the majority of murders of all women take place in the home, for Indigenous women, there is a notably high rate of murder outside the home. In 2014, 34% of recorded murders of Indigenous women and girls were committed outside the home, compared to 12% of non-Indigenous women. Furthermore, 17% of murders of Indigenous women took place on a street, a road, or a highway, compared to 1% of murders of non-Indigenous women.<sup>317</sup>

It is important to note that these figures may underestimate the extent of violence against Indigenous women and girls. Inconsistent police practices may mean that the Indigenous identity of victims goes unrecorded. There is also a disproportionately high rate of long-term missing persons cases involving Indigenous women and girls.<sup>318</sup>

Certain demographic characteristics of the Indigenous population, such as a younger median age, lower average income levels, and higher rates of drug and alcohol dependency—some of which are shaped by

<sup>309</sup> Interview with community members, Blueberry River First Nations, 8 May 2015.

<sup>310</sup> For example, Amnesty International, Native Women's Association of Canada, et al., 'Joint Statement To be read nationwide on October 4th 2011 as part of Sisters In Spirit Vigils — A Movement for Social Change,' 2011.

<sup>311</sup> Government of Canada, 'National Inquiry into Missing and Murdered Indigenous Women and Girls,' [www.aadnc-aandc.gc.ca/eng/1448633299414/1448633350146](http://www.aadnc-aandc.gc.ca/eng/1448633299414/1448633350146)

<sup>312</sup> Jillian Boyce, *Victimization of Aboriginal People in Canada, 2014*, Statistic Canada, 28 June 2016, available at [www.statcan.gc.ca/pub/85-002-x/2016001/article/14631-eng.htm](http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14631-eng.htm)

<sup>313</sup> Zoran Miladinovic and Leah Mulligan, *Homicide in Canada, 2014*, Statistics Canada, 25 November 2015.

<sup>314</sup> Shannon Brennan, *Violent victimization of Aboriginal women in the Canadian provinces, 2009*, Statistics Canada, 17 May 2011.

<sup>315</sup> Zoran Miladinovic and Leah Mulligan, *Homicide in Canada, 2014*, Statistics Canada, 25 November 2015.

<sup>316</sup> Zoran Miladinovic and Leah Mulligan, *Homicide in Canada, 2014*, Statistics Canada, 25 November 2015.

<sup>317</sup> Zoran Miladinovic and Leah Mulligan, *Homicide in Canada, 2014*, Statistics Canada, 25 November 2015.

<sup>318</sup> Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: An Operational Overview*, 2014.



the history of discrimination and abuse against Indigenous peoples—are associated with a heightened risk of assault and other violence across all populations. However, even taking these factors into account, studies suggest the rate of violence faced by Indigenous women and girls remains disproportionately high.<sup>319</sup>

Melina Laboucan Massimo, an environmental rights activist from the Lubicon Cree First Nation has written, “We need to unpack the patriarchal, racist, and colonial mentalities of Canadian society to ultimately address the reasons why Indigenous women’s lives are not valued in Canadian society as much as the lives of non-Indigenous women.”<sup>320</sup>

A 2014 memorandum of understanding between the government of BC and First Nations and Métis organizations acknowledges that the root causes of violence against Indigenous women and girls “can be linked back to years of colonial policies and practices that sought to exclude Aboriginal people economically and socially, and attempted to destroy their cultures.”<sup>321</sup>

In the 2004 *Stolen Sisters* report,<sup>322</sup> Amnesty International highlighted that the discrimination and marginalization experienced by Indigenous women and girls pushes many into situations of greatly heightened risk, including insecure housing or relying on dangerous and criminalized sources of income such as the drug trade and commercial sex. The report also noted that some men deliberately target Indigenous women, whether driven by racist and misogynist attitudes toward Indigenous women<sup>323</sup> or simply calculating that social attitudes toward Indigenous women mean they are more likely to get away with crimes.<sup>324</sup> The report further noted that discrimination against Indigenous women has denied them access to services and support necessary to escape violence. The *Stolen Sisters* report also concluded that police and government have long been aware of these patterns of violence but all too often failed to take adequate or appropriate action.

Indigenous women have long struggled to draw public attention to the high rates of violence that they face. One measure of the systemic failure of government to ensure their safety is the fact that the first national police statistics on the numbers of missing and murdered Indigenous women in Canada were only published in 2014. As Amnesty International stressed in the *Stolen Sisters* report a decade earlier, such data is essential both to inform public policy but also to provide communities the information they need to develop their own solutions.

In March 2006, Indigenous peoples in BC organized a major symposium in collaboration with police and government to identify solutions to the threats faced by Indigenous women along Highway 16 a major commercial route crossing the center of the province, approximately a five-hour drive south of Fort St. John. Highway 16 has become known as the Highway of Tears because of the high number of women and girls who have disappeared or been murdered there. The Highway of Tears Symposium Report called for a “multi-community and multi-organization effort... to coordinate and implement cohesive: prevention, emergency response, and victim family counselling/ support plans along the entire 724km length of this highway.”<sup>325</sup> Many of the specific recommendations focused on the need to reduce reliance on hitchhiking on Highway 16 as a way for Indigenous people to travel between their home communities and often distant urban centres. These measures included improved bus services and as well as greater provision of public services and youth programs in Indigenous communities to reduce the necessity of such travel. In December 2012, a provincial inquiry into missing and murdered women in BC noted that most of the Symposium’s recommendations have gone unimplemented.<sup>326</sup> The province only made a public commitment to expand public transportation on the highway in 2016.<sup>327</sup>

<sup>319</sup> Maire Sinha, *Measuring violence against women: Statistical trends*, Statistics Canada, 25 February 2013.

<sup>320</sup> Melina Laboucan-Massimo, ‘A sister’s grief,’ New York Times, 4 April 2016.

<sup>321</sup> Government of BC, The First Nations Summit, Union of BC Indian Chiefs, BC Assembly of First Nations, Metis Nation British Columbia, *Memorandum of Understanding Regarding Stopping Violence against Aboriginal Women and Girls*, 13 June 2014.

<sup>322</sup> Amnesty International, *Canada: Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada* (Index: AMR 20/003/2004), 3 October 2004.

<sup>323</sup> Commissioners A.C. Hamilton and C.M. Sinclair, *Report of the Aboriginal Justice Inquiry of Manitoba: The Deaths of Helen Betty Osborne and John Joseph Harper*, 1991.

<sup>324</sup> See, for example, *Transcript of trial, R v Crawford*, May 1996, in Warren Goulding, *Just Another Indian: A Serial Killer and Canada’s Indifference*, 2001, p.188.

<sup>325</sup> The Lheidli T’enneh First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Nechako Aboriginal Employment and Training Association, and the Prince George Native Friendship Center, *The Highway of Tears Symposium Recommendation Report*, 2006, p. 13.

<sup>326</sup> BC Missing Women Inquiry.

<sup>327</sup> The Canadian Press, ‘Highway of Tears getting regular bus service,’ CBC, 15 June 2016.

## 5.2 VIOLENCE ON FIRST NATIONS RESERVES

Amnesty International repeatedly heard stories of widespread childhood physical and sexual abuse on First Nations reserves in northeast BC. Over several generations, many of the adults in these communities were forcibly removed from their families and raised far from their communities in residential schools, where some experienced extreme physical and sexual violence. Many people Amnesty International spoke with explained how the residential school system had profoundly altered the relationships between women and men in Indigenous culture and led to a devaluing of women, and a normalization of violence within families. The harm that was done by residential schools has gone largely unaddressed, contributing to a cycle of violence in the lives of subsequent generations.

“Violence against women was a norm as a child growing up,” said Norma Pyle of Blueberry River First Nations. “It was just normal seeing violence in the house, in the community and wherever we went. The thing of it was, nobody at the time knew it was not normal.”<sup>328</sup>

**“It’s not okay for our young women to endure this violence.”**

**– Norma Pyle**

In many First Nations communities people are reluctant to speak up about violence. At residential school, children were told not to say anything about what they experienced. Families now keep what happens within the family—including violence—quiet. One service provider said that on reserves “we keep our secrets” and do not speak up about violence.<sup>329</sup>

Federal underfunding of services on First Nations reserves creates barriers to individuals getting help to escape violence or to change their own behaviour. At the same time, mistrust of police and government agencies such as child protection services—mistrust that is founded on a long history of discrimination and abuse of power—makes many reluctant to seek help outside their own communities.

“It’s not okay for our young women to endure this violence,” said Norma Pyle. “It’s not okay for them to be forced into silence. They need to know there aren’t repercussions for coming forward. They need to know there aren’t statutes of limitations on sexual abuse. I hope that somewhere along the line these young women, these girls, and these young men and boys get to stand up and demand what’s right.”<sup>330</sup>

The harmful legacy of the residential school era has been further compounded by the erosion of the land base needed to restore and sustain traditional livelihoods and cultural activities that provide a source of pride and self-worth. Just as time on the land can promote healing and wellness, Indigenous women and men in northeast BC told Amnesty International that erosion of traditional practices has accentuated social strains within Indigenous families and communities.

Norma Pyle said, “Excelling at traditional skills doesn’t count for very much anymore.” As a result, many people, especially young men, are facing a crisis of identity: they don’t know who they are or their worth in society. “Our men can’t even be men anymore,” Norma said. “That’s been taken away from them.”<sup>331</sup>

“All of our roles are changed now,” said Patsy Greyeyes, an educator who works for Blueberry River First Nations. She told Amnesty International that when young people do not feel valued, they are more like to engage in self-destructive behaviour, or accept abusive behaviour by others as normal. “If you tell somebody every day that they don’t matter, eventually that’s how they will feel about themselves.”<sup>332</sup>

Although, for reasons described above (see *Barriers to Accessing Resource Sector Employment* section), significant barriers exist for Indigenous people to gain access to high paying jobs in the energy economy, over last two decades a growing number of Indigenous women and men have done so. In addition, members of some First Nations such as Blueberry River First Nations, have received significant individual cash awards—equivalent to two to three years wages in the energy industry—as compensation for First Nations land that was wrongfully expropriated by the federal government and subsequently developed for oil and gas.

<sup>328</sup> Interview with Norma Pyle, Blueberry River First Nations, 3 May 2015.

<sup>329</sup> Interview with Amnesty International, Fort St. John, 29 April 2015.

<sup>330</sup> Interview with Norma Pyle, Blueberry River First Nations, 3 May 2015.

<sup>331</sup> Interview with Norma Pyle, Blueberry River First Nations, 29 September 2015.

<sup>332</sup> Interview with Patsy Greyeyes, Blueberry River First Nations, Fort St. John, 3 May 2015.

The significant influx of money has brought about rapid changes in some communities, creating new inequalities and new stresses.

Norma Pyle, who describes devastating increases in drug and alcohol abuse contributing to family violence, says the issue is not the money but the pace of change.<sup>333</sup> “There’s no getting away from money, especially not where we are,” Norma said. “We all need to work. We all need to provide for our families. There’s a way to do that responsibly. But the government can’t wait. They want everything right now.”<sup>334</sup>

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<sup>333</sup> Interview with Norma Pyle, Blueberry River First Nations, 3 May 2015.

<sup>334</sup> Interview with Norma Pyle, Blueberry River First Nations, 29 September 2015.

# 6. RUNNING ON EMPTY: FAILING URBAN SOCIAL SAFETY NET

**“This town is running on empty.”**

Amanda Trotter, Fort St. John Women’s Resource Society

Service providers in northeast BC told Amnesty International that they are pressed beyond capacity trying to meet the needs of marginalized individuals in the region. Funding for social services has fallen behind the pace of growth fuelled by the resource economy. One service provider said, “Quite frankly, we’re overwhelmed.”<sup>335</sup> Another added that: “The infrastructure is overstretched serving the people who are already here and they’re talking about continuing to grow.”<sup>336</sup> Karla Marsh, executive director of Community Bridge said, “We struggle just to survive. We have a good array of services. We just don’t always have enough.”<sup>337</sup> Amanda Trotter of the Fort St. John Women’s Resource Society put it bluntly: “This town is running on empty.”<sup>338</sup>

Organizations providing frontline services have difficulty attracting staff because their wages cannot match those of the resource sector and are often insufficient to cover the high cost of living in northeast BC. “If you’re working in the oil fields, you’re bringing in good money,” said Captain Sheldon Feener of the Salvation Army. “It’s very difficult to hold employees when you can’t pay what the corporations pay.”<sup>339</sup> Rent for suitable office space is also expensive and limited in the city.<sup>340</sup>

**“The infrastructure is overstretched serving the people who are already here and they’re talking about continuing to grow.”**

– Anita Lee

Service providers in Fort St. John all stressed that Indigenous women and men are overrepresented among the people in greatest need of support and in many cases represent the majority of their agencies’ clients. For example, though Indigenous peoples comprise 12% of the population in northeast BC, an estimated 25% of female violence survivors receiving counselling services from Community Bridge were Indigenous<sup>341</sup> and historically, 65% of the Fort St. John Friendship Society’s clients accessing homeless outreach

services have been Indigenous.<sup>342</sup>

Federal underfunding of on-reserve social services means that many First Nations people do not have access to the support they need in their own communities. However, most service providers in Fort St. John do not offer programming specific to the needs of Indigenous peoples, something that reflects serious problems of social marginalization and exclusion of Indigenous peoples in the city.

<sup>335</sup> Interview with Anita Lee, Fort St. John Friendship Society, Fort St. John, 1 May 2015.

<sup>336</sup> Interview with Amnesty International, Fort St. John, 1 May 2015.

<sup>337</sup> Interview with Karla Marsh, Community Bridge, Fort St. John, 28 September 2015.

<sup>338</sup> Interview with Amanda Trotter, Fort St. John Women’s Resource Society, Fort St. John, 2 May 2015.

<sup>339</sup> Interview with Captain Sheldon Feener, Salvation Army, Fort St. John, 28 September 2015.

<sup>340</sup> Interview with Amnesty International, Fort St. John, 30 April 2015.

<sup>341</sup> Email from Karla Marsh, Community Bridge, 13 September 2016.

<sup>342</sup> Email from Anita Lee, Fort St. John Friendship Society, 15 September 2016.

## 6.1 FAILURE TO ADDRESS DISCRIMINATION AGAINST INDIGENOUS PEOPLES

A growing number of cities across Canada acknowledge the Indigenous peoples in whose traditional lands they are located, or the treaty relationship, with signs on roadways, airports or at public meetings. Many non-Indigenous communities in the northeast have yet to do so. Indigenous history is also conspicuously absent from a series of historical plaques along sidewalks in Fort St. John's downtown core. The Fort St. John's visitor guide published by the municipality makes no reference to Indigenous history or contemporary culture. Instead it states, that Fort St. John is "British Columbia's oldest non aboriginal settlement and its pioneer spirit is alive and well today."<sup>343</sup> In 2015 and the first half of 2016, the City of Fort St. John made no proclamations surrounding dates of key significance of Indigenous peoples, nor did it organize events celebrating National Aboriginal Day.<sup>344</sup>

Indigenous peoples are almost completely invisible in public life in Fort St. John. The history and contemporary relationships between settlers, First Nations and Métis peoples are not reflected in the public face of the city. Additionally, the biases and prejudices of non-Indigenous peoples are not publicly confronted or repudiated.

Indigenous community members described widespread racism in their daily interactions in the northeast. This racism is so pervasive that many Indigenous people Amnesty International spoke with described a reluctance to publicly identify as an Indigenous person or draw attention to their culture and heritage. An Indigenous woman working in Fort St. John said "I fear of sharing who I am genuinely," explaining that she felt it would change her colleagues' attitudes and behaviors toward her.<sup>345</sup>

Referring to the multiple and intersecting forms of discrimination experienced in northeast BC, Blueberry River First Nations Chief Marvin Yahey asked Amnesty International, "Why is the hatred so deep penetrating in this town toward our people? If the rest of the world can change, why can't this little town change?"<sup>346</sup>

Racism and discrimination against Indigenous peoples is a serious problem throughout Canada. Many Indigenous people that Amnesty International spoke with felt these problems are particularly acute in northeast BC. Chief Yahey and others draw a link between racism and the impacts of the resource economy. Resource development brings in tens of thousands of people who have no connection to or experience with local Indigenous communities and no effort is made to educate them about Indigenous societies and their histories. At the same time, conflicts over resource development on Indigenous lands have helped create an impression among part of the public that Indigenous peoples are a threat to others who depend on resource sector income.

**"If the rest of the world can change, why can't this little town change?"**

**– Chief Marvin Yahey**

As noted in Amnesty International's 2004 *Stolen Sisters* report, pervasive discrimination against Indigenous peoples can lead to a greatly increased risk that men will feel that they can commit acts of racist and misogynist violence against Indigenous women and girls with the approval of their peers and with little likelihood of being held to account. In turn, those

facing the threat of violence may be reluctant to seek the help of police and other agencies. In the Vancouver Missing Women Inquiry report, Commissioner Oppal stated that, "The term "nobodies" is a harsh one and I choose to use it deliberately giving it its everyday meaning: The women were persons of no importance or influence. Often they were treated not as persons at all, but as "sub-humans" – diminished in the eyes of many by their 'high-risk lifestyle.' Like poor women across Canada and around the world, their devalued social status made them the target of predators."<sup>347</sup>

<sup>343</sup> City of Fort St. John, *2016 Fort St. John Visitor Guide*, 2016, available at [www.fortstjohn.ca/sites/default/files/publication/VG-2016-Web.pdf](http://www.fortstjohn.ca/sites/default/files/publication/VG-2016-Web.pdf)

<sup>344</sup> Based on a review of City of Fort St. John council meeting minutes for 2015 and January-June 2016, [fortstjohn.civicweb.net/filepro/documents/21925](http://fortstjohn.civicweb.net/filepro/documents/21925)

<sup>345</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>346</sup> Interview with Chief Marvin Yahey, Blueberry River First Nations, 17 November 2015.

<sup>347</sup> BC Missing Women Inquiry, Volume VII, p. 2.

This reality can also reduce access to the specific assistance that they require. The overall invisibility of Indigenous culture in Fort St. John is accompanied by a common belief that First Nations should live on and access services on First Nations reserves, or leave their Indigenous identity behind when they are in Fort St. John. This serves as a barrier to developing culturally-appropriate programs in Fort St. John.

## 6.2 NOT ENOUGH CULTURALLY-RELEVANT SERVICES

As outlined earlier (see *Ongoing Discrimination in Provision of Government Services* section above), social services on First Nations reserves are chronically underfunded. Where services do exist, they may not be able to employ qualified staff at the competitive wages required in the northeast. There are no women's shelters on First Nations reserves in northeast BC, and few on-reserve services to support violence survivors. Not all reserves are able to provide addiction counselling.

Nenan Dane zaa Deh Zona Family Services Society, an Indigenous child welfare organization based in Fort St. John, is helping to fill the gap in culturally-relevant services by travelling to First Nations reserves to carry out programming. Nenan operates mental health services for youth and adults as well as traditional healing circles, and helps families navigate government social welfare programs and services. They also provide support groups for parents, young women, and youth transitioning from Indigenous reserves to Fort St. John.

Few service providers in Fort St. John specifically orient their programming to the needs of Indigenous women. Amnesty International was told repeatedly that it was the responsibility of First Nations themselves to provide culturally relevant or culturally-based programming.<sup>348</sup> An exception is the Fort St. John Friendship Society, which supports women in accessing social services, and provides support services including a hot meal program, preschool, after-school program, addictions support services, and a homeless prevention program. The Fort St. John Women's Resource Society estimates that upwards of 70% of their clients are Indigenous; the society does not provide Indigenous-specific programming.

### EXPERT, INDEPENDENT INVESTIGATIONS HIGHLIGHT URGENCY OF COMPREHENSIVE RESPONSE TO VIOLENCE AGAINST INDIGENOUS WOMEN IN BC

Violence against Indigenous women in BC was the subject of two separate inquiries by international and regional human rights bodies—the UN Committee on the Elimination of Discrimination Against Women (CEDAW)<sup>349</sup> and the IACHR<sup>350</sup>—both of which released reports in 2015. The province has also conducted its own public inquiry into the murder and disappearance of women from the downtown eastside, a low-income neighbourhood in the city of Vancouver.<sup>351</sup> A disproportionate number of these women were Indigenous.

All three investigations highlighted how government services have failed to meet the needs of Indigenous women and girls, and concluded that the federal and provincial governments had failed marginalized and disadvantaged women and girls by not taking adequate precautions to prevent violence. All three called for a comprehensive, coordinated response that includes addressing the marginalization and discrimination that leads to a heightened risk of violence.

The January 2015 IACHR report acknowledged a number of initiatives already taken by the federal government and the province, but stated that such measures will not end the violence “unless the underlying factors of discrimination that originate and exacerbate the violence are also comprehensively addressed.”<sup>352</sup> The report urged governments in Canada to deal with “the persistence of longstanding social and economic marginalization through effective measures to combat poverty, improve education and employment, guarantee adequate housing and address the disproportionate application of criminal law against indigenous people.”<sup>353</sup>

<sup>348</sup> Interview with Amnesty International, Fort St. John, 14 October 2015.

<sup>349</sup> CEDAW, Canada Investigation.

<sup>350</sup> IACHR, BC Investigation.

<sup>351</sup> BC Missing Women Inquiry.

<sup>352</sup> IACHR, BC Investigation, p. 13.

<sup>353</sup> IACHR, BC Investigation, p. 123.



The CEDAW report also noted that there are many existing programs and services for women, but called the overall government response inadequate and fragmented, stating that that “the magnitude of the required changes cannot be achieved by piecemeal reforms of existing programmes and services.”<sup>354</sup> The report concluded that Canada was responsible for a “grave violation” of the rights of Indigenous women and girls because of its “protracted failure” to take adequate precautions to prevent violence.<sup>355</sup>

The Vancouver Missing Women Inquiry concluded that: “Eradicating the problem of violence against women involves addressing the root causes of marginalization, notably sexism, racism and the ongoing pervasive effects of the colonization of Aboriginal peoples – all of which contribute to the poverty and insecurity in which many women live.”<sup>356</sup> The inquiry stated that these problems could not be addressed with “half measures.”<sup>357</sup> The reports of the CEDAW and IACHR investigations and the Vancouver Missing Women Inquiry are of such vital importance in addressing violence against Indigenous women and girls that the terms of reference for the National Inquiry into Missing and Murdered Women and Girls direct Commissioners to accept as conclusive or give due weight to their findings.<sup>358</sup>

## 6.3 GOVERNMENT SUPPORTS NOT MEETING WOMEN’S NEEDS

Services for Indigenous and non-Indigenous women fleeing violence are limited in Fort St. John and indeed, throughout northeast BC. In 2016, service providers experienced an increased demand for social services from unemployed male industry workers. This overall increased demand for services strained provider’s ability to provide services for women fleeing violence.

The three staff at the Fort St. John Women’s Resource Society are overwhelmed by demand for their services from people of all genders. The society runs an outreach store with clothing, food, toiletries, and other basic necessities, provides legal advocacy and support, and operates Skye’s Place, a women’s transition housing project with units for 12 women violence survivors. Skye’s Place is often full with a waiting list, and women and their children can stay in the rent-subsidized units for up to two years.<sup>359</sup> The Women’s Resource Society is unwilling to turn away those most in need, and due to a lack of services for men and increased demand in services for men laid off from jobs in the resource sector, they now open the outreach store and provide legal support to marginalized men one day per week. Clients accessing the society’s outreach store have grown from 111 women and four men in January 2014 to 590 women and 170 men in August 2016.<sup>360</sup>

**“Eradicating the problem of violence against women involves addressing the root causes of marginalization, notably sexism, racism and the ongoing pervasive effects of the colonization of Aboriginal peoples – all of which contribute to the poverty and insecurity in which many women live.”**

**– BC Missing Women Inquiry**

Meaope House, operated by the non-profit agency Community Bridge, is the community’s only shelter for women fleeing abuse. The shelter, which accommodates seven women plus their children, is often full, and according to clients and service providers, available services are not sufficient to meet demand. There is “nowhere near enough first phase housing for women escaping abuse or dealing with extreme addictions,” one service provider told Amnesty International.<sup>361</sup>

Community Bridge also offers community-based victim services and counselling. In September 2014, 15 female violence survivors were on Community Bridge’s waiting list for counselling services; by September 2016 the waiting list had

increased to 53 women. The counsellor saw 92 individual women over a one year period from 2015-2016; an estimated 25% were Indigenous women. Karla Marsh of Community Bridge told Amnesty International

<sup>354</sup> CEDAW, Canada Investigation, p. 41.

<sup>355</sup> CEDAW, Canada Investigation, p. 53.

<sup>356</sup> BC Missing Women Inquiry, Vol. I, p. 5.

<sup>357</sup> BC Missing Women Inquiry, Vol. III, p. 17.

<sup>358</sup> Indigenous and Northern Affairs Canada, ‘Terms of Reference,’ available at [www.aadnc-aandc.gc.ca/eng/1470422455025/1470422554686](http://www.aadnc-aandc.gc.ca/eng/1470422455025/1470422554686)

<sup>359</sup> For more information, see [www.fsjwrs.ca](http://www.fsjwrs.ca)

<sup>360</sup> Aleisha Hendry, ‘Increase use of Outreach Store indicative of larger problem, says Women’s Resource Society,’ Alaska Highway News, 26 July 2016; and email from Amanda Trotter, Fort St. John Women’s Resource Society, 12 September 2016.

<sup>361</sup> Interview with Amanda Trotter, Fort St. John Women’s Resource Society, Fort St. John, 2 May 2015.

that “there was a huge spike in demand when the oil and gas experienced a downturn and we had layoffs, etc in our community.”<sup>362</sup>

The Fort St. John Friendship Society similarly faced increased demand for their services in 2016. Based on actual statistics recorded from 1 April to 31 August 2016, they projected a 55% increase in the number of meals served in 2016-2017 as compared to 2014-2015, and a 71% overall increase in the number of people accessing their services per month. Prior to the economic downturn, 65% of clients accessing the Friendship Centre’s homeless outreach services program were Indigenous, but from January-June 2016 this decreased to 55%. Since the economic downturn, the Friendship Centre has experienced a significant increase in the number of non-Indigenous clients accessing services—attributed to an increased demand for services from out of work non-Indigenous resource sector workers. The increase in the number of clients accessing services has further strained the society’s ability to keep pace with the need as costs increased, but funding had not.<sup>363</sup> The Friendship Centre’s homeless prevention program has limited emergency funding to assist clients struggling financially with either maintaining or accessing housing.<sup>364</sup>

## HOMELESSNESS

The only homeless shelter in northeast BC is the Northern Centre of Hope in Fort St. John, run by the Salvation Army. The centre also provides transitional housing at the facility. Despite an increase in shelter beds from 44 in 2014 to 64 shelter beds in 2015, Captain Sheldon Feener of the Salvation Army said, “It’s still not enough. We could double the number again and still not have enough beds.”<sup>365</sup>

**“Bottom line—there’s no place for these women to go.”**

**– Amanda Trotter**

Additional pressure for emergency housing is created by people who travel to Fort St. John seeking employment in the resource sector and who arrive without a job or housing. The Salvation Army’s shelter residents include a mixture of new arrivals and long-term community residents.

At the Northern Centre of Hope, emergency and transitional housing are provided in the same facility, for both women and men. The shelter increases its emergency shelter bed spaces for the winter months. One service provider expressed concern about emergency housing without gender-segregated spaces where “shared living spaces puts victims and perpetrators in the same space.”<sup>366</sup>

In the winter, temperatures plunge in Fort St. John and it is unsafe to sleep outdoors. Amnesty International heard accounts of some homeless individuals committing crimes so they will be imprisoned during the winter months, just to have a warm place to stay. “Bottom line,” a service provider told Amnesty International that for some women experiencing violence, “there’s no place for these women to go.”<sup>367</sup>

## ACCESS TO HEALTHCARE

A medical officer working for the regional health agency in Fort St. John told Amnesty International that, “you can’t find a family physician in this town.” Pointing out his office window to a line-up outside a walk-in clinic, he said, “this shows in the queues there.”<sup>368</sup>

Northeast BC has 86 physicians, 22 specialists, and 60 supplementary health practitioners per 100,000 people, well below to the provincial average of 110 physicians, 94 specialists, and 133 supplementary health practitioners per 100,000 people.<sup>369</sup> These figures do not take into account the many shadow workers who may have a permanent residence outside of BC but access health services in BC.

Fort St. John is the regional medical hub. People travel from as far away as Fort Nelson, a four-hour drive away, and from First Nations reserves hours from Fort St. John to seek health services. According to Northern Health, the regional health agency, in 2005 more than 10,000 resource sector workers were being

<sup>362</sup> Emails from Karla Marsh, Community Bridge, 13 and 20 September 2016.

<sup>363</sup> Email from Anita Lee, Fort St. John Friendship Society, 15 September 2016.

<sup>364</sup> Interview with Anita Lee and Maxine Mease, Fort St. John Friendship Society, Fort St. John, 19 November 2015.

<sup>365</sup> Interview with Captain Sheldon Feener, Salvation Army, Fort St. John, 28 September 2015.

<sup>366</sup> Interview with Amnesty International, Fort St. John, 2 May 2015.

<sup>367</sup> Interview with Amnesty International, Fort St. John, 2 May 2015.

<sup>368</sup> Interview with Dr. Charle Badenhorst, Fort St. John, 29 April 2015.

<sup>369</sup> Provincial Health Services Authority, *BC Community Health Profile: Fort St. John 2014*, p. 5.

referred to medical services in Fort St. John and Dawson Creek, a one-hour drive from Fort St. John.<sup>370</sup> BC Ministry of Health's Human Health Risk Assessment acknowledged that the demands created by temporary and transient workers contributes to the shortage of medical personnel and long wait times for health services in northeast BC.<sup>371</sup>

Fort St. John has a new hospital, yet because of a shortage of health professionals to staff it,<sup>372</sup> residents may still drive hours away to southern cities to access care. Few low-cost or free counselling services are available for both victims and perpetrators of violence. In addition to an increased demand for counselling for female violence survivors, Karla Marsh of Community Bridge told Amnesty International there is a lack of counselling services available for male perpetrators of violence. "Currently the government only funds programs for men who have been court ordered to attend," she said. "There is no opportunity for men who haven't been through the courts to access services—so no preventative services."<sup>373</sup>

The only addiction treatment facility in northeast BC is located in Dawson Creek.<sup>374</sup> A September 2016 CBC investigation into addiction treatment services in BC found that addiction treatment services are difficult to access throughout the province, and particularly in the north.<sup>375</sup> Northeast BC also lacks Indigenous-specific addictions treatment facilities, and some people reported driving eight hours south to seek culturally-specific addictions treatment and wellness support services.

## LAW ENFORCEMENT

Law enforcement in Fort St. John is provided by the national police service, the Royal Canadian Mounted Police (RCMP), through an arrangement with the provincial government. Major crime investigations are carried out through an RCMP center located a five-hour drive south in Prince George, BC, but day-to-day police activities are the responsibility of a number of detachments throughout the northeast.

Most First Nations reserves in northeast BC receive police services through detachments located in the nearest non-reserve community. Halfway River, Doig River and Blueberry River First Nations all receive police services from Fort St. John, which is at least one hour's drive away, depending on road conditions. Many individuals living on reserves in the northeast told Amnesty International that there is not enough police presence in their communities, and little confidence that police can arrive quickly when needed. This has created a sense of fear and insecurity on reserves.

The RCMP detachment in Fort St. John has the highest caseload per officer in the province.<sup>376</sup> The high caseload is one indication of the demands placed on police. However, because caseload is based on charges that result in prosecution it may not reflect the true scope of this demand. Police engage in many cases that do not result in charges. They are also called out to vehicle accident scenes. The northeast has the highest rates of vehicle injury and death in BC,<sup>377</sup> partly because narrow, twisty and often icy roads that are shared with extensive industrial traffic. Furthermore, as one police officer pointed out to Amnesty International, police in Fort St. John are increasingly called on to help individuals in non-criminal matters including mental health and relationship issues, because local social services are so overburdened.<sup>378</sup>

Many community members who spoke with Amnesty International felt that not enough officers have been assigned to the region to respond to the needs. The same planning issues that affect allocation of other resources in the northeast—including the difficulty calculating the true size of the local population and the fact that municipalities are providing services to so many individuals who pay taxes in different jurisdictions—also affects the allocation of police officers. The RCMP told Amnesty International that, by their calculations, there should be one more officer added to the current detachment of 34 officers in Fort St. John, but that the city has not agreed to budget for the addition.<sup>379</sup> Despite growth in the resource industry,

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<sup>370</sup> Northern Health, Population Health, p. 9.

<sup>371</sup> Fraser Basin Council, *Identifying Health Concerns relating to oil and gas development in northeastern BC: human health risk assessment - phase 1 report*, BC Ministry of Health, 30 March 2012, pp. 31-33.

<sup>372</sup> Fraser Basin Council, *Identifying Health Concerns relating to oil and gas development in northeastern BC: human health risk assessment - phase 1 compendium of submissions*, BC Ministry of Health, 30 March 2012, p. 48.

<sup>373</sup> Email from Karla Marsh, Community Bridge, 13 September 2016.

<sup>374</sup> Justin McElroy and Natalie Clancy, 'Are there enough beds for drug treatment in B.C.?' CBC, 11 September 2016.

<sup>375</sup> Justin McElroy and Natalie Clancy, 'Are there enough beds for drug treatment in B.C.?' CBC, 11 September 2016; and Yvette Brend and Manjula Dufresne, 'What we learned phoning every drug rehab facility in British Columbia,' CBC, 11 September 2016.

<sup>376</sup> Police Services Division, *Police Resources in British Columbia, 2014*, Ministry of Public Safety and Solicitor General, December 2015.

<sup>377</sup> Provincial Health Services Authority, *BC Community Health Profile: Fort St. John 2014*, p. 7.

<sup>378</sup> Interview with Royal Canadian Mounted Police, Ottawa, 16 December 2015.

<sup>379</sup> Interview with Royal Canadian Mounted Police, Ottawa, 16 December 2015.

and the associated shadow population, there has been no increase in officers assigned to Fort St. John since 2010 and no increase in officers to surrounding areas since 2005.<sup>380</sup> Municipal officials told Amnesty International that there should be at least two more officers assigned to the city, but the province should cover the cost since the demand is created by people who do not live in the city.<sup>381</sup>

The actual number of officers may be a less significant issue than the shortage of veteran officers with job experience, knowledge of the community and the trust of local people.<sup>382</sup> RCMP confirmed that many of the officers working in the northeast have only recently graduated from their police training. Conversations with law enforcement suggest at least a tacit understanding that police are sent to remote and northern communities as a learning opportunity and to “pay their dues.”<sup>383</sup> There is also a significant problem in retaining officers in communities that are relatively isolated, where there are difficulties accessing services, and where a high cost of living diminishes the value of their wages.<sup>384</sup>

RCMP told Amnesty International that they encourage officers specifically assigned to work with Indigenous communities to stay longer in their detachment to build relationships and knowledge of the community, but even then the RCMP does not expect them to stay more than two years. Amnesty International was not able to ascertain whether or not any officers have chosen to remain longer in the region.<sup>385</sup>

Under criticism for its past handling of cases of missing and murdered Indigenous women and girls, including its part in the long delayed response to the disappearance and murder of marginalized women from Vancouver’s downtown eastside neighbourhood, the RCMP has adopted a number of policies and approaches intended to improve coordination and oversight of its investigations of such cases. Amnesty International was told that all investigations involving Indigenous women and girls, and others known to be at particular risk of violence, are now automatically flagged for review by senior, experienced officers.

Although the RCMP is a national police service, its approach towards missing persons cases and major crimes varies considerably from province to province and within provinces, based on factors such as the



<sup>380</sup> Police Services Division, *Police Resources in British Columbia, 2013*, Ministry of Public Safety and Solicitor General, December 2014.

<sup>381</sup> Interview with Mayor Lori Ackerman, Fort St. John, 29 April 2015.

<sup>382</sup> Interviews with Royal Canadian Mounted Police, Ottawa, 22 September, 20 October, and 16 December 2015.

<sup>383</sup> Interviews with Royal Canadian Mounted Police, Ottawa, 22 September, 20 October, and 16 December 2015.

<sup>384</sup> Interviews with Royal Canadian Mounted Police, Ottawa, 22 September, 20 October, and 16 December 2015.

<sup>385</sup> Interviews with Royal Canadian Mounted Police, Ottawa, 22 September, 20 October, and 16 December 2015.

specific policing agreements with provincial and municipal governments and how their staff are organized.

In Alberta, the RCMP has established an outreach team called the KARE/Pro-Active Team within the missing persons unit, and working alongside their victim services unit, to reach out to groups and individuals at particular risk of violence, including youth in state care, and to build better relations with police. Although the RCMP promote KARE internationally as a best practice, the model has not been adopted by other RCMP divisions.

In 2005, the RCMP in BC established a special task force called E-PANA to coordinate investigation of a specific set of cases of missing and murdered women along Highway 16 crossing the center of the province, south of the Peace River Valley region. The task force has been subject to a series of staffing reductions as a result of provincial budget cuts. By 2015, staffing had been reduced from a peak of 70 officers to 12 in 2015.<sup>386</sup> A 2014 memo from the RCMP to the province's director of police services, later obtained by the press, said that these cuts would prevent the task force examining any additional cases, would affect relations with the families of the missing and murdered women, and would result in "loss of best practices."<sup>387</sup>

RCMP told Amnesty International that regardless of whether there is a task force or specialized unit such as KARE, the level of coordination now brought to cases of missing and murdered women ensures an equivalent standard of investigation. In Amnesty International's view, however, the lack of investigative capacity stationed in the northeast does have an effect on the engagement with the community and with the families of missing and murdered women. Throughout Amnesty International's research, family members repeatedly expressed frustration from lack of clear communication with the RCMP to the point of not even knowing what officers are responsible for the investigation or where in the province these officers might be stationed. The uncertainty created by poor communication is of particular concern when the suspected perpetrator remains in the community because police have not been able to amass sufficient evidence to lay charges.

Rene Gunning, a 19-year-old First Nations woman from Fort St. John, went missing in February 2005 after traveling south to the Alberta city of Edmonton. In May 2011, her remains were found roughly halfway between Edmonton and Fort St. John, near Grand Prairie, along with the body of another young First Nations woman, 16-year-old Krystle Ann Knott, who Rene had met in Edmonton.

Rene's father Jo Gunning said police in BC and Alberta initially did not take his concerns about his daughter's disappearance seriously. He said, "If I had white and Renee had been white, it would have been treated differently." However, Jo also said that police response improved significantly once KARE became involved and he now is generally positive about how the RCMP has handled the investigation and kept him informed. He added that he wished others families in the northeast who have lost sisters and daughters to violence could say the same.<sup>388</sup>

Demand for services in northeast BC has increased over the past decade at the same time as province-wide cost reductions have led to decreased service provision. The Ministry of Women's Equality, Women's Health Bureau and the Minister's Advisory Council on Women's Health were all eliminated in 2002, removing key bodies to analyze and respond to gender-based violence and to promote women's equality.<sup>389</sup> All core funding for women's centres was eliminated in 2004.<sup>390</sup> Half of the province's community-based victim services programs have been cut since 2004, in addition to "peer and crisis counselling, family court advocacy, support for abused kids, and free meals for women and children."<sup>391</sup> Social service cuts also included funding for childcare services.<sup>392</sup>

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<sup>386</sup> James Keller, 'RCMP warned budget cuts would hamper Highway of Tears probe,' Canadian Press, 4 February 2015.

<sup>387</sup> James Keller, 'RCMP warned budget cuts would hamper Highway of Tears probe,' Canadian Press, 4 February 2015.

<sup>388</sup> Interview with Jo Gunning, Fort St. John, 6 May 2015.

<sup>389</sup> Katherine R. Rossiter, *Domestic Violence Prevention and Reduction in British Columbia (2000-2010)*, Justice Institute of British Columbia, September 2011, p. 19.

<sup>390</sup> BC CEDAW Group, *Inaction and Non-compliance: British Columbia's approach to women's inequality*, September 2008, p. 20; and BC CEDAW Group, *Holding British Columbia Accountable: Women's Economic, Social and Cultural Rights; Submission to the Committee on Economic, Social and Cultural Rights on the occasion of its consideration of Canada's 6<sup>th</sup> Periodic Report at its 57 Session (22 Feb 2016-04 Mar 16)*.

<sup>391</sup> BC CEDAW Group, *Group Submission to the Human Rights Committee on the occasion of the consideration of the Sixth Periodic Report of Canada*, 5 June 2005; and Caledon Institute of Social Policy, *A New Era in British Columbia: A Profile of Budget Cuts across Social Programs*, July 2002, p. 7.

<sup>392</sup> BC CEDAW Group, *Inaction and Non-compliance: British Columbia's approach to women's inequality*, September 2008, p. 41; and BC CEDAW Group, *Holding British Columbia Accountable: Women's Economic, Social and Cultural Rights; Submission to the Committee on*

The BC Human Rights Commission was eliminated in 2002, making BC the only Canadian province without a commission. This means that there is no public body mandated to “prevent discrimination through education or to inquire into systemic issues.”<sup>393</sup> Cuts to the province’s legal aid program in 2002 have included elimination of the poverty law program, making legal services inaccessible to those who most need it, including violence survivors.<sup>394</sup> BC is also the only province without a poverty reduction plan.<sup>395</sup>

Dependence on large numbers of outside workers means there is a wide gap between the official census population for northeast BC and the actual number of people accessing social services. Under an innovative arrangement called the Peace River Agreement (formerly Fair Share), the province transfers more than C\$21 million (US\$16 million)<sup>396</sup> a year to the municipal budget of Fort St. John, as well as money to other municipalities in the region, to help “bridge the gap” between local tax revenue and the burden of hosting such a large portion of the province’s resource sector.<sup>397</sup> The amount of money transferred is politically negotiated and is not informed by a comprehensive assessment of actual community needs.<sup>398</sup>

**“Nobody is asking the communities ‘what do you really need.’”**

**– Anita Lee**

Corporations in the resource sector have made significant charitable contributions to support social services in Fort St. John such as the construction of a new hospital and recreation centre in Fort St. John. These donations, however, are based on corporate priorities rather than assessed community needs. Service providers pointed to a need for longer-term investments in the community guided by civil society

consultations, and for programming, not just for physical infrastructure. “The city should be taking a hard line with corporations to demand long-term investment in the community in things like education and capacity-building,” said Amanda Trotter of the Fort St. John Women’s Resource Society.<sup>399</sup>

Service providers indicated a need for long-term, core funding to support their work, funding that increases to keep pace with population growth. They also articulated a need for a flexible approach to funding, which allows projects to be tailored to the local context; service providers need to be able to modify and re-orient services rapidly. In 2016, for example, service providers faced increased demand for services because of a downturn in the resource economy. More women fleeing violence required services, and more unemployed men also needed services. However, because service providers had project-specific, and/or short-term funding, they were not able to easily expand or shift their programming to meet emerging needs. Resource-based economies are vulnerable to rapid economic changes, and as such, require flexible funding models so that programming can shift and keep pace with the economy and accompanying impacts on communities “Our community doesn’t fit in with the way government is organized,” said Anita Lee of the Fort St. John Friendship Society. “It’s like fitting a square peg into a round hole. Nobody is asking the communities ‘what do you really need?’” Another service provider said, “The problem is that we’re out of sight, out of mind.”<sup>400</sup>

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*Economic, Social and Cultural Rights on the occasion of its consideration of Canada’s 6<sup>th</sup> Periodic Report at its 57 Session (22 Feb 2016-04 Mar 16).*

<sup>393</sup> BC CEDAW Group, *Women’s Rights in British Columbia: Submission to the Committee on the Elimination of Discrimination against Women on the occasion of its consideration of Canada’s combined eighth and ninth periodic reports at its sixty-fifth session (24 October – 18 November 2016)*, October 2016.

<sup>394</sup> Ian Mulgrew, ‘B.C. legal aid system fails to meet basic needs, report says,’ *The Vancouver Sun*, 10 July 2014.

<sup>395</sup> Igljka Ivanova, ‘11 Things You need to know about BC Budget 2015,’ Policy Note, 17 February 2015; and BC CEDAW Group, *Holding British Columbia Accountable: Women’s Economic, Social and Cultural Rights; Submission to the Committee on Economic, Social and Cultural Rights on the occasion of its consideration of Canada’s 6<sup>th</sup> Periodic Report at its 57 Session (22 Feb 2016-04 Mar 16)*, p. 31.

<sup>396</sup> Currency conversion from Oanda, [www.oanda.com](http://www.oanda.com)

<sup>397</sup> Sean Markey and Karen Heisler, ‘Getting a Fair Share: Regional Development in a Rapid Boom-Bust Rural Setting,’ in *Canadian Journal of Regional Science*, 33:3, March 2010, pp. 49-62.

<sup>398</sup> City of Fort St. John, ‘Peace River Agreement (formerly Fair Share),’ [www.fortstjohn.ca/fair-share](http://www.fortstjohn.ca/fair-share)

<sup>399</sup> Interview with Amanda Trotter, Fort St. John Women’s Resource Society, Fort St. John, 2 May 2015.

<sup>400</sup> Interview with Anita Lee, Fort St. John Friendship Society, Fort St. John, 1 May 2015.



# 7. FATALLY FLAWED DECISION-MAKING PROCESSES

**“Their definition of consultation and ours are completely different.”**

Chief Roland Willson, West Moberly First Nations

Under Canada’s constitutional division of powers, provincial governments like BC have jurisdiction over resource development, while the federal government has jurisdiction over a variety of related inter-provincial concerns such as fisheries, waterways, and endangered species. As a result, both levels of government may be involved in the assessment of proposed resource development projects and a variety of permits and approvals may be needed from both levels of governments before a project can proceed. In contrast, local governments, such as municipalities and regional district councils, have a limited formal role in the process and may have little capacity to influence decisions made at other levels of government.<sup>401</sup>

Treaties negotiated between Indigenous peoples and the Canadian state in recent decades, such as the 1999 agreement negotiated between Canada, BC and the Nisga’a people, define the jurisdictions of Indigenous governments in land use decisions within their traditional territories and set out processes for Indigenous and non-Indigenous governments to collaborate when their respective jurisdictions overlap or intersect. Such provisions enable Indigenous peoples to exercise rights of self-government protected under the Canadian Constitution and international human rights law.<sup>402</sup>

**“Does this development mean that I will no longer be able to exercise my treaty rights in this area? What are you going to do about that? There’s never any answer.”**

– Norma Pyle

There are no such provisions in Treaty 8 and other treaties negotiated in the 1800s and early 1900s. Furthermore, the rights of Indigenous peoples set out in these historic treaties have never been incorporated into federal and provincial laws and regulations for resource development. Indigenous community members say that, in practice, the historic treaties are simply ignored in most resource development decisions.

Norma Pyle, the Blueberry River First Nations land manager, said every time a new project is proposed, she asks government and industry, “Does this development mean that I will no longer be able to exercise my treaty rights in this area? What are you going to do about that?” Norma said, “There’s never any answer.”<sup>403</sup>

<sup>401</sup> The CSE Group, *North Peace Socio-Economic and Cultural Impact and Gap Analysis Study*, North Peace Economic Development Commission, 1 November 2010, pp. 29, 43; and Greg Halseth, et al., ‘British Columbia’ in S. Markey et al eds., *Canadian Rural Revitalization Foundation, State of Rural Canada*, 2015.

<sup>402</sup> Nisga’a Final Agreement, April 1999, available at [www.nnkn.ca/files/u28/nis-eng.pdf](http://www.nnkn.ca/files/u28/nis-eng.pdf)

<sup>403</sup> Interview with Norma Pyle, Blueberry River First Nations, 29 September 2015.

## 7.1 CONSULTATION AND CONSENT

Canada has yet to incorporate Indigenous peoples' right of free, prior and informed consent into national legislation, nor have any provincial or territorial governments.<sup>404</sup> Over the last two decades, a series of court decisions have clearly affirmed a mandatory responsibility to consult in good faith with Indigenous peoples prior to making any decisions that could affect their rights, including rights that are still subject to unresolved negotiations or litigation.<sup>405</sup> Canadian courts have said that the purpose of such consultation is to “substantially address”<sup>406</sup> the concerns of Indigenous peoples, which must be “seriously considered and, wherever possible, demonstrably integrated into the proposed plan of action.”<sup>407</sup> In parallel to international human rights standards, the Supreme Court of Canada has also said that decisions on serious matters may require the additional step of first obtaining the “full consent” of Indigenous peoples.<sup>408</sup>

The large number of Canadian court decisions dealing with consultation reflects the frequency with which Indigenous peoples have had to seek enforcement of this state obligation. While it is now unlikely that a project would receive government approval without indication of some effort to consult with Indigenous peoples, the federal and provincial governments have interpreted the standard of consultation required much more narrowly than the court decisions set out above, and far below the standard recognized in international law.

For example, in March 2011 the federal government released updated consultation guidelines for government departments and agencies that defined the highest obligation of government as “possible accommodation” even in cases of “irreversible impact” on an “established” right.<sup>409</sup> The guidelines make no reference to there ever being a need to obtain consent, although potential for such a requirement had been acknowledged in the previous interim version of these guidelines.<sup>410</sup> BC provincial guidelines take a similarly narrow view of the duty of consultation. Although stating that “proven rights, including treaty rights” must be ensured “appropriate priority,”<sup>411</sup> the possible accommodations suggested for “an obvious infringement of proven rights,” such as considering possible compensation, again fall short of the requirement of consent found in Canadian and international law.<sup>412</sup>

**“They had already made their decision and then they came to talk to us and told us what their decision was.”**

– Chief Roland Willson

“We’re caught between a rock and a hard place,” said Caleb Behn, First Nations (Eh-Cho Dene and Dane-Zaa) activist from northeast BC who is Executive Director of a group called Keepers of the Water. “The crown says we’ve consulted you, but consultation in a systemically disadvantaging process that has no space for you to say no, is inevitably going to favour the colonizer.”<sup>413</sup>

The provincial government has defended its decision to approve the Site C dam over the objections of Indigenous peoples by pointing to a lengthy record of consultation that the province claims “has been deep and meaningful.”<sup>414</sup> However, there is no indication on the public record that the province ever considered the possibility that Indigenous peoples were within their rights to say no to the dam. Nor is there any indication that the province ever gave serious consideration to alternative uses of the valley favoured by Indigenous peoples’ such as the possibility, recommended by the environmental impact assessment, that

<sup>404</sup> See section on the *UN Declaration*.

<sup>405</sup> Cases include *Delgamuukw v. British Columbia* (Index: 3 S.C.R. 1010), 11 December 1997; *Halfway River First Nation v. British Columbia (Ministry of Forests)* (Index: BCCA 470), 12 August 1999; *Haida Nation v. British Columbia (Minister of Forests)* (Index: 3 SCR 511), 18 November 2004; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)* (Index: 2004 SCC 74), 18 November 2004; and *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* (Index: 2005 SCC 69), 24 November 2005.

<sup>406</sup> *Delgamuukw v. British Columbia* (Index: 3 SCR 1010), 11 December 1997, para. 168.

<sup>407</sup> *Halfway River First Nation v. British Columbia (Ministry of Forests)* (Index: 1999 BCCA 470), 12 August 1999, para. 160.

<sup>408</sup> *Delgamuukw v. British Columbia* (Index: 3 SCR 1010), 11 December 1997, para. 168. The subsequent *Haida Nation* decision affirmed the spectrum of possible state responsibilities as set out in *Delgamuukw*, including a potential requirement to obtain consent, applies “as much to unresolved claims as to intrusions on settled claims.” *Haida Nation v. British Columbia (Minister of Forests)* (Index: 2004 SCC 73), 18 November 2004, paras. 24, 30, 40.

<sup>409</sup> Aboriginal Affairs and Northern Development Canada, *Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult - March 2011*, p. 5.

<sup>410</sup> Aboriginal Affairs and Northern Development Canada, *Aboriginal Consultation and Accommodation Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*, February 2008.

<sup>411</sup> Government of BC, *Updated Procedures For Meeting Legal Obligations When Consulting First Nations – Interim*, 7 May 2010, p. 6.

<sup>412</sup> Government of BC, *Updated Procedures For Meeting Legal Obligations When Consulting First Nations – Interim*, 7 May 2010, pp. 11-12.

<sup>413</sup> Interview with Caleb Behn, Peace River Valley, 7 October 2016.

<sup>414</sup> Letter to Salil Shetty, Secretary-General, Amnesty International, from the Honourable Bill Bennett, BC Minister of Energy and Mines, 5 March 2016.

the province and First Nations work together to establish a protected area in the valley where Indigenous land use such as hunting would have precedence.

The fact that this did not happen is all the more striking given a previous BC court case involving the West Moberly First Nations and the duty to consult. In a case concerning a proposed mine in the midst of important caribou habitat, a BC court ruled that consultation had not been “sufficiently meaningful, and the accommodation put in place was not reasonable” because “the full range of possible outcomes” was never considered.<sup>415</sup> In particular, the court said that West Moberly’s own plans to protect the area for caribou conservation should have been considered as part of a meaningful consultation process.

“Their definition of consultation and ours are completely different,” said Chief Willson. In a published interview about the Site C dam, the West Moberly First Nations chief stated, “We believe consultation is a dialogue, where they listen and we listen. They take into consideration, and make accommodations, for our rights. What happened in this process is...they had already made their decision and then they came to talk to us and told us what their decision was. We asked them to amend it and they said ‘No.’ Then they went on to go forward with their decision.”<sup>416</sup>

## 7.2 ENVIRONMENTAL IMPACT ASSESSMENTS AND HUMAN RIGHTS

Governments have explicitly described environmental assessments as a central part of how they acknowledge and uphold Indigenous rights.<sup>417</sup> However, Indigenous peoples are routinely denied any meaningful role in determining how assessments are carried out. Furthermore, environmental assessments in Canada have had a mixed record when it comes to incorporating Indigenous perspectives and other human rights concerns into their findings.

Reviews carried out under the *Canadian Environmental Assessment Act, 2012* are mandated to consider potential impacts on Indigenous peoples’ “health and socio-economic conditions,” their “physical and cultural heritage,” “the current use of lands and resources for traditional purposes,” and impacts on “any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.”<sup>418</sup> Review panels are required to work in cooperation with Indigenous peoples<sup>419</sup> and take into consideration their traditional knowledge systems.<sup>420</sup> The corresponding BC provincial legislation makes no reference to Indigenous peoples but more broadly covers any “adverse environmental, economic, social, heritage or health effects.”<sup>421</sup>

Neither law includes any explicit reference to Indigenous treaties, the Constitutional protection of Indigenous rights, or other human rights requirements. There is no acknowledgement that the social and cultural “effects” being examined involve government obligations under treaties and domestic and international human rights law. Nor is there any guidance on how to determine the seriousness of these “effects” or the appropriateness or adequacy of proposed mitigation.

In Amnesty International’s view, the lack of explicit reference to human rights in federal and provincial environmental assessment acts does not negate the obligation to interpret and apply the acts in a way that human rights impacts are identified and addressed and Canada’s human rights obligations are upheld.<sup>422</sup> There are in fact examples where environmental assessments under current legislation have explicitly

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<sup>415</sup> *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)* (Index: 2010 BCSC 359), 19 March 2010. The decision was upheld on appeal (Index: 2011 BCCA 247) and in 2012 the Supreme Court denied the province and First Coal Corporation leave to further appeal the decision (Index: 2012 SCC 8361).

<sup>415</sup> Roy L. Hales, ‘The Treaty Canada Wants to Forget,’ The ECOreport, 14 March 2016.

<sup>416</sup> Roy L. Hales, ‘The Treaty Canada Wants to Forget,’ The ECOreport, 14 March 2016.

<sup>417</sup> Aboriginal Affairs and Northern Development Canada, *Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult - March 2011*.

<sup>418</sup> Canadian Environmental Assessment Act, 2012 (Index: SC 2012, c19, s52), section 5(1)(c).

<sup>419</sup> Canadian Environmental Assessment Act, 2012 (Index: SC 2012, c19, s52), section 4(1)(c).

<sup>420</sup> Canadian Environmental Assessment Act, 2012 (Index: SC 2012, c19, s52), section 19(3).

<sup>421</sup> Government of BC, *Environmental Assessment Act* (Index: SBC 2002), updated 13 February 2006.

<sup>422</sup> Amnesty International, *Submission to the Environmental Assessment of the Proposed New Prosperity Gold-Copper Mine*, 15 July 2013.

addressed gender impacts<sup>423</sup> or the implications of international human rights standards such as free, prior and informed consent.<sup>424</sup> Such examples, however, remain exceptions.

For the last decade, there has been a clear trend for governments in Canada to push for narrower, less inclusive review processes. One particularly egregious example is the agreement between the federal and provincial governments which provided terms of reference for the review panel that conducted the environment assessment of the Site C dam with specific directions not to “make any conclusions or recommendations” concerning:

- a) the nature and scope of asserted Aboriginal rights or the strength of those asserted rights;
- b) the scope of the Crown’s duty to consult Aboriginal Groups;
- c) whether the Crown has met its duty to consult Aboriginal Groups and, where appropriate, accommodate their interests in respect of the potential adverse effects of the Project on asserted or established Aboriginal rights or treaty rights;
- d) whether the Project is an infringement of Treaty No. 8; and
- e) any matter of treaty interpretation.<sup>425</sup>

The failure to consider potential treaty infringement is the subject of a judicial review before the Canadian Federal Court of Appeal at time of publication.<sup>426</sup>

Environmental assessments carried out under federal jurisdiction can only make recommendations, not decisions. The final decision is in the hands of government. Matters not considered in the public environmental assessment process can, potentially, be addressed in a separate engagement between the government and Indigenous peoples or other affected groups, parallel to the environmental assessment or afterward. In practice, this rarely happens.

Cabinet decisions, made by the executive level of the federal government, are also cloaked in secrecy. The final decision to approve or reject a project may give little or no indication of the factors that were considered or the weight that they were given. In the case of the Site C dam, for example, the federal decision approving the dam does not refer to treaty rights.<sup>427</sup> It simply asserts that “the concerns and interests of Aboriginal groups have been reasonably balanced with other societal interests including social, economic, policy and the broader public interest” and that “the significant adverse environmental effects” that the project is likely to cause “are justified in the circumstances.”<sup>428</sup> No explanation is provided of how the government determined that the project was justified and in “the broader public interest” or “the concerns and interests” of Indigenous peoples had been appropriately balanced against that broader interest.

## 7.3 GENDER-BASED ANALYSIS

There is also no acknowledgement in Canadian and BC environmental assessment laws that environmental and social impacts of resource development projects may be experienced differently by people of different genders. Incorporating a gender-based analysis is an essential tool for identifying potential risks and harms that may otherwise be overlooked.<sup>429</sup> Where Indigenous peoples have carried out their own gender-based analysis of projects proposed in their territories, the result has often been to highlight critical issues that might otherwise have been overlooked. For example, a study for the Nak’azdli First Nation in central BC found that loss of access to wild foods could have potentially greater impact on female-headed households than on male-headed households because they were more likely to hunt or fish and were much more likely to eat traditional foods.<sup>430</sup> It is extremely rare, however, for environmental impact assessments in Canada to

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<sup>423</sup> Joint Environmental Assessment Panel, *Voisey’s Bay Mine and Mill Environmental Assessment Panel Report*, March 1999, available at [www.ceaa-acee.gc.ca/default.asp?lang=En&n=0a571a1a-1&xml=0a571a1a-84cd-496b-969e-7cf9cbea16ae&offset=2&toc=show](http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=0a571a1a-1&xml=0a571a1a-84cd-496b-969e-7cf9cbea16ae&offset=2&toc=show)

<sup>424</sup> Canadian Environmental Assessment Agency, *Report of the Federal Review Panel: New Prosperity Gold Copper Mine Project*, 31 October 2013, pp. 205, 210-213.

<sup>425</sup> Canadian Environmental Assessment Agency, *AGREEMENT To Conduct a Cooperative Environmental Assessment, Including the Establishment of a Joint Review Panel, of the Site C Clean Energy Project Between The Minister of the Environment, Canada and The Minister of Environment, British Columbia*, 11 March 2004, p. 15, available at [www.ceaa.gc.ca/050/documents/54272/54272E.pdf](http://www.ceaa.gc.ca/050/documents/54272/54272E.pdf)

<sup>426</sup> *Prophet River First Nation v. Canada (Attorney General)* (Index: 2016 FCA 120), 2016.

<sup>427</sup> Government of Canada, *Order In Council 2014-1105*, 10 November 2014.

<sup>428</sup> Government of Canada, *Order In Council 2014-1105*, 10 November 2014.

<sup>429</sup> UN, *Beijing Declaration and Platform for Action: The Fourth World Conference on Women*, September 1995; and Status of Women Canada, ‘Gender-Based Analysis Plus,’ [www.swc-cfc.gc.ca/gba-acis/index-en.html](http://www.swc-cfc.gc.ca/gba-acis/index-en.html)

<sup>430</sup> Quintessential Research Group Inc., *Socio-Economic Impact Assessment of Spectra Energy’s Westcoast Connector Gas Transmission Project on Nak’azdli Band and Community Members*, prepared for the Nak’azdli Band, 28 October 2014, p. 34.

incorporate such an analysis.<sup>431</sup> Amnesty International is aware of only one assessment which has done so.<sup>432</sup>

In 2014, the government of BC adopted a “Socio-Economic Effects Management Plan” framework to inform the environmental assessment process. While the framework does call on industry to outline anticipated project impacts and mitigation strategies covering areas such as infrastructure and services (including healthcare and protection services), it stops short of requiring a gender-based analysis.<sup>433</sup>

**Gender analysis “is necessary to ensure that the proposed initiatives do not contain inequalities or unintended impacts; that government initiatives are responsive to and inclusive of diverse Canadians; and that barriers to the full participation of diverse groups of women and men are identified and addressed or mitigated.”**

**– Auditor General of Canada**

The environmental assessment of the Site C dam is one example of how, even with the additional attention to social and economic impacts called for in BC, the review process fails to consider specific gendered impacts. The assessment noted that jobs created by the project would draw more workers to the region and make accommodation even harder to find and more expensive.<sup>434</sup> However, the review failed to consider whether increased housing insecurity might affect women differently than men, and whether some groups of women—for example, Indigenous women—face a heightened risk of experiencing housing insecurity and homelessness. In contrast, the Peace Project identified insecure housing as a critical risk factor for violence against women, with local service providers identifying affordable housing as the top need for those women and girls most at risk of violence.<sup>435</sup>

In 1995, the federal government committed to conduct a gender-based analysis “on all future legislation, policies and programs.”<sup>436</sup> Despite the official government-wide commitment to conducting gender-based analysis, the Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals includes no mention of gender or gender-based analysis.<sup>437</sup> In 2009, the Auditor General of Canada found that the federal government’s commitment to gender-based analysis was unevenly implemented across government departments and had little influence on the policy-making process.<sup>438</sup> Although the government developed a new action plan to implement gender-based analysis after the Auditor General’s report,<sup>439</sup> in 2015 the Auditor General again reported on the failure to fully implement a gender-based analysis across government, noting that such analysis is still not mandatory. The report stated, “This is important because when gender-based analysis is missing or incomplete, gender-specific impacts might not be fully factored into government decisions about policy, legislative, and program initiatives.”<sup>440</sup>

The World Bank, which receives Canadian financial support, has stated that failure to consider impacts on women and girls can contribute to and exacerbate a number of risks including “lack of voice and representation in the formal decision making process,” “risk in violence and sexual abuse as a result of domestic disputes, alcoholism, drug use, or gambling,” “rise in prostitution and HIV/AIDS and other STDs,” “poor working conditions and incidences of sexual abuse for women in the project workforce,” and “loss of safety and security due to influx of construction workers.”<sup>441</sup> These concerns mirror the gendered impacts experienced by Indigenous women and girls that Amnesty International observed in northeast BC.

The failure to conduct gender-based analysis prior to the approval of projects in Canada stands in contrast to Canadian practices on international development assistance. The federal government provides assistance to

<sup>431</sup> Barbara Clow, et al., *Gender-based analysis meets environmental assessment: Aligning policy mechanisms to address the resource development in Canada’s North*, Canadian Research Institute for the Advancement of Women, October 2016.

<sup>432</sup> Linda Archibald and Mary Crnkovich, *If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey’s Bay Nickel Project*, November 1999.

<sup>433</sup> Ministry of Community, Sport and Cultural Development, *Socio-economic Effects Management Plan (SEEMP) Development, Approval and Implementation Framework*, 23 October 2014.

<sup>434</sup> Review Panel Established by the Federal Minister of the Environment and the BC Minister of the Environment, *Report of the Joint Review Panel – Site C Clean Energy Project*, 1 May 2014, p. 188.

<sup>435</sup> Clarice Eckford, *Peace Project*, pp.17-18.

<sup>436</sup> Status of Women Canada, *Setting the Stage for the Next Century: The Federal Plan for Gender Equality*, August 1995.

<sup>437</sup> Canadian Environmental Assessment Agency, *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, 2010.

<sup>438</sup> Auditor General of Canada, *Spring 2009 Report of the Auditor General of Canada to the House of Commons, Office of the Auditor General of Canada*, 2009, Chapter 1.

<sup>439</sup> Status of Women Canada, ‘Departmental Plan on Gender-based Analysis,’ [www.swc-cfc.gc.ca/gba-acs/ap-pa-en.html](http://www.swc-cfc.gc.ca/gba-acs/ap-pa-en.html)

<sup>440</sup> Auditor General of Canada, *Report 1: Implementing Gender-Based Analysis*, Office of the Auditor General of Canada, Fall 2015.

<sup>441</sup> World Bank, *Gender in Extractive Industries*, 21 November 2013.

resource development projects in other countries, either directly through Canada's overseas development assistance commitments, or indirectly through multilateral lending agencies like the World Bank. Global Affairs Canada, which is responsible for administering Canada's overseas development assistance, states that "Canada has been a world leader in integrating gender equality analysis into its international development programs... Gender equality results are systematically and explicitly integrated across all international development programs."<sup>442</sup>

In response to the latest report by the Auditor General, in 2016 the government announced a five-year action plan which "renewed its commitment to GBA, including by mandating the Minister of Status of Women to, as an overarching goal, ensure government policy, legislation, and regulations are sensitive to the different impacts that decisions can have on men and women."<sup>443</sup> The action plan does not include any specific commitment around environmental assessment and project approval.

## 7.4 DAILY DECISION-MAKING ON ENERGY DEVELOPMENT IN NORTHEAST BC

The scale of resource development in northeast BC means that every month hundreds of decisions are made that affect the traditional territories of Indigenous peoples. These decisions may vary in scale and impact from an inactive oil rig coming back into operation to the construction of a new pipeline or designation of a new area for oil and gas development. Very few are subject to a public environmental assessment. Decisions continue to be made on a project-by-project basis without a comprehensive plan for development of the region and how Indigenous rights and other human rights will be protected within it.

**"Government and industry talk about certainty. Where is our certainty?"**

– Chief Marvin Yahey

The BC Oil and Gas Commission oversees all consultation with Treaty 8 First Nations on oil and gas operations in the territory. For the vast majority of decisions, the Commission's process, subject to small variations negotiated with individual First Nations, is to give the First Nations opportunity to provide a written response which the Commission then assesses and

may choose to accommodate.<sup>444</sup> The time allowed for community response is determined by the Commission based on its own assessment of the decision's potential impact, although First Nations can request additional time. Even then, a community's response may have no impact on the final outcome of the decision-making process.

Staff working for Treaty 8 First Nations showed Amnesty International large filing cabinets full of notifications for development activities on their territories. Many expressed frustration that they do not have the time or capacity to give the notifications the careful review that many require. They also commented that understanding the significance of any particular notification might require a diverse range of expertise from the traditional knowledge of an elder to advice of technical experts such as hydrologists.<sup>445</sup>

It is increasingly common for resource development companies in Canada to go beyond the minimal consultation required by government and instead try to reach a formal agreement with affected Indigenous communities. In 2012, a federal government publication listed 182 such impact benefit or participation agreements in the mining sector alone.<sup>446</sup> These agreements may include a variety of benefits to Indigenous communities, including commitments to hire workers and contractors, protection of culturally significant sites, or some form of financial compensation.

First Nations in northeast BC have been innovative in how they have used impact benefit agreements to adapt to and attempt to benefit from the industrialization of their traditional territories. The West Moberly First Nations, for example, developed a greenhouse program to cultivate native plants and has entered into agreements with resource companies to use these plants, instead of using invasive foreign species, in their

<sup>442</sup> Global Affairs Canada, 'Gender Equality,' [www.international.gc.ca/development-developpement/priorities-priorites/ges/index.aspx?lang=eng](http://www.international.gc.ca/development-developpement/priorities-priorites/ges/index.aspx?lang=eng)

<sup>443</sup> Status of Women Canada, *Status of Women Canada, Privy Council Office and Treasury Board of Canada Secretariat Action Plan (2016-2020): Audit of Gender-based Analysis: Fall 2015 Report of the Auditor General of Canada*.

<sup>444</sup> BC Oil and Gas Commission, *Interim Consultation Procedure with Treaty 8 First Nations*, 14 January 2016.

<sup>445</sup> Interview with band staff, Prophet River First Nation, 28 April 2015; and Blueberry River First Nations, 17 November 2015.

<sup>446</sup> Natural Resources Canada, *Agreements Between Mining Companies and Aboriginal Communities or Governments*, February 2012.



restoration activities. In this way, the nation has been able to reduce the negative impact of industrial activities while creating jobs in their community that are consistent with their values.

The BC government has actively promoted such agreements, in many instances working with First Nations to establish broad, sector-wide frameworks under which specific agreements can be more quickly negotiated. However, the government does not require such agreements as a condition for licensing resource development. For corporations, formal agreements with Indigenous communities help manage risks of a project being delayed or the corporation's reputation being harmed by local opposition.<sup>447</sup> However, a company can still obtain approval even after refusing to meet a community's terms or if the community has rejected the project entirely. For Indigenous governments, this means that if they do not agree to the benefits offered by the company, they risk the project proceeding without any benefits flowing to their communities. "Government and industry talk about certainty," said Chief Yahey from Blueberry River First Nations. "Where is our certainty?"<sup>448</sup>

Indigenous governments enter negotiations under considerable duress. The fact that they negotiate and conclude agreements does not necessarily constitute consent to the project involved. The longstanding failure of the federal government to close the gap in basic standard of living and access to government services in Indigenous communities means the benefits being offered from a company may represent one of the few opportunities to meet their community's most urgent basic needs.<sup>449</sup> The absence of Indigenous consent requirements in Canadian laws and regulatory frameworks further compounds the power imbalances that exist in such negotiations

## 7.5 CUMULATIVE IMPACTS

There has never been a comprehensive study of the long-term cumulative impacts of resource development in the northeast. For those projects that are subject to public environmental assessment, Canadian legislation calls for cumulative impacts to be considered. However, the review is limited to the area affected by that project, rather than the entire traditional territories of the affected First Nations or the regions as a whole. Time limits placed on such reviews for the benefit of project proponents also limit the capacity of the reviews to address the scale and complexity of development that has taken place in the northeast. The report of the environmental assessment of the Site C dam called for "a comprehensive land use planning vision"<sup>450</sup> including a baseline study and other tools for "evaluating the effects of multiple projects in a rapidly developing region."<sup>451</sup> This has not happened.

**"It is clear to the Panel that there is the need for a comprehensive land use planning vision to prevent further unnecessary cumulative effects."**

**– Site C Joint Review Panel**

Furthermore, information put before such reviews typically starts with current conditions and then projects future impacts to these conditions, not taking into account whether current conditions are just or desirable.<sup>452</sup> This is of particular significance with respect to the rights of Indigenous peoples.<sup>453</sup> Current patterns of Indigenous land use are shaped by wrongful appropriations of their lands and attacks on their cultures that have yet to be set right. A decision-making process that fails to consider the potential of

ecological and cultural restoration, and whether the proposed project makes such restoration harder or even impossible, potentially precludes future possibilities of justice.

<sup>447</sup> Michael Hitch and Courtney Riley Fidler, 'Impact and Benefit Agreements: A Contentious Issue for Environmental and Aboriginal Justice,' in *Environments Journal*, 35:2, 2007, pp. 45-69, 58.

<sup>448</sup> Interview with Chief Marvin Yahey, Blueberry River First Nations, 17 November 2015.

<sup>449</sup> Gordon Shanks and Sandra Lopes, *Sharing in the Benefits of Resource Developments: A Study of First Nations-Industry Impact Benefits Agreement*, Public Policy Forum, March 2006, p. 11.

<sup>450</sup> Joint Review Panel, Site C, p. 122.

<sup>451</sup> Joint Review Panel, Site C, p. 261.

<sup>452</sup> Statement of Concerned Scholars, *Briefing Note 1: First Nations and Site C*, May 2016, available at [sitecstatement.org](http://sitecstatement.org)

<sup>453</sup> Treaty 8 Tribal Association, *Letter from Tribal Chief Liz Logan to Analise Saely, Canadian Environmental Assessment Agency and Brian Murphy, British Columbia Environmental Assessment Office*, 11 June 2012.

# 8. 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"<sup>454</sup> 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 services<sup>455</sup> 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.<sup>456</sup>

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.

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<sup>454</sup> Prime Minister Justin Trudeau, Speech to the Assembly of First Nations Special Chiefs Assembly, 10 December 2015.

<sup>455</sup> 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.

<sup>456</sup> Office of the Prime Minister, Minister of Indigenous and Northern Affairs, Mandate Letter, 13 November 2015.

# 9. 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.
- Reinstatement of 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 BRITISH COLUMBIA**

- 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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# OUT OF SIGHT, OUT OF MIND

## 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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