

Committee on the Elimination of Discrimination against Women

Day of General Discussion on the Rights of Indigenous Women and Girls

**During its 79th Session
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**Submitted by: Justice for Girls & Just Planet
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Justice for Girls

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



Just Planet

Just Planet is an international NGO, headquartered in Geneva, with a broad range of expertise, on the ground experience, and a global network of human rights experts and activists. Just Planet advances human rights, recognizing the indivisibility of all human rights across past, present, and future generations, as well as the interdependence of humanity and the planet. By identifying contemporary and emerging human rights challenges and responding to human rights violations, Just Planet promotes and defends human rights worldwide. Our work is guided by international human rights law, international criminal law, and international humanitarian law. On 20 May 2021, the UN NGO Committee recommended Just Planet to be granted consultative status to the UN Economic and Social Council.

RIGHTS OF INDIGENOUS GIRL CHILDREN

1. In drafting a General Recommendation (GR) on the rights of indigenous women and girls, we urge the Committee to give special consideration to the situation and fundamental rights of the indigenous girl-child by identifying States' obligations to prevent and respond to persistent inequality, discrimination and violence that characterizes their lived realities across the globe. We hope the GR will provide States Parties with special guidance on how to implement obligations under the Convention to respect, protect and fulfill the rights of indigenous girls.
2. As children, indigenous girls face vulnerabilities associated with not only their indigeneity and gender, but also their age. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), together with the Convention on the Rights of the Child (CRC) and the Declaration on the Rights of indigenous Peoples (UNDRIP), constitute an essential legal framework to promote and protect the fundamental rights of indigenous girls. International norms that specifically recognize the rights of the girl-child provide the backdrop to the Committee's interpretation of these rights.
3. The Platform for Action on the Girl Child, arising from the United Nations Fourth World Conference on Women articulates numerous strategic objectives to eliminate violence and discrimination in the lives of girls worldwide and remains the normative framework for the international human rights of the girl-child.¹ Among girl-children, indigenous girls face disproportionate violence, poverty and discrimination worldwide.²

¹ The United Nations Beijing Declaration and Platform for Action, accessed online:
<http://www.un.org/womenwatch/daw/beijing/platform/girl.htm>.

² United Nations Inter-Agency Support Group (IASG) on Indigenous Issues, "Thematic Paper on the Elimination and Responses to Violence, Exploitation and Abuse of Indigenous Girls, Adolescents and Young Women" (June 2014). Available at:
https://www.un.org/en/ga/69/meetings/indigenous/pdf/IASG%20Thematic%20Paper_%20Violence%20against%20Girls%20and%20Women%20-%20rev1.pdf

4. We urge the Committee to emphasize these norms in the draft GR. These norms require the Committee to go beyond simply tacking “and girls” onto an adult women’s human rights framework, instead enunciating girls rights with the accuracy and specificity of girls’ experiences and vulnerabilities.³
5. The UNDRIP is the most comprehensive international instrument on the rights of indigenous people. It asserts, “that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples.”⁴
6. Articles 21 and 22 of the Declaration emphasize non-discrimination and the need for particular attention to the rights and special needs of indigenous women and children, including the necessity of special measures that ensure full protection and guarantees against all forms of violence and discrimination.
7. A specific formulation of the rights of indigenous girl children is critically important to building a comprehensive GR on the rights of indigenous women and girls. Without this specificity, the GR will fail to ensure that indigenous girls’ rights are meaningfully and accurately captured in the interpretive framework of rights under the Convention.

LEGAL FRAMEWORK

8. While the CEDAW Committee has done much work to advance the rights of girls in concluding observations and recommendations, the Convention does not explicitly reference the rights of girl children and therefore it is critical that the Committee provide a strong interpretive framework for these rights in the proposed GR.

³ Nura Taefi, “The Synthesis of Age and Gender: Intersectionality, International Human Rights Law and The Marginalisation of The Girl-Child.” In *Children’s Rights: Progress and Perspectives: Essays from the International Journal of Children’s Rights*, ed. Michael Freeman. (Leiden: Brill, 2011), 118-155.

⁴ A/RES/61/295.

9. Intersectionality is a basic framework for interpreting the scope of the general obligations of States Parties contained in article 2, which includes, *inter alia*, non-discrimination on the basis of both age and race.⁵ Further, the Convention is part of a comprehensive international human rights framework that integrates norms and standards set out by the Committee on the Rights of the Child and other international norms such as UNDRIP and the rights of the girl-child framework.
10. The Committee, in General Recommendation No. 38, emphasizes the specific vulnerability of girls as distinct from adult women, highlighting “the additional vulnerability of girls due to the intersecting characteristics of sex and age” and the need for “enhanced substantive and procedural protections under international law” in relation to human trafficking. The Committee encourages State Parties to, “address the full spectrum of those differences, ensuring age-appropriate and child-centred anti-trafficking response measures, where appropriate.”⁶ We urge the Committee to apply a similarly explicit intersectional directive in this draft GR.
11. The rights of the girl-child are broadly protected under the CRC, the most widely ratified international human rights instrument and first core human rights treaty to include specific references to indigenous children in a number of provisions.⁷ Under Article 2, States Parties shall respect and ensure the rights set forth in the CRC without discrimination. The Committee on the Rights of the Child has observed that indigenous

⁵UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 16 December 2010, CEDAW/C/GC/28, para 18; see also UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures*, 2004.

⁶ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*, 20 November 2020, para 7.

⁷ UN Committee on the Rights of the Child (CRC), *General comment No. 11 (2009): Indigenous children and their rights under the Convention [on the Rights of the Child]*, 12 February 2009, CRC/C/GC/11.

children face significant challenges in exercising their rights and require special measures to fully enjoy their rights.⁸

12. CRC General Comment No. 11 guides States Parties on the implementation of indigenous children's rights in particular. States Parties must, *inter alia*, "closely consider the cultural significance of traditional land and the quality of the natural environment while ensuring the children's right to life, survival and development to the maximum extent possible."⁹ Further, States Parties must pay particular attention to ensuring indigenous girls rights are fully realized.¹⁰
13. We urge the Committee to adopt the interpretive framework of CRC General Comment No. 11 and articulate indigenous girls' age specific rights as both individual and collective, with culture, sustenance, self-determination and survival closely linked to the natural environment.
14. This importance of recognizing their individual and collective rights is reinforced by the United Nations Inter-Agency Support Group, who identified that indigenous women and girls,

Contribute to the strength, resilience and maintenance of community vitality and wellbeing – playing essential roles as keepers of cultural identity, traditional guardians of the natural environment. A violation of their human rights therefore constitutes a violation of the sanctity of the ecological, spiritual and cultural identity of indigenous peoples as whole.¹¹

⁸ CRC, 'General comment No. 11' (12 February 2009) UN Doc CRC/C/GC/11.

⁹ Ibid, para 35

¹⁰ Ibid, para 29.

¹¹ United Nations Inter-Agency Support Group (IASG) on Indigenous Issues, "Thematic Paper on the Elimination and Responses to Violence, Exploitation and Abuse of Indigenous Girls, Adolescents and Young Women" (June 2014). Available at: https://www.un.org/en/ga/69/meetings/indigenous/pdf/IASG%20Thematic%20Paper_%20Violence%20against%20Girls%20and%20Women%20-%20rev1.pdf

15. The right to self-determination is essential to the full realization of the rights of indigenous girls. According to the Special Rapporteur (SR) on the rights of indigenous peoples, violations of the right to self-determination, including denigration and non-recognition of customary laws and practices that strip indigenous peoples of autonomy over land and natural resources, “have been highly detrimental to the advancement of the rights of indigenous women and girls.”¹²
16. According to the UN Expert Mechanism on the Rights of indigenous Peoples (EMRIP), recognition of the self-determination of indigenous women and girls is critical to ending the disproportionate violence they experience:
- The unique impacts and forms of violence against indigenous women and girls must be resolved through an understanding of the structural nature of violence against indigenous women, through the full participation of indigenous women in all aspects of decision making and through consideration of this problem by indigenous communities as an integral part of self-determination.*¹³
17. Furthermore, as children’s right to culture and education is fundamental to realizing children’s right to self-determination,¹⁴ indigenous girls’ access to their culture and education must be protected to secure their right to self-determination.
18. Children’s right to participation is a general principle of fundamental importance to the implementation of all children’s rights.¹⁵ In line with this principle, we urge the Committee to provide guidance to States Parties to seek and support indigenous girls’

¹²A/HRC/30/41 para 12. Available at: <https://www.undocs.org/A/HRC/30/41>

¹³ HRC ‘Follow-up Report on Indigenous Peoples and the Right to Participate in Decision- Making, with a Focus on Extractive Industries’ UN Doc A/HRC/EMRIP/2012/2 (30 April 2012) para 37. Available at: https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Session5/A-HRC-EMRIP-2012-2_en.pdf

¹⁴ CRC, ‘General comment No. 11, para 57.

¹⁵ Article 12, UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

perspectives and give those perspectives due weight in all matters affecting them in accordance with their age and maturity.

19. The importance of indigenous girls' perspectives is not simply as rights holders, but also as agents of social and environmental justice and as human rights defenders. In a joint statement to mark the International Day of the Girl-Child, UN human rights experts acknowledged girls' agency as human rights defenders, stating

...we have witnessed the incredible power and resilience of girls worldwide. We have seen them become change-makers instead of passive spectators. We have listened to them, as human rights defenders, demanding that world leaders ensure their rights to education and to participate in cultural life, as well as equality, environmental justice, sexual and reproductive rights, democracy and accountability... Young girls need to be at the centre of policy-making processes and contribute to the design of age-sensitive social protection schemes.¹⁶

KEY ISSUES

Climate Crisis

20. We urge the Committee to articulate both the disproportionate impacts of climate change and general environmental degradation on indigenous girls, including emerging zoonotic diseases, such as COVID-19, the climate emergency, pervasive toxic pollution, and a dramatic loss of biodiversity.

21. The climate crisis is an existential threat to children and future generations and impacts a broad spectrum of human rights. According to the Human Rights Committee,

¹⁶ 'Keeping the promises made to girls in Beijing in 1995', Joint Statement by UN human rights experts on the occasion of the International Day of the Girl Child (11 October 2020). Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26366&LangID=E>

“environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”¹⁷ Special attention must be given to the current and future impacts of climate change on indigenous girls in particular.

22. Climate change leading to environmental degradation and armed conflicts over increasingly scarce natural resources disproportionately harm indigenous girls. As Indigenous peoples, they are closely connected to the natural environment and face the gravest impacts of unprecedented biodiversity loss, droughts, wildfires, extreme weather disasters, coastal erosion, degradation of marine ecosystems, ocean acidification and warming, and arctic ice melt.

23. As children, indigenous girls face physical and social vulnerabilities that make them more vulnerable to the social, economic and health impacts of climate change. As females they experience sex-based violence and discrimination that increase their vulnerability and make them targets during times of resource stress, associated armed conflicts and displacement, and climate induced disasters. These vulnerabilities are intersectionally compounded by poverty, disability and other forms of discrimination. Due to climate lag,¹⁸ Indigenous girl-children and future generations will experience the worst impacts of climate change--including existential threats-- and will thus bear the brunt of States' current failures to reduce GHGs to science-based targets compatible with human health, security and life with dignity.

24. Colonial policies amplify indigenous girls' vulnerability to the harms and rights violations caused by climate change. The ecological stresses, disasters and shortages of climate

¹⁷ UN Human Rights Committee (HRC), *General comment no. 36, Article 6 (Right to Life)*, 3 September 2019, CCPR/C/GC/35, para 62.

¹⁸ The delay or time it takes for any factor that promotes climate change (such as an increase or decrease in greenhouse gas emissions) to produce a change that can be measured. Delay is often caused by adjustment and feedback in complex environmental systems.

change intensify the intergenerational harms of colonization and genocide by compounding the deprivations of widespread poverty, further: dislocating indigenous peoples from their lands and territories; increasing loss of language and culture through loss biodiversity and critical traditional plants and animals; and fueling the epidemic of racialized sexual and physical violence including widespread disappearances, murders, and trafficking of indigenous women and girls.

25. We encourage the Committee to continue to emphasize the importance of following the leadership of indigenous women and girls in related policies and natural disaster mitigation strategies. The Committee recognizes the agency of women and girls,

The categorization of women and girls as passive “vulnerable groups” in need of protection from the impacts of disasters is a negative gender stereotype that fails to recognize the important contributions of women in the areas of disaster risk reduction, post-disaster management and climate change mitigation and adaptation strategies. Well-designed disaster risk reduction and climate change initiatives that provide for the full and effective participation of women can advance substantive gender equality and the empowerment of women, while ensuring that sustainable development, disaster risk reduction and climate change objectives are achieved.¹⁹

26. In recognizing the important role that indigenous women play as agents of change and traditional ecological knowledge keepers, we must also emphasize the role of indigenous girls who have further unique insights as children. Indigenous girls and children are currently leading the global fight against climate change and calling for international cooperation and government action.

¹⁹ CEDAW, General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change, 7 February 2018, CEDAW/C/GC/37.

Extractive Industry (Oil & Gas)

27. Extractive industries threaten the rights of indigenous girls and are responsible for gross human rights violations around the globe.²⁰ Very often extractive projects occupy indigenous lands, directly impacting the health and security of indigenous girls. James Anaya, former Special Rapporteur on the Rights of Indigenous Peoples, identified natural resource extraction and other development projects on or near indigenous territories as, “one of the foremost concerns of indigenous peoples worldwide, and possibly also the most pervasive source of the challenges to the full exercise of their rights.”²¹ The immediate and long-term environmental impacts of extractive industries--toxification of indigenous lands and waters and the potential for catastrophic climate destabilization-- disproportionately and severely harm indigenous girls through direct environmental and economic impacts, and male sexual violence.

28. Extractive industries “have a detrimental impact on indigenous women and girls, which manifests itself in sexual assault, sex trafficking, prostitution, bonded labour, the exploitation of overseas contract workers, the internal displacement of women and environmental violence.”²² In 2012, the EMRIP examined violence against women and girls in the context of extractive industries and recognized that ‘unsustainable extractive industry development can have unique ecological, economic and spiritual impacts on indigenous women in their role as traditional caretakers of the environment’.²³

29. Indigenous girls’ rights to food, water and health are all compromised by the environmental pollutants of extractive industries. Indigenous girls rely on their traditional

²⁰ Statement on ‘Resources extraction fuels rights violations and racial subordination’ by Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24801&LangID=E>

²¹ Human Rights Council (HRC) ‘Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya’ UN Doc A/HRC/18/35 (11 July 2011) para 57.

²² (E/C.19/2012/6, para. 21)

²³ HRC ‘Follow-up Report on Indigenous Peoples and the Right to Participate in Decision- Making, with a Focus on Extractive Industries’ UN Doc A/HRC/EMRIP/2012/2 (30 April 2012) para 37.

territories, animals, plants and waters for both physical and cultural sustenance, and are thus threatened by toxins that bioaccumulate in plants and animals.

30. This can be seen in the alarmingly high levels of toxins found in indigenous women's breast milk, placental cord blood, blood serum and body fat.²⁴ For indigenous young women, toxins and pollution can place them at risk for miscarriage, sterility, decreased lactation, reproductive system cancers, and directly impact their health and fertility.²⁵
31. Among the many other serious and often deadly impacts on their health, girls' exposure to toxins can irrevocably and determinately harm their development-- notably the development of their reproductive systems and neurological systems. This is a direct violation of their right to health, among others²⁶, and further impacts their ability to have children and both retain and pass on their culture, stories, language, ceremonies, and songs.²⁷
32. These impacts on health and reproduction must be recognized as genocidal elements of this environmental harm, especially in the context of colonial rule; the impact of extractive industries on indigenous women and girls is nothing less than a slow ecological genocide, whereby violence against indigenous women and girls and violence against the land go hand in hand.²⁸ The Rwandan and Bosnian genocides

²⁴ See: "Indigenous Women and Environmental Violence: A Rights-based approach addressing impacts of Environmental Contamination on Indigenous Women, Girls and Future", NGO submission to EMRIP Expert Group Meeting "Combating Violence Against Indigenous Women and Girls" (18-20 January 2012). Available at: https://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

²⁵ See: Ibid; A/HRC/45/12/ADD.1 (SR Toxic wastes 2020); e.g., C O'Callaghan-Gordo, M Orta-Martinez and M Kogevinas, 'Health Effects of Non-occupational Exposure to Oil Extraction' (2016) 15 Environmental Health 1, 2; Oxfam America, 'Oxfam Fact Sheet: Oil, Gas, and Mining Industries: Women's Rights at Risk' (Oxfam America 2015) 1. See also E Dewailly et al, 'Inuit Exposure to Organochlorines through the Aquatic Food Chain in Arctic Quebec' (1993) 101 Environmental Health Perspectives 618; N Kukarenko, 'Climate Change Effects on Human Health in a Gender Perspective: Some Trends in Arctic Research' (2011) 4 Global Health Action 7913.

²⁶ Article 29 of UNDRIP guarantees the right, without discrimination, to conservation and protection of the environment, the right to free prior and informed consent in the storage and disposal of toxics, monitoring and Indigenous led remedy in the case of toxic substances and their impacts on Indigenous girls' health.

²⁷ NGO submission to EMRIP, Indigenous Women and Environmental Violence. https://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

²⁸ For more information, see: <http://landbodydefense.org/uploads/files/VLVBReportToolkit2016.pdf>

shed light on the importance of understanding the gendered impacts of genocide, where “gendered patterns of attack” were key aspects of the genocidal strategies.²⁹ Further, while “reproduction serves to continue the group; genocide [serves] to destroy it... thus, perpetrators must either annul reproduction within the group or appropriate the progeny in order to destroy the group in the long run.”³⁰ There are various forms of genocide that have reproductive and generative targets, including attacks on reproductive organs, children, and the ties that promote family bonds and coherence.³¹

33. Indigenous girls are also indirectly impacted; the impact of extractive industry activities on the environment subsequently affects “traditional practices that rely on maintaining the integrity of the environment.”³² When ecological integrity is compromised, food security is compromised.³³ Indigenous girls are “particularly vulnerable to food insecurity, as they may skip meals or cut meal sizes to allow other members of the family to eat.”³⁴

34. Extractive projects are linked to increases in gender-based violence, human trafficking, sexual harassment, and sexual assault.³⁵ Many natural resource projects come with ‘man camps’-- all-male camps located near extraction sites where mostly male workers

²⁹Joeden-Forgey, E. von. (2010). *Gender and Genocide* (D. Bloxham & A. D. Moses, Eds.; Vol. 1). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199232116.013.0004>

³⁰ Fein, H. (1999). *Genocide and Gender: The Uses of Women and Group Destiny*. *Journal of Genocide Research*, 1(1).

³¹ Joeden-Forgey, E. von. (2010). *Gender and Genocide* (D. Bloxham & A. D. Moses, Eds.; Vol. 1). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199232116.013.0004>.

³² Deonandan et al (n 9) 3. See also HV Kuhnlein and HM Chan, ‘Environment and Contaminants in Traditional Food Systems of Northern Indigenous Peoples’ (2000) *20 Annual Review of Nutrition* 595.

³³ H Ferguson, ‘Inuit Food (In)Security in Canada: Assessing the Implications and Effectiveness of Policy’ (2011) *2 Queen’s Policy Review* 54, 59.

³⁴ ibid 56; MC Beaumier and JD Ford, ‘Food Insecurity among Inuit Women Exasperated by Socio-economic Stresses and Climate Change’ (2010) *101 Canadian Journal of Public Health* 196, 198. See also P Watts et al, ‘Inuit Food Security in Canada: Arctic Marine Ethnoecology’ (2017) *9 Food Security* 421.

³⁵ (Sweet (n 33)); ‘Statement by the UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, to the International Expert Group Meeting on the Theme: Sexual Health and Reproductive Rights’ (15 January 2014); see also M Taggart and M Jean, ‘#AmINext? A Discussion on the Sexual Violence and Trafficking of Aboriginal Women in Canada and the Link to Domestic Extractive Industries’ (University of California Santa Barbara 2015); R Kohut and T Prior, ‘Overlooking a Regional Crucial of Vulnerability: Missing Women in the Arctic’ (2016) *Arctic Yearbook* 298; Amnesty International (n 8) 49.

live in close quarters for weeks or months at a time. This transient male workforce in rural areas, with little accountability to local Indigenous communities, increases violence, sexual assault, and murder.³⁶

35. Extractive industries perpetuate the exploitation of indigenous women and girls, who are raped and sex trafficked at higher rates when these industries and labour camps are on or near indigenous lands.³⁷ Primarily non- indigenous male workers are largely immune from criminal prosecution and victims in remote locations are unable to access protective, legal or victim services, compounding the intergenerational harms and genocidal impacts of colonization.³⁸

36. Following his 2013 mission to Canada, James Anaya specifically documented “that the rise in violence and trafficking associated with man camps has a serious detrimental impact on the health, especially reproductive, of indigenous girls” and that “the influx of workers into indigenous communities as a result of extractive projects also led to increased incidents of sexual harassment and violence, including rape and assault.”³⁹

³⁶ For more information, see:

<https://www.colorado.edu/program/fpw/2019/03/14/new-report-finds-increase-violence-coincides-oil-boom>;
<https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=1671&context=articles>;
https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf;
https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf

³⁷ See, Lori Culbert, “Indigenous women vulnerable to ‘man camps’”: MMIWG report. So, what's at stake with the pipeline approval? Vancouver Sun (6 July 2019); Brandi Morin, ‘Pipelines, man camps and murdered Indigenous women in Canada’ Al Jazeera (5 May 2020); University of Colorado Boulder, “Violence from Extractive Industry ‘Man Camps’ Endangers Indigenous Women and Children.” Available at: <https://www.colorado.edu/program/fpw/2020/01/29/violence-extractive-industry-man-campsendangers-indigenous-women-and-children> ; Rebecca Tsosie, Indigenous Women and International Human Rights Law: The Challenges of Colonialism, Cultural Survival, and Self-Determination, 15 UCLA J. Int'l L. & For. Aff. 187, 198 (2010); Kayla Walsh, “Moving More than Oil: The intimate link between dirty energy and human trafficking in Minnesota,” Earth Island Journal (Online). Available at: <https://www.earthisland.org/journal/index.php/magazine/entry/moving-more-than-oil/> ; Gibson, G., K. Yung, L. Chisholm, and H. Quinn with Lake Babine Nation and Nak'azdli Whut'en. 2017. Indigenous Communities and Industrial Camps: Promoting healthy communities in settings of industrial change. Victoria, B.C.: The Firelight Group.

³⁸ Lack of prosecution of non-tribal members committing crime on tribal lands can be seen, for example, in the US: <https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=2459&context=mlr>

³⁹ Anaya, J. (2014). UN Special Rapporteur: Oil, Gas & Mining Operations Brings Increased Sexual Violence. <http://www.minesandcommunities.org/article.php?a=12551>

Similarly, the Committee acknowledged that the trafficking, prostitution and exploitation of women and girls is exacerbated by extractive industries.⁴⁰

37. This is further supported by the UN International Labour Organization's 2014 report which asserted that "sexual violence and trafficking is exponentially higher near points of extraction and worker camps than it is in locales of similar populations."⁴¹

38. The 2018 Permanent Forum on Indigenous peoples included further discourse on the connection. Terri Henry, a member of the Forum, stated that "violence against indigenous women occurs 'from birth to death'" and that a large percentage of murders of indigenous women and girls stemmed from the transient workers in the oil industry, citing 'man camps' in North Dakota.⁴²

Land rights and human rights defenders

39. Indigenous land defenders are the first line of defence against the causes and impacts of the climate emergency and ecological crisis. It is key to recognize the specific and important role of indigenous girls in defending their territories and land rights. The prevalence of indigenous girls in youth climate litigation, their leadership in land defense and the global uprising of children against climate change demonstrates the critical role indigenous girls are playing in the global movement to protect indigenous rights and the environment. Indigenous girls share the land related human rights violations that indigenous women face-- dispossession/forcible removal from and loss of title to ancestral lands--coupled with the barriers and vulnerabilities associated with their age.

⁴⁰ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*, 20 November 2020,

⁴¹ See: https://bcaafc.com/wp-content/uploads/2019/05/3_OSNFSFinalReport2015.pdf

⁴² Speakers Raise Alarm about High Murder Rate, Myriad Forms of Violence against Indigenous Women, as Permanent Forum Continues Session | Meetings Coverage and Press Releases. UN Permanent Forum on Indigenous Issues Session 7th & 8th Meeting. <https://www.un.org/press/en/2018/hr5390.doc.htm>

40. Indigenous girls are threatened, intimidated and criminalized from claiming their land rights through activism. According to Global Witness, killings of land defenders is on the rise, with 10% of those killed being female activists.⁴³ Indigenous girls, like indigenous women, who speak up and act out, face gender-specific threats (including sexual violence) as well as age-specific threats.⁴⁴ Indigenous girls who have been put in a position where they must defend their land and rights do so often at the expense of their education, leisure activities, and freedom/liberty; indigenous girls fight to protect their rights to culture, language, land and water at the expense of their other rights.
41. Extractive economies, especially those governed by colonial regimes, globally threaten indigenous girls' territories and rights to live on their ancestral lands. Forcible removal of indigenous girls from their territories for the development of oil and gas projects or mining operations is common, including in wealthy countries such as Canada and the United States.⁴⁵ Once removed from their territories, women and girls' are forced to migrate from rural communities to urban centres, where they end up experiencing extreme poverty, state apprehension, violence and exploitation, including human trafficking. These violations of their rights to peace and security, including freedom from all forms of genocide⁴⁶ and violence, are seen around the globe and have a disproportionate impact on indigenous girl children.
42. While Article 10 of UNDRIP protects against forcible removal from their lands and territories, the 2008 Women, Law and Development Asia Pacific Forum found the that

⁴³Global Witness, "Defending Tomorrow: The climate crisis and threats against land and environmental defenders" 29 July 2020, available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>

⁴⁴ Ibid.

⁴⁵See for example, CERD Decision 1 (100) at its Hundredth session 25 November -13 December 2019; See for example, <https://www.theguardian.com/us-news/2017/feb/23/dakota-access-pipeline-camp-cleared-standing-rock>; See also, End of Mission Statement by the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz of her visit to the United States of America 3 March 2017, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21274>.

⁴⁶ UNDRIP article 7.

forced dispossession of indigenous peoples from ancestral lands is a risk factor in increasing violence against women and girls.⁴⁷

RECOMMENDATIONS

43. The Committee must address the specific rights of indigenous girls who globally face some of the most extreme human rights violations, including widespread poverty, violence and colonial genocide. This specific consideration must apply to Committee reviews of State Parties' reports and in the context of thematic discussions, inquiries and individual communications procedures. States Parties must provide detailed information in their periodic reports under the Convention on the special measures undertaken to guarantee that indigenous girls can enjoy their rights.
44. The Committee must consider the disproportionate impact of climate change and environmental degradation on indigenous girls, with an emphasis on colonial extractivism legacies.
45. The Committee must ask States Parties to produce comprehensive gender and age disaggregated data detailing the situation of indigenous girls with the goal of identifying persisting colonial legacies, structural inequalities, systemic human rights violations and genocide.

⁴⁷ See:

<https://www.asianindigenouswomen.org/index.php/violence-against-indigenous-women/72-defending-the-rights-of-indigenous-women-in-asia-pacific-towards-an-inclusive-and-violence-free-future/file>;
https://www.unfpa.org/sites/default/files/resource-pdf/VAIWG_FINAL.pdf