

**From:** Sara Seck <contact information removed>  
**Sent:** July 15, 2016 3:53 PM  
**To:** EA Review / Examen EE (CEAA)  
**Subject:** Draft terms of reference for CEAA Review expert panel

To Whom It May Concern:

I am an Associate Professor at the Faculty of Law, Western University, where I teach and research in the areas of environmental law, and international human rights and sustainable development law, often with a focus on extractive industries.

The draft terms of reference refer to the importance of providing Canadians and experts with an opportunity to express their views and meaningfully participate, and to the importance of ensuring EA legislation enhances the consultation, engagement and participatory capacity of Indigenous groups, particularly with regard to major resource development projects.

I would encourage you to explicitly incorporate a gender perspective into the scope of the EA review, particularly with regard to participatory processes. There are several reasons for this that I will very briefly note here, which all deserve further study.

1. The government of Canada has a commitment to incorporating gender-based analysis across its agencies and departments when assessing policies, programs and services (see *Canada's Action Plan on Gender-Based Analyses*: [www.swc-cfc.gc.ca/qba-acsc/plan-action-2016-en.html](http://www.swc-cfc.gc.ca/qba-acsc/plan-action-2016-en.html)).
2. It is well recognized in international sustainable development law that gender matters. Notably, paragraph 46 of the Johannesburg Plan of Implementation from the 2002 World Summit on Sustainable Development explicitly notes that for mining to be sustainable, indigenous and local communities, *and women*, must be active participants in sustainable mineral development. As extractive industries are often subject to CEAA, this review provides an opportunity to investigate how to take seriously this gender dimensions.
3. There are indigenous women's groups in Canada who have chosen to form to advocate for responsible mining. This suggests that gender may indeed matter to them. (See e.g. First Nations Women Advocating Responsible Mining). Moreover, some studies suggest that indigenous women may have particularly difficulty participating in existing EA processes. (See recent MA thesis by Donna Hovespian)
4. John Knox, the Special Rapporteur on Human Rights and Environment for the UN Human Rights Council, has drawn attention to the need to ensure that the rights of those vulnerable to environmental harm (including indigenous peoples, women, and children) are given special attention in environmental decision-making. Women may experience environmental contamination differently from men (hence the need for sex-

disaggregated data). Knox highlights also the need to ensure that public participation in environmental decision-making including with respect to climate policy includes the concerns and participation of women. (See A/HRC/25/53, Mapping Report on human rights and environment).

I would be happy to provide further sources if useful.

Sara Seck