

## **Submission by the Indigenous Peoples and Development Branch, United Nations Department of Economic and Social Affairs to the Guide on Gender lens to the United Nations Guiding Principles on Business and Human Rights.**

Taking into consideration the wide impact that the Gender Lens to the United Nations Guiding Principles on Business and Human Rights will have, there is an urgent need to ensure that the rights of indigenous peoples, including the rights of indigenous women are fully incorporated.

General Assembly resolution 72/155 “underlines the responsibility of transnational corporations and other business enterprises to respect all human rights, applicable laws and international principles and operate transparently and in a socially and environmentally responsible manner, and emphasizing the need to refrain from negatively affecting the well-being of indigenous peoples and to take further action towards corporate responsibility and accountability, including the prevention, mitigation and remediation of human rights abuses...”

The annual sessions of the Permanent Forum on Indigenous Issues<sup>1</sup> have provided an important platform for indigenous women to share experiences and challenges and to exchange proposals and strategies to help overcome situations of concern. This has led to recommendations by the Permanent Forum regarding indigenous women and girls which are reflected in its broad thematic mandate, that include the issues of education, culture, health, human rights, environment, climate change, development, conflict, violence, sexual and reproductive rights and political participation. Recommendations on these and other topics have been made to Member States, United Nations agencies, funds and programmes, indigenous peoples and civil society organizations.

The following are some of the main concerns related to indigenous women:

- Extractive industry projects may not be created to victimize women, but **violence against women has become a major by-product of these project operations.** Rampant exploitation of women happens when thousands of mostly male workers are housed in makeshift “man camps” located at the sites of company operations.
- Cases of violence against women are widespread across extractive industry site operations. For instance, North Dakota’s Bakken oil field has boomed: Over the past years, it has increased daily oil production from 200,000 barrels to 1.1 million barrels, becoming the second largest oil-producing state. Thousands of highly paid workers have flocked to the region. Within two years, the combined influx of cash and oil workers **has tripled the rate of murders, aggravated assaults and robberies. Sex crimes, rape, prostitution and human trafficking have increased by 20.2 percent.**<sup>2</sup>
- Current efforts to engage the private sector on human rights are largely driven by the Guiding Principles, which offer a rigid “top down” framework that does not account for local dynamics such as the cumulative impacts of multiple companies operating in close proximity to a community, or the spikes in violence against women.

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<sup>1</sup> The Permanent Forum on Indigenous Issues, an advisory body of ECOSOC, with the mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.

<sup>2</sup> Rebecca Adamson, Vulnerability of Women in Extractive Industries. Available at <http://journals.sagepub.com/doi/full/10.1177/2455632717714134> (Accessed on 30 October 2018).

Furthermore, the Guiding Principles mention women, along with indigenous peoples, only in passing, thereby largely excluding them from the corporate social responsibility conversation.

- **Most companies operate with no governance structure whatsoever for addressing social risks. The basic principle of free, prior and informed consent included in the United Nations Declaration on the Rights of Indigenous Peoples is rarely observed.** Many companies have no board committees with community relations or human rights in their mandate, or board members with community relations or human rights expertise. Without the governance structure or company capacity to identify, manage, and mitigate social risks, investors are left with a reactive management to indigenous peoples' complaints approach, and virtually all communities that host or are proximate to extractive projects are at risk—as we have seen in case after case of violence against women.
- Reports of Native American women and girls being trafficked has put the Fort Berthold Reservation on high alert, but companies operating in the region are not responding. **Companies have not taken proper responsibility for their workers' collusion in the growing sex trade, increased drug violence, and general crime wave in Fort Berthold, North Dakota.**<sup>3</sup>
- While some companies are making efforts to improve transparency, **little substantive dialogue is taking place about social impacts.** This trend of neglecting social risks has permeated corporate interactions with communities across the globe.
- Further, **indigenous women have faced direct violence while seeking to implement their rights vis a vis extractive industries.** For instance, on 2 March 2016, unidentified assailants broke into the home of Berta Cáceres and murdered her. Two months later, on 2 May 2016, four men were arrested in connection with her murder. Two of the people arrested have ties with Desarrollos Energéticos, the Honduras company which was building the Agua Zarca dam, a project Berta and her organization had strongly opposed and campaigned against as it was affecting territory inhabited by the indigenous Lenca peoples.<sup>4</sup>
- Allegations were received by the Special Rapporteur on the Rights of Indigenous Peoples about the failure to ensure free, prior and informed consent in the states of Jharkhand, Madhya Pradesh, Chhattisgarh and Telangana, India; in the context of logging, mining and conservation projects affecting Adivasi lands and resources. Purportedly, in August 2017, **10 persons, among them 7 women, were arrested when they conducted a peaceful demonstration against the eviction of 40,000 families, among them Adivasi communities, as a result of the megaproject for the construction of the Sardar Sarovar dam in the Narmada river valley.**<sup>5</sup>

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<sup>3</sup> Rebecca Adamson, Vulnerability of Women in Extractive Industries. Available at <http://journals.sagepub.com/doi/full/10.1177/2455632717714134> (Accessed on 30 October 2018).

<sup>4</sup> Front line defenders. Available at <https://www.frontlinedefenders.org/en/case/case-history-bertha-c%C3%A1ceres> (Accessed on 30 October 2018).

<sup>5</sup> Report of the Special Rapporteur on the Rights of Indigenous Peoples. A/HRC/39/17. 10 August 2018. Par. 63.

- The Permanent Forum on Indigenous Issues has highlighted the need to further study the **interconnection between environmental violence and the sexual and reproductive health of indigenous women in connection with the environmental impact of extractive industries in indigenous peoples' territories.**<sup>6</sup>

The Indigenous Peoples and Development Branch, United Nations Department of Economic and Social Affairs would appreciate the development of clear guidelines to tackle these important concerns affecting indigenous women *vis a vis* extractive industries.

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<sup>6</sup> Permanent Forum on Indigenous Issues. 13<sup>th</sup> session, 12 to 23 May 2014. Par.17. Available at [https://esa.un.org/unpfiidata/UNPFII\\_Recommendations\\_Database\\_view.asp?editid=1907&editid2=&editid3=&TargetPageNumber=1&todo=readonly&masterkey=](https://esa.un.org/unpfiidata/UNPFII_Recommendations_Database_view.asp?editid=1907&editid2=&editid3=&TargetPageNumber=1&todo=readonly&masterkey=) (Accessed on 30 October 2018).