

Summary Note

In preparing a summary note of your parallel session, kindly include the following:

i) Title of the session

Challenges and obstacles encountered by rural and indigenous women in the efforts to access remedy and recognition as right-holders by the extractive industry.

This session was organised by the Latin American Mining Monitoring Programme (LAMMP)

ii) Time and Room number

The session took place on Wednesday 3 December, 9.45-11.15 am in room XXIII

iii) Names of the panellists and moderator

Glevys Rondon, LAMMP (UK, Moderator)

Yolanda Oqueli, Woman Human Rights Defender (Guatemala)

Melissa Wong, regional representative for the Union Latino Americana de Mujeres (ULAM, Peru)

The panel also presented a video testimony of Maxima Acuña Atalaya, woman human rights defender (Peru). Maxima was invited to participate in the panel but was unable to attend.

iv) Short summary of the main points relayed by the presenters (1x paragraph for each panellist)

a. Lack of community consultations and failure to implement ILO Convention 169

The members of the panel have expressed their concerns that governments are not taking the adequate measures to ensure the implementation of ILO 169. By denying communities the right to free, prior and informed consent, the extractive industry is effectively infringing on their right to self-determination. This paves the way to further human rights violations as communities are increasingly made invisible and silenced.

The panel also highlighted the lack of established process for community consultation. Drawing from her own experiences in Peru, Melissa Wong (ULAM) noted that these processes merely take the form of presentations with no opportunity for community participation and feedback. She also highlighted the language barrier for Quechua speaking communities.

Yolanda Oqueli from Guatemala raised the point that there is no mechanisms in place for defending the rights of rural non-indigenous peoples who are equally threatened by the devastating impacts of the extractive industry.

Nevertheless, the panel recognised the necessity of ILO 169 as an important stepping stone to support human rights defenders and their communities to call for justice.

b. The Criminalisation of Human Rights Defenders

This was a key topic brought forward by the panellists: across Latin America, social protests is being brutally repressed by host governments as communities raise their concerns over loss of land and environmental degradation. In this context, criminalisation is rooted in a power dynamic between the host governments and the extraction companies. This relationship actively blurs the lines of accountability for human rights violations and results in impunity.

Both Yolanda Oqueli and Maxima Acuña have suffered severe repression from public security protecting the interests of the mining company. Through their harrowing testimonies, the

speakers revealed that as women they are greatly impacted by this form of persecution: it affects their families as well as their psychological well-being.

In the discussion, the panel made explicit that the failure to respect the UN Guiding Principles on Business and Human Rights (UNGPs) as well as other international human rights standard, resulted in a significant loss of trust in both state institutions and private companies. As victims of abuse, they feel they have no one to turn to.

c. Challenges in accessing remedy

Access to remedy is the third pillar of the UNGPs. However the panel emphasized that this pillar cannot be realistically fulfilled if the first two are not abided to by the state or by the mining companies.

The speakers also outlined several challenges with the concept of remedy: For Yolanda Oqueli, nothing can repair the damage caused to her and her family as a result of her struggle for defending human rights. She also described the inability and unwillingness of the state of Guatemala to support its citizens and the failure of the justice system in being transparent and legitimate.

As for Maxima Acuña, her testimony revealed the extent of the impact in different aspect of her life, including her children's education. Therefore, for the members of the panel this brings to question the definition of remedy, and highlighted that compensation should not be the only solution.

The talk on remedy aimed to outline the reality on the ground for women attempting to seek justice for the various violations they have suffered: from land loss to grave human rights abuses. The discussion highlighted the limitations of the UNGPs' definition of remedy enabling the extractive industry to avoid accountability for its adverse human and environmental impacts.

v) Key issues of discussion- record of ensuing discussion and interventions from the floor (comments and questions).

a. Corporate Accountability. Questions were asked regarding LAMMP and ULAM's communications with representatives of the extractive industry in relation to the criminalisation of the women human rights defenders. LAMMP and ULAM answered that their efforts were left unanswered, and they are hoping for an opportunity for dialogue.

b. State Responsibility. Representatives of concerned governments intervened highlighting they have acknowledged the panellists' concerns. They are currently in the process of improving relationships with affected communities.

c. The purpose of testimonies. The panellists were questioned about the value of testimonies such as those presented at the session. Testimonies were thought to be uni-directional offering little space for dialogue. The panel answered that the value of such testimonies was to unveil the human story behind the struggle over natural resources in Latin America.