



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairoscanada.org

October 30, 2018

Dante Pesce
Chair-Rapporteur of the Working Group on the Issue of Human Rights
and Transnational Corporations and Other Business Enterprises
United Nations Human Rights Special Procedures
Palais Des Nations
1211 Geneva 10
Switzerland
wg-business@ohchr.org

Dear Mr. Pesce:

RE: Gender Lens to UNGPs Questionnaire

Thank you for the opportunity to submit our comments in response to the UNWG
on Business and Human Rights Questionnaire on the Gender Lens to UNGPs.

KAIROS: Canadian Ecumenical Justice Initiatives (KAIROS) brings together ten
churches and religious organizations in action on issues of social and ecological
justice in Canada and what is typically referred to as the Global South. As part of
this work, KAIROS focuses on Indigenous rights and gender justice through an
integrated lens to foreground the gendered impacts of resource extraction. This
means that KAIROS works in collaboration with Indigenous and/or women's
organizations based in Latin America, the Philippines, and Canada on advocacy and
research as well as organizes and participates in gatherings that spotlight the ways
women experience the effects of extractive projects.

The answers to the Questionnaire are based on what KAIROS has heard directly
from Indigenous women who experience the impacts of resource extraction first-
hand and from organizations who work with those women. We have also drawn
from findings from symposia, some of which we have published in a 2014 report
titled "Gendered Impacts: Indigenous Women and Resource Extraction"—attached
to this email.

**1. In what ways do women experience the impact of business-related human
rights abuses differently and disproportionately? Please provide concrete
examples in the context of both generic and sector- or region-specific
experiences of women.**

Women experience differently and disproportionately the environmental,
health, and social impacts of the extractive sector's human rights abuses.
For example, women are the first to feel the impact of water
contamination and shortages, which affect food and water security, the
rise of illnesses and diseases, as well as the hygiene and sanitation of local
communities. Many Indigenous women describe a relationship and



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairosCanada.org

connection between themselves and the land. This relationship affects identity, culture, and spirituality, but also physical health and well-being. If the land is contaminated, degraded or violated, women's bodies suffer as well.

In addition, there is a strong correlation between extractive projects and violence against women. Violence can be described broadly in terms of the aforementioned relationship with the land. This violence is multidimensional and can include not only forced displacement of people from their communities, destruction of Indigenous ancestral knowledge, an increase in physical and sexual violence stemming from mining operations and their work force, but also the stigmatization and criminalization of women land defenders and the militarization of areas where communities, including women, mobilize to resist large-scale resource extraction.

Therefore, environmental damage and degradation caused by business-related activities (i.e., mining) are seen and experienced as violence against the land and violence against the very being of Indigenous communities and Indigenous women.

Women often feel the economic impacts of business projects, such as mining, differently as well. Furthermore, the economic impacts are often distributed unequally, increasing the economic disparity between men and women. In the case of resource extraction, women are given lower-paying jobs, such as cleaning (including the cleaning of dorms) and working at cafeterias. Lower wage jobs and the frequent requirement that women may have to stay on-site during the work week increase the vulnerability of women to business-related human rights abuses.

2. Please share any good practices on how to deal with increased marginalization or vulnerabilities faced by women due to intersectionality, feminization of work, informal economy, and conflicts.

To deal with increased marginalization or vulnerabilities faced by women, KAIROS recommends: increased intentional support for research and documentation led by Indigenous women and organizations, especially at a community level; increased public awareness of the gendered impacts of resource extraction; increased capacity in the use of legal and human rights instruments that will allow Indigenous women to respond to the impacts of mining and defend their rights; and sustained support for networks and exchanges of Indigenous women impacted by mining. Moreover, processes, such as impact assessments, rooted in local knowledge and experience will ensure that the critical perspectives and concerns of women are heard when resource extraction projects are considered.

Because there are strong parallels between the human rights impacts of business (i.e., mining) on women and the marginalization many of them



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairoscanada.org

face in Canada and the Global South, KAIROS also supports the promotion of South-South exchanges. It is important to strengthen opportunities for women to share experiences through, for example, symposia and networks and participate in exchanges, even as it is critical to recognize and respect differences and to take care not to generalize.

3. How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.

To address sexual harassment and sexual or physical violence suffered by women in the business-related context, KAIROS strongly urges corporations to abide by local, national, and international policies, regulations, and laws that protect and ensure the rights and safety of all persons, including but not limited to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

KAIROS also urges that municipal, national, federal, and international agencies, institutions, governments, and tribunals hold individuals and corporations accountable for implementing policies, regulations, and laws and for any form of harassment or violence enacted on women—whether such violence is physical, psychological, sexual, emotional, and/or inflicted upon their communities or territories as outlined in extant laws and international agreements. KAIROS supports the training and capacity building on these human rights frameworks, policies, and laws so that women are better able to defend their rights and the rights of others.

Common and widely accepted definitions and understandings of violence and what counts as legitimate evidence and proof of its occurrence must be widened to include the quotidian forms of gendered and sexual violence that are so normalized that they often go unrecognized as such. The elimination of a society and work culture rooted in heteropatriarchy and hypermasculinity that grounds the extractive sector will ensure that (1) the enactment and performance of violence, dominance, and power is neither expected or compensated and (2) women are not shamed or are stigmatized if they experience and report an incident of sexual violence. This violence is in part related to changes in the social fabric in communities, an increase in male workers, loss of traditional mechanisms of social control, and an influx of money that correlates to drug and alcohol use and violence against women.

Equally, it is important to allow workers, particularly women workers, to organize and develop labor policies, including code of conduct, personnel



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairosCanada.org

policies and procedures, related to gender equity, non-discrimination, and anti-harassment.

4. Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?

Society's quest for natural resources tends to be overdetermined by practices that prioritize profit, which can obfuscate, erase, and silence the ways women are already integrated into economic activities and public life, as is often seen in the impact assessment process. For example, Indigenous women are at the forefront of their communities' struggle for collective rights. Before the arrival of the mine, women are more likely to raise questions about its social, environmental, and health impacts. After the mine is in operation, women continue to raise these concerns and, in some cases, to monitor the impacts. Women are often excluded from the official consultation process and impact assessment and thus women's social, environmental, and health concerns are not raised.

See also answer to Question 3 above.

5. Are there any good practices of integrating a gender perspective into States' economic sphere (e.g., state-owned enterprises, public procurement agencies, trade missions, export credit agencies, privatization of public services, public-private partnerships, and trade and investment agreements)?

KAIROS supports the Government of Canada's development of Gender-Based Analysis (GBA+) and considers it a potential first step in ensuring the rights of women at the policy, program, and initiative level. To ensure that meaningful GBA+ occurs, KAIROS urges the government to: (1) consult communities to determine how to proceed with gendered impact assessment at the local level; and (2) support community-led processes that lead to mandatory mechanisms for independent gender impact assessments of resource extraction projects.

KAIROS also urges that States adopt a human rights-based approach in which economic decisions and impacts are grounded in human rights frameworks so that human rights take precedence over economic interests and not vice versa.

In addition, it is essential to recognize and respect some Indigenous communities' alternative approaches to development as well as their critiques of the extractivist economic model.

Lastly, women suffer when the fiduciary responsibilities of governments and the duty of government to ensure the rights of citizens are left to industry. It is the responsibility of government, not industry, to support



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairosCanada.org

social and health services in communities. It is also the duty of States to ensure the implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and to protect the right to free, prior, and informed consent (FPIC). The experience of leaving these responsibilities to industry has increased the vulnerability of communities and of women in these communities, particularly in their role as care-givers. The provision of services from mining companies becomes arbitrary and dependent on support for the mine; this tends to result in increased divisions and disparities in communities and a lack of accountability mechanisms, if rights are violated.

6. How could policy coherence be improved between different government ministries or departments dealing with women issues and business-related matters?

KAIROS recommends the application and implementation of internationally recognized frameworks and agreements, such as CEDAW and UNDRIP. For example, KAIROS is encouraged that the Canadian government has made a commitment to fully UNDRIP. However, KAIROS is concerned that the federal government will only *seek to achieve* free, prior and informed consent and not *obtain* free, prior, and informed consent as Article 32 of the UN Declaration outlines:

- i. Indigenous peoples have the right to determine and develop priorities and strategies for the development of use of their lands or territories and other resources.
- ii. States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories or exploitation of mineral, water, or other resources.
- iii. States shall provide effective mechanisms for just and fair redress for any such activity, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.

See also answer to Question 5 above.

9. What is the role of businesses in dealing with domestic laws, policies, and societal practices which are discriminatory to women?

KAIROS urges businesses to follow and implement as best practices internationally recognized frameworks and agreements, such as CEDAW and UNDRIP. KAIROS also urges that businesses be held accountable



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primate pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairoscanada.org

financially and juridically for human rights abuses in a manner that is fair, transparent, and consistent with existing legal frameworks.

11. What additional or specific barriers do women (women human rights defenders) face in accessing effective remedies for business-related human rights abuses?

Evidence gathered by Indigenous women from Canada, Latin America, and the Philippines shows an alarming increase in violence against Indigenous women and girls when resource extraction projects are present. There are also reports of persecution and criminalization of women involved in the struggle for land and collective rights, and of the acute environmental and social impacts of resource extraction on women. However, due to the lack of systematic research, and of support for women and organizations monitoring the situation at the local level, these reports often remain isolated and anecdotal, and the essential role of women is not recognized or acknowledged. Moreover, organizations that focus on the gendered impacts of resource extraction can come up against well-funded public relations strategies that skew data and promote mining despite women's well-founded concerns and reservations. KAIROS urges that women's experiences and knowledge be recognized as evidence-based data that is taken into account throughout the entire mining cycle.

Women human rights defenders also face barriers in accessing legal frameworks and justice under courts of law. Systems of justice tend to be costly, time-consuming, and puzzling to those not used to their norms and protocols. Such inaccessibility discourages many individuals, organizations, and communities from pursuing a legal approach for the protection, respect, and remediation of human rights. KAIROS supports the use of independent experts and commissions to investigate and hold corporations accountable for business-related human rights abuses. In addition, KAIROS recommends support for legal training and services at a community level, particularly for women.

Within the Canadian context, for example, the lack of overall accountability measures or remedy procedures to hold Canada-based companies accountable, never mind measures that address and provide remedies for the particular impacts of these businesses on women, are additional barriers women human rights defenders face. The implementation of the Office of the Canadian Ombudsperson for Responsible Enterprise (CORE)



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairosCanada.org

would be a start in putting in place accountability and remedy guidelines and processes.

12. How could all types of remedial mechanisms, processes, and outcomes be made more gender-sensitive?

See answers to Question 2, 4, 5, 6, 9, and 11 above.

13. How to overcome power imbalances and discriminatory practices that might undermine the effectiveness of remedies obtained by women?

See all answers above.

14. Please provide any additional comments, suggestions, or information which you think may be relevant for the Working Group's forthcoming report on the gender lens to the UNGPs.

From April 27 to 29, 2018, Indigenous women from across the globe met in Montreal, Canada to share experiences and discuss strategies in the face of large-scale resource extraction including projects owned and/or operated by Canada-based companies. The following are the women's demands to Canadian decision-makers, which apply generally to those key stakeholders and officials interested in business-related human rights abuses in the context of resource extraction:

- That Canada's approach to responsible business conduct abroad ensures the respect, protection, and realization of human rights, including the rights of women and the rights of Indigenous peoples. The new Ombudsperson is a step forward, which will offer a path to remedy, but it cannot, and will not, be able to repair all the damage caused by Canadian mining companies;
- That the Ombudsperson take a gender-based approach in her work, including in investigations, to ensure that the realities experienced by women are recognized;
- That Canada adopt a legal framework that ensures that women fully participate in consultation and consent processes before extractive projects begin; and that ensures that it is the communities who will be affected by the project who will determine if and how the project will move forward;
- That a transparent dialogue be established between decision-makers and organizations or communities struggling for the protection of territories;



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

The Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund
Religious Society of Friends (Quakers)
The United Church of Canada

Membres

Assemblée annuelle canadienne
de la Société religieuse des Amis
Comité Central Mennonite Canada
Conférence religieuse canadienne
Développement et Paix
L'Église anglicane du Canada
Église Évangélique Luthérienne
au Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église Unie du Canada
Le fonds du Primat pour le secours
et le développement mondial

310 Dupont Street, Suite 200
Toronto Ontario
Canada M5R 1V9
tel: 416.463.5312
toll-free: 1.877.403.8933
www.kairoscanada.org

- That Canada ensures that its financing mechanisms and political support for mining companies do not undermine the benefits gained through its international feminist aid policy;
- That Canada adopt legislation to hold Canadian mining companies to account for human rights or environmental abuses by their subsidiaries and business relations overseas;
- That parliamentarians, public servants and diplomats who travel to countries where Canadian mining companies are present meet with organizations, including women's organizations that oppose these projects. ("Women Resisting Extractivism" 2018)

Finally, KAIROS strongly urges that the Government of Canada follow through on its January 2018 announcement to create, fund, and staff the Office of CORE.

Thank you, once again, for the opportunity to submit responses on the Gender Lens to UNGPs. KAIROS looks forward to seeing the UN's guidelines "to protect, respect, and remedy" the rights of women in the context of resource extraction.

Sincerely,

Rachel Warden
Partnerships Manager
KAIROS: Canadian Ecumenical Justice Initiatives
310 Dupont Street, Suite 200
Toronto, ON M5R 1V9

CC: Minh-Tien Nguyen, Trade Commissioner, Responsible Business Practices
Divisions (BPA/BTA), Global Affairs Canada