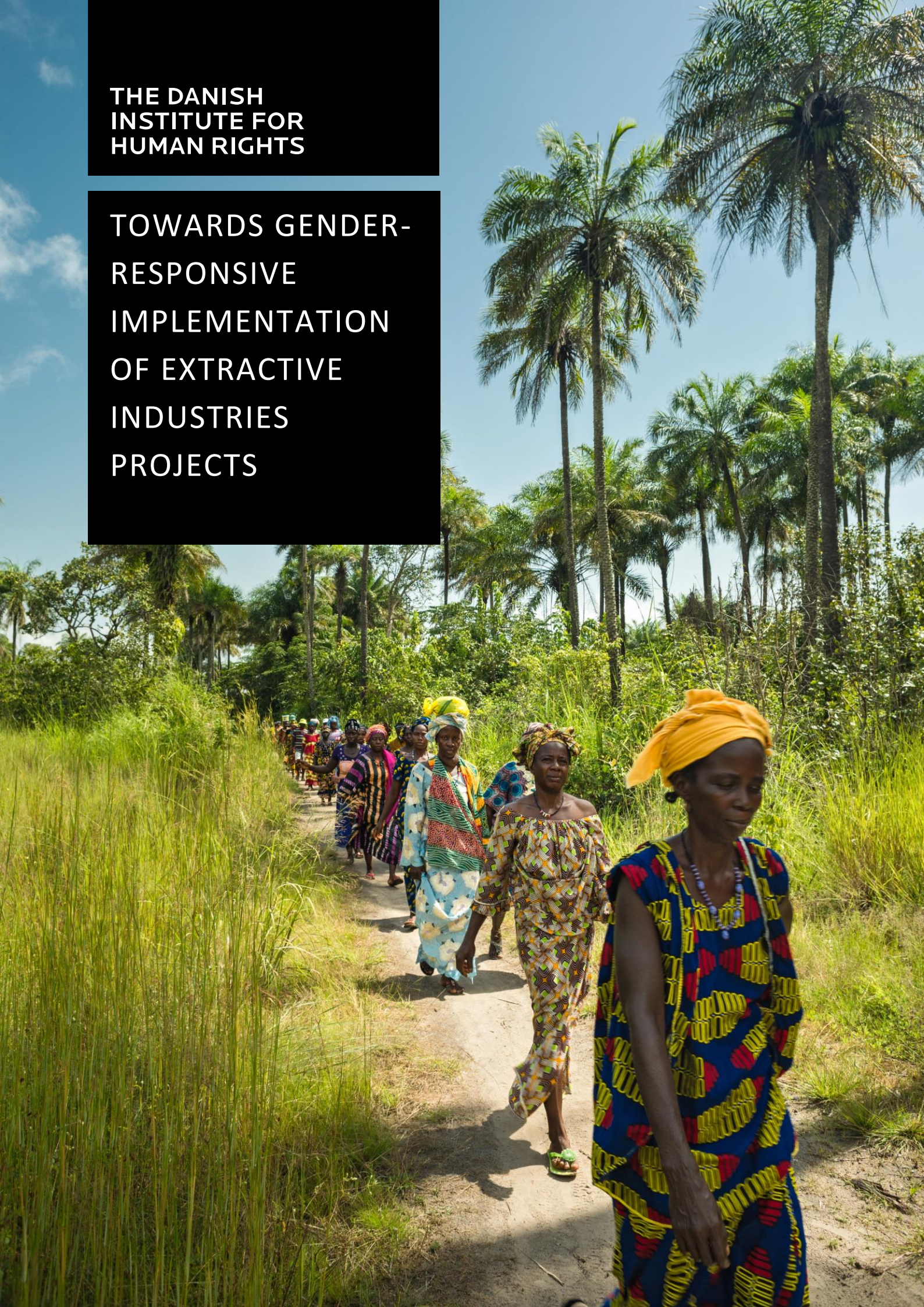


THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

TOWARDS GENDER-
RESPONSIVE
IMPLEMENTATION
OF EXTRACTIVE
INDUSTRIES
PROJECTS



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EXECUTIVE SUMMARY

Women and men are impacted differently by extractive industries projects. Despite this, extractive industries companies frequently take a gender-neutral approach to human rights due diligence, be this in community relations, land acquisition and resettlement, security, local content, grievance resolution, strategic social investment, or other areas. As a consequence, women are often marginalised in stakeholder engagement, and their rights are insufficiently considered in project planning and implementation. It also means that extractive industries companies miss out on a comprehensive understanding of the social context, their impacts on workers and communities, and how these can best be addressed.

The purpose of this report is to contribute to learning on key challenges, as well as good practice opportunities for practitioners working in and with the extractive industries, on how a gender-responsive approach can be embedded in project planning and implementation. In particular, the report explores how strengthened engagement with women can act as a key enabler for human rights due diligence. While recognising the diversity of women and men, including the role of intersectionality, this report focuses on avoiding and addressing adverse impacts by extractive industries projects on women and girls.

The report focuses on six select dimensions of human rights due diligence in extractive industries projects: (1) community relations; (2) land acquisition and resettlement; (3) security; (4) local content; (5) grievance resolution; and (6) strategic social investment. For each topic, a short overview of key gender issues is provided, as well as suggestions for addressing challenges and enhancing gender-responsive due diligence in practice. Further resources for extractive industries project staff are provided for each topic, and case studies are included to provide insights on key challenges and potential solutions in concrete project settings. The primary scope of the report is large-scale industrial mining, oil and gas projects and engagement in external relations (rather than the workforce). However, the information may also be relevant and applicable to industrial-size projects in other land-intensive industry sectors, such as renewable energies, infrastructure, forestry or agriculture.

Many leading extractive industries companies have made commitments to gender equality, as have relevant industry associations. For example, the International Council on Mining and Metals (ICMM)¹ and the global oil and gas industry association for environmental and social issues (IPIECA)² have both committed to gender-responsive practices, including as part of their endorsement of the United Nations Guiding Principles on Business and Human Rights (UNGPs)³ and the 2030 Agenda for Sustainable Development.⁴ The importance of taking a gender-responsive approach to human rights due diligence has recently been reiterated by the United Nations Working Group on Business and Human Rights (UNWG), which issued a Gender Guidance for states and businesses in 2019.⁵

Despite enterprise-level commitments and examples of project-level implementation, it is evident that extractive industries companies need to take additional steps to make their existing commitments to gender equality and non-discrimination a reality across project contexts. Deepening engagement strategies with women and men in local communities is a critical step towards this goal. Learning from peers, as well as relevant external stakeholders, can be an important step in this process. In this context, this report seeks to prompt extractive industries companies and other stakeholders to engage in conversation on non-discrimination, as well as to share lessons learned and good practices on gender-responsive due diligence. With this aim in mind, the report identifies specific topics, tools and actions which could be further developed and implemented going forward.

PART I

1 INTRODUCTION

1.1 WHY FOCUS ON GENDER

Women and men are impacted differently by extractive industries projects. Gendered social relations mean that societal norms apply to women and men differently, as a function of their position and relation to one another within society. Gender relations shape women's and men's access to resources, participation in decision-making processes, etc., with the result that women's and men's lived realities are different, including how they are impacted by extractive industries projects. Despite this, extractive industries companies frequently take a gender-neutral approach to human rights due diligence, be this in community relations, land acquisition and resettlement, security, local content, grievance resolution, strategic social investment or other areas.

As a consequence, women are often marginalised in stakeholder engagement, and their rights are insufficiently considered in project planning and implementation. It also means that projects miss out on a comprehensive understanding of the social context, their impacts on workers and communities, and how these can best be addressed. In many settings, local cultural norms can add challenges for extractive industries companies that seek to respect the principles of non-discrimination and equality by taking women's particular rights, needs and interests into account in project planning and implementation.

1.2 REPORT OVERVIEW

The purpose of this report is to contribute to learning on key challenges and good practices, with a view to contributing to a wider dialogue within and among extractive industries companies – as well as other key stakeholders – on how a gender-responsive approach to human rights due diligence can be embedded in project planning and implementation, including through strengthening engagement with women. A 'gender-responsive' approach encompasses understanding and taking into consideration socio-cultural factors underlying sex-based discrimination (gender sensitivity); but also, critically, it involves proactively identifying gender gaps and biases, as well as planning actions to overcome these challenges in order to improve gender equality (gender responsiveness).

This report focuses on six select dimensions of human rights due diligence in extractive industries projects:

- Community relations
- Land acquisition and resettlement
- Security
- Local content
- Grievance resolution
- Strategic social investment

These topics were selected because case study examples, research and dialogue with companies and other stakeholders demonstrate that engagement with women and a gender-responsive approach in these areas remains challenging for many extractive industries projects. Furthermore, human rights reporting by companies frequently identifies these topics as salient human rights impact areas. For each topic, a short overview of key gender issues is provided, as well as suggestions for addressing these in practice to ensure more gender-responsive due diligence. Further resources for extractive industries project staff are also listed. Company case studies are included to provide practical insights on key challenges and potential solutions in concrete project settings. The report provides an introductory overview of select due diligence topics, rather than comprehensive guidance.

1.3 TARGET AUDIENCE

The primary target audience is practitioners working in private or state-owned extractive industries companies, in particular those working in functions such as community relations, social performance, human rights, security and environment. However, the information provided is also relevant for management who have the responsibilities for ensuring commitment and support for equality and non-discrimination, as well as other relevant business functions. Other stakeholders working with gender, human rights due diligence and extractive industries – such as social specialists in financial institutions, impact assessment practitioners or civil society organisations working on extractive industries issues – may also find the report useful.

1.4 SCOPE

The primary scope of this report is large-scale industrial mining, oil and gas projects. The information may also be relevant and applicable to industrial-size projects in other land-intensive industries, such as renewable energies, infrastructure, forestry or agriculture. Likewise, there may be some applicability to the artisanal and small-scale (ASM) mining sector. However, applicability

should not be presumed, and these sectors are not the primary focus of the report.

While using the term ‘gender’, this report focuses on women and girls in particular. Specifically, the focus is on applying gender-responsive strategies to human rights due diligence implementation at the project level, as well as exploring what particular strategies may be needed to increase and deepen engagement with women as part of human rights due diligence. The primary focus is on external engagement (i.e., in communities rather than the workforce), while recognising that community members are often part of the workforce. While many of the points made in the report are globally applicable, the primary focus is on operating contexts in the Global South. The report recognises the diversity of women and men, taking an intersectional approach to understanding women’s lived experiences. Intersectionality recognises that factors such as ethnicity, race, religion, sexual orientation, etc. intersect with one’s gender identity to produce particular experiences of marginalisation, poverty and oppression. The understanding of non-discrimination and equality applied is underpinned by human rights standards and principles, including recognising the need for substantive gender equality (i.e., achieving equitable outcomes in practice, which requires more than ‘formal’ equality measures that treat women and men alike) and the role of special measures (sometimes also called affirmative action or equal opportunities measures). (See the Glossary for definition of terms.)

1.5 METHODOLOGY

The report has been developed based on desktop research and dialogue with various stakeholders to gather insights and practice examples. The case studies have been drafted by company practitioners in collaboration with the DIHR. Drafts of the report were reviewed by practitioners and gender experts from non-governmental organisations (NGOs), companies and academia. (See Acknowledgments and Contributors for full details.)

1.6 BUILDING ON EXISTING COMMITMENTS

Many leading extractive industries companies have made commitments to gender equality, as have relevant industry associations. For example, the International Council on Mining and Metals (ICMM)⁶ and the global oil and gas industry association for environmental and social issues (IPIECA)⁷ have both committed to gender-responsive practices, including as part of their endorsement of the United Nations Guiding Principles on Business and Human Rights (UNGPs)⁸ and the 2030 Agenda for Sustainable Development.⁹ UN Sustainable Development Goal 5 commits industry actors to work to ‘achieve gender equality and empower all women and girls.’¹⁰ ICMM notes that, ‘[m]ining

companies have a responsibility to ensure gender equality, as it relates to both the workforce and to communities.¹¹ Likewise, IPIECA commits to this goal, suggesting that the extractive industries can ‘contribute to gender equality in their corporate operations by creating an inclusive culture, free of discrimination, with equal pay and opportunities for all.’¹²

Likewise, many industry leaders recognise that attention to gender equality and non-discrimination must be an integral part of their commitment to respect human rights. The UNGPs, endorsed by the United Nations Human Rights Council in 2011 and supported by IPIECA¹³ and ICMM,¹⁴ set the baseline expectation that companies respect human rights through exercising human rights due diligence. They clearly stipulate and foresee taking a gender-responsive approach to human rights due diligence, including by taking account of the particular rights, needs and interests of women and girls. For example, the UNGPs call for the use of disaggregated data in impact assessment and management, as well as particular attention to sexual and gender-based violence in conflict-affected areas.¹⁵ The importance of taking a gender-responsive approach to due diligence has also been emphasised by the United Nations Working Group on Business and Human Rights (UNWG), which issued a Gender Guidance in 2019 that lays out a common framework for states and businesses to implement gender-responsive assessment, as well as gender-transformative measures and remedies to achieve substantive gender equality.¹⁶

Women’s economic empowerment and the realisation of women’s rights to and at work are also recognised as critical for the achievement of the 2030 Agenda for Sustainable Development, including the realisation of the Sustainable Development Goals (SDGs).¹⁷ Equality and non-discrimination – ‘leaving no one behind’ – are key cross-cutting principles of the 2030 Agenda. Of particular relevance is Goal 5 to ‘achieve gender equality and empower all women and girls’.

Progress in gender equality at national level is also critical. Governments are adopting legislation to guarantee women’s rights to ownership of the family home and land, protection against domestic violence, non-discrimination, etc. It is therefore important that practitioners working on extractive industries projects have an in-depth understanding of national laws and actions to protect women’s rights, including how national-level standards compare to international expectations.

1.7 NEXT STEPS

Despite existing commitments and good practices, it is evident that extractive industries companies need to take additional steps to make their existing commitments to gender equality and non-discrimination a reality across project

contexts. Ensuring gender-responsive human rights due diligence, especially with regard to deepening engagement strategies with women and men in local communities, is a critical step towards this goal.

In this context, this report seeks to prompt extractive industries companies and other stakeholders to engage in conversation on non-discrimination, as well as to share lessons learned and good practices on gender-responsive due diligence. With this aim in mind, the report identifies specific topics, tools and actions which could be further developed and implemented going forward.

2 SIX DIMENSIONS OF GENDER-RESPONSIVE DUE DILIGENCE

This report focuses on six select dimensions of human rights due diligence in extractive industries projects:

- Community relations
- Land acquisition and resettlement
- Security
- Local content
- Grievance resolution
- Strategic social investment

These topics were selected because case study examples, research and dialogue with companies and other stakeholders demonstrate that engagement with women and a gender-responsive approach in these areas remains challenging for many extractive industries operations. Furthermore, human rights reporting by companies frequently identifies these topics as salient human rights impact areas. Therefore, while this should be read as a non-exhaustive list, ensuring gender responsiveness, including through stronger engagement with women, in these areas arguably provides a good starting point for companies working towards implementing gender-responsive due diligence.

For each topic, a short overview of key gender issues is provided, as well as suggestions for addressing challenges and enhancing gender-responsive due diligence in practice. Further resources for extractive industries project staff are also listed. Company case studies are included to provide insights on key challenges and potential solutions in concrete project settings.

2.1 COMMUNITY RELATIONS

Community relations refers to the practice of engagement between a company, local communities and other stakeholders. It is a distinct field of professional practice, with many extractive industries companies having in place dedicated

teams for managing relationships with communities, stakeholder engagement, grievance resolution and community development. Company community liaison officers (CLOs) may also be involved in collaborating with the operational, environment, security or other business teams for conducting risk and impact analysis or for addressing specific issues. In many projects, community relations staff are involved in managing consultations for various social studies and management plans or negotiating agreements with communities (e.g., land use or community development agreements). As such, the field of community relations is distinct from public relations and forms a central function for social performance. Taking a gender-responsive approach to community relations is therefore critical for ensuring gender responsiveness across various due diligence dimensions. This includes having a thorough understanding of the specific situation of women, as illustrated by the case study.

2.1.1 KEY GENDER ISSUES

Participation of women in consultation and engagement processes: Research has shown that participation of women in extractive industries community consultation processes tends to be generally lower where the local culture is highly patriarchal.¹⁸ For example, within a community, there may be a gap between the few (most commonly male) representatives who participate in the process and the rest of the community, meaning that information does not get disseminated to all affected persons and that decisions may not be in the interest of all of those who have a stake in the project. Consequently, women may be left out altogether or included in the process only as passive recipients of information.¹⁹ This is problematic because women's understandings may differ from men's; for example, women may use the local forested area for collecting firewood, gathering berries, etc., whereas men use it for other uses. Women can be both directly and indirectly excluded from consultations. For instance, when meetings are not announced ahead of time, are located a long distance away or are not at a time of day that responds to women's schedules, women may be busy working or not able to make the necessary arrangements to be able to attend.²⁰ Consultation meetings may also be led by community representatives who do not necessarily represent the views of a broad range of community stakeholders, including women's interests. Frequently, it is not adequately recognised that 'the community' and 'the women' are not homogenous groups. Where women are included, participation may be limited to women of a particular social status, education level, race or ethnicity, and may exclude other groups of women that are more marginalised. Lastly, it is not always acknowledged that just because women are at a meeting does not mean they are sufficiently empowered to bring their voices to the discussion. Steps may need to be taken to facilitate women's meaningful participation.

The role of community liaison officers (CLOs): Decisions on who engages community members on behalf of the company will also have an influence on women's engagement, including their participation in consultations. For example, if men are hired as CLOs in cultures that are patriarchal, this may present challenges for bringing the voices of women and marginalised groups into the discussion. Also in non-patriarchal societies, CLOs need to understand gender differences to ensure that the full range of potential impacts are avoided, mitigated and managed; in practice, this is not always the case. Another challenge relating to CLOs is safety of female CLOs visiting community members in remote areas. Female CLOs may also face additional discrimination if they are from an indigenous or external community. The importance of gender balance in the CLO team, combined with language and other considerations, is therefore a critical issue.

Structural barriers influencing women's ability to participate: Socio-economic factors which may inhibit women's involvement in consultation and engagement processes may include: lack of education; poor health; early motherhood; care-taking responsibilities (e.g., for children and elders); lack of time to participate; and lack of autonomy and recognition of women's economic roles.²¹ For example, lack of personal economic independence has been identified as a key factor influencing women's inclusion or exclusion in mining and agreement-making processes.²² Moreover, where men control access to technology, such as radios or mobile phones, women may have diminished access to information (e.g., on health risks or training) and participation in public life (e.g., exposure to public awareness campaigns).²³

Women and free, prior and informed consent (FPIC): FPIC principles and processes are crucial for successful community engagement and minimisation of corporate-community conflict. When engaging with indigenous communities, international human rights law sets clear requirements for FPIC.²⁴ Failure to meet these principles during engagement processes can specifically harm women. FPIC sought exclusively from men should not be represented as consent from the whole community. For example, failure to equally disseminate project-level information can leave community members, especially women, unaware of basic documentation and unable to form their individual opinions about the content of agreements.²⁵

2.1.2 GOOD PRACTICES FOR GENDER-RESPONSIVE DUE DILIGENCE

Implementing gender-responsive stakeholder engagement: General company stakeholder engagement plans and training for community relations teams may not include gender issues or may provide only a limited focus on such issues. Who undertakes engagement and consultation is also relevant, as is how seriously their views are taken by colleagues within the company. For example,

in some contexts it may be inappropriate for male community liaison officers (CLOs) to directly engage with women in local communities. Ensuring the inclusion of policies and procedures to ensure women's participation and agency in community relations engagement, and ensuring a gender balance in on-site community relations teams, is important for addressing these barriers. That other functions within the company, such as senior management or operations, take the community relations team seriously is equally important, as is gender training for community relations teams. Stakeholder engagement strategies may be strengthened by working directly with women and men in local communities to ensure that strategies to include the voices of women are adequately reflected in site-specific stakeholder engagement plans and activities. Addressing language and literacy considerations is essential, as is targeting locations that women tend to visit (e.g., markets or churches) for information dissemination.

Involving women in negotiations for extractive activities and resources: Publish What You Pay and UN Women suggest that impact assessments and community consultation should specifically take into account how women will be affected by the project and how they can benefit from developing the natural resource. These organisations emphasise not only ensuring that the right questions are asked, but also that the right conditions are met so that women can freely participate.²⁶ Similarly, the World Bank recommends the use of both mixed-sex and women-only consultations. The Bank states that female facilitators should always be at hand, including a local interpreter, to ensure that women are both heard and understood. In addition, rights-holders should have access to independent environmental, legal and accounting advice during negotiations. All advisers should ensure that the women's delegation is not sidelined, but afforded the same access to counsel and guidance as men.²⁷

Undertaking gender context and power analysis to identify pre-existing barriers and understand gender roles and relationships: International Alert points out that engaging stakeholders in due diligence processes may present many practical challenges; for this reason, it is important to anticipate issues as early as possible in the project planning phase. It can be challenging to engage with women in a way that is inclusive as well as conflict-sensitive, especially in contexts where gender norms discriminate against women's participation and self-determination or even condone violence against women. Barriers may also be present due to the history of a region; for example, in indigenous communities that have experienced colonisation, the history requires a sensitive understanding of a deeply rooted past. Since women-specific barriers may be not easily visible to outsiders, it can be helpful to also gather information from valued informants and third-party sources.²⁸ For example, engaging NGOs or other organisations trusted by women as intermediaries or facilitators may be effective. Community gatekeepers may also present barriers; for instance, religious leaders may totally block or really facilitate engagement.

Conducting participatory community mapping to encourage female participation in community consultations: The World Bank suggests that conducting community mapping, with input from diverse local stakeholders, may encourage women's participation in community forums. This mapping should include consultation to determine the most appropriate times and locations to hold meetings in order to ensure that women will be able to participate, given their childcare and other home and work responsibilities.²⁹ Childcare, meals, etc., may also need to be provided. 'Gendering' the budget for engagement should be ensured; for example, budget lines should include activities or other arrangements for transport, feeding and entertaining of children.

Setting up a 'vouching system' to increase female participation in community consultations: International Alert gives an example of a women's organisation in Myanmar which has institutionalised a 'vouching system' for cases where women are reluctant to join community consultations or are prevented from doing so. The vouching system consists of identifying a first group of women who have participated in consultations and tasking them to reach out to other women by 'vouching' for the process. In this manner, women who feel like they cannot trust a particular process, or who are scared to join, can gradually join the process by having someone they can trust vouch for it.³⁰ Clearly, such a system requires careful planning and implementation and may not be appropriate in all circumstances. However, where appropriate, it may be a good way forward. Work must be put into the selection processes to understand how the reputational and social standing of those 'vouching' may be impacted, as well as to ensure that their personal safety is not put at risk by taking on this role.

Setting up women 'focal points' to improve female participation in community consultations: Oxfam America describes how organisations in Brazil conducting a human rights impact assessment (HRIA) established women 'focal points' in each community as a way to improve outreach to female participation in community consultations.³¹ Bearing in mind that women are not a homogenous group, the focal point will also need to be sensitive to involving those from other economic groups, ethnicities, etc.

Addressing the concerns of men in community consultation: According to the World Bank, by 'addressing the concerns of the community men they may feel more comfortable enabling women to take advantage of opportunities. Dialogue will need to take place about sensitive family issues to mitigate negative impacts that can occur.'³² For example, in some circumstances, women earning more money may result in increased family violence. In these instances, analysing family workloads, talking about household decision-making and having NGOs present at community consultations to work with men on issues of self-esteem may be helpful.³³ This is also important in processes such as resettlement, where

many companies are reluctant to include wives in the process because they are uncertain whether women should be included when matters of money are discussed, should know the amounts or should be present when the funds are handed over, for fear that doing so may lead to domestic and/or gender-based violence. Companies need to undertake careful analysis to determine where this is a real risk and where it may be hiding behind a 'convenient excuse' that perpetuates the exclusion of women and the very real negative impact that resettlement can have on women's lives.

Addressing gender roles to encourage women's participation: While community consultations may incorporate women, the influence of cultural and traditional gender roles can marginalise women during engagement processes. To reduce the challenges cultural gender norms may have, strategies to address these should be implemented. For instance, this may include ensuring that women's representatives are fully involved in community decision-making during engagement and resettlement.³⁴ However, 'involvement' must go well beyond simply having women representatives on a committee, to ensuring that their views are proactively sought, genuinely considered and responded to.

CASE STUDY: ADDRESSING GENDER-BASED VIOLENCE IN INDIGENOUS COMMUNITIES IN BOLIVIA

Located in the indigenous territory of Alto Parapetí, where the Guaraní people had experienced systematic violation of their fundamental rights through the system of servitude and forced labour in haciendas³⁵ until 2010, the Incahuasi gas field operated by Total Exploration & Production Bolivia (TEPBO) started its construction phase in 2013.

Despite the liberation of the so-called 'captive communities' and the consolidation of their territory following the 2007 government decree to eradicate servitude and bond labour, women in Alto Parapetí continue to be an extremely vulnerable group. Ethnic, social, class and gender discrimination converge to create a vicious cycle of poverty, exclusion and gender violence.³⁶

In getting to know the local communities, Total E&P Bolivia observed several important aspects regarding Guaraní women's situation. For instance, in addition to the challenging local context, new employment opportunities provided by the Incahuasi project primarily benefited men. Furthermore, the compensation payments made by Total E&P Bolivia for land acquisition which went to the male heads of households may, in fact, have contributed indirectly to exacerbating existing financial and gender inequalities; women became more dependent on men, who were more likely to access and control these benefits.

Bolivia is among the countries in Latin America with the highest rates of violence against women. The country has experienced important legislative reforms since the adoption of the constitution in 2009 and the enactment in 2015 of Law No. 348 - Comprehensive Law to Guarantee Women a Life Free of Violence, which establishes gender equality and criminalises gender-based violence. However, according to the 2016 'Survey of Prevalence and Characteristics of Violence against



Women' conducted by national authorities, 45 per cent of women age 15 or older who are married or in a free union report having experienced a situation of violence in their relationship within the last 12 months.³⁷ The figure rises to 48 per cent in rural areas, in which the conditions of vulnerability become even more acute for indigenous women and girls.

During 2014, female Total E&P Bolivia community liaison officers alerted the societal team (the company team in charge of social performance) about instances of gender-based violence (GBV) in the communities of Total's area of operation. The dilemma became how to engage on such a sensitive topic in a culture with male-dominated leadership. Moreover, the risk that community leaders could have accused Total of adversely influencing their traditions or interfering in internal matters was very likely. Based on the new legal framework, Total first approached the Guarani Gender Secretary Representative, who responded positively. Guarani indigenous organisation has a governance structure based on eight secretaries corresponding to topics such as agricultural production, health, education, land, etc. At the time, only male leaders were appointed, except for the secretary dedicated to gender issues, which was represented by a woman. Following this initial engagement, a partnership was then established with the local government service in charge of implementing mechanisms to prevent GBV, as well as Casa de la Mujer, a local non-governmental organisation (NGO) with robust expertise in promoting human rights and eradicating GBV. Total was involved in creating the programme through coordination with the different actors, as well as through providing financial support to the programme.

A programme to raise awareness about GBV in coordination with Guarani leadership in six communities (100 families) of Alto Parapetí was launched in 2016. Using a participatory research methodology, the aim was to create awareness about the need to address violence both as a problem that affects women individually, as well as an issue that collectively affects the community. The programme helped to generate critical and proactive awareness oriented towards the prevention of GBV, as well as attention to and protection of women

affected by GBV, in particular through the appointment and capacity building of female community workers (a mechanism stipulated in Law No. 348). To date, notable initiatives and outcomes of the programme include:

- A participatory research study in which 70 per cent of the communities' families actively participated in eight workshops, focus groups and interviews (52 female and 40 male participants), providing testimonies of GBV;
- A handbook for community members on GBV and the applicable legal framework;
- Strengthening of the local government service in charge of preventing GBV, through their involvement in the delivery of the programme;
- Six communities appointed 17 female workers who will work jointly with Guarani authorities and the local-level government service to support GBV victims; and
- During 2018, community workers' capacity-building was conducted, as well as experience-sharing workshops with other communities in the local area.

Further Resources Box

- Asian Development Bank (2013), [Toolkit on gender equality results and indicators](#)
- Centre for Social Responsibility in Mining (2016), [The ABC of social responsibility in mining: A manual on how to obtain social consensus in the extractive sector](#)
- International Council on Mining and Metals (2005), [Community development toolkit](#)
- International Finance Corporation (2018), [Unlocking opportunities for women and business: A toolkit of actions and strategies for oil, gas, and mining companies](#)
- MacDonald C. (2017), [The role of gender in the extractives industries](#)
- Organisation for Economic Co-operation and Development (2017), [Due diligence guidance for meaningful stakeholder engagement in the extractive sector](#)
- Oxfam Australia (2017), [A guide to gender impact assessment for the extractive industries](#)
- Rio Tinto (2009), [Why gender matters: A resource guide for integrating gender considerations into communities work at Rio Tinto](#)

- Rio Tinto (2010), [Why gender matters: Training for communities and social performance practitioners](#)
- UNIFEM (2009), [Introduction to gender analysis and gender sensitive indicators](#)
- United Nations Global Compact (2018), [Women’s empowerment principles \(WEPs\) gender gap analysis tool](#)
- World Bank (2013), [Extracting lessons on gender in the oil and gas sector](#)

2.2 LAND ACQUISITION AND RESETTLEMENT

Land acquisition, lease and use by extractive industries projects has profound effects on peoples’ livelihoods and well-being. Frequently, women’s rights and participation are marginalised in land acquisition and resettlement processes. Taking proactive steps to ensure greater participation of women in land acquisition and resettlement, as well as recognition of their rights and livelihoods, is therefore essential for ensuring gender-responsive due diligence. In extractive industries contexts, the term ‘involuntary resettlement’ is frequently used to encompass both physical and economic displacement; hence, both of these aspects are addressed in this section. As illustrated by the case study, ensuring a gender-responsive approach to livelihood restoration is an important aspect of resettlement planning and implementation.

Furthermore, in many contexts, land use agreements between affected communities, the operator(s) and sometimes government as a third party are becoming more prominent. For example, indigenous land use agreements (ILUAs) and impact and benefit agreements (IBAs) are two common forms of such negotiated arrangements. Land use agreements set out how potential adverse effects of the project will be mitigated and managed, as well as what and how community benefits from the project are to be attributed. How women are engaged in such agreement negotiations and how their rights and interests are reflected is a critical consideration for gender-responsive due diligence.

2.2.1 KEY GENDER ISSUES

Legal recognition of women’s land rights: Across the Global South, almost half of smallholder farmers are female.³⁸ However, women often have little control over their income and lack secure land tenure. In some countries, laws prohibit women from owning land and/or the legal system may provide only limited inheritance rights for women.³⁹ Even if legislation theoretically grants women

equal land rights, these rights are not always implemented in practice. This may be due to cultural barriers (for example, traditional inheritance rights where the deceased husband's family seeks to claim ownership of land). Research by the Centre for Social Responsibility in Mining found that gender-neutral land-related agreement policies and associated processes usually fail to identify gendered impacts and opportunities – precluding women's issues from being brought to the table in agreement negotiations. Moreover, where women's rights are not upheld by national and local law, it may be difficult to bring gender considerations to the fore. For instance, where agreement negotiations are based on land ownership or where voting rights are tied to land, women – who often lack land titles – have limited abilities to engage in decision-making processes.⁴⁰

Customary land rights and communal land use: With only 30 per cent of land rights formally registered worldwide,⁴¹ many communities continue to use customary practices to govern land use and ownership rights. Sometimes, these customs allow men to sell land without their wives' consent or even forbid women from owning land.⁴² In addition, women often face discrimination during decision-making processes at the family, community and political levels.⁴³ In many regions of the world, communal natural resources are a significant part of families' food security and livelihoods; however, these communal resources may not be considered in negotiations, resulting in women being left without compensation nor alternatives. The proper inclusion, valuation and compensation of 'women's crops', for instance, is rarely ensured. Collective rights in indigenous territories may mask or render invisible women's land use.

Socio-economic barriers: Women generally earn less for paid work and are often sidelined in compensation payments for land acquisition⁴⁴; this income disparity undermines their bargaining power. Furthermore, limited education may prevent women from engaging in land-related negotiation processes. A lack of literacy among participating women has been shown to informally exclude women from negotiations, as they are unable to understand or counteract written measures.⁴⁵ Moreover, lack of education can restrict women from economic benefits and solutions during negotiations, as alternative livelihood and occupation options may be limited.⁴⁶

Loss of livelihoods and economic opportunities: In association with physical resettlement, women may lose their homes and sources of income without receiving suitable alternative means of generating livelihoods and incomes. This may also occur in the case of economic displacement. Women are prevalently reliant on subsistence livelihoods and income generation through informal work and services, such as tending land, gathering food, fuel and medicines, and maintenance and selling of cultivated produce.⁴⁷ These activities are often dependent on resources being available in or around the area of the home. As

such, relocation can strip women of their livelihoods, making them dependent on others for livelihood-sustaining activities and incomes. The effects are often worse for the most vulnerable, such as renters (the building owners, not the tenants, may receive compensation) or people who work on other people's land (the landowner, not the workers, may receive compensation).⁴⁸ Additionally, resettlement often disproportionately impacts the livelihoods of female-headed households, as proximity to family members or healthcare providers may take precedence over access to agricultural land and resources when choosing where to relocate.⁴⁹ As a result, women who previously relied in part on small-scale agricultural livelihoods, forest products or marine ecosystems may sacrifice access to a source of food and income.

Increased food insecurity: Both physical and economic displacement can have profound adverse impacts on access to food, including food-generating activities such as agriculture, forest products or fishing. In many communities, women play central roles in food gathering and provision, with the result that not only are women disproportionately impacted by increased food insecurity, but also that these impacts have significant flow-on effects on women's families and dependants. For instance, the World Bank reports that loss of land and deterioration of fisheries, 'causes greater cash dependence and effectively reduces household income, leaving women to provide for the family with fewer resources.'⁵⁰ This places an undue burden on women and may trigger negative diet changes, loss of status or place in community and additional time spent on daily domestic tasks.

Compensation arrangements: As a consequence of women's legal and economic positioning in many societies, resettlement arrangements may exclude women from receiving proper compensation. Patriarchal legal and customary structures which bestow land rights exclusively to men may keep women from the negotiating table altogether.⁵¹ Furthermore, when male heads of household are the sole beneficiaries of compensation agreements, money may be spent in ways which ignore the needs of women and children. When combined with potential loss of livelihood and community support structures, this can leave women at a serious disadvantage in the aftermath of resettlement.⁵² Also, resettlement packages may not provide women with equivalent fertile land and a water supply, forcing them to pay inflated food prices.⁵³ Consequently, women may become more reliant on the income of their husband or other male family members, which could undermine their autonomy. For example, in the Ugandan oil refinery areas it was found that the rift between husbands and wives over the use, control and ownership of resources had widened due to the appreciated value of land in the region, which forced the men to be even stricter on women's use of land. Respondents to the study indicated that men were doing this to ensure that women had no ground in claiming part of the compensation.⁵⁴ In Chile, it was found that many mining couples deal with gender conflicts when

negotiating money. Even though women manage the family's money, it is often not considered their money; thus, they do not feel free to use it and must account to male family members.⁵⁵

Increased workload, including household responsibilities: As a consequence of resettlement or the destruction of local water sources and forests, women may experience an increased workload. Men may more easily find employment in extractive industries projects, leaving women to bear the sole responsibility for subsistence activities. Alternately, because of diminished incomes and no prospects of local employment, women may migrate to seek work, leaving their families behind. Where these types of changes occur as a result of resettlement, not only do they lead to more work for women, but they also reinforce socially constructed gender roles and norms, reducing social mobility. The presence of extractive industries projects in communities may also result in women being burdened with increased household responsibilities. For instance, in Cambodia, the demarcation of mining concession boundaries reportedly restricted community access to forest resources, meaning that women were forced to go longer distances to search for food and firewood.⁵⁶

Disruption of local culture: Women may lose their social networks and status in the community as a result of resettlement. For instance, in Sierra Leone, Mende women lost their traditional fishing livelihoods when mining companies replaced natural shallow pools with artificial reservoirs.⁵⁷ Moreover, where extractive industries companies do not recognise the religious and spiritual connections of indigenous women to their environment and land, resettlement can have significant adverse impacts on their traditional cultures, livelihoods and well-being.⁵⁸

2.2.2 GOOD PRACTICES FOR GENDER-RESPONSIVE DUE DILIGENCE

Enabling women to actively participate in community discussions concerning land acquisition, lease and use: This involves finding 'spaces where women participate, reaching out to women's networks, empowering women leaders and building a critical mass of women representatives' rather than simply, 'adding women to masculinized public spaces and assuming they will express their views.'⁵⁹ Potential barriers to women's participation in public discussions can be identified through a gender impact assessment⁶⁰ and could include inability to attend meetings due to childcare commitments, difficulty understanding information and customs discouraging women from speaking publicly.⁶¹ Promoting broad-based community discussions, rather than top-down information sessions which rely on male representatives to convey information to local communities, can also be beneficial.⁶² It is also important to recognise that enhancing women's participation may be a process for communities and companies, where incremental steps may be significant from the communities'

perspective. It is important that participation is understood through a longer-term community development perspective, rather than a shorter-term business perspective.

Proactively addressing issues of representation: In many contexts, men (and women) may suggest that women are ‘represented’ by male community leaders or heads of households. Taking a gender-responsive approach requires proactively questioning and challenging such claims in a culturally appropriate manner. Identifying male and female community members who champion women’s rights and interests and engaging them to determine how representation is structured, as well as how women’s voices may be best included, can be decisive. For example, local church leaders, women elders, teachers and/or healthcare workers may have useful insights. Another option may be to introduce a section in each negotiation meeting that is designated to listening to women’s views, possibly led by a skilled independent facilitator. While men may control formal land rights and the primary negotiating position, companies should engage and negotiate with women directly regarding land use and challenge assumptions, given that the changes brought about by natural resource development will inevitably challenge ‘traditional’ authority structures, livelihoods and gender roles.

Committing to formalised representation of women in agreement negotiations: In any formal negotiations – such as for a land use agreement, impact benefit agreement, community development agreement or resettlement planning – it is essential to ensure women’s representation in the negotiations. For example, instigating a ‘no women, no meeting’ policy for negotiations may assist in ensuring women’s presence during negotiations. Providing that such strategies are backed up with any necessary capacity building and culturally relevant strategies to facilitate active participation, they can contribute to women’s representation in negotiations. Identifying ‘male champions’ in local communities who will represent women’s interests can also be effective. Companies should engage women’s organisations and support empowerment of female leaders and/or local women’s groups. (It is important to note that women’s groups take many forms, including groups of mothers, networks of crafters, etc.)

Collaboratively designing strategies to ensure distribution of benefits includes women: In many extractive industries contexts, there is a high risk of a disproportionate distribution of impacts and benefits, including that women’s interests may be under-represented in the structure and accessibility of benefits. Negotiation about the location and quality of replacement land, houses and natural resources, for instance, will have important implications for food security. Such barriers can be addressed through the collaborative design – involving both women and men – of benefits to be included in any agreement

and resettlement planning. For instance, women-specific job or business opportunities can be included and progressive targets set for their achievement. In Papua New Guinea, for example, prominent women's group leaders joined negotiations concerning financial benefits associated with the Ok Tedi Mine. Consequently, \$34 million (10 per cent of the total compensation) was allocated for women's projects, half of all scholarships were granted to women and payments were made to individual family bank accounts.⁶³

Taking a holistic approach to resettlement planning: Reddy et al. stress the importance of approaching resettlement planning holistically. Schedules between resettlement and the development of the extractive industries project as a whole should be carefully coordinated to prevent displacement, especially of vulnerable persons such as women and children.⁶⁴ In addition to the need to plan early, research by ICMM suggests that many projects do not invest enough human or financial resources during the resettlement planning process. Without these resources, resettlement impacts may be poorly assessed, possibly resulting in grievances, conflict and mine closures. Companies that had both invested sufficient resources and planned in an appropriate time frame were found to have fewer disruptions and more trusting relationships with both local communities and government actors.⁶⁵ Early planning and proper resourcing that enable an emphasis on identification of design option alternatives that avoid resettlement are therefore key good practice strategies. This is particularly important for 'fast track' projects where important time and space for proper due diligence is particularly at risk. Moreover, Owen and Kemp argue that because resettlement in mining contexts have unique features that distinguish them from other forms of development caused displacement and resettlement – e.g., incremental land access, cohabitation between mines and communities, patterns of leveraging for compensation and associated socio-economic inter-dependencies – proper planning for resettlement holds potential for safeguarding against major displacement risks. Including consideration of control over the planning process, the approach to remediation, and accountability and enforcement.⁶⁶

Recognising and addressing the specific situation of women and girls in resettlement: A resettlement process and action plan should take account of the particular situation of women and girls. For example, it is important that women are involved in the selection of resettlement location, as they may pay more attention to factors such as water accessibility and the vicinity of social services such as schools and healthcare than male community representatives. Women should also participate in the design of resettlement housing to meet their practical and cultural requirements. Potential gender issues faced by women if resettled to host communities should also be considered; for instance, resettlement plans should consider whether safety and security of women and girls in home and host communities is likely to be an issue or not. The World

Bank suggests that the following elements should be included in resettlement negotiations to enable women and their families to make informed decisions: (1) support women in securing land titles and citizenship documentation so that their rights are protected/enhanced; (2) ensure that women's livelihood strategies are captured in the baseline studies for resettlement negotiations; and (3) facilitate family decisions on livelihood strategies (e.g., cash, savings and land). This process may include appointing a social worker to help community members think through the implications of resettlement or a small business adviser to help open accounts, review options and provide appropriate savings advice.⁶⁷

Ensuring that women are able to secure their legal rights: The World Bank takes the position that in resettlement, 'whether or not a woman's name is on land titles, including her in decision-making is good practice. In some cases, a woman who is not yet co-titled would be legally entitled to an ownership right; in other instances the woman does not have that right, and the man may choose to overrule the woman's wishes. Hence, clear knowledge of a woman's rights to be consulted and co-titled are important to ensure that women secure their legal rights in this process.'⁶⁸ Similarly, Oxfam Australia states that resettlement must ensure the right to property ownership and access to resources for women. In addition, resettlement policies should include programmes designed for women with respect to education, health, family welfare and employment opportunities.⁶⁹

Involving women in selection of resettlement sites and planning for essential services: Resettlement site location can determine the success of the resettlement process as a whole. Attempts to cut costs through site selection processes can lead to a lack of agricultural land for replacement, cutting into the household's livelihood. ICMM recommends that companies look holistically at the site selection process and consider the social, structural and economic implications of each selected site in order to address the interests of all being relocated and promote communal sustainability.⁷⁰ Relatedly, Reddy et al. suggest that resettlement objectives should include community initiatives, emphasising preservation of social structures and provision of important services such as healthcare. These services may be completely relocated or shared between those being resettled and a host community. Rebuilding facilities must likewise be well-considered to prevent conflict.⁷¹ Resettlement should also ensure that women have access to sexual and reproductive health services, as well as specialist services to prevent and tackle domestic violence and other forms of violence against women.⁷²

Performing gender-sensitive *ex ante* mapping of natural resource use, ecosystem services and cultural heritage: In many communities, women and men have different roles regarding natural resource use (e.g., water, arable land,

forests) which may not be adequately captured in standard baseline assessments. Taking a gender-responsive approach that involves women, with a view to understanding how they interact with various ecosystem services, can ensure that these gender dimensions are adequately reflected in agreement-making, resettlement planning and impact management plans. This can be accomplished through methods such as participatory social mapping. Likewise, women's cultural heritage must be accounted for. If access to these resources or cultural heritage will be disrupted, actions to mitigate and address these impacts should form part of the negotiations.

Distributing cash compensation payments to women or family accounts (with women as co-signatories) for increased control of resources: The issue of compensation for resettlement should be planned carefully from a gender perspective. All too frequently, resettlement processes involve large cash payments to male leaders and heads of households, which never reaches women or contributes to family well-being. Strategies such as paying women directly, using joint accounts and promoting in-kind compensation can be effective, as can making the payments in tracts (i.e., spacing them in time). However, these strategies may not always be appropriate and each and every community context will need to be individually assessed in order to gain insights as to what may be appropriate and effective in the specific context. Menzies and Harley, in their study on women's engagement in mining deals in Papua New Guinea, highlight the positive outcomes of introducing family bank accounts for distributing cash compensation payments. Since many cash transfers are otherwise made to accounts controlled by men (and subject to persistent concerns regarding misuse and leakage), the use of accounts to which women were co-signatories improved the access to resources for women and youths in the area.⁷³ Similarly, ICMC recognises that cash compensation can have a gender dimension, such as when a male head of household is compensated for crops, even though women are the cultivators. Particularly in these contexts, consulting affected women can help identify the most appropriate course of action.⁷⁴ Cash compensation generally makes women (and the family unit as a whole, e.g., children) more exposed to vulnerability or further loss of livelihood and resources. Cash is more likely to be used by men for buying luxury items, while in-kind compensation and livelihood restoration (such as restoring vegetable gardens) will benefit women, as these interventions often fall within their remit. This is also why proper livelihood restoration, as part of the resettlement process, is so important.

Monitoring of resettled communities: Monitoring and evaluation mechanisms are imperative to promoting long-term success of resettlement. Monitoring and evaluation should be considered early and implemented into project planning to foster the selection and application of effective indicators.⁷⁵ The United Nations suggests that women specifically work alongside men when determining project

indicators, ensuring that gender-sensitive indicators are present and that formal grievance mechanisms are accessible to both women and men. Information and justice channels should likewise be equally available to both women and men.⁷⁶ Gender-specific questions, indicators and benchmarks should be included in the monitoring and evaluation of resettlement. The Asian Development Bank recommends that stakeholders encourage women to participate in all stages of the monitoring and evaluation process, including implementation. The establishment of inclusive institutional mechanisms at both the project and community level are also recommended.⁷⁷

Working with government actors and local NGOs: Cooperating with relevant government actors (national and/or local) and NGOs can help to ensure that land laws are effectively implemented and that women’s land rights are respected and implemented. This may include addressing gender discrimination in the context of a specific project, as well as using leverage to address systemic discrimination, such as by working with other operators and other actors to promote equality in land rights. In Kenya, for example, Action Aid is training local women to take advantage of the country’s Community Land Act.⁷⁸

CASE STUDY: UNDERSTANDING WOMEN INTER-TIDAL COLLECTORS AS PART OF LIVELIHOOD RESTORATION IN MOZAMBIQUE

The Mozambique Liquefied Natural Gas (MozLNG) Project, currently in the feasibility phase, will be developed on the Afungi Peninsula overlooking the Tungui Bay, Palma District, near the border between Mozambique and Tanzania.

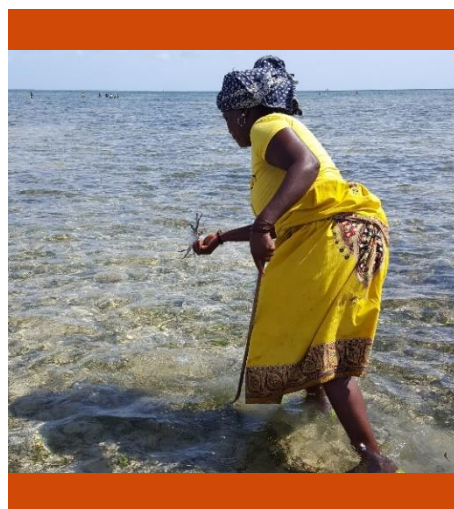
Project development will impact inter-tidal collectors and fishers through a combination of physical displacement from the coast and establishment of temporary and permanent marine exclusion zones (MEZ) for construction and operations in the bay.⁷⁹

Environmental and social impact studies and a Resettlement Action Plan (RAP) led to environmental licensing of the AMA1 site in 2017. Project baseline studies on gender, cultural heritage and inter-tidal collection and fisheries have all identified women’s importance in household subsistence activities of agriculture and inter-tidal collection. The studies also revealed that not enough was understood about subsistence of inter-tidal collectors – principally women. In response, qualitative informal monitoring was undertaken to understand more about this group and develop appropriate livelihood restoration responses. Project data identified the controlling role of men in fisheries, sea-going mobility and trade, which in Palma are all associated with status and economic power. Male household heads and female family member respondents both upheld the perception that fishing is a male domain, and that the women who participate

are not really carrying out a serious activity, certainly not one that can be reported formally.

Inter-tidal collectors are generally women who are primarily motivated by feeding and caring for their families. Many are elderly or teenage girls and children. Inter-tidal collectors play an important role in giving and receiving collection skills and knowledge; this knowledge is transferred between older lead collectors and younger women, as well as between mothers and the very young. Boys will eventually graduate to fishing with the men, but their basic lessons about marine life come from their mothers.

Qualitative study has shown that women inter-tidal collectors create informal groups based on kinship and neighbourhood, which are maintained and reinforced by exchanges of knowledge and skills related to food provision (e.g., collecting and preparing food) and care-giving (e.g., ceremonial performance and healing support). Collectors do not go out alone to the sea. To protect themselves from potential dangers *en route* and on the beach, women organise themselves in groups of highly trusted extended family members and neighbours.



Building on the substantial baseline work undertaken, a deeper understanding of the Afungi inter-tidal collectors was pursued through low-intensity informal anthropological field research carried out intermittently over almost a year with a small group of women and men informants from three villages. Study challenges included: navigating lack of literacy; gaining needed trust and information from women in an active Project resettlement process where expectations were high and rising; and dealing with constant constraints to meetings and freedom of movement caused by fear and insecurity. Participant observation was recorded through a mixed approach of interviews, written journals and a WhatsApp 'daily diary' of photographs and voice messages.

Livelihood restoration opportunities need to take into account the age profile of participants, as well as the various roles of inter-tidal collection for different segments of society. For example, inter-tidal collectors, especially elderly women, play an important role in socialising the young. These two groups will be heavily impacted by the Project; however, they are unlikely to immediately benefit from the technological and income improvements promoted by the Project's livelihood restoration programmes. Relocating collectors to alternative collection sites displaces their spatial resource knowledge. As part of mitigating these impacts, the Project is providing access and transport to the same beaches for physically resettled inter-tidal collectors and fishers until construction

activities begin at the beach; then, inter-tidal collectors will move to new beaches at Salama on the Tungui Bay and Maganja Velha overlooking Olumbi Bay.

Maintenance of social safety nets will continue to be important as increasing numbers of women learn new skills and join other income generation groups, leaving behind women with inter-tidal collection knowledge and skills that are not valued beyond their closed network. Therefore, the Project is implementing a number of activities to avoid and address associated adverse impacts. For example, the Afungi Community Development Fund (ACDF) community preparation team includes members who were involved in the case study research. The team is well suited to promoting tailored approaches to social safety net maintenance by fostering initiatives to strengthen social ties, including through providing support to women members' own ideas and activities. The team is planning group activities spearheaded by lead women collectors who have the most to lose, and with other implementation partners will focus on viable subsistence strategies and social relations in the new primary fisheries sites identified for livelihoods development.

Functional adult education is to be tested by the Project as a key participatory tool for facilitating change. Materials could be developed specifically focusing on inter-tidal collectors as a multi-benefit tool. Currently, mariculture (seaweed and sea-cucumber) and inter-tidal zone enhancement are being implemented as pilot projects in the inter-tidal and sub-tidal zones. Evaluation after a year of implementation must include assessment of the social inclusion and impacts on women of all ages, as well as primary subsistence activities.

The Project is also working to secure an agreement to reduce the size and configuration of the planned MEZ so as to minimise impacts on inter-tidal collectors and fishers. Specifically, by reducing the shoreline MEZ to the north of Project infrastructure, there is an opportunity to significantly reduce the number of potentially impacted inter-tidal collectors in the operational phase.

Further Resources Box

- Centre for Social Responsibility in Mining (2014), [Mining and local-level development: Examining the gender dimensions of agreements between companies and communities](#)
- International Council on Mining and Metals (2015), [Land acquisition and resettlement: Lessons learned](#)
- International Finance Corporation (2012), [Guidance note 5: Land acquisition and involuntary resettlement](#)

- International Finance Corporation (2002), [Handbook for preparing a resettlement action plan](#)
- J4P (2012), ['We want what the Ok Tedi women have.' Guidance from Papua New Guinea on women's engagement in mining deals](#)
- Reddy, G, Smyth, E and Steyn, M (2015), [Land access and resettlement: A guide to best practice](#)
- World Bank (2013), [Negotiating with the PNG mining industry for women's access to resources and voice](#)
- World Resources Institute (2016), [Making women's voices count in community decision making on land investments](#)
- World Resources Institute (2017), [Ensuring gender equity in compensation & resettlement schemes related to commercial land investments in Tanzania and Mozambique](#)

2.3 SECURITY

Most extractive industries companies have a security team and system in place which govern an operation's security management. This security management includes aspects such as security risk assessment, governance for interaction with public security forces, setting and implementing guidelines for the management of private security engaged, and establishing protocols for the recording and management of security incidents. As part of security management, many companies have committed to the Voluntary Principles on Security and Human Rights (VPSHR). These are a 'set of principles designed to guide companies in the extractive sector in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and individual freedoms.'⁸⁰

However, as demonstrated by the case study, it is important that VPSHR implementation is adapted to ensure gender responsiveness, in particular in high-risk contexts. The International Code of Conduct for Private Security Service Providers is another key framework.⁸¹ Given the well-documented potential and actual impacts on women and girls that may be associated with extractive industries security arrangements, ensuring gender-responsive security management is a critical dimension of due diligence.

2.3.1 KEY GENDER ISSUES

Gaps in gender sensitivity in security management: The Voluntary Principles on Security and Human Rights (VPSHR) provide a key framework; however, neither the framework nor the accompanying implementation guidance address gender explicitly.⁸² Stronger references are provided in the International Code of Conduct for Private Security Service Providers, which refers to sexual exploitation and abuse, as well as gender-based violence, and provides a guideline for how measures may be implemented to address these.⁸³

Social and structural tensions: In some contexts, the changes in social dynamics that extractive industries operations bring about have been shown to increase community conflict and introduce social and health concerns, including domestic violence, sexual abuse and harassment, alcoholism and increased rates of sexually transmitted infections, consequently raising security concerns for women and children in communities.⁸⁴ Impacts do not need to be directly connected to a specific company *per se*, but may be cumulative and structural in nature, resulting from the social changes that accompany large-scale industrial development and economic opportunity in a community.⁸⁵ In-migration associated with extractive industries projects, including the presence of a large (often male) transient workforce may produce particular security issues for women and girls in local communities. In some tense and conflictive situations between the company and the community, leaders may send women and children to the frontline of a protest or blockade, exposing them physically.

Sexual and gender-based violence (SGBV): Some of the risks involved with extractive industries projects include negative impacts on women's safety, in particular various forms of SGBV.⁸⁶ Qualitative evidence suggests that SGBV may be particularly serious in extractive industries communities due to the influx of disposable income, the arrival of migrant labour and the social disruption caused by the industry.⁸⁷ Moreover, studies show that there have been well-documented cases where security forces protecting extractive industries operations have been perpetrators of sexual and gender-based violence, including rape.⁸⁸ Despite this, legal research has indicated that litigators rarely focus on SGBV, and that the potential of legal recourse to remedies for these types of human rights abuses remains rare.⁸⁹ It has also been documented that indigenous women tend to be more vulnerable to SGBV than non-indigenous women, emphasising the need to take a contextually nuanced and intersectional approach.⁹⁰

Sexually transmitted diseases and infections: Where there is a heavy reliance on a transient male workforce, as is typically the case during construction or in fly-in-fly-out (FIFO)-based operations, women may be exposed to heightened health and security risks, such as sexual violence and sexually transmitted infections.⁹¹

Violence and sexual abuse results in adverse impacts on the health of women and girls living in communities where extractive activities are carried out. For instance, in Cambodia, changes in the social fabric of the communities affected by these activities indirectly led to an increase of HIV infections due to the rise of trafficking and commercial sex work.⁹² Research on communities in Uganda impacted by extractive industries operations found that a significant number of women entered into sex work to meet the needs of their families after they had been abandoned by their husbands who had been compensated for displacement.⁹³ Moreover, geographically, oil has been discovered in areas where sex work is already prevalent. Landing sites like Kaiso Tonya, in the fishing communities along Lake Albert in Uganda, are particularly prone to commercial sexual practices due to the frequency with which traders pass through them.⁹⁴ According to International Alert, it appears that women who travelled to oil regions in search of jobs in the sector but did not find them turned to sex work.⁹⁵

Threats and violence against women human rights defenders (WHRDs):

Globally, human rights defenders face significant threats and even death, including in situations where they express concerns regarding extractive industries operations. WHRDs frequently face additional threats compared to their male counterparts, given that women challenge both the power of companies and the state, as well as patriarchal notions of society.⁹⁶ Common threats, risks and violence encountered by WHRDs include: barriers to participation in decision-making processes; criminalisation; stigmatisation; militarisation and armed forces; and marginalisation within their own communities.⁹⁷

2.3.2 GOOD PRACTICES FOR GENDER-RESPONSIVE DUE DILIGENCE

Ensuring gender responsiveness in VPSHR implementation: Gender dynamics and considerations need to be included in VPSHR implementation. For example, VPSHR risk assessment and management plans should include the gender-specific human rights risks noted above, and VPSHR training for relevant company and security personnel should include content on gender. Zero tolerance policies regarding SGBV can also be implemented. Another step would be to improve the gender responsiveness of monitoring and tracking of security incidents in order to adopt appropriate action plans and resources. Increasing collaboration between community relations and security teams can be a great help for triangulating knowledge and building gender sensitivity across functions. For example, the community relations team could be involved on-site in gathering and analysing VPSHR risks and developing mitigation measures.

Consulting women separately on security arrangements and management:

Given the sensitivity around many gender-specific security concerns (e.g., those relating to SGBV), consulting women separately and specifically regarding

security arrangements can be critical for understanding the full picture of security-related impacts and the effectiveness of security management. The IFC, for example, notes that: 'Gender considerations are also important, as women often have different experiences and interactions with security personnel. For example, the potential for sexual harassment or sexual violence against women can increase from an expanded presence of private or public security forces in a project area. Consulting women separately may offer important perspectives and may help companies identify a fuller range of potential risks and community concerns.'⁹⁸

Awareness-raising and hiring female security officers: The IFC notes that raising 'security personnel's awareness of and respect for culturally specific gender issues may help the local population accept their presence. Some companies have had success in improving cultural acceptance and reducing tensions by hiring female security guards, particularly in situations where there are frequent interactions between guards and women from the community.'⁹⁹ For instance, including awareness raising on indigenous culture and rights may contribute to preventing and addressing violence against indigenous women.

CASE STUDY: GENDER-SENSITIVE SECURITY AND HUMAN RIGHTS TRAINING

At Rio Tinto, a key aspect of implementing the Voluntary Principles on Security and Human Rights (VPSHR) is context-specific security and human rights training for site security personnel and all private security provider personnel. The VPSHR are a set of principles designed to guide companies in the extractive industries sector in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights.¹⁰⁰ In 2018, for example, on-site training was delivered to business operations and/or security providers in: Rio Tinto Exploration's Lima office, Peru; Richards Bay Minerals operation, South Africa; Canga Camp at Simandou, Guinea; and Rio Tinto Kelian mining operation, Indonesia (closure site).

As part of reinforcing the message that 'human rights are for everyone', Rio Tinto recognises the importance of a gender-sensitive approach to training on the principles, including at high-risk sites. For example, the training highlights that security personnel have the responsibility to respect and protect rights of women and men equally, including by paying particular attention to the risks and impacts that may be experienced by women. As a part of the training, the specific duties and responsibilities of security personnel are explained in detail, and security personnel are familiarised with their obligations to ensure that the rights of potentially vulnerable groups such as women, children and the victims of crime are respected and protected. Topics in the training also include dealing with trafficking in persons and interacting with victims of crime in a gender-

sensitive and gender-responsive manner. Sites are also encouraged to share Rio Tinto's VPSHR training materials with local public security forces and to invite local public security forces to attend training, if possible.

The training was developed in 2012 in partnership with the Pearson Centre (a former Canadian NGO and member of the VPSHR) and involved five consecutive phases over a period of two years. These included initial design of practical and activity-based learning materials, piloting, and the development of the training into multi-media and train-the-trainers courses. The training content includes explicit attention to



specific human rights such as the rights to equality and security of person, and how security provision may interact with such rights. Guidance is also provided on the duty of personnel to take action to ensure that any crimes or acts of violence against women are appropriately reported to the relevant local law enforcement agency for investigation. Participants learn to support the victim (as needed) in obtaining medical assistance, filing a complaint, opening a case and securing a case file number, gathering the contact details of the investigating officer, and/or following up on investigation progress. Security personnel are informed of the need to support the investigating officer (as required) with gathering information, evidence, statements, witness details, etc.

The trafficking in persons portion of the training focuses in particular on women and girls, including content on relevant international standards and provisions, such as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and the definition of trafficking therein. Different types of recruitment and exploitation are explained, as well as different types of abuse that may be suffered by victims. Rio Tinto knows that security guards may be the people to spot these situations and wants them to be able to react in a gender-sensitive and effective way. The section on dealing with victims of crime likewise pays particular attention to women and girls, focusing on key principles and strategies for respecting the rights of victims of crimes. Victims are entitled to: compassion and respect; access to justice; information on their case; material, medical, psychological and social assistance; safety and privacy; compensation; and investigations which look into abuses and hold those responsible accountable for their actions.¹⁰¹

As part of VPSHR implementation, Rio Tinto sites also need to take the steps necessary to ensure that routine security activities are gender-sensitive, for example, by hiring both men and women to perform security duties and, when searches are required, taking steps to ensure that women search women and men search men. The key benefit of taking a gender-sensitive approach to security arrangements is that it conveys to the local communities in which the

company operates that Rio Tinto security personnel care for, and equally protect and respect, the human rights of both men and women. Annual refresher training in the VPSHR is also mandatory for all private security personnel, and by doing so, Rio Tinto aims to ensure ongoing integration and emphasis on gender-sensitive security practices.

Rio Tinto's VPSHR work also sits within the company's broader human rights programme which aims to take gender into account in ensuring the company is meeting its commitments including to operate in line with the UN Guiding Principles on Business and Human Rights.

Further Resources Box

- Business & Human Rights Resource Centre (2018), [Shared space under pressure: Business support for civic freedoms and human rights defenders, guidance for companies](#)
- Centre for Social Responsibility in Mining (2014), [Mapping gender-based violence and mining infrastructure in Mongolian mining communities](#)
- ICMM, IFC, IPIECA and ICRC (2011), [Voluntary principles on security and human rights: Implementation guidance tools](#)
- International Alert (2005), [Conflict-sensitive business practice: Guidance for extractive industries](#)
- International Code of Conduct for Private Security Providers (n.d.), [Guidelines for private security providers on preventing and addressing sexual exploitation and abuse](#)
- International Finance Corporation (2018), [Use of security forces: Assessing and managing risks and impacts](#)
- UNDP (2013), [Women and natural resources: Unlocking the peacebuilding potential](#)
- UN Interagency Framework Team for Preventive Action (2012), [Toolkit and guidance for preventing and managing land and natural resources conflict: Extractive industries and conflict](#)
- [Voluntary Principles on Security and Human Rights \(2000\)](#)

2.4 LOCAL CONTENT

Local content in the context of extractive industries projects usually refers to measures such as: employing people from the local area; providing technical vocational education and training to the local workforce; sourcing from and otherwise supporting the capacity of local businesses and supply chains; and supporting knowledge transfer to local workforces and supply chains. Local content measures may encompass the project, sub-national and national levels. What is deemed 'local' is frequently a point of contention.

In many contexts, local content is a legal requirement, either pursuant to national legislation or as part of the investment agreement governing the project. Even where it is not a legal requirement, local content is considered by many companies to be a commercial necessity and a critical contribution to socio-economic benefits in their area of operations. Ensuring that women benefit from local content opportunities requires taking a gender-responsive approach to scoping, developing and implementing local content. This may include a range of measures, including emphasising the accessibility of male-dominated job types and setting targets for female employment, as illustrated in the case studies.

2.4.1 KEY GENDER ISSUES

Legal and practical barriers to formal employment opportunities: Although conditions have improved, many gender-based restrictions in legal frameworks remain. For example, in 2018, 65 countries restricted women from working in mining.¹⁰² In practice, the majority of formal mining jobs, across all scales and types of mining, are held by men. Although there have been some improvements, it is estimated that only 5 to 10 per cent of workers employed in industrial mining are female.¹⁰³ Many industrial mine openings constitute a mixed blessing for women. On the one hand, they cause a decline in agriculture, but on the other hand, they increase service sector jobs. The decline in agriculture is large, and by far outweighs the increase in service sector jobs, so in total female employment is reduced. The new jobs created are, however, likely to provide better remuneration – which is usually in cash and is less seasonally dependent. Moreover, mine closure can be detrimental for female employment since the new service jobs disappear, while the opportunities to return to agriculture are hampered.¹⁰⁴ Women may also face barriers in setting up their own operations. For instance, according to research, the apparatuses used in the extractive industries are normally very costly, and insufficient start-up capital is a binding constraint for women. Thus, even for those in the industry, there exist disparities in resource structure relative to male owned or dominated firms.¹⁰⁵

Gender roles in extractive industries work: Although the extractive industries have historically been associated strongly with male traits and identities, the reality is much more complex. Women participate in a wide range of mining and mining-related activities.¹⁰⁶ They often work part-time at informal operations and occupy ancillary roles, such as cooks and services providers. In mining, women are more frequently associated with transporting and processing materials, as opposed to digging, meaning they are not always identified or recognised as miners. Similarly, the World Bank notes that pre-established cultural opinions deeming the oil industry as ‘men’s work’ impede on women’s participation, even if they feel willing and able to complete the same tasks. According to the Bank’s research, ‘[s]everal women commented that they had chosen not to apply to industry jobs for which they were qualified. Reasons for this included the perception that a masculine work culture and potential sexual harassment issues would make the workplace more challenging and less welcoming to women, and that the lack of support for childcare effectively prevents women from entering or remaining in the industry workforce.’¹⁰⁷

Inequality and social exclusion: Based on gender roles, women and men often do not have equal ownership or rights over resources. They are often differentially involved in decision-making, and women are often ineligible to make certain decisions for their own or their family’s lives.¹⁰⁸ According to Rio Tinto, certain types of changes may negatively affect gender relationships and quality of life conditions for women. This may happen, for instance, if inequality and social exclusion is exacerbated by men receiving the bulk of employment and income from the project, as well as male leaders being the main counterparts for project consultations, both of which may weaken the status of women in the community.¹⁰⁹ In addition, women typically have unpaid care work, which adds to their overall workload.¹¹⁰ The same applies in the oil and gas sector. As men work in a cash economy created by mining operations, women have increased responsibilities for the household and food provision through traditional means.¹¹¹ Furthermore, since women have little or no control over and access to any of the benefits of mining developments, especially money and employment, they become more dependent on men, who are more likely to access and control these benefits.¹¹²

Lack of women in leadership and female role models: Within extractive industries companies, women’s share of managerial positions is commonly small or non-existent, and their rates of career progress are slow and uneven. Men generally form the majority of board members, managers, top executives and higher-level professionals, while women are still concentrated in the lower categories of managerial positions. In offices, they are frequently employed in so-called ‘soft’ jobs such as office administration and clerical tasks.¹¹³

2.4.2 GOOD PRACTICES FOR GENDER-RESPONSIVE DUE DILIGENCE

Accounting for women in local and national content practices: In many contexts, extractive companies have local or national content policies and strategies in place, including plans for meeting legal requirements. It is important to draft and review any national content plans from a gender perspective to ensure non-discrimination and that women share in the benefits. For example, this might include provisions such as gender-specific targets for employment and skills training programmes, as well as measures for ensuring women can access local business opportunities. Partnering with local civil society organisations, universities and training institutes that target women may be useful for designing strategies that are appropriate for the specific context. Ensuring women are well represented as recipients of scholarships and bursaries for professional development schemes is another strategy.

Increasing employment opportunities for women through relevant targets and quotas: Careful design and implementation of relevant employment targets and quotas may assist in promoting diversity and greater inclusion of women in extractive industries projects. According to the IFC, 'Department and staff incentives should be aligned to the achievement of women targets. In the absence of such incentives, the temptation to avoid a difficult task, such as integrating women, is high'; therefore, '[r]ecruiting involves setting recruitment targets for women, screening and selection of women candidates and induction training for women.'¹¹⁴ According to Oxfam Australia, every mining project should adopt a policy of maximising employment opportunities for women. This should include the hiring and training of women in non-traditional jobs, such as book-keeping, drafting laboratory work and operating machinery.¹¹⁵

Assisting women to establish their own businesses: The Revenue Watch Institute notes that the extent to which communities actually benefit from the changes brought about by local content interventions will depend on their capacity to take up such opportunities and their level of dependency on the extractive industries sector. One particular opportunity may be assisting women to establish their own small businesses by providing them with access to legal, business and financial systems, thereby reducing the gender gap that prevents many women from participating in economic life.¹¹⁶ IPIECA likewise notes the potential for more female-run businesses, identifying 'programmes to develop historically under-represented or marginalized groups (e.g. women, Indigenous Persons), or SMEs owned by them' as an opportunity offered by local content.¹¹⁷ Rio Tinto observes that gender equality in financial services has shown great business returns, since women generally have a track record of starting successful businesses and repaying loans.¹¹⁸ In a comprehensive toolkit, the IFC provides guidance and tools to integrate women-owned and gender-diverse businesses in supply chains, which companies can use to, among other things,

develop a gender diversity supply chain programme and support the development of local women-owned businesses.¹¹⁹

Implementing family-friendly work practices: The implementation of family-friendly work practices for employees may include: establishing childcare facilities; setting work hours that fit with family schedules; and considering possibilities for splitting one full-time job into two part-time jobs.¹²⁰ Providing parental leave in line with international human rights standards and industry good practice is also important. Such arrangements can also have positive impacts on men and are a good example of how gender-responsive measures can create benefits for women and men alike.

CASE STUDY: TOWARDS GENDER BALANCE ACROSS AREAS OF OPERATION IN MADAGASCAR

Base Resources is an Australian mineral sands producer operating as Base Toliara in South West Madagascar since 2018. Here the company is working in Atsimo Andrefana, one of the poorest regions of one of the world's poorest countries. Conditions for women in this region are acute with particularly high level of early teen pregnancy, over 50 per cent of the female population has never been to school and literacy levels are among the lowest in the country.

As part of its commitment to gender equity, Base Toliara has taken steps to open up jobs for women in non-traditional areas, with the view to increasing women's opportunities to find meaningful employment in diverse roles that are not restricted to office and domestic jobs. Base Toliara is motivated both by the institutional commitment to international good practice (e.g., Equator Principles and IFC Performance Standards), as well as by the broad experience and ethical frameworks of its management team. As explained by Amanda Tagliaferri, Human Resources Manager: 'In Laos we had a fantastic team of female Heavy Mobile Equipment (HME) operators – though initially there was resistance both from surrounding culture and even our mining colleagues we found the women to be reliable, hardworking and above all, competent operators. As has been found in mining operations across the globe, women operators were more safety conscious and less hard on the machinery.'



The life of mine is expected to be 40 years¹²¹ and the new mine in Madagascar is seen as an opportunity 'to put in place initiatives to balance gender from the minute details to the big policy and strategic decisions' (Amanda Tagliaferri). The longer-term aim is for gender equity in all areas of operation and at all levels of the organisational chart. Base Toliara is starting by ensuring 50 per cent male and female in all short-lists for training or employment opportunities. In 2019 at the superintendent level, the company has achieved 30 per cent gender equity and is actively recruiting women across all levels, but particularly into senior management roles and community relations teams. A comprehensive early capacity-building programme is also underway with a strong emphasis on female employment.¹²² Actions include:

- Registering of > 5000 local people for traineeships in February 2019. Twenty per cent of these applicants were women and more women are being recruited through a dedicated women's registration day in each of the five communes to expand the number of women in the database.
- 1000 people went through a selection process to select between 200 and 500 people for further training – 20 per cent of this group were women.
- 50 per cent of the very first Heavy Mobile Equipment Operators graduated after 500 hours of training in May were female and the top student is female. Madame Sidonie (picture) is now sharing her knowledge as a trainer with the next batch of trainees.
- All the following training programmes will seek 50 per cent gender balance in non-traditional trades such as: construction and operational traineeships; apprenticeships such as electrical and instrument fitting; graduates (METS, Chemical Engineers, Mining Engineers, Mechanical Engineers (planners), Safety and Environmental Professionals); Wet Trades.
- Women will also be encouraged to take up supervisor roles.

It is understood that if the company is to positively impact the lives of women in the community within which it operates, it must also be a company where there is gender balance and women are empowered and enabled to do their job; whether that be in the office, in operational roles or in community development. To this end, in 2019 Base Toliara is undertaking a gender impact assessment of all aspects of its operations and a Gender Equity Plan is being elaborated by Base Toliara's senior staff. This plan will complement and build on the diversity policy that is already in place, including by introducing gender champions and gender induction training.

CASE STUDY: WOMEN GRADUATE FROM UNDERGROUND MINING TRAINING IN THE PHILIPPINES

Since 2016, 10 female graduates have completed their International Certificate II in underground operations from Asia's First Metalliferous Underground Mining Simulator – a facility built in partnerships by Site Skills Training and OceanaGold Philippines Inc. (OGPI).

Three of these graduates, Marilou Nablul, Ofelia Magastino and Alma Gonsay, are all residents of the Barangay Didipio community, the host community of OceanaGold's Didipio Mine.

In 2016, OceanaGold started supporting local residents from Didipio and neighbouring communities to attend an all-expense-paid training in Site Skills in Pampanga, Philippines. The underground mining metalliferous work readiness programme provides the necessary skills to become highly competent industrial and underground professionals. This facility creates opportunities for a sustainable industry-ready underground mining workforce in the Philippines and fosters education and training in line with international standards and practice.

OGPI is targeting an increase in the participation of women in the workforce from 18 per cent in 2018, to 25 per cent by the end of 2021, so the company actively encourages women to participate in this Underground Work Readiness Programme with an aim to continually increase diversity and empower female professionals.

These three women all had employment with the mine and its contractors and were looking to expand their skills and employment opportunities in more technical roles.

Prior to her involvement in the site skills programme, Marilou Nablul worked for OGPI's contractor that manufactures the explosives used in blasting. She became a blaster, then inspector, and then became in-charge of a site. Marilou said she is more confident now. 'I learned how to discipline myself working at the underground,' she said.

Alma Gonsay was a 100-tonne truck driver at an open pit. Before getting certified to operate a giant truck, she went through a series of



various vehicle handling from light vehicles to water trucks. Alma said working underground has given her the chance to provide for her three children. 'Being a single mother I used to depend on farming to support my four children, one of which is already in high school,' she said.

Ofelia Magastino started as an assistant cook and housekeeper with the Didipio Community Development Corporation (DiCorp), a community-based corporation established in partnership with OceanaGold. In 2013, Ofelia became a bus and water truck driver which served as her stepping stone to the underground site skills programme and further employment opportunities.

After the programme ended Marilou joined OGPI's underground survey team and Ofelia and Alma started working as underground operators. Their training continues in a working underground environment with the assistance of in-house trainers.

'Working on surface is very different from working beneath the ground,' Alma said. 'It may be difficult at first, but if you want it, you can do it.'

Further Resources Box

- Esteves, A.M. and Barclay, M.-A. (2011), [Enhancing the benefits of local content: integrating social and economic impact assessment into procurement strategies](#)
- Esteves, A.M., Coyne, B. and Moreno, A. (2013), [Local content initiatives: Enhancing the subnational benefits of the oil, gas and mining sectors](#)
- International Finance Corporation (2009), [Women in mining: A guide to integrating women into the workforce](#)
- International Finance Corporation (2013), [Investing in women's employment](#)
- International Finance Corporation (2018), [Unlocking opportunities for women and business: A toolkit of actions and strategies for oil, gas, and mining companies](#)
- IPIECA (2016), [Local content: A guidance document for the oil and gas industry](#)
- UN Women (2016), [Promoting women's participation in the extractive industries sector: Examples and emerging practices](#)

2.5 GRIEVANCE RESOLUTION

As part of due diligence, the UNGPs require operational- or project-level grievance mechanisms that meet certain effectiveness criteria. Such mechanisms are important channels of communication and can be a means for both identifying and addressing specific instances, as well as detecting systemic challenges that may need to be addressed. Overall, the extractive industries have been active in implementing, reviewing and improving such mechanisms. However, there have also been cases where such mechanisms have fallen short of international human rights standards, in particular when it comes to women's rights (e.g., in cases of sexual violence).¹²³ Even if affected women are able to access judicial, non-judicial and/or operational-level grievance mechanisms, they may be unable to access suitable remedies, due to these mechanisms operating within existing patriarchal norms and adopting gender-neutral processes.¹²⁴ Ensuring that project-level grievance mechanisms are gender-responsive should therefore be a key element of due diligence.

2.5.1 KEY GENDER ISSUES

Barriers to accessing judicial remedies: Women may be de facto excluded from the judicial system. For instance, access to lawyers or police may be difficult for women to arrange due to their social standing, limited financial resources, distance to urban centres, lack of ID, gender stereotypes or similar factors. Research from the World Bank showed that in the hypothetical event that women impacted by oil and gas activities had a grievance, women reported that they would be expected to rely on their male family members to take action on their behalf. In many contexts, a lack of female law enforcement officers and judges, as well as a lack of gender-sensitive training for male personnel, underlines the invisibility of women's exclusion.¹²⁵ Particularly in the case of sexual harassment and gender-based violence, women face multiple barriers that discourage them from reporting violent conduct. Fears of social stigmatisation, job loss and further victimisation are three key obstacles women encounter.¹²⁶

Barriers to accessing non-judicial remedies: A report on the resettlement of communities in Mozambique showed that although grievance mechanisms had been set up by mining companies, many vulnerable individuals such as women and younger people struggled to make their voices heard in the public sphere. Social norms relating to hierarchy and representation were viewed as having a limiting effect on individuals participating in meetings or raising concerns.¹²⁷ An Avocats Sans Frontières report presented the situation in Moroto, Uganda, where companies fail to offer remedies, and women look for actors with a high perceived degree of authority or legitimacy in order to resolve their claims or issues.¹²⁸

Lack of gender sensitivity in project-level grievance mechanisms: There have been a number of reported cases of project-level grievance mechanisms falling short of international human rights standards, in particular when it comes to women's rights (e.g., in cases of sexual violence).¹²⁹ Consultations of the UN Working Group on Business and Human Rights confirmed that demands for sexual favours in return for better work conditions are common and that sexual violence by security guards in the extractive industries is an endemic problem.¹³⁰ Yet, 45 out of 189 examined economies do not have laws on domestic violence and 59 do not have laws protecting women from sexual harassment at work.¹³¹

2.5.2 GOOD PRACTICES FOR GENDER-RESPONSIVE DUE DILIGENCE

Implementing project-level grievance mechanisms that are rights-compatible and accessible to women: It is critical that the governance of project-level grievance mechanisms – including the standard operating procedure, persons administering the mechanism and periodic review of the mechanism – take account of the grievances of women, as well as the gendered experience of community grievances raised and resolved. The methodologies applied for complaint resolution should take account of women's rights, needs and preferences. Complaints amounting to criminal offences must be referred to the appropriate authorities. According to Oxfam Australia, the design of company-level grievance mechanisms should follow some basic principles to ensure women's participation in grievance resolution processes. This includes ensuring that the mechanism is accessible to women by taking into consideration any barriers that might prevent women from using the mechanism. In addition, all grievance mechanisms should be rights-compatible, both in substance and process. The mechanism must be based on the inclusion, participation and empowerment of women (and men), with attention to cross-cutting issues.¹³² The World Bank recommends providing multiple avenues for raising grievances in order to improve access to remedy for women. For instance, measures such as a community-based reporting mechanism, a free company hotline with multiple language options and other similar access points can allow women to advocate on behalf of themselves without fear of reprisal or shame. This is especially important in areas where state intimidation is practised and/or where communities are widely dispersed throughout remote areas.¹³³

Ensuring that women are appropriately compensated for their losses: Human Rights Watch recommends that businesses and governments provide a process for fair compensation and remedy of negative human rights impacts of relocation in mining communities – including through compensating losses that have already occurred. Human Rights Watch highlights the importance of paying attention to impacts on women and ensuring that they are appropriately compensated for their losses.¹³⁴

Using independent mediators with a good understanding of gender issues: The University of Essex Human Rights Centre Clinic recommends that grievance mechanisms should make use of independent mediators who have a firm understanding of gender issues. These mechanisms should have the necessary authority to make decisions which are binding. In addition, the Clinic recommends that grievance mechanisms should offer prompt, adequate and effective remedy for women. Companies should ensure that remedies are tailored to women’s needs, livelihoods and productive lifespan.¹³⁵ Furthermore, the Gender Guidance by the UN Working Group on Business and Human Rights recommends that states and businesses should carry out gender-responsive assessments making use of sex-disaggregated data, engaging gender-sensitive experts and including consultations with women’s organisations, including those operating at the grass-roots level. If those measures do not achieve the goal of protecting and respecting women’s rights, gender-transformative remedies should be available for affected women. The remedies should combine preventive, redressive and deterrent elements and change existing power structures that discriminate against women.¹³⁶

Inclusion of female staff members: The IFC recommends that companies ensure female staff members have a role within provided grievance mechanisms, and that these members are aware of and sensitive to local women’s role in society and pertinent issues faced by women within the community. Third-party mediators should likewise include female representatives.¹³⁷

Further Resources Box

- Compliance Advisor/Ombudsman (2008), [A guide to designing and implementing grievance mechanisms for development projects](#)
- Harvard Kennedy School (2008), [Rights-compatible grievance mechanisms: A guidance tool for companies and their stakeholders](#)
- International Finance Corporation (2009), [Addressing grievances from project-affected communities](#)
- IPIECA (2015), [Community grievance mechanisms in the oil and gas industry](#)
- Oxfam Australia (2010), [Community-company grievance resolution: A guide for the Australian mining industry](#)

2.6 STRATEGIC SOCIAL INVESTMENT

Many extractive industries companies make contributions to local communities in the form of strategic social investment. These investments may include contributions to health, education or other community development activities, projects and infrastructure. It may also include contributions to women's skills development, as illustrated by the case study. The UNGPs make clear that such activities cannot replace robust due diligence. As part of company operations, such activities are subject to due diligence in order to ensure that any actual and potential adverse impacts associated with strategic social investment are appropriately avoided and addressed. Ensuring that women are engaged in strategic social investment planning and implementation, as well as conducting thorough gender analysis of any initiatives, is critical to ensuring that strategic social investment is gender responsive.

2.6.1 KEY GENDER ISSUES

Inadequate assessment of negative gender impacts: While meeting the demands of local communities, companies should be aware these demands often come mainly from men.¹³⁸ Frequently, potential gendered impacts of strategic social investment remain under-accounted for in design and implementation. The associated 'knock-on' effects have been witnessed repeatedly, such as damaged access to subsistence resources and temporary increase of cash incomes in the project area. Combined with other social inequalities, these effects frequently increase both gender inequality and the burden for local women.¹³⁹

Gaps in engagement of women on extractive industries strategic social investment: Research shows that when only men are consulted about strategic social investment activities, community funds tend to be used for projects with lower development impacts or less wide-spread interests; consequently, these investments do less to improve key development indicators on health, education and sanitation. For instance, if funds are available for healthcare improvements, men are more likely to propose investments in healthcare facilities or new buildings, whereas women largely prefer to leave the building as it is and instead use the funds to put medicines on empty shelves and hire nurses or healthcare professionals to improve available care services. Thus, marginalisation of women from the decision-making process can be detrimental to the community at large.¹⁴⁰ This also highlights why it is so important to involve communities closely in decisions on both what to do and how to do it.

2.6.2 GOOD PRACTICES FOR GENDER-RESPONSIVE DUE DILIGENCE

Engaging women and women's organisations about social investment

priorities: Consulting and collaborating with women's rights organisations in the design and implementation of strategic social investment projects can contribute to ensuring local ownership, relevance and long-term sustainability. Oxfam America notes that international financial institutions should enable the participation of women's rights organisations in development planning in order to ensure a strong gender analysis prior to investment.¹⁴¹ Involving women in social investment implementation can also contribute to building their capacities in formulating, implementing and monitoring projects. According to the World Bank, community consultation is essential to making decisions on how to allocate extractive industries strategic social investment funds. When women are included, programmes tend to be more focused on the community's immediate development needs, including health, education, capacity building and nutrition, as well as more focused on long-term infrastructure projects.¹⁴²

Opting for pro-poor, pro-gender equality social investments: Free, quality essential services (such as education, water and health services) reduce income inequality, promote women's empowerment and overwhelmingly benefit the poor. Generally, women are disproportionately affected when these services are not available. There is therefore an opportunity to support equality and women's empowerment by prioritising strategic social investments in these areas, where relevant in the local context.

Making investments that benefit the most vulnerable: Governments and companies should work to ensure that strategic social investment activities are accessible to both women and men, including the most marginalised and vulnerable groups and individuals within communities. The elderly, female heads of households, and those with physical or intellectual disabilities are among those who might experience the worst adverse impacts from extractive industries projects, with limited access to potential benefits. Similarly, social identifiers such as ethnicity, indigenous status or caste may determine specific vulnerabilities. Women and girls within these groups may experience particular forms of marginalisation that should be addressed.¹⁴³

Working with local and national government actors: Working with government actors and other relevant stakeholders to ensure that strategic social investment contributes to development goals – including gender-related objectives and targets – can contribute to not only ensuring that strategic social investment initiatives are relevant and timely, but also that they contribute to long-term sustainability of such contributions through partnerships and long-term visioning. Therefore, as part of planning and implementing strategic social investment, careful analysis should be undertaken to evaluate which

government actors or other relevant stakeholders can make supportive partners for the projects. Where possible, alignment between government development objectives and strategic social investment can also contribute to longer-term sustainability of initiatives undertaken. Oxfam America notes that employment, government tax revenues from extractive industries companies and local community development projects are some of the key benefits promised by the extractive industries sector. Governments and companies therefore need to work in concert to ensure that women are able to access and enjoy these benefits, and that projects promote gender equality and women's rights.¹⁴⁴

CASE STUDY: EMPOWERING WOMEN ENTREPRENEURS IN SAUDI ARABIA

Shell LiveWIRE is the Enterprise Development programme of Shell, with the vision to strengthen local economies by promoting entrepreneurship, innovation and meaningful employment.¹⁴⁵ In Saudi Arabia, Shell LiveWIRE (known as Shell Intilaaqah in Arabic) has a special focus on empowering Saudi women to become entrepreneurs. The programme aligns with Saudi Arabia's Vision 2030 to inspire Saudi women to develop skills to diversify the economy through establishing small and medium-sized enterprises. The programme is tailored towards the needs of Saudi women, such as women-only classes as well as workshops to address specific barriers that women face in starting a business. In 2018, an MoU was signed between Shell Intilaaqah and Al Rahji humanitarian foundation to boost female entrepreneurship, that will enable 100 Saudi women to acquire the essential knowledge and skills to successfully start-up and develop their own businesses. Additionally, Intilaaqah in cooperation with Riyadh Chamber of Commerce enabled 122 female entrepreneurs to market their handcraft products through Intilaaqah Club network. As noted by Mohammed Abu Saif, Shell Intilaaqah programme manager: 'Saudi female entrepreneurs usually have untapped energy. We believe that we can make the difference by empowering Saudi women entrepreneurs to contribute effectively in the development of society and the economy.'



Since the Intilaaqah programme launch in 2009, more than 12,860 programme participants have established >1,925 start-ups and more than 4,200 jobs have

been created. Because women's empowerment has been a key focus since programme inception, 60 per cent of the total participants supported by Intilaaqah are female, fostering 7,755 women to be entrepreneurs who have started more than 745 businesses across the country.

In collaboration with The British Council, Shell Intilaaqah also initiated a development programme called 'Springboard', the aim is to equip Saudi women with life skills that could enable them to release their potential and achieve success in life.

There are few examples of female business leaders in the country. However, Ghazael Aldossary, a remarkable female participant of the Intilaaqah programme, won the Shell global entrepreneurship innovation prize called 'Top Ten Innovators' in 2017. Through Ghazael's company, Oriental Promises Trading, she connects large manufacturers to waste materials which can be repurposed for their needs, reducing the volume of industrial waste going to landfills.

Specialising in the recycling of polycarbonate materials, the company's innovative process converts polycarbonate waste back to its raw materials form. Ghazael was the first female Saudi Arabian entrepreneur to operate in the recycled industrial waste sector. Ghazael now employs more than 70 people and is a true inspiration for numerous women across the world.

Further Resources Box

- BSR (2017), [Women's economic empowerment in Sub-Saharan Africa: Recommendations for the mining sector](#)
- Centre for Social Responsibility in Mining (2016), [The ABC of social responsibility in mining: A manual on how to obtain social consensus in the extractive sector](#)
- International Finance Corporation (2014), [Sustainable and responsible mining in Africa: A getting started guide](#)
- KPMG (2014), [Valuing social investment in mining](#)
- Minerals Council of Australia (n.d.), [Voluntary community investments: A strategic approach that incorporates gender](#)

GLOSSARY

Equality (formal and substantive): Gender equality requires equal enjoyment by women and men of socially valued goods, opportunities, resources and rewards. Achieving gender equality requires changes in the institutional practices and social relations through which disparities are reinforced and sustained. Equality does not mean that women and men will become the same, but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality requires that the interests, needs and priorities of both women and men are taken into consideration, recognising the diversity of different groups of women and men.

Gender: Gender refers to the social meanings given to being either female or male in a given society. It may also be defined as the economic, social, political and cultural attributes and opportunities associated with being male or female. These meanings and definitions vary from one society to another. They are time bound and changeable.

Gender analysis: Such analysis includes an examination of what is happening within the socio-economic and political system (e.g., household, company, etc.) and links this analysis with the different levels of the wider society. Gender analysis asks questions about who is doing what, who owns what, who makes decisions about what and how, who gains and who loses due to a planned intervention.

Gender responsive: To be gender responsive involves not only identifying gender gaps or biases, but also acting upon them by planning actions to overcome the identified challenges and improve gender equality, including through transforming gender relationships and power structures.

Gender sensitive: To be gender sensitive means understanding and taking into consideration socio-cultural factors underlying sex-based discrimination. In application, gender-sensitive practice has come to mean 'do no harm'.

Human rights due diligence: As outlined in the UNGPs, human rights due diligence is the process by which a company identifies and addresses adverse human rights impacts with which it is involved. This is achieved by having in place a policy commitment to respect human rights, assessing impacts, integrating and acting upon findings, tracking responses and communicating and reporting on impacts and the outcomes of due diligence processes.

Intersectionality: Intersectionality describes the ways in which different identity markers, including race and gender, makes lived experiences qualitatively different.

Non-discrimination: Non-discrimination is the principle guaranteeing that human rights will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Sex: Sex defines biological attributes (male, female, intersex).

Special Measures: The adoption of temporary special measures is designed to secure to disadvantaged groups the full and equal enjoyment of human rights and fundamental freedoms.

Sustainable Development Agenda and Goals: This 15-year plan of action for people, planet and prosperity seeks to strengthen universal peace in larger freedom, to free the human race from the tyranny of poverty and want, and to heal and secure our planet. The Sustainable Development Goals are 17 global goals which seek to realise the human rights of all, including to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: economic, social and environmental.

United Nations Guiding Principles on Business and Human Rights: The UNGPs were unanimously endorsed by the UN Human Rights Council in 2011 and are now the authoritative global reference point on business and human rights. They are based on the three pillars of the UN 'Protect, Respect and Remedy' Framework, which recognise the complementary but distinct roles of states and business in protecting and respecting human rights. The three pillars are: the state duty to protect against human rights abuses by third parties, including businesses, through effective policies, legislation, regulations and adjudication; the corporate responsibility to respect human rights, meaning that companies should avoid infringing on the rights of others and address adverse impacts with which they are involved; and access to effective remedy for victims of business-related human rights abuses, through both judicial and non-judicial means.

ENDNOTES

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