



Indigenous Peoples' Rights

Most countries in the world, including Canada, have endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which highlights the survival, dignity and well-being of the Indigenous peoples. In addition to commitment to uphold UNDRIP and internationally recognized human rights, Indigenous Peoples' right to self-determination, culture, and consultation are also protected through various international human rights instruments.¹ Inadequate respect for these rights has been an ongoing human rights concern associated with business activities, one that may be heightened during the pandemic. Companies need to ensure that these rights continue to be respected.²

Measures that protect Indigenous Peoples' rights

- ✓ Communicate and enforce clear, transparent, consistent policies on engaging Indigenous Peoples within the company and to contractors and suppliers.
- ✓ Wait for the Indigenous Peoples' community's cue for when it is appropriate to access their land to respect health concerns
- ✓ Encourage alternate forms of assembly, advocacy, and expression (e.g. online, petitions, outdoor gatherings, small group meetings).
- ✓ Engage with Indigenous Peoples' communities and conduct information disclosure activities through mutually acceptable alternative means (e.g. online, petitions).
- ✓ Ensure that processes are in place for workers and stakeholders to communicate COVID-19 concerns that violate the rights of indigenous peoples and access effective and appropriate remedy in the event that adverse impacts arise.
- ✓ Conduct regular audits/inspections and follow-up on findings (e.g. labour standards and occupational safety), including appropriate information disclosure.

Measures that restrict Indigenous Peoples' rights

- ✗ Cancel, postpone, or limit meaningful engagement or information disclosure activities due to COVID-19.
- ✗ Disrespect decision of Indigenous Peoples' communities to limit or restrict access to their land or other resources to reduce COVID-19 transmission.
- ✗ Cancel/delay audits/inspections due to COVID-19 (e.g. labour standards and occupational safety), including disclosing appropriate information.
- ✗ Prevent mobilizations or suppress expression of COVID-19 concerns through direct or indirect means (e.g. physical force, threat of dismissal or other consequences).
- ✗ Suppress or ignore COVID-19 concerns raised, including concerns about the unfair mandatory measures.
- ✗ Deny compensation for damages caused.
- ✗ Influence other stakeholders to prevent mobilizations or expression of COVID-19 concerns on the company's behalf.

¹ This human right is protected under a number of international treaties including the [International Convention on the Elimination of All Forms of Racial Discrimination](#), [International Covenant on Civil and Political Rights](#), [International Covenant on Economic, Social and Cultural Rights](#), [Convention on the Elimination of All Forms of Discrimination against Women](#), [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), [Convention on the Rights of the Child](#).

² Examples for the extractives sector documented in a report by Earthworks. (2020). [Voices from the Ground: How the Global Mining Industry is Profiting from the COVID-19 Pandemic](#). www.business-humanrights.org/en/report-argues-mining-industry-is-profiting-from-COVID-19-while-putting-workers-communities-defenders-at-risk-including-co-responses