



Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

Philippines

Consideration of the combined 7th and 8th report

Submission for the list of issues

Submitted by
Franciscans International
Alyansa Tigil Mina (ATM)
LILAK

64th Pre-sessional Working Group
Committee on the Elimination of All Forms of Discrimination against Women,

(Geneva, 2 October 2015)

Introduction

1. This stakeholders' report is a submission of Franciscans International (FI), a faith-based International Non-Governmental Organization (INGO) with General Consultative Status with the Economic and Social Council of the United Nations. It was founded in 1982 to bring to the UN the concerns of the most vulnerable.
2. Alyansa Tigil Mina (ATM) is an alliance of mining-affected communities and their support groups of peoples' organizations and other civil society organizations who oppose the aggressive promotion of large-scale mining in the Philippines. The alliance is currently pushing for a moratorium on large-scale mining revocation of the government policy on the revitalization of the mining industry in the Philippines, repeal of the Mining Act of 1995, and passage of the Alternative Minerals Management Bill (AMMB).
3. LILAK (Purple Action for Indigenous Women's Rights) is a collective of women's rights advocates and feminists in the Philippines, who aims to contribute in the building and raising awareness and understanding of rural and indigenous women on their rights, their roles, their potentials; formation and deepening of analysis of their situation and factors affecting this; development and enhancement of rural and indigenous women's skills in advancing and protecting their rights.
4. The report highlights key concerns related to the human rights of women as stipulated in the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The data and information obtained for this submission came from various sources and include information from FI, ATM and LILAK with the support their network in the Philippines. The report focuses on impact of natural resources extraction, especially mining, on indigenous women's human rights.

Context of mining in the Philippines

5. The legal basis of the exploitation of the mining resources in the Philippines is the Mining Act of 1995 (Republic Act No. 7942). It introduced fundamental economic incentives for foreign investors. The Act also includes basic social responsibilities, especially regarding indigenous communities. Today, the Mining Act is subject to political controversies, most severely with regard to environmental sustainability, the level of protection of affected communities, and the amount of tax revenues.¹
6. A further controversy concerns the relationship between the Mining Act and the Indigenous Peoples Rights Act (IPRA) of 1997. The latter emphasizes that indigenous communities have priority rights within their ancestral domains. In contrast, the Mining Act grants the state the prerogative to also exploit natural resources on indigenous lands. So far, it has not been clearly established how IPRA is to be weighed against the Mining Act.²
7. Considering some weaknesses of the currently Mining Act, especially on the issue of environmental protection and the potential negative impact of mining activities on sustainable social development, there has been several proposals for the amendment of the Act. Since

¹ See « Human Rights Impact Assessment of the Tampakan Copper-Gold Project » page XII, at http://www.fastenopfer.ch/data/media/dokumente/entwicklungspolitik/soziale_unternehmensverantwortung/menschenrechte_in_tnc/tampakan/study_tampakan_HRIA_engl.pdf

² Idem

2010, three proposals for alternative mining bills have been submitted and they were consolidated by the House Committee on Natural Resources into the Alternative Minerals Management Bill. This bill contains proposals of improvement of the current Act especially in ensuring that the resource extraction follows sustainable standards, that the rights and interest of affected communities are better protected and that the mining operations underlie stricter control.³

Violence against indigenous women

8. The indigenous and rural women are particularly vulnerable to the negative impacts of mining activities in the Philippines. There has been a number of conflicts involving mining companies and the local communities which are directly and indirectly affected by the mining operation. This include the killing of the members of indigenous community, including women, by the security forces, especially those who were considered as opposing the mining activities.
9. The killing of Ms. Juvy Capion (27 years old), a Blaan indigenous woman from Tampakan, Mindanao on 18 October 2012 is an example of violation of women human rights directly related to mining operation. The Tampakan Copper-Gold Project is operated by Sagittarius Mines Inc (SMI), and operates in Tampakan municipality in Mindanao, the Philippines. She was killed together with her two children, Mr Jordan Capion, 13 years old and Mr John Capion, 8 years old, while her daughter Ms Vicky Capion, 4 years old was wounded together with her cousin Ms Ressa Piang, 11 years old escaped unhurt but was traumatized. Ms Capion was the wife of Mr Daguil Capion, Blaan Indigenous leaders who has been opposing the mining operation by SMI in Tampakan. This murder was considered by the Philippines military as an “armed encounter”, but evidence points to it being the murder of unarmed civilians. The alleged perpetrators were members of 27th Infantry Battalion of Philippine Army led by 1Lt. Dante Jimenez the commanding officer of the Bravo Company and under the command of Lt. Colonel Noel Alexis Bravo, Battalion Commander. These officers are currently undergoing trial in a court martial by the Armed Forces of the Philippines.

Proposed Question:

- ✓ What measures does the government take to ensure the protection of indigenous women from the violence against women especially in the contact of natural resources extraction?

Indigenous women right to livelihood

10. Mining activities in the Philippines often take place in the rural area and in indigenous people area, where the communities are dependent on the land as the main source of their livelihood. According to report of an indigenous organisation in 2014, there are 281 approved application for large-scale mining operations covering at least 532,356 hectares, with the estimation that 100.000 people belonging to indigenous people from 39 indigenous communities will be displaced. It means that they will lose their right to livelihood. ⁴
11. Tampakan Copper-Gold Mine project, for example, is a mining project operated by Sagittarius Mines Inc (SMI) in, Tampakan, it is estimated that 5000 people, mostly Blaan indigenous peoples, will have to be re-settled as a consequence of the mining. The indigenous women will be directly and indirectly affected. As the holders of the culture and the role to preserve the livelihood, the displacement of the indigenous peoples will uproot the indigenous women from their ancestral environment. Sources of income of the indigenous women are tied to land

³ Idem p. 18

⁴ Estimation according to the KAMP, a national federation of indigenous peoples' organisation in the Philippines, as cited in The Indigenous World 2015, p. 257, published by International Work Group for Indigenous Peoples.

and the forests – as farmers, gatherers of non-timber forest products. With the destruction of these resources, the indigenous women will be deprived of their viable sources of food, and livelihood. The operations will also endanger food and water sources, impacting living conditions and already leading to social unrest. The risks of pollution, erosion, siltation, flash floods, landslides, and other seismic geo-hazards are also very high.

Proposed Question:

- ✓ What measures does the government take to ensure the sustainable access of indigenous women to their livelihood, especially in the context of development projects, such as mining projects?

Right to Health

12. Despite the efforts of the Government to provide the access of health to indigenous women, especially through the adoption of the Magna Carta of Women (MCW) in 2009, the situation of indigenous women in several places in the Philippines remains as a concern. The access of the indigenous women to basic health services, such as the provision of health care for indigenous women has been a challenge for several years. The indigenous women are dependent on their environment as the source of their livelihood as well as traditional remedies for health issues. Therefore, a healthy and sustainable environment provides them with assurance for their well-being.
13. The presence of mining activities in the indigenous people area has negatively affected the right to health in several accounts. Firstly, the clearing of ancestral domains for mining operation means the loss of the access of the indigenous community, including the indigenous women on their source of the traditional remedies. Secondly, the mining activities are exposed to the possibility of having negative environmental impacts, such as the water pollution, due to the chemical waste and the loss of water catchments due to the forest clearing. Mining activities also have the potentially to cause landslide and floods.
14. According to the independent study on the Tampakan Gold-Copper Mines in Tampakan municipality, Mindanao, which is scheduled start its operation in 2019,⁵ the project will have impact on the right to health of the indigenous community in the area. This possibility is due to environmental problem which may occur as a result of the project. The study also mentioned the possibility of a long term effect, especially related to the (eventual) waste material.

Proposed Question

- ✓ What steps does the government take to ensure the right to health of indigenous women, including their access to traditional remedies in their ancestral domain?

Right to Food

15. The mining operation has direct impact on the right to food of the communities living in and around the mining activities. Obvious examples are the cases of Brgy. Didipo, Kasibu, Nueva Viscaya where thousands of hectares of land planted to rice and citrus, and other cash crops were converted to mining areas. Oceania Gold has claimed their river used for agricultural use.⁶

⁵ See « Human Rights Impact Assessment of the Tampakan Copper-Gold Project » page 48-60

⁶ Pasimio, Judy. Mining and Violence against Rural and Indigenous Women in the Philippines. Lilak (Purple Action for Indigenous Women's Rights), 2013. Retrieved from http://lilak.net/wp-content/uploads/2013/09/MiningVAW_online.pdf

16. Furthermore, in Lake Bito, MacArthur, Leyte, eastern part of the Philippines, the deaths of 21,000 kilograms of Tilapia was recorded in 2012. The Bureau of Fisheries and Aquatic Resources (BFAR) established that based on the findings of the triggers of this loss could have been the waste of black sand mining in the area.⁷

Proposed Question

- √ What measures does the government take to protect the right to food of indigenous women especially in the context of expanding mining activities?
- √ What measures is the government taking to investigate and hold accountable the mining sector for environmental damages caused to artisan fisheries?

Participation in political and public life of indigenous women

17. The Government of the Philippines enacted The Indigenous Peoples' Rights Act (IPRA) in 1997. This law guarantee the participation of indigenous women in the decision making process, as stipulated in Section 26 "women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition. The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women." Following the adoption of the law, the government National Commission on Indigenous Peoples, which "envisions genuinely empowered Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) whose rights and multi-dimensional well-being are fully recognized, respected and promoted towards the attainment of national unity and development."

18. However, the real and concrete participation of indigenous women in the decision making process still remains as a deep concern. As they are not widely recognized as leaders in their communities, even by their own communities, indigenous women often are not informed, nor be given to chance to participate in any consultation or consent-process.⁸ This is the case of Blaan women in Samlang who are affected by Tampakan Gold-Copper Mine project. While a significant number of Blaan indigenous communities reject the project, Blaan women were not part in any of the project consultations held.

Proposed Question

- √ What measures does the government take to remove the obstacles for the participation of indigenous women in the decision making process, especially on decision which directly affect them and their family/communities?

⁷ Alyansa Tigil Mina . Leyte lake fishing community block mining barges, 2012. Retrieved from <http://alyansatigilmina.net/2012/08/30/leyte-lake-fishing-community-block-mining-barges/>

⁸ Pasimio, Judy. Mining and Violence against Rural and Indigenous Women in the Philippines. P.9