

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

64th Session, 4 – 22 July 2016

Philippines

Written Submission

(Shadow Report)

Submitted by

Franciscans International

Franciscan Solidarity Movement for Justice, Peace and Integrity of Creation
(FSMJPIC)

LILAK (Purple Action for Indigenous Women's Rights)

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10 July 2016



Franciscans Solidarity
Movement for Justice, Peace
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(FSMJPIC)

Introduction

- This shadow report is a submission by Franciscans International (FI), a faith-based International Non-Governmental Organization (INGO) with General Consultative Status with the ECOSOC Council of the United Nations (UN). Franciscans International was founded in 1982 to bring to the international level of the United Nations the concerns of the most vulnerable and to advocate for a stronger protection of all human beings' rights.
- Franciscan Solidarity Movement for Justice, Peace and Integrity of Creation (FSMJPIC) is a movement of Franciscans religious congregations in the Philippines. FSM JPIC works to promote human rights, human dignity, social and environmental justice through pastoral and advocacy work throughout the Philippines.
- Alyansa Tigil Mina (ATM) is a coalition of mining-affected communities and their support groups, including non-governmental organizations, faith-based groups, academic institutions, and other groups collectively challenging the promotion of destructive large-scale mining in the Philippines. ATM works to protect Filipino communities and natural resources that are threatened by large-scale mining operations. Human rights are a central basis for ATM's work, particularly in defending community and individual rights. The alliance aims to shift the policy framework on extracting minerals in the Philippines, from simply "extracting and profiting from mining minerals" to "mineral management towards national industrialization". ATM also believes this shift will drive local sustainable development, promote resilient communities and facilitate national industrialization.
- LILAK (Purple Action for Indigenous Women's Rights) is a collective of women's rights advocates and feminists in the Philippines, who aim to contribute in the building and raising awareness and understanding of rural and indigenous women on their rights, their roles, and their potential. Their activities include: formation and deepening of analysis of rural and indigenous women's situation and factors affecting it, development and advancement of women's skills in protecting their rights.
- This shadow report highlights key concerns related to the human rights of women as stipulated in the United Nations Convention on the Elimination of All Forms of Discrimination against Women (UN CEDAW). The data and information included in the present submission come from various sources, and include research, information and data collection from FI, LILAK, ATM, FSM JPIC and their partners in the Philippines. The document focuses mainly on the issue related to **the impact of natural resources exploitation, specifically large-scale mining, on human rights especially those of the indigenous women.**

Context: Indigenous Women and Mining in the Philippines

The mining industry has led to an increased displacement of indigenous communities and various human rights violations. In 2002 the UN Special Rapporteur for the human rights and fundamental freedoms of indigenous peoples, after his visit to the Philippines, highlighted this point: "Of particular concern are the long-term devastating effects of mining operations on the livelihood of indigenous peoples and their environment. These activities are often carried out without their prior, free, informed consent, as the law stipulates"¹ However, with patriarchy very much embedded in a post-colonial society of the Philippines, it is

¹ E/CN.4/2003/90/Add.3, Mission to the Philippines, p.2

the women, particularly those from the rural and indigenous communities, who are experiencing the brunt of the adverse impacts of mining.

Mining in the Philippines has been aggressively promoted with the passage of the Philippine Mining Act of 1995 or Rep. Act 7942². The mining law opened up the country's mineral resources to full control of ownership of mineral resources by foreign companies, a departure from the patrimony provision of 1987 Philippine Constitution, which allows only 40% foreign ownership³. With this comes amassing a vast area for mining operations, occupying about 765,520.127 hectares of the total land area of the country as of May 2016⁴. The Philippine government has claimed that the mining industry is a boost to the national economy, and that it contributes to employment generation. However, data would show otherwise. As of 2015, the mining contribution to the country's Gross Development Product (GDP) is P84.2 billion, or a mere 0.7%. This has been consistent from 2012-2015. This is the same for mining contribution to total employment at an average of 0.6-0.7% of the labor force from 2011-2015.⁵

These very minute contributions are made more insignificant given that whatever benefits there may be from the mining industry remain to be far from the reach of the rural and indigenous women. Most of the rural and indigenous women are found in Geographically Isolated and Disadvantaged Areas (GIDA). These are areas, too, where the ancestral domains⁶ of the indigenous communities are found, which are rich in natural resources, and where the mining concessions and applications are. In fact, 66% of the officially recognized ancestral domains of the indigenous peoples are covered by mining concessions⁷. The different forms of gross human rights violations against the rural and indigenous women caused by the presence of mining projects perpetuate discrimination, marginalization and vulnerabilities against them.

The Philippines has passed the Magna Carta of Women (MCW) or Republic Act of 9710. The MCW is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in marginalized sectors. The MCW is the Philippine translation of the UN CEDAW. It is heavily based on Article 14 of CEDAW which stipulates that *States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.* Here lays the foundation of the call for accountability for Philippine government's state obligations to actively protect and promote women's rights.

Since its passage in 2009, this law remains to be a promise yet to be fulfilled by the Philippine government. In 20 April 2016, this law, a first in the country, was invoked by women's groups and other women rights advocates in their complaint against then presidential candidate Mayor Rodrigo Duterte for acts constituting

² **Mining Act**, Republic Act No. 7942 - issued in 1995, it is considered as the most important legal basis for the mining exploitation of Philippines' natural resources. It stipulates that "mineral resources are owned by the State and the exploitation, development, utilization, and processing is under its full control and supervision. It provides relevant and fundamental economic incentives for foreign businesses interested in investing in and exploiting the Philippines. The law further stipulates who may obtain mining rights and the types of agreements regulating mining projects.

³ Judith A. Pasimio, "Policy Study on Women Human Rights and the Mining Industry in the Philippines," (LILAK Purple Action for Indigenous Women's Rights)

⁴ Data computed based on Department of Environment and Natural Resources - Mines and Geosciences Bureau - Complete List of Existing Exploration Permits (EPs) http://mgb.gov.ph/attachments/article/50/May_2016_MPSA_2.pdf; Complete List of Existing Financial or Technical Assistance Agreements (FTAAs) http://mgb.gov.ph/attachments/article/50/May_2016_FTAA.pdf, and Complete List of Existing MPSA http://mgb.gov.ph/attachments/article/50/May_2016_MPSA_2.pdf

⁵ Data based on Department of Environment and Natural Resources - Mines and Geosciences Bureau Mining Industry Statistics [http://mgb.gov.ph/attachments/article/162/MIS\(2015\)%20\(1\)%20\(1\).pdf](http://mgb.gov.ph/attachments/article/162/MIS(2015)%20(1)%20(1).pdf)

⁶ **Ancestral domains** - term used for "forests, pasture, residential, agricultural and other lands", as well as for "bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities". The NCIP has the power to issue a certificate of ancestral land and domain title. The Indigenous People Rights Act (Republic Act No. 8371) Chapter II: Definition of Terms, Section 3, para. a) Ancestral Domains.

⁷ De Vera, Dave, "Ancestral Domains, KBAs, Protected Areas & Mining in the Philippines: A spatial overview" (PAFID, 2015).

violence against women⁸. The Commission on Human Rights (CHR), which is designated as the Gender Ombud, issued a resolution with its findings saying that now President-elect Duterte has indeed committed acts of violence against women, and has violated the MCW⁹. This was a welcome development in the light of popular vote for Duterte. This strengthens the position of the Gender Ombud, and makes the MCW a real potential tool for the protection of women's rights.

The challenge now is how to pursue the use of MCW – CEDAW as standards for women human rights, and to seek accountability from the Philippine government in its legal obligations to protect and promote these rights, especially in the context of the mining operations in the country.

From the past several years of working directly with communities affected by mining operations, the following are some of the most urgent issues of women human rights deeply affected, if not outright violated with the mining projects in the communities. These forms of violence against women, and violations of their rights contribute heavily to the perpetuation of the patriarchal values still very much embedded in indigenous communities.

Right to Participation in political and public life

Active participation of women on decision-making regarding potential mining operations in their ancestral domains is being systematically shunned by the manner in which information is transmitted and consultations are conducted. On most cases, only the tribal leaders of the communities are engaged with by mining companies and national government agencies such as the National Commission on Indigenous Peoples (NCIP) and the Department of Environment and Natural Resources (DENR). The tribal leaders are most often than not, are male leaders. Women are left to hear only through the grapevine, with much of their opinion resting on the amount and quality of information their husbands and fathers share with them. This transmitted information is most likely already distilled based on the understanding and personal take of the males.¹² This supposed respect of the indigenous culture is made accountable for this non-inclusive and discriminatory information sharing, not NCIP or the mining companies, which marginalizes indigenous women from active and informed participation in political processes.

The B'laan women of Samlang, Malungon, Saranggani, an area covered by the Tampakan Copper Mining project said that they were asked to attend meetings, purportedly for livelihood projects. During the meetings, they would be asked to sign or thumbmark sheets of paper supposedly for lunch to be served, only to find out much later that this was used for the free, prior, informed consent process (FPIC) for the SMI project. They had very little information on the SMI project, the extent and coverage of the mining project, what an Environmental Compliance Certificate (ECC) was, and the policies governing mining operations.¹⁰ They had no previous knowledge on their rights as indigenous peoples under IPRA, or as women, under the MCW. They did not know that saying "no" or not giving consent, even to a national development project such as this, is an option, and in fact, is their right.¹¹

Sec. 25 of the MCW invokes the right of women in marginalized sectors to **Representation and Participation** which calls upon the State to *ensure women's participation in policy-making or decision-making bodies in the regional, national, and international levels*. Sec. 26 on **Right to Information** also

⁸ Letter-complaint filed by several women's NGOs, and sectoral organizations on 20 April 2016 at the Commission on Human Rights against Davao City Mayor Rodrigo Roa Duterte for Violations of Republic Act No. 9710, otherwise known as the "Magna Carta of Women" docketed under CHR-NCR-2016-078

⁹ Commission on Human Rights Resolution No. 2016-078 concluded on 20 May 2016

¹⁰ Garingan, Edel S., "Resistance of Women in Samlang", *Stories from the Mines*, p.99.

¹¹ Based on the discussions the writer had during a 2-day forum in Samlang with the B'laan women, 2013.

¹² Judith A. Pasimio, "Policy Study on Women Human Rights and the Mining Industry in the Philippines," (LILAK Purple Action for Indigenous Women's Rights)

ensures women's access to information regarding policies on women, including programs, projects, and funding outlays that affect them. Furthermore, the Constitution in the Philippines recognizes the right to access to information at its Article 3, Section 7. The Local Government Code of 1991 also contains provision in relation to the duty of the State to provide information for its citizens, as well as ways to participate in decision-making and policy-shaping processes. The adoption of IPRA in 1997¹³ was considered as a milestone in terms of protection of indigenous peoples' rights. It guarantees 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"¹⁴.

Right to Livelihood and Right to Food

The rural and indigenous women's main source of livelihood is food-based and natural resource dependent – on forest, land, and water. They gather non-timber forest products, farm, and tend vegetable gardens. However, mining concessions have taken control of forest and agricultural lands, limiting, if not eliminating the access of these resources to women. Subsistence farms were also eradicated to clear the land for mining operations. This gravely impacts on their livelihood, and the food for their families.

The communities and their resources are also made more vulnerable by the disasters caused by mining operations. The last years, Philippines has been a witness to increasing number of mining accidents. Mine tailings and dam spills have caused valuable bodies of water to become toxic, resulting to fish kills and further limiting access to clean water.

Brgy Didipio in Kasibu, Nueva Vizcaya and Tampakan, South Cotabato face human health and security risks as mining operations destroy natural resources and pay no mind to the aftermath. Dust has filled the surroundings of Brgy. Didipio as a result of the destruction of homes, forests, and mountains for mining operations¹⁵. Furthermore, the Didipio River has been reported to have increased toxicity levels as a result of heavy metal concentration spewed by the mines¹⁶. The mining area in Tampakan sits on fault line, which increases the risk of seismic activity that poses threat to the spilling of the dam for mine tailings and the contamination of flood waters with toxic mine waters.

As a common practice in Philippine communities, women cut back from their share of the food for the family when there is not enough food, even saving none for themselves, in order to ensure that all members of the family have enough to eat. Furthermore, mining operations also limit the opportunities of women to partake in income generation. Most of the mining employment opportunities (though mostly seasonal) were given to men. While there are a few income-earning opportunities made available for women, these forms of work do not necessarily contribute much to their development (eg, laundry, housekeeping for the miners and officers of the company). Furthermore, the increasing pressure to earn more substantively exposes them to

¹³ **The Indigenous Peoples Rights Act (IPRA)**, Republic Act No. 8371 – Issued in 1997, it recognizes, protects and promotes the rights of indigenous cultural communities (ICCs) and of indigenous peoples (IPs), emphasizing that they have priority rights within their ancestral domains. The Act includes key issues such as the rights of indigenous communities to self-determination and to their traditional land. It recognises the concept of collective ownership of lands, inland waters, coastal areas, and natural resources. It also established the National Commission on Indigenous Peoples (NCIP) to ensure the protection and promotion of the interest and well-being of the Indigenous peoples in the Philippines, through the effective implementation of IPRA. The NCIP holds offices in the region, with the central office located in Metro Manila.

¹⁴ The Indigenous Peoples Rights Act of 1997, Section 26.

¹⁵ Farah Sevilla, "Tracing the impacts of mining among women in Philippine rural communities: the case of Ifugao women in Didipio, Kasibu" (25 November 2014)

¹⁶ Ibid

sexual abuse as in prostitution, and stunted self-actualization through training programs that are only offered to women who support mining operations in their communities¹⁷.

These run contrary to Sec. 22 on the women's **Right to Decent Work** which secures *decent work standards for women that involve the creation of jobs of acceptable quality in conditions of freedom, equity, security, and human dignity*.

Although the State Party affirms that, for rural women in general, "it has been implementing a number of programs primarily to increase their access to resources for livelihood"²², there is evidence that hindrances are real for the full enjoyment of the right to livelihood. According to a 2014 report, there are 281 approved applications for large-scale mining operations covering at least 532,356 hectares, with the estimation that 100,000 people belonging to indigenous people from 39 different indigenous communities will be displaced. It means that they will lose their right to livelihood²³.

In Kasibu, Nueva Vizcaya; MacArthur, Leyte; Salcedo, Eastern Samar; Manicani Island in Guiuan, Eastern Samar, and Tampakan, South Cotabato, many stories of how mining operations drastically changed the livelihood and access to food of the communities which brought further distress upon women. In Kasibu, the sprouting up of brothels and videoke houses which provide entertainment services to migrant miners lure women to provide entertainment services as a means to earn a living with the disappearance of their sources of food and livelihood¹⁸. Fish kills in 2012 due to magnetite mining operations in MacArthur, Leyte being done half a kilometre away from Lake Bito denied the communities their source of food and livelihood¹⁹. Safe drinking water in Salcedo has become scarce due to contamination, and thus come skyrocketing prices of water for sale that a gallon costs up to PhP 200.00 including costs incurred for transportation²⁰. Farms, forests, and other coastal resources were compromised in Manicani Island²¹ and Tampakan, causing communities to lose their homes as well as access to food, medicine, and livelihood.

These are direct infractions of Sec. 20 of the MCW on **Food Security and Productive Resources** which *recognizes the contribution of women to food production* and as such holds the State responsible in *ensur[ing] its sustainability and sufficiency with the active participation of women* and Sec. 23 on the **Right to Livelihood, Credit, Capital, and Technology** which secures for women (a) *Equal access to formal sources of credit and capital* and (b) *Equal share to the produce of farms and aquatic resources*.

Right to Health

Despite the efforts made by the Government of the Philippines to provide the access of health to indigenous women, especially through Sec. 17 on **Women's Right to Health** and Sec. 27 on **Social Protection** of the MCW, the situation of indigenous and rural women in several areas within the country remains a concern. The access to basic health service has been a challenge for several years.

Today, indigenous women still depend on their environment as the source of their livelihood as well as traditional remedies for health issues. In addition, natural hazards such as landslides and floods caused by mining activities pose security risks to communities living nearby. With the adverse effects of climate

¹⁷ Judith A. Pasimio, "Policy Study on Women Human Rights and the Mining Industry in the Philippines," (LILAK Purple Action for Indigenous Women's Rights)

¹⁸ Farah Sevilla, "Tracing the impacts of mining among women in Philippine rural communities: the case of Ifugao women in Didipio, Kasibu" (25 November 2014)

¹⁹ Ibid

²⁰ Judith A. Pasimio's interview with Mayette Badar of PKKK Visayas, July 2012, Quezon City, in Judith A. Pasimio, "Policy Study on Women Human Rights and the Mining Industry in the Philippines," (LILAK Purple Action for Indigenous Women's Rights)

²¹ Ma. Daryl Leyesa, "A Woman With Choice", in *Stories from the Mines*, eds Judy A. Pasimio, Edell Garingan, and Farah Sevilla (Alyansa Tigil Mina, 2012).

²² CEDAW/C/PHL/7-8, Philippines State Report, para. 155.

²³ Estimation according to the KAMP, a national federation of indigenous peoples' organisations in the Philippines, as cited in *The Indigenous World 2005*, published by the International Work Group for Indigenous Peoples, p. 257

change occurring in levels greater than decades ago, these threats against ecosystems which are sources of food, livelihood, and medicine as well as human communities are aggravated as they become more exposed to intensified weather events such as typhoons and droughts, without healthy ecosystems as shields.

The presence of extractive corporations operating in the Philippines presents risks for the human right to the highest attainable health standards for affected communities. Mining activities have negatively affected the right to health in several accounts. These health-based impacts, which can be associated with the release of dust or chemicals into the air, water or soil, are particularly prevalent in the contexts where heavy metals enter into water sources as a result of mining. Health risks brought about by mining operations are magnified by the lack of

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adequate State service for medical care in the indigenous communities²⁴.

The impacts of climate change include more and frequent rainfall, stronger and more typhoons. In areas where mining operates within watershed areas, these stronger typhoons caused massive devastation in downstream communities. The typhoons Sendong (December 2011) and Pablo (December 2012) had heavy toll in the downstream communities, including the Manobo and Mandaya communities. Mining in the upstream of Compostela Valley has been identified as the main culprit for such devastation.

At present, the Philippines is considered as one of the most vulnerable countries to climate change. According to the 2014 Maplecroft report, Philippines ranks 9th in the most vulnerable countries. Meanwhile, as of 2015, there are overlaps of areas covered by mining tenements and areas considered high risk and vulnerable to the impacts of climate change – flooding and landslides.²⁷ This poses real danger in the lives of the communities, particularly the most vulnerable sectors within these – the women and children.

Violence against Women Human Rights Defenders

As they experience increasingly hunger, poverty and are more exposed to different forms of vulnerabilities because of the mining presence in their communities, more rural and indigenous women are in the frontlines of campaigns and community struggles against large scale mining operations, and in asserting their rights. This, in turn, has made them targets of threats, harassment and violence. To date, there are at least 153 women activists who have risked their lives defending human rights since 2001, 18 of whom were killed during the Aquino administration²⁸.

The killings of the male leaders have also grave impacts on the lives of the women in the families, and communities. It is the wives and the mothers of the slain husbands and sons who, despite their own grief, have to remain steadfast and find ways to sustain their families on their own. This increases the burden on their shoulders, taking on any kind of jobs, rendering themselves vulnerable to different forms of abuses.

²⁴ INEF, Misereor, Fastenopfer, Brot fuer Alle, *Human Rights Impact Assessment of the Tampakan Copper-Gold Project*, 2013, p. 47

²⁵ Farah Sevilla, "Tracing the impacts of mining among women in Philippine rural communities: the case of Ifugao women in Didipio, Kasibu" (25 November 2014)

²⁶ Ibid

²⁷ De Vera, Dave. PAFID Maps 2015.

²⁸ According to Tanggol Bayi, an indigenous women's rights group in the Philippines (cited in Judith A. Pasimio, "Policy Study on Women Human Rights and the Mining Industry in the Philippines," (LILAK Purple Action for Indigenous Women's Rights)

There are no state institutions which provide immediate, adequate and sustained support for the families of victims of extrajudicial killings, abuses, and harassments.

The Philippines, according to Ireland-based Frontline Defenders, an international human rights group, is ranked second in a list of the most dangerous places for human rights defenders in 2016.²⁹ The culture of impunity of crimes like these is one major factor why these crimes persist. With the new Duterte administration, one of the greatest challenges lies in its rallying call for vigilantism against criminals. In a society where human rights defense work is heavily criminalized, this is indeed one of the danger signs that has to be addressed.

Violence against women human rights defenders are not only perpetrated by mining companies and the government. It also happens in the home and in the communities, where patriarchal values are still very much entrenched. The initiative to actively participate in defending the rights of women in their communities and resisting mining companies was usually responded not by support but rather outrage on the part of their husbands and shaming committed by other members of the community. Instead of being recognized of being equally capable of fighting for rights and actively participating in community affairs, they were perceived as neglecting their roles in the family as these activities took time away from them.

Furthermore, their active participation was usually treated with suspicion as they join and conduct activities which took time away from home and in the presence of other people, including males³⁰. With such responses from the community as well as their families, the right of women to actively participate in matters of interest to her own and her community is suppressed, as she is being made to choose between complying with the standards society is subjecting her to as a woman, mother, and wife, and exercising her capacity to push for her rights and the rights of her community.

Sec. 9 of the MCW recognizes the need of women for **Protection from Violence**, as it stipulates that *all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection of women against gender-based offenses and help women attain justice and healing.*

In addition, Sec. 11 of the MCW also recognizes the right of women to **Participation and Representation**, where the *State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development.*

Among the Women Human Rights Defenders who were killed was Juvy Capion, who was shot dead in her home by national military forces in October 2012 along with her sons aged 13 and 6, in Kiblawan, Davao del Sur. A Bla'an woman leader, whose husband was also an active leader, she actively opposed the encroachment of SMI-Xtrata mining operations in their ancestral domain. The military men, members of the 27th Infantry Battalion of the Philippine Army, admitted that the killings of Juvy and her 2 children were “operational lapses.” Four years since the killings, the Court Marshall which is conducting the hearings against the military men, has yet to reach a verdict.

Furthermore, their active participation was usually treated with suspicion as they join and conduct activities which took time away from home and in the presence of other people, including males³¹.

²⁹ Frontline Defenders, 2016 Annual Report.

³⁰ Judith A. Pasimio, “Policy Study on Women Human Rights and the Mining Industry in the Philippines,” (LILAK Purple Action for Indigenous Women’s Rights)

³¹ Judith A. Pasimio, “Policy Study on Women Human Rights and the Mining Industry in the Philippines,” (LILAK Purple Action for Indigenous Women’s Rights)

Osang of Tandag, Surigao, a Subanen women leader, and Cheryl Ananayo Pugu-on of Brgy. Didipio, Nueva Vizcaya, were victims of violence as they defended their rights and their communities' rights against the atrocities being cast upon them by mining companies, and openly opposed mining operations. Osang, a Mamanwa woman who was a community leader, was almost killed by her husband in her sleep, because her husband was suspecting her of having an affair as she did not have enough time to attend to him and their family.³² A Subanen woman leader, on plenty of instances, received text messages which were bent on threatening her sexually due to her active participation in the community opposition against mining³³. Cheryl Ananayo Pugu-on, was the daughter of an active community woman leader opposing the Oceania Gold mining in their area. Cheryl, who seemed to have been caught in a land dispute, have been shot dead, inside a vehicle, with her infant on her lap. Her 4 year old daughter who was sitting behind the vehicle, witnessed the killing.

Manolita Galvez of Zamboanga del Norte and the Bla'an women of Tampakan,, South Cotabato, also became victims to violence perpetrated by mining companies in their quest to take their lands and homes away from them. Manolita and her family were hauled out from her home. The garden where she grew vegetables for food for her family was bulldozed by TVI. This forced her, along with the other families, to leave and move around Mindanao, searching for new homes and livelihood³⁴. The Bla'an women and their children were always the first ones to be victimized or killed during military operations against their community which declared "flague" or war against the mining company and any members of the government security forces.

With such responses from the community as well as their families, the right of women to actively participate in matters of interest to her own and her community is suppressed, as she is being made to choose between complying with the standards society is subjecting her to as a woman, mother, and wife, and exercising her capacity to push for her rights and the rights of her community.

³² Interview by Judith A. Pasimio, name withheld for security reasons, Butuan, May 28, 2015, in Judith A. Pasimio, "*Policy Study on Women Human Rights and the Mining Industry in the Philippines*," (LILAK Purple Action for Indigenous Women's Rights)

³³ Personal sharing with Judith A. Pasimio, throughout the year of 2012, in Judith A. Pasimio, "*Policy Study on Women Human Rights and the Mining Industry in the Philippines*," (LILAK Purple Action for Indigenous Women's Rights)

³⁴ Judith A. Pasimio's interview with Manolita Galvez, April 2007, Dipolog City, in Judith A. Pasimio, "*Policy Study on Women Human Rights and the Mining Industry in the Philippines*," (LILAK Purple Action for Indigenous Women's Rights)

Recommendations

The Philippine Government has ratified UN CEDAW, signed the UN Declaration on the Rights of the Indigenous Peoples (UNDRIP), as well as passed progressive national laws, the Magna Carta of Women and the Indigenous Peoples' Rights Act. These laws signify the commitment of the Philippine government to fulfill its obligations to protect and promote the rights of rural and indigenous women. However, with its national development framework geared towards the maximum utilization of the country's natural resources for profit, giving preferential treatments to foreign investments, women human rights are being sacrificed. Gender biases and discrimination, patriarchal structures and violence against women are being institutionalized to further the interests of these mining corporations.

Below outlines key points for action by the State Party with respect to the implementation of the MCW and CEDAW towards protecting the rights of indigenous women ensnared in traps of the mining sector and rammed in further by the neglect and indifference of the government to her plights.

- 1. In March 2016, the CEDAW released General Recommendation No. 34 on the rights of the rural women. As a party to CEDAW, the Philippine government should abide by these articulated obligations of the States, which directly applies to indigenous women. It further specifies recommended steps for the government to create an enabling environment for rural women to exercise their rights in the areas of rural development, access to health, elimination of discrimination in economic and social life, access to education and learning opportunities, decent work and employment, participation in political and public life, access to land and natural resources, and attaining adequate living conditions.**
- 2. The government has to fulfill its state obligations – the full realization of the rights of rural and indigenous women as enshrined in the Magna Carta of Women and IPRA.**
- 3. The government needs to ensure the provision of basic social services to GIDA areas to decrease the vulnerabilities of communities, particularly rural and indigenous women; and eliminate the dependency on mining corporations for these services.**
- 4. The government should provide financial and technical assistance and support to indigenous communities for the development, management and control of their ancestral domain and territories. The mining corporations should not be relied on for these forms of assistance.**
- 5. The NCIP has to ensure that there is genuine FPIC, and that the process is inclusive and democratic. Concretely, review the existing FPIC guidelines from a women human rights perspective, while still respecting the customary practices. There should be government budget allocation for FPIC processing and should not come from the mining companies, to be able to have independent processes.**
- 6. Revoke policies which are being used to legitimize harassment and attacks on community resisters and rights defenders, e.g. Investment Defense Force.**
- 7. Rural and indigenous women have to have access to justice and grievance mechanisms. There should be accessible, immediate and effective institutional mechanisms within the government (i.e. CHR) which are equipped to handle monitoring, acceptance of reports of women human rights violations and abuses, investigation and filing of cases, involving mining companies. There should be a commission within CHR on the impacts of extractive industry; or complaints against HR violations and abuses by corporations or related to the operations of extractive projects.**

- 8. There are numerous mining-related cases filed within the NCIP, Ombudsman and the Environment Court. Concrete steps should be taken to break impunity of government officials (NCIP, DENR, LGU, AFP) by bringing them to justice – from administrative liability to criminal offenses.**
- 9. Provide multi-level support system to women human rights defenders (legal, medical, psychosocial, security and economic) who are under threat, survived attempts to their lives, or whose family member/s have been killed or made to disappear in relation to their opposition to mining operation.**
- 10. Make human rights track record a basis for the rejection of mining application; and commission of human rights abuses as part of the grounds of revocation of mining permits. Institutionalize Human Rights Impact Assessment of mining operations.**
- 11. Pursue and support the creation of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights as mandated by the UN Human Rights Council Resolution 26/9 which the Philippine government supported.**
- 12. The government, through its policies and institutional mechanisms of implementation, should have a deeper understanding that mining and minerals development is likewise a human rights issue – of both women and indigenous peoples. From this deeper understanding would come the change towards a more integrated, comprehensive and programmatic way of looking at and working on mining and minerals development.**
- 13. Reframe the entire corporate mining industry into an industry that fulfills nationalist agenda of development, which put at its core equity, gender justice, and the transformation of the lives of the people, particularly the most marginalized.**
- 14. Pass the Alternatives Mineral Management Bill for a more rationale, nationalist, equitable, community-focused, sustainable, human rights-based exploration and utilization of our natural resources.**