

**Disproportionate Impacts of Business Activities on Women:  
Lessons from Papua New Guinea to Inform Gender Guidance to the  
UN Guiding Principles on Business and Human Rights**

*Submitted to:*

**United Nations Working Group on the issue of human rights and transnational  
corporations and other business enterprises**

*Submitted by:*

**Porgera Women's Rights Watch (Everlyn Gaupe)**

**Atali Tange Association Inc (Lely Kesa)**

**Porgera Red Wara (River) Women's Association (Cressida Kuala)**

**Ipili Indigenous SML Women's Association (Joycelyn David Mandi)**

5 November 2018

## **About the Authors**

Everlyn Gaupe founded Porgera Women's Rights Watch to help organize her community especially women who were affected by the mining company. The organization's aim is to assist Ipili women to access remedies.

Lely Kesa heads the women's faction of the Atali Tange Association Inc. The faction advocates for women and girls of the Leased for Mining Purposes (LMP) area and the Special Mining Lease (SML) area and their right to gender equality.

Cressida Kuala founded and leads Porgera Red Wara (River) Women's Association. The association is concerned with social welfare issues of subsistence livelihood of deprived populations of the Leased for Mining Purposes (LMP) area. Its aim is to work with displaced women of the LMP area and help them access remedies.

Ipili Indigenous SML Women's Association is a newly founded organization under the leadership of Joycelyn David Mandi who belongs to the Special Mining Lease (SML) area. Its aim is to organize women, girls and children from SML area; provide them counseling and training about their rights; assist them in creating a common understanding with the mining company and in accessing an improved remediation program.

The Columbia Law School Human Rights Clinic provided technical assistance in the preparation of this report. Clinic student advocates Doreen Bentum JD '18, Meher Dev LLM '19, Abigail Gotter JD '20, and Lara Wallis LLM '19 provided assistance to prepare this submission. Clinic Director Sarah Knuckey, Deputy Director Benjamin Hoffman, and Clinic Fellow Gulika Reddy provided supervision.

## **I. Introduction**

We are indigenous Ipili women who represent organizations seeking to advance the rights of women living in Porgera, Papua New Guinea (PNG).

Drawing upon our experiences living close to a mine, we offer our understandings to the UN Working Group on how women can be differently affected by business activities, and the barriers that make it difficult for us to participate in decision-making processes and to use remedy mechanisms. We provide recommendations for the UN Working Group to consider as it develops its gender guidance to the UN Guiding Principles on Business and Human Rights (UNGPs).

Our core ask is that the gender guidance should recognize women as rightsholders and center us in all activities and decisions that affect us, including company and state due diligence processes and remedy mechanisms.

Women like us should be recognized as experts with knowledge and experience to bring to company and government decisions that impact us and the communities in which we live. We urge you to read our testimonies in the attached appendix, which show the specific harms we have experienced and the advocacy efforts that we have undertaken to secure redress for our grievances in the face of the power imbalances and socio-cultural barriers in our community. In this submission, we focus on the lessons that can be drawn from our experiences to inform gender guidance to the UNGPs.

## **II. The Different and Disproportionate Impacts of Mining-Related Activities on Women**

Industrial mining can affect entire communities and every part of life. The mining sector has the potential to improve the lives of people in resource-rich developing countries by creating job opportunities and reducing poverty. Yet, in our experience, men have benefited more than women, and women have also been harmed in gender specific ways by social, environmental, and economic impacts.

Women in our society face challenges due to structural inequalities. Many women in Porgera are illiterate and unaware of their rights. This affects how we move forward from the human rights abuses that we suffer. We have the burden of continuing to care for our families and children and undertaking our household duties regardless of whether we have recovered from the human rights abuses that we have suffered.

### ***Disruption of Livelihood***

Porgera was historically inhabited mainly by Ipili people, an indigenous cultural and linguistic group.<sup>1</sup> It was the traditional role of women to provide for food for the family through cultivation of our gardens and selling for cash income. With the introduction of the mining, we lost what is our home – our land and our most valuable resource – our soil. Many of our gardens were taken over by mine waste dumps and foraging sites disappeared.<sup>2</sup> Many of us slowly moved away from subsistence farming, including to alluvial mining and other mining employment.<sup>3</sup> The mining

became the key driver of the cash economy—pushing wages, compensation, royalty payments, and business contracts into the system.<sup>4</sup> This change hit us women the hardest as, after this, it has been impossible for us to return to our former livelihoods of cultivating our gardens.

### ***Environment and women's health***

Since there is no land for us to cultivate and it is difficult for us to get jobs at the mining company, many women fulfill their traditional role of providing for food for their family by panning for gold at waste dump sites.<sup>5</sup> However, it requires us women to do difficult and dangerous work, spending hours each day sitting in rivers or chemical waste water, which has sometimes burned our skin, and we also expose ourselves to mercury we use for alluvial mining.

We are also concerned about the water in our areas. Today, we talk about having to wade through the “red river,” or the hot, bright-red, strong-smelling chemical tailings waste flowing out of the mine facility.<sup>6</sup> Waters flowing from the mine into the middle of Porgera are milky and brown, and we are afraid they might be contaminated. Sometimes when we are washing or swimming in the rivers, we can see or smell mine waste coming down stream. We women do not receive detailed information about the safety and risks of using the water, and we are unsure about how the water affects us, if at all. But we are concerned that it might cause health problems, especially for us women who on a daily basis interact with the water more than men for washing clothes and utensils, and for collecting water for other household purposes. During dry seasons and low rainfall, the water problem worsens. It can be especially difficult for pregnant and menstruating women, who struggle to drink and wash themselves with clean water.

### ***Unequal Economic Mobility***

We women generally cannot take up new jobs as easily men can due to our traditional family roles. Many of us were left by men to continue to handle the traditional roles of mother, food producer, and wife, while men ignored their traditional roles in search of new economic opportunities including those related to mining.<sup>7</sup> For many of us who did want to seek employment outside of the home, we encountered a new set of problems: workplace discrimination, sexual harassment, and inadequate access to childcare assistance.<sup>8</sup> Due to the male domination, or what has been described as “Big Man Culture” in PNG,<sup>9</sup> our concerns do not receive adequate official attention.

### ***Unequal Distribution of Wealth***

Whenever there are royalty payments or compensation paid by the company, men often get more of the money and decide how to spend it. Men too often use the money for gambling or alcohol, leaving less money for the women in the family who have to run the household and fulfill the traditional role of providing food. We women go without basic needs. For example, with no money to buy ourselves women's items such as sanitary napkins, medicines, or undergarments, we have to resort to unhygienic means.

Men are like birds who come and eat the food we prepare and go away. But women can be abused physically when we ask our male family members for a share of the money.

The sudden access to money enabled men to pay high “bride prices” and marry significantly more wives than ever before.<sup>10</sup> Older wives were increasingly abandoned;<sup>11</sup> tribal tensions can arise with the increased rates of men marrying women from other tribal groups;<sup>12</sup> and the spread of HIV/AIDS and STDs picked up with women selling sexual services for cash.<sup>13</sup>

### ***Loss of Land for Our Customs and Rituals***

Because of women’s spiritual and day-to-day connection with our land, we would traditionally engage in rituals with our children involving breaking of leaves and dancing on our sacred lands. On menstruating, girls would be initiated into womanhood and women gave birth at these sacred lands. Some of our sacred lands have been used by the mine as dumping sites making it difficult for us to practice rituals anymore. It is also now difficult to find our herbal medicines that women used during and after pregnancy.

### ***Sexual Violence***

As women, we are particularly vulnerable to sexual violence and harassment. One of the greatest impacts of the mine’s presence has been the experiences of sexual violence committed by the mine’s security guards against us in Porgera.<sup>14</sup> Many of us women have been raped, and even gang-raped.<sup>15</sup> We are survivors of the mining company’s abuse, and are women’s rights activists. We had to do many things to try to get the company to even admit that the rapes were a real problem. This was our first struggle. This sexual abuse and denial by the company has caused lasting mental and physical trauma. We live with constant pain even though years have passed. After having been raped, some of our husbands divorce us and our families are expected to repay our bride price and they stop supporting us. Some of us are forced to live a life in isolation and suppress our feelings.

## **III. Specific Barriers Impeding Women’s Participation and Access to Effective Remedy**

Time and again since talks of mining began in our area, women have been silenced and excluded from decision-making processes due to customs, social norms, weak institutions, business practices, and the lack of gender sensitive laws and policies in PNG. When the mining agreement has been renewed, women’s views have again been marginalized. There are many obstacles that we face in participating at every level: local, national, foreign, and international. Most of these obstacles come down to gross power imbalances. Power imbalances between: men and women; indigenous communities and multinational companies; citizens and political leaders; and between the global north and the global south.

### ***Barriers at the Community Level***

We were silenced when we were sexually abused and shamed by our community into keeping such abuses a secret. Beyond having to deal with the physical and psychological trauma, and the possibility of becoming pregnant or contracting an STD, a woman who reports an incident of sexual violence may be shunned by the community, demoted from a leadership role in her clan, and/or divorced by her spouse.

### ***Barriers at the State Level***

Accessing remedies through the state is also hard. First, women are afraid to report rapes to police out of fear of retaliation from police, the rapist, or other people in the community. Second, if women do report, police are not well trained in investigating such cases, and proper investigations do not occur. Third, effective prosecutions or civil suits are rare because the judicial system is under-developed and slow, and women lack counsel to navigate such systems. Fourth, while Village Courts exist,<sup>16</sup> they can reinforce systems of gender inequality and discrimination by relying on and reaffirming the very customs that subjugate us and treat us as second-class citizens. Corruption is an underlying problem in accessing any state remedies.

All of these barriers create an environment where there is little to no fear of criminal sanction by men who commit these crimes, and women have little hope of remedy through the state.

### ***Barriers at the Company Level***

Companies should create remedy mechanisms for their abuses. However, when companies control the design and implementation of remedy mechanisms, without involving women as co-designers, the mechanisms risk the failure of not providing a sustainable, and culturally and gender sensitive remedy. In our case, the mining company designed a remedy mechanism for sexual violence without the proper participation of the Porgera women who were directly affected.<sup>17</sup>

The result was a mechanism with fundamental problems, including: lack of accessibility that resulted in serious claims never being brought forward; lack of adequate legal counsel for women and inadequately explained processes that were not understood by women; women had to sign legal waivers to get the company remedy; remedies were given out in a way that enabled male family members to take control of compensation (there are even cases of men beating women for the remedy); the mechanism was not as accessible as it could be, because it was only open for a short time and there was only one office, in a public place; not everything was properly translated into our local languages; and most concerning of all was the inadequacy of the remedy amounts given to women who had been very seriously raped.<sup>18</sup> The women who received remedies feel that the system was unjust and unfair.

The remedy mechanism did not provide sustainable remedies. If Porgeran women had been involved properly in designing the process and the outcomes, we could have used our experience to help design a more effective and sustainable system.

## **IV. Our Advocacy: The importance of recognizing the expertise and experience of women**

For us, the fight to secure adequate remedy for irreparable harms caused by sexual abuse, environmental degradation, and chemical burns is ongoing and has become our day-to-day struggle. We live in one of the remote parts of the world, with limited access to tools for advocacy, and try to maintain personal lives, education, families and employment. Our access to justice in Porgera is obstructed due to power differences in terms of gender injustice within our own community and internationally, and also between indigenous communities and a powerful multinational corporation.

In spite of the barriers we face, we have taken many steps to seek justice. We have organized women together in Porgera; supported each other; shared our concerns at international platforms and conferences;<sup>19</sup> protested in Porgera and internationally against injustice;<sup>20</sup> submitted complaints to the UN;<sup>21</sup> created a video about our issues;<sup>22</sup> raised our concerns with the media,<sup>23</sup> and formed coalitions. We have also educated ourselves and other women about our rights.<sup>24</sup>

Our goal through all of this has been to demand that men, our governments, companies, and the UN listen to our experiences as women. We are ready, willing, and able to be a leading voice for our rights.<sup>25</sup>

## V. Recommendations

We indigenous women are living with the impacts of industrial mining. Based on our experiences, we recommend that the UN Working Group include in its gender guidance the following recommendations:

1. **Core principle: Women should be recognized as rightsholders.** We should not be sidelined, or seen merely as “victims” or “beneficiaries”. We should be recognized as experts on our own conditions, as key agents of reform, and central actors for promoting human rights in our communities.
2. **Women should be able to effectively participate in all company, community, and state processes and decisions that affect us.** Too often, women are marginalized from community, company, and state decision-making, and our interests are not sufficiently taken into account. Effective participation requires our informed consent, inclusivity, our access to information about all practices and policies which affect us, forums for dialogue with company and state actors that are accessible to us, cultural and gender sensitivity, continuous dialogue, and access to training and funding for us to build our skills.
3. **Company due diligence processes should center women and our experiences and priorities.** This requires that:
  - a. Companies should co-design impact assessment processes with rightsholder women.
  - b. Impact assessment reports should contain analysis of existing social, cultural, political, and economic challenges faced by women in our communities, how company activities could or do impact these challenges or create new challenges, and how the company will prevent, mitigate, and remedy disparate impacts on women.
  - c. In situations where communities may receive royalties, equities, or other compensation, companies should, in dialogue with all affected women, specifically examine how these and the way that they are distributed may impact women and how they can best support women.

- d. Any strategies to address harms to women must be co-designed by impacted women ourselves and representatives chosen by us.
- e. Where company impact assessments conclude that resettlement is required to ensure respect for the human rights of community members, affected women must be included in all dialogues and decision-making regarding resettlement.
- f. There must be strong and accessible processes available for women to review and challenge a company's assessments of itself.
- g. States should facilitate independent women's rights audits of business activities conducted by an independent body chosen by, or with the agreement of, women in affected communities.
- h. Women should be empowered to engage in these processes, and our education, literacy, and training should be prioritized by states and companies.

**4. Company remedy mechanisms should center the participation and needs of women.**

This requires that:

- a. Companies should co-design and implement remedy mechanisms with rightsholder women living in affected communities, or jointly – with rightsholder women – appoint an independent third party to do so. Remedy mechanisms should aim to counter any unjust power held by companies over rightsholder women.
- b. In the co-designing of remedies alongside rightsholder women, companies should also consult with civil society organizations, human rights activists, and human rights and other experts.
- c. Companies should carry out prompt investigations into allegations of women's rights abuses, and provide swift remedies.
- d. Companies should provide holistic and *sustainable remedies* that meet the long-term needs of women, and ensure that remedy packages are proportional to the harms suffered by women. Remedies should include meeting the specific physical and mental health needs of women.
- e. The scope of harms addressed by any company remedy mechanism should include all human rights abuses suffered by women.
- f. Company remedy mechanisms should not require women to waive their legal rights.
- g. Women participating in remedy mechanisms should be entitled to independent legal advice and expert representation.



- h. Companies should ensure that remedy mechanisms are accessible to women, and protect the privacy and security of women. This may require unique features designed specifically for women.
- i. Remedy mechanisms should be monitored by means of an independent third party, by affected rightsholder women employing the remedy mechanism, and by human rights activists.
- j. States should develop strict standards for companies to meet in designing remedy mechanisms for women's rights violations, aimed at addressing the power imbalance between companies and rightsholder women. These standards should be developed in accordance with international human rights standards, and in dialogue with rightsholder women, human rights activists, and human rights and other experts.

**5. States should address structural issues that prevent women from accessing judicial remedies.** This requires that:

- a. Based on dialogue with affected women and human rights activists, states should enhance women's access to judicial remedies for company-linked rights violations by analyzing and removing all social, political, physical, and economic barriers that prevent women from accessing judicial remedies.
- b. States should train law enforcement officials about women's rights, and train them to handle reports of gender-based and sexual violence in the business and human rights context.
- c. States should provide protection for survivors of company-linked gender-based and sexual violence who fear retaliatory action by perpetrators or others.
- d. To support women affected by companies in asserting their rights, states should support women's rights defenders.
- e. States should direct their attention and resources towards reducing gender inequality and gender-based violence prevalent in society.
- f. States should set up official bodies, such as national human rights institutions, to monitor respect for women's rights by companies and others. The institutions must be adequately funded and mandated, and staff should include those experienced as human rights advocates.

- 
- <sup>1</sup> Wohlt, P.B, 1986. Subsistence Systems of Enga Province, Technical Bulletin 3, Department of Enga Province,
- <sup>2</sup> A third-party review of the Barrick/Porgera Joint Venture off-lease resettlement pilot, October 2015, Centre for Social Responsibility in Mining, The University of Queensland, Australia. P. 14.
- <sup>3</sup> Glenn Banks, The Social and Economic Impact of the Porgera Gold Mine, p. 96-97, in *Dilemmas of Development*, Edited by Colin Filer (2012), ANU Press.
- <sup>4</sup> Id. at 100.
- <sup>5</sup> Aletta Biersack, Women in Papua New Guinea: Gendered Transformations in the Ipili Mining Area (October 2016), p.8, Faculty Research, University of Oregon, available at [http://esws.uoregon.edu/docs/publications/2016\\_Annual\\_Rvw\\_Biersack.pdf](http://esws.uoregon.edu/docs/publications/2016_Annual_Rvw_Biersack.pdf). The way gold panning in Porgera works is that local people, many of them women, look for potential gold-bearing rocks in rivers and among the waste rocks from the mine. These rocks are then crushed into dust, which is then washed in gold panning dishes. Mercury is then used to extract the gold, and then we heat it to collect the gold. The problem with this process is that gold panners are exposed to mercury vapor which is easily inhaled. See Cathy Reto, Possible Mercury poisoning in alluvial gold miners in the Porgera Valley, Papua New Guinea, 1 *Journal of Rural and Remote Environmental Health* 10-12 (2002).
- <sup>6</sup> Columbia Law School Human Rights Clinic, Report on Right to Water in Porgera, 2018, Unpublished.
- <sup>7</sup> Susan Bonnell, *Social change in the Porgera Valley*, in *DILEMMAS OF DEVELOPMENT: THE SOCIAL AND ECONOMIC IMPACT OF THE PORGERA GOLD MINE 1989-1994* 88, 53-57 (Colin Filer, ed., 2012).
- <sup>8</sup> Id. at 54-55.
- <sup>9</sup> Comm. on the Elimination of Discrimination against Women, 939<sup>th</sup> and 940<sup>th</sup> Meetings, U.N. Doc. WOM/1815 (July 22, 2010). (In response to experts' questions at a meeting of the Women's Anti-Discrimination Committee about the participation of women in public life in PNG, the head of the PNG Delegation, Ms. Carol Kidu, said that "ridding the country of "Big Man" culture took time because it was embedded in tribal culture and many systems of government. Change was also impeded by the image of leadership that people demanded and expected from their community and political leaders."
- <sup>10</sup> Susan Bonnell, 'Social Change in the Porgera Valley' (1999), In C. Filer (ed.), *Dilemmas of Development: The Social and Economic Impact of the Porgera Gold Mine, 1989-1994*. Canberra: Asia Pacific Press (Pacific Policy Paper 34); Collaborative for Development Action, Corporate Options: Constructive Engagement in Conflict Zones, Case Study: Porgera Joint Venture (PJV) gold mining operation 17 (October 2001), available at <http://cdacollaborative.org/wordpress/wp-content/uploads/2016/01/Placer-Dome-Asia-Pacific-Porgera-Joint-Venture-PJV-Gold-Mining-Operation.pdf>
- <sup>11</sup> Bonnell (1999).
- <sup>12</sup> Martha MacIntyre, *Modernity, Gender and Mining: Experiences from Papua New Guinea* 22, in *Gendering the Field: Towards Sustainable Livelihoods for Mining Communities* (2011), ANU Press.
- <sup>13</sup> Hammar, L., *Mobility, Violence and the Gendering of HIV in Papua New Guinea* (2008), 19 *The Australian Journal of Anthropology* 2, 125-250.
- <sup>14</sup> See International Human Rights Clinic, Harvard Law School and Center for Human Rights and Global Justice, New York University School of Law, Legal Brief before the Standing Committee on the Foreign Affairs and International Development House of Commons Regarding Bill C-300 (2009), <http://www.reports-and-materials.org/sites/default/files/reports-and-materials/Harvard-testimony-re-Porgera-Main.pdf>
- <sup>15</sup> Groups of researchers from various organizations including Amnesty International, Human Rights Watch, and human rights clinics at the Harvard and New York University Law Schools went in to investigate these allegations, and found a whole array of abuses being suffered. A heinous pattern of gender-based violence against women was found, including acts such as gang rapes (perpetrated by groups of men numbering anywhere from three to nine), beatings, threats of imprisonment for non-compliance with the violence. [See Amnesty International, *Undermining Rights: Forced Evictions and Police Brutality Around the Porgera Gold Mine, Papua New Guinea* (2010), <https://www.amnestyusa.org/wp-content/uploads/2017/04/asa340012010eng.pdf> ; Human Rights Watch, *Gold's Costly Dividend: Human Rights Impacts of Papua New Guinea's Porgera Gold Mine* (2010), <https://www.hrw.org/sites/default/files/reports/png0211webwcover.pdf>; Columbia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic, *Righting Wrongs? Barrick Gold's Remedy Mechanism for Sexual Violence in Papua New Guinea* (2015),

---

<https://static1.squarespace.com/static/562e6123e4b016122951595f/t/565a12cde4b0060cdb69c6c6/1448743629669/Righting+Wrongs.pdf> [hereinafter Righting Wrongs Report]

<sup>16</sup> PNG's Village Courts were established by the Village Courts Act 1973, and their powers and jurisdiction are laid out in the Village Courts Act 1989. For more information about how the Village Courts are working out for the people, see Sinclair Dinnen, Discussion Paper: Building Bridges: Law and Justice Reform in Papua New Guinea, 9; Government of Papua New Guinea, Magistrates' Manual: Chapter 18 - The Village Courts, available at <http://www.paclii.org/pg/Manuals/Magistrates/Part4Chapter18.htm>, Sept. 4, 2007, 18.1; Amnesty International, Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!; and Michael Goddard, Discussion Paper: Women in Papua New Guinea's Village Courts (2004).

<sup>17</sup> See Righting Wrongs Report (2015). Research conducted by us and some local and international NGOs brought the issue of sexual abuse into the spotlight, forcing the company to come up with the Porgera Remedial Framework Assessment (PRFA). The PRFA took the statements of 119 women who had accounts of being sexually and physically assaulted by mine policemen and security guards. Some success for some of the survivors came in the form of a settlement from the company.

<sup>18</sup> Further information about the shortcomings in the remedy process which we underwent can be accessed in a recent report published in September 2018 entitled "In Search of Justice: Pathways to Remedy at the Porgera Gold Mine". See Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. "In Search of Justice: Pathways to Remedy at the Porgera Gold Mine." Report. BSR, San Francisco. Available at: [https://www.bsr.org/reports/BSR\\_In\\_Search\\_of\\_Justice\\_Porgera\\_Gold\\_Mine.pdf](https://www.bsr.org/reports/BSR_In_Search_of_Justice_Porgera_Gold_Mine.pdf)

<sup>19</sup> Partnering up with international human rights NGOs, some of us were able to tell their stories on an international platform, in North America, bringing their complaints literally to the doorstep of the company— a physical proximity to the company that changed our lives forever, that most survivors will never experience, highlighting the massive gulf of distance and power that survivors have spent years trying to traverse in order to be heard.

<sup>20</sup> Lely Kesa, Akali Tange Association, "Some Human Rights Activities [Undertaken by the ATA]" (October 2017). On file with authors. We decided to take to the streets of Porgera in order to put pressure on the company to give us higher remedy amounts. Many of us gathered to march to the PNG Grievance Office with signs saying things like "When is Barrick Niugini Gold giving our outstanding compensation of K 150,000.00"?

<sup>21</sup> 119 Porgera Remediation Framework Association (PRFA) Rape Victims, Letter to the United Nations Working Group on Business and Human Rights (119 PRFA Victims Claim to Barrick to pay for Fair Compensation), Nov. 4, 2016.

<sup>22</sup> Video Message from Porgera Women to UN Forum on Business and Human Rights, Nov. 16, 2016, `<iframe src="https://player.vimeo.com/video/191415518" width="640" height="360" frameborder="0" allowfullscreen></iframe>`

<sup>23</sup> See for example, Hilary Beaumont, Women Accuse the World's Biggest Gold Mining Company of ignoring Rape Complaints, Jul. 1, 2016, Vice News, <https://news.vice.com/article/women-accuse-the-worlds-biggest-gold-mining-company-of-ignoring-rape-complaints>; Elizabeth McSheffrey, Mining Violence Survivors Demand Justice in Toronto, Apr. 25, 2017, The National Observer, <https://www.nationalobserver.com/2017/04/25/news/mining-violence-survivors-demand-justice-toronto>.

<sup>24</sup> Lely Kesa, Akali Tange Association, "Some Human Rights Activities [Undertaken by the ATA]" (October 2017). On file with authors.

<sup>25</sup> Recently, in September 2018, we attended the Mineral Resource Authority's mine warden hearing. We, women rights defenders marched and called for the mining company to stay and clean its own mess. There were hired police and army all over the place, guarding the Paiam-Porgera rugby field and we marched right into the heart of the field shouting at the top of our voice, saying: "The world and we believe in Canadian mining Survivors!" In mid October this year, we protested against the inadequate and ineffective medical treatment provided to survivors of chemical burns and demanded better treatment. We are currently exploring ways of engaging in the Asia-Pacific Economic Co-operation meetings to be held in Papua New Guinea in November 2018 to put forth our grievances and share experiences of women with a larger community of political leaders and businesses.

## Appendix

### **Our Testimonies and Our Advocacy Efforts**

We urge you to read our testimonies in this appendix that speak directly to the grievances that we have raised on disproportionate impacts of mining on women in Porgera, and our advocacy efforts to secure redress for our grievances.

#### ***On Disproportionate Impacts of Mining***

*“We are from a place in Papua New Guinea called Porgera. This area is home to around 60,000 people, and we live near the second largest mine in our country. Our environment and health has been affected due to the mine dumping tailings waste into our local river system. We were also physical abused and some of us killed by the mine’s security guards. We were sexually assaulted and gang raped. Being a woman or girl in Porgera is very challenging and life is a struggle. But in our role as activists, we seek to present the perspectives of women like ourselves who for too long have been silenced and now want remedy.” – Lely Kesa, Akali Tange Association Incorporated (ATA)*

*“The influx of people into Porgera during and after the start of the Porgera Gold Mine in 1989 has displaced and marginalized the indigenous women and girls. As of today many young women and men are scared to travel out to Porgera Station, Paiam Town or even outside of Porgera District access basic government services such as education, health, law and justice. Almost 3 decades of mining life in Porgera has created a greater impact on the lifes of Women, young woman and children, leaving us totally displaced, land poor and perturbed by its ongoing mine operations. Our body was sexually and physically abused, our land was taken away from us, our rights were violated by the mine police, securities, by the National hired police mobile squads and some other mine employees who works in various Porgera mine Departments. The same police and army had pack raped/raped and physically assaulted us and whom shall we turned to, for help. We are facing colonialism from an outsider company who thinks it can come and do anything to us as our government is weak. The company has manipulated our government policies for its benefit” – Cressida Kuala, Porgera Red Wara (River) Women's Association Incorporated (PRWWA INC)*

*“I am an indigenous woman from Porgera, Papua New Guinea. When large-scale mining began in our area, I was in first grade. The mine left its industrial waste everywhere—on our land, in our waters. The mine’s security guards also assaulted people, and raped women.” – Everlyn Gaupe, Porgera Women's Rights Watch (PWRW)*

### ***On Disruption of Livelihoods***

*“The original livelihood of the average Porgeran woman was subsistence farming: tending to gardens and livestock, and then feeding the family with the food obtained. With the introduction of mining into Porgera, many gardens were eaten by waste dumps created by the mine. Livestock foraging sites disappeared to give way for mining operations. We also became concerned that our water was contaminated. All these made it difficult and impossible for women to return to their former livelihoods.” - Lely Kesa, ATA*

### ***On Lack of Economic Mobility and Workplace Sexual Abuse***

*“It was men who were employed first as they were more educated. Some women were employed later on. I managed to get a job at the mine but stopped working as I was raped. I was a single parent of three children and left my children back at home with my parents. I had to provide for my entire family. One night, while working at the mine, I was raped by two mining employees. I complained and my case was investigated by the mine investigation office where I was interviewed and referred to hospital in Porgera. My medical reports are still with the investigation office and have not been shared with me. I stopped working at the mine as there was no redress and the perpetrators have not been found till date. I was embarrassed to continue working there.” - Cressida Kuala, PRWWA INC*

### ***On Unequal Distribution of Wealth***

*“We women are also the owners of the resource – the gold. But whenever there are royalty payments or compensation paid by the company, the money is mostly divided among the male members of society. Very little ever ends up in the hands of the women. This is because of cultural perceptions of gender—women are “second-class citizens” who do not have the same standing as men, and do not deserve the same amounts of money or equal say in how finances should be distributed or spent in the community. What this causes is an inability of women to fully foot their costs of daily living, and does not allow for any saving especially among female breadwinners.” - Lely Kesa, ATA*

*“We women have to fight to get some share of money and are abused physically for asking for a share. Men like birds come eat the food we prepare and go away. We are frustrated by our conditions. We have no money to pay for sanitary napkins, undergarments, medicines and have to resort to unhygienic means. We need money or land to survive and we have none and now our living with various diseases. The government and the mining company together are playing fool of us. The company shall provide free pads, condoms, inhalers for asthma patients, hand gloves to protect us from chemicals and first aid kits in rural villages” – Everlyn Gaupe, PWRW*

### **On Health**

*“Women have many mining related health concerns. We fear that living near the mine’s dust and dirty water and slum like living conditions makes us ill. STDs are very high. Although the mine produces a lot of wealth, local health infrastructure is very poor.” - Lely Kesa, ATA*

*“The mining company shall provide us with medical assistance and provide overseas referrals in cases where treatment is not available in Porgera. It should create well functioning medical centres run by Porgeran women” – Cressida Kuala, PRWWA INC*

### **On Chemical Burns**

*“Since there is no land for us to cultivate, many women support their families by engaging in panning of gold at waste dump sites and end up suffering from chemical burns. Medicines and treatment provided by the mining company have not helped women fully recover. We need better treatment and medical care from the company.” – Joycelyn David Mandi, Ipili Indigenous SML Women’s Association*

### **On Birth Defects**

*“In the past 20 years women and young mothers have been giving birth to deformed babies and have not known what the causes were, it was generally believed to be a curse from their long lost ancestors, but maybe it is because of chemical waste discharged from the mine through the Porgera Riverine system?” - Cressida Kuala, PRWWA INC*

### **On Sexual Violence**

*“The sexual assaults against residents around the mine is targeted mostly at women and girls...she faces societal backlash, often starting from her own home. If she married, she would be beaten, and or divorced by her husband due to a fear of STDs. This incident also creates a lot of shame and the husband’s family may even ask for a reimbursement of the bride price. In the larger society, she faces rejection and discrimination from the community—she is shunned, and will be accused of being a prostitute.” - Lely Kesa, ATA*

*“One of the security police tricked us and said that we’ll spin [drive] around Porgera station and I’ll come and drop you guy’s back home. But he lied and brought us all the way to aumbi lodge and bought us hot stuff drinks. After 3 to 4 hours I was over drunk and out of control, when the security see’s that im in that mood he took me into the bathroom and raped me inside the bathroom. Then he left us there and went somewhere else, after 5 hours my father came with all the policemen and took us home. And then he beat me with the big barkline ropes*

*and beat us close to death but somehow we are alive again.” - A survivor of sexual violence in Porgera*

*“The sexual abuse I suffered has caused me an invisible pain. I have been mentally, physically and emotionally affected. It is killing me and my fellow women till today. I have been exposed to the world and community and have shared my story. I am a bit relieved but in my community, I am abused again and again after I have been raped by the way the community treated me. Most women who were sexually abused were divorced by their husbands. We have no security for ourselves from our husbands and fathers. I am regretting why this mining happened here. It is the greatest disaster turning us backwards into poverty” - Everlyn Gaupe, PWRW*

*“The 119 women who went through the company’s failed remedy mechanism need special attention. The need to be given special remedy and additional compensation for the re victimization caused to them by the failed remedy mechanism.” - Cressida Kuala, PRWWA INC*

### ***On Customary Norms and Socio-Economic and Cultural Barriers***

*“We were seen as minorities in the Ipilli (Porgera) society by males. Before the mining began, we were not allowed to take part in any important discussions, due to our customary law. When we tried to speak, we were always discouraged by male relatives who thought they will be shamed to let us speak in our society. The mining company has not properly involved women in any negotiations. The tough people, males, were the company's partners in making decisions in any benefit packages leaving women displaced and left out.” - Cressida Kuala, PRWWA INC*

*“Communication and our customary law created big barriers between literates who ran the PRFA mechanism and provided services at medical centres and police departments in English and ‘Tok Pidgin’. How can [we expect] the majority of illiterate Ipilli women [to] speak ‘Tok Pidgin’ and English to seek help from males. How can Ipilli women be asked to sign legal waivers in English and ‘Tok Pidgin’ that they don’t understand” - Cressida Kuala, PRWWA INC*

*“There are many harms near our mining area, and there are many obstacles for us women to seek and obtain remedy. These obstacles are at every level from local, to national, foreign, and international. Most of these obstacles come down to gross power imbalances. Power imbalances between: men and women; indigenous communities and multinational companies; citizens and political leaders; and between the global north and the global south.” – Everlyn Gaupe, PWRW*

## **Our Advocacy**

*“I am a survivor of mining company abuse, and I am a women’s rights activist. We did many things to try to get the company to even admit that the rapes were a real problem. This was our first struggle: getting the company and others to see the problem. After years of this advocacy, the company did acknowledge the rape cases. The company created a remedy mechanism for the sexual assault survivors. But there were and still are many problems with this remedy mechanism, and women activists have been fighting to improve the remedies.” – Everlyn Gaupe, PWRW*

*“I am an indigenous woman from Porgera...I have served as a translator and an advocate for women and girls in Porgera...accompanied many of the survivors of sexual assault for years, helping them to speak out, to communicate with international investigators and experts, and to organize. When we started this work, all the women were separate. Nobody shared their story—everyone was afraid. But now the women are seeking for justice and fair remedy.” - Lely Kesa, ATA*

*“We, women rights defenders marched and called for the mining company to stay and clean its own mess. There were hired police and army all over the place, guarding the Paiam-Porgera rugby field and we marched right into the heart of the field shouting at the top of our voice, saying: ‘The world and we believe in Canadian mining Survivors!’” – Cressida Kuala, PRWWA INC*

*“What the mining company has done in Toronto, using Porgeras' gold must be given back to Porgerans” – Cressida Kuala, PRWWA INC*

*“Having a world class giant company in our community, sleeping next to us, we all women shall be given education, literacy trainings, higher degrees, for our development. Favoritism shall be ended. We shall not be seen as rejected daughters of Porgera because we speak up for our rights and our human rights defenders.” – Everlyn Gaupe, PWRW*

*“Our message to the international community is that firstly that pressure must be put on the company to fulfil its legal obligation to provide remedy to Porgeran women who have negatively been impacted by its operations, and that the government of Canada must create a better system for accountability and oversight of mining companies like Barrick that come into our lands to enrich themselves.” - Lely Kesa, ATA*