Input for the report on gender equality

Amsterdam, 15 February 2016

Dear mister Heller,

Together with  ActionAid Netherlands, ActionAid Kenya, ActionAid South Africa, Centre for International Environmental Law (CIEL) based in Washington DC and Geneva, India-based organizations Dhaatri (Adivasi Resource Centre for Women and Children) and Keystone Foundation Both ENDS (Netherlands) implements the project called  "Upholding Human Rights: Bridging the Gender- Environment Divide". In this project (2014-2017), with funding from the government of the Netherlands, we explore how the Human Rights system can be used to support women whose rights are threatened or infringed upon, notably the Human Rights to Water, to Food and to a Healthy Environment

After giving some general remarks we would like to give you input on the questions you have posed for the report on gender equality in the realization of the human rights to water and sanitation based on the cases from our project.

The examples we present to you are mainly based on problems that communities- and in particular women and girls in that community- experience with water that is polluted due to mining activities. The effects of the contaminated water are dangers to the health of women and girls, a heavier burden on women who have to take care of people that fall sick due to the polluted water and women having to walk further distances when clean water is not available nearby. Since women very rarely participate in decision-making fora like water boards or community boards they have very little influence or control over water resources.

In the project we have also worked on solutions, of which we share a few with you in this document.

You can find the links to the complete case studies from India, Kenya and South-Africa at the end of this document.

We would appreciate if we could be in contact with you at a later stage to solicit your advice on how the Human Right on water can be realized in these cases.

**Issues that need to be addressed in the report**:

It is important that the report brings out the cost of accessing water resources to women. Costs as in: financial, social and economic and in time.

Water is increasingly getting commoditized with implications on affordability by women.

The manner and the point at which water is accessed by women has another broad range of social implications.

A seasonal dimension/ variations in water access and the implications of these on girls and women needs to be examined as well as the effects of climate change on water availability and access and the implications for girls and women.

Gender roles and water should be examined – what were the traditional and current practices and what is changing? Given the broader context within which the community is operating what does it mean for women’s access to water?

Within the communities it would be useful to assess intra-household issues and their implications on women access to water and sanitation.

**Mining impacting on women’s Human Right to Water in India**

The Adivasi Communities in Panna district in Madhya Pradesh, India are losing their access to safe drinking water, food, medicine and other produce from the forest due to increasing mining activities.

Keystone Foundation and Dhaatri Resource Centre for Women and Children support local partner Organisation Prithvi Trust in 10 villages (around 6200 people) in Panna district that are highly impacted by the mining activities. According to the figures of the Ministry of Mines, there are two licensed diamond mines in Panna district and 101 stone quarries. In reality, however, it appears that another 700 illegal diamond mines and 500 stone quarries are operational.

The impact on women and children merits special attention. First of all, women workers face all the same occupational hardship and risks as men do, but receive only half their wage (Rs. 100 or approximately €1.35 per day). Secondly, women are forced to bring their infants and children to the mine sites as there is no support for child care. Frequently the children go without food all day, play in the mine pits and consume contaminated water.

Women mine workers (and men) mostly work in informal and illegal mines where there are no water or toilet facilities. They drink the water from the mine pits where water is polluted, contaminated and often toxic. Children and infants accompany their parents to the mine sites where they drink, defecate and play in the mine pits. Most children of mine workers are malnourished and constantly ill with diarrhoea or dysentery due to lack of potable drinking water, protection and safety. Cases of children falling into the mine pits and getting drowned is common. Women workers have no toilets or water facilities all through the day when they work in the mine sites. This is a daily torture, especially during menstruation.

In India the Mines Act prescribes access for workers and their children to crèches, toilets, safe drinking water and shelter, but none of this is available at the mining sites in Panna. At a national level there are policies and laws that support/protect environment like the national water policy, the Water and Trees Act, the Environment Protection Act, etc. Yet environmental clearances are given in violation of these laws, and there is no serious monitoring of either environment or social security.

**Problems related to water and sanitation for women and young girls in mining affected areas in India:**

In India women and children walk to streams, ponds, hand pumps, rivers, etc to collect water and one of the first impacts when mining operations are opened up is the sudden increase in vehicles, male labour and migrant labour colonies making the pathways to water bodies socially insecure for women and adolescent girls. Many rape cases and instances of sexual abuse are reported when women and adolescent girls walk to the water bodies to fetch water.

Secondly, the quantity of water drastically falls as a result of ground water aquifers drying up due to underground and open pit mining-this multiplies the burden of collecting water for women and girls. This also forces them to consume less water personally and for household chores thereby comprising on hygiene and sanitation as well as creating health problems like urinary tract infections and other gynaecological problems.

As running water, toilets and bathing places are not available or affordable for individual households, women and girls have to defecate and take bath in the open. In mining areas, with sudden increase in population, there is no privacy in public places, forests are cut down and women have no privacy for these activities. This is leading to sexual harassment, rape and blackmailing of girls especially when men and boys are using mobile phones to capture them in their private activities and intimidate them. Hence, women and girls refrain from taking bath or go to the toilet regularly out of insecurity, and this is leading to serious problems of health and hygiene

Air pollution from mines is another major source of contamination of water. Most women living in villages around mine sites complain of dust and toxic material in their water pots that cause ill-health to their families. Any precautions taken by them is futile when there are no measures taken to reduce or control the pollution. Communities complain that corruption is so high that officials ignore their complaints, companies blatantly violate environmental guidelines, or release pollutants during the night to dodge corrective actions. Women complain that even when they wash clothes, it is with very contaminated water and with high levels or air pollution, their clothes can barely escape dust and smoke.

In most mining affected areas, ground water depletion is the most severe problem. Environmental impact assessment is superficial and only provided to directly affected villages whereas indirect impacts of mining causes serious ground water depletion problems in a large area, sometimes the whole province, as seen in places like Goa, Orissa, etc. Alternate arrangements for water are only provided for the urban families in mining townships whereas women from local communities are forced to ‘steal’ water and walk long distances from their homes to bribe trucks that come at unearthly hours to collect small quantities of water for their households. Thus collection of water creates severe anxiety, stress and lack of sleep for women as well as lack of safety when they walk at night to fetch water from trucks. Drivers demand sexual favours to trade their water.

Ground water depletion due to mining also causes serious impacts on agriculture. Most villages around mine sites are having to leave their farms fallow due to depletion of ground water. Farmers are forced to invest in digging multiple bore-wells and go deeper underground to irrigate their fields. This kind of distress investments on rigging bore-wells causes indebtedness and crop failures that is causing farmers’ suicides in India. This has also led to migration and loss of livelihood for communities. It has also caused serious depletion in fodder for cattle and there is distress sale of cattle or cattle deaths due to consumption of contaminated water.

Depletion of ground water also creates in many places, increase in fluorosis and other imbalances in minerals that affect human health. For instance in the uranium mining areas in India, children have deformed teeth, bones and local communities suffer from skin ailments, joint pains, gynaecological problems and fatigue due to high levels of fluorides, lead and other metals. We are finding children and cattle being born with deformities.

In most mining affected communities, girls refuse to marry boys from these areas due to the burden of carrying water, or men are having several wives in order to deal with the problem of fetching water. This is far from an exaggeration or a trivial problem.

**Coal mining disrupts people’s livelihoods in Mui Basin, Kenya**

To progress towards the targets of its ‘Vision 2030’ development program, the Kenyan government is keen to tap any energy source available in the country. A coal mining concession awarded to a Chinese company is threatening the livelihoods of farmers and pastoralists in the Kitui County in Mui Basin.

Women especially are affected. The community speaks out to claim their rights to water, food and a clean environment. The coal mining project will have a disproportionate impact on women.

First, as the toxic waste from mining is likely to cause water pollution, women’s health will be at risk from exposure to contaminated water. Women are the ones who collect water for household use, wash the family’s clothes and utensils, and bathe the children.

Second, if the open waters and shallow wells indeed get contaminated, and no alternative wells are drilled nearby, the women will be forced to walk long distances in search of safe water for their household, which disrupts and adds a burden to their daily activities

Lastly, the developments are likely to impact women more because traditionally they have much less control over land than men. Women enjoy user rights to the land in terms of cultivation, grazing, fetching firewood and water, but they are barred from effective participation in decision-making over developments that concern the land that belongs to their households and community.

**Severe air pollution and open pit mining threatens people’s health in South Africa**

The informal settlement of Masakhane in Mpumalanga Province in South Africa is located less than 500 metres away from the coal-fired Duvha power station. The nearby Duvha open pit mine, which is the largest in the Southern Hemisphere, supplies over 10 million tons of coal a year.

The water in the area is contaminated by acid drainage from the mines, while in many parts the land is degraded and infertile. It is no longer fit for farming, due to the use of contaminated water, toxic dust and mercury settling into the soil, and acid rain.

Farmers are concerned that the contaminated water affects the milk production and fertility of their cattle. The pollution has caused increased poverty in households that do not have the income to buy nutritious food, which they formerly produced themselves.

Due to the water pollution women are forced to walk very long distances to fetch safe water for their families. An additional new burden for the women is taking care of the many sick people in their households. This unpaid care work takes away time from paid economic activities. (Time poverty)

**Proposed solutions**

In the project women in communities are supported to realize their Human Right to Water through: Awareness raising, linking to legal expertise, setting up women’s groups, enhancing women’s political participation and policy dialogue ( from law to implementation).

An example of our approach can be found in the case-study from South Africa. ActionAid South Africa provides workshops, awareness raising campaigns and leadership trainings to mining-affected communities to support them in championing their rights. These activities have had positive effects. Communities have much better access to information awareness of their rights. They are putting pressure on government and municipalities for service delivery through letters, memorandums, protest marches, media campaigns and petitions to the Minister of Mines and the President. Moreover, there is an increase in the number of women participating in advocacy and lobbying activities and they also increasingly take up leadership roles in the community movements. A change in attitudes is witnessed that allows women’s voices to be heard.

ActionAid South Africa provides platforms for the building of community movements and solidarity with other networks that are also working on the issue of mining.

The communities find support and exchange ideas and strategies under the umbrella organizations of the Mining Affected Communities United in Action (MACUA) and Women Affected by Mining United in Action (WAMUA). One important issue is how to make sure that mining companies implement their Social Development Plans (e.g. support to education). Today, the companies hardly share their CSR commitments and Social Development Plans with the community, which makes it difficult to hold the mines accountable and ensure delivery on their plans.

National water policies should be taken seriously to create legal and due diligence mechanisms

Environmental impact assessment should have a strong and serious component of social impact assessment. In India the government has created these sections in the laws but is fiercely trying to dilute them, ignore them. Social impact assessment should have both qualitative and quantitative indicators and measures for studying proposed and existing impacts, should have strong mechanisms for measuring periodically these impacts with the participation of affected communities, especially women and civil society/experts in the area of water. These assessments should be put in the public domain for transparency and accountability.

Mining projects that lead to crisis in water should be a priority. Economic programmes should be weighed against social and natural resource sustenance to make informed, public good decisions rather than serve the immediate and short term interests of corporate bodies. Merely, bringing awareness on sanitation and hygiene to women is not the solution when the problems are far beyond their control. Lack of resources, contaminated resources and social insecurities created in accessing these water resources is the primary problem behind the sanitation and hygiene issues of women. Decentralisation of decisions in the usage of public resources like water bodies and land have to be implemented with due diligence where local and affected communities have decision-making rights.

Grievance redress mechanisms for complaints related to misuse, abuse of water bodies have to be strictly institutionalized with adequate resources, human-power and political will to create accountable governance structures.

In terms of case studies, it will be useful for the rapporteur to capture cases on i) violations ii) potential and impending violations iii) best practices and cases with potential for improvement/ scale up. In this case the rapporteur should sharply apportion responsibilities among various stakeholders and levels of governments

The rapporteur should interrogate the extent to which national and local level government policies on water access are engendered and are explicitly responding to needs of girls and women.

Measures to accommodate biological differences (menstruation) are for instance to make re-usable menstruation pads available for girls and women. Another solution is separate toilets with locks for boys and girls in schools, so the girls can attend school during their menstruation-period.

It is useful to expand the section on development cooperation to encompass private sector investors investing in foreign countries. Here it will be useful to examine the extent to which policies in home country enhance engendered rights to access to water. In the investment/ host country it will be useful to ascertain the extent to which embassies monitor compliance of the private sector players with both host and home country regulations.

Policy coherence in government policies points to the need to take into account the impact on the Human Right to Water in energy- and mining policies.

We thank you for the opportunity to give our input and to have been allowed an extension of the deadline.

We hope our input is useful for you and we look forward to your report on gender equality.

As stated earlier, we would appreciate if we could be in contact with you at a later stage to solicit your advice on how the Human Right on water can be realized in these cases.

Kind regards, on behalf of all partners in the project “Upholding Human Rights: Bridging the Gender- Environment Divide”

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BothENDS

The complete case-studies that were the basis of our input can be found on:

India: <http://www.bothends.org/en/Publications/document/157/Mining-and-conservation-displace-adivasis-in-Panna,-India>

Kenya: <http://www.bothends.org/en/Publications/document/155/Coal-mining-disrupts-people-s-livelihoods-in-Mui-Basin,-Kenya>

South Africa: <http://www.bothends.org/en/Publications/document/156/Severe-Air-pollution-threatens-peoples-health-in-Masakhane,-South-Africa>