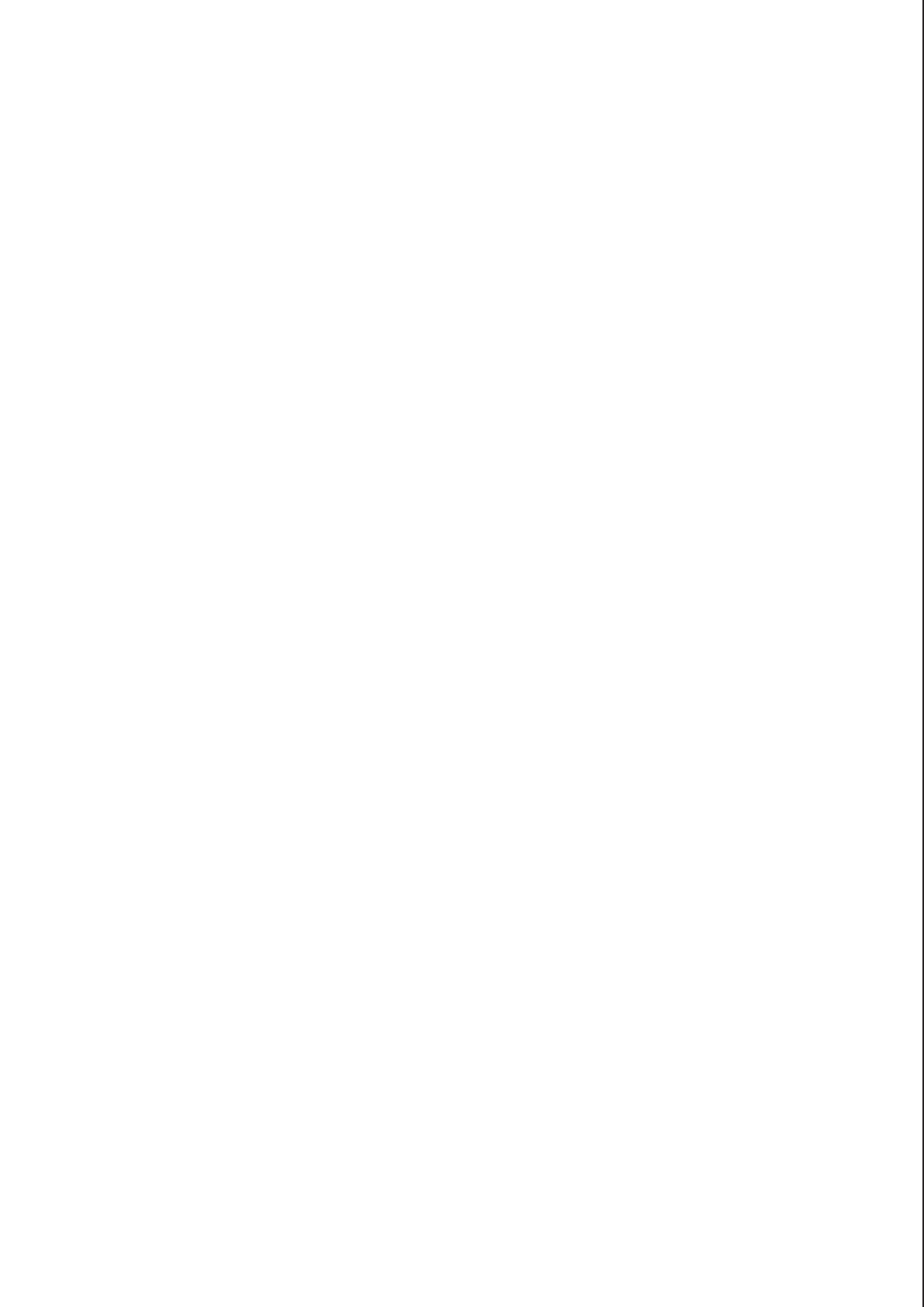


Report on the risk situation and criminalization of women environmental defenders in Latin America



Red Latinoamericana de
Mujeres Defensoras
de Derechos Sociales y Ambientales





The purpose of this document is to report on the violation of fundamental rights, such as economic, social, cultural and environmental rights, as well as the civil and political rights of women human rights defenders in Latin America, as a result of the economic policies of the governments that prioritize investment in extraction as the main factor of development and growth.

1. Extractivism in Latin America

Extractivism is the extraction of natural resources in large volumes or high intensity which are then exported as raw materials without or with minimal processing (Gudynas, 2015).

The exploitation of natural resources in Latin America has a long tradition, but foreign investment has shown a significant increase in the field of extractive activities since the beginning of the 1990s, when neoliberal policies were implemented throughout the region.

The growing demand for natural resources, such as minerals, oil and other raw materials, and their high price, has caused an increase in extractive activities in the region. The supercycle of metals (2003-2012) is part of this extractive boom and is characterized by "a sustained boom in investment, production and international trade, alongside large territorial expansion" (José de Echave, 2016).

In **Peru**, the exploitation of natural resources was driven by the neoliberal reforms of the authoritarian government of Alberto Fujimori and has been consolidated after the return to democracy in subsequent governments through free trade agreements and privatization policies, facilitating foreign investment in mining, hydrocarbons and hydroelectric projects. To date, mining accounts for around 60% of Peruvian exports and represents 7% of GDP, however, it only employs 2% of the economically active population (EAP).

In **Ecuador**, the environmental pressure has increased during the previous years on new areas, especially after the announcements of the Ecuadorian Government about the start of mining activity in the South of the country (provinces of Morona Santiago, Zamora, Loja, Azuay and El Oro), as well as the expansion of the hydrocarbon boundary (Orellana, Pastaza, Napo and Morona Santiago provinces) and the discontinuation of the Yasuní-ITT proposal to leave the oil from the ITT hydrocarbon block under the subsoil.

Throughout this boom in socio-environmental pressure, the State has emerged as the guarantor of the surveillance and control of extractive operations, both

mineral and hydrocarbon, giving greater importance to both the ARCOM (Mining Regulation and Control Agency) and to the ARCH (Hydrocarbons Regulation and Control Agency). In the hydrocarbon sector, these changes were already implemented in 2011 with the approval of the Hydrocarbons Law reform, limiting in this way the capability of both companies and communities to reach particular compensation agreements in the field of strategic sectors and, in this case in particular, in the hydrocarbon sector. The reform implied that the State became owner of the resources and signs contracts with the oil companies for exploration and exploitation and contracts for the provision of services for exploration and exploitation of hydrocarbons. In this context, the State becomes a guarantor and acts as an observer of the resources. The law stipulates that these resources have to be reinvested in their extraction areas, and therefore, generate wealth for the country.

In **Bolivia**, although the government of Evo Morales emerges from a peasant and popular social base that rejects the neoliberal policies of privatization of natural resources, after eight years of government its economic policies have consolidated the role of the country as a supplier of raw materials for the international market. When the Movimiento al Socialismo (MAS) assumed the power, there was an increase in the price of raw materials exported by Bolivia. In this context, the sustained growth of exports of natural gas and minerals was promoted with the expectation of increasing State revenues. Hand in hand with the transnational oil companies Repsol and Petrobras, as well as the big mining companies Glencore, Coeur D'Alene and Sumitomo, began the policy of "partners and no bosses" in which multinationals benefit from massive exports. Meanwhile, in the case of hydrocarbons, the Bolivian State receives 50% of sectoral taxes and in the case of mining 7% of sectoral taxes.

Currently, in **Colombia**, there is a boom in mining activity. The country went from having 1.1 million hectares under concession in 2002, to 8.4 million hectares of mining concessions in 2009. The Comptroller General of Colombia established in 2013 that 80% of human rights violations, 87% of displacements, 78% of crimes against trade unionists, 89% of crimes against indigenous people and 90% against people of African descent, are committed in mining and energy areas. In addition to this, mining has not helped eradicate poverty, this explains why poverty exceeds the national average in the departments with the highest mining activity. The relation between foreign direct investment, extractive projects, and violence towards human rights defenders in Colombia generates a disastrous situation in the country.

During the last two decades, the mining industry - particularly metal mining - has become again very important in **Central America**. This new boom is due, on the one hand, to the reduction of regulations for mining activity by national governments and, on the other, to the growing demand and high international prices of metals such as gold. There are important differences between the six Central American countries. On the one hand, there are Costa Rica, which prohibits open-pit mining since 2010, and El Salvador, which approved a Law against Metallic Mining in 2017. On the other, there are Honduras and Nicaragua, which constantly argue in favor of mining exploitation as an engine of economic growth but with a cost-benefit relationship of negative impacts. And scenarios such as those of Panama or Guatemala in which extractivism has generated social and political conflict with a central role of indigenous peoples against the state and transnational corporations. In all cases, extractivism has been an axis that articulates conflicts and highlights the authoritarian roots and the need to build new development proposals. Honduras, Nicaragua and Guatemala are the countries with the highest amount of squared kilometers under concession and with the highest number of mining concessions granted to companies, both national and transnational. The country with the largest number of concessions is Honduras. The "Diagnosis of the Mining Situation in Honduras 2007-2012", carried out by the ICEFI (Central American Institute of Fiscal Studies), shows that there are currently 72 metal mining concessions already granted and 102 applications submitted. However, the Cehprodec (Honduran Center for Promotion for Community Development) assures that there are 837 potential mining projects - metallic and non-metallic, which in territorial terms would mean almost 35% of the national territory. In another diagnosis, ICEFI revealed that in Guatemala there are 107 metallic mining concessions already granted and 359 new applications. If we add the non-metallic projects to this data, the total reaches an overwhelming 973 projects. Guatemalan social and popular movements warn that the total area concessioned to mining companies exceeds 32 thousand km², which is almost 30% of the Guatemalan territory.

2. The risks of opposing to extractivism

The need to expand the territories used for extractive activities compromises the sustainability of the environment, equity, social justice and respect for human rights. It is also the beginning of socio-environmental or eco-territorial conflicts¹.

Extractive activities generate, in addition to the impact on the environment, great asymmetries among the population regarding the use and access to natural assets and territory, since local communities, mainly groups of women, peasants and indigenous people, do not dispose of mechanisms that allow their interests to be taken into account when deciding on the priorities of the use of the territory.

This situation only deepens existing structural inequality gaps and intensifies violence against those who, in this context, defend their fundamental rights, especially women. Women who defend their rights are one of the most vulnerable population groups and are exposed to the serious and irreversible negative impacts of extractive activities in the territory, affecting both the territories they inhabit, and their personal integrity.

In this regard, it is worth mentioning that there are various reports such as those of Global Witness, Amnesty International, the Inter-American Commission on Human Rights, among others, which prove that exercising the right of defense of the territory and environment has become an imminent and global risk worldwide.

In fact, according to the Global Witness Report², in 2016 there were at least 200 assassinations of defenders of the land and the environment worldwide, being the year with the most registered deaths. 60% of the assassinations occurred in Latin America; almost 40% of the victims being indigenous. Mining continues to be the most dangerous sector.

For 2016, Front Line Defenders also reports the murder of 281 people in 25 countries, of which 49% worked in defense of the environment, the territory and the rights of indigenous people. 143 cases occurred in Colombia, Brazil, Honduras, Mexico, Guatemala, El Salvador, Peru and Venezuela³; precisely in the countries where the headquarters of the partner organizations of the Latin

1 Considering the territory, not just as a physical space, but as a conglomeration of cultural, symbolic relations between human beings and their relations with nature (Hoetmer, 2013).

2 Global Witness. Report 2016 https://www.globalwitness.org/documents/19085/Annual_report_2016_AW_lowres.pdf

3 Front Line Defenders. Report 2016 <https://www.frontlinedefenders.org/es/resource-publication/annual-report-human-rights-defenders-risk-2016>

American Network of Women Defenders of Social and Environmental Rights are located. Likewise, at the beginning of the year 2017, through a press release, the IACHR has expressed:

“So far in 2017, the IACHR was informed of 14 homicides of human rights defenders: seven in Colombia, two in Guatemala, two in Mexico and three in Nicaragua. The IACHR expresses its dismay at the devastating increase in violence against those who oppose extractive or development projects, or who defend the right to land and natural resources of indigenous peoples in the region. According to information provided by civil society, they now constitute 41% of all homicides to women defenders in the region”.⁴

Approximately 14% of these murders correspond to women defenders. But the statistics are not clear or specific in these cases, and if they were, they probably would not visualize or count the various aggressions, other than murder, to which they are exposed. Proof of this is that IM-Defensoras⁵ registered a total of 762 attacks on women defenders in El Salvador, Guatemala, Honduras and Mexico in 2014. Almost 38% (287) of the cases correspond to the defense of land, territories and natural resources. The main types of aggression in this context are: slander, pointing out, smear campaigns (9%); threats, warnings and ultimatums (16%); and psychological bullying and harassment (21%)⁶.

It should be noted that the increase of aggression cases against female environmental and human rights defenders has been remarkable in Colombia, Mexico and Honduras, among other Latin American countries. One of the emblematic cases was the murder of Berta Cáceres, an indigenous defender and member of the COPINH organization in Honduras, who received the Goldman Award for the Environment 2015 in recognition of her work.

In addition to this scenario, governments refuse to address and investigate these cases and the strategies of persecution, stigma and criminalization of those who denounce and protest in defense of their fundamental rights, which favors companies and violates individual and collective human rights as economic, social, cultural and environmental rights (ESCER) and civil and political rights.

⁴ <http://www.oas.org/es/cidh/prensa/comunicados/2017/011.asp>

⁵ Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos <http://im-defensoras.org/es/>

⁶ Report about aggressions to women defenders 2012 – 2014: https://justassociates.org/sites/justassociates.org/files/informe_2012-2014_de_agresiones_a_defensoras_de_ddhh_en_mesoamerica.pdf

The Office of the Special Rapporteur on the situation of human rights defenders⁷ states in its latest report that its team sent to the States, between 2014 and 2016, 693 communications for cases of 1293 people, including 278 women defenders⁸.

So, in the face of increasing violence and impunity, we need to emphasize the differentiated impacts on women defenders, because, in addition to being exposed to the same risks as all defenders, they run specific risks based on their gender.

3. Women defenders: gender based violence and differential impact of extractivism

Extractivism supposes serious environmental impact and the destruction of living conditions of the affected populations, violating the right to life, to health, to decent housing, to property, to nutrition, to labor and to enjoy a healthy environment. It also violates the rights to participation, protest and freedom of expression, assembly and association.

Gender-based violence or violence against women is “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women” (Article 1, Convention of Belem do Pará).

The forms of violence against women defenders suppose a continuum of violence⁹. It is a violence as historical continuity, a normative violence which is functional to patriarchy. These are specific forms of violence, with a strong sexual connotation in acts of discrimination, hostility, criminalization, discrediting and physical attacks against women. As the Diagnosis on Violence against Women Defenders (IMMDDHH, 2012) indicates, “violence against women constitutes a form of social control, discrimination and decomposition of the social fabric to maintain the interests of powerful economic groups linked to the high levels of different governments”.

In the context of eco-territorial conflicts due to extractive activities, the differentiated effects on women’s lives extend to their closest circles since, in addition to exercising their right to defend their territories, they carry out activities related to their traditional role of caring for their families or other people.

⁷ <http://www.ohchr.org/SP/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

⁸ Report A/HRC/34/52 (January 2017) http://ap.ohchr.org/documents/dpage_s.aspx?m=70&m=166

⁹ Taking the term of the feminist approach applied to the continuities of violence against women in times of war and peace (Kelly, 1988, Boesten, 2016, Escribens, 2012)

The General Recommendation No. 30 of the CEDAW recognizes that conflicts aggravate existing gender inequalities and women's risk of being victims of different forms of violence by state and non-state agents. The National Plan against Gender Violence in Peru (2016-2021) recognizes gender violence as violence towards women perpetrated by different actors in contexts of social conflicts. This Plan mentions that this type of violence can occur in conflicts arising from environmental problems and that, in addition, the most vulnerable women are indigenous and rural women "exposed to a greater risk given the persistence of subordinate roles in many rural communities" (El Peruano, July 26, 2016).

Women also suffer from multiple discrimination, firstly for the fact of being women and, in addition, indigenous, rural or living in areas of resistance or social conflict. This occurs both within communities and in relationship with institutions, companies or the State itself. Despite the efforts made by national and international civil society organizations and by women themselves, there is still a strong tradition of male political representation that continues to relegate women to spaces of consultation, decision, organization and advocacy. Daring to break with these patterns often puts marital and family relationships at risk under the pretext that women "neglect obligations" and become "rebellious".

Violence against women's food and economic security

Agriculture within the rural economy has traditionally been a task assigned to men, but the presence of women has increased in recent decades. Their income is an important part of the family's livelihood and the food security of many rural households depends on them. In addition, women are engaged in household work, livestock rearing and taking care of children. 60% of food products come from small scale farmers, therefore, women play an important role in food sovereignty (Beijing +20).

However, various barriers prevent them from playing a more active role in local economic development. The difficulties of access to land ownership imply that women have problems of ownership, access to credit, decisions regarding the use of land and scarce generation of own economic resources. Few women own land, or only own small extensions and of low quality. Currently, it is estimated that there are 1600 million rural women in the world, but only 2% of the property belongs to them and they receive only 1% of the credit (Korol, 2016). According to data from the Food and Agriculture Organization of the United Nations (FAO), only 30% of rural women own agricultural land, and do not have access to the means of production (Korol, 2016).

The situation of peasant or indigenous women in situations of poverty and extreme poverty is even more precarious, insecure and unstable due to the difficulties of control of the territories established by men, in such a way that the use or ownership of the land is put at risk for women. It is necessary to consider that decision making power in this area is held by men, by statutory or social norms that legitimize their power as "heads of family" or "qualified community members", and the subordination of women in these and other decisions. Men are, therefore, the ones who make decisions about ownership, possession or control of the land in negotiation with companies without taking into account the needs of women and the family, prioritizing the economic capacity over food sovereignty or the control of resources, which results in women being left homeless or without means of production.

The dispossession of lands resulting from extractivism poses a situation differentiated by gender. It creates risks regarding the protection of resources and regarding food and economic security of women and families, either by situations of soil contamination or the disappearance of natural resources or water sources. Given this situation, women are forced to move to other areas or cities to ensure the provision of resources and food for their families, exposing them to extreme poverty, discrimination, labor exploitation, prostitution and sexual violence (United Nations, 2014)¹⁰.

Finally, there is a link between women and the land. This is the place where life is reproduced, a bond that is stronger than economic ties. It is a symbolic link, a bond of roots and historical belonging.

Sexual violence

According to the definition of the United Nations, sexual violence covers "rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys who have a direct or temporary relationship" (UN, 2015). Within these acts of "sexual violence of comparable gravity" we can include sexual humiliations due to public exposure, forced undressing, improper touching, among others, within what Boesten (2016) defines as "events that can be perceived as unwanted sexual acts and exhibitions."

The international concept of "conflict-related sexual violence" is restrictive and does not include sexual violence during social conflicts, but only during armed

¹⁰ Report of the visit to Peru of the Working Group of the United Nations Human Rights Council on Discrimination Against Women <https://es.scribd.com/document/240384856/Informe-de-visita-a-Peru-del-Grupo-de-Trabajo-de-la-ONU-sobre-Discriminacion-contra-la-Mujer>

conflicts, whether internal or external wars (Silva Santisteban, 2017). This should be reviewed within the universal periodic reviews before the human rights and women's rights committees of the United Nations.

In social conflicts due to extractive activities, women are exposed to sexual harassment during repression and police detention, suffering touching, insults and threats of rape. In these contexts, women are placed in a situation of greater vulnerability due to issues of sex trade, trafficking in persons, forced labor and child labor that are generated in these contexts.

Stigmatization of women defenders

In contexts of social conflicts by extractive activities, stigmatization of women defenders occurs through defamation campaigns, based on exacerbating female stereotypes created by the patriarchy to disqualify women¹¹. These are spread through the press and media and result from a machination between companies and the State itself, in its desire to defame leaders of the environmental struggle and demobilize their organizations. It is worth noting that the sexual component is highly used in these smear campaigns against women who defend their rights.

They constitute planned campaigns, from different sources at the same time. Some high government officials are its disseminators, as well as extractive companies with low ethical standards and low social responsibility, and its operators, who create, disseminate and sustain slander through contracted media.

The stigmatization is given to curb the power of women empowered in the struggles for the defense of the territory, including stereotypes of women in the public sphere as "bad", "fatal women", "perverse" and traditional disqualifications as "rebels", "spoiled", "women who make trouble" (Silva Santisteban, 2017).

These campaigns of defamation and stigmatization end up undermining and eroding women defenders due to traumatic processes, as well as the subalternization of their demands.

Criminalization of social protest and physical violence towards women defenders

As defined by the Inter-American Commission on Human Rights (2009), social protest is "a collective form of expression", it is a tool of petition and denunciation, and its fundamental objective is to seek to enable institutional functioning, seeking that institutions operate according to the demands. Being a form that assumes the right to expression, it is a democratic exercise of

rights that makes possible other rights recognized in the legal order, such as that of assembly, participation, free association, etc. (Vásquez, 2013).

The criminalization and legal persecution of social movements and leaders by governments is seen as a wise policy to combat what represents a danger to the States. Within the framework of neoliberal policies based on the extractivist model, the State is a promoter of the external market, which is why it must grant corporations guarantees for investment, dissuading everything that threatens the new order.

Thus, regionally, this phenomenon of criminalization is lately becoming an extended policy in Latin America. Countries such as Chile, Brazil, Argentina, Bolivia and Central American countries such as Guatemala, Honduras and El Salvador, as well as Ecuador and Colombia, present evidence of criminalizing policies, all in relation to movements of resistance against extractive activities (mining, oil, gas, monocultures, reservoirs, hydroelectric, etc.) that have a direct impact on the territories of the peoples.

A strategy of criminalization is repression, adapting the police and military system and enabling the indiscriminate use of violence to attack the population. The most common forms of repression that are replicated in different countries range from police repression and / or direct military intervention, selective persecution of leaders, the creation of regulatory frameworks that sanction public protest as a crime associated with public disorder, application of regulations for terrorism, among others. An alarming trend has been observed whereby some states have used anti-terrorist legislation against activists who oppose large-scale projects, describing them as "national enemies" to justify abuses.

Likewise, in order to manage the conflict situation, the States have also progressively created greater protection and security mechanisms for companies, providing them with instruments of coercion as a strategic measure. Thus, the legalization of the presence of private security forces that provide special protection to these industries (mostly mining and other extractive industries such as oil and gas) has been promoted to "repel" or "neutralize" everything that these companies consider a risk. Therefore, it is necessary to promote changes in normative frameworks, through advocacy towards supranational organizations, such as the IACHR and the United Nations, among others.

Criminalization not only involves the use of public force, but also the use of other mechanisms, mainly the legal system, through the use of laws to detain and condemn

¹¹ Ibid.

social activists. These mechanisms allow “legally” to harass them, to persecute them, to imprison them, and even torture or kill them, comparing them with criminals and / or terrorists. For example, in countries such as Peru, the current legal framework allows impunity for human rights violations committed by agents of the Armed Forces and the National Police of Peru (PNP). It also allows the use of lethal weapons to control social protest, while there is a lack of training and adequate equipment to intervene and a lack of regulation of the procedures for the use of force, such as military intervention in the control of protests and the declaration of a state of emergency in contexts of social protest.

Women who participate in protests against extractive economic policies of Latin American governments are criminalized, which deepens socioeconomic inequalities and which generates strategies, such as the arbitrary use of the penal system, causing these defenders to face complaints and unfair judicial processes. In short, these are repressive and demobilizing strategies that are difficult to defend without investing innumerable resources that these women do not necessarily have, further deepening their condition of inequality.

In addition, conflicts rise within families due to the participation of women in mobilizations leading to break-ups in relationships (which is the result of activism that causes frequent departures for meetings), as well as social stigmatization, lack of economic stability, discrimination in access to justice and psychological affectations.

There are numerous forms of repression of women defenders during social conflicts, before, during and after the escalation of violence. The women are beaten and threatened, they are employed as human shields in the mobilizations, with the presumption that the police will not attack, which is not true. Women are also confronted with an overload of domestic activities or care to attend the mobilizations.

4. Cases of gender related violence in extractive contexts in Latin America

With the objective of confirming the above, in relation to the practice of systematic violence against women defenders in the Latin American region, the Latin American Network of Women Defenders presents the following cases:

Case Women Defenders of the Cabañas Region

Country: El Salvador. Information: AESD (Association of Economic and Social Development)

Salvadoran environmental defenders are facing a series of dangers that hinder, impede and discourage their work defending the environment and the territory. The intimidation, to which they are subjected through violations and threats to their life and to their physical and mental integrity, extends to the life and integrity of their family members and colleagues. It is a context in which the mining company Pacific Rim (now Ocean Gold) intervenes in the region of Cabañas.

Among the most emblematic cases we have **Dora Alicia Recinos Sorto**, who was murdered on December 26, 2009 when she returned from washing clothes on the river, in Cantón Trinidad, city of Sensuntepeque and Cabañas Department¹². She was 8 months pregnant and was accompanied by her 2 year old son who got injured. Dora was the mother of 6 boys and one daughter; together with her husband she had been part of the Cabañas Environmental Committee (CAC) since 2006, where she was defending the environment and the territory against the potential impacts of the Pacific Rim mining project. Dora’s husband and children had to move to the Department of La Libertad to protect themselves. Her daughter and sons have grown up without the love and care of their mother.

The murder of Dora and her son during her pregnancy was a direct violation of their rights especially that of life, but it also affected her family and other human rights defenders. Almost 8 years have passed since the death of Dora Recinos Sorto and her family is still displaced. So far, justice has not identified, prosecuted or convicted the author or intellectual authors of the murder¹³.

Another case is the one of **Lidia Urías Leyva**, an environmental defender whose 19-year-old son, David Alexander Amaya Urías, was murdered on June 30, 2012. Lidia decided to defend her territory when she learned that her home was located on the border of the El Dorado

¹² <http://ejatlas.org/conflict/el-dorado-el-salvador>

¹³ Final report. International Observation Mission on human rights violations and situation of defenders of emblematic cases in countries of Central and South America

mining project of Pacific Rim. Lidia and her son David participated in any activity for the environment and life in a peaceful way. After the murder of her son, Lidia Urías was forced to stop her activities as an environmentalist and immigrated to Nicaragua with her family. After a year and a half, she returned to El Salvador to resume her activities, even though she fears for her life.

As a result of the murder of David Amaya 9 subjects were captured who, after a judicial process, were released. 5 years after this terrible event, the intellectual author(s) of the crime have not been identified, processed or punished.

There is also the case of journalist and environmental defender **Isabel Gámez**, who since 2010 lives in Germany with her son, for security reasons. From a young age she worked as a journalist who was critical of mining extractivism in El Salvador, through the radio station of Radio Victoria. Her colleague Marixela Ramos points out that it is difficult for them to separate their work as journalists from their commitment to defending the environment. Beginning in 2007, Isabel and her colleagues began receiving threats through various means of communication, with the aim of intimidating them so that they would stop disseminating information about Pacific Rim's activities. The facts were reported and Isabel received precautionary measures from the State, but even with these protective measures, she continued to receive threats against her, many of them with sexual content, and against her son. That is why she decided to take refuge in Germany¹⁴.

Finally, **Vidalina Morales**, current president of AESD, is a recognized human rights defender, a worker for the protection of the land and the fight against extractive projects for 17 years. She is currently developing information and awareness raising activities, as well as having a weekly block on Radio Victoria, from which she disseminates the negative impacts of mining activity in the region. Both the AESD team and Vidalina herself feel a latent threat against her life, which has forced her to apply day-to-day protection and safety measures. Despite the high risk to which she, her family and colleagues are subjected, she does not stop working for the defense of the territory.

Case Women Defenders of the Shuar village

Country: Ecuador. Information: Ecological Action.

The Mirador Project is a large-scale mining project located in the Cordillera del Cóndor that plans to start, approximately in 2018, with the extraction of about 60,000 tons of rock a day. The magnitude of the socio-

environmental impact that this activity provokes is due to the fact that it occurs in an area partially inhabited by the Shuar indigenous people, who enjoy the constitutional right to conserve their ancestral territories.

The irruption of the Mirador mining project incurred an additional factor for the women of the Tundayme parish that, added to the previous power relations, have kept them apart from the decision making spaces regarding the issues that affect their territories and their lives.

Once they lost access to the land, something that has been called the patriarchy of wages has been established in Tundayme as a consequence of the implementation of mining activities, which excludes women from many salaried occupations, thus consolidating their subordination to men.

For the women of the Cordillera del Cóndor, the massive arrival of male workers and the militarization of the territory -both by public and private security forces- have generated in them feelings of fear and insecurity. This process, which causes what is called 'social enclosure', confines women to the private space, contributing to the limitation of their mobility within the territory.

Numerous testimonies have been gathered from Tundayme of women who report having suffered recurrent and continuous episodes of harassment and bullying by workers of the mining company's security company. When women refuse to assent to the harasser's requests, they are insulted. The violence and sexual harassment to which the women of the Cordillera del Cóndor are subject are part of patriarchal imaginaries that are enhanced by the penetration of mining, in which both Nature and bodies -and in particular, those of women- appear as reified, appropriable and sacrificial spaces. In relation to the above, it is worthy to note that over the past year at least one brothel has been opened in Tundayme, which for women in the communities is a new source of concern as alcohol consumption and violence have increased significantly¹⁵.

Nankints was a Shuar community that the State, through its military forces, wiped away with backhoes in August 2016. It is buried underneath the earth and, above the buried houses, trees and animals, lays the Camp La Esperanza of mining company ECSA-China.

In order to extract copper, Nankints no longer exists. But Nankints' population still exists, fleeing from machine gun fire and overflight of military aircraft. The population settled in the middle of the Cordillera del Cóndor, leaving their homes and belongings – among them pregnant women, mothers with girls and boys, as well as men – , walking in the middle of the night, exhausted and wet,
15 <https://investigacionpsicosocial.files.wordpress.com/2017/02/la-herida-abierta-del-cc3b3ndor-final.pdf>

14 Ibid.

seeking refuge from this forced displacement.

The Shuar population of the Cordillera del Cóndor, on the morning of Monday November 21, 2016, proceeded to retake its presence in the Nankints community, after it was evicted by the security forces in August. The mining project located on ancestral Shuar territory never consulted with its members, violating their Constitutional Rights. On November 22, the villagers who returned to Nankints were attacked by air and land by more than 1,000 military and police personnel, leaving community members and soldiers injured; Shuar villagers were arrested and some of them have unknown whereabouts.

This zone of the conflict in the southern Amazon of Ecuador, province of Morona Santiago, mostly of Shuar territory, is part of the Panantza-San Carlos project that plans to open two open-pit mines. These mines will contaminate the territory with enormous amounts of toxic waste and will use millions of liters of water affecting rivers and other water sources. When the minerals are finished, two craters will remain in the heart of the Cordillera del Cóndor. This will go hand in hand with irreversible environmental, social and cultural impacts, especially in the Santiago de Panantza, San Carlos de Limón and San Miguel de Conchay parishes.

The interior ministry created the well-known list of the 70s, i.e. Shuar leaders criminalized for resisting. There were people on that list who were not in their communities during the evictions whose names appear by chance and most of them have been forced into hiding. That is why the women have been left in charge of the community of Tsum Tsuim. They had to return without having any guarantees, they had to replant, get rid of all the debris, take care of their children and rebuild. They are in charge of the maintenance of the house, they must look for income, go out to the city, even wash gold. Women are subject to a salary that often comes from the construction of servitude to large companies.

Case Women Defenders of the Cajamarca region

Country: Peru. Information: Grufides, Demus-Studies for Women.

In the context of the mining activity of the company Yanacocha¹⁶ there have been a series of attacks against individuals, families and communities that were affected by the influence of these mining projects and, especially, against those who have taken upon themselves the defense of water and the territory. Among the physical, symbolic and psychological violence against the population in general, we highlight facts of individual and collective grievances against women who resist the

¹⁶ Yanacocha is the largest gold mine in South America and occupies 9% of the territory of Cajamarca.

occupation of their territories, which reveal strategies to demobilize and silence women who defend themselves from environmental contamination.

It highlights sexual violence perpetrated in Peru, against women defenders from the Andean region of Piura opposing the Río Blanco mining project and against defenders from Cajamarca during the protests in rejection of the continuation of the Conga de Yanacocha mining project. This sexual violence perpetrated by the National Police consists of touching or beating on specific parts of the woman's body (breasts and buttocks) during the repression; in insults and threats of rape during detentions; in campaigns of defamation and intimidation in mass media and social networks based on ridicule, rumors, insults and comments that (even) publicly dent their sexuality.

There are cases of attacks such as those received by **Lizeth Emperatriz Vásquez**, aged 17, on May 31, 2012; and **Marlene Saldaña Carranza**, aged 27, on July 3, 2012, in the context of a protest against the Conga mining project in the Cajamarca province of Celendín. Lizeth was beaten, haggled and dragged by members of the National Police. Marlene was attacked, also by the police, with stones and shots in the air. The first was prosecuted and the second was released after hours of detention and violence. In the same context of protest, **Jeny Cojal Rojas** and **Andrea Rodríguez Chavez**, both leaders of Celendín, were prosecuted. At the trial, they were prevented from entering the courtroom with their breastfeeding babies. The Judiciary argued that there is a prohibition against minors being present, without considering their condition as infants and the need to remain with their parents; which seriously impacts their mental health, that of their families, and neutralizes their defense work.

Another example of this serious situation is the case of human rights defenders **Amparo Abanto, Mirtha Vásquez** and **Genoveva Gómez**. On June 21, 2012, Amparo Abanto de Grufides and Genoveva Gómez of the Ombudsman's Office were beaten and vexed by members of the National Police, during their intervention in the Commissariat of Cajamarca, when they tried to prevent torture of detainees in the protests against the Conga mining project. Likewise, on July 3, 2012, Mirtha Vásquez de Grufides, together with her colleague Amparo Abanto, were victims of assault by police officers of the First Commissariat of Cajamarca, in circumstances in which they detained and tortured environmental defender Marco Arana Zegarra. The police officers of the first commissariat refused to identify themselves and, given the attitude of the lawyers to photograph their faces, they were dragged and evicted by force.

On the other hand, the lawyer Mirtha Vásquez and her defendant Máxima Acuña, have been victims of several defamation and aggression campaigns, through local media and social networks. They were subjected to public scrutiny and derision in relation to judicial processes and their personal lives. This has been brought to the attention of the prosecutors of the Ministry of Justice and the Ministry of the Interior during their meetings about the execution of precautionary measures, with key indications regarding the direct relationship between the authors of the insults and the mining company Yanacocha. These elements have also been made known during meetings with commissioners of the IACHR itself.

In addition, the mining company Yanacocha has continued its harassment of **Máxima Acuña**, who is controlled by cameras. They prevent entry and exit directly to her home and also question her role as environmental leader and her non-exclusive family dedication generating conflicts. Máxima got physically attacked in a police intervention on September 18, 2016, in which they tried to strip her torso, unlike her husband whom they beat without tearing off his clothes. These facts were denounced under Law 30364¹⁷, which recognizes that women have the right to live free of physical, psychological, sexual and patrimonial violence in the family, community and state context. However, the requested protection measures were denied and the complaint filed against Yanacocha was shelved.

These sustained attacks constitute and evidence an escalation of gender violence in physical, psychological, sexual and patrimonial forms to the detriment of emblematic (female) leaders in extractive mining contexts, in accordance with national and international regulations for the protection of women's human rights.

5. Policies for the protection of women social and environmental defenders

Although the work of defending human rights has a specific normative base that supports it as a right, the protection mechanisms, generated by some States of the region for social and environmental activists, have been insufficient. It is worth mentioning some of these rules:

- Article 1 of the Declaration on the Right and Duty of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998), which states that "every person has the right, individually or collectively,

¹⁷ Law 30364: Law to prevent, punish and eradicate violence against women and members of the family group. 11/24/2015 Peru

to promote and seek the protection and realization of human rights and fundamental freedoms at the national and international levels".¹⁸

- The World Charter for Nature, which, in the 1982 UN General Assembly, recognized that every person "will have the opportunity to participate, individually or collectively, in the preparation of decisions that directly concern their environment, and when this has been the object of damage or deterioration, may exercise the necessary resources to obtain compensation".¹⁹

Equally insufficient is the design of such protection mechanisms, due to the lack of gender indicators that allow the establishment of specific protection measures for female defenders. Thus, the commitments adopted by the States in the fight against any type of violence against women are not being complied with.

In the Inter-American context, the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (hereinafter, the Belém do Pará Convention)²⁰ states in its Article 1 that:

- "(...) Violence against women should be understood as any action or conduct, based on their gender, that causes death, damage or physical, sexual or psychological suffering to women, both in the public and in the private sphere"

And the commitment of the States to condemn all forms of violence against women, according to Article 7 of the Belém do Pará Convention, should consist of:

- "(...) d. adopt legal measures to compel the aggressor to refrain from harassing, intimidating, threatening, damaging or endangering the life of the woman in any way that threatens her integrity or harms her property;
- e. take all appropriate measures, including legislative measures, to modify or abolish existing laws and regulations, or to modify legal or customary practices that support the persistence or tolerance of violence against women;
- (...) h. adopt the legislative or other dispositions that are necessary to enforce this Convention

However, situations of violence and discrimination against women are increasing in territories with extractive

¹⁸ United Nations Resolution A/RES/53/144 http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration_sp.pdf

¹⁹ <http://www.un.org/es/comun/docs/?symbol=A/RES/37/7&Lang=S>

²⁰ https://www.oas.org/dil/esp/convencion_belem_do_para.pdf

mining projects in Latin America.

On the other hand, the Convention for the Elimination of All Forms of Discrimination against Women (hereinafter, CEDAW), states in its article 1:

- For the purposes of this Convention, the term "discrimination against women" shall denote any distinction, exclusion to restriction based on sex that has as its object or result, to undermine or nullify the recognition, enjoyment or exercise by women, regardless of their marital status, on the basis of the equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres or in any other sphere.

CEDAW itself has approved General Recommendation No. 30²¹ where it states:

- 6. Women do not constitute a homogeneous group and their experiences in relation to conflicts and their specific needs in post-conflict contexts are diverse. Women are not spectators or mere victims or targets, and have historically played and continue to play a role as combatants, in the context of organized civil society, as defenders of human rights, as members of resistance movements and as active agents in the processes of official and informal peacebuilding and recovery. States parties must address all aspects of their obligations under the Convention to eliminate discrimination against women.

In that sense, we can say that there is an important consensus at the level of definition of what a human rights defender is, but also of the double situation of vulnerability that women defenders face and of the urgency of specific protection protocols, and differentiated in the case that they already exist.

As it has been sustained in the present, the female environmental activists face a series of difficulties and dangers for the exercise of their activities of promotion and defense of the environment, of the territory and of human rights in contexts of extractive activities, especially of the mining sector. They have been the target of actions aimed at preventing and demobilizing their work, at intimidating them through violations and threats to their life and physical and mental integrity, as well as that of their family members, especially their children.²²

So, these mechanisms of denunciation and protection in

²¹ <http://undocs.org/sp/CEDAW/C/GC/30>

²² Final Report. International Observation Mission on human rights violations and situation of women activists of emblematic cases in countries of Central and South America.

the area of defense of the territory and the environment, should be constructed and raised from a gender perspective, because although there are no accurate statistics of the global proportion of women defenders affected and violated in contexts of socio-environmental conflicts, the set of risks and violations that they suffer is evident.