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# Sexual and Gender-Based Violence in the Mining Sector in Africa.

Evidence and reflections from the DRG,  
South Africa, Tanzania & Uganda

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**WOMEN'S RIGHTS  
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# Abbreviations

<b>ASF</b>	Avocats Sans Frontières
<b>ASM</b>	Artisanal and small-scale mining
<b>AWID</b>	Association for Women's Rights in Development
<b>BMZ</b>	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (German Federal Ministry for Economic Cooperation and Development)
<b>CLO</b>	Community Liaison Officers
<b>DHS</b>	Demographic and Health Survey
<b>DRC</b>	Democratic Republic of Congo
<b>ECOWAS</b>	Economic Community of West African States
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
<b>GRM</b>	Grievance Redress Mechanism
<b>ILO</b>	International Labour Organisation
<b>IPV</b>	Intimate partner violence
<b>LSM</b>	Large-scale mining
<b>MSF</b>	Medecins Sans Frontières
<b>NGO</b>	Non-Governmental Organisation
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>PPE</b>	Personal protective equipment
<b>REAFCOM</b>	Network for the Empowerment of Women in Mining Communities
<b>SADC</b>	Southern Africa Development Community
<b>SGBV</b>	Sexual and gender-based violence

<b>TAWOMA</b>	Tanzania Women Miners' Association
<b>UNDP</b>	United Nations Development Programme
<b>UNGP</b>	United Nations Guiding Principles on Business and Human Rights
<b>VAW</b>	Violence against women
<b>WILPF</b>	Women's International League for Peace and Freedom
<b>X4D</b>	Extractives and Development Sector Programme





# Executive Summary

Commissioned by *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH's programme Extractives for Development (X4D)* on behalf of the *German Federal Ministry for Economic Cooperation and Development (BMZ)* and *Women's Rights and Mining*, this study offers a thorough review of the evidence around *Sexual and Gender-Based Violence (SGBV)* in the mining sector in Sub-Saharan Africa, with a particular focus on the Democratic Republic of Congo (DRC), South Africa, Tanzania and Uganda.

Whilst SGBV can be experienced by anyone, this paper predominantly explores the experiences of women. Notably, it adopts an analytical framework examining manifestations of SGBV in women's different roles or domains in relation to the mining sector: as *Large-scale mining (LSM)* employees, as *Artisanal and small-scale mining (ASM)* workers, as community members and as advocates and activists. The study's objectives are to explore the intersection between SGBV and the mining sector in Sub-Saharan Africa; present current evidence on forms, drivers and prevalence of SGBV related to the mining sector; analyse current law, policy and practice relating to SGBV and mining; and offer recommendations aimed at addressing SGBV in the mining sector, through a thorough desk review, augmented by a series of key informant interviews.

## Evidence of Sexual and Gender-Based Violence in the Mining Sector

*Sexual and Gender-Based Violence (SGBV)* is a term that encompasses harmful acts perpetrated against a person's will, based on gender norms and unequal power relationships. Critical to understanding SGBV is the concept of gender relations – forms of power relations between women and men in a given society. SGBV is a harmful expression of unequal gender relations, that is permitted through constraining or discriminatory gender norms. Globally, 35% of women and girls have reported experiencing either physical and/or sexual violence (not including sexual harassment) during their lifetime and SGBV is known to be underreported, making understanding the true prevalence challenging. In the context of the mining sector, the structural changes that mining brings to an area – be it through increased cash flows or labour migration – are thought to lead to increased risks of SGBV. However, little is known

about the prevalence of mining linked to SGBV. This paper seeks to review the evidence of SGBV directed toward women across four domains of interaction with the mining sector: as LSM employees, ASM workers, as community members and as activists and advocates.

For women working as **LSM employees**, sexual harassment is the most commonly evidenced form of violence found in this review, noted in South Africa and Tanzania, with evidence of women having to provide sexual services to men in return for assistance. There are also noted cases of rape and sexual violence and murder of women working in mines in South Africa. Whilst the masculine nature of the mining sector is offered as an explanation for much of this violence, this can eclipse company responsibility toward their workers' safety. For example, lack of appropriate *Personal* on camps are all seen as contributing toward SGBV. As **ASM workers**, women's experiences within the sector are gendered: cultural beliefs around women, as well as gendered constraints to access and control over resources concentrate women in lower paid and often more hazardous tasks in the sector – which itself may constitute a form of socio-economic violence. SGBV appears to be one means through which norms of women's roles in ASM are maintained. Much of the evidence around SGBV in the ASM sector comes from eastern DRC, where mining and sexual violence have long been a feature of armed conflict and rape of women in mining areas was found to be commonplace. The role of sex in and around ASM sites is widely discussed, but also contested. Much of what is described in the literature appears to be exploitative; however, this is not always the case. Sex can be used as a coping strategy by women for assistance, as research from Uganda shows. Additionally, whilst the presence of sex workers around mining sites is generally presented as a negative impact of the sector, this erases the agency and experiences of women choosing to participate in sex work.

Women also interact with the mining sector as members of mining-affected communities. Multiple studies highlight the structural changes that the introduction of mining can bring, with the shift from subsistence to cash economies seen to lead to tensions within families around how money is managed, which can lead to increased SGBV. In South Africa and Tanzania, respondents interviewed for this study noted that violence often goes unreported as women fear their partner losing their jobs as

a result of SGBV reports. Beyond increased concerns of domestic violence, the issue of SGBV perpetrated by mine security forces is also highlighted as a specific issue and is described by *United Nations Development Programme* (UNDP) as an ‘endemic problem’.<sup>1</sup> Reports in Uganda and Tanzania note cases of rape by mine company workers and security guards and reports show that police involved in guarding mines have been complicit in these acts. Finally, women can also interact with the sector as **advocates and activists**. Conflicts between mining companies and communities can escalate and may include sexual abuse or rape. Human rights defenders face a multitude of risks and women human rights defenders can face additional, gender specific risks in challenging mining activity, including sexual harassment, and intimidation.

## Legal Frameworks addressing Sexual and Gender-Based Violence in the Mining Sector

International, regional and national legal and policy frameworks addressing SGBV and mining operate along two largely distinct tracks: laws, policies and standards relating to mining; and those relating to SGBV, with some limited overlap. At the **international level**, there are various conventions that address SGBV, including the *1979 Convention on the Elimination of All Forms of Discrimination against Women* and the recent *International Labour Organisation (ILO) Convention 190 on Violence and Harassment* in the workplace. Whilst these conventions play an important role in setting legal norms and helping to shape national legislation, they lack enforcement mechanisms and have varied degrees of impact. The *UN Guiding Principles on Business and Human* (UNGPs), which have been endorsed by some mining companies, does call for attention to SGBV in conflict areas. In addition to these global sources of law, there are industry specific guidelines and standards. The *Organisation for Economic Cooperation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* is one such

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<sup>1</sup> UNDP, 2019, Gender Dimensions of the Guiding Principles on Business and Human Rights

guideline that has recognised the issue of SGBV in the extractive sector, however others, like the *Voluntary Principles on Security and Human Rights*, do not explicitly mention gender or SGBV.

At the **regional level**, the main policy framework on mining is the *Africa Mining Vision* (AMV) formulated by the *African Union*. The AMV does make commitments toward gender equality, however the *AMV Action Plan* does not include detailed actions to address gender, prompting concerns of gender ‘box-ticking’.

At the **national level**, each focus country for this study has legislation governing mining sector activity and sexual and gender-based violence. However, there are challenges with regard to the scope of laws relating to SGBV: while the legal frameworks appear to provide protection against SGBV generally, including in the mining sector, they have been criticised for not including domestic violence (in the case of DRC and Tanzania), defining domestic violence too narrowly (Uganda), and maintaining cumbersome processes for victims (South Africa).

Additionally, supposed ‘protective’ legislative provisions designed to safeguard pregnant women and children in the mining sector, have been noted to actually have adverse effects on women in practice, either through excluding them from the sector entirely, or being used to extort sexual favours. The quality of these laws also cannot be viewed separately from the context in which they are enforced: SGBV is known to be an underreported crime and this paper highlights cases of complicity of state agents in violence against women in their roles as miners, community members and activists

## **Policy and Programme Responses to Sexual and Gender-Based Violence**

Many interventions aimed at addressing SGBV focus on primary prevention – that is strategies to reduce prevalence of violence. Evidence shows that SGBV interventions that address gender norms, inequalities and notions of masculinity are more effective at reducing violence than those that do not. In the context of

the mining sector, three key response areas were identified in this review: development of standards and policies addressing SGBV; women associating and organising to safeguard themselves, access services or articulate their demands; and programming support for alternative livelihoods initiatives away from the ASM sector. These response areas are by no means exhaustive of all the responses mobilised to address SGBV in the mining sector, however they do indicate some of the forms of response which enable an understanding of gaps in areas and approaches. Whilst the examples of women's networks and associations found in this review present a challenge to the perceived male dominance of the sector, none of the intervention areas explicitly set out to tackle norms that enable or perpetuate violence and harassment, nor do they address women's vulnerabilities to SGBV across all four domains of interaction with the sector. Additionally, research found that women's groups are not always sufficiently incentivised to work on mining issues and vice versa. Connecting women's movements and extractive sector accountability movements; and connecting women in mining initiatives with women and mining issues then appear to be vital in strengthening SGBV response in the context of mining.

## Moving Forward

This study found evidence of verbal and sexual harassment, sexual violence, physical violence and socio-economic violence within the mining sector, with violence sometimes operationalised to concentrate control of resources and higher valued roles with men. Whilst forms and prevalence will differ across contexts, SGBV appears to be a pervasive issue across all women's domains of interactions with the sector, often sanctioned or perpetuated by those in positions of power. Unequal gender relations appear to be at the root of much of this violence. However, whilst forms of SGBV may be accepted in some contexts, this does not justify companies failing to combat SGBV in the workplace and safeguard their employees. Nor does it excuse governments failing to provide meaningful channels for redress and survivor centric service provision.

This paper therefore recommends **26 actions** from **national governments, private sector mining companies, international donor partners** and **civil society**, in order to address SGBV (*on the following pages XVI-XVIII*):

## Government

1. Reform legislative frameworks to ensure it is in line with international definitions of SGBV and that direct and indirect discriminatory legal provisions are removed
2. Host consultative roundtables on SGBV with sector stakeholders from private sector, civil society, local women's organizations and movements, trade unions, media and government inspectorate officials and local officials to better understand the scope of the challenge and potential responses
3. Facilitate cross-ministerial collaboration between departments working on gender, public health and mining to address SGBV
4. Commence (or continue) a roadmap to tackle SGBV in the mining sector, aligned to comprehensive national strategies to prevent and respond to SGBV in all its forms
5. Provide financial support to legal empowerment initiatives that support legal literacy as well as legal aid, to mining communities, women's rights organizations, and women and men in the mining sector
6. Establish funding mechanisms for civil society oversight, including specific funding for women's rights organisations
7. Ensure all law enforcement and regional, municipal and local governments officials go through comprehensive SGBV training and that completion and passing of training is tied to recruitment and promotion practices. Such training should be repeated and professionally designed and facilitated, in line with best practice.

## Private Sector

8. Carry out a Gender Impact Assessment of all policies and operations of all subsidiaries and develop a clearly budgeted action plan for recommendations of such assessment. This must consider SGBV within the workplace toward women as employees and within the community toward women community members and activists
9. Form independently managed and funded oversight committees to monitor action plans pertaining to SGBV prevention, response and cases, addressing both workplace and community level SGBV
10. Ensure provision of secure changing and break facilities for women, including for breastfeeding mothers to express if needed
11. Adhere to transparent publication of policies (including sexual harassment policies) and plans relating to gender equality and SGBV, including in relevant languages, to allow accountability and oversight
12. Ensure health care facilities and other company supported services are funded, staffed and resourced for survivor-centric response in line with international standards for care and ensure this includes functioning referral pathways to external SGBV service providers
13. Ensure policy alignment with international best practice on gender equality, sexual harassment, maternity leave and any other factors revealed through gender impact assessment
14. Facilitate training for staff in line with UN Women guidance on effective sexual harassment training
15. Facilitate training on relevant international and national legal frameworks related to SGBV and child labour, including risks around child labour in supply chains.
16. Set up a gender complaints desk and ensure there is an operational grievance mechanism in line with the UNGPs and designed to be accessible to all segments of community.

## Civil Society

17. Forge closer connections between CSOs on mining governance and environment; and on gender and SGBV respectively
18. Continue to use fora such as EITI to raise awareness of SGBV in the mining sector
19. Continue to document cases of SGBV related to the mining sector
20. Continue to support referral of survivors to relevant health, psychosocial and legal organisations and child protection organisations.

## International Donor Partners

21. Explore synergies in country level funding between programmes supporting rule of law, violence against women and extractive industries. Support funding of specific programmes on SGBV and mining, driven and informed by local needs and priorities, including funding to civil society
22. Ensure bilateral engagement with government counterparts and industry leaders in the mining sector addresses SGBV as a priority briefing point
23. Support service providers and grantees in the mining governance field with training on SGBV referral and ethical approaches to SGBV research and data management
24. Provide financial support for the design and use of a participatory SGBV research module for use by CSO partners to develop better evidence of scale of SGBV in mining sectors, in line with ethical research standards
25. Provide financial support to legal empowerment initiatives that support legal literacy as well as legal aid, to mining communities, women's rights organizations, and women and men in the mining sector
26. Provide financial support to initiatives to protect human rights defenders.







# Sexual and Gender-Based Violence in the Mining Sector in Africa.

Evidence and reflections from the DRC,  
South Africa, Tanzania & Uganda

# 1.0 Introduction

*Sexual and Gender Based Violence (SGBV)* is a human rights violation and a global concern affecting women, men, girls and boys across the world. Whilst SGBV can be found within many sectors and value chains, research and case examples have highlighted specific concerns in the mining sector. In response to growing recognition of this issue, *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH's programme X4D* on behalf of the *German Federal Ministry for Economic Cooperation and Development (BMZ)* and *Women's Rights and Mining* commissioned an evidence review to better understand these issues, through an extensive desk review and country level analysis covering the Democratic Republic of Congo (DRC), South Africa, Tanzania and Uganda. The objectives of this paper are to:

1. Explore the intersection between SGBV and the mining sector in Sub-Saharan Africa
2. Present current evidence on forms, drivers and prevalence of SGBV related to the mining sector
3. Present and analyse current law, policy and practice from government, private sector, civil society and development stakeholders relating to SGBV and mining
4. Offer recommendations and next steps for different stakeholders aimed at addressing SGBV in the mining sector.

The report is structured along **five sections**, with this section introducing the context for the study, the analytical framework and the methodology used. *Section 2* unpacks what SGBV means in the context of the mining sector, against the analytical framework. Next, in *Section 3*, the applicable international, regional and national legal frameworks and standards are considered, followed by an overview of current programmes and responses to sexual and gender-based violence in the mining sector in *Section 4*. The study concludes in *Section 5* with a reflection on the analytical framework and offers recommendations for sector stakeholders. Focus country profiles are found in the annexes.

## 1.1. Background & Context

Sub-Saharan Africa is home to vast mineral resources, with numerous *large-scale mining* (LSM) projects and an active *artisanal and small-scale mining* (ASM) sector. Some of the world's largest mining companies have operations in Africa, including *Anglo American, Barrick Gold, BHP Billiton* and *Rio Tinto*; however the continent suffers significant revenue losses through corruption, informal activity and poor valuation (BSR, 2017). Good governance and sustainable management of mineral wealth is therefore a major topic of debate; and related to this, the gender dimensions of the mining sector have emerged as an area of increased attention from researchers and practitioners.

Research has shown that men and women experience the mining sector differently. *Eftimie, Heller & Strongman* (2009) note, for example, that within LSM operations, the majority of formal jobs go to men, due to stereotypes, social norms and levels of education. In communities affected by LSM, women are often left out of community consultation and decision making processes and therefore have less say over how extractive revenues are spent and are less likely to know about grievance procedures (Eftimie, Heller, & Strongman, 2009; Scott, Dakin, Heller, & Eftimie, 2013). In the ASM sector, women are present and active, with some estimates suggesting women comprise at least a third of all ASM workers (Jenkins, 2014). However, women's roles within ASM tend to be the most marginal tasks, like extracting mineral remnants by hand, and women's involvement in ASM is often greater where the commodity is of lower value (Jenkins, 2014).

Gender inequalities exist in a community prior to the arrival of an extractive operation. However, such inequalities can be exacerbated by gender blind development of projects (Scott, Dakin, Heller, & Eftimie, 2013) and within this context, evidence has shown that women and girls are often at risk for increased levels of violence (Jenkins, 2014). It is this phenomenon that this paper seeks to explore.

## 1.2. Methodological Approach

This study adopts a qualitative review of the existing evidence, augmented by a series of key informant interviews from four focus countries and drawing on a framework that considers women's roles in relation to the mining sector in the context of broader normative and macroeconomic trends.

### Analytical Framework

In order to understand SGBV in the mining sector, the study adopts a framework that explores women's roles in relation to the mining sector to understand how SGBV may manifest. Whilst SGBV can be experienced by anyone, including men and boys, this paper focuses largely on the experiences of women, as women and girls comprise the majority of SGBV victim-survivors.<sup>2</sup> However, gender is utilised as an analytical concept to situate the evidence within a discussion of gender norms and power relations.

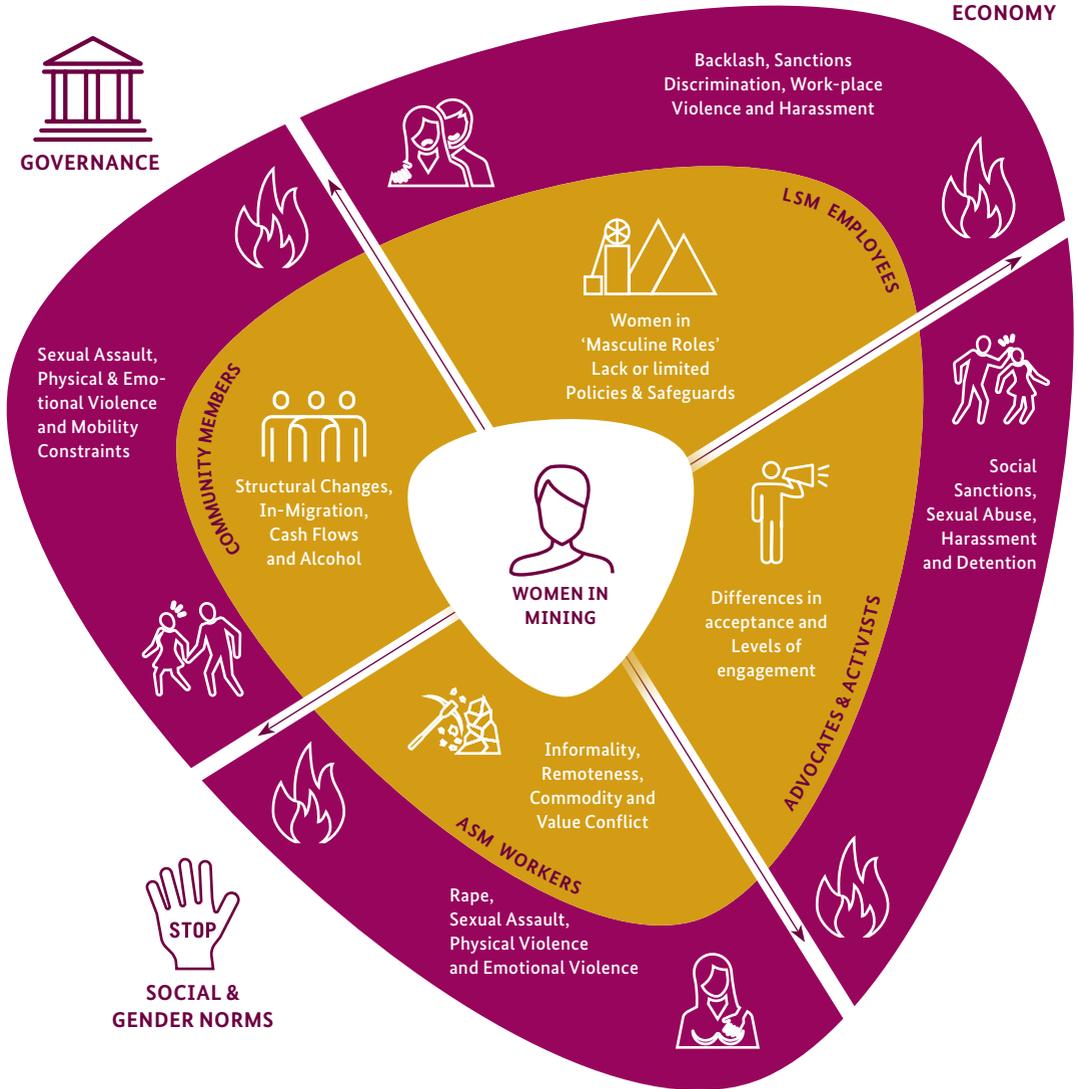
The framework adopts four main domains through which women interact with the mining sector: their roles as LSM employees; ASM workers; members of mining-affected communities and as civil society activists and advocates (*see Figure 1 opposite*).

Women interact with the mining sector in a multitude of ways, including as owners, regulators and suppliers; however for purposes of this paper, these four domains of interaction are used, as they connect women spatially to mining operations, which is necessary to explore the linkages between mining and SGBV. It is important to note that these domains are not mutually exclusive – a woman can belong to more than one at the same time. Furthermore, women's experiences within these domains are not homogenous, with factors like income, indigeneity, disability and others intersecting with gender to shape women's experiences. Much work on women in the mining sector presents them as victims (Lahiri-Dutt, 2012) and the paper recognises that there can be opportunities for women in varying roles in the sector.

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<sup>2</sup> The terms 'victim' and 'survivor' are often used interchangeably and sometimes together, although survivor is often the preferred term. In this paper both terms are used to reflect language of literature and interview respondents.

**Figure 1: Overview of Analytical Framework**



The figure highlights the **4 domains** through which women interact with the mining sector; their potential vulnerabilities, the potential forms of SGBV and the overarching 'macro' factors that may influence this. The **yellow sections** set out some of the potential drivers or vulnerabilities that women may face in their various roles in the sector, that could give rise to varying forms of SGBV (**noted in the purple sections**).

The extent to which SGBV may manifest will vary within and between countries, influenced by broader societal or macroeconomic factors, highlighted in yellow at the top. For example, a woman working in LSM may be vulnerable due to low levels of other women working in the sector or due to perceptions that she has displaced male workers. This could result in discrimination and sexual harassment – the extent of which could be exacerbated if for example, there are high levels of male unemployment in the area, giving rise to a sense that a woman has ‘taken’ a man’s job. It is important to note that mining alone does not necessarily ‘cause’ SGBV. As Scott et al. (2013) note many communities will have underlying inequalities that pre-date the arrival of an extractive operation; and in all likelihood pre-existing levels of SGBV. However, mining activity is understood to have an exacerbating, amplifying or altering effect on SGBV (Jenkins, 2014). This framework therefore aims to examine the extent to which the mining sector influences SGBV, by examining the issue through the lens of women’s involvement in the mining sector.

## Methodology

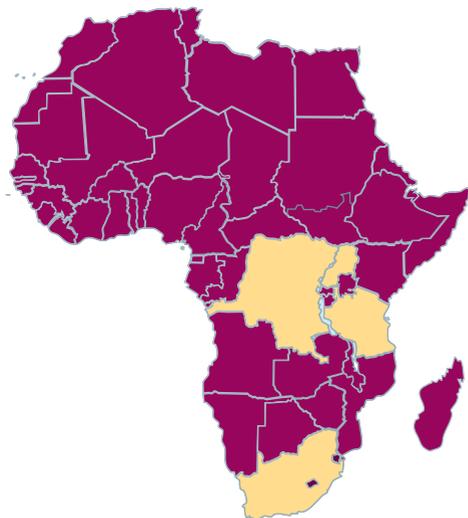
A desk review of academic literature, grey literature and policy research was conducted in order to develop an analytical framework and address the research objectives of the study. Practices of key sector stakeholders were identified and reviewed, alongside relevant legal frameworks and sector standards. In order to augment the findings from the desk review and support country level analysis, a series of 22 key informant interviews were carried out over the phone or Skype, reaching women’s rights organisations, *Non-Governmental Organisations* (NGO), regulatory bodies, sustainability professionals and private sector mining representatives within the ASM and LSM sphere (*see Annex 1 for interview breakdown and Annex 2 for focus country profiles*).

Interviews were conducted confidentially and in line with *World Health Organisation guidance on ethical and safety considerations for researching violence against women*.<sup>3</sup> Transcripts were reviewed and analysed using an open coding approach and the

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<sup>2</sup> See WHO, 2001, available at: <https://www.who.int/gender/violence/womenfirtseng.pdf>

**Figure 2:** Study Focus Countries



findings were used to enhance the study and develop case studies. Country case studies were selected to provide experiences from both ASM and LSM contexts. Country selection was also guided by existing networks of the researchers and GIZ within countries to reach interviewees and availability of existing research to draw upon.

### **Challenges and limitations**

The paper has sought to present the available evidence on SGBV in the mining sector in Africa, supported by insights and case studies. However, owing to the sensitivities surrounding SGBV, respondents sometimes provided brief or generalised responses. Additionally, interviews and consequently country selection was based on existing networks and therefore other countries with ASM and LSM sectors that may have been of relevance for this study are not examined in depth. There is limited data available on prevalence of SGBV in mining areas, although some public datasets do examine SGBV at a national level. However, as this study does not focus on specific mines, the paper does not attempt to offer numeric estimates of prevalence of SGBV in focus countries. Much evidence is focused on violence against women and therefore whilst issues of child labour and exploitation are discussed they are not explored in depth. Finally, there is limited research on SGBV directed at men and boys in the LSM and ASM sectors and therefore this is not explored comprehensively in the paper and merits further attention.

## 2.0 Sexual and Gender-Based Violence in the Mining Sector

While SGBV is a global issue, this section aims to explore what it means in the context of the mining sector in Sub-Saharan Africa, first through setting out what is meant by SGBV and relating this to mining; and then examining available evidence in focus countries, against the domains from the analytical framework.

### 2.1. Defining Sexual and Gender Based Violence in the Mining Sector

**Sexual and Gender Based Violence (SGBV)** is a term that encompasses harmful acts perpetrated against a person's will, based on gender norms and unequal power relationships (UNHCR, n.d.). Whilst often thought of as synonymous with violence against women (*see Box 1 on the right*) SGBV can take many forms and can affect women, men, girls and boys, although it disproportionately affects women and girls (*see Box 2 on page 10*) on violence against children). Critical to understanding SGBV is the concept of gender relations – forms of power relations between women and men in a given society (Danielsen & Hinton, 2020). Gender relations can be expressed through gender norms: collective definitions of how women, men, girls and boys should behave (Danielsen & Hinton, 2020). SGBV is an egregious expression of unequal gender relations, that is permitted through constraining or discriminatory gender norms.<sup>4</sup>

Norms that shape gender relations in any given contexts can permit, drive or even reduce prevalence of SGBV. Whilst in some contexts, SGBV can occur as the result of norms, in others it may be sustained by norms of inequality and power relations (Alexander-Scott, Bell, & Holden, 2016).

SGBV is a global issue and according to UN Women, 35% of women and girls worldwide have experienced either physical and/or sexual violence (not including sexual harassment) during their lifetime (UN Women, 2016). However, SGBV is known to

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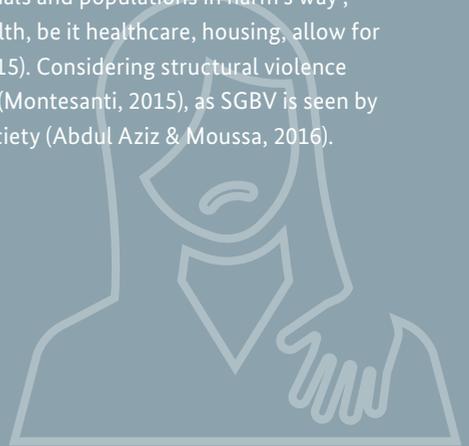
<sup>4</sup> Social norms can be understood as shared beliefs about appropriate behaviour valued by a group, that members of the group conform to out of a belief that most others confirm to it and believe others ought to conform to it (Alexander-Scott, Bell, & Holden, 2016).

## → Box 1: Defining SGBV in detail

**Sexual and Gender Based Violence (SGBV)** can be defined as any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships (UNHCR, n.d.). The focus on gender-based forms of violence allows for a shift in focus from women as victims of violence to gender and power relations between men and women (Montesanti, 2015).

SGBV can take many forms and there are many terms used to describe these forms, including **Intimate Partner Violence (IPV)** and **Domestic Violence (IFC, 2018)**. SGBV can also occur outside of partner or domestic situations. UN Women's gender glossary specifically notes **Physical Violence; Verbal Violence**, including threats; **Sexual Violence** including rape and sexual harassment; **Psychological Violence**; and **Socio-Economic Violence**, including taking of income, not allowing a partner a separate income and denial of access to education (UN Women, 2017). Another form of SGBV is **Sexual Harassment**. This is understood by the International Labour Organisation (ILO) to include unwelcome or offensive behaviour, which may take the form of quid-pro-quo arrangements where work progression is made conditional on sexual demands; and hostile and threatening working environments (ILO).

SGBV can be understood as a form of **Structural Violence**. Structural violence comprises the 'social arrangements that put individuals and populations in harm's way', whereby unequal access to determinants of health, be it healthcare, housing, allow for interpersonal violence to occur (Montesanti, 2015). Considering structural violence emphasises the importance of context in SGBV (Montesanti, 2015), as SGBV is seen by many as the result of structural inequality in society (Abdul Aziz & Moussa, 2016).



be underreported, making understanding the true prevalence challenging. Research into SGBV at mine sites in Mongolia noted under-reporting as an issue, highlighting for example, the lack of support services and inadequacy of legal protections as contributing to a lack of reporting of SGBV, as well as the taboo and shame surrounding SGBV (Cabe, Terbish, & Bymbasuren, 2014). Within Sub-Saharan Africa, Muluneh, Stulz, Francis, & Agho's (2020) *meta-analysis of the prevalence of IPV* found an estimated prevalence of 44.4%. The four selected countries (*see Annex 2*) for this study, have rates of lifetime prevalence ranging from 51% in the DRC to 21.3% in South Africa (UN Women, 2016).

### What then are the links between SGBV and mining?

One of the main hypotheses put forward in the literature is that mining causes a structural change in the area, be it through increased cash flows or labour migration, which increases the risk of SGBV (Jenkins, 2014; Kotsadam, Østby, & Rustad, 2017). This change may manifest through increased cash leading to increased alcohol consumption; and previous studies from Sub-Saharan Africa have confirmed local structural shifts in the wake of mining booms (Tolonen, 2019). Economic changes produce two different potential risk factors for SGBV. Measham & Zhang (2019) note increased levels of income inequality for women during mining booms.

This may leave women in a position of dependence on male relatives, with less power in the face of abuse (Bolis & Hughes, 2015). Alternately, where women are able to access economic opportunity that the mining sector may bring, this may also put them at risk for violence, whereby male household members may react through violence to disrupt activities or assert control or power (Bolis & Hughes, 2015; Kotsadam, Østby, & Rustad, 2017; Götzmann, Kristiansson, & Hillenbrand, 2019). Other factors to consider are that much mining activity in the global south takes place in post-conflict or ongoing conflict contexts (Jenkins, 2014).

Little is known, however, about the prevalence of mining-linked SGBV in Sub-Saharan Africa. There is a body of literature focused on Great Lakes region and DRC in particular (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014; Danielsen & Hinton, 2020; World Bank, 2015) however beyond this, it is not an issue that has been systematically researched. Kotsadam, Østby, & Rustad's (2017) study is one of the only

works to explore prevalence of SGBV (specifically domestic violence), in mining areas using results of *Demographic and Health Survey* (DHS) data in mining locations. The study found no overall effect from mine openings on reported domestic violence, but it did find differences in effect of mining between contexts, with strong effects on reported domestic violence in areas where such abuse is widely accepted. Exploring Zambia and Tanzania specifically to unpack results, they found that mining appears more likely to result in domestic violence in settings of a down-sized mining sector and resulting grievances (Zambia) than areas of mine openings (Tanzania) (Kotsadam, Østby, & Rustad, 2017, p. 64).

Some explanations of violence in the mining sector emphasise the masculine nature of the industry as a factor in this (Jenkins, 2014). Bradshaw, Linneker, & Overton (2017) have argued, in fact, that the supernormal profits of the mining sector give rise to supernormal gender identities and inequalities, that reinforce stereotypes of what it means to be a man or a woman. They suggest that the dangerous nature of mining gives rise to exaggerated masculinities - giving the example of South Africa, where a mine worker has a one in 40 chance of being killed in a work-related accident across a 20-year career. However, Lahiri-Dutt (2012) has cautioned against binaries of men as violent and women as victims and has provided evidence to counter the assumption of the mining sector as an inherently male space. Women are indeed not merely victims and studies have noted the variety of roles women occupy in the sector and the status they may have relative to men and to each other (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014; Bradshaw, Linneker, & Overton, 2017). Jenkins (2014) emphasises that whilst the literature notes male mineworkers committing individual acts of violence, it is important to consider the role of international mining companies, states, and in some cases also paramilitaries or security forces, in carrying out violence directly, or permitting or perpetuating it. However, pre-existing norms and inequalities, combined with the changes that may be brought by mining activity, do appear to give rise to a situation where violence, in many of the forms discussed above, appears to be a prevalent issue. The following sections explore this in greater depth across the four domains from the analytical framework: women as LSM employees; women as ASM workers; women as community members; and women as advocates and activists.

## → Box 2: Violence against Children in the Mining Sector

Violence against children is a form of SGBV. The analytical framework for this paper notes that women can have varying various roles in relation to the mining sector. Children, similarly, have varying interactions with the mining sector. Work from UNICEF (2015) has noted that children have innate vulnerabilities to the impacts of the mining sector, particularly during their early years, where risks like exposure to chemical waste may have more serious impacts for children than for adults. In-migration as a result of mining – noted above as a risk factor for SGBV - can increase the risk of sexual exploitation and violence against children and child pregnancy, risks that can spread along the route where mining companies transport materials by truck (UNICEF, 2015). Similarly to risks of violence against women from security forces (discussed more in [Section 2.4](#)), insufficient screening of security guards could create the risks of guards with a history of child abuse or violence against children being recruited (UNICEF, 2015). In addition to these risks, the mining sector also presents the risk of child labour.

Child labour can be understood as a form of structural violence against children and a violation of their rights; and mining is considered by the ILO to be one of the worst forms of child labour (O’Driscoll, 2017). The precise scale of child labour in the mining sector is not known, although estimates suggest that around one million children work in mines and quarries (Schipper, de Haan, & van Dorp, 2015). In Tanzania, 2014 survey data indicated there were 30,827 children working in the ASM sector, whilst estimates in Uganda put child labour in ASM around 12,000 (O’Driscoll, 2017). In Katanga alone in the DRC, estimates put children in ASM at around 40,000 – around a third of total workers (O’Driscoll, 2017). Children may enter ASM through their parents, but there is also evidence of children being trafficked into the sector (Schipper, de Haan, & van Dorp, 2015). Within the sector, children carry out a range of tasks, which vary depending on mineral and geography, but can include digging pits, working underground, carrying and crushing ore and mixing and burning mercury (O’Driscoll, 2017). Much of the available data focuses on children working in the ASM sector. UNICEF (2015) notes that LSM operations do not directly hire children, so the risks of child labour are more present in the supply chain of LSM projects – particularly during construction, where companies work with a large number of suppliers.

Child labour in the mining sector is associated with a range of harmful outcomes for children, including physical dangers and strain, exposure to mercury and cyanide poisoning and use of drugs to cope with pain and fatigue (Schipper, de Haan, & van Dorp, 2015). These impacts may be felt for the rest of their lives. Child labour can impose health risks and prevent children from accessing an education (Schipper, de Haan, & van Dorp, 2015; UNICEF, 2015) and is the most hazardous sector for children for fatal injuries (OECD, 2017). There are also risks of sexual harassment and abuse of children in mining environments (O’Driscoll, 2017). Schipper, de Haan & van Dorp (2015) found girls particularly to be vulnerable to sexual harassment and assault in and around ASM sites. Additionally, UNICEF (2015) notes links of the mining sector to armed militant groups, increasing the risk that children are recruited into militias.



## 2.2. SGBV and LSM Employees

Large scale mining operations are generally male dominated sites.<sup>5</sup> Generally it is rare to find companies with higher than 10% women employment, while many employ less than 5% (Eftimie, Heller, & Strongman, 2009). Women are often found in 'soft' jobs in mining operations, including administration and clerical work (Götzmann, Kristiansson, & Hillenbrand, 2019) – likely to be lower paid than managerial roles. At an operational level, women are concentrated in lower paid roles than their male colleagues and even in cases where they are in similar roles, norms around gender division of labour lead to women being side-lined. Benya (2015) notes in South Africa that whilst women were nominally employed as miners on the same terms as men, women were given informal, non-core responsibilities by male colleagues, which reduced their opportunity for promotion and eligibility for production bonuses. The types of roles women occupy in the sector are critical to understanding SGBV, as these roles will shape their power relative to the company they work for and the men they work with.

The desk review and interviews revealed that LSM employees have been subjected to forms of sexual violence including rape and sexual harassment. Sexual harassment appears to be the main form of violence within LSM operations. Jenkins (2014) noted research that found women working underground in South Africa providing sexual services to men in return for their assistance. A study in South Africa - on interventions to promote gender equality in the mining sector - found that 31% of women miners surveyed listed abuse by colleagues as a challenge they faced in the workplace (Kaggwa, 2019). An interviewee in South Africa noted sexual bribes in return for jobs to be an issue and that SGBV was a factor in low retention of women in the workforce. An interview respondent for this study in Tanzania revealed that one operation had sought to address sexual harassment through introduction of 'gender friendly' safety gear, after previous gear was reported to leave women at risk for harassment as their physical features were more exposed. Similarly, research by Lauwo (2016) in Tanzania found sexual harassment to be a major problem in mining. Her research into the Geita mine found that women employees felt they were not in a position to say no to 'advances' by male employees as this could result in job loss or denial of promotion (Lauwo, 2016).

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<sup>5</sup> In the world's top 500 listed mining companies, just 7% of all directorships are held by women (PWC, 2014).

There was clear evidence of discriminatory gender norms, with managers expecting women to be 'submissive' and medical staff on site noting that women had been denied promotions when they became pregnant. In South Africa too, women noted mine management having a preference for men due to perceptions of physical strength and ability to work harder or longer (Kaggwa, 2019). Lauwo (2016) also noted that safety of women living in mining camps was a concern and that women were particularly exposed to sexual harassment at night. Concerns of this nature were also echoed by interview respondents in Uganda, who noted the issue of lack of safe spaces, including separate housing or bathroom facilities, as a structural issue that led to SGBV. The same interviewee noted one instance of SGBV (although the form was not specified) occurring in a guesthouse at a mine site, but highlighted the perpetrator was removed immediately and counselling support provided to the victim. Instances of rape of women miners in South Africa (*see Box 3 on page 16*) have been found and are believed to be indicative of broader issues (Nene, 2016).

Several explanations or contributing factors are offered to explain the frequency of SGBV in LSM operations. One is the male dominated nature of the typical LSM workforce and the remote conditions of many LSM operations, which is thought to contribute to a threatening or uncomfortable working environment (IFC, 2018). One study emphasized that having low numbers of women in senior positions poses a major challenge to ensuring that women's voices are heard in the mining sector (Lauwo, 2016). This is backed-up by interview respondents who noted the remoteness of the mining operations and the masculine nature of the industry as a contributing factor to violence. However, the masculine nature of the sector does not fully account for pervasive SGBV. Whilst LSM presents its own unique challenges and dynamics, workplace harassment is noted to be common in other, less male dominated sectors. The garment sector, for example, is known to have high levels of sexual harassment, despite being a sector dominated by women (Morris & Rickard, 2019). The issue in the garment sector, similarly to the mining sector is that men occupy managerial or supervisory roles, giving them power over women. Furthermore, research has found that tight production deadlines provided pressure which led to harassment; and incentive structures for managers led some to use harassing behaviour as a means of pressuring women to meet targets (Morris & Rickard, 2019). → to be cont. on page 18

### → Box 3: Abuse in Mines in South Africa

In 2012, a South African woman mine worker was found dead in North West Anglo Platinum's Khomanani mine - she had been attacked during an underground shift with 13 male mine workers and was found with a used condom next to her body (Nene, 2016). In another case, a woman was raped in the changing rooms during the early hours of the morning whilst a security guard was on site.

Ten years earlier in 2002, South Africa promulgated the *Mineral and Petroleum Resources Development Act*, which sought to transform the mining industry. As part of the reforms, the Mining Charter was introduced, which contained a quota requiring companies to adhere to a 10% staff quota by 2010 and by the end of 2014 the proportion of women in South Africa's mining sector rose to 10.5% (Mavuso, 2015). Whilst this opened a sector to women that they had historically been excluded from, for some men, including men facing retrenchment, women's entry into the sector was seen as a threat (Benya, 2015). However, without efforts to address the working context, violence and harassment have remained an issue, sometimes leading to tragic results as noted above. Benya (2015) has noted that sexual harassment, rape and murder of women underground clearly constitute health and safety issues in the sector in South Africa, but that mining houses, unions and the Chamber of Mines consider these as gender issues and therefore are not recorded as 'injuries or fatalities' or included under the Mine Health and Safety Act.

In the tragic case of the woman at the Khomanani mine, a man was ultimately sentenced to 50 years in prison for rape and murder. However, sexual harassment was noted to remain prevalent, with underground lighting minimal, making it hard for women to identify the perpetrator (Mavuso, 2015). Whilst women miners are members of trade unions, Benya's (2015) work shows that these unions were not responsive to women's needs and issues. Women felt let down by unions on issues including provision of appropriate PPE and sexual harassment complaints and issues were dismissed as women's complaints and not seen as part of workplace culture (Benya, 2015).

Research conducted by *Medecins Sans Frontières* (MSF) in the Rustenberg Municipality, the capital of South Africa's platinum mining belt found that 45% of women surveyed had experienced *Intimate partner violence* (IPV), whilst 18% had experienced non-

partner rape. MSF noted failure to recognise sexual violence as a medical emergency, poorly defined minimum standards of care, lack of trained staff and a weak referral network, among other areas, as gaps in quality service provision for survivors (MSF, 2017). Whilst this research does not tie incidents of rape to mine workers specifically, it states that *Intimate partner violence* (IPV) and rape are extremely common among women and girls in Rustenberg.



Where women were found in managerial positions they can still be at risk for harassment and furthermore, women in such roles could perpetrate harassment against others themselves (Morris & Rickard, 2019). Rutherford & Buss's (2019, pp. 68-69) research in the ASM sector in the DRC in fact found gendered hierarchies, with a more senior woman, the 'mère-chef' or mother-chief, regulating the situation of other women and also playing a role in mediating disputes. Power relations and gender norms are therefore crucial to understanding risks of SGBV. Whilst efforts to bring women into the mining sector in greater numbers may help to address the prevalence of harassment, it will likely have limited impact if women are concentrated in junior or lower paid roles; if women in management roles are not supported in proper management practices and safeguarded from harassment themselves; and if no steps are taken to address underlying workplace culture.

Furthermore, the focus on the masculine nature of the sector may also function as a narrative that excuses or eclipses some level of company culpability. It frames SGBV directed toward women employees as an inevitable outcome of male dominated spaces, painting men as inherently predatory, without reflecting on the power that mining operations hold over their employees and surrounding communities. Workplace harassment is generally included in employment law and companies therefore are obligated to address this. However, some of the examples above – for instance absence of appropriate gear for women and absence of separate accommodation – are drivers of harassment that could be simply addressed by companies if they were incentivised to do so. Companies hold significant power over employees – Lauwo (2016) noted women who felt unable to take their legally mandated maternity leave or take shorter days to breastfeed due to pressure of production targets, whilst interview respondents noted the limited negotiating power that mine employees had. In South Africa, Nene (2016) noted that one reason women have to perform sexual favours to get help from men, is in order to not slow down their team and affect performance bonuses. Whilst this behaviour from male employees cannot be excused, company and employee power differentials and the impact of employee incentive structures and global production pressures must also be considered in addressing sexual harassment.

Linked to that, companies exert considerable power over communities, including as employers and as service providers through corporate social responsibility initiatives. As will be explored further in [Section 2.4](#), interviewees have noted that women do not always report harassment to companies for fear of partners losing their jobs – a likely acute concern in contexts of low income levels, high unemployment and limited alternative employment options. Concerns around repercussions from reporting SGBV in the workplace is one of the main noted reasons that victims do not report it (IFC, 2018). Similarly work by Avocats San Frontières-Uganda (2019) found limited community support for protests from women miners for better conditions, because the community required the work to continue ([explored further in Section 2.5](#)). These examples highlight the power that companies hold over communities, whether knowingly or not, that limits their options in the face of harassment and abuse. One interviewee in South Africa noted that officials could in fact bribe media outlets in order to stop them exposing levels of SGBV and that LSM operators not held accountable for SGBV incidents.



### 2.3. SGBV and ASM Workers

The artisanal and small scale mining sector is not uniformly defined, but can be characterised by mining activity using minimal technology, with limited capital investment, sometimes without formal licence or government permission (Buss, et al., 2017). Estimates from the *World Bank* suggests that 100 million people rely on ASM globally (Buss, et al., 2017). Within ASM, women's work is concentrated predominantly in the processing of minerals, including arduous and often hazardous tasks crushing, milling, grinding and sorting rock and concentrating ore, a task that can sometimes involve toxic materials including mercury (Kotsadam, Østby, & Rustad, 2017; Buss, et al., 2017). Cultural beliefs around women bringing bad luck to mine (Jenkins, 2014) as well as gendered constraints and systems of land access, ownership, and control leave women in these more vulnerable or lower value roles. In fact, women's tasks in the ASM sector tend to be those with the lowest economic returns and that require high levels of manual labour (Jenkins, 2014).

Women's experiences within the ASM sector are gendered – women's work is typically carried out in parallel with domestic responsibilities, seen to be women's responsibilities and under a gendered order that concentrates women in the lower value activities within ASM. *Avocats Sans Frontières* (ASF) Uganda (2019) noted complaints of unfair pricing at ASM sites, particularly affecting women, due to their limited negotiating power. In Uganda women did not have official licences and therefore had to negotiate their access to minerals with men, sometimes through kinship networks and friends (Muheki & Geenen, 2018). Rutherford & Buss (2019) noted that 'successful women' miners sometimes had to take on 'shadow husbands' (men in poorer economic situations with whom they did not necessarily have sex) in order to protect themselves from unwanted advances from other men. This highlights how pervasive restrictive norms that govern acceptable roles and behaviour for women in the ASM sector are. Norms such as these limit potential for women's economic independence – something that can, depending on circumstance, reduce vulnerability to SGBV. One study found concerns from men, that women would learn bad habits through mining and become too independent and leave their husbands (Rutherford & Buss, 2019), which appears to reveal concerns about women's greater independence and indicate norms around women and ASM may exist to control or limit women's economic independence.

SGBV appears to be one means through which norms of women's roles in ASM are maintained. SGBV can act as a means of reinforcing power dynamics by those in positions of greater relative power, which can include mining bosses, other miners, security forces around mine sites, local officials, traditional leaders and even family members (Danielsen & Hinton, 2020). Muheki & Geenen (2018) stated it is common for women to be required to perform sexual acts to access sites in Uganda. Similarly, a World Bank (2015) study found prevalence of violence and requirements of sexual favours around mine sites and that where women refuse to perform such acts, they were threatened or excluded from the mines. Danielsen & Hinton (2020) furthermore noted psychological violence, including strip searching women for diamonds; and socio-economic forms, such as withholding payments for services. ASF Uganda (2019) further observed sexual harassment at ASM sites.

ASM can clearly be a site of abuse and exploitation of women, however, viewing the ASM sector purely as a site of violence and exploitation would mask the benefits that women can derive from it. Research highlights that participating in ASM and its associated economies have provided women with increased income, agency and bargaining power, in itself challenging prevailing norms and values (Hinton, 2016). It can be a sector with higher economic returns than other available sectors and some research has highlighted that despite risks of SGBV, women may make a 'strategic choice' to enter into the ASM sector (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014).

The role of sex in and around ASM sites appears contested. Much of what is described appears to be exploitative. However, sex can be used as a coping strategy and in Uganda, there were incidences of women trading sexual favours to receive help from men with breaking hard rock (Danielsen & Hinton, 2020). Furthermore, much of the literature treats the presence of sex work around mining sites as a negative impact of the mining sector on women in surrounding communities. This construction however erases the agency and experience of women choosing to participate in sex work.

*→ to be cont. on page 24*

## → Box 4: SGBV in the DRC's ASM sector

Artisanal and small scale mining activity is common in the Great Lakes region - home to tin, tantalum, tungsten and gold – the 3TGs (Hinton, 2016). Over 300,000 women, men, youth and children are involved in producing 3TGs through ASM, with women's participation in 3T sites ranging from 10-15% and 25-50% in gold sites (Hinton, 2016).

The Great Lakes region is also known for conflict and high levels of sexual violence, something the ASM sector is both a driver of and a factor in. There is a growing body of evidence on SGBV dynamics within the ASM sector in the Great Lakes region and much of the literature on SGBV in the mining sector in Africa focuses on the Great Lakes region and eastern DRC specifically. There has been conflict in eastern DRC since the mid-1990s and mining and sexual violence have long been a feature of these conflicts (World Bank, 2015)

Rustad, Østby, & Nordås (2016) concluded in their quantitative study that women living closer to ASM mines in eastern DRC are at higher risk of sexual violence than those in non-mining areas, both by partners and non-partners. The World Bank (2015) noted that rape was described as commonplace in mining towns in eastern DRC and that state and non-state institutions limited survivors' access to justice. In a 2016 survey by *Women's International League for Peace and Freedom* (WILPF) in ASM areas of eastern DRC, it was established that 74% of women had been subjected to sexual violence (WILPF, 2016). The report also noted police and security harassment (WILPF, 2016).

In eastern DRC women take on numerous roles within and surrounding ASM operations. However, women are generally in more supporting roles in the sector and the World Bank (2015) note they are more vulnerable to sexual and economic predation. SGBV has been used to operationalise harmful gender norms by reinforcing who is in control and has power, from terrorising incidents led by rebel groups to exploitation and humiliation in more secure areas (Hinton, 2016). These present examples of sexual violence and psychological violence. Some of the norms surrounding women's work in ASM in the DRC seems, whether purposefully or not, to concentrate women either out of the sector in general, or out of higher value roles within the ASM sector (Danielsen & Hinton, 2020), which could be viewed as a form of socio-economic violence.

In response to high levels of SGBV, conflict and illegal mining activity, there has been increased regional and international attention, including through the *Protocol on the Fight against the Illegal Exploitation of Natural Resources* (2010) and the *Kampala Declaration on the Fight against Sexual and Gender-Based Violence in the Great Lakes Region* (2011) from the *International Conference on the Great Lakes Region*. This has led to a lot of targeted advocacy and work from international actors to address SGBV and responses have included interventions on sexual violence and initiatives to support alternative livelihoods outside of ASM. However there have been questions around the feasibility of promoting alternative livelihoods for women, as has been attempted by NGOs, in the context of limited alternative income streams. The World Bank's (2015) study for example found that most research participants noted that mining was exploitative but also perceived it as beneficial to their communities as a source of income; and that some women had previously moved away from agriculture due to violence they experienced there as well. Hinton (2016) notes that despite adverse conditions, women have been able to derive increased incomes, agency, and bargaining power through participating in ASM, thereby challenging prevailing norms. However, the conditions through which some of this takes place constitutes a grave violation of women's rights.



Bradshaw, Linneker, & Overton (2017) noted the potential for research and programming to miss sex workers as a group as they are not viewed as members of the local community, nor as workers in the context of extraction. Sex work is not necessarily exploitative and the experiences of women sex workers at mine sites must be better understood. However, not all women participating in sex work have alternative livelihoods choices; and there are also instances of exploitation and WILPF's (2016) study noted that sex work around ASM sites appeared to involve under-age girls – a clear violation.



## 2.4. SGBV and Mining-Affected Communities

Multiple studies point to the structural changes that the introduction of mining can bring to a community (Jenkins, 2014; IFC, 2018; Tolonen, 2019). The shift from subsistence to cash economies associated with introduction of mining is seen to lead to tensions within families around how money is managed, which can lead to increased SGBV (Jenkins, 2014). In South Africa and Tanzania, interview respondents noted that violence went unreported as women feared their partner losing their jobs as a result of SGBV reports. Respondents in South Africa also mentioned a lack of political support and that cases went unreported due to inaction, indicating the role (or lack thereof) that local authorities and police may play in shaping levels of reporting. One study on public sector employees in Tanzania, found harassment levels to be high, with 20.5% of women and 12% of men stating they had been sexually harassed (Vuckovic, Altvater, Helgesson Sekei, & Kloss, 2017, pp. 121-122). If harassment is prevalent in public sector institutions themselves, then this indicates concerns around the states' willingness and ability to address SGBV in mining communities and the willingness of community members to report.

Interestingly, recent work by Tolonen (2019, p. 4) that used geo-coded *Demographic and Health Survey* (DHS) data for mining communities in Sub-Saharan Africa to understand the impact of mining on gender roles, found evidence that reported rates of acceptance of domestic violence decreased with a local boom in mining activity. Based on DHS data, the study found women in mining communities to be less likely to have reported experiencing sexual violence, but more likely to have reported suffering other less severe forms of SGBV, including emotional violence (Tolonen, 2019, p. 54).<sup>6</sup> The study also found women in mining communities to be more likely to have partners with control issues or partners who drink alcohol, which they noted as potentially a move away from more severe, visible violence, to less severe and control related types of violence, which could be a result of overall decreased acceptance of violence (Tolonen, 2019, p. 54). Whilst results of this nature require further qualitative exploration, they do appear to support the theory that mining causes structural changes that impact upon SGBV.

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<sup>6</sup> Paper found women in mining communities to be 13.3% less likely to have reported experiencing sexual violence, but more likely to have reported suffering other less severe forms of SGBV, including emotional violence. It is also worth noting that SGBV is often underreported and therefore datasets using reported experiences of violence may not account for full prevalence of violence.

In the contexts discussed above, it is physical or sexual domestic violence that is the most evidenced – likely to be experienced in the home. However, the impacts of mining on communities may go beyond this and the issue of mine security forces was highlighted as a specific issue (*see Box 5 opposite*). The IFC (2018) notes that there are well-documented cases of security forces perpetrating SGBV, including rape.

UNDP (2019) described sexual violence from security guards in the extractive industries as an ‘endemic problem’. ASF-Uganda’s (2019) work noted a series of reported rape cases by company workers in both Tapac and Rupa, which were reported to the police and sub-county chairmen respectively. In Moroto, increased rates of alcoholism, HIV, sex work and SGBV were all reported and often attributed to the arrival of external workers employed by extractive industry companies (ASF-Uganda, 2019). Cases such as these can have different impacts: in Tapac, despite mobilisation against the mining company, the cases of rape were apparently not what prompted this and they sat amongst other grievances (ASF-Uganda, 2019).

Women in mining communities are not simply passive victims of mining operations. They can take any number of roles, including as suppliers to mining operations; and as proprietors of bars and hotels that serve mine employees. However, generally research has shown that women are often left out of community consultation in cases of formal mining (Eftimie, Heller, & Strongman, 2009) and their participation tends to be lower in more patriarchal cultures (Cabe, Terbish, & Bymbasuren, 2014). In settings where women are left out of consultation, the resulting decisions may not be in their interest nor may the design of corporate social responsibility initiatives, grievance mechanisms or compensation payments necessarily be responsive to their needs (Scott, Dakin, Heller, & Eftimie, 2013; Götzmann, Kristiansson, & Hillenbrand, 2019). This may leave them less able to communicate concerns around, for instance, positioning and conduct of security guards. Interview respondents noted that grievance mechanisms could be a very useful tool for communities to report issues, however in Tanzania, they noted that ‘societal influences’ meant the grievance mechanism was not fully utilised, perhaps implying restrictive norms, or indicating interference of elites. Further, Götzmann, Kristiansson, & Hillenbrand (2019) note

## → Box 5: Sexual Violence at the North Mara Mine in Tanzania

The North Mara Mine, a large gold mine in Tanzania, has been subject to allegations of violence and environmental contamination for the past two decades. The mine site was acquired in the mid-1990s and members of the local community were then forbidden from carrying out artisanal mining in the area, which had been a source of income until the arrival of the mine operator. This has led to members of the community coming into the area to look for gold granules among the tailings pond. There have been confrontations with police and guards at the mine. According to an investigation by *The Guardian*, security guards at the mine and police in the area stand accused of killing members of the local community and raping numerous women.

According to one rape survivor, she was caught by mine security guards and taken to the nearby airstrip by car where one guard raped her and the other kept watch. She stated that this was routine for women who were caught. Another woman later tested positive for HIV after being raped, whilst another still struggles to walk due to the beating sustained during her assault. Many rape survivors did not tell anyone as they were ashamed to tell their husbands. After over a dozen women complained, and the case was taken up by lawyers, and survivors were paid a sum of money, no admission of liability was made by the mine operator. Survivors allege they were asked to sign a document without full awareness of what it stated and were not allowed to take a copy with them. A lawsuit against the mine was settled against in 2015 and no subsequent allegations of rape have been made and shootings near the mine have declined. However additional lawsuits are pending.

This case highlights the ongoing physical, emotional and psychological damage that sexual violence can cause. Allegations of abuses at this mine date back to 1990s and acknowledgement of such abuses by the mine operator appears to have occurred largely after the involvement of international advocates and lawyers – a level of support that is costly and out of reach for many survivors of sexual violence. Shame and stigma attached to sexual violence compound the impact of the abuse.

Source: Watts, 2019, *The Guardian*



that an additional challenge for reaching women through engagement and consultation mechanisms, is the safety of women *Community Liaison Officers* (CLO) visiting community members. This highlights a potentially circular issue with discrimination and SGBV.

Mining can lead to displacement of communities, through planned resettlement processes as well as through communities being forced to migrate if land becomes polluted or uninhabitable (Jenkins, 2014). This can have an impact on livelihoods and food security (Jenkins, 2014). If resettlement or displacement leads to livelihoods stresses, this may increase the risk women face for SGBV from partners. In Tanzania, Lauwo (2016) notes mining induced displacement led to community members having to find alternative livelihoods, which appeared challenging. Logically, if mining impacts SGBV through bringing structural changes to a community, the displacement of an entire community into a new area is likely to also bring changes that manifest through SGBV for those community members, or to new communities that may end up hosting them. Götzmann, Kristiansson, & Hillenbrand (2019) note the need to consider gender equality issues and safety of women and girls from both home and host communities in situations of displacement.

## 2.5. SGBV and Advocates and Activists

Whilst mining can potentially deliver benefits through government revenues, local employment and economic linkages, it can also lead to environmental degradation, corruption and loss of traditional livelihoods. Therefore, community activists may oppose mining. Women were found to be more likely to complain about and oppose mining developments (Measham & Zhang, 2019). Conflicts between companies and communities can often escalate into violent repression by state or private security forces and that injury, sexual abuse or rape can occur as part of this (Von Gall, 2015). Research from ASF (2019) found that a women miners group at the Kosiroi site in Moroto started a strike - their complaints based on the company's failure to sign an Memorandum of Understanding with the community and local authorities that would protect community land rights and the occurrences of sexual abuse of women by company workers. Despite this their activism was not well received by all in the community, who wanted miners to return to work - one women respondent reflected that their husband did not want her to participate in the strike as it was felt that women who did so were 'ill-mannered' (ASF-Uganda, 2019, p. 18).

Work from the *Association for Women's Rights in Development* (AWID) examining women human rights defenders in the extractive industries has noted that in challenging mining activity, women face gender-specific violence and risks (Barcia, 2017). This is noted to include physical violence and intimidation, including rape, sexual harassment and abuse as a means of exercising power over women and their communities (Barcia, 2017). Additionally, women are more likely to be slandered and exposed to stigma, that may extend into their communities. Here, gender inequalities, stereotypes and norms of what is considered appropriate for women are weaponised to silence women. For instance, women human rights defenders are sometimes described as prostitutes and rumours that their husbands cannot control them can in fact even lead to domestic violence in the home (Barcia, 2017).

The *UN Special Rapporteur on Human Rights Defender* echoed this, noting that globally, women, girls and gender non-conforming people defending human rights have faced increased repression, including through misogynistic, sexist and homophobic speech, which has normalised violence against women, (OHCHR, 2019).

Whilst women face the same risks as men in their defence of human rights, they face additional threats shaped by gender stereotypes and at points, those acting on behalf of states have engaged in attacks on women and their families (OHCHR, 2019). Whilst there is no set evidence on the scale of this in the mining sector, this phenomenon of gendered tactics to silence activists and community opposition is important to consider, particularly as greater attention is paid to the gender dimensions of the mining sector and the greater efforts to provide space and voice to women in sector oversight alongside men that go with this.



## 2.6. Reflections on SGBV across the mining sector - what are the drivers?

The review of SGBV in the mining sector has highlighted that SGBV is a broad concern across the mining sector: There is no one uniform manifestation of SGBV in the mining sector and the forms can range from verbal abuse to extreme acts of sexual violence. SGBV can permeate across the four domains of women's interaction with the mining sector. For women as LSM employees, sexual harassment is the most common form of SGBV, reinforced through company, union and government inaction. Women as ASM workers experience egregious acts of sexual violence. Both in the LSM and ASM sectors, women are in some way excluded from the more highly remunerated opportunities - whether through concentration in lower value commodities or purposeful exclusion from bonus opportunities - which could represent a form of socio-economic violence. In host communities, women appear to be exposed to violence at the household level through structural changes and in the community itself from security guards for example. Women activists appear to be exposed principally to verbal abuse and harassment as a means of control, although physical attacks on human rights defenders are a real risk. Across the four domains a commonality appears to be how ostensibly protective or supportive structures fail or actively harm women.

In South Africa, Benya's work highlights resistance of unions in taking up women's complaints, whilst (*as will be seen further in Section 3*) protective laws around pregnant women effectively crowd them out of the sector. For women in host communities, the very police who they should be able to report acts of violence to are shown to be complicit in those acts, so too for women activists opposing or holding mining activity to account. Underpinning all of this is SGBV as an expression of unequal power relations: the inaction of companies and governments is inexcusable, but the norms that permit or enable this violence permeate across the four domains and four focus countries.

SGBV appears to be operationalised to maintain economic control over resources, often by men over women, but sometimes by states and companies. This structural violence appears at times to be a means of maintaining patriarchal order - ensuring control of resources remains with men, as the dominant group, ensuring women behave "appropriately" - according to what is permitted by prevailing norms.

Underpinning this are the vast power differentials that characterise the mining sector. Whether this is between women in LSM operations and their managers; women and ASM gatekeepers; mining companies and host governments; or community members and mine operators, there are frequently vast and often entrenched power differences between the victim-survivor of violence and the person or group perpetrating it. Company security forces – sometimes using state security – have perpetrated violence against women and men in mining communities with relatively little consequences from host governments – perhaps due to the power companies can hold over host governments given the revenue produced by mining. Similarly, women working in mining operations are subject to the power of male managers and colleagues and to that of the company and their production targets, in contexts where they could be dismissed with relative ease.



## 3.0 Legal Frameworks related to SGBV in the Mining Sector

Legal frameworks addressing SGBV and mining unfold at the international, regional and national level and these frameworks operate along two largely distinct tracks: laws and policies relating to mining; and those relating to SGBV, with some limited overlap. This section outlines and analyses existing legal frameworks that govern SGBV in the mining sector. It provides an overview of existing relevant laws and policies internationally, regionally and nationally for the four focus countries.

### 3.1. International Laws and Standards

Over the past four decades, most countries around the world have signed or ratified international rights agreements that make specific reference to violence against women – for example the *1979 Convention on the Elimination of All Forms of Discrimination against Women* (Klugman, 2017) and the recent *ILO Convention 190 on Violence and Harassment in the work place*. However, the perennial challenge of international legal provisions – lack of effective enforcement mechanisms and/or reliance on member states' goodwill – means that these instruments have varied degrees of impact. International conventions, recommendations and declarations provide guidance on required protection and prevention measures and play a part in shaping both regional and national legislations (Klugman, 2017). However, some of these measures constitute soft law instruments which, whilst helping to shape legal norms and national laws, are not legally binding themselves. The *UN Global Compact and the UN Guiding Principles on Business and Human Rights* (UNGPs), of which multiple mining companies are signatories, are examples of such measures. There are varying degrees to which such soft law mechanisms address gender equality issues. UNDP (2019) point to the *Women's Empowerment Principles* and the *OECD Due Diligence Guidance for Responsible Business Conduct* as examples of a trend toward increasing gender sensitivity of standards in the business and human rights field. The UNGPs, for example, do call for attention to SGBV in conflict areas (Götzmann, Kristiansson, & Hillenbrand, 2019). However, of the 192 companies listed as part of the 'mining' or 'industrial metals and mining' sectors on the UN Global Compact database, only 4 are also signed up to the *Women's Empowerment Principles*.<sup>7</sup>

In addition to these global sources, in the field of the extractive industries there are numerous voluntary industry initiatives, guidelines or standards, which have begun to include a focus on the rights of women in the mining sector – for example and the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (2013), which specifically notes the risk of sexual violence associated with extraction. The *Extractive Industry Transparency Initiative's* (EITI) Gender Brief notes the risks of SGBV (EITI, 2018), however this is not something directly addressed by the initiative. Efforts to address gender in EITI in 2019 included requirements to improve gender balance of boards, track employment data by gender and present information in a manner accessible regardless of gender (EITI, 2019). These may help address SGBV by contributing to a more equitable and gender-sensitive sector, if properly implemented, however this would require ensuring EITI multi-stakeholder groups are actually a safe space to raise and discuss gender issues generally (Ørnemark, 2019). Other mechanisms, such as the Voluntary Principles on Security and Human Rights, which sets out principles for companies, including mining companies on respect for rights in security operations<sup>8</sup> do not explicitly mention gender or SGBV in the principles or related implementation guidance (Götzmann, Kristiansson, & Hillenbrand, 2019).

Navigating international law and mechanisms for remedy can be complex. For example, Caparo, Carmouche, & Crosser (2017) note that whilst the UNGPs set out the right to remedy, they do not contain a discussion of how to remedy violations of women's rights. Whilst there have been some successful cases establishing parent company liability in Europe for actions in the global south, this is a complicated and also time-consuming area of law.<sup>9</sup>

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<sup>7</sup> See UN Global Compact Participants: <https://bit.ly/3aLQ9rx>

<sup>8</sup> See: <http://www.voluntaryprinciples.org/wp-content/uploads/2019/12/TheVoluntaryPrinciples.pdf>

<sup>9</sup> One case that highlights the challenges associated for women survivors of SGBV in the mining sector in accessing remedy is the case of the Porgera mine in Papua New Guinea, where mine security forces were found to have raped hundreds of women over many years. Whilst the mine operator did ultimately set up a remediation framework, this was noted to have come after some time and had many challenges including mode of compensation, methods of calculating the amount, inadequacies in the role of the independent legal advisor. In addition, 11 women were able to settle their claim directly with Barrick Gold through a lawsuit that was ultimately settled out of court. For details on the various aspects and challenges associated with this case and mechanisms for remedy, see: BSR, 2018, *In Search of Justice: Pathways to Remedy at the Porgera Gold Mine*

The *European Center for Constitutional and Human Rights* also note that in bringing such cases internationally there are challenges as to whether crimes such as sexual violence happening locally are reasonably foreseeable by headquarters management (Von Gall, 2015).

### 3.2. Regional Laws and Standards

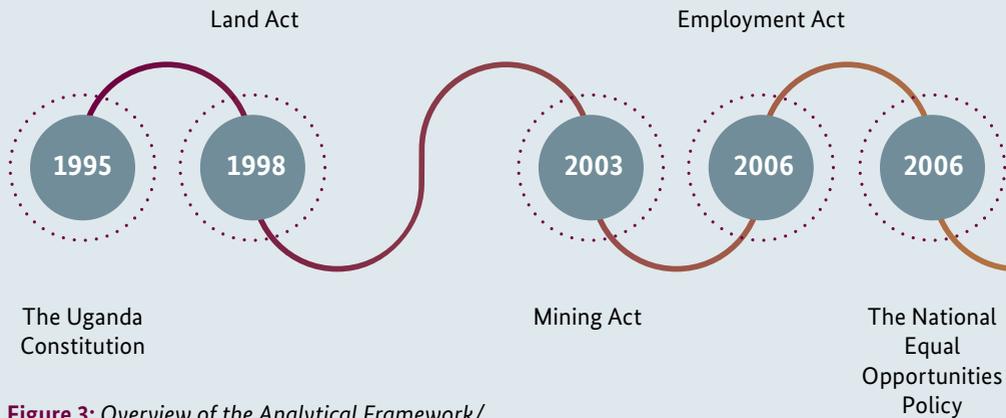
At the regional level, Sub-Saharan Africa has taken measures to protect human rights, promote women's empowerment, prevent different forms of violence, and regulate the mining sector through blocs such as the *Economic Community of West African States* (ECOWAS) and the *Southern Africa Development Community* (SADC) – see *Annex 3* for full breakdown. Like most instruments promulgated by supranational bodies, the laws, policies and directives of regional bodies on the continent have formed the basis for national legislative and policy frameworks in member countries.

The *African Union* has set out its *Strategy for Gender Equality and Women's Empowerment* (AU, 2019) and the *International Conference on the Great Lakes Regions* set out a *Protocol on the Fight against the Illegal Exploitation of Natural Resources* in 2010; and the 2011 *Kampala Declaration on the Fight against Sexual and Gender-Based Violence in the Great Lakes Region*.

The main regional policy framework on mining, however, is the *Africa Mining Vision* (AMV) formulated by the *African Union*. The AMV sets out the continent's goals for responsible and equitable resource extraction and development, emphasising local value creation (Oxfam, 2017). It also supports regional actions to implement the *UN Guiding Principles* (Oxfam, 2017). However, Oxfam (2017) notes that whilst the AMV makes commitments toward gender equality issues, the Action Plan for implementation of the AMV does not contain detailed actions to address gender justice. This may indicate the inclusion of gender equality considerations more for signal value than action – concerns around gender 'box-ticking' was indeed also a theme that emerged through the interviews for this paper. Oxfam's (2017) paper further notes the unequal power relations between states and civil society and the implications of a shrinking



civil society space in Africa. The preceding section laid out some of the gendered challenges women civil society activists face and it is of note that generally commitments related to gender equality consider women as community members or miners, but not in their role as activists. Finally, Oxfam (2017) questions the overall pace of implementation, which has been slow with only one country (Lesotho) having fully adopted the AMV through a *Country Mining Vision*. If gender-related issues are not sufficiently clear in the implementation guidance, this may point to concerns about gender equality integration at a country level.



**Figure 3:** Overview of the Analytical Framework/legislation relevant in the case of Uganda

### 3.3. National Legislative Initiatives

At the national level, the four countries that are part of this study – DRC, South Africa, Tanzania and Uganda – all have specific laws, policies and regulations relating to SGBV that are applicable either specifically or generally in LSM and ASM settings. A breakdown of these laws can be found in *Annex 2* and *Figure 3 above* provides an overview of the legislation relevant in the case of Uganda as an example.

Uganda’s legislation demonstrates the presence of a legislative structure relating to SGBV, including separate legislation relating to domestic violence and sexual offences. South Africa has separate legislation for domestic violence and sexual offences, whilst in DRC and Tanzania, the sexual offences legislation also deals with domestic violence. Furthermore, all the study countries have legislation and/or policies dealing with sexual and gender-based violence in the workplace, including ASM and LSM, so that infractions or violations will be prosecuted under the applicable laws. However, this is not necessarily the case across all Sub-Saharan African countries. According to the 2020 Women, Business and the Law data, 13 Sub-Saharan African countries lack legislation on sexual harassment in employment, whilst 23 limit women’s ability to work in the same industries as men.<sup>10</sup> Additionally, further data collected in 2019, noted that 22 countries have legislation that fails to establish clear criminal penalties for domestic violence.<sup>11</sup>



The presence of standalone laws, however, are not necessarily enough. Studies have noted broad challenges with laws relating to violence against women at the national level, ranging from deficiencies in definitions of rape and sexual violence, to inadequate protective measures for trafficked women, to penalization of abortion, to inadequate penalties for perpetrators (Abdul Aziz & Moussa, 2016). In the focus countries for this study, while the legal frameworks appear to provide protection against SGBV generally, including in the mining sector, they have been criticised for not including domestic violence (in the case of DRC and Tanzania), defining domestic violence too narrowly (Uganda), and maintaining cumbersome processes for victims (South Africa). Additionally, in Uganda, an interview respondent noted the mining bill may in fact have adverse effects for women. Provisions to safeguard children from mine sites allegedly led to women having to perform sexual favours or pay bribes in order to have their children with them, or remove older children, often girls, from school to care for younger siblings.<sup>12</sup>

<sup>10</sup> Women, Business and the Law Data for 1971-2020, available at: <https://wbl.worldbank.org/en/resources/data>

<sup>11</sup> Women, Business and the Law Additional Data, available at: <https://wbl.worldbank.org/en/resources/data>

<sup>12</sup> Key Informant Interview Respondent

Furthermore research in Uganda noted that women they spoke to were not aware of laws relating to wages and sexual offences (Muheki & Geenen, 2018). Meanwhile in DRC, supposedly 'protective' legislation has excluded all pregnant women from the mining area, regardless of the type of activity they were carrying out and there have been reports of officials either inadvertently or purposefully misinterpreting the law and preventing breastfeeding women from taking part in ASM activities (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014).

The quality of these laws cannot be viewed separately from the context in which they are enforced. SGBV is known to be an underreported crime and one review of culturally specific SGBV interventions noted high levels of concern about repercussions that survivors may face in the home or community if they discussed sexual abuse (O'Brien & Macy, 2016). Enforcement requires skilled and accountable police force and judiciary as well as legal support to survivors. SGBV is noted to be infrequently investigated and indeed poorly investigated when an investigation does take place (Von Gall, 2015). Additionally, examples explored in [Section 2](#) have highlighted complicity of police in violence against women in their roles as miners, community members and activists. Political will of local and national authorities was also noted as a constraint to action on SGBV by interview respondents. There may be a reluctance both in terms of disrupting revenue streams and in terms of reputational damage to probe cases of SGBV at mine sites. Furthermore, where violence is perpetrated by employees or contractors of LSM operators, despite international norms and law supporting right to redress, the power differential between women working for mining companies or women affected by LSM operations and the operators themselves is vast.

The inherent barriers to justice for survivors of SGBV may in fact constitute a form of structural violence in of itself and a failure of nation state obligations under the due diligence principle. The European Center for Constitutional and Human Rights' policy paper on SGBV in the extractive industries notes that continued impunity for SGBV perpetrators will likely lead to further acts of violence as direct perpetrators (and companies) realise they do not have to fear the consequences of committing such acts (Von Gall, 2015).

This sections highlights that despite a strong level of attention to better governance of the extractives sector and the convergence of business and human rights issues, there remains limited attention to SGBV at the international level and insufficient or inappropriate legislation at the national level. In fact, the clearest examples of legislative action to protect women in the mining sector (pregnancy, child protection provisions) actually serves to simply crowd them out of the sector; whilst the complicity of police forces in acts of SGBV demonstrates the severe challenges survivors may face in pursuing legal action. There is still a long way to go in formulating effective legal routes to addressing SGBV in the mining sector and this must be as part of broader efforts to tackle norms and acceptability of SGBV within the public sector and in communities.

## 4.0 POLICY AND PROGRAMME RESPONSES TO SGBV

While national governments have put legal frameworks in place to regulate mining and SGBV, there have also been responses from companies and civil society within both the LSM and ASM sectors. This section looks at common policy and programme responses to SGBV in the mining sector in the countries of focus for this study. Whilst it does not map all SGBV initiatives in focus countries outside of the mining sector, nor has it been possible to exhaustively identify all initiatives related to SGBV and mining, it does provide an overview of trends and themes in common responses. Three key responses areas emerge: development of standards and policies; women associating and organising; and support for alternative livelihoods initiatives. This section looks at examples and critiques in these areas, considering them in the context of evidence of effective SGBV responses

### 4.1. Standards & Policies

In both the literature and in interviews, industry and company specific standards came through as one response to the issue of SGBV. Indeed, according to interview respondents in Uganda, parent companies having policies, systems and processes in place that subsidiaries must abide by was seen as an enabling factor to addressing SGBV. Within LSM, some large operators, including *Rio Tinto* and *De Beers*, have made commitments to address issues related to gender in the communities where they work, including South Africa. De Beers collaborated with UN Women and invested USD 3 million to promote micro-entrepreneurship schemes in Southern Africa (De Beers, 2017); whilst Rio Tinto introduced a resource guide on gender considerations for community work (Rio Tinto, 2009).

In the DRC, the *ITRI Supply Chain Initiative* (iTSCi) focused on limiting the supply of tin, tantalum and tungsten from conflict zones to the international market was noted several times (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014; Hinton, 2016). Government, industry and NGOs are involved in implementation of this mechanism. Complementary initiatives, such as *Certified Trading Chains*, *Fair Mined Gold* by the *Alliance for Responsible Mining* (ARM); *Fair Trade Foundation's Fair Trade Gold* in Uganda, Kenya and Tanzania were also noted (Hinton, 2016). iTSCi incorporates a

third party whistle-blowing mechanism and *Certified Trading Chains* provided guidance on gender equality policies and an incident monitoring process for human rights abuses (Hinton, 2016). This monitoring process is seen to be effective for extreme events, including mass rape, but its feasibility in tracking pervasive incidents of SGBV was not yet known (Hinton, 2016). In addition, independent organisations also act as mediators and promote mining rights of workers. According to one interview respondent, in Ghana for example, the *Chamber of Mines* – a cooperative representing mining companies since 1926 – has negotiated several collective agreements between companies and employees that address issues such as sexual harassment, maternity leave and conditions of service that affect women employees. Outside of specific study countries, the IFC’s 2018 *Toolkit on Addressing Gender-Based Violence in the Workforce* presents the clearest example of guidance on addressing SGBV in the mining sector, predominantly aimed at oil, gas and mining companies. It presents evidence, suggests concrete actions and includes model policies and terms of reference to operationalise these. Moreover, as noted above, broader sector governance initiatives like the EITI have sought to incorporate gender into their focus.

However, there were noted limitations to standard and policy setting. There is a large body of evidence indicating approaches such as social auditing are incapable of identifying gendered violations like sexual harassment (Bourke Martignoni & Umlas, 2018). It is unclear whether compliance and audit approaches used by company and industry bodies are sufficient to find issues of SGBV within the workplace or perpetrated by employees in the surrounding area. One respondent in fact noted that policies were not always enforced given the absence of external structures to ensure company accountability to their policy commitments.

Other research noted that many businesses framed gender as a ‘tick-box’ exercise (UNDP, 2019) therefore implying a lack of commitment to meaningful implementation of policies. Indeed, interview respondents stated a challenge lay in incentives, with companies caring predominantly about their reputation, calling into question commitments to addressing SGBV. Respondents indicated that company supported programmes were largely driven by reputational interests. For example, development and implementation of policies that protect workers and communities ensure companies are ‘seen’ to be following international standards and best practice but in reality,

many of these initiatives only mask much deeper-seeded issues. One respondent in Uganda noted that the parent company's *Sexual Harassment Policy* was out of date. Rio Tinto's *Gender Guidance*, for example, includes reference to gender-based violence, however there is no public evidence found through this review on how effectively the guidance has been implemented. Whilst laws, policies and company standards do exist to combat child labour, these do not necessarily prevent child labour or preclude child-mined minerals ending up in the legitimate market: insufficient due diligence and unregulated local supply chains mean that minerals that involve child labour can become part of the legitimate supply chain (O'Driscoll, 2017; Schipper, de Haan, & van Dorp, 2015).

## 4.2. Collective organising and associations

Women's collective organizing plays an important role in preventing and responding to SGBV in the mining sector. There were several examples in the literature and particularly in the DRC, of women's associations designed to address women's needs in the sector (Bradshaw, Linneker, & Overton, 2017; Jenkins, 2014). Such support might include crisis support for women who have experienced violence, savings support (Jenkins, 2014). In one example women in Nyabibwe in the DRC developed an informal association of sex workers, with members each contributing a small fee, which would later be used to support members with health care costs or getting them out of jail (World Bank, 2015). Notably, this initiative received no outside financing or support and was developed through the effort made by its members and their ability to generate political will locally (World Bank, 2015). Other associations and groups, including *Network for the Empowerment of Women in Mining Communities* (REAFCOM) have been formed, with REAFCOM planning to document cases of sexual violence and ensure survivors access services (Impact, 2018). This approach of networking has led to broader support with the Congolese government preparing to launch Réseau National des Femmes dans les Mines, a nationwide network of women working in the mining industry, supported by international donors (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014). In Tanzania too, groups like the *Tanzania Women Miners' Association* (TAWOMA), have formed and in other countries across Africa, women's

movements and associations are active.<sup>13</sup> However, whilst not referring to any of these groups specifically, Rutherford & Buss (2019) note the potential for more elite women to benefit from government and development initiatives supporting women in the sector through associations, emphasising again the need to consider differences within and among women involved in the mining sector. Furthermore, in the context of the DRC and likely of relevance in other contexts, local associations were noted to have limited financial means or political influence, which may limit their ability to engage with government agencies, particularly beyond the local level (World Bank, 2015). The role of associations in providing a forum for marginalised groups to have their voices heard however, was noted to be particularly important (World Bank, 2015). Supporting such locally developed initiatives to be connected to decision makers may be an important area in addressing SGBV.

### 4.3. Alternative Livelihoods

Whilst sector standards and policies and associations and women's groups aim to improve the situation of women in or impacted by the sector, another approach has been to safeguard women through supporting alternative livelihoods away from mining – particularly in DRC's ASM sector. Bashwira Cuvelier, Hillhorst, & van der Haar (2014) note the work of Pact in the Kivus on programmes that are designed to equip women with skills to find other income generating activities, whilst also promoting solidarity among participating women. The rationale of this approach is to safeguard women from violence associated with the sector and to support women with exit strategies, given that ASM activity offers short-term income generation, but does not appear to contribute to long-term empowerment (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014). However, there are concerns that this assumption – that women are better off outside of mining – is not necessarily tested and that it does not account for exit barriers like women's desire to recover the investment they

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<sup>13</sup> See for example in Sierra Leone, Women on Mining and Extractive (WOME), formed in 2013 in response to the negative impacts of mining on the socio-economic lives of women, their children and communities.

have made in the sector, or challenges in practicing agriculture and transporting produce due to insecurity in the region. Bashwira, Cuvelier, Hillhorst, & van der Haar (2014) argue that the choice to work in ASM is often a strategic one, driven by it being the best option in terms of remuneration and access or through allowing diversification of livelihoods or supplement farming income for example.

#### **4.4. Reflections on responses to SGBV – what works?**

These three response areas are by no means exhaustive of all the responses mobilised to address SGBV in the mining sector, however, they do indicate some of the forms of response that exist presently. At this stage, there has been no systematic evaluation of the best responses to SGBV in the mining sector, which would undoubtedly differ depending on context and there is no ‘one size fits all’ approach. However, there are some overall principles of SGBV prevention and response that can be considered in the context of the mining sector.

Many interventions aimed at addressing SGBV focus on primary prevention – that is strategies to reduce prevalence of violence (Alexander-Scott, Bell, & Holden, 2016). Programmes aiming to reduce violence through changes in public discourse, practices and norms have demonstrated reductions in physical and sexual partner abuse, as well as reduced incidence of HIV/AIDS (Alexander-Scott, Bell, & Holden, 2016).

Evidence shows that SGBV interventions that address gender norms, inequalities and notions of masculinity are more effective at reducing violence than those that do not (Alexander-Scott, Bell, & Holden, 2016). Further, effective SGBV programming must be informed by formative research and local experiences so that responses are tailored (Alexander-Scott, Bell, & Holden, 2016). There are, however, risks associated with this kind of programming. For example, awareness raising or work on social norm change, may in fact push survivors into under-resourced services or expose them to stigma and discrimination from family and community members (Alexander-Scott, Bell, & Holden, 2016).<sup>14</sup> Working with local service delivery teams in design

is important in designing and delivering appropriate response programmes, rather than bringing in teams external to the area (O'Brien & Macy, 2016).

Whilst the examples of women's networks and associations present a challenge to the perceived male dominance of the sector, none of the intervention areas outlined above explicitly set out to tackle norms that enable or perpetuate violence and harassment. The extent to which individual companies will or can be expected to engage in processes of normative change is likely to be limited, but companies can set clear expectations and codes of conduct around behaviour, whilst broader normative change is an important area for government and civil society attention. Additionally, women's groups are not always sufficiently incentivised to work on extractives issues as they have their own work priorities and do not necessarily have the resources to focus on extractives sector issues in addition (Ørnemark, 2019). Furthermore, the responses do not address women's vulnerabilities to SGBV across the four domains from the framework – they generally target women working within the sector – either supporting their progression within the sector or supporting them to move away from mining, rather than women living in mining communities. This indicates that approaches that include addressing norms, as well as other dimensions are needed. Connecting women's movements and extractive sector accountability movements; and connecting women in mining initiatives with women and mining issues then appears to be vital in strengthening SGBV response in the context of mining.

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<sup>14</sup> In Papua New Guinea, the case of the Porgera mine remediation framework for survivors of sexual violence highlights this risk, whereby women who accesses the framework became known to have experienced sexual violence, incurring stigma. Further, modes of compensation payment were found to have exposed women to further violence from relatives to obtain their compensation money

# 5.0 CONCLUSIONS & RECOMMENDATIONS

This paper set out to address four main objectives: understand the intersection between SGBV and the mining sector; review the evidence of forms and drivers of SGBV in the mining sector; present current law, policy and practice; and offer next steps and potential solutions. *Section 5.1* presents the main conclusions against objectives 1-3; whilst *Section 5.2* offers recommendations.

## 5.1. Conclusions

This study has used a framework of women's roles and relationships to the mining sector to show that SGBV affects women across different domains of interactions with the sector. Women working as **LSM employees** are subject to violence and harassment in the workplace, often carried out by fellow employees, but effectively allowed to continue unchecked through inadequate workplace protections or outright refusal to recognise SGBV as a workplace issue. As **ASM workers**, women experience violence and exploitation in and around ASM sites, seemingly operationalised to maintain a gender order that concentrates resources and control with men. As **community members**, women are at risk for increased violence within the home, as well as in the community through the arrival of workers and security guards. Lack or limits of *Grievance Redress Mechanisms* (GRM), stigma and shame and complicity of state agents in violence allow this to continue unchecked and this is compounded by economic insecurity through women's fears of partner job losses. As **advocates and activists**, gendered forms of violence and harassment are operationalised to silence women speaking out about mining related issues and can put women at risk within their own communities.

Unequal gender relations appear to be at the root of much of this violence and efforts to address norms that allow violence were noted to be key in SGBV prevention and response. However even where social norms exist that may allow some level of SGBV, this does not justify companies failing to combat SGBV in the workplace and safeguard their employees; or governments failing to provide meaningful channels for redress and survivor centric service provision. Whilst this study was focused predominantly on four countries, many of these conditions are present in other

contexts in Africa and across the world, with evidence from places as varied as Australia, Mongolia and Papua New Guinea highlighting what a widespread issue this is. Women are not purely victims of the mining sector however, nor are they a homogenous group in their experiences. Many women choose to work in the mining sector or in roles around it. SGBV is a form of structural violence that make some women unable to do so safely and free from violence. Lahiri-Dutt (2012) Research has cautioned ‘add women and stir’ analyses in the mining sector (Lahiri-Dutt, 2012) as well as the need to move beyond stereotypical portrayals of women as homogenous group of passive victims of mining and the sex market (Bashwira, Cuvelier, Hillhorst, & van der Haar, 2014). Others have emphasised the need to consider sex workers in the mining sector in their own right as individuals, not just as victims or negative outcomes of the sector (Bradshaw, Linneker, & Overton, 2017). These arguments highlight the need to consider women as active individuals with their own aspirations and agendas across their roles in the sector. Further, whilst this study and much of the available evidence has looked at SGBV directed toward women and girls, men and boys can and do experience SGBV and this must be further explored, particularly given evidence of child labour found in some mining communities.

## 5.2. Recommendations

Drawing from the review of the available evidence, the study now offers **26 recommendations for government, private sector, donor and civil society stakeholders** to take forward, designed to address the four domains of women's relationship to the mining sector. In order to support **women as LSM employees** greater efforts to ensure workplace safety and appropriate response mechanisms for women employees are needed, along with clear leadership within companies on eradicating SGBV within the workplace and surrounding communities. For **women as ASM workers** programmatic support that allows women to work safely in the sector is needed, whilst local government mining departments need to be trained and equipped to work appropriately with women miners. **Women as community members** need recourse to safe and functioning justice and referral mechanisms should they encounter SGBV, as well as accessible, well-designed company grievance mechanisms and gender desks that consider preventative concerns, as well as complaints after SGBV has occurred. **Women as advocates & activists** require greater recognition for their role as human rights defenders, access to funding for their oversight and advocacy efforts, meaningful legislative protections and access to legal support and protective networks where their rights are not respected. Finally, it is crucial to recognise that whilst there are risks of SGBV in the mining sector, these risks should not be construed as a reason to prevent women from accessing economic opportunity in or around mining operations. Whilst mining sector stakeholders clearly need to do more to tackle SGBV, this should be through collaboration with existing SGBV actors, drawing on existing professional standards and guidance on SGBV prevention and response.

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<sup>5</sup> In the world's top 500 listed mining companies, just 7% of all directorships are held by women (PWC, 2014).

## Government

National governments have a duty to prevent and respond to SGBV articulated through international law and convention. However, there is a gap between the law as it is written and the law as it is implemented by national and local government agents and there is even evidence of state agent complicity in acts of SGBV. Governments should reaffirm their commitment to international legal principles of gender equality and mobilise necessary human and financial resources at a central and local level to prevent and respond to SGBV in the mining sector, including provision of remedy, in a survivor-centric manner.

Specific recommendations include:

1. Reform legislative frameworks to ensure it is in line with international definitions of SGBV and that direct and indirect discriminatory legal provisions are removed
2. Host consultative roundtables on SGBV with sector stakeholders from private sector, civil society, local women's organizations and movements, trade unions, media and government inspectorate officials and local officials to better understand the scope of the challenge and potential responses
3. Facilitate cross-ministerial collaboration between departments working on gender, public health and mining to address SGBV
4. Commence (or continue) a roadmap to tackle SGBV in the mining sector, aligned to comprehensive national strategies to prevent and respond to SGBV in all its forms
5. Provide financial support to legal empowerment initiatives that support legal literacy as well as legal aid, to mining communities, women's rights organizations, and women and men in the mining sector
6. Establish funding mechanisms for civil society oversight, including specific funding for women's rights organisations
7. Ensure all law enforcement and regional, municipal and local governments officials go through comprehensive SGBV training and that completion and passing of training is tied to recruitment and promotion practices. Such training should be repeated and professionally designed and facilitated, in line with best practice.

## Private Sector

Whilst private sector mine operators and contractors are not responsible for all acts of SGBV in a mining community, there is evidence of SGBV perpetrated by company employees and contractors against women employees and women in surrounding communities. Companies must recognise the evidence of risks to women employed in mining operations and the risks their operations can pose on surrounding communities and acknowledge violence perpetrated by their employees, contractors and security forces (whether directly employed or not) as something they have a duty to prevent and respond to.

Specific recommendations include:

8. Carry out a Gender Impact Assessment of all policies and operations of all subsidiaries and develop a clearly budgeted action plan for recommendations of such assessment. This must consider SGBV within the workplace toward women as employees and within the community toward women community members and activists
9. Form independently managed and funded oversight committees to monitor action plans pertaining to SGBV prevention, response and cases, addressing both workplace and community level SGBV
10. Ensure provision of secure changing and break facilities for women, including for breastfeeding mothers to express if needed
11. Adhere to transparent publication of policies (including sexual harassment policies) and plans relating to gender equality and SGBV, including in relevant languages, to allow accountability and oversight
12. Ensure health care facilities and other company supported services are funded, staffed and resourced for survivor-centric response in line with international standards for care and ensure this includes functioning referral pathways to external SGBV service providers
13. Ensure policy alignment with international best practice on gender equality, sexual harassment, maternity leave and any other factors revealed through gender impact assessment
14. Facilitate training for staff in line with UN Women guidance on effective sexual harassment training
15. Facilitate training on relevant international and national legal frameworks related to SGBV and child labour, including risks around child labour in supply chains.
16. Set up a gender complaints desk and ensure there is an operational grievance mechanism in line with the UNGPs and designed to be accessible to all segments of community.

## Civil Society

Civil society groups in both the field of women's rights and of mining governance have been leaders in bringing this issue to the attention of policy makers and responding to specific cases of violence. However civil society, including women-led organizations and movements, are often underfunded and as section 2.5 showed, at risk for threats in response to activism or criticism of extractive operations.

Specific recommendations include:

17. Forge closer connections between CSOs on mining governance and environment; and on gender and SGBV respectively
18. Continue to use fora such as EITI to raise awareness of SGBV in the mining sector
19. Continue to document cases of SGBV related to the mining sector
20. Continue to support referral of survivors to relevant health, psychosocial and legal organisations and child protection organisations.

## International Donor Partners

International donors and partners have supported research and programming addressing SGBV, however their work on the mining sector has often been through the lens of anti-corruption or private sector development, with less attention to issues like SGBV, and some internationally supported mining oversight mechanisms have been blind to issues of gender equality. Competition for resources and procurement processes can also lead to funding for SGBV going toward organisations that do not necessarily have the same community relationships or track record as local organisations do.

Specific recommendations include:

21. Explore synergies in country level funding between programmes supporting rule of law, violence against women and extractive industries. Support funding of specific programmes on SGBV and mining, driven and informed by local needs and priorities, including funding to civil society
22. Ensure bilateral engagement with government counterparts and industry leaders in the mining sector addresses SGBV as a priority briefing point.

23. Support service providers and grantees in the mining governance field with training on SGBV referral and ethical approaches to SGBV research and data management
24. Provide financial support for the design and use of a participatory SGBV research module for use by CSO partners to develop better evidence of scale of SGBV in mining sectors, in line with ethical research standards
25. Provide financial support to legal empowerment initiatives that support legal literacy as well as legal aid, to mining communities, women's rights organizations, and women and men in the mining sector
26. Provide financial support to initiatives to protect human rights defenders.









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## Annexes

## Annex 1: Breakdown of Interview Respondents

Breakdown of study interview respondents by country/region and stakeholder group

Country	Private Sector	NGO/CSO	Donor/ International Organisation	Industry Body, Chamber of Commerce
Cote D'Ivoire			1	
DRC/Great Lakes			2	
Ghana	1			1
Rwanda			1	
Sierra Leone		1	1	
South Africa		3		
Tanzania	1		1	
Uganda	4			
Europe/North America			3	2

## Annex 2: Country Summaries

This annex presents an overview of information relating to SGBV in the mining sector for each of the six countries selected for this study. Four indices have been used to develop a basic profile. UN Women manages the *Violence against women (VAW) database*<sup>17</sup>, using data provided by governments, including on the lifetime prevalence of physical and sexual intimate partner violence as percentage of female population. The OECD's *Social Institutions & Gender Index*<sup>18</sup> compares presence of discriminatory social institutions across countries, expressed as a percentage, where the higher value indicates higher levels of discrimination. The *World Justice Project's Rule of Law Index*<sup>19</sup> ranks in order experiences of rule of law for 128 countries, with 1 being strongest and 128 being weakest; based on expert survey and household survey in each country. Finally, the *Women, Business and the Law Index*<sup>20</sup> looks at legal gender discrimination across eight areas.

<sup>17</sup> <https://evaw-global-database.unwomen.org/en/>

<sup>18</sup> <https://www.genderindex.org/country-profiles/>

<sup>19</sup> <https://worldjusticeproject.org/rule-of-law-index/>

<sup>20</sup> <https://wbl.worldbank.org/en/resources/data>

## → DEMOCRATIC REPUBLIC OF CONGO

<b>Lifetime Prevalence of IPV</b>	51% (2014)
<b>Social Institutions &amp; Gender Index:</b>	40% (2019)
<b>Rule of Law Index:</b>	126/128 (2020)
<b>Women, Business and the Law Ranking:</b>	78.8 (2020)



### Sector:

DRC is home to commodities including copper, cobalt, diamond and gold. DRC's extractive industries accounted for 17.4% of GDP in 2017, with mining revenues surpassing the oil and gas sector in 2010. DRC is home to both industrial mining and artisanal and small scale mining, with women estimated to account for 20% of the ASM workforce (Eftimie A., et al., 2012).

### National Legal Framework:

- ♀ **2002:** The Congolese Mining Code
- ♀ **2006:** Constitution of the Democratic Republic of Congo (outlines sexual violence is punishable by law)
- ♀ **2006:** Sexual Violence Law (Loi no. 06/018 du 20 juillet 2006 modifiant et complétant le Décret du 30 janvier 1940 portant Code pénal congolais)

### Evidence:

This review has found evidence of widespread SGBV in the DRC, with the mining sector seen as a driver of this in eastern DRC. There is evidence of SGBV directed toward women working in the ASM sector, working as suppliers to the ASM sector and toward those living around ASM operations. SGBV has been used to operationalise harmful gender norms by reinforcing who is in control and has power over resources. There is also evidence of child labour in the ASM sector in the DRC.

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<sup>21</sup> <https://bit.ly/32s5wSg>

<sup>22</sup> <https://www.miningreview.com/southern-africa/top-honours-south-african-women-mining/>

## → SOUTH AFRICA

<b>Lifetime Prevalence of IPV</b>	21.3% (2016)
<b>Social Institutions &amp; Gender Index:</b>	22.4 (2019)
<b>Rule of Law Index:</b>	45/128 (2020)
<b>Women, Business and the Law Ranking:</b>	88.1 (2020)



### Sector:

South Africa is known to have gold, diamonds, platinum and coal, as well as chrome, vanadium and titanium.<sup>21</sup> South Africa is home to *AngloGold Ashanti*, the third largest producer of gold globally. Whilst there is ASM activity in South Africa, the LSM sector is larger with a total of 456,438 employed in the sector. However, despite legislative initiatives to bring more women into the mining sector, only 12% of jobs in the LSM sector are held by women.<sup>22</sup>

### National Legal Framework:

- ♀ **1986:** Diamonds Act
- ♀ **1996:** Mine Health and Safety Act
- ♀ **1998:** Domestic Violence Act 11
- ♀ **2000:** Promotion of Equality and Prevention of Unfair Discrimination Act
- ♀ **2002:** Mineral and Petroleum Resources Development Act
- ♀ **2007:** Criminal Law (Sexual Offences and Related Matters) Amendment Act

### Evidence:

Evidence found in this review was predominantly focused on the LSM sector. Whilst efforts have been made to bring women into the mining sector in South Africa, this appears not to have been done with parallel efforts to ensure their safety. The review found evidence of rape of women in LSM operations and in one case, murder of a women miner. Sexual harassment was noted to be widespread. The performance and incentive structures used by mining operations appeared to effect this, with women performing sexual favours in order for assistance from male co-workers to avoid affecting team performance bonuses. Women were also often diverted to tasks that decreased their eligibility for bonus and promotions.

## → TANZANIA

<b>Lifetime Prevalence of IPV</b>	46.2% (2016)
<b>Social Institutions &amp; Gender Index:</b>	46% (2019)
<b>Rule of Law Index:</b>	93/128 (2020)
<b>Women, Business and the Law Ranking:</b>	84.4 (2020)



### Sector:

Tanzania is Africa's fourth largest gold producer and is also home to diamond and tanzanite mining – the only country in the world which produces tanzanite. Tanzania hosts both small and large scale operations and the sector accounts for 35% of exports and 5% of GDP.<sup>23</sup> Among the ASM sector, women are estimated to comprise 25% of the ASM workforce (Eftimie A. , et al., 2012).

### National Legal Framework:

- ♀ **1997:** The National Land Policy
- ♀ **1998:** Sexual Offenses Special Provisions Act
- ♀ **2002:** The National Gender Policy
- ♀ **2003:** The Occupational Health and Safety Act
- ♀ **2004:** Employment and Labor Act
- ♀ **2009:** The Mineral Policy
- ♀ **2010:** Mining Act (amended in 2017)
- ♀ **2011:** National Policy Guideline for Prevention and Response to GBV

### Evidence:

Tanzania is one of the few countries where research has tried to quantify the scale of SGBV in the mining sector – see Kotsadam, Østby, & Rustad, 2017. Respondents to interviews and research work each noted issues of sexual harassment in the mining large scale mining sector in Tanzania. Investigations also found evidence of rape of women by mine security forces at Tanzania's North Mara mine. There is also evidence of child labour in the ASM sector in Tanzania.

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<sup>23</sup> <https://eiti.org/tanzania>

## →UGANDA

<b>Lifetime Prevalence of IPV</b>	50% (2018)
<b>Social Institutions &amp; Gender Index:</b>	45.1 (2019)
<b>Rule of Law Index:</b>	117/128 (2020)
<b>Women, Business and the Law Ranking:</b>	73.1 (2020)



### Sector:

Uganda's mineral resources include copper, cobalt, tin and gold, whilst the country is also home to oil reserves, including operations from Tullow Oil. The sector includes ASM activity and women comprise a significant proportion of ASM sector workers at 196,000 women or 45% of the ASM sector workforce (Eftimie A. , et al., 2012). Informal estimates as of 2008 put ASM as the country's third highest foreign exchange earner and the average miner is estimated to contribute almost 20 times more to GDP than those in farming, fishing and forestry (Eftimie A. , et al., 2012).

### National Legal Framework:

- ♀ **1995:** The Uganda Constitution
- ♀ **1998:** Land Act, 1998
- ♀ **2003:** The Mining Act
- ♀ **2006:** Employment Act & The National Equal Opportunities Policy
- ♀ **2007:** The Uganda National Gender Policy
- ♀ **2010:** The Domestic Violence Act 2010
- ♀ **2011:** The Domestic Violence Regulations 2011 and the Sexual Offences Act
- ♀ **2012:** Employment (Sexual Harassment) Regulations
- ♀ **2016:** The National Priority Gender Equality Indicators

### Evidence:

This review found evidence of sexual harassment in LSM operations in Uganda, an absence of safe spaces for women within LSM operations and allegations of rape of women by mine employees. SGBV was also found in the ASM sector and it was noted to be common for women to be required to perform sex acts in order to access ASM sites for work. There is also evidence of child labour in Uganda's mining sector.

## Annex 3: International Legal Framework

### International Law & Standards

Category	Relevant Laws & Policy
<b>International Law</b>	<p>1948: Universal Declaration of Human Rights</p> <p>1958: ILO Convention 111 on Discrimination (Employment and Occupation)</p> <p>1966: International Covenant on Economic Social and Cultural Rights (ICESCR)</p> <p>1966: International Covenant on Civil and Political Rights (ICCPR)</p> <p>1979: Convention on the Elimination of All Forms of Discrimination Against Women</p> <p>1990: Convention on the Rights of the Child (Entry in force)</p> <p>2019: ILO Convention 190 on Violence and Harassment</p>
<b>Soft Law</b>	<p>1995: The Beijing Declaration and Platform for Action</p> <p>2000: The UN Global Compact</p> <p>2011: The United Nations Guiding Principles on Business and Human Rights (UNGPs)</p> <p>2013: OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas</p>
<b>Industry Standards</b>	<p>2000: Voluntary Principles on Security and Human Rights Initiative</p> <p>2003: Kimberley Process Certification Scheme (KPCS)</p> <p>2003: Extractive Industries Transparency Initiative (revised standard 2019)</p> <p>2013: OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas</p>

## Regional Law & Policy

Category	Relevant Laws & Policy
<b>African Union</b>	<p>1981: The African Charter on Human and Peoples' Rights (AU)</p> <p>1990: The African Charter on the Rights and Welfare of the Child (AU)</p> <p>2004: Solemn Declaration on Gender Equality in Africa (AU)</p> <p>2009: African Mining Vision (AU)</p> <p>2019: African Union Strategy for Gender Equality and Women's Empowerment</p>
<b>ECOWAS</b>	<p>1993: ECOWAS Revised Treaty</p> <p>2009: ECOWAS Directive C/Dir. 03/05/09 on Harmonisation of Guiding Principles and Policies in the Mining Sector</p>
<b>SADC</b>	<p>1994: The SADC Protocol on Mining</p> <p>1997-98: The SADC Protocol on Gender and Development and its Addendum on the Eradication of All Forms of Violence Against Women and Children</p> <p>2008: The SADC Protocol on Gender and Development</p>
<b>Other</b>	<p>2003: The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)</p> <p>2010: Protocol on the Fight against the Illegal Exploitation of Natural Resources (UN Great Lakes)</p> <p>2011: The Kampala Declaration on the Fight against Sexual and Gender-Based Violence in the Great Lakes Region</p>

# Notes

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