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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Joint written statement^{*} submitted by Assembly of First Nations-National Indian
Brotherhood (AFN), the International Indian Treaty Council (IITC), the
International Organization of Indigenous Resource Development (IOIRD) and the
Native Women's Association of Canada, non-governmental organizations in special
consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[19 May 2008]

^{*} This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Human rights of Indigenous women

We welcome the discussion on the human rights of women, and take this opportunity to draw the attention of the Human Rights Council to specific human rights concerns of Indigenous women in North America.

Article 22 of the United Nations *Declaration on the Rights of Indigenous Peoples* calls for particular attention to the rights and special needs of Indigenous women, and also calls upon States to take measures to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

From February 22 – 23, 2008 49 representatives from 38 Indigenous Nations and organizations from North America (United States and Canada) met in Coast Salish Territory, Vancouver, British Columbia, Canada to prepare a written report from the North America region to the United Nations Permanent Forum on Indigenous Issues 7th Session (UNPFII7). The “*North America Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues Seventh Session (UNPFII7)*” is available as Conference Room Paper (CRP) 4 in the official documents for the Seventh Session of the UN Permanent Forum on Indigenous Issues [E/C.19/2008/CRP.4].

A range of critical issues affecting the human rights of Indigenous Women in North America were addressed in this Report. We take this opportunity to present them to the members of the Human Rights Council for their consideration under this agenda item.

As noted in paragraphs 38 to 40 of the North American Region Report, the link between climate change and the human rights of Indigenous women, particularly reproductive health rights, is deserving of urgent attention:

“38. Participants expressed their urgent concerns regarding the double impacts of climate change and proliferation of toxins in the global environment, which most severely affect Indigenous Peoples who depend on subsistence foods for their survival. One area of severe affect is reproductive capacity and reproductive health in Indigenous communities, coupled with the devastating health effects of toxics on our infants, children and future generations. Toxins regularly released into the water, lands and air threaten the vitality of the food supply for Indigenous communities (including mothers’ breast milk) and most severely affect the development of children still in their mother's wombs. A range of cancers, birth defects and developmental disabilities, cancers, nervous system disorders and impacts on long-term fertility and reproductive capacity of women are among the most severe and increasingly reported effects.

39. Toxins that are of particular concern to Indigenous Peoples in North America include pesticides and other persistent organic pollutants, industrial chemical products, mercury emissions from mining and coal-fired power plants and **polychlorinated biphenyls** (PCB’s). These enter the food chain and are passed on to the developing fetus through the cord blood of the mother. Participants expressed strong support for the current organizing and educational efforts by Indigenous organizations to help communities become better informed about these threats.

40. Participants requested that the UNPFII7 recommend to all relevant UN human rights, environment and development bodies, agencies and processes that they address the relationships between Environmental Toxins and Reproductive Health, Rights and Justice for Indigenous Peoples, with particular focus on the health of Indigenous women and children, as a matter of urgent priority.”

We also note the Human Rights Council’s resolution “Human Rights and Climate Change” [A/HRC/7/L.21], calling upon the UN High Commissioner on Human Rights to undertake a detailed analytical study of the relationship between climate change and human rights, and urge the High Commissioner to take note of these and other impacts on the rights of Indigenous women for inclusion in this Study.

The North America report also called attention to the need for culturally appropriate sexual health education particularly for young Indigenous women, “as a critical component of the right to sexual health”. Indigenous youth face “disproportionately high rates of teen pregnancy, sexually transmitted infections and domestic violence, and stressed that sexual health education must take into account the unique needs of young Indigenous women drawing on the strength of tradition and culture to sustain the values that promote sexual health and reproductive rights from Indigenous perspectives.” (para. 70)

Of particular and most urgent ongoing concern in the North America region are the continued high levels of violence against Indigenous women. **There have been over 500 mainly unsolved murders and disappearances of Indigenous women in Canada.** This has been presented to this Council in past sessions as well as to the United Nations Committee on the Elimination of Racial Discrimination in its review of Canada’s periodic report last year.

We also remind the Council of last year’s landmark study on Sexual Violence Against Alaska Native and American Indian Women in the United States by Amnesty International. It reported that that Indigenous women are 2.5 times more likely to be raped than other women in the US, and that one urban area, Anchorage Alaska, the rate of rapes for Native women was 9.7 times higher than for other women.

At this time we call particular attention to “the high rate of rape, murder, disappearance and trafficking of migrant Indigenous girls and women, who fall victim to many human predators along the way.” (para. 73 of the North American Regional Report)

In addition, it has been widely reported that women and girls being held in custody in US government facilities as “illegal immigrants” are regular victims of sexual harassment and sexual assaults. Many of these women are from Indigenous communities in Mexico and Guatemala. According to recent eyewitness testimony, sexual assaults are carried out by guards which include private contractors hired by the United States (US) government’s Immigration and Customs Enforcement (ICE) under Homeland Security. The most recent allegations focus on the Pearsall detention facility near San Antonio Texas. However, verbal accounts by women detainees, who are usually too frightened of retaliation or deportation to file charges, reflect that these incidents are widespread.

We urge the Human Rights Council to call upon the US government to take immediate and decisive action to halt these abuses of migrant women and to guarantee that the human

rights of all persons, in particular women and girls, under detention in that country are protected and upheld. We also call for an urgent investigation into this appalling situation, under conditions which guarantee the safety and security of all witnesses, by both the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the human rights of migrants.

Finally, in relation to the right to housing for Indigenous women, we once again call upon the Human Rights Council to “recommend to States, Indigenous Peoples and relevant UN agencies that the recommendations from the Aboriginal Women’s Forum (October 21, 2007, Ottawa, Ontario) be followed in implementing the right to housing as it applies to Indigenous women, their families and communities.” (para. 60 of the North American Region Report). This includes the following specific recommendations:

- At a foundational level, all concerns related to advancing the right to adequate housing must be approached with an understanding that, from an Indigenous perspective, we all have a responsibility to protect Mother Earth and the seven generations that follow us. Our discussions about rights are grounded in this understanding that we also hold these responsibilities and related rights, such as Environmental and Treaty rights. One critical right for Indigenous women is the right to bear and raise our children – this right often is infringed upon by unmet housing and shelter needs.
- The right of self-determination is a critical right that must be realized in order to reach the interrelated right to adequate housing. We have the inherent right to live with dignity in our territories. This includes the right of self-determination and related rights to lands, resources and territories as contained in the United Nations *Declaration on the Rights of Indigenous Peoples*. Sustainable development will lead to healthier housing and greater access to housing for Indigenous women. We are concerned about the protection of both the collective and individual rights related to housing. The right to an adequate standard of living, including safe drinking water and the right to health are highly interrelated to the right to adequate housing for Indigenous women and their families.
- Lack of affordable housing is impacted by and can lead to the criminalization of Indigenous women. In their attempts to find and secure affordable housing with limited incomes, Indigenous women are at risk of exploitation by landlords and gangs. Additionally, without affordable housing Indigenous women with children often have their children apprehended by the state. With long standing patterns of discrimination in Canadian society and within the policing and legal systems, Indigenous women have little access to justice or equality. Any interaction with the police and legal institutions reinforces stereotypes and discriminatory attitudes and behaviours. Criminalization of Indigenous women will close any access they have to critical programs and services. Those that are penalized and incarcerated by the state are further marginalized within the prison system and have little to no access to culturally appropriate services and support.
