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Statement submitted by Asia Indigenous Peoples Pact and Forest Peoples Programme, non-governmental organizations in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Introduction

We welcome the attention being given to the theme “Elimination and prevention of all forms of violence against women and girls” chosen for the fifty-seventh session of the Commission on the Status of Women. In this submission we focus on violence against indigenous women and girls, drawing on the experiences of indigenous women in Asia. Indigenous peoples in Asia are gaining increasing recognition of their status as indigenous peoples, but many continue to face a lack of recognition by their own Governments and others. In this statement we refer to peoples who may be known by other terms in their own countries, such as “ethnic minorities”, or “hill tribes”, or “adivasi”; we include all peoples who choose to be considered “indigenous”, regardless of national Government terminology.

Violence against indigenous women

Violence against indigenous women (as distinct from violence against women more generally) is used here to mean violence which is enacted against the collective rights of indigenous women, or violence which disproportionately affects indigenous women due to their status as indigenous persons. As noted by the International Indigenous Women’s Federation (known by its Spanish acronym, FIMI), among others, gender-based violence against indigenous persons is “shaped not only by gender discrimination within indigenous and non-indigenous arenas, but by a context of ongoing colonization and militarism; racism and social exclusion; and poverty-inducing economic and ‘development’ policies”.

The multiple human rights frameworks and challenges involved must be met in a comprehensive and holistic fashion. In the context of indigenous women, this means that investigation of human rights violations must take into consideration the basic human rights of women and also the collective rights of indigenous peoples. A key document is the United Nations Declaration on the Rights of Indigenous Peoples, which provides the international legal context for such a multidimensional approach.

Land acquisition and alienation

Forced removal of indigenous peoples from their lands and resources triggers the “urgent action/early warning” procedure under the Committee on the Elimination of Racial Discrimination, a procedure designed to be used to avert the most egregious forms of racial discrimination. It is accepted that the loss of lands and resources threatens the very survival of the affected people as a people, i.e., as a collective, culturally cohesive group. Such displacement entails not only physical but economic and social dislocation. Loss of general collective rights can result in specific loss for women, as highlighted by the United Nations Permanent Forum on Indigenous Issues: “the introduction by dominant outsiders of institutions of private property [led to] indigenous women progressively [losing] their traditional rights to lands and natural resources”.¹

¹ United Nations Office of the Special Adviser on Gender Issues and Advancement of Women and Secretariat of the United Nations Permanent Forum on Indigenous Issues, “Gender and indigenous peoples”, Briefing Note No. 1, p. 2, available from social.un.org.

For indigenous peoples, land is the material and spiritual basis that provides food and health, security and cultural survival. In many indigenous communities women are the main food producers, knowledge holders, healers, and keepers and transmitters of culture. When lands and access to traditionally used resources are lost, indigenous women can lose their traditional teaching roles and their abilities to use and maintain traditional knowledge. As traditional knowledge about the use of local resources is weakened, so is the ability of a community to respond to climate-driven changes in their environment. In Mindanao, the Philippines, serious droughts have resulted in deaths as communities resort to eating wild foods, which they have lost the knowledge to effectively process, thereby poisoning themselves.

As societies increasingly engage in low-wage labour, women can become economically more dependent on men, and vulnerable in the forms of labour available to them. In Kalimantan and Sulawesi, Indonesia, replacement of forests and agricultural land by oil palm plantations has had adverse impacts on the indigenous communities, some of them felt disproportionately by women. The expertise of women in managing natural resources and supporting their families has been jeopardized by loss of access to traditional crops, and they become poorer as their families become poorer. In the plantations they are paid lower wages than men. Women who travel for migrant labour are particularly vulnerable.

Exclusion from social services

Denial of permanent ownership over lands and resources, in some places combined with a lack of recognition of basic political rights, results in denial of basic services in a manner that disproportionately impacts indigenous women and children. In countries where indigenous peoples are denied even citizenship, access to social services is constrained.

Exclusion from social services is a form of what can be termed “structural violence”, where the structures of society have resulted in wide disparities of wealth and power, causing generational poverty, forced labour migration, bonded labour, human trafficking and other serious rights violations. Examples of structural violence against indigenous persons include the *Kamaiya* (agricultural workers) and *Kamlari* (female domestic servants), both forms of enslavement, in which servants are bound to specific individuals or families to pay off debts incurred by them or by previous generations. In Nepal this form of bonded labour is specifically tied to ethnic and cultural backgrounds — violence tied to indigenous status.

Lack of social services is exacerbated by other factors: the remote locations of indigenous communities and lack of Government access, security problems in these areas and social discrimination. Social discrimination can include rejection by the hospitals and inadequate treatment by the health professions. Loss of traditional healing systems due to loss of land and resources, limited national health budgets in many Asian countries and emerging social, economic and political changes in indigenous communities can adversely affect the health conditions of indigenous women.

Violence in the name of tradition

Indigenous women recognize and are responding to the existence of discrimination and violence within their own societies. Violence exists within indigenous communities, as it does elsewhere, and some forms of violence against

women and girls are defended with reference to tradition. These forms of violence may include bride price, dowry and child marriage. Rather than being inherent to the cultures concerned, however, these result from the interpretation and reinterpretation of culture through traditions and/or practices of gender discrimination, and such violence can only be effectively fought from within the cultural framework.

In Asia some of the causes of the discrimination and violence that indigenous women face within their societies stem from patriarchal attitudes. In many indigenous societies, politics and public affairs are dominated by men and women are only marginally involved in the customary decision-making institutions such as village or tribal councils, although they may play complementary roles in a traditional setting. Where these institutions have been replaced by State administrative systems, differential power relationships can develop or be exacerbated.

Physical and psychological domestic violence are increasing in some indigenous societies partly as a result of loss of land and resources and increasing poverty, and the adoption of external values that are more discriminatory to women. In Jharkhand, India, the dowry system practised by the wider Indian society has also become part of the customary practices of some of the indigenous communities. This often results in heavy debts for the bride's family, the harassment of women and other violations.

Recommendations

To address violence against indigenous women effectively, both sets of rights must be respected: the collective rights of indigenous peoples are part of protecting the individual rights of indigenous persons. Human rights treaties concerned with individual rights, including the Convention on the Elimination of All Forms of Discrimination against Women, should be interpreted and applied with reference to the United Nations Declaration on the Rights of Indigenous Peoples. Responses to violence against indigenous women that undermine the self-governance of indigenous peoples are not sustainable, nor are they long-term.

Responses to violence against indigenous women need to seek proactively to strengthen the other rights of indigenous peoples as a means to support and empower women as members of indigenous peoples. States must take measures to address the systematic discrimination and widespread violation of the rights of indigenous peoples by recognizing their status as indigenous and their collective rights to lands and resources.

States must work to strengthen the legal framework for recognition of the rights of women under the Convention on the Elimination of All Forms of Discrimination against Women and develop appropriate systems to address violence against the individual rights of women through information and education campaigns and capacity-building of relevant Government agencies. Specialized bodies at the national or subnational level may be needed to specifically address the situations of indigenous women, and should be designed with the full and effective participation of indigenous women.

National censuses and data collection for socioeconomic indicators should include disaggregated data on the situation of indigenous peoples and indigenous women.

The role of indigenous women in the transmission and maintenance of traditional knowledge and their roles in sustainable resource management should be recognized and respected along with recognition and respect for their rights to their lands, environment, livelihoods and resources. The full, informed and effective participation of indigenous women in consultation and decision-making processes that impact on their lands and resources should be assured.
