

aiw

Number 2
2008

Violence Against Women

- Impunity of Violence
Against Indigenous Women

- Secretariat's Report
- Their Fight is also Hers



Note from the Secretariat

March 8 is International Women's Day, a day of celebration for women all over the world. On behalf of the Secretariat, we honor all our sisters, mothers, grandmothers and daughters who continue to inspire us to face the challenges ahead. In celebration of indigenous women let us share with you a poem by Larry Kibby.

Indigenous Women

*So much strength within the nations,
Hails from our female generations,
From the wisdom of our Grandmothers,
To the love and warmth of our Mothers,*

These are ...

*Our Indigenous Women
Of the Sovereign Nations.*

*From childhood to young ladies
To the time they carry the babies,
Indian women provide an education
Through culture and ceremonial dedication.*

These are ...

*Our Indigenous Women
Of the Sovereign Nations.*

*Our Indian women of the time
Carry on the ancestral blood-line,
Creating the child to man
So he can make his stand.*

These are ...

*Our Indigenous Women
Of the Sovereign Nations.*

*With dignity deep inside,
They are a sacred pride,
And through the rite of birth,
They symbolize Mother Earth,*

For these are ...

*Our sacred Indigenous Women,
The life of our Sovereign Nations.*

Let us build on these celebration of strength to step forward against the odds.

This issue explores the differential impacts of large scale corporate mining and mega hydroelectric dams on indigenous women. These range from threats, outright displacement from traditional lands, livelihoods and spaces to extrajudicial killing and sexual abuse as weapons of war. Among indigenous women, these are clear violations of their individual rights as women and collective rights as indigenous peoples. While gender bias is still in favor of men in most indigenous communities, women have taken the forefront of community struggles to protect and defend ancestral lands, territories and resources from destruction and plunder, despite a culture of impunity among government authorities. Why indigenous women take these risks, let us read the different articles and heed their powerful voices.

In this issue, we also initially explore traditional practices that do not promote the wellbeing and human rights of indigenous women. While culture is one of indigenous peoples' identity markers, thus the necessity to promote cultural integrity, there is a need for indigenous peoples, in general, to address patriarchy in culture. By presenting some prevailing practices that impede indigenous women's equal access and enjoyment of their rights, we encourage indigenous women themselves to rethink their own traditional context and define for themselves what or in which way these are discriminative and violative of women and their rights with an end in view of creating spaces for healthy dialogue with their own organizations and communities. These efforts should be geared towards more gender sensitive socio-cultural transformation. Likewise, we encourage indigenous peoples, in general, to contribute in this discourse. As our Convenor Victoria Tauli-Corpuz expressed during the Consultation with the UN Special Rapporteur on Violence Against Women, there is a need to deconstruct culture and religion to address discrimination and violence against women brought about by prevailing practices, attitudes and prevailing patriarchal values in indigenous communities.

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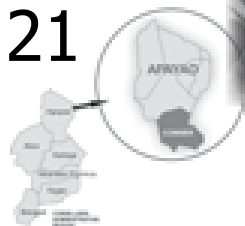
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Impunity of Violence Against Indigenous Women



By
**CHRISTINE C.
GOLOCAN***



**Gender Desk, Tebtebba*

“Violence against women is always a violation of human rights; it is always a crime; and it is always unacceptable.”

*— United Nations Secretary-General,
Ban Ki-moon*

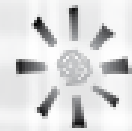
“Impunity,” as defined under international instruments, means the impossibility, de jure or de facto, of bringing the perpetrators of violations to account—whether in criminal, civil, administrative or disciplinary proceedings—since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.

From this definition, we look deeper into some of the rationale why impunity developed in continuum in the case of violence against indigenous women.

In dealing with violence against indigenous women, we look into the ongoing rights violations within their lands and territories, and the issues of identity and culture. Usually, violence against indigenous women simultaneously happen with violations of other human rights.

I. A Culture of Impunity

Most States are oblivious to the devastating effects of development projects to indigenous peoples' life and livelihood. It is recognized that, oftentimes, the development projects are centered within indigenous communities. Unfortunately, indigenous peoples hardly have any participation in the contracting of the State with multinational companies. In effect, when these



multinational companies claim any right on indigenous peoples' land without due process, violation of the right to free, prior and informed consent initially happen and other human rights violations ensue in the struggle of the communities to fight off any intrusion into their land and territories. Indigenous women suffer the most because in all the struggles and the claim for dignity, they are thrown towards the angry waves of disaster caused by greed. And the cycle of violence against indigenous women happen because the States do not recognize the rights of indigenous peoples to their land and territories.

As mentioned by Eleanor Dictaan Bang-oa in the AIWN magazine (Issue 2, 2006), "the immediate impact in the issue of displacement is the fact that women, generally dependent on the land to fulfill their reproductive and nurturing roles, become very vulnerable to hunger, malnutrition, ill health, and gender based violence."

Mama Aleta Baun, in the struggle against marble mining in Mollo, Nusa Tenggara, Timur (See p. 32 for article), Indonesia said, "Why does the government issue licenses for investors to take away our livelihoods? We can't exist without our livelihoods. For without land we cannot eat"

An Ibaloi woman from the Cordillera, Philippines, who felt violated and discriminated by her own government uttered this statement, in the local dialect, during an interview, "Why is the government doing this to us? They said you go to that place because we will build a dam in this area and then here they are again saying we should

not be here. Where will we go from here...?" This sentiment arose during trying times of their struggle against a mining company who tried to enter their community and uproot them again from their home. Her family was initially displaced from Bokod, Benguet province because of a dam project and was resettled by the government in Nueva Viscaya province. This presents a picture of a woman who has the responsibility of organizing her family and ensuring security to food and livelihood. The threat of displacement burdens her with again moving her family, fearing the non-guarantee of security and food on the table.

We also look into the non-acknowledgement of indigenous peoples' existence. Lack of recognition/ or non recognition strongly influences the State's relation with indigenous peoples. This situation directly undermines the status of indigenous women. In the entry of development projects, indigenous peoples' right to their land and resources are not recognized. Both the State and the developer do not secure their free, prior and informed consent. In effect, besides curtailment of their right to free, prior and informed consent, these actors do not recognize indigenous women's right to live with dignity, disregarding their symbiotic relationship with land and nature. Similarly, when policies of the State put primacy to National Parks over the rights of indigenous peoples living in the area, discrimination and violence necessarily takes place. Forced displacement of indigenous peoples from their ancestral lands is a major cause of impoverishment and threatens their very survival.

“Indigenous women suffer the most because in all the struggles and the claim for dignity, they are thrown towards the angry waves of disaster caused by greed. And the cycle of violence against indigenous women happen because the States do not recognize the rights of indigenous peoples to their land and territories.”

Indigenous women and children are the most seriously harmed (Baguio Declaration, Asia indigenous Women's Network, 2004).

Domestic Violence

In the case of sexual violence, including domestic violence, there is so much stigma attached. Most victims and survivors and their families prefer to keep silent about the incident because of dishonor. Besides blaming the victim, there are also feelings of shame. There is also economic dependence to consider, the children, and the community norms and values that seemingly hamper the victim to report or divulge the incidence of abuse.

In a training workshop conducted in Cambodia on "Data Collection Meeting on Land and Indigenous Women," women revealed that they do not report cases of domestic violence because when the husband is arrested, the responsibility to take care of the children and the household is left to them. This holds a di-

lemma on indigenous women, especially the poor women, who have limited livelihood to depend on. Others say, they can forgive the violence inflicted on them by their partners because they understand the circumstances behind this, e.g., that the husband may have lost his job or received less income. While domestic and sexual violence recognizes no social structure, this kind of violence, however, becomes widespread, especially on indigenous women, for reasons of poverty and social upheaval.

Note also the view that domestic violence is a private matter, hence, the issue is left within the privacy of husband and wife to resolve their problem.

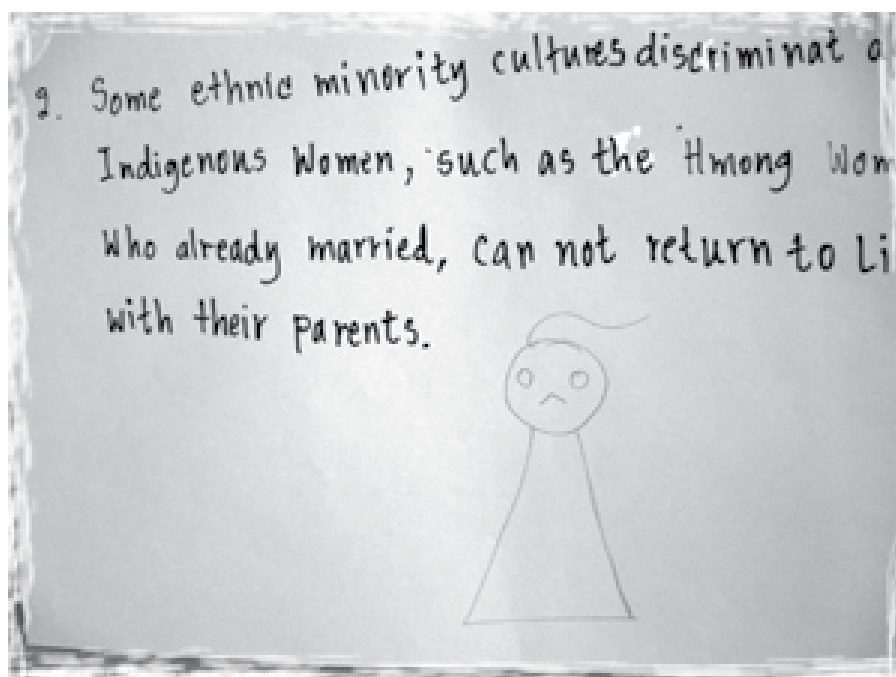
In some countries, domestic violence is already criminalized. However, this does not seem sufficient to bring the perpetrators to the authorities. There remains a flaw in the proper implementation of the law. Moreso, the opportunity to punish the perpetrator is impeded by authorities' negative perception on indigenous women. This categorically

is viewed as racial discrimination by some activists.

For example the case of native American women who were sexually assaulted or violated, as indicated in the paper of Amnesty International "Maze of Injustice," victim-blaming is the initial response. Accordingly, they were stereotyped and discriminated because of their skin color. The authorities assert that these women were usually under the influence of alcohol and may have initiated the advances towards them; thus they deserve such treatment. This kind of response usually discourages the victim to proceed with the case, knowing of the bias the authorities hold. As a result, perpetrators will victimize more native women because they are likely to get away with it.

Beverly Jacobs, a Mohawk member of the Six Nations of the Grand River Territory of Canada (FIMI, 2006, p.26), further opined that "the issues of violence are deep against not our People, but specifically against Indigenous women in Canada. We're dealing with racism; we're dealing with domestic and partner abuse; we're dealing with lateral violence and oppression; and we're dealing specifically with racialized and sexualized violence, which means that Aboriginal women, Indigenous women in Canada are specific targets of violence."

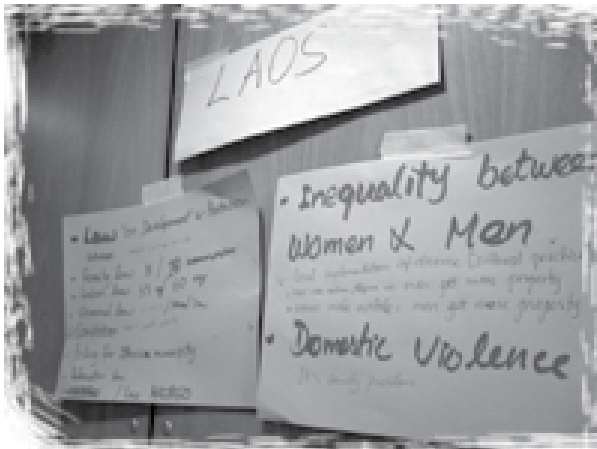
In other communities, the victim, rather than the perpetrator, is expelled from the community. The negative stigma that sexual violence brings carries with it further injury—not only to her person—but extends to her family and community, as well.



Drawing the Line

Where do we draw the line when we come across a prevailing practice that is at the same time an act of violence against women?

In this context, impunity happens because certain elements do not know how to deal with this phenomena. Within indigenous communities, there are certain structures—formal or traditional



—that perpetuate gender status quo founded on patriarchal values.

Some entities and personalities call for the abolition of certain traditions without looking into the real problem. Culture circumstantially becomes the cause of the violence.

Foro Internacional de Mujeres Indígenas (FIMI) disputes the claim that various forms of violence against women are purely “cultural.” It said that this reflects a simplified and essentialized understanding of culture as static, sacred, homogeneous, and existing outside the forces of history and politics. Seemingly, “culture” is being used to defend rights violations in the guise of tradition. The human rights of indigenous women are somehow compromised by this view

because indigenous peoples perceive women as repositories and transmitters of culture.

Seemingly, the State also uses tradition as an excuse for their inability to provide redress to victims. In the cognition of “honor crimes” as part of Islamic belief or indigenous tradition, authorities will have an excuse to prevent the violence or neglect their duty to investigate a crime. Take the case of three teenage girls, aged 16-17, buried alive by their tribe because they attempted to choose their own husbands. No investigation took place, and no person was arrested. Male politicians even defended this in parliament claiming it to be “part of our tradition,” (reported by Saeed

Shah in Islamabad, www.irish-times.com, September 2008.)

“Honor crimes” include battery, torture, mutilation, rape, forced marriage, imprisonment within the home, and even murder. These crimes, committed against women even within indigenous communities, are intended to protect family honor by punishing the women’s violation of community norms. FIMI revealed that these practices are not condoned in Islamic texts and this cannot be upheld as an indigenous tradition.

In Thailand, some indigenous communities practice forced marriage. The men kidnap the women and force them into marriage. On the other hand, if the woman denies her kidnapper marriage, she will be considered unworthy of going back to her village. Ei-

“*In one case, one indigenous woman admitted she was kidnapped and even raped before she was forced into marriage. The community and the leaders of the community did nothing for the following reasons: this was considered a traditional practice of the men in the community; and the perpetrator was looked upon as a traditional leader.*”



“Impunity of violence continues for lack of disaggregated data on indigenous women. This is perceived as a hindrance in accounting for the violations committed against indigenous women. Without data, we cannot claim there is an increase of victims. We also become limited in our advocacy because tangible data is necessary to support assertions.”

ther way, the woman is left with no choice. In one case, one indigenous woman admitted she was kidnapped and even raped before she was forced into marriage. The community and the leaders of the community did nothing for the following reasons: this was considered a marriage practice of the men in the community; and the perpetrator was looked upon as a traditional leader.

In Kenya, genital circumcision on girls at a certain age is prevalent because this is considered to be the initiation stage for marriage. But Rebecca Lolosoli, from Samburu, Kenya said “ I have to be the first person to show my community that I will not circumcise my girl. Let my girl to be the first to not marry, even though my husband will take me away (FIMI, 2006).”

Meanwhile, a view emanates on the issue of culture and violence, to leave the definition of violence to the indigenous woman herself. Nevertheless, the subjective nature of definition may cause ambivalence and distort rather than clarify its meaning. A girl- woman who is pushed into early marriage may not look at her issue within the context of violence against women for reasons supported by community values like taking this as a practice of women in their tribe. Again, this scenario may engender impunity.

Weak assertion of indigenous women’s rights

It is, likewise, a strong consideration that lack of information and awareness of rights as women and as indigenous peoples impede indigenous women to assert and uphold their dignity

in a patriarchal form of society. The notion that women are submissive is being reinforced in this case.

Accordingly, “in a strongly patriarchal society like Bangladesh, traditional leadership [headmen and karbaries] in 99% cases are men; this is further expressed in the formal local government like district councils where women occupy only 6% with the rest occupied by men [94%]; at the Union Parishad level, out of 111 Union Parishads, there are 110 chairmen and one chairwoman” (CHTDF, 2006).

Similarly, human development as to capacity building and education of rights is not addressed proportionately. According to the Philippine NGO Shadow Report of 2006, it is in the island of Mindanao where the largest concentration of indigenous peoples can be found, that consistently posted the lowest human development outcomes relative to other regions. This situation may hinder the women to effect positive change, raise doubts of discriminative practices, and question policies that affect their rights and fundamental freedoms as indigenous peoples and as women.

Lack of legislation leads to impunity

Now, while in most countries there is a law that punishes acts of violence against women, there is always the issue of lack of implementation. What about other countries who ratified conventions but have no proper legislations in place yet?

Essentially, inadequate legal framework to deal with cases of violence, especially in cases of vi-

olence against indigenous women, promotes impunity. In countries where civil law is practiced, no crime is committed where there is no law punishing it.

It is believed that criminalization of violence against women is an effective strategy. But while there is a call for States to criminalize and punish acts of violence against women, such efforts must address the problem of enforcing State's due diligence to implement the law and to safeguard members of the community.

For instance, in Vietman, it was gathered during the Asia Workshop on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) held in Baguio City last June 7-12, 2008, that gender equality policy is not seriously implemented and indigenous women continue to be discriminated within their homes and communities. Women have a secondary status and are victims of trafficking and prostitution.

Need for disaggregated data on indigenous women

Impunity of violence continues for lack of disaggregated data on indigenous women. This is perceived as a hindrance in accounting for the violations committed against indigenous women. Without data, we cannot claim there is an increase of victims. We also become limited in our advocacy because tangible data is necessary to support assertions.

Based on the statistics of ActionAid and Indian Social Institute Survey as cited in South Asia Human Rights Index of 2008, there were about 1.4 million people from the states of Andhra Pradesh, Chatisgarh, Orissa and

Jharkhand, India that have been reportedly displaced from their homes. This is a result of the State's giving away 10.2 million acres for mines, industrial plants and dams for the last 10 years. Seventy nine per cent of those displaced are reportedly tribals. Due to lack of disaggregated data, we can assume that half of these are women.

In Cambodia, 1,660 families in O Kriang and Khbal Dom Rey communes in Sambo District, Kratie province lost their lands to the Global Agricultural Development Cambodia Co. Ltd when company workers burned fields and forests covering 9,8000 hectares in a clearing operation for a teak plantation last 13 January 2007 (AIWN, No.2 2006). Again, due to lack of disaggregated data on indigenous women, we can assume that numerous indigenous women were displaced, if in each family, there is an average of 2-3 females.

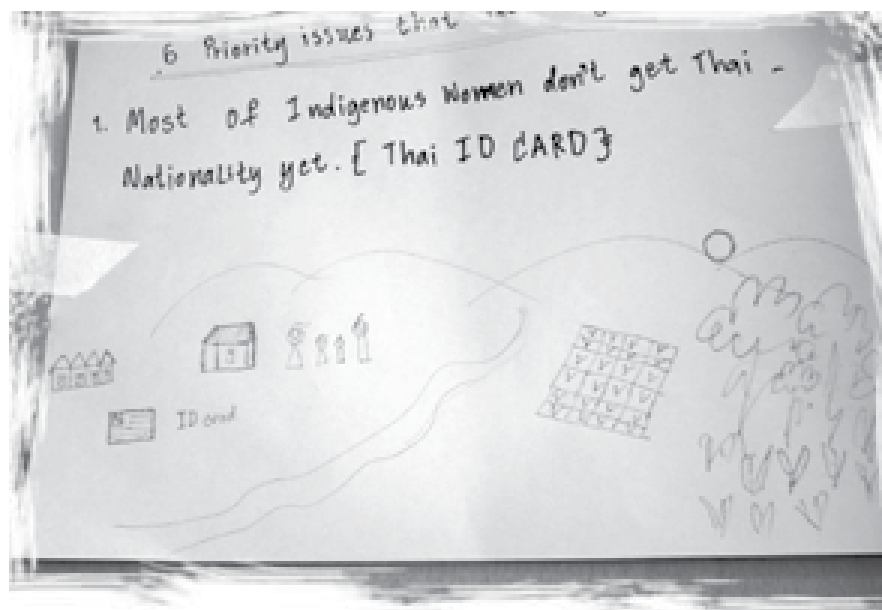
Denial of nationality and basic services

Another important issue that indigenous women face is the denial of nationality or citizenship

and access to basic services such as health, education, employment and credit, among others.

In some countries in South East Asia, there are a number of cases where indigenous peoples are denied national identification merely because they do not speak the national language; hence, access to health and education is likewise refused. States are obliged to recognize citizenship and nationality to their constituents. The fact that indigenous women in some countries are denied citizenship because they do not speak the national language—a situation that governments do not properly address—provide a venue for perpetration of violence against indigenous women, leading to impunity.

In the case of migrant women who are victims of trafficking and do not hold proper identification cards, violence are often easily perpetrated against their persons. Their position makes them prey to vultures who take advantage of their vulnerable situation. In Burma, for example, indigenous women who have been victimized by the military regime are left with no recourse but to flee the country. When they go



to neighboring States, they are denied refugee status, making them vulnerable to all forms of abuse. In this case, violence is institutionalized.

Essentially, lack of understanding on the principle of “intersectionality” provides a venue of impunity on violence against indigenous women. Intersectionality involves an integrated analysis of looking into the issue of discrimination experienced by a woman by dwelling further into her identity and culture as an indigenous woman.

For example, the right to education must be viewed, not only in terms of access, but also in terms of their experience belonging to an indigenous community. Many participants during the SEA Regional Training and Strategic Planning Workshop on CEDAW for Ethnic Minority and Indigenous Women in Bangkok, Thailand held in May 2008, revealed how women from their communities are typically unable to go to school because they live in remote areas. Added to this is the prevailing preference for boys over girls in sending to school. With regards to access of health services, many indigenous communities are neglected due to lack or absence of health personnel, medicines and medical facilities. This situation encumbers the women further because they are the ones who basically take care of the health of the family.

Finally, there is also an issue that many victims/survivors cannot utilize the justice system in their country because of corruption within the judicial system and; or they are restrained in pursuing the case because of high financial cost and lengthy process of litigation. In this case, domes-

tic options in seeking justice are already denied from them. This situation is further exacerbated when international laws and pro-

cedures are not made available to them. The victims are left with no alternative, and as a result, the perpetrators go unpunished.

II. Principles in Combating Impunity

"We need to do more to enforce laws and counter impunity. We need to combat attitudes and behaviour that condone, tolerate, excuse or ignore violence committed against women. And we need to increase funding for services for victims and survivors."

Secretary-General Ban Ki-moon
25 November 2008

What then are the principles that can guide us in combating impunity? How can we ensure that perpetrators of violence against indigenous women are prosecuted and punished, and that victims/survivors have adequate means of redress and protection?

The basic principles are enunciated under United Nations document “Updated Set of principles for the protection and promotion of human rights through action to combat impunity” [E/CN.4/2005/102/Add.1].

The basic rights under this principle are the following:

1. Right to Know
2. Right to Justice
3. Right to Reparation/ Guarantee of Non-Recurrence

1. Right to Know

Every person has the inalienable right to know the truth. It is the States’ duty to provide appropriate measures including non-judicial processes that complements the judiciary to ensure

this right.

Every victim/survivor and the family has the right to know the truth about the case and surrounding circumstances, its present status, and other possibilities. They also have the right to know about the perpetrator and the reasons for the commission of the crime.

Innate to this principle is the State’s duty to ensure the proper investigation of the case, and to discover facts about events. Evidence must be properly safeguarded and archives should be preserved as long as the case is pending. Documents and evidence should not be concealed and falsified at any stage, and should never be tampered with.

2. Right to Justice

Any victim, their families or heirs should be able to institute proceedings, individually or collectively. It is the duty of the State to provide justice to victims and to provide for legal venues to seek for justice.

The State is mandated to

undertake prompt, thorough, independent and impartial investigations. Appropriate measures should also be ensured with regards to the perpetrators. "States should guarantee broad legal standing in the judicial process to any wronged party and to any person or non-governmental organization having a legitimate interest in the case."

One way in ensuring appro-

priate measures is for the state to fully implement legal obligations. They should safeguard abuse to "prescription, amnesty, right to asylum, refusal to extradite, non bis in idem, due obedience, official immunities, repentance, jurisdiction of military courts and the irremovability of judges that fosters or contributes to impunity."

Some restrictions to avoid abuse

On prescription of offense or penalty - Prescription shall not apply to cases of reparations whether civil or administrative actions brought about by the victims. The victim should be able to claim compensation, damages, restitution, among other things inspite of the criminal prescription of an offense or penalty.

On repentance - The fact that the perpetrator admitted and is seeking for forgiveness should not exempt him from criminal or other responsibility. Such disclosure may only provide for reduction of sentence.

On the jurisdiction of military courts - The jurisdiction of military courts should be restricted to military offenses committed by military personnel and should exclude human rights violations. Human rights violations should come under the regular courts.

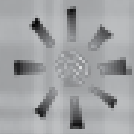
On extradition/non bis in idem - Persons who have committed serious crimes under international law may not, in order to avoid extradition, avail themselves of the provisions generally relating to political offences or of the principle of non-extradition of nationals.

On justifications related to due obedience, superior responsibility, and official status - The fact that the perpetrator acted on orders of his Government or of a superior does not exempt him from criminal responsibility. The fact that the superior has knowledge of the crime perpetrated by his or her subordinate does not exempt him from criminal responsibility. The official status of the head of State does not exempt him or her from criminal responsibility more so a ground for reduction of sentence.

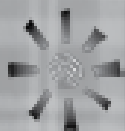
On the irremovability of judges - Judges unlawfully appointed or who derive their judicial power from an act of allegiance may be relieved of their functions by law in accordance with the principle of parallelism

3. Right to Reparations

Any human rights violations gives a right to reparation. The state is under obligation to provide reparation to the victim. Reparation covers the following: restitution, compensation, rehabilitation, satisfaction and guarantee of non-recurrence.



“Every victim/survivor and the family has the right to know the truth about the case and surrounding circumstances, its present status, and other possibilities. They also have the right to know about the perpetrator and the reasons for the commission of the crime.”



“*The State is accountable when it lacks laws and policies to protect rights and when it is not duly respecting established rights.*”

This principle provides that any victim may seek reparation from the perpetrator. Included herein is the right to seek redress from the perpetrator, protection from reprisals and against any threat or intimidation. Mostly, the victims and her family should be provided with the necessary support to cope with the tragedy.

III. The State and Violence Against Indigenous Women

The violence being experienced by indigenous peoples, especially indigenous women, in their struggle to maintain their relationship with their lands and territories continues as their rights are infringed upon and somehow remain unrecognized by both State and non-state actors. Impunity of violence against indigenous women in the context of development aggression therefore feeds on the State's lack of due diligence and inaction to address the human rights violations against indigenous peoples. The State harbors accountability when it lacks laws and policies to protect and when it is not duly respecting established rights. They also assume the blame when rights and freedoms are infringed upon due to lack of implementa-

tion of laws and policies already in place.

Culture, as related by FIMI, “is dynamic and is shaped by people's actions and struggles.” Culture must be understood, not as the root cause of violence or to justify abuse, rather as part of the context in which human rights abuses occur.

The States cannot invoke any cultural discourse, tradition and religion to condone or even justify acts of violence, according to the 2007 report of Ms. Yakin Erturk, the Special Rapporteur on Violence Against Women, Its Causes and Consequences [A/HRC/4/34]. She further relates that utmost recognition must be given in the primacy of women to live a life free from gender-based violence.

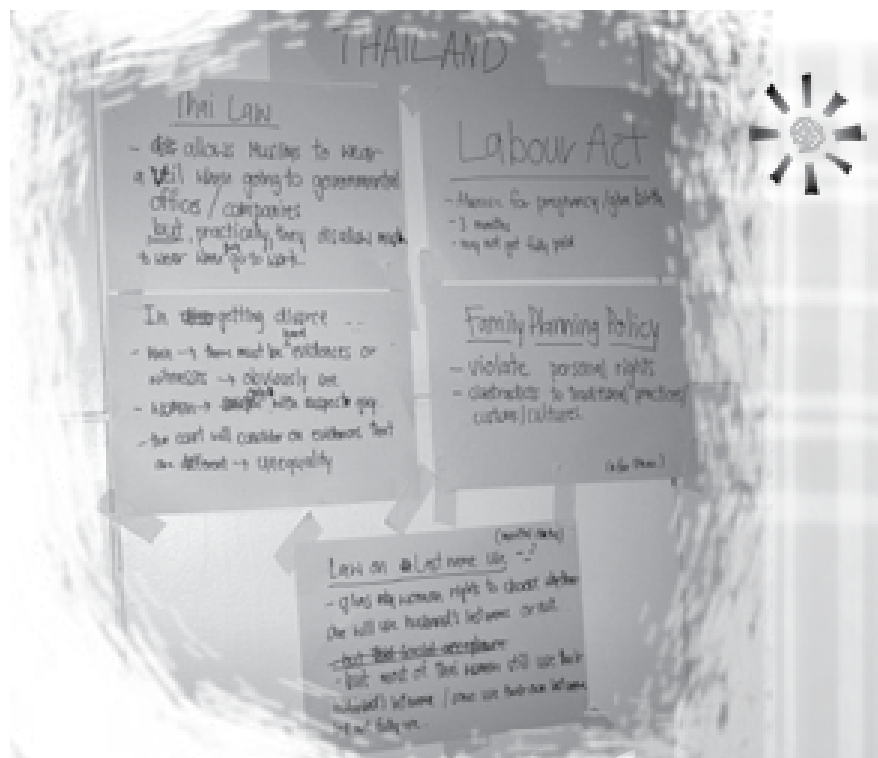
When others believe that the elimination of such practices will serve to liberate the “victimized women” of these cultures, Ms. Erturk stipulates otherwise. She claims that such reasoning fails to look out at the economic and political reasons of women's subordination. Likewise, it overlooks the construction of culture within the dynamics of power relations at local, national and global levels.

The condemnable acts of violence should not find comfort in traditional practices. Certain practices may as well be scrutinized if it is within the realms of culture or merely being used to defend a crime or justify a wrong.



Further, the marginalization of indigenous women may be founded on the lack of appropriate information and provision of venues for the realization of human rights, including addressing violence against women based on tradition. This may be reflected in the State's lack of/or inaction to build awareness and provide proper access to proper information on human rights. These, it needs to be pointed out, are obligations that States should provide.

The State should also look into the denial or the limitations of access to justice or limitations for redress as significant factors of looking into the culture of impunity.



IV. Using International Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples

A. International Human Rights Law

All these rights under the principles to combat impunity are anchored in the State's duty and responsibility to provide its people peace and security, to uphold human rights, and to defend its citizens against violators of human rights. It shall not condone nor encourage the perpetration of human rights violations, and specifically, on violence against women.

Generally, the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights, both speak of equal rights of men and women to enjoyment of rights as enunciated in the Covenants, and the State's obligation to provide access to these rights.

The Convention in the Elimination of all forms of Discrimination Against Women (CEDAW) affirms the Principle of State Obligation. By ratifying the CEDAW, the State is legally bound to meet their obligations as stipulated in the Convention. This state obligation assumes the responsibility to respect, protect and fulfill women's rights.

Further, the United Nations acknowledges the pervasive occurrence and threat of violence against women that impede the full enjoyment of human rights and the attainment of gender equality, hence, the call to intensify efforts to end impunity and a culture of tolerance to these crimes. On November 2008, during the 63rd session, the General Assembly approved resolutions on violence against women calling for general efforts to eliminate all forms of violence against women, with focus on ending im-

The marginalization of indigenous women may be founded on the lack of appropriate information and provision of venues for the realization of human rights, including addressing violence against women based on tradition.

“*Indigenous women are primary rights holders, not mere stakeholders, when the issue is land, territories, resources and traditional knowledge.*”



punity. The efforts should be in the fields of legislation, prevention, law enforcement, victim assistance and rehabilitation.

The resolutions further strengthened the State's due diligence and obligations under the CEDAW and other conventions.

This is also the mandate being implemented by human rights treaty bodies, in particular, the Committee on the Elimination of Discrimination Against Women in advising States to bring legislations on violence against women in conformity with international human rights standards.

B. The UNDRIP Framework

For indigenous women, the discrimination and violence they experience should be addressed, allowing for crossroads of interpretation. We therefore venture into their identity as a woman, and as member of an indigenous community. The United Nations

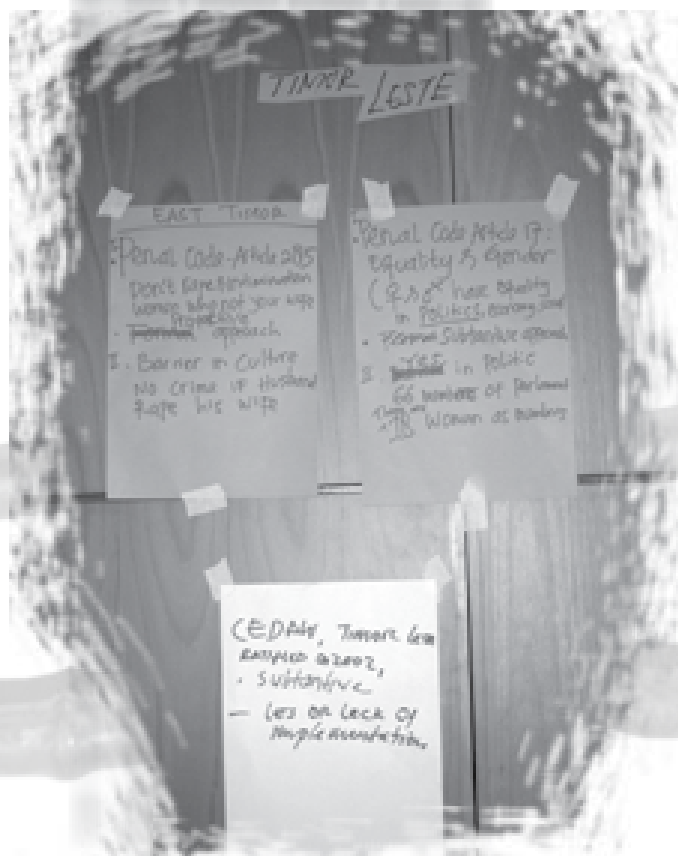
Declaration on the Rights of Indigenous Peoples (UNDRIP) provides a strong framework of looking into both the individual and collective rights of indigenous women.

The UNDRIP does not provide special rights for indigenous women, rather, it merely reiterates well-established international laws and principles. As Victoria Tauli-Corpuz, Chairperson of the UNPFII, puts it "the Declaration contains the

international minimum standards for the respect, protection and fulfillment of indigenous peoples rights. Many of its articles are taken from the existing legally binding agreements like the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of all Forms of Racial Discrimination, among others. The Declaration interprets how international human rights law is applied to indigenous peoples as distinct peoples and as collectives" (Statement during the International day of the World's Indigenous Peoples, August 2008).


The Declaration enunciates that "States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination" (Article 22, UNDRIP). Further under Article 44, it provides that "All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals." This overarching principle speaks of equality and non-discrimination in the treatment of indigenous women, and taking cognizance of collective rights as indigenous peoples.

"Indigenous women are primary rights holders, not mere stakeholders, when the issue is land, territories, resources and traditional knowledge." This message was imparted during the opening statement of the International Indigenous Forum on Biodiversity (IIFB) during the 7th meeting of the Conference of Parties (COP7) in November 2001. Underpinning this statement is a



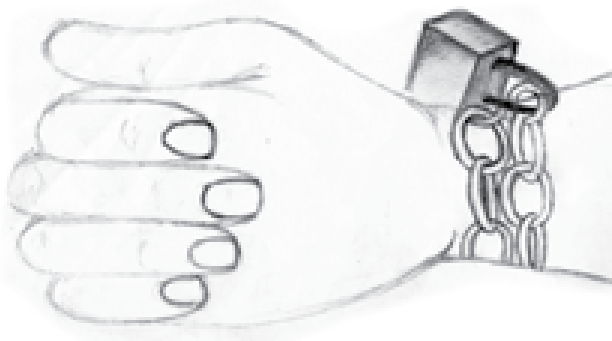
strong emphasis on their right to free, prior and informed consent in accordance with their customs, using their own language, for any programmes or projects proposed in their own territories. This provides us a context how indigenous women's rights are violated when their land and territories are threatened by development projects.

On the issue of landownership, Ellen-Rose Kambell mentioned that the "recommendation of the Committee of the CEDAW to the government of Australia in 1997 to ensure women's equal access to individual ownership of native land would clearly threaten indigenous strategies to gain recognition of their collective land rights as a necessary condition for the preservation and development of their identity and the social, economic and cultural survival of their communities." Therefore, ownership of individual titles to native land is not the solution in granting equal access for indigenous women, otherwise, this would undermine indigenous peoples' collective rights. Under the declaration, indigenous peoples have the right to own land individually and in community with others.

Further, in tackling the issue of violence against indigenous women, the Declaration stipulates that freedom from violence is integral to securing the rights of their peoples as a whole. It is therefore imperative to use the Declaration (UNDRIP) when confronted with issues pertaining to indigenous women and in formulating policies to uphold the rights and fundamental freedoms as women and as indigenous peoples. 

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Indigenous Women Speak out to End Violence Against Women



Joint Statement of the AIWN, Innabuyog and AIPP on the International Day for the Elimination of Discrimination Against Women.

We, women of the world, commemorate the 25th of November to remind everyone that violence against women is a persistent, lingering fact despite the advances that have been made to promote, protect and fulfil women's human rights. This day is a reiteration of women's assertion to a violence-free life. Women seized this day after November 25, 1960 to highlight the violence that women face day after day. That day was when the three Mirabal sisters were killed for their active participation in the resistance against human rights violations in the Dominican Republic. In recognition of this campaign by women, the UN General Assembly proclaimed this day in 1999 the International Day for the Elimination of Violence Against Women to highlight the violence that women face for the assertion of their rights, as women, as individuals and as members of communities in struggle.

This year's campaign to end violence against women comes 60 years after the adoption of the Universal Declaration of Human Rights which states in Article 1 and 2 that "All human beings are born free and equal in dignity and rights and everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Sixty years after, how are indigenous women's human rights?

As we celebrate this year 2008 as the 60th anniversary of the Universal Declaration of Human Rights (UDHR) we are reminded of the significant achievements of women in setting and developing international standards of women's human rights such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 and other documents from the UN processes including the Vienna Declaration and Programme of Action (1993), the Declaration on the Elimination of Violence against Women (1993), the Cairo Programme of

Action (1994), the Beijing Declaration and Platform of Action in 1995, while we take stock of the legacy left by our mothers and grandmothers which continues to inspire us to promote and protect our identities and rights as indigenous women and peoples.

Indigenous women have not been remiss in the struggle for the recognition and protection of human rights including women's rights. Indigenous women have been actively engaging, creating and maximizing spaces and opportunities in their organizations, communities, local to national governments and regional and international arenas, including the different processes of the United Nations to claim their rights as women and as indigenous peoples. In this respect, we, indigenous women with indigenous peoples the world over, proudly celebrate 2008 as the first year of the adoption by the United Nations of the Declaration on the Rights of Indigenous Peoples—a milestone in indigenous peoples' collective struggles for almost two decades. We will continue to uphold and promote the UNDRIP in our struggles for gender equality and justice.

Despite the women's human rights framework, however, indigenous women still face disproportionate discrimination and violations of their human rights with the enforcement of neoliberal globalisation, militarisation and global war on terror, and fundamentalism. On the ground, neoliberal globalisation come as development aggression and extractive industries where our land and resources are plundered by leading capitalist countries, their corporations and financial institutions and where we are called to

sacrifice for the sake of development and the majority. Hunger, poverty and diseases have crept into the very homelands that our grandparents sustained to provide us source of food, medicines and natural resources. Today, our people are sick and so are our lands. From self-reliant and subsistence communities, we are pushed to market-oriented production and development. As our governments hurry to achieve their Millenium Development Goals (MDG) targets, we continue to be denied basic social services for the health and education of our children with privatisation policies and budget prioritisation for defense and debt payment such as the World Bank's Structural Adjustment Policy. In Kazakhstan for example, maternal mortality has reportedly increased instead of decrease from 49.9 in 2001 to 55.5 in 2006 basically due to the lack of government support for maternal and child care.

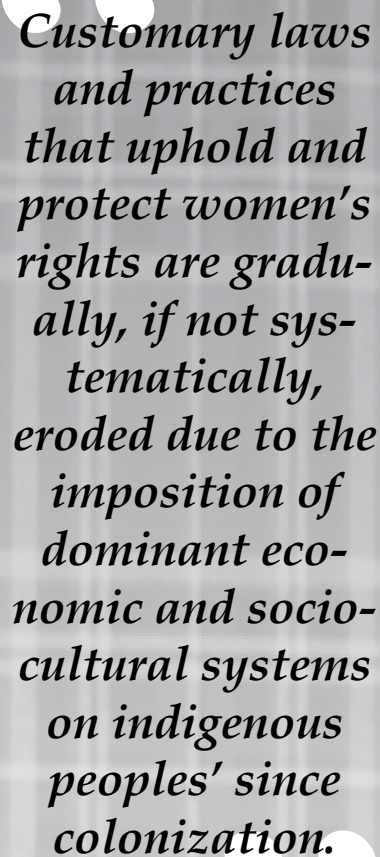
Militarisation and the global war on terror punch on our daily life and security as we are regarded as terrorists or enemies of the state when we assert our collective rights to land, resources and self-determination, and our individual rights to life. Our leaders and organisations which are our institution of empowerment and liberation are seen as threats to states and/or power holders hence have become targets of the state's security forces. Our identities and indigenous practices are systematically disintegrated by the imposed culture of modernisation, commercialisation and individualism making us objects for sale and for profit. Moreover, sexual violence and rape of indigenous women and

girls, aside from legal and extra-legal strategies have been used to weaken our resistance to oppression and rights violations.

The massive recruitment of armed forces for the global war on terror especially in the Pacific has brought home angry and disturbed husbands, brothers and fathers. In Guam, violence against women has reportedly increased during the homecoming of the six thousand-member naval and air forces.

As indigenous women we face various forms and levels of discrimination and violence by virtue of our sex, gender, ethnicity, location and status as minority or second-class citizens in society. As indigenous women, we continue to be denied of our ancestral land rights that ensure our economic, political and socio-cultural survival, identity and dignity.

In the Philippines, mining applications have taken more than 60 per cent of the country's land area, and more than 50 per cent of this belongs to indigenous peoples' territories. Indigenous women and communities asserting their rights to land and natural resources suffer the impact of militarisation and repression that is used by the state to quell people's resistance against the plunder of their land and resources. Women who stood in the forefront of a barricade to stop the entrance of mining equipments in Nueva Vizcaya, Philippines were physically pushed, hoisted, threatened and actually attacked by those employed by the mining company. In one case, one woman in the barricade was physically hoisted by her own son who was employed by the mining company. In Indonesia, a woman leader



Customary laws and practices that uphold and protect women's rights are gradually, if not systematically, eroded due to the imposition of dominant economic and socio-cultural systems on indigenous peoples' since colonization.

against a marble mining company in West Timor, has not been able to enter her home community due to threats on her life and her family's security by people sympathetic to the company. In Sarawak, in the Malaysian part of the island of Borneo, sexual harassment, abuse and rape cases against Penan women, including school girls who relied on the companies' transportation service to get to school, by employees of logging companies have been reported. Several cases of pregnancy have been reported by the Penan communities as a consequence of rape and sexual abuse by the workers of logging companies. However, no action was taken either by the police or government, cases having been totally denied for the sake of development projects and goodwill of logging companies.

In North-east India, the Armed Forces Special Powers Act (AFSPA) has allowed a culture of impunity on the State armed forces against the rights and lives of the indigenous and non-indigenous peoples. Countless cases of gross violations of human rights, including massive raping of women and girls in public and in sacred places have been almost of daily occurrences. Rape has been institutionalised as part of the counterinsurgency programme in the region. Civil society groups have been up against this Act such as the case of Irom Sharmila who has been fasting for years now for the repeal of the Act. However, the State has responded to this with increasing militarisation.

The persistent military rule in Burma has been the root cause of continued sexual violence against women and girls com-

mitted by military personnel with impunity and outright extermination of indigenous communities in Burma. While running for safety and refuge outside Burma, women and girls are again faced with similar violence in neighbouring countries including Thailand, India and Malaysia where they work in exploitative conditions for their survival. With no information of the destination, women are vulnerable to trafficking. Kachin women, for example, have reportedly been trafficked into China and sold as wives or sex workers. A growing number of indigenous women are forced into prostitution and sex trafficking as in the case of indigenous women in Thailand, Burma, Philippines, India and Nepal.

In North-East India, there have been reports of heavy increase in human trafficking cases carried out by clandestine operators posing as established employment agencies in collaboration with southeast Asian agencies. One such case came to public light with the intervention by human rights groups in the region and mainland India where five (5) girls belonging to Zeliangrong Naga community were repatriated from Kaula Lumpur on 10th October, 2008. In a press conference, they revealed under what kind of conditions they were kept in and how some of them were attempted to be raped by gangsters of the so-called Abel & Leo Pvt. Limited agency. They were first taken to Singapore and then to Kuala Lumpur where their passports were confiscated by the agency. They also reported that hundreds of other women belonging to the region are under similar situation. Women with low level of income

and education have been vulnerable to such cases. It is a condition aggravated by the prolonged militarisation that has paralysed or marginalised both development initiatives by the State as well as traditional occupations where women are chief players. Lack of opportunities to education, employment and other alternatives to sustain families and their own lives, young women have become easy targets for traffickers.

Customary laws and practices that uphold and protect women's rights are gradually, if not systematically, eroded due to the imposition of dominant economic and socio-cultural systems on indigenous peoples' since colonization. These include, among others, the practice of equal distribution of inheritance between women, passing down to daughters the properties of the mother and of fathers to sons among the Kadazandusun of Sabah, Malaysia, the right to participation in decision-making on equal terms with men in many indigenous communities of Sabah, Malaysia and Ngato Toro in Indonesia, the roles of women as priestess, healers or social specialists, and women's role in dispute settlement among the Ata-Manobo and the Higaonon in Mindanao, Philippines. We assert that these must be retained and strengthened.

On the other hand we recognise and keep in mind the words of UN Special Rapporteur on Violence Against Women, Its Causes and Consequences (UNSRVAW) Yakin Erturk, that the marginalisation of indigenous peoples

from the socio-economic fabric of "mainstream" society, as well as the prevailing patriarchal culture that permeates indigenous cultures increases the vulnerability of indigenous women to violence and discrimination. We affirm the need to address patriarchy in culture and will continue to define and design strategies and approaches that ensure gender equality without prejudice to collective interests.

We take on the challenge posed by Victoria Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues, to bring the human rights norms to local communities and deconstruct religions and culture.

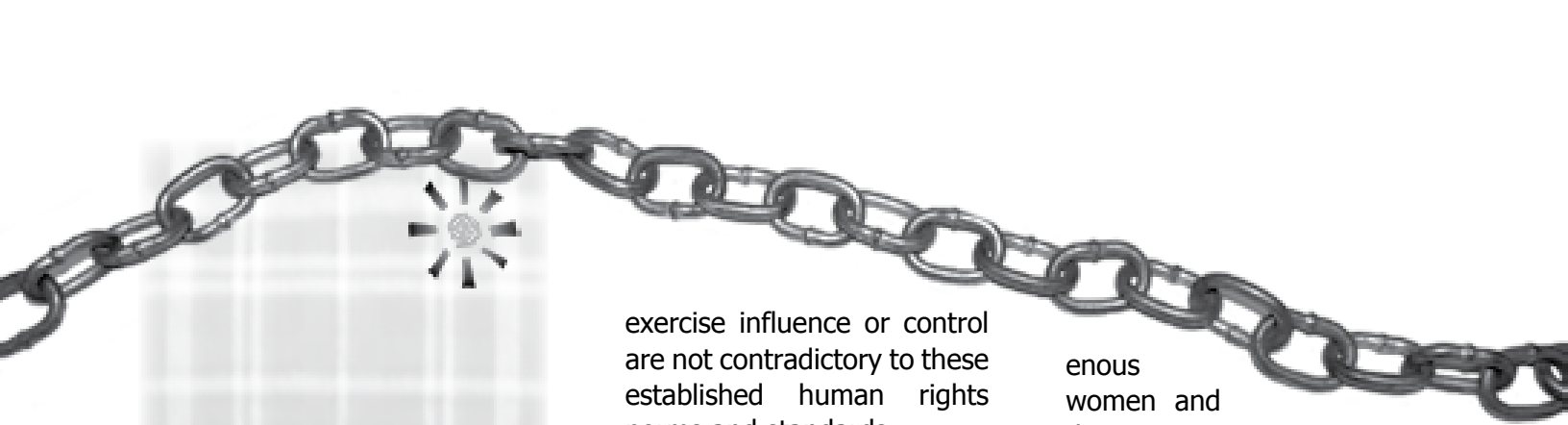
In our battle against discrimination based on our gender, identities and social status, we take as our inspiration the words of UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, S. James Anaya on the need to strengthen indigenous women's voices so that they can articulate their concerns and priorities.

On the occasion of the 16 days of activism to end violence against women, we stand firm on our rights and strongly denounce the different forces of neoliberal economic globalisation, development aggression, militarisation, fundamentalisms and the global war on terror which continue to impede the realisation and enjoyment of our rights and full development as women and as indigenous peoples.

We uphold the following recommendations at the 15-16 October 2008 Asia-Pacific Regional Consultation on Violence Against Indigenous Women in Delhi, India—a gathering of 25 indigenous women, along with 36 women working on the issue of violence against indigenous women from 26 countries (Bangladesh, Burma, Cambodia, Cook Islands, Fiji Islands, Guam, India, Indonesia, Japan, Kazakhstan, Korea, Kyrgyz Republic, Lao PDR, Malaysia, Mongolia, Nepal, Pakistan, Papua New Guinea, Philippines, South Africa, Sri Lanka, Switzerland, Taiwan, Thailand, Turkey and USA). The women brought their specific cases from their respective communities and countries to the UNSRVAW, Yakin Erturk, and the UN SR on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, S. James Anaya.

a. As part of their obligations to international human rights law, States should recognise indigenous peoples, adopt in national laws and ensure effective implementation of international standards such as the UN Declaration on the Rights of Indigenous Peoples, UN Security Council Resolution 1325, and Convention on the Elimination of All Forms of Discrimination Against Women. States should be accountable to the people by ensuring that the activities of international finance institutions (IFIs) and transnational corporations over which they





“If this contamination does not stop, traditional herbs or medicines used by indigenous women in curing illness would be extinct and their traditional health knowledge would vanish.”

exercise influence or control are not contradictory to these established human rights norms and standards.

- b. For the UN Special Rapporteurs on violence against women, its causes and consequences, Yakin Ertürk, and the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, S. James Anaya, to come out with joint thematic reports or studies, that address the intersectionality of discrimination and violence against indigenous women which should facilitate bridging the gaps between national and international standards. The participation of indigenous women in the whole process should be ensured.
- c. International financial institutions, corporate and non-state actors should respect indigenous peoples' right to Free, Prior and Informed Consent (FPIC) and all other internationally recognized human rights standards in the conduct of development projects in indigenous lands and territories.
- d. For civil society to ensure full involvement of indigenous women in negotiations, consultations and decision-making processes and enable access by indigenous women and their organisations to resources for their development and empowerment, and to programmes that build the capacity and skills of indig-

enous women and their organisations.

Finally, we would like to enjoin everyone to the 16 Days of activism to end violence against women, create local actions, make our voices heard through public statements and rallies, share your stories as we raise the awareness of women and the public towards the elimination of violence against women in communities, farms, workplaces, public places, homes and everywhere. Let us share these to our networks!

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Violence Against Indigenous Women

Case study in Conner, Apayao in the Cordillera Region (An area targetted for large-corporate mining projects)

By BAI/Federation of indigenous women in the Philippines

General Community Profile

Land Area and Resources

Conner is one of the municipalities of the province of Apayao, in the Cordillera Region of northern Philippines. The municipality consists of 21 barangays/villages. It has a land area of 91,384.42 hectares or 913.84 square kilometers of forests, rivers and fertile agricultural lands which is cultivated with rice, legumes, vegetables and lowland fruits. Banana is a leading agricultural product of the municipality.

The terrain of Conner is rugged. It is further characterized by rolling landscape in the southern part, with patches of flat lands on the interior parts, and mountains on the northern part and along the borders with other municipalities. Most of these were then thickly-forested. Rich deposits of minerals, particularly gold and copper, are found in Conner.

Three major rivers—namely the rivers of Acutan, Nabuangan and Barren—are additional sources of food and irrigation for Conner and as far as the Cagayan Valley. It is a land of promise, not just for the original inhabitants but also to other indigenous peoples of the Cordillera and Cagayan province, and those from other lowland provinces who came for survival.

The People

The town is the homeland of indigenous peoples of Isnegs and Kalingas. Other indigenous peoples who have migrated are Kankanaey-Igorots of Mountain Province who came mostly in the 1960's, Ibalays of Benguet province and Tingguians of the province of Abra, all from the Cordillera region. Other indigenous groups from nearby Cagayan province, namely, the Malauegs, Itawis and Ibanags, came to live in Conner. A significant number of Ilocano migrants from nearby lowland provinces also came to settle in this town.

As of 2007, Conner had a population of 23,632. Of this, 11,344 are female and 12,228 are male or 108 males for every 100 females. Still, as of 2007, the population density is posted at 25.86 persons per square kilometer. The bulk of the population is at the younger ages. In 2007, 35.88 per cent accounts for fewer than 15 years of age, the productive age group has 58.25 per cent while 5.86 per cent comprise the older/dependent population.

Each tribe or ethnolinguistic group speaks their own language. The common language spoken by the inhabitants is Ilocano.

In terms of religious affiliation, most of the people (59.59%) are Roman Catholics. Others belong to different religious groups and churches like the Anglicans, United Church of Christ in the Philippines

(UCCP), Pentecosts and others. While belonging to these Christian affiliations, some continue to observe traditional belief or cultural practices.

Migrants have integrated well with the original inhabitants of Conner, hence they live in harmony with each other.

Social Services

Social services in Conner, particularly on health and education, are not enough and are no different from other indigenous areas in the Philippines. The facilities and personnel are lacking and not accessible to the people. This condition is particularly disadvantageous for women and children who are most vulnerable to diseases and are unable to get basic education. The municipality has a 21-bed district hospital and have the following personnel - five doctors, six nurses and four midwives. There is one Rural Health Unit (RHU) which has a doctor, a nurse and 21 midwives. They are supported by volunteer barangay health workers. There is a health center in every barangay staffed with a midwife who monitors the health situation and provides basic health care and treatment. Only medicines for common ailments are provided, but are not always available. Patients are usually referred to the RHU or to the district hospital. The district hospital lacks the important facilities of a hospital and medical specialists, so most often, patients are referred to hospitals in Tuguegarao City (94 kms. away or 3-hour drive) or even to Baguio City (12 hours away).

Educational institutions, which are all government-owned, are found in all the barangays. There are 11 primary and 22 elementary schools including the central and annex schools. Enrollees for the year 2007 number 4,047. High enrollment is observed in barangays along the highway or close to the roads while low enrollment is observed in farther and more remote barangays. For the primary and elementary annex schools, each school only has 1-2 teachers and 1-3 classrooms. That means that a teacher teaches two grades who share one classroom. Only eight elementary schools have 6-7 teachers each while the central school has 12 teachers with five administrative personnel. It is also these schools which has a ratio of one teacher per grade and one classroom per grade.

Conner has five secondary schools which are also government-owned. There is one state col-



lege, the Apayao State College, which is located in the poblacion/district of Malama. The College also offers graduate studies.

Cell cites and satellite phones for communication are present in the municipality. Sources of information include television, radio stations from nearby provinces and cable network owned by private business establishments.

Economic Conditions

The people of Conner derive their livelihood and survival mainly on agriculture. In the past, the people are able to produce more than enough from tilling the fertile lands and through sustainable use of the rich natural resources. Hence, the people are able to have surplus produce which they share with relatives or sell to the market. It is also the productivity of the enticed other people from other parts of the region and from lowland areas to migrate and settle in Conner.

From traditional ways of farming, modern agricultural technology was introduced through the government's agriculture program. Hence, the introduction of high-value rice varieties and other crops that required the use of and fostered dependence on agro-chemicals. Traditional farming still persist in swiddens where indigenous peasant women are involved in almost all the production process in raising upland rice, legumes, fruits and vegetables. Rice paddies are also cultivated in low-lying areas which are planted with high-value rice. Bananas are a major cash crop which are trans-

ported to the markets of Central Luzon and Ilocos Region. Other main produce which are also a source of cash are rice and corn. According to the Department of Agriculture, Conner is also developing its production for other cash crops like rambutan, lanzones and citrus.

The cost of modern agriculture is conversely becoming more unaffordable for poor or ordinary peasant families, leading them to bankruptcy. When they bring their products to the market, they hardly fetch a good or fair price for the labor they spend and the expense they incur in the whole production process. With the cost of living becoming more expensive, families are forced to reduce their family's consumption of these products (rice, vegetables and fruit) for them to be able to sell these to the market. A growing number of women vending their produce along the main road and in the town center is observed. Women vendors earn P40-50 (US\$1.00) in selling fruits, vegetables and snacks. If they are able to sell one big basket of fruits, vegetables, fish and snacks, they earn P100.00 (\$2.00) for that day. But this is hardly the case. In the past, fruits and vegetables were shared with ease to neighbors and visitors. That tradition is already eroded by the high cost of living and cash-generation is now becoming the practice to be able to meet other needs of the family, including food which is no longer in abundance. The liberalization policy on agriculture has also affected the market of local products like oranges and legumes with cheaper imported oranges and legumes invading the local markets.

Small-scale mining is done in Manag, Talifugo, Ili, Nabuangan, Puguin, Cupis, Padoan and Guinaang. Particularly in the barangay of Manag, almost 80 per cent of their males engage in small-scale mining during the months of February to May. It is an added source of cash for the families. While the men do small-scale mining, women are left to tend their families and the farms. The increasing need for cash is even enticing school children to drop out from school and earn money through small-scale mining.

There is also a big number of women overseas workers. Most of them are college graduates who are unable to find work here with decent pay. Particularly in barangay Ili (population of 1,009 with a household of 192), there are at least 52 OFWs (Overseas Filipino Workers) and 14 former OFW. Fortythree of the 52 OFWs are women who work

mostly as domestic workers in Hong Kong and the Middle East. The rest are caregivers, nurse and agricultural workers. Thirty of them are college graduates or have finished a 2-year course, 11 are high school graduates and two are undergraduates.

In the barangay of Manag (population of 1,507 with 282 households), there are 20 women OFWs who are all college graduates but work as domestic helpers in Hong Kong, Singapore and Middle East, with a few working as caregivers in Canada and London.

In barangay Cupis (population of 461 and 79 households), there are 10 women OFWs who are all domestic helpers in Hong Kong, Singapore and Middle East. One works as a nurse in Canada.

Most of them have loaned or mortgaged a property (house, land) for their placement fees. In barangay Ili, at least eight have not yet paid their loans even if they have finished their contract (2 years) and are on their second contract. A number of them have moved from one country to another like Middle East to Hong Kong, Taiwan to Hong Kong, or Hong Kong to Canada. As they are not able to pay their loans on their first contract, they are forced to take another contract. Those sending their children to college usually stay abroad until their children graduate. Common problems encountered by families of OFWs include extra-marital relations, separation of husband and wife, problems among the children, inability to pay debts/loans, house or land mortgaged, strained relationship between loaner and OFW because of failure to pay loan, among others.

To raise the needed cash for the family—particularly for the education of their children—women enter into business (buy and sell, small stores) or vending of local agricultural products. Some store-owners closed shop because of unpaid credits. Women who are into buy-and-sell business of agricultural products like legumes, suffered loss as a result of agricultural liberalization where cheaper imported legumes flood the local markets. The price of palay/rice, bananas, corn and other agricultural products are dictated by middlemen-traders and the market, and are further endangered by imported agricultural products. Thus, it is always a gamble for women who are into this economic activity.

The women have also

(Continued on page 26)



Indigenous Wo

Listening... Participants to the National Indigenous Women Capacity Building Documentation and Monitoring of CEDAW Implementation are intently listening to the stories of indigenous women, November 23-25, 2008, Chalet Tepay, Baguio City.

Photo courtesy of Beth Bugto

Imprisoned... Indigenous women making a spider web around Ibu Den Upa Rombelayuk of Toraja. The web represents the interlinked issues and concerns of indigenous women that curtail their freedom, like the violations of their rights at different level and arenas. The women were participants in the Training on CEDAW and the Extractive Industry in Mollo, Nusa Tenggara Timur, Indonesia last August 28-31, 2008.

Photo courtesy of Ellen Dictaan-Bang-oa

Storytelling while cooking... While preparing for lunch, indigenous women of Desa Lelobatan in Nusa Tenggara Timur, Indonesia share their struggles to two training participants who were practicing their documentation skills.

Photo courtesy of Ellen Dictaan-Bang-oa

Indigenous women and advocates held an NGO consultation on Women, Its Causes and Consequences, Dr. Yakin Ertürk, a Rights and Fundamental Freedoms of Indigenous Peoples, Permanent Forum On Indigenous Issues and Convenor of the Asia Pacific Regional NGO Consultation on Violence against Women, Its Causes and Consequences, October 2008 at New Delhi, India.

Photo courtesy of Asia Pacific Regional NGO Consultation on Violence against Women, Its Causes and Consequences

Singing for hope ... Mama Ety Anone, leading some men and women of Mollo, practice their song of hope and triumph in their fight to protect their rights from marble companies that are exploring and exploiting their lands and territories.

Photo courtesy of Ellen Dictaan-Bang-oa

Ibu Rini Herkulana (left) of Pontianak, West Kalimantan explaining how palm oil plantations are affecting indigenous women in the villages of K. She and Mama Aleta Baun (right) of Mollo, Nusa Tenggara Timur are participants of the follow up activity of the CEDAW monitoring mission, December 18-21, 2008 at Crawford Lodge, Bogor City, Indonesia.

Women in Action

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Prof. S. James Anaya. The Chairperson of the UN
the Asian Indigenous Women Network Ms Victoria Tauli-
a Pacific Regional NGO Consultation that was held 15-16
a Pacific Forum on Women, Law and Development (APWLD)

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Engaging with non-indigenous women... Members of the AIWN secretariat, Christine Golocan (second from left) and Beth Bugtong (right), participating in a discussion on CEDAW implementation with non-indigenous women during the follow up training on Monitoring State Obligation thru CEDAW on 10-13 December 2008 at Golden Prince Hotel, Cebu City, the Philippines.

Photo courtesy of the University of the Philippines Center for Women Studies (UPCWS)



Pleasure with business... Women participants from Thailand enjoy working together as they tackle the task for the day.



SEA MTG ON THE APPLICATION OF
CEDAW FRAMEWORK TO ADDRESS
IMPUNITY IN THE CONTEXT OF VAW
15-18 OCTOBER 2008
KUALA LUMPUR
ORGANIZED BY IWRAW ASIAN PACIFIC
SUPPORTED BY UN WOMEN

Photo courtesy of IWRAW

availed of livelihood projects of the government like weaving, animal dispersal and raising. All of these have not really created a difference in improving the economic situation of the beneficiaries. For one, the market is not assured. Another is the high cost of production. The producers are hardly able to recoup their expense like in the case of hog-raising. Another point is that the capital which is often a loan from a government program (e.g., livelihood projects like weaving, animal raising, food processing) is spent on emergency needs. Projects such as these also create intrigues among beneficiaries instead of uniting them. It also becomes an avenue for corruption in the case of projects which are only

done in name but have never been implemented. Or, funds of the project had been misused or pocketed by officers of the organization set up by government as project implementor or beneficiary.

From a land of promise, Conner is already becoming a land of the impoverished. Government data says that the province of Apayao where Conner belongs has the highest poverty incidence in the Cordillera with 57.5 per cent and the fourth among the 10 poorest provinces in the Philippines (NSCB 2008). And this is indeed showing a contradiction, noting that Conner and the entire province of Apayao are rich in land and natural resources.

History of Development Aggression

From 1975 to 1985, three Chinese logging concessionaires logged the forests of Conner. In the process of building roads for the logging trucks, agricultural fertile lands, fruit trees and crops were bulldozed. Logging company workers came from other parts of the Philippines as the people of Conner rejected the employment offered by logging operations. This situation caused animosity between the local communities and the migrant workers. There were people who were given incentives for spying and harassing people who resisted the logging activities. Some of the local people who opposed the intrusion of logging roads into their farmlands were even killed, others went missing. Crimes became prevalent; store owners were held up day and night; and residents were displaced by logging operation. The conflict forced some families to leave Conner for fear of robbery or death by unidentified armed men strongly believed to be agents of logging companies. These families sought refuge to other parts of the Cordillera or in lowland provinces.

Then Militarization...

In 1985, government troops were sent to Conner which worsened the human rights situation. Militarization went on until 1995. The condition resulted to the killing of local leaders by soldiers and para-military troops. Intense harassment and various forms of threats were experienced by leaders and members of people's organizations. It was a normal practice for the military to summon the leaders. One of the noted leaders who was at the

top of the military's attention was Tina Bati-el. Tina, along with other leaders, were constantly asked by the military to report to their barracks and underwent intense interrogation, forcing them to accept their membership with the rebel group, the New People's Army (NPA). The people were traumatized with the torture, interrogation and the spate of killings that were happening. Check points were installed; the mobility of the people were closely guarded and controlled that it was very difficult to seek help from outside. There were also occasions of bombings which led to an exodus of men, women and children to safer grounds. One mother nursing her new-born baby was died as a result. Children suffered the most in that horrible time.

Indeed, that period was a nightmare. It took years for the people to return to normal life after the heavy militarization.

The Entry of Mining

In the course of recovery, the people of Conner faced another nightmare. The passage of the Philippine Mining Act of 1995 facilitated the entry of mining corporations in the municipality.

The applications for gold and copper exploration of the Cordillera Exploration Incorporated (CEXI), a subsidiary of the British-owned mining Company Anglo-American, and the Australian-owned Climax-Oceana Gold cover around 81 per cent of Conner. The applications have the strong support of government agencies like the National Commission on Indigenous Peoples (NCIP), an agency supposedly mandated to protect the rights and interest of in-

digenous peoples. Instead, they served as mouthpiece of the mining corporations. The same is true with the Mines and Geo-Sciences Board (MGB) of the Department of Environment and Natural Resources (DENR). This agency has even reiterated that mining corporations employ modern technology that do not destroy the environment and natural resources.

Prior to the 2007 national elections, the local government units composed of the provincial and municipal officials committed the gravest treachery on the people by holding on to their pro-mining position and completely disregarding the majority that rejected the entry of mining corporations. Local government officials, along with line agencies, held series of false consultations in 2005 to convince the people of Conner that mining was good for the community. They sold the idea that roads will be built by the mining corporations which will be of great benefit to the people. They sold the companies' promises of scholarships for the youth, employment for the unemployed, and a yearly financial assistance of P100,000.00 (nearly US\$2,000.00) for the affected villages.

This scenario challenged the people, with the active involvement of women, to act. A community forum on mining was conducted on July 2005 which led to the formation of the Save Apayao People's Organization or SAPO.

The organization, through its members and leaders, campaigned against the proposed mining exploration and operation from village to village. Women called for community dialogues with local officials, developed educational materials on min-

ing which were given out in the communities, and conducted a signature campaign against mining. As a result, 20 out of 21 communities in the municipality overwhelmingly voted against mining.

In one occasion (first semester of 2006), SAPO registered their protest before the municipal council but the protest was ignored. Instead, the municipal officials in favor of the entry of mining companies, alleged that the protesters were "anti-development" and "backward." The representatives of SAPO were not entertained in their effort to seek audience with the municipal council. Worst, then municipal mayor Manuel Betat lied by saying that only two communities objected to mining. He threatened those who were against mining to leave Conner as the mining projects would be pursued against all odds.

The people's perseverance to campaign against the entry of mining in Conner paid off. The villagers overwhelmingly said NO to mining in a referendum conducted by SAPO in July 2006 on the Climax-Oceana application affecting four villages. The only village that voted for mining was that of the mayor's. His intimidation made his village vote in favor of mining.

Harassment of SAPO leaders and members intensified after the overwhelming vote of the people against mining. This was also the time that cases of extra-judicial killings intensified at a national scale. Marcus Bangit of the Cordillera Peoples Alliance (CPA) was killed by government death squads on June 8, 2006 while the family car of Dr. Constancio Claver was ambushed, resulting to the death of her wife Alyce Omengan-Claver on July 31. Dr. Claver, also a leader of the CPA (Cordillera Peoples Alli-



ance) and Bayan Muna (People First) partylist organization, survived with serious gunshot wounds on his left arm and upper part of his body while their 11-year old daughter, though unharmed, was in deep trauma. They are all from the adjoining province of Kalinga.

The local officials of Conner warned the people to stop opposing the mining projects or else, they may turn out to be the next victims of political killing.

With the strong resistance, the only recourse of the mining companies and government offices and officials was to impose threats and harassment.

The chairperson of SAPO, Tina Bati-el Moy-aen, went through a harrowing experience. "For one whole month in August 2006, I was unable to leave my house because of threats. Unidentified

motorcycle-riding men are seen at night near my house and my parents' house. My child, attending nursery school, stopped because I could not accompany him anymore to school. I could not even step out of my own doorstep and communication was very difficult."

The threats and harassments somehow affected the mobility of leaders and members of SAPO. SAPO as an organization was under relentless attack by pro-mining officials and the company agents. Despite this situation, SAPO persisted with its information campaign on the adverse effects of mining. Representatives of mining companies, local officials, NCIP and DENR have become ever more determined in exerting all means to get the communities' consent to the mining project.

Seeking Support

This struggle enabled the people of Conner, through SAPO, to seek the support of other people's organizations and advocate groups who were against mining. They brought their issue to the attention of the CPA and Innabuyog, a regional alliance of indigenous women's organizations in the Cordillera. Other NGOs came to support like the Cordillera Women's Education Action Research Center (CWEARC). Visits to mine-affected areas like Mankayan and Itogon in Benguet helped the people of Conner to visualize the actual damage of corporate and large mining.

Aside from the local actions and regional

support, the mining struggle in Conner was also brought to other fora and events at the national and international level. They participated in the national mining conference of indigenous peoples in March 2006 which was held in Baguio City; in mining fact-finding missions facilitated by the APWLD (Asia Pacific Forum on Women, Law and Development) in Thailand and Mongolia; and participated in the Annual General meeting of stockholders of Anglo-American in London in April 2007 to bring the opposition of communities in Conner against Anglo-American's mining operations in Conner.

Community Actions, Women's Active participation: General Recommendations

SAPO commits to continue with the struggle against corporate and large mining in Conner. They will continue to lobby and register their position to local government bodies in Apayao as well as share their stories to important opportunities to generate support to their struggle. They also extend their solidarity to other organizations and communities who are defending their land, resources and rights by resisting mining. They also support national efforts for the repeal of the Philippine Mining Act of 2005 and in the crafting of a mining alternative that is oriented for the people's needs and not for corporate greed, interest and profit.

As SAPO leaders and members state, "We have to continue with our struggle because we know that the government is hell-bent in pushing for the revitalization of the mining industry in the Philippines. Under the Arroyo regime, the way to recover from the national economic crisis is through the mining industry and Conner through the application of Anglo-American is one of the 24 national mining priority areas. We know we will be facing harsher conditions but we cannot just close our eyes, shut our ears and do nothing. We will defend our land and resources for our children and for the future generations. We learned many lessons in our struggle.



We realized that we have to link with the broader public for strength and support. We also realized that it takes courage, sacrifice and patience amidst fear to do the right thing for the people."

Actions including policy alternatives will therefore be in the context of the following calls and demands: Immediate scrapping of the Phil. Mining Act of 1995; Cancellation of all existing Financial and Technical Assistance Agreements (FTAA), Mineral Production Sharing Agreement (MPSA) and other mineral agreements; Cessation of all large-scale mining operations and all other destructive and extractive industries; Moratorium on the processing of all pending mining applications until such time an Alternative Mining Act is passed which respects the rights of the communities; For government to uphold and respect the rights of indigenous peoples and communities to life and to their ancestral domains; For government to put an end to militarization and all human rights violations committed and to punish the perpetrators of these heinous crimes; Respect and observe the right of indigenous peoples to free, prior and informed consent and to stop all forms of manipulation and subversion perpetuated against the exercise of this right. The passage of the UN Declaration on the Rights of Indigenous Peoples should serve as an additional tool to pressure the national and local governments

of their role in ensuring the respect of indigenous peoples' rights when implementing development projects. The Declaration should also be invoked to corporations planning to operate in indigenous lands and territories.

In September of 2008, active women leaders and members of SAPO set up the women's committee of the organization where indigenous peasant women were joined by women entrepreneurs, professionals and barangay officials who all have the objective of opposing the large corporate mines. They believe that this is one effort to strengthen women's participation in the people's struggle against the mining giants while equally responding to specific needs and problems of women to be more effective in participating in community development and empowerment. Another women's organization was born from a struggle of defending land, life and resources.

It is this prevailing economic condition that drove the concerned people of Conner to resist a major threat to their main source of livelihood. The women believe that allowing large mining operations in Conner, such as the Cordillera Exploration Incorporated and Climax-Oceana, and the rest of Apayao will definitely destroy their lands and livelihood and exacerbate poverty. This by itself is violence on the economic and social rights of women

in Conner. The economic violence will bring about other forms of violence such as domestic and sexual violence.

Large mining operations will surely displace a considerable number of inhabitants, enable forced migration which is already happening with the significant number of Conner professionals and residents going abroad for work. The women equally believe that the mining projects will bring about other social problems like prostitution and other decadent practices like what is happening in other mining areas. Cultural disintegration is sure to happen with the mining companies in command of what life will be in Conner with the mining business.

Violence in relation to militarization, which is the usual joint response of government and min-

ing companies to resistance, is a sure occurrence. Presently, Conner is already deployed with two battalions of soldiers belonging to the 21st and 77th Infantry Battalion of the Philippine Army. There is no other reason for this militarization but to ensure the security of the mining project and sow terror on those opposing these projects.

The brave women of SAPO say, "We succeeded in stopping the large logging operations, we survived the dark years of militarization. We stopped two giant mine firms in their exploration withstanding pressures from the companies and government officials who colluded with the companies. So what will stop us from completely preventing large corporate mines to operate in our land? There is no better place than Conner, unless we cease living."

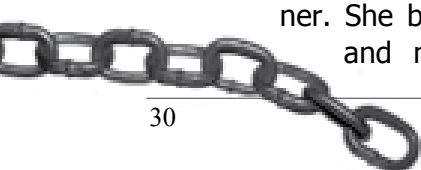
Particular Incidents of VAW

1. In relation to resisting the mines: resistance is in the context of defending their rights to land, life, livelihood and natural resources.
 - 1.1. Tina Batiel Moyael, 46 years old, received constant threats to her life and security because of her leadership to the opposition of mining applications in Conner. The threat became pronounced in August 2005, after the ambush of the family of Dr. Claver and after a series of delegations their organization (Save Apayao Peoples Organization, SAPO) undertook with the municipal government. A text message circulated around Conner warning Tina that she was in the hit list of the military because of her opposition to the mining projects. A police friend of Tina informed her to be careful. For the whole month of August, Tina was unable to step out of their house. Unidentified motorcycle-riding men were observed monitoring her house and her parents' house in the evenings. Her son was forced to stop going to his kindergarten class because she was unable to bring him to school. Rupina lived in constant fear and even considered leaving Conner for a while. Having the support of SAPO and her case publicized, she remained in Conner and continued leading SAPO in opposing the mining plans in Conner. She brought her story to regional and national forums on mining;

to an Asian women's forum on mining in Thailand organized by APWLD in November 2006; to a mining fact-finding mission in Mongolia in August 2007; and then to a mining tour in the UK which included a presentation during the Annual General meeting of the Anglo-American.

The threat against Tina continues. However, she is firm in defending her position. As she says, "I fear for my life, however, this would not stop me from doing what I think is right for the people of Conner."

- 1.2. Threats and harassment against women leaders and members of SAPO opposing the mining projects of CEXI and Climax-Oceana
The local officials committed the gravest treachery on the people by demonizing the mine protesters, including women, and by selling hard the company's promises of educational scholarships, improvement of roads and employment. Leaders, including women, received warnings of liquidation. SAPO leaders were warned of being the next victim of political killing if they remain persistent in opposing the mining projects. For some time, specially the time that Tina was unable to go out from her house because of threats, the women members of SAPO were terrorized. However, they again recomposed and became more resolved in



their struggle against the mining projects. They strongly believe that allowing mining projects will only worsen the situation of economic difficulty and poverty in Conner, given the destruction of their land, source of livelihood and natural resources and will lead to the disintegration of their community and family relations as a result of difference of opinions and position regarding large mining. It is also anticipated that displacement and forced migration will worsen.

1.3. Those who are opposing the mining projects (of which a significant number are women) are regarded by government officials, agencies and the mining companies as anti-development, backward or terrorists and therefore have no place in Conner. The former mayor of the town told those who are opposing the mining projects to leave Conner as the projects will push through against all odds.

2. Poor Social Services: There may be health centers and barangay health workers who undertake community visits from the RHU. But what is basically lacking are medicines and facilities which are accessible to the women and their families. Government hospitals and clinics are not free. Performance of medical procedures, medicines and other needed gadgets are bought from outside and so if the family or patient do not have the money to pay for these services, the only choice for them is to die. Otherwise, the family will have to give up some of their property (land, house, animals) to be able to avail of health services.

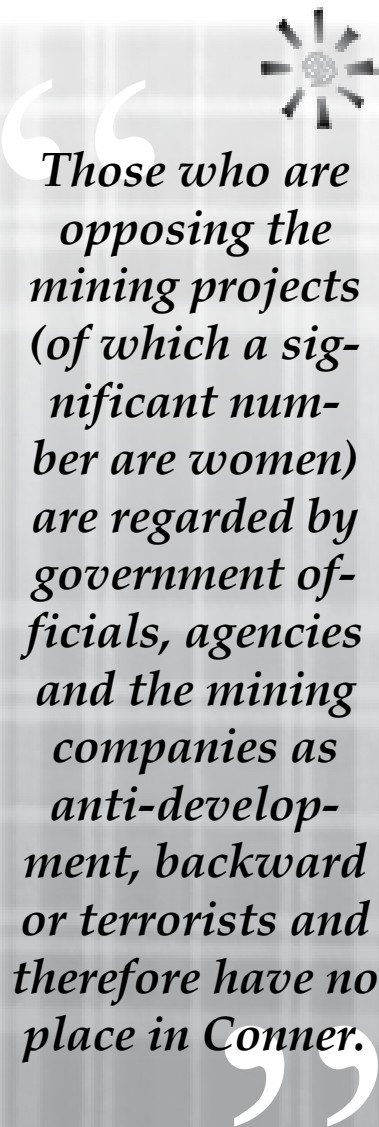
3. Forced Migration: There is already a significant number of women going abroad as overseas workers. Most of them are professionals but

who are forced to work as domestic helpers or caregivers. According to the respondents, it is the increasing need for cash (intensified cash economy) that forces them to go abroad as there are no available work for them locally. If there are, the wage is not enough to support the basic needs for a decent living. Hence, the respondents believe that more will be forced to bear the social cost of going abroad if the source of livelihood are destroyed by the mining projects. For the purpose of protecting their privacy, the names of the OFWs were changed.

3.1. Ester is 33 years old from Manag, Conner. She worked as a domestic helper in Lebanon in 2004. The war broke out that affected Lebanon. Estrella's parents were very much worried as they did not have any contact with their daughter. When the war raged, Estrella stayed with her employer's family in an underground building. She went home in 2006. She returned back to Lebanon, along with another Filipina overseas worker, to a work that required cleaning two buildings. She went home in 2008 with nothing at all. She is now processing her application to Hong Kong.

3.2. Mariana of Malama, Conner left for the Middle East in March 2006. She was receiving a wage equivalent to P7,000.00 (\$140.00). She was scheduled to go home on February 18, 2008 but had to reset her flight to March 1, 2008 because of a bad cold. Her employer want her to return. When she came home, she was suffering from severe headache so she had a check-up at the St. Paul's Hospital in Tuguegarao City. A lump was discovered on

her nape, however, she refused to have it removed. The headache persisted. She went from one hospital to another. In end-March 2008, she became comatose and was diagnosed with meningitis hydrocephalus. She was recommended for surgery. The proce-



Those who are opposing the mining projects (of which a significant number are women) are regarded by government officials, agencies and the mining companies as anti-development, backward or terrorists and therefore have no place in Conner.

dure was conducted at the Baguio General Hospital. Her doctors informed her family that the recovery will take from six months to one year. Her family brought her back to Conner where she is currently recovering. Still bed-ridden, she is now able to move her lips, open her eyes and eat.

- 3.3. Amy, who is 28 years of age, went to Qatar in 2005. She had no contact with her family until after one year. A fellow Filipino domestic helper who learned of the actual situation of Amy contacted her family and informed them that Amy was being abused physically by her lady employer. The worst thing that the employer did was to let her drink a liquid that made her unconscious. She was dumped by her employer somewhere. A Filipino overseas worker rescued and helped her. In December 2006, with the help of other OFWs, she was able to come home.

- 3.4. Dina, married, went to Canada in 2003 to work as a nurse. She first worked in Hong Kong as a domestic helper. While in Hong Kong, rumors reached her that her husband (who is from Pampanga) was having having extramarital affairs. So when she went to Canada, her mother-in-law urged her to bring her husband. In 2005, the husband followed. Dina was able to find work for her husband. The husband, however, experienced difficulty in his work, not being used to work. What happened was Dina's mother-in-law confronted her why she was forcing her husband to work. Not able to take the pressure anymore, Dina left her husband and mother-in-law and stayed with other OFWs. She has decided to separate from her husband.

- 3.5. Alice went to work as a domestic helper in Singapore. She found a Singaporean husband of which she had two children. She is treated more like a servant by her hus-

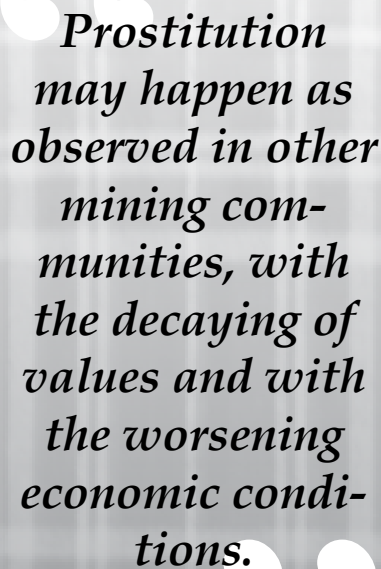
band.

4. Domestic violence. Based from the interviews, there is not much of this case. There is a common view of the respondents that domestic violence is, by culture, unacceptable or frowned at. Cases are observed in more recent times and these usually happen during difficult times when husbands or men get drunk or frustrated with their economic activity/production.

- 4.1. Cion, 26 years old, was hit by her husband on September 18, 2008. They have been married for 12 years and have three children. On that day, the husband came home drunk. Cion asked where he had been. The husband got mad and asked her why she was investigating. He got a bolo and hit the window with the bolo. Then he proceeded in hitting Cion with his hand. Cion ran to her parent's home for help. This was the second time that the husband hit her. Her family decided to bring the case to the barangay Lupon (village court) with a hearing on 21 September 2008. Cion stayed with her family along with their first and last child. Their second child is with Cion's mother-in-law.

5. Sexual Violence. Similar to domestic violence, respondents say that sexual violence is generally unacceptable. Incidents were observed with the introduction of pornographic films, comics and pornographic visuals or messages through cell phones. Children, especially those left by

their parents to work in their distant farms, watch pornographic films with other children. The general comment was that rape and other forms of sexual violence were hardly happening before and these are viewed as unforgivable crimes. It reflects a culture that respects and gives high regard for women. Hence, the women respondents fear that allowing the mining projects will enable collapse or degradation of positive values with respect to women. Prostitution may happen as observed in other mining communities, with the decaying of values and with the worsening economic conditions.



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tions.*

It may not necessarily be the local women who will engage in prostitution but women who may come from outside.

5.1. Attempted Rape

The victim is a widow, 35 years old and keeps a store. One night in February 2008, her brother-in-law entered the store with the intention of raping her. The widow fought back. The widow reported the case to the barangay. The brother-in-law suggested amicable settlement which was accepted by the widow.

5.2. Attempted rape of three children ages 4-5 by a minor (14 years old) in 2006.


6. Economic Violence from Economic Remedies

6.1. A couple loaned P500,000.00 (\$10,000.00) from the Land Bank of the Philippines and invested this in buying and selling legumes in 2001. Their sister had been in this business for a long time and was, so far, profitable; this encouraged the couple to enter into this business. The legumes were sold wholesale to the markets in Pangasinan. Initially, they purchased 500 cavans of legumes (otong). Based from experience, the height of orders were from the months of June and July. When this period came, the orders dropped to only 20 to 30 cavans per order whereas the orders in the past were by the hundred cavans. The price dropped as well from a former selling price of P125.00 per salop (2.5 kilos) to P50-70.00 per salop. The couple and their relative discovered the large volume of imported legumes in the market which were selling at a much lower price. Farmers were forced to adjust their price of locally-grown legumes to almost half. It became a big problem for the couple, given that they had loaned their capital for this and which was commanding a high interest. To cope, they added bananas to their delivery of 20-30 cavans of legumes. When they return back, they purchased goods from Pangasinan like milkfish, hog feeds and different other goods to sell in Conner. However, the goods were paid in installment or credit and this situation further stalled their capital.

6.2. Linda is a government retiree. In 2001, she used P100,000.00 (\$2,000.00) of her retirement money to establish a business which

she believed were not prone to credit. She purchased a photocopier, mill for rice flour, coffee and coconut, and a telephone call center. By that time, the cell-phones became a popular item, so no one was already using her telephone call center. She did not have a trained operator for her mill and photocopier. She was also wrong in her assumption that this kind of business was not prone to credit. With more credits than payments, she closed shop.

6.3. In 2001, people with disability in Manag, Conner received a loan from the Department of Social Welfare and Development (DSWD). The regional office loaned them P50,000.00 (\$1,000.00) and P100,000.00 (\$2,000.00). The provincial office, however, deducted the P40,000.00 from the provincial loan to pay the loan from the regional office. With the money, the organization of the disabled paid for the labor and materials in constructing a pigpen. They also purchased two mother pigs and four piglets. Twenty per cent of the net sales goes to the caretaker of the piggery. Many of the first litter of piglets did not survive. The organization was able to generate P54,000.00 (\$1,100.00) from their first sale of hogs. The amount was, however, loaned by its members. With the problem in collecting the loans plus the high cost in production, the piggery went bankrupt.

6.4. Ingga raised hogs as an additional source of income. She is also engaged in buy-and-sell business. She purchased seven piglets and raised them for 6-7 months. She spent P12,600.00 (\$260.00) in purchasing the piglets and P27,000.00 (\$550.00) for feeds. She only had gross sales of P35,000.00 (\$700.00), therefore incurring a negative balance of P4,700.00 (\$110.00). Ingga, like the other women who were into hog-raising, attribute the loss to the high cost of production—expensive piglets and more expensive feeds. It is also the market which controls the price and the selling price is low as compared to the high cost of inputs. And in some cases, the hogs are paid in installment or listed as credit. 



Their Fight is also Hers

By
**MARIBETH
V. BUGTONG**



Gender Desk, Tebtebba

"The mining activities must be stopped because they are affecting the nearby environment. Local people depend entirely on farming near the mining site," Aleta Baun, the coordinator of the protest, said.¹

Lands and territories of indigenous peoples are endowed by Nature with wealth which have sustained many generations until now. Why this wealth still exists today and why this is the subject of capitalists' hunger is because of the sustainable practices of the indigenous peoples which have preserved these resources for the coming generations. Whatever means these peoples have to hold on to their rightful possessions are met with forces which are threatening or are already plundering these resources.

Indigenous peoples resistance to marble mining in Mollo, Nusa Tenggara Timur

For several years since the revelation of intentions to explore and extract marble to the actual operation by marble companies, the indigenous peoples of Nusa Tenggara Timur in Indonesia manifested their strong resistance to any kind of extractive industries.

In February 1998, two private national companies, Soe Marmer Indah Ltd. and Timor Marmer Industri Ltd., began to mine marble in the stonehills of Naususu and Anjaf. The two companies were holding only to a provisional license issued by the Governor of Nusa Tenggara Timur. Naususu and Anjaf are two of several stonehills spread throughout the

North and South Mollo sub-districts. To the indigenous community, the two stonehills are not only historical sites but sacred places which symbolize their unity and prosperity. According to Mama Aleta, the stones are also considered part of the Mollo peoples' identity; it means a "name." For men, the name of their clan is derived from the stones. In marriage proposals, a man must give a clan name to the woman. They also believed that the stones are their strength that cannot be destroyed. As the backbone of the people, they believed that if the stones were destroyed due to mining, then, nature would wither. Traditional rituals and important decisions on the traditional and social life of the Dawan people are made on these holy places. In their protests, the community

held traditional ceremonies in Naususu and Anjaf.

Letters of protest were sent by the local people to the central and regional governments and to the companies themselves. Their demands to cancel and halt the operation fell on deaf ears and they were met with harassments from the governor, local government and the mining companies. Individuals who were not in favour of the mining in the area faced the possibility of arrests by the military forces stationed in the mining area and were threatened with death. Furthermore, those against were spied upon and their guests were interrogated. Division of the community between those who were for or against the mining venture were the doing of the government and the company. In one occasion, around 200 people from the nearby district capital were also organized by the local government of South Central Timor to guard the mine sites and to fight the opposing local communities.

The campaign against marble mining took place day and night. Hundreds of indigenous families organized by Mama Aleta Ba'un (also known as Mak Leta) and the amaf (tribal leaders or elders) protested in front of the company building. They even built tents and camps near the stone hills to protect the stones. Some women slept on the rocks night after night. Men and women with their children braved the scorching sun and the chill of the night. They sacrificed a lot. Time for farm works and household chores lessened. There were instances when the women went to the protest site while the men stayed home and cooked.

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She admits she had less time for her husband and children but her sacrifice is very valuable to her greater community, and this seems just as important. She remembers carrying her baby during the negotiations with the investors.
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A very strong indication of the peoples' outright rejection of any mining activities in their community was their demolition and occupation of the base camp of the company on the 4th of July 1999.

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"We were struggling to fight investors who tried to steal our lands", Aleta recalls those days in early 2000. "I didn't have enough money to cover our meals."
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The women who prepared food joined the community members in the occupation. Together with an NGO supporter, they built a lopo (meeting hall) in place of the base camp which became a meeting place of the community members and where they held their traditional ceremonies.

In August 2000, after numerous actions by the local people, with support from various organizations, to stop all mining activities in Mollo, all Mining Licenses were withdrawn by the governor of NTT from mining companies in Northern Mollo.

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However, the stoppage of any mining operation was short-lived. In 2001, Mak Aleta and the people of Mollo held a demonstration against Pt Karya Asta Malam from Gunung Batu Naususu.

Around 5000 people were organized, including around 300 women. They left home and stayed in the forest. They staged a big protest for two months. During the protest, they were intimidated by the company. The police shot to scare the people. And, Mama Aleta was threatened with imprisonment.

In 2002, they held another protest against a marble company. She and two other leaders were caught by the police. They, until now, are suspects for trespassing.

In 2004, they staged another protest. Around 200 people participated in the action. That time of protest, Mama Aleta has a two-month old baby whom she carried with her to the forest where they stayed for a month. That time, the community was divided between pro and anti mining. A confrontation erupted. The pro and anti mining people were throwing stones at each other. As a result, a company vehicle was hit, which became the reasons for the arrests. Protesters arrested were im-



prisoned for 20 days. Others, until now, are in prison.

Mama Aleta was picked by the policemen and tagged as rebel of development. Her pictures were posted around, describing her as bad. In a meeting of the local parliament, they looked at her bank account to check who was giving her financial support.

To destroy her, the company spread a rumour about her in the community: Mama Aleta is bad. She does not take care of her children. She has a relationship with a motorbike driver. The gossip made her weak. Despite the rumours, many in their community continue to support her. Her husband, too, although he heard about those stories, is very supportive of her. He said, "You have to move on. If you stop, you get nothing."

In 2006, villages in Mollo protested the marble mining company PT Teja Sekawan (Surabaya). The mining permit of the company was issued by the Head of South Central Timor District. The people were calling for the total cancellation of the permit. The permit was given without consulting and considering the affected people. The company wanted to mine Fatu Ob/Fatu Lik rock in Kuanoel Village, Fatumnasi Sub-district of TTS for the international market. Marble mining begun in 2003 by PT Sumber Alam Makmur in Fatu Naitapan in Tunua, a neighboring village not far from Kuanoel. By March 2006, hundreds of women and children blockaded and occupied the mine site in Naitapan. They were hit with stones by men hired by the company; when they retaliated, the police arrested activists and local leaders.

Grabbing of Mama Ety's Land

Location of Events: Fatu Ob / Faut Lik Kuanoel Village, Fatumnasi Sub-district, South Central Timor District (TTS)

Perpetrators: 1. Employees of PT. Teja Sekawan: 2. Chief of Police North Mollo, Iptu Yahya Selan: 3. Head of Fatumnasi Sub-district, Lamber Oematan, BA: 4. Fatumnasi Village Guidance Officers (babinsa): 5. Civil Servant Staff from TTS District government (TTS Board to Control Impacts on the Environment at the District Level)

Victims: The Anone family and land owners of Kuanoel Village, Fatumnasi Sub-district

On Thursday, 24 August 2006 at about 11:00 in the morning, workers of PT. Teja Sekawan Surabaya, a company that intends to mine the marble rocks, Faut Lik and Fatu Ob in Kuanoel Village, guarded by police, army soldiers, civil servants and thugs paid by the company, unilaterally used an excavator to tear down the fence of the garden owned by Ety Anone and Yustus Tunis. It then forced the opening of a road on the land of Ety Anone and succeeded in digging up five metres of the land.

Ety Anone herself opposed this action and stubbornly ordered the excavator used by company employees and guarded by security forces to immediately stop its work and leave. About 30 grade school students who had just begun school watched a verbal "war" between company supporters and Ety Anone that lasted for two hours. This ended only when Ety Anone, ready to do anything, climbed up on the front part of the excavator and sat on top of the excavator's scoop risking death because the workers and security forces accompanying them obviously did not honor her complaints for them to stop the work.

The company and security supporters only left the site when it became crowded as more villagers arrived on their way home from the Village office where they have been waiting in line since morning to collect their portions of rice for the poor. They, too, were surprised by what had happened because this forced action had been carefully planned so that the excavator would come when all the villagers were away from the location, especially those whose houses were located around the site.

On Friday, 25 August 2006, a group from the company and security forces supporting them returned to the location with the purpose to continue making the road. They arrived with two men from Lilana Village, Fatumnasi Sub-district, Nikanor Bay and Sius Anone. These two people, who were each paid 1 million rupiah (about US\$110) by the company to ensure their support for building the road on this piece of land, were pitted against the group supporting Ety Anone.

This event was clearly intended to divide the people. Sius is a close member of Ety Anone's family, yet the land in question is clearly owned by Ety Anone. The mining company, for some time, has tried to pay Ety Anone to release her land to them, but the Anone family (Ety Anone) did not agree. So the company, with

assistance from local security forces, sought another way by approaching close members of the family who could be paid and supposedly speak on behalf of the Anone family to release the land to the mining company.

This was clear from the attitude put forward during this event when the pro-company side said to the supporters of Ety Anone, "Please deal with those who have already been paid because we want to get to work." This attitude got a strong reaction from the villagers, particularly the women, because they felt so disappointed with the behaviour of the pro-company group that, note well, was supported by government forces. The company's arbitrary actions were strongly opposed by the people. Furthermore, one woman, Lodia Oematan, bared her breast and thrust it in the direction of the forces who were there criticizing them. Full of regret she said, "So you'll know, hopefully you weren't born and raised on your mother's milk."

The group and their security supporters finally dispersed because there were more and more villagers who arrived to protest. The excavator was simply left at the site, in Ety Anone's garden.

On Saturday, 26 August 2006, the company group and its security forces returned again to the location, but even more villagers came to the site. There was more verbal warfare, and villagers pressured company workers to immediately take away the excavator, but the pro-company group answered with a new promise that they would remove the excavator on Monday, 28 August 2006.

After a few days, people opposing the mining of Fautlik were shocked when the land farmed by Ety Anone's family was ruined by the excavator to become an access road to the mining area. The move of the company came after four men - who do not own lands around Fautlik - sold to P.T. Teja Sekawan the rock and 50 hectares of land.

Source: Fautlik Chronology, <http://molosstruggle.blogspot.com/2007/04/fautlik-chronology.html>.

In those protests, the women showed inextinguishable strength in resisting mining operations. For several times, they stood in front of the excavator, obstructing its way so the mining operation could not proceed. But still, the company workers tried to find their way of continuing their operations. In one occasion, they halted their works when the women were present but continued if the women went home to

do their household chores. In November 2006, when large number of women were protesting the bulldozing works of PT Teja Sekawan, the company workers proceeded to cut the rocks from under the women who climbed and covered the marble boulders with tarpaulin.

To the indigenous peoples, rejecting the mining of marble in their lands means a lot. Loss of water and destruction of fields

from mining operations would result to hunger and poverty. They also see health risks emanating from the pollution of water resources. Cutting the rocks would also mean the destruction of their ancient shield from Nature's strong forces of wind and rain. Not only will mining derail



the riverbeds resulting to drought in the Timor Island but will also destroy the culture of the Mollo people which the rocks symbolize.

A concrete picture showing the inevitable and irreparable damage from marble mining is Mt. Naitapan in Tunua Village, Fatumnasi Sub-District. The mountain was previously mined by PT Sumber Alam Makmur. Accordingly, the people near the rock mountain never received the supposed benefits they were promised—like a health facility and a church building. Worst is, no villagers were employed. When the rocks were cut, the lands and farmlands were eroded and the water resources were polluted from marble dusts. Drought during the dry season is being experienced because the reservoir was affected when Mt. Naitapan was mined. Moreover, the agricultural activities of the



Still undeterred by the company and the government's responses, the people continued their actions against the mining operation. Large numbers of the villagers stayed or 'sat in' in the mining location to prevent any mining activities.

Tunua villagers suffered since the people were banned from farmworks and at least 25 hectares of farms were taken by the marble company. Water used to rinse the marble blocks caused the death of annual products like oranges. As a result, their income was reduced.

At the same time that they were continuously threatened and intimidated by the company's workers and hired thugs, the moves of the people to protect their rights to their lands and resources were repressed. Once, in November 7, 2006, the head of the Division for Development

Systems in South Central Timor invited the protesters led by Mak Leta for a supposed official meeting. Instead of showing his support to the cause of the villagers, he discriminated against them. He even considered the organization of Mama Aleta as illegal, so the next day, she had to bring to his office, papers supporting her organization.

The day following their meeting with the Division head, the people of Mollo in the Fatumnasi Sub-district organized a protest in Soe City to meet the Head of South Central Timor District and to ask him to withdraw the mining permits. They did not get any answer.

Still undeterred by the company and the government's responses, the people continued their actions against the mining operation. Large numbers of the villagers stayed or "sat in" in the mining location to prevent any mining activities. To sustain their protest, they "sat in" alternately. Several groups would go home to prepare their fields and plant while the rest of the group stayed. Those who went home would come back to replace the those who were left so they could also go home to prepare their fields and plant. For a number of days in November until December 2006, the villagers of Kuanoel, Fatumnasi and other villages in Mollo staged a peaceful protest by sitting in front of the office of the TTS District Head who issued the mining permits and who did not face them nor heeded their demands. To counter the peoples' actions, a group of opponents was organized and was sent to the District Head's Office. At noon of December 6, 2006, truckloads of opponents to

the Mollo people's protest came in to distract the mining oppositions, mostly women, who were peacefully sitting in front of the office. They tried to provoke the protesters who calmly did not leave their position but also were on guard against the errant anti-protesters.

The people's struggles continued in 2007 when the permit was not cancelled and no actions were undertaken in their favour. And so, anti-peoples' attacks kept on. Even in the premise of a justice court, State Court in Soe, South Central Timor District, the people of Kuanoel and Fatumnasi who brought a complaint were not spared from intimidations and attacks.

On the way to court, the people disguised Mama Aleta. When they arrived in court, the gangsters were already there. The thugs were waiting for them outside. When they stepped out, Mama Ety was caught and the gangsters stepped on her. Mama Aleta, who tried to calm the people to prevent further conflict, was also hit but she was not wounded because she was wearing a motorcycle helmet. A woman, Mama Erna, who was carrying her child was also hit. The police did nothing to halt the violence. They were four, three women and one man, and they were bruised from the hitting. Recovering, Mama Aleta's companions asked her how they'll revenge but she said they can't avenge. She told them to prepare for home. Even if she was hurt inside, she can't cry in front of the villagers thinking their resolve would be weakened. She walked away from




them and cried alone. This happened in late March 2007.

According to other information, Leta and her family are being targeted for attacks and have been threatened with murder by thugs. Leta's house has been approached and threats made several times that it will be burned. Leta is being held responsible for Kuanoel-Fatumnasi villagers who chased away several residents of Fatumnasi who were working for PT Tedja Sekawan.

The threats and intimidation directed at Leta and others have been reported to the police. However, up until now, there has been no action by the police to respond to these reports. As a result, the thugs are increasingly and brazenly intimidating and attacking without fear, even committing these actions openly.

The mining permits, except for Fautlik and Naitapan, were temporarily withdrawn by the governor of East Nusa Tenggara, but there is no clarity in the act. Thus, the fight of Mak Aleta and the indigenous peoples of Mollo continues, despite the enormous

challenges they are confronting. And no giants can force them to give up their life and the lives of their children and the next generations to come, which they believe, are part and parcel of one whole.

"Be strong. Keep the struggle," said Mama Aleta. 

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News Bits

Resolutions on Violence Against Women adopted by 63rd session of the United Nations General Assembly (<http://www.un.org/ga/third/63/propslist.shtml>)

The year 2008 has seen significant achievement by the United Nations General Assembly (UNGA) for indigenous women. One of the several achievements is the adoption of the following resolutions on violence against women by the 63rd session:

1

A/RES/63/155: INTENSIFICATION OF EFFORTS TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN

In the adoption of this resolution, the General Assembly reaffirms previous resolutions on violence against women, and all other international human rights instrument addressing violence against women, the Declaration on the Elimination of VAW, and other international commitments towards the achievement of gender equality and full enjoyment of human rights and fundamental freedoms. The resolution recognizes the continuing presence of violence against women around the world, and acknowledges the need to address violence in a holistic manner, accepting the linkages between violence against women and other issues related to the full enjoyment of human rights. The resolution addresses the need to escalate strategies in the fields of legislation, prevention, law enforcement, victim assistance and rehabilitation to consequently end impunity and a culture of tolerance towards violence against women.

2

A/RES/63/156: TRAFFICKING ON WOMEN AND GIRLS

The resolution tackles the plight of trafficked women and girls, which further leads to the marginalization and exploitation of their rights. Further, it develops on past processes and policies and intensifies the need for appropriate measures, legislations and training programs for the protection and support of trafficked victims. The resolution strongly urges States and governments to be actively involved in the protection of victims, in the prevention of trafficking, and in upholding human rights.

3

A/RES/63/158: SUPPORTING EFFORTS TO END OBSTETRIC FISTULA

The resolution recognizes the different social issues like poverty, malnutrition, lack of or inadequate or inaccessible health services, early childbearing, early marriage of the girl child, gender discrimination and low status of women, which are the main causes of Obstetric Fistula or female genital mutilation. Thus, the call on States to ensure the rights of women and girls to the enjoyment of the highest attainable standard of health, and to increase awareness and knowledge on the prevention of obstetric fistula. The challenge for States is how to comprehensively address this phenomena with an integrated approach focusing on health systems including health education, training, research, advocacy, among others.

PAPUA NEW GUINEA

Brutal Death of an Indigenous Woman in Papua New Guinea

A girl believed to be between the age of 16 to 20 was burnt alive, with limbs and abdomen tied to a piece of log and her mouth strapped and gagged with rags, at Kerebug Dump in Mt Hagen, Papua New Guinea last January 2009.

An eyewitness who lives in a nearby settlement reported that the suspects lined up the tyres and poured petrol over them and the firewood with the woman lying over it then set her on fire.

Further, he said that "The girl was stripped naked and could not shout for assistance or resist as she was tightly strapped and her mouth gagged."

There are rumors that the girl may have engaged in an extra marital affair and have transferred AIDS to one of the suspects. Such crimes, as opined by many, warrants death penalty in the highlands. (Taken from the story of David Muri, Post Courier Online: <http://www.postcourier.com.pg/20090107/wehome.htm>)

Papua New Guinea is home to indigenous peoples. Any woman does not deserve the criminality and the brutality that she went through. Such glaring violence should be addressed by the State and society. We must secure and uphold human rights and women's rights at all times.



NEPAL

Stop the Kamalari/Child Slavery System in Nepal!

2009, Nepal – A halt to the kamalari system especially practiced by Tharu indigenous peoples is being pushed by the United Nations Office of the High Commissioner for Human Rights in Nepal. The UN body encourages the government to end the kamalari practice and undertake a search for missing girls and women. This is a reiteration and a reminder to the state of its responsibility and duty to protect children and women's rights as stipulated in the September 10, 2006 Supreme Court Order. This order calls for the effective implementation of existing laws that prohibit exploitation of children, including the kamalari system. This system oftentimes is the path to oppression, abuse and perpetration of violence against indigenous girls and women.



The "kamalari" is a local term for the system of child slavery in Nepal. This is largely practiced by the Tharu indigenous community. Children below the age of 14 are sold to economically well-off Tharu members or to outsiders.

Families view this as a measure of last resort to sustain their survival. This is specially prevalent among the poorest who can barely feed their families. These families are also often deeply in debt.

It was reported that around 75 per cent of those affected are under the age of 14 with many children beginning to work as young as five years old. While 14 per cent of girls receive no money, the majority are paid between 2,500 (£19) and 5,000 (£38) rupees annually, which are usually given directly to their fathers.

PARAGUAY

Indigenous Woman Leader Request Patience from Indigenous Community

Margarita Mbyvangi, 47, and a member of the Ache indigenous community, is the first indigenous woman to hold a ministerial post in Paraguay. She was appointed president of the Paraguayan Indigenous Institute by President Fernando Lugo, and was therefore entrusted to fight poverty and exclusion suffered by more than 100,000 indigenous people in her country.

Recently, she is being accused by indigenous groups of being ineffective. The indigenous groups claim that she is ineffective because she has not responded to their demands, hence, the call for her resignation. However, she counters this by assuring that, given more time, she will be able to achieve her goal: that no one will suffer the slavery and ruthlessness that she experienced for nearly 20 years. She dreams that her "community of brothers and sisters" obtain formal property rights to their land, learn about their rights, and become familiar with international conventions and laws that affect them. "I want us to be truly free," she said.

Ms. Mbyvangi's life story revealed that at the age of five, she was taken away from her land and was sold as a domestic worker. At 20, she returned and, years after, she became a tribal chief. In the last election, she was a candidate for senator.

(Source: Tierramerica, December 20, 2008.* The story was originally published by Latin American newspapers that are part of the Tierramerica network. Accessed at: <http://www.ipsnews.net/news.asp?idnews=45188>.)



AUSTRALIA

Indigenous Advocate Awarded 2008 Human Rights Medal

Sydney, Australia - The prestigious Human Rights Medal has been awarded to Les Malezer, a formidable international and domestic indigenous advocate. Les is the Chair of the Pacific Caucus of the United Nations Permanent Forum on Indigenous Issues

According to Australian Human Rights Commission President, Catherine Branson QC, "Les' efforts stood out for his sheer capacity to overcome seemingly insurmountable barriers in improving access to justice and human rights for Indigenous peoples worldwide."

Annually, the Human Rights and Equal Opportunity Commission selects the achiever from several nominees of human rights advocates with extraordinary contributions to Australian Society. The contributions may vary from work in the community, practice of law, writing books about Human Rights, or through work in the media. (Source: "Bonanza field of human rights advocates leads to hotly contested awards," 10 December, 2008. accessed at: http://www.humanrights.gov.au/about/media/media_releases/2008/151_08.html.)



INDIA

Struggle Against Mining Company in Orissa, India Continues

India's Dongria Kondh Tribe peoples on the Niyamgiri mountain keep their traditional knowledge alive as they continue to exist with their mountains, waters, and resources that surrounds them. They till crops and pick wild fruits for subsistence. They also worship the hill god Niyam Raja.

The threat to this simple way of life has arrived as Vedanta, a mining company, has plans to mine the mountain, deep in the State of Orissa in Eastern India. It was reported that Sterlite, Vedanta's subsidiary, was given a "forest clearance" by the Supreme Court in August 2008.

The plan is to dig an open pit mine on top of the Niyamgiri mountain to extract aluminum ore bauxite, which is considered sacred by the tribe. An environmental clearance is yet to be granted; however, the company is already building roads for the mines.

Vedanta also has a refinery that is already operational and is now causing health hazards to the people. Rapna Majh, 20 years old from Bundel Village, bears witness to its effects. His legs are covered in calluses as a result of the hot ash carried through the air. Accordingly, "ash from the factory burns you—it is like chilli powder." Furthermore, he claims, "We were never told that the company planned to destroy Niyamgiri—just set up the factory in Lanjigarh. We didn't know that everywhere would be so polluted or that they would steal our God."

The people would not let down without a fight. Rapna Majhi said, "We don't know how to take forward our struggle in London. We cannot do this struggle—but we will fight here till we die." Jitu Jakesika, a Dongria spokesperson, said, "We will become beggars if the company destroys our mountain and our forest so that they can make money. We will give our lives for our mountain."

This January 2009, the Dongria Kondh tribe together with other allies, held demonstrations such as forming a human chain at the base of Niyamgiri mountain to prevent Vedanta from bulldozing it. Earlier, about 7,000 protesters marched to the gates of Vedanta's refinery in Lanjigarh.

Survival International is also continuing its campaign to boycott the offending shareholders, to other companies, or to those who have an involvement, in any way, with Vedanta.

(Sources: Emily Dugan, "Save our mountain, Indian tribe urges banks." May 2, 2008; Survival International, "Tribe forms human chain to keep British company off sacred mountain" accessed at <http://www.survival-international.org/news/4152>. Accessed on January, 2009; Earth first! Action Reports "Cancellation of London Dongria Kondh tribe picket following targets disinvestment from Vedanta." Accessed at <http://www.earthfirst.org.uk/actionreports/node/20847>. Accessed on January 2009.)



INDONESIA

Violence Erupts in Suluk Bongkal (Indonesia)

December 18, 2008, Indonesia - The continuing conflict over land and natural resources between a pulp producing company, PT Arari Abadi, and indigenous peoples of Suluk Bongkal, Beringin, in the district of Bengkali, Riau province, Sumatra has once again broken into violence that led to deaths of two toddlers and eviction of hundreds of peoples. This tragic incident was perpetrated by state forces, particularly the mobile police brigades, ordinary police and 500 paramilitaries. These groups stormed the settlement of Suluk Bongkal using firearms, tear gas and incendiary bombs to burn the village. The helicopter that was used appears to belongs to PT Arari Abadi.

PT Arari Abadi is known to be making claims over the lands of the villagers of Suluk, Bongkal. The conflict between the villagers and this company can be traced back to 1984 when PT Arari Arabi destroyed 200 graves of the indigenous Sakai people. History reveals that the main cause of the conflict is land rights. Lands are being taken away from the villagers without proper remuneration.

Arara Abadi, a subsidiary of the Sinar Mas Group, a company owned by Eka Tjipta Wijaya, to which Asia Pulp and Paper (APP) also belongs, supply wood to the pulp and paper factory Indah Kiat. Arara Abadi operates the largest pulp and paper tree plantation in Indonesia. In Riau alone, Arara Abadi has concessions over more than 350,000 hectares. Most of those tree plantations were set up in contravention of Indonesian legislation. Forestry legislation has been ignored; monocultures have been established on steep slopes which are at an angle of more than 30°, in water catchment areas, in areas with high biodiversity and on land belonging to local communities. (Source: Ade Fadli, "End the Violence on Pulp and paper plantations." Accessed at http://www.eng.walhi.or.id/kampanye/hutan/konversi/pulp_arara/. Accessed on January 2009.)

OTHER NEWS

New Chairperson of the Committee on the Elimination of Discrimination Against Women Elected

The Committee on the Elimination of Discrimination against Women elected its new board last January 20, 2009. Ms. Naela Gabr was chosen to chair the Committee. Three-vice chairpersons and a rapporteur were also elected.

As the new Chairperson, Ms. Gabr expressed hopes that their Committee can meet expectations and fulfill the work to protect the rights of women throughout the world.

(Source: UN CEDAW. 20 January 2009. New Chairperson of the Committee on the Elimination of Discrimination against Women. Accessed at http://www.asianindigenouswomen.org/index.php?option=com_content&task=view&id=55&Itemid=1. Accessed on February 10, 2009.)

REPORT FROM THE SECRETARIAT

June - December 2008

The core activities for the second half of the year was the implementation of the “Capacity Building for Ethnic Minority Women and Indigenous Women to Hold Governments Accountable Using CEDAW under the UNIFEM-CEDAW SEAP” which involves the Philippines, Thailand, Indonesia and Cambodia. Data gathering on local situations and cases of violence against indigenous women were done for the Philippines, Thailand and Indonesia through the BAI, IWAT and AMAN-Women’s Directorate, respectively. Results of the data gathering process are expected to be used to input into the ongoing national CEDAW monitoring processes or as basis of independent reports by indigenous women. Moreover, these may be used by each partner organization for further women organizing and consolidation work in communities as well as in different forms and levels of advocacy—as they have been used for discussions during the Regional Consultation with the UNSR VAW and UNSRIP in New Delhi last October.

In the Philippines, a Basic Orientation on Gender and Indigenous Women’s Rights was given to the some 63 women of Barangays/Villages Biyoy & Runruno, Nueva Vizcaya in 14-18 July 2008. These women were mobilized under the Health Programme of Dapon.

Other capacity building and advocacy activities where the participation of members of the AIWN were facilitated include, but is not limited to, the following:

Event	AIWN Participation	Results
Orientation on the CEDAW Monitoring and Documentation Project (done back to back with the National IP Day celebration)	14 BAI Members; (Tumandok, Aeta, Manobo, B’laan, Isneg, Tagbanwa, Kankaney, Subanon) in coordination with: Innabuyog	<ul style="list-style-type: none"> • Unities on focus of monitoring • Levelling off on documentation guidelines • Initial work programme
National Study Sessions on CEDAW Monitoring and Documentation		
28 August – 1 September 2008 Mollo, West Timor, Indonesia	68 participants (38 women and 23 men) (Dayak, Toraja, Lindu, Pulau Haruku, Bantik, Toro, Kuntu, Lindu, Serui, and Mollo) implementing partner/s: Women’s Directorate, AMAN	<ul style="list-style-type: none"> • Orientation on the UNDRIP and CEDAW • Unities on focus and method of documentation • Documentary film on Mama Aleta Baun of Mollo • Linkage with UNIFEM-Indonesia and CEDAW Working Group Initiative
28 September – 2 October 2008 Chiangmai, Thailand	19 participants (Lahu, Lisu, Hmong, Karen, Mien, Lua, Akha) implementing partner: IWAT	<ul style="list-style-type: none"> • Orientation on CEDAW Monitoring and Documentation • Unities on focus and documentation guidelines • Strengthening linkages with UNIFEM-Thailand and Foundation for Women
Data Gathering	BAI, IWAT and Women’s Directorate-AMAN	<ul style="list-style-type: none"> • Case studies of experiences of violence against indigenous women
Country Follow-Ups (review documentation process and experiences and asses data gathered)		
Philippines 23-25 November Baguio City	12 BAI Secretariat	<ul style="list-style-type: none"> • Presentation of data gathered • Identification of data gaps and Recommendations for improvement • Revised work programme • BAI and AIWN Statement on IDEVAW • Press conference
Indonesia 18 – 22 December 2008 Bogor City	6 documentation leaders	<ul style="list-style-type: none"> • Presentation of data gathered • Identification of data gaps and recommendations for improvement • Revised work programme

Event	Participation	Results
<p>National Celebration of Indigenous Peoples' Day</p> <p>Tebtebba 7-9 August 2008 Manila, Philippines</p>	14 BAI members	<ul style="list-style-type: none"> Inputs on indigenous women situations, issues and concerns in Workshop on Women and in panel/plenary discussions Orientation and data gathering guidelines for the UNIFEM Project One member represented the BAI in the press conference
<p>2nd Regional Consultation on ASEAN and Human Rights</p> <p>Task Force on the ASEAN Human Rights Body 4-7 July 2008 Jakarta, Indonesia</p>	Secretariat	<ul style="list-style-type: none"> Input on indigenous women concerns in Women's and socio-economic pillar workshops With other IP participants (AIPP, AMAN, DINTEG), input on UNDRIP in the discussions and into the Jakarta Submission language
<p>Regional Consultation on the ASEAN Commission on Women and Children and the ASEAN Human Rights Body</p> <p>Task Force on the ASEAN Human Rights Body 15-17 September 2008 Bangkok, Thailand</p>	Secretariat	<ul style="list-style-type: none"> Contributed to the Bangkok Submission re: indigenous women and UNDRIP
<p>Study Workshop on Violence Against Indigenous Women in Asia and Pacific</p> <p>APWLD, 14 October 2008 New Delhi, India</p>	<p>Secretariat</p> <p>Country representatives (2 IWAT; 1 Women's Directorate-AMAN; 3 BAI)</p>	<ul style="list-style-type: none"> Panel presentations on the AIWN work (secretariat) and neo-liberal globalization, militarization and armed conflict (BAI)
<p>Asia Regional Consultation with the UNSRVAW and UNSRIP</p> <p>APWLD, 15-16 October 2008 New Delhi, India</p>	<p>Convenor</p> <p>Secretariat</p> <p>Country representative (as above)</p>	<ul style="list-style-type: none"> All participated as panel discussants in the differential impacts of neoliberal economic globalization and development aggression on indigenous women Indigenous Women Speak Out to End Violence Against Women—a joint statement issued in celebration of the IDEVAW
<p>SEA Meeting on the Application of CEDAW Framework to Address Impunity in the Context of VAW</p> <p>IWRAW-AP, 15-19 October Kuala Lumpur, Malaysia</p>	Secretariat	<ul style="list-style-type: none"> Shared experiences of migration among indigenous women due to development aggression Input on the UNDRIP as a milestone for indigenous women's rights

Clarion Call

to the People of Chittagong Hill Tracts, Bangladesh

by Cheryl "Chyt" Daytec-Yangot*

We must be beyond our fears
For we have to overcome
In this time
When living is only
Survival

The bullets are raining
Wrath uproots sanity from a soil long
ago parched
Death is its own seed
The graveyard is a less somber place
Than the homes breaking at the weight
Of tyranny

Like the glistening light of pine torches
in an abyss enslaved by darkness
courage must go where cowardice
reigns
Warmth must invade the Arctic cold
There is an exit from Takla Makan
Somehow one drop of rain will fall on
the desert

An old woman looks out her window
She sees turbulence and evil
of every description
knock on her door
Her weeping summons us
Listen to the voice of the past
"Do not let the guns steal your memory
Not your future, your songs, your
laughter,
Cut the chill of the night
Whose coldness stole the cricket's
song."



Life must smother death
The river of blood must dry up
Let the music be heard
for it was long ago drowned
by cries of despair

The head count begins
Let us go for shame
must not steal our soul
We conquer the darkness that
swallowed hope
Slash the terror from whose breasts
silence sucks
Crush the silence that emboldened
terror
that paralyzed the soul
Revive the soul for its coldness
Is sapping life
Sing a song of hope in places
Where nothing but the wails
Of orphans and widows are heard

We have to go.

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