



# Roundup

United Nations Non-Governmental Liaison Service (NGLS)  
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## ***International Expert Group Meeting on Combating Violence against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples***

### **INTRODUCTION**

From 18 to 20 January 2012, the United Nations Permanent Forum on Indigenous Issues ([UNPFII](#)) held an International Expert Group Meeting at UN Headquarters entitled “Combating violence against indigenous women and girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples.” This [conference](#) applied a human rights framework to the issue of gender-based violence faced by indigenous women, while contextualizing its global manifestations in the context of States’ responsibilities under international human rights law, as articulated in Article 22.2 of the UN Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)): “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.”

Focusing especially on issues of policing and jurisdiction, as well as outlining anti-violence strategies, the experts sought to articulate a holistic approach to addressing violence against women that recognizes indigenous peoples’ ongoing struggles for self-determination in the face of multidimensional discrimination and socioeconomic disadvantages. The panel characterized violence against indigenous women and girls as a pervasive form of human rights abuse, while drawing attention to the contemporary and historical contexts of indigenous communities and identifying steps towards the enhancement of their capacities and rights.

The event was co-sponsored by the UN Department of Economic and Social Affairs (DESA) and the Secretariat of the Permanent Forum on Indigenous Issues, which is couched in DESA’s Division for Social Policy and Development. Mirna Cunningham Kain, who is also the Chair of the Permanent Forum for the period 2011-2013, served as Chair; Chandra Roy-Henriksen, Chief of the

Secretariat, served as Secretary. The meeting’s main objective was to expand upon the critical issue of violence against indigenous women in preparation for the [11th session](#) of the Permanent Forum, which will take place in May 2012.

### **Box 1. UN Declaration on the Rights of Indigenous Peoples**

The Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly on 13 September 2007. The full text of the Declaration, along with translations into many indigenous languages, can be found [here](#).

**Article 22.2** “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.”

### **ADDRESSING VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS AS A HUMAN RIGHTS ISSUE**

The first theme of the meeting acknowledged the necessity of addressing violence against indigenous women and girls through a human rights lens, by applying to it the framework of international human rights standards. Relevant elements of international law include the aforementioned UNDRIP, the Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#)), the [Convention on the Rights of the Child](#), the [Beijing Platform for Action](#), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“[Convention of Bélem do Pará](#)”), and Convention 169 of the International Labour Organization ([ILO 169](#)). These instruments of international human rights protection were discussed within the context particular to indigenous women and girls.

The [Special Rapporteur on the Rights of Indigenous Peoples](#), James Anaya, called for a holistic approach to combating violence, one that incorporates the broader human rights system while considering the continuum of interpersonal and structural violence lived by indigenous women. Violence against indigenous women and girls, Mr. Anaya expressed, must be viewed within the history of discrimination and marginalization against indigenous peoples in general, which manifests itself in poverty, the deterioration of indigenous cultural, social, and judicial systems, and the barring of access to land, resources, and opportunities. The Special Rapporteur advocated for States to promote indigenous self-determination, through advancing participation in governance and supporting indigenous-led programmes to prevent and punish gender-based violence.

Similarly, [Rauna Kuokkanen](#) (Professor in Political Science and Aboriginal Studies at the University of Toronto) articulated the two interrelated categories of violence against indigenous women and girls (within the context of the Arctic) as both interpersonal and structural, enmeshed in the broader context of domination. Indigenous women's rights must be viewed as belonging to a continuum of the rights of women and of indigenous peoples, Ms. Kuokkanen argued, and human rights discourse itself must encompass these multiple identities and agendas. In her view, the successful implementation of international law, particularly UNDRIP and CEDAW, will be gauged by its ability to promote indigenous self-determination and gender justice, while working to eradicate the underlying structural causes of violence against indigenous women and girls.

Illustrating the context of the United States, [Terri Henry](#) (co-chair of the National Congress of American Indians' Task Force on Violence against Native Women) positioned the restriction of jurisdictional authority of Indian nations as a key contributing factor to the disproportionately high levels of domestic and sexual violence faced by Indian women. According to her research, four out of five cases of such violence are perpetrated by non-Indian men, who cannot be prosecuted by tribal justice systems. The United States prosecutes only about half of reported cases of violence on Indian land. Ms. Henry asserted that this situation violates both Indian women's rights to justice and equal protection of the law and the obligations of the US government under international human rights law.

The meeting's Regional Expert on Africa, [Mary Simat](#) (Executive Director of Maasai Women for Education and Development), was unable to attend but shared her paper with conference participants. Ms. Simat provided an overview of the situation of indigenous women in Africa, 90% of whom are illiterate and unaware of their rights. Relative to non-indigenous women, many African indigenous women face economic marginalization, high levels of domestic violence and low levels of education. Africa's indigenous peoples are increasingly impacted by armed conflict and militarization, as in the Great Lakes region of Africa where hunter-gatherer Batwa women

face exploitation and abuse from soldiers and outsiders as well as their family members. Ms. Simat recommended an increase in States' accountability to their citizens, along with increased participation, provision of education and other services, and raising awareness for both men and women. Additionally, the role of indigenous women as peace mediators and actors in conflict resolution and prevention strategies should be supported by the State and by the international community, Ms. Simat concluded.

## CONTEXTUALIZING VIOLENCE

The theme of *Contextualizing Violence* focused on existing institutional structures, State and corporate policies and practices affecting indigenous lands and consequently inflicting physical, psychological, and environmental violence upon indigenous women and girls around the world.

Vicky Tauli-Corpuz, former Permanent Forum member on behalf of the UN entities UNICEF, UNFPA, UN Women, ILO, and WHO, began her discussion by analyzing case studies of maltreatment of indigenous women and children beginning in the colonial age. Her global overview, which included studies conducted by the UN, the US, Canada, and Australia, showed that indigenous groups suffer from higher rates of violence against women, most cases of which go underreported in developing countries. Forms of this abuse are manifested in child labour, rape, sexual slavery and trafficking, genital mutilation, and child marriage. Ms. Tauli-Corpuz then related statistical descriptions of female genital mutilations in African groups such as the Maasai before concentrating on her native region, the Philippines, where violence against indigenous women makes up the highest percentage of violence in the country. Because indigenous groups in Southeast Asia lack civil rights and are often unable to attain birth certificates and access to government services, these groups (and especially the women and girls in them) are more vulnerable to forms of violence such as bonded labour and forced prostitution. This lack of proper civil documentation – compounded with insufficient disaggregated and documented data on violence experienced by indigenous communities – makes tracking, preventing, and punishing its occurrences even more difficult, Ms. Tauli-Corpuz concluded.

[Andrea Carmen and Viola Waghiyi](#) of the International Indian Treaty Council (IITC) representing North American native communities focused on environmental violence as violating the human rights of indigenous groups, including the rights to subsistence, food, and health. Contamination by chemicals such as pesticides directly threatens indigenous communities' rights to a subsistence lifestyle and particularly affects women and girls because of the damaging effects they have on the female reproductive system. These toxins are also transmitted through breast milk and in the placenta which inhibits fetal development and causes birth defects and early puberty in girls. Because women's bodies store

## Box 2. The United Nations Permanent Forum on Indigenous Issues

The United Nations Permanent Forum on Indigenous Issues (UNPFII) is an advisory body to the [Economic and Social Council](#) (ECOSOC), with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. The Permanent Forum meets annually for 10 day sessions, drawing wide participation. Based on recommendations of the Permanent Forum, workshops and expert group meetings are held, approximately once per year, bringing together experts on issues related to indigenous peoples.

more fat tissue than men's and due to cultural practices that place them in more contact with toxins, women face more environmental contamination than men.

Ms. Carmen and Ms. Waghiyi went on to state that although [the UN International Convention on the Elimination of All Forms of Racial Discrimination](#) (ICERD) holds corporations responsible regarding the exports of pesticides banned in the US, 27 million pounds of these same banned pesticides were manufactured in the US and *legally* exported to less-stringent countries in 2003. The upcoming UN Conference on Sustainable Development, or "[Rio+20](#)," will address pesticides as a human health risk especially affecting indigenous communities. The Arctic is particularly at risk of persistent organic pollutant (POP) contamination, and traditional food sources there have such high levels of contamination that they should not be eaten, Ms. Waghiyi's research reveals. Alaska's native population has twice the level of birth defects than its non-indigenous population. The duo's key recommendations argue that the US should halt production and export of banned pesticides and reform their laws to be consistent with human rights.

During the discussion, a delegate from the Canadian government presented a report on violence against aboriginal women in Canada and outlined Canada's progress in increasing government participation of its indigenous population and in investigating and prosecuting cases of violence against indigenous women. The second speaker, Yolanda Teran of Ecuador, gave a speech on the condition of indigenous women in her country and claimed that more studies are necessary to address underlying root causes of violence against indigenous women and girls and should be conducted in a culturally-sensitive manner. Rose Cunningham of Nicaragua of the Mezquita Juanquitani tribe representing the "Central American Indigenous Coalition" also commented on the condition of indigenous women in her country, expressing the necessity to involve families and indigenous community leaders in promoting women's rights as well as the need to reinstate spirituality amongst them to salvage values lost by the penetration of other cultures. Bertie Xavier, chief of an indigenous group in Guyana, shared his view that limited access to opportunities is the root cause of violence for indigenous women and that governments should take responsibility for safeguarding women's rights and opportunities. Panama's Serena Gomez pointed out that all the participants in the panel should be recognized for speaking on a personal level, of daily

experience and on their own behalf. Furthermore, she recommended that efforts should focus on resources to educate women leaders in order to combat the violence against them in indigenous communities.

### MANIFESTATIONS OF VIOLENCE

During the second day of the conference, speakers addressed the manifestations of violence against indigenous women and girls, as perpetrated by the State and contributed to by cultural practices, migration and displacement, and armed conflict and militarization.

[Guadelupe Martinez Perez](#) (Coordinator of the Comisión de Seguimiento de la Alianza de Mujeres Indígenas de Centroamérica y México) began by illustrating the inherent violation of UNDRIP's Article 22.2, which states that governments must ensure protection from violence and discrimination, in a global context where 603 million women and girls live in countries where domestic violence is not yet considered a criminal offense. Indigenous women and children are disproportionately affected by this violence, she observed, and often these crimes are committed by security forces and military troops with impunity. Ms. Perez linked this excessive violence with recent civil conflict and narco-traffic violence, particularly in Colombia, Guatemala, Mexico, and Nicaragua. In this context, she advocated for increased disaggregated data to better track and represent violence against indigenous women and girls; education to eliminate the racism and discrimination underlying the violence; and States' implementation of international human rights instruments through effective legal systems and increasing indigenous access to education and opportunities.

[Sangeeta Lama](#) (Executive Director of the National Indigenous Women's Federation – Nepal) also argued for States' implementation of international human rights law, specifically CEDAW. In Asia, where approximately 260 indigenous peoples reside, the loss of traditional livelihoods and access to land, in combination with displacement and conflict, has contributed to increased poverty and therefore vulnerability to violence. Sixty-four per cent of indigenous women in Nepal experience domestic violence, according to data from 2011; forced prostitution, bonded labour, witch hunting, and trafficking have also reached alarming levels. Ms. Lama further called for UN agencies to develop programmes targeting the rights of indigenous women.

The coordinator of UN Women's "Empowerment of Indigenous Women" programme in Central America, Teresa Zapeta, outlined efforts by her agency to promote and protect indigenous women's rights. Strengthening indigenous networks, providing training on individual and collective rights, and supporting ancestral or community systems of justice have been focus areas for UN Women, which emphasizes the collective responsibility of the authorities regarding violence against women. Essential considerations of this approach, according to Ms. Zapeta, include the multidimensional nature of violence against women, linkages between collective empowerment of indigenous peoples and the improvement of their economic situations, and the need to support indigenous-led responses to violence and proposals for public policy. Ms. Zapeta concluded by stressing UN Women's commitment to establish a mechanism focused on indigenous women's rights, in accordance with the agency's framework agreement with the UN Permanent Forum on Indigenous Issues.

In the discussion that followed these presentations, participants called attention to the varying levels of recognition required by the multiple forms of discrimination faced by women in indigenous communities. Additionally, Ms. Carmen highlighted the tendency within the meeting to refer to violence and discrimination as "different sides of the same coin," and posited this continuum as relevant to the discussion as a whole.

### Box 3. Eleventh Session of the Permanent Forum on Indigenous Issues (May 2012)



**United Nations**  
Permanent Forum on Indigenous Issues

From 7-18 May 2012, at UN Headquarters in New York, the UN Permanent Forum on Indigenous Issues will meet for its Eleventh Session, and will focus on the theme "*The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (Articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)*).

Pre-registration is now open: 9 April is the deadline for new organizations and 23 April for organizations attending previous sessions. For more information on registration, the provisional agenda and logistics, or to request space for a parallel events, please click [here](#).



During their discussion of the theme *Issues of Jurisdiction and Policing*, experts illustrated persistent barriers for reporting violence (i.e. delays/failures to respond to complaints and inadequate policing) and impediments to the prosecution of perpetrators, as well as discrimination in State and federal prosecutions of crimes committed against indigenous women and girls.

[Edwina Kotoisuva](#) (Deputy Coordinator of the Fiji Women's Crisis Centre in Suva, Fiji) spoke on the conditions of the (presumably indigenous) women of the Pacific Islands, who suffer from high rates of domestic violence, the sexual abuse of girls between 11-15 years of age, and violence in the extractive industries where women are raped and subjected to extreme types of abuse by the private security companies employed at the mines. She illustrated cultural practices of violence including bride price, early and/or forced marriage, allegations of sorcery/witch hunting, enforced dress code known as "Kastom Law," and tribal fighting where women are the main victims. Women of the Pacific Islands often face difficulties in accessing justice, due to a consistent failure to report violence for fear of damaging the family reputation, community attitudes that blame and/or ostracize women for violence committed against them, forced reconciliation by police forces, geographical barriers (inter-island) that prevent women from accessing court systems, and forced compensation or marriages between girls and the men who sexually assaulted them. Ms. Kotoisuva recommended building strong networks between islands for women to seek justice, promoting male advocacy of women's rights, re-visiting what is "cultural" and questioning traditional reconciliation practices and protectionist approaches, including more women in court and government systems, protecting survivors, providing access and ownership of resources for women, and ensuring that those involved in the extractive industries follow laws and face punishment for their crimes.

Vital Bambanze, Chair of the Expert Mechanism on the Rights of Indigenous Peoples ([EMRIP](#)), asserted that Africa's indigenous peoples, especially women and children, who suffer from religious, ethnic, and linguistic discrimination should have their rights formally recognized by the African Union. During times of conflict, such as in the Democratic Republic of Congo, women have been targeted by armed groups, Mr. Bambanze stated, citing a myth that having intercourse with a woman will protect a man from death in war as a contributor to widespread rape. Indigenous girls often have their first sexual experience at an early age, he continued, and manifestations of "culture" including female genital mutilations and other disempowering practices that prevent indigenous women from insisting on safe-sex practices with their partners contribute to women's disproportionate vulnerability to HIV/AIDS.

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## Statement by Ms. Myrna Cunningham Kain, Chairperson of the Permanent Forum on Indigenous Issues

*Ms. Cunningham Kain is the Chairperson of the Permanent Forum on Indigenous Issues (2011-13). Below is her statement to the Expert Group Meeting that looks at the role of the Forum in fulfilling its mandate, particularly in terms of violence against women.*

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During the ten years of the Permanent Forum on Indigenous Issues, we have tried to fulfil the mandates of the Forum by creating a space for dialogue that can help provide expert advice and recommendations on indigenous issues to the UN system through the Economic and Social Council; raise awareness and promote the integration and coordination of activities related to indigenous issues within the UN system; prepare and disseminate information on indigenous issues and implement the United Nations Declaration on the Rights of Indigenous Peoples.

The Declaration is the outcome of the joint effort between the UN, Member States and indigenous peoples. It is the legal framework for the Forum and reinforces and supports other legal international human rights standards that makes provision for all indigenous men, women and children to fully enjoy their rights and freedoms.

In the context of the *Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (Articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)*, which is the special theme for the Eleventh Session of the Permanent Forum which will be held at UN Headquarters from 7-18 May 2012, we will be analyzing good practices, measures adopted and other ways within policy and operative frameworks in which our peoples' rights and freedoms can be promoted and protected at all levels. We will also discuss ways of improving respectful relations, address structural changes such as constitutional reforms and peace and reconciliation processes, in which indigenous women and girls play a pivotal role. Today, many indigenous women and girls worldwide are still subjected to discrimination, marginalization and violence. The individual rights of indigenous women can only be fully realized through the recognition and enjoyment of the collective rights of our people.

Violence against indigenous women is multi-faceted in nature and cannot be separated from colonization. The analysis of violence against indigenous women and girls should be understood in our context as the interaction of the combined factors such as colonization, globalization and approaches to development that adversely impact our social, economic, cultural and spiritual livelihood. This in turn has created more conditions of violence within our personal domain as well as interaction in our own communities, and with States and other non-State actors.

A common challenge that we continue to face worldwide are the multiple forms of discrimination associated with our indigenous identity, gender, culture and language. We have limited access to equal and better education, healthcare and justice, participation in socio-economic, cultural and political decision-making as well as capacity-building processes.

In some regions of the world, we are facing an epidemic of domestic and sexual abuse in the contexts of trafficking, armed conflict, militarization, institutional violence, ecological violence and the effects of development aggression.

Violence against women has been widely addressed by the United Nations system, and Member States have adopted many measures to prevent and address the problem. The UN General Assembly has recognized that initiatives undertaken by Member States to eliminate violence against women must be strengthened to ensure that they are systematic and sustained, and cover all groups of women, among these, indigenous women.

The Permanent Forum re-iterates its support and will work closely with the UN system, Member States and other non-governmental organizations in mainstreaming the rights and voices of indigenous women into their different areas of work.



#### Box 4. The Inter-Agency Support Group (IASG) on Indigenous Issues

The IASG on Indigenous Issues was established to support and promote the mandate of the UN Permanent Forum on Indigenous Issues within the United Nations system. Its mandate was later expanded to include the support of indigenous related mandates throughout the inter-governmental system. It allows the UN system and other intergovernmental organizations to analyze recommendations made by the Forum with a view to facilitating comprehensive and coordinated responses to the UNPFII. The IASG Chairmanship rotates annually. As of 2007, the Chairmanship has been held by the ILO, the World Bank, WIPO, UNDP, UNICEF, IFAD and the Secretariat of the Convention on Biological Diversity (SCBD).

### ISSUES OF JURISDICTION AND POLICING (Continued from page 4)

Mr. Bambanze concluded by suggesting that international organizations should focus on education for indigenous communities in Africa; African nations should repeal laws of discrimination against indigenous groups; the media should be used to not only educate women but also empower them; and indigenous people, especially women, should be allowed to participate in decision-making processes.

The third speaker of the day, Otilia Lux de Coti, a former member of the Permanent Forum who spoke on behalf of the International Indigenous Women's Forum ([FIMI](#)) began her speech by proclaiming that feudalism, the instilment of a patriarchal society, discrimination, and racism have plagued the indigenous population of Latin America since the beginning of colonization when the Spanish arrived. She mentioned "La ley [derecho] de pernada," a custom in Spanish colonies where landowners used the (indigenous) slave girls for sexual servitude, often as virgins on the first night of their marriages.

Ms. Lux de Coti spoke of her service in the government of her native Guatemala in the "Commission for the Historical Investigation on the Violation of Human Rights and Acts of Violence in Guatemala from 1997-1999," investigating the civil war, where she heard thousands of cases of indigenous women assaulted by armed forces. Even now, Ms. Lux de Coti asserted, violence against indigenous girls persists through the recent rapes and impregnation of dozens of girls ages 10-13 by army personnel. Insufficient disaggregated data in Guatemala and Latin America belies the true occurrences of violence against indigenous women and girls; to combat these inaccuracies, Ms. Lux de Coti proposed the creation of an international, autonomous, permanent observatory to objectively monitor and track this ongoing violence.

Ms. Tauli-Corpuz began the discussion of this issue by stating that the victimization of indigenous women during armed conflict occurs in all three regions discussed: Latin American, Africa, and Asia. Rape especially is used as a tool to weaken the resistance of indigenous movements during conflict and indigenous people make up a large portion of the internally displaced persons (IDPs) in the world. Empowering indigenous women and bringing them together helps tackle violence against them and questioning what is deemed as a "traditional practice" in some societies will help reform violence, Ms. Tauli-Corpuz concluded.

The second commentator was a sixteen-year-old girl named Rose Marie of the Quechua peoples in Peru, who spoke of the violence against indigenous women and girls that she has witnessed in her own community through domestic violence, conflict, and discrimination from the government. She highlighted violence against indigenous groups in Peru after the protests against the mining industry in areas that affected indigenous lifestyles, discrimination of indigenous children in school, and a personal account of grave violence suffered by her aunt at the hands of armed groups during Peru's civil war.

### ANTI-VIOLENCE STRATEGIES

The final theme of the workshop addressed *Anti-Violence Strategies*, identifying examples of indigenous women's community efforts to prevent violence, develop indicators and improve data collection to effectively measure violence against indigenous women and girls, incorporate a human rights framework into anti-violence advocacy, and to strengthen the capacity of indigenous women and girls to address and prevent violence.

On behalf of Esmeralda Ruiz, Maria Teresa Duque gave a presentation on the "Embera Wera" project run by the MDG Achievement Fund, UNFPA, and FIMI. This programme addressed female genital mutilation (also known as female circumcision, or FGM) among the Embera indigenous people of Latin America. Aiming to raise awareness of the negative effects of FGM to promote a collective decision to abolish the practice, the project disseminated information, strengthened community institutions, and carried out participatory research and rights training. The process of eradicating the practice of FGM has begun, and Ms. Duque highlighted the project's participatory approach and recognition of cultural values as contributing to its constructive message.

Representing the indigenous populations of the Russian Federation, Valeriya Savran provided an overview of the discriminatory conditions faced by Russian women in general, and indigenous Russian women in particular. Increasing inequality disproportionately affects women, and Ms. Savran called on the Russian government to address the complex phenomenon of gender discrimination through clear monitoring, protection of

rights, and legal assistance. During the discussion period, the delegate from the Russian Federation challenged Ms. Savran's comments, arguing that no government agency to protect indigenous women exists because, in his opinion, such protection is unnecessary. This exchange indicated the importance of the expert group meeting as a tool to build awareness and share information.

The final presenter, Jeannette Corbiere Lavell of the Native Women's Association of Canada ([NWAC](#)), spoke of this need to raise awareness to promote strategies for prevention of violence, in addition to response-focused planning. Ms. Lavell expressed the need for community-based anti-violence programmes in tandem with the Canadian government's increased attention to the situation of indigenous women and their communities in general, specifically in the context of insufficient investigations of violence and the disadvantaged socioeconomic conditions faced by Canada's indigenous populations. Stating that though only 3% of Canada's female population is indigenous, indigenous women represent 10% of the cases of murdered and missing

women, and nearly half of these cases are unsolved, Ms. Lavell called on the Canadian government to intervene and investigate these disproportionate levels of violence.

In the final round of discussion, Ms. Tauli-Corpuz emphasized the need to be solution-focused, in wealthy nations like Canada and even more so in countries with fewer resources to support combating violence against indigenous women. She recommended increased research and training, along with awareness-raising led by indigenous women. Along these lines, Mr. Bambanze advocated active financing for education on human rights and indigenous rights, while Ms. Waghiyi exhorted the need for indigenous women's equal participation in decision-making processes. The Deputy Director of the United States Justice Department Office on Violence against Women encouraged participants to build on the outcomes of this meeting and programmes already carried out by UN bodies, and to place indigenous women at the core and forefront of all solutions developed.

## **James Anaya, Special Rapporteur on the Rights of Indigenous Peoples**

*On 18 January, the UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya addressed the International Expert Meeting, calling for a holistic approach. Below are extracts from his statement.*

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### ***A holistic approach for combating violence against women and girls***

[C]ombating violence against women and children in the indigenous context must be achieved holistically; it cannot be addressed in isolation from the range of rights recognized for indigenous peoples in general. In this regard, violence against indigenous women and children, which is distressingly all too common across the globe, cannot be seen as separate from the history of discrimination and marginalization that has been suffered invariably by indigenous peoples. This history manifests itself in continued troubling structural factors, like conditions of poverty, lack of access to lands and resources or other means of subsistence, or poor access to education and health services, factors that bear on indigenous peoples with particular consequences for indigenous women. The history of discrimination of indigenous peoples has also resulted in the deterioration of indigenous social structures and cultural traditions, as well as in the undermining or breakdown of indigenous governance and judicial systems, impairing in many cases the ability of indigenous peoples to effectively respond to problems of violence against women and children within their communities.

### ***An essential element of the holistic approach: advancing indigenous peoples' self-determination***

The holistic approach to combating violence against women and children therefore should include, in accordance with the *Declaration on the Rights of Indigenous Peoples*, advancing indigenous peoples autonomy and self-governance (Articles 5 and 18); strengthening indigenous peoples traditional justice systems (Articles 34 and 35); increasing indigenous peoples access to justice (Article 40); and improving indigenous peoples' economic and social conditions (Article 21), among other measures. Most importantly, however, in my work as Special Rapporteur, I have observed that addressing violence against indigenous women must in some way go along with advancing indigenous peoples' self-determination. As I and others have stressed in a number of contexts, the right to self-determination, which is affirmed for indigenous peoples in Article 3 of the Declaration on the Rights of Indigenous Peoples, is a foundational right, without which the full range of indigenous peoples' human rights, both collective and individual, cannot be fully enjoyed. Enhancing indigenous self-determination is conducive to successful practical outcomes; studies have shown that indigenous peoples that effectively manage their own affairs tend to fare better across a range of indicators than those who do not.

In this connection, I would like to mention three specific ways in which indigenous self-determination may be enhanced in the context of combating violence against women and girls. While the following points are of course not exhaustive, they provide some reflections on the measures needed by States and indigenous peoples themselves to address concerns in this regard.

First, States should avoid responses to social problems affecting indigenous communities, including violence against women, that tend to limit, undermine, or replace indigenous peoples' own authority and self-governance. In this connection, States should avoid making blanket limitations of the jurisdiction of indigenous traditional judicial systems over cases of violence against women, based on an assumption that the State justice system is better equipped to handle these cases or that application of indigenous systems in cases involving violence against women result in inherently unfair judgments. In my work as Special Rapporteur, I have observed situations in which States, faced with dire social problems within indigenous communities including violence against women, develop initiatives designed to limit indigenous peoples' control over decision-making or administration of justice within their communities, placing such decision-making or judicial control in the hands of the State or third parties. However, State responses that limit indigenous control, in addition to running the risk of undermining indigenous self-determination, have been shown to be less effective long-term solutions, generally speaking, in comparison to initiatives that indigenous peoples themselves control.

A second, related point, is that States should increase indigenous peoples own participation in the design, delivery and oversight of programmes related to preventing and punishing violence against women. Developing programmes that are effective and culturally-appropriate requires innovation and flexibility, and is not free from challenges of all kinds. As a preliminary matter, it requires consultation with the affected indigenous groups about community needs and programme design, as well as openness to varied models. In particular, it is essential to provide continued support to programmes, especially those designed by indigenous peoples themselves, that have already demonstrated achievements. In my capacity as Special Rapporteur, I have observed numerous successful indigenous-controlled programmes already in place to address issues of domestic violence, alcoholism, community development, and related issues of concern, in ways that are culturally appropriate and adapted to local needs. These kinds of indigenous-run programmes must be supported and promoted.

Third, there is a need for indigenous peoples themselves to continue to strengthen their own organizational and local governance capacity, as well as their own justice institutions, in order to meet the challenges faced by their communities. Indigenous peoples have a responsibility to work to rebuild strong and healthy relationships within their families and communities, and to take concerted measures address social ills where these exist. Within their households, their communities, and the broader people of which they are a part, indigenous peoples must challenge and combat any existing patriarchal social structures, continued attitudes of superiority of men over women, and supposed culturally-based justifications for battering or discriminating against women. In this connection, indigenous peoples must take concerted efforts to strengthen their own traditional justice systems, where these fall short of providing effective remedies to punish and prevent violence against indigenous women and girls in accordance with relevant human rights standards.

## Conclusion

[...] In my view, this holistic approach is necessary to combating the troubling ongoing patterns of violence against indigenous women and girls, and advancing towards the future envisioned by the General Assembly when it adopted the United Nations Declaration on the Rights of Indigenous Peoples in 2007, a future in which indigenous peoples' distinct identities and cultures are fully valued and in which they have the opportunity to control their own destinies, under conditions of equality, within the broader societies in which they live.

Read the full statement [here](#).

## Biography James Anaya

*James Anaya is a Regents' and James J. Lenoir Professor of Human Rights Law and Policy at the James E. Rogers College of Law of the University of Arizona, where he teaches and writes on international human rights, constitutional law, and issues concerning indigenous peoples. In 2008, he was appointed [Special Rapporteur on the rights of indigenous peoples](#) by the Human Rights Council. In this position, he is authorized and requested to examine ways and means that can help overcoming obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people and to identify, exchange and promote best practices.*





## NGLS Interview: Victoria Tauli-Corpuz, Executive Director of Tebtebba and Convenor of the Asian Indigenous Women's Network

*NGLS interviews Victoria Tauli-Corpuz on the findings of her research in relation to violence against indigenous girls and young women, as well as on the importance of having disaggregated data in the protection of the rights of indigenous women and girls.*

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*NGLS: What are the some of the findings in the research you are conducting, on behalf of UNICEF, UNFPA, UN Women, ILO, and WHO, on violence against indigenous girls and young women and in the specific country case studies for Kenya, the Philippines, and Guatemala?*

**Victoria Tauli-Corpuz:** Let me give you first a brief background of the research before I discuss some findings. This idea emerged from a realization that while there are very few studies done on violence against indigenous women and also on violence against children, there is almost nothing on violence against indigenous girls and young women. The UN Permanent Forum decided at its 10<sup>th</sup> Session that the theme for its Expert Group Meeting for 2012 will be violence against indigenous women. This was seen by UNICEF, the UNFPA, UN Women, ILO and WHO as an opportunity to make more visible the situation of violence against indigenous girls and young women.

One objective of this research is to examine the risk factors, nature and contexts of violence in the domestic, community, schools and reproductive health settings. Indigenous girls are those between 0-9 years, female adolescents those from 10-19 years, and female youth from 15-24 years. The other two objectives are to describe and assess the availability, accessibility, effectiveness and relevance of preventive and protective services provided by States and non-State actors and to identify and recommend appropriate policy, advocacy and programmatic interventions.

Some of the risk factors we identified are racism, discrimination and social exclusion based on ethnicity, class, gender and disability; worsening poverty and marginalization; militarization, armed conflicts, presence of syndicates on drug trafficking and trafficking of human persons and counter-terrorism schemes.

Another finding is the disproportionately high representation of indigenous girls and young women among those who are trafficked to cities or urban centres who end up as prostitutes in brothels. There is also a high representation of young indigenous women who become domestic helpers in urban centres like New Delhi and Guatemala City who are paid very low and sometimes are in bonded labour situations. The reason cited for this phenomenon in India is that Hindi families prefer to get tribal young women as maids rather than Dalits or those who are regarded as untouchables in the caste system.

Indigenous girls and young women are victims of child labour and bonded labour, as shown by reports in countries like Nepal and India.

*NGLS: One of the highlights of your statement at the Expert Panel was your mention of the lack of sufficient disaggregated data on violence against indigenous women and girls. You also mentioned the hesitation by certain governments in identifying victims of violence as indigenous, given concerns of non-discrimination. What are your thoughts on this debate? How can data disaggregated by indigenous or non-indigenous identity serve to buoy struggles for the rights of indigenous women and indigenous peoples in general?*

**Victoria Tauli-Corpuz:** All the researchers doing case studies in the Philippines, Kenya and Guatemala reported the lack of disaggregated data on violence against indigenous girls and young women. In the Philippines, the reports found in police stations, health centres and municipal offices contained no information on the ethnicity of victims of violence. The government employees in charge of such reports said that they are given instructions not to ask the ethnicity of the victims as this is discriminatory. I think that including information on ethnicity is not discriminatory, *per se*. What is important is that the jail, health or municipal personnel handling these cases do not discriminate against the victims on the basis of their ethnicity. Not including information on ethnicity will make it difficult to generate disaggregated data. The problem of discrimination, racism and violence cannot be effectively addressed if there are no data showing the identity of victims and survivors.



Most indigenous girls and young women live in isolated and inaccessible areas of their countries with no roads and no services and this makes it difficult to reach them for data collection and for them to access any available preventive measures/services to combat violence against them.

If data on violence against girls and young women can be disaggregated based on ethnicity, age and gender, the quantitative information on the prevalence and incidence of violence can be obtained. It will then be easier to see the proportion of indigenous girls and young women who are victims and survivors compared to the dominant population. Such disaggregated information will make the scenario more clear. This will help determine recommendations in relation to policy approaches and programmatic responses to the problem. By knowing how many indigenous peoples there are, where they are found and what kinds of issues they are confronted with, it will be easier to identify appropriate recommendations, targets and activities.

**NGLS:** *During the Expert Panel, you mentioned the need to question "tradition" and its manifestations that are harmful to indigenous women and girls. What successful instances of tackling or adjusting "tradition" have you witnessed in your work?*

**Victoria Tauli-Corpuz:** There are various successes achieved in addressing elements of tradition and custom which are discriminatory to women and girls. Some of the indigenous peoples in the Kalinga Municipality in the Cordillera region stopped the practice of bride price and dowry due to the efforts done by their women whose awareness on women's rights have been raised. This success was partly due to the work of the Cordillera Women's Education and Resource Centre (CWERC), an indigenous women's NGO which I helped found and headed in the late 1980s. The Kalinga women we organized convinced their husbands that when their daughters became of marrying age, they would stop imposing payment of dowry, or bride price, to the men who wanted to marry their daughters. They also stopped arranging marriages for their sons and daughters.

The Teduray women in Southern Philippines also stopped similar practices in their communities due to the efforts of a Teduray women's organization.

Among the Maasai in Kenya, some reports I came across showed how empowered mothers stopped the practice of bringing their daughters for female circumcision or female genital mutilation.

**NGLS:** *Your research suggests that throughout the world, indigenous women and girls face higher rates of violence than non-indigenous women and girls. What global efforts, through the UN system or elsewhere, can work to combat this disproportionate reality?*

**Victoria Tauli-Corpuz:** The underlying causes of violence, which include racism, discrimination, poverty, patriarchy, militarism, conflicts, among others, should be addressed. One way of addressing these issues raising awareness on international human rights law such as the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination Against Women, the UN Declaration on the Rights of Indigenous Peoples, etc. States who have ratified or adopted these Conventions and Declarations should be pushed to translate them into national laws. These States should be given technical assistance and supported to effectively implement these laws and international instruments. UN procedures, such as the Special Rapporteur on Violence Against Women, and the UN-SG Special Representative on Sexual Violence in Conflict should be allowed a greater role.

Training workshops for indigenous women and girls should be done to make them aware of their rights contained in international human rights instruments. Their capacities to bring complaints to the relevant treaty bodies, if the States are not complying with their obligations, should be enhanced.

Documentation and research on this issue and development of communications strategies to disseminate widely the research results are important activities which should be pursued and supported.

The funds of the UN and bilateral donors should be tapped by indigenous women to support their work in empowering themselves, raising human rights awareness, documenting cases of violence against them, bringing complaints to proper bodies and setting up preventive and protective measures, service centres and rehabilitation centres.

Global campaigns to combat and eliminate violence against indigenous girls and young women can be launched by indigenous women's organizations jointly with other women's organizations and indigenous peoples' movements and the UN system.

**NGLS:** *How does your personal experience as a former member of the Permanent Forum and current Executive Director at Tebtebba, and as an indigenous woman of the Philippines, inform your research and advocacy for indigenous women's rights?*

**Victoria Tauli-Corpuz:** Before I founded Tebtebba in 1996 and became a member and Chair of the Forum (2005-2010), I was already active in the national and global indigenous peoples' movement and also the women's movement. Together with colleagues in Asia, I helped establish the Asian Indigenous Women's Network (AIWN) and became a Board member of the International Indigenous Women's Forum. The AIWN organized the Indigenous Women's Tent in the Beijing Women's Conference in 1995 and this was where we united on the Beijing Indigenous Women's Declaration. In other words, my advocacy for indigenous women's rights has a long history which continues up to the present and the future.

As an ex-member of the Forum and as the Director of Tebtebba and Convenor of the AIWN, it is easier to pursue my advocacy on indigenous women's rights. Tebtebba does various researches on burning issues faced by indigenous peoples. One of the more recent researches we made with our partners was on "[Indigenous Women, Climate Change and Forests](#)." We published the results of these in a book which shows how indigenous women and their traditional knowledge helped conserve forests in their territories.

I have been invited to be part of the official delegation of the Philippine government in the climate change negotiations within the UNFCCC before the Copenhagen Conference of Parties up to Durban. I helped push the need to safeguard the rights of indigenous peoples and also their traditional knowledge in the agreement on REDD+ (Reducing Emissions from Deforestation and Forest Degradation, Sustainable Management of Forests, Conservation and Enhancement of Forest Carbon Stocks). We also managed to bring in the UN Declaration on the Rights of Indigenous Peoples in the REDD Cancun Agreement. I also supported the inclusion of gender considerations in the implementation and design of REDD+.

**NGLS:** *Will you be involved in efforts to influence the Secretary-General's Report on the Girl Child, which this year focuses on indigenous girls? How do you view your advocacy going forward within the context of the UN's relations with civil society?*

Yes, I will be involved in trying to influence the SG's report on the Girl Child. I hope the research I am doing will be used in this report.

Since I got involved in the UN, I have consistently advocated for strong civil society engagement with the UN system. I am still part of the Civil Society Advisory Committee of UNDP since this was established under Mark Malloch-Browne. I am also a member of the Global Civil Society Advisory Panel of UNFPA. Tebtebba has Special Consultative Status with the UN Economic and Social Council (ECOSOC).

The birth of the UN Permanent Forum on Indigenous Issues was spurred by the aspiration of indigenous peoples that the UN would establish a body which can accommodate indigenous experts to sit in equal status with States. Thus, the membership of the Forum has an equal number of indigenous experts chosen by indigenous peoples and experts chosen by States.

Those of us who are non-state actors, should always push for a bigger space and voice within the UN. The problems faced by the world today tells us that solutions cannot be done by States alone. The States and the Inter-governmental bodies should seriously open up more spaces for civil society and for indigenous peoples so that there will be more organized collective efforts to address the multiple crises confronting us and the planet today.

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## Biography

*Victoria Tauli-Corpuz, former member and Chair of the UN Permanent Forum on Indigenous Issues (UNPFII), is the Executive Director of [Tebtebba](#), an Indigenous Peoples' International Centre for Policy Research and Education, that was born out of the need to have the rights of indigenous peoples recognized. She is also the Convenor of the Asian Indigenous Women's Network ([AIWN](#)), which aims to: support, sustain and help consolidate various efforts of indigenous women in Asia; enable indigenous women to empower themselves by becoming aware of their rights as women and as indigenous peoples; and help them develop their own organizations or structures for empowerment.*

## NGLS Interview: Andrea Carmen, Executive Director of International Indian Treaty Council

*NGLS interviews Andrea Carmen on a number of projects she has been active in involving indigenous women and girls, the use of chemicals and pesticides, and the resulting “environmental violence” that confront them.*

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*NGLS: Your research outlines the ways in which indigenous women and girls are at increased risk of developing birth defects, reproductive health problems, and other health-related issues due to environmental violence, particularly contamination by pesticides. Though disproportionately at risk, how do you think indigenous women and girls are uniquely positioned to combat this violence and fight these discriminatory environmental practices?*

**Andrea Carmen:** For one thing, we found in the years since we began the programme in 2001 with a project called the “North-South Indigenous Network Against Pesticides” which later included the “International Indigenous Women’s Initiative on Environmental and Reproductive Health,” in part because we were receiving so much information about specific impacts suffered by indigenous women [in terms of] their reproductive health. We presented studies that began to come to our attention, and studies that communities have done, including collections of testimonies from midwives, from mothers, from women in impacted communities. My community in particular is Rio Yaqui, Sonora Mexico, and we began to notice the preponderance of evidence including community testimonies and scientific studies that pointed to a disproportionate impact on women and children and the unborn. We came to find the impacts of pesticides and persistent organic pollutants (POPs) adhering to fat (and women have a higher fat content), going through the core blood and the placenta, and having specifically endocrine-mimicking components that affect the development of children including even the development of reproductive systems in utero. So we’re talking about a generational impact that continues on and on down the line. Because indigenous women are very close (of course) to children, to babies, to their own bodies, many times they are traditional healers, they’re midwives, they’re being able to see the impacts, and have become empowered to speak out about those impacts, I think in a very compelling, firsthand way.

We’ve been able to combine data that we have collected, for example on export of banned pesticides that are known to cause cancer and birth defects from the US to Mexico and other countries, combined with the impact on the ground. Once our community members were able to put these things together, we did a lot of trainings that brought scientists together with midwives and with members of the local community. These included many women who were seeing the impacts up close in their own families, and beginning to realize that there is a cause and effect here, from the chemicals being sprayed on them, or in the case of Alaska the barrels of military waste that the army left when they pulled out. In a lot of cases, it was the women that first sounded the alarm, because of what they were seeing. They may not have understood the direct biological link between these chemicals and what they are known to do, but once they were made aware, they were really able to be a very effective voice in speaking out. Not only in their own communities to get the attention of the tribal leaders, which in some cases took a few years, but I would say both in our communities in Northern Mexico and the communities on St. Lawrence Island, [women] eventually have created a strong unity in the community to make a change. It was the women who began working and speaking out on the local level and now have become very strong advocates in the international arena for change in policy that would bring current international law and national law regarding toxic chemicals in accordance with human rights, including the rights of indigenous women and children to health, to food, to free prior informed consent, to all of the different rights that we see reflected in the UN Declaration [on the Rights of Indigenous Peoples ([UNDRIP](#))]. This is really a parallel track that has come together, like streams coming together into one strong river.

We’re seeing that indigenous women led the way from the very beginning on the local level, and they’re now very strong advocates in the international arena for addressing these human rights violations that we are calling environmental violence. Some people were taken aback at that terminology at first, but if we’ve been able to alert the international arena to the existence of something called environmental racism, which we have (even the [UN CERD](#) officially now addresses environmental racism), then if this is known, if it’s deliberate, if there’s an ideology or philosophy that is accepted behind it – these are not accidental results, these are results caused by the proliferation and release of chemicals that are known to be dangerous, that are known to cause cancer and birth defects. The more data that we compile, scientific and community-based research and testimonies, we’re seeing more effects on women and girls disproportionately in indigenous communities.



**NGLS:** *The combination you mentioned of the purely scientific data with community testimonies – is that still part of your approach to invoking international human rights law, in terms of indigenous women's rights to be exempt from this environmental violence?*

**Andrea Carmen:** Absolutely. I think in both communities that we presented case studies for – Rio Yaqui, Sonora Mexico and St. Lawrence Island, Alaska – it's interesting because it's a combination of [testimony and] scientific data, meaning Western scientific data – these are chemicals that are produced by technology, and their effects are very well known. The problem is that the formula that is utilized by industry and government in regulations is what's called risk assessment, management of chemicals and management of risks. Many of these chemicals travel through the environment, through the food chain, and/or are POPs. In fact, the [Stockholm Convention](#) specifically addresses the reduction of POPs, which travel through the environment, through the food chain, and end up in the bodies of those highest on the food chain, which are humans and a few other animals, including marine mammals which humans eat as well. These chemicals are cumulative, and this process is called bioaccumulation.

This data that has been presented to our communities really supported what community members were already seeing, so it clicked in terms of explaining why we're seeing these huge rates of birth defects and cancers that we never had before. This is the known effect of these chemicals, and they're being used, and we're being exposed on a daily basis to them. The combination of the scientific effects and the anecdotal, you could say, though we consider it scientific as well – it just makes sense when you're talking about pesticides. Pesticides are specifically released into the environment *because* they kill things – in this case what they consider pests, or insects, or fungus – and it's common sense that as they accumulate in the human body they are also going to have an effect which many times is manifested as cancer and many times because they accumulate in women's bodies from a very early age, that they manifest as birth defects, reproductive system malfunctions, low birth weight babies, miscarriages.... When we brought scientists in to talk to the communities about the known effects of these pesticides we also had testimonies from midwives who are seeing extreme forms of birth defects, especially in women living near the highest levels of contamination in agricultural areas.

There is still a lot of impunity that exists in part because international law permits the export for example of bad pesticides as long as the exporting and producing country informs the importing country. Now with the adoption of the UNDRIP, in particular Article 29, the right to free prior informed consent of indigenous peoples before hazardous materials are discharged in our territories is now affirmed as the minimum standard. International law has not adjusted to this basic right of indigenous peoples, the communities where these substances end up being used, to be able to say yes or no before development processes are used in our land that affect our land, our health, our environment, our traditional subsistence, etc. The [Convention on the Rights of the Child](#) also mentions the right of children to have clean water and health, taking into account environmental toxins. All of these are part of the human rights framework that we put together when we presented at the Expert Group Meeting the concept of environmental violence as a major form of human rights violation experienced by indigenous women and children.

**NGLS:** *Given those contradictions where the export of these chemicals is legally allowed, and the international frameworks haven't caught up to the UNDRIP, what are your strategies for effectively employing international law in the fight against environmental violence? Do you have suggestions for members of civil society calling on their governments to align their laws with human rights?*

**Andrea Carmen:** There are many strategies that we are using. One is to get rid of more of these known dangerous chemicals that are affecting indigenous peoples – and all peoples, because the environmental contaminants don't affect only indigenous peoples, they affect all communities. Indigenous peoples are closest many times to traditional food gathering and use, dependency and interdependency with their natural environment. Many of the traditional foods indigenous peoples use are highly contaminated because of this, and it seems to be indigenous peoples that are, as usual, canaries in the mines for a lot of the contaminating environmental impacts. It is an unfair choice to ask indigenous peoples to give up their traditional foods that have not only so many nutritional and economic benefits but also spiritual and cultural, emotional and ceremonial benefits and use. This is a cluster of rights, and it's not a fair choice in the framework of human rights to ask indigenous peoples or even recommend that they give up their traditional foods, including breastfeeding their children.

#### **Biography:**

*“Andrea Carmen, Yaqui Indian Nation, is the Executive Director of the [International Indian Treaty Council](#) (IITC), an Indigenous organization with affiliates from the Arctic, North Central and South America, Pacific and Caribbean regions. IITC was the first Indigenous organization to receive Consultative Status with ECOSOC in 1977, and in 2011 was upgraded to General Status. Ms. Carmen was a founding member of the Indigenous Initiative for Peace, and has participated as a human rights observer and mediator in crises situations in the US, Mexico, Canada, New Zealand and Ecuador.”*

We've been able to, in part by bringing the voices of indigenous peoples into the process, achieve in the last four years a ban on lindane, which is a POP that the US and Canada wanted to keep using for shampoo for headlice. They agreed to ban it for agricultural seed treatment and veterinary use, but wanted to continue using it on babies, and Indian health service gives this out for free. It's a neurotoxin, it's a persistent organic pollutant, but now it's on the list of chemicals to be phased out.

And last year, at the fifth Conference of the Parties of the Stockholm Convention on POPs, we were able to achieve the ban on endosulfan, which is another POP pesticide used in indigenous communities. We have a lot of data, showing high levels of endosulfan in core blood and body fat, etc, so that is now on the banned list. A lot of the strongest voices in these international processes have been indigenous peoples and indigenous women in particular. So that's one strategy.

Another strategy is to challenge the risk assessment formula – acceptable risk, risk management – and really implement the precautionary principle in national law as well as international law. We are coming up now on [Rio+20](#), the UN Conference on Sustainable Development in June of this year, and this is one of the things that indigenous peoples have made a strong position about. We had a preparatory conference in Manaus, Brazil in August [see Box on conclusions & recommendations]. Unfortunately, [Agenda 21](#) in certain of its elements promotes the precautionary principle, but in others of its sections still supports the concept of risk management and of acceptable risk. There is no acceptable risk for indigenous peoples on the release of toxic chemicals, and there is no way logically to manage chemicals once they are released into the environment.

These are some of the positions that we're taking, and another one is to ensure the implementation of the UNDRIP for full participation, because in many of the processes that have emerged internationally – important and positive processes that need to be addressed out of the first Earth Summit, including the convention processes on climate change, on biological diversity, on POPs, on free prior informed consent in chemicals – the participation of indigenous peoples is very limited. Now that we have a UN Declaration, Article 42 says all UN processes need to implement the Declaration, and follow up on its implementation. We are waiting for those international processes to catch up to what is now accepted minimum standard regarding the right of indigenous peoples to have full participation and a voice in decision-making that affects us, and to have the right to free prior informed consent be respected, not only in the use of chemicals and hazardous materials in our lands, but also the right to free prior informed consent regarding development, regarding administrative procedures, regarding a range of processes undertaken by States and corporations that affect us.

These are some of the areas that implementation of the UNDRIP in international processes as well as national laws is really a key strategy. And part of our strategy is educating indigenous peoples about what these rights mean, and how they can implement them. That's a slow but very essential process. We also need to educate the UN system and States themselves to understand what are the accepted rights, and how that necessitates a change in their policies and practices.

*NGLS: Is there anything you'd like to add?*

**Andrea Carmen:** Only that it's very important for us that the call by former Secretary-General Kofi Annan and now Ban Ki-moon to ensure that human rights be integrated into all of the United Nations processes. This is a real challenge that we find when we're working with these environmental convention processes. It's very important for us that human rights be mainstreamed, and there seems to be a resistance among States to integrate human rights. Even basic concerns like health – we've been told by some States, "well this is not a health convention, it's an environmental convention." And that's one very important contribution that indigenous peoples have – we don't separate the health of humans from the health of the natural environment, as that doesn't even make sense from a common sense perspective, let alone a scientific perspective. What we do to the earth, what we do to our natural environment, what we do to the animals and plants that we depend on, the air and the water that we as humans can't live without, for even one day, for one hour... what we do to those vital resources, we are also doing to our own bodies, to our own children, and to our future generations, to our cultures, to our ways of life, and to our survival. This is, for some reason, a contribution that indigenous peoples can bring to the table in these international discussions, and that is beginning to have an effect.

The importance of the international conventions on the environment is a recognition by the world community, by the United Nations as a whole, that these are very vital concerns of the human family. The only problem that we're seeing is that the rights of indigenous peoples and human rights in general have not been mainstreamed as was the call of the Secretary-Generals in the restructuring of the UN, especially the UN human rights process.

So this is a challenge that remains before us and before the United Nations and its Member States and all of the agencies and processes that the UN is undertaking, to ensure the safety and well-being of human beings through protecting the environment, that human rights concepts and standards have not yet been fully integrated into a holistic approach to development, to environmental protection, and to the survival of the human family. That needs to be done.

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To access Ms. Carmen's submission to the Expert Group Meeting, click [here](#).

## NGLS Interviews Esmeralda Ruiz, UNFPA, Director of Embera Wera Project

NGLS interviews Esmeralda Ruiz on the experiences of the Embera Wera Project that aimed to halt the practice of female genital mutilation (FGM) among the Embera people in Colombia through cultural dialogue.

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**NGLS:** *The question of culture or tradition is often a recurrent theme when addressing violence within certain indigenous groups. It was also a fundamental issue when passing legislation to ban the practice of female genital mutilation by the Embera people in Colombia, a country whose government grants autonomy of jurisdiction to indigenous groups within its borders. In your opinion, what has made it possible to overcome the "cultural" barrier in the Colombian case?*



**Esmeralda Ruiz:** The Constitution of 1991 recognizes that Colombia is a pluri-ethnic and multicultural country (with more than 100 different indigenous groups), defines culture as fundamental to Colombian national identity, and recognizes the equality and dignity of all cultures that inhabit the country. Consequently, the Constitution establishes different mechanisms to guarantee the recognition and protection of this diversity. An example of this is the special and autonomous jurisdiction given to indigenous groups which consists of their own justice system; the mandatory "prior consent" in regards to decisions or actions undertaken by the State that would affect indigenous groups; and ethno-education which constitutes the respect and strengthening of identity in the educational curriculum, and the right to self-government and independent organization, among others.

Despite the above, the issue of cultural barriers has not been completely overcome; in fact, one of the heaviest discussions during the first years of the Embera Wera Project made reference to the autonomy enjoyed by indigenous populations in Colombia in regards to genital mutilation, which is considered in much of the Western world as a type of violence against women and violation of human rights. This however contrasts with the Embera group that sees it as a cultural practice.

Some institutions proposed the creation of a law to ban genital mutilation as opposed to the proposal of the Embera Wera project, which promoted a combination of cultural dialogue among those holding different viewpoints on the issue of genital mutilation through a presentation and discussion of evidence of the consequences of illness and death for young girls; an internal reflection by communities on this theme; and through a process of education and awareness-raising sponsored by Western authorities principally at a local level in order to better understand the beliefs of the Embera people and mitigate discrimination. Without doubt, all of this has contributed to bridging both worlds. However, overcoming cultural barriers remains a challenge, as it is also linked to the poverty and marginalization that these groups have historically experienced.

**NGLS:** *Did the Permanent Forum have a role in contributing to the final decision of the Embera people to abandon female genital mutilation amongst its members?*

**Esmeralda Ruiz:** There is no doubt that the existence of a global reference body is essential in these kind of processes. The Embera people were visited by a mission of the Permanent Forum, which gave the Embera women the opportunity to share their experiences. The visit strengthened the collective imaginary with regard to the importance of the progress made in the work that was undertaken by the authorities and the women leaders who participated in it.

**NGLS:** *Do you think that your experiences with combating this practice could be applied to deal with other instances of FGM around the world?*

**Esmeralda Ruiz:** We are convinced that the experience with the Embera Wera project responds to a proposal that aims to deal in an integral way with the practice of genital mutilation and the situation of women, which is crucial considering the complexity of the humanitarian context in which these practices take place. The lessons learned from this experience can be shared with and implemented by other indigenous groups. In fact, we have begun to implement it in other parts of Colombia.

**NGLS:** *Based on the success of the Embera Wera project, what do you hope the Permanent Forum and the UN will undertake in relation to combating violence against indigenous women in the future?*

**Esmeralda Ruiz:** I consider the role of the Permanent Forum and of the United Nations as fundamental, especially for:

1. Encouraging and maintaining a constant watch over the situation of indigenous peoples, particularly the ones in danger of extinction, amongst which is the Embera group of Risaralda.
2. Making the importance of working with indigenous women apparent on the political agenda, especially the topics of sexual and reproductive health and the various forms of violence that have an impact on them and threaten the survival of their peoples.
3. Creating a permanent working organ to monitor the situation of indigenous women, especially dedicated to the eradication of cultural practices that threaten their lives, health or integrity.

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#### **Biography:**

*For the past 12 years, Esmeralda Ruiz has been a gender and human rights adviser at the United Nations Population Fund (UNFPA) in Colombia. She is also a lawyer specialized in human rights and gender and has a Master's degree in Education and Public Policies. In the past, she has been in charge of the overall coordination and development of projects with the High Courts and the National Gender Commission of the Judicial Branch, the Attorney General's Office, the Public Prosecutor's Office, the Armed Forces, the National Indigenous Organization of Colombia (ONIC), the National Confluence of Women Networks and the community of Embera Wera, among others.*

## **LOOKING AHEAD TO THE RIO+20 CONFERENCE**

In the lead up to the UN Conference on Sustainable Development in June 2012 (Rio+20), indigenous peoples have been preparing their positions. A global preparatory meeting was held in Manaus, Brazil, from 22-24 August that sought to coordinate indigenous peoples' input to and participation in Rio+20. The meeting also served to help coordinate Kari-Oca 2, a global conference where indigenous peoples will share efforts to implement development with identity and culture and will endeavor to reach a consensus on Rio+20 themes and issues. Kari-Oca 2 is scheduled to be held from 31 May to 2 June 2012, and focus on: the right to land and jurisdictional security; the impact of extractive industries on the welfare of indigenous peoples; and food sovereignty and the right to food.

Source: [Traditional Knowledge Bulletin](#)

### **Manaus Declaration**

At the Global Preparatory Meeting of Indigenous People's on Rio+20 and Kari-Oca 2, held in Manaus in August 2011, participants adopted the "Manaus Declaration," which can be accessed [here](#).

## **Conclusions and Recommendations of the Global Preparatory Meeting of Indigenous People's on Rio+20 and Kari-Oca 2**

*Below follows an abstract of the conclusions and recommendations of the Global Preparatory Meeting. To read all conclusions and recommendations, click [here](#).*

Twenty years after Rio, "Indigenous Peoples see that little has changed... regarding the fundamental relationship between human societies and the natural world, and that ecosystems and biodiversity, as well as Indigenous Peoples who depend on them, are ever more threatened and endangered.

"Indigenous Peoples continue to challenge the development model based on resource extraction and market-based models, which fails to recognize that we human beings are an integral part of the natural world, and also fails to respect human rights, including the inherent rights of Indigenous Peoples."

Recommendations:

4. We recommend the ensuring legal protection of Indigenous Peoples' rights to lands, territories, resources and traditional knowledge be essential prerequisites for



the development and planning of any and all adaptation and mitigation measures in response to climate change, environmental conservation (including the creation of “protected areas”), sustainable use of biodiversity and measures to combat desertification. Therefore, we encourage States to take steps in this direction.

5. We recommend that Indigenous Peoples define their own concept of “sustainable development” and “living well,” to be presented at Rio + 20, which take into account a range of human rights, cultural, traditional use and equity principles.

11. We recommended that the “Cultural Pillar” be adopted at Rio + 20 as the missing “4th Pillar” of Sustainable Development based on the perspectives, rights, traditional knowledge, cultural integrity, identity and sustainable practices of Indigenous Peoples which are integral to our vision, practice and understanding of development, thus effectively, reflecting the international accepted definition of the right to development, as a fundamental component of self-determination of all peoples.

14. We recommend that the “Green Economy” proposal reject “neoliberal,” market-based development models based on resource extraction. We further recommend that current “Green Economy” proposals be redrafted, in a way that emphasizes, among others, the following aspects: conservation and reduction in resource consumption levels, especially in “developed” counties; the importance of decentralized development projects that support and restore rather than undermine local economies, environments and food systems and respect self-determination.

18. We recommend that the “precautionary approach” (principle 15 of the Rio Declaration on Environment and Development) be reaffirmed at Rio+20, together with a renewed commitment by States to eliminate the production, use and dumping of chemicals that are toxic, persistent and hazardous that pose dire threats to the health of impacted communities and ecosystems, and most of all violate human rights; including the rights of Indigenous Peoples to free, prior and informed consent as stated in Article 29 of the UN Declaration on the Rights of Indigenous Peoples. We call upon States to make a commitment to utilize and implement the Precautionary Principle as an alternative to the models of “risk assessment” and “management” of toxic chemicals presented in sections 19 and 20 of Agenda 21.

#### **Indigenous Peoples Major Group Submission for the Zero Draft of the Outcome Document of Rio+20**

*Below are five key messages from the Indigenous Peoples Major Group submission for the Zero Draft of the Outcome Document of Rio+20:*

- The UN Declaration on the Rights of Indigenous Peoples should be a key international standard and framework for the realization of sustainable development.

- The cultural pillar should be included as the 4th pillar of sustainable development

- Protection and respect for the rights of indigenous peoples to their lands, territories, and resources is a precondition for sustainable development.

- Recognition of the distinct and crucial contribution of traditional knowledge and diverse local economies to poverty eradication and sustainable development and as cornerstones of green economies

- The Green Economy should support the indigenous peoples’ holistic framework to sustainable self-determined development which integrates approaches which are human-rights based, ecosystem or territorial-based knowledge-based, intercultural and gender-sensitive.

#### **Box 5. 2014 World Conference on Indigenous Peoples**

In 2014, in accordance with its [resolution 65/198](#) on Indigenous Issues, the UN General Assembly (GA) will hold a World Conference on Indigenous Peoples. The aim of this high-level plenary meeting is to share perspectives and best practices on the realization of indigenous peoples’ rights, including the objectives of the UN Declaration on the Rights of Indigenous Peoples. The same resolution also invites the GA President to conduct open-ended consultations with Member States and representatives of indigenous peoples within the framework of the Permanent Forum on Indigenous Issues, as well as with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur, in order to determine the modalities for the meeting, including the participation of indigenous peoples in the Conference.

According to the Green Land Self Rule Representation and the International Working Group for Indigenous Affairs (IWGIA) “Indigenous representatives have made clear their desire to participate actively in the planning of the conference and not be relegated to an observer role. They see the World Conference, its possible outcomes and the preparation process itself as an important opportunity to implement the UN Declaration, particularly with regards to indigenous peoples’ right to participate in decision making that affects their lives and future.” (Read full [press release here](#)).

#### **Upcoming events in relation to Rio+20:**

- [Side event: Key Messages of Indigenous Peoples](#), 20 March 2012, UN Headquarters, New York;
- [Pan Africa Indigenous Peoples Preparatory Meeting for Rio+20](#), 20-21 April 2012, Arusha, Tanzania.

### **United Nations Indigenous Peoples' Partnership**

In May 2011, the United Nations launched the UN Indigenous Peoples' Partnership ([UNIPP](#)), which aims to further promote and protect the rights of indigenous peoples, and to strengthen their institutions and ability to fully participate in governance and policy processes at the local and national levels. This collaborative initiative of various UN entities, including the International Labour Organization ([ILO](#)), the Office of the United Nations High Commissioner for Human Rights ([OHCHR](#)), the United Nations Children's Fund ([UNICEF](#)), the United Nations Development Programme ([UNDP](#)), and more recently the United Nations Population Fund ([UNFPA](#)), aims to strengthen coordination and joint action by UN organizations at the local level to better support the effective implementation of indigenous peoples' rights. The partnership is directed and governed by a Policy Board, comprised of representatives from participating UN organizations, and indigenous representatives and experts who are identified in consultation with the UN mechanisms on indigenous peoples' issues, and operates through a Multi-Donor Trust Fund.

In July 2011, the Policy Board held its [first meeting](#), during which it adopted governance and operational documents and identified strategic priorities ([2011-2015](#)) to move the implementation of the Partnership forward. Board members further selected a number of countries for the start-up phase of the initiative and agreed on various thematic priorities, including legislative review and reform; democratic governance; access to justice; access to land and ancestral territories; the impact of natural resources and extractive industries on indigenous peoples; the right to education and health; and the rights of indigenous women, children and youth.

For more information on the Partnership, click [here](#).

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### **Fifth session of the Expert Mechanism on the Rights of Indigenous Peoples**

The 5th session of the Expert Mechanism on the Rights of Indigenous Peoples will be held on 9-13 July 2012 in Geneva, Switzerland.

More information on [accreditation](#), as well as on submitting proposals for side events will be available on the Expert Mechanism's [website](#) from May 2012.

### **Consultation on indigenous peoples' participation in the United Nations – deadline 9 April 2012**

In September 2011, the Human Rights Council (paragraph 13 of its resolution 18/8), requested the UN Secretary General, in cooperation with OHCHR, the Office of Legal Affairs and other relevant parts of the Secretariat, "to prepare a detailed document on the ways and means of promoting participation at the United Nations of recognized indigenous peoples' representatives on issues affecting them, given that they are not always organized as non-governmental organizations, and on how such participation might be structured..." The document should draw lessons from already existing rules that govern the participation of non-governmental organization in various United Nations bodies, such as the Economic and Social Council ([resolution 1196/31](#)) and other national human rights institutions ([HRC resolution 5/1 of 18 June 2007](#), and resolution [2005/74 of the Commission on Human Rights](#)).

For the preparation of this document, OHCHR is inviting indigenous peoples' organizations, academics and broader civil society to share their views on the ideal ways and means to promote participation at the United Nations of recognised indigenous peoples' representatives on issues affecting them and on how such participation might be structured.

In particular, OHCHR welcomes views on:

- "which existing procedures to accredit non-governmental organizations might be appropriately applied to the accreditation of indigenous peoples' representatives to meetings of UN organs.
- "the current practices to accredit indigenous peoples' organizations to the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues and how such practices could be applied to other UN meetings.
- "whether it is desirable for the General Assembly to adopt a decision setting out general procedures that would apply to indigenous peoples' representatives' participation at UN meetings, or whether separate decisions should be adopted by the Economic and Social Council and the Human Rights Council on their participation.
- "what would be the appropriate next steps in terms of considering this issue further within the United Nations."

Responses can be submitted electronically to Claire Charters at [ccharters@ohchr.org](mailto:ccharters@ohchr.org) or by regular mail, also addressed to Claire Charters, OHCHR, CH-1211 Geneva 10, Switzerland. The deadline is 9 April 2012. For more information and instructions, click [here](#).

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*This edition of the NGLS e-Roundup was prepared by the United Nations Non-Governmental Liaison Service (UN-NGLS). The NGLS e-Roundup is produced for NGOs and others interested in the institutions, policies and activities of the UN system and is not an official record. For more information or additional copies write to: NGLS, Palais des Nations, CH-1211 Geneva 10, Switzerland, fax +41-22/917 0432, e-mail <npls@unctad.org> or NGLS, Room DC1-1106, United Nations, New York NY 10017, USA, fax +1-212/963 8712, e-mail <npls@un.org>. The text of this NGLS e-Roundup and other NGLS publications are also available online (website: [www.un-npls.org](http://www.un-npls.org)).*