



Defending the Rights of Indigenous Women in Asia Pacific: Towards an Inclusive and Violence-Free Future

2008 VAW Consultation, New Delhi, India



Defending the Rights of Indigenous Women in Asia Pacific: Towards an Inclusive and Violence-free Future

**SUMMARY REPORT OF THE ASIA PACIFIC NGO CONSULTATION
WITH THE UNITED NATIONS SPECIAL RAPPOREUR ON VIOLENCE
AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES,
YAKIN ERTÜRK AND THE SPECIAL RAPPOREUR ON THE
SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
OF INDIGENOUS PEOPLE, S. JAMES ANAYA**

15-16 October, 2008
New Delhi, India

Organised by Asia Pacific Forum on Women, Law and Development (APWLD)
in collaboration with Mahila Sarvangeen Utkarsh Mandal (MASUM), India

Defending the Rights of Indigenous Women in Asia Pacific: Towards an Inclusive and Violence-free Future

Copyright © 2008 Asia Pacific Forum on Women, Law and Development (APWLD)

Reproduction of this publication for educational or other non-commercial purposes is authorised, without prior written permission, provided the source is fully acknowledged.

ISBN: 978-974-614-054-6

Report Writer: Sneha Banerjee from Partners for Law in Development (PLD), New Delhi, India with great contributions noted therein from Manisha Gupte, Vernie Yocogan-Diano and Teresita Vistro.

APWLD Editorial Team: Misun Woo, Tomoko Kashiwazaki and Mae-Anne Llanza

Copy Editor: Haresh Advani

Cover Design: Mae-Anne Llanza

Layout and Printed by: Blue Print Design

Funded with the generous support of the Ford Foundation, New Delhi office and the United Nations Development Fund for Women (UNIFEM) East and Southeast Asia Regional Office.

Asia Pacific Forum on Women, Law and Development (APWLD)

Girl Guides Association Compound

189/3 Changklan Road, Amphoe Muang

Chiangmai 50100, Thailand

Tel: +66 (0)53 284527 - 284856

Fax: +66 (0)53 280847

Website: www.apwld.org

LIST OF ABBREVIATIONS

AFSPA	Armed Forces Special Powers Act
APEC	Asia-Pacific Economic Cooperation
APWLD	Asia Pacific Forum on Women, Law and Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
DEVAW	Declaration on the Elimination of Violence Against Women
FIMI	International Indigenous Women's Forum
HVC	High Valued Crops
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Persons
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
IMF	International Monetary Fund
MASUM	Mahila Sarvangeen Utkarsh Mandal
MNC	Multi-national Corporations
IFI	International Financial Institutions
NGO	Non-governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
SR	Special Rapporteur
TNC	Trans-national Corporations
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

UNPFII	United Nations Permanent Forum on Indigenous Issues
UNSRs	United Nations Special Rapporteurs
UNSRIP	United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
UNSRVAW	United Nations Special Rapporteur on violence against women, its causes and consequences
VAW	Violence against Women
VAW TF	Violence Against Women Task Force
WB	World Bank
WHR	Women's Human Rights
WTO	World Trade Organization

Acknowledgements

The consultation and this report were made possible by the dedication and efforts of many APWLD members and friends. The consultation and report are part of the ongoing work of the APWLD Violence Against Women Task Force and without their contribution and commitment the consultation would not have been possible. We would also like to acknowledge the invaluable contributions made by members of Rural and Indigenous Women Task Force, Laure-Anne Courdesse and Taryn Lesser of the Office of the United Nations High Commissioner for Human Rights (Special Procedures Division), all participants, Sneha Banerjee, the documenter and report writer, and our host, the Mahila Sarvangeen Utkarsh Mandal (MASUM), India.

A special thank you is necessary to Prof. Yakin Ertürk, United Nations Special Rapporteur on violence against women, its causes and consequences, for her ongoing commitment to the consultations and to the women of Asia Pacific, Prof. S. James Anaya, United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and Vicky Tauli-Corpuz, Chairperson of the United Nations Permanent Forum on Indigenous Issues for their commitment and participation in the consultation.

Many thanks to the Ford Foundation (New Delhi office) and the United Nations Development Fund for Women (UNIFEM) East and Southeast Asia Regional Office for their generous financial support which made this consultation possible.

CONTENTS

FOREWORD	10
EXECUTIVE SUMMARY	15
INTRODUCTION	19
CHAPTER 1: CRITICAL ISSUES FROM ASIA PACIFIC	23
1.1 Neoliberal Globalisation and Violence against Indigenous Women	23
1.1.1 Deprivation of Natural Resources and Alienation from Indigenous Land	25
1.1.2 Forced Migration and Displacement	26
1.1.3 Trafficking	28
1.2 Militarisation, Armed Conflict and Violence against Indigenous Women	29
1.2.1 Sexual Violence against Women as a Weapon of War	31
1.3 Customs, Culture and Violence against Indigenous Women	32
1.3.1 Restriction of Women's Political Rights	32
1.3.2 Deprivation of Women's Economic Rights	33
1.3.3 Control over Women's Sexuality and Commodification of Women	34
1.3.4 Other Restrictions and Sanctions on Women in the Name of Culture	35
1.3.5 Formal Judicial System vs. Customary Laws and Practices	35
1.3.6 Positive Elements of Culture	36
1.4 International Framework for Indigenous Women	38
CHAPTER 2: VIOLENCE AGAINST INDIGENOUS WOMEN: INTER-LINKAGES AND CONNECTIONS	40
2.1 Perspective of the UNSRVAV	40
2.2 Perspective of the UNSRIP	42
2.3 Mairin Iwanka Raya: Indigenous Women Stand against Violence	43
CHAPTER 3: STRATEGIES AND RECOMMENDATIONS	46
3.1 Recommendations to the two Special Rapporteurs	46
3.2 Recommendations to the States	47
3.3 Recommendations to Non-state Actors	47
3.4 Recommendations to Civil Society	47

ANNEX A: Presentations

A.1. Presentation – Mairin Iwanka Raya: Indigenous Women Stand against Violence	49
A.2. Presentation - Globalisation vs. Indigenous Women	56
A.3. Presentation- Glimpses of Neoliberal Economic Globalisation and Development Aggression against Indigenous Women	59
A.4. Presentation – Economic and Development Aggression against Ethnic Minority in Lao PDR.....	66
A.5. Presentation - Resisting Development Aggression in Mindanao, Philippines: Militarisation, Armed Conflict, and Indigenous Women	69
A.6. Presentation - Militarisation, Armed Conflict and Indigenous Women in Guam	73
A.7. Presentation - Violence against Indigenous Women during Armed Conflict in Nepal	77
A.8. Presentation - Violence in the Name of Culture, Tradition and Religion: from Personal Experience	82
A.9. Presentation - Violence in the Name of Culture and Tradition, and HIV/AIDS Issues: an Indigenous Women's Perspective and Human Rights Approach	85
A.10. Presentation - Displacement and Migration of Indigenous Women	92
A.11. Presentation – Key Issues in Papua New Guinea	94
A.12. Presentation – Indigenous Women in Taiwan	98
A.13. Presentation - Concerning the Situation of Ainu Women, Japan ..	100
A.14. Presentation - Protecting Rights, Preventing Abuses and Violence against Indigenous Women in the Philippines	116
A.15. Presentation - Access to Use of Formal/Informal Legal Mechanism and Others: Justice System by Indigenous Women in Nepal	121
A.16. Presentation - Violence against Indigenous People by the State: a Case of Nationality of Hill Tribe People in Thailand	124
A.17. Presentation – The Chronic Insecurity of Indigenous Women in the Chittagong Hill Tracts, Bangladesh	128
A.18. Presentation – Indigenous People in Cambodia	129
A.19. Presentation – Rural & Indigenous Women Speak Out	131

ANNEX B: Consultation Programme and List of Participants	135
---	------------

FOREWORD

from the UNSRVAW

This is the fifth regional consultation on violence against women APWLD has organised since I took up my mandate in 2003, celebrating the thirteen-year engagement with UNSRVAW and women in the Asia Pacific region following the inception of the mandate in 1994. These consultations have provided a unique and important space for me as the Special Rapporteur to meet with women in the Asia Pacific region and discuss key issues pertaining to violence against women, its causes and consequences. The consultations enable me to gain insight into the critical and emerging issues peculiar to and affecting women in the region, and explore effective strategies and good practices to eliminate all forms of violence against women and to uphold women's human rights.

APWLD has been creative in channeling women's voices in establishing the interlinkages of various issues with violence against women. The 2008 consultation, which responded to the call of the United Nations Permanent Forum on Indigenous Issues to the UNSRVAW to hold regional consultations with indigenous women, was particularly important in this regard. The presence of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. S. James Anaya, provided an invaluable opportunity for dialogue between the two rapporteurs as well as with the representatives of civil society. Furthermore, while such an engagement constitutes a new modality for the future consultations APWLD will organise with the UN Special Procedures mandate holders, it will also significantly contribute to enriching and strengthening the work of the latter.

Focus on multiple forms of violence resulting at the intersections of various systems of inequality and domination has been central to my approach as UNSRVAW in addressing the experiences of diverse women's groups. In this respect, the realities of indigenous women offer insight into both the universal and the particular aspects of gender-based discrimination and abuse.

Marginalisation and dispossession of indigenous peoples continue to be a reality around the world. They are uprooted from their lands and communities due to discriminatory government policies, impact of armed conflicts, and actions of private social, political and economic interest groups. Infrastructural projects undertaken in the context of modernisation, privatisation and deregulation have often resulted in pushing indigenous peoples deeper into poverty and marginalisation, even in counties where they make up a numerical majority. This reality is clearly reflected in the significant gap between indigenous and non-indigenous populations with respect to all development indicators, including; life expectancy, infant and maternal mortality, literacy and unemployment among others.

Indigenous women stand at the intersection of gender (being women) and racial inequality (because they are indigenous). In this respect, indigenous women experience at least five layers of discrimination; on the basis of gender, ethnicity, poverty, often being rural, and increasingly as migrants. As a result, they confront a dual task in their human rights struggle: one of defending their rights as members of an excluded group within a dominant society with its repressive or indifferent state apparatuses, discriminatory laws and institutions, and prejudiced public opinion, while at the same time questioning and resisting the static patriarchal perceptions of culture and tradition within their own communities, which are used to justify gendered subordination and violence. Indigenous women have been taking an arduous and careful journey not to separate their demands for women's rights from those of the rights of their people. Yet, the fact that indigenous women's rights cannot be subordinated or sacrificed for collective rights needs to be highlighted. The initiatives for the collective rights of indigenous peoples will be jeopardized if it is not gender inclusive.

There is sufficient evidence to show that violence against indigenous women is rooted in both the traditional patriarchal hierarchies of indigenous communities as well as ethnic stereotyping and discrimination in the wider society. The high levels of violence against indigenous women documented within indigenous communities are often explained by the encroachment of colonial domination and assimilation policies which has eroded the gender-egalitarian traditions that is said to have once mediated against gender biases and sexual violence. Authorities in indigenous communities instrumentalise customary norms to condone domestic violence, particularly if women attempt to deviate from the masculine discourse and assert their own autonomous will.

In most cases indigenous women resort to national laws in their struggle to overcome marginalisation in their own communities and challenge the multiple normative practices that have been homogenised as "traditional." However, the state legal and justice system is also shaped by patriarchal conceptions of gender relations and are embedded in prejudicial conceptions of indigenous communities. Therefore, there is a tendency to perceive violence against indigenous women as an inherent component of their culture, which naturally obstructs justice. Both state law and custom demand that indigenous women conform to "traditionally" ascribed behavior.

The regional consultation provided an opportunity to explore the complexities of these issues and multiple forms of violence against indigenous women in the Asia Pacific context, where neoliberal policies, militarisation/armed conflict, and hegemonic interpretations of culture and tradition pose serious obstacles for human rights protection. Prominent women leaders from indigenous communities and women and men activists defending the right of indigenous women who have made their voices at local, national and international levels attended the consultation. Effective strategies and good practices have been shared, facilitating dialogues and alliances between indigenous women

and the broader women's movement linking particular concerns with other struggles. Importantly, the consultation revealed once more that indigenous women are agents of change in building equitable relations within their families, communities and society at large, rather than just passive victims of violence and exclusion.

We must celebrate that the silence of oppression has been broken and that indigenous women are in the forefront in claiming their destiny as women and that of their communities. The insights from the consultation will prove useful inputs to my reports to the Human Rights Council.

I thank APWLD once again for organising the consultation and look forward to continuing this fruitful relationship.

Yakin Ertürk

United Nations Special Rapporteur on violence against women, its
causes and consequences
January 2009

FOREWORD

from the UNSRIP

I was very pleased to have been invited to take part in the fifth regional consultation on violence against women organised by APWLD since Special Rapporteur Ertürk took up her mandate in 2003, and to engage closely with APWLD and MASUM. Having just begun my mandate in May 2008, this consultation in New Delhi was a timely opportunity for me to meet indigenous women and those supporting their causes in the Asia Pacific region and to learn more about their key issues. In this regard, the India national consultation was also particularly useful.

It was also a unique opportunity to collaborate with another mandate holder, one that has been a leader in this field for many years. With Special Rapporteur Ertürk's years of experience on the issue, the consultations enabled me to gain insight into the critical and emerging issues peculiar to and affecting indigenous women in the region, and explore effective strategies to address the situation of violence against indigenous women within my mandate. The information that I received will inform my work in the future—whether in the form of communications to governments, country visits, or reports to the Human Rights Council (Council).

As I outlined in my first annual report to the Council, engaging with all actors, including civil society, is a central part of my work, and I appreciate the efforts of APWLD and MASUM to organize useful activities in line with my mandate. The Commission on Human Rights, in its resolution 2001/57, established the mandate of the Special Rapporteur with the authority, *inter alia*, to “gather, request, receive and exchange information and communications from all relevant sources” concerning human rights violations against “indigenous people themselves and their communities and organizations”, and to “formulate recommendations and proposals ... to prevent and remedy” such violations (para. 1). The Special Rapporteur was further invited to “take into account a gender perspective” and pay special attention to the situation of indigenous women and children (paras. 2-3). I see my collaboration with APWLD and MASUM as an instrumental first step in carrying out these terms.

I was particularly encouraged that APWLD and MASUM framed much of the discussion within the consultation around the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in September 2007. During the last three decades, the demands for recognition of indigenous peoples across the world have led to the gradual emergence of a common body of opinion regarding the content of the rights of these peoples on the basis of long-standing principles of international human rights law and policy. The demands for the rights of indigenous women specifically have played an instrumental part in this debate, and are thus enshrined in the Declaration.

The participants of the consultation rightly noted major gaps in implementation between the rights envisioned in the document and the role of the State in addressing these rights through the formation of their laws, policy and practice. I was pleased to engage in a dialogue with the participants of the consultation on how we might overcome this gap, and will continue to look to them for insight on how various states in the Asia Pacific region are advancing to fulfill their responsibilities. As Special Rapporteur, I will work in partnership with indigenous women and civil society organisations to advance their interests.

I once again express my appreciation to APWLD and MASUM for organizing the regional consultation and express my commitment to working together in the future.

S. James Anaya

United Nations Special Rapporteur on the situation of human rights
and fundamental freedoms of indigenous people
January 2009

EXECUTIVE SUMMARY

APWLD, in partnership with the India-based Mahila Sarvangeen Utkarsh Mandal (MASUM), organised the Asia Pacific NGO Consultation with the United Nations Special Rapporteurs on violence against women, its causes and consequences (UNSRVAW), Prof. Yakin Ertürk and on the situation of human rights and fundamental freedoms of indigenous people (UNSRIP), Prof. S. James Anaya at New Delhi, India on 15-16 October, 2008 on the theme of ‘Violence against Indigenous Women in Asia Pacific’.

The consultation brought together 62 women/human rights activists, including 23 indigenous women across the Asia Pacific region, including APWLD’s partners, regional and international NGOs and UN agencies from 22 countries – Bangladesh, Burma, Cambodia, Cook Islands, Fiji Islands, Guam, India, Indonesia, Japan, Kazakhstan, Kyrgyz Republic, Lao PDR, Malaysia, Mongolia, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Sri Lanka, Taiwan and Thailand.

1. Aims of the Consultation

The primary objective of the consultation was to further a shared understanding of contemporary challenges pertaining to violence against indigenous women especially in the context of: neo-liberal economic globalisation, militarisation, armed conflict, culture, tradition and religion and their intersectional impacts on the lives of indigenous women in Asia Pacific. The discussions were directed towards identifying effective strategies and mechanisms for addressing multiple forms of violence against indigenous women at national, regional and international levels and to learn from the good practices in various parts of the region. The consultation culminated in the formulation of concrete recommendations to states, non-state actors, UNSRs/UN and civil society for advancing human rights and fundamental freedoms of indigenous women and preventing abuses and violence against the latter.

2. Discussions at the Consultation

The consultation served as a platform for rich discussions and sharing insights that are critically affecting the lives of indigenous women in Asia Pacific. Apart from discussing problems in the region as a whole, the participants made country presentations at the consultation to highlight the concerns of particular indigenous women within the broad framework of what the UNSRVAW, Yakin Ertürk called “context specific universalism”. These discussions were structured around the three key areas that had been identified for the consultation.

To facilitate the discussions on the theme, three key areas pertaining to violence against indigenous women were identified:

- Neoliberal globalisation and violence against indigenous women
- Militarisation, armed conflict and violence against indigenous women
- Customs, culture and violence against indigenous women

The first day of the consultation consisted of discussions that explored the interlinkages of various issues that precipitate violence against women and then on identifying the various ways in which they specifically work against indigenous women. On the second day, the participants built on the discussions and deliberated upon strategies and recommendations for various actors – namely states, non-state actors, the UN level especially for the Special Rapporteurs as well as for civil society. The indigenous women participants at the consultation also spoke out about their concerns with the two Special Rapporteurs making a note of those with assurances of appropriate action.

The UNSRVAW identified two broad issues that contribute to the disadvantaged position of indigenous women. Firstly, indigenous peoples are not effectively integrated in the socio-economic fabric of the 'mainstream' society. Secondly, there has to be recognition of gender specific discrimination against indigenous women. The universal patriarchal culture that also permeates indigenous cultures needs to be weeded out. Moreover, there are intersections between the multiple forms of discrimination that indigenous women face, by virtue of five identifiable factors – gender, ethnicity, poverty, mainly rural location and also by virtue of being migrants. There is a need to raise questions about violence against indigenous women and fix responsibilities, armed with empirical evidence. There is evidently a tension between women's socio-economic rights and the prevailing macro-economic policies which is undermining rights realisation.

The UNSRIP believes that the issues concerning indigenous women cannot be looked at in isolation but are located within the collective rights concerns of indigenous peoples. It was highlighted that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which is also the normative foundation of the UNSRIP mandate, is a comprehensive document which addresses the entire range of issues about indigenous peoples and has a couple of provisions that are specific to women. The UNSRIP highlighted the inherent gender perspective in his mandate, not in the classical sense of 'women's rights' but in the sense that it locates indigenous women's rights within the collective rights of indigenous peoples.

There was a consensus among the participants that in addition to its political and cultural dimensions, globalisation is primarily an economic process which has essentially entailed poverty, forced displacement and loss of ownership and control over land, territories and natural resources for indigenous peoples, having a severe impact on indigenous women in particular. Moreover, indigenous women have had to bear the brunt of environmental degradation and destruction of ecology by extractive industries like mining, mega hydroelectric projects and mono-crop plantations. Indigenous women who migrate away from their lands, either by their own choices or by forced situations, are particularly vulnerable to discrimination and violence in many parts of the world through the threefold discrimination: being women, indigenous as well as migrants. The key issues identified by the participants have been discussed in detail in the report with specific illustrations from various countries in the region.

These issues include: deprivation of national resources and alienation from indigenous lands; forced migration and displacement; and trafficking.

Indigenous people's territories in Asia Pacific have witnessed increasing militarisation and armed conflicts due to a number of reasons. The most important reason is the resource-rich character of indigenous areas which is increasingly being taken away from the indigenous peoples due to development aggression and extractive industries. Worsening armed conflict and militarisation concentrated on indigenous lands in the region increase indigenous women's vulnerability to violence. One of the major issues highlighted in the consultation in this context was the use of rape and targeting of indigenous women's bodies, in a systematic manner in the conflict areas/militarised zones by both states and non-state actors in various parts of the Asia Pacific region like Fiji Islands, Burma, among others.

Not all indigenous cultures in their original forms are biased against women as there are positive and negative cultural practices relating to gender equality and respect for women in every culture. However, colonialism and interactions with non-indigenous communities have brought in various influences which may not have been present earlier. The indigenous women need to come out of the culture of silence that exists around violence against them. Some issues of concern among indigenous women, that were identified during the consultation include: denial of decision-making role to indigenous women in many indigenous communities; lack of inheritance rights for them in various communities; absence of reproductive rights and stigmatisation of reproductive health issues; forced marriages; honour-killings; witch-hunting; and the trapping of indigenous women in issues related to formal judicial system vs. customary law and practices.

Finally the participants came up with specific recommendations for the two Special Rapporteurs, the states as well as non-state actors and for the civil society. These have been outlined in detail in Chapter 3, but they can be briefly summarised as follows:

- **Recommendations to the two Special Rapporteurs include:** to come up with joint thematic reports or studies that address the intersectionality of discrimination and violence against indigenous women; make concrete recommendations to all concerned actors; and special attention to individual indigenous women complainants.
- **Recommendations to the states include:** recognition of indigenous peoples; ratification and effective implementation of UNDRIP and other human rights instruments; establish state-level mechanisms to ensure indigenous women's inclusion and participation in decision-making.
- **Recommendations to non-state actors include:** to respect indigenous people's rights to free, prior and informed consent and to adopt human rights-based approach on development projects implemented in indigenous peoples ancestral territories.

- **Recommendations to civil society include:** relentless campaigning, networking and alliance-building to engage with international, regional and national actors to ensure that the human rights of indigenous women are upheld without fail.

INTRODUCTION

The Asia Pacific Forum on Women, Law and Development (APWLD) has been facilitating consultations with the UN Special Rapporteur on violence against women, its causes and consequences (UNSRVAW) since 1995, following the inception of the mandate and appointment of Radhika Coomaraswamy (a founding member of APWLD) as the first Rapporteur in 1994. These annual consultations provide an important forum for women from the region to discuss and address critical emerging issues relating to multiple forms of violence faced by women and contribute to the UNSRVAW mandate by integrating the regional specificities of violence against women in the Asia Pacific region into its general framework. The consultations focus on discussions around the selected topic of the UNSRVAW's forthcoming annual report to the UN Human Rights Council, making them relevant to contemporary issues related to violence against women (VAW) in the Asia Pacific region.

Study Workshop

The study workshop was held on 14 October, 2008 prior to the regional consultation. The workshop helped the participants sharpen their understanding of the mandates of the two SRs and how these can be possibly used by them. This process was facilitated by Laure-Anne Courdesse and Taryn Lesser from the Office of the High Commissioner for Human Rights (OHCHR), Geneva who gave an introduction to UN human rights mechanisms with focus on special procedures and the mandates of UNSRVAW and UNSRIP. Some participants also shared their experiences of using UN human rights mechanisms and instruments.

In the discharge of the mandate, the works of the Special Rapporteurs include the following:

- **Country Visits** – Country visits are conducted to gather more information from the ground and interact with various actors concerned as well as the media. However, this can be done only upon invitation of a country. Some countries extend open invitations to the SRs however, they are very few in number. Mostly the process of invitation is initiated by the SRs themselves once they come to know of issues that deserve attention in particular countries. Invitations can also be extended to the SRs by local people/organisations but subsequently need to have state confirmation too.
- **Communications** – All communications with SRs are confidential. The main objective is to engage with governments and ensure their accountability on human rights concerns and to follow up on direct threats for example the safety and security of human rights defenders. The communications from SRs to the governments can be in the nature of 'Allegation Letters' or that of 'Urgent Appeals'. Overall, only one-third of the communications sent by the SRs get a response; the rest of the

communications do not get any response from the governments. There is no effective follow up measure that SRs can take if the governments themselves choose not to respond.

- **Thematic Analysis (Annual Reports)** – SRs are requested to submit a report on the activities undertaken and themes analysed under the mandate to a regular session of the UN Human Rights Council on an annual basis. For this, SRs conduct specific research, hold consultations, attend seminars, or contribute to the larger body of knowledge on the theme of their mandates.
- **Awareness raising/cooperation.**

The importance and contribution of the civil society to providing critical information to the Special Rapporteurs have been emphasised. It was recognised by the UNSRVAW that APWLD's consultations have been used as a model example in civil society's organisation of SR country visits or regional/national consultations which facilitate the engagement between the SRs and the civil society and strengthen the mandates and human rights mechanisms.

Regional Consultation

The general aims of these regional consultations have been:

- To provide critical information to the UNSRVAW and other Special Rapporteurs, whose mandates coincide with the chosen theme of the consultation for inclusion in their reports;¹
- To enhance the discourse and to discuss strategies for addressing the issues identified;
- To create a forum for women to discuss in a focused manner various critical and emerging issues affecting women in the region related to violence against women; and
- To strengthen the capacity of women's organisations to engage with UN Special Rapporteurs and other UN experts with the aim of developing effective strategies to combat violence against women in the region and their respective countries.

In accordance with the call of the United Nations Permanent Forum on Indigenous Issues (UNPFII) at its sixth session² to the UNSRVAW to hold regional consultations with indigenous women, the theme of the 2008 Asia Pacific Regional NGO Consultation addressed violence against indigenous women in this region. The consultation was attended by the UNSRVAW, Prof. Yakin Ertürk, and the UNSRIP, Prof. S. James Anaya.

The specific objectives of the 2008 Consultation are:

- To identify multiple forms of violence, discrimination, inequalities and injustices faced by indigenous women within and outside their community in the Asia Pacific region;
- To identify national legislations, policies and customary laws and practices violating the rights of indigenous women;
- To focus on the socio-economic dimension of rights violations of indigenous women as this aspect is fundamental for their enjoyment of all rights;

¹ In 2004, APWLD held a regional consultation on "Interlinkages between Violence against Women and Women's Right to Adequate Housing," in collaboration with the UN Special Rapporteur on adequate housing, Mr. Miloon Kothari.

² United Nations Permanent Forum on Indigenous Issues, report on the sixth session (14-15 May 2007) at para. 105 (E/2007/43).

- To establish the interlinkages between patriarchy and the current prevailing macro-economic and development paradigms in the region; and
- To apply a political economy approach to indigenous women's rights and identify barriers and challenges faced by indigenous women in the context of fundamentalisms, militarisation and globalisation.

The participants at the consultation contributed to analysing the current situation that indigenous women in Asia Pacific are faced with and as well to identifying action guidelines for change and redress to better equip the participants to advocate for their rights. The major outcomes of the consultation are in particular:

- ✓ Identification of existing mechanisms for indigenous women to seek remedies;
- ✓ Developing strategies to advance the situation of indigenous women at community, local, national, regional and international levels.

While violence against indigenous women was a focus of the consultation, this discussion was necessarily located within a discussion of indigenous women's rights and women's rights more broadly. Patriarchy, discriminatory and harmful indigenous customary practices as well as the inter-connected forces of neo-liberal globalisation, fundamentalisms and militarisation hinder full enjoyment of their human rights and fundamental freedoms of indigenous women. The consultation concluded that to enhance and ensure indigenous women's access to justice, several international instruments within the United Nations, including UNDRIP and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), can be used for the advancement of the human rights and fundamental freedoms of indigenous women.

APWLD organised this consultation in collaboration with Mahila Sarvangeen Utkarsh Mandal (MASUM), a women's organisation based in Pune, India and a member of the APWLD represented on its Task Force on Violence Against Women (VAW TF). The regional consultation was followed by a National NGO Consultation with the two UNSRs.

National Consultation

The National Consultation on "Violence against Indigenous Women in India" brought together approximately 103 women's rights and human rights activists, and indigenous women from 17 states of India. In addition to the Indian participants, there were representatives of APWLD from Thailand and two other participants from the Philippines and the Kyrgyz Republic. The National Consultation was an opportunity to engage the UNSRs on India-specific issues and present an in-depth state-wise situation to them.

The participants briefed the SRs about the conditions of indigenous women in their states and the role of various government institutions

like the National Human Rights Commission. The northeast of India is witness to sustained armed conflict and there is a concentration of indigenous peoples' population in that area. The adverse impact of the implementation of the Armed Forces Special Powers Act (AFSPA) in that area was highlighted by participants from there, vis-à-vis severe and grave violations of women's human rights and the impunity of the armed forces. Another conflict zone is Chhattisgarh which has been declared "Naxalite affected" (armed ultra revolutionary activities by a political group called the Communist Party of India [Maoist]), also has a large concentration of tribal population like the mineral resource-rich state of Jharkhand. The inter-linkages and connections in the way the three core issues - neoliberal globalisation, fundamentalisms and militarisation - manifest in the lives of indigenous women in India was highlighted.

The participants in the National Consultation also highlighted the rights violations of indigenous peoples in general and indigenous women in particular. Projects for infrastructural and industrial development have led to large-scale displacement of indigenous populations - e.g. four lane national highway project which has displaced the indigenous *Dimasa* tribes in large numbers in Assam; agricultural lands are being diverted for sponge iron factories and paper manufacture mills in Chhattisgarh; bauxite mining in Chhattisgarh, Orissa and Jharkhand; hydroelectric power project, thermal power project, coal and iron ore mining and processing units in Jharkhand. Practices like 'witch-hunting' among indigenous women in Jharkhand, Madhya Pradesh and Chhattisgarh are blatant violations of their human rights. Participants drew the attention of the SRs also to the plight of *Dalit* indigenous women across India, who are discriminated against and considered untouchables.

CHAPTER 1

CRITICAL ISSUES FROM ASIA PACIFIC

To guide the discussions at the consultation, three broad areas of concern for indigenous women were identified namely: neoliberal globalisation and violence against indigenous women; militarisation, armed conflict and violence against indigenous women; and customs, culture and violence against indigenous women. The three areas, discussed here, were looked at in the context of the existing international framework for indigenous women, including the UNDRIP and CEDAW to name a few. The following pages summarise the discussions in the consultation and highlight the critical issues that emerged from them.

1.1 Neoliberal Globalisation and Violence against Indigenous Women

There was a consensus among the participants that in addition to its political and cultural dimensions, globalisation is primarily an economic process. The essence of globalisation is to enable monopoly capitalists represented by transnational corporations (TNCs) to maximise its profits at the cost of the exploitation of the poor and the marginalised; exploitation of natural resources of developing countries by dismantling natural restrictions in regulating trade and production, environmental laws; and cutting down provisions for social investments and services. That this “development” is neither inclusive nor gender-responsive is well established if one looks at the experiences of rural and indigenous women in the region who are mostly dependent on subsistence livelihoods.

The current paradigm of economic growth through trade and investment liberalisation, deregulation, and privatisation imposed on developing countries under structural adjustment programmes by International Monetary Fund (IMF) and the World Bank (WB) and various trade agreements of the World Trade Organisation (WTO) has resulted in the further impoverishment of indigenous peoples. In many contexts, it exacerbates poverty and marginalisation, making basic social services even more inaccessible for indigenous peoples. For instance, **in Indonesia**, the influx of cheap imports of rice and depressed domestic prices without state protection threaten the food security and livelihood of a large number of rice-growing small farmers. Furthermore, to generate foreign exchange to pay for foreign debts, governments have often relied on the so-called development projects which include extractive industries, mono-crop agricultural plantations and agribusiness ventures, resulting in the destruction or loss of ancestral land, natural resources, agricultural subsistence and other traditional ways of life as well as the ecological health of their territories, leading to further impoverishment.

Bangladesh³

Eleven identified indigenous peoples' communities inhabit the Chittagong Hill Tracts in Bangladesh. The area is governed by the Chittagong Hill Tracts Regional Councils Act, 1988. The indigenous women of this area face a lot of stigmatisation at the hands of the majority community and are frequently targeted by various forms of sexual violence. The area's lack of basic facilities for education and health impedes the full realisation of the human rights of indigenous peoples. Moreover, various instances of land grabbing by Bengali settlers despite the peace accord signed by the government, have increased the vulnerabilities of these women.

Philippines⁴

In the Mindanao region of the Philippines during early October 2008, 300 families were displaced from their ancestral lands. Earlier in December 2007, the Omega Gold Mining Company with the help of state military forces carried out large-scale evacuations of indigenous families. Around 2,200 homes were converted into a military camp and evacuation centre. In the Philippines, indigenous women farmers in the Cordillera engaged in commercial vegetable and rice production, suffered bankruptcy when cheap imported vegetables, grains and legumes flooded the local market from 2002 onwards. In the Cordillera, the destruction of traditional sources of livelihood has led to forced migrations which put greater burden and responsibilities on women. In the Cordillera region, which is dominated by the indigenous peoples, over 60% of the land is being used for mining – having far-reaching impact on the livelihoods as well as health of the indigenous peoples.

Development enforced on indigenous peoples' land or territories by states and corporations negatively impacts on indigenous women. All those negative impacts create additional burden on women and violate their human rights. For instance, due to the mining projects which result in contamination of land and water resources, women have to work more and longer to provide their family with safe water and food, care for sick family members, and earn additional income to cover those costs, sacrificing their own health and other needs. Indigenous women may have to leave their community to earn in the city or in other areas, where they are more vulnerable as they lose the support system once provided by their village and lack the skills to survive in a different social environment.

Women, particularly indigenous women, are usually excluded from decision making processes at all levels that decide on the means of production, resources and capital for food production. Women may not have access to free, informed and prior consent in most of the development projects, even in cases when companies claim that informed consent has been provided by affected indigenous communities⁵. The process is usually manipulated or corrupted with consultations only conducted among a small section of the population, use of bribery and promises of positions or employment and other incentives and even establishing farce council of leaders or elders for

³ Drawn from the presentation by Backey Tripura, Khagrapur Mahila Kalyan Samiti (Bangladesh).

⁴ Drawn from the presentation by Norma Cranso Capuyan, Kalumaran and BAI Mindanao (Philippines) and Vernie Yocogan-Diano, Innabuyog (Philippines).

⁵ Ruth Sidchogan - Batani, 'Indigenous Women, Culture and Violence Against Women,' presentation paper at the APWLD Asia Pacific NGO Consultation with the UNSR-VAW (2006).

the negotiations. In some cases, indigenous women have been excluded from access to government credit by “village units” which decide on the loans, as women were not considered farmers because they are not involved in the ploughing of the land. Even though indigenous women are traditionally producers, most are devoid of any negotiating power in matters of transfer, selling, or use of land.

1.1.1 Deprivation of Natural Resources and Alienation from Indigenous Land

Indigenous peoples have an intimate relationship with their land which is vital for the survival of their subsistence economies as well as for their cultural and spiritual integrity and identity. However, indigenous peoples’ rights over their land have been systematically denied by both states and corporations, as the ancestral homelands of indigenous peoples are regarded by states and corporations as resource base. Further, indigenous women’s right to land is often denied by customary laws or practices in many communities, resulting in further oppression and continued subordination of women. The community reinforces such discriminatory practices in the name of ‘customary tradition’; whereas the state does this through acts of *commission* for development, and acts of *omission* through its non-interference stance on tribal matters.

The common view and practice among indigenous peoples that ancestral lands are communally owned and a source of life or sustenance is being systematically disintegrated by neoliberal globalisation. TNCs as a force of neoliberal globalisation have become ever more determined to extract the resources in indigenous lands. Such aggression is changing the dynamics of communal ownership and resource control and use of indigenous peoples, and destroying the whole concept of ancestral land. Common cases include: a) land grabbing by the state and private corporations for so-called development projects such as construction of large hydro-electric dams, extractive industries such as mining, and mono-crop agricultural plantations; b) the incursion and proliferation of capitalist influences that prioritises individual over communal property rights; and c) conversion of communal lands to commercial and non-agricultural use for foreign investment and speculation. Further, lands that were once utilised for food crops for the subsistence of the community are converted to resorts or fast changing into lands of high valued crops (HVC) like soybeans, *Jatropha* and other crops used in bio-fuel production to respond to the increasing demand for the alternatives to fossil fuel. These crops are chemical intensive and are therefore releasing toxins into the land, water and air on an alarming scale. Nearby fields of food crops are also being affected. The shift towards cash crop production is resulting in malnutrition and mass starvation of indigenous peoples at the same time.

Taiwan⁶

Indigenous women in Taiwan are grappling with loss of land, degradation of natural resources, and damage to agricultural life. In cases where men are forced to migrate, the responsibilities and burdens on indigenous women increase as heads of households.

Thailand⁷

In Thailand, small-scale farmers of soybean and cassava have come under heavy economic pressure from cheap imports of soybean, export barriers and the development of alternative sources of cassava in western markets.

The privatisation of water is a heavy blow on the lives of the indigenous peoples. It has put an insurmountable burden on women by intensifying their everyday drudgery. Monopoly and privatisation of water resources have resulted to limited availability for household and agricultural purposes.

Furthermore, existing power structures in society reiterate and entrench patriarchal norms, reinforcing that women remain economically dependent on their male counterparts. There is an urgent need for land reform at state level to recognise, both indigenous peoples' right to their ancestral lands and indigenous women's equal right to their lands.

1.1.2 Forced Migration and Displacement

Increasing trends in the expropriation of ancestral lands for 'developmental purposes' have given rise to unprecedented displacement and alienation of indigenous peoples across the world. The same trend is discernible in the Asia Pacific region as well. Indigenous peoples are consistently subject to forced migration and/or displacement from their homes and land affected by the development projects that grab indigenous land and livelihood for their own profit. Women, whose husbands migrated, for example, may have to bear a greater responsibility to ensure livelihood, health and other security for their family members left behind with them in the community. Furthermore, the situation faced by indigenous women who decided to leave their community voluntarily with no other option to survive knows no difference. They are particularly vulnerable to discrimination and violence in many parts of the world through the threefold discrimination: being women, indigenous as well as migrants.

Uninformed and uneducated indigenous migrant women are more likely to end up in low paid and exploitative jobs, almost as bonded labourers; they are paid less than their male counterparts, devoid of mandatory basic facilities. Despite the blatant and regular violation of labour laws in the private industries and the unorganised sectors, the experiences of indigenous women are failing to reach the mainstream political agenda. Rather, states are targeting foreign migrant workers as taxable. For instance, the Philippine government has started imposing tax on the foreign currency remittance of overseas migrant workers. Furthermore indigenous women who are forced to take informal or

⁶ Drawn from the presentation by Mei-hui Chaing, Kaoshing Indigenous Women's Growth Association (Taiwan).

⁷ Judy M. Taguiwalo, *Globalization and Women: A discussion Guide for Trainers*, APWLD (2006).

irregular occupation hardly benefit from any social security from their employers and get no social service from the government. It is also a challenge for indigenous women who migrate away from their community to continue and hand over to the next generation the traditional artisanship, which has been a source of income as well as a tool for political expression for some indigenous women. As a consequence, indigenous women are alienated from their family, community and culture losing the sense of integrity and identity as indigenous women.

Lao PDR⁸

The development projects have adversely impacted indigenous women in Laos who have been forced to become migrant workers. A large number of ethnic groups have been relocated from their ancestral villages, which have been affected by dam projects, to areas that do not have enough land for their subsistence. The loss of traditional ways of life has increased the risk for women to get into trafficking, prostitution or to suffer domestic violence. The state has not put into place any measure for the protection of ethnic groups from the impact of these development projects. No mechanisms are available for the indigenous peoples to make themselves heard by the state.

India⁹

The 'development aggression' has also severely impacted the indigenous tribal populations in India and like elsewhere, the burden falls the most on the women. Land has been alienated from tribal populations for cultivation of high-yielding crops as well as setting up of huge industries. The indigenous peoples are hardly seen as "productive economic assets" by the states and hence are considered as "liabilities". For example, the mid-term appraisal of the annual financial budget of states showed that there was insufficient earmarking of funds for Scheduled Tribes. In such a situation, indigenous women face various insecurities and vulnerabilities which contribute to their further marginalisation.

⁸ Drawn from the presentation by Souknida Yongchialorsautouky, Gender and Development Group (Lao PDR).

⁹ Examples from India throughout this report have been drawn from the presentations by Anastasia Pinto, Centre for Organisation Research & Education (CORE), India; Appakutty Magimai, Society for Rural Education and Development (SRED), India; Madhu Mehra, Partners for Law in Development (PLD), India; Priti Darooka, Programme on Women's Economic, Social and Cultural Rights (PWESCR), India.

Rehabilitation, in most cases, is incomplete and inappropriate. Monetary compensation for displacement is usually not in the name of the women and as a result, women have no access to economic resources to recover and restore their lives nor have a voice on how the money is used. The money provided as compensation is sometimes mismanaged through the bureaucratic processes or intermediary, thereby not reaching the affected individuals or communities. This is the case particularly affecting indigenous women. The state does not consider women's needs and cultural specificity before designing rehabilitation packages. The availability of basic amenities at places of relocation is in a dismal state and it is only a temporary measure. In some cases, villages face multiple displacements. Displacement and relocation have also become a reason for intra-community and inter-community social conflicts over the limited resources.

1.1.3 Trafficking

The loss of livelihood options and increased pressure for survival have intensified indigenous women's vulnerabilities. Traffickers lure the young girls with false promises of employment opportunities. Families are then forced to send their young girls to big cities for domestic work or for other informal and unregulated labour sectors. Many go untraced thereafter. The social stigma attached generates an unwillingness to search for such individuals once they have "disappeared". This is accepted silently, which reinforces patriarchal values and gives girl children lower preference within families and society.

Indigenous women become victims of trafficking and in many cases are forced into prostitution as a result of losing their traditional livelihood when they are displaced from their ancestral lands and their resources are plundered by the state and corporations. Women's bodies are viewed as a highly marketable commodity. The clandestine nature of sex-trafficking has two important pay-offs: prosecutions are rare and fraught with difficulties; but also, generating quantitative data is all the more difficult. Problems of enforcement of the specific legal provisions, ranging from institutional obstacles such as poor infrastructure and a lack of resources, to methodological/ legal issues such as the conflation of terminology, are rampant. CEDAW provides for state parties to "suppress all forms of traffic in women and exploitation of prostitution of women".¹⁰

During the consultation, the plight of Kachin indigenous women from **Burma** and that of indigenous women from **Mongolia** were emphasised by participants from the respective countries. The most recent case shared at the consultation is in **northeast India** where more than 150 young girls were trafficked to Singapore and Malaysia. After consolidated efforts of NGOs and India government, five girls have been repatriated from Malaysia to their families in India. However it was reported that the parents of the girls and NGOs have faced threats for filing complaints to the police and other authorities by relatives of the trafficking agents.

It is not enough for states to suppress the trafficking and exploitation but states should address its root causes. Again, this boils down to the need to recognise indigenous peoples' and women's right to territories and the right to own and control their resources. This will enable indigenous women to continue and/or develop their traditional livelihoods as well as support economic and other basic needs of indigenous communities in general.

¹⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 6.

¹¹ Drawn from the presentation of Atina Gangmei, Asia Indigenous Peoples Pact Foundation (AIPP), Thailand.

HIV/AIDS Issue: ¹¹ Prevailing economic hardships, marginalisation and the lack of livelihood sources for indigenous people's communities have pushed indigenous women to seek jobs in unrecognised sectors such as domestic work or sex industry, where there hardly is access to protection mechanisms. This situation makes them vulnerable to HIV/AIDS, other sexually transmitted diseases and various forms of abuse. Indigenous women in **Thailand, Burma, Philippines, India and Nepal** are the worst affected. It was reported that a number of indigenous

women from Philippines have died of HIV/AIDS while working abroad as domestic helpers. Discrimination and social stigma against HIV/AIDS further fuels the pandemic by discouraging people from testing, and accessing services and treatment. They also deny people with HIV/AIDS opportunities for employment and other basic rights.

1.2 Militarisation, Armed Conflict and Violence against Indigenous Women

Indigenous people's territories in the Asia Pacific region are witnessing increasing militarisation and armed conflicts due to a number of reasons. The most important reason is the resource-rich character of indigenous people's areas which is increasingly being taken away from the indigenous peoples due to development aggression and extractive industries. Protests from the indigenous communities are then ruthlessly suppressed with the use of state military as well as private militias in the name of national security and war on terrorism. Militarisation is also the states' response against indigenous peoples' exercise of their right to self-determination. For instance, state security and police forces exercise undue force against communities resisting the operations of plundering TNCs and the state. The so-called global war on terror puts pressure on and provides legitimacy to the governments to squash local protests, to increase militarisation and to enact national internal security or anti-terrorism laws to cast indigenous peoples, as terrorists who are fighting for self-determination and control over their natural resources.

Furthermore, escalating budget for the military and for national security are used to justify the cutback in social services. The poor, women, indigenous peoples and all other marginalised sectors bear the worst brunt of these budgetary cuts of essential services. They are also the people who suffer various human rights violations to include harassment, threats, sexual assaults, illegal arrests and detention, filing of false charges and even extrajudicial killings. Due to increasing armed conflict in indigenous areas, there are also cases reported that indigenous youths are recruited in the military and para-military groups and come back with a skewed sense of masculinity and arrogance to inflict pain and disunity within their village.

Fiji Islands¹²

The history of militarisation in the Pacific and particularly Fiji Islands is linked to the sending of troops for UN peacekeeping forces in areas like Lebanon. Soon these islands came to be known for their contribution to the peacekeeping missions that led to the build up of notions of heroism and patriotism in the community where every family aspired to send a son in the military. The first military coup in Fiji took place in 1957 which has been followed by four more till date. Currently, Fiji is under a military regime which is in power since December 2006.

The military uses taboo issues to their advantage. For example, in one instance they gathered all the men of the community at a large hall and forced their wives to beat them up, forced daughters-in-law to sit on the lap of their fathers-in-law and created a tremendous sense of humiliation in the indigenous community. All these have led to the 'normalisation' of violence where tolerance levels have become higher. Indigenous women are not supposed to be vocal and indigenous women activists have to pay a very heavy price for raising their voices. In one occasion, women activists were dragged inside the military barracks and forced to lick the boots of officers.

Guam¹³

Guam is an unincorporated territory of the United States. It is the largest and southern most of the Mariana Islands in Micronesia. Guam also has the longest history of colonisation of all Pacific people. The indigenous people of the Mariana Islands are the Chamorus. In 2006, the total number of violence against women cases was reported at 607. In 2007, that number alarmingly increased to 2,273. Negative effects of U.S. militarism on women and children in Guam include sexual exploitation, physical and sexual violence. The concept of security is too militarised and does not include the human rights of women and children and the protection of the environment.

India

Sexual violence is a harsh reality in the northeastern conflict zones of India as well where the Armed Forces (Special Powers) Act, 1958 is in place which grants impunity to military officers and soldiers. This instrument has been widely used in order to perpetrate various human rights violations, particularly sexual violence against women.

¹² The instances about Fiji have been drawn from the presentation by Edwina Kotoisuva, Fiji Women's Crisis Centre (FWCC), Fiji.

¹³ Drawn from the presentation by Lisa Baza, Peace and Justice Consortium, Guam. She used the term "Guahan" (the word that means "we have") in lieu of "Guam". Guam is the legal term that was changed by their colonisers.

¹⁴ Drawn from the presentation by Indira Jaising, CEDAW committee expert, India.

There has been a great increase in the number of small armies as there have been efforts at creation of a paramilitary within the police force, like in the Fiji Islands. They are also highly involved in human rights violations. The armed forces enjoy impunity for their actions in the conflict zones and militarised areas. The concept of impunity is closely linked to concepts like 'sovereign immunity' and 'diplomatic immunity' at the international level. Thus, impunity actually runs down from international to national level and penetrates the household too in as much as there are few mechanisms to hold men accountable for domestic violence against women in the family.¹⁴

1.2.1 Sexual Violence against Women as a Weapon of War

Worsening armed conflict and militarisation concentrated on indigenous lands in the region increase indigenous women's vulnerability to violence and other forms of rights violation. Furthermore, physical and sexual violence against indigenous women committed by military and paramilitary forces has tremendously increased after September 11, 2001.¹⁵ Patriarchal society that honours men is intrinsically associated with their ability to guard the sexuality of women in their community, and violence against women, especially rape is used as "a tool to terrorise indigenous communities in several South East Asian countries such as some parts of the **Philippines and Burma**.¹⁶ In Pacific countries such as **Fiji, Autonomous Region of Bougainville in Papua New Guinea, Papua New Guinea and the Solomon Islands**, women in the community suffered sexual assault and increasing domestic violence during the ethnic conflicts.

Burma¹⁷

Burma is a highly militarised state which is under a military dictatorship for a few decades now. The army consists of around half a million soldiers and over 500 battalions. The regime spends under 1% of the GDP on health and education sectors combined, while spending over 40% of the national budget on its army, when there is no external threat to the country's security. The troops commit systematic and widespread human rights violations including forced labour, forced relocation, torture, various forms of sexual violence and arbitrary arrest.

They have been using rape as a strategy of war on women particularly in the indigenous areas. Indigenous women's groups like the Karen Women's Organisation and the Women's League of Chinland have documented evidence of around 1,000 cases of sexual violence against women by troops that enjoy impunity, since 2002. There are about 500,000 ethnic people living as Internally Displaced Persons (IDPs) in other parts of Burma and another 700,000 as refugees in neighbouring India, Bangladesh and Thailand. The women have fallen prey to massive trafficking and various other manifestations of gross violence against them.

Nepal¹⁸

The indigenous women of Nepal had to bear the agony of 12 years of war that the country had faced in two ways. First, they had become victims of rape, murders and violence and inhumane suffering perpetrated by both parties – government and Maoists. Secondly, as the Maoists' people's war was practically being waged in the areas inhabited by indigenous peoples, the indigenous women and children had to bear the direct impact of the violations of human rights by both parties. According to the report of Oxfam – Nepal (2001), in the Maoist-affected areas, indigenous women and *dalits* are the ones more affected by the war. There are evidences that they have been used in highly risky situations as human shields, to carry loads and are ill treated. Indigenous women were held in suspicion by the government forces, which also often led to arrest, disappearance and death. Because of the armed forces, the rates of violence against women, including torture, rape, suicide and death in childbirth increased during the conflict period.

¹⁵ Report of the 2nd Asian Indigenous Women's Conference presented by Victoria Tauli Corpuz at the 3rd Session of Permanent Forum on Indigenous Issues (2004) at p.1.

¹⁶ Annual report of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. Rodolfo Stavenhagen (2002), at para.107 (E/CN.4/2002/97).

¹⁷ Drawn from the presentation by Mary Labang, Kachin Women's Association Thailand (KWAT), Burma/ Thailand.

¹⁸ Drawn from the presentation by Lucky Sherpa, National Network of Indigenous Women (NNIW), Nepal.

The UN Security Council Resolution 1325 condemns and prohibits the use of “rape as a weapon of war”. The resolution recognises it not just as a by-product of war, but rather that it is used as a deliberate weapon, which enjoys preferential status over arms fighting. As rape involves a high degree of stigmatisation, it generally goes unreported. Moreover, the experience of seeking justice often becomes so traumatic that the victim is put off from using legal frameworks. In cases where ‘peace’ has been restored, the negotiation of women’s rights, particularly in cases of rape and torture, is wiped off the political agenda. Thus, offenders continue to carry out injustices with impunity. It is important to recognise the role of women before, during and post conflict as mediators, humanitarian workers, human rights defenders, or peace negotiators and strengthen the protection mechanisms for them.

1.3 Customs, Culture and Violence against Indigenous Women

Cultures are fluid, diverse, and contested sites. Culture is constructed and defined through power relations within and among cultures through historical influences. There are no pure, ideal, or innate cultural values, and there is no culture that is not mediated by axes of inequality and patriarchy is one of them¹⁹. In the context of indigenous peoples, culture has been used through ideological contests between colonial powers, nationalist opposition to the colonialism and indigenous movement against the nation-building processes by the dominant society.

Women have actively resisted acts of violence against women perpetrated and/ or condoned in the name of tradition or culture. Presentations by participants also highlighted the economic and political aspects of discrimination and violence against women which plays an important role in perpetuating and reinforcing harmful culture and cultural practices which place women in subordinate position in society. Indigenous women consciously choose to identify indigenous “culture” to confront violence against indigenous women by engaging in a “cultural negotiation” whereby the positive cultural elements are emphasised, while the oppressive elements in culture-based discourses are demystified²⁰. In the context of growing fundamentalisms and other extremisms in the region, it is crucial to develop indigenous women’s movement confronting and challenging violence against women in the name of culture. Diverse cultures should be respected and celebrated to uphold women’s universal human rights while resisting oppressive practices and violations grounded in ethnocentric thinking. Participants identified commonalities of women’s struggles of oppression that go beyond specific cultural boundaries.

¹⁹ Mairin Iwanka Raya: Indigenous Women Stand Against Violence, FIMI (2007) at p.29.

²⁰ Annual report of the UN Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk (UN doc. A/ HRC/ 4/ 34).

1.3.1 Restriction of Women’s Political Rights

Indigenous women’s role in decision making is not encouraged and they are not permitted to raise their voice outside of the home even though they share equal amount of work with men in traditional occupations as well as domestic work for economic survival of the family. Women are excluded in decision making at indigenous peoples’ institutions. Even in

progressive movements like resistance to development projects, where the women are in the frontline of resistance, women's participation at the decision-making level is limited. Also, women are often forbidden in the traditional halls or gathering places of men. Thus, social customs and traditions uphold male pride and honour. In that way, the norm of supremacy of men over women are retained and reinforced.

Thailand²¹

No-Aeri Thungmueangthong, a Karen ethnic and a tambon (sub-district) administrative council member, shared her experience of participating in the political process and reiterated the difficulties faced by indigenous women due to denial of decision-making powers. She is the first elected woman representative from her community. Traditionally, women were not even allowed to speak in the village council and other decision-making fora. However, with the support of her progressive family and husband she managed to get an education and got her high school diploma. She is also among the few women from her community who can speak in the Thai language. She now pledges to work to remove the barriers that women have to face to get a formal education and decision-making powers.

Papua New Guinea²²

In the Consultation, two newly elected women leaders of indigenous communities shared their experiences from the Motu Koita Assembly of the capital city of Papua New Guinea. They shared the difficulties that indigenous women have to face due to the denial of decision-making powers to them within the community. Their election to the assembly was a result of voting by an all-women electorate created to facilitate election of women members. Before such an arrangement was arrived at, they had to face a lot of hostilities from the orthodox factions of their community.

1.3.2 Deprivation of Women's Economic Rights

There are no inheritance rights for women in most of the indigenous communities. Indigenous women are often prohibited to marry outside their community whereas no such restrictions exist on men. One of the important aspects of endogamy practiced in many indigenous communities such as in **Bangladesh** is that besides to preserve the 'purity' of the bloodline of the indigenous peoples, endogamy serves as a protection to the already diminishing indigenous people's land/territory. Since property is put in the name of the husband, women are discouraged from marrying outside. Dispossession of property for women/widow on the death of the husband is widely practiced by indigenous communities in Asia. Moreover, single women and women who are heads of households are also vulnerable targets of vested interests within and outside the community who wish to usurp their property.

²¹ Drawn from the presentation by Noraeri Thungmueangthong, Tambon Administrative Organisation Council, Thailand.

²² Drawn from the presentations by Catherine Groa Raka & Keke Loa Reva, Motu Koita Assembly, Papua New Guinea.

1.3.3 Control over Women's Sexuality and Commodification of Women

Women's sexuality and rights in relation to marriage and childbirth are in various ways controlled and violated in the name of culture including rituals related to menstrual cycles and childbirth, and the 'sanctity' of virginity. Control over women's sexuality is always associated with honour of men and so it is done by her own community to sustain the male power over women.

Women's sexuality is also used as a terrain of power relations between the dominant society and minority/indigenous communities. By conquering "their" women's sexuality, the dominant society exercise its power over the indigenous communities and nullify the whole community in an attempt to attack, assimilate or extinguish indigenous groups, while the community defends their society by protecting "our" women's sexuality. Participants shared that reproductive rights are often neglected and reproductive health issues are not openly discussed as they are considered to be taboo. Preference for male children put pressure on women to give more births against their will and capacity.

Harmful but culturally tolerated practices identified at the consultation include:

- Forced marriages are commonly practiced in the case of women being raped or getting pregnant;
- The victims are forced to marry the rapist or suitor to avoid social disgrace, which is the case in Dayak Agabak in Indonesia;
- Polygamy is a prevailing practice among some indigenous groups which places women in a situation of humiliation, helplessness and mental instability, which are the cases in indigenous communities, Mindanao;
- Paying or taking of bride price commodifies women, leading to greater vulnerability to domestic violence and abuse of the wife, such as in Malaysia and Indonesia;
- Honour killing is one of the worst forms of customary practice which prevails in various parts of the region.

In **Pakistan**, for instance, three teenage girls who intended to marry men of their own choice through a civil court and defying the centuries-old tribal traditions along with their two close elderly female relatives were shot and buried alive recently.²³

Indigenous communities place a very strict taboo on inter-ethnic and sometimes even inter-clan marriages. In **Papua New Guinea**, there have been numerous manifestations of violence like sexual assault, rape, increase in domestic violence, ethnic tension due to inter-marriages and otherwise. It is women who bear the heaviest burden and consequences of deviating from traditional norms – whereas men are not generally disinherited in case they marry outside the community, women are alienated from their rights and entitlements within the community if they marry an 'outsider'.

23 Drawn from the presentation of Atina Gangmei, Asia Indigenous Peoples Pact Foundation, Thailand.

1.3.4 Other Restrictions and Sanctions on Women in the Name of Culture

Despite existing legislation that prohibits many of the above practices, they continue to exist. The indigenous communities do not report such incidents as they take them to be normal in the name of culture or tradition. Since women are considered custodians of culture, strict adherence and conformity is expected from them. If women deviate from such norms, the reprimands are heavy and harsh. Women who have been offended by acts of sexual violence or exploitation are held responsible for provoking men; indulging in risky behaviour or making advances. Whether women manage evidence in their support or not they invariably have to bear the liability of children, some of which were the result of rape.

Taboo and the silence around violence against women put heavy burden on women. Indigenous women themselves tend to see violence against them as something that they should be ashamed of or arising out of their own fault. They are compelled to hide the violence, scared that if it were known public, it would be a disgrace to the family. Domestic violence instances are still treated as family matters in Asia and the Pacific region and so resistant to interventions from “outside”. Women who seek justice are often alienated even by the members of their own families. In such a context, women are reluctant to report violations against them for fear of exacerbating the situation.

India

In many parts of tribal India, there is a phenomenon of “witch-hunting” which is also an extreme expression of discrimination. Women who have some kind of knowledge like the mid-wives are often the targets of such phenomenon. Its links can be traced to the tussle between the mid-wives and the traditional medicine man or the ‘ojha’ in the village and thus it is more of a struggle for establishing male supremacy. There is a law against witch hunting, but like many other laws its implementation remains weak. Furthermore, Dalit women in India have historically faced systematic discrimination and violations of their rights due to practices like untouchability despite that it is prohibited by law in India.

1.3.5 Formal Judicial System vs. Customary Laws and Practice

Indigenous women are also abused by the inter-play of dominant powers between the formal judicial system and customary laws and practices. In several countries and communities across the Asia Pacific region, traditional authority or customary law operates alongside the formal, statutory legal system. These parallel legal regimes monitor and control community norms and practices, which often reinforces male power over women. Claims based on custom, tradition and indigenous cultural values have been used by the dominant judicial system to excuse acts of violence against women and girls.²⁴ In most Pacific Island countries, the law is a combination of English common law and customary law of the indigenous peoples, and custom is recognised in many of the constitutions. Custom in all Pacific countries have a strong influence in qualifying women’s role in society and of perpetuating the traditional

²⁴ Annual report of the UN Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, (2006), at para. 66 (A/ HRC/ 4/34).

concept of women and her place in the family, home and community, reinforcing gender stereotypes and violence against women.

Customary laws and civil laws that perpetuate gender discrimination give women limited spaces to challenge such discrimination and seek redress. There is also substantial confusion surrounding the tensions between customary law, legislation and constitutions, conflicts within constitutions, and conflicts between domestic customs, national laws and international human rights law. Politicians, judges and others enacting and interpreting these laws often fall back on cultural norms that may discriminate against women.²⁵

Taiwan²⁶

The statutory laws are unable to respond to the complexity and the diversity of indigenous societies in Taiwan. Moreover, the indigenous populations are used to dealing with conflict affairs through negotiation and consultation among the elders in villages which many a times lead to violation of women's rights or invisibility of their issues. The indigenous women have also been adversely affected due to the forces of national assimilation.

The greatest challenge that the indigenous people in **Cambodia** face is the lack of support for their rights in the national legal framework. Thus the issues and concerns of indigenous women are made invisible and the state conveniently evades the responsibility of accounting for their rights.

1.3.6 Positive Elements of Culture

It is equally important to acknowledge and promote indigenous customary laws, practices and culture which uphold the value of equality between men and women. Culture can serve to strengthen people's sense of self, history, and community in ways of fortifying women's capacity to resist and respect their roles in the communities. For indigenous women, culture can be used as a source of resistance to violence. For instance, in some indigenous communities in **Bangladesh and the Philippines**, women's right to inheritance of properties is guaranteed and there are mechanisms to deal with sexual harassment against women in a gender sensitive way. It is critical to defend those values and traditions of indigenous peoples that promote their human rights and fundamental freedoms equally to men and women within a struggle for the rights of indigenous peoples as a whole.

²⁵ Realising Our Rights: Holding the State Accountable for Violence Against Women in the Asia Pacific Region, APWLD (2005) Thailand.

²⁶ Drawn from the presentation by Mei-hui Chiang, Kaoshiung Indigenous Women's Growth Association (KIWGA), Taiwan.

Good Practices: various good practices based on the indigenous customary laws and practices have been maintained. Improvement and more progressive changes to uphold women's human rights have been made over the generations by the efforts of indigenous women. Some notable good practices from various parts of the world, which the participants appreciated, are:

- Kadazandusun of Sabah (Malaysia) customary laws, or *Adapt* grants the right for equal distribution of inheritance between men and women. Daughters inherit the possession of mother,

while sons of the father;

- Among other indigenous groups of Penan of Sarawak both sons and daughters traditionally have equal rights to use land belonging to the parents;
- Traditionally women in many indigenous communities of Sabah such as the Kadazandusun, Rungus and Semai have the right to participate on equal terms with men in decision making;
- The indigenous community of Ngato Toro in Indonesia had a traditional institution called Tina Ngato (mother of the village) where women have the role in decision making at the community level;
- In the case of Philippines, some changes have been brought over the years in the governance role of women. Traditionally in communities where the council of elders was restricted only to men, women can now participate in the council meetings;
- Among the Tumanduks and other indigenous groups women have a voice in settling disputes as third party witnesses or as representatives of the parties;
- Among the Ata-Manobo and the Higaonon in Mindanao, women can become leaders or chieftains in their communities;
- In Nicaragua, there have been appreciable efforts towards restoring indigenous rights and defending human rights of indigenous women, through practices like: restorative justice that combines the official practices of traditional justice systems with the benefits of international human rights norms; community-based conflict mediation programmes; training in human rights for community members; and intergenerational dialogues; and
- In Kenya a scheme of funding independent, women-run communities is being implemented which focuses on human rights training and economic autonomy.

Japan²⁷

Naomi Shimazaki, an Ainu ethnic woman shared the plight of Ainu women in Japan. Over a long time, Ainu women's traditional culture, conventions, and customs have been extinguished by the assimilation policies of the Japanese government. Since the 18th century, under the assimilation policy, Ainu women were forced to become "local wives" for Japanese men and so-called mixed-blood children increased from these marriages. Over a long time, due to structural discrimination in Japanese society, Ainu women gradually lost their identities as Ainu.

Finally the Ainu people was recognised as indigenous people by the Japanese government on June 6, 2008 which marks a beginning of the Japanese government's recognition of Ainu people's history and legal reality, and to accord them the dignity they deserve as indigenous peoples. In addition to demanding rights for land and natural resources, the Ainu women are continuing their struggle to seek an official apology, the recognition of indigenous peoples' right to self-determination and the corresponding improvement of indigenous peoples' political status.

1.4 International Framework for Indigenous Women

To enhance and ensure indigenous women's access to justice, several international instruments within the United Nations can be used for the advancement of the human rights and fundamental freedoms of indigenous women.

Specific rights of indigenous peoples have been recognised and codified in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted on 13 September 2007. The Declaration in its Article 22(2) stipulates 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 21(2) of the Declaration also recognises that states shall take effective measures and, where appropriate, special measures to ensure continuing improvement of the economic and social conditions of indigenous peoples, and that particular attention shall be paid to the rights and special needs of women, youth and children, among others.

The organisers and most of the participants including Victoria Tauli-Corpuz, chairperson of the UN Permanent Forum on Indigenous Issues (UNPFII) agreed that even with these general provisions the Declaration fails, however, to address the rights of indigenous women in specific areas of life. There is thus a need to read the Declaration in conjunction with other instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), Declaration on the Elimination of Violence Against Women (DEVAW), Beijing Indigenous Women's Declaration

²⁷ Drawn from the presentation by Naomi Shimazaki, Indigenous People Summit in Ainu Mosir 2008 (Japan).

and Convention on the Elimination of Racial Discrimination (CERD). In-depth studies such as the United Nations Secretary General's Study on All Forms of Violence Against Women of 2006 and a Companion Report to the UN Secretary General's Study should be read in conjunction with other international instruments mentioned above. The UNSRIP underlined that the UNDRIP has an inherent gender perspective that evolved during the two decades when it was in the draft stages and many indigenous women were themselves in the forefront during that process. This point is further elaborated in the following chapter.

CHAPTER 2

VIOLENCE AGAINST INDIGENOUS WOMEN: INTERLINKAGES AND CONNECTIONS

Indigenous women in the Asia-Pacific region number more than 75 million (approximately 50% of the indigenous population in the whole region based on self identification) and their ways of life as well as their livelihood is closely connected with their ancestral land that ensures their economic, political and socio-cultural survival. The disparities between indigenous peoples have been enduring and are a collective phenomenon with historical and structural causes. Therefore a holistic and collective approach to understand the violent situation faced by them is required. The overarching context of patriarchy and indigenous culture, as well as the inter-connected forces of neoliberal globalisation, fundamentalisms and militarisation perpetuate an environment in which indigenous women's right to live without violence and full enjoyment of their fundamental human rights and freedoms are violated.

2.1 Perspective of the UNSRVAW²⁸

The UNSRVAW identifies two broad issues that contribute to the disadvantaged position of indigenous women. Firstly, indigenous peoples are not effectively integrated in the socio-economic fabric of 'mainstream' society. Most states have failed to bring about inclusion of the indigenous peoples and minorities, thus undermining what the international indigenous peoples movement tries to do. It is important for states to look at indigenous peoples, not with romanticised notions of 'culture' with frozen identities but as dynamic. There is a need to demystify this 'cultural baggage' which actually has its roots in colonialism and has come to be imposed thereafter by the powerful. The agenda on indigenous peoples must move away from romanticised ideas; they must not be viewed as 'museum pieces' but should be given equal opportunities in every sphere. Secondly, there has to be recognition of gender specific discrimination against indigenous women. There is a universal patriarchal culture that also permeates indigenous cultures and there is a need to weed that out. There has to be caution against indigenous culture becoming an accomplice in oppression. Thus there have to be efforts to critically bring in a political economy perspective to socio-cultural processes.

Moreover, there are intersections between the multiple forms of discrimination that indigenous women face, by virtue of five identifiable factors – sex, ethnicity, poverty, rural location and being migrants. Violence against women is all pervasive and no one can possibly act as the 'saviour' of others; its elimination requires that women fight against it together. But in doing so, what needs to be the cardinal principle is to keep in mind the particularities of indigenous women and 'context specific universalism'. For example, a migrant indigenous woman worker faces the common problems of her group like that of collective exclusion as well as gender specific problems within her own group.

²⁸ Drawn from the presentation of the UNSRVAW, Yakin Ertürk.

Such situations lead to extremely difficult ideological, political and ethical dilemmas for women.

In indigenous people's experiences, greater autonomy has not necessarily resulted in the form of women's rights. There is an urgent need to take on board indigenous and rural women in the development agenda. This is because not only women benefit unequally than men but in fact the consequences for them can sometimes be adverse.

Violence against indigenous women is based on traditional patriarchal hierarchies and ethnic stereotyping. It is also linked to the crisis ridden development agenda which has led to the general impoverishment of indigenous peoples and thus indigenous women too. States are responsible in terms of their response and resource prioritisation. Military budgets are increasing worldwide with decreasing focus on building capabilities²⁹.

There is a need to raise questions about violence against indigenous women and fix responsibilities, armed with empirical evidence. The position of indigenous women vis-à-vis culture is a particularly important aspect. In many countries there is a disturbing trend of a skewed sex-ratio in favour of men. In India alone, there are more than 50 million "missing women" due to the practice of sex-selective abortions and female foeticide. This phenomenon is no less than a genocide that is going on unnoticed. However, such phenomena need not be seen in isolation: if there is sex-selection in one culture there is honour killing in another. Thus, not 'how' but 'why' women are being systematically eliminated is an important question to be raised.

Here too universalism should be the guiding principle along with respect for context specificity – what may be a woman's right in Sweden may be no more than a joke in Saudi Arabia. Nonetheless, there has to be a deeper understanding of why human rights violations are so universal in nature. In fact, violation of women's rights is the single-most cross-cutting factor across civilisations and cultures. Thus, rights do not exist in a vacuum but in a context of political economy and the dynamics of state-civil society relations play an important role in their institutionalisation.

There is evidently a tension between women's socio-economic rights and the prevailing macro-economic policies which is undermining rights realisation. Empowerment through the capabilities approach can supplement the human rights agenda in a situation where there is a systematic erosion of entitlements. Seemingly gender-neutral measures have very gender-specific impacts. For example, economic social organisation of distribution of resources establishes male supremacy in as much as there is an erosion of care services which leads to limited choices for women who are being pushed into families. Some countries are witnessing the phenomenon of negative population growth and the dealing mechanism has been to put emphasis on women's role in families. All these necessitate a scrutiny of what should be the basis of entitlements – the market, patriarchy or the human rights agenda.

29 The UNSRVAVW endorsed the 'entitlements and capabilities' approach by Amartya Sen and Martha Nussbaum in all of her interventions throughout the consultation. This approach to human well-being emphasises the importance of freedom of choice, individual heterogeneity and the multi-dimensional nature of welfare. The emphasis is not only on how human beings actually function but on their having the capability, which is a practical choice, to function in important ways if they so wish. Someone could be deprived of such capabilities in many ways, e.g., by ignorance, government oppression, lack of financial resources, or false consciousness.

For the empowerment of indigenous women, whose realities are often located in subsistence oriented systems, access to ownership of resources becomes a very crucial issue because that is a key in increasing their bargaining powers as well as a factor that provides them much needed exit options from oppressive situations.³⁰

2.2 *Perspective of the UNSRIP*³¹

The UNSRIP believes that his mandate asks him to promote the collective rights of indigenous peoples and focus on specific real life ground situations, not just abstract issues. He thus believes that the issues concerning indigenous women cannot be looked at in isolation but are located within the collective rights concerns of indigenous peoples. The normative framework of the mandate is contained in the UNDRIP, a comprehensive document which addresses the entire range of issues about indigenous peoples. He thus considers it to be his guide on how to promote issues of indigenous peoples. The UNDRIP has a couple of provisions that are specific to women – articles 21, 22 and 44, for example. Further, even in the provisions which do not explicitly talk about women, indigenous women's rights are inherent.

The merits of the UNDRIP lie in the fact that it places all indigenous people's rights within a broader framework of international human rights, including rights of women. It also includes some points of tensions related to women's rights in terms of exclusionary or discriminatory laws and practices. However, their being exclusionary does not make a case for their rejection altogether and hence the UNDRIP upholds the continued existence of the governance systems and authority structures of indigenous peoples, at the same time pointing to the need for reforming those systems to purge them of oppressive practices. There is a need also to recognise that there has been an incorporation of various oppressive structures of 'other' cultures when indigenous cultures have come in contact with them whether due to colonisation or globalisation. For example, in many North American indigenous cultures, 'clan mothers' have now been displaced from their earlier positions of prominence. But even there, these systems need not be discarded totally, what is needed is a clear distinction between ideal-non-ideal, preferable-non-preferable, etc.

³⁰ The UNSRIP referred to the work by Bina Agarwal on land, livelihoods and property rights, environment and development, the political economy of gender, poverty and inequality, law, and agriculture and technological change. Agarwal's analysis throws light on the connectedness of gender, poverty, and development.

³¹ Drawn from the presentation of the UNSRIP, S. James Anaya.

In this sense, UNDRIP is not an exclusive document; in fact it is a synthesis of all rights of indigenous peoples within a broader universal framework of international human rights, drawing from CEDAW, ICCPR, ICESCR, CERD, and other instruments and not in counter-position to them. Thus, if a state is not a signatory to the UNDRIP, it does not follow that it is not bound by it.

There is a great deal of controversy among states regarding the scope and coverage of indigenous people's issues and also on the definition of "indigenous peoples". However, it is not important to make a bright line of distinction – we all know who they are – what is important is to focus on the pressing issues. The study by FIMI on violence against indigenous women throws light on the intersectionality of oppression

and how collective rights of indigenous peoples complement human rights of indigenous women.

The UNSRIP believes that there is an inherent gender perspective in his mandate, not in the classical sense of ‘women’s rights’ but in the sense that it locates indigenous women’s rights within the collective rights of indigenous peoples. There is a need to strengthen the voices of indigenous women, so that they can articulate their concerns and priorities. There is a need to overcome all the barriers that prevent them from reaching a lot of international fora. In this sense too the UNDRIP is a landmark document because in the 20 years of its drafting there was equal participation by indigenous women.

2.3 Mairin Iwanka Raya: Indigenous Women Stand Against Violence³²

“*Mairin Iwanka Raya: Indigenous Women Stand Against Violence*” is a Companion Report to the United Nations Secretary-General’s Study on Violence against Women prepared by the International Indigenous Women’s Forum (FIMI) in 2006. The Companion Report reflects the history and contemporary experiences of indigenous women put together by FIMI which is a network of various indigenous women’s organisations all over the world. FIMI came into existence as inter-continental networks between indigenous women’s organisations were forged after the 1995 Beijing Platform for Action in the view of historical denials faced by indigenous peoples and the complicity of states towards indigenous women’s rights and the human rights of indigenous peoples. FIMI’s concerns range from the “War on Terror” after September 11 to highly politicised notions of “culture” to sexual and reproductive rights of indigenous women.

The Companion Report proposes a unique indigenous conception of gender-based violence by emphasising the importance of studying violence against women in relation to aspects of identity that are beyond gender, using an approach that accounts for the ways in which identities and systems of domination interact to create the conditions of women’s lives. Indigenous women’s perspective on violence against women is shaped by mutually reinforcing factors like colonisation and militarism; racism, discrimination and social exclusion; poverty; and, of course, patriarchy. It highlights intersectionality in terms of interrelations between distinct aspects of identity and an “integrated analysis” within a human rights framework which recognises violence based on distinct but overlapping identities.

The Report also identifies three interrelated fields:

- Claiming human rights: universality, indivisibility, individual and collective human rights;
- Collective indigenous rights: key element to combating violence;
- Women’s human rights and the global women’s movement: mainstream feminism and multiple systems of domination.

³² Drawn from the presentation of Victoria Tauli-Corpuz, chairperson of the UN Permanent Forum on Indigenous Issues

Indigenous women's notions of territories, boundaries, citizenship, and residence that shape relationships with states are different. For them, violence often originates in the global arena and thus inclusion of the transnational category is important, e.g. border crossing, migration and trafficking of indigenous women. Categories like 'ecological violence' and 'spiritual violence' also need recognition. Ecological violence results from the impact of policies and practices that harm the earth, climate stability, ecosystems, health, livelihoods, social status, and cultural survival of indigenous women. Spiritual violence arises from the impact of systemic attack on indigenous spiritual practices and of violence against women, desecration of sacred sites and so on. These categories of violence unique to indigenous women arise as a result of neoliberalism and development aggression.

Indigenous women face a lot of violence in the name of tradition within their communities. Cultural practices are fluid, contested, and connected to relations of power. In such a context respect for cultural differences can exist simultaneously with the belief that cultural practices and beliefs can and do change. In fact, culture can be used as a source of resistance to violence. Outside the community they fall prey to violence, when indigenous peoples are designated as a "backward culture".

Cultural relativism has been used to shield human rights' abuses by designating them as "cultural"; it is used to argue the inherent tension between universal human rights standards and local cultural practices. The main challenge thus is to make human rights norms accessible and meaningful in local communities, deconstructing religions and cultures.

For indigenous peoples, state laws often become a source of violence, especially in the context of armed conflict and militarisation. In such situations domestic violence also increases because of correlation with other human rights violations as well as state racism in the form of neglect and inaction. This necessitates looking beyond the criminal dichotomy of victim and perpetrator – and look for the reasons why the crime occurs including the conditions that form the perpetrator's psychological, moral, and spiritual status, and for the connection to violations of indigenous peoples' collective rights.

Armed conflict and militarisation in indigenous areas is mostly linked to "resource wars" – contests over land, water, precious minerals, and energy sources, tied to neoliberalism and development aggression. Such policies in turn are responsible for migration and displacement of indigenous women.

The Report identifies various "promising practices" from various countries like Nicaragua and Kenya which include:

- Preserving and developing traditional roles, transmitting knowledge and cultural values;
- Restorative justice that combines the official practices of traditional justice systems with the benefits of international human rights norms;
- Community-based conflict mediation programmes;

- Training in human rights for community members;
- Economic autonomy: developing a system of sharing resources, sickness/disability fund, etc.; and
- Promoting women's participation in community development processes.

The Recommendations of the Companion Report include:

Strengthening indigenous women's advocacy in terms of -

1. Education:

- Support community-based initiatives to combat violence
- Public education directed at indigenous and non-indigenous sectors

2. Data Collection:

- Develop new methods of investigation, including methods of disaggregated data collection on indigenous women
- Action-oriented studies that respond to women living in situations of violence
- Document violence against indigenous women worldwide

3. Public Policy:

- National judicial system includes collective rights of indigenous peoples
- Incorporate traditional, indigenous processes of justice in national judicial systems
- Human rights training for police and other state actors
- Principle of free, prior, informed consent that refers to indigenous peoples must include women

Promoting indigenous women's leadership through -

- Education, training, and capacity-building at all levels
- Information technology
- Allocate resources to support initiatives in local, national, and international arenas

Advancing indigenous peoples' rights -

UN Declaration on the Rights of Indigenous Peoples (UNDRIP) must be approved without amendments.

CHAPTER 3

STRATEGIES AND RECOMMENDATIONS

One of the most important productive outcomes of the consultations every year has been to draft concrete recommendations for relevant stakeholders in the issue being addressed and this year's consultation took that forward. For this, on the final day of the consultation, the participants held group discussions among themselves on the three key issues identified for the consultation, namely:

- Neoliberal globalisation and violence against indigenous women;
- Militarisation, armed conflict and violence against indigenous women;
- Culture, traditions and violence against indigenous women.

These issues were discussed in greater detail by the participants. According to their areas of interest, the participants divided themselves into three groups; with each group addressing one of the three issues outlined above, and discussed the following points:

1. Core issues;
2. Strategies at the national, regional and international levels;
3. Recommendations for the states, the UN special rapporteurs, non-state actors and the civil society.

Participants defined the challenges and recommendations to fulfill and promote all human rights of indigenous women, and eradicate multiple forms of violence faced by them in the region.

Participants identified strategies within their own organisations and within the women's movement which include:

- (i) Utilising international and regional human rights mechanisms;
- (ii) Lobbying for new mechanisms such as an Asian human rights mechanism to promote, protect and fulfill human rights of indigenous peoples;
- (iii) Lobbying for ratification and domestication of international human rights instruments, particularly CEDAW and UNDRIP;
- (iv) Legal and policy reform; and
- (v) Building networks and sharing information, experience and strategies.

Recommendations to the Two Special Rapporteurs

- To conduct 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;
- To respond to individual complaints submitted by indigenous women;
- To jointly conduct an in-depth study and consultation/workshops with indigenous women on their particular

experiences of violence against women and other forms of human rights violations; and

- To make concrete recommendations to states and other concerned actors/agencies to effectively address the concerns of indigenous women raised in the consultation.

Recommendations to the States

- To recognise indigenous peoples;
- To ratify and effectively implement UNDRIP and other human rights instruments;
- To respect indigenous peoples' customs, traditions and informal peace-building initiatives and take effective measures, in consultation and cooperation with indigenous peoples, to protect, promote and fulfill human rights and fundamental freedoms of indigenous peoples;
- To establish state level mechanisms to ensure indigenous women's inclusion and participation in decision-making at all levels; and
- To institute data disaggregation by gender and ethnicity.

Recommendations to Non-state Actors

- To respect indigenous peoples' rights to free, prior and informed consent; and
- To adopt human rights based approach to prevent any kind of aggressive/destructive interference on indigenous lands, territories and resources.

Recommendations to Civil Society

- To build and strengthen national, regional and international alliances to engage with UN Special Rapporteurs;
- To build and strengthen the capacity of indigenous women to promote their rights and welfare, including collective rights of indigenous peoples, and their right to equal participation in decision-making processes through various trainings, skill shares and other activities;
- To focus more on research and collecting disaggregated data on indigenous peoples with a special focus on women and their issues; and
- To urge states to ratify, implement and enforce its human rights obligations through concrete policies, programmes and actions in upholding the rights of women and indigenous peoples.



Annex A: Presentation Papers

The following are presentations from the consultation. We have tried to maintain the powerpoint presentations as in many cases, pictures and statistics are self-explanatory.

Presentation A.1

MAIRIN IWANKA RAYA:

Indigenous Women Stand Against Violence

by Victoria Tauli-Corpuz
Chairperson of the UN Permanent Forum on Indigenous Issues

FIMI

International Indigenous Women's Forum

- The regional representatives of FIMI work on the whole to articulate the demands of the Indigenous Peoples' movement.
- Equality and non-discrimination and the Principle of the Seventh Generation guides FIMI (all decision-making is done taking into consideration the impact of one's actions on the welfare of the seventh generation to come) are the main principles underpinning FIMI's work.
- The companion report to the UN Secretary-General's Study reflects the history and contemporary experiences of Indigenous women.

FIMI's Concerns

- Historic denial of the rights of Indigenous Peoples.
- Backward movement of the States with respect to women's rights, Indigenous Peoples' rights, and human rights.
- The "War on Terror" after September 11th.
- Highly politicised notions of "culture".
- Sexual and reproductive rights.

Goals of the Report

- Propose an indigenous conception of gender-based violence.
- Emphasise the importance of studying violence against women in relation to aspects of identity that are beyond gender, using an approach that accounts for the ways in which identities and systems of domination interact to create the conditions of women's lives.
- Communicate Indigenous women's viewpoints to allies and colleagues.
- Contribute to the work of civil society organisations to combat violence against Indigenous women.
- Highlight promising practices.
- Contextualize situations of violence, illuminate root causes.
- Introduce new concepts and questions about violence against indigenous women.

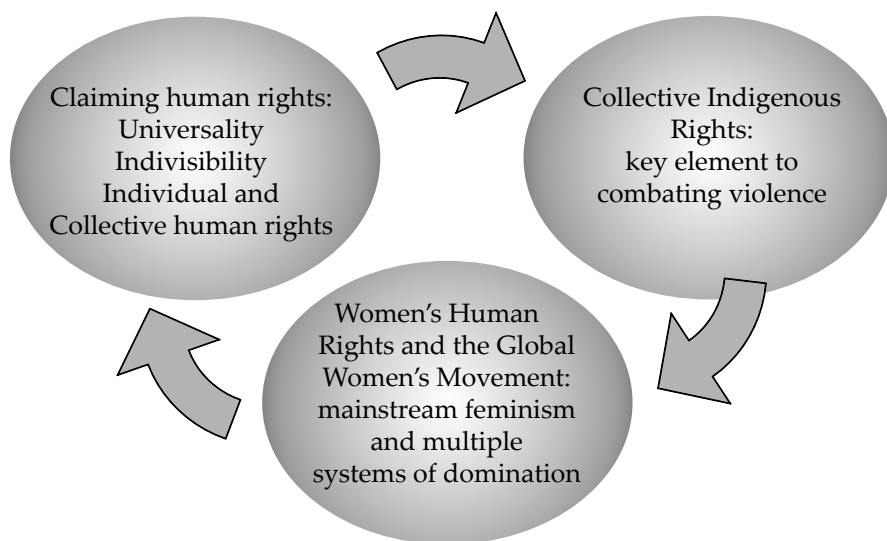


Indigenous Women's Perspective on Violence Against Women

- Shaped by mutually reinforcing factors
 - Colonisation and militarism
 - Racism, discrimination and social exclusion
 - Poverty
 - Patriarchy
- Intersectionality: interrelations between distinct aspects of identity.
- Requires an **"integrated analysis"** within a human rights framework: violence based on distinct but overlapping identities.
- Violence is nearly universal, defined by gender-based discrimination.

Three Interrelated Fields

- Overcoming the dichotomy between individual and collective rights and recognising collective rights as a necessary complement to individual rights.
- Example – individual rights cannot be enjoyed unless collective rights are recognised.
- The systemic violation of collective rights of Indigenous Peoples is the single greatest risk factor for gender-based violence.
- Territories: basis of our identities.
- Securing Indigenous women's rights – in particular, the right to freedom from violence as defined by Indigenous women – is integral for securing the rights of the Indigenous Peoples as a whole.
- UN Declaration of the Indigenous Peoples: right to freely determine political status and economic, social, and cultural development.



Indigenous Conception of Violence Against Women

- Revisit categories: family, community, State.
- Consider legal framework in which the past and the future matter, ancestors and future generations are integral members of our communities.
- Indigenous women's notions of territories, boundaries, citizenship, and residence that shape relationships with States are different.

- Violence originates in the global arena: include transnational category (example: border crossing, trafficking of Indigenous women).
- Ecological violence: impact of policies and practices that harm the earth, climate stability, ecosystems, health, livelihoods, social status, and cultural survival of Indigenous women.
- Spiritual violence: impact of systemic attack on indigenous spiritual practices and of violence against women, desecration of sacred sites, etc.
- Clarify difference between gender-based violence and violence against women
 - Example: displacement is not an act of gender-based violence; domestic violence (spiritual or cultural dislocation; forced assimilation) is an act of racism because the woman is Indigenous.

Manifestations of Violence in the Lives of Indigenous Women

- Neoliberalism and development aggression against Indigenous women
- Patriarchy
- Violence in the name of tradition
- State violence and domestic violence
- Armed conflict and militarisation
- Migration and displacement
- HIV/AIDS

Neoliberalism and Development Aggression Against Indigenous Women

- Spiritual violence: degradation of the earth as a form of violence against women.
- Economic violence: polluted maize (gift from Gods).
- Biopiracy and Intellectual Property Rights related to Trade (TRIPS): the privatisation of genetic resources to obtain patent rights.
- Plunder of natural resources:
 - Water
 - Extractive industries
- Impact on cultural values, self-development and sustainable practices
- Cultural imperialism tied to economic globalisation
 - Intergenerational family violence (or elder abuse) threaten the survival of Indigenous cultures.
 - Disproportionate use of Indigenous territories as dumping sites.

Violence in the Name of Tradition

- **Cultural practices** are fluid, contested, and connected to relations of power.
- Respect for **cultural differences** can exist simultaneously with the belief that cultural practices and beliefs can and do change.
- Culture is part of the context in which abuses occur, but **it does not justify abuses**.

- Culture can be used as a source of **resistance to violence**.
- Stereotype of “**Backward cultures**” – “**Protectionist logic**”

Rights vs. Culture: The False Dichotomy and the Reconciliation Between Culture and Human Rights

- Cultural relativism has been used to shield human rights abuses by designating them as “cultural”; it argues the inherent tension between universal human rights standards and local cultural practices.
- The need to overcome the premise that culture oppresses women.
- Many cultures transmit values that condemn violence against women: cooperation, harmony, balance, and respect.
- The main challenge is to make human rights norms accessible and meaningful in local communities, deconstructing religions and cultures.

The State and Domestic Violence

- Laws as source of violence
- The need to develop complementary processes
- Restorative justice
- Risk of domestic violence increases because of correlation with other human rights violations and with State racism (neglect, inaction).
- Look beyond the criminal dichotomy of victim and perpetrator – look for the reasons why the crime occurs, including the conditions that form the perpetrator’s psychological, moral, and spiritual status, and for the connection to violations of Indigenous Peoples’ collective rights.

Armed Conflict and Militarisation

- Relations with resources-rich territories of Indigenous Peoples
 - Resource wars – contests over land, water, precious minerals, and energy sources, tied to neoliberalism and development aggression
 - Taming the frontier – destruction, eradicating “savage” ways of life
 - Rape as a weapon of war – aims to subjugate and colonise entire communities and peoples

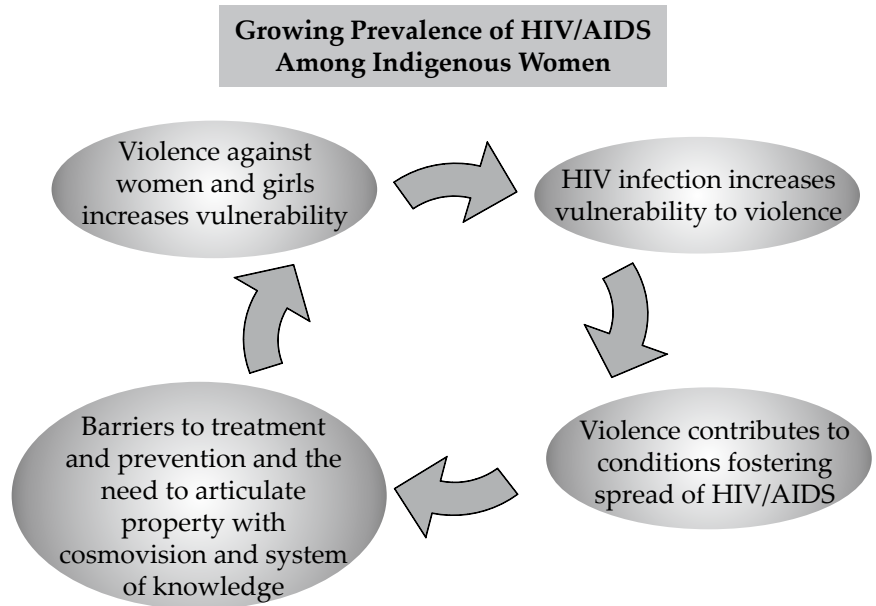
Indigenous Women as Promoters of Peace

- The role of the Indigenous women as promoters of peace is rooted in cultural values and historical traditions.
- Indigenous women provide care to communities affected by armed conflicts.
- The need to promote Indigenous women’s leadership in official peace processes and to support their capabilities and experiences as mediators and negotiators within communities.

Migration and Displacement of Indigenous Women

- Related to economical and development policies
- Urban settings – new forms of violence and social consequences that increase violence with no support from the traditional community and culture

- Criminalisation of migrants in US increases violence
- Femicide
- Forced assimilation – cultural genocide
- Displacement
- Refugees in the name of Conservation: to justify state control over territories and resources of Indigenous Peoples



Promising Practices - Nicaragua: Restoring Indigenous Rights and Defending Human Rights of Women and Men

- Preserve and develop traditional roles, transmitting knowledge and cultural values;
- Strengthen women's social status and confidence;
- Promote women's human rights and collective human rights of their people;
- Restorative justice that combines the official practices of traditional justice systems with the benefits of international human rights norms;
- Community-based conflict mediation programmes;
- Training in human rights for community members;
- Intergenerational dialogues.

Promising Practices Kenya: Funding an Independent, Women-Run Community

- Negotiate land and resources
- Seek international justice against aggressors
- Human rights training
- Strengthen women's political mobilisation
- Promote women's participation in community development processes
- Economic autonomy: develop a system of sharing resources, sickness/disability fund, etc.
- Educate young girls

Promising Practices: Developing Indicators to Measure Violence Against Indigenous Women

Guidelines proposed by FIMI:

1. Level of protection, fulfillment, and respect of collective rights
2. Support of the Declaration on the Rights of Indigenous Peoples by the government
3. Level of control over territory and natural resources and enjoyment of sovereignty over food
4. Level of respect of women's dignity in government policy. Measures adopted to avoid physical and structural violence (bodies, homes, communities, and peoples)
5. Access to government services (intercultural education, healthcare, water, sanitation, housing, transportation, justice)
6. Allocation of resources
7. Data desegregation
8. Adoption of policies and programmes based on free, prior, and informed consent
9. Occupation of Indigenous territories
10. Policies to eradicate racism and respect identities
11. Level of internalised racism and sexism
12. Location of Indigenous women within historical trajectory
13. Level of perception of Indigenous women's lives in relation to their ecosystems

Recommendations

a. Develop New Concepts

- Indigenous definition of violence against women and gender-based violence
- Cultural indicators based on individual and collective rights that can adequately expose and reflect on the prevalence of violence against Indigenous women
- Desegregation of data by ethnicity

b. Strengthen Indigenous Women's Advocacy

- Education:
 - Support community-based initiatives to combat violence
 - Public education directed at Indigenous and non-Indigenous sectors
- Data collection:
 - Develop new methods of investigation, including methods of desegregated data collection on Indigenous women
 - Action-oriented studies that respond to women living in situations of violence
 - Document violence against Indigenous women worldwide
- Public Policy:
 - National judicial system includes collective rights of Indigenous Peoples
 - Incorporate traditional, indigenous processes of justice in national judicial systems

- Human rights training for police and other state actors
- Principle of free, prior, informed consent that refers to Indigenous Peoples must include women

c. Promote Indigenous Women's Leadership

- Education, training, and capacity-building at all levels
- Information technology
- Allocate resources to support initiatives in local, national, and international arenas

d. Advance Indigenous Peoples' Rights

- Declaration on the Rights of Indigenous Peoples must be approved without amendments

International Indigenous Women's Forum

121 West 27th Street, # 301 New York, NY 10001

Tel: (1) 212 627 0444 Fax: (1) 212 675 3704

Email: fimi@madre.org

Website: <http://www.indigenouswomensforum.org>

Presentation A.2**Globalisation vs. Indigenous Women**

By Priti Darooka
Programme on Women's Economic, Social
and Cultural Rights (PWESCR), India

Globalisation

- Growth
- Profit
- Markets
- Progress
- Development
- Privatisation
- Industrialisation

What are not part of Globalisation

- Human rights
- Equality
- Non discrimination
- Dignity
- Inclusive
- Subsistence living
- Shared responsibility
- Cultural practices
- Issues of identity
- Dependent on nature

Within Globalisation Indigenous Communities are seen as

- Primitive
- Backward
- Poor
- Obstacle
- Liability
- Unimportant
- Not as assets
- Not as economic agents
- As a Problem!!!

Impact on Indigenous Women

- Poverty
- Poor health
- Insecure and vulnerable
- Work longer hours
- Further marginalization

Indigenous communities – how inclusive have they remained?

- There is no articulation of indigenous identity
- Indigenous women are completely missing



Some Facts from India: Question of Resources

- The mid term appraisal report of the 10th National Five Year Plan shows that the central and state governments have not earmarked funds proportionate to the Scheduled Tribes population, as mandated under the Special Component Plan and the Tribal Sub Plan.
- In 2007-08, 4.88% of the total Plan allocation of the Central Government was earmarked for the Scheduled Tribes (STs) as opposed to the requirement of 8%, in keeping with the proportion of the ST population in the country.
- Most social benefits, policies and schemes are poorly implemented in Tribal areas.
- The survival indicators of Scheduled Tribes are far lower than the averages for the country, pointing to the failure to reach the benefits of public infrastructure and essential services to the indigenous communities.

	Indicators	Scheduled Tribes	National Average
a	Infant Mortality	84	68
b	Under 5 Mortality	126	95
c	Children under 3 yrs underweight	56.7	45.9
d	Literacy Rate	47.1	65.4

The role of the legislation?

Contradictory Laws

- The Forest Rights Act, 2006 is historic in the sense that it gives primacy to the forest dwellers and promises to end the colonial practices of the forest department and many other agencies working with it.
- A new legislation to allow commercial activity on land belonging to indigenous people such as the Special Economic Zone Act (2006). SEZ Act facilitates free passage for commercial mining and other operations in tribal dominated areas including the fifth schedule areas.
- In India, there is no uniform national policy on resettlement and rehabilitation (R&R).

Violence on the indigenous communities

Any one protesting is seen as an anti-nationalist, naxalite.



Cooptation of Media

- Vedanta, the UK based company flew 10 journalist to Orissa. Several gifts were given.
- On return the newspapers were flooded with praises for the company.
- How communication and information is produced and owned?

Role of the State

- Enabling environment for economic growth and not enable women to enjoy their rights.
- Dealing with obstacles and problems in the path of economic growth and not removing obstacles that prevent women to enjoy their rights.
- State is part of the corporate agenda.
- At best the State talks about compensation, rehabilitation and resettlement.
- Reconstruction of Tribal identity as primitive, backward, resisting development.
- Tribals are seen as the 'undeserving' citizens that are slowing the growth.
- Tribal woman is completely invisible facing triple oppression: as poor, as woman and as tribal.

Presentation A.3

Glimpses of Neoliberal Economic Globalisation and Development Aggression against Indigenous Women

By Eleanor P. Dictaan – Bang-oa
Asia Indigenous Women's Network / Tebtebba

This paper tries to present an overview of the situation of the fundamental rights and freedoms of indigenous women in Asia in the light of the pervasive neoliberal economic globalisation in the region focusing on displacement from which a lot of other rights are violated. It attempts to draw a picture of the violence and discrimination that indigenous women experience from different levels and sources of discrimination and oppression including patriarchy in tradition.



Asia is very rich in culture, natural resources and biological diversity. In fact, this is the bane that attracted colonisers in history. Today, though there are supposedly independent Asian states, a more subtle but deeply entrenched form of colonialism exists facilitating not only the extraction of the resources sustained through generations, including our blood.

Forms of Economic Globalisation and Development Aggression in Asia

Economic globalisation has come into our lands as large-scale mining, palm oil and agricultural monocrop plantations, hydroelectric power dams, logging, exclusive tourism development, among others. The race to comply to the MDGS has further galvanised these aggressions to multiple oppressions. These so-called development projects are instead killing us and our people! The major and immediate impact of all these aggressive development paradigms is the denial of our right to our territories and resources which are basic preconditions for our rights to life with dignity and our right to development.



Mines

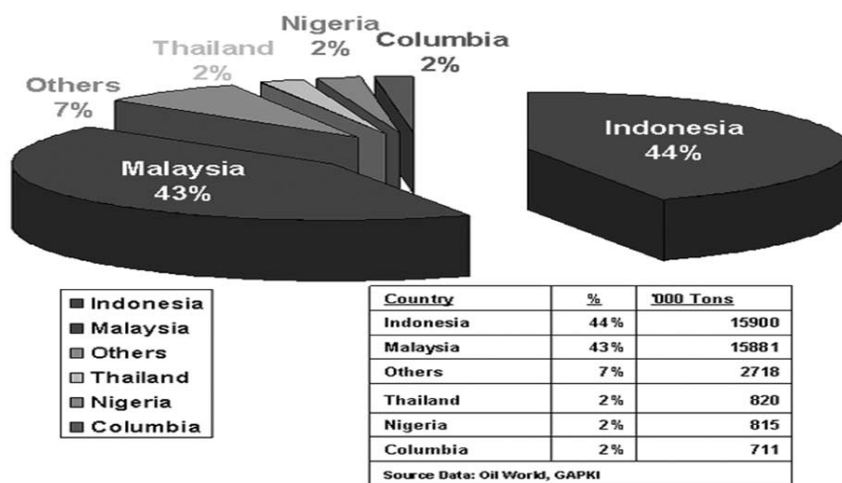
In the Philippines, 12 million hectares or 40% of the country's total land area have been earmarked for mining investments. More than half of these are found in indigenous territories. In the Cordillera region alone, which is basically an indigenous peoples' territory, 60% of the land is covered with mining applications.

Dams

In the northeast of India, there are 168 proposed big dams in line with the country's "Look East" policy. This is aside from the 24 others which are reportedly under construction. Furthermore, in the states of Andhra Pradesh, Chhattisgarh, Orissa and Jharkhand, 1.4 million people, 79% of which are tribals, have been reportedly displaced from an estimated total land area of 10.2 million hectares appropriated for mines, industrial plants and dams in the last ten years.

Palm Oil and Mono-crop Plantations

The global attempts to curb climate change which is basically attributed to the carbon emissions of western industrialised countries is targeting our forests and sacred sites. Asia is the largest palm oil producer in the world with Indonesia and Malaysia producing 44 and 43% respectively of the world's production as of 2006. In Indonesia alone, some 236,265 hectares has been devoted to palm oil plantations by 141 companies in 14 provinces mostly inhabited by indigenous peoples. As of May 2007, 514 land dispute cases have reportedly been filed as documented by local NGOs.

2006 World Palm Oil Production*Transmigration, Encroachment and Land Appropriation*

State transmigration policies facilitate indigenous peoples' loss of their lands and resources to others creating an atmosphere of conflict and insecurity especially among women and girls who are often targeted to instill fear.

In India, the inception of land transfer regulation has precipitated thousands of land conflict cases involving tribal people claiming their lands against non-tribals' encroachment. ACHR reports that of the 72,001 cases filed, 33,319 cases, involving 162,989 acres of land, have reportedly been decided in favor of the non-tribals. In November 2007 in Nandigram, West Bengal, a number of villagers supporting the anti-land acquisition movement were shot dead and women raped by cadres of the ruling party.

In Bangladesh, settlers, aided by the government and its armed forces, continue to grab adivasi lands and farms despite the 1997 CHT Peace Accord that provided for a stop to this programme. Last September, 12 adivasi women were reportedly injured, their houses ransacked and looted by a group of miscreants supported by a certain Mr. Lebu who is contesting the ownership of 10 acres of land around a pond in Tarashe in Sirajganj which has been home to some 200 adivasi families for generations.

Militarism and Government Impunity

Confronted with opposition and community resistance, investors and developers usually employ security forces. Most often host governments provide aid through its armed forces in the guise of security and peacekeeping. Some companies have resorted to the use of private armies or civilian armed forces usually recruited from the community to further sow division among the people.

Impacts on Indigenous Women

The overall impact of all this development aggression can be gleaned from the voices of indigenous women. As Ibu Aleta, a community leader who leads the community opposition to a marble mining company in Mollo, West Timor says: “. . . why does government issue license for investors to take away our livelihoods? . . . without land, we cannot eat.” Poverty, no or limited access to education, health, water and other social services due to privatisation, have been explicitly articulated in our earlier declarations on these issues.

Displacement

Displacement means that we lose our traditional spaces and livelihoods. Our residential lands and villages where we grew up and raise our children without fear . . . our farms and gardens which are our primary sources of livelihoods . . . our rivers, lakes and forests that support our farms and gardens while providing food, fuel and medicinal resources.

Displacement means we are not only denied our right to access and benefit from our territories and resources but are equally disenfranchised of our productive and reproductive roles as women. As the primary nurturers and healers in the family, this entails further burden for us even just to stave off thirst and hunger for the day. Our water sources become polluted if not totally destroyed, our farms alienated and converted and our medicinal resources gone with deforestation, among others.

Undermining Indigenous Systems and False Appeals to Women

Local employment, improvement of educational, health and other services and infrastructure development are usually the carrots dangled by transnational companies to lure the consent of indigenous peoples. These, however, are usually one shot deals that are not founded on the principles of sustainability and efficiency. The desperate need for road infrastructure in a very remote village in Bakun, Benguet, for example, has convinced some families to offer their lands for the construction of an access road to a water diversion project. This has appealed especially to women who looked forward to lesser burden on the transport of their farm products and access to and from the market. Earth moving activities have been ongoing when the company decided to pull out. No effort was reportedly done by the company about the damaged farms.

Further, in the Philippines, indigenous systems of consensus and decision making have been undermined through the flawed implementation of the law that is supposed to protect indigenous peoples. The concept of the traditional council of elders have been corrupted and reengineered for the benefit of the companies. In most indigenous communities with a patriarchal tradition, the creation of

pseudo-council of elders results in further marginalisation of women from participation and decision making.

The benefits of employment, if there are any, is usually biased on males who are usually preferred in these types of work. In the palm oil plantations in Indonesia, for example, women absorbed by companies are given work as pesticide sprayers. Etek works for PT Agro Masang Perkasa in Agam District, West Sumatra as a herbicide sprayer since 1994. Three years ago, while at work, some weed killer accidentally got into her eyes. Since then, she couldn't see anything with her right eye which as she described is "like the eye of a salted fish".

Further on this, the Rainforest Action Networks reports that "Women in (palm oil plantation) are designated to spray pesticides because it is less physically taxing Unfortunately, they are rarely given proper protective gear. When they return home, they have to prepare food . . . often with pesticide residue still on their skin and clothes.

Sell-out

In Cambodia, the cash income from sales of family land to rubber plantation companies has created a lot of conflicts among indigenous families and communities. Men, lured by money, have been selling family lands even without the consent of their wives thinking that if they do not sell the land, the companies will take their land anyway in the future.

Migration and Trafficking

The poverty that ensues from displacement has forced many of our indigenous sisters to migrate in search of livelihoods. Garo and Mandi women in the plains of Bangladesh reportedly compose a majority in Dhaka's beauty saloons. Asked why they are there, one responded that their main livelihood was farming. The father, knowing nothing of land registration lost their farmlands so that she has to find work outside the village.

Many others have risked their lives and security by going abroad as overseas contract workers predisposing them to labour and sexual abuse as well as trafficking and prostitution.

It is also alarming to note the increasing disappearances of young women and girls from the communities. Some, as those recently reported from northeast India who were brought to Singapore and then Malaysia, were lured into job offers and later ended up being prostituted. In Bangladesh, 3 girls and 1 boy from adivasi villages have reportedly been abducted between January and February 2007. Some of our sisters from the Cordilleras were brought home in coffins, two or three of them with missing body parts.

Impact and Influence of Others

"We are afraid of the company workers, afraid of drug addicts, of rape and that they will eventually beat our people. Since the last two years, we have these people around; we go everywhere accompanied by men because we are scared. They don't respect women, so we feel

afraid and we fear that the men of the village may become like the workers, especially the young . . ." (a Bunong woman from Mondulkiri, Cambodia, on the rubber plantation company's impact).

In Malaysia recently, we heard of the abuse and rape of women and school girls by logging company workers in Penang.

SLAPP – Strategic Lawsuit against Peoples' Participation

Aside from militarism, legal cases have been filed by transnational companies to discourage peoples' opposition. Usually with no or difficult access to information on their rights, legal and financial resources, and the stigma of being subject to a legal case usually discourages women's and community opposition.

Conclusions and Recommendations



1. We do not want to be marginalised nor considered vulnerable but the prevailing political and economic conditions continue to aggress on us. This is violence. We recommend for the UN Special Rapporteur on violence against women, its causes and consequences and the UN Special Rapporteur on the fundamental rights and freedoms of indigenous people to facilitate a general recommendation to the CEDAW particularly broadening the scope and definition of violence against women to include the systematic violence against indigenous women by the forces of economic globalisation.
2. For Asian states to fulfill their obligations of recognition, protection and fulfillment of human rights without discrimination. Particularly, we urge our governments to implement their commitments to the United Nations Declaration on the Rights of Indigenous Peoples and use this as a framework for the protection and fulfillment of the human rights of indigenous women and their peoples especially in their implementation of the CEDAW.
3. Economic globalisation is facilitating the "homogenisation of global cultures within a commodified, commercialised and individualistic worldview" that does not sit well with our indigenous philosophies of the sanctity of life and valued principles of balance, harmony and reciprocity between man and nature, sustainable development and dignity. We reaffirm our roles as guardians and custodians of knowledge on our biological and cultural resources and we can offer these in the pursuit of alternative and sustainable development provided these are not misappropriated and misused.
4. We urge the support of all concerned – UN, government, financial and other institutions towards the development and promotion of our knowledge systems consistent with sustainable development.

5. This prevailing macroeconomic policy is destroying our territories by extracting our resources which are the fundamental basis of our existence as a people and as women. In the process, we indigenous women lose our traditional livelihoods, spaces and the resources that enable us to function and perform our roles as members of our families and communities. This is an affront to our being and dignity. We call for a stop to unsustainable mining, commercial mono-crop plantations, oil exploration, mega hydropower dam construction, land conversion, logging and exclusive nature reserves and tourism development that deny us our rights to our territories and resources.
6. Likewise, we call for a stop to militarism employed to facilitate the entry of these projects in our lands. The use of armed security, whether private or government forces, does not help in the conflict that these development approaches have created nor in the anti-insurgency or peacekeeping guises that they assume. Many of our sisters, mothers and children have already been molested, harassed, raped and killed as a strategy to weaken peoples' resistance. We denounce this culture of impunity that galvanises our oppression as women and indigenous peoples and demand government accountability under international human rights law.
7. We denounce the tools and instruments of economic globalisation, ie, the GATS, TRIMS, GATT, the APEC and WTO among others which continues to rape our territories and peoples. We call for strict adherence by all development forces to the principles of corporate social responsibility and social and economic justice.
8. We are not against development. All we want is that development should be appropriate for our needs and wellbeing. We urge our governments to uphold the principles of self-determined development and a human rights based approach to development. Any development initiative can only be sustained when there is a sense of ownership by the peoples through effective participation. Participation to us relates to our right to determine what kind of development need and the courses of action to achieve it. It involves our free and prior informed consent as well as our right to benefit from the processes and results of development.
9. We call on the United Nations agencies, states, financial and other institutions to institutionalise data disaggregation by gender and ethnicity and to enhance partnerships with indigenous peoples' organisations in planning, implementing and monitoring of development initiatives and the development of development indicators to measure the impact and/or benefits of indigenous peoples from any development endeavour.
10. Finally, we indigenous women will continue our collective struggles as indigenous peoples towards the recognition of our identities and rights.

“Even if I am an old woman, I will fight . . . With land, even if it is small, if you are industrious you will be able to eat. There is camote (sweet potato), gabi (yam) and rice. If you plant vegetables, you will have food. That is plenty to live on. Even if you have a lot of money, but you don’t have rice, would you be able to chew your money?” (Dianao Cut-ing on the Climax Arimco Mining Company of Australia in Didipio, Nueva Vizcaya, Philippines)

Presentation A.4

Economic and Development Aggression against Ethnic Minority in Lao PDR

By Souknida Yongchialorsautouky
Gender and Development Group (GDG), Lao PDR

Lao Peoples Democratic Republic

- Population: 6 million
- 80% rural farmer
- Heavily forest dependent
- One party state
- State strategy will not be anymore least developed country in 2020 by increasing GDP of population
- State policy to increase foreign investment
- So many UXO have impacted for long time

Laos Strategy

- NGPES
National Growth and Poverty Eradication Strategy 1996-2020
- Economic growth centered
- Industrial tree plantations
- Hydro electricity “the battery of South East Asia” 20,000 MW potential
- **Law on Development and Protection of Women (2003) No mention of protection of women from ethnic or indigenous minorities**

Ethnic Groups in Lao PDR

- State accepts 49 ethnic groups based on 4 own languages in Lao PDR as living together. (source, Lao)
- No recognition of ethnic groups as “minorities”, no protection
- Men have more power than women in family (traditional way, patriarchal beliefs)
- Most women from ethnic groups cannot speak Lao language. The rate of women that cannot complete primary school is higher than men (103,550 final 58,360 people and man 148,890 final 67,650). Based on Ministry of Education (MOE) statistics in 2007-2008
- Farmers are living in rural area

Development Projects

- Hydropower Projects
- As “Lao country will be Asian Battery” State’s dream is to achieve the status of developed rich countries.
- Now 19 projects are built and plans are increasing in many projects as well on the process.
- Tree Industrial Plantation
- Plan to have 500,000ha of plantations by 2020
- Recent entry of large Pulp and Paper companies: Oji Paper (Japan), Grasim (India), Aditya Birla (India) and Daklak Rubber (Vietnam),



eucalyptus, rubber, palm oil.

- More investment approved since 2006 (458,578,711 \$ USD)
- Mining industrial

Case Thuen Hinboun Power Company Dam (THPC project)

Based on International River Report

- Corporation Lao Gov, Norway and Thailand in 1998 (210 MW) and will expand in 2007
- Located in Khammuane province, central part of Laos
- Investment from ADB USD 260 million
- Flooding lower yield and loss paddy field 1,000-2,000 ha, erosion river bank garden
- Women and youth go to work in Thailand and other provinces (trafficking, HIV/AIDS)
- No compensation for village even as they are effected by flooding Women have to go to collect non timber forest product far more than before the dam construction.

Flooding



April 2006 - Abandoned rice paddy Pak Veng Village



July 2006 - Flooding (1 metre)
"lower than in previous years"

Tree Industrial Plantation

- Oji paper company owned by Japan
- Take villagers land for shifting cultivation 50,000 ha located in Khommuane province, Lao PDR
- Land out of flooding from Thuen Hineboun and Thuen 2 power dams
- No real compensation for village as loss NTFP
- Women in the village who were affected said "Before Oji came we had a lot bamboo shoot forest, now we don't have it at all, we have to go to other far away village. Some young people go to work in Thailand."

Women related food security



Photos courtesy of Keith Barney

Conclusion

- Result of development projects have impacted directly on women and girls in terms of migration.
- Relocation of ethnic groups from villages affected by dam projects to areas with not enough land
- Loss of traditional ways of life may increase risk for women to get into trafficking, prostitution or to suffer domestic violence
- State has no means to measure impact on ethnic groups of development projects
- No measures for ethnic group to propose their problem in government each level.

Presentation A.5

Resisting Development Aggression in Mindanao, Philippines: Militarisation, Armed Conflict, and Indigenous Women

By Norma Capuyan Kalumaran
Strength of the Indigenous People of Mindanao, Philippines

Two girls were walking to school in a mountainous, rural village in Malapatan, Sarangani province in Mindanao. They are B'laan, one of the indigenous groups in southern Mindanao, aged 13 and 14 years. As they passed by the military detachment of the 66th Infantry Battalion, they were called into the camp by the soldiers. Intimidated and afraid, the girls went into the camp. There they were gang raped by the soldiers inside the camp. Prevented by the soldiers from hiking down to the town centre to seek assistance for the crime committed against them, the girls eventually accepted a payment in exchange for their word that they would not lodge a formal complaint.¹

These girls' story is not unlike the stories of many indigenous women in Mindanao whose ancestral domains contain an abundance of mineral, water, and timber resources. Militarisation is common in indigenous communities which are nestled on mountain peaks and valleys. Our history of resistance to colonisation, and our determination to defend our ancestral domains against the encroachment of transnational mining and agri-business firms has made us targets of state terrorism.

In February 2008, while visiting the province of Davao del Norte, President Gloria Macapagal-Arroyo announced the creation of the "Investment Defense Force" or IDF. This special composite unit of the police and military was established to be a "protective shield" for power, plantation, and mineral assets in rural areas. The IDF is an addition to the already existing Special CAFGU Active Auxillary (SCAA), a paramilitary group tasked to provide security for private companies.

Before the end of February, more than 330 Mansaka-Mandaya families were forcibly displaced from their farms and homes due to military operations in Davao Oriental. In April, the Armed Forces of the Philippines shifted to Compostela Valley Province, also in the Davao region. Here, our Mandaya and Ata-Matigsalog brothers and sisters were forcibly displaced and fled to the houses of their relatives and to the town centres. More than 150 families evacuated. Around 80 families sought refuge in Davao City because of continuing harassment from the soldiers in the evacuation centre in the municipality of Compostela.

¹ This incident took place during the first week of January 2008. We have only received initial data about the incident from residents, as human rights workers have been unable to enter the area due to heavy militarisation.

Most recently, three hundred families were displaced in Boston, Davao Oriental. This area is part of the ancestral domain of the Mandaya tribe, and is home to the Pujada Nickel Project of BHP Billiton Corporation, the world's largest mining corporation. The area also hosts the Road 5 M Project, operated by the Boston Mineral Mining Corporation and Omega Gold Mining Company. More mining applications in the province are waiting approval.

Last December 2007, more than one hundred Mandaya Lumads and farmers barricaded the Omega Gold Mining company and drilling sites to protest against the mining operations in their lands. Weeks later, in January 2008, they were showered with bombs, spawning the first round of evacuations this year in that area.

Compostela Valley and Davao Oriental provinces are host to four of President Arroyo's ten priority mining projects in Mindanao. Col. Allan Luga, commanding officer of the 1001st Brigade, admitted that the ongoing military operations in the region were part of the Investment Defense Force. For decades, the government has been quiet about the role that the AFP plays in defending the interests of big business. Now, President Arroyo herself has openly and shamelessly institutionalised this role by creating the IDF.

In November and December 2007, nearly 2,200 individuals, the majority of them indigenous women and children of the Manobo tribe in Surigao del Sur, walked up to twenty kilometres to escape the military takeover of their communities. They persevered for nearly one month in crowded and unsanitary evacuation centres in schools and a public gym in the municipality of Lianga. One woman even gave birth in the evacuation centre, amidst the spreading of diarrhea and tuberculosis.²

The area surrounding the displaced communities is known as Andap Valley, a valley rich in coal – one of the largest known coal reserves in the Philippines. Attempts were made in the 1970s and 80s to mine this area, but due to strong resistance from the indigenous population, the mining companies withdrew. In 2004, the Benguet Corporation renewed its efforts to mine coal in Andap Valley. It was in April of 2005 that massive militarisation and displacements took place in the area.³

In Talaingod, Davao del Norte, a total of 1,098 documented Ata-Manabo were displaced due to aerial raids and foot patrols in early January 2008. Soldiers of the 73rd Infantry Battalion once again turned villages of Talaingod into a base of operation. Fortunately, no women were raped during the course of this operation; however, two women were offered money in exchange for sex, and another woman sexually assaulted as a soldier put his hand up her skirt. Two women also gave birth prematurely while fleeing the military operations.⁴ The Ata-Manabo of Talaingod have a strong history of resistance to the entrance of logging firms and other 'development projects.'

While ten of the priority mining projects of the government are found within the ancestral domains of Mindanao's Lumads, expanding agri-business plantations of bananas, pineapples, jatropha, palm oil and other export products are also encroaching on our territories. Little by little the massive plantations of Dole, Del Monte and Sumitomo are entering our ancestral domains. Currently, almost a half a million hectares of land in Mindanao are planted with bananas for export. Another 50,000 hectares are planted with pineapple.⁵ The national government has slated an additional 1.2 million hectares in Mindanao for agri-business development, including bio-fuel crops.

² Karapatan-Caraga, "It's Happening Again! 2007 Surigao Sur Evacuation."

³ Ibid.

⁴ Solidarity Action Group for Indigenous Peoples, "A Statement Demanding Justice & Accountability for the Human Rights Violations Victims in Talaingod, Davao Del Norte." Based on the Interfaith Mercy Mission held from February 22-24, 2008 in Sitio Dulyan, Brgy. Palma Gil, Talaingod Davao Del Norte.

⁵ AFP, Boom time for Philippine Banana Plantation, May 8, 2008.

Mindanao is a land of plenty and a land of conflict. Three armed revolutionary groups operate on the island—namely the Moro Islamic Liberation Front (MILF), New Peoples Army-Communist Party of the Philippines, and the Moro National Liberation Front (MNLF). While the government claims that its military operations are part of counter-insurgency efforts in pursuit of rebels, our experience has shown that these are essentially ‘clearing operations’ to stifle local dissent to large-scale ‘development’ projects and open the way for further exploration of mineral sites. Areas of conflict and militarisation in Mindanao contain the last remaining natural resources that have long been contested by private companies, big landlords, and the national minorities defending their ancestral domains. The community of the two girls’ mentioned above is found in Sarangani province where twenty-four mining applications were submitted to the Department of Environment and Natural Resources for mining rights in the province in 2007 alone.⁶

The large-scale displacement happening right now in Central Mindanao because of military offensives against the MILF is another example. More than 500,000 civilians have been displaced since early August 2008; the majority are women and children of Moro (Muslim) tribes, yet settlers and Lumad tribes are also affected. The ancestral domain areas of the Moro tribes have become major conflict zones on-and-off throughout the past thirty years. These areas are rich in natural gas and oil deposits, and expanding agri-business plantations. Warlords and powerful businessmen have exploited cultural differences, calling on Christians to take up arms against Moro civilians, reviving vigilante groups for their own political and economic interests.

Vigilante and paramilitary groups are also being formed among the indigenous peoples. Manipulating the concept of our traditional warriors, Lumad paramilitary groups have been formed as part of the government’s counter-insurgency strategy. Yet their targets are most often the leaders and communities that are resisting development aggression.

In Mindanao, there is an active umbrella organisation of indigenous leaders who are leaders and recruiters of paramilitary groups. According to their own mission statement, they are “establishing partnership with the government in the implementation of its projects” and work “to open up and establish its network with those of the private sector.” They are supported openly by the military and have a standing memorandum of understanding with the Armed Forces of the Philippines, and have held consultations with the Mindanao Business Council and the military.

It is clear from their mission statement and activities whose interests they promote and protect, that they serve to sow confusion and stifle dissent in indigenous communities. Their presence in our communities has created division, increased violent conflict, and furthered the militarisation of our ancestral domain. This is the context of conflict and militarisation in Mindanao today.

6

Espejo, Edwin G. “49 firms file 64 mining applications in Sultan Kudarat, Sarangani area.” *Mindanews*, January 30, 2008. http://www.mindanews.com/index.php?option=com_content&task=view&id=3738&Itemid=160

The militarisation of indigenous communities to force the entrance of large-scale development projects has especially impacted indigenous women. When our communities are militarised, we indigenous women not only struggle with the fear and abuse that comes with militarisation of the hinterlands due to mining interests, but we suffer a loss in livelihood as well. A militarised environment makes it difficult for us to access farms due to displacement, checkpoints, curfews, and other types of abuses. Our brothers, sons, and fathers are accused of being rebels, and our communities as rebel strongholds and supporters. When the military arrives, many of our men hide out of fear of abduction, torture, and death. We women are left to protect the children, maintain the farms, and prepare for possible evacuation, at the same time increasing our vulnerability to abuse by soldiers.

In addition, the traditional role of women in indigenous communities is now more rapidly disintegrating and evolving into the sexualised, objectified concept of a woman due to influences brought by foreign companies, government soldiers, and others. Needless to say, the rise of sexual harassment, sexual abuse, and sexual violence is greatly increased due to militarisation.

These violations happen in a climate of impunity. These abuses are most often denied by the military, as well as national and local governments. Blatant connivance of the state and private capital is the essence of development aggression. Our most pressing needs as indigenous women today revolve around this reality. Despite the burden we bear and the abuses we have suffered, we stand prepared to continue to defend our ancestral domains and assert our right to self-determination as indigenous peoples and as women.

Presentation A.6

Militarisation, Armed Conflict and Indigenous Women

By Lisa Baza

Peace and Justice Consortium, Guam

Guahan is 210 square miles. The United States military currently occupies over 54 square miles, $\frac{1}{4}$ of the island, which includes Anderson Air Force Base (AAFB), Naval Station, Naval Hospital, Naval Magazine, Naval Communications Station, NCTAMS, Fena Lake, Radio Barrigada. Additionally, Guahan is expected to be the home port of over 60% of the US Pacific fleet. By 2014, the relocation of approximately 35,000 military service members, dependents and personnel will increase Guahan's population by approximately 25%. Guahan has a population of approximately 170,000 people; 37% (62,900) are of Chamoru descent (Natividad, 2008).

Guahan is an Unincorporated Territory of United States. It is the largest and southern-most of the Mariana Islands in Micronesia. Guahan also has the longest history of colonisation of all Pacific people (Quinata, 2006). The indigenous people of the Mariana Islands are the Chamorus. They arrived on sakmans (proas) around 2,000 BCE from South China, Taiwan (Austronesian descent); further, they ascribe to a hierarchical clan system (Manachang, Acha'ot and Matao) as well as a matrilineal society (Russell, 1998).

Guahan today is faced with what numerous other countries incurred as a result of the impact of increased militarisation. In our part of this shared ocean, we have a society that is riddled with health disparities, social ills in the promotion of human trafficking, an environment that is contaminated with pollutants as well as a substantive increase in crime. These occurrences are due in large part to the history of environmental racism (Guahan's use as a dumping site), insidious military expansion currently ongoing, as well as the anticipated arrival of more troops.

In 2006, the total number of violence against women cases was reported at 607. In 2007, that number substantially increased to 2,273 (Governor's Office, 2008). Of those incidences, 36% of abusers were between 25 and 34 years old and 83% of abuses were perpetrated by men (Judiciary, 2007). As a counselor with the courts, my caseload is comprised of victims and offenders of family violence. The violence perpetrated by military personnel is 1 in 10 referrals. This number is statistically low and unreliable as a large number of offenders are reluctant to disclose their military affiliations; issues of confidentiality preclude collaboration with military-assigned counselors as well as jurisdictional decisions when such incidences occur on base.

Women historically have been an oppressed majority. In the United States, women remain noticeably underrepresented in positions of power and authority. All major institutions of society, the government, armed forces, corporations, media, universities and medical establishments are controlled by men. Notwithstanding, women grow $\frac{1}{2}$ of the world's food,



but rarely own land. We constitute 1/3 of the labour force, yet have the lowest paying jobs. A substantive majority of single parent homes are headed by women who reside in the poorest section of the population. The feminisation of poverty has become a global phenomena (Schaefer, 2008).



Institutional and individual acts of sexism and discrimination are noticeably present in the workforce and in our communities. African-American women are three times more likely than white women to experience sexual harassment, thus leaving them highly vulnerable in the labour force. Women and men live in different worlds; worlds that differ in terms of access to education, work opportunities, health benefits, personal security and human rights. Regardless of one's culture, women everywhere suffer from second-class status. Violence towards women in all parts of the world is horrendous (Schaefer, 2008).

- In the U.S., more than 840,000 women were murdered, raped, assaulted, robbed in 1996.
- In Peru, the beating of women by their husbands makes up 70% of all reported crime.
- In Russia an estimated 15,000 women were killed by their mates in 1994.
- An estimated 130 million women have undergone the ritual of genital mutilation.
- In India, 6,006 new brides were murdered in 1997 by their husbands or in-laws (Schaefer, 2008).

In addition to the issues of violence facing women in our respective jurisdictions, other studies from private organisations substantiate the correlation of violence perpetrated by military personnel in various facets. The Miles Foundation, a private nonprofit organisation providing services to victims of interpersonal violence associated with U.S. armed forces provided services to 11,000 survivors of intimate partner violence and over 6,000 survivors of sexual violence associated with the military (Hansen, 2004). Statistics are as follows:

- 1/6 of 1% deployed females are victims of an attempted or completed rape.
- 1/3 of females deployed during Desert Storm and Desert Shield were challenged by physical sexual harassment.
- 88 reported sexual misconduct in the current operation; 68 cases of sexual assault in Iraq and Kuwait.
- 1/3 of female veterans reporting physical assault by an intimate partner also report being sexually assaulted.
- Prevalence of sexual assault between 5-6% of female active duty service members.
- 9% of women in the Marines, 8% of women in the Army, 6% of women in the Navy and 4% of women in the Air force experienced an attempted or completed rape.
- 52% respondents reported sexual harassment in the same survey.
- 30% of female veterans experienced an attempted or completed rape during active duty.

- Screening of veterans – Veterans' Millennium Health Care Act (1999) - 22,456 male and 19,463 female service members experienced sexual trauma during active duty.
- 11% of seniors and 3% of the freshmen at the Air Force Academy were victims of an attempted or completed rape; female cadets comprised 16%.
- Female Persian Gulf War veterans- 8% were sexually assaulted and ½ reported physical sexual harassment (Hansen, 2004).

Sexual trauma within the military community is a force protection issue impacting on deployment, readiness and cohesion. The military environment is associated with risk factors, encompassing women entering a male dominant career at lower levels of authority. Norms prevalent within military organisations include masculinity, elements of hyper masculinity, adversarial sexual beliefs, promiscuity, rape myth acceptance, hostility toward women and acceptance of violence against women (Hansen, 2004). Military cohesion is associated with a culture of objectification and denigration of women through the consumption of pornography and the pervasive use of sexist language. Bonding tends to occur around stereotypical masculine characteristics such as dominance, aggressiveness, risk taking and attitudes that favour sexual violence toward women. Norms reflecting hyper masculinity among service members are imparted during the informal acculturation process encompassing the consumption of alcohol, pornography, bragging about sexual activity and attending strip shows (Hansen, 2004).

Negative effects of U.S. militarism on women and children in East Asia include sexual exploitation, physical and sexual violence. The concept of security is too militarised and does not include the human rights of women and children and the protection of the environment. Currently there are 37,000 U.S. military personnel in Korea, 63,000 in Japan, including 13,000 on ships home-ported there. Okinawa houses 39 base installations and has 30,000 troops and 22,500 family members. Okinawa Women Act against Military Violence shows that U.S. troops in Okinawa have committed more than 4,700 reported crimes since 1972. These were crimes of violence against women. Violence against women is seriously underreported due to the victims' shame and fear or their belief that perpetrators will not be apprehended. Women who work in the bars, massage parlours and brothels near U.S. bases are particularly vulnerable to physical and sexual violence. The sexual activity of foreign-based U.S. military personnel, including through prostitution, has had very serious effects on women's health, precipitating HIV/AIDS, sexually transmitted diseases, unwanted pregnancies and unsafe abortions, drug and alcohol dependency and mental illness. In Korea, Japan and the Philippines, Amerasian children born to women impregnated by U.S. troops are a particularly stigmatised group. They are often abandoned by their military fathers and raised by single Asian mothers. They live with severe prejudice and suffer discrimination in education and employment due to their physical appearance and their mothers' low status. Those with African-American fathers face even worse treatment than those having white fathers (Kirk, Cornwell & Okazawa-Rey, 2000).

Military personnel are trained to dehumanise others as part of their preparation for war. This process and the experience of combat can make them edgy, fearful, frustrated, alienated or aggressive. Sexism is central to militarised masculinity, which involves physical strength, emotional detachment, the capacity for violence and killing and an appearance of invulnerability. Male sexuality is assumed to be uncontrollable and in need of regular release, so prostitution is built into military operations, directly or indirectly (Kirk, Cornell & Okazawa-Rey, 2000).

Although the military has a policy of zero tolerance for sexual violence and harassment, and most military personnel do not violate women, this is an officially recognised problem in U.S. military families, for women in the military, and in communities near bases in this country and overseas. Military leaders often attribute it to a few bad apples, but these incidences occur too often to be accepted as isolated occurrences. Women organisers see them as systemic – an integral part of a system of military violence. (Kirk, Cornell & Okazawa-Rey, 2000).

Kofi Annan, the former Nations Secretary General stated in part that when “power, especially military force, is used, the world will consider it legitimate only when convinced that it is being used for the right purpose, for broadly shared aims, in accordance with broadly accepted norms.” The effects of an increased military presence in this Pacific region have resulted in numerous health, environmental, social and legal disparities in our respective jurisdictions.

References:

Governor’s Community Outreach Federal Programmes Office. January-December 2007 and January-June 2008, Statistics on Domestic Violence and Sexual Assault Cases.

Hansen, C. (2004). The Miles Foundation Personnel Subcommittee, Senate Armed Services Committee.

Judiciary of Guam, Stop Violence against Women Statistics from 2006-2007.

Kirk, G., Cornwell, R. & Okazawa-Rey, M. (2000), *Women and the U.S. Military in East Asia*, Vol 4(9), 1-8.

Natividad, L. (2008). Human Rights Struggle of the Chamoru People.

Quinata, D. (2006). Guam’s Political Status, news interview: Marianas Variety.

Russell, S. (1998). Tiempon, I Manmofo’na: Ancient Chamorro Culture and History of the Northern Mariana Islands, Micronesian Archaeological Survey, Report No. 32.

Schaefer, R. (2008). *Sociology* (7th ed.), New York: McGraw Hill.

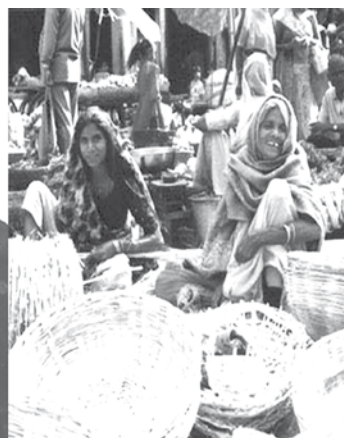
Presentation A.7

Violence Against Indigenous Women during Armed Conflict in Nepal

By Lucky Sherpa
National Network of Indigenous Women (NNIW), Nepal



INDIGENOUS WOMEN FROM THE HILLS OF NEPAL



A Tharu girl

A young Tharu in wedding jewelry

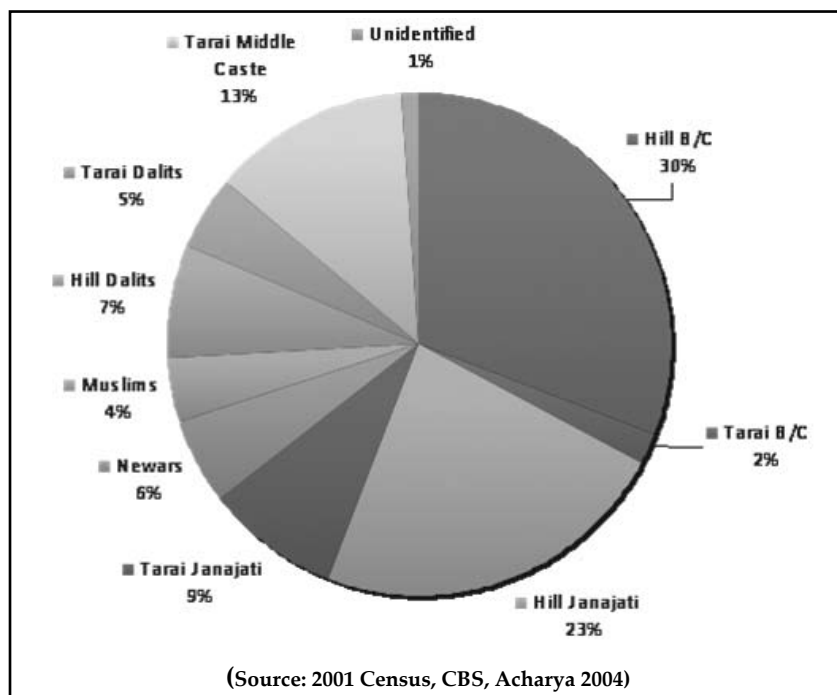
238 years of Discrimination

- On the Basis of Gender
- Caste/Ethnicity
- Religion
- Language
- Culture

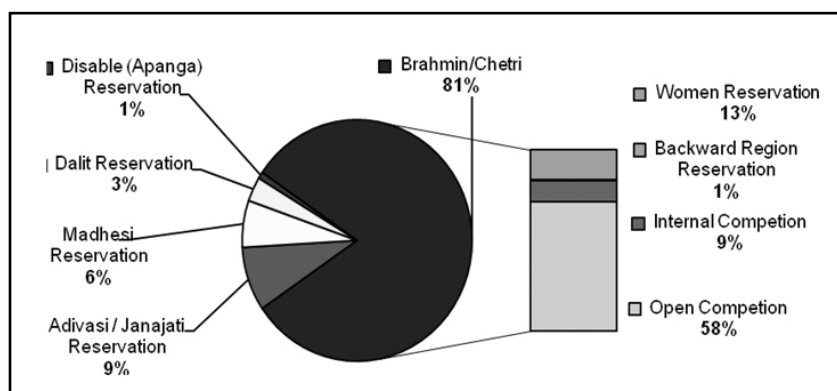
Major Factors Determining Conflicts in Nepal

State as 'Hindu Kingdom'
Caste system
Nepali as the only official language
Inequitable political representation
Restriction of freedom of association/expression
Centralised system of governance
Unequal access to education
Denial of communal land/resource rights
Unequal access to State resources
Denial of right to self-development

Population Distribution



Participation in Governance



Why Indigenous Women are most Vulnerable Groups on VAW

- Socio Cultural Discrimination
- Poverty
- Patriarchal Laws and Codes

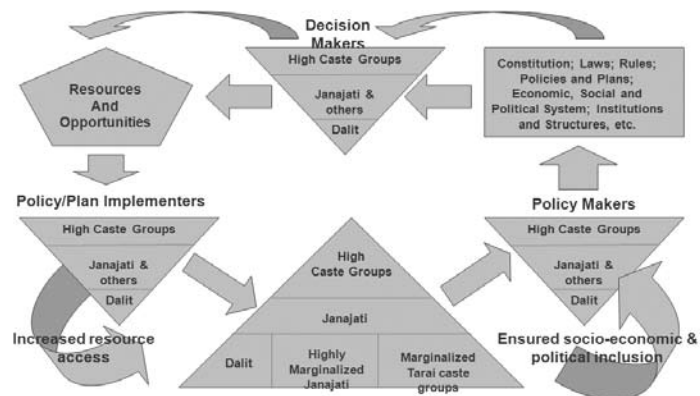
Issues of Indigenous Women of Nepal

- **Women's Movement and Indigenous Women of Nepal**
 - Women's movement of Nepal is only centered on the gender discrimination issue of dominant groups, but has failed to encompass the issues and innermost dimensions of adivasi/Janajati (Indigenous Nationalities women in this movement).
 - Diversity of indigenous women has yet not been recognized by the Women's movement.

- **Indigenous Women in IPO**
 - Underrepresented in decision making posts
 - Indigenous men who are in decision making posts are guided by Hindu Patriarchal norms and values
- **Indigenous Women in Political Parties**

Indigenous Women's representation in most of the political parties of Nepal is almost nil in decision making level but higher in cadre level.
- **Indigenous women in Decision Making Bodies**
 - The services and facilities granted to women are only within the access of women who belong to so called high caste, have close relationship with people in power and have party affiliation and monetary power. With some exception most indigenous women are deprived of such facilities.
 - Indigenous women's participation in local elections, professional and administrative jobs, cabinet, parliament, judiciary etc is very low. Most of the women, who have been able to get in, belong to Bahun-Chhetri and the Newar¹ groups. The result of such an imbalanced representation of the dominant caste Bahun-Chhetri in various decision making bodies have made adverse impact on their identity, language, religion and culture.

Discrimination, Social Exclusion, Marginalization and Poverty



Nepalese Indigenous Women in the Street Demanding for their Inclusion in the Policy Making Bodies

- The National Network of Indigenous Women (NNIW) consists of Indigenous women leaders and professionals from various sectors. This network is a national level network of Indigenous women's organizations. The major goal of this Network is to strengthen the movement of indigenous peoples, in general, and of indigenous women, in particular, of Nepal for both indigenous peoples' and women's rights and equity/equality. It aims to seek indigenous women's due space within the women's movement and gender equality within the indigenous peoples' communities as well as Nepalese society.

¹ Newars are also one of the indigenous communities of Nepal but they are much more developed than other indigenous nationalities

- **The Indigenous Women of Nepal had born the agony of 12 years war that the country had faced in two ways:**
 - They had become victims of rape, murders and violence and inhumane suffering perpetrated by the parties, government and Maoists.
 - As the Maoists people's war was practically being waged in the areas inhabited by Indigenous peoples, the indigenous women and children had born the direct impact of the violations of human rights by both the parties, government and Maoists. According to the report of Oxfam – Nepal (2001), in the Maoist-affected areas, indigenous women and dalit are the ones more affected in the war (Oxfam GB, 2001).



The armed conflict has led to many cases of human rights violations

- Indigenous women and children are victims of both insurgency and Gov't retaliation.
- They have been used in highly risky situations as human shields, to carry loads and are ill treated.
- Generally Indigenous women used to be held in suspicion by the government force, which also often leads to arrest, disappearance and death.
- Because of the surrounding armed forces, the rates of violence against women, including torture, rape, suicide and death in childbirth increased during the conflict period.



Problems faced by Indigenous Women during the Armed Conflict

- Rape
- Trafficking and sexual slavery
- Displacement
- Economic hardship

7 Major Roles of Women were classified as -

- Women as Victim
- Women as Combatants
- Women as Peace Activists
- Women as Formal Peace Politics
- Women as Coping and Surviving Actors
- Women as House hold Heads
- Women and (In)formal Employment Opportunities
- Women should not be seen as passive victims of armed conflict, but as capable actors who possess valuable resources and capabilities to make a difference in the life, in society and at the national.
- **Directly affected by War - 37,000**
- **Killing – 13,000 in 10 yrs. (1996 - 2007)**
- **Women were affected - 95% among the total affected peoples**

Challenges

- Heterogeneity ignored
- Consultation, Participation and Representation - missing in all the Sectors

- State- New appointments
- Institutions
- Programmes and Policies
- Programmes and policies excluded the most vulnerable groups on VAW that is indigenous women

Recommendations:

- Ensure the assessments of fact-finding missions with the special focus on the human right situation of indigenous women and children in the armed conflicts areas,
- Undertake an annual review of the implementation of resolution 1325 (2000) and report to the Security Council,
- Condemn all violation of the human rights of indigenous women and girls in situation of armed conflicts; take necessary measures to bring to an end such violation,
- Ensure full involvement of indigenous women in negotiation of peace dialogue and agreements at national and international levels, including through provision of training for indigenous women and their organisations on formal peace processes,
- Identify indigenous peoples customs and traditions and informal peace-building initiatives and provide relevant technical and financial support and establish mechanisms to channel the outcomes of these initiatives into more formal peace processes,
- Increase access to information of indigenous women's groups and networks on indicators of impending conflict as a means to ensure effective gender-sensitive early warning mechanisms,
- Take steps to prevent recruitment of girls and boys into armed forces and rebel groups,
- Ensure full access of women and girls to all resources and benefits provided in reintegration programmes, including capacity building programmes.

Presentation A.8

Violence in the Name of Culture, Tradition and Religion: From Personal Experience

By No-Aeri Thungmueangthong
Tambon (sub-district) Administrative Council, Thailand

My name is No-Ari Thungmueangthong. I am Karen. I live in Chiang Mai, Thailand. First I plan to talk a little bit about globalisation and unfair government development policy and their effects on indigenous women. But some of us shed light on that topic already. So here today, I'd rather share my experience with you instead. All my life, I have to face discrimination in various forms because I am 1) a woman 2) an ethnic minority and/or 3) an ethnic woman. Here are some of my experiences and my thoughts that I would like to share with you.

I will talk about violence against women in the name of culture, tradition and religion in two scenarios 1) within my ethnic group and 2) outside my ethnic group.

Within ethnic group:

Identities, recognitions and status of indigenous women differ between ethnic groups. Some ethnic groups marginalise women more than others. For example, the Hmong normally do not allow women to speak their own concerns at the village governing council which is composed of elder men of the village. They have to speak through male representatives because their custom believes that women's words have no value. Hmong values men more than women.

Within an ethnic group, women are not always supported by other women in the society. In other words, ethnic women also have prejudice toward each other. Some ethnic women are very conservative. They still believe that women belong in the private sphere; while public sphere, especially political and governmental ones, belong to men. Women are simply not made to be leaders.

I, myself, for example was selected to be an assistant to the village headman in 2003, and was elected by the people in my sub-district to be member of Mae Win Tambon Administrative Council on 24 August 2008. My being elected as member of the Tambon Council can be considered as ground breaking for my community.

However, this is not a total surprise. I am the only woman in my generation to have a chance to go to school. I am the only woman in my village at my age who graduated from compulsory elementary school. I owe this most valuable opportunity to my grandmother, who strongly supported my education. Since I was one of the few people who can read and write Thai, I am usually selected to work with both government agencies and NGOs. After I got married, my husband supported me to further my education. I finally finished high school in 2000.

My success in political life did not come easy. During these years I have had to work really hard to prove myself to my people that although I am a woman, I can be a good leader as well. I worked with several groups both governmental and non-governmental organisations. I was a representative of my village in numerous meetings. I mobilised ethnic women against unfair government action. I was a strong advocate for my ethnic group. Yet, when I was selected to be an assistant to the village headman I still have to work even harder to prove myself, especially to fellow women. Like I mentioned above, my customs believe that administrative work is not for a woman. Even though I worked hard, and even though I worked for them for years, women of my ethnic group still believe that politics and government is not women's job. They were ok with my role as long as it is not official. But when I took a position as assistant to the village headman, and later a member of Tambon Council, I had to face strong objections. Many women saw what I'm doing as disrespect to the men and the elderly. This kind of attitude will not change easily.

Outside my community:

Identities, recognitions and status of indigenous women outside the community differ greatly depending on which organisation you are working with. I need not to tell you that state officials deal with us indigenous people, in a very discriminatory fashion, which is quite opposite from non-governmental organisations or academic institution that work with women issues or indigenous people. For example, I was given a chance to participate in paralegal training by Prof. Virada's Foundation for Rural Women Law and Development. This kind of training and forum empower ethnic women and equip us with necessary knowledge of government and the legal system. This kind of training makes us realise that indigenous people must be treated equally with other Thais. Such forum gives us the opportunity to speak out and voice our concerns. However, this kind of empowerment training and consultation on the issue of indigenous people, ethnic minorities, and/or ethnic women are small in number and most of the time limited to the people who share the same problem, rather than dispersing information to the society.

On the contrary to what I just said, government never gave a chance for me or other local leaders to participate or discuss any concerned issues. It has always been one-way communication, which is typical for Thai authorities. They direct us on how to fix the problem of flood, air pollution, forest fire, etc. State authorities never want any inputs from us and they never accept the reality that such problems can be fixed by hill tribes alone.

Many times Thai authority and Thai people in general see us as culprits or outcasts of the society. Whenever bad things happen, they always blame it on the hill tribes. For example, we have a very serious problem of toxic air pollution. Most people believe that it's because of hill tribe people burning forest. In fact, air pollution in Chiang Mai area was caused by lowland people as much as those who live in the mountain.

My presentation is about how violence against women can be performed by fellow ethnic group members, state authorities, and political economic system. By violence, I did not mean just physical violence, but it also includes violence in the form of negligence, indifference and marginalisation.

I do not have any recommendation. All I have is hope. I sincerely hope that in the near future indigenous women will be able to determine the future of our lives based on interconnection between beliefs, culture, tradition and correctness. I sincerely hope that on the one hand women of indigenous ethnicities will be less conservative and will start to support each other in the public sphere. On the other hand, I sincerely hope that women will be accepted by men as equal partners.

Finally, I sincerely hope that tomorrow all indigenous women will be liberated from beliefs, culture and attitude that confines us today. And all obstacles that hinder us from enjoying our rights will be abolished all together.

I hope . . .

Thank you.

Presentation A.9

Violence in the Name of Culture and Tradition, and HIV/ AIDS Issues: An Indigenous Women's Perspective and Human Rights Approach

By Atina Gangmei
Asia Indigenous Peoples Pact Foundation, Thailand

Introduction

Culture in a simple term means human beings' way of life; it is created by the purposeful activity of human beings and it is a product of historical influence. Culture is not homogenous or static but a social dynamic that is constantly changing over time. Traditions are part of the culture of a society which is handed down from the past. Culture is a social construction that is evolving based on the changes in the political, economic and social realities taking place in a society.

Indigenous women in Asia like indigenous women in other parts of the world are victims of multiple forms of violence and oppression because of the fact that they are indigenous and they are women. Violence perpetrated on the indigenous women come in the form of physical, emotional and psychological, economic, political and cultural. While most of the violence perpetrated against indigenous women is linked to direct the impact of neo-liberal globalisation, militarisation and armed conflict and to the dominant socio-cultural systems, there is also no denying the fact that several other cases of discrimination against indigenous women are perpetuated in the continuing practices of culture tradition and religion of the indigenous groups themselves. This presentation will dwell more on some traditional practices of discrimination against women, while taking cognisance of the wider reality and more systemic causes of the continuing violence against women.

Cultural Context

Customary law aims to restore the harmony and balance in a community; it is fundamentally collective in nature and it is perceived to be for the common good and welfare of the people. However, some customs and traditions are discriminatory to women. In the Asian context, indigenous people's societies generally follow the traditional patriarchal system where woman is considered subordinate to the man. There are defined roles and duties of men and women that continue to breed oppressive conditions for indigenous women. In particular, women are confined and overburdened with traditional occupations and domestic work for the economic survival of the family, clan and community. Yet they have no voice in decision-making processes and are not granted any authority outside the home. They are also forbidden to do tasks that are largely considered as activities only for men, such as becoming warriors, hunters and the like. There are also traditional views that women are only for the house and agricultural work and raising children so they don't need to go to school.

These forms of discriminatory practices and views under customary law need to be addressed by indigenous communities themselves by first acknowledging and recognising the need for gender equality and second by adapting to the changing realities and environment that also requires changes in social relations to ensure respect for women and recognition of their important roles and contributions in society as equal to men.

Not all of the indigenous culture in the original form is biased against women as there are both positive and negative cultural practices relating to gender equality and respect for women in indigenous societies. But the influences and impacts of the mainstream political, economic and socio-cultural systems have aggravated and worsened the oppression and exploitation of indigenous women. For example, the commodification of women has led to more cases of sexual abuses and domestic violence because of the low regard for women as opposed to the recognition of the role of women as “nurturing mother” in traditional indigenous communities.

Another example is the treatment of women as sex objects have led to more cases of HIV/AIDS even amongst indigenous women who have become victims of economic deprivation and modern slavery. Further, the continuing impositions of the dominant social and cultural systems to indigenous peoples are causing the erosion of indigenous traditional practices of collectivism, cooperation, mutual respect, fairplay and compassion. The weakening of the social cohesion of indigenous communities is making indigenous women more vulnerable to violence, in the absence of traditional social sanctions of misconduct and mistreatment by men of women.

Discriminatory Practices in the Name of Culture, Tradition

In the name of culture and traditions, discriminatory practices still continue within the indigenous society. Articles 1 & 2 of the Universal Declaration on Human Rights state that “All human beings are born free and equal in dignity and rights . . . Everyone is entitled to all the rights and freedoms . . . 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 . . .”

Patriarchy causes differentiated behaviours between the genders leading to sexual discrimination and domestic violence. Women are looked at as inferior to men, good only for sex or for the home. It can even allocate and justify the right and authority of men to use violence against women and children. Thus women tend to see violence against them as something that they should be ashamed of or that it is somehow their fault. They then hide the violence, scared that if it were known publicly it would be a big disgrace to the family. The practice of patriarchy in indigenous communities comes in different forms. However, violence against women such as rape and domestic abuse are considered taboo in many tribal societies. These acts are considered serious offenses to the clan or tribe and strong sanctions are imposed to offenders such as being excommunicated from the community. In this context, while women are burdened with domestic and agricultural work, they are also regarded the respect of being child-givers and nurturers of the family.

Thus, physical violence against them is considered a big disrespect to the child-bearers and is not therefore acceptable.

On the other hand, there are also some indigenous communities or tribes who treat cases of domestic violence as internal matters of the couple that should not be sanctioned by the community. In these indigenous communities, there is a culture of silence around domestic violence and even the members of their own families alienate victims of sexual abuse who seek other forms of justice as this is regarded shameful for the family or clan. These cases continue to happen in indigenous communities with a weak sense of collectivity and compassion.

On the issue of property, indigenous women do not have inheritance rights in most cases. This is violation of the international law on set forth in ICESCR Article 3 that “ensures equal right of men and women to the enjoyment of all economic, social and cultural rights”. For instance, according to customary law, Naga women who toil as hard as the men at home and in the field cannot inherit ancestral property such as land or rice fields. Dispossession of property for women upon the death of the husband is another discriminatory practice of indigenous people in Asia. Many communities who follow the patriarchal system do not give women the right to inherit property. This is still prevalent among indigenous women of the Chittagong Hill Tracts, Bangladesh, Nagas of northeast India and many other communities in India.

In a few matriarchal or matrilineal societies such as the Lahu and Karen in Thailand, the Marma and Garo of Bangladesh, the hill tribes of Cambodia, the Amis of Taiwan or the Khasi of northeast India, women generally have more control over property, resources and production, and there is a fairer division of labour between the sexes. However, these indigenous women are losing their relatively egalitarian status as a result of the erosion of traditional indigenous culture due to several factors, including the worsening expropriation of lands and resources of indigenous peoples by states and private entities.

In countries like Mongolia, Thailand, Nepal, Philippines, reproductive rights do not exist in indigenous communities. Indigenous culture most often have preference for male children, and in instances where a wife bears only daughters, she is pressured to have more births until a son is born, or the husband takes advantage of the situation and divorces or takes another wife.

As against the marriage and family law enshrined in CEDAW, forced marriage is still commonly practiced in countries such as Indonesia among the Dayak Agabak; in the case of women being raped or getting pregnant, the victim is forced to marry the rapist to avoid social disgrace. Paying of bride price when getting married commodifies women as some kind of a product or piece of furniture to be bought by the highest bidder. This practice leads to greater vulnerability to domestic violence and abuse of the wife as there is no strong emotional bond and mutual respect between the married couple. This oppressive practice still prevails among certain indigenous communities in Malaysia and Indonesia.

Polygamy is also still being practiced in some indigenous communities in Mindanao and Visayas in the Philippines. Most women being married in polygamous relationships feel helpless and vulnerable to mental and emotional instability because of their situation of being at the whims of their husband and at the same time having to deal with the other wives and their children.

Forced marriage is also commonly practiced by a number of indigenous communities in Asia. For instance, the Garos of Bangladesh who do not abide by the social custom of arranged marriage were either put to death or chased away from the village. Another example of forced marriage is in the case of rape victims who are forced to marry the sex offender in order to be saved from “shame”. This case is adding insult to injury, yet most families of victims would rather force the marriage in order to avoid public scandal.

Social customs and traditions that uphold male pride and honour often justify violence against women. Such practice is leading to infliction of physical as well as psychological violence to indigenous women especially for those perceived to be “misbehaving” or bringing shame to the marriage or the family. Honour killings in the case of Pakistan still continue. The recent news were on the killings of three teenage girls and two elderly women because the girls wanted to marry the men of their choice. This was considered unacceptable by the elders of the Umrani tribe in Bulochistan. They were taken to a remote area where they were shot and buried alive. The inclusion of the two elderly women in the killings because they tried to prevent the killing of the three teenagers, was the most heinous crime committed.

In decision making, this is still largely seen as the function and duties of elderly men. Indigenous women’s active participation in decision-making processes is largely not socially acceptable. In fact, women are forbidden in the traditional halls or gathering place of men where they discuss and decide on community affairs. It is considered that women have less mental capacity and are too highly emotional to engage in discussions on community affairs, even on matters that concern them. Though this view is changing now, with more and more women excelling in a lot of fields and demonstrating their ability to make sensible decisions for the good of the community.

The low regard for indigenous women in decision-making processes is further reinforced when indigenous women in general get less opportunity of access to education such as in Malaysia and Indonesia. Those in Thailand have no chance at higher education if they do not get Thai citizenship and learn the Thai language. This applies not only for women but for indigenous men as well.

In some indigenous communities in peninsular Malaysia and Nepal, women who stay in the village and work at home are given more respect by the indigenous community than one with higher education who works outside the home. However, women’s role in decision making is still not encouraged with the continuing practice of customs that give power to the men as the sole source of authority.

With the prevailing economic hardships, marginalisation and the lack of livelihood sources for indigenous communities, indigenous women are pushed to seek all forms of jobs such as domestic work and prostitution. This situation makes them vulnerable to HIV/AIDS, other sexually transmitted diseases and various forms of abuse. 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. The most recent example is of a women-trafficking racket in northeast India where many young girls were reported to have been trafficked to Singapore and Malaysia with a promise of decent jobs but eventually landed up working in a club. Poor health services and low status of women, victims of conflict, and sexual abuse that are the general problems faced by indigenous women in Asia are conditions in which HIV is easily transmitted. Discrimination and social stigma against HIV/AIDS further fuel the pandemic by denying peoples access to services, treatment, employment, inheritance and discouraging people from testing and disclosing to others that they are HIV positive. There are already a number of cases of indigenous women from the Philippines who died of HIV/AIDS while working abroad as domestic helpers.

Good Practices

There are good practices of social customs found in some indigenous groups, which uphold the value of equality between men and women. For instance, among the Kadazandusun of Sabah (Malaysia) traditionally customary laws or Adat grant the right for equal distribution of inheritance between men and women. Daughters traditionally inherit the possession of mothers while sons inherit the possession of the father. Among other indigenous groups of Penan of Sarawak, both sons and daughters traditionally have equal rights to use land belonging to the parents.

In decision making, traditionally many indigenous communities of Sabah such as the Kadazandusun, Rungus and Semai have the right to participate on equal terms with men. Their roles were as priestesses, healers and ritual or social specialists and also part of the council of elders who make decision for whole communities. The indigenous community of Ngato Toro in Indonesia had a traditional institution called Tina Ngato (mother of the village) where women have the role in decision making at the community level. Women of Ngato Toro also played an important role as the custodian of customs.

In the case of Philippines, some changes have been brought over the years in the governance role of women. Traditionally in communities where the council of elders was restricted to men, women can now participate in the council meetings. Among the Tumanduks and other indigenous groups, women have a voice in settling disputes as third party witnesses or as representatives of the parties. Among the Ata-Manobo and the Higaonon in Mindanao, they can become leaders or chieftains in their communities.

Conclusion and Recommendations

Reminding ourselves once again that culture is dynamic and will continue to evolve, the status of indigenous women and women in general can be changed with our greater participation and involvement in all concerns of our communities, our tribes and of the society towards achieving gender equality. While we should continue to address the discriminatory practices in our own cultures and traditions, we must also take cognisance of the stronger force being imposed upon us by the dominant political and economic systems. This system continues to systematically violate our rights as women and as indigenous peoples and is causing the further exploitation and oppression of both women and indigenous peoples. There is no doubt that the dominant socio-political system continues to erode our social values and cohesion as indigenous communities that uphold equality and recognition of the roles and contributions of each member of the society, be it man or woman. We believe that “our traditional culture holds the seeds for condemning violence against women”.

In this Regard, we then Put Forward the Following Recommendations

1. To continue to conduct appropriate awareness raising and advocacy on gender equality that also respect positive cultural practices and in an inclusive (to include men) and constructive approach, allowing communities to deal with gender issues in the form suited for them and with the women taking the leading role.
2. To build and strengthen the capacity of indigenous women to promote their rights and welfare, including the collective rights of indigenous peoples, and their right for equal participation in decision-making processes through various trainings, skills sharing and other activities.
3. To develop stronger unity, solidarity and cooperation between and amongst indigenous women and women in general for the advancement of women’s rights and against women’s exploitation and oppression in all its forms.
4. To demand states to abide and implement its human rights obligations through concrete policies, programmes and action in upholding and respecting the rights of women and indigenous peoples.
5. To demand for the establishment of an appropriate and independent mechanism for redress for indigenous women who are victims of violence and sexual abuse, especially those committed by armed forces.
6. To call on the special rapportuer on violence against women, UNIFEM and the special rapportuer on the fundamental rights and freedoms of indigenous peoples to immediately act on complaints submitted to them by indigenous women; and to jointly conduct an in-depth study and consultation workshops with indigenous

women on their particular experiences of violence against women and other forms of human rights violations; and make concrete recommendations to states and other concerned agencies to effectively address the concerns of indigenous women.

References:

1. Asia Indigenous Women Network Conference, 2004.
2. The Guardian World News, Pakistan, September 1, 2008.
3. The Sangai Express, Imphal, India, September 30, 2008.

Presentation A.10**Displacement and Migration of Indigenous women**

By Mary Labang
Kachin Women's Association Thailand (KWAT), Burma / Thailand

My name is Mary Labang and I am from Kachin – the northernmost minority ethnic State in Burma. I am the Coordinator of the Kachin Women's Association Thailand, based in Chiang Mai.

I will speak particularly of the multiple forms of violence that result in the displacement and migration of indigenous Kachin women, but that violence is also affecting the various other indigenous women in Burma, eg, the Karen, the Lahu and the Shan.

We have heard presentations this morning on customs, culture & rights of indigenous women

Sadly, it must be acknowledged that the Kachin culture is a patriarchal culture which reinforces male power over women and this often results in violence against women.

Domestic violence is widely happening in my community, and women also face the threat of sexual violence because of their traditional role. Many women accept that this is the 'proper way of things' because it is a tradition that has been handed down through the generations.

Those women who do seek justice for such offences are often disowned by their families or fall victim to customary law.

Customary law operates in Kachin State alongside the statutory legal system and the patriarchal culture means that violence against women is often excused in customary law or the penalty is so light that it is insulting to women. My own organisation documented a case where the perpetrators – Burmese soldiers – of a multiple rape of school girls in Putao in Northern Kachin, offered to pay a tiny amount of money in compensation to the rape victims. In the event, the girls were themselves arrested and convicted of prostitution.

Not surprisingly therefore, women are also excluded by men from the decision-making process. My organisation is dedicated to building the capacity of women to participate in decision making, through awareness raising training inside Kachin State and internship programmes in Thailand.

We have also heard of militarisation, armed conflict and violence against indigenous women

In Burma the military regime has been in power for several decades, resulting in armed conflict with the various indigenous peoples on the periphery of the country. Since Burma got independence in 1948 some of the indigenous groups have signed ceasefire agreements but the Burmese troops are still fighting in the Shan, Karen and Karenni areas. As a result, thousands of indigenous women are displaced inside Burma and to neighbouring countries. Indigenous women have

suffered numerous human rights violations during these military operations and continue to experience such violations even in the ceasefire areas, because the regime alleges that they continue to oppose the regime. Violence against women especially rape, is used as a means of terrorising indigenous women and their communities in both the ceasefire and the non-ceasefire zones.

In addition some 47% of Burma's annual income is spent upon the military and less than 1% on health & education. Poor indigenous women and their children suffer the most from the lack of these services.

And finally we have heard about neoliberal globalisation & violence against indigenous women

The military regime in Burma has exploited the natural resources in Kachin and other States – timber, jade, gold and hydro electric power - to enrich itself and to pay for the strengthening of its military power. This has resulted in further violence against indigenous women. Land confiscation, loss of livelihood, and poverty in turn leads to forced migration to neighbouring countries and to the trafficking of women and children.

Uninformed and uneducated migrant women are then further exploited in the receiving country eg, in Thailand and in Malaysia. Kachin women who are trafficked into China are sold as wives to Chinese men or work in the sex industry. The evidence for this has been collected and disseminated through the work of my organisation in the 'Driven Away' trafficking report that we produced in 2005, and 'Eastward Bound' produced earlier this year.

In conclusion, one can see, therefore, that in Burma the various elements of culture, militarisation and neoliberal globalisation have come together to conspire against indigenous women in the worst possible way.

They have created a level of violence that has resulted in enormous displacement and migration of indigenous women.

The military regime has no interest in addressing these abuses because it benefits them and in most cases committed by them.

We can only hope that the international community will bring pressure to bear upon the regime to stop the violence.

Presentation A.11

Key Issues in Papua New Guinea

By Catherine Raka
Motu Koita Assembly, Papua New Guinea

Brief History

From the early documentation of our country's political history, the southern part of our country, Papua New Guinea was under colonial rule as a British Protectorate in the 1800's. Around the same time, missionary involvement had great influence and brought about adverse effects and impacted greatly in the formulation and adoption of the complex attitudinal development of my people, the indigenous Motu Koita people, who are the original inhabitants of the land on which the capital city Port Moresby is seated. The population of the Motu Koita people is about 45,000 out of the total city population of 450,000.

As a direct result of the early colonial and missionary influence the norms of our traditional customs and practices, attitudes and mindsets of our people, have in some ways, been disempowered, to the extent of being described as a pacified people. My presentation is more focused on my very own indigenous people, the Motu Koita people and I'm speaking for the voiceless, the silent majority of my people, especially at the grassroots level.

Our ancestors were people who were great subsistence farmers, warriors, hunters, seafarers, traders and negotiators; however, the colonial and missionary influences and processes had over the years pushed into extinction what they perceived to be negative and unacceptable cultural and traditional practices such as tribalism. These could be seen as positive influences; however, on the other hand, could be seen as taking away the rights and freedom of our people at that time, all in the name of transforming them to becoming a civilised people.

Nevertheless, within the last 20 to 30 years with the unprecedented social and economic, political and environmental changes throughout the global world, our indigenous people, through no choice of their own, have become victims of rapid urbanisation and to this current time become one of the most vulnerable and marginalised group of people.

My country, Papua New Guinea, gained political independence from Australia on 16th September, 1975 and the plight of our Motu Koita people is quite unique, considering a nation with over 800 ethnic groupings a great diversity of cultural and multi-lingual backgrounds. This is just a brief background to give you a clear distinction of my tribes people the Motu Koita people, an indigenous group of people, whose issues of human rights and fundamental freedoms, need to be heard and given appropriate attention, action and advancement.

IDENTIFYING KEY ISSUES NEEDING ATTENTION:

- ISSUE OF VIOLENCE OF DISEMPOWERMENT through basic SOCIAL SERVICES such as EDUCATION, HEALTH, LAW AND ORDER, LAND, LANGUAGE AND SOCIO ECONOMIC issues.

(i) EDUCATION

- Most of our upcoming young generations are pushed out from grades 6, 8, 10 and 12 and most end up not fully participating and benefiting from social and economic developmental programmes. The young generations of our Motu Koita people are deprived of further educational or training opportunities to be able to contribute towards forming an adequate professional human resources base such as pilots, engineers, lawyers, doctors, accountants, etc.
- Most of them are semi-skilled or largely unskilled. Because of intellectual competitiveness of other students from all around the country, our Motu Koita people simply cannot cope and so they do not benefit fully of available opportunities.

(ii) HEALTH:

- Our public health system and structures are in place in most centres of our country; however, with the constant increasing influx of people from all over the country to the capital city, it's a constant struggle with the rest of the city dwellers to receive appropriate and adequate attention. Some of the additional problems are associated with inadequate manpower and a constant shortage of medicine.
- Private health care is available but affordability is a major hindrance to proper care, diagnosis and treatment. These are some of the factors which our indigenous people are confronted with making them more disadvantaged.
- No proper sewage and sanitation systems: After 33 years of independence, our people in the urban villages are still using pit toilets (latrines) resulting in a lot of health and hygiene problems, resulting in a lot of people dying from preventable diseases. Government attention is focused more to the sub-urban dwelling and setting, with little or zero attention given to the traditional landowners, the Motu Koita people.

(iii) LAND: (Issue of LOSS OF RESOURCE BASE THROUGH LAND AND SEA)

- Papua New Guinea's capital city Port Moresby boasts of beautiful harbours that is now used as an international shipping gateway. The major socio-economic developments currently taking place within the city area is bound to have serious impacts on the

traditional lifestyle of my people. No doubt within the next 5-10 years, our urban village settings may have to be relocated, all in the name of progress and development. Sadly, we have to share our traditional land with the increasing use of habitation by the rest of our country's population for reasons of residency, employment and education, etc.

- Most of our land has been taken up for government, business and residential purposes. We are further deprived of fully utilising our land potential, simply because we don't have available capital or readily accessible monetary assistance to start up and run our own businesses. We have become, more or less, spectators on our own land and thus feeling the strong adverse effects of the fast escalating rate of poverty.

(iv) LAND ALIENATION:

- Abuse of customary land and issue of ownership:
Since ours is a patrilineal society, men have sole authority to land title and ownership. Women were, and are still not allowed to have rights to land ownership.
Widows especially are becoming disadvantaged when their husbands die, they are deprived of the right to land ownership. On the gender perspective, this would be seen as abuse of the rights of widows, or for that matter, women as a whole.

(v) LANGUAGE IMPERIALISM:

- Some of our Motu Koita language or vocabulary through colonisation has been completely misinterpreted and abused. For example, there's a Motuan word called "dava" which is a traditional way of exchange between the families of a bride and groom. It's literally translated and interpreted to mean "bride price" and when used in that sense, becomes abusive. The woman is seen as being paid for or bought like a commodity.

(vi) ECONOMIC HARDSHIP:

- Economic hardship is rapidly becoming an issue which is the main cause of the rise of social problems such as law and order, alcohol and drug abuse, homebrew and all forms of gambling. All these contribute towards increased violence and abuse in the communities.

(vii) PROSTITUTION:

- Because of the desperate situation of economic hardship, many of our young girls are resorting to prostitution to make ends meet, as well as to cope with the fast increasing cost of daily living. That, in turn, contributes to the high rate of HIV/AIDS infection and other sexually transmitted diseases. Many of our young women are dying at a very early age, and at such rates, will contribute to gender imbalance.

CONCLUSION:

With reference to my subject of presentation, having access to, use of formal and informal legal mechanism and other justice systems by indigenous women, yes, our country Papua New Guinea does have greater political authority and structures in place. After 33 years of independence, we do have legal mechanisms in place; however, there is lack of easy accessibility and affordability, resulting in our people, our women, becoming increasingly marginalised in our own land. Those policy mechanisms most times are in theory alone, they will need to be translated into reality. There is no economic base by which our people can realise some degree of economic freedom or economic independence. Economic sustainability still needs to be legislated.

THE WAY FORWARD:

With the recent recognition by the government of Papua New Guinea, through an Act of Parliament, an autonomous government for the Motu Koita people has been established. Only 3 months as a newly elected government, the biggest challenge for the Motu Koita Assembly will be legislation, to put in place a policy framework that will advance the cause of the plight of our indigenous people. There must be affirmative policies in place to protect the human rights and freedom of our indigenous women (and people for that matter).

I speak for my indigenous Motu Koita people, bringing our plight to international attention.

We need help, we need empowerment.

We will certainly need technical assistance to address the key issues I have highlighted in this presentation.

Presentation A.12**Indigenous Women in Taiwan**

By Mei-hui Chiang

Kaoshiung Indigenous Women's Growth Association (KIWGA), Taiwan

Facts of background

- Indigenous peoples: 14 peoples officially recognised, and more self-identified peoples are separating out
- Population: the population of IP is about 470 thousand, taking up 1.7% of total population in Taiwan. IW is about 50% of IP population as a whole.
- Indigenous Women's situation in Taiwan from the aspect of economics and livelihood
- Economic development resulting in loss of land, degradation of natural resources, and damage of agriculture life owing to disregarding the subaltern IPs.
- Indigenous women become main bread earner in indigenous household.
- Bad labour condition: low paid job, temporary without labour insurance

The access to formal legal systems**We do have**

- Article 10 of the Taiwan Constitution: The state should affirm multi-culture, and ensure promoting languages and cultures preservation of indigenous people. The state should ensure political participation of IP, and the equal status of IPs, guarantee to improve the condition of education, infrastructure, health, recovery of lands and social welfare.
- Basic law of indigenous peoples
- Law of prevention of domestic violence
- Law of protection of indigenous peoples employment
- Law of employment discrimination
- Law of education of gender equality, but lack of IW's perspectives in the process of law making

The use of customary systems

- The statutory laws cannot respond to the complexity of the diversity of IP societies in Taiwan
- We are used to dealing conflict affairs through negotiation and consultation of the elders in villages
- The social position of indigenous women (IW) is in degradation since we have been highly incorporated into the nation

Specific issues of IW in Taiwan

- IW issues are difficult to address under the political frame in Taiwan.

- The information of international IPs' network is poor due to the isolated condition of Taiwan from the international world.
- One emerging issue is that the conflict of job opportunities between IPs and immigrant labours under the structure of economic globalisation, which blocks the solidarity of the subaltern labors of IPs and immigrant labours.

The future work

- Continuing capacity building work and organisations connection work locally and nationally.
- Overcome the predicament of international isolation condition of Taiwan, and thus IW in Taiwan can participate in the international network.

Presentation A.13

Concerning the Situation of Ainu Women

By Naomi Shimazaki
Indigenous People Summit in Ainu Mosir 2008, Japan

Over a long time, Ainu women's traditional culture, conventions, and customs have been extinguished by the assimilation policies of the Japanese government. Since the 18th century, under assimilation policy, Ainu women were forced to become "local wives" for Japanese men and so-called mixed-blood children increased from these marriages. Over a long time, due to structural discrimination in Japanese society, Ainu women gradually lost their identities as Ainu. As a result, through the daily repetition of groundless slander and abuse, we Ainu women have grown to reject our own heritage and identity. In marriage, women were abused everyday through violent language hurled by alcoholic spouses. Everyday quarrels in the household had a damaging effect on children's education. Children with Ainu heritage were rejected by Ainu women's spouses, and many marriages have ended in divorce. After 40 years of suffering their husband's violence, many women are psychologically traumatised. Now, resulting from discrimination, there are few Ainu-to-Ainu marriages.

As many of you already know, Ainu people were recognised as Japan's indigenous people on June 6, 2008. Our work to press the Japanese government to recognise Ainu people's history and legal reality, and to accord us the dignity we deserve as indigenous peoples, is work we are only just beginning. This means that the work to respect Ainu people's human rights is the most critical work which remains before us. As submitted in the consultation materials, the Survey on Ainu Women's Living Conditions was the first survey to be conducted by Ainu women themselves. The impetus for conducting this survey originated from the need to generate comprehensive and detailed data on the situation of minority women in Japan, including education, employment, discrimination, health, and violence. In 2003 during CEDAW's review of Japan, noting a lack of political will on the part of the Japanese government, the Committee recommended that the Japanese government conduct a survey of living conditions to collect data on minority women's conditions. The Japanese government added a few items on minority women to meet the Committee's recommendations for its 2006 report. However, the Basic Law for a Gender-Equal Society (passed in 1999) which includes minority women in its mandate, demonstrates the situation faced by minority women in that there is not a single word addressing minority women's issues in the entire law. This fact in itself is a perfect example of the discrimination and violence we face from the system as minority women.

Yet, we must strengthen our solidarity not only among Ainu women but with citizens across Japan, and also with indigenous peoples globally, to ensure that women may exercise their rights in politics, economics, socially and culturally. And therefore we must connect as a global network. It's critical that we continue to issue direct appeals for recovery of indigenous political and human rights. To eliminate the widening income disparity in Japanese society, we must train women leaders, encourage women's political participation, educate and train our youth. Concerning demands for the Japanese government, we seek an official apology, and the recognition of indigenous peoples' right to self-determination and the corresponding improvement of Indigenous peoples' political status. Of course we will also demand rights for land and natural resources. Finally, I would like to urge both Special Rapporteurs to work together to establish a standing body to address the issues of minority women around the world.

Sinno Iyayraykere!

*Article provided by the speaker, Naomi Shimazaki to supplement her presentation.

What the Survey and its Findings Tell Us Ainu Women

By Ainu Association of Hokkaido, Sapporo Branch

Introduction

Most of the respondents of this survey were members of the Ainu Association of Hokkaido, with two hundred and forty-one women from 14 branches and one district being surveyed out of a total of fifty-four branches. The survey comprised of 78 questions, 31 of which dealt with five areas determined by the organisers of the minority women's survey project, namely education, employment, social welfare, health and violence, as well as 47 questions about discrimination and the preservation and transmission of Ainu culture.

Because members of the Ainu Association of Hokkaido were the main targets of the survey, 77% of respondents were aged over 40 years. In seeking the cooperation of each branch, it was not communicated that they should consider reaching a wider age range. Ample time was also required to take part in the survey, such that only women who were not working or who had the day off were available to participate. Further, young Ainu women tend not to actively participate in the activities of the association, partly because it would require them to "come out" to society about their roots. Many women wait until their children have grown up before joining Ainu-organised activities, so that their children will not become targets of discrimination. The preparation work by the organisers is also a factor in considering the demographic - surveying the entire region of Hokkaido proved to be more difficult than imagined, requiring scheduling gatherings in each region for a large number of people.

Education

1. Level of Education

Given that 77% of respondents were over the age of 40 years, a majority of 60% had graduated elementary or junior high school. Thirty-six percent had finished at least high school, with 4% completing college or university. According to the 2006 Hokkaido Utari Survey on Living Conditions, 93.5% go on to attend senior high school (the average in municipalities where Ainu live).

A certain amount of improvement can be seen in overall education advancement rates of the Ainu since the gradual implementation of incentives funded by the Hokkaido government from 1965 to 1974 for Ainu children to further their studies, as well as subsidies and allowances from the Ministry of Education from 1975 for Ainu children attending senior high school.

Chart 2-1 Your level of education

Level of Education Completed		Number of respondents	%
Compulsory education	Elementary school	25	10
	Junior high school	118	50
Senior high school		61	26
Technical high school		1	0
Professional training college		15	6
College		7	3
Public university		0	0
Private university		3	1
Graduate school		1	0
Never been to school		1	0
No answer		9	4
Total		241	100

From what we are told by the women, however, even if they answered that they had graduated high school, for example, there are cases where they did not actually attend school. At a meeting to analyse the survey data, a woman over the age of 50 told us: "Back then, even if you didn't go to school, you could get a graduation certificate because education was compulsory. The Ainu women born around 1945 living in my village helped their families, so they did anything - helping with the horse carriage, construction or fishing. Work was not hard because it was just the natural order of things. I don't remember getting a school graduation certificate."

Another woman shared, “I had to weave *Atsushi* (traditional Ainu clothing woven from the bark of elm trees) every single day. I really hated it, but if I had known that things would change [that Ainu culture would be reexamined], I would have studied more about Ainu culture.” She had regrets, having spent much of her time back then helping out in the house rather than going to school.

Another woman said that she worked day-labour jobs and attending school was not really something to consider.

One woman spoke about the harshness of discrimination against Ainu in school: “It wasn’t just the children. Teachers also discriminated against us. If we did better at school than the Shamo’ children, they would ask us in front of the entire class whether we had really done it on our own. If we knew the answer, they would pretend we didn’t.”

Poverty was another reason given for being unable to go to school. The fact that there was not enough money to buy clothes, shoes or school supplies, or bring a lunch box, led to discrimination against the children. The survey revealed this comment: “I couldn’t move up in school, so when I started working after the divorce and had to use a computer, I couldn’t read the roman characters on the keyboard. I was scolded by my boss for not even being able to do that. I study on my own now and attend computer classes.” Another woman wrote, “As a single mother, I feel there is a limit to the education I can provide my children.”

There are some women who re-encounter the reality of their lack of education at work after experiencing changes in their families, such as divorce. We need a survey that looks comprehensively into the linkages between Ainu women and the home, education, and employment. There were also many comments made that raised the importance of Ainu women learning more about their own culture and history, and not just education in general. It was pointed out that they do not understand or study enough about these topics: “People sometimes make fun of the Ainu, but I myself don’t understand anything about them. I did not know anything about the language or customs. I want to start learning more.” “I think that although we have Ainu ancestry, we (myself included) haven’t learned about our history and culture.”

These comments show that in their lack of knowledge about Ainu culture and history, Ainu women are realising the importance of education about Ainu culture: “I think there should be comprehensive education about ethnic cultures. More efforts should be made in educating women.” “I hope that more efforts can be made in education and learning about other cultures, so that we can understand and become aware of the wonders of Ainu culture.” “I hope to learn more about my people and become involved in their activities in the future.”

2. Literacy

Chart 2-2 How well can you read newspapers?

	Number of respondents	%
I have no trouble reading	175	72
I can read some Kanji	45	19
I can only read Hiragana and Katakana	14	6
I can't read at all	4	2
No answer	2	1
Total	241	100

Seventy-two percent of respondents had no trouble with reading and 67% had no trouble with writing. However, one-third answered “I can read some Kanji,” “I can only read Hiragana and Katakana” or “I can’t³ read at all,” indicating that there is difficulty in reading to some extent. We do not know whether these numbers are higher or lower than the rest of society because there is no national survey about literacy rates.

Chart 2-3 How well can you write?

	Number of respondents	%
I have no trouble writing	158	67
I can write some Kanji	56	23
I can only write Hiragana and Katakana	22	9
I can't write at all	3	1
No answer	1	0
Multiple answers	1	0
Total	241	100

It seems that some respondents answered that they had no trouble reading or writing despite being borderline cases, or that they selected certain answers despite being unsure of the meaning of the question. This assumption is based on the fact that it is very common to come across women unable to read or write in conducting paperwork in general. Also, although not many answered that they are unable to read at all, this should be commensurate with academic history. These numbers are closely related to Ainu women’s circumstances in employment, finances and marriage.

Work**1. Availability of Work****Chart 3-1 Are you currently working?**

	Number of respondents	%
Employed	137	56
Unemployed	88	37
No answer	16	7
Total	241	100

2. Position**Chart 3-2 Work position**

	Number of respondents	%
Self-employed (incl. farming)	24	10
Family business	13	5
Company manager/executive	2	1
Full-time/company employee	15	6
Contracted or temporary employee	10	4
Part-timer	60	26
Homemaker	8	3
Other	15	6
No answer	88	38
Multiple answers	3	1
Total	238	100

Regarding the type of employment the women are engaged in, part-time employees came to 26%, self-employed (including farming) 10%, family businesses, contracted or temporary employees or homemakers 12%, and full-time employees 6%.

The fact that almost one-third of Ainu women are employed as part-time workers reflects the instability of their employment. Almost 40% did not select an answer, perhaps because they were unwilling to or because nothing described their particular situation.

3. Field of Work

At 12%, the largest number of women is employed as service providers, followed by line workers and salespersons at 8% each. Over half of the respondents did not answer this question, perhaps because there was nothing that described their particular situation. Some may not have understood the question. Four percent said that they were engaged in specialist work, which can be thought to be the response of those

engaged in traditional Ainu woodcraft and embroidery, which do not fall under any of the other categories.

4. Work hours

Because many of the respondents were part-time workers, 24% said that their average work hours per week were less than ten.

5. Income

Chart 3-3 What is your approximate income per year (including taxes)?

	Number of respondents	%
Under half a million yen	49	20
Half a million to 1 million yen	67	29
1 to 1.3 million yen	31	13
1.3 to 2 million yen	20	8
2 to 3 million yen	8	3
3 to 5 million yen	3	1
5 to 7 million yen	0	0
7 to 10 million yen	0	0
Over 10 million yen	0	0
No answer	63	26
Total	241	100

About 60% earn less than 1.3 million yen per year. Twenty percent earn less than half a million yen.

Chart 3-4 What is your annual household income (including your spouse/partner/co-inhabitant)?

	Number of respondents	%
Under 1 million yen	22	9
1 to 3 million yen	78	32
3 to 5 million yen	37	15
5 to 7 million yen	13	5
7 to 10 million yen	11	5
Over 10 million yen	4	2
No answer	76	32
Total	241	100

About 40% of the respondents answered that their annual income was less than three million yen, followed by 15% answering three to five million. These numbers show the financial hardship faced by the women. A third of the respondents did not answer the question, showing that it was a difficult question to answer.

According to the 2006 Hokkaido Utari Survey on Living Conditions, 52.5% of Ainu earn less than 3.49 million yen.

6. Job satisfaction

Twenty-three percent were satisfied with their work and 19% were somewhat satisfied. For Ainu women who have sparse academic or other qualifications, this is all they can do, so we can guess that it is just something they have resigned themselves to. We often hear the women say that if the opportunity presented itself, they would like to study again or become qualified in something that would lead to work opportunities. The same thing can be said about changing jobs.

There is doubt as to whether it was really appropriate to ask women who are engaged in day labour and helping in farming, fishing and forestry work how many times they have changed jobs.

7. Discrimination in employment

At 11%, the number of respondents who answered that they had experienced discrimination seems quite low, and we believe that it is higher in reality. In the 2006 Hokkaido Utari Survey on Living Conditions, in response to the question "Have you ever suffered discrimination, from as far back as you can remember until the present," 16.8% answered positively and 13.87% answered "I know someone who has." The discrepancy may be because in our survey, we asked a specific work-related question - "Have you been discriminated against in employment" - and not "Have you been discriminated against as an Ainu?" Perhaps there is not much discrimination to be accurately described.

Discrimination against Ainu and against women

Chart 4-1 In what situation do you feel there is discrimination in Japanese society against the Ainu?

	Number of respondents	%
A friend or acquaintance's plain expression of prejudice	19	8
Social disadvantages	12	5
Obstacles in marriage	16	7
Difficulties in employment	1	0
Discrimination in housing	2	1
An environment making it difficult to share that one is an Ainu	62	26
No answer	76	31

Multiple answers	53	22
Total	241	100

Many answered that they had never suffered or felt discrimination. One woman wrote, "I have never been discriminated against for being Ainu or a woman, so I was surprised to get the feeling from this survey that the women are very defensive. I think women today are stronger. But it makes me angry to think that discrimination still exists today, even if it is not much." Another woman wrote: "I have felt discrimination since starting at my current workplace. I had never really experienced discrimination in employment, personal relationships or marriage until now. (Although in elementary school, I was taunted, 'She's so hairy! She's an Ainu, just like a monkey!' I remember being hurt as a child, but I didn't tell my mother about it. I guess I just didn't want to make a fuss.)"

Many respondents wrote that they had never experienced discrimination, but can we really accept this response at face value? One Ainu woman involved in the movement said this about feeling numb to the discrimination: "The Ainu of Hokkaido have been discriminated against for a long time. It's tougher in Hokkaido - people don't really know about the Ainu outside this island. The discrimination is continuously taken to be the natural course of things for us from a very young age." And the same goes for the perpetrators of discrimination. Somewhere, a part of everyone believes that discrimination against Ainu is just part of life. So when we did the survey, I truly felt that all the women were thinking that there really wasn't anything that could be done about it, even if they show disdain at the discrimination at the time it happens.

Another Ainu woman spoke of her experience in this way: "I have come to live feeling that it is neither good nor bad to have been born an Ainu . . . I think that I was discriminated against, but when I was young, I was raised not to feel it as such. That's what I think now, when I look back and wonder if I had been numb to it. I am grateful to have been raised well, and I didn't feel discrimination at the time. A lot changed after I left home to get married. I didn't feel the discrimination when I was living under my parents' roof, but something happened when I began to experience the world beyond. I had never realised what was happening before, but then I came to see how people viewed me and that what I had experienced was discrimination. Then, the person I had married also hurled a comment at me that was discriminatory against Ainu, and that was what was really painful. It was a big shock to be spoken to in that way by the person who was supposed to understand me the most, and that became the reason we split up. Now that I think about it, that period was rock bottom for me. . . . I haven't even told my parents about this. I've never mentioned it to anyone. I didn't want to make them sad."

The meaning of "discrimination" and how it is suffered depend on the person who experiences it. Some may have given up the fight, thinking that there is nothing that can be done about it, or

may not want to remember those experiences. The Ainu women who took part in this survey, however, say this of the importance of realising and standing up to racism and discrimination: "When I first attended a meeting about minority women and learnt about multiple discriminations, I had no idea what was going on. I didn't know what multiple discriminations was, but X has taught me many things, and through thinking about everything in this process, I have come to see that it is not okay to be in an environment where discrimination is just accepted as natural. We have to stand up against this."

There was one woman who didn't understand the issue of discrimination against women: "I didn't know anything. I thought that discrimination in Japan was discrimination against the Ainu. I've become aware of all the issues of discrimination against women and want to keep learning more in the future."

Other Ainu women said this of the sufferings of their ancestors: "I cannot imagine the discrimination suffered by Ainu women before us. When I imagined those times of hard labour, sometimes inhumane treatment, and being treated like objects for sexual gratification, I cried so much that I could barely read the book I was holding." "Considering the cruel treatment of Ainu women in the past and the reality that there are women who continue to suffer today, I want to think through the issues and work towards a better future as an Ainu."

It is impossible to distinguish between the discrimination suffered by Ainu women because they are Ainu and that they suffered because they are women: sometimes, the discrimination is multi-layered, and other times, compound. In the past, some people in the women's movement have misinterpreted this to mean that women in minority groups are sensitive to discrimination against women. It is possible that many do not fully understand the multiple forms of discrimination suffered by minority women. Isn't it difficult to separate the discrimination they suffer as women from all the discrimination that they experience as minority women? We hope that in the future, the women can create a survey that will deepen understanding of the realities of multiple discrimination.

Social Welfare and Health

1. Public pension

About 84% of respondents were enrolled in some type of pension scheme, but what is alarming is that 16% were not. This may be due to unemployment or the inability to make the expensive payments, even for those who are working. We are concerned that there will be a large number of people in the future who are pensionless.

We also received the following comments: "What is going on with the welfare system? [It does not work. It does not give us enough support despite the fact that] both my child and I are disabled." "It would be great to live in a place where I can feel secure when I am older. As the descendants of the Ainu of Sakhalin⁵, the Japanese government gave us peatlands where rice cannot grow. In the spring, the land was thawed ice and the fields were like a river or bog. It was such a pathetic

state that people from the community would flee from it in the middle of the night. My parents lived there, and so my family did for a while, while the children were growing up. We had no way to feed ourselves and had to go into town to work. We could not send our children to school. We now depend on public assistance.”

2. Public assistance

Chart 5-1 Public assistance

	Number of respondents	%
Currently receiving	29	12
Have received in the past	21	9
Have never received	158	65
No answer	33	14
Total	241	100

We learnt from the survey that about 20% of the women were receiving public assistance or had received it in the past.

According to the 2006 Hokkaido Utari Survey on Living Conditions, 38.3 per mill (equivalent to 3.83%) lived on public assistance (out of 1000 Ainu living in municipalities). Our survey methodology was different, so it is difficult to compare results, but the number of Ainu women depending on public assistance is clearly more. When we met to analyse the survey results, we also discussed the fact that this survey was carried out using a system for research about various aspects of Ainu society, including the traditional Ainu lifestyle, as funded by the Foundation for Research and Promotion of Ainu Culture. As a part of the project expenditure, survey respondents were given small gratuities. We heard that because a gratuity was offered, some districts did not allow women receiving public assistance to take part in the survey.

Despite 16% of respondents being pensionless and 12% receiving public assistance, there were not many comments made regarding social welfare. We thus cannot tell what Ainu women are experiencing in this regard. It is possible that they lack knowledge about the system, and a more detailed survey is needed in the future.

Almost half of the respondents were enrolled in the National Pension Plan, followed by 23% in the Employee's Pension Plan. Around 15% were not enrolled in either.

3. Health

Chart 5-3 Do you suffer from any chronic diseases?

	Number of respondents	%
Yes	75	31
No	147	61
Don't know	0	0
No answers	19	8
Total	241	100

Thirty-one percent answered positively, of which 14% said that they were not visiting the hospital for appropriate medical care. Regarding why, 20% raised financial reasons and, though few, some said that it was because they were not enrolled in a health insurance scheme.

Chart 5-4 Do you go to the hospital when you need medical attention?

	Number of respondents	%
Yes	188	78
No	33	14
No answers	20	8
Total	241	100

When asked whether they had a health insurance card, 10% answered in the negative.

We can see from this that education affects Ainu women's employment, thereby affecting their income, and that this affects their education and health condition.

Violence

1. Experience of domestic violence

Seventeen percent of respondents said that they had been hit, kicked or beaten several times, and 20% admitted to once or twice. A total of 37% of the Ainu women who responded said that they had suffered some sort of spousal violence. We are unable to tell from our survey methodology whether this number is statistically high or low. We did, however, confirm that there definitely are women who are suffering from such violence.

Chart 6-1 Have you experienced violence from your spouse or significant other?

	I have been hit, kicked or beaten		I have had things thrown at me		I have had things valuable to me destroyed or thrown away		I have been called “fool,” useless” and told I should die	
	Number of respondents	%	Number of respondents	%	Number of respondents	%	Number of respondents	%
Many times	40	17	20	8	8	3	24	10
Once or twice	48	20	27	11	18	7	26	11
Never	133	55	105	44	137	58	119	49
No answer	20	8	89	37	78	32	72	30
Total	241	100	241	100	241	100	241	100
	Almost 40% answered “many times” or “once or twice”		About 20% answered “many times” or “once or twice”		10% answered “many times” or “once or twice”		About 20% have experienced verbal abuse from their spouse	

	I have been denied living expense allowance		My relations with family or friends are restricted or prohibited and my phone calls and mail are checked		I have been forced to have sex against my will	
	Number of respondents	%	Number of respondents	%	Number of respondents	%
Many times	19	8	25	17	48	20
Once or twice	10	4	19	20	33	14
Never	154	64	150	55	113	46
No answer	58	24	47	8	47	20
Total	241	100	241	100	241	100
	Over 10% said that they had been denied living expense allowance		Almost 40% had experienced such restrictions, bans and checks		I have been forced to have sex against my will	

2. Seeking Help

Among those that confided in or consulted others regarding the violence they had suffered, 14% said they had approached doctors, rather than family or friends, perhaps because of the after effects of the physical or verbal abuse. In some cases, the spouse had verbally abused the woman by insulting all Ainu women, and that led to being hurt and feelings of self-contempt, as well as the loss of pride as a human being. This made us think about how much better it would be to have a shelter for women who suffer this violence, where they can feel safe and have people to consult for advice.

Sixty-four percent left this question blank, despite there being the choice “I did not consult anyone/anywhere.” We cannot be sure what this number represents, but it is important to consider the reasons for the respondents not answering this question.

Chart 6-2 Have you consulted anyone regarding the violence you have suffered from your spouse?

	Number of respondents	%
Yes	48	23
No	70	33
No answers	93	44
Total	211	100

Chart 6-3 For those who answered “Yes” above, who did you consult?

	Number of respondents	%
Police	0	0
Regional and district legal affairs bureaus, civil liberties commissioner	2	1.2
Consultation offices/consultant for women	0	0
General facilities for women (e.g. women's centres, gender equality centres)	0	0
Offices of the administrative divisions of Japan	0	0
City hall/municipal office	1	1
Court	0	0
Private organisations (e.g. bar association, private shelter)	0	0
Doctor	21	14
Family/Relative	13	9
Friend/Acquaintance	2	1

Other	0	0
I didn't consult anyone	3	2
No answer	97	64
Multiple answers	13	9
Total	150	100

3. Knowledge of the law

Asked whether they were aware that there are laws preventing spousal violence and protecting the victim, 64% answered positively, but we did not inquire as to whether they understood the content of such laws.

Ainu culture and ethnic identity

1. Ainu culture

Chart 7-1 Do you think it is necessary to preserve and transmit Ainu culture?

	Number of respondents	%
Yes	206	85
No	2	1
Don't know	22	9
No answers	11	5
Total	241	100

Many Ainu women commented on the aspect of culture, regarding pride in and protection of their culture, as well as sharing it with others: "Because we are Ainu, we should own our culture, to maintain our pride as Ainu women." "The Ainu culture is magnificent, and one that is second to none. We have an amazing culture. I want to help make Ainu more proud of themselves." "We have to work together to learn the history of our ancestors properly and be proud of our wonderful people."

Further, the women stressed the importance of preserving their culture: "The Ainu in me is stirred particularly when I see Ainu dances or hear our music, when I feel the rhythm and follow the song. We have to preserve our history and culture." "I think it would be great for women who have warm but faint recollections of their grandparents to gather even just once every few years to sing and share stories." "We should teach young Ainu about their history and culture!" "I can feel Ainu culture and history in my bones and listen to stories from those around me and study from books, but there is still a lot I have to learn."

While there is hope of preserving and transmitting the Ainu culture on one hand, it is also pointed out that this is difficult in practice: "There is a limit to how much time you can devote to studying and passing down the Ainu culture to preserve it. In reality, it is impossible to do in everyday life." The women also mentioned their hope that non-Ainu people learn about Ainu culture. "I hope that the Ainu become a leader

among indigenous peoples around the world. This is Sapporo, one of Japan's most modern cities, and we in this city should be promoting the Ainu of Ainu Mosir more widely!"

The understanding of culture and history, which is deeply linked to the establishment of Ainu women's identity, thus plays a valuable role in their affirmation of self as Ainu.

2. Identity as Ainu

Chart 7-2 Of all the things that oppress Ainu women, what most affects you?

	Number of respondents	%
Discrimination against Ainu in Japan	80	33
Discrimination against women in Japan	25	10
Discrimination against women in Ainu society	19	8
Other	15	6
No answer	93	39
Multiple answers	9	4
Total	241	100

There were several comments made regarding Ainu women's identity, about it being ambiguous: though proud of the Ainu people, the women were also ashamed by it and wanted to reject it.

Women negative about being Ainu said: "It is tough to be an Ainu, even today." "I probably think I am Ainu in some way, but that's about it . . . If asked, I reply that I am Ainu. I have so much to deal with everyday that I can't give the issue much thought." "When I was a child, I was hurt when my friends called me an Ainu. Even now, I can't explain to my children properly that they have Ainu blood. I told my eldest in a casual way, but my younger child still doesn't know. I think it's because I feel ashamed somehow."

The reality is that assimilation policies have worked so well, including on a cultural level, so that many Ainu women are unable to become conscious of their identity as Ainu. One woman whose workplace deals with Ainu culture admits her unease over identity: "I could never have imagined that I would be doing this kind of work. To be honest, I really didn't want to be tainted by being Ainu. I wanted to avoid it." In this way, the women take pride in their identity as Ainu women, but are

Presentation A.14**Protecting Rights, Preventing Abuses and Violence
Against Indigenous Women in the Philippines**

By Catarina Tungcul Estavillo
AMIHAN: National Federation of Peasant Women, Philippines

My name is Catarina Tungcul Estavillo, and I am an Itawes, an indigenous peoples group totaling 11,848 as per data of the National Commission on Indigenous People (NCIP), and residing in northern Luzon in the provinces of Cordilleras, Ilocos and Cagayan.

I am the secretary general of the AMIHAN, National Federation of Peasant Women, a national organisation working for the empowerment of peasant women, indigenous women, fisherfolk women and women agricultural workers. Particularly for indigenous women, we have members from the Agta and Itawes IP in the north of Luzon, the Aetas in Central Luzon, the T'bolis and B'laans in Mindanao.

The topic I was asked to speak to you today is: "Protecting Rights, Preventing Abuses and Violence against Indigenous Women in the Philippines."

But first let me present a brief situation of two of these indigenous women members of our organisation: T'boli women and Agta women. I will also share about the culture of Itawes, the IP group to which I belong.

T'boli Women of Mindanao

The T'boli IP are largely found in South Cotabato, Sarangani and Sultan Kudarat provinces in the far southern region of Mindanao. They number 676,357 as per NCIP count. The T'boli women members of Amihan reside in Lake Sebu, South Cotabato in Mindanao Islands in Southern Philippines.

The T'boli group in this area have lost their ancestral domain, leaving them landless and with no sources of livelihood. Even the piece of land where their tiny hut is erected is not owned by them. The elders of this tribe have sold a sizeable portion of their lands to other ethnolinguistic groups who now control sizeable areas.

Thelma Sudao, 29 years old, a T'boli woman, is the president of our local organisation called the *Kahugpongan Sang Tanan mga Kababaenhang T'boli Namumugon Sang Lower Maculan* (Organisation of T'boli Women Agricultural Workers). She was raised in the tradition of her tribe. She married under T'boli rites, arranged and performed by the elders of her own family and the family of her husband. A dowry was given to her parents by her husband and his family. She now has five children.

She went to school but did not finish elementary grade, because her parents did not have finances to sustain her daily schooling needs. A school was built in her village but just like her, all the other T'boli children dropped out of the school for lack of money.

Thelma's family is one of the about 400 T'boli families in this area. Most of them work as agricultural workers in rice and corn farms. Paid work is hard to come by to sustain their daily needs. Work is available only during rice and corn harvest which happens about 5-10 days, every three months, where they are paid P70.00 a day, without food.

Thelma says, we eat only two times a day during harvest time. During off harvest time, they still can eat twice a day with rice if there is an order for cogon grass that they harvest and sell at P17 per sheaf for roofing.

When these are no longer available, they resort to *balinghoy* or cassava as their daily fare. Vegetables are also raised in their backyard only for home consumption as the space is limited. Raising backyard animals is also not possible since these require grazing fields of which they have none.

She longs to get a job in banana plantations around the community where she and her family live such as the Dole Philippines, but she can not produce the papers required by the company to hire workers such as birth certificate, marriage certificates. She was married under T'boli rites where no certificates are issued. Their parents and elders recognise them at birth but there were no certificates issued, either. She can write her name in the Filipino or English alphabet, but many T'boli women her age can only say their names but they can not write them. During elections, they are allowed to vote using only their fingerprints. They allow this because their votes are needed. But when they need the support of the government, like assistance for birth and marriage certificates, they are asked for fees beyond their capacity to pay.

Even more pathetic are the elder T'boli women who can only speak T'boli language and can not communicate with those outside their tribes such as the Visayans, Ilonggos and other ethnolinguistic groups in the area.

The Agta Women of Northern Luzon

The Agta indigenous people live in various provinces in Luzon: in the Cordilleras, Cagayan, Isabela, Nueva Viscaya and even in the central and southern Luzon provinces. They number as of latest, NCIP data, 117, 481.

Our Agta women members live in the mountainous portion of the town of Sanchez Mira, Cagayan province. They and their tribes occupy an estimated 2,500 hectares of ancestral lands, endowed with clean river systems, and relatively thick forest cover, fertile agricultural lands, and mountains rich in mineral deposits, primarily manganese. A portion of their land has been allocated for residential and burial grounds. They are still able to preserve their culture and traditions. Agta language is still

largely spoken by the group. Knowledge and skills of their traditional crafts, like basket weaving, and weapons like the bow and arrow are still used. The men still wear their G-string attire, and the women, the *patadyong*, a wraparound skirt or dress.

There are no basic public services in the barangay. There is no electricity, no transport system. There used to be a school for the Agta people within their community with the support of church people, but the local government was not able to sustain the payment of the teacher. Also, even though the parents would like to send their children to school, their limited finances are a big hindrance.

They live primarily through rice farming, supported by other livelihood activities such as charcoal making, basket making, tending animals. Every woman in the community is skilled in making baskets, making use of raw materials abundant in their lands. Their river systems are the source of fish varieties which they catch using their traditional weapon of bow and arrow. As their mountains are still thickly forested, the springs from these mountains are a steady source of water the whole year round.

The community has its own governing council, which is elected every three years. There used to be a female chieftain, but since she died, there has been no replacement. The council is consulted in all affairs of the community. A Taiwanese mining company that is trying to enter their community, facilitated by a Congressman, has been successfully blocked by the community. The chieftain has in fact been threatened: "You may want to become a fertilizer on your own land." A logging firm was also denied entry to their community.

Literacy rate especially among the older people of the community is low. Many of them can not read or write. However, an increasing number of their children are able to study up to high school level. Young Agta women who have reached elementary and high school levels, tend to go out of their community to work as househelps mostly in rich households in town. Some manage to find domestic helper employment in Manila. During election at the local and national levels, they are able to vote with one or two Agta people assisting them.

The health situation is bad. Many are not able to avail of the health services of the municipality, as it is too far from their village. They still make use of traditional medicinal plants but these are only for minor ailments. They also have a midwife called *partera*, who assists the women in the community give birth, but only for normal childbirths. When complicated pregnancies occur, they bring the mothers to the health clinics in the town of Sanchez Mira. The midwife, however, is commonly faced with threats and discrimination from the town health workers, threatening her that they would file a criminal case against her, because she is practicing without license from the town health centres and that she will be held accountable if something happens to the child.

Child mortality rate is high. An Agta woman interviewed gave birth to

seven children and lost five of them at an early age because of bronchitis, which is a usual illness of Agta infants and children.

They still practice communal way of farming. The menfolk have their communal farm which is planted with rice, and the women have their own, planted with vegetables. They maintain a way of life, based on sharing of whatever resources are available. If a wild boar is caught, everyone is given a share. Even money is loaned without any interest. There are no stores in the community, so the basic necessities are bought from the town which is a good 30 minutes to one hour walk. They bring their produce in town, and they complain that towns people dictate the prices of their products. They usually give in, as it is a better option, than to bring back to the community their produce unsold.

Cases of domestic violence occur, and usually the case is brought to the attention of the female chieftain. The chieftain usually talks it out with the couple to try to settle the problem. There are no reported cases of rape in the community. There are also no cases of trafficking of young women.

Courtship and marriage is not an elaborate activity for this Agta community. Women and men have the right to choose their partners. And when they have chosen one, they only need to inform both parents of their intention to get married. And the ceremony is not elaborate. Parents usually prefer that the money to be used for elaborate weddings can just be saved by the couple for their future expenses.

Violence against Women in these two IP communities come from:

- Poverty
- Lack livelihood opportunities
- Discrimination in employment
- Lack of social and public services from the government
- Lack of support services in the performance of their roles as farmers
- Threats from mining companies, a violation of their right to continue to live peacefully with their way of life
- Denial of health and reproductive health services
- Denial of their right to education
- Denial of their right to food

How are these violations of the rights of IP Women addressed?

1. Awareness-raising on their rights as citizens of the Philippines, as IP
 - Workshop on the UN Declaration on the Rights of IP
 - Massive dissemination of the UN DRIP to all our members
 - Support for the celebration of Agta Day, which will highlight and draw support for their issues
2. Strengthening their organisation through education, and trainings
 - Training of leaders etc
 - Literacy/numeracy
 - Mobilising them to address the issues that they confront
 - Organising of children, undertaking of workshops
 - Lobbying and facilitating support and services from local

government units, church groups, students etc. (In South Cotabatao, Amihan facilitated the holding of mass weddings, and baptisms, and the issuing of marriage and birth and baptismal certificates.)

- Facilitating delivery of social services to their communities

3. Livelihood support

- The marketing of their products
- Documentation of existing sustainable practices among the IP communities, and determination of ways how to preserve and strengthen those practices and customs (no dowry, no loan interests, no cases of rape as a form of violence against women, sense of community and communal way of existence, no arranged marriages and early marriages)

Presentation A.15

Access to Use of Formal/Informal Legal Mechanism and Others: Justice System by Indigenous Women

By Kabita Pandey
Forum For Protection of Public Interest - Pro Public, Nepal

Introduction

Nepal has more than 60 caste/ethnic groups and women's status varies among these groups.

The life of the Nepali women in most of these communities is governed by traditional cultural values. In many ways, these stand as a barrier in the holistic development of women.

Women in Nepal suffer from many obstacles, such as a lack of economic resources, dowry demands, polygamy, alcoholic husbands and domestic violence, a lack of education and political representation, or accusations of witchcraft or trafficking.

There are 59 indigenous nationalities identified by the government of Nepal as per the Act of 2058.

Women population is 50.4% in Nepal: out of them indigenous women (Adiwasi Janajati) constitutes 43,45,314 (37.5%) of the total women population of Nepal.

However, Adiwasi Janajati women are marginalised and excluded from their human rights of being identified as Adiwasi Janajati women and enjoy their full rights of being self-identified groups of women in Nepal.

The participation of indigenous women in the state machinery (executive, legislative, judiciary other constitutional bodies and bureaucracy) is almost nil.

Women's rights under the constitution

- Right to Equality: All citizens shall be equal before the law. No person shall be denied the equal protection of the laws .
- Right against Untouchability and Racial Discrimination: No person shall, on the ground of caste, descent, community or occupation, be subject to racial discrimination and untouchability of any form. Such a discriminating act shall be liable to punishment and the victim shall be entitled to the compensation as provided by the law.
- Right regarding Employment and Social Security: Every citizen shall have the right to employment as provided for in the law.
- Right of Woman: No one shall be discriminated in any form merely for being a woman.
- Right to Social Justice: Women, Dalit, indigenous tribes,

Madheshi community, oppressed group, the poor peasant and labourers, who are economically, socially or educationally backward, shall have the right to participate in the state mechanism on the basis of proportional inclusive principles.

- Right against Exploitation: Every person shall have right against exploitation
- Though the constitutional scheme looks like permitting substantive equality, it can be seen that numbers of unequal provisions have existed in Nepalese legal system. Therefore Nepalese women have been suffering from social, economic cultural and political discrimination.

Legal rights of women

The 11th amendment to the Civil Code, creates certain rights for women to inherit property as well as establishing a right for women to divorce; it provides equality at the age of marriage and increases penalties for polygamy and rape. Furthermore, it establishes the right to abortion. But while the law is a step forward for widows and divorced women. It is a recent amendment of Civil Code 2064 that allows a married daughter to keep her inherited share, should she marry afterwards.

- The passing of the 11th amendment and the recent amendment (Gender Equality Bill 2063) are the steps towards gender equality, but many Nepali women activists report that the laws and regulations are no more than lip service and do not reach the grassroots level where people – women and even judicial officials and legal practitioners – are not informed about or aware of the laws whose implementation remains flawed.

In regards to gender equality and empowerment of women, some notable efforts have been done in recent years

- National Women commission on women is formed and gender focal points established in all sectoral ministries
- National plan of action on control of trafficking in women and children have been amended
- Some of the discriminatory laws against women have been refined
- Government of Nepal made reservation by amending civil service Act to increase access of women and indigenous nationalities in government service.
- It has reserved 33% seats for women and 27% for indigenous in any vacancy announced by the public service commission to promote the rights of women and indigenous community.
- There are some customary practices by indigenous women to protect and promote the women's human right (mediation and counseling) that is not still recognised by the government of Nepal.

Conclusions/Recommendations

There is a challenge ahead of the women's movement of protecting women's human right and ending the violence they faces in the society in general. However there is greater challenge of protecting and promoting rights of indigenous women as their representation in

the state system is negligible compared to higher caste women. They also lack the education and health facilities compared to other women though they are naturally stronger. Until and unless women and men in wider society are aware of these new legal instruments, they cannot bring any remarkable change to the real lives of Nepalese women. In this regard, it is the role and responsibility of the women's movement to make women and men aware of their legal rights. At the same time, social and bureaucratic structures including those in civil society and government must institutionalise these changes. To ensure the impact of these legal rights, authority should be delegated in a practical way and the implementing apparatus should be correctly managed. The women's movement can lead the campaign to make people aware and to check that the law is implemented properly.

Presentation A.16**Violence Against Indigenous People by the State: A Case of Nationality of Hill Tribe People in Thailand**

By Rasamee Thawsirichuchai
Hmong Association, Thailand

THRA / HMONG ASSOCIATION**Tribal Human Rights Assistance Centre (THRA)**

- Established in 2000
- Within Hmong Association
- Human rights issue
- Target groups are Hmong, Akha, Lahu, Lisu, Palong, Karen, etc.
- Donor fund is ICCO of the Netherland
- Partner AIPP, TNAF, IMPECT, BRJ, CONTO
- Links NGOs, GOs, POs, IPOs
- Objectives are education, assistance and revision
- Activities are training, assistance, consultant, lobby, etc.

Outline

- First, overview of Indigenous People in Thailand
- Second, 2 problems concerning violence against indigenous people by Thai state
 - problem concerning nationality
 - land rights and forced migration

Indigenous people in Thailand

- Who are the indigenous people in Thailand?
 - Many groups of people can be regarded as indigenous in Thailand. Some are low-land people; some of them are hill tribes.
 - Most hill tribes can be found in the North and Northeast of the country.
 - Estimated number of hill tribes is 1,000,000 people
 - Other ethnic minorities such as sea gypsy (Morgan) in the South.
 - There are other ethnic groups which have permanent legal alien status such as the Nepalese and Chinese
 - There are also other ethnic minorities currently living in Thailand but are not recognised (by the state) as ethnic minorities or hill tribes such as people fleeing from fighting from Burma, migrant workers from neighbouring countries, illegal immigrants such as N. Korea immigrants. Most of them are not “indigenous”

Ethnic minorities in Northern Thailand

- Most of ethnic groups in the North of Thailand are hill tribes living in the forest with high mobility (mostly for plantation).
- There are 9 recognised as indigenous hill tribes according to the

Ministry of Interior. The largest tribe is Karen.

- There are other ethnic groups that are not yet recognised by the Ministry of Interior as hill tribes.
- There are also other hill tribes that are not recognised as citizens such as long neck Karen, Thai Yai (from Shan State), Kachin, and Palong etc.

The problem of nationality

- Thailand had their first population census more than hundreds of years ago as a part of state formation.
- At that time many people in the rural areas were not head counted because they lived in extremely rural areas or mountain areas that could not be reached. As a result, most of hill tribes were not counted as Thai citizens.
- Until now, situation concerning nationality of hill tribes and other ethnic people does not improve much.
- There are at least 300,000 hill tribes people who do not yet have Thai nationality which means these people are stateless. Even though they live in Thailand for generations and can be considered as indigenous people, they are invisible in the eye of Thai state.
- According to Thai government, “nationality” is linked to national security. The government’s logic is that who does not look like Thai, who cannot speak Thai are not Thai.
- Hill tribes, especially women, are vulnerable for abuses by authority because they do not have Thai citizenship. On top of that most of them can not speak, read, or write Thai. They do not know of legal process.
- Abuses and violations come in different forms such as threat, rape, bribes, other forms of physical harm and psychological abuse
- Nationality becomes essential tool of government to have control of ethnic minorities and the people in general rather than to “serve” as they should.
- The Ministry of Interior have absolute control of people’s nationality. They can even remove people’s nationality.
- Example Case: 5 February 2002 Mae Aye District revoked Thai citizenship of 1,243 people of ethnic minority. State officials did not allow these 1,243 people to provide evidence to prove their citizenship.
- Hill tribes are always targets of state officials and law enforcement based on prejudices such as:
 - “Hill tribes are not Thai”
 - Hill tribes are source of national insecurity drug dealing, deforestation, prostitution, source of HIV/AIDS epidemic
 - Hill tribes are stupid and lazy
- State authorities never hesitate to violate hill tribe people especially those who does not have Thai citizenship.
- Citizenship is man-made. But to hill tribes “citizenship” determines their status as “human” in the eye of law.
- Applying for citizenship is extremely difficult for hill tribes especially for women.
 - They must speak, read and write Thai
 - They have to travel from their village into the city to apply
→ expenses

- Because of difficult process, women have to rely on other people, mostly men, to help them with nationality.
- During this process, many of them repeatedly violated such as requested bribe by state authorities in from of money and sexual service.
- In conclusion, with or without nationality, state always find a way to not just discriminate but also abuse hill tribe people.

Problem of Nationality and Land ownership

- State violation toward ethnic minorities is deeply rooted in the prejudice that Thai authority have toward ethnic minority.
- It has been a norm for state authorities to treat ethnic groups as second-class citizens (with or without nationality).
- Example of ill-treatment by state official to ethnic minorities relating to land ownership.
- It is a way of life of hill tribes to dwell in forest area. But when Thai state announce a new forest preservation area, the state includes hill tribes habitation areas. As a result, hill tribes are forcibly removed from their homeland.

Another Violence against Hill Tribes

- In 1994, hill tribes people (Mian, Lua, Lisu) in 3 connected provinces were removed from their home in the forest and relocated to designated area near Rong Kao Sub-district, Wang Neau, Lampang Province (low land area) which is a decaying forest area. Each family were assigned 10 rai (1,600 square meter) for plantation and 1 rai for habitation
- Villagers requested to go back to their land for harvesting their cash crops including coffee, Chinese plum, Chinese pear, jackfruit, mango, and bamboo shoot.
- When authorities found out that there was a new wave of deforestation in that particular area, instead of investigating the truth, Forest Authority decide to cut down all of their cash crops (regardless of the fact that these trees have been there for years).

State Officials Cut Down Coffee Trees



Chinese Plum Tree Also Cut Down



Mango Tree

Mian's Shack



State officials destroyed everything

- 59,000 coffee trees, jackfruit trees, Chinese plum trees, Chinese pear trees, bamboo shoots aged from 15-25 years were cut down. Estimated loss was about 2,499,700 baht or about USD. 71,500. These trees are only source of villagers' income.
- Because of what happened, 7 people committed suicide, one infected with HIV, many children became orphans, many of them became drug addicted. Traditional way of life have been destroyed, and so on . . .

Same question remains

Who is responsible ?

Presentation A.17**The Chronic Insecurity of Indigenous Women in the
Chittagong Hill Tracts**

By Backey Tripura
Khagrapur Mahila Kaiyan Samity (KMKS), Bangladesh

Concept note:

Indigenous women in the Chittagong Hill Tracts are persistently vulnerable to physical attack and sexual assault. The political and geographical environment leave women, especially young women and teenage girls, exposed to the threat of rape. Incidents of rape are carried out by settlers and outsiders. Rape cases are rarely prosecuted. There is little scope for families to file official charges against the accused attackers, as they lack the financial means, and support from the judicial system and local police authorities. The victims rarely receive proper attention from medical services and police officials, and the perpetrators are often able to influence the authorities not to convict them. Community people often have very low awareness of their rights and the support they are entitled to, meaning that cases are often settled through village-based traditional courts. Victims and their families are often offered financial remuneration which does little to improve women's security or ease the psychological damage caused by such abuses. After women are attacked they are often expected to continue to live in the same communities as their attackers, and local duty bearers are consistently failing to understand the impact that this will have on these women's lives, both in terms of their psychological well-being and community perceptions of them. Rape is a horrific violence against these women and is often part of the overall oppression and violence against the vulnerable indigenous people of the region. Communities and local authorities must recognise these cases of rape as severe violations of these women's human rights, and must recognise that until they are taken seriously the whole security of indigenous people in the Chittagong Hill Tracts is under threat.

Presentation A.18

Indigenous People in Cambodia

By Srey Sras Panha
NGO Forum, Cambodia

Introduction

- Cambodia has the smallest ethnic minority population in SE Asia.
- Yet Cambodia is a multi-ethnic society.
- Ethnic minority groups include the Vietnamese, Chinese, Lao, Cham and indigenous peoples.
- 17 different indigenous groups.
- 1.4% of the Cambodia's population (190,000 people) out of 11.4 million.
- Located in 15 out of 24 provinces.
- Indigenous communities depend heavily on land natural resources.

Issues in Indigenous Areas

- Weakening of social capital and governance institutions within indigenous communities.
- Opportunities for indigenous peoples to be represented formally with the Government are rare, such as taking up office within Provincial or National level. Additionally, they have only limited voice within national policy-making institutions.
- Lack of support for indigenous rights within the national legal framework and judicial system.
- Negative social, economic and environmental impacts of ELCs and mining concession.

Conclusion

- Overall poverty in Cambodia has been reduced, but inequality has risen.
- IPs always bear the costs of social inequities and environmental destruction from the economic development and rarely get a share of the benefits.
- Indigenous communities report their lives becoming more difficult.
- Land and forest tenure security is required to secure their livelihoods.
- Large-scale concessions (ELCs and mining) cause widespread social, environmental and cultural consequences.

Recommendations for action to support Cambodia's IPs

a) Statements of condemnation from the UNSR on:

- The negative impact of agro-fuel development, extractive industries and concessions on IPs, including land loss, and the role of foreign companies.
- The lack of progress made by the Cambodian Government to finalise the legal framework protecting IP land rights, despite

- escalating land and resource alienation.
- The trend of increased militarisation of concessions in Cambodia and a call for a UN investigation into this issue.
- The arrests and other acts of intimidation towards IP activists, their lawyers and supporting NGOs.

b) Statements from the UNSR to International Agencies that:

- Government, Multi-lateral Agencies and Donors must prioritise mainstreaming indigenous issues, in particular relevant articles of the UN Declaration, into their programming within Cambodia.
- Call for all stakeholders to respect the principle of free, prior, and informed consent. This would also be a first step to the implementation of the UN Declaration on Indigenous Peoples Rights in Cambodia.
- Call for the ILO to more strongly state (within its programmes supporting IP communal land claims) that we have inherent rights to our lands, not that these rights are given through the legal titling process.
- Call for the ADB to ensure that draft legislation it provides technical assistance for should not be approved until it protects IP rights in accordance with national laws and Cambodia's obligations under international human rights norms.
- Call for a UN investigation into the Gong Yu land case and the allegations of land grabbing in Preah Vihear province.
- Request that UN Agencies do more to legitimise our activists and provide them with protection.

Presentation A.19

Rural & Indigenous Women Speak Out

By Olga Djanaeva
Rural Women's NGO, "ALGA", Kyrgyzstan



In Kyrgyzstan, poverty rate (46.2%, of which 9.9% are very poor) in rural areas is higher than in urban areas (26.6%). Vulnerable rural women (divorced, poor, single, young families) are in the most difficult situation. Rising unemployment in the conditions of economic reforms and changes in the labour market has particularly affected rural young women from 18 to 35 years old who were forced to leave villages in search of work.

There are limited employment opportunities for girls and young women lacking work experience and necessary skills. Lack of pre-school education facilities in rural areas significantly limits economic opportunities for young women and mothers with many children. Women's average wage in agriculture is 657 soms, one of the lowest in the country, while the average wage for women is 965 soms. Share of women in small businesses in rural areas is 18.9% versus 81.1% for men.

Rural women working in institutions are mainly employed by public sector with low wages, and by education and health institutions. In the face of acute unemployment in rural areas, women value even such low-paying work.

Women have less access to funds and agricultural funds and resources. Because of the traditional stereotypes, even as the heads of households, they are less likely to own land and real estate, livestock and agricultural machinery. In 80 out of 100 decisions made at local levels, rules of customary law are applied to inheritance and gifts cases, thus, infringing the rights of wives, sisters, daughters and mothers and further increasing the gap in access to economic resources.

In general, one can talk about a larger list of hardships for women and girls in poor families, including basic social benefits (access to health services, education etc.). Limited women's access to economic resources and funds seriously impedes the strengthening and development of material well-being of rural women and their families.

Social environment does not respond to women as independent economic agents and often hampers their efforts. Women are in worse off conditions than men in gaining access to agricultural services. The situation is complicated by lacking/poor quality agricultural services and expensive, bureaucratic application procedures. As a result, women get low yields, which hardly cover the costs and do not contribute to their exit from poverty.

Poor system of agricultural services in rural areas creates additional barriers to successful agricultural activities.

The negative perception of independently and economically active women is a phenomenon not only of individual communities, but also of official institutes. In particular, women heads of households are often viewed as risk groups by credit organisations. All of this is an obstacle to women's access to financial markets.



The country has no social support programmes for the most vulnerable women – divorced, widowed, single, and rural women with many children.

The socio-economic and cultural factors determine the existence of the practice of the exploitation of women in Kyrgyzstan. Recognising the problem of sexual exploitation and slave labour of women and children, the government, however, has not taken effective measures to prevent and combat these phenomena. In particular, Kyrgyzstan still has no sex-disaggregated official statistics on human trafficking. Nevertheless, one can learn from the media or departmental reports about the numerous facts of labour and sexual exploitation of our fellow citizens who left as labour migrants or were smuggled by traffickers.

Law of the KR “On the social and legal protection from violence in the family” (2003) regulates relations in the field of social and legal protection of victims of violence, and provides the possibility of bringing perpetrators of violence to criminal and administrative responsibility.



In general, the enforcement of preventing and combating violence against women and girls is negative and traditional: there exists the law, but in practice the rules are rarely applied.

While noting improvements in the collection and publication of official statistics on crimes against women and children and family violence, it must be also noted that the published information does not reflect the real situation. In particular, the system of gender-disaggregated crime statistics developed and approved in the structure of the Ministry of Internal Affairs with the support of international organisations has not been yet introduced into the practice of law enforcement.

Moreover, despite the existence of legal grounds for the possibility for the victims of family violence to receive temporary protection orders and court protection orders, in practice it is very difficult to obtain such orders.

In many cases, family violence performer is not held responsible in strict accordance with the law, and pays a small fine. In conditions of a high-level corruption in law enforcement the chances of closing such criminal cases for a certain reward are very high.

Majority of women do not go to law enforcement or other government bodies and local professional services for the restoration of their violated rights, fearing publicity and revenge from men and not believing in the

justice of the militia. There are still no official statistics on the number of bride kidnappings. Also today, there are no statistics on such crimes as entering into de facto marriage with a person under 18. At the same time, early marriages are becoming more and more frequent in some regions.



The victims of violence, including sexual violence, are forced to address legal, psychological, medical, social assistance issues mainly through women's NGOs. Support to crisis centres is not provided by the government not because of insurmountable economic reasons, but because of the dominance of traditional subjective perceptions of the decision makers.

Rural girls, girls from migrant families and other vulnerable groups have a higher risk to be forced to marry in young age. For example, it is known that in communities of Kayrylman, returnees from mountainous areas of Tajikistan, early forced marriages of juvenile girls are fairly common practice. Girls who are brought up in a social isolation, without access to education, can not resist community and fight for own rights in a situation of coercion. Virtually all of the facts of forced marriages and kidnappings of such socially vulnerable women and girls remain hidden from society.

The KR legislation does not have a specific concept of "sexual harassment". The Criminal Code of the Kyrgyz Republic provides for responsibility for crimes against sexual integrity and sexual freedom, such as "rape", "violent actions of a sexual nature", "coercion to perform sexual acts", "indecent", "sexual intercourse and other acts of a sexual nature with person who has not attained the age of sixteen". In cases of sexual harassment it is possible to apply norms of Art. 131 of CC KR "Coercion to perform sexual acts", but only if the cases involve violent acts. At the same time, grounds are insufficient for sanctions in cases where sexual harassment occurred in a different form – obscene gestures and suggestions, touch, vulgar suggestions and jokes, etc. A further development of the law requires changes in labour legislation, particularly the inclusion into labour contracts of the item on intolerance to sexual harassment in the workplace, and the responsibility for such acts.

According to MDG-5, the maternal mortality rate should decrease by 3/4, or from 45.5 per 100 thousand of live births in 2000 to 11.4 per 100 thousand of live births in 2015. Instead, the maternal mortality has been increasing from 2001 to 2005 from 49.9 to 61.0 per 100 thousand of live births, and in 2006 it was 55.5 per 100 thousand of live births. Maternal mortality remains dramatically high (61.5) in rural areas and reaches 97.8 in Ysyk-Kol oblast and 94.8 in Talas oblast. The increase in the maternal mortality rate is taking place despite the introduction of the new WHO recommended life birth criteria in 2004.

Despite recommendation of the Committee "to refrain from obstructing action taken by women in pursuit of their health goals", the new KR Law on protection of reproductive rights of citizens of the KR and guarantees of their realisation 2 adopted in 2007, together with

progressive provisions, contains a potentially risky and discriminating clause requiring that “any medical intervention during pregnancy is carried out under a condition of consent from both spouses or an unmarried woman”. Thus, authorisation of husbands is required for medical procedures.



A number of developed and laid on paper strategies and policies relevant to maternal health were and are lacking real and consistent financial support from the state. Clearly, high rates of maternal mortality are linked to a poor response by the state to the issues of maternal care and to a lack of awareness by the population about critical conditions during pregnancy. Most of the women died between ages 20 and 34. 59.7% of the women who died were in a satisfactory condition during their admittance to maternal departments/maternity houses and developed complications while being already under in-patient care. In 37% of cases of maternal mortality women were not under medical observation regarding their pregnancy.



Amongst the reasons for high mortality rates are:

- Poor health of pregnant women (high rates of anemia and pathologies of uro-genital system leading to bleeding and eclampsia);
- Low quality of medical services despite a high coverage by care (98% of deliveries take place in the presence of qualified staff);
- Disproportionate distribution of medical specialists between regions;
- Unsatisfactory healthcare system structure and infrastructural problems: 485 small settlements lack medical facilities; 70 villages do not have pharmacies; 75% of family group practices and obstetric points do not meet requirements due to a lack of medical equipment and instruments and labs;
- Existing difficulties with material and communication (transportation, fuel, telephones, electric power and water).

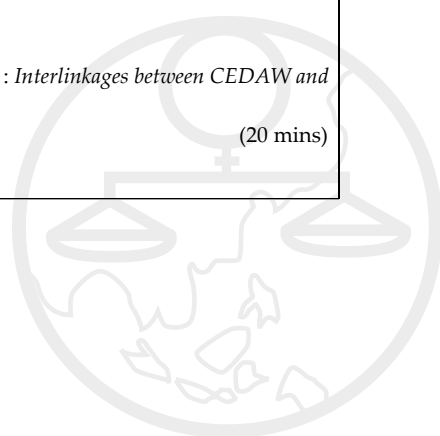
Annex B: Consultation Programme and List of Participants

Programme

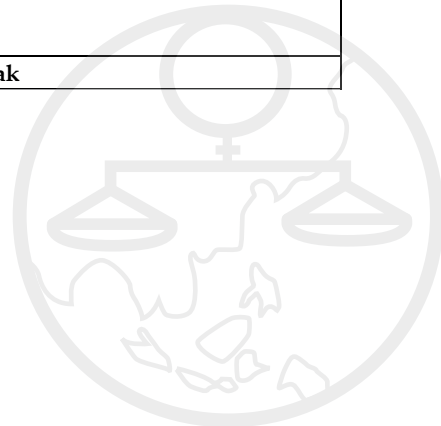
Day 1

Wednesday 15 October 2008

TIME	TOPIC/ ACTIVITY
8:30-9:00	Registration
INTRODUCTION	
9:00-9:45	<p><i>Welcome and Introductions</i></p> <p>Lynnsay Francis, Regional Coordinator of Asia Pacific Forum on Women, Law and Development: <i>Welcome</i></p> <p>Manisha Gupte, Convenor of Violence against Women Task Force of APWLD / Convenor of Mahila Sarvangeen Utkarsh Mandal (MASUM): <i>Introduction to the Objectives of the Consultation</i></p> <p><i>Overview of the UNSRVAV mandate and her engagement with the civil society</i></p> <p>Madhu Mehra, Women's Human Rights Working Group of APWLD (15 mins)</p>
SESSION I. Inter-linkages and Connections	
9:45-12:00	<p><i>Session I : Inter-Linkages and Connections</i></p> <p><i>Moderator : Manisha Gupte, MASUM, India</i></p> <p>Vicky Tauli-Corpuz, Chairperson of UN Permanent Forum on Indigenous Issues : <i>Introduction and Overview of "Mairin Iwanka Raya : Indigenous Women Stand against Violence"</i></p> <p>Yakin Ertürk, UN Special Rapportuer on Violence against Women, Its Causes and Consequences: <i>Political Economy of Violence against Women with special regard to Indigenous Women in Asia Pacific</i> (30 mins each)</p> <p>[Coffee/Tea Break] 10 :45-11 :00</p> <p>Indira Jaising, UN CEDAW Committee member : <i>Interlinkages between CEDAW and the Rights of Indigenous Women</i> (20 mins)</p> <p><i>Open Forum</i> (40 mins)</p>



SESSION II. Identifying the Issues	
12:00-13:00	<p>Session II : Identifying the Issues : Violence against Indigenous Women in Asia Pacific- Manifestation of violence against women in the life of indigenous women</p> <p>Moderator : Edwina Kotoisuva, Fiji Women's Crisis Centre, Fiji</p> <p>Panel Discussions</p> <p>A. Neoliberal economic globalisation and development aggression against indigenous women</p> <ol style="list-style-type: none"> 1) Priti Darooka, Programme on Women's Economic, Social and Cultural Rights (PWESCR), India 2) Eleanor Dictaan – Bang-oa, Asian Indigenous Women's Network (AIWN) 3) Souknida Yongchialorsautouky, Gender and Development Group (GDG), Lao PDR <p>(10 mins each)</p>
13:00-14:00	Lunch
14:00-15:30	<p>Session II : Identifying the Issues - continues</p> <p>Moderator : Edwina Kotoisuva, Fiji Women's Crisis Centre, Fiji</p> <p>Panel Discussions</p> <p>B. Militarisation, armed conflict and indigenous women</p> <ol style="list-style-type: none"> 1) Norma Cranso Capuyan, Kalumaran and BAI Mindanao, Philippines 2) Lisa Baza, Peace and Justice Consortium, Guam 3) Lucky Sherpa, National Network of Indigenous Women (NNIW), Nepal <p>C. Violence in the name of culture, tradition and religion, and HIV/AIDS issue: an indigenous women's perspective and human rights approach</p> <ol style="list-style-type: none"> 1) Keke Loa Reva, Motu Koita Assembly, Papua New Guinea 2) Noraeri Thungmueangthong, Tambon Administrative Organisation Council Thailand 3) Atina Gangmei, Asia Indigenous Peoples Pacf (AIPP) Foundation <p>D. Displacement and Migration of Indigenous Women</p> <ol style="list-style-type: none"> 1) Mary Labang, Kachin Women's Association, Burma/Thailand <p>(10 minutes each)</p> <p>Open Forum (20 minutes)</p>
15:30-15:45	Coffee/Tea Break



SESSION III. Protecting Rights, Preventing Abuses and Violence	
15:45-17:30	<p>Session III : Protecting Rights, Preventing Abuses and Violence <i>Moderator: Virada Somswasdi, FORWARD, Thailand</i></p> <p>Panel Discussion (10 mins each) :</p> <ol style="list-style-type: none"> 1. Introduction to Law : Statutory law, traditional/customary laws and practices and dual/parallel legal system in Asia Pacific Madhu Mehra, Partners for Law in Development (PLD), India 2. Access to Justice : Women's Notions of Justice, beyond the formal legal system (introduction to access to justice research by VAW TF) : Manisha Gupte, Mahila Sarvangeen Utkarsh Mandal (MASUM), India 3. Use of UN mechanisms : IPs use of parallel legal systems (restorative justice) and UN mechanisms Vicky Tauli-Corpuz, UNPFII <p>Country Presentation : Access to/Use of Formal/Informal Legal Mechanisms and other Justice Systems by Indigenous Women</p> <ol style="list-style-type: none"> 1. Catherine Raka, Motu Koita Assembly, Papua New Guinea 2. Mei-hui Chaing, Kaoshiung Indigenous Women's Growth Association, Taiwan 3. Naomi Shimazaki, AINU, Japan 4. Catarina Tungcul Estavillo, AMIHAN, Philippines 5. Shahnaz Iqbal, Shirkat Gah : Women's Resource Centre, Pakistan 6. Kabita Pandey, Forum for Protection of Public Interest – Pro Public, Nepal <p style="text-align: right;">(5 mins each Mei-hui and Naomi : 10 mins each-translation)</p> <p>Open Forum (30 minutes)</p>
Questions and Responses from the UN Special Rapporteur on violence against women, its causes and consequences	
17:30-18:30	<p>Questions and Responses from the Special Rapporteur (30 mins) <i>Facilitator : Vernie Yocogan-Diano, Innabuyog, Philippines</i></p> <p>Yakin Erturk, UN Special Rapporteur on Violence against Women</p> <p>Synthesis and Wrap Up (30 mins)</p>
19:00	Solidarity Dinner

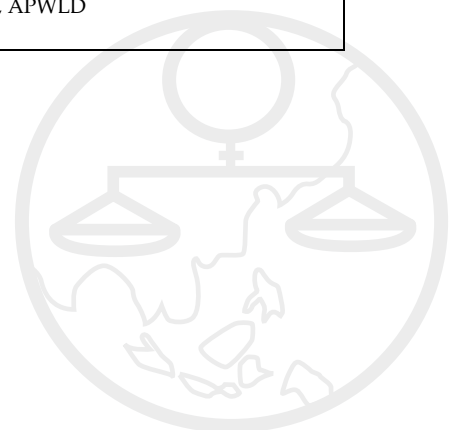
Day 2

Thursday 16 October 2008

TIME	
9:00- 9:40	<i>Recapitulation of Day 1</i> <i>Manisha Gupte, MASUM, India</i>
Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people	
9:40 – 10:30	<p><i>Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people</i> <i>Moderator: Manisha Gupte, MASUM, India</i></p> <p>S. James Anaya, UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedom of Indigenous People : Introduction to the Mandate and the Situation of Human Rights and Fundamental Freedom of Indigenous Women in Asia Pacific (20 mins)</p> <p><i>Open Forum : Questions and Answers</i> (30 mins)</p>
10:30-10:45	Coffee/Tea Break

SESSION IV: Indigenous Women Speak Out	
10:45-12:30	<p><i>Session IV : Indigenous Women Speak Out-with special focus on state and non-state violence against indigenous women</i> <i>Moderator: Sarala Emmanuel, Suriya Women's Development Centre, Sri Lanka</i></p> <p>Country Presentation:</p> <ol style="list-style-type: none"> Appakutty Magimai, Society for Rural Education and Development (SRED), India Bernadate Norhanida Annol, Partners of Community Organisations (PACOS) Trust, Malaysia Rasamee Thawsirichuchai, Thai Indigenous Women Network (TIWN), Thailand Backey Tripura, Khagrapur Mahila Kalyan Samity (KMKS), Bangladesh Srey Sras Panha, NGO Forum, Cambodia Olga Djanaeva, Alga: Rural Women's Union, Kyrgyzstan <p>Issues include:</p> <ol style="list-style-type: none"> 1) Health 2) Education 3) Land rights 4) Citizenship 5) Displacement 6) Culture and language 7) Climate change <p>(5 mins each Rasamee 10 mins for translation]</p> <p>Open Forum (55 mins)</p>
12:30-13:30	Lunch Group Picture

SESSION V: Strategies and Recommendations	
13:30-15:00	<p>Session V : Strategies and Recommendations - Group Work Introduction to group work: Honey Tan, Persatuan Kesedaran Komuniti, Selangor (Empower), Malaysia</p> <p>1. Strategies (national, regional and international level)</p> <p>2. Recommendations to: States Non-state actors (IFIs, TNCs, etc.) Special Rapporteurs and the UN Civil society</p>
15:30-15:45	Coffee/ Tea Break
Reporting Back and Adoption of Recommendations	
15:45-16:30	<p>Reporting Back and Adoption of Collective Recommendations Moderator: Honey Tan, Persatuan Kesedaran Komuniti, Selangor (Empower), Malaysia</p> <ul style="list-style-type: none"> ○ Group 1: neoliberal globalization and violence against indigenous women ○ Group 2: militarization/armed conflict and violence against indigenous women ○ Group 3: culture, traditions and violence against indigenous women <p>(15 mins for each group)</p>
CLOSING SESSION	
16:30-17:30	<p>Closing Remarks</p> <p>Yakin Ertürk, UN Special Rapportuer on Violence against Women, Its Causes and Consequences</p> <p>S. James Anaya, UN Special Rapportuer on the Situation of Human Rights and Fundamental Freedom of Indigenous People</p> <p>Manisha Gupte, Convenor of Violence against Women Task Force of APWLD / Convenor of Mahila Sarvangeen Utkarsh Mandal (MASUM)</p> <p>Lynnsay Rongokea Francis, Regional Coordinator, APWLD</p>



List of Participants

	Name	Organistaion	Country
Special Rapporteurs			
1	Yakin Ertürk	Special Rapporteur on violence against women, its causes and consequences	Turkey
2	S. James Anaya	Special Raporteur on the situation of human rights and fundamental freedoms of indigenous people	USA
Participants			
3	Anastasia Pinto	Center for Organisation Research & Education (CORE)	India
4	Ann-Elise Lewallen	Indigenous Peoples Summit in Ainu Mosir 2008	Japan/ USA
5	Atina Gangmei	Asia Indigenous Peoples Pact (AIPP) Foundation	Thailand/ India
6	Backey Tripura	Khagrapur Mahila Kaiyan Samity (KMKS) (tireless journey towards women empowerment)	Bangladesh
7	Bernadate Norhanida Annol	Partners of Community Organisations (PACOS) Trust	Malaysia
8	Bernice Aquino See	Asian Forum for Human Rights and Development (FORUM-ASIA)	Thailand/ Philippines
9	Catherine Goroa Raka	Motu Koita Assembly	Papua New Guinea
10	Devi Anggraini		Indonesia
11	Eleanor Dictaan Bang - oa	Asia Indigenous Women's Network (AIWN) / Tebtebba	Philippines
12	Honey Lay Ean Tan	Persatuan Kesedaran Komuniti, Selangor (EMPOWER)	Malaysia
13	Indira Jaising	CEDAW Committee expert	India
14	Jian-Ying Yang	Kaoshiung Indigenous Women's Growth Association (KIWGA)	Taiwan
15	Kabita Pandey	Forum For Protection of Public Interest – Pro Public	Nepal
16	Keke Loa Reva	Motu Koita Assembly	Papua New Guinea
17	Lisa Baza	Peace and Justice Consortium of Nasion Chamoro	Guam
18	Lucky Sherpa	National Network of Indigenous Women (NNIW)	Nepal

19	Madhu Mehra	Partners for Law in Development (PLD)	India
20	Mary Labang	Kachin Women's Association Thailand (KWAT)	Burma/ Thailand
21	Mei-hui Chiang	Kaoshiung Indigenous Women's Growth Association (KIWGA)	Taiwan
22	Naomi Shimazaki	Indigenous People Summit in Ainu Mosir 2008	Japan
23	Noraeri Thungmueangthong	Inter-Mountain People's Education and Culture in Thailand Association (IMPECT) / Thai Indigenous Women Network	Thailand
24	Norma Capuyan	Kalinaw Center for Interfaith Resources	Philippines
25	Pallavi Gupta	Asmita Resources Centre for Women (ARCW)/ International Women's Rights Action Watch Asian Pacific (IWRAW-AP)	India/ Malaysia
26	Priti Darooka	Programme on Women's Economic, Social and Cultural rights (PWESCR)	India
27	Ramesh Awasthi	Mahila Sarvangeen Utkarsh Mandal (MASUM)	India
28	Rasamee Thawsirichuchai	Hmong Association / Thai Indigenous Women's Network	Thailand
29	Sneha Banerjee	Documentor – Partners for Law in Development	India
30	Souknida Yongchialorsautouky	Gender and Development Group / Independent CEDAW pool/researcher	Lao PDR
31	Srey Sras Panha	NGO Forum	Cambodia
32	Suhas Kolhekar	National Alliance of People's Movements (NAPM)	India
33	Vernie Yocogan-Diano	Innabuyog	Philippines
34	Victoria Tauli-Corpuz	UN Permanent Forum on Indigenous Issues (UNPFII) / Asia Indigenous Women's Network (AIWN)	Philippines
35	Virada Somswasdi	Women's Studies Center, Faculty of Social Sciences, Chiang Mai University	Thailand
36	Wannapa Leerasiri	Faculty of Political Sciences and Public Administration, Chiang Mai University	Thailand
37	Yamini Mishra	Centre for Budget and Governance Accountability	India
UN Office for the High Commissioner for Human Rights			
38	Laure-Anne Courdesse	Special Procedures Division – mandate of UNSRVAV	Switzerland

39	Taryn Lesser	Special Procedures Division – mandate of UNSRIP	South Africa
Partners and Funding / Supporting Agencies			
40	Govind Kelkar	UNIFEM South Asia Office	India
41	Gurjeet Kaur	SWISS AID	India
42	Roshmi Goswami	FORD FOUNDATION New Delhi	India
Violence Against Women Task Force			
43	Edwina Kotoisuva	Fiji Women's Crisis Centre (FWCC)	Fiji
44	Enkhjargal Davaasuren Oyuntsetseg Tsedendamba	National Center Against Violence (NCAV) Translator	Mongolia
45	Manisha Gupte	Mahila Sarvangeen Utkarsh Mandal (MASUM)	India
46	Meera Samanther	Women's Aid Organisation (WAO)	Malaysia
47	Sadaf Saaz Siddiqi	Naripokkho	Bangladesh
48	Sarala Emmanuel	Suriya Women's Development Centre (SWDC)	Sri Lanka
49	Shahnaz Iqbal	Shirkat Gah: Women's Resource Centre	Pakistan
50	Yevgeniya Kozyreva	Feminist League	Kazakhstan
Rural and Indigenous Women Task Force			
51	Appakutty Magimai	Society for Rural Education and Development (SRED)	India
52	Catarina Tungcul Estavillo	AMIHAN (National Federation of Peasant Women)	Philippines
53	Olga Djanaeva	Rural Women's NGO, "ALGA"	Kyrgyz Republic
Organisers			
54	Archana More	MASUM	India
55	Mikaela Lee-Willson	MASUM	India / UK
56	Malavika Kadam	MASUM	India
57	Swati Vaid	MASUM	India
58	Lynnsay Rongokea Francis	APWLD Regional Coordinator	Thailand/ Cook Islands
59	Misun Woo	APWLD Programme Officer	Thailand/ Republic of Korea

60	Tomoko Kashiwazaki	APWLD Programme Officer	Thailand/ Japan
61	Punika Shinawatra	APWLD Finance Officer	Thailand



APWLD

APWLD is an independent, non-government, non-profit organisation committed to enabling women to use law as an instrument of change to achieve equality, justice, peace and development.

Asia Pacific Forum on Women, Law and Development
Girl Guides Association Compound
189/3 Changklan Road, Amphoe Muang
Chiang Mai 50100 Thailand
Tel: + 66 53 284527, 284856
Fax: +66 53 280847
website: www.apwld.org