

# High level Political Forum (HLPF) 2019

**Theme: Inclusion and Empowerment for Sustainable Development**

## **Special Report**

### **Continuing Discrimination and Disempowerment of Indigenous Women**

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## **Introduction**

There are more than 370 million indigenous peoples which is 5 % of the global population but 15 % of the poorest. In particular indigenous women experience multiple layers of discrimination as women and as indigenous peoples. The intersection of gender and ethnicity renders them more vulnerable to oppression, exploitation, abuse and violence due to the prevalence of patriarchy in the dominant society and in many indigenous institutions, and the utter disregard of indigenous peoples' collective rights. The UN system upholds the principles of gender equality and women's rights through the Convention for the Elimination of Discrimination Against Women (CEDAW) and affirms the inherent collective rights of indigenous peoples to social justice and non-discrimination with the adoption of the UN Declaration on the Rights of Indigenous Peoples. Further, the Convention on the Elimination of Racial Discrimination and the ILO Convention 169 are key international human rights instruments for the protection of the rights of indigenous women among others. However, more actions are urgently needed for indigenous women to exercise and enjoy their rights, their wellbeing ensured, and their contributions to sustainable development for the people and the planet recognized.

Indigenous women play a critical role in the indigenous peoples' stewardship of their lands, territories and resources. Their interaction and reciprocal relations with nature and their practice of sustainable resource management and biodiversity protection and enhancement embody the indigenous peoples' knowledge in their centuries of reciprocal relations with nature. Indigenous women also play a critical role in food security in the indigenous peoples' subsistence economy as they are the main food producer. They are also central in keeping community cohesion and peace in their territories because

the consequences of conflicts are more severe to indigenous women and children. Thus, indigenous women should not be regarded only as women but as part of indigenous peoples. The violations of indigenous peoples collective rights affect indigenous women profoundly and disproportionately. Indigenous women embody a distinct identity and unique condition of severe discrimination on the basis of their gender, ethnicity and economic condition. With this, they are advancing their own movement and many of them are in the frontline of indigenous peoples movements.

While indigenous women remain largely marginalized in all aspects of life due to intersecting vulnerabilities and historical discrimination, they have been consciously empowering themselves against all forms of violence and violation of their rights as women and as indigenous peoples. There is a growing number of indigenous women's organizations and networks actively raising their voices from the local to the national and global levels. This growing strength, however, is being challenged by more aggressive land and resource grabs, political repression, criminalization of indigenous peoples, including gender-based attacks and exploitation of indigenous women.

The overwhelming reality of discrimination of and violence to indigenous women in particular and of indigenous peoples in general illustrates that they are extremely lagging behind in achieving the Sustainable Development Goals (SDG). This report aims to demonstrate this reality with a focus on Goal 10 "Reduce inequality within and among countries" and Goal 16 "Promote just, peaceful and inclusive societies" and its linkages to Goal 5: "Empowerment of women and girls"

**The continuing practice of discrimination of indigenous women is still prevalent in the following:**

- Development policies are not gender and culture -sensitive and do not account for the specific needs, aspirations and wellbeing of indigenous women
- Indigenous women experience persistent and disproportionate inequities in access to health and healthcare services, discriminatory practices of mainstream healthcare providers; and discrimination against traditional health practices of indigenous women
- Lack of political participation and representation of indigenous women in decision-making at all levels including in many indigenous customary systems
- In most countries, land tenure laws do not provide land titles in the name of indigenous women; and little or no direct access for indigenous women to have control and use of land

- Lack of laws on domestic violence and in countries where they exist, are often not enforced properly and indigenous women are victimized further due to discriminatory practices against them.
- Lack of specific measures for the protection of indigenous women in conflict areas; and their effective participation in conflict resolution and post conflict programmes
- Lack of enabling environment and facilities for indigenous women to access justice due to language barrier, legal persons' lack of cultural understanding, lack of translation services, low level of literacy of indigenous women to understand legal matters, among others
- Traditional knowledge of indigenous women are not valued and their "illiteracy" is over-emphasized in a discriminatory manner
- Families prefer to prioritize male children's education while girls are homebound for household chores; likewise when indigenous girls are in school, they are often vulnerable to discrimination, bullying, harassment and abuse.
- Lack of access to appropriate education for indigenous girls and their protection against violence in any form
- Lack of citizenship resulting to increased vulnerability to violence, abuse and exploitation of indigenous women including human trafficking
- Lack of economic opportunities, decent employment and protection in the workplace

### **Cases of criminalization of indigenous women and their lack of access to justice**

Indigenous women are actively participating in the overall indigenous peoples' legitimate actions to defend their lands, territories and resources. As state forces respond with repression, indigenous women become victims of arrest, detention and political killings in communities in a number of countries in Africa, Asia and Latin America. Further, armed conflicts and internal displacements increase the level of violence against indigenous women. In Colombia in 2018, there were 123 reported murders related to conflicts on lands, territories and natural resources, representing 83% of murders, 15.12% of these being women (Radio W, 2018). Many of them are falsely accused and arrested for activism when they defend indigenous peoples' right to land. In 2018 alone in Cambodia, 34 indigenous Human Rights Defenders (IPHRDS), 12 of which were women, were jailed with cases of incitement against the government, destruction of private property, theft/robbery and other criminal charges. A young indigenous woman human rights defender was raped and killed.

In the Philippines, trumped-up charges are filed against indigenous peoples due to their involvement in the struggle against development aggression in their territories and in their assertion of their rights

to their ancestral land and for self-determination. Rachel Mariano, an indigenous health worker in the Cordillera communities, languishes in jail due to trumped-up charges of murder filed by state forces. Mindanao in Southern Philippines is still under Martial Law, with the *Lumads* (indigenous peoples of Mindanao) victimized by militarization and human rights abuses are rampant. Indigenous schools which indigenous women helped to set up were burned by state forces accusing teachers of being anti-government and supporting the New People's Army.

For a long time, Mbororo people in Cameroon suffered arbitrary arrests. Being uneducated, they were unaware of their rights and had no access to justice. At present, the situation has changed due to the education that Mbororo people have acquired. Pacific women are not excluded from instances of criminalization and they lack access to justice largely due to economic incapacity and cultural beliefs and practices that may address violence cases outside of the governmental justice system.

The criminalization of indigenous women is a serious form of discrimination that impacts on their wellbeing, dignity and security. The increased discrimination they experience, the continuing inequities and the lack of access to justice, continue to prevail due to the lack of implementation of international human rights instruments including proper enforcement of affirmative laws and policies for women and for indigenous peoples.

### **Impacts of violence against indigenous women on their future, spirituality and wellbeing**

Indigenous women suffer both physical and psychological violence. They suffer triple discrimination on the basis of their gender, ethnicity and economic condition, causing psychological trauma, added hardships and they remain in a cycle of disempowerment.

The perceptions towards indigenous women vary across geographical location and cultures. Discrimination and violence against women are more prevalent in some Pacific Island cultures. Colonization and westernization institutionalized patriarchal values and systems where gender equality/matriarchy used to be dominant. Among island nations such as Micronesia, Vanuatu, and Fiji, there are more pronounced gender differences between men and women with regards political participation, employment opportunities, technical knowledge or skills, and health. The dominance of the patriarchal system has led to extremely low levels of female representation in Parliament. When discounting Australia, New Zealand, and the French Territories, the Pacific region has the world's lowest level of women's political participation.

The continuing genital mutilation of many Maasai girls across Africa is not only affecting their health and wellbeing but also undermines the development of their potential due to lack of self-esteem, and the continuing domination of men for the rest of their lives. The community research entitled "Mairin Bila Baikara: Voices of Indigenous Women," clearly demonstrates that violence against indigenous

women not only affects their family and society but also their relationship with the environment. Violence undermines the dignity and wellbeing of indigenous women in maintaining their roles and contributions in conservation and sustainable managements of resources. Thus, justice for indigenous women needs to account for these impacts and to acknowledge and remedy the multiple dimensions of violence faced by indigenous women.

In the Arctic region, an indigenous Chukchi woman from the north of Siberia states that companies get rid of oil barrels indiscriminately in their territories, resulting in soil contamination, and an irreversible impact on the fauna that reindeers feed on, which are the indigenous peoples' economic base. Diminished number of reindeer results in unemployment rate increase among indigenous peoples and precariousness of their lives (TIN HINAN and INFOE, 2011). This case illustrates that the violation of the collective rights of indigenous peoples undermines the role of women in conservation and food security, and threatens their personal security and wellbeing.

Domestic and sexual violence against women is pervasive in many Pacific Island nations. In Fiji, the Fiji Women's Crisis Centre reported that 64% of women who have been in intimate relationships experienced physical or sexual violence from their partners; 61% were physically attacked, and 34% were sexually abused. Other island nations such as Kiribati (68 per cent), Fiji (64 per cent), Solomon Islands (64 per cent), Vanuatu (60 per cent), and the Republic of the Marshall Islands (51 per cent) have recorded high rates of intimate partner physical and/or sexual violence of women. Women in the Pacific who are economically incapacitated are extremely vulnerable to sexual exploitation and human trafficking. Certain cultural attitudes and governments' lack of anti-human trafficking measures and actions have made the Pacific a common source of human trafficking. Negative cultural perceptions and practices relating to indigenous women contribute to violence against indigenous women as they are more vulnerable to human trafficking and other forms of violence and abuse.

### **Impacts of conflicts to indigenous women, their roles and contributions to conflict transformation and peace building.**

In DRC, internal conflict and long distances prevent women and girls from going to school as they are vulnerable to gang rape and harassment by armed forces patrolling the forests. Indigenous women have been victims of rape and violence during armed conflicts. Some of them were forced to work as sex slaves for soldiers and cannot be integrated into society after the wars. Many of them were HIV positive while others are left with fatherless children. Ongoing fighting has fostered conflict-related sexual violence, with internally displaced women and girls especially vulnerable to sexual exploitation and abuse.

Early marriage of girls violates the law N O 09/001 of 10 January 2009 protecting the child from harassment and bullying. Sexual harassment by teachers discourages and prevent girls from pursuing their education. Another impact of conflict in indigenous community is poverty, as in the case of the Pygmy indigenous families who do not have the means to pay tuition and other related costs, such as uniforms and school material.

Trafficking of women and girls remains a serious problem in Kachin and northern Shan States in Myanmar, where conflict and economic desperation made them vulnerable to being lured to China under false promises and sold as “brides.” The Myanmar government has failed to take sufficient steps to prevent trafficking, recover victims, bring perpetrators to justice, or assist survivors. (<https://www.hrw.org/world-report/2019/country-chapters/burma>).

Women suffer the most in matters of survival and existence within indigenous communities. The Mbororo community in Cameroon has historically suffered from grazing conflicts and land rights violations. In the last three years, the North West and South West regions have been affected by the separatist anglophone crisis, kidnappings, displacements and seizing and killing of their cattle. Many women lost their husbands and children and find themselves jobless and without income in cities. The massive killings are drastically reducing the Mbororo population.

### **Lack of Citizenship**

Compounding the marginalization of indigenous women is the lack of citizenship of hundreds of thousands of indigenous peoples, of which majority are women and girls. A number of State bodies do not have basic social services including outreach programmes in remote areas of indigenous peoples to facilitate legal birth registration. Likewise, high rate of illiteracy, access to government agencies and language barriers among others, thousands of indigenous peoples cannot comply with the given requirements for them to able to have legal identities and birth registrations. The lack of legal identity reduces the mobility of many indigenous peoples and their access to basic social services from the government such as health, education, and employment. They are also more vulnerable to abuse, discrimination, exploitation, violence and human trafficking have no recourse to justice especially indigenous women and girls. Cases of this nature have taken place in Thailand, Indonesia, Malaysia and Cameroon, Democratic Republic of Congo among others.

### **Actions of Indigenous Women to protect and assert their rights, and for their empowerment**

In the Philippines, indigenous women continue to build the resilience of their organizations and communities through community organizing, mobilizing and ensuring food security using indigenous

knowledge and practices. Their participation and role in the traditional practice of conflict resolution and decision-making are now being recognized in the male-dominated *bodongs* (tribal peace pacts) in Kalinga and the *dap-ay* in Mt. Province.

Indigenous women in DRC formed income-generating groups to reduce poverty levels to a minimum and contribute to the achievement of Goal 10 of the SDGs, an example of which is the harnessing of PNFL (Produits Forestiers non Ligneux) or Non-Timber Forest Products for the market.

As a result of violence, about 45 Batwa women from Nyanza and Gisagara united to fight these inequalities by sending their children to school from income earned in pottery products. This enabled them to feed their children and buy school equipment, whereas in the past, they were not interested in educating their children. By claiming their rights to be involved in initiatives and opportunities to promote women's rights, four Batwa women benefited from a cow's program for vulnerable families. Indigenous women in Taiwan are using the recent law recognizing indigenous peoples to strengthen their ranks while working towards further recognition of other indigenous peoples' groups not included in the said law.

Indigenous women in Thailand are enabling themselves to claim their citizenship and increase participation in both formal and traditional decision-making spaces, while addressing traditional discrimination of women.

Indigenous women across the Pacific have been instrumental in asserting women's rights through both informal and formally-recognized organizations. Many Pacific Islands also have Councils of Women that address community issues and strengthen women's participation in community processes. Indigenous women's role and contributions to conflict resolution are encouraging. They organize themselves into associations to assert their identity and work for their advancement and wellbeing. They carry out sensitization on peace, the role of women in peace building and socio-economic integration of women victims of violence. Aboriginal women have come together to form strong advocacy to provide effective access to justice for all women in the DRC at the local, provincial, territorial and national levels.

More contributions are being made by indigenous women by being involved in land rights discussions especially the ongoing land reform process in Cameroon. The women are currently working on buying collective lands in cities and sharing so that they can have their land titles and provide homes for their families. Also, indigenous women in the Mbororo pastoralist communities started campaigns to promote equal access to education where they offered scholarships to girls; to sensitize and encourage pastoralists to stay put so that their children can access education. Other organizations

joined the fight against inequality in the education sector by encouraging families to give equal opportunities to their children, to sensitize on gender-based violence, and to work to end early and forced marriages in the Mbororo community. Today many girls are educated, and some are working in various sectors, while others are in universities. Illiteracy among Mbororo women and girls of the North west region has been reduced.

There are other experiences in which indigenous women strengthen their organizations to increase their capacities to participate and influence authorities. For example, the fisherwomen in the district of Kanyakumari in India established their Organization for Community Development (OCD) in 1975 and had this registered in 1996. It is a district with 1,870,374 inhabitants, and a 91.75% illiteracy rate. Its main productive activity is fishing. The organization works with fisherwomen descended from families historically linked to fishing activities, but are unacknowledged, do not enjoy their rights or positions to participate politically. On the contrary, they are exploited by intermediaries, barely supported as indigenous peoples and discriminated against by male caste fishermen<sup>1</sup>. With the support of the IIWF-AYNI fund, the group initiated a process of empowerment through organizational strengthening, increase in knowledge and exercise of labor and gender rights, as well as the search for measures to add value to products, provide facilities for storage, and transport. They sought markets to improve their conditions and move towards sustainability and that of their families. They also intend to increase their knowledge and skills in order to influence government, customary and parliamentary<sup>2</sup> authorities so as to promote favourable public policies<sup>3</sup>.

## **Conclusion**

While the global agenda for sustainable development calls for “leaving no one behind, and to reach those furthest left behind first” indigenous women as one of those furthest left behind are not put at the front center of the implementation of the Sustainable Development Goals. While data disaggregation by sex is largely undertaken by many States and some development actors, indigenous women continue to be invisible in data gathering due to lack of data-dis-aggregation by ethnicity combined with sex. Their specific condition as well as their contributions to sustainable development are not captured in reports, policy actions, and implementation plans for the SDGs. Further, while the SDGs “ seeks to realize human rights for all” the human rights obligations of States which is critical in achieving the SDGs are not fully integrated in the SDG plans and actions.

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<sup>1</sup> Organization for Community Development.

<sup>2</sup> Source: AYNI. IIWF. [ifs.ayni@iiwf.org](mailto:ifs.ayni@iiwf.org).

<sup>3</sup> OCD.

The continuing discrimination, exclusion and dis-empowerment of indigenous women needs urgent attention and action at all levels. The UN Human Rights Systems including the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination, the Universal Periodic Review (UPR), the Special Rapporteur on Indigenous Peoples Rights, as well as the UN Expert Mechanism on the Rights of Indigenous Peoples and the UN Permanent Forum on Indigenous Issues (UNPFII) made numerous recommendations to improve the condition of indigenous women and many of these are link to Goal 5 “empowerment of women and girls”; Goal 10 “reducing inequality within and between countries” and Goal 16 “Promote just, peaceful and inclusive societies”

**Key recommendations:**

1. Strengthen the accountability of States in their human rights obligations and commitments, and implement recommendations of the UN Human Rights System relating to indigenous women in particular and indigenous peoples in general.
2. For all development actors to undertake data disaggregation by sex and ethnicity and to put attention to the condition of indigenous women
3. For States and development actors to develop specific measures and programmes and provide sufficient resource to address the discrimination of indigenous women on education, health, employment, and their protection to all forms of violence, and exploitation including human trafficking
4. For States and development actors to establish effective mechanisms for the inclusion and participation of indigenous peoples in the SDG processes to include equitable representation of indigenous women at all levels and the integration of their aspirations and wellbeing.
5. For UN agencies, funds and programmes to develop specific measures and programmes to address the specific needs and aspirations of indigenous women for sustainable development with their effective participation and partnerships.
6. For States and development actors to immediately resolve conflicts in indigenous territories through a rights-based approach, social justice and non-discrimination, taking into account the protection of indigenous women.
7. States must put in place effective mechanisms for access to justice for indigenous peoples taking into account their specific condition including indigenous women; and respect customary justice aligned with human rights including the rights of indigenous women.

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