



GENDER AND INDIGENOUS PEOPLES



 Briefing Note #1 OVERVIEW	PAGES 1-5
 Briefing Note #2 ECONOMIC AND SOCIAL DEVELOPMENT	7-12
 Briefing Note #3 EDUCATION	13-17
 Briefing Note #4 CULTURE	19-22
 Briefing Note #5 ENVIRONMENT	23-27
 Briefing Note #6 HUMAN RIGHTS	29-33





INDIGENOUS WOMEN HAVE ORGANIZED AT LOCAL,
NATIONAL AND INTERNATIONAL LEVELS TO ADDRESS THE
SPECIFIC ISSUES AND CHALLENGES THAT THEY FACE.
AT THE UNITED NATIONS, INDIGENOUS WOMEN HAVE BEEN
ADVOCATES AND LEADERS SINCE THE VERY FIRST YEAR
OF THE WORKING GROUP ON INDIGENOUS POPULATIONS,
IN 1982 IN GENEVA, SWITZERLAND.





GENDER AND INDIGENOUS PEOPLES: OVERVIEW

Indigenous women face significant challenges to the full enjoyment of their human rights. Indigenous women experience multiple forms of discrimination, often lack access to education, health care and ancestral lands, face disproportionately high rates of poverty and are subjected to violence, such as domestic violence and sexual abuse, including in the contexts of trafficking and armed conflict. As the United Nations Permanent Forum on Indigenous Issues (UNPFII) has stated, globalization presents additional challenges in many parts of the world. Indigenous women's roles have eroded due the compounding factors of loss of natural resources and depletion of the ecosystems, their transformation into cash economies, changes in local, social and decision-making structures, and their lack of political status within States¹.

BRIEFING NOTE NO. 1

In spite of the specific challenges facing indigenous women, there is often a reluctance to address the gender dimensions of indigenous peoples' issues, as to do so is seen as "interfering with culture" or "imposing western values". However, from socioeconomic and poverty reduction perspectives, gender analysis is a means by which to identify and address gender-differentiated needs in a more accurate and targeted way².

Indigenous women have organized at local, national and international levels to address the specific issues and challenges that they face. At the United Nations, indigenous women have been advocates and leaders since the very first year of the Working Group on Indigenous Populations, in 1982 in Geneva, Switzerland. Indigenous women were active participants and contributors during the more than two decades of negotiations regarding the UN Declaration on the Rights of Indigenous Peoples, which was adopted by the General Assembly in September 2007. The human rights of indigenous women are protected by all of the provisions of the UN Declaration, which also calls for particular attention to be paid to their rights and special needs, and calls upon States to take measures to ensure that indigenous women enjoy the full protection and guarantees against all forms of violence and discrimination.³ As a result of their advocacy, indigenous women also ensured that a resolution on indigenous women was adopted at the 49th Session of the Commission of the Status of the Women (CSW) in March 2005, which is the first ever on indigenous women by this body. It is now clear that indigenous women are claiming gender equality and the implementation of the Beijing Platform for Action⁴.

Why are gender issues important to indigenous peoples?

"Indigenous Peoples carry a fragile but essential part of our common humanity. As individuals and societies, they represent an irreplaceable diversity. Participation in development should not mean absorption into the mainstream — on the contrary, our task is to ensure that the human rights and human potential of Indigenous Peoples receive the needed attention; that development policies recognize the unique contribution and capacity of Indigenous Peoples; that policymakers understand the Millennium Development Goals and the concept of development in ways which support and engage with indigenous culture, and that we become partners in a common enterprise."⁵

In different societies and cultures, different values and norms attached to men and women assign them different statuses. Norms and values generally attached to men and women of colonial and dominant cultures, such as purity and pollution, liability and asset, dependent and breadwinner, have segregated women and men.



In indigenous communities, men and women have different gender roles and responsibilities and for that reason they also often have different needs, desires and interests. Traditionally, indigenous women were generally respected by indigenous men and had equal access to and control over collective land and natural resources. However, with the gradual loss of collective ownership of lands and other natural resources and the introduction by dominant outsiders of institutions of private property, indigenous women progressively lost their traditional rights to lands and natural resources. The following has been a familiar pattern in many indigenous communities: As the indigenous economy, guided by the values of generalized reciprocity⁶, symbolic complementarity⁷ and customary laws that cherish gender equity and equality, weakened, male members of some indigenous communities became sole inheritors of lands and other property. As a result, female members have been deprived of their rights of traditional access to lands and other resources.

There are exceptions provided by some indigenous matriarchal and other societies. For example, in some indigenous communities of South and South-East Asia, including indigenous nationalities of Nepal and certain tribes of India, Thailand and Cambodia, women enjoy a high social position and their status is not low in comparison to their male counterparts. Property is owned by both men and women in the communities of matriarchal Tharus of India, and women spend their income freely without any advice from their men relatives. In several matrilineal tribes such as Khasi, Garo and Jaintia of North-Eastern hills of India, women are entitled to hold exclusive land rights and inherit ancestral properties. However, their elevated status within the family is not reflected in the bigger politico-rural canvas of the society. Certain influences of colonial and dominant cultures and traditions on indigenous peoples have placed indigenous women in a difficult situation in terms of playing effective roles as custodians of their cultures.

The human development index of many countries shows that the socio-economic gap between indigenous peoples and non-indigenous peoples is increasing⁸. A similar trend is seen in human development and empowerment between indigenous women and men. The gap between indigenous women and dominant group women is even wider. Gender, or the social, cultural and psychological patterning of differences between males and females, did not used to be a prominent aspect of the lives of indigenous peoples. However, with increasing inter-cultural contacts, the accelerating pace of marketization of indigenous economies, rapid expansion of communications and other technologies, the spread of state institutions and development actions and inescapable mainstream socialization and urbanization, gender has become an important factor and has destabilized indigenous women's status, disintegrated their identity and worsened their life conditions.

How does the application of a gender perspective make a difference to indigenous peoples?

Gender mainstreaming, a strategy to reduce disparities between men and women, involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities. Gender equality is not only the concern of women, but of men and boys too. This was highlighted by Ole Henrik Magga, former Chairperson of the UNPFII, who, when speaking at the high level panel at the third session of the Permanent Forum, stated: *"So often it seems to me that an important role of indigenous peoples in the global debates of our times is to remind us all of what we may have forgotten, (that) indigenous cultures rely on gender complementarity — a symbiosis, which values both women's business and men's business — a complementarity that ensures both mutual respect and balance"*.

Mainstreaming a gender perspective in development initiatives can make a real difference. For instance, indigenous men's and women's situations can be better understood through the analysis of gender disaggregated



data (qualitative and quantitative). Based on their needs assessment and their development priorities, various programs such as awareness raising, social mobilization, organization building, training, saving and credit schemes, income generation, functional literacy and cultural revitalization, will be prepared and implemented with their full participation.

When indigenous women manage institutions, resources and development initiatives, they enhance and improve their social and economic situation. Gender-blind approaches to development fail to address the issues and problems of indigenous women.

After the 1995 World Conference on Women in Beijing, some governments amended discriminatory laws to improve the position of women. However, many States still maintain discriminatory laws. Changes in these will bring positive changes for indigenous women. The application of a gender perspective can improve the distressing situation of indigenous women caused by multiple oppressions: as indigenous persons, as women, and as members of the poorer classes of society. It is necessary to adopt appropriate strategies for their empowerment and social inclusion, with due respect to their cultures, ways of life, traditions and customary laws, emphasizing the protection and full enjoyment of their human rights and fundamental freedoms as women and members of an indigenous community.

What are the key issues to be considered when discussing gender and indigenous peoples?

The status of indigenous women differs from one community to another and from one region to another. Yet, their concerns often coincide because of their indigenous status. The experiences of and challenges facing indigenous women throughout the world are often similar in terms of poverty, human rights violations, lack of access to education, health care and socio-economic development.

Multiple discrimination: Indigenous women face multiple discrimination on the basis of sex, race/ethnicity, language, culture, religion and class. For instance, indigenous women in one country are called “third class citizens” because of their inferior status in relation to men and in relation to non-indigenous people. Concerns regarding racial discrimination faced by indigenous women were raised by indigenous women at the 1995 World Conference on Women. In 2004, the UNPFII took note of the fact that the United Nations Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) does not make specific reference to indigenous women and recommended that “special attention should be paid to the issues related to maintaining the integrity of indigenous women and the gender dimension of racial discrimination against indigenous peoples”⁹

Violence: Indigenous peoples suffer from violence and conflict in many parts of the world. Indigenous women are particularly vulnerable to such violence both within their own communities and in the broader society. Indigenous women experience many kinds of violence in times of peace and war, including female genital mutilation, forced marriages, early marriages, polygamy, beating and forced labour. Indigenous women are trafficked for prostitution and forced labour. In some cases, they are treated as exotic, decorative, sexual objects and study-objects by media and the communications system. Such concerns have been highlighted at the United Nations Working Group on Indigenous Populations and the UNPFII.

Globalization and development: Globalization and economic liberalization have often destroyed indigenous subsistence economies and displaced indigenous peoples from their land. Indigenous women have lost their livelihoods due to the impact of globalization on natural resources and as their products have been replaced by manufactured goods. Poverty has contributed to displacement of indigenous communities. Indigenous men move



from their communities in search of work, in some cases leaving women and children behind. There has also been an increase in migration of indigenous women, in search of employment, to cities, where they face the danger of exploitation and inhumane treatment. In many countries indigenous peoples are displaced from their lands due to the construction of highways, dams, mines and the establishment of national parks. Forced migration has led to destruction of indigenous lifestyles and compounded the problems faced by indigenous women.

Other common issues: Indigenous women from both developed and developing States suffer from poor health due to poor sanitary facilities, lack of clean drinking water and other basic needs for sustaining healthy life. Indigenous peoples of developed countries in some instances live in hazardous conditions due to nuclear testing and nuclear waste storage in their territories. Indigenous women from Africa, Asia and Latin America face water born diseases. Their access to health care services and facilities is restricted because health care policies and programmes treat all women as a homogenous group. Indigenous women and men are deprived of educational opportunities because of lack of mother tongue education, geographical barriers to accessing schools as well as economic obstacles. Such barriers are more stringent for indigenous women, who also face gender-based discrimination. Similarly, indigenous men and women have very low participation in decision-making bodies, politics and employment. Even in indigenous communities, decision-making is gradually becoming a man's domain.

What are the practical implications of a applying a gender perspective to indigenous peoples' issues?

The application of a gender perspective to indigenous peoples' issues will have several practical implications. They can be summarized as follows:

- ▣ The role of indigenous women as custodians of culture, language and beliefs will be strengthened and their status will be respected by society. They will be able to strengthen their roles in the protection of the environment and biodiversity.
- ▣ With the raising of multiple consciousnesses among indigenous women, differences in experiencing gender between indigenous women and women of dominant groups in many respects will be eventually narrowed. Oppressions and discriminations based on sex, race, caste or ethnicity, class and sexual orientation will be reduced. This will also enhance the image of indigenous peoples.
- ▣ The capacity of indigenous women to participate in policy formation will be enhanced.
- ▣ The economic, political, cultural, educational and health status of indigenous women will be improved. The elevated status of indigenous women will also contribute to improvements in the life conditions of indigenous peoples.
- ▣ The claims of indigenous peoples for land rights, the right to natural resources and right to self-determination, consultation, participation and special representation will be more forceful and compelling.
- ▣ Violence against indigenous women will decrease and they will effectively exercise their agency to get rid of sexist, racist and other forms of oppressions.
- ▣ Development programs will be in consultation and cooperation with indigenous peoples and will therefore be more equitable and capable of appropriately addressing indigenous peoples' issues. Development planners will take into account the people targeted by development activities.





What are some of the challenges that need to be addressed concerning gender and indigenous peoples?

Some of the challenges that need to be addressed concerning gender and indigenous peoples are the following:

- ▣ The dominant gender-neutral conception of equality prevailing in countries where indigenous peoples live has not been adequate in addressing the multiple disadvantages of indigenous women. It has become a daunting task in each country to repeal policies and practices that diminish opportunities for indigenous women and perpetuate their disempowerment.
- ▣ Demolishing structural barriers to eliminate complex oppressions experienced by indigenous women is the major challenge for indigenous peoples throughout the world.
- ▣ The reluctance of many States to implement international human rights conventions is a major hurdle in overcoming educational, health, vocational/economic, and political disadvantages for indigenous women. Denial of indigenous peoples' rights has disenfranchised women severely relative to male members of indigenous peoples in most countries.
- ▣ The removal of structural barriers to achieving a multi-cultural democracy is one of the foremost challenges for gender equality that will impact indigenous women.

References

- ¹ United Nations. *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 3.
- ² World Bank, *Mainstreaming gender in indigenous projects and projects affecting indigenous peoples in the World Bank portfolio: The PROGENIAL Experience* (2004).
- ³ A/RES/61/295, Art. 22
- ⁴ United Nations, *49th Session of the Commission of the Status of the Women*, E/CN.6/2005/11
- ⁵ Marisela Padron-Quero, Director, Latin America and the Caribbean Division, *Speaking remarks on behalf of UNFPA to the Fifth Session of the UNPFII*.
- ⁶ Generalized reciprocity refers to distribution of goods and services by direct sharing without immediate expectation of return. No direct form of repayment is involved in this pattern of exchange of goods and services, but it is expected that others will be equally generous (Howard, Michael C., *Contemporary Cultural Anthropology*. New York, Harper Collins Publisher 1989, Third Edition, page 147).
- ⁷ Symbiotic complementarity refers to that pattern of relationships between different systems of production that complement each other providing goods and services needed by the other without one dominating the other. (Howard, 1989: 156).
- ⁸ United Nations Development Programme, *Human Development Report 2004: Cultural Liberty in Today's Diverse World*, page 6.
- ⁹ United Nations, *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 6, a.

 INDIGENOUS WOMEN THROUGHOUT THE WORLD
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GENDER AND INDIGENOUS PEOPLES' ECONOMIC AND SOCIAL DEVELOPMENT

Why are gender issues important to indigenous peoples' economic and social development?

Indigenous women throughout the world are among the most marginalized groups, suffering discrimination not only on the basis of sex and race, but also on the basis of their cultures and class. The complex interaction of factors such as colonialism, globalization, nationalism, and top-down policies and paternalistic approaches to development has resulted in a social and economic environment that has been limiting for indigenous women.

For example, indigenous women have suffered from the effects of poverty, the breakdown of traditional social mechanisms and institutions, violence and militarization, dislocation and migration, and the depletion of their natural environment and resources¹.

BRIEFING NOTE NO. 2

In most indigenous communities, women's reproductive roles are highly valued. At the same time, indigenous women have their own important roles, ranging from performing domestic chores and managing household resources to working as wage earners or discharging duties and exercising authority of assigned jobs in the public sphere. Despite their valuable contributions, indigenous women still face inequality in a number of areas, such as inheritance of land and other property, access to credit, capital markets and other economic resources, educational and employment opportunities and health care services, access to information, freedom of choice, freedom of association and lack of access to decision-making processes and institutions.

In addition, the adverse life conditions of indigenous peoples in general have left the vast majority of indigenous women politically disenfranchised, more insecure economically, physically more vulnerable and emotionally more strained, which poses further challenges to their economic and social development. Thus gender considerations are vital to the overall development and advancement of indigenous peoples and their communities.

How does applying a gender perspective make a difference?

The application of gender perspectives in indigenous peoples' economic and social development will make a difference to the approaches and strategies designed to empower and advance communities in the following ways:

- ▣ Values, norms, traditions, customary laws and cultural practices may be strengthened, redefined, and even reinterpreted to not only ensure gender equality but also include indigenous perspective in development policies and practices.
- ▣ The development and periodic updating of databases that are disaggregated by gender, ethnicity/race, religion, language and territory/geographical areas will be established and utilized to develop better informed policies, strategies and plans for improving indigenous peoples' economic and social development. Such data can also be accessed to monitor, assess, analyze and map the processes, outcomes and impacts of such development interventions paying due attention to gender equity and equality.
- ▣ The productive input of non-market domestic and care giver's work performed by indigenous women including girls, who form a large part of the workforce, will be duly recognized. Their productivity will



be enhanced by expanding their access to resources and market outlets. Attention will be paid to the double burden of indigenous women labourers performing unpaid nurturing activities for long hours at home as well as undertaking paid work in the labour market.

- ▣ The life chances and choices of indigenous women and girls will be expanded through mechanisms that support equitable distribution of benefits and opportunities which will also empower indigenous peoples to overcome the barriers that impede their advancement.
- ▣ Discrimination and exclusionary policies and practices faced by indigenous men and women will be eliminated to a considerable extent and this will result in indigenous women feeling more secure in entering the work force. The workplace environment for indigenous women workers will also improve, which will facilitate the involvement of indigenous women in gainful activities that contribute to economic growth and efficiency.
- ▣ Problems specific to indigenous women and the sources of their powerlessness will be identified and appropriate measures will be adopted to redress the issues associated with gender inequality, injustice and oppression.
- ▣ Understanding of the constraints that restrict indigenous women's access to education will be improved and effective measures will be adopted to respect the rights of indigenous women and children to have access to all levels and forms of education. The educational status of indigenous women will be improved due to the expansion of suitable and accessible educational opportunities which in turn, may lead to gainful employment.
- ▣ Indigenous women's access to information will be increased, along with the motivation to adopt appropriate technologies that improve the quality of their life and their families and communities.
- ▣ Health and nutritional status of indigenous women will be improved along with a recognition of their important roles in resource management and environment conservation.

What are the key issues to be considered?

In many indigenous communities throughout the world, inequality and subordination of women is rooted in gender relations, a highly debated and sensitive issue. This is the situation of indigenous peoples in all forms of economic and social settings whether they are foragers, horticulturalists, pastoralists, farmers, small entrepreneurs or in mainstream economic positions. The understanding of gender and gender relations varies among indigenous societies, from country to country and region to region.

In this context, some of the key issues can be summarized as follows:

Under-representation in the public domain: Indigenous peoples have little, if any, effective representation in decision-making bodies and indigenous women are even more marginalized in this regard. They are neither represented in decision-making structures of the government nor in community councils or in civil society organizations. Consequently, their perspectives are invisible and their priorities, needs, interests and expectations are not taken into consideration. They are also less able to access resources and opportunities and, as a result of their socio-political exclusion, socio-economic development of their communities remains a distant dream.

Non-recognition of the right of inheritance of land and other parental properties/wealth: In many cases, indigenous women have no right to inherit land or other ancestral property or wealth. With the erosion of



collective/community ownership of land and natural resources as well as the evolution of institutions that recognize the essence of patriarchal private property, indigenous women often forfeited their rights to land and natural resources to the male members of their communities. In many countries, indigenous women play a crucial role in small scale trade and business and do have control over financial transactions. But still, the custodians of their properties, even liquid assets, are the male members of their families and women have to seek permission and guidance to invest their earnings in business ventures or in education or to buy goods. In many indigenous societies, girls and women are treated as assets and their social prestige derives from the fact that they are industrious workers and child bearers.²

Access to education: There is a need to improve the access of indigenous girls and women to education and other skill and personal development institutions. This will also require the reform of education systems in order to allow women to take advantage of training and employment opportunities.³

Poor health, poor earning: Indigenous women often face discrimination in access to health care services. Modern health care services are beyond their reach and inaccessible due to lack of services in their communities, the costs for such services, and the negative attitudes and humiliating behaviors of some service providers. Indigenous women are under-nourished, often face disproportionately high levels of physical violence and sexual abuse, and do not get adequate pre-natal and post-natal care. Poor health impacts indigenous communities in a number of ways, including high absenteeism and low output in the work force which results in low pay and low earnings.

Indigenous women are not aware of their rights and privileges: Indigenous women are often not informed about their rights and the opportunities that might be available to them. They prefer to work near their home or in their villages even with low wages or through exploitation in the workforce.

Feminists throughout the world are mostly from dominant groups and women's empowerment and development programs in most countries are focused on women belonging to a particular class and advocating for the needs of women from the dominant groups. In most instances, indigenous women's particular needs and values remained untouched by these programs. While the situation of women from dominant groups has improved, indigenous women often still experience domination from female members of dominant groups as well as from male members of dominant groups.

What are the practical implications?

The application of gender perspective in indigenous peoples' economic and social development will lead to a number of changes, including the following:

Revision or changes in policies, strategies and options: Governments addressing economic and social development issues should adopt strategies that include considerations of gender perspectives and the needs and rights of indigenous peoples. Governments should ensure the participation of, and consultations with, indigenous peoples in these processes. Governments should also consider implementing specific policies directed at employment creation for indigenous peoples, facilitating access to credit and the creation of small and medium-sized businesses.⁴

Enhanced participation in the development process: Measures should be adopted to enhance indigenous women's participation in development processes. For example, within the context of a human rights-based approach to



development, indigenous women might be able to experience various forms of mobilization and empowerment. This may include being able to decide their priorities in order to manage their development initiatives. Their involvement in development activities will provide opportunities to further enhance their capabilities and to gain control over valued resources that will help them to gain integrity, prestige and power in their efforts to obtain gender equality.

Increased employment for indigenous women: States should develop policies to promote special measures for the improvement of indigenous women's economic and social conditions through the expansion of employment opportunities. Increased employment for indigenous women will empower them in many ways and thus will enhance their social status. Professionalization of their traditional skills especially in arts and crafts will further expand their employment opportunities. Increased access to resources including micro credit, new technologies, agricultural inputs and other outputs will also expand self-employment opportunities. Favorable market access for their products will also substantially contribute to the expansion of their employment opportunities. With better incomes, indigenous families will be freed from debt bondage and other forms of exploitation and the nutritional status of the family members will be improved.

Increased access to education: Education systems should be improved to increase the access of indigenous women and girls to education and skills training. The right to education should be fully respected so that indigenous women have better access to both formal as non-formal education. Special educational needs of indigenous women should also be culturally appropriate. Intercultural and bilingual or multilingual educational programs will be essential components of the education system that lead to equitable educational outcomes. Improved educational status of indigenous women will expand their employment opportunities and also empower them in the political processes.

Natural resource management and protection of environment: The traditional knowledge of indigenous women should be utilized in the management of natural resources and protection of environment. Their roles should be strengthened in measures that seek to effectively control and prevent the destruction and pollution of land, air, water, sea, ice, wildlife, forests, pastures and other natural resources. Indigenous women's participation should be mandatory in consultation and decision-making processes in relation to natural resources.

Access to health care services: Health care systems should be improved to foster rights-based approaches to health and indigenous women should benefit by the adoption of culturally acceptable and appropriate strategies of health care services. Reproductive rights of indigenous women should be respected and pre and post natal care services should be accessible to them. Traditional healing practices should also be recognized and improved. Communication strategies should be designed so that health and disease related information is made available to targeted indigenous women. Indigenous women should have better access to health education and training. Measures should be adopted to stop trafficking of indigenous women and girls for prostitution and sex slavery. HIV/AIDS programs should be tailored to address the special needs and situation of indigenous women. Health care agencies, in general, should be more responsive to indigenous women.

Values, norms and cultural practices: Values, norms and cultural practices should be refined, re-defined, re-interpreted and even modified by indigenous women and their communities in order to remove any negative impact on the human development of indigenous women. Indigenous women's cultural practices and norms should be affirmed and used as source of their empowerment and advancement.

Socio-economic development and autonomy: Socio-economic development of indigenous women should ultimately lead to the realization and enjoyment of indigenous peoples' rights. The right to self-determination of indigenous women will create a favourable environment for the empowerment of all indigenous peoples.



Addressing multiple discrimination and disadvantages: Research should be conducted on the underlying causes of the “feminization” and “indigenization” of poverty and programmes should be developed to effectively address these underlying causes of marginalization.⁵

What are some of the challenges to be addressed?

There are tremendous challenges to the application of a gender perspective in indigenous peoples’ economic and social development. At the UNPFII’s fifth session in 2006, the theme “Redefining the Millennium Development Goals (MDGs)” provided an opportunity to incorporate the concerns of indigenous peoples, and particularly the concerns of indigenous women, into the MDGs. The MDGs offer a strategic framework which could fully integrate the goals of the *[Beijing] Platform for Action*, an important human rights-based approach to development for achieving gender equality and the empowerment of women, including indigenous women. Owing to the cross-cutting nature of gender equality, it is also critical that gender perspectives be fully integrated into the implementation and monitoring of all the other objectives associated with the United Nations Millennium Declaration and the Millennium Development Goals.⁶

Some of the key challenges are summarized as follows:

Overcoming structural barriers: Indigenous women often do not participate in policy/decision-making bodies, and it is no coincidence that policy/decision-makers are often insensitive and irresponsive to the needs and issues of indigenous women and of indigenous communities as a whole. Thus, it is crucial to mainstream gender issues and to integrate the special needs and concerns of indigenous women in policies, programmes and budgets.

Eliminating or reversing multiple discrimination: Indigenous women experience multiple discrimination — gender discrimination, racial/ethnic discrimination, cultural discrimination, linguistic discrimination and religious and class discrimination. Hence gender inequality is highly correlated with ascribed identities. Including gender perspectives in indigenous peoples’ economic and social development has to address this multiple discrimination and disadvantage. One way to do it is by compiling and integrating disaggregated data (both qualitative and quantitative) and taking into account local and regional cultural/social/ economic differences in regards to indigenous women’s issues.

Improving/Enhancing self-management of development activities: Paternalistic approaches to development policies are strongly opposed by indigenous peoples because they undermine their dignity and capacity, their traditional autonomy, their process of decision-making and their self-determination. Changing development approaches and practices, improving or enhancing capacities of indigenous peoples, including indigenous women, as well as managing development initiatives continues to be a major challenge.

Developing transmission mechanisms to translate economic growth into poverty reduction: Economic globalization, manifested in the various forms of trade liberalization, privatization and deregulation, has adversely affected traditional economies by weakening the subsistence base of indigenous peoples. For indigenous peoples, these new forms of economic globalization are a continuation of the colonization which has been perpetrated against them since the beginnings of capitalist expansion. Nevertheless, the experience of globalization is not the same for all people and groups. Economic globalization has enormously increased the hardship and despair of many groups of women. Indigenous women’s experience of globalization is one of multiple layers of oppression. Therefore, mechanisms should be implemented to address these negative effects. For instance,



increasing indigenous women's capacity in decision-making and political participation will ensure that adequate numbers of indigenous women are placed in positions of political leadership, as well as in governance and public administration. Improving the access of indigenous women to education and skills development will allow women to take advantage of training and employment opportunities and to strengthen programmes in indigenous communities that ensure benefits for indigenous women.

Endnotes and references

- ¹ United Nations, *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 56.
- ² Hans, Asha. *Tribal Women and Gender Utopia?*, New Delhi: South Asian Publishers, 1999.
- ³ United Nations, *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 57, d.
- ⁴ United Nations, *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 58.
- ⁵ United Nations, *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 59, a.
- ⁶ United Nations, *Fifth Session Report of the Permanent Forum on Indigenous Issues*, E/2006/43, paragraph 45.



GENDER AND INDIGENOUS PEOPLES' EDUCATION

Education is both a universal human right and a fundamental means to achieve other human rights. Enjoyment of the right to education is essential to achieving equitable development and respect for cultural diversity. It is an investment for the future and a means to reduce poverty and counter discrimination. For women and girls, equality of access to quality and appropriate education is also crucial means of empowerment to participate fully in the economic, social and political lives of their communities and States.

BRIEFING NOTE NO. 3

The right of indigenous peoples to education is protected by the United Nations Declaration on the Rights of Indigenous Peoples, which reaffirms and applies the right to education to the specific historical, cultural, economic and social circumstances of indigenous peoples. The right of indigenous peoples to education is also protected by a number of additional international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

In spite of the protections afforded by these instruments, the right to education has not been fully realized for most indigenous peoples and a critical education gap exists between indigenous peoples and the general population. In its 2009 study on the right of indigenous peoples to education,¹ the Expert Mechanism on the Rights of Indigenous Peoples found that “deprivation of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of indigenous peoples. The content and objective of education to indigenous peoples in some instances contributes to the assimilation of indigenous peoples into mainstream society and the eradication of their cultures, languages and ways of life.”²

In terms of accessing education, indigenous girls tend to be even more disadvantaged than indigenous boys. For example, in Ecuador’s rural areas, 48% of indigenous women and 32% of indigenous men are illiterate, compared to 18% of non-indigenous women³. In Guatemala, only 54 per cent of indigenous girls are in school, compared with 71 per cent of indigenous boys. By age 16, only a quarter of indigenous girls are enrolled, compared with 45 per cent of boys.⁴ In the Somali region of Ethiopia, a recent survey found that the literacy rate for female pastoralists was 4.8 percent, compared to a 22.7 per cent literacy rate for male pastoralists.⁵

The United Nations Permanent Forum on Indigenous Issues has made a number of concrete recommendations directed at the UN system and at States to improve the quality of life for indigenous peoples, including through access to and provision of culturally appropriate education. UNPFII recommendations have stressed that unless children are educated in indigenous languages, cultures and values, indigenous peoples and their unique and valuable cultures will not survive. The Permanent Forum also recommended that governments and United Nations bodies prepare specific policies and implement programmes “to safeguard indigenous peoples’ equal rights to education, especially indigenous girls, and adopt positive measures to address indigenous education issues”⁶ to promote their human rights, strengthen, recover and conserve their languages, promote their culture and education, reaffirm their traditional knowledge, and contribute to their self-esteem.



Why are gender issues important to Indigenous peoples' education?

Gender issues are a common impediment to education for both boys and girls in indigenous communities. In certain communities, social norms prevent indigenous girls from attending schools. Families may prefer girls to remain at home to perform domestic chores and care for children and siblings; others prefer their daughters to be married off at a young age.⁷ In some instances, women have to leave their natal homes after marriage and work for their husband and his family. Consequently, parents are reluctant to send their daughters to school or to pursue higher education because this is not considered beneficial or productive. Such norms and practices, coupled with other ongoing exclusion and discrimination of indigenous girls and women, have led to serious consequences for the community and society.⁸

Indigenous children and youth often also face geographical obstacles to obtaining an education. Children and youth from communities that do not have local educational facilities must travel far from their home if they are to attend school. In some instances, they are compelled to leave their traditional communities and move to urban areas to pursue employment or education opportunities.⁹ In the new urban environment, indigenous youth are often subjected to discrimination by the wider community and denied equal opportunities in employment and education¹⁰.

In instances where indigenous children and youth do access education, they must often also contend with educational materials that are not culturally appropriate and that are not offered in indigenous languages, and which can therefore threaten the ability of indigenous students to build self-confidence and self-respect. Indigenous girls may also face discrimination. For example, many Batwa women and girls in the Great Lake Region of Africa reportedly suffer verbal abuse, sexual harassment by male teachers and pupils at school and being ambushed on the way home from school.¹¹

How does the application of a gender perspective make a difference to indigenous peoples' education?

Application of a gender perspective requires consideration of the impact of gender on people's opportunities, social roles and interactions. In most indigenous societies, women and men have distinct ritual, social and economic responsibilities. There is a need to be aware of such gender-specific roles and whether these might disadvantage indigenous women or contribute to the creation of inequalities.

The application of gender perspective in indigenous peoples' education will improve the lives and opportunities of indigenous women, including as follows:

Access to education on an equal footing: When a gender perspective is applied in indigenous peoples' education, gender barriers to education will be addressed, improving the opportunity for all indigenous peoples to access education. Adequate and sensitive educational efforts will be made to mobilize indigenous women and girls and to involve them in the educational process. Intercultural and bilingual/multilingual policy in education programs will be adopted and approaches to education will be better geared to the needs of indigenous girls, creating a better environment for learning.

Innovative educational approaches: Education based on mother tongue curriculum, which incorporates indigenous histories, traditional knowledge and spiritual values, and bi-lingual or multilingual teachers, including indigenous female teachers, will help girls to join and stay in schools. The application of a gender perspective in indigenous peoples' education will emphasize innovative educational approaches that prompt to create and revitalize the learning environment for indigenous students, and in particular girls.

Gender friendly socialization: Educational institutions will enable all students, both indigenous and non-indigenous, at all levels of education, to have an appreciation and understanding of and respect for traditional



and contemporary indigenous histories, cultures and identities. Therefore, when girls and boys are educated in a gender sensitive way, they will grow up in an environment of gender equality.

Special measures to overcome socio-economic and cultural constraints: The empowerment of indigenous women is the key to better standards of living. Gendered forms of socio-economic and cultural limitations to attain formal education will be identified and special measures will be taken to overcome these barriers, including through the establishment of indigenous women's empowerment programs, community infrastructure development programs and income generation activities, as well as support for the effective participation of indigenous women in education management.

Increased opportunities: When indigenous girls and boys obtain an education they also increase their employment and entrepreneurial opportunities and improve their access to higher education.

Decision making: Education can be a means through which indigenous peoples better develop the skills to manage the development of their communities and to actively participate at all levels of decision-making processes.

What are the key issues to be considered when discussing gender and indigenous Peoples' education?

Indigenous women face barriers to education based on both their indigenous status and their gender. Solutions to problems faced therefore require that discrimination based on both must be addressed. Key issues include the following:

Education in indigenous languages: The inclusion of indigenous languages in the classroom is important both as a foundation for learning and also to ensure the maintenance and continued use of indigenous languages. Mother-tongue education is indispensable for effective learning process for indigenous children and for the reduction of dropout rates. This is recognized by the UN Declaration on the Rights of Indigenous Peoples, which calls for States, in conjunction with indigenous peoples, to take effective measures to ensure that indigenous individuals, particularly children, have access to an education in their own culture and provided in their own language.¹²

It is crucial that governments implement culturally sensitive educational programmes, curricula and actions addressing the needs of indigenous peoples¹³.

Plurality of Indigenous communities: Indigenous women share many concerns regarding poverty, human rights, and economic and social development with other women throughout the world and also offer a distinct and important perspective on these issues. The fact that "indigenous women" are not a homogeneous category but represent a wide variety of cultures with different needs and concerns, should be a central premise for the design of policies and programmes and for that it is indispensable to have disaggregated data.

Access and participation: Many indigenous communities live in remote areas where basic social and infrastructure services such as health, education, transportation, communication and other primary services are not available or are available on a limited basis. Therefore, it is necessary that governments, with the full and effective participation of indigenous peoples, develop and implement appropriate solutions, which will improve access of indigenous peoples, including women and girls to educational programs as well as other basic services.¹⁴

What are the practical implications of a gender perspective concerning indigenous peoples' education?

Indigenous peoples lag behind the general population in the achievement of the Millennium Development Goals in most, if not all, of the countries in which they live. Indigenous women often face additional gender-based



disadvantages and discrimination. The application of a gender perspective in indigenous peoples' education will have implications in a number of areas, including:

Political and social implications: Creating a truly equitable society is a long-term process. Mainstreaming a gender perspective will gradually improve gender relations within indigenous societies. It will facilitate indigenous women participating fully in all areas of their lives, whether in their home or in the public arena.

Economic implications: Governments should increase funds allocated for education and adopt measures to find additional resources to sustain improved, equitable education programmes for indigenous peoples, and particularly indigenous women. Such reforms would better enable indigenous women to gain leadership skills and to become community advocates and defenders for the right of indigenous women to achieve gender equity.

Implications on development policies: Tremendous pressure will be generated for changes not only in education policies, but also in overall development policies. Agendas will have to be inspired by equity and equality in resource sharing by sections of society. The adoption of measures that ensure the full and effective participation of indigenous women in implementation, follow-up work and monitoring of the Beijing Platform for Action and the Millennium Development Goals will help to eliminate inequality conditions.

What are some of the challenges that need to be addressed concerning gender and indigenous peoples' education?

Achieving cultural pluralism and diversity represent real challenges in public policy. Some of the challenges in the area of education that need to be addressed include:

Structural barriers: Administrative and institutional structures are among the major barriers to the advancement of indigenous peoples' education initiatives. Existing laws, regulatory measures and mechanisms may not address, adequately or at all, the issues of systemic disadvantage concerning gender and indigenous peoples' education. Thus, there is a need for special measures to be adopted through national legislations to address these concerns.

In this regard, the UNPFII in its fourth session (2005) recommended that governments *"Ensure an increase in the number of indigenous persons in the educational sectors, including in policy, administration, teaching indigenous culture, history and contemporary society, indigenous languages and production of educational materials."*¹⁵

Technical deficiencies: There is a need for the revision of curriculum contents of non-formal education in order to increase enrolment of girls in school. The adoption of effective and appropriate measures to stop indigenous children from dropping out of school and to improve their learning achievements will bridge the gap between indigenous girls and boys.

To tackle this issue the UNPFII in its fourth session (2005) recommended that States: *"Establish effective arrangements for the participation of indigenous parents and community members in decisions regarding the planning, delivery and evaluation of education services for their children, including in the designing and implementation of their own education at all levels, including developing appropriate teaching materials and methods."*¹⁶

Mother tongue education and bilingual inter-cultural education: Indigenous children especially girls, experience particular difficulties relating to access to education of quality and socio-cultural relevance at all levels. In this regard, the UNPFII in its fourth session (2005) recommended that States should *"Develop bilingual and culturally appropriate primary education for indigenous children to reduce dropout rates. The mother tongue must be the first learning language and the national language the second language; curricula should reflect indigenous peoples' holistic worldviews, knowledge systems, histories, spiritual values and physical activities, physical education and sports."*¹⁷



Economic deprivation: The recognition of indigenous peoples as distinct peoples and the respect for their individual and collective human rights, rights to lands and territories and sustainable use of natural resources are crucial for achieving a just and sustainable solution to the widespread poverty in their midst. Deprivation of basic rights has hindered their participation in education as they are preoccupied with the struggle for their survival.

Financial resource constraint: Additional financial resources will be necessary to initiate affirmative action education policies and programmes in favor of indigenous peoples, keeping gender equity and equality at the core. Many governments may face difficulties in launching affirmative action programs to increase the access of indigenous women and girls to education due to lack of resources. International development cooperation programs therefore need to address this problem on a priority basis.

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¹ A/HRC/EMRIP/2009/2

² Ibid, Annex I, para. 4.

³ *A Portrait of Indigenous Women of the Americas, Sheet 1, Rights and Democracy*, 2006. http://www.dd-rd.ca/site/_PDF/publications/indigenous/sheetsWomen/1en.pdf

⁴ UNESCO (2008), p.104-105.

⁵ Naomi Kipuri and Andrew Ridgewell, Minority Rights Group International, *A Double Bind: The Exclusion of Pastoralist Women in the East and Horn of Africa* (2008)

⁶ United Nations, *Third Session Report of the Permanent Forum on Indigenous Issues*, E/2004/43, paragraph 16.

⁷ A/HRC/EMRIP/2009/2. para. 96.

⁸ Ibid.

⁹ United Nations, Leaflet No.9: *Indigenous Children and Youth*, <http://www.ohchr.org/english/issues/indigenous/guide.htm>

¹⁰ United Nations, Leaflet No.9: *Indigenous Children and Youth*, <http://www.ohchr.org/english/issues/indigenous/guide.htm>

¹¹ Fay Warrilow, Minority Rights Group International, *The Right to Learn: Batwa Education in the Great Lakes Region of Africa* (2008).

¹² A/RES/61/295, para 14 (3).


¹³ United Nations, *Fourth Session Report of the Permanent Forum on Indigenous Issues*, E/2005/43, paragraph 47, c.


¹⁴ United Nations, *Fourth Session Report of the Permanent Forum on Indigenous Issues*, E/2005/43, paragraph 48, a.

¹⁵ United Nations, *Fourth Session Report of the Permanent Forum on Indigenous Issues*, E/2005/43, paragraph 48, f.

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¹⁷ United Nations, *Fourth Session Report of the Permanent Forum on Indigenous Issues*, E/2005/43, paragraph 48, i.

 IN RECENT YEARS, WOMEN HUMAN RIGHTS ADVOCATES FROM A BROAD SPECTRUM OF COUNTRIES, RELIGIONS, ETHNICITIES, AND SOCIAL SECTORS HAVE WORKED TO EMPHASIZE THE INDIVISIBILITY OF HUMAN RIGHTS AND, IN PARTICULAR, TO REASSERT THE INTER-RELATIONSHIPS BETWEEN CULTURAL RIGHTS AND WOMEN'S HUMAN RIGHTS.

IN MANY COUNTRIES, WOMEN ARE ALSO WORKING TO DEMONSTRATE THAT CULTURAL RIGHTS AND WOMEN'S RIGHTS CAN BE MUTUALLY REINFORCING, AND TO HIGHLIGHT AND BUILD CULTURAL PRACTICES AND TRADITIONS THAT ARE SUPPORTIVE OF THE HUMAN RIGHTS FRAMEWORK. 



GENDER AND INDIGENOUS PEOPLES' CULTURE

Why are gender issues important?

Although cultural rights are fundamental to the enjoyment of all other human rights, some human rights theorists and practitioners perceive them to be in tension with the human rights of women. In recent years, women human rights advocates from a broad spectrum of countries, religions, ethnicities, and social sectors have worked to emphasize the indivisibility of human rights and, in particular, to reassert the inter-relationships between cultural rights and women's human rights¹. In many countries, women are also working to demonstrate that cultural rights and women's rights can be mutually reinforcing, and to highlight and build cultural practices and traditions that are supportive of the human rights framework.

BRIEFING NOTE NO. 4

Indigenous women from around the world are linking cultural rights to the protection of women's rights. They are articulating the centrality of cultural rights to the exercise of the collective rights of indigenous peoples—including rights to territory, natural resources, education, language, religious expression, and self-determination—and arguing that only the protection of those rights enables indigenous women and their families to enjoy the full range of their human rights as women, including their right to a life free of violence.

What is Culture?

Culture is the way that people make sense of their world, both as individuals and as part of larger collectives. It is often imagined to be a set of archaic practices contained within an unchanging, bounded community. A more nuanced understanding of culture, however, elaborates cultural practices as fluid, contested, and connected to relations of power. Cultures have always been subject to change—both internal and external. Cultures are never homogenous and are shaped by people's actions and struggles over meaning. From this perspective, respect for cultural differences exists simultaneously with the belief that cultural practices and beliefs can and do change over time.

How does applying a gender perspective make a difference?

How do Women's Human Rights Advocates Relate Cultural Rights to Women's Rights?

Articulations that posit culture as static, sacred, monolithic and outside of history undermine the historic and ongoing efforts of women's rights advocates at local, national and international levels to actualize social change and legal protections for women. For many women advocates, this means negotiating between traditional law and custom, and new forms of legal protection gained through international advocacy. It also means advocating for the rights of women within a larger struggle to protect the rights of their communities, including from aggressive development policies and state repression. In contrast to a framework that sees dissonance between rights based on culture and those based on gender, many women human rights advocates view those sets of rights as interdependent and mutually constitutive².



What are the key issues to be considered?

Recognizing Women's Role in Cultural Practices

In many cultural and religious traditions, women have primary responsibility for transmitting cultural and spiritual knowledge and practices, and group identity more generally, to succeeding generations. Because culture exists through, and is generated by, the lived experiences of people, the role of women in transmitting culture also situates them as creators and custodians of culture. For this reason, people across a diverse range of communities view women's adherence to and promulgation of cultural norms as integral to cultural survival. In many instances, this relationship between gender and culture is used as a basis for justifying violations of women's human rights. For example, in many cultures, religions, and states, the rights of individual women are subordinated to upholding women's role as the carriers of group identity. Thus, women are often denied the right to make autonomous decisions regarding their own sexuality, childbearing, and marriage; and their children's nationality, religion, and citizenship. These violations of basic rights are rationalized as necessary to ensure cultural preservation and other collective identities, which women are thought to embody.

On the other hand, women's primary role in transmitting and creating culture can serve as a basis for protecting and enhancing women's status within their families and communities. For example, the international indigenous women's movement has demonstrated that among many indigenous peoples, women's roles as spiritual guides, midwives, healers, and political leaders—all forms of cultural expression—are a central basis of women's power and status among their peoples. Indeed, women's cultural practices are important not only for the spiritual health of their communities, but also for their communities' overall well-being. In most communities around the world, women are the primary providers of food, water, and healthcare for their families. Women fulfill these roles in culturally specific ways, highlighting the relationship between women's gender-based human rights, cultural rights, and economic and social rights.

What are the practical implications?

Respect without Relativism

In recent decades, people around the world have experienced rapid social change as a result of accelerated economic globalization. In many contexts, people have responded to experiences of economic dislocation, migration, loss of livelihoods and armed conflict by invoking a rigid and monolithic conception of culture that is intended to reassert traditional power relations and to garner a sense of stability and continuity in the face of rapid social transformations. For this reason, tensions between cultural rights and women's human rights have intensified in recent years. Tradition, like culture, is often thought to be inherent and unchanging. Yet traditional practices are not necessarily ancient; in many communities women provide a contemporary response to political and social upheaval.

Despite a contemporary understanding of culture that clarifies its changing and contested nature, "cultural relativity" is sometimes invoked to justify human rights abuses against women. The notion of cultural relativity emanates from an ethic of respect for cultural difference, which is wholly compatible with—and in fact essential to—a human rights framework. However, a problem arises when respect for difference is conflated with an injunction against opposing any practice labeled "cultural." As a result of such faulty logic, one set of rights (cultural rights) is used to excuse violations of another set of rights (women's human rights). Examples of grave violations of women's human rights that have been justified in the name of culture, tradition, or religion are "honor crimes," female genital mutilation (FGM), widow cleansing, and forced early marriage.



Those who defend such human rights violations in the name of culture tend to posit the framework of human rights in opposition to “culture.” However, this thinking assumes that it is culture that subordinates women, and modernity—in the form of universal human rights legal protections—that liberates them. This stance suggests that beliefs that underpin a human rights framework do not find origin in other value systems. In fact, a wide range of cultures put forward notions of rights and human dignity upon which to condemn violence and oppression.

What are some of the challenges to be addressed?

Reconciling Cultural Rights and Women’s Human Rights

Women, who experience human rights violations on the basis of both gender and culture, explain that it is not “culture” that lies at the root of women’s oppression, but practices and norms that deny women gender equity, education, resources, and political and social power. While culture needs to be understood as part of the context in which human rights abuses occur, it does not rationalize or justify these abuses. The report of the Special Rapporteur on Violence Against Women³ (1996) declares, “It is important to emphasize that not all customs and traditions are unprotective of human rights... However, those practices that constitute definite forms of violence against women cannot be overlooked nor justified on the grounds of tradition, culture or social conformity.”

As the Special Rapporteur implies, it is true that some aspects of cultures may be used to violate women’s human rights; however, other aspects of culture may be used to promote a human rights framework. For example, before contact with colonizing powers, many indigenous communities practiced relatively egalitarian gender relations, and reproduced worldviews that define gender roles as complementary, rather than hierarchical. Thus, for indigenous women, cultural preservation as an element of cultural rights may be a strategy for transmitting values that support women’s human rights.

Today, women human rights advocates from a wide range of cultural contexts are working to ensure the continuation of cultural practices and values, while working to change cultural practices that may harm women. Women—those who navigate the lived realities of debates regarding gender and culture—are paving the way for nuanced and historically specific negotiations of “culture” and “human rights”. They are challenging this binary by demanding that states respect, protect, and fulfill both women’s human rights and cultural human rights, recognizing that both sets of rights and the interplay between them are integral to people’s enjoyment of the full range of human rights.

In response to these multiple challenges, the UN Permanent Forum on Indigenous Issues recommended (May 2006) that “appropriate United Nations organizations, including the United Nations Development Fund for Women (UNIFEM) and the United Nations Children’s Fund (UNICEF), as well as States, take immediate action to review and monitor the situation of indigenous women and provide comprehensive reports on violence against indigenous women and girls, whose suffering is based not only on gender but also on ethnicity and culture. Indigenous women must be full participants in this process”.⁴





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- ³ United Nations, Report of the Special Rapporteur on Violence Against Women, E/CN.4/1999/68/Add.2
- ⁴ United Nations, *Fifth Session Report of the Permanent Forum on Indigenous Issues*, E/C.19/2006/11, paragraph 47 and 55.



GENDER AND INDIGENOUS PEOPLES' ENVIRONMENT

Indigenous Peoples believe that there is a holistic interconnection among all things on the planet: animals, plants, natural forces, human beings and the supernatural life. The state of environment will predict the health and state of people who depend upon its provisions. The environment is the provider of life for all human beings who depend on its bounty to survive.

BRIEFING NOTE NO. 5

In contrast to the values of the mainstream dominant culture, indigenous peoples tend to value their cultures, languages and spirituality more than they do simply increasing capital gains. Some indigenous peoples also continue to live according to their traditional livelihood practices.

Indigenous peoples understand clearly the relationship between development for someone else, and their own underdevelopment. They also understand clearly the impacts of certain approaches to development on the environment and on the health of their peoples. For example, practices such as monoculture cash crop production, use of genetically modified seeds and mineral extraction lead to environmental contamination and threaten indigenous peoples' ecosystems. Similarly, indigenous communities continue to be expelled from their territories under the pretext of the establishment of protected areas or national parks.

Indigenous women have played a fundamental role in environmental conservation and protection throughout the history of their peoples. As stated by the Malukan Declaration, *"Indigenous women have a fundamental role in environmental conservation and preservation throughout the history of our Peoples. We are the guardians of Indigenous knowledge and it is our main responsibility to protect and perpetuate this knowledge. Our weavings, music, songs, costumes, and our knowledge of agriculture, hunting or fishing are all examples of some of our contributions to the world. We are daughters of Mother Earth and to her we are obliged. Our ceremonies recognize her and we return to her the placentas of our children. She also safeguards the remains of our ancestors."*¹

Why is gender important?

Gender mainstreaming is particularly relevant as it promotes positive values and skills to contribute to human dignity, identity and intercultural dialogue.

Indigenous women and men both offer unique perspectives, which take into account traditional knowledge and awareness of the environment. Indigenous peoples' societies generally view gender as complimentary and egalitarian, where each role is defined but complimentary to the other. For instance, indigenous men may focus on cultivation and indigenous women may plant and gather the foods, so both roles are necessary and complimentary in the holistic relationship of the family/community.

Traditionally, indigenous women and men had equal access to lands, animals and resources, and this was beneficial to the collective. However, as a result of the integration and assimilation efforts of dominant cultures, capitalistic systems and the ideal of individual ownership, indigenous peoples, and in particular women, experience fewer opportunities to access their natural resource and lands. So, nowadays the balance and harmony within indigenous societies has been influenced by the dominant patriarchal and capitalistic culture.





Gender relations within indigenous communities have been changing alongside the transformation that their own environment has undergone, especially in the face of colonization. Contemporary pressures such as global economies, political and resource wars, competing national interests, capitalistic dominations and others, all contribute to changes within indigenous peoples' environment and thus gender roles.

How does the application of a gender perspective make a difference?

Considerable attention has been devoted to the relationship between indigenous women and the environment, and extensive efforts have been made to identify the effects of the international environmental crisis on women. Momentum was gathered at the third session (2004) of the United Nations Permanent Forum on Indigenous Issues (UNPFII), where it was recognized that the themes of "indigenous women" and the "environment" are interlinked, and that these must be incorporated into policy planning.

The application of the perspective of indigenous women in terms of environmental issues is critical because the experiences of indigenous women and men differ according to gender; thus, both roles are necessary to appreciate. When considering the environment, the application of an indigenous perspective of gender would take into consideration the biosphere in its entirety, as well as a holistic manner of viewing human interaction with the environment. For example, in East Africa, indigenous women are interested in natural resources, such as tree branches for firewood and shrub leaves and roots for medicine. The women seek and prepare food, medicine, fuel and building materials. Indigenous men also rely upon natural resources, for example to water their animals and to create settlements. Both indigenous women and men have a great responsibility to ensure that they work in such a way that resources will not be depleted or polluted².

As indigenous peoples increasingly interact with dominant economies, it is often indigenous men, rather than women, who are involved in the decision-making and planning of projects related to the environment and natural resources. Because indigenous women are not adequately included in such processes, gender differences are often neglected in project design and in terms of practical implications. Furthermore, as women rarely own the land they cultivate, there is little incentive for them to make environmentally sound decisions, while their lack of access to credit hinders them from buying technologies and inputs that would be less damaging to natural resources. These negative factors set up a cycle of declining productivity, increasing environmental degradation and food insecurity for the future.

Men and women need to be aware of the threats that environmental degradation poses to food security. Indigenous women in particular, need to be informed about alternative methods of farming, cooking, heating and waste disposal. Gender-sensitive planning in training and technology development would not only improve production today, but it would also ensure the protection of the environment for tomorrow.

Within this context, the UNPFII in its fifth session (2006) emphasized *"the unique contributions made by indigenous women within their families, communities and nations and at the international level in terms of possessing and transmitting intergenerationally a wealth of traditional knowledge on the conservation of biodiversity and sustainable environment management."*³

What are the key issues to be considered?

Environment and sustainable development for indigenous peoples have been closely linked with the rights to land, territories and resources and self-determination, and at the same time the erosion of indigenous peoples'



institutions and technologies/knowledge systems. Many of these systems traditionally and customarily reflect a more equitable gender paradigm than those of the mainstream cultures and societies.

The Convention on Biological Diversity (CBD) in its Preamble recognizes *“the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation”*.

Indigenous peoples and more specifically women, who have sustainably managed natural resources for generations, could lose from a liberalization process. Natural resources are being plundered at unsustainable rates at the expense of future generations. It is an imperative to leave sufficient resources for current and future generations in the North and the South to meet the needs of their population, whilst at the same time preserving biodiversity.

Land, territory, natural resources and conflict: These issues are closely linked due to the fact that indigenous peoples’ lands often contain valuable natural resources, such as forests, minerals and hydrocarbons.

Globalization: Resistance has been a sustained strategy of indigenous peoples over the centuries. Indigenous peoples’ capacity to adapt new cultural elements to their socio-cultural structures has been among their resistance strategies. Globalization presents new challenges both for indigenous men and women in many parts of the world. Indigenous women’s roles have eroded due to the compounding factors of loss of natural resources and depletion of the ecosystems, the increasing transformation of indigenous traditional economies into cash economies, changes in local, social and decision-making structures, and their lack of political status within States. Indigenous women, while sharing many of the concerns in the areas of poverty, human rights, and economic and social development with other women throughout the world, also offer a distinct and important perspective on these issues.

Globalization has undermined the role of indigenous women as essential contributors to the family’s economic and social well-being, and has contributed to imposing upon indigenous women a situation of dependency and vulnerability. In particular, the traditional roles of indigenous women have been impacted by globalization-related dispossession of land, including by multinational corporations seeking to exploit resources on indigenous lands and territories.⁴

What are the practical implications?

Equitable participation: In both urban and rural areas, environmental degradation negatively impacts the health, well-being and quality of life of the general population, and especially of girls and women. Environment degradation often displaces indigenous communities, especially women, from income-generating activities while greatly adding to unremunerated work. Particular attention and recognition should be given to the role and special situation of indigenous women to facilitate their full and effective participation in policy formulation and in the design, implementation, monitoring and evaluation of environmental programmes or projects.

Diversity of indigenous societies: Indigenous peoples are not a homogenous group of people; they have diverse cultures and lifestyles in different regions and environments. In some cases, States ignore this rich diversity and impose institutional structures that are not culturally appropriate. Indigenous peoples often face additional challenges to continuing their traditional livelihoods and customs due to loss of control over their lands and territories and in cases where governments and corporations encroach upon such territories to develop or extract resources.





What are some of the challenges to be addressed?

It was once believed that natural resources had an unlimited capacity to meet humanity's needs. It is now widely understood that the environment is under threat and in need of protection.

At its third session (2006), the UNPFII recognized that *"Indigenous women throughout the world are among the most marginalized groups, suffering discrimination not only on the basis of gender, but also on the basis of race, culture and class as well [...]. Top down and paternalistic approaches to development have provided a social and economic environment whereby indigenous women have suffered from the effects of poverty, the breakdown of traditional social mechanisms and institutions, violence and militarization, dislocation and migration, and the depletion of their natural environment and resources."*⁵

Decision-making processes: Indigenous women remain largely absent at all levels of policy formulation and decision-making processes related to natural resource and environmental management, conservation, protection and rehabilitation. Their experiences and skills in advocacy for and monitoring of proper natural resource management too often remain marginalized in policy-making and decision-making bodies, as well as in educational institutions and environment-related agencies at the managerial level. Too few governments consult with indigenous peoples regarding environmental laws or policies.

Implementation of recommendations: Various declarations recognize the critical role of indigenous peoples in ensuring sustainable development of the environment at family, local, national and international levels. However, a great deal must be done to ensure implementation of such declarations, especially at the national level. Measures that ensure the full and effective participation of indigenous women in implementation, follow-up work and monitoring concerning gender and environment must be adopted. The challenge is to impact the political will of States on environmental issues so that indigenous peoples' issues and in particular indigenous women's issues are fully taken into account.

Access to resources: The very real issues of social stratification and the socially structured forms of access to power and resources are dynamics at play within a community and must be examined more closely. Indigenous women and men often relate to their environment very differently according to their cultural and social norms and roles. Natural resource development policies must reflect these realities.


Capacity-building: it is important to recognize indigenous women's' roles, their particular knowledge of ecological linkages and fragile ecosystem management, and that they also often provide the main labour force for subsistence production, including production of seafood. Their role is crucial to the provision of food and nutrition, the enhancement of the subsistence and informal sectors and the preservation of the environment. It is crucial to establish funds for indigenous women's capacity-building and their participation in meetings at the international, regional and national levels. Capacity-building training of indigenous women will help them gain leadership skills and become community advocates and defenders for indigenous women's rights to achieve gender equity, including in the area of sustainable development.




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 INDIGENOUS WOMEN HAVE MADE IMPORTANT STRIDES
IN ADVANCING THEIR RIGHTS AS WOMEN AND AS INDIGENOUS
PEOPLES THROUGH THE USE OF A HUMAN RIGHTS FRAMEWORK.

POSITING INDIGENOUS RIGHTS AND WOMEN'S RIGHTS AS
INEXTRICABLY LINKED, INDIGENOUS WOMEN WORK TO SECURE THESE
INTER-RELATED RIGHTS USING INTERNATIONAL HUMAN RIGHTS
INSTRUMENTS SUCH AS THE CONVENTION ON THE ELIMINATION OF
ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW). 



GENDER AND INDIGENOUS PEOPLES' HUMAN RIGHTS

The international movement of indigenous peoples has since the 1970's articulated indigenous peoples' aspirations in human rights terms. Indigenous women and men have struggled together at national, regional and international fora to define and promote the human rights of indigenous peoples.

BRIEFING NOTE NO. 6

Article 2 of the Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in September 2007 states that “[i]ndigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”

This note focuses on indigenous women's human rights within the broader context of internationally recognized human rights, including the human rights of indigenous peoples.

In recent years, indigenous women have made important strides in advancing their rights as women and as indigenous peoples through the use of a human rights framework. Positing indigenous rights and women's rights as inextricably linked, indigenous women work to secure these inter-related rights using international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).¹

While indigenous women conceive of women's human rights and collective rights as two parts of a coherent whole, conventional interpretations and applications of human rights often compartmentalize sets of rights, sometimes even setting them in opposition to one another. For this reason, the ways in which indigenous women claim and use human rights at times departs from the conventional human rights framework. However, rather than causing discord, that difference can provide a point of vibrant engagement, strengthening an intercultural, gendered understanding and application of human rights that both promotes the rights of indigenous women and enhances the human rights framework itself.

Indigenous women seek to protect and advance the fundamental principles of human rights, including the indivisibility and the universality of human rights, inflecting each with a unique indigenous women's perspective. Indigenous women draw on instruments including the Charter of the United Nations², the Universal Declaration of Human Rights³, the International Covenant on Economic, Social and Cultural Rights, the International Covenant of Civil and Political Rights⁴, and the International Convention on the Elimination of all Forms of Racial Discrimination⁵ to promote their rights as women and the collective rights of indigenous peoples, taking gender and the principle of non-discrimination into account.

Why are gender issues important?

How Indigenous Women Define Indigenous Women's Human Rights

Indigenous women hold that the indivisibility of rights means that indigenous women do not enjoy the full range of human rights when the collective rights of their peoples are violated. Indigenous women's capacity to





exercise the fundamental social, economic, cultural, and political rights guaranteed in international instruments is inextricably tied to their right to self-determination in their territories. These ancestral lands are the basis of indigenous cultures, traditions, spiritual practices, economies, and political systems.

Indigenous women's claim for a conception of women's human rights predicated on collective rights challenges both the conventional human rights paradigm and mainstream conceptions of women's human rights, which both posit the individual as the only subject of rights. Since the World Conference on Human Rights in Vienna in 1993, the global women's movement has succeeded in shifting the traditional rights framework by displacing the dichotomy between the private and public spheres and insisting on states' responsibility for rights violations committed by non-state actors. But indigenous women's claims represent more than an extension of the existing human rights framework: they require an overhaul of underlying assumptions starting with the notion that collective rights threaten, rather than complement, individual rights.

How does applying a gender perspective make a difference?

The Universality of Rights: How Indigenous Women Negotiate Tensions between Culture and Human Rights

Indigenous women understand universality to mean that every woman in the world is entitled to exercise the full range of her rights without exceptions based on culture, tradition, or religion. Since the advent of the human rights framework, conceptions of culture have been placed in opposition to principles of universal human rights. Most commonly, the concept of "cultural relativity" has been used to justify violations of women's human rights by designating abuses as "cultural" and therefore beyond the legitimate reach of human rights. Indigenous women articulate positions outside of the relativist/universality dichotomy, rejecting the underlying premise of both sides, namely, that women are the victims of culture⁶.

While culture can be used as an excuse to violate human rights, it can also be used to promote rights, for example, by emphasizing cultural values of fairness, egalitarianism, and the sanctity of human life that underpin both the human rights framework and many of the world's cultures. This approach positions human rights in dialogue with—not in opposition to, local cultures. Thus, indigenous women see the prohibition of rights violations (as enshrined, for example in Articles 2(f) and 5(a) the Convention for the Elimination of All Forms of Discrimination Against Women, which require states to abolish customs and practices that violate women's human rights) as a crucial, but partial, step in securing human rights. Building on CEDAW, indigenous women seek to find points of alignment between international human rights instruments and local values and practices that uphold women's rights, thus promoting both gender equality and cultural identity as two crucial bases for the full enjoyment of human rights.

What are the key issues to be considered?

Indigenous Women and Indigenous Peoples' Rights

Indigenous women work to promote the rights of their peoples at every level of indigenous life. Their primary involvement is at the community level, where women play leadership roles in producing indigenous culture and identity and developing strategies to address the social problems that affect indigenous communities. Women's leadership in this realm is based on their traditional responsibility for conservation and maintenance of natural resources and for preserving, developing and transmitting indigenous knowledge and culture. In many instances, indigenous women are the primary producers of food in their communities and share custodianship of biodiversity



for many of the world's ecosystems. Indigenous women are also often practitioners of medicine, pharmacology, botany, and nutrition, and the keepers of the agricultural technology that sustains the polycultures critical to maintaining biodiversity the world over. In addition to being the stewards of environmental, technical, scientific, cultural, and spiritual knowledge, indigenous women are also the primary transmitters of this knowledge to younger generations. Often knowledge is gendered so men share with boys and women share with girls. Indigenous women also hold the keys to combating poverty in their communities and creating and implementing strategies for sustainable development together with indigenous men.

Indigenous peoples have been active in all areas of politics and indigenous women often play leadership roles in local and territorial governments and in national and international arenas, serving as mayors, council members, parliamentarians and national deputies. At the state level, a number of indigenous women have promoted multiethnic democracies and respect for human rights. They have been instrumental in winning and monitoring implementation of national policies regarding education, health, social services, natural resource management, and economic development.

Indigenous women have also been active in the international human rights arena and within the United Nations system itself since the First UN World Conference on Women in Mexico in 1975. Indigenous women have presided over the United Nations Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. Indigenous women have worked to impact international debates on environment, economy, intellectual property and collective rights of indigenous and tribal peoples, among other issues. At the 4th World Conference on Women held in Beijing in 1995, indigenous women produced a 40-point 'Declaration of Indigenous Women,'⁷ which urged governments and non-state actors to adopt concrete measures to promote and reinforce national policies and programs in favour of indigenous women regarding issues of human rights, health, education and economic development. At the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia, and other Forms of Intolerance, international indigenous women's networks collaborated to secure the effective participation of young indigenous women in this international process. In 2007, a number of indigenous women were instrumental in securing the adoption by the General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples⁸.

What are the practical implications?

What are the Primary Human Rights Issues Faced by Indigenous Women?

At the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia, and other Forms of Intolerance, indigenous women were among the many groups who contributed to an NGO Declaration that described how women are affected by the intersection of multiple forms of discrimination: "multiple forms of discrimination against women limit or negate women's potential for the full enjoyment and exercise of their human rights and fundamental freedoms in all spheres of life ... racism also creates other forms of patriarchal subordination of women."⁹ This intersectional approach recognizes that people's experience of human rights is mediated by multiple identities, including race, class, ethnicity, religion, sexual orientation, gender, age, disability, citizenship, national identity, geopolitical context, and health. For indigenous women, compounded discrimination on the basis of gender, economic status, and ethnicity manifests itself in human rights violations rooted in: development aggression; armed conflict and the militarization of indigenous territories; displacement, migration, and urbanization; the denial of basic services, including intercultural education, sanitation, and health care; fundamentalisms and "harmful traditional practices"¹⁰; and gender-based violence.





Indigenous Women and the Global Movement for Women's Human Rights

Indigenous women have been active in the global women's movement since its inception and have played leadership roles in processes that yielded, for example, the Convention for the Elimination of All forms of Discrimination Against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (known as the Belem do Para Declaration), and the 1995 Beijing Platform for Action. Yet, indigenous women have often been marginalized within the broader movement for women's human rights, which tends to stress the universality of women's oppression at the expense of recognizing differences in the forms and subjective experiences of that oppression. Indigenous women also believe that many non-indigenous women, as colonizers, have hardly come to terms with oppression of indigenous peoples, especially indigenous women. In response, indigenous women have worked in the international arena to articulate their own perspective on women's human rights. In 1999, at the Beijing + 5 Review Process, indigenous women founded the International Indigenous Women's Forum to strengthen indigenous women's networks; increase their participation and visibility in the international arena; and develop Indigenous women's leadership capacity.

At the 49th Session of the Commission on the Status of Women (CSW) in March 2005 in New York, where the review and evaluation of the Beijing Declaration and Platform for Action took place, indigenous women proposed a resolution¹¹, which was adopted by the CSW, the first on indigenous women. The resolution highlights their rights and specific needs, including regarding poverty and violence, and was considered a tremendous achievement for indigenous women.

Indigenous women are committed to participating in the global women's movement on the basis of their own perspectives and priorities. For example, indigenous women support calls in the Beijing Platform for Action, the Millennium Development Goals, and elsewhere for increased access to girls' education. However, indigenous women also note that the dominant paradigm of schooling has been used to as a tool of forced assimilation against indigenous peoples. Indigenous women therefore prioritize inter-cultural education as a strategy to meet the need for girls' education while protecting cultural rights.

What are some of the challenges to be addressed?

Ways forward

Indigenous women are often the most marginalized sector of the societies in which they live. They are denied education and health services at much higher rates than non-indigenous women, and endure higher incidences of poverty, preventable diseases, gender-based violence and maternal mortality. Indigenous women work to combat human rights violations by promoting indigenous women's leadership at the local, national, and international levels and by demanding recognition of indigenous women's roles in promoting the rights of their peoples.

Towards that end, indigenous women have utilized and relied on the United Nations system for crucial support through such channels as the UN Permanent Forum on Indigenous Peoples, which has adopted more than 80 recommendations regarding the situation of indigenous women and which dedicated its third session to indigenous women's issues; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the Expert Mechanism on the Rights of Indigenous Peoples; and a series of projects at the country level supporting planning and programming of UN initiatives¹².



References:

- ¹ *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.
- ² *Charter of the United Nations* June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945. See Article 55 and Article 73.
- ³ See Articles 2, 22 and 25.
- ⁴ *International Covenant on Civil and Political Rights*, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. See Articles 1, 2, 3, 26 and 27.
- ⁵ *International Convention on the Elimination of All Forms of Racial Discrimination (1965)*. See Article 1 and Article 5.
- ⁶ *“Bringing Indigenous Perspectives to the International Arena: An Indigenous Women’s Conference”, International Indigenous Women’s Forum Declaration, New York 2005. See paragraph 5.*
- ⁷ *Beijing Declaration of Indigenous Women*; NGO Forum, UN Fourth World Conference on Women Huairou, Beijing.
- ⁸ A/RES/61/295
- ⁹ *NGO Forum, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, August 27-Sept 1, 2001*
- ¹⁰ *See Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children; www.ohchr.org/english/about/publications/docs/fs23.htm*
- ¹¹ Final Report on the 49th Session of the Commission on the Status of Women E/CN.6/2005/11
- ¹² Collection of case studies *Indigenous Women and the United Nations System*, Task Force on Indigenous Women/IANGWE, 2007.



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