



# MAIRIN IWANKA RAYA

INDIGENOUS WOMEN STAND AGAINST VIOLENCE

A Companion Report to the United Nations  
Secretary-General's Study on Violence Against Women

### **Photo Credits**

©MADRE: Pages 8, 14, 24, 37  
©Elizabeth Rappaport/MADRE: Cover; Pages 13, 20, 30, 39, 43  
©Nick Gordon/ Ardea/Retna: Page 44  
©Penny Tweedie/Corbis: Page 5  
©Jeremy Horner/Corbis: Page 50  
©Lindsay Hebbard/Corbis: Page 52

# MAIRIN IWANKA RAYA

INDIGENOUS WOMEN STAND AGAINST VIOLENCE

A Companion Report to the United Nations  
Secretary-General's Study on Violence Against Women



## TABLE OF CONTENTS

iv	<b>What is FIMI?</b>
1	<b>Foreword</b>
2	<b>Acknowledgements</b>
3	<b>Introduction: The Context of This Report</b>
	<b>Part 1. Toward an Indigenous Women's Approach to Gender-based Violence</b>
6	<b>A. Articulating a Theoretical Stance to Combat Violence Against Indigenous Women</b>
6	<b>B. Working from the Intersection of Three Movements</b>
	1. <i>Collective Indigenous Rights as a Key to Anti-violence Strategies</i>
	2. <i>Claiming Human Rights</i>
	3. <i>Women's Human Rights and the Global Women's Movement</i>
11	<b>C. Developing an Indigenous Conception of Gender-based Violence</b>
	<b>Part 2. Manifestations of Violence in the Lives of Indigenous Women</b>
15	<b>A. Neoliberalism and Development Aggression Against Indigenous Women</b>
	1. <i>Neoliberalism as Spiritual and Economic Violence</i>
	2. <i>Piracy by Patent</i>
	3. <i>The Plunder of Natural Resources</i>
	4. <i>An Indigenous Women's Perspective on Neoliberalism</i>
	5. <i>The Need for Indigenous Women's Leadership</i>
22	<b>B. Violence in the Name of Tradition: An Indigenous Women's Perspective</b>
	1. <i>The Nature of Culture and Women's Resistance</i>
	2. <i>Rights Versus Culture: The False Dichotomy</i>
	3. <i>Reconciling Culture and Human Rights</i>
26	<b>C. State Violence, Domestic Violence, and Indigenous Women</b>
	1. <i>Restorative Justice</i>
	2. <i>Domestic Violence as Internalized Violence</i>
28	<b>D. Armed Conflict, Militarization, and Indigenous Women</b>
	1. <i>Taming the Frontier</i>
	2. <i>Rape as a Weapon of War</i>
	3. <i>Indigenous Women and Peacebuilding</i>

32	<b>E.</b>	Migration and Displacement of Indigenous Women
		1. <i>Indigenous Migration within the Americas</i>
		2. <i>Putting Indigenous Women at Risk: US Immigration Reform</i>
		3. <i>From Genocide to “Femicide”</i>
		4. <i>Cultural Violence and Compulsory Assimilation</i>
		5. <i>Displacement</i>
		6. <i>Conservation Refugees</i>
38	<b>F.</b>	HIV/AIDS and Violence Against Indigenous Women
		1. <i>Collective Rights Violations Threaten Women’s Health</i>
		2. <i>“Violence in the Name of Tradition” and HIV/AIDS</i>
		3. <i>Barriers to Treatment and Prevention for Indigenous Women</i>
		4. <i>Traditional Medicine and HIV/AIDS</i>
		<b>Part 3. Promising Practices</b>
45	<b>A.</b>	Indigenous Women’s Community-based Anti-violence Strategies
47	<b>B.</b>	Improving Data Collection Methods for Indigenous Women
		1. <i>Five Promising Practices in Data Collection for Indigenous Women</i>
		2. <i>Developing Indicators to Measure Violence Against Indigenous Women</i>
51		<b>Part 4. Conclusion</b>
		<b>Part 5. Further Steps Toward Eradicating Violence Against Indigenous Women</b>
53	<b>A.</b>	Develop New Concepts
53	<b>B.</b>	Strengthen Indigenous Women’s Advocacy
54	<b>C.</b>	Promote Indigenous Women’s Leadership
54	<b>D.</b>	Advance Indigenous Peoples’ Rights
55		<b>Endnotes</b>
60		<b>Special Contributions</b>
61		<b>Relevant International Documents on Violence Against Indigenous Women</b>
63		<b>Relevant Reports on Violence Against Women</b>



# What is FIMI?

Since 1999, the International Indigenous Women's Forum, known by its Spanish acronym, FIMI (*Foro Internacional de Mujeres Indígenas*) has worked to bring together Indigenous women leaders representing Asia, Central and South America and the Caribbean, Africa, North America, Europe, and the Pacific region. FIMI works in the international arena, with a strong awareness of the need to coordinate and integrate strategies for the advancement of Indigenous women's human rights at the local, national, and international levels.

FIMI works to ensure that the perspectives, recommendations, and methodologies of Indigenous women who work within their communities are reflected in international human rights discussions and processes, and to infuse human rights principles into the work of Indigenous organizations in local settings. FIMI supports capacity-building trainings to strengthen local Indigenous women's leadership, and collaboration between local women's movements. And FIMI strives to advance a dialogue between different movements, including the global women's movement and the Indigenous women's rights movement, with the aim of advancing human rights for all people.

# FOREWORD

*Mairin Iwanka Raya* —New Beginnings—for Indigenous women of the world to stand up against violence. In Miskito, we believe in the spirit of the Liwa Mairin, who controls the forces of nature. She sits at the center of the river, caring for it and allowing us to be renewed by its water.

In that same spirit of renewal and beginning, the International Indigenous Women's Forum (FIMI / IIWF) puts forward an analytical report that serves as a contribution to the evolving work on violence against Indigenous women.

We highlight two principal components throughout the report: 1) the spiritual dimension of violence against women, and the need to center the discussion on violence on the “whole” of the person. We understand that each of us is located within the collectivity and, in that process, we contextualize violence and take a closer look at its particularities; and 2) the need for an intercultural approach to dealing with violence against women if, indeed, we aim to build more peaceful societies.

*Mairin Iwanka Raya* is a link from our history of struggles to the generations of women leaders located all over the world. It is our hope that this report will inspire reflection, dialogue, intercultural understanding, and research among Indigenous Peoples and human rights practitioners and activists.

This report aims to incorporate a diverse array of Indigenous women's experiences dealing with violence from different generations, regions, and communities around the world. It echoes, in many respects, the findings of decades of work by Indigenous women activists to combat violence against women.

FIMI has attempted to follow the principle of the Seventh Generation, in which all decision-making is guided by a consideration of the impact of one's actions on the welfare of the seventh generation to come. In doing so, FIMI pays respect to our elders, whose wisdom continues to inform and guide our determination to advocate for women's and Indigenous Peoples' rights at local, national, regional, and international levels.

A handwritten signature in black ink, appearing to read 'Mónica Alemán', with a stylized flourish at the end.

Mónica Alemán, Coordinator  
International Indigenous Women's Forum

# ACKNOWLEDGEMENTS

*Mairin Iwanka Raya* could not have been realized without contributions from individuals and institutions which, in many ways, accompanied this effort for the last two years. Though it is not possible to name them all, I would like to thank them all:

The funding community has been an important ally, providing the financial support needed to bring the voices of Indigenous women to decision-making arenas. MADRE, HIVOS, the Global Fund for Women, and others around the world have set an example by their ongoing commitment to the work of FIMI.

Tinki, tinki, tinki pali\* to Victoria Tauli-Corpuz, Myrna Cunningham, Tarcila Rivera, and Lucy Mulenkei, the visionaries of this report. They are women whose lives reflect the true spirit of liberation and justice in the world of today. Our thanks to Elsa Stamatopoulou, who always opens the doors of the Secretariat of the United Nations Permanent Forum on Indigenous Issues (SUNPFII) to Indigenous women and who recognizes the importance of our contribution. And to Vivian Stromberg, Executive Director of MADRE, our ally and friend in the struggle for social change. She has made MADRE a welcoming home for Indigenous women. Many of the ideas in this report were developed in partnership with these women and the organizations they represent.

We gratefully acknowledge colleagues who provided information, insight, time, and passion. Your tireless reviewing of this manuscript, making sure that all was included and that the end result was this outstanding report. *Mairin Iwanka Raya* is the result of a collective effort of the team of women that supports the ongoing work of FIMI in New York. Based at the MADRE office, their dedication and conviction drove us all the way to the end of this long process. Our special thanks to Yifat Susskind, Irene Schneeweis, Beth Uzwiak, Mayra Moro Coco, and Natalia Caruso. We are extremely grateful to Carolina Paula for her layout and design of this report.

In the last two years, courageous and spirited women on the ground inspired our work every day. They have given us the opportunity to learn from their successes in dealing with violence against Indigenous women in their countries and communities. Some of those women are: Ina Hume, Rebecca Lolosoli, Rose Cunningham, Mirian Masaquiza, Viviana Figueroa, Celeste McKay, Ellen Dictan-Bang-oa, Susana Marley, Hubbie Hussein, and Martha Sanchez. We couldn't send this report out into the world without thinking about them and thanking them for setting the record straight.

We acknowledge the efforts of the United Nations Division for the Advancement of Women to facilitate civil society's participation at the United Nations.

Our special thanks to Celia Aguilar, Mariana Lopez, Lydia Alpízar, Marijke Velzeboer-Salcedo, and Ana Elena Obando for being there always with suggestions, research, referrals, and consultations.

A big Tinki to Charlotte Bunch for joining Indigenous women, encouraging a partnership, and embracing our perspective and contributions to the global women's human rights movement in order to strengthen an inclusive struggle to end violence against all women.

\* Tinki Pali, thank you in Miskito.

A handwritten signature in black ink, appearing to read 'Mónica Alemán', with a stylized flourish at the end.

Mónica Alemán, Coordinator

International Indigenous Women's Forum



# INTRODUCTION: THE CONTEXT OF THIS REPORT

*Mairin Iwanka Raya* reflects the experiences and perspectives of FIMI in its work to advance the rights of Indigenous women. It is part of a process of Indigenous women's anti-violence work, underway since the onset of discrimination against Indigenous Peoples. FIMI acknowledges that whatever contributions this report is able to make toward combating violence—including developing the voices of Indigenous women as thinkers and political actors—rests on the legacy of resistance built by Indigenous women who have come before.

Over the past 30 years, Indigenous women have worked through organizations such as Chirapaq (Centro de Culturas Indígenas del Perú), CIPAD (Center for Indigenous Peoples' Autonomy and Development), IIN (Indigenous Information Network), NWAC (Native Women's Association of Canada), and Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education) to secure their rights in the international arena. Since 2005, FIMI, in partnership with the international women's human rights organization MADRE, has been a member of the United Nations Task Force for the Study on Violence Against Women,<sup>1</sup> participating actively and submitting comments that reflect the histories and contemporary experiences of Indigenous women around the world. On the task force, FIMI emphasized the importance of studying violence against women in relation to aspects of identity beyond gender, using an approach that accounts for the ways that identities and systems of domination interact to create the conditions of women's lives. FIMI noted that certain groups of women are specifically targeted with violence and systematically denied access to mechanisms to redress abuse. FIMI therefore urged that the 2006 UN Study on Violence Against Women address the particular threats to, for example, Indigenous women, girls and young women, and women of all sexual orien-

tations. In particular, FIMI emphasized that the entire study (including conceptualization, research methodology, and writing) must reflect the multiplicity of ways that violence against women is mediated by the interplay of identities.

"FIMI emphasized the importance of studying **violence against women in relation to aspects of identity** beyond gender, using an approach that accounts for the ways that identities and systems of domination interact to create the conditions of women's lives."

Due to the global political climate in which the 2006 UN Study on Violence Against Women was being conducted, FIMI became increasingly concerned that the needs, rights, and perspectives of Indigenous women would not be adequately reflected in the study. FIMI identified this problem not only as a result of the historic denial of the rights of Indigenous Peoples, but also as a function of a political moment in which States have unleashed a backlash against women's rights, Indigenous rights, and, indeed, human rights generally. Particularly since September 11, 2001, narrowly defined notions of national security have been used by States to roll back human rights generally and Indigenous rights in particular. Meanwhile, highly politicized notions of "culture" have been used by State and non-State actors to roll back women's rights in general (starting with reproductive rights), and the rights of Indigenous and other "minority-culture" women in particular. These trends have converged to produce a concerted threat to Indigenous women's right to a life free of

violence. FIMI therefore resolved to produce a separate report on violence against Indigenous women.

## GOALS OF THIS REPORT

This report seeks to contribute to the development of a human rights discourse capable of generating concrete, effective strategies to combat violence against Indigenous women. It aims to bridge persistent gaps between the global women's movement and the international Indigenous movement by putting forward an Indigenous conception of gender-based violence.

This report aims to enhance the knowledge base of the Indigenous women's movement and to communicate Indigenous women's perspectives to allies and colleagues whose anti-violence work is grounded in other perspectives. This report seeks to further a shared understanding of the context in which Indigenous women are targeted for violence. FIMI believes that a stronger contextual analysis is needed to illuminate root causes of violence against Indigenous women. Finally, this report aims to contribute to the work of civil society organizations to combat violence against Indigenous women by building on existing work, such as Amnesty International's 2004 publication, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*.<sup>2</sup>

FIMI recognizes the valuable contributions of UN agencies such as the United Nations Development Fund for Women (UNIFEM), the United Nations Population Fund (UNFPA), and the United Nations High Commissioner for Refugees (UNHCR) in developing guidelines, strategies, and legal imperatives to combat violence against women. However, significant aspects of this body of work (including the 2006 UN Study on Violence Against Women) need to be adapted, and, in some cases, fundamentally changed in order to support effective strategies for combating violence against Indigenous women. Therefore, this report will not only build on existing anti-violence efforts, but take aspects of that work in new directions, introducing concepts that support a uniquely Indigenous approach to combating violence against women.

This report is also intended as a companion piece to the 2006 UN Study on Violence Against Women. As such, it seeks to enhance the Study's capacity to support further action by United Nations Member States, particularly action that will address the specific rights and strengths of Indigenous women in efforts to combat gender-based violence. By exploring manifestations of violence against Indigenous women, this report seeks to further the understanding within the UN system and among civil society organizations that violence against women is mediated by various aspects of identity and their interactions.

It is FIMI's hope that this report will contribute to discussions and serve as a bridge between multiple arenas and/or political movements. In particular, and with the aim of combating violence against Indigenous women, the report seeks to further communication and cooperation between the global women's movement and women in the international Indigenous movement. As reflected in its activities at the October 2005 international conference of the Association for Women's Rights in Development (AWID)<sup>3</sup> and elsewhere, FIMI seeks to chart a third way between the one-size-fits-all notion of global sisterhood that denies crucial power differences between women, and a relativist stance that stresses differences over potential points of connection between women. FIMI is committed to facilitating and taking part in a global exchange between Indigenous and non-Indigenous women, which will maximize all women's capacity to work toward progressive social change in their home contexts and to advance a shared platform in the international arena.

Finally, this report highlights promising practices in areas of research, political mobilizations, and community-based civil society organizations and outlines further challenges to securing Indigenous women's right to a life free of violence.



# TOWARD an INDIGENOUS WOMEN'S APPROACH to GENDER-BASED VIOLENCE



## A. ARTICULATING A THEORETICAL STANCE TO COMBAT VIOLENCE AGAINST INDIGENOUS WOMEN

To effectively address violence against women, it must be understood not as a pathology of individual and generic perpetrators and victims, but as a human rights violation of near-universal scope, which is mediated in each case by aspects of identity beyond gender, including race, class, caste, religion, sexual orientation, geography, and ethnicity. For Indigenous women, gender-based violence is shaped not only by gender discrimination within Indigenous and non-Indigenous arenas, but by a context of ongoing colonization and militarism; racism and social exclusion; and poverty-inducing economic and “development” policies. These phenomena are interactive and mutually reinforcing, as are the various aspects of identity that shape women’s experience of violence, and their strategies of resistance.

In recent years, the metaphor of “intersectionality” has been used to communicate the inter-relationships between various aspects of identity and the ways identities are used as categories for meting out privilege and oppression. Indeed, much theoretical work has been devoted to elaborating this concept and applying it in various fields, including human rights.<sup>4</sup> Yet, for Indigenous women, who have long experienced violence and discrimination on the basis of multiple identities, the notion of “intersectionality” is not an arcane academic concept, but daily lived reality. The theoretical perspective that emerges from the concrete experience of living as an Indigenous woman produces what FIMI calls an “integrated analysis” of violence against women. Such an analysis recognizes both the near-universality of violence against women and the specificity of violence perpetrated on the basis of distinct, but overlapping, identities. This approach is not only a theoretical proposition, but the bedrock of strategies that are best able to effectively combat violence against Indigenous women—indeed against all women—within a human rights framework.

## B. WORKING FROM THE INTERSECTION OF THREE MOVEMENTS

FIMI’s work to combat violence against Indigenous women situates itself at the crossroads of three interre-

“The complex interaction of the combined factors of colonization, the spread of western-style capitalism, globalization, nationalism, and top-down and paternalistic approaches to development have provided a social and economic environment whereby indigenous women have suffered.”

[Permanent Forum on Indigenous Issues, 3rd Session, 56]

lated fields: Indigenous Peoples’ rights, human rights, and women’s human rights. In particular, FIMI emphasizes that recognition of Indigenous Peoples’ collective rights is key to combating violence against Indigenous women. Indeed, this claim has been a central refrain of Indigenous women’s anti-violence initiatives around the world.

### 1. COLLECTIVE INDIGENOUS RIGHTS AS A KEY TO ANTI-VIOLENCE STRATEGIES

Indigenous Peoples have fought for centuries against genocide, displacement, colonization, and forced assimilation, preserving their cultures and identities as distinct Peoples. The ongoing attack has left Indigenous communities among the poorest and most marginalized in the world, alienated from State politics and disenfranchised by national governments. In the Americas, Indigenous Peoples have a life expectancy 10 to 20 years less than the general population.<sup>5</sup> In Central America, Indigenous Peoples have less access to education and health services, are more likely to die from preventable diseases, suffer higher infant and maternal mortality rates, and experience higher levels of poverty than non-Indigenous Peoples.<sup>6</sup> The same general pattern holds internationally.<sup>7</sup> Today, the human rights and very survival of Indigenous Peoples around the world are threatened by policies predicated on racism, exclusion, and worldviews that are inimical to Indigenous life. In many parts of the world, a centuries-long attack on Indigenous Peoples has escalated in recent years, as States and corporations scramble for control of the Earth’s dwindling supply of natural resources—many of which are located on Indigenous territories.

The threats that confront Indigenous Peoples have led some in the Indigenous movement to argue that focusing on the rights of Indigenous women is divisive, or at least secondary, to the goal of securing Indigenous Peoples’ col-

lective rights to territory and self-determination. Indigenous women are confronting and transforming this attitude, based on the knowledge that securing Indigenous women's human rights—in particular, the right to freedom from violence *as defined by Indigenous women themselves*—is integral to securing the rights of their Peoples as a whole. While the project of pursuing this claim is largely outside the scope of this report, FIMI regards it as a crucial counterpart to the challenge of carving out Indigenous spaces within the global women's and human rights movements and as a key to combating gender-based violence within Indigenous communities.

For more than three decades, Indigenous Peoples, including women, have been active in the international arena, advocating for governments to protect, respect, and fulfill Indigenous Peoples' internationally recognized rights. Indigenous Peoples have succeeded in winning recognition of some of their rights through advocacy within the United Nations system, and through international instruments, including the International Labor Organization (ILO) Convention no. 169, concerning Indigenous and Tribal Peoples in Independent Countries; the Rio Declaration on Environment and Development; the Vienna Declaration of the World Conference on Human Rights; the United Nations Educational, Scientific and Cultural Organization (UNESCO) Universal Declaration on Cultural Diversity; the Cairo Declaration on Population and Development; the creation of an Iberoamerican Indigenous Fund; the United Nations Permanent Forum on Indigenous Issues (UNPFII); and the Trust Fund for the Second Decade of the World's Indigenous Peoples.

In June 2006, the first Session of the United Nations Human Rights Council approved the International Declaration on the Rights of Indigenous Peoples, a major victory for Indigenous Peoples and our allies within the United Nations system.<sup>8</sup> The Declaration acknowledges that the Charter of the United Nations; the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right to self-determination for all Peoples, by virtue of which they freely determine their political status and freely pursue their economic, social, and cultural development.

Dr. Myrna Cunningham, an internationally recognized Indigenous leader who is an advisor to FIMI, explains collective rights and their importance to Indigenous women:

For Indigenous Peoples and Indigenous women, exercising our rights—both as Indigenous Peoples and as women—depends on securing legal recognition of our collective ancestral territories. Our territories are the basis of our identities, our cultures, our economies, and our traditions. Indigenous rights include the right to full recognition as Peoples with our own worldview and traditions, our own territories, and our own modes of organization within nation-states; the right to self-determination through our own systems of autonomy or self-government based on a communal property framework; and the right to control, develop, and utilize our own natural resources. Indigenous Peoples are entitled to these rights in addition to the rights guaranteed to all individuals by the full body of internationally agreed-upon human rights laws and standards.<sup>9</sup>

*“For Indigenous women, the **systematic violation of their collective rights** as Indigenous People is the single greatest risk factor for gender-based violence—including violence perpetrated within their communities.”*

As Part II of this report demonstrates, for Indigenous women, the systematic violation of their collective rights as Indigenous Peoples is the single greatest risk factor for gender-based violence—including violence perpetrated within their communities. Indigenous women's anti-violence strategies are therefore rooted in defending the collective rights of their Peoples.

## 2. CLAIMING HUMAN RIGHTS

The histories and daily lives of Indigenous women point to the need for a theoretical standpoint that recognizes

both the near-universality of violence against women and the particularities of Indigenous women's experiences. To develop this standpoint, FIMI relies on the human rights framework, emphasizing two foundational principles: the universality and the indivisibility of rights. FIMI understands the universality of human rights to mean, for example, that every woman in the world is entitled to exercise the full range of her rights, without exceptions based on culture, tradition, or religion. In addition, FIMI understands the indivisibility of rights to mean that Indigenous women can only enjoy their right to a life free of violence when the collective rights of their Peoples are upheld.

Like many other groups who have endured discrimination and exclusion, Indigenous Peoples have found in the human rights paradigm a cohesive global language, a moral framework, and a legal structure through which to pursue their claims. Yet, conventional approaches to human rights have failed to adequately protect Indigenous women. The problem goes beyond the discriminatory application of human rights law to the nature of how

rights themselves are conceived: namely as an entitlement of individuals rather than collectives.

Historically, even where international instruments have addressed the rights of minorities, they have usually done so by granting rights to individual members of minority groups rather than to the group as a whole.<sup>10</sup> For example, Article 27 of the International Covenant on Civil and Political Rights censures discrimination against members of minority groups.<sup>11</sup> While this approach addresses issues of minority rights and discrimination—both crucial to combating violence against Indigenous women—it continues to view the individual, rather than the minority group of which she is a member, as the bearer of rights.

Thus, the conventional human rights paradigm does not recognize that Indigenous women commonly experience human rights violations at the crossroads of their individual and collective identities. For example, widespread incidences of toxic dumping on Indigenous territories have caused a scourge of miscarriages, cancers, and other dis-





eases among Indigenous women. The individual human rights of these women are violated in such cases, but so are their collective rights, because toxic dumping degrades Indigenous Peoples' collectively owned and managed territory. Like many other violations of Indigenous women's rights, toxic dumping thus constitutes a violation of individual *and* collective rights, and requires a human rights remedy that can address both types of violations.

In the 1990s, the global women's movement succeeded in challenging the existing human 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. Today, Indigenous women are demanding a human rights consensus that recognizes collective rights as central to human rights. Such a consensus requires more than extending the human rights framework to formerly excluded groups—though that, too, must be done. Rather, defending Indigenous women's right to freedom from gender-based violence entails a fundamental overhaul of the traditional rights paradigm, which posits the individual as its subject.

FIMI does not advocate supplanting individual rights with collective rights. Indeed, the protection of individual rights is critical to the enjoyment of all human rights and to defending women's right to a life free of violence in particular. Rather, FIMI calls for overcoming the dichotomy between individual and collective rights and recognizing collective rights as a necessary complement to individual rights, integral to safeguarding those individual rights recognized in international human rights law.

### 3. WOMEN'S HUMAN RIGHTS AND THE GLOBAL WOMEN'S MOVEMENT

Since it emerged onto the world stage at the UN World Conference on Human Rights in Vienna in 1993, the global women's movement has pressed for governments to protect, respect, fulfill—and advance—women's human rights. Crucial progress has been made in some areas, including commitments to combat violence against women. Yet, more than five decades after the passage of the Universal Declaration of Human Rights,<sup>12</sup> violence against women remains a controversial issue. Only in 1995, with the passage of the Beijing Platform for Action<sup>13</sup> at the UN Fourth World Conference on Women, was the seemingly

"We maintain that the advancement of Indigenous Women's human rights is inextricably linked to the struggle to protect, respect and fulfill both the rights of our Peoples as a whole and our rights as women within our communities and at the national and international level."

[FIMI Beijing + 10 Declaration]

self-evident assertion that women's rights are human rights backed by the force of an international legal instrument. In fact, as the women of the world well know, the history of human rights is a set of principles and policy standards celebrated as universal, but applied selectively. Today, despite the landmark achievements of the global women's movement, governments worldwide continue to perpetrate, condone, and tolerate violence against women, in violation of commitments made in such instruments as the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action.

Indigenous women have been part of the global women's movement since its inception and have played leadership roles in processes that yielded, for example, CEDAW; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem Do Para); and the Beijing Platform for Action. Yet, Indigenous women's commitment to eliminating violence, their priorities in doing so, and their approach to this critical work have often been disregarded or misunderstood within the global women's movement. Indeed, the global women's movement has at times reproduced the very types of hierarchies and exclusions that it has challenged in pursuit of its goals.

The Beijing Platform for Action, which cites violence against women as one of its 12 critical areas of concern, remains the touchstone document of the global women's movement. Yet, from the perspective of Indigenous women, the Beijing Platform for Action is flawed. In fact, at the Beijing conference, 110 Indigenous women representing 26 countries gathered to write a declaration outlining their demands as Indigenous women and issued a powerful critique of the Beijing Platform for Action, entitled The Beijing Declaration of Indigenous Women.<sup>14</sup>

As this Declaration indicates, the Platform's overemphasis on gender discrimination and gender equality depoliticizes issues confronting Indigenous women, for whom human rights violations are based not only on gender, but on the *interplay* between gender and other aspects of their identities. For example, while the Beijing Platform identifies "the persistent and increasing burden of poverty," it does not acknowledge connections between poverty and economic policies imposed by elites in the Global North, nor the threats of cultural imperialism associated with economic globalization. The Beijing Declaration of Indigenous Women recognizes dispossession from territories as a crucial problem for Indigenous women, nowhere mentioned in the Platform for Action. Similarly, the Platform for Action does not acknowledge the role of western media, education, and religion in eroding cultural diversity among Indigenous Peoples. The Beijing Declaration of Indigenous Women further critiques the Platform for Action for not questioning the western orientation of most national education and health systems or noting that these systems discriminate against Indigenous Peoples.

Indigenous women's critique of the Beijing Platform for Action is part of a wider project of challenging flawed assumptions that operate within the global women's movement. One is the tendency to stress the universality of women's oppression at the expense of recognizing differences in the forms and subjective experiences of that oppression. With regard to violence against women, that tendency has produced strategies that negate the needs and realities of Indigenous women. For example, advo-

cates for survivors of domestic violence place a premium on women leaving abusive relationships—clearly a necessary strategy in many cases. However, the mainstream feminist view of women who do not leave abusive relationships as helpless or pathological<sup>15</sup> fails to recognize that for Indigenous women, separation may entail a different set of threats—including threats of violence and spiritual or cultural dislocation—that non-Indigenous women may not face. For example, when escaping an abusive partner requires an Indigenous woman to relocate outside of her community, she may face a loss of culture and identity in a social context that amounts to forced assimilation, as well as discrimination and racist violence directed at her because she is Indigenous.

One source of the discord between Indigenous women and the global women's movement is that the movement continues to be dominated by a conception of feminism that is rooted in the same liberal European intellectual traditions that inform the conventional interpretation of human rights. FIMI refers to this form of feminism, which reduces women to individual, purely gendered subjects, as "mainstream feminism." Ironically, the precepts of mainstream feminism are endorsed by only a small minority of the world's women and actually hold true for no one—for no person's identity consists only of their gender.

Yet, mainstream feminism, in fact, occupies the mainstream because of the ways that it conforms to other dominant systems of thought, and because its adherents have disproportionate access to education, technology, media, funding, and professional opportunities that enable them to assert their point of view over other perspectives. When feminism is conceived of in liberal European terms as merely an extension of individual rights to women, collective rights—which are a priority of Indigenous women—are erased. Moreover, the tendency to compartmentalize and extract gender from a matrix of identity results in a failure to critique and challenge systems of domination other than "patriarchy." When "patriarchy" is analytically isolated from other systems of domination, it becomes an abstraction. In the process, the political potential of feminism is squandered.

These tendencies within the global women's movement are not the result of any program to subjugate Indigenous

"ensuring women's equal access and full participation in decision-making, equal status, equal pay [...] are meaningless if the inequality between nations, races, classes, and genders, are not challenged at the same time."

[Beijing Declaration of Indigenous Women, 16]

Peoples. Rather, they result from mainstream feminists' failure to recognize and critique the intellectual foundations of their politics and to see their assumptions as philosophical choices that select for certain political positions and exclude others. World-majority women in the Global North and South have worked hard to share their critique of mainstream feminism and have many allies within the global women's movement. FIMI is committed to continuing the dialogue between Indigenous and non-Indigenous women within the global women's movement as a component of our work to eradicate violence against all women.

### C. DEVELOPING AN INDIGENOUS CONCEPTION OF VIOLENCE AGAINST WOMEN

Understanding violence against women from an Indigenous perspective requires interrogating the ways that gender-based violence is conceived. For example, in an effort to be comprehensive and to address violence perpetrated by both State and non-State actors, most contemporary studies of violence against women (including the 2006 UN Study on Violence Against Women) categorize gender-based violence as occurring in the family, community, and State. FIMI questions whether these are useful categories from an Indigenous perspective: what types of violence are emphasized when we use these categories? What types of violence are effaced? How do these categories help or hinder our capacity to address new forms of violence that are emerging globally?

It is not that the categories of family, community, and State do not apply to Indigenous women, but rather that Indigenous definitions of, and relationships to, those categories need to be taken into account. Many policymakers, human rights practitioners, and women's rights activists assume that the designation of "family" refers to the atomized nuclear family of parents and children in a single household. In this setting, violence is thought to be structured by power relations within the family and reinforced by women's isolation within the home. Strategies to combat violence against women that are predicated on this family model may not be useful to Indigenous women, many of whom do not live in these formations.

**"A legal framework in which **past and future do not exist** cannot adequately protect the rights of ancestors or yet-to-be-born generations."**

Similarly, the parameters of the term "community" as it relates to violence against women may be different for Indigenous and non-Indigenous Peoples. The concept of community within a human rights framework is temporally fixed and restricted to the present. But many Indigenous Peoples consider both ancestors and yet-to-be-born generations as members of their communities. This viewpoint is not a mystical notion separate from daily life, but a practical factor in decision-making that may have implications in either protecting or violating women's rights. For example, sustainable resource management among Haudenosaunee Peoples is supported by the principle of the Seventh Generation, in which all decision-making is guided by considering the impact of one's actions on the welfare of the seventh generation to come. Indigenous Peoples, like others who participate in cultural frameworks that situate individuals in historical context, may experience the human rights framework as sorely deficient. A legal framework in which past and future do not exist cannot adequately protect the rights of ancestors or yet-to-be-born generations, who are integral members of many traditional Indigenous communities.

FIMI notes that the eradication of past and future is not inherent to the human rights framework. Exceptions, such as the Rio Declaration on Environment and Development,<sup>16</sup> demonstrate that it is the conventional interpretation of the human rights framework, rather than the framework itself, that must be adjusted to accommodate Indigenous women's conception of community.

While Indigenous women have certainly been subjected to violence by States, effective anti-violence strategies must recognize and address the specific ways that Indigenous women are targeted, some of which do not apply to non-Indigenous women. For example, Indigenous Peoples—in particular, pastoralist and nomadic Peoples—are often subjected to violence when national borders bisect

their territories. Women commonly suffer harassment, extortion, and rape at the hands of State agents at border crossings. Some Indigenous women, such as the Miskito, whose territories straddle the states of Nicaragua and Honduras, cross national borders every day while working their lands or collecting medicinal plants. Similarly, Rohingya women, who are denied citizenship by Burma, are put at greater risk of sexual trafficking because they cannot legally cross State borders.<sup>17</sup> In such cases, women are made vulnerable to violence because their lives and livelihoods do not correspond to the dominant notions of citizenship and residency that shape most peoples' relationships to States.

Neither do the categories of family, community, and State adequately account for emerging forms of violence associated with crises such as bio-piracy, gene-piracy, trade in human organs, and climate change, which pose a disproportionate threat to Indigenous women. While individuals in the family, community, or State may be complicit in such forms of violence, the violence itself originates in the global arena. FIMI proposes, therefore, to include a "transnational" category to account for violence against Indigenous women that is produced or manifested in global arenas.

In addition to critiquing the ways that gender-based violence is categorized, FIMI seeks to revisit the standard definition of violence against women, as put forward in the 1993 United Nations Declaration on the Elimination of Violence Against Women.<sup>18</sup> This document defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women."<sup>19</sup> Yet, because Indigenous women's gender identity is often linked to their roles as spiritual practitioners for their Peoples, they experience particular forms of harm and suffering in realms beyond the corporeal body (denoted as physical and sexual violence in the Declaration). Similarly, because Indigenous women participate in the collective identity of their Peoples, they do not necessarily locate the harm and suffering produced by violence against women only within the parameters of the individual mind (as denoted by the term "psychological violence" in the Declaration).

Indeed, the language of the Declaration ignores significant manifestations of violence against Indigenous women by excluding terms that recognize Indigenous women's experiences of violence. FIMI seeks to introduce the concept of ecological violence to illuminate the ways that the health, livelihoods, social status, and cultural survival of Indigenous women are threatened by policies and practices that harm the Earth, its climate stability, and its many ecosystems. In addition, the category of *spiritual violence* is intended to elaborate the connection between violence against women and the systematic attack on Indigenous spiritual practices. Paula Gunn Allen—Indigenous poet, novelist, and critic—describes the historic foundations of spiritual violence against Indigenous women in the Americas:

During the five hundred years of Anglo-European colonization, the tribes have seen a progressive shift from gynecentric, egalitarian, ritual-based social systems to secularized structures closely imitative of the European patriarchal system. During this time women (including lesbians) and gay men—along with traditional medicine people, holy people, shamans, and ritual leaders—have suffered severe loss of status, power, and leadership. That these groups have suffered concurrent degradation is not coincidental; the woman-based, woman-centered traditions of many precontact tribes were tightly bound to ritual, and ritual was based on spiritual understandings rather than on economic or political ones.

The genocide practiced against the tribes is aimed systematically at the dissolution of ritual tradition. In the past this has included prohibition of ceremonial practices throughout North and Meso-America, Christianization, enforced loss of languages, re-education of tribal peoples through government-supported and Christian mission schools that Indian children have been forced to attend, renaming of the traditional ritual days as Christian feast days, missionization (incarceration) of tribal people, deprivation of language, severe disruption of cultures and economic and resource bases of those cultures, and *the degradation of the status of women as central to the spiritual and ritual life of the tribes* (emphasis added).<sup>20</sup>



As a corollary to the project of developing an Indigenous paradigm for understanding violence against women, FIMI works with women in their communities and within the international legal arena to develop an Indigenous definition of violence against women. In 2007, FIMI will conduct a series of community-based workshops through which Indigenous women around the world will determine how well the UN Declaration on the Elimination of Violence Against Women reflects their experiences and needs.<sup>21</sup> The workshops are part of a broader effort by FIMI to develop new concepts and language that can reflect Indigenous women's realities and defend Indigenous women's rights.

As part of this effort, FIMI seeks to clarify the differences between gender-based violence and violence against women—terms which are often used interchangeably. FIMI recognizes that some manifestations of violence against women (such as forced displacement) may not be gender-

based in their intent. Their designation as acts of violence against women stems, rather, from their disproportionate impact on women. In contrast, acts of gender-based violence, which can be directed at either men or women, should be understood as gender-based in their intent. For example, US forces' systematic torture and humiliation of Iraqi detainees in Abu Ghraib Prison consisted in part of attacking the detainees' gender identity (for example, by forcing them to wear women's clothing). Distinctions between violence against women and gender-based violence should be further clarified, as they may have important implications for efforts to create policies and programs to eradicate violence.







# MANIFESTATIONS of VIOLENCE IN THE LIVES of INDIGENOUS WOMEN



*“Indigenous Peoples have a body of knowledge that reflects our spirituality. It taught us how to live and how to have a relationship with our environment, which includes everything. Our relationship and our knowledge helped us to survive. Those teachings also help us to reciprocate that knowledge and energy that we take from the animals, from the oceans, from the plants. It is this kind of knowledge that we are trying to protect, but are at risk of commodifying.”*

*Ellen Gabriel, Mohawk Nation<sup>22</sup>*

A reading of declarations and outcome documents of regional meetings and conferences of Indigenous women from the Americas, Africa, Europe, Asia, and the Pacific reveals strong continuity in the issues that Indigenous women face (outlined in A-F, below). Each of these issues, which are interrelated and mutually reinforcing, generates manifestations of violence against Indigenous women.

- A. Neoliberalism and Development Aggression Against Indigenous Women
- B. Violence in the Name of Tradition: An Indigenous Women’s Perspective
- C. State Violence, Domestic Violence, and Indigenous Women
- D. Armed Conflict, Militarization, and Indigenous Women
- E. Migration and Displacement of Indigenous Women
- F. HIV/AIDS and Violence Against Indigenous Women

## **A. NEOLIBERALISM AND DEVELOPMENT AGGRESSION AGAINST INDIGENOUS WOMEN**

The corporate-driven economic model of neoliberalism has dominated a generation of policymaking in all but a handful of the world’s countries. With its hallmark policies of strengthening markets, cutting government spending, privatizing basic services, liberalizing trade, and producing goods primarily for export, neoliberalism has both exacerbated violence against Indigenous women and generated new forms of violence. In fact, each of the other

manifestations of violence examined in this report has intensified in the neoliberal environment of recent decades: neoliberal policies spur migration, violent competition for resources, and the dismantlement of health services in countries worldwide, while forms of cultural imperialism tied to economic globalization have triggered a backlash that is enacted through violence against women (in the form of what FIMI calls “violence in the name of tradition”). Neoliberalism has also worsened poverty and inequality around the world, inducing a rise in gender-based violence within families and communities.

Neoliberalism exacerbates violence against Indigenous women through the same dynamics that threaten non-Indigenous women, *but with culturally specific manifestations that must be recognized and addressed in strategies to combat gender-based violence.* For example, rates of violence within families have risen in many communities globally as men face increased strain from unemployment, loss of livelihoods, and worsening poverty associated with neoliberal policies. This trend has both a disproportionate and a culturally specific impact on Indigenous families. Indigenous Peoples are often the most excluded and discriminated-against sector of the societies in which they live, making them disproportionately vulnerable to policies that harm poor people in general. More specifically, increases in intergenerational family violence (or elder abuse) threaten the survival of Indigenous cultures. Physical abuse and neglect of Indigenous elders marks the degradation of their status as purveyors of cultural knowledge, and reflects a growing disregard for the wisdom held by elders. This breakdown in the transmission of cultural values from one generation to the next is particularly pronounced in Indigenous families that have endured displacement or migration as a function of economic “globalization.”

Indigenous women within their ancestral territories also face particular threats as a result of neoliberalism and development aggression. The impact stems from environmental racism manifested, for example, in the disproportionate use of Indigenous territories as dumping sites for industrial waste.<sup>23</sup> Indigenous territories are especially coveted by corporations seeking to commodify and acquire natural resources, including oil, gold, water, timber, and sources of medicine. These and other resources are increasingly concentrated on Indigenous territories, where their use has been governed by a cultural ethic of sustainability.

Around the world, giant hydroelectric dams, pipelines, canals, roads, and seaports have been constructed on Indigenous lands in the name of economic development and modernization. The term “development aggression” emphasizes the violence to Indigenous Peoples inherent in the implementation of such mega-projects, including forced displacement, ecological degradation of their territories, and armed conflicts. Usually associated with large-scale commercial extraction of resources and export agriculture, mega-projects are often constructed without the free, prior, and informed consent of local populations (see box). Indigenous Peoples suffer the adverse effects of such projects, but rarely benefit from the profits they generate.

Thus, in Nigeria, Ogoni and other Peoples are confronting Shell, the International Monetary Fund (IMF), and the Nigerian government, which are pursuing oil exploration on Indigenous lands. The U’wa in Colombia are also fighting oil development on their territory. The Pygmy/Bambuti in central Africa are battling logging. The Igorot, Mangyan, and Lumad Peoples in the Philippines are resisting mining on their ancestral lands, while the Penans of Serawak, the Cree of Canada, and the Mapuche of Chile are all combating World Bank dam projects.<sup>26</sup>

## 1. NEOLIBERALISM AS SPIRITUAL AND ECONOMIC VIOLENCE

As competition for resources intensifies, corporations are increasingly drawn to Indigenous territories, where most of the Earth’s remaining stores of natural resources are found. In fact, Indigenous territories constitute

some of the last remaining pristine places on Earth precisely because of the traditional role played by Indigenous women, who have sustained cultures, economic practices, and worldviews that have protected the Earth’s natural resources and biodiversity.<sup>27</sup> Today, corporate encroachment threatens the economic survival of Indigenous communities, the ecological health of their territories, and the traditional roles of Indigenous women within their communities. Each of these effects entails forms of violence against Indigenous women.

Indigenous traditions and Indigenous women themselves identify women with the Earth, and therefore perceive degradation of the Earth as a form of violence against women. This conviction is more than a metaphorical allusion to Mother Earth. It is rooted in Indigenous cultural and economic practices in which women both embody and protect the health and well-being of the ecosystems in which they live. As the traditional stewards of the natural environment, Indigenous women are particularly threatened by neoliberal policies that deregulate corporate conduct, destroy agricultural subsistence and other traditional ways of life, deplete non-renewable resources, and threaten biodiversity.

In many cases, neoliberal policies deny Indigenous Peoples access to their territories and natural resources: for example, when governments lease forests and waterways to foreign investors. Such policies constitute *economic violence* against Indigenous women as they deny women access to their Peoples’ primary sources of food, water, medicine, and building materials, which women are responsible for maintaining and providing. Through neoliberal policies that displace Indigenous communities or restrict their access to their territories, Indigenous women, who inhabit some of the Earth’s richest environments, are made poor.

Traditionally, Indigenous women spend the majority of their time procuring food and water, and cultivating extensive knowledge of local plants and animals. These practices are not only economic and scientific, but spiritual. In fact, the material and spiritual realms of life in most Indigenous cosmologies are not dichotomized as in much western thought. Indigenous women’s practices that sustain public health, economics, and ecology are also considered sacred and integral to cultural identity. For ex-

ample, Indigenous Mayans consider maize a gift from the gods and believe that humans are made from corn. For Mayans in Oaxaca, Mexico, Indigenous maize, cultivated by women, is now under threat of contamination by genetically engineered corn varieties imported from the United States.<sup>28</sup> Thus, development projects that pollute or otherwise defile natural resources are experienced as a kind of *spiritual violence* by Indigenous women, who are traditionally responsible for managing and maintaining such resources in their communities.

## 2. PIRACY BY PATENT

Around the world, Indigenous territories have, for centuries, been defined as “empty land,” allowing colonial powers—and now corporations—to expropriate and exploit them. In fact, many Indigenous Peoples identify neoliberalism as a Second Conquest, which has renewed corporations’ and States’ justification for the piracy of Indigenous crops, knowledge, and lands. Today, Indigenous lands continue to be designated as “unused” or “wilderness” in willful ignorance of Indigenous women’s long-standing and highly developed techniques for managing and maintaining these lands. Ironically, the very success of Indigenous women’s knowledge systems in preserving the health and abundance of their territories has caused these lands to be classified as “unused” (and therefore available for exploitation) in the neoliberal paradigm.<sup>29</sup>

Among the most damaging aspects of neoliberal trade rules is the fact that Indigenous knowledge and Indigenous Peoples’ management of natural resources are ascribed no value. For example, Indigenous women have developed, retained, and passed on knowledge about plant life and properties, including techniques for using plants, while preserving biodiversity. Indigenous knowledge of alternative cultivation, fertilization, pest control, and plant breeding are recognized to be of great potential scientific value. Historically, this knowledge has been developed by Indigenous women, shared, and used collectively. But international trade rules like the World Trade Organization’s Trade-Related Aspects of Intellectual Property Rights (TRIPs) fail to recognize the role played by Indigenous women in creating cultural heritage (referred to as “property” in the neoliberal paradigm). Under TRIPs rules, biotechnology companies, particularly seed and drug

### FREE, PRIOR, AND INFORMED CONSENT

FIMI endorses the concept of Free, Prior, and Informed Consent (FPIC). The principle of FPIC is central to Indigenous women’s exercise of the right to self-determination with respect to development affecting their lands, territories, and natural resources. The substantive and procedural norms that underlie FPIC empower Indigenous Peoples to meaningfully exercise choices, particularly in relation to development proposals by States and other external bodies on their ancestral lands.<sup>24</sup>

The principle of FPIC is supported by Article 7(1) of the International Labor Organization Convention no. 169, which provides that:

“The people concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.”<sup>25</sup>

companies, privatize genetic resources by obtaining patent rights, which allow them to legally exercise exclusive control over marketing the claimed material. This is a major infringement on local *usufruct* rights where communities, mostly in India, have traditionally been recognized as collective owners of local resources and innovations.<sup>30</sup> Moreover, TRIPs threatens Indigenous Peoples’ traditional access to medicines derived from local plants and animals. According to the World Health Organization (WHO), up to 80 percent of the non-industrial world’s population relies on these traditional forms of medicines.<sup>31</sup>

Alarmingly, such piracy-by-patent policies have extended to the physical bodies of Indigenous Peoples, as they are sought for their DNA. Indigenous Peoples are subject to a wide array of genetic research projects because of the

perceived uniqueness of their gene pools. Indigenous Peoples have organized to oppose projects in which scientists have violated the accepted legal standard of obtaining free, prior, and informed consent before taking genetic samples, or have allowed unauthorized secondary or commercial uses of these samples.<sup>32</sup>

### 3. THE PLUNDER OF NATURAL RESOURCES

#### *Water*

For many of the world's Indigenous Peoples, water holds spiritual value<sup>33</sup> and is therefore linked to Indigenous Peoples' cultural as well as economic survival. Privatization, unsustainable levels of consumption, the construction of mega-projects, and pollution threaten water resources for Indigenous Peoples and for all people. Reserves of water located within Indigenous territories are disproportionately targeted for exploitation, with grave implications for women, who are responsible for obtaining water for household and subsistence use. Indigenous women therefore identify the threat to the world's water resources as a threat to their own existence; in other words, as a form of violence against women.

Moreover, as the poorest sector of most societies, Indigenous women have few possibilities for adapting to the commodification of water. Unaffordable service fees for water leave many poor and Indigenous Peoples dependent on polluted water. In Kwa-Zulu Natal, South Africa, use of polluted river water led to a deadly outbreak of cholera.<sup>34</sup> Worldwide, more than two million people, most of them children, die every year from illnesses caused by unsafe drinking water.<sup>35</sup>

More than two billion people live in regions facing a scarcity of water, and scientists warn that the amount of water needed for the world's rapidly growing population will double over the next 50 years.<sup>36</sup> A 2006 United Nations World Water Development Report<sup>37</sup> warns that a deepening water crisis would fuel violent conflicts, dry up rivers, and increase groundwater pollution. These conditions are already reality for many of the world's Indigenous Peoples. As global consumption of water increases, battles rage to privatize and commodify the planet's remaining water sources. Efforts to expand the General Agreement on Tariffs and Trade (GATT) to cover public services, including the provision of water, violate the right to water

as defined by The International Covenant on Economic, Social and Cultural Rights.<sup>38</sup> The 145 countries that ratified the Covenant are obliged to ensure that every person has access to safe drinking water—equally and without discrimination. Yet, the rights to access safe, clean, affordable, and sufficient water enshrined in this document are violated by the privatization of water.

Privatization is most damaging in countries that have been impoverished through exploitation, including World Bank and International Monetary Fund (IMF) agreements that compel states to allow corporate purchase of local water sources. Local and Indigenous Peoples, as in Bolivia and South Africa, suffer as communally used water supplies are sold to multinational corporations, who then charge for this newly defined commodity. In 1999, Bolivia accepted a World Bank loan on the condition that the government privatize the water system of its largest city, Cochabamba.<sup>39</sup> When the company raised the cost of water for those in poor neighborhoods and for local farmers dependent on irrigation, Indigenous Peoples and popular sectors organized to force the company to leave. This victory demonstrated public dissatisfaction with neoliberalism, and has served as an example for other grassroots mobilizations to protect water as a basic human right.

Development projects, such as dams, on Indigenous lands also disrupt and destroy water tables, while extractive industries, such as mining, contaminate fresh water supplies. In India, private corporations, notably Coca-Cola, deplete scarce groundwater for bottling purposes. The Canadian-based Global Water Corporation signed an agreement with the local government of Sitka, Alaska to export 18 billion gallons per year of glacier water to China, where it will be bottled (mainly by low-paid, women workers) in a free-trade zone.<sup>40</sup> Local Indigenous Peoples dependent on this water for survival were excluded from the negotiations.

Pollution by multinational corporations operating in free-trade zones also violates the right to water. Women, including migrating, poor, and Indigenous women, form the bulk of workers in low-paid assembly plants ( maquiladoras ) concentrated in Latin America and Asia. Shantytowns that arise to accommodate these workers often lack potable water and sanitation systems, while waste and industri-



al run-off pollute local water sources. Women (many of them Indigenous) living in one such community on the outskirts of Guatemala City report spending a third of their wages on drinking water.<sup>41</sup>

Indigenous communities' water sources are often diverted in order to provide drinking water or electricity to urban areas. In the United States, Peabody Coal pumps more than one billion gallons of water per year from the N-aquifer under Black Mesa, Arizona. The aquifer is the sole source of water for Hopi and Navajo communities who live in the vicinity. The pumping, which started in the 1960s, has dried up streams, preventing the Hopi from conducting ceremonies that have always been integral to their traditions.<sup>42</sup>

Around the world, many Indigenous women are finding that they must now walk farther to obtain clean and adequate supplies of water for their families, sometimes spending many hours a day at this task. Often, women must search for water in areas that are dangerous and far from home, exposing them to potential hazards, including gender-based violence. Women, most often responsible for subsistence agriculture, are threatened by a lack of available water for farming. Due to water shortages, traditional Indigenous methods of subsistence farming are compromised and even eradicated, destroying traditional ecological knowledge systems and the fabric of community life.

For these reasons, Indigenous women have long been at the forefront of mobilizations to defend water sources and to demand that water, as a life-sustaining resource, be exempt from commodification under global trade rules. In 1985, in the Nuapada district in the western part of India's Orissa state, where people lacked drinking water from February to July each year, women banded together in a grassroots effort to bring water to their villages. Village leaders Subhudra Paharia and Hema Majhi initiated a movement to protest for water. After four years of organizing, the women succeeded in winning a commitment from the local government to build a water pipeline that guaranteed water all year.<sup>43</sup>

### *Extractive Industries*

Extractive industries, such as mining, are increasingly present on Indigenous lands. Women tend to be excluded

from the economic benefits of mining, and bear the burden of many negative social and environmental impacts. For example, mining tends to create jobs for men, but not for women. As a result, women become more dependent on men who earn income from mining ventures (although men are often exploited and exposed to dangerous working conditions).<sup>44</sup> Economic dependency on men, in turn, exacerbates women's exposure to gender-based violence.

Transnational mining operations often force Indigenous communities to abandon their ancestral lands. For example, mine development on Lihir Island off the coast of Papua New Guinea has destroyed sacred cultural sites and undermined traditional matrilineal ownership of land.<sup>45</sup> Mining brings noise, air pollution, soil erosion, and the destruction of forests and other natural environments that support Indigenous life, both materially and culturally. Subsistence agriculture, most often the responsibility of women, has become unprofitable where the quality of water and soil are degraded by mining.

Mining also brings a major influx of transient workers onto Indigenous territories. These workers, mostly men, often present a threat to Indigenous women, who are faced with increased incidences of sexual harassment and rape, as well as other dangers. In many Indonesian communities, mining has brought a rise in prostitution, alcoholism, and drug abuse—factors that exacerbate violence against women as well as women's risk of contracting HIV/AIDS and other sexually transmitted infections. Mining contributes to public health crises in other ways as well, causing respiratory and waterborne illnesses and skin diseases, especially among children.<sup>46</sup> Indigenous women, as the primary caretakers of their families, carry a tremendous

"The medicinal knowledge of Indigenous women is vast. Our specialized experience has made us midwives, spiritual leaders, healers, herbalists, botanists and pharmacists within our communities. Our knowledge, use and control of medicinal plants must be protected from outside research and commercialization efforts."

[The Manukan Declaration of the Indigenous Women's Biodiversity Network, 2004]

extra burden when sickness and disease increase in their communities, which often lack access to formal health services.

In addition, large-scale corporate mining operations displace long-standing and sustainable Indigenous mining practices. In areas such as the Cordillera region in the Philippines, small-scale Indigenous mining is disappearing, as are the cultural traditions associated with it. Those Indigenous women who attempt to continue mining work often incur harassment from company guards, soldiers, and police, as well as physical and sexual abuse by mine owners and contractors. As the *Iroco Declaration*<sup>47</sup> makes clear, women who cannot subsist by traditional mining may be forced into sex work, which often brings with it physical, sexual, and economic violence.

#### 4. AN INDIGENOUS WOMEN'S PERSPECTIVE ON NEOLIBERALISM

Since the 1980s, economic justice advocates have generated a significant body of knowledge regarding the detrimental impact of neoliberal policies on the world's poor, the vast majority of whom are women. Concurrently, the global women's movement has contributed to the understanding of the specific ways that neoliberalism threatens women's rights. For example, the international women's human rights organization, MADRE, notes that as gov-

ernments have abdicated responsibility for the provision of basic services, religious institutions have stepped in to provide health services that violate women's human rights by refusing to provide a full range of reproductive health services.

Concerns of Indigenous women regarding neoliberalism have not always been reflected in initiatives to advance either economic justice or women's human rights. For example, much attention has been paid to the devastating impact of Structural Adjustment Programs (SAPs) on the provision of services that poor people, especially women, rely on in order to meet their families' basic needs for healthcare, education, water, and other necessities. Indigenous women share this concern, and have been active in mobilizations to hold governments accountable to meeting people's basic needs as guaranteed, for example, in Article 23 of the Universal Declaration of Human Rights.<sup>48</sup> However, Indigenous women also emphasize that even before SAPs were imposed, Indigenous communities were denied access to state-funded education, health services, infrastructure, or job-creation programs.

Similarly, Indigenous women stress that to be effective in protecting Indigenous women from the multiple forms of violence inherent in neoliberal policies, economic and environmental policies must be designed to address the realities of Indigenous life. For example, environmental





regulations must be consistent throughout Indigenous territories and not circumscribed by national borders, which often do not correspond to the boundaries of Indigenous territories. Similarly, “eco-tourism” ventures must operate in compliance with standards designed to protect Indigenous rights. Originally conceived as a sustainable enterprise for economies based in fragile ecosystems, eco-tourism has brought researchers and tourists onto Indigenous lands, where they have engaged in bio-piracy by removing plants, soils, insects, and other organic material.<sup>49</sup> In numerous places, eco-tourism has led to environmental degradation, intrusion, and the appropriation and exploitative marketing of Indigenous heritage, cultural identity, and sacred rituals.

Thus, Indigenous women bring a unique set of concerns to initiatives for economic and environmental justice. These include the need to safeguard local traditional food systems, knowledge, and livelihoods from threats of monoculture cash-crop production for export, mineral extraction, environmental contamination, and the introduction of genetically modified seeds and hazardous technology.

Despite their tremendous diversity, Indigenous Peoples have built a consensus on the basic elements of a model of economic development, rooted in broad civic participation and principles of social justice:

1. Self-determination, understood as the possibility of independent management of their territories and resources by their own institutions, exercising their right to self-government.
2. Recovery of the culture of sustainability as a base of the local economy, to strengthen their capacities and assure food security, as well as opportunities to participate in market economies.
3. The recovery and fortification of local knowledge, spiritual, and rights systems.
4. The access to use and benefit from collective communal property such as territories, natural resources, biodiversity, and collective intellectual knowledge.

## 5. THE NEED FOR INDIGENOUS WOMEN’S LEADERSHIP

Neoliberal assumptions and policies lead to the displacement of Indigenous economies, land-tenure traditions, cultural practices, and values. This generates multiple forms of violence toward Indigenous women and threatens the very survival of Indigenous Peoples. These are not only “Indigenous problems,” but symptoms of a crisis that jeopardizes our collective global future. By disregarding the well-being of the planet as a living organism and humanity’s obligation to future generations, neoliberalism reflects a worldview that literally threatens the survival of the planet. One example is global warming, caused in large part by the unsustainable use of fossil fuels. Indeed, neoliberalism drives ecological destruction by privileging individualism and private property, and extolling corporate profit-making above all other human activity.

“Indigenous **women hold the keys** to combating poverty in their communities and creating and implementing strategies for sustainable development at all levels of policymaking.”

In contrast, Indigenous cultural values prioritize community cohesion over individual advancement, and emphasize reciprocity, balance, and integration with the natural world. These values—traditionally enacted, transmitted, and thus created by Indigenous women—offer a basis for policies that can support sustainable economic and environmental practices. Our best hope of protecting the Earth’s biological (and cultural) diversity is to adapt and institutionalize those knowledge systems and technologies that have succeeded in preserving diversity for millennia. These are Indigenous knowledge systems, which embody the principle of sustainability. In fact, as the stewards of environmental, technical, scientific, cultural, and spiritual knowledge, Indigenous women hold the keys to combating poverty in their communities and creating and implementing strategies for sustainable development at all levels

*"I have to be the first person to show my community that I will not circumcise my girl. Let my girl to be the first to not marry, even though my husband will take me away."*

*Rebecca Lolosoli, Samburu, Kenya*

of policymaking. Clearly, much remains to be done for Indigenous women's perspectives to be reflected in public policies. Yet, that is precisely what our current global economic and environmental crises demand.

## **B. VIOLENCE IN THE NAME OF TRADITION: AN INDIGENOUS WOMEN'S PERSPECTIVE**

The term "harmful traditional practices" was created to describe female genital mutilation (FGM) and other forms of violence against women that some people defend as culturally legitimate, yet are clearly harmful to women, especially to women's health. The language of "harmful traditional practices" has the advantage of taking female genital mutilation (FGM) and other abuses out of the rubric of "culture," where they have conventionally been located, and placing them instead in the context of violence and unequal access to education and jobs, to clean water and adequate food, and to divorce and equal inheritance concerns—in other words, in a human rights framework.

However, the main intent of the term "harmful traditional practices" is to separate condemnation of female genital mutilation (FGM) and other "harmful practices" from condemnation of a particular culture. Essentially, the term seeks to avoid charges of cultural imperialism by those defending women's human rights. Yet, it is not enough to find language that skirts accusation. We must also develop human rights concepts that work effectively on behalf of Indigenous women and others who face real threats from cultural imperialism, as well as from human rights violations that are justified in the name of culture, religion, or custom.

Rather than "harmful traditional practices," therefore, FIMI has coined the term "*violence in the name of tradition*." We chose this language because we criticize the ethical neutrality of the term "practices" to describe abuses such as genital mutilation, forced child marriage, widow burning, and "honor killing." We locate the term "practic-

es" in a theory of cultural relativism that borders on moral relativism, which we reject. We also question whether these "practices" are in fact "traditional." For while tradition, like culture, is often thought to be inherent and unchanging, practices labeled traditional are not necessarily ancient. For example, in many communities, veiling or modest dress is a contemporary response to political and social upheaval. Presenting such norms as "traditional" is intended to imbue them with political meaning in a context where adherence to "tradition" is seen as an antidote to troubles faced by the community.

Furthermore, tradition, like any cultural practice, is alternately shaped, eroded, or reinforced as people adapt to changes in their material reality. For example, a seven-year drought in Kenya has led to a sharp rise in forced child marriages among the pastoralist Maasai Peoples.<sup>51</sup> Child advocates in Kenya report that after the failure of the December 2005 rains, men struggling to replace income from lost livestock resorted to trading their daughters—some as young as eight or nine—for bridal dowries. According to one child advocate, the age of marriage declines as the drought worsens, and fathers "want to marry the girls before they are old enough to make their own decision."<sup>52</sup> Those who defend child marriage, like other forms of violence in the name of tradition, claim that it is integral to the Maasai culture. This de-emphasizes its heavily materialist (economic) value, and the ways that marriage age fluctuates in response to social conditions, such as those created by the current drought.

### **1. THE NATURE OF CULTURE AND WOMEN'S RESISTANCE**

The claim that various forms of violence against women are purely "cultural" reflects a simplified and essentialized understanding of culture as static, sacred, homogeneous, and existing outside the forces of history and politics. This conception of culture is easily deployed by States, civic and religious leaders, and families to defend rights violations in the guise of tradition or religion. Women's

human rights in particular are threatened by this view because many groups, including Indigenous Peoples, perceive women to be the repositories and transmitters of culture, leading some to conclude that women's compliance with cultural norms is necessary to cultural survival.

Yakin Ertürk, the UN Special Rapporteur on violence against women, recommends complementing a human rights approach to combating violence against women with a “cultural negotiation” in order to “raise awareness of the oppressive nature of certain practices pursued in the name of culture by drawing on positive elements of culture and alternative expressions of masculinity that are respectful of women's rights.”<sup>53</sup> Ertürk identifies “civil society actors—academicians, the media, national and international NGOs” and “community leaders, including religious leaders” as critical resources in such projects.<sup>54</sup>

FIMI understands cultural practices as fluid, contested, and connected to relations of power. Culture is not defined in terms of tradition; rather, it is a product of historical influences. There is no culture that is not mediated by axes of inequality and which does not negotiate against larger economic, political, and social conditions. Cultures are never homogeneous and are shaped by people's actions and struggles over meaning. Respect for cultural differences can therefore exist simultaneously with the belief that cultural practices and beliefs can and do change over time. While culture needs to be understood as part of the context in which human rights abuses occur, it does not necessitate or justify these abuses.

Equally crucial for Indigenous women is the fact that culture can be used as a source of resistance to violence. Culture can serve to strengthen people's sense of self, history, and community in ways that fortify women's capacity for resistance. The Samburu village of Umoja, Kenya, is a unique, women-run community founded by survivors of gender-based violence. The women of Umoja use traditional Samburu group singing to greet visitors, mark holidays, and celebrate their collective achievements. Through singing together, the women generate joy, express a range of emotions, and reinforce their relationships to one another. Each of these effects supports women's capacity to heal from gender-based violence and to continue the chal-

lenging work of maintaining Umoja as a women's village dedicated to eradicating violence.

Culture can also directly support strategies for combating violence. For example, many Indigenous Peoples, such as the Navajo and the Miskito, share an understanding of gender complementarity, in which women's traditional roles are valued and revered and violence against women is considered deviant and abhorrent. Many Indigenous cultural values, including gender complementarity, have been eroded or eradicated over centuries of colonization and religious conversion. The fact that gender complementarity once functioned as a cultural value does not mean that it is operative in someone today simply because that person is Indigenous. Yet, a process of remembering and reclaiming this tradition—what some Indigenous anti-violence activists have termed “retraditionalization”—can serve to reactivate it.

For Indigenous women, the claim that gender violence is “Not an Indian Tradition”<sup>55</sup> is a powerful one, backed by the force of history and culture. There are no pure, ideal, or innate cultural values. Yet, to the extent that people *know about and choose to identify with* Indigenous traditions of gender complementarity, those traditions can become a basis for combating violence. For example, Donna Coker describes efforts by some Navajo peacemakers who “employ traditional Navajo stories that contain gender egalitarian themes to enlist the language of cultural and political sovereignty to create conceptions of masculine identity that support gender egalitarianism.”<sup>56</sup> Thus, the work of Indigenous anti-violence activists is not predicated on a rejection of their culture as merely a site of oppression, but is grounded in the understanding that culture can be deployed in multiple, even conflicting, ways, including in defense of women's human rights.

Along with the notion of culture as static and sacred, there is another conception of culture that threatens Indigenous women, rooted in western colonial conquest. This view suggests that “culture” is found only in “primitive” or backward places, not in “western civilization.” (Thus, date rape and child beauty pageants in the US are not considered harmful cultural practices). Indigenous Peoples, with their “colorful and ancient customs” are prime repositories of the notion of culture as exotic.



Representations of women as oppressed by “backward cultures” reinforce the idea that women are “victims” in need of saving. Today, the most visible manifestation of this thinking is the US government’s claim that western intervention is intended to “save” Afghan and Iraqi women from their oppressive societies. This “protectionist” logic is an old trope, long used to justify oppression of colonized and Indigenous Peoples on the basis of their “repressive” cultures.

## 2. RIGHTS VERSUS CULTURE: THE FALSE DICHOTOMY

By the 1990s, the notion of culture as the exclusive purview of Indigenous, eastern, or other “primitive” people had lost much of its legitimacy. But a new doctrine of “cultural relativity” emerged, arguing an inherent tension between universal human rights standards and local cultural practices. The dichotomy maintains the assumption that cultures are monolithic and homogeneous, rather than dynamic, fluid processes.

The concept of cultural relativity, first articulated by anthropologist Franz Boas in the 1920s, aimed to stimulate respect for all peoples, thereby defending them from

ethnocide and genocide.<sup>57</sup> At that time, cultures were assumed to be homogeneous, static, and self-contained. Boasian cultural relativity suggests that customs need to be understood in context and respected. Concerned with the rise of fascist powers in Germany and ongoing European colonization, the intentions of cultural relativity were protective. Since the passage of the 1948 Universal Declaration of Human Rights, however, this idea of cultural relativity has stood in opposition to notions of universality and has fueled ongoing contentious debates.

Despite its initially progressive intentions, the concept of cultural relativity has been used to shield abuses of women’s human rights by designating them as “cultural” and therefore beyond the legitimate reach of state interference or human rights reforms. Justifying violence on the basis of cultural relativity puts the framework of human rights in opposition to “culture.” This thinking reinforces the idea that it is culture that subordinates women, and modernity that liberates them (the fact that modernity is itself a cultural system<sup>58</sup> is denied.) Even “universalists” who argue against cultural relativism as an excuse for violence against women (such as those in the mainstream global women’s movement) have accepted this premise that culture oppresses women. For example, the Beijing Platform





for Action states, “Violence against women throughout the lifecycle derives essentially from cultural patterns, in particular, the harmful effects of certain traditional or customary practices.”<sup>59</sup>

The relativist-universalist debate about culture has usually maintained the assumption that human rights is an inherently western framework. However, the beliefs that underpin the human rights framework find origin in a range of cultures. As Amartya Sen writes in *Identity and Violence: The Illusion of Destiny*,<sup>60</sup> many cultures transmit values that support condemnation of violence and oppression. Indigenous scholars such as Paula Gunn Allen have documented the contributions of Indigenous cultures to the development of 18th century European Enlightenment thought—the intellectual breeding ground of human rights.<sup>61</sup> Similarly, Allen has written about “the red roots of white feminism,” describing Indigenous cultural values that have been taken up as foundational by North American feminism, including values of cooperation, harmony, balance, and respect.<sup>62</sup>

Indigenous women challenge the binary between rights and culture by demanding an end to human rights abuses against women within a struggle for the rights of Indigenous Peoples as a whole. This work emphasizes that it is not “culture” that lies at the root of violence against women, but practices and norms that deny women gender equity, education, resources, and political and social power. Ultimately, as with any culture, some aspects of Indigenous cultures may promote women’s rights and some aspects may violate them. The Report of the UN Special Rapporteur on violence against women (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.”<sup>63</sup>

### 3. RECONCILING CULTURE AND HUMAN RIGHTS

Indigenous women navigate the tension that has been constructed between rights and culture by negotiating between traditional law and custom, and new forms of legal protection gained through international advocacy. A cen-

“In a number of countries, harmful practices meant to control women’s sexuality have led to great suffering. Among them is the practice of female genital mutilation, which is a violation of basic rights and a major lifelong risk to women’s health.”

[ICPD Program of Action]

tral challenge here is to make human rights norms accessible and meaningful in local communities. To this end, women in the African Indigenous Information Network (IIN), for example, have created popular versions of international human rights instruments in local Indigenous languages. Indigenous women’s organizations, including Chirapaq (*Centro de Culturas Indígenas del Perú*), CIPAD (Center for Indigenous Peoples’ Autonomy and Development), Tebtebba (Indigenous Peoples’ International Centre for Policy Research and Education), and NWAC (Native Women’s Association of Canada), conducted human rights trainings in which Indigenous women learn about the range of women’s and Indigenous Peoples’ rights that their governments have committed to uphold, relate them to their daily lives, and strategize means of holding their families, communities, and governments accountable to respecting their right to a life free of violence.

In an era of rising fundamentalism, securing human rights requires deconstructing religion as well as “culture.” Women’s human rights are constantly undermined by claims of religious freedom and tradition, as with “honor crimes.” Human rights abuses committed against women—most often by male relatives—in the name of family honor are called “honor crimes.” They include battery, torture, mutilation, rape, forced marriage, imprisonment within the home, and even murder. These crimes are intended to protect family honor by punishing women’s violations of community norms. “Honor crimes” are often described as an ancient and unchanging facet of culture. Like culture itself, “honor crimes” are shaped by social factors such as poverty and migration, government policies, and institutional discourses that change—and can be changed—in ways that can either increase or reduce these crimes. “Honor crimes” are often justified as an Islamic “practice,” though they are nowhere condoned in Islamic

*“The issues of violence are deep against not only our People, but specifically against Indigenous women in Canada. We’re dealing with racism; we’re dealing with domestic and partner abuse; we’re dealing with lateral violence and oppression; and we’re dealing specifically with racialized and sexualized violence, which means that Aboriginal women, Indigenous women in Canada, are specific targets of violence.”*

*Beverley Jacobs, Mohawk member of the Six Nations of the Grand River Territory, Canada<sup>65</sup>*

texts. Similarly, in Indigenous communities where “honor crimes” are perpetrated, they are sometimes upheld as an Indigenous tradition. Yet, “honor crimes” are committed across a wide range of communities, nations, and religions. In fact, honor crimes are not a religious practice at all, but rather a patriarchal practice committed in the name of religion.

Cultures are historically contingent, and formed and reformed through human will and invention. As Mirian Masaquiza of the Secretariat of the United Nations Permanent Forum on Indigenous Issues (UNPFII), who is a member of the Kichwa-Salasaca Peoples from Ecuador, states, “Gender identity is neither universal nor immutable, but rather changes according to cultures and historic moments, which allow the Salasaca women to question the roles that have been considered natural until today, and to imagine alternative feminine identities.”<sup>64</sup>

### C. STATE VIOLENCE, DOMESTIC VIOLENCE, AND INDIGENOUS WOMEN

The outcome document of the Beijing +5 special session, “Further action and initiatives to implement the Beijing Declaration and Platform for Action,”<sup>66</sup> reiterates the points made in the Beijing Platform for Action regarding gender-based violence, and adds a strong call for States to criminalize and punish acts of violence against women.<sup>67</sup> Yet, these same States continue to wage a concerted campaign of violence against Indigenous women. Indeed, in many States, entire sectors of women, such as undocumented immigrants, are themselves criminalized by the State. How, then, can States be held accountable to the human rights of these same women? Effective strategies to combat violence against women must recognize what some anti-violence activists and scholars have la-

beled a “massive over-reliance on criminal strategies” to confront violence against women.<sup>68</sup>

Criminalization of domestic violence is a potentially effective strategy, which FIMI endorses. Yet, such strategies must be undertaken with critical regard for physical and structural violence perpetrated by States themselves against Indigenous and other women on the basis of group membership. For example, in the United States, mandatory arrest policies in domestic violence cases have increased State intervention in, and control over, the lives of Indigenous women and their families (along with other women of color, immigrants, and poor women). These women and families are already disproportionately incarcerated and scrutinized by State systems of child welfare, criminal justice, and immigration.<sup>69</sup> Indigenous scholars in Australia document a similar dynamic.<sup>70</sup> In the United States, mandatory arrest policies have greatly increased the number of women arrested (most for acting in self-defense). Immigrant women—particularly those without immigration documents—are threatened with deportation when arrested.<sup>71</sup>

The problem is not merely that Indigenous women do not enjoy their right to equality before the law, but that laws are written and interpreted in ways that discriminate against and endanger them. In other words, for women who are under attack by the State, laws themselves become a source of violence. This dynamic is not adequately accounted for in strategies to criminalize domestic violence. For example, in the US, the mainstream of the domestic violence survivors’ movement has little critique of the way it participates in a right-wing tendency to address symptoms of social crisis (such as substance abuse and domestic violence) by enhancing the State’s power to incarcerate and control. As Donna Coker writes, “It is no accident that the Violence Against Women Act, the most

comprehensive piece of US domestic violence federal legislation ever enacted, was part of the 1994 crime bill,”<sup>72</sup> which criminalized people on the basis of race and class.

It is imperative that strategies to combat domestic violence consider the problematic nature of enforcing States’ due diligence obligations toward members of communities that the State itself oppresses. The project of developing complementary processes to criminalization, such as restorative justice processes, and alternatives to criminalization strategies, such as political mobilization, is critical to guaranteeing the rights of Indigenous women and other women who endure violence by intimate partners and by the State.

## 1. RESTORATIVE JUSTICE

In response to the failure of criminal justice systems, some anti-violence advocates propose processes of restorative justice. Proponents of restorative justice, such as Braithwaite,<sup>73</sup> argue that offenders are more likely to be held accountable under restorative justice processes than in the criminal justice system, since restorative justice often requires offenders to apologize publicly to survivors, agree to be monitored by family and friends, and provide material compensation to the survivor. Survivors of domestic violence are said to benefit from mechanisms that enable them to mobilize family and friends in confronting their abuser, and build support networks that combat isolation and the degradation of families and communities that commonly results from incarceration, State surveillance, and control.

In the US, the Navajo Peacemaking Court has ruled on domestic violence cases, while equivalent processes have been undertaken in other Indigenous communities in the US, Canada, Australia, and elsewhere. Indigenous women are currently working to strengthen those restorative justice processes that may lack protections that are at least normatively available in criminal justice proceedings, such as due process and gender-egalitarian standards. Indigenous women anti-violence advocates understand that the utility of restorative justice processes depends on whether participants actually condemn violence against women. In some Indigenous communities, where traditional norms of gender egalitarianism have been eroded by generations of colonialism and Christianity, gender-based

violence may not be condemned in cases where women are seen to violate gender-appropriate behavior regarding fidelity, modesty, sexual orientation, housework, or sexual compliance. Whether restorative justice programs can ensure accountability of perpetrators and offer protection and justice to survivors must be evaluated on a case-by-case basis. Meanwhile, it is important to recognize that assumptions regarding Indigenous Peoples’ “peaceful and egalitarian” ways may actually endanger Indigenous women in cases where colonization has supplanted these ideals with ideologies of male dominance.

Finally, because restorative justice processes are generally viewed as complimentary to criminal proceedings, they remain linked to States and the attendant problems of due diligence. In many communities, political mobilization may be a better strategy than relying on the State as an effective arbiter or as a resource for social services (such as healthcare, education, and affordable housing) that can redress violence. Organizing efforts that empower survivors of violence to view themselves as activists demanding rights, rather than victims awaiting social services, can work simultaneously to challenge violence perpetrated within the community and violence perpetrated by the State.

## 2. DOMESTIC VIOLENCE AS INTERNALIZED VIOLENCE

It is widely recognized that domestic violence against women occurs in every country of the world and in every social sector. It is also well-known that domestic violence becomes more widespread when communities, families, and couples are subjected to poverty, armed conflict, or social upheaval, particularly of the kind that upsets conventional gender roles. The correlation between domestic violence and other human rights violations puts Indigenous women at particular risk of battering, rape, and other forms of violence perpetrated by male partners and family members.

For example, in Australia, Indigenous women are 45 times more likely to endure domestic violence than other Australians. The alarming degree of violence is part of a legacy of racist subjugation, including the forced removal of tens of thousands of children (the “Stolen Generation”) from their families during the years 1900-1970 in order

*“During the war that took place in the ‘70s and ‘80s, which was supported and financed by the United States, the Mayan people experienced genocide [...] My reality was filled with the threat of destruction. It was full of terror and torture, kidnappings and bombings. They burnt our forests, destroyed thousands and thousands of homes. They burned our corn, and for us corn is sacred. They burned our crops. They burned our Mother Earth. And those of us who survived were psychologically, physically, and spiritually affected.”*

*Maria Toj Mendoza, Maya Kiche Peoples, Guatemala<sup>76</sup>*

to “‘breed out’ aborigine blood.”<sup>74</sup> Today, State racism is manifested mainly in government neglect and inaction as Aboriginal communities are denied health-education programs, meaningful employment, and decent living conditions—factors that help to reduce the incidence of domestic violence. According to an August 2006 United Nations news brief, Australia’s Indigenous Peoples are suffering widespread homelessness and a lack of affordable and safe long-term housing—conditions the brief identifies as particularly harmful to women.<sup>75</sup>

FIMI identifies the safety, health, and human rights of women who survive gender-based violence as paramount. Moreover, the scope of FIMI’s concern with violence against women extends beyond the welfare of individual survivors. FIMI locates Indigenous survivors of gender violence within a collective of their Peoples and views violence not only as an assault on individuals, but as a symptom of crisis within the community at large. FIMI recognizes that many traditional Indigenous philosophical, spiritual, cultural, and economic norms historically mediated against gender violence, which was viewed within the tradition as essentially deviant behavior. This is a different starting point from world views that see gender violence as a “natural,” if unfortunate, outcome of normative masculinity, religion, or custom. Based on this historical perspective, FIMI is able to link strategies against gender violence with strategies to restore Indigenous rights.

Thus, FIMI prioritizes the rights of survivors and the accountability of abusers, and looks beyond the criminal dichotomy of victim and perpetrator to inquire about the reasons that battering occurs, including the conditions that shape abusers’ psychological, moral, and spiritual dysfunction. For Indigenous men, that dysfunction is rooted

in the violation of their collective rights, including the loss of territories, traditions, livelihoods, food supplies, sources of medicine, social networks, and other elements that support emotional health and a positive masculine identity. Violations of collective rights have also subjected Indigenous men to armed conflicts, environmental destruction, displacement, migration, urbanization, racism, unemployment, and poverty, and have exposed Indigenous men to drugs, alcohol, models of masculinity predicated on domination, and religious doctrines that sanction male violence. All of these factors contribute to Indigenous men’s violence against Indigenous women, rendering the term “domestic violence” both inadequate and ahistorical.

While FIMI works to address the ways that gender-based violence has permeated Indigenous communities, we reject the notion that violence committed by Indigenous men is simply a negative consequence of colonization. Rather, such violence is an enforcement mechanism used to shape relations of power within Indigenous families and communities. Abusers, whether Indigenous or not, commit violence because of some perceived benefit to themselves. Every abuser—regardless of the human rights abuses or traumatic historical processes he himself may have endured—is responsible for his actions and accountable to the body of international instruments and national laws won through the efforts of women’s rights advocates.

#### **D. ARMED CONFLICT, MILITARIZATION, AND INDIGENOUS WOMEN**

It is now widely recognized that civilians are the primary targets of contemporary armed conflicts: the ratio of civilian to military deaths in the wars of the second half of the 20th century is eight to one.<sup>77</sup> These civilians are



overwhelmingly women, children, and elders, since many men are mobilized in armed groups, or flee to escape conscription or violence. Today, a disproportionate number of armed conflicts are being waged on the resource-rich territories of Indigenous Peoples, placing Indigenous women at particular risk of militarized violence.

## 1. TAMING THE FRONTIER

The primary aim of militarized violence against Indigenous women is to neutralize Indigenous opposition to the seizure of their resources, particularly land. The US “war on terror” has enabled governments around the world to cast Indigenous Peoples, who are fighting for self-determination and control over their natural resources, as terrorists. In places as diverse as the Philippines, Guatemala, Colombia, and Nigeria, governments have escalated military attacks on Indigenous Peoples in the name of fighting terrorism. In reality, most of these conflicts are ongoing wars of conquest, some dating back more than 500 years. They are perhaps best understood as “resource wars,”<sup>78</sup> or contests over land, water, precious minerals, and energy sources located on Indigenous lands. As such, these wars are inextricably tied to neoliberal and development aggression, which entail their own forms of violence against Indigenous women.

In North America, the “us versus them” paradigm of the current US “war on terror” (succinctly expressed in President George W. Bush’s ultimatum, “you’re either with us or with the terrorists”)<sup>79</sup> echoes the “Indian Wars,” which began before the formation of the United States and lasted officially until 1890. In the US, Indigenous Peoples constitute a kind of primordial “them,” for it was through genocide against Native Americans that “Americans” first defined themselves. As Thomas Jefferson said while governor of Virginia in 1780, “If we are to wage a campaign against these Indians the end proposed should be their extermination.” Every US military intervention since the Indian Wars has been cast as a renovation of those battles. In his influential book, *Imperial Grunts: The American Military on the Ground*, Robert Kaplan describes his post 9-11 “odyssey” through US military outposts around the world. Kaplan writes that, “‘Welcome to Injun Country’ was the refrain I heard from troops from Colombia to the Philippines, including Afghanistan and Iraq...The War

on Terror was really about taming the frontier.”<sup>80</sup>

“Taming the frontier” has historically meant not only destroying Indigenous opposition to territorial conquest, but eradicating “savage” Indigenous ways of life, which were seen as a threat to Christian civilization. In particular, the relatively egalitarian norms of Native Peoples, such as the Iroquois, were viewed as undermining European settlers’ claim to male supremacy as natural, ubiquitous, and divinely ordained. The conquest of North America is replete with examples of white women studying and seeking to emulate egalitarian Indigenous practices, often to the dismay of white men. Cherokee scholar Andrea Smith has argued that white men’s violence against Native women in North America was part of the project of maintaining control over white women.<sup>81</sup> In *White Captives*, June Namias of the University of Alaska, Anchorage, recounts that almost 40 percent of women settlers who were captured by Indigenous Peoples in New England between 1675 and 1763 opted to remain in their “adoptive” communities.<sup>82</sup> As Shoat and Stam comment, the aim of settler violence against Indigenous Peoples “was not to force the indigenes to become Europeans, but to keep Europeans from becoming indigenes.”<sup>83</sup> This history offers yet another basis for solidarity between Indigenous and non-Indigenous women, reaffirming that the human rights of all women—indeed, of all people—are interdependent.

The 2005 US National Intelligence Council study, entitled “Global Trends 2020—Mapping the Global Future,” describes threats to US “security” as emanating from Latin America’s increasingly powerful Indigenous movements.<sup>84</sup> In reality, the threat posed by Indigenous organizing is not to US security, but to US hegemony. That threat is being met with intensified militarization to thwart Indigenous demands for self-determination (e.g., Chiapas, Mexico), control over natural resources (e.g., Bolivia), and increased political participation (e.g., Chile).

## 2. RAPE AS A WEAPON OF WAR

In Chiapas, Mexico, militarization has been accompanied by sexual harassment, rape, forced prostitution, and compulsory servitude in military camps. In fact, Indigenous women have been disproportionately targeted for sexualized wartime violence throughout Latin America since the

European conquest of the region began. Violence against women was a widespread counter-insurgency tactic in Central America in the 1980s, including during the genocide against Indigenous Peoples in Guatemala.

In Burma, the history of rape of Indigenous women by the military has been documented for over 50 years. Since the 1970s, the government has used extreme measures to repress resistance from ethnic or Indigenous groups, including evacuation to “relocation sites,” forced labor, and execution. The Burmese army occupies areas of Karen, Karenni, Mon, and Shan States, and many Indigenous women live in daily contact with soldiers. Rape occurs not only as a form of “entertainment” for soldiers, but as part of a strategy to demoralize and weaken Indigenous Peoples. Some evidence indicates that soldiers use rape to coerce women into marriage, and to impregnate women through a campaign of “Burmanization.” Shame of rape compels women to submit to marriage under pressure from their communities and families.<sup>85</sup>

In northwestern Kenya, more than 1,400 Maasai and Samburu women have been raped by British soldiers stationed on their lands since the 1980s. Rape survivors, their families, and communities still suffer from the legacy of these attacks. Haliwa Milgo, of the Samburu village of Archer’s Post, was raped in 1983 at the age of 22. The attack left her stigmatized for life and ruined her chances of marriage. Her visibly mixed-race son, born of the rape, continues to be ostracized: even as an adult, it is difficult for him to find work.<sup>86</sup> More than 600 of these women are confronting their former colonial rulers with a class-action-type lawsuit.

Although gender is a constituent factor in militarized sexual violence, such crimes cannot be said to be purely “gender-based,” as their aim is to subjugate and colonize entire communities and Peoples. In wars aimed at eradicating Indigenous Peoples and/or their resistance to conquest, Indigenous women have been targeted with rape, forced pregnancy, and sexual mutilation in order to destroy and deny both their capacity to biologically reproduce the next





generation, and their social roles in creating, preserving, and transmitting Indigenous identity to the next generation. In a war to eradicate a People, women's bodies are made into battlegrounds, for as the Cheyenne say, "No nation is conquered until the hearts of its women are on the ground."

Scholars, for example Neferti Tadiar<sup>87</sup> and Anne McClintock,<sup>88</sup> have argued that sexuality is a metaphor for both colonial conquest and armed conflict, with their tropes of domination and (territorial) penetration. As armed conflicts are increasingly concentrated on Indigenous lands, these metaphors of sexualized conquest are made real in the form of sexual violence against Indigenous women.

### 3. INDIGENOUS WOMEN AND PEACEBUILDING

Indigenous women are commonly depicted as victims of armed conflict, traumatized, helpless, and in need of protection. Relatively little is documented about their resourcefulness, survival skills, and courageous work to protect themselves and others—particularly children and elders—from militarized violence or to promote peace and reconciliation for their Peoples. As the Manila Declaration on Indigenous Women and Peacebuilding states, "Indigenous women have played key roles in peacebuilding in their communities. Yet they have not been given due recognition in the conflict resolution processes. Indigenous women are not adequately represented in peace negotiations in all levels. At best, they are seen as auxiliaries in conflict, and are portrayed as passive victims and silent spectators of conflict."<sup>89</sup>

Because so many of the world's armed conflicts are being waged on Indigenous lands, Indigenous women are highly represented among those women who have been compelled to assume leadership roles as mediators, negotiators, and peacebuilders worldwide. Yet, most analysis on women and peacebuilding does not examine women's status as Indigenous Peoples or explore how that status may affect their roles as promoters of peace. For example, in Liberia, women's groups such as the Liberia Women's Initiative, the Mano River Women's Network for Peace, and the Women in Peacebuilding Network have worked extensively for a negotiated settlement to the country's

armed conflict. The population of Liberia is 95 percent Indigenous.<sup>90</sup> Yet, there is almost no analysis of the significance of these women's status as Indigenous Peoples to their work as peacemakers. Generally speaking, we do not even know what kinds of insights may be lacking, because the questions have yet to be asked.

A range of factors positions women to take up roles in peacebuilding efforts. For example, "women often take the lead in movements that arise in the midst of a conflict partly because men are away fighting or face greater risk of persecution and arrest. Ironically, because women are regarded as less threatening to the established order, they tend to have more freedom of action. In some instances, they can make public pleas for peace by taking advantage of sexist notions that for the most part discourage retaliation against women."<sup>91</sup> For Indigenous women, peacebuilding is additionally rooted in cultural values and historical traditions of their Peoples. For instance, Bangsamoro women living in the Philippines have a long tradition of mediating family and community conflicts. Among the Arumanen Manobo Peoples in Mindanao, women venture into enemy territory to resolve disputes on behalf of their community. For the Tamang Peoples in Nepal, conflict resolution entails a feasting ritual administered by women.<sup>92</sup>

Yet, as the Manila Declaration attests, Indigenous women's experiences and capacity in peacebuilding are usually not recognized by policymakers. Women in general remain vastly under-represented in every level of official peacebuilding efforts. Guatemala provides one notable exception. The country's 1996 Peace Accords include the Agreement on Identity and Rights of Indigenous Peoples, which led to the establishment of the National Permanent Commission for the Rights of Indigenous Women. The Commission recently introduced a bill, "Defense of Indigenous Women," to safeguard Indigenous women's rights to education, social services, culture, and economic justice as defined in the Peace Accords.<sup>93</sup>

Yet, as in other countries, the inclusion of Indigenous women's perspectives in the Guatemalan Accords has not materialized in policies that protect Indigenous women's rights. As Maria Toj Mendoza, a Mayan leader, testified at a 2001 human rights hearing organized by the Center for

*“I believe that the land is our heritage, our life. Without land, we are useless as Indigenous Peoples. When we lose land, we lose culture; we lose language and identity. After that is lost, you are no longer yourself. You are no longer the Indigenous person you used to be. You are only a shell of yourself [...] Through the loss of land you become assimilated, which is the beginning of your end.”*

*Margaret Koileken, Maasai, Kenya<sup>97</sup>*

Women’s Global Leadership, “Supposedly, the Accords would ensure that there would be peace. They were supposed to ensure that there would be respect for our collective rights, for our culture, for our right to healthcare and education, for our land and our territory. But so far, there have been only words and promises. They say that they are willing to do it, but in practice, we have not seen concrete results. All we hear are fancy speeches.”<sup>94</sup>

Maria Toj also testified about the crucial role that women play in providing essential care to communities impacted by armed conflicts. Reflecting on her own experience of being attacked by soldiers, she said, “The women of the community helped me when they found me abandoned. It is thanks to them that I had the strength to recuperate from those difficult moments.” In fact, as Judy El Bushra writes, “At the community level, women often emerge as the main informal providers of social welfare, a need that is generally increased as a result of conflict (caring for the sick and wounded, rape victims, orphans, or supporting sick or injured women in their household tasks).”<sup>95</sup> By providing services that governments are unable or unwilling to deliver, women promote the survival of individuals and whole communities and transform their own experience of crisis through working together to meet these needs. As El Bushra says, “It is this commitment to caring that often provides women with the political space—after the war is over—to demand changes to their status.”<sup>96</sup>

Honoring Indigenous women’s various contributions toward peacebuilding means promoting Indigenous women’s leadership in official peace processes and building on their skills and experiences as mediators and negotiators within their communities. It also means creating peace processes that are more than words on paper. Negotiated

settlements must include policies that can effectively support the conditions for a lasting peace, including policies that promote social, economic, and cultural rights and the collective rights of Indigenous Peoples.

## **E. MIGRATION AND DISPLACEMENT OF INDIGENOUS WOMEN**

Today, more than 200 million people (about half of them women)<sup>98</sup> live outside their home countries—more than at any other time in history.<sup>99</sup> Millions more, compelled by economic need, have moved from their birth communities in rural areas to rapidly expanding cities. Armed conflict is another major cause of migration in the world, causing massive internal displacement of people within country borders. Today, more than 23.7 million people worldwide are internally displaced persons (IDPs).<sup>100</sup>

Indigenous Peoples have been affected by all of these trends. In particular, they have been impoverished and uprooted by “economic development” projects, such as infrastructure construction and extractive industries on their territories (many of them implemented through armed violence), and by the designation of their territories as environmentally protected areas. While some of the causes of dislocation are addressed elsewhere in this report, this section focuses on conditions of violence that Indigenous women confront in diverse situations of displacement, migration, and urbanization within the Americas.

Indigenous women in these settings face many of the same threats of violence as non-Indigenous women, such as increased incidences of abuse within their families. But the threat to Indigenous women is compounded by two additional factors. First, Indigenous women face discrimi-



nation not only as migrants and as women, but as Indigenous Peoples. The latter does not merely add one more element to the burden of discrimination that Indigenous women face, but *interacts with and changes* the nature of the discrimination they contend with as migrants and as women. For that reason, policies, programs, or laws designed to protect the rights of “migrants” or even “women migrants” are often ineffective for Indigenous women, unless their Indigenous status—and the discrimination women endure in relation to it—is explicitly addressed. Second, because Indigenous women’s cultural identity and spiritual practices are inextricably linked to their ancestral territories, Indigenous Peoples confront an existential crisis: what does it mean to be Igorot or Kayapo if you no longer live in your territory? This crisis is not merely a personal dilemma, but a human rights issue, for it makes Indigenous migrants particularly vulnerable to forms of cultural violence involving compulsory assimilation.

## 1. INDIGENOUS MIGRATION WITHIN THE AMERICAS

Today, economic need is the single biggest reason that Indigenous Peoples in the Americas leave their territories. For many people, worsening poverty is the direct result of neoliberal reforms that have shifted the economic base of indebted countries from subsistence agriculture to manufacturing for export. For example, Indigenous Mexicans have been growing corn for 10,000 years, but now, Mexico’s corn sector is in acute crisis. Since the 1994 passage of the neoliberal North American Free Trade Agreement (NAFTA), agricultural products from the US have flooded into Mexico. In a dynamic replicated around the world, heavily subsidized US imports have undercut the price of non-subsidized, domestically grown corn in Mexico. Mexican corn prices have fallen by more than 70 percent since 1994, affecting some 15 million Mexicans whose livelihoods depend on corn cultivation.

In the southern state of Chiapas, where the crisis has been compounded by a collapse in coffee prices, an estimated 70 percent of the rural population now lives in extreme poverty.<sup>101</sup> The majority are Indigenous families, many of whom are forced to migrate to escape worsening poverty. In fact, due to the effects of NAFTA, nearly all of the 56 Indigenous groups in Mexico today are expe-

riencing significant migration, either internally to major Mexican cities or “free-trade zones,” such as those along the US/Mexico border, or transnationally, to the United States.<sup>102</sup>

The 2005 Mexican census indicates a significant decline since 2000 in the number of Mexicans who speak Indigenous languages.<sup>103</sup> According to one analysis, “large-scale immigration to the United States is certainly a compelling factor in that trend [...] It is also possible that many Indigenous migrants who move from Oaxaca, Puebla, Guerrero, or Campeche to large urban areas in Mexico City or the north may have children who, in the absence of a nurturing mother culture, may tend to assimilate and perhaps stop speaking their mother tongue.”<sup>104</sup> This loss of cultural context, represented by the demise of languages, is not unique to Indigenous migrants. However, centuries of violence have so depopulated Indigenous communities that, in some cases, migration portends the extinction of an entire language and with it, the loss of cultural forms and knowledge systems that Indigenous women, in particular, have developed over millennia.<sup>105</sup>

Many Indigenous women who relocate to large cities join the ranks of the world’s 100 million slum dwellers. As the poorest sector of many urban populations, Indigenous women migrants face new forms of violence, including economic violence perpetrated by the State. As the Tebt-ebba Foundation reports, “In cities, indigenous people suffer major disparities in all measurable areas such as lower wages, lack of employment, skills and education; poor health, housing and criminal convictions. They live in poor human settlements outside the support of traditional community and culture. The distinct problems and needs of indigenous slum-dwellers and urban poor are seldom recognized.”<sup>106</sup> Urbanization under conditions of poverty, and without sufficient social support for women and their families, often carries social consequences that produce or exacerbate violence against women, including alcohol and drug abuse, depression and suicide, and gang membership. As in non-Indigenous families, male violence often increases when families are culturally and socially dislocated. As Professor Gloria Valencia-Weber of the University of New Mexico School of Law reports, “We were always taught that women were sacred and that everything in the home belonged to the women. Our ex-

tended families used to live together and no one would have ever thought of abusing women and children. It wasn't until families started to move into town or to move away from each other that we started to hear stories about someone beating up his wife."<sup>107</sup>

## 2. PUTTING INDIGENOUS WOMEN AT RISK: US IMMIGRATION REFORM

Conventional examinations of international migration have focused on the experiences of men, viewing women mainly as the wives of migrant workers. Yet, women, particularly Indigenous women, have different employment patterns, less access to political power, and are disproportionately impacted by discrimination and gender-based violence in situations of migration.<sup>108</sup>

The criminalization of people entering the US without documentation exposes many of these women to multiple forms of violence. Women making the treacherous journey across the border commonly confront sexual violence by unscrupulous guides (known as coyotes for their viciousness); extortion and harassment by Border Patrol Agents;<sup>109</sup> and racially motivated violence by right-wing US vigilantes, such as the Minutemen. While all women who lack documents may be targeted with such violence, Indigenous women are put at even greater risk by their high rates of illiteracy, poverty, and monolingualism.

Once in the US, Indigenous women are often funneled into exploitative jobs in the service sector, where they work long hours for little pay.<sup>110</sup> Women often must work multiple jobs to generate enough income to survive.<sup>111</sup> Without documentation, women lack legal recourse to protect their rights as workers and many lack adequate language skills to negotiate unfair treatment by employers. According to the *Fourth Progress Report of the Rappoteurship on Migrant Workers and Their Families*, common abuses include, "exhausting working days, payment below the legally established minimum wage, mass sackings, the refusal of employers to pay wages or to provide the workers with minimal infrastructure [...] and, in general, a lack of protection in the workplace."<sup>112</sup>

Undocumented immigrant women confronting abuse by male partners are often unable or unwilling to access local

domestic violence services. They may not have access to information about services or they may avoid them for fear of deportation and other reprisals. For example, in Texas, women without immigration documents who reside near the border are often afraid to call the police in situations of domestic violence: they know that Border Patrol Agents accompany local police and question people about their immigration status. As a result, women suffer abuse and violence without seeking legal recourse.<sup>113</sup>

Recent US immigration reform has further curtailed provisions of the 1994 US Battered Women Protection Act. The law now recognizes and serves only those undocumented women who are abused inside the US, excluding women who cross the border to escape an abuser. The law also excludes undocumented women whose abusers are women, undocumented women married to undocumented men, and undocumented women who are not married to the man they live with, even when the man is a legal resident.<sup>114</sup>

## 3. FROM GENOCIDE TO "FEMINICIDE"

In Guatemala, the effects of neoliberalism and its resulting rural-to-urban migration merge with the legacy of the country's 36-year armed conflict in a grisly epidemic of violence against women. Since 2001, over 2,200 women have been murdered, including many Indigenous migrants. The almost-total absence of sex-disaggregated data in official documents means that gender-based violence is generally under-recorded and often rendered almost invisible. For example, police statistics for 2004 attribute 175 deaths to gunshots, 27 to knife wounds, and 323 to "other causes." These categories conceal the gender-based brutality and sexual nature of many of the killings, in which victims have been raped, mutilated, and dismembered.

There is also no data disaggregated by Indigenous status, making it impossible to know the proportion of Indigenous women who have been the victims of these attacks. However, there are strong links between Guatemala's current "feminicide" and the country's history of violence against Indigenous women: the methods used in these murders are reminiscent of those employed against the guerrillas and the residents of Indigenous villages during

the 1960-1996 war.<sup>115</sup> A 2005 Amnesty International report, entitled “Guatemala: No Protection, No Justice: Killings of Women in Guatemala,” also situates today’s “femicide” within the legacy of Guatemala’s genocide against Indigenous Mayan Peoples:

The prevalence of violence against women in Guatemala today has its roots in historical and cultural values which have maintained women’s subordination and which were most evident during the 36-year internal armed conflict that ended with the signing of the United Nations-brokered Peace Accords in 1996 [...] The consequences of the internal armed conflict in terms of the destruction of communities, displacement, increased poverty and social exclusion has a bearing on levels of violence against women today as does the failure to bring to account those responsible for past human rights violations. The vast majority of women who were victims of human rights violations during counter-insurgency campaigns lead by the Guatemalan army during the early 1980s were members of Mayan indigenous groups living in rural areas whereas most of the reported murder victims in Guatemala today are *ladino* (11) women living in urban areas of the country. Yet, the brutality of the killings and signs of sexual violence on their mutilated bodies bear many of the hallmarks of the terrible atrocities committed during the conflict that went unpunished and reveal that extreme forms of sexual violence and discrimination remain prevalent in Guatemalan society.<sup>116</sup>

Guatemala is obligated under multiple instruments<sup>117</sup> to prevent, investigate, and punish the murders of women—obligations that the state has failed to meet. Guatemala is also obligated under the 1996 Peace Accords to combat all forms of discrimination against women. Furthermore, the Accord on the Identity and Rights of Indigenous Peoples recognizes some of the abuses perpetrated against women during the armed conflict and obligates the state to prosecute sexual crimes against Indigenous women as aggravated criminal offenses.<sup>118</sup>

#### 4. CULTURAL VIOLENCE AND COMPULSORY ASSIMILATION

Denying public services to Indigenous Peoples has been one form of economic violence that States perpetrate against Indigenous women. In fact, as those primarily responsible for meeting the basic needs of their families and communities, women are disproportionately harmed by policies that deny food security, clean water, healthcare, education, and other vital services to their Peoples. However, *extending* public services has created opportunities for other forms of State violence, linked to compulsory assimilation. For Indigenous women, state services (such as education and healthcare) have historically been sites of violence, from which States have enacted policies aimed at eradicating Indigenous identity. For example, in numerous Latin American countries, Indigenous women seeking professional healthcare have been forcibly sterilized.<sup>119</sup> Other educational, cultural, and legal policies have historically prescribed forced assimilation in the name of “integration.” Rodolfo Stavenhagen, Special Rapporteur on the situation of the human rights and fundamental freedoms of Indigenous Peoples, has argued that the resulting “ethnocide” against Indigenous Peoples is a form of cultural genocide, which violates the right of culture as outlined in Article 15 of the International Convention on Economic, Social and Cultural Rights.<sup>120</sup>

“States now have recourse to more nuanced, even politically correct, ways of **neutralizing the perceived threat of Indigenous self-determination.**”

In Latin America, many States’ policies have shifted in recent years from an emphasis on “integration” to a politics of “multi-culturalism” that embodies a different kind of threat to Indigenous rights and new forms of violence. This tendency seeks to co-opt—rather than suppress—Indigenous demands by unlinking the concept of cultural rights from the definition of self-determination.<sup>121</sup> Thus, States can proclaim recognition of, and respect for, cultural differences while draining “cultural rights” of Indigenous Peoples’ demand to control their own territories and nat-

ural resources. While forced mass sterilization campaigns of previous decades are markedly out of style, States now have recourse to more nuanced, even politically correct, ways of neutralizing the perceived threat of Indigenous self-determination. As this report argues, denial of Indigenous Peoples' collective right to self-determination is itself a form of violence against Indigenous women, as well as a context for many other human rights violations, including gender-based violence.

## 5. DISPLACEMENT

Colombia has the highest rate of IDPs in the Western Hemisphere and one of the highest in the world. Since 1985, between three and four million of the country's 40 million people have fled their homes<sup>122</sup> and lost their livelihoods, family ties, and the social networks that engender security and stability. For Indigenous Peoples, vastly over-represented among the dispossessed, displacement also means loss of territories and traditions that underpin their cultural identity. Together with Afro-Colombians, Indigenous Peoples represent a full one-third of those displaced, though they constitute only 2-3 percent of the population.<sup>123</sup>

**"Indigenous Peoples, whose lands are the frontline of the conflict, know that they are being **killed and uprooted** to maximize corporate profits."**

The crisis is a primary manifestation of the country's armed conflict over resources: primarily oil and minerals—80 percent of which are located on Indigenous territories. Over the years, the war has been portrayed by Colombian and US administrations alternately as a battle against communists, drug traffickers and, more recently, terrorists. But Indigenous Peoples, whose lands are the frontline of the conflict, know that they are being killed and uprooted to maximize corporate profits. In fact, nearly 70 percent of forced displacement in Colombia occurs in the Indigenous mining zones.<sup>124</sup> According to the Internal Displacement Monitoring Center, all of Colombia's more than 80 Indigenous groups have been affected by displacement.<sup>125</sup> Since the right-wing, neoliberal

Uribe government took office in 2002, an Indigenous person has been assassinated every five days, mostly in the areas where mining and other extractive industries take place.<sup>126</sup>

The United States plays a central, though frequently unacknowledged, role in the violence, summed up in a 1999 statement by then-US Secretary of Energy Bill Richardson: "The United States and its allies will invest millions of dollars in two areas of the Colombian economy, in the areas of mining and energy, and to secure these investments, we are tripling military aid to Colombia."<sup>127</sup> Today, the war is a stand-off between US-backed government forces and allied (though officially unaccountable) paramilitary groups who represent the interests of multinational corporations, versus guerilla organizations who control large swaths of national territory. Battles for allegiance and access to resources are waged mainly on the bodies of the country's civilian population.

According to the Office of the United Nations High Commissioner for Refugees, the U'wa have borne the brunt of the conflict in the southern province of Nariño.<sup>128</sup> This province, to the southwest of the country and bordering Ecuador, is one of Colombia's poorest and least developed regions, with a population of about half a million people. State institutions are largely absent outside the main cities, and paramilitaries operate freely. The U'wa have been subjected to economic blockades, forced displacement, and the murder of their children and leaders.<sup>129</sup> Other Peoples, such as the Eperara-Siapidaara, the Pastos, the Quillacinga, the Inga, and the Cofan, have also been affected by the armed conflict in this part of Colombia. The Eperara-Siapidaara, who live along Colombia's Pacific coast, have been forcibly recruited by paramilitary forces who also threaten them with displacement.<sup>130</sup> As in other regions of Colombia, Indigenous women are targeted with rape in order to spur displacement and erode their Peoples' capacity for resistance.<sup>131</sup>

Most of those who have been displaced end up in overcrowded and impoverished urban slums, where they face ongoing violence, lack basic services, and contend with multiple manifestations of social disintegration, including domestic abuse and drug addiction. Internally displaced women are at far greater risk of being sexually abused, raped, or forced into prostitution. Internally dis-



placed girls and teenagers in Mocoa, Puerto Asís, and Puerto Leguísimo, in the department of Putumayo, who are employed as domestic servants are often sexually abused or forced to work in brothels.<sup>132</sup> While in transit, and once they have settled elsewhere, “displaced women face serious barriers that prevent them from accessing goods and services in a climate where they are often stigmatized and their access to resources and protection determined by whether or not they provide sexual services.”<sup>133</sup>

## 6. CONSERVATION REFUGEES

In the Americas, the practice of removing Indigenous Peoples from their lands in the name of “conservation” began in 1864 with the military expulsion and massacre of Miwoks in Yosemite Valley. Now, “conservation refugees”—Indigenous Peoples who have been displaced in the name of nature conservation or eco-tourism—exist on every continent except Antarctica. Worldwide, conservation land has doubled since 1990, when the World Parks Commission set its goal to “protect” 10 percent of the Earth’s surface. Today there are at least 108,000 Protected Areas, or lands that have been designated an “ecological hotspot” or “biological corridor” by international conservation agencies.<sup>134</sup> One such region, the Chocó-Manabí Conservation Corridor in Ecuador and Colombia, is home to numerous Indigenous groups and both Afro-Colombian and Afro-Ecuadorian populations. Many conservation biologists believe that humans are incompatible with biodiversity and that populations who farm, hunt, and gather in Protected Areas are a threat to wilderness conservation and ecological diversity. This notion, widely accepted in the international conservation movement, exists despite the fact that Indigenous women have developed and sustained ecologically sound practices for centuries. In practice, this notion serves to justify the removal of Indigenous Peoples from their lands in the name of “eco-management.” Indigenous Peoples who continue to live on newly designated “protected land” often suffer constraints such as hunting restrictions that threaten Indigenous food security and traditional economic and political practices.



*“It used to be that our biggest fears were the early childhood diseases. Until your child was five, you never knew if he would stay alive. But now the people are dying at every age. Children who are not sick go hungry because their mothers are dead from AIDS. My small sister did not want to marry last year. She said, ‘I will die from giving birth or I will die from the sickness.’”*

*A woman of the Akha Peoples, Thailand*<sup>135</sup>

## F. HIV/AIDS AND VIOLENCE AGAINST INDIGENOUS WOMEN

It is now widely known among global health and women’s human rights advocates that HIV/AIDS is having an increasingly disproportionate impact on women. According to UNAIDS, 59 percent of adults living with HIV in sub-Saharan Africa—the epicenter of the virus—are women.<sup>136</sup> Young women, in particular, are the most vulnerable: worldwide, young women between the ages of 15-24 are 1.6 times more likely to contract the virus than men.<sup>137</sup> In some parts of Africa and the Caribbean, the figure is much higher: young women are now six times more likely to be infected with HIV than young men.<sup>138</sup> While governments and health authorities caused an unconscionable delay in acknowledging women’s particular and socially constructed vulnerability to HIV/AIDS, these alarming indicators have recently spurred global health and women’s human rights advocates to address the gendered dimensions of the virus, including the clear links between HIV/AIDS and gender-based violence.

The Global Coalition on Women and AIDS has made stopping violence against women a top priority, calling it “a global health crisis of epidemic proportions and often a cause and consequence of HIV.”<sup>139</sup> The United Nations Commission on Human Rights (currently the Human Rights Council) concurs, stating “that violence against women and girls, including rape, female genital mutilation, incest, early and forced marriage, violence related to commercial sexual exploitation, including trafficking, as well as economic exploitation and other forms of sexual violence, increases their vulnerability to HIV/AIDS, that HIV infection further increases women’s vulnerability to violence, and that violence against women contributes to the conditions fostering the spread of HIV/AIDS.”<sup>140</sup>

While a growing number of studies addresses the relationship between gender-based violence and HIV/AIDS,<sup>141</sup> very few address the intersections of gender-based violence and HIV/AIDS in the lives of Indigenous women. This is not surprising, as there is little research that looks at the impact of HIV/AIDS in general on Indigenous women or that explores Indigenous Peoples’ health or Indigenous women’s health. FIMI regards this lack of investigation as the continuation of a discriminatory trend, in which Indigenous Peoples have been excluded from public health research and policies.<sup>142</sup> Also, inquiries into women’s health are scant in comparison to men’s health, a bias that carries over into the few studies of Indigenous Peoples. As such, research that delves into the realities of Indigenous women’s health and human rights, and policies that address Indigenous women’s needs—both as women and as Indigenous Peoples—are nearly absent.

The handful of studies that do disaggregate data on Indigenous Peoples identify a growing prevalence of HIV in Indigenous communities and among Indigenous women in particular. For example, a 2005 study found that Indigenous women in western Australia are 18 times more at risk of HIV-infection than non-Indigenous women.<sup>143</sup> In 2004, the Canadian Aboriginal AIDS Network found that Canadian Aboriginal women are almost three times more likely to have AIDS than non-Aboriginal women.<sup>144</sup> And an Amnesty International report on violence against women in Papua New Guinea—home to at least 850 Indigenous groups and the country with the highest incidence of HIV and AIDS in the Pacific region—found that “gender inequities and the prevalence and social acceptability of violence against women, manifest in high levels of sexual violence within the home and community,



have been identified amongst the major factors contributing to the rapid spread of the [sic] HIV/AIDS.”<sup>145</sup> The report also found that women who are HIV-positive are subjected to further violence as a result of their status: in one instance, a woman was placed alive in a grave and covered in grass because she was HIV-positive.<sup>146</sup>

Certainly, these select studies suggest the need for further research and disaggregated data to explore the specific impact of HIV/AIDS on Indigenous women, and the influence of gender-based violence on Indigenous women’s health and human rights. As the Native Women’s Association of Canada notes, the alarming growth in HIV/AIDS among Aboriginal women calls for gender-specific, culturally appropriate responses, including guaranteed access to sexual and reproductive health services and supplies, the denial of which, in and of itself, constitutes a form of violence.<sup>147</sup>

In addition to employing research methods that disaggregate data based on gender and ethnicity, such studies must take into account Indigenous women’s conceptualization of gender-based violence, good health, and the role of women in developing and administering traditional medicine. For example, Indigenous Peoples’ concepts of health

are distinct from western notions of illness. As *The Lancet* notes, “Health for many Indigenous peoples is not merely absence of ill health, but also a state of spiritual, communal, and ecosystem equilibrium and well-being.”<sup>148</sup> New studies must also challenge the tendency of researchers to rely heavily on conventional, western understandings and manifestations of gender inequality and poverty as standards for explaining the link between gender-based violence and HIV/AIDS.

## 1. COLLECTIVE RIGHTS VIOLATIONS THREATEN WOMEN’S HEALTH

For Indigenous women, basic rights, including the right to HIV/AIDS treatment and prevention and a life free of violence, are inextricably linked to the struggle for Indigenous Peoples’ collective rights.<sup>149</sup> As the Manukan Declaration of the Indigenous Women’s Biodiversity Network states, “Our poor health situation as Indigenous women is intimately linked to our access to traditional medicines and to the health of ecosystems. For example, in the Arctic region, mother’s milk has the highest levels of polychlorinated biphenols (PCBs) and mercury in the world due to the trans-boundary travel of persistent organic pollutants, their bioaccumulation and their subsequent magnifica-





tion in the food chain.”<sup>150</sup> And as the Toronto Charter: Indigenous Peoples’ Action Plan on HIV/AIDS notes: “The links between the loss of land, loss of tradition, economic structures, environmental degradation, and poor health conditions cannot be refuted.”<sup>151</sup>

In particular, economic policies that sanction the appropriation and exploitation of Indigenous Peoples’ land and natural resources place Indigenous women at heightened risk of HIV-infection and gender-based violence. By displacing Indigenous Peoples from their land and exacerbating poverty and unemployment, such policies often force Indigenous women to migrate to urban areas or across borders in search of work—increasing their chance of being trafficked. Sometimes, women are compelled to participate in transactional sex for money or food, or to work in sweatshops, where they are subjected to a wide range of rights violations, including sexual assault. All of these situations place women at greater risk of HIV-infection. Indigenous women’s health and human rights are also jeopardized when States deny or ignore their responsibility to uphold the rights conferred to Indigenous Peoples in international agreements. In the case of the hill tribe populations in the highlands of northern Thailand, Indigenous Peoples are often denied legal status altogether, including citizenship. Even if they are born in Thailand, many Indigenous hill tribe members are denied freedom of movement; barred from educational and employment opportunities; and refused access to sexual and reproductive healthcare services, HIV/AIDS treatment and prevention programs, and Thailand’s universal healthcare plan (guaranteed to Thai citizens).<sup>152</sup> In violation of the right to self-determination, the Thai government, military, and police force hill tribe groups off their land to make way for “economic development” projects, propelling women to migrate to urban areas.<sup>153</sup> These combined factors make hill tribe women easy targets for sex traffickers—who prey on women and girls denied legal protections and living in extreme poverty—and increase their vulnerability to HIV-infection.<sup>154</sup>

Violations of Indigenous Peoples’ collective land rights undermine food security, and likewise, increase Indigenous Peoples’ susceptibility to HIV/AIDS. For example, neoliberal economic policies threaten food security by

endangering Indigenous Peoples’ reliance on sustainable agriculture, restricting Indigenous Peoples’ access to food and water, and increasing the burden on women to secure food for their families. The resulting hunger and malnutrition often compel women to migrate in search of higher wages, or engage in transactional sex and other activities that place them at greater risk of HIV-infection. Once someone has contracted the virus, malnutrition weakens the immune system and speeds the progression from HIV to AIDS.<sup>155</sup> Food security is further jeopardized when family members contract HIV/AIDS: the number of family members able to work and secure food decreases, and food consumption plummets—in some cases by 40 percent.<sup>156</sup> Women are particularly impacted by hunger and malnutrition because they are socialized to sacrifice their own needs for their families, and are usually the first to give up a meal so that someone else can eat.

Attacks on Indigenous Peoples’ rights and resources not only fuel the spread of HIV/AIDS and undermine food security, they also threaten the transference of centuries of traditional ecological knowledge about farming techniques and varieties and uses of medicinal plants to future generations. The Food and Agriculture Organization (FAO) points out that, “Women conserve and manage seed stocks, select the most nutritious plants to feed their children, look after the home gardens and take on post-harvesting food processing and preservation. Their knowledge, passed on through songs, myths and other oral media, contains the basis for food security and nutrition in their communities.”<sup>157</sup> Around the world, people are realizing that as AIDS claims the lives of more and more women, critical knowledge about agricultural production and traditional medicine is disappearing. In Kenya, FAO found that, “only seven percent of orphan-headed households reported that they had enough agricultural knowledge to carry on farming.”<sup>158</sup>

## 2. “VIOLENCE IN THE NAME OF TRADITION” AND HIV/AIDS

Indigenous and non-Indigenous women’s vulnerability to HIV/AIDS is heightened by “violence in the name of tradition,” including female genital mutilation (FGM),

forced and early marriage, and wife inheritance and widow cleansing. Several aspects of female genital mutilation (FGM) heighten girls' risk of HIV-infection: often during the procedure, the same blade is used on several girls without sterilization; scarring from cutting increases the likelihood of tearing during intercourse; and unhealed or open wounds make girls who undergo female genital mutilation (FGM) more susceptible to HIV-infection.<sup>159</sup> Child marriage also increases young women's susceptibility to HIV/AIDS, as reflected in the high rates of HIV-infection among women 15-24 worldwide.<sup>160</sup> In fact, the phenomenon of forced child marriage belies the presumption within the Bush Administration's ABC model (Abstain, Be faithful, use Condoms) that marriage, or the injunction to "be faithful," serves as a buffer against HIV/AIDS.<sup>161</sup>

Inheritance rights—a matter of customary law in both Indigenous and non-Indigenous communities—and their influence on HIV/AIDS is well-documented.<sup>162</sup> The abuses termed "wife inheritance" and "widow cleansing" (both closely linked to denial of property and inheritance rights to women) also expose women to HIV/AIDS. When a man dies, his widow is thought to be "cleansed" by having unprotected sex with a social outcast, placing her at direct risk of HIV-infection. Wife inheritance also jeopardizes women's health and HIV-status, as widows are forced to marry their dead husband's closest male relative. The dead husband's property (including land) is automatically transferred to the same male relative, preventing the widow from accessing any inheritance or achieving economic independence. As such, widow cleansing and wife inheritance are linked to high rates of HIV in the communities where they occur, as documented by Human Rights Watch among the Luo of Kenya.<sup>163</sup>

### 3. BARRIERS TO TREATMENT AND PREVENTION FOR INDIGENOUS WOMEN

Indigenous women, similar to many non-Indigenous women, face multiple barriers to HIV/AIDS treatment and prevention, including: property rights violations; social stigma and discrimination; lack of access to affordable medicines and information about HIV prevention and treatment; intimate-partner abuse; and trauma relat-

ed to HIV and/or gender-based violence. But Indigenous women face additional barriers that correspond to their status as Indigenous Peoples: governments have consistently abdicated responsibility for meeting the healthcare needs of Indigenous Peoples—where health services do exist, they are often ill-equipped, culturally inappropriate, racist, and discriminatory.<sup>164</sup> Neoliberal free-trade agreements and other economic prescriptions that prioritize pharmaceutical industry profits over a guarantee of life-saving and affordable generic HIV/AIDS medicines also have a particular impact on Indigenous women. Because Indigenous Peoples are often the most marginalized by the State, limited supplies of AIDS drugs rarely, if ever, reach Indigenous communities. FIMI regards the denial of treatment and access to affordable AIDS drugs as a form of violence against women.

In large part because of countries' dependence on US funding, the dominant approach to prevention has been the ABC model championed by the Bush Administration. Women's human rights advocates have critiqued this approach, which is particularly ineffective for Indigenous women.<sup>165</sup> For all women, abstinence and condom use depend on a woman's ability to say no to sex and dictate the terms upon which she has sex; equally as important is the fact that being "faithful" is only useful to women when their partners are also monogamous. Some men refuse to wear a condom as "proof" of their HIV-negative status and/or fidelity, and women risk violence if they challenge their partner on this issue. For Indigenous women, the promotion of condom use carries an additional challenge because it occurs in a historical context of forced contraception and sterilization abuse.<sup>166</sup> In some Indigenous communities, the legacy of forced sterilization and coercive "family planning" policies has created an aversion to condom use, particularly when it is recommended or imposed by State authorities.

Indigenous women's health and knowledge about HIV/AIDS also remains unnecessarily compromised by taboos and misconceptions regarding sexual and reproductive health and rights and gender-based violence. These taboos persist in part because of Indigenous women's marginalization within the global women's movement. Marginalization has undermined Indigenous women's efforts to

bring achievements of the women's movement (including changes in attitudes regarding domestic violence, sexuality, and sexual health) to bear within their communities. Nevertheless, Indigenous women have been developing and implementing their own unique strategies to transform attitudes that give rise to violations of women's health and human rights, including a revitalization of cultural values that promote gender equality and human rights education. Indigenous women are also challenging the global women's movement to incorporate the perspectives of Indigenous and other world-majority women, so that women's health advocacy is more reflective of women's diverse experiences around the world.

**“Violations of women's human rights compound women's susceptibility to HIV/AIDS.”**

For example, Indigenous women are demanding access to culturally sensitive, rights-based healthcare, including: information and treatment in Indigenous languages; the incorporation of traditional medicine and practitioners into healthcare models; and female and Indigenous health practitioners who work within a human rights framework and incorporate women's and Indigenous human rights perspectives into healthcare delivery. Women's health advocates explain the ways that violations of women's human rights—including abuses of property rights, the right to sexual and reproductive health, education, development, and a life free of violence—compound women's susceptibility to HIV/AIDS.<sup>167</sup> To address this dynamic, treatment and prevention programs must be carried out within a human rights framework that examines the interplay and combined impact of human rights abuses on women's health. But in order to be effective for Indigenous women, such a framework must incorporate an examination of collective rights violations and their impact on women's health.

#### 4. TRADITIONAL MEDICINE AND HIV/AIDS

As the impact of HIV/AIDS on Indigenous Peoples intensifies, local activists and traditional healers are becoming

vocal advocates of traditional Indigenous medicine as a resource in the fight against AIDS. At the same time, traditional medicine—upon which a majority of people throughout the Global South depend for their primary healthcare<sup>168</sup>—is increasingly being viewed by global health advocates as a critical complement to western (allopathic) medicine in treating and preventing the spread of HIV/AIDS.<sup>169</sup> According to the World Health Organization (WHO), traditional medicine refers to “health practices, approaches, knowledge and beliefs incorporating plant, animal and mineral based medicines, spiritual therapies, manual techniques and exercises, applied singularly or in combination to treat, diagnose and prevent illnesses or maintain well-being.”<sup>170</sup>

There is no conclusive data to confirm the efficacy of traditional medicine in treating symptoms related to HIV/AIDS. But reports are emerging that demonstrate the effectiveness of traditional medicine in combination with conventional treatment and prevention in combating the pandemic.<sup>171</sup> Often, traditional medicine is more accessible, affordable, and culturally appropriate than allopathic healthcare. There are comparatively few allopathic healthcare centers or health professionals to meet people's needs: in Uganda, there is one traditional healer for every 400 people, and only one allopathic doctor for every 20,000 people.<sup>172</sup> The scarcity of allopathic health professionals is exacerbated by mass out-migration of doctors and nurses from the Global South who are in search of higher wages and better working conditions. As a result, an article in *The Lancet* points out, “Traditional medicine is in a real sense carrying the burden of clinical care for the AIDS epidemic in Africa, a trend largely overlooked by health ministries, international agencies, and donors.”<sup>173</sup> This phenomenon, while still invisible to many, is leading more and more governments and global health advocates to acknowledge the failure of a profit-skewed, western approach to combating the virus, and take seriously the potential of community-based, traditional responses to HIV/AIDS and related health issues.<sup>174</sup>

Paramount to empowering and strengthening local responses to HIV/AIDS is the promotion of women's leadership, political participation, and human rights. Programs that aim to empower and enlist traditional medicine in



the fight against HIV/AIDS must incorporate an intercultural gender analysis, including education about women's human rights, sexual and reproductive health and rights, and strategies to combat gender-based violence. Similarly, support for traditional medicine must be accompanied by social, economic, and environmental policies that guarantee access to quality healthcare (allopathic and traditional) and protect biodiversity, cultural heritage, and the rights and resources of Indigenous Peoples—on whose knowl-

edge much of traditional medicine is based. As stated in a recent call to action for Indigenous health worldwide, “Without Indigenous peoples’ knowledge, we might not be able to understand the full value of the ecosystem for health and medicine, not only for Indigenous health but for us all.”<sup>175</sup>





PART  
3



PROMISING  
PRACTICES

## A. INDIGENOUS WOMEN'S COMMUNITY-BASED ANTI-VIOLENCE STRATEGIES<sup>176</sup>

The promising practices described in this section derive from FIMI member organizations in Nicaragua (Wangky Tangni) and Kenya (the Umoja Uaso Women's Group). Both organizations share FIMI's commitment to addressing the needs of individual survivors of gender-based violence while working to change social norms and policies that construct and reinforce women's subordination, which is the root cause of violence against women.

Rose Cunningham is a Miskito educator and anti-violence advocate who has worked to develop strategies to combat gender-based violence in her community and around the world. She is the director of Wangky Tangni ("Flower of the River" in the Miskito language), a community development organization on Nicaragua's Atlantic Coast that addresses violence against women in the context of restoring Indigenous rights and defending the human rights of both women and men in the community.

Wangky Tangni offers women's leadership development programs that address violence against women, and promotes women's political participation and gender equity through sustainable development projects, human rights trainings, and healthcare programs that incorporate Indigenous and western perspectives on medicine. The organization's income-generating projects for women help reduce women's economic dependence on abusive partners, while discussion groups enable survivors of abuse to support one another.

Wangky Tangni recognizes that many Indigenous women derive identity and power from their traditional roles as midwives, advisors, spiritual guides, and leaders who are principally responsible for transmitting knowledge, cultural values, and agricultural technology in their communities. Wangky Tangni works to preserve and develop these roles for women, thereby strengthening women's social status and confidence, which in turn fortifies their capacity to confront gender-based violence. All of Wangky Tangni's programs simultaneously promote women's human rights and the collective rights of the Miskito Peoples. Indeed, as Rose Cunningham says, "What would it mean in practice to separate the part of me that is a woman and

demands freedom from violence from the part of me that is Miskito and demands Indigenous rights?"<sup>177</sup>

Rose Cunningham's work offers a model of restorative justice that infuses traditional practices with the benefits of international human rights norms. Wangky Tangni runs a community-based conflict mediation program that offers recourse to survivors of gender-based violence. For most of these women, the State's legal system is neither accessible (the State does not provide translation services and many Indigenous women are not fluent in Spanish) nor accountable (facilities are located far from communities, and there are no reliable or affordable transportation or communication services). Wangky Tangni has conducted dozens of trainings in human rights for community members. Wangky Tangni's programs thus combine traditional Indigenous justice processes and international human rights instruments to defend women's right to a life free of violence.

Rebecca Lolosoli, an Indigenous Samburu woman from Kenya, developed a bold strategy to meet the needs of Indigenous women forced to flee their communities because of gender-based violence: she founded an independent, women-run village for survivors. Rebecca and 15 other women established Umoja, which means "unity" in Swahili, in 1990. The women were survivors of rape by British soldiers stationed for training on their ancestral lands. Because of the rapes, their husbands ostracized them and many were forced from their homes for having "shamed" their families. Under Rebecca Lolosoli's leadership, the women joined together and appealed to the local District Council, which governs land use. They were granted a neglected field of dry grassland, where they have worked hard to create a unique and flourishing community. One of the women's first collective acts was to file a lawsuit against the British military for the rapes of over 1,400 Samburu women during the 1980s and 1990s.

*"We know that we are not asking for pity or kindness but for our basic rights when **we demand an end to our husbands' beatings.**"*



Like Rose Cunningham, Rebecca Lolosoli has brought human rights trainings to the women in her community. These trainings have fortified women's political mobilizations against gender-based violence. Referring to the Beijing Platform for Action, introduced to local women in a 2005 human rights training, Rebecca Lolosoli commented, "Now that we have seen it in writing—and seen that even our own Kenyan government has signed this—we know that we are not asking for pity or kindness but for our basic rights when we demand an end to our husbands' beatings."<sup>178</sup>

In 1999, when the women of Umoja participated in their first human rights training, none of them had ever spoken in public. Today, they are active participants in local government and are recognized as leaders in their district. The women of Umoja are currently organizing to demand an anti-violence unit in the local police force and trainings for women police officers capacitated to address gender-based violence.

These anti-violence strategies are part of the Umoja women's broader efforts to create a better life for themselves and their community—in other words, to defend the full range of their human rights. Toward that end, the women have developed a system of resource sharing, a communal sickness/disability fund, and a modest but successful cooperative cottage industry (selling traditional Samburu beadwork to tourists). In cooperation with MADRE and the IIN (Indigenous Information Network), the women work to defend Samburu rights to land, water, and health and education services. Through their political mobilizations, the women have gained a measure of confidence and hopefulness that facilitates their work against gender-based violence and fuels their conviction that eradicating violence against women is indeed possible.

Like women everywhere, the women of Umoja see economic autonomy as a key to avoiding dependence on abusive men. Though they remain deeply impoverished by most people's standards, the women have succeeded in making sure that their daughters (as well as their sons) attend school. And they have freed themselves of the economic pressure to submit their daughters to female genital mutilation (FGM) and marry them off at a young age.

The anti-violence strategies that Rose Cunningham and

Rebecca Lolosoli have developed with the women in their communities draw heavily on their cultures as a source of resistance to violence. Both women share a critical conception of culture as a dynamic, versatile force that is shaped by people's choices even as it is used to limit those choices. As Rebecca Lolosoli says, "The men say that if we are against female genital mutilation (FGM) we are against our culture, but that is not true. We are not against our culture; only bad parts that hurt us...FGM is part of our culture, but so is our music, which gives us strength and happiness."<sup>179</sup> "Samburu women have always sung together," she explains. "When we do this, we are powerful."<sup>180</sup>

Rose Cunningham's anti-violence strategies draw even more directly from her Indigenous culture. For example, Wangky Tangni organizes inter-generational community dialogues in which elders share traditional Miskito stories of women's power and reinforce an understanding of violence against women as inherently dysfunctional. "The dialogues help us to fight violence against women," says Rose Cunningham, "and to preserve our traditional stories and the role of our elders as transmitters of Miskito culture and wisdom."<sup>181</sup> As in Umoja, Wangky Tangni's programs mobilize culture in opposition to gender-based violence, linking strategies against violence with strategies to maintain Indigenous identity and cultural rights.

## **B. IMPROVING DATA COLLECTION METHODS FOR INDIGENOUS WOMEN**

The availability of comprehensive, accurate, and disaggregated data is a prerequisite to creating effective policies, programs, and advocacy to combat violence against Indigenous women. The need to disaggregate data is particularly urgent in order to know the prevalence of violence against Indigenous women and to better understand the consequences of multiple, interacting forms of discrimination in women's lives. Currently, what scant data exists lacks an intercultural perspective, making Indigenous women invisible, even in countries such as Bolivia, Liberia, and Guatemala, where Indigenous Peoples constitute a majority of the population.

The lack of data is, in part, a result of the exclusion of Indigenous Peoples from basic modalities of citizenship,

such as birth registries, death certificates, and formal citizenship itself. The consequent gap in knowledge represents a critical concern, for governments cannot act to address problems that they do not know about. Where government lacks the political will to address a problem, as is often true in the case of Indigenous Peoples, the absence of reliable data serves as an excuse to avoid responsibility for guaranteeing rights—such as access to basic services—that could help to prevent or redress violence against women.

Official neglect and hostility towards Indigenous Peoples is only one reason for the lack of disaggregated data. Another problem, which is rarely acknowledged, is that even where the political will exists to generate disaggregated data, effective methodologies are vastly underdeveloped. Therefore, governments must meet calls for the collection of disaggregated data by developing new analytical paradigms, research methodologies, and training programs that can enable relevant and useful data to be collected from Indigenous women. Without these mechanisms, calls for disaggregated data remain abstract political demands that cannot be fulfilled in practice. FIMI stresses that responsibility to develop the capacity to collect needed data falls to governments, who are obligated to create policies that protect, respect, and fulfill Indigenous women's human rights.

FIMI therefore calls for necessary research to be undertaken in partnership with Indigenous women's organizations. More specifically, FIMI calls for research that is action-oriented, responsive to the needs of women living with violence, and designed to be valuable for people doing anti-violence advocacy and mobilizing within a human rights framework.

## 1. FIVE PROMISING PRACTICES IN DATA COLLECTION FOR INDIGENOUS WOMEN

a. The United Nations Permanent Forum on Indigenous Issues (UNPFII) has called upon all concerned agencies and organizations to begin to disaggregate data on Indigenous Peoples generally, and Indigenous women and children specifically, in two categories: programs and services impacting Indigenous Peoples, and fiscal allocations for Indigenous Peoples' programs and services.<sup>182</sup> FIMI en-

dorses this call, emphasizing that new and existing data need to be better shared with governments and with affected communities, so that community members are able to monitor implementation of laws and policies aimed at eradicating violence against women.<sup>183</sup>

b. FIMI also endorses the recommendations of the Expert Workshop on Data Collection and Disaggregation for Indigenous Peoples,<sup>184</sup> which calls for data collection methods that:

- respect the principles of self-determination and free, prior, and informed consent;
- incorporate Indigenous Peoples as equal partners in all stages of data collection, including planning, implementation, analysis, and dissemination, with appropriate resourcing and capacity-building to enable Indigenous Peoples to participate effectively;
- are conducted in Indigenous languages to the extent possible and, where no written language exists, employ local Indigenous persons as translators, interpreters, and advisors to assist in the collection processes;
- include indicators of particular significance to Indigenous Peoples, such as access to territories and natural resources;
- analyze data in ways that account for the full diversity and demographic profile of Indigenous communities, including gender and stage of life, as well as people with disabilities, and Indigenous Peoples in rural and urban areas, including Peoples who are nomadic, semi-nomadic, migrating, in transition, and displaced; and;
- recognize that the process of data collection is critical to the empowerment of communities and to identifying their needs, and respect Indigenous Peoples' right to have data (primary and aggregated) returned to them, for their own use.

c. UNICEF's (The United Nations Children's Fund) 2006 *State of the World's Children* report exemplifies the agency's compliance with many of the above recommendations. In keeping with UNICEF's well-developed model for collecting data on Indigenous Peoples, the report applies the principle of free, prior, and informed consent and distin-

guishes clearly between ethnicity and Indigenous status. It also reflects UNICEF's commitment to going beyond documenting human rights violations against Indigenous children to meeting the needs created by those violations. Finally, the report uses its findings as a basis for making concrete policy recommendations to promote Indigenous Peoples' rights with the specific aim of protecting Indigenous children.<sup>185</sup>

d. In 2005, Marcela Lagarde, a member of Mexico's House of Representatives who presides over a special commission to follow up on investigations into the murders of women, pressed the Mexican government to conduct a study on violence against women. The study revealed different levels and diverse forms of violence in the lives of Indigenous and non-Indigenous women. Although data in this study was not comprehensively disaggregated, the initiative represents a positive step: by reflecting differences in Indigenous and non-Indigenous women's experiences of violence, the study raises awareness of the need to further disaggregate data. In addition, based on this study, the Mexican Congress passed a new law recognizing women's right to a life free of violence.<sup>186</sup>

e. In 2006, the UN Food and Agriculture Organization (FAO) launched a pilot project with the United Nations Permanent Forum on Indigenous Issues (UNPFII) to conduct workshops to enable Indigenous Peoples to develop their own indicators to measure Indigenous Peoples' well-being. At its Fourth Session in 2005, the United Nations Permanent Forum on Indigenous Issues (UNPFII) stated that "Poverty indicators based on Indigenous Peoples' own perception of their situation and experiences should be developed jointly with Indigenous Peoples." The Forum also recommended that the FAO and the Sustainable Agricultural and Rural Development Initiative work further on the development of cultural indicators for identifying priorities, criteria, and methodologies for the right to food and food security.

At an initial workshop held in Ottawa, Canada in March 2006, participants discussed the need to consider gender perspectives in developing Indigenous Peoples' indicators of well-being. The workshop noted that the United Nations Permanent Forum on Indigenous Issues (UNPFII) has identified gender and children as cross-cutting issues. Some workshop participants voiced a preference for identifying gender as a separate core theme and proposed a specific indicator of violence against Indigenous women.<sup>187</sup>

In September 2006, the Latin American and Caribbean workshop was held in Bilwi, Nicaragua, followed by the Second Global Consultation on the Right to Food and Food Security for Indigenous Peoples. The meetings resolved that the indicators should be categorized as structural, process, or results indicators. Structural indicators address the extent to which the self-determination and collective rights of Indigenous Peoples are recognized, whereas process and results indicators measure specific policies, programs, and outcomes related to well-being and food sovereignty of Indigenous Peoples.

Two primary indicators are conceived of as: 1) access to, and integrity of, the territory (including land and water) from which food is derived; and 2) the existence and viability of mechanisms and institutions created by, and accessible to, Indigenous Peoples for transmission of traditional knowledge and practices to future generations.

These indicators are measured by: 1) Structural: the existence of institutions and laws that a) protect access to and integrity of territories and b) support Indigenous Peoples' rights to maintain and transmit traditional knowledge, including through local educational systems; 2) Process: the number of public programs or projects that implement these laws; 3) Results: a) the number of Indigenous territories that are delineated, communally registered, and protected, and b) the number of youth, women, elders, and other community members involved in, and benefiting from, programs to record and transmit traditional knowledge.

## 2. DEVELOPING INDICATORS TO MEASURE VIOLENCE AGAINST INDIGENOUS WOMEN

Like the threats to Indigenous Peoples' food sovereignty, poverty represents a key concern of Indigenous Peoples and increases violence against Indigenous women. Poverty reduction efforts adopted by the World Bank, United Nations agencies, and some national governments as reflected, for example, in the Millennium Development Goals, rely heavily on the US \$1-per-day indicator of "absolute poverty." This income-based measurement of poverty obscures the experience of Indigenous Peoples, for whom poverty is not primarily a function of income. In fact, for Indigenous women, the loss their territories, and with it, the erosion of sustainable means of production



and consumption, is the number one indicator of poverty. Today, a growing body of research supports anti-violence strategies that recognize poverty as a primary risk factor in gender-based violence.<sup>188</sup> Such strategies need to incorporate Indigenous conceptions of poverty in order to be more effective in combating violence against Indigenous women, including recognition that poverty itself is a form of violence.

FIMI has developed the following guidelines for creating indicators to assess the prevalence of violence against Indigenous women:

- To what extent are collective rights respected, protected, and fulfilled?
- Has the government committed itself to implementing the Declaration on the Rights of Indigenous Peoples?
- Do Indigenous Peoples govern their own territories, control their own natural resources, and enjoy food sovereignty?
- Do government policies respect the dignity of Indigenous women and their Peoples and avoid all forms of physical and structural violence against the bodies, homes, communities, and Peoples of Indigenous women?
- Do Indigenous women and their families have geographic, economic, and cultural access to government services such as:
  - free, high-quality intercultural education in their own language;
  - women healthcare providers that speak their language;
  - water, sanitation, housing, and transportation; and
  - processes of justice informed by intercultural and gender perspectives?
- Are resources devoted to the development of analytical paradigms, research methodologies, and training programs that can enable relevant

and useful disaggregated data to be collected from Indigenous women?

- Are economic and development policies implemented in compliance with the principle of free, prior, and informed consent?
- Is the military deployed within Indigenous territories?
- To what extent do women enjoy a positive Indigenous identity versus feelings of shame, inferiority, and internalized racism and sexism?
- Do Indigenous women locate themselves within a historical trajectory (i.e., in relation to past and future generations of their Peoples)?
- Do Indigenous women perceive their lives in relation to the ecosystems in which they live?



# CONCLUSION

Since its inception, the human rights framework has undergone a series of shifts, each of which has made human rights more accessible and more accountable to Indigenous women. The original human rights instruments, including the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights reflect a linear approach: forms of abuse and discrimination are treated as mutually exclusive (based alternately on race, or nationality, or religion, etc.). Later, more specialized instruments such as CEDAW (adopted in 1979) worked to name and combat more particular forms of abuse and discrimination, such as those based on gender.<sup>189</sup> In the 1990s, world-majority women working within the global women's movement pressed for another shift, this one toward an intersectional approach, in which the relationships between particular forms of abuse are delineated and addressed by human rights instruments. These successive improvements demonstrate that human rights are a work in progress. In fact, the framework's ability to evolve—and to remain effective as it is applied in ever-expanding realms and new dimensions—is one of the foremost strengths of the human rights paradigm.

Historically, the process of critiquing and refining human rights with the aim of protecting the rights of Indigenous women has only just begun. Therefore, this report raises more questions than answers. These questions are a guide, propelling our thinking and our efforts to create change. Through the process of grappling with questions, Indigenous women are producing concepts and language, including the terms introduced in this report (such as *violence in the name of tradition*, *spiritual violence*, and *ecological violence*). These terms reflect and support the development of a uniquely Indigenous conception of gender-based violence and Indigenous anti-violence strategies.

This framework is not yet fully articulated. Thus, FIMI has commented on the inadequacy of the term domestic violence, but is still in the process of developing language that better reflects Indigenous life. Similarly, this report offers a critique of the conventional definition of violence against women, and notes that FIMI is currently work-

ing with Indigenous women in communities around the world to articulate a definition that can more rigorously defend their rights.

The need for new language underscores the fact that FIMI's efforts to develop a uniquely Indigenous approach to combating violence against women is more than a demand for inclusion in the conventional human rights framework. FIMI does not call for simply "adding in" the concerns of Indigenous women, but for a fundamental restructuring of human rights categories, terms, and their underlying assumptions. Reconciling the dichotomies between individual and collective rights and between rights based on gender and culture is central to this project.

As we continue to work and think collaboratively within our own organizations, with our sisters and brothers in the Indigenous movement, and with our sisters in the global women's movement, FIMI is committed to further developing the ideas and anti-violence strategies introduced in this report through a process of: developing concepts; strengthening Indigenous women's advocacy; promoting Indigenous women's leadership; and advancing Indigenous Peoples' rights.

### MEASURING THE "COST" OF VIOLENCE AGAINST WOMEN

As the private sector becomes an increasingly prominent "partner" for government, we have witnessed a growing trend to generate data that extrapolates the economic impact of violence against women (for example, measuring the dollar-value of days of missed employment). FIMI holds that assigning economic cost to violence against women is antithetical to human rights: a life free of violence is not a commodity to be priced, but an inalienable right. Moreover, assigning "cost" to violence against women may undermine efforts to end violence because much of women's work is unpaid or unfairly compensated. Many Indigenous women do not participate at all in formal economies, making violence against them "cheap" indeed.





# FURTHER STEPS TOWARD ERADICATING VIOLENCE AGAINST INDIGENOUS WOMEN



This report reflects FIMI's efforts to date to contribute to the development of a human rights discourse capable of supporting concrete, effective strategies to combat violence against Indigenous women. Toward that end, FIMI outlines the following key challenges:

## A. DEVELOP NEW CONCEPTS

- In order to further develop an Indigenous women's standpoint for understanding and combating violence, mechanisms and opportunities must be created for Indigenous women to reflect on, apply, and further develop concepts presented in this report.
  - Indigenous definitions of violence against women and gender-based violence must be further developed;
  - Cultural indicators that are based on both individual and collective rights that can accurately and comprehensively reflect the prevalence of violence against Indigenous women must be developed;
  - National institutions responsible for data collection should begin to disaggregate their statistics by ethnic group.
- FIMI calls for an expert meeting of Indigenous women whose work addresses issues of violence within their communities. Such a gathering should focus on the urgent task of creating language that reflects Indigenous women's social realities and ways of thinking, and further articulates Indigenous women's approach to issues of human rights at the intersection of gender and culture.

## B. STRENGTHEN INDIGENOUS WOMEN'S ADVOCACY

- Education: Indigenous women's community-based initiatives to combat violence against women should be supported. In particular, public education campaigns directed at Indigenous and non-Indigenous sectors should be further developed.

- Data Collection: There is an urgent need for the development of new research methodologies, including methods of collecting disaggregated data on Indigenous women. This collection of information should be done with the participation of Indigenous Peoples. It is important that, in the process of developing new indicators and concepts, we take into consideration the individual, family, communal dimensions that allow us to understand the decision-making process within the family and the community. In doing this, it is important to explore different aspects of complementarity between women and men and all generations.
  - FIMI emphasizes the need for research that is action-oriented, responsive to the needs of women living with violence, and designed to be valuable for people doing anti-violence advocacy and mobilizing within an individual and collective human rights framework.
  - FIMI calls for in-depth and comprehensive research to be conducted for the purpose of documenting manifestations of violence against Indigenous women worldwide.
- Public Policy: FIMI calls for the creation and implementation of rights-based public policies to combat violence against Indigenous women. Such policies must include efforts to:
  - make national judicial systems accountable to the human rights of Indigenous women, including the collective rights of Indigenous Peoples;
  - incorporate traditional Indigenous justice processes into national judicial systems;
  - develop human rights training programs for police and other State actors that include segments about violence against women from the perspective of Indigenous women; and

- The principle of free, prior, and informed consent that is applied to Indigenous Peoples must also be applied to Indigenous women taking into consideration the ways in which Indigenous Peoples construct gender relations.

## C. PROMOTE INDIGENOUS WOMEN'S LEADERSHIP

- There is an urgent need for education, training, and capacity-building for Indigenous women at all levels and in all capacities, as they have been systematically denied access to education, training, and information technology.
- Significant resources must be allocated to Indigenous women's anti-violence initiatives in local, national, and international arenas.

## D. ADVANCE INDIGENOUS PEOPLES' RIGHTS

FIMI calls on United Nations Member States to uphold the Declaration on the Rights of Indigenous Peoples and to pass the Declaration without amendment or change.

- 1 The task force comprises 36 representatives of United Nations entities, non-governmental organizations, and regional networks. The purpose of the task force has been to ensure that the 2006 UN Study on Violence Against Women synthesizes and builds on the knowledge and practical experience of all relevant United Nations bodies and non-governmental organizations.
- 2 Amnesty International Report. *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada* (Amnesty International, October 4, 2004). <http://web.amnesty.org/library/Index/ENGAMR200012004> (accessed September 13, 2006).
- 3 Association for Women's Rights in Development. *AWID International Forum on Women's Rights and Development*. (October 27-30, 2005), Bangkok, Thailand.
- 4 See for example: Kimberle Crenshaw. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43.6 (July 1991): 1241-1299.
- 5 See: Pan-American Health and Education Foundation. <http://www.pahef.org/make/programs/indigenous/> (accessed September 21, 2006).
- 6 MADRE. *Indigenous Women and Sustainable Development: A Position Paper* <http://www.madre.org/articles/int/b10/indigenouswomen.html> (accessed September 21, 2006).
- 7 The United Nations Children's Fund State of the World's Children Report. *Excluded and Invisible*. UNICEF, 2006.
- 8 The International Declaration on the Rights of Indigenous Peoples was adopted on June 29, 2006 by a recorded vote of 30 votes to 2, with 12 abstentions. In favor (30): Azerbaijan, Brazil, Cameroon, China, Cuba, Czech Republic, Ecuador, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia. Against (2): Canada, Russian Federation. Abstentions (12): Algeria, Argentina, Bahrain, Bangladesh, Ghana, Jordan, Morocco, Nigeria, Philippines, Senegal, Tunisia, Ukraine. Absent (3): Djibouti, Gabon, Mali.
- 9 Myrna Cunningham. "Indigenous Women's Visions of an Inclusive Feminism," *Development* 49, no. 1 (2006): 55-59.
- 10 Fareda Banda and Christine Chinkin. *Gender, Minorities and Indigenous Peoples*, Report from the Minority Rights Group International (August 2004).
- 11 Article 27 of the *International Covenant on Civil and Political Rights* states: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." UN Doc. A/6316 (1966).
- 12 *The Universal Declaration of Human Rights*. Adopted and proclaimed by General Assembly Resolution 217 A (III) of December 10, 1948.
- 13 The United Nations Fourth World Conference on Women. *Beijing Platform of Action*, Beijing, People's Republic of China (September 1995). <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm> (accessed September 13, 2006).
- 14 Beijing Declaration of Indigenous Women. NGO Forum United Nations Fourth World Conference on Women, Beijing, People's Republic of China (September 4-15, 1995).
- 15 Donna Coker. "Race, Poverty and the Crime-Centered Response to Domestic Violence," *Violence Against Women Journal*, 10.11 (2004): 1331-1353.
- 16 "Principle 3: The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations" *Rio Declaration On Environment And Development*, UN Doc. A/CONF.151/26 (1992).
- 17 *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women*. Submitted in accordance with Commission on Human Rights Resolution 1997/44. UN Doc. E/CN.4/2000/68.
- 18 *The United Nations Declaration on the Elimination of Violence Against Women*, General Assembly Resolution. UN Doc. A/RES/48/104 (December 20, 1993).
- 19 *Ibid.*, Article 1.
- 20 Paula Gunn Allen. *The Sacred Hoop: Recovering the Feminine in American Indian Traditions* (Boston: Beacon Press, 1986): 195.
- 21 The trainings will be organized by the Tebtebba Foundation. The pedagogy used for the trainings is participatory, with the goal of both articulating and developing Indigenous identity. Human rights instruments are used as a tool to facilitate analysis and help women apply human rights instruments to their own demands and proposals.
- 22 Testimony given at *Bringing Indigenous Perspectives to the International Arena: An Indigenous Women's Conference*, IIWF/FIMI, New York, February 27, 2005.
- 23 "Unsustainable extraction, harvesting, production and consumption patterns lead to climate change, widespread pollution and environmental destruction, evicting us from our lands and creating immense levels of poverty and disease." Kimberley Declaration, International Indigenous Peoples Summit on Sustainable Development, Khoi-San Territory, Kimberley, South Africa, August 20-23, 2002.
- 24 See the Statement of Indigenous Peoples on Free, Prior, and Informed Consent, Agenda Item 4(e) of the fifth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII), May 23, 2006, entitled: "Recent experiences and recommendations on the concept and implementation of the principle of Free, Prior and Informed Consent."
- 25 Office of the High Commissioner for Human Rights, Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries, Adopted on June 27, 1989 by the General Conference of the International Labor Organization at its seventy-sixth session. *Entry into force*: September 5, 1991.
- 26 Victoria Tauli-Corpuz. "Our Right to Remain Separate and Distinct," in *Paradigm Wars: Indigenous Peoples' Resistance to Economic Globalization* (A Special Report of the International Forum on Globalization Committee on Indigenous Peoples), (International Forum on Globalization, San Francisco): 9-16.
- 27 Article 8g of the Convention on Biodiversity states: "Each contracting Party shall, as far as possible and as appropriate: Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices." *Convention on Biodiversity*, Earth Summit, Rio de Janeiro, June 5, 1992. *Entry into force*: December 29, 1993.
- 28 Suzanne York. "Genetic Pollution of Mayan Corn," in *Paradigm Wars: Indigenous Peoples' Resistance...* 95-98.
- 29 Darrel Posey. "Indigenous Ecological Knowledge," in *Paradigm Wars: Indigenous Peoples' Resistance ...* 25-27.
- 30 Victor Menotti. "How the World Trade Organization (WTO) Diminishes Native Sovereignty," in *Paradigm Wars: Indigenous Peoples' Resistance...* 47-57.
- 31 Darrel Posey. "Indigenous Ecological Knowledge," in *Paradigm Wars: Indigenous Peoples' Resistance...* 25-27.
- 32 Debra Harry. "High-Tech Invasion: Biocolonialism," In *Paradigm Wars: Indigenous Peoples' Resistance...* 59-64.
- 33 Paragraph 3 of the *Indigenous Peoples Kyoto Water Declaration on Sustainable Development* states, "Our relationship with our lands, territories and water is the fundamental physical cultural and spiritual basis for our existence. This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of water." Third World Water Forum, Kyoto, Japan, March 18, 2003.
- 34 Juhasz, Antonia. "Global Water Wars," in *Paradigm Wars: Indigenous*



- Peoples' Resistance... 89-93.
- 35 United Nations Report. "Water for Life Decade: 2005-2015" [www.un.org/waterforlifedecade](http://www.un.org/waterforlifedecade) (accessed September 25, 2006).
- 36 Celia W. Dugger. "Need for Water Could Double in 50 Years, U.N. Study Finds," *The New York Times*, August 22, 2006.
- 37 The Second United Nations World Water Development Report. *Water, A Shared Responsibility*. Fourth World Water Forum, Mexico City, Mexico, 2006.
- 38 See: Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, UN Doc. A/6316 (1966). See also: The Economic and Social Council General Comment No. 15 (2002) Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights. UN Doc. E/C.12/2002/11.
- 39 Oscar Olivera. *¡Cochabamba! Water War in Bolivia* (Cambridge, Massachusetts: South End Press, 2004): 7-12.
- 40 Antonia Juhasz. "Global Water Wars," in *Paradigm Wars: Indigenous Peoples' Resistance...* 89-93.
- 41 MADRE interview with Sandra Gonzalez, Guatemala City, May 12, 2005.
- 42 For more information, see: "The Water Crisis" at <http://www.hopi.nsn.us/water.asp> (accessed September 25, 2006).
- 43 Neera Burra. "Tribal Women Beat Drought and the System," *Cultural Survival Voices* 4.2 (March 1, 2006), <http://www.cs.org/publications/csv/csv-article.cfm?id=100> (accessed September 13, 2006).
- 44 OXFAM. "Tunnel Vision: Women, Mining and Communities," *Oxfam Community Aid Abroad* (1993): 6.
- 45 For information on Indigenous women and mining, see the Tebtebba Foundation website: [http://www.tebtebba.org/tebtebba\\_files/susdev/mining/mining.html](http://www.tebtebba.org/tebtebba_files/susdev/mining/mining.html) (accessed September 14, 2006).
- 46 OXFAM. "Tunnel Vision: Women, Mining and Communities" *Oxfam Community Aid Abroad* (1993): 18.
- 47 *Iroco Declaration*. Second International Conference: Women and Mining. Iroco-Oruro, Bolivia (September 16 – 25, 2000).
- 48 See Article 23: "1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment; 2. Everyone, without any discrimination, has the right to equal pay for equal work; 3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection; 4. Everyone has the right to form and to join trade unions for the protection of his interests" of *The Universal Declaration of Human Rights*, adopted by UN General Assembly Resolution 217A (III) of December 10, 1948.
- 49 Victoria Tauli-Corpuz. "Our Right to Remain Separate and Distinct," in *Paradigm Wars: Indigenous Peoples' Resistance...* 9-16.
- 50 Testimony given at IWWF/FIMI Conference, New York City, February 28, 2005.
- 51 Edmund Sanders. "In Bad Times, Girls Become Financial Asset," *Los Angeles Times* (March 19, 2006), <http://www.latimes.com/news/nationworld/world/la-fig-brides19mar19,0,4918999.story?page=1&coll=la-headlines-world> (accessed September 13, 2006).
- 52 Ibidem.
- 53 United Nations Economic and Social Council. *Report of the Special Rapporteur on violence against women its causes and consequences*, Yakin Ertürk, "Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women." United Nations Economic and Social Council. UN Doc. E/CN.4/2004/66 (December 26, 2003).
- 54 Ibidem.
- 55 Andrea Smith. "Not an Indian Tradition: the Sexual Colonization of Native Peoples," *Hypatia* 18.2 (2003): 70-85.
- 56 Donna Coker. "Race, Poverty and the Crime-Centered Response to Domestic Violence," *Violence Against Women Journal* 10, no. 11 (2004): 1331-1353.
- 57 Carole Nagengast. "Women, Minorities, and Indigenous Peoples: Universalism and Cultural Relativity," *Journal of Anthropological Research* 53.2 (1997): 349-369.
- 58 Sally Engle Merry. "Human Rights Law and the Demonization of Culture (And Anthropology Along the Way)," *PoLAR* 26.1 (2003): 55-76.
- 59 See Point 118 of the Platform for Action from The United Nations Fourth World Conference on Women, Beijing, People's Republic of China (September 1995). <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm> (accessed September 13, 2006).
- 60 Amartya Sen. *Identity and Violence: The Illusion of Destiny* (New York: W.W. Norton & Company, 2006).
- 61 Paula Gunn Allen. *The Sacred Hoop: Recovering the Feminine in American Indian Traditions* (Boston: Beacon Press, 1986).
- 62 Ibid., page 206.
- 63 See: Section H entitled, "Traditional practices affecting the health of women and children" of *The Report of the Special Rapporteur on Violence Against Women: its Causes and Consequence*, Ms. Radhika Coomaraswamy. UN Doc. E/CN.4/1996/53 (February 6, 1996).
- 64 Mirian Masaquiza. "Indigenous Women: 'Standing strong in a landscape of risk,'" NGO Section, United Nations Department of Public Information Panel. New York (February 5, 2004) [www.wunrn.com/news/01\\_08\\_06/011106\\_indigenous\\_women.htm](http://www.wunrn.com/news/01_08_06/011106_indigenous_women.htm) (accessed September 13, 2006).
- 65 Testimony given at IWWF/FIMI Panel on Violence Against Indigenous Women during the fifth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII), May 23, 2006.
- 66 United Nations General Assembly Resolution S-23/3. *Further actions and initiatives to implement the Beijing Declaration and Platform for Action*. UN Doc. A/RES/S-23/3 (November 16, 2000).
- 67 Ibid., Paragraph 69(c) states: "Treat all forms of violence against women and girls of all ages as a criminal offence punishable by law, including violence based on all forms of discrimination."
- 68 Donna Coker. "Race, Poverty and the Crime-Centered Response to Domestic Violence," *Violence Against Women Journal* 10, no. 11 (2004): 1331-1353.
- 69 Ibid.: 1332-1335.
- 70 For a discussion of this, see: Heather Nancarrow. "In search of justice for domestic and family violence: Indigenous and non-Indigenous Australian women's perspectives" *Theoretical Criminology* 10.1 (2006): 87-106.
- 71 Donna Coker. "Race, Poverty and the Crime-Centered Response to Domestic Violence," *Violence Against Women Journal* 10, no. 11 (2004): 1331-1353.
- 72 Ibid.: 1337.
- 73 John Braithwaite. *Crime, Shame and Reintegration* (Cambridge: Cambridge University Press, 1989).
- 74 Neena Bhandari. "Australia: Ignoring Abuses of Aboriginal Women, Children," Inter Press Service News Agency (May 22, 2006), <http://ipsnews.net/news.asp?idnews=33317> (accessed September 13, 2006).
- 75 United Nations News Center. "Australia Suffering From Hidden Housing Crisis," (August 23, 2006) <http://www.un.org/apps/news/story.asp?NewsID=19605&Cr=Australia&Cr1> (accessed September 13, 2006).
- 76 Testimony given at the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerances held in South Africa in 2001 during the proceedings of "Women at the intersection of racism and other oppressions: a human rights hearing," organized by the Center for Women's Global Leadership as a part of the NGO parallel activities during the conference.
- 77 Mary Kaldor. *New and Old Wars: Organized Violence in a Global Era* (Cambridge: Polity Press, 2001).

- 78 See Thomas F. Homer-Dixon in *Environment, Scarcity, and Violence* (Princeton: Princeton University Press, 1999).
- 79 State of the Union Address, September 20, 2001. <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html> (accessed September 13, 2006).
- 80 Robert Kaplan. *Imperial Grunts: The American Military on the Ground* (New York: Random House, 2005).
- 81 Andrea Smith. "Not an Indian Tradition: the Sexual Colonization of Native Peoples," *Hypatia* 18.2 (2003): 70-85.
- 82 June Namais. *White Captives: Gender and Ethnicity on the American Frontier* (Chapel Hill, NC: University of North Carolina Press, 1993).
- 83 Ella Shoat and Robert Stam. *Unthinking Eurocentrism* (London: Routledge, 1994).
- 84 Gustavo Gonzales. "War on Terror has Latin American Indigenous Peoples in its Sights," *Inter Press Service News Agency* (June 6, 2005).
- 85 Betsy Apple and Veronika Martin. "No Safe Place: Burma's Army and the Rape of Ethnic Women," a report by *Refugees International*. April 2003.
- 86 Jennifer Friedlin. "Kenyan Women to Sue British Army for Alleged Rapes," (August 3, 2003). *Women's Enews* at [www.feminist.com/news/vaw4.html](http://www.feminist.com/news/vaw4.html) (accessed September 21, 2006).
- 87 Neferti Tadiar. "Sexual Economies of the Asia-Pacific," in *What's a Rim? Critical Perspectives on the Pacific Region Idea*, Arif Dirlik, ed. (Boulder: Westview Press: 1993).
- 88 Anne McClintock. *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest* (New York: Routledge, 1995).
- 89 *Manila Declaration* of the International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples, 2000.
- 90 *The World Factbook*. (CIA Publications, 2005).
- 91 Sanam Naraghi Anderlini. *Women at the Peace Table*, United Nations Development Fund for Women (UNIFEM), 2000.
- 92 Stella Tamang. "Peace Teachers: The History of Tamang Women as Conflict Mediators, and Why the Human Rights Movement Should Listen to Them" *Cultural Survival Quarterly* 28.4 (Winter 2005): 15.
- 93 Central American Analysis Group (CAG). "Women's Role in Guatemala's Political Opening," *In Focus* 1.11, Guatemala City, Guatemala: October 12, 1998. <http://www.ialdialog.org/publications/women/womengua.html> (accessed August 31, 2006).
- 94 Maria Toj Mendoza. "Guatemala: Genocide and Ethnocide of Indigenous People," in *Women at the Intersection: Indivisible Rights, Identities, and Oppressions*, Rita Raj, ed. (Center for Women's Global Leadership: Rutgers, 2002): 72.
- 95 Judy El Bushra, ed. *Sharing Know-how: Women Building Peace* (London: International Alert, 2002): 20.
- 96 Ibidem.
- 97 Testimony given at IIWF/FIMI Conference, New York City, February 27, 2005.
- 98 United Nations Population Fund. "A Passage to Hope: Women and International Migration," *State of the World Population Report*. UNFPA (2006): 1.
- 99 UN News. "World Moving from Era of Migration to Era of Mobility," (April, 6, 2006), <http://www.un.org/apps/news/story.asp?NewsID=18083&Cr=population&Cr1=> (accessed September 15, 2006).
- 100 Internal Displacement Monitoring Centre Report. "Internal Displacement: Global Overview of Trends and Developments in 2005," *Norwegian Refugee Council* (March 2006).
- 101 Oxfam International Report. *Dumping without Borders: How US Agricultural Policies are Destroying the Livelihoods of Mexican Corn Farmers*. Oxfam International (August 2003).
- 102 According to Jonathan Fox and Gaspar Rivera-Salgado, eds. of *Indigenous Mexican Migrants in the United States* (Centers for U.S.-Mexican Studies and Comparative Immigration Studies: University of California, San Diego, 2004): In Mexico, Indigenous women of Mazatec, Mixtec, Zapotec, Mixe, and Otomi origin migrate primarily to the Federal District where they are employed as domestic workers and in the informal sector, while Indigenous women migrants involved in agricultural work are highly represented in the states of Baja California, Chihuahua, Jalisco, Sonora, Sinaloa, and Tamaulipas. States with tourism such as Quintana Roo with Cancun, and Jalisco with Puerto Vallarta, employ Indigenous women migrants primarily as hotel workers.
- 103 Instituto Nacional de Estadística Geografía e Informática (INEGI). *Conteos de Población y Vivienda*, Mexico, 2005.
- 104 John P. Schmal. "Indigenous Mexico Statistics: The 2005 Censo," *Comunidad* (August 26, 2006), <http://www.latinola.com/story.php?story=3686> (accessed September 15, 2006).
- 105 According to the United Nations (Leaflet No. 10: Indigenous Peoples and the Environment), 90 percent of languages will be lost in the 21st century. Most of these are spoken by Indigenous and traditional Peoples. Examples of Indigenous languages under threat in the Americas are: Kiliwua in Mexico, Ona and Puelche in Argentina, Amanayé in Brazil, Záparo in Ecuador, and Mashco-Piro in Peru.
- 106 Joji Cariño. "Indigenous Peoples, Human Rights and Poverty" In *Indigenous Perspectives: Making the MDGs Relevant for Indigenous Peoples*, A Journal of the Tebtebba Foundation 7.1 (2005): 43.
- 107 Gloria Valencia-Weber and Christine P. Zuni. "Domestic Violence and Tribal Protection of Indigenous Women in the United States," *Saint John's Law Review* 69 (1995). [www.law-lib.utoronto.ca/Diana/fulltext/zuni.htm](http://www.law-lib.utoronto.ca/Diana/fulltext/zuni.htm) (accessed September 15, 2006).
- 108 According to Jonathan Fox and Gaspar Rivera-Salgado, eds. of *Indigenous Mexican Migrants in the United States* (Centers for U.S.-Mexican Studies and Comparative Immigration Studies: University of California, San Diego, 2004): A growing number of Indigenous women from Mexico are migrating to the United States, most notably California and increasingly Texas, Florida, New York, and Oregon. Mayans from Yucatán and Chiapas now leave to work in California and Texas, Hñahñus and Nahuas from central Mexico are coming to the Midwest and Texas, and Mixtecs from Puebla are settling in the New York area, followed more recently by Hñahñus from neighboring Veracruz. Mixtecs and Nahuas are also coming to the United States from the state of Guerrero.
- 109 Michael Huspek, Leticia Jimenez, and Roberto Martinez. "Violations of Human and Civil Rights on the U.S.-Mexico Border, 1995 to 1997: A Report" *Social Justice* 25 (June 22, 1998).
- 110 The United Nations' *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* proposes a framework in which migrant workers are treated equally with citizens of the host country. The major human rights provisions of this Convention apply equally to documented and undocumented workers, who are to be protected by both sending and receiving countries where possible. As of January 2005, the majority of countries to ratify this Convention were sending countries.
- 111 Carlos G. Velez-Ibanez. "The Commoditization and Devalorization of Mexicans in the Southwest United States: Implications for Human Rights Theory," in *Human Rights: The Scholar as Activist*. Carol Nagengast and Carlos G. Velez-Ibáñez, eds. (Washington D.C.: Publications of the Society of Applied Anthropology, 1994).
- 112 Paragraph 399 of the Inter-American Commission on Human Rights, *Fourth Progress Report of the Rapporteurship on Migrant Workers and Their Families*, in the Annual Report of the Inter-American Commission on Human Rights, 2002. <http://www.cidh.org/annualrep/2002eng/chap.6d.htm> (accessed September 21, 2006).
- 113 Greg Bloom. "El Paso's Immigration Law Enforcement Monitoring Project," *Frontera NorteSur* (November 2000), <http://www.nmsu.edu/~frontera/nov00/feat3.html> (accessed September 15, 2006).
- 114 Olivia Salcido and Madeline Adelman. "He has me tied with the blessed and damned papers': Undocumented, Immigrant Battered Women in Phoenix, Arizona," *Human Organization* 63.2 (Spring 2004): 162-172.
- 115 See: "Help End Violence Against Women in Guatemala," *Center for Gender and Refugee Studies*, <http://cgrrs.uchastings.edu/campaigns/femicide.php> (accessed September 25, 2006).

- 116 Amnesty International Report. "Guatemala: No protection, no justice: Killings of women in Guatemala," June 2005, <http://web.amnesty.org/library/index/ENGAMR340172005> (accessed September 15, 2006).
- 117 As discussed in the above report, in 2002 the Guatemalan government ratified the Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women. The government has also passed the Law for the Dignity and Integral Promotion of Women (*Ley de Dignificación y Promoción Integral de la Mujer*, 1999), the Law to Prevent, Punish and Eradicate Violence in the Family (*Ley para Prevenir, Sancionar y Erradicar la Violencia Intrafamiliar*, 1996) and undertaken reforms to the Civil Code eliminating certain discriminatory provisions. Several new bodies have also been created including the Office of the Defender for Indigenous Women (DEMI, *Defensoría de la Mujer Indígena*), the National Coordination to Prevent, Punish and Eradicate Violence in the Family and Violence Against Women (CONAPREVI, *Coordinadora Nacional para la Prevención de la Violencia Intrafamiliar y contra las Mujeres*) and the Presidential Secretariat for Women (*Secretaría Presidencial de la Mujer*).
- 118 Amnesty International Report. "Guatemala: No protection, no justice: Killings of women in Guatemala," June 2005, <http://web.amnesty.org/library/index/ENGAMR340172005> (accessed September 15, 2006).
- 119 See, for example, "Peru's Apology for Forced Sterilization Feared Part of a Strategy to Limit Family Planning Options," Center for Reproductive Rights, July 29, 2002. [http://www.crlp.org/pr\\_02\\_0729peru.html](http://www.crlp.org/pr_02_0729peru.html) (accessed August 30, 2006).
- 120 Rodolfo Stavenhagen. "Indigenous Rights' Some Conceptual Problems," In *Constructing Democracy. Human Rights, Citizenship, and Society in Latin America*. E. Jelin & E. Hershberg, eds. (Boulder, CO: Westview Press, 1996): 147.
- 121 Charles Hale. "Neoliberal Multiculturalism: The Remaking of Cultural Rights and Racial Dominance in Central America," *PoLAR: Political and Legal Anthropology* 28.1 (2005): 10-28.
- 122 Virginia M. Bouvier. "United States Institute of Peace Special Report: Harbingers of Hope: Peace Initiatives in Colombia," *USIP*. <http://www.usip.org> (accessed September 25, 2006).
- 123 From WomenWarPeace.org, a web portal on Women, Peace and Security by the United Nations Development Fund for Women. <http://www.womenwarpeace.org/colombia/colombia.htm> (accessed September 15, 2006).
- 124 Francisco Ramirez Cuellar. *The Profits of Extermination: Big Mining In Colombia* (Monroe, ME: Common Courage Press, 2005): 86.
- 125 Internal Displacement Monitoring Center Report. "Colombia: Government 'Peace Process' Cements Injustice for IDPs," *Internal Displacement Monitoring Center* (June 30, 2006).
- 126 Francisco Ramirez Cuellar. *The Profits of Extermination: Big Mining In Colombia* (Monroe, ME: Common Courage Press, 2005): 87.
- 127 Francisco Ramirez Cuellar. *The Profits of Extermination: Big Mining In Colombia* (Monroe, ME: Common Courage Press, 2005): 32.
- 128 According to UNHCR's estimates, 46 percent of all the victims of mass displacements in the southern province of Nariño last year were Indigenous. Indigenous people make up less than 8 percent of Nariño's population.
- 129 UNHCR spokesman William Spindler said, "We have repeatedly warned that some of the world's oldest and smallest indigenous groups are at high risk not only of displacement, but even of extinction because of the Colombian conflict. All indigenous communities have close links to their ancestral land, on which their cultural survival depends." William Spindler. "Colombia conflict could wipe out indigenous groups UNHCR warns," *UNHCR News Stories* (April 22, 2005), <http://www.unhcr.org/cgi-bin/texis/vtx/news/open.doc.htm?tbl=NEWS&id=4268f5614> (accessed September 15, 2006). For more information, see <http://www.unhcr.org>.
- 130 Ibidem.
- 131 "Women, War and Displacement," from WomenWarPeace.org, a web portal on Women, Peace and Security by the United Nations Development Fund for Women. See: <http://www.womenwarpeace.org/issues/displacement/displacement.htm> (accessed September 15, 2006).
- 132 Internal Displacement Monitoring Centre. *Displacements in the South-western departments of Putumayo, Narino and Valle del Cauca* (2005), <http://www.internal-displacement.org/idmc/website/countries.nsf> (accessed September 29, 2006).
- 133 Amnesty International Report. "Colombia: Scarred Bodies, Hidden Crimes: Sexual Violence Against Women in the Armed Conflict" *Amnesty International*. (October 13, 2004).
- 134 Mark Dowie. "Conservation Refugees," in *Paradigm Wars: Indigenous Peoples' Resistance...* 107-112.
- 135 Testimony given anonymously.
- 136 UNAIDS. *2006 Report on the global AIDS epidemic* (2006): 19.
- 137 UNAIDS/UNFPA/UNIFEM. *Women and HIV/AIDS: Confronting the Crisis* (2004): 1.
- 138 United Nations Population Fund (UNFPA). *State of World Population 2005* (2005), [http://www.unfpa.org/swp/2005/english/ch4/chap4\\_page1.htm](http://www.unfpa.org/swp/2005/english/ch4/chap4_page1.htm) (accessed September 25, 2006).
- 139 The Global Coalition on Women and AIDS. "Stop Violence against Women: Fight AIDS," <http://womenandaids.unaids.org/themes/docs/UNAIDS%20VAW%20Brief.pdf> (accessed September 25, 2006).
- 140 See Article 9 of the United Nations Commission on Human Rights Resolution 2004/46. *Elimination of violence against women*. UN Doc. E/CN.4/2004/L.11/Add.5 (April 21, 2004).
- 141 For example, see: *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk. Integration of the human rights of women and the gender perspective: violence against women; Intersections of violence against women and HIV/AIDS*, UN Doc. E/CN.4/2005/72 (January 17, 2005), and Population Council/Horizons, *HIV and Partner Violence: Implications for HIV Voluntary Counseling and Testing Programs in Dar Es Salaam, Tanzania* (February 2001).
- 142 Richard Horton. "Indigenous peoples: time to act now for equity and health," *The Lancet* 367 (May 27, 2006): 1705-1707.
- 143 Michael R. Wright, Carolien M. Giele, Phyll R. Dance and Sandra C. Thompson. "Fulfilling prophecy? Sexually transmitted infections and HIV in Indigenous people in Western Australia," *The Medical Journal of Australia* 183 (3) (2005): 124-128.
- 144 Canadian Aboriginal AIDS Network. "Aboriginal Women Continue to Face Major Challenges, as International Women's Day Approaches," Media Release, (March 5, 2004), <http://dawn.thot.net/aw.html> (accessed September 25, 2006).
- 145 Amnesty International. *Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!* (September 4, 2006), <http://www.amnestyusa.org/news/document.do?id=ENGASA340022006> (accessed September 25, 2006).
- 146 Ibidem.
- 147 Native Women's Association of Canada. *Background Paper: Aboriginal Health, Canada Aboriginal Peoples Roundtable, Health Sectoral Session*. (October 2004).
- 148 Carolyn Stephens, John Porter, Clive Nettleton, Ruth Willis. "Disappearing, displaced, and undervalued: a call to action for Indigenous health worldwide," *The Lancet* 367 (June 17, 2006): 2025.
- 149 As outlined in the *International Indigenous Women's Forum Declaration*, "We maintain that the advancement of Indigenous Women's human rights is inextricably linked to the struggle to protect, respect and fulfill both the rights of our Peoples as a whole and our rights as women within our communities and at the national and international level."
- 150 *The Manukan Declaration of the Indigenous Women's Biodiversity Network*. Manukan, Sabah, Malaysia (February 4-5, 2004).
- 151 *The Toronto Charter: Indigenous Peoples' Action Plan on HIV/AIDS*. An initiative of the Planning Committee of the International Indigenous Peoples' Satellite at the 16th International AIDS Conference (2006).
- 152 Physicians for Human Rights. *No Status: Migration, Trafficking & Exploitation of Women in Thailand: Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls*, A Report by Physicians for Human Rights, June 2004.
- 153 Ibid., pages 28-29.



- 154 Physicians for Human Rights. *No Status: Migration, Trafficking & Exploitation of Women in Thailand: Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls*, A Report by Physicians for Human Rights, June 2004.
- 155 Oxfam International and Save the Children. *HIV/AIDS and Food Insecurity in Southern Africa* (December 1, 2002): 2.
- 156 Food and Agriculture Organization of the United Nations. "HIV/AIDS, food security and rural livelihoods," <http://www.fao.org/worldfoodsummit/english/fsheets/aids.pdf> (accessed September 25, 2006).
- 157 Ibidem.
- 158 Food and Agriculture Organization of the United Nations. "Indigenous knowledge—a key weapon in fighting HIV/AIDS," (November 29, 2001), <http://www.fao.org/NEWS/2001/011108-e.htm> (accessed September 25, 2006).
- 159 *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk. Integration of the human rights of women and the gender perspective: violence against women; Intersections of violence against women and HIV/AIDS*, UN Doc. E/CN.4/2005/72 (January 17, 2005): 12.
- 160 A number of factors associated with child marriage place girls at heightened risk of HIV-infection, including: violence, coercion, and unequal power relations often inherent in child marriage; the likelihood of husbands to be HIV-positive because they are usually much older, may have several wives, and are more likely to have had multiple sex partners; and girls' heightened risk of vaginal tearing during sex and childbirth. See: United Nations Office for the Coordination of Humanitarian Affairs/Integrated Regional Information Networks. *Broken bodies, broken dreams: violence against women exposed* (2005): 61–68.
- 161 For more information on the risks posed to women within marriage, see: United Nations Population Fund (UNFPA). *State of World Population 2005* (2005), [http://www.unfpa.org/swp/2005/english/ch4/chap4\\_page1.htm](http://www.unfpa.org/swp/2005/english/ch4/chap4_page1.htm) (accessed September 25, 2006).
- 162 Human Rights Watch. *Double Standards: Women's Property Rights Violations in Kenya* (March 2003).
- 163 Ibid: 1.
- 164 See: Carolyn Stephens, John Porter, Clive Nettleton, Ruth Willis. "Disappearing, displaced, and undervalued: a call to action for Indigenous health worldwide," *The Lancet* 367 (June 17, 2006): 2019–2028; and MADRE, An International Women's Human Rights Organization, "Women's Health in a Sick World," (September 2003), <http://www.madre.org/articles/int/womenshealth.html> (accessed September 25, 2006).
- 165 For a critique of the ABC model, see: MADRE, An International Women's Human Rights Organization. "African Women Confront Bush's AIDS Policy," (December 1, 2005), <http://www.madre.org/articles/afr/aidsafrica12105.html> (accessed September 25, 2006); and UNAIDS/UNFPA/UNIFEM. *Women and HIV/AIDS: Confronting the Crisis* (2004).
- 166 See, among others: Amnesty International. *Peru: The Truth and Reconciliation Commission—a first step towards a country without injustice*, <http://www.amnesty-usa.org/justearth/document.do?id=6E22AFDD4D87E7CB80256EEB00526B10> (accessed September 25, 2006); Jane Lawrence. "The Indian Health Service and the Sterilization of Native American Women," *The American Indian Quarterly* 24.3 (2000): 400–419; "UN Tells Mexico to Stop Forced Sterilizations," *Agence France Presse* (March 10, 2006); and Tebtebba Foundation. "Indigenous Peoples, Human Rights and Poverty," *Indigenous Perspectives* 7, no. 1 (April 2005).
- 167 For example, see: Center for Women's Global Leadership. *Strengthening Resistance: Confronting Violence Against Women and HIV/AIDS* (September 2006).
- 168 World Health Organization. "New WHO Guidelines to Promote Proper Use of Alternative Medicines," (June 22, 2004), <http://www.who.int/mediacentre/news/releases/2004/pr44/en/> (accessed September 25, 2006).
- 169 World Health Organization. "Message of the WHO regional director, Dr. Luis Gomes Sambo, on the occasion of the Fourth African Traditional Medicine Day," (August 31, 2006), <http://www.afro.who.int/regionaldirector/speeches/rd20060831.html> (accessed September 25, 2006).
- 170 World Health Organization. "Traditional Medicine," Fact Sheet #134 (May 2003).
- 171 UNAIDS. *Ancient remedies, new disease: Involving traditional healers in increasing access to AIDS care and prevention in East Africa: UNAIDS Case Study* (June 2002).
- 172 "UGANDA: Integrating traditional medicine in the fight against HIV/AIDS," *Integrated Regional Information Networks: PlusNews* (April 24, 2006).
- 173 Gerard Bodeker, Donna Kabatesi, Rachel King, and Jacques Homsy. "A regional task force on traditional medicine and AIDS," *The Lancet* 355 (April 8, 2000): 1284.
- 174 Anju Sharma, "African states confirm support for traditional medicine," Science and Development Network (September 2004), <http://www.scidev.net/News/index.cfm?fuseaction=readNews&itemid=1584&language=1> (accessed September 25, 2006).
- 175 Carolyn Stephens, John Porter, Clive Nettleton, Ruth Willis. "Disappearing, displaced, and undervalued: a call to action for Indigenous health worldwide," *The Lancet* 367 (June 17, 2006): 2019–2028.
- 176 This section is excerpted from a chapter entitled, "Indigenous Women's Anti-Violence Strategies" by Yifat Susskind in *The Intimate and the Estimate: Violence and Gender in the Globalized World*, forthcoming from Rutgers University Press.
- 177 Rose Cunningham, from interview with MADRE, March 24, 2006.
- 178 Rebecca Lolosoli, from interview with MADRE, March 25, 2006.
- 179 Lolosoli, interview.
- 180 Lolosoli, interview.
- 181 Cunningham, interview.
- 182 Report on The United Nations Permanent Forum on Indigenous Issues (UNPFII) Report, Session 1. Paragraph 6. <http://www.unhcr.ch/indigenous/forum.htm#doc> (accessed September 13, 2006).
- 183 Marijke Velzeboer-Salcedo, speech given at IIWF/FIMI panel on Violence Against Indigenous Women on May 23, 2006, during the fifth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII), New York, 2006.
- 184 Recommendations of the International Expert Workshop on Data Collection and Disaggregation for Indigenous Peoples, New York, 2004.
- 185 UNICEF. *The 2006 State of the World's Children*. UNICEF Publications, 2006. [http://www.unicef.org/sowc06/pdfs/sowc06\\_fullreport.pdf](http://www.unicef.org/sowc06/pdfs/sowc06_fullreport.pdf) (accessed August 23, 2006).
- 186 See *Maps of Feminicide in Violencia Feminicida en la Republica Mexicana (Feminicide Violence in the Mexican Republic)*, Comision Especial para Conocer y Dar Seguimiento a las Investigaciones Relacionadas con los Feminicidios en la Republica Mexicana y a la Procuracion de Justicia Vinculada (Special Commission to Recognize and Follow Up on Investigations related to Feminicide in the Mexican Republic and the Procurement of Related Justice). Camara de Diputados LIX Legislatura (House of Representatives, 59th legislature). Mexico, 2006.
- 187 Report of the Meeting on Indigenous Peoples and Indicators of Well-Being. United Nations Permanent Forum on Indigenous Issues (UNPFII), Ottawa, March–22–23, 2006. UN Doc. E/C.19/2006/CRP.3
- 188 See, for example: Marina Morrow "Women and Violence: The Effects of Dismantling the Welfare State," *Critical Social Policy* 24.3 3 (2004): 358–384.
- 189 See: Charlotte Bunch. "Human Rights at the Intersection of Race and Gender," in *Women at the Intersection: Indivisible Rights, Identities, and Oppressions*, Rita Raj, ed. (Center for Women's Global Leadership: Rutgers, 2002): 115.

## SPECIAL CONTRIBUTIONS

The FIMI report could not have been prepared without the generous contributions of many individuals and organizations working on the topic of violence against Indigenous women.

The process of gathering information for this report was a collective effort in which every contribution provided remarkable insights. It is impossible to mention here every contributor.

We would like to express our gratitude to all those committed to combating violence against Indigenous women. Some of those who have accompanied us these last two years include:

Fati Aboubacrine, Celia Aguilar, Lydia Alpízar, Laura Asturias, Gretchen Begley, Peggy L.Bird, Melania Canales, Barbara Bourrier-LaCroix, Rosalee Coatlicue, Maria Eugenia Choque, Lottie Cunningham, Rivera DeAnna, Ellen Dicitaan-Bang-Oa, Bernadine Dixon, Mick Dodson, Dialys Ehrman, Ruth Emanikor, Jennifer England, Patricia Fernandez, Viviana Elsa Figueroa, Ellen Gabriel, Eva Gamboa, Ana Maria Garcia Lacayo, Claudia García-Moreno, Sheila Genaille, Arnold Groh, Helen Hood, Sonia Henriquez, Charlotte Hrenchuk, Felicia Huarsaya, Hubbie Hussein Al-Haji, Beverley Jacobs, Ariel Jacobson, Margaret Koileken, Elizabeth Letiyon, Margaret Lokawua, Rebecca Lolosoli, Florina Lopez, Mariana Lopez, Margaret Lotee, Otilia Lux de Coti, Felicitas Martinez Solano, Mirian Masaquiza, Sonia Hilda Masaquiza, Celeste McKay, Feliciano Mendoza Pérez, Norma Monterrico, Murganne Mooney, Edda Moreno, Katherine Morrisseau-Sinclair, Lucy Mullenkei, Cecilia Musongon, Victoria Neuta, Lea Nicholas-Mackenzie, Sara Nordstrom, Ana Elena Obando, Nellys Palomo, Tania Pariona, Ruth Peñafiel, Fanny Pocaterra, Gunn-Britt Retter, Michelle Richmond-Sara, Tarcila Rivera, Cynthia Rothschild, Martha Sanchez, Priscilla Settee, Lucky Sherpa, June Spence, Stella Tamang, Victoria Tauli Corpuz, Jennifer Tauli-Corpuz, Yolanda Terán, Ana Lucia Teran, Anita Tzec, Vilda Tovar, Gladis Vila, Denisse Wolfenzon.

# RELEVANT INTERNATIONAL DOCUMENTS ON VIOLENCE AGAINST INDIGENOUS WOMEN

- Baguio Declaration of the Second Asian Indigenous Women's Conference, 2004
- Bangkok Communiqué, 2004
- Beijing Declaration and Platform for Action adopted by the UN Fourth World Conference on Women: Action for Equality, Development and Peace, Beijing, 1995
- Beijing Declaration of Indigenous Women, NGO Forum, UN Fourth World Conference on Women Huairou, Beijing, 1995
- Beirut Declaration, Arab Women 10 Years After Beijing: Call for Peace, 2003
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, 1989
- Declaration on the Elimination of Violence against Women, 1993
- Declaration of the Fourth Continental Meeting of Indigenous Women of the Americas, 2004
- Declaration of the International Indigenous Women's Forum (FIMI Beijing+5), 2000
- Declaration of the International Indigenous Women's Forum (FIMI Beijing+10), Indigenous women beyond the 10-year review of the Beijing Declaration and Platform for Action, 2005
- Durban Declaration and Program of Action, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances, 2001
- General Assembly Fifty-ninth session—Working towards the Elimination of Crimes against Women and Girls Committed in the Name of Honor, 1994
- In Larger Freedom: towards development, security and human rights for all, Report of the Secretary-General, 2005
- ICPD Program of Action, International Conference on Population And Development, 1994
- Iroco Declaration: Women and Mining, 2000
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, "Convention Of Belem Do Para," 1994



- Interim report submitted to the General Assembly on the Secretary-General's in-depth study on violence against women, 2005
- Kimberley Declaration, International Indigenous Peoples Summit on Sustainable Development, 2002
- Manila Declaration of the International Conference on Conflict Resolution, Peace Building, Sustainable Development And Indigenous Peoples, 2000
- Manukan Declaration of the Indigenous Women's Biodiversity Network, 2004
- Mexico City Consensus, Ninth Session of the Regional Conference on Women in Latin American and the Caribbean, 2004
- Nairobi Declaration of the Second African Indigenous Women's Conference
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003
- Report on the Fourth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) (16–27 May, 2005)
- Report on the Third Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) (10–21 May, 2004)
- Rio Declaration On Environment And Development, UN Doc., 1992
- Security Council Resolution 1325 on Women, Peace and Security, 2000
- Study on Freedom of Religion or Belief and the Status of Women from the View point of Religion and Traditions, Report of the Special Rapporteur on Freedom of Religion or Belief in accordance with resolution 2001/42 of Commission on Human Rights, 2002
- Secretary-General's study on violence against women, 2006
- Traditional or customary practices affecting the health of women, report of the Secretary-General, September 1998
- Toronto Charter, Indigenous Peoples' Action Plan on HIV/AIDS 2006
- United Nations Declaration on the Rights of Indigenous Peoples, 2006

## RELEVANT REPORTS ON VIOLENCE AGAINST WOMEN

- Stolen Sisters: Discrimination and Violence against Indigenous Women in Canada, Amnesty International, 2004.
- Strengthening Resistance: Confronting Violence Against Women and HIV/AIDS, 2006.
- Violencia Feminicida en la Republica Mexicana. Comisión Especial para Conocer y Dar Seguimiento a las investigaciones relacionadas con los feminicidios en la Republica Mexicana y a la Procuración de Justicia Vinculada. H. Cámara de Diputados LIX Legislatura, 2006.

# FOR FURTHER INFORMATION ON VIOLENCE AGAINST WOMEN

**16 Days of Activism Against Gender Violence**

<http://www.cwgl.rutgers.edu/16days/about.html>

**Stop Violence Against Women**

<http://web.amnesty.org/actforwomen/index-eng>



*Mairin Iwanka Raya: Indigenous Women Stand Against Violence* was made possible with the generous support of:





## International Indigenous Women's Forum

Mónica Alemán/MADRE  
maleman@MADRE.org  
[www.MADRE.org/fimi](http://www.MADRE.org/fimi)  
121 West 27th Street  
Room 301  
New York, NY 10001  
(212) 627-0444