

## **MADRE/ FIMI Inputs for the Secretary-General's Study on Violence against Women**

As member of the Task Force for the Study on Violence against Women commissioned by GA Resolution 58/185, FIMI submits the following comments, corresponding to the points on the preliminary outline of the interim report A/60/211.

FIMI holds that to effectively address violence against women, it must be understood, not as pathology of individual perpetrators and victims, but as a human rights violation of near-universal scope, which is mediated in each case by social conditions and specific histories. FIMI therefore contends that the entire Study (including conceptualization, research methodology and writing) must reflect the multiplicity of ways that violence against women is mediated by aspects of identity beyond gender, including race, class, caste, religion, sexual orientation, geographic situation and ethnicity. For Indigenous Women with whom FIMI works, gender-based violence is shaped by a context of ongoing colonization and militarism; racism and social exclusion; poverty-inducing economic policies; and gender discrimination within Indigenous and non-Indigenous contexts. In relation to the Study as outlined in the interim report A/60/211, FIMI wishes to highlight the following points.

- CAUSES AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN (chapter 3)

Colonization and Militarism: In Latin America, as in other regions, gender-based violence was integral to the European conquest, setting a pernicious pattern in which Indigenous Women have been disproportionately targeted for rape as a weapon of war. Violence against mainly Indigenous Women was a widespread “counter-insurgency tactic” in Guatemala in the 1980’s; and since the 1990’s, Indigenous Women in the heavily militarized state of Chiapas, Mexico have been subjected to sexual harassment, rape, forced prostitution and compulsory servitude in paramilitary camps. In Kenya, the legacy of British colonialism continues to produce violence against Indigenous Women. As recently as the 1980s and 1990s, at least 1400 Samburu women were raped by British soldiers stationed on their lands.

Poverty and Social Exclusion: Indigenous People’s ancestral lands are the source of their culture, identity, and wealth. As these resources have been expropriated and exploited by states and corporations, Indigenous Peoples have been pushed into worsening poverty. As in non-Indigenous communities, gender-based violence by Indigenous men increases during periods of crisis induced by poverty, social dislocation, and cultural disintegration. Indigenous Women therefore recognize that combating violence within their communities is linked to ensuring the collective rights of their communities, such as sovereignty and self-determination, which are the basis of Indigenous Peoples’ material and cultural wealth.

The ongoing attack on Indigenous Peoples has left Indigenous communities among the poorest and most marginalized in the world, alienated from state politics and disenfranchised

by national governments. We use the term exclusion to describe this condition. The 1984 Report of the UN Special Rapporteur, Martinez Cobo, entitled "Study of Discrimination against Indigenous Populations," [i] documented that the large majority of Indigenous Peoples worldwide were subject to discrimination, oppression, and exploitation. It noted that in many countries, Indigenous Peoples did not have the same employment opportunities, access to public services, health services, religious and cultural freedoms or access to justice as other groups. The report also showed that Indigenous Peoples did not have access to meaningful participation in political life. It found that many Indigenous Peoples had either resigned themselves to their situation or turned to assimilation as the only way to improve their living conditions.[ii]

A Note on the "Cost" of Violence against Women: As the private sector becomes an increasingly important "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 from 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 devalued. For example, many Indigenous Women do not participate at all in formal economies, making violence against them "cheap" indeed.

Gender Discrimination: Historically, pervasive disparities between women and men within Indigenous communities have been reinforced by colonization and neoliberalism, while Indigenous beliefs and practices, including egalitarian cosmologies and traditions, have been undermined. Today, the gaps between Indigenous Peoples and other ethnic communities revealed in studies like the Martinez Cobo Report, are mirrored in the disparities of basic indicators on literacy, health, education, and salary between men and women within Indigenous communities.[iii] A 1996 Inter-American Development Bank study in Nicaragua reveals strong links between women's economic dependence on men and physical abuse – a correlation which exists internationally, including among Indigenous Peoples.

- **OVERVIEW OF THE PREVALENCE AND EXTENT OF VIOLENCE AGAINST WOMEN: STATISTICS AND DATA COLLECTION ON ALL FORMS OF VIOLENCE AGAINST WOMEN (Chapter five)**

Data, Statistics, and Exclusion: One manifestation of Indigenous People's exclusion is a severe lack of data and statistics pertaining to Indigenous Peoples. The lack of data is, in part, a result of the exclusion of Indigenous Peoples from basic modalities of citizenship, from birth registries to death certificates to formal citizenship itself. Moreover, because most existing data on gender-based violence has not been comprehensively disaggregated by race or ethnicity, it is impossible to know the prevalence of violence against Indigenous Women. The gap in knowledge represents an urgent concern, for governments cannot act to address problems that they do not know about. Where governments 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 combat violence against women.

In Latin America, social exclusion means that Indigenous Women are effectively denied access to most public services – including education, medical care, police protection, telephone service and transportation -- that could prevent or redress violence. In fact, public services are themselves a site of violence against Indigenous Women. For example, in numerous Latin American countries, poor and Indigenous Women seeking professional healthcare have been forcibly sterilized. Many rural Indigenous Women do not speak fluent Spanish - the language of public education, mass media and the courts. Even programs to combat violence against women usually do not include segments designed by Indigenous Women and therefore do not adequately address the problem as it affects them.

#### DATA COLLECTION (action oriented recommendations)

The Permanent Forum on Indigenous Issues in its report on the first session (para. 6) called upon all concerned agencies and organizations to begin to disaggregate data on Indigenous People generally, and Indigenous Women and children specifically, in two categories, covering (i) programs and services impacting Indigenous Peoples and (ii) fiscal allocations for Indigenous Peoples programmes and services. FIMI is using a qualitative methodology based on specialized sample population-based surveys to collect data on violence against Indigenous Women<sup>1</sup>.

FIMI calls upon all Member States to collect disaggregated data on violence against Indigenous Women following the general recommendations for improved data collection made in the Report of the Expert Group Meeting on Data and Statistics organized by the DAW in April 2005. The Report encourages the use of population-based surveys as the most reliable method for collecting information aimed at developing policy (point 2.2 of the Report) and recommends researching specific types of violence directed at Indigenous Women, such as female genital mutilation, dowry-related violence and other traditional or cultural practices that are harmful to women and girls (point 2.4).

#### **• GOOD PRACTICES IN ADDRESSING VIOLENCE AGAINST WOMEN**

As stated in the Report of the Special Rapporteur on Violence against Women (Executive Summary, E/CN.4/2003/75), violence against women must be addressed on multiple levels and in multiple sectors of society simultaneously, taking direction from local people on how women's rights may be promoted in a given context. This approach requires comprehensive, multidisciplinary strategies to combat violence against women. Violence against Indigenous Women occurs in a context of ongoing rights violations against Indigenous Peoples. The indivisibility of all human rights demands that strategies to end violence against Indigenous Women work to defend both Indigenous Women's rights within their communities and the rights of their Peoples as a whole. The following examples of good practices draw on the

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<sup>1</sup> Contact Monica Aleman, FIMI coordinator for full length results on this survey.

work of FIMI's sister organizations in Kenya and Nicaragua. 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. (SEE ATTACHMENT FOR COMPLETE REPORT ON THESE GOOD PRACTICES).

GOOD PRACTICES (action oriented recommendations)

The 1993 United Nations Declaration on the elimination of violence against women recognizes that some groups of women are particularly vulnerable to violence, such as: women belonging to minority groups, Indigenous Women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict. Nevertheless the Report of the expert group meeting: "Good practices in combating and eliminating violence against women" does not include any other mention of Indigenous Women.

FIMI welcomes the expert group meeting report recommendations to consider ethnicity when planning/extending/reviewing services<sup>2</sup>. In addition, we strongly encourage the DAW to include examples of promising practices generated by Indigenous Women in the Secretary General Study and to encourage Member States to consider and specifically address policies to combat violence against Indigenous Women.

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<sup>2</sup> Report of the expert group meeting: "Good practices in combating and eliminating violence against women", UN, 2005. p.23