



International Indigenous Women's Forum

Inputs for Report on violence against indigenous women and girls

Prepared by the International Indigenous Women's Forum

Introduction

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 and resilience.

In recent years, the term “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. 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.

In this regard, FIMI has prepared knowledge materials to reinforce the concept of environmental violence, understood as lethal and deliberate exposure to pesticides, mining waste and other sources of toxic contamination. In various meetings, it has been recognized that there is a relationship between environmental toxic substances and reproductive health, in addition to other impacts generated by environmental violence.

Data on violence against Indigenous Women

The UN has indicated that the Africa region has the highest rate of gender-based violence, estimated at 69% in 2017 (UNODC, 2018). Indigenous women’s organizations indicated that domestic violence is very prevalent in their communities and that most Indigenous Women do not report such abuses because of their dependence on men (Interview with Ogiek women, 2020).

In countries such as Mali, Burkina Faso, the DRC and Cameroon, Indigenous girls are becoming targets and victims of sexual violence, early marriage and pregnancy, due to high levels of poverty, illiteracy and armed conflict in their communities. The rate of female genital mutilation

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International Indigenous Women's Forum

(FGM) in some Kenyan Indigenous communities is very high, estimated at 94% for Somali, 86% for Samburu, 84% for Kisii and 78% for Maasai (IGWIA, 2019).

In Asia, a 2016 study on gender-based violence in Timor-Leste by the Asian Foundation found that 59% of girls and women aged 15 to 49 experienced sexual and physical violence from their intimate partners, while 14% experienced violence from people other than their partners. Conservative policies remain, such as Section 277 of Thailand's Criminal Code, which gives alleged rapists the option to marry their underage (13 to 15 years old) victims in lieu of criminal punishment.

In the Pacific region, particularly in Australia, prevalence studies showed that one out of every three women has experienced physical violence and one out of five has experienced sexual violence, with Indigenous Women many times more likely to experience physical violence over their lifetime than non-Indigenous women. In Aotearoa New Zealand, Maori women are twice as likely to experience violence as other women in the country, and at least 50% of Indigenous Women who are sexually assaulted are likely to be victimized again (Pacific Islands Forum Secretariat, September 2015).

In the Arctic region, the availability of data and research on violence varies greatly among countries. In Canada and the United States, it is widely recognized that AIAN women experience violence at much higher rates than non-Indigenous women¹. Furthermore, hundreds of Indigenous Women in Canada and Native women in the USA have gone missing or been murdered in the past thirty years, and an extensive amount of research has been undertaken on the subject². It has also been documented that Indigenous Women encounter challenges in

¹ In Canada, according to The Canadian Centre for Policy Alternatives (2019), Indigenous Women are 3 times more likely than non-Indigenous Women to be a victim of spousal violence (2014 General Social Survey), 12 times more likely to be murdered or missing than any other women in Canada, and 16 times more likely than Caucasian women. One quarter of all female homicide victims in Canada in 2015 were Indigenous. The levels of violence are also alarming among Indigenous girls and teens. A larger proportion of Indigenous people self-report being physically or sexually assaulted before the age of 15 (40%) than non-Indigenous people (29%). Of this group, Indigenous girls are more likely to report experiencing both physical and sexual maltreatment compared to Indigenous boys (Boyce, 2016). Compared to non-Hispanic White-only women, AIAN women in the USA are 1.2 times as likely to have experienced violence in their lifetime, 1.7 times as likely to have experienced violence in the past year (Rosay, 2016), and they are 2.5 times more likely to be raped or be victims of sexual assault compared to the rest of the country (Amnesty International, 2006).

² National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), Final Report; Urban Indian Health Institute Report (UIHI, 2017)



International Indigenous Women's Forum

finding safety when violence occurs. The availability of shelters has been reported to be insufficient in Sápmi (Scandinavia) as well as in Nunavut (Canada). In Canada racialized policing also persists, reflecting the problem of systemic discrimination embedded in institutional policies and practice (Pauktuutit Inuit Women of Canada, 2020).

In the Americas, violence against women is a serious, widespread and multidimensional human rights problem, which takes different forms and affects all countries in the region. Three main limitations are (a) the lack of disaggregated data by gender and ethnicity in countries' statistics and administrative records; (b) few studies on the various expressions and dimensions of GBV against Indigenous Women; (c) the absence of public policies that are culturally relevant and adapted to the contexts where Indigenous Women live.

Another pressing issue is violence resulting from early and forced child marriages and unions involving Indigenous Girls and Young Women (FIMI, 2006; CHIRAPAQ and UNFPA, 2018). Finally, access to justice in ordinary justice systems as well as in Indigenous ones is still a major challenge and many gaps remain, while setbacks have been recorded in some countries (VIII Continental Meeting of Indigenous Women of the Americas, Violence Group, 2020).

On the other hand, it's critical to mention that armed conflicts that affect Indigenous Peoples and Indigenous Women are mostly related to their lands, territories and natural resources. In nearly every region of the world, Indigenous Peoples are being displaced and severely affected by violence on their lands and territories.

Nevertheless, Indigenous Women do not see themselves as passive victims but have taken up roles as mediators and peace builders (UNPFII, 2020; par.55).

Good practices

1. To address violence toward Indigenous Women in Asia, Indigenous Women's organizations conduct many initiatives, such as promoting documentation and reporting of cases; supporting rehabilitation centres for survivors; working with and lobbying governments to implement care services for trafficked women and girls (India, Bangladesh, Nepal); exposing the activities of the military (Philippines); and organizing survivor sessions and initiating referral for survivors, among others (Report on Asia



International Indigenous Women's Forum

Regional Meeting of AYNILFS Partners and Indigenous Women's Networks, October 3–6, 2019).

2. In Canada, following long-term pressure by Indigenous Women's movements and families of survivors, the federal government finally carried out an inquiry into missing and murdered Indigenous Women and Girls. The inquiry was launched in December 2015, and the final report, *Reclaiming Power and Place*, was officially presented to the government in June 2019. The report, based on extensive evidence, testimony, independent research and legal analysis, concluded that Canada has committed genocide against Indigenous Women, Girls and Two-Spirit Persons. It also affirmed that Canada's federal, provincial and municipal laws, policies and practices have formed an infrastructure of violence resulting in thousands of murders and disappearances as well as other serious human rights violations against IWG (Canadian Centre for Policy Alternatives, 2019; p. 12).
3. The case of Sepur Zarco (2014) in Guatemala represents a good practice in transitional justice, as it was a key part of addressing the systematic violence and sexual slavery perpetrated near the military base of Sepur Zarco against 15 Q'eqchi' women during the armed conflict. This was the first such case in world history to reach the national courts, and it marked a historic advancement in international gender jurisprudence. A military commissioner and a military officer are in pre-trial detention. However, "the advances in transitional justice in Guatemala seem minimal compared to the dimension and seriousness of the human rights violations committed during the armed conflict." (Impunity Watch, 2019).
4. Long-standing community relationships and CHamoru cultural revival, including efforts to reclaim history, language, literature and traditions, have formed the foundation of a movement against militarization (Natividad & Kirk, *Fortress Guam: Resistance to US Military Mega-Buildup*, 2010). Women leaders with Fuetsan Famalao'an and groups such as I Nasion CHamoru, Guahan Coalition for Peace and Justice, Tao'tao'mona Native Rights, Guahan Indigenous Collective and We Are Guåhan have brought together people from diverse ethnic and occupational backgrounds to advocate for transparency and democratic participation in decisions regarding the future of the island. The CHamoru activist network Famoksaiyan is active in California urban centres, addressing



International Indigenous Women's Forum

young CHamorus in the diaspora (Natividad & Kirk, Fortress Guam: Resistance to US Military Mega-Buildup, 2010) (Cristobal, 2006).

Recommendations

1. States must ensure that quality health services and facilities are available, accessible, affordable, culturally appropriate, and acceptable for indigenous women and girls, including those with disabilities.
2. Personal and community healing is a path to restore the balance and harmony of women, and within the community, it allows to restore the ancestral institutions that benefit women, and achieve the wellbeing of the community. It is recommended to vindicate cosmovision and healing as resources for the eradication of violence.
3. We call on all States to adopt specific, inclusive and accessible measures such as targeted affirmative actions and programs to address the conditions of Indigenous Women who experience multiple instances of intersectional discrimination and violence, so that we are able to mainstream our rights in the national implementation and monitoring of the 2030 Agenda for inclusion of Indigenous Persons with disabilities.
4. We call on all States to integrate the comprehensive understanding that discrimination and violence against Indigenous Women, Girls and Women with disabilities, LGBTQ+ are multidimensional, and that such an understanding is intimately intertwined with their cosmovision, the rights of nature, and their role as environmental defenders and ancestral guardians of Mother Earth.
5. We call on all sectors and stakeholders to recognize, promote, and protect Indigenous healing practices, medicinal knowledge, and intellectual property through awareness, training, and government support at all levels.
6. We call on all States to integrate appropriate processes and mechanisms that reflect the collective dimensions of the right to equality, non-discrimination, and self-determination; social and economic rights, including the right to decent work and the right to land, territory, and resources; rights to water and food; cultural rights; civil and political rights; the right to live free from any form of violence, and the right to access the justice system without fear of reprisal for those Indigenous Women and Girls who report violations of their rights.



International Indigenous Women's Forum

7. The pathway to succeed in such an endeavor requires a close partnership with our Indigenous brothers and sisters, allies, donors, and different movements who walk by our side in mutual solidarity to eradicate inequalities and violence.

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