



IWGIA

INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

Written submission to the UN Special Rapporteur on Violence against Women, its causes & consequences

**IWGIA inputs to the
Report on violence against Indigenous Women and Girls**

Introduction

With this written submission, IWGIA seeks to bring forward the perspectives and experiences of Indigenous Women and Girls and the 50+ years of IWGIA's experience working in their support.

The methodology used to collect the data, has been extracted from interviews with Indigenous Women from partner organizations, data from the Indigenous Navigator, NGO reports gathering Indigenous Women and Girls' testimony, and international organizations reports.

Situation of Indigenous Women and Girls Worldwide

Indigenous Peoples all over the world face systemic discrimination rooted in persistent racism as well as past and present colonialism. Many Indigenous communities have been forcefully relocated, lands have been taken away, forests have been destroyed, mountains have been mined and valleys have been dammed and flooded. Children have been taken away to boarding schools, living and dying under terrible and destructive circumstances in the name of assimilation, or are forced into schools where none of their languages are spoken and none of their knowledge and values are taught and practiced. They are forced to live under governments that are not their own, in which they can hardly participate and on which they have no influence. Being colonized and suppressed obviously results in a series of negative consequences including racism and systemic discrimination that also leads to much violence against Indigenous women. When the wider society view Indigenous Peoples as secondary citizens, the likelihood of violence with impunity happening against them increases – the countless murdered and missing Indigenous women in Canadaⁱ or the countless unreported and unrecorded rape cases against Indigenous women by settlers, military, police, workers from outside, or tourists, are brutal examples of this.

Indeed, Indigenous women and girls are significantly more likely to be victims of different forms of sexual violence and more likely to experience rape than non-indigenous women and girls.ⁱⁱ This includes a higher exposure to various forms of sexual violence, trafficking and domestic violence. Violence against Indigenous women and girls also occurs in contexts such as during armed conflicts and militarization of their territories, during the implementation of development, investment and extractive projects, and while exercising the defence of their human rights. In some cases, this form of violence is politically motivated¹. For the most vulnerable women and youth, namely unmarried mothers, child-brides, orphans, widows, LGBTQ+ and women living with disabilities, the cycle of poverty disproportionately marginalizes them and is perpetuated from generation to generation, placing them at the bottom of society, where violence with impunity is even more pervasive.

Indigenous Women facing violence in the exercise of their Economic, Social and Cultural Rights

Indigenous girls are at higher risk of sexual violence on their way to and from school, or when they move away from their communities to study or work, because of the remoteness of many Indigenous communities and the long distances they need to travel to attend school or work.ⁱⁱⁱ When Indigenous Peoples migrate as a result of eviction from their territories, there is also a higher risk of violence and poverty. Indigenous women accessing health services related to pregnancy, childbirth or postpartum period have been sterilized without their consent or forced to use contraceptives.^{iv} In fact, obstetric violence against Indigenous women is a widespread practice in the Americas and in other continents, with common reports of practices such as forcing Indigenous women to give birth in a supine position rather than their preferred vertical position, banning traditional midwifery and criminalising traditional practices,

¹ Political violence is the deliberate use of power and force to achieve political goals (World Health Organization (WHO), 2002). As outlined by the World Health Organization (2002), political violence is characterized by both physical and psychological acts aimed at injuring or intimidating populations.

or ridiculing Indigenous women for their traditional clothing or their belief in the effects of traditional medicine; among others.^v

Violence as a result of Land Rights Struggles

Because Indigenous lands are often coveted by diverse actors for the natural resources they contain or for their “development potential”, Indigenous communities – and Indigenous women in particular – often end up “caught in the crossfire of conflict situations and subjected to militarized violence.”^{vi} The militarization of Indigenous lands has exposed Indigenous women to sexual violence, including rape by military forces, forced prostitution and sexual slavery.^{vii} In several countries, such as Bangladesh, India, Myanmar, Nepal, Kenya, the Philippines, Thailand and Timor-Leste, the militarization of and conflict over Indigenous land has led to gang-rape, sexual enslavement and killing of Indigenous women and girls.^{viii} The militarization of their lands also makes them particularly vulnerable to forced labour and trafficking.^{ix} Indigenous women and girls worldwide who leave their families and communities fleeing difficult socio-economic conditions or armed conflicts are thus highly vulnerable to trafficking, including severe economic and sexual exploitation and sexual violence.^x In Nepal for instance, Indigenous women and girls amount to almost 80% of the total of trafficked persons, although the proportion of Indigenous Peoples in Nepal is only officially 37%.^{xi}

Development activities on or near their traditional lands have generated increased risks of sexual violence for Indigenous women and girls globally. Development projects and the presence of temporary workers camps or armed security personnel in remote areas have led to “an increase in involuntary prostitution of Indigenous girls, forced/unwanted pregnancies, STDs and sexual violence.”^{xii} The rapid expansion of tourism in some areas has also led to increased “sexual harassment, insecurity and sufferings for the Indigenous women and girls.”^{xiii} Indigenous women and girls have an exacerbated risk of health problems associated with environmental contamination when development projects are implemented in their territories.^{xiv}

Indigenous women leaders working for the defence of their rights are frequently targets of intimidation, threats and attacks on their life.^{xv} They face criminalization on the basis of false allegations, are subjected to unfounded criminal proceedings, as well as to imprisonment in order to demoralize them, paralyze their human rights defence work and delegitimize their causes.^{xvi}

Domestic violence

Indigenous women and girls across all regions are significantly more likely to be victims of domestic violence than non-indigenous women, both from non-indigenous and Indigenous partners.^{xvii} Due to racial discrimination, colonial history and in some cases the motives behind the marriage (i.e. non-indigenous men marry Indigenous women to get access to land) means that mixed marriages are more likely to face violence. Indigenous men are suffering from colonial trauma and current systemic discrimination leading to, for example, an increase in mental health issues, alcoholism, etc. seriously affecting Indigenous women and children negatively. As examples, we can highlight the harrowing statistics IACHR has come up with to show the prevalence of domestic violence suffered by Indigenous women throughout the Americas.^{xviii} Or the data from Cameroon that shows that, 55% of Indigenous Mbororo women reported facing violence before the age of 15.^{xix} We do not have data from all regions and countries, so these are just indicative examples. Domestic violence may be felt more acutely by Indigenous women and girls owing to the lack of access to support services and justice, as well as their specific cultural and economic circumstances.^{xx}

Traditional harmful or positive practices

Indigenous women and girls' rights to physical integrity are also violated by their own communities. For example, across Sub-Saharan Africa, and in countries in South Asia early and forced marriages remain a major concern for Indigenous girls. Early marriage is closely related to removal from school, higher probability of domestic violence, complications in pregnancy and childbirth, and psychological trauma.^{xxi} A prevalent practice called "beading" in the Samburu region in Kenya, where men of the "warrior" age group can have sanctioned sexual relations with girls as young as nine years old in exchange for specialized beads and other goods, constitutes a serious violation of Indigenous girls' rights.^{xxii} Female Genital Mutilation is also prevalent among Indigenous communities in many countries in Africa, causing serious harm and violence towards the affected girls and women. In India, Indigenous women face brutal human rights violations when their communities brand them as witches: young women branded as "witches" are shunned from their communities at best, and at times even stoned, tortured and killed.^{xxiii}

It is important to recognize that several Indigenous customary practices are also favourable of Indigenous women and bolster their position in their communities – the matrilineal Khasi of India and Bangladesh^{xxiv} is an example of this, or the Kreung in Cambodia, whose customary practice includes the newly wed couples to live in the community of the bride, then later move to the groom's community and finally jointly decide where they wish to live, providing some protection for the young women. Traditionally, Kreung women would be the ones administering the family income^{xxv}.

Indigenous Women – powerful agents of change

Although Indigenous women and girls face enormous challenges, violence and discrimination, they should not only be portrayed as victims or a vulnerable group. Indigenous women are active change agents and important leaders in the movement and struggle for the rights of Indigenous Peoples. Indigenous women worldwide have built a movement and insisted on being given space to raise their issues within the broader Indigenous Peoples' movement, as well as within the broader women's rights movement. They have resiliently and consistently been pushing their messages in various spaces at all levels – from the family and grassroot level to the global arena – because they have specific priorities they need everyone to pay attention to and address. Indigenous women have also, in some places, established their own parallel social and political structures if not enough space was provided within the established structures (both state and Indigenous structures).

ⁱ <https://globalvoices.org/2020/09/08/how-indigenous-women-in-canada-heal-through-art/>

ⁱⁱ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 47.

ⁱⁱⁱ ECLAC, *Indigenous Women in Latin America: Demographic and Social Dynamics in the Human Rights Framework*, October 2013, p.91.

^{iv} UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 34; IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 119.

^v IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 80-81.

^{vi} UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 52.

^{vii} IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.111.

^{viii} UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 53.

^{ix} UN Economic and Social Council, [Study on the extent of violence against indigenous women and girls in terms of article 22 \(2\) of the United Nations Declaration on the Rights of Indigenous Peoples](#), E/C.19/2013/9, February 13, 2013, para.36.

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- ^x UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 60.
- ^{xi} NIWF, LAHURNIP and FPP, *The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4th and 5th Periodic reports of Nepal*, CEDAW/c/NPL/4-5, 11-29 July 2011, para.57.
- ^{xii} IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.102; IACHR, *Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities*, OEA/Ser.L/V/II., Doc. 47/15, December 31, 2015, para. 320.
- ^{xiii} Kapaeeng Foundation, Bangladesh Indigenous Women's Network, Bangladesh Indigenous Peoples Forum, Adivasi Nari Parishad, Achik Michik Society, *Bangladesh: A Joint Submission to the United Nations Committee on the Elimination of Discrimination against Women*, 2016, para.15; IWGIA, Bangladesh: [If I lose my land, I am no one. I have nothing": A voice from the Indigenous Mro facing eviction from their land](#), April 27, 2021.
- ^{xiv} UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 52; IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.106.
- ^{xv} IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.123.
- ^{xvi} UN AG, *Attacks and criminalization of indigenous human rights defender. Availability of prevention and protection measures*, A/HRC/39/17, August 10, 2018; Abigail Bengwayan-Anongos, [Philippines: False Accusations, Persecution and Imprisonment of Indigenous Women](#), Debates Indigenas Blog, April 1, 2021; IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015.
- ^{xvii} UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 57.
- ^{xviii} IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 117.
- ^{xix} FFA Cameroon, [Violence against Indigenous Women and Girls](#), March 20, 2020.
- ^{xx} UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 57.
- ^{xxi} FFA Cameroon, [Early and Forced Marriage](#), March 20, 2020.
- ^{xxii} Samburu Women Trust, [Silent Sacrifice: Girl-Child beading in the Samburu Community of Kenya, A research and human rights report](#), 2012, p.4; Samburu Women Trust, [The Unspoken Vice in Samburu Community](#), 2016, p.3.
- ^{xxiii} ISAWN of Mainland India, IWFNEI, AIPP, *India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India*, June 2014, p.10.
- ^{xxiv} https://www.iwgia.org/images/publications/new-publications/2020/Territorial_management_in_indigenous_matrifocal_societies.pdf
- ^{xxv} Leth, S. 2011. Behind the Smile; An Anthropological study about domestic violence among the Kreung community in Ratanakiri in Cambodia. https://www.academia.edu/1550126/Domestic_violence_report_Signe_Leth_2012