

STRATEGY FOR INCLUSION AND VISIBILITY OF INDIGENOUS WOMEN



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LEADERSHIP AND GOVERNANCE SECTION

UN WOMEN

New York, December 2016

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ACRONYMS

AIPP	Asia Indigenous Peoples Pact
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organization
CSW	Commission on the Status of Women
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FGE	Fund for Gender Equality
FGM/C	Female Genital Mutilation/Cutting
IASG	Inter-Agency Support Group on Indigenous Peoples Issues
ILO	International Labour Organization
IWGIA	International Working Group on Indigenous Affairs
MDGs	Millennium Development Goals
REDD	Reducing Emissions from Deforestation and Forest Degradation
SDGs	Sustainable Development Goals
UN	United Nations
UNDESA	United Nations Department for Economic and Social Affairs
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNICEF	United Nations Children’s Fund
UNPFII	United Nations Permanent Forum on Indigenous Issues
UN-SWAP	United Nations System-wide Action Plan
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WCIP	World Conference on Indigenous Peoples

EXECUTIVE SUMMARY

Context

LEAVE NO ONE BEHIND is a core pillar of the 2030 Agenda for Sustainable Development and a programming principle of the United Nations (UN) System.¹

The global review of 20 years of implementation of the Beijing Declaration and Platform for Action reveals that indigenous women across the world face disproportionate levels of discrimination, exclusion and violence.² Ensuring that no indigenous woman is left behind as beneficiaries and actors of development is therefore integral to the implementation of the Sustainable Development Goals (SDGs).

Indigenous women enjoy the collective rights afforded to indigenous peoples under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007 and the International Labour Organization Convention No.169 on Indigenous and Tribal Peoples of 1989. They are also protected as individuals by all other human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women.

By calling for the economic, social and political empowerment of all indigenous women and the elimination of all forms of violence against them, the outcomes of the World Conference on Indigenous Peoples (WCIP) of 2014 presents a renewed framework for promoting the rights of indigenous women within the context of the 2030 Agenda for Sustainable Development. Indigenous women's demands for "Inclusion and visibility" in development were clearly brought to play through a WCIP and Post-2015 agenda preparatory meeting of 2013 (see the Lima Declaration in Appendix 4.2).

1 United Nations Development Group. 2016. Interim United Nations Development Assistance Framework Guidance. Available at: <http://www.undg.org>

2 United Nations. Review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly. Report of the Secretary-General. E/CN.6/2015/3.

About this strategy

This strategy crystalizes UN Women's long-standing commitment to indigenous women. It serves as the organization's first official frame of reference for bringing UN Women's programming to scale in a coherent and consistent manner across the organization.

The United Nations Permanent Forum on Indigenous Issues (UNPFII) formulates recommendations to the United Nations (UN) System on ways and means of addressing specific issues of concern to indigenous peoples. Since its creation in 2000, it has called upon UN agencies, funds and programmes to formulate policies and operational tools for implementing the rights of indigenous peoples. In this context, during its 13th Session of 2014, the UNPFII issued a recommendation to UN Women to produce an organizational framework of action to guide UN Women's work on indigenous issues.³

This recommendation is consistent with UN Women's vision of contributing to a transformational agenda for indigenous women.

UN Women's current and future engagement

Building on its experiences in programming with and for indigenous women, UN Women's future work will be guided by the six elements of the United Nations Secretary-General's System-wide Action Plan on the Rights of Indigenous Peoples (UN-SWAP), developed in response to an outcome recommendation of the WCIP (Box 1).⁴

3 Economic and Social Council. "Permanent forum on indigenous issues: Report on the 13th session". E/2014/43-E/C.19/2014/11. Para 35.

4 United Nations. 2016. "System-wide Action Plan on the rights of indigenous peoples". United Nations. New York.

BOX 1

Six elements of the UN-SWAP

1. Raise awareness on the UNDRIP
2. Support the implementation of UNDRIP, particularly at the country level
3. Support the realization of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development
4. Conduct a mapping of existing standards and guidelines, capacities, training materials and resources within the UN System, International Financial Institutions, and Inter-Agency Support Group on Indigenous Issues (IASG) members for the effective implementation of the UNDRIP
5. Develop capacities of States, indigenous peoples, civil society and UN personnel
6. Advance the participation of indigenous peoples in UN processes.

This strategy reflects priorities of the UN-SWAP, as well as those that have been identified by indigenous women themselves. Indigenous women's priorities are reflected in a number of milestone frameworks, such as the Lima Declaration, WCIP outcomes, UNPFII recommendations and various sessions of the Commission on the Status of Women (CSW). The Lima outcomes include indigenous women's demands for the protection of their ancestral lands and territories from the harmful effects of extractive industries and the impacts of climate change; full recognition of their traditional knowledge of sustainable development

practices; respect for indigenous justice systems; protection from violence; and their meaningful participation in conflict prevention, peace, security and humanitarian action.

A four-part approach—consisting of (1) increasing internal and external capacity, (2) strengthening accountability, (3) enhancing partnerships, and (4) mainstreaming indigenous women's issues into existing programmes and developing specific programmes for indigenous women—is proposed for implementing the UN-SWAP.

The UN-SWAP affords UN Women with a unique opportunity to work with the rest of the UN System to “deliver as one” on indigenous issues at global, regional and country levels.

UN Women's work on indigenous issues is undertaken in close partnership with the UN System, particularly the IASG, established in 2002 to support and promote the mandate of the UNPFII. UN Women also continues to strengthen its engagement with indigenous women through its civil society advisory groups at global, regional and country levels. It is also committed to supporting the work of the three UN mandates on indigenous issues: UNPFII, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the rights of indigenous peoples.

At the country level, UN Women will continue to support transformative initiatives for indigenous women in partnership with UN country teams, governments and civil society organizations (CSOs).



1

INTRODUCTION

1

INTRODUCTION

A. Background

The 2030 Agenda for Sustainable Development's pledge to "leave no one behind" is a wakeup call to all stakeholders to address pertinent issues affecting indigenous women. The global review of 20 years of implementation of the Beijing Declaration and Platform for Action reveals that indigenous women across the world face disproportionate levels of discrimination, exclusion and violence.⁵ Available data suggests that there are significant disparities between indigenous and non-indigenous women's access to social services, economic opportunities and political participation.⁶ The integrity and security of indigenous women's ancestral lands, natural resources, traditional livelihoods, languages and cultures are also threatened by encroachment and erosion.

Indigenous women are determined to preserve their distinct cultures and traditions and are also working to build awareness of women's human rights among their own communities. They have engaged as visible change agents in landmark processes such as the Beijing Fourth World Conference on Women and related review processes, Commissions on the Status of Women (CSW), annual sessions of the United Nations Permanent Forum on Indigenous Issues (UNPFII), the World Conference on Indigenous Peoples (WCIP) of 2014, the 2030 Agenda for Sustainable Development and various sessions of the Conference of the Parties on Climate Change. These settings have afforded indigenous women with opportunities to integrate their collective priorities, experiences and lessons for transformative change for present and future generations.

5 United Nations. Review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly. Report of the Secretary-General. E/CN.6/2015/3.

6 UNDESA. 2009. "State of the World's Indigenous Peoples". United Nations. New York.

B. The need for a strategy

This strategy harnesses UN Women's long-standing commitment to indigenous women. It represents the organization's first official frame of reference for bringing its programming to scale in a coherent and consistent manner across the organization.

The strategy reflects a commitment to two developments, namely (1) a recommendation of the UNPFII to UN Women and other UN agencies to produce organizational frameworks of action to guide their work on indigenous issues and (2) the United Nations Secretary-General's System-wide Action Plan on the Rights of Indigenous Peoples (UN-SWAP).

The UNPFII formulates recommendations to the UN System on ways and means of addressing specific issues of concern to indigenous peoples. Since its creation in 2000, it has called on UN agencies, funds and programmes to formulate policies and operational tools for the implementation of the rights of indigenous peoples (see Box 2 for examples of agencies which have institutional policies or guidelines on indigenous peoples in place).⁷ In this context, the UNPFII issued to UN Women, a recommendation during its 13th Session of 2014 to produce an organizational framework of action in support of its work on indigenous issues: "*The Permanent Forum underscores the need to strengthen collaboration with UN Women in order to finalize a road map, including concrete actions, and specific outcomes within their next strategic plan as well as to include indigenous women's priorities in global, regional and national programmes, consistent with Articles 21, 22 and 41 of the Declaration.*"⁸

7 This is not to suggest that every institutional policy or guideline has originated from a UNPFII recommendation.

8 Economic and Social Council. 2014. "Permanent Forum on indigenous issues: Report on the 13th Session". E/2014/43-E/C.19/2014/11. Para 35.

BOX 2

An inexhaustive list of organizations which have institutional policies or guidelines on indigenous peoples in place

- Asian Development Bank
- European Bank for Reconstruction and Development
- Food and Agriculture Organization
- International Fund for Agricultural Development
- Inter-Parliamentary Union
- Inter-American Development Bank
- Office of the UN High Commissioner for Human Rights
- Secretariat of the Convention of Biological Diversity
- United Nations Development Programme (UNDP)
- United Nations Environment Programme
- United Nations Population Fund (UNFPA)
- United Nations Human Settlements Programme
- World Bank.

This strategy also responds to the UN-SWAP of 2016, which, building on a recommendation of the WCIP, promotes a coherent approach to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the UN System. UN Women actively participated in the design of the UN-SWAP and welcomes the opportunity of UN System-wide action and coherence on indigenous issues to enhance its own programming.

C. Methodology

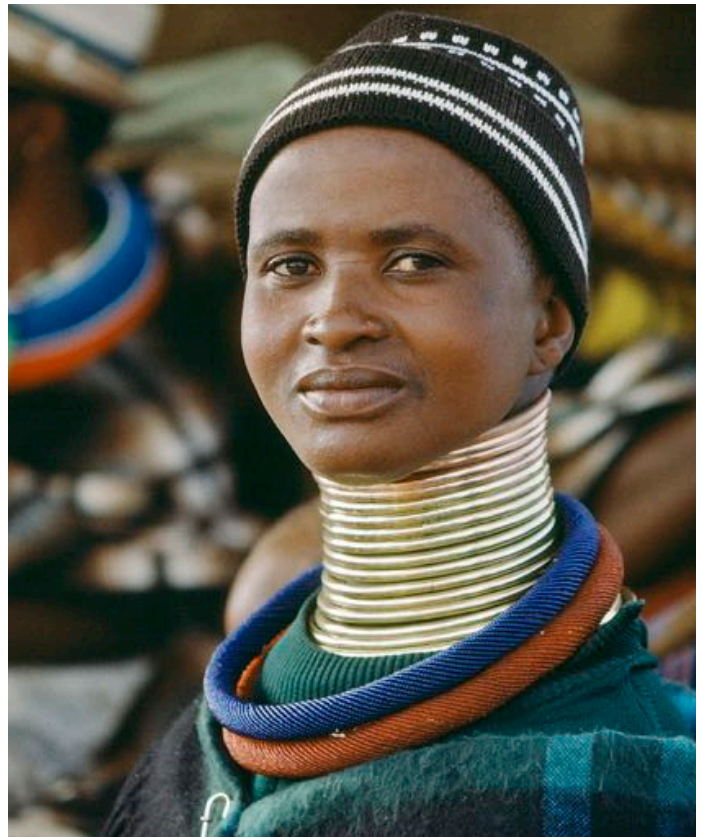
This strategy is based on a desk review of relevant recommendations of various intergovernmental processes, reports of indigenous women's CSOs, global and regional mechanisms, and UN Women's annual country reports and submissions to the UNPFII. The review took into account the priorities that indigenous women have expressed in various outcome documents, such as those of CSW and preparatory meetings towards the WCIP. The subsequent conceptualization, outline and various drafts of this strategy were shared with UN Women country offices, UNPFII and indigenous women's CSOs for comment and review. These inputs were incorporated to produce this strategy, which ultimately reflects important priorities for UN Women to consider and deliver on in the coming years.

D. Structure and content

Part II presents information on the situation of indigenous peoples, generally, and indigenous women in particular. It also introduces the concept of collective rights and offers an overview of global institutional and human rights standards that afford protection to indigenous women. Finally, it reflects the contributions that indigenous women have made and are making towards shaping and advancing the global normative agenda on gender equality and why this matters.

Part III Outlines the principles, priorities, programmatic areas of action and a four-part strategy for implementing the UN-SWAP.

Appendices contain additional resources to inform and guide programming.



Above: A woman from the Ndebele tribe in South Africa © UN Photo / P. Mugabane.



From top: A participant at the First World Conference on Indigenous Peoples © UN Photo / Loey Felipe. A Hmong woman and her baby in the village of Sin Chai, Viet Nam. © UN Photo / Kibae Park.



2

THE BROADER CONTEXTS OF INDIGENOUS WOMEN'S LIVES

2

THE BROADER CONTEXTS OF INDIGENOUS WOMEN'S LIVES

A. The concepts of collective rights and indigenous peoples

Indigenous peoples possess two sets of rights: *collective rights*, which are defined under international law as a set of rights that protect the entitlements of a particular group. This is based on the fact that the identity and sense of human dignity of the individuals within that group are dependent on their belonging to the group.⁹ They also possess *individual rights* to which, every human being is entitled, through a broad range of international human rights treaties.¹⁰

Indigenous peoples contextualize their rights within broad historical experiences of discrimination and colonialism. Their entitlements to protection of their ancestral lands, traditional knowledge, self-determination, and free, prior and informed consent, spring from collective interests and experiences. These have gained recognition in the UNDRIP of 2007 and the much earlier ILO Convention No.169 on Indigenous and Tribal Peoples of 1989 (ILO Convention No.169), which, together constitute a global charter of indigenous peoples' rights.

Thus, while indigenous women are entitled to the basic rights afforded to all women under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other human rights instruments, they also enjoy the collective rights

accorded to all indigenous peoples in the two instruments mentioned above.

Tensions between collective rights and individual rights are often manifest in contesting spaces between universal human rights and the concept of "cultural relativity". This latter perspective is often used to justify violations of women's human rights by designating such abuses as "cultural". While indigenous women reject any violations of their individual rights, they also recognize that there are intersecting areas of compatibility between international human rights and local values and practices which can be exploited for the full enjoyment of human rights.¹¹

The international community adopts the view that a formal definition of indigenous peoples is unnecessary, given the diversity of indigenous peoples around the world.¹² In place of a definition, UNPFII has identified specific elements around a common understanding based on approaches adopted in various instruments such as ILO Convention No.169 and global and regional ground-breaking reports.¹³ These

9 McCorquodale, R. "Rights of peoples and minorities." In: *International Human Rights Law*. Ed. Moeckli, D., Shah, S. S., and S. Sivakumaran. Oxford. pp 365-387. This is why "peoples" is spelt in plural form.

10 Ibid.

11 United Nations Office of the Special Adviser on Gender Issues and Advancement of Women and the Secretariat of the United Nations Permanent Forum on Indigenous Issues. "Gender and Indigenous Peoples' Human Rights." Briefing Note No. 6. February 2010.

12 UNDESA. 2009. "State of the World's Indigenous Peoples". United Nations. New York.

13 Martinez Cobo, J. 2005. "Study on the problem of discrimination against indigenous populations". Submitted to the UN Sub-Commission on the Prevention of Discrimination of Minorities in 1986, also known as "Martinez Cobo Report"; African Commission on Human and Peoples' Rights and the International Work Group for Indigenous Affairs. 2005. "Report of the African Commission's Working Group of Experts on indigenous populations/communities".

point to *objective and subjective criteria* that must be used in determining who an indigenous person is. The key elements of these two criteria are highlighted in the relevant parts of Article 1 of ILO Convention No.169 in Box 3.

BOX 3

Objective and subjective criteria used in determining indigenous persons

1. This Convention applies to:
 - a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
 - a) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.
2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

Source: Article 1 (1)—(2) of ILO Convention No.169

Article 33 of UNDRIP emphasizes the right of indigenous peoples to decide their own identities and membership procedures. This finds reflection in ILO Convention No.169 which sets out self-identification as indigenous or tribal as a fundamental subjective criterion. The objective criteria is linked to factors such as marginalization, lack of agency, limited access to social services, and exclusion from decision-making processes in matters affecting them. Their unique experiences are also associated with their histories and intimate spiritual relationship with their lands, territories and resources, guarded by self-determination and free, prior and informed consent.

B. The intersection between indigenous and minority rights

Given that women are not a homogenous group, understanding the peculiarities, circumstances and context of each group becomes pertinent in all programming contexts. UN System programming experiences demonstrate that there is often confusion over the distinction between the rights of indigenous peoples and those of minorities. This subsection aims to clarify what these distinctions are.

Like indigenous peoples, minority groups exist globally, e.g., Scheduled Castes in Bangladesh, India and Nepal, the Roma of Europe, and persons of African descent in the Americas and many other parts of the world.¹⁴ The broad range of rights affecting minorities are reflected in the UN Declaration on the Rights of National, Ethnic, Religious and Linguistic Minorities of 1992 and the Council of Europe's Framework Convention for the Protection of National Minorities of 1995.

Any point of difference between indigenous and minority rights lie in the general view that minority rights are individual rights rather than collective rights. This rather technically nuanced distinction is based on the term *rights of persons* used in the UN Declaration on the Rights of National, Ethnic, Religious and Linguistic Minorities in contrast with the term *indigenous peoples* used in UNDRIP.¹⁵ Nevertheless, other experts argue¹⁶ that Article 27 of the International Covenant on Civil and Political Rights reference to "community" in relation to minorities could be more favourable to collective rights: "*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 practice their own religion, or to use their own language.*"

Minority Rights Group International and others view minority groups in terms of size vis-à-vis more dominant groups, i.e., as "an ethnic, religious or linguistic

14 For more information, see UNDP. 2010. "Marginalised minorities in development programming: A UNDP resource guide and toolkit". Available at: <http://www.ohchr.org/Documents/Issues/Minorities/UNDPmarginalisedMinorities.pdf>

15 Ibid.

16 McCorquodale, R. "Rights of peoples and minorities." Op.Cit.

group, fewer in number than the rest of the population, whose members share a common identity”.¹⁷ In some countries, such as Cambodia, Kenya, Uganda and Viet Nam, indigenous peoples are often referred to as minorities due to their relative numbers as a proportion to the main population, although the UNPFII finds that small numbers in and of themselves are not sufficient to categorize indigenous peoples as a minority group.¹⁸

Beyond the technical nuances, the rights of indigenous peoples and minority groups intersect in several instances.¹⁹ Similar to indigenous peoples, no legal definition of the term “minority” has been agreed upon in international law, and the existence of a minority group can also be determined by using objective and subjective criteria.²⁰ The *objective criteria* are underpinned by shared characteristics such as ethnicity, national origin, culture, language or religion, while the *subjective criteria* focus on the principle of self-identification and the desire to preserve the group identity. Like indigenous peoples, minorities may also face similar challenges associated with their ability to exercise cultural expression, protection of lands, territories and resources and accessing of social services.

C. Demographics

UNPFII estimates that there are more than 370 million indigenous people living in 90 countries across seven designated regions.²¹ They inhabit approximately 22 percent of the global land space, and speak more than 4,000 of the 7,000 world languages.²² Indigenous women’s organizations estimate that approximately

50 percent—roughly 185 million of the total indigenous population are women.²³

D. Challenges confronting indigenous women

Limited research on the situation of indigenous women often leads to reliance on patchy sources of information on the basis of which this sub section has been developed.²⁴

The first global report on indigenous peoples points to disparities between indigenous and non-indigenous peoples’ opportunities, capabilities and agency.²⁵ In the context of indigenous women, this is best understood in terms of mutually reinforcing forms of inequalities, which intersect through race, ethnicity, disability, age, sex, location, sexual orientation and economic and social status.²⁶

The CEDAW Committee consistently underscores the high levels of poverty; low levels of education and illiteracy; obstacles in accessing justice; limitations in the access to health, basic sanitation, credit and employment; lack of documentation, such as birth registration; limited participation in political life; violations of sexual and reproductive health rights; high levels of incarceration; and the prevalence of domestic and sexual violence as some of the issues confronting indigenous women (e.g. observations on Nepal in Box 4).

The Special Rapporteur on violence against women, its causes and consequences reports of high levels of gender-based violence—killings (femicide), sexual attacks, and disappearances of indigenous women and girls in both developed and developing countries.²⁷

17 Minority Rights Group International. 2010. “Promoting the rights of minority children and women: A review of UNICEF’s policies and practices”, p4.

18 UNDESA. “State of the World’s Indigenous Peoples”. Op. Cit.

19 UNDP. 2011. “Marginalised minorities in development programming”: A UNDP Resource Guide and Toolkit. New York.

20 Ibid.

21 UNDESA. 2016. “State of the World’s Indigenous Peoples. Vol. 2. Indigenous Peoples’ Access to Health Services”, p1. The seven socio-cultural regions of the Permanent Forum are Africa; Asia; Central and South America and the Caribbean; the Arctic; Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

22 UNDESA. 2009. “State of the World’s Indigenous Peoples”. Op. Cit. p1.

23 Asia Indigenous Peoples Pact. 2014. “Indigenous women and climate change”. Available at: http://ccmin.aippnet.org/attachments/article/1250/AIPP_CC_IP_Women%20Final-T-J.pdf at p1. See Appendix 4.4 for details on the demographic and other circumstances of indigenous peoples.

24 UN Women et al. 2012. “Breaking the silence on violence against indigenous girls, adolescents and young women: A call to action based on an overview of existing evidence from Africa, Asia Pacific and Latin America”. New York, p10.

25 UNDESA. “State of the World’s Indigenous Peoples”. Op. Cit.

26 “Breaking the silence”. Op. Cit. p15.

27 Manjoo, R. 2012. “United Nations report of the Special Rapporteur on violence against women, its causes and consequences, on the expert group meeting on gender-motivated killings of women”.

BOX 4

The situation of indigenous women of Nepal

Indigenous women in Nepal continue to face the appropriation of their customary and traditional lands, resulting in loss of customary occupations, livelihoods and roles in their societies. Mega-projects, such as the Arun III Hydropower Dam, are imposed on the lands of indigenous peoples, and women face threats from in-migration, military and security personnel, and loss of control over their lives and their resources. Lands are lost to speculative buyers in Kathmandu, where male-headed households are coaxed into selling, and women lose all the security they have for a cash payment they have no control over.

Source: CEDAW 49th Session. 2011. "The rights of indigenous women in Nepal, Shadow Report for the combined 4th and 5th, National Indigenous Women's Federation". Lawyers' Association for Human Rights of Nepalese Indigenous Peoples, Forest Peoples Programme. Periodic Reports of Nepal, 11–29 July 2011.

Histories of colonization, poverty and exclusion of their wider communities intertwine with experiences of violence among indigenous women and girls. Various forms of traditional practices, such as early and forced marriages and female genital mutilation/cutting (FGM/C), are common among indigenous communities.²⁸ In Kenya, FGM/C is more prevalent among the indigenous Somali (98 percent), Kisii (96 percent) and Masai (73 percent), in comparison to other groups of women. Indigenous girls and women are also at risk of violence in situations of intra-communal and inter-communal conflicts, as such conflicts often result in displacement, loss of livelihoods and forced migration.²⁹

The overlapping forms of discrimination against indigenous women as described above profoundly constrain the ways and extent to which they benefit from services that would otherwise protect them from violence.³⁰

28 "Breaking the silence". Op. Cit. pp 37-42.

29 Ibid., p34.

30 UNDESA.2009. "State of the World's Indigenous Peoples". Op. Cit. p167 and Amnesty International. 2014. "Indigenous peoples' long struggle to defend their rights in the Americas". London, England.

In Australia, non-indigenous girls born between 2010 and 2012 have a life expectancy of a decade longer than that of indigenous girls.³¹ In Africa, the World Bank finds that indigenous girls lag behind in school attainment, even in countries with better progress and higher average schooling rates³², while in Peru, the International Work Group for Indigenous Affairs (IWGIA) notes that 28 percent of Amazonian indigenous women were unable to read or write.³³

Shockingly high rates of maternal mortality among indigenous women and adolescent girls are linked to discriminatory attitudes of health-care personnel and sexual and reproductive health delivery services that are culturally detached from the world views of indigenous women.³⁴ The World Health Organization's Strategy on Traditional Medicine (2014-2023) finds that health services are generally "too distant", "poorly staffed", or "not coherent with people's cultural and gender preferences".³⁵ The 20-year review of progress on the implementation of the International Conference on Population and Development similarly, finds that while approximately 8 out of 10 countries report a rate of 82 percent access to comprehensive sexual and reproductive health services among women generally, the rate falls to 62 percent among indigenous women and those of other cultural minorities.³⁶

31 Steering Committee for the Review of Government Service Provision. 2014. "Overcoming indigenous disadvantage: Key indicators 2014". Productivity Commission, Canberra. Available at: <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/key-indicators-2014/key-indicators-2014-report.pdf>; The Gap: Indigenous Disadvantage in Australia, Available at: <http://www.australianstogether.org.au/stories/detail/the-gap-indigenous-disadvantage-in-australia>.

32 Hall, G. and A. Patrinos. 2012. *Indigenous Peoples, Poverty, and Development*. Cambridge University Press.

33 International Work Group for Indigenous Affairs. 2015. "Peru". In *The Indigenous World*. pp159-171.

34 Inter-Agency Support Group on Indigenous Peoples' Issues. 2014. "Thematic paper towards the preparation of the 2014 World Conference on Indigenous Peoples. The Health of Indigenous Peoples."

35 World Health Organization. 2013. "Traditional medicine strategy (2014-2023)".

36 International Conference on Population and Development. 2014. "ICPD beyond 2014: Global review report, 2014". Available at: http://icpdbeyond2014.org/uploads/browser/files/icpd_global_review_report.pdf, pp110-111

The intersection of ethnicity and disability can also pose multiple disadvantages for indigenous women and girls. The Special Rapporteur on the rights of persons with disabilities notes that indigenous persons with disabilities living below the poverty line or in rural or remote areas face additional, multi-faceted barriers to their socio-economic wellbeing and participation.³⁷ A submission from the International Disability Alliance to the Committee on the Rights of Persons with Disabilities stresses the importance of addressing the persisting high rates of violence faced by indigenous women and girls with disabilities.³⁸

Indigenous women have repeatedly voiced concerns about the negative effects of mining and extractive industries on their health and well-being.³⁹ The Economic Commission for Latin America and the Caribbean identified at least 200 conflicts in indigenous territories linked to mining and hydrocarbon extraction between 2010 and 2013.⁴⁰ Box 5 presents an overview of how the Human Rights Council's Working Group on human rights and transnational corporations perceives the impact of the activities of business enterprises on indigenous peoples in general and on women in particular.

37 Devandas-Aguilar, C. 2015. "Report of the Special Rapporteur on the rights of persons with disabilities". A/70/297, para80. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/297; OHCHR. 2016. "Information note: Experts discuss challenges and opportunities for indigenous persons with disabilities". Available at: <http://www.ohchr.org/Documents/Issues/Disability/IndigenousPersons/InfoNewsIPWD.doc>

38 International Disability Alliance. 2013. "Submission to the Committee on the Rights of Persons with Disabilities for the Committee's general discussion on women and girls with disabilities", pp 1-6.

39 UNPFII. 2012. "Report of the international experts group meeting: Combatting violence against indigenous women and girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples". E/C.19/2012/6.

40 Economic Commission for Latin America and the Caribbean. 2014. "Guaranteeing indigenous people's rights in Latin America: Progress in the past decade and remaining challenges". Panama. Also see summary report. Available at: <http://www.cepal.org/en/pressreleases/latin-america-has-achieved-progress-health-education-and-political-participation>

BOX 5

Impacts of the work of transnational organizations on indigenous women

Indigenous peoples face a heightened risk of overall social and economic marginalization, some are even more vulnerable to human rights abuses connected to business activities and are excluded from agreement processes and other consultations that irrevocably influence their lives. These include indigenous women being described as "third class citizens" and often subject to multiple forms of discrimination based on gender and ethnicity. While economic development may offer opportunities for indigenous women, it can deprive them of their existing livelihood, increase their vulnerability to abuse and violence, and undermine their social status.

Source: United Nations. 2013. "Report of the working group on the issue of human rights and transnational corporations and other business enterprises". A/68/279. 6 August 2013, p5.

Indigenous women's contributions to shaping the normative agenda

Despite the challenges facing them, indigenous women are remarkable examples of change agents in the global struggle for gender equality and the collective rights of indigenous peoples.

During the 1995 World Conference on Women, indigenous women reflected their distinct proposals for measures to protect their right to self-determination, cultural identities and survival in a *Beijing Declaration of Indigenous Women*.⁴¹ This common agenda contributed to unifying and strengthening the capacities of the indigenous women's movement, which, as a result, became more equipped for demanding change at global, regional and country levels. This may be appreciated from their impact at various sessions of CSW (Box 6 highlights some of these inroads) and their submission of a companion report to the UN

41 Beijing Declaration of Indigenous Women, NGO Forum, UN Fourth World Conference on Women Huairou, Beijing, Peoples Republic of China. Available at: http://www.ipcb.org/resolutions/htmls/dec_beijing.html

BOX 6

Milestones in the recognition of indigenous women's rights at CSW

- 1995** Concerns regarding racial discrimination raised by 150 indigenous delegates; 2 parallel declarations by indigenous women: The Declaration of the Indigenous Women of Latin America in Beijing, and the Declaration of the World's Indigenous Women in Beijing.
- 2000** First Indigenous Women's Forum is established.
- 2005** Specific resolution: "Indigenous women: Beyond the ten-year review of the Beijing Declaration and Platform for Action".
- 2012** Specific resolution: "Indigenous women: Key actors in poverty and hunger eradication".
- 2013** CSW57 focused on the "Elimination and prevention of all forms of violence against women and girls" with a set of conclusions and recommendations that substantially reflect indigenous women.
- 2014** CSW58, indigenous women's perspectives were brought to bear on the review of the Millennium Development Goals (MDGs).
- 2015** CSW59/Beijing+20, indigenous women emphasized the need to ensure visibility of indigenous women in available statistical data, public policies and institutional development.

Secretary-General's 2006 In-depth Study on all forms of Violence against Women.⁴²

More than 200 indigenous women adopted the *Peru Position Document and Plan of Action of the World's Indigenous Women*. Known as the *Lima Declaration of 2013*, a common agenda was fashioned out to influence the outcomes of the International Conference on Population and Development +20, Beijing+20, WCIP and the post-2015 Development Agenda (see Appendix 4.2 for full text of the Declaration and Box 7 for WCIP commitments on indigenous women).

⁴² International Indigenous Women's Forum. 2006. "Mairin Iwanka Raya: Indigenous women stand against violence—A companion report to the United Nations Secretary-General's study on violence against women".

BOX 7

Specific commitments to indigenous women in the WCIP outcome document

- 17. We commit ourselves to supporting the empowerment of indigenous women and to formulating and implementing, in collaboration with indigenous peoples, in particular indigenous women and their organizations, policies and programmes designed to promote capacity building and strengthen their leadership. We support measures that will ensure the full and effective participation of indigenous women in decision-making processes at all levels and in all areas and eliminate barriers to their participation in political, economic, social and cultural life.
- 18. We commit to intensify our efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous peoples and individuals, in particular, women, children, youth, older persons and persons with disabilities, by strengthening legal, policy and institutional frameworks.
- 19. We invite the Human Rights Council to consider examining the causes and consequences of violence against indigenous women and girls, in consultation with the Special Rapporteur on violence against women, the Special Rapporteur on the rights of indigenous peoples and other Special Procedures within their respective mandates. We also invite the Commission on the Status of Women to consider the issue of "the empowerment of indigenous women" at a future session.

Source: WCIP. 2014. "Outcome document of the WCIP". Paras 31 and 32.

Indigenous women's organizations also successfully advocated for the recognition of traditional knowledge and rights of indigenous peoples in the UN Framework Convention on Climate Change agreements. This Framework demands that governments ensure the effective participation of indigenous women in reducing emissions from deforestation and forest degradation (REDD+) related processes and the implementation of social safeguards.

Among other channels, the voices of indigenous women (Box 8) have been heard through the Indigenous Women's Biodiversity Network, which contributed to brokering negotiations on sustainable development and climate change from a gender and ethnicity perspective.⁴³

BOX 8

Indigenous women in REDD+

Recommendations

- Train and employ more indigenous women professionals in governmental and non-governmental agencies responsible for or linked to REDD+ preparation and implementation at national and subnational levels
- Provide equal access to indigenous women to information and decision-making structures and processes related to REDD+ at all levels
- Develop and disseminate relevant culturally-appropriate and gender-sensitive information materials
- Provide targeted training for indigenous women to enhance their ability to actively participate in related processes and bodies
- Provide technical and logistical support to grassroots women, such as interpretation and translation services, travel and logistics for their effective participation in national, regional and global REDD+ processes
- Link the demands for equal individual rights for men and women over land and forest with advocacy for the recognition of collective (territorial or communal) land and forest rights of indigenous peoples
- Promote more gender equality within indigenous peoples' customary law and institutions and, in particular, promote the full participation of indigenous women in customary decision-making processes and institutions.

Source: Asia Indigenous Peoples Pact (AIPP) and International Work Group for Indigenous Affairs (IWGIA). 2014. "Indigenous women in REDD+: Making their voice heard".



Above: Indigenous Hmong women plant rice shoots in Bac Ha, Viet Nam. © UN Photo/Kibae Park.

⁴³ International Indigenous Peoples' Forum on Climate Change. 2015. "Recommendations to the zero drafts of Paris Agreement and COP decisions". Bonn, Germany.



3

PRINCIPLES, PRIORITIES AND STRATEGIES

PRINCIPLES, PRIORITIES AND STRATEGIES

A. Overview

The inclusive spirit behind the 2030 Agenda presents a unique opportunity for UN Women to promote the individual and collective rights of indigenous women through its planning and programming processes. In doing so, it is guided by priorities identified by indigenous women in various fora, international and regional human rights obligations, the UN Development Group Guidelines on Indigenous Issues, as well as by the UN-SWAP. Below is a statement of UN Women's principles of engagement and a broad menu of options for programmatic initiatives to be adapted by staff to suit global, regional and national contexts.

B. Principles of engagement

UN Women will enhance its programming on indigenous issues through the application of the following seven interrelated principles:

1. **Gender equality and the empowerment of women:** Programmes will integrate indigenous women's perspectives in the design, implementation, monitoring and evaluation of policies and programmes. A gender equality perspective provides an understanding of the root causes and consequences of discrimination and the unequal power relations between men and women and boys and girls in specific contexts.
2. **Collective and individual rights:** Programmes will respect the recognition of both the individual and collective dimensions of the rights of indigenous peoples. Specific protection of collective rights is necessary to ensure the continuing physical, cultural, linguistic and economic existence of indigenous women, their families and communities.
3. **Free, prior and informed consent:** Various international instruments, such as UNDRIP, ILO Convention No.169, and the Convention on Biological Diversity, established the principle of free, prior and informed consent, which ascribes the rights of indigenous peoples to determine and/or make decisions about processes that directly or indirectly affect their lives. The goal of programming will be to reach consensus on decisions affecting the lives of indigenous women based on: (i) *free consent*, where there is no coercion, intimidation or manipulation; (ii) *prior consent*, where consent is expressed well in advance of any authorization or commencement of development activities, ensuring that respect for time requirements of consensus processes within indigenous peoples' communities has been respected; and (iii) *informed consent*, where accurate information will be provided in an accessible, comprehensible form, including among other things, in a language that indigenous women fully understand.
4. **Interculturality:** The positive dimensions of indigenous peoples' cultural practices, traditions and values play a critical role in advancing the human rights of all indigenous peoples. An intercultural approach is necessary for ensuring access to adequate and appropriate education, health, housing and other social services. Indigenous cultures will therefore be studied, connected to human rights standards and embedded in the design of programmatic frameworks.
5. **Non-discrimination:** Programmes will address the discrimination that indigenous women face in all sectors, including those which overlap and intersect, in addition to stereotypical and discriminatory attitudes and behaviours towards them. Account will be taken of potentially overlapping situations

such as sex, gender, age, disability, location, race, ethnicity, sexual orientation, and socioeconomic, migratory or civil status.

- 6. Participation:** Indigenous women of all age groups are leaders in their own development and in this context, particular attention will be paid to the right of indigenous young women to equally participate in the formulation, implementation and evaluation of national development plans and programmes. Participation across generations will guarantee ownership and sustainability of interventions.
- 7. Self-determination:** Indigenous women have the right to freely participate in and determine their social, cultural, political and economic development. This principle may be expressed through autonomy or self-governance, formal recognition of traditional institutions and justice systems, consultation and full and effective participation.

C. Implementation of the UN-SWAP

The UN System-wide Action Plan on the rights of indigenous peoples

The UN Secretary-General has developed a System-wide Action Plan on the Rights of Indigenous Peoples, to ensure a coherent approach to implementation of UNDRIP as an outcome of the 2014 WCIP (Box 9). The action plan is expected to promote coherence within the UN System in support of the rights and well-being of indigenous peoples.

UN Women's future work will be guided by the six elements of the UN-SWAP listed below, along with a description of how UN Women is and will continue to implement each element within the organizations' existing resource capacity.⁴⁴

1. Raise awareness on the UNDRIP
2. Support the implementation of UNDRIP, particularly at the country level

⁴⁴ The Outcome Document of the WCIP recognizes the resource constraints facing the UN System. It therefore recommends that the UN-SWAP must be implemented within the limits of existing resources.

BOX 9

The WCIP outcome document on the UN-SWAP

"We request the Secretary-General, in consultation and cooperation with indigenous peoples, the Inter-Agency Support Group on Indigenous Peoples' Issues and Member States, to begin the development, within existing resources, of a system-wide action plan to ensure a coherent approach to achieving the ends of the Declaration and to report to the General Assembly at its seventieth session, through the Economic and Social Council, on progress made. We invite the Secretary-General to accord, by the end of the seventieth session of the Assembly, an existing senior official of the United Nations System, with access to the highest levels of decision-making within the system, responsibility for coordinating the action plan, raising awareness of the rights of indigenous peoples at the highest possible level and increasing the coherence of the activities of the system in this regard.

We invite United Nations agencies, funds and programmes, in addition to resident coordinators, where appropriate, to support the implementation, upon request, of national action plans, strategies or other measures to achieve the ends of the Declaration, in accordance with national priorities and United Nations Development Assistance Frameworks, where they exist, through better coordination and cooperation."

Source: WCIP, 2014. "Outcome document of the WCIP". Paras 31 and 32.

3. Support the realization of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development
4. Conduct a mapping of existing standards and guidelines, capacities, training materials and resources within the UN System, International Financial Institutions, and IASG members for the effective implementation of the UNDRIP
5. Develop capacities of States, indigenous peoples, civil society and UN personnel
6. Advance the participation of indigenous peoples in UN processes.

D. Details of engagement

SWAP Priority Area 1: Raise awareness on UNDRIP

- Develop key messages to promote and advance the rights of indigenous women in collaboration with relevant UN agencies and indigenous women's leaders and movements.
- Integrate UN Women's commitment to UNDRIP and its provisions and encourage the ratification of ILO Convention No.169 in relevant talking points, speeches and statements of senior management.
- Contribute to the common UN System media and outreach campaigns. This may include the identification of prominent champions of indigenous women and leveraging their advocacy role.

SWAP Priority Area 2: Support the implementation of UNDRIP, particularly at the country level

- Use the principle of **leave no one behind** as a critical consideration in programming in partnership with UN Country Teams.
- Address critical issues of discrimination affecting indigenous women and girls in processes related to the reform and implementation of legal frameworks, policies, strategies and plans to further UNDRIP through joint programming and other initiatives.
- Mainstream UNDRIP and ILO Convention No.169 into national normative, policies, national action plans and national development plans as supported by the UN System through Common Country Analysis and UN Development Assistance Frameworks of the UN System, using a gender perspective.
- Support the representation of indigenous women's organizations in consultative mechanisms and platforms and support their capacities to meaningfully and effectively engage and participate.
- Work with relevant international, regional and national mechanisms to address the situation of indigenous women and support fact finding visits of these mechanisms, by sharing relevant information on the situation of indigenous women and facilitating interaction with relevant stakeholders.
- Contribute to the dissemination of recommendations and reports of these mechanisms as well as

those of other human rights special procedures and treaty bodies.

- Highlight critical issues concerning indigenous women in confidential reports to the CEDAW Committee and Universal Periodic Review.
- Support the implementation of CEDAW Committee and other human rights treaties' concluding observations to country reports on compliance of women and indigenous people's rights.
- Support CSOs to prepare shadow reports on the situation of indigenous women to human rights treaty bodies.

SWAP Priority Area 3: Support the realization of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

- Mainstream indigenous women's issues into all aspects of its programming, including strategic notes and annual work plans, by drawing on the experiences and knowledge of indigenous women.
- Continue to promote the representation of indigenous women in civil society advisory groups at country, regional and global levels and leverage the leadership of indigenous women.
- Collaborate with relevant mechanisms created to promote the rights of indigenous peoples.
- Contribute to the coordination and technical efforts of the Inter-Agency Support Group.

Potential areas of engagement, key messages and actions:

a. Ancestral lands and territories

Ancestral lands and territories have material, cultural and spiritual dimensions for indigenous women. They are required for their survival and economic sustainability and are intrinsically linked to the identity and existence of a people. Indigenous peoples call for inalienable and collective ownership of their lands and territories. Traditional occupations such as pastoralism on drylands, hunting and gathering, fishing, and rotation agriculture in tropical lands and territories have material, cultural and spiritual dimensions for indigenous women.

Key messages and potential actions

- Indigenous peoples' lands and territories should be legally recognized, demarcated and protected from outside pressures.
- States should recognize the traditional management systems of indigenous women, who also possess both original and usufructory rights to lands used traditionally (e.g., nomadic peoples, shifting cultivators).
- The right to compensation, restitution and redress must be recognised when communities are deprived of their lands for development purposes.
- Indigenous women must maintain the right to determine the activities that they deem necessary for maintenance of their lands, sacred and cultural sites.
- Indigenous women in voluntary isolation have the right to live freely in that condition and States should adopt adequate measures to protect their territories, environment and cultures.
- Reform discriminatory legislation and policies affecting indigenous women's collective and individual property and family rights.
- Increase access to land tenure and livelihoods, including entrepreneurship, and access to formal markets and financial mechanisms.
- Build capacities in resilience, disaster risk reduction and climate change mitigation with a gender and intercultural inclusion perspective.
- Encourage participation in economic policy and decision-making at the local and national levels.
- Improve and/or develop intercultural and gender-responsive services, including justice, transport, utilities, markets, water and energy, and green technology.
- Enhance collaboration and partnerships with human rights defenders who are at the frontline in the defence of their lands, natural resources and livelihoods.

Sources: UNDRIP Articles 10, 25-32; ILO Convention No. 169, Articles 6, 13-19; SDGs 1, 2, 5, 13, 14 and 15.

b. Natural resources

Indigenous women's natural resources are vital and integral components of their lands and territories. The concept includes the entire environment: surface and sub-surface, waters, forests, ice and air. Indigenous peoples are the guardians of these natural environments

and play a key role, through their traditions, in maintaining them for future generations. They have managed these resources sustainably for millennia and in many places have created unique bio-cultural landscapes. Many of these indigenous management systems, even though altered or perturbed by recent change, continue to contribute to the conservation of natural resources. Indigenous peoples have rights to the natural resources on their lands, although in some countries sub-surface and natural resource rights legally belong to the State. These rights are often expressed through legal agreements that define how resources will be used, ensuring protection of indigenous heritage, benefit sharing and compensation.

Key messages and potential actions

- Indigenous women's rights to access and control resources that are necessary for their subsistence and development should be respected.
- Indigenous peoples possess the right to free, prior and informed consent for the exploration and exploitation of these resources as well as benefit-sharing arrangements.
- Permits for extraction and even prospecting of natural resources on indigenous land should be reconsidered if the activity hinders indigenous peoples' continued use and benefits.
- Promote and support indigenous women's equal access to information and their participation in consultations related to the use and preservation of natural resources on indigenous people's land.

Sources: UNDRIP, Articles 20, 25-32; ILO Convention No. 169, Articles 15-19; Convention on Biological Diversity, Article 8j; SDGs 1, 2, 5, 6, 13, 14 and 15.

c. The impact of private sector activities

Private companies are increasingly undertaking economic activities on indigenous peoples' lands. Mining and logging erode livelihoods and often lead to land dispossession and displacement.

Key messages and potential actions

- Indigenous women have the right to freely pursue their economic, social and cultural development; to be secure in the enjoyment of their own means of subsistence; and to determine priorities and strategies for the development or use of their lands, territories and natural resources.

- The exploitation of resources on indigenous peoples' lands should be permitted only with their full consultation, participation, and free, prior and informed consent.
- Indigenous peoples shall not be relocated without their free, prior and informed consent. This should include actions to ensure that indigenous women's views, concerns and proposals are particularly considered.
- In the case of forced relocation, fair and acceptable compensation and damage measures should be taken, considering the gendered differentiated impacts on indigenous women and girls.
- Private companies should provide human rights and gender equality training to their employees in partnership with local indigenous communities.

Sources: UNDRIP, Articles 3, 10, 16, 20, 29, 32; ILO Convention No. 169, Articles 15-16; SDGs 2, 5, 14 and 15.

d. The impact of climate change

Indigenous peoples are highly dependent on their lands and natural resources. Any changes to the ecosystem may impact on their way of life and survival. Environmental degradation contributes to continued poverty in indigenous communities due to their strong reliance on the environment for their livelihoods. Indigenous peoples may live in areas that are rich in biodiversity and particularly vulnerable to modifications in the environment, including those due to climate change. The direct and indirect impacts of climate change may threaten the very existence of the peoples of the Arctic, small islands, high altitude areas, drylands and other vulnerable environments. Indigenous laws, beliefs and customs provide the framework for harmonious relations between indigenous peoples and their environment. In some cases, conservation programmes may have negative impacts on indigenous peoples and their capacity to use and protect their environment. Trans-boundary environmental contaminants often reach indigenous areas by means of air and water currents. Indigenous peoples are also severely affected by locally produced environmental contaminants, including from alien settlements, transportation routes, industry, forestry, military activities, prospecting, mining and oil production. Exposed indigenous communities may in some cases be forced to shift from traditional to non-traditional diets in order to minimize future risk of contamination.

Key messages and potential actions

- Based on their long-term relationship with their dwelt-in environments, indigenous women often possess sophisticated traditional ecological knowledge of weather patterns, including complex adaptive responses towards cycles of climatic variability.
- Therefore, indigenous women have the right to enjoy the conservation and productive capacities of the environment.
- The spiritual relationship between indigenous women and their lands and territories and environmentally sustainable practices have been recognized. Conservation efforts on indigenous lands, including the establishment of new and management of existing protected areas, have to take place with the free, prior and informed consent and full participation of the communities concerned.
- Indigenous communities have developed good practices that support low carbon dioxide and other greenhouse gas emissions based on traditional environmental practices.
- It is therefore paradoxical that they are among the most affected by the adverse environmental, social and human consequences of climate change.
- Consequently, indigenous women must be supported to fully participate in the design and implementation of policies and plans related to climate change impact mitigation.
- In this context, indigenous women's knowledge should be considered as an important component of climate change debates, and in the planning, implementing and monitoring actions for environmental preservation.

Sources: UNDRIP, Article 29; ILO Convention No. 169, Articles 7 and 15; Convention on Biological Diversity, Article 8j; SDGs 2, 5, 6, 13, 14 and 15.

e. Traditional knowledge, intellectual property, intangible heritage and cultural expressions

Indigenous women have, over the course of generations, developed rich sets of knowledge about the natural world, health, technologies and techniques, rites and rituals, and other cultural expressions. Unfortunately, their traditional knowledge, practices and creativity continue to be exploited by others without their consent and/or an equitable sharing of benefits. Often, sacred objects, symbols or knowledge are placed in the public domain and threatened,

used or patented for commercial purposes. Moreover, indigenous peoples' intangible heritage and cultural expressions are threatened because the important role that they play in the production, safeguarding, maintenance and recreation of the intangible cultural heritage is neither recognized nor sufficiently considered and valued in policies for a sustainable future.

Key messages and potential actions

- States must respect the right of indigenous peoples to use and preserve their languages.
- Specific legal regimes need to be established to ensure that indigenous peoples are able to benefit from their own knowledge, prevent its unlawful use by others and obtain the rightful recognition by the international community.
- States must be called upon to create an environment that encourages individuals and social groups, to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the specific circumstances and needs of indigenous peoples.
- They are furthermore called upon to ensure the widest possible participation of communities to maintain and transmit their intangible heritage and involve them in a meaningful way in its management.
- In this, the participation of indigenous women should be promoted.

Sources: UNDRIP, Article 31; Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Article 7; Convention for the Safeguarding of the Intangible Cultural Heritage, Article 15; Convention on Biological Diversity, Articles 8j, 10c, 15; International Covenant on Civil and Political Rights, Article 27; SDGs 2, 4, 5, 14 and 15.

f. Administration of justice and indigenous customary laws

Indigenous women live in the context of plural legal systems. In such systems, formal and informal justice systems may run in parallel or interface through collaborative mechanisms or hybrid institutions which utilize both formal and informal laws and procedures. While indigenous women tend to utilize those systems which are more accessible to them at any given situation, there is evidence that they often face discrimination in all systems and aspire for stronger voice in their design and operations.

Key messages and potential actions

- Indigenous and mainstream justice systems must be assessed and reformed from a gender and ethnicity perspective.
- Reforms must address gender discriminatory practices in both systems and promote indigenous women's access to justice through appropriate interpretation, legal aid and translation of relevant laws into different languages.
- Indigenous women must participate meaningfully, and as much as possible, lead in assessing and reforming these systems from a gender perspective.

Sources: UNDRIP, Articles 13, 34, and 40; ILO Convention No. 169, Articles 8-12; SDGs 5 and 16; CEDAW General recommendation no. 33 on women's access to justice.

g. Addressing violence against women and girls

The growing body of knowledge on the incidence, prevalence and consequences of violence against women and girls provides compelling evidence of its systematic and widespread nature. However, critical gaps in both qualitative and quantitative sources of information by ethnicity, sex and age impede a comprehensive understanding of the experiences of indigenous girls and women and the interplay of multiple risk factors that increase their risk of exposure to violence. Specific attention to risk factors for violence is essential because when they accumulate and overlap—as they often do in the case of indigenous women and girls—they not only contribute to the underlying causes of violence but also may mitigate the protective factors that typically prevent or reduce the likelihood of its occurrence.

Key messages and potential actions

- Improve data collection, research, monitoring and reporting on all forms of violence against women and girls, including integrating ethnicity and age as variables in data collection systems.
- Encourage legal and policy reform to eliminate discrimination and violence against indigenous peoples in general, and indigenous women and girls in particular.
- Promote conflict prevention and development processes through free, prior and informed consultations with the full participation of indigenous women.

- Develop service delivery systems that ensure culturally pertinent assistance to indigenous girls and young women affected by violence, ideally in their mother tongue.
- Enhance the capacities of judicial and security personnel to protect and investigate crimes affecting indigenous women and girls incorporating a gender and ethnic equality perspectives.
- Improve access to justice and redress, including in the context of customary justice.
- Address the higher risk factors for violence against indigenous women and girls—including limited access to social services, community based conflict and the negative impacts of the private sector undertakings.

Sources: UN Women. “Breaking the silence”. Op. Cit.; International Indigenous Women’s Forum. “Mairin Iwanka Raya”. Op. Cit.; United Nations. 1993. “Declaration on the elimination of violence against women”. A/RES/48/104; SDGs 5, 11 and 16; CEDAW General Recommendation 33 on women’s access to justice.

h. Women, peace, security and humanitarian action

While indigenous women and girls have been victims of gender-based violence in the context of intratribal, intercommunal, civil and international conflicts, they have also played key roles in mediation, conflict prevention and peace processes. Expert reports demonstrate that they are used as spoils of war by armed actors. Conflicts over ancestral lands have been a significant factor of insecurity in many regions. The activities of extractive industries and multinational corporations often lead to sexual and gender-based violence, displacement and forced migration. These violations result in family and community disintegration, with harmful consequences on the ability of indigenous women to access essential services, rehabilitation and reintegration programmes and justice and reparation.

Key messages and potential actions

- The voices and perspectives of indigenous women are critical resources in our shared effort to build more peaceful and inclusive societies, and indigenous women’s experiences of conflict must inform the implementation of the women, peace and security agenda at the local, national and global levels.
- Indigenous women should participate meaningfully, and as equal partners, in the design, implementation and monitoring of peace and security programmes affecting them, including in decision-making roles.

- Indigenous women in conflict settings should participate, both formally and informally, in peace negotiations, and peace agreements should reflect the priorities of indigenous women, especially with regard to their ancestral land and the reparation of human rights violations committed against them.
- Transitional justice mechanisms (including criminal prosecutions), Truth Commissions, reparations and institutional reforms should respond to the needs of indigenous women.
- Humanitarian action should be gender-sensitive and culturally responsive, taking into consideration the special situation of indigenous women, including their relationship with the land and their traditions.
- Disaster risk reduction strategies should be designed, implemented and monitored in consultation with indigenous women, who should be supported to incorporate their traditional and professional knowledge.

Sources: UN Women. 2015. “Preventing conflict, transforming justice and securing the peace: A global study on the implementation of United Nations Security Council resolution 1325”. UN Security Council Resolutions on Women, Peace and Security: 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015). UN Women. June 2015. “Research brief: Indigenous women and the women, peace and security agenda”; CEDAW General recommendation no. 30 on women in conflict prevention, conflict and post-conflict situations; SDGs 5, 11 and 16.

SWAP Priority Area 4. Map existing standards and guidelines, capacities, training materials and resources within the UN System, international financial institutions and IASG members for the effective implementation of UNDRIP

- UN Women will make all its resources related to indigenous women available for this mapping process. It will also undertake a rapid assessment of the extent to which other internal resources take account of indigenous women’s issues.

SWAP Priority Area 5. Develop the capacities of States, indigenous peoples, civil society and UN personnel

- UN Women will contribute to existing UN capacity-building initiatives such as induction and mandatory trainings of UN staff by ensuring the integration of issues affecting indigenous women.

- Facilitate direct dialogue and consultations with indigenous women’s leaders and representatives to ensure that the views of indigenous women and girls are incorporated into development plans, programmes and actions.

SWAP Priority Area 6. Advance the participation of indigenous peoples in UN processes

- Raise awareness and create information campaigns on civic engagement, particularly targeted at indigenous women’s right to vote and to participate in decision-making at all levels and in all spheres of development.
- Develop capacity for indigenous women’s effective participation in elections and decision-making processes, including within their own traditional institutions and governance structures.
- Train electoral bodies and political parties on the political rights of indigenous women.
- Facilitate the participation of indigenous women in free, prior and informed consultation processes, especially at the community level, especially in the context of extractive and natural resources.
- Support and encourage the participation of indigenous women in intergovernmental and other processes.
- Enhance engagement with the indigenous women’s caucus of the UNPFII.
- Encourage the participation of indigenous women in the design and implementation of policies and programmes concerning issues affecting them.
- Develop national planning and budgets that address the special needs of indigenous women and girls who face vulnerabilities, such as situations of voluntary isolation, migration, displacement, HIV and disabilities.

E. Four-part approach for achieving results

UN Women’s successful implementation of the UN-SWAP requires a strategic approach to ensure sustainability and efficacy across the organization. A four-part approach: (1) increasing internal and external capacity, (2) strengthening accountability, (3) enhancing partnerships, and (4) mainstreaming indigenous women’s issues into existing programmes

and developing specific programmes for indigenous women—is proposed for achieving this.

1. Enhance staff capacity

- Hold webinars and seminars on current and emerging issues affecting indigenous women, including the substance and principles of normative frameworks such as ILO Convention No.169 and UNDRIP, particularly in the context of strengthening linkages with CEDAW.
- Integrate indigenous issues, including indigenous women’s perspectives of spirituality and intercultural approaches, into existing training programmes with the close involvement of the UN Women Training Centre.
- Support trainings for UN country teams in collaboration with the IASG and indigenous women’s organizations through the identification of entry points and facilitators who have appropriate expertise.
- Analyse and disseminate relevant recommendations of human rights mechanisms and treaty bodies on indigenous women across the organization, especially those issued by the CEDAW Committee, the Special Rapporteur on the rights of indigenous peoples, UNPFII and EMRIP.
- Create and contribute to existing knowledge through peer learning platforms and communities of practice by reaching out to indigenous women experts.

BOX 10

Examples of intercultural approaches

In the context of sexual and reproductive health services: The demand for culturally appropriate sexual and reproductive health services has been on the agenda for indigenous peoples, in particular indigenous women, for more than two decades. The International Conference on Population and Development reflects this through respect for cultural diversity, holistic respect for the rights of indigenous peoples, including their active and meaningful participation. Intercultural sexual and reproductive health promotes physical, emotional, spiritual, individual and community well-being in all aspects of human sexuality and reproduction in ways consistent with the human dignity and rights of both men and women. Intercultural health implies and requires the development and incorporation of health models and best practices

that integrate indigenous and Western medicine. These processes must be based on mutual respect, the recognition of traditional knowledge, the willingness to engage in a democratic process of exchange and the commitment to move towards an integrated health system.

In the context of livelihoods: Programmes are more likely to be appropriate if they take an integrated view of indigenous peoples' livelihood systems, without discriminating against any activity. Sensitivity to local culture and use of local languages are key elements for strengthening indigenous identity and self-esteem. They require, among others, the production of training materials in indigenous languages, support to multicultural education and the provision of intercultural sensitivity training for non-indigenous stakeholders.

Source: United Nations. 2014. "Report of the international expert group meeting on the theme 'Sexual health and reproductive rights: Articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples'". E/C.19/2014/8. Paras 19 and 20; and International Fund for Agricultural Development. 2003. "Indigenous peoples and sustainable development: Roundtable discussion paper for the Twenty-Fifth Anniversary Session of IFAD's Governing Council", p11.

2. Strengthen accountability

- Monitor progress on the implementation of the SWAP through the internal UN Women Results Management System.
- Ensure consistent reporting and submissions to the UNPFII and disseminate such reports across the organization.
- Gather evidence on the situation of indigenous women through situation analysis and include specific targets on indigenous women in programme design, particularly in Strategic Notes and Annual Work Plans.
- Ensure the integration of indigenous women's perspectives into UN Women's work through their meaningful participation in all phases of programme design, implementation and monitoring.
- Support national human rights institutions in the mainstreaming of indigenous women's issues in human rights implementation and monitoring.
- Promote indigenous women's access to relevant information through measures such as translation into indigenous languages and culturally appropriate formats.

- Advocate and support national efforts around the collection and analysis of disaggregated data by ethnicity and sex.
- Adapt and utilize indicators that have been identified by indigenous women in various fora in the design, implementation, monitoring and evaluation of programmes.

3. Build on existing partnerships with indigenous women's organizations at all levels

- Develop partnerships with indigenous women's organizations on a range of issues, e.g., combating violence, economic empowerment, participation in decision-making at all levels, disabilities, adolescent girls, peace building, conflict resolution, and the environment.
- Identify platforms and entry points for indigenous women to contribute to programming decisions.
- Support capacity development of indigenous women's organizations through appropriate training, peer learning and other capacity enhancing opportunities.
- Strengthen indigenous women's regional and international networks through north-south and south-south exchanges and other means.

4. Mainstream indigenous women's issues into existing programmes and develop specific programmes for indigenous women

- Work with indigenous women to design, implement and monitor specific programmes for indigenous women.
- Address circumstances of intersectionality by applying a multi-layered lens in identifying women facing multiple forms of discrimination.
- Design a specific paper on intercultural approaches and how this can be reflected in programming, including within UN country teams.
- Explore resource mobilization strategies jointly with indigenous women to advance their individual and collective rights.
- Create indigenous women's reference groups or platforms to participate in the planning, mid-term reviews and evaluation of overall programmes.



4

APPENDICES

4.1

OVERVIEW OF UN WOMEN'S CURRENT ENGAGEMENT

Global engagement

UN Women's work on indigenous issues is undertaken in close partnership with the UN System, particularly the IASG, established in 2002 to support and promote the mandate of the UNPFII within the UN System. It is also committed to supporting the work of the three UN mandates on indigenous issues: UNPFII, EMRIP and the Special Rapporteur on the rights of indigenous peoples.

UN Women continues to strengthen its engagement with indigenous women through the existence of civil society advisory groups at global, regional and country levels. The organization has supported the participation of indigenous women's groups in preparatory and regular CSW Sessions through the Yvonne Hebert Award Scholarship Programme. Transformative initiatives for indigenous women and their communities are also supported through the Fund for Gender Equality (FGE), a UN Women grant-making mechanism, and the UN Trust Fund to End Violence against Women (UN Trust Fund), an inter-agency mechanism managed by UN Women on behalf of the UN System.

UN Women's vision of a transformational agenda for women is consistent with the UNDRIP, WCIP outcomes and the UN-SWAP.

Regional engagement

UN Women's experience in working on indigenous issues to date, shows marked unevenness across regions, with the Americas and the Caribbean and Asia Pacific demonstrating the highest levels of engagement. The existence of strong regional indigenous women's networks and UN coordinating mechanisms engaging in awareness raising and advocacy has proven effective

for enhancing the work of UN Women in these two regions. UN Women and other UN agencies have been instrumental in establishing and partnering with organizations such as the *Enlace Continental de Mujeres Indígenas de las Américas* and AIPP.

Examples of regional UN Women initiatives include the regional programme against trafficking in persons in Asia Pacific and the Americas and the Caribbean initiatives on political participation. All these regional initiatives have strengthened existing work at the country level in each region. The benefits of UN Women's regional programme on indigenous women's rights in the Americas and the Caribbean are highlighted in Box A.1.

BOX A1

Highlights of the UN Women Regional Indigenous Programme (2009-2012)

The purpose of the programme was to improve the enjoyment of indigenous women's individual and collective rights, as well as decreasing ethnic and gender-based discrimination in all areas of society by empowering indigenous women and strengthening their organizations and processes. The programme also aimed to formalize national commitments on indigenous women in Bolivia, Guatemala, Panama, Ecuador and Honduras. The programme included the following results:

- Strengthening of national statistics offices and support to governmental bodies on women's issues resulting in health systems and other key institutions having better capacities to implement policies to promote and protect the rights of indigenous women. The main challenges to this expected result was where progress was achieved only partially in specific cases. Much

more effort is required in advocacy and lobbying to incorporate the interests of indigenous women in the public agenda and local, regional and national budgets.

- Indigenous women have better resources, capacities and voices to ensure that their priorities are included in policies, programmes and budgets. The programme focused on the organizational strengthening of indigenous women at the local, national and international levels. All the countries established training centres for indigenous women, which have contributed to their participation, social and political representation.
- Ancestral justice systems promote the rights of indigenous women, in particular the right to a life free of violence. The level of strengthening of indigenous justice was very different in each country, but in general, the inclusion in the national agenda has been weak. Women's issues need to be particularly addressed as many rights violations continue to go unpunished and secluded to the domestic sphere.
- Rural development agencies have more resources, structures, procedures, incentives and capacities to improve indigenous women's access to land and other economic resources. The programme found that more efforts are necessary to focus on women's issues with regard to access to land. In general, indigenous justice issues are being addressed with regard to conflict over land demarcation. Some factors that affected the implementation of the programme were the identification of indigenous movements as opposed to governments in various countries and the weakness of institutions in the areas of gender and indigenous peoples' issues, which prevents the formulation of public policies in this sector.

Source: UN Women. 2012. "Final evaluation: Indigenous Regional Programme—"Working against ethnic/racial and gender-based discrimination: Programme for the effective exercise of the rights of Latin American indigenous women", 2009-2012".

In partnership with AIPP, UN Women's Regional Office for Asia Pacific developed a project that provides indigenous women with the tools to address violence-related issues, particularly within the context of land dispossession and in their capacity as managers of their natural resources. The project aimed specifically to strengthen the capacity of indigenous

women in Cambodia, Indonesia and India to better assert and advocate for their rights to their land. The project activities advanced awareness of UNDRIP and CEDAW, and enhanced skills in documenting data and cases on land grabbing and its impact on indigenous women. UN Women translated and disseminated briefing papers and fact sheets on these outcomes. The training opened the door for interactions with State functionaries who were sensitized on issues affecting indigenous women's rights to land, territories and resources.

A 2014 evaluation was conducted on the UN Trust Fund's support of AIPP's regional project on "Empowering indigenous women in traditional customary institutions" covering Nepal, Philippines and India. The evaluation noted successes in enhancing knowledge, strengthening women's agency and solidarity, creating positive relationships with the community and stakeholders, and supporting an enabling environment for the promotion and enjoyment of the rights of indigenous women. The project produced significant changes in the capacities of women in the three countries, especially at the grassroots level, to address issues such as domestic violence, representation in decision-making processes, and access to ancestral lands and natural resources.

Country engagement

UN Women's engagement at the country level varies widely and reflects the geographical limitations identified at the regional level. A preliminary analysis of reports submitted to the UNPFII from 2011 to 2015 demonstrates that this involvement tends to be dependent on the extent to which indigenous peoples and indigenous women's organizations are active in the countries concerned. The most common initiatives are in the areas of violence against women (see Box A.2 for an example from Mexico), political participation, access to justice and economic empowerment.

In the area of economic empowerment, UN Women Cambodia works with indigenous women's land rights activists to advocate for increased access to, and control over land and other natural resources. UN Women India supported training and advocacy in mainstreaming good practices into the implementation of a national

BOX A2

Indigenous women's houses in Mexico

In Mexico, UN Women and the National Commission for Indigenous Development agreed in 2002 to strengthen capacities for public policies on indigenous peoples with a gender perspective. The initiative aimed to strengthen indigenous women's leadership and eradicate maternal health and violence. The Commission approved a significant budget to support indigenous women in their territories, including the strengthening of Indigenous Women's Houses (referred to by the acronym "CAMIs"). The 19 CAMIs in 25 indigenous zones were part of a pilot that scaled up into public policy. The self-managed houses are managed by indigenous women who have been trained on gender-based violence and sexual and reproductive health. The houses initiative is complemented by actions to empower indigenous women in the political arena through leadership training in collaboration with indigenous peoples' organizations and universities, including the Indigenous University.

Source: United Nations. 2012. "Bulletin UN Information Centre United Nations, Issue No. 12/206".

flagship scheme called the National Rural Livelihoods Mission. As a result of sustained UN Women advocacy and technical support, the State Government of Madhya Pradesh increased investment and allocation of resources for strengthening gender responsive implementation of the central government scheme, which has tribal women as the majority of its target group. UN Women Rwanda supported the socio-economic empowerment of indigenous women through improved animal husbandry and farming techniques. The project used multipronged approaches, including participation in decision-making, as well as violence protection and prevention and maternal nutrition. Through its Entrepreneur Women programme, UN Women Guatemala partnered with 29 organizations from Mexico, Guatemala and El Salvador, including 617 rural women from the Zapoteco and Ch'orti' ethnic groups, on critical economic empowerment practices, such as time management technologies, business management, production, marketing, media and the environment.

UN Women's Anti Human Trafficking Programme, implemented across six states in India, aims at building institutionalized multi-sectoral mechanisms to prevent trafficking in women and girls through community action and state accountability. In the Hurua Panchayat of Jharkhand, the programme focused on reducing the vulnerability of women and girls to trafficking in the tribal community. UN Women's implementing partner built a team of peer educators comprised of young girls from the intervention, called *Panchayat*, to train and reach out to the most vulnerable adolescents and young girls.⁴⁵ In Cambodia, the Country Office provided technical and financial support towards the development of the Second National Action Plan to Prevent Violence against Women, which includes a reflection of specific risk factors affecting indigenous women and girls. As a result of the Cambodia Country Office's support for the participatory process of developing the Plan, indigenous women and girls have been identified as a group with specific needs requiring alternative and targeted prevention and response strategies.

UN Women Mexico supported the National Supreme Court to integrate gender and intercultural perspectives within the administration of justice through a workshop for 600 stakeholders. The Country Office of Paraguay supported research on trafficking and other forms of violence against indigenous young women to gather evidence on trafficking and cross-border smuggling on the border between Paraguay and Brazil, to inform policymaking and decision-making on this issue.

UN Women Bolivia, along with seven other agencies of the UN System, collaborated on the Free and Informed Act of Prior Consultation for Indigenous Peoples, which centered on the incorporation of the rights of indigenous women, including gender components in legislation. With support from FGW, UN Women Guatemala supported 5,000 Q'eqchi' indigenous people to register to vote. The office also worked with Saquilaj Bé, a State-UN initiative, local municipalities and CSO networks to assist 200 rural indigenous youth in exercising their right to an citizenship,

⁴⁵ The official meaning of "Panchayat" is elected village council in India.

healthcare and prevention of child pregnancies, a life without violence and economic empowerment. Prior to the 15th UNPFII Session of 2016, direct dialogue with indigenous women organizations and experts on indigenous women's rights was supported by UN Women Guatemala. The Guatemala office also built an alliance with the National Coordinator of Guatemalan Widows and the Indigenous Women Global Agenda to strengthen the leadership of indigenous women in the areas of peacebuilding, human rights training, access to justice, and peace and security. Through this initiative, a self-diagnosis on indigenous women's access to justice and their direct dialogue with ancestral and state judicial authorities was supported, aiming at strengthening the coordination between both systems in accordance with CEDAW General recommendation no. 33 on women's access to justice and their application of women's human rights international standards in justice administration.

In Samoa, UN Women is supporting the implementation of a monitoring and evaluation system for the Family and Domestic Courts through a database of indicators to provide important information on how to improve access to justice. UN Women Viet Nam's support to a gender audit of the Committee for Ethnic Minority Affairs in 2014 led to the identification of a capacity gap which was prioritised at a 2015 workshop for 175 senior managers of the Committee.

In Guatemala, under the framework of the Gender Promotion Initiative of the Peace Building Fund joint UN Women-UNDP-UNHCHR-UNFPA programme in Guatemala, *1325 Asserting the rights of women survivors of sexual violence in conflict and post-conflict*, UN Women provided expert training and mentoring to the office of the Public Prosecutor on the investigation and prosecution of sexual and gender-based violence under international law through justice experts missions, and supported women human rights organizations providing technical, political, psychosocial and legal support to survivors. As a result of these concerted efforts, two former military officers have been convicted of crimes against humanity against 15 indigenous Q'eqchi' women, who had been subjected to sexual violence and sexual and domestic slavery at the Sepur Zarco military base during the country's internal armed conflict. The case represented the first

test case of sexual slavery during an armed conflict within the context of the Rome Statute and a national justice system.

Through the regional programme, "Improving Women's Human Rights in Southeast Asia" (CEDAW SEAP II), UN Women Philippines worked to increase awareness about CEDAW and strengthened capacities of indigenous women to advocate for their individual and collective rights, especially access to justice, and to strengthen their participation in peace and development processes. As a result of support for rural and indigenous women's groups in Mindanao, for example, in 2014 to 2015, indigenous women's groups participated and/or led in conducting policy dialogues with local government agencies and dialogues with indigenous community leaders, advocacy work around ancestral land and access to justice issues, and in strengthening data collection on the situation of indigenous women.

The normative and institutional environment

The global normative and institutional framework

Many of the normative arrangements for the promotion and advancement of indigenous peoples were established during the International Year of the World's Indigenous Peoples of 1993 and the International Decades of Indigenous Peoples (1995-2004 and 2005-2015).

Within these periods of time, Member States adopted UNDRIP and approved the mandates UNPFII, EMRIP and the Special Rapporteur on rights of indigenous peoples.

As noted earlier, UNDRIP and ILO Convention No.169 are unique in recognizing indigenous peoples' collective rights to self-determination, lands, territories, natural resources, institutions and governance systems, which are critical to ensuring their survival as peoples and preserving their distinctive histories, identities and cultures. Article 22 of UNDRIP notes that States are to take measures, in conjunction with indigenous peoples, for ensuring that indigenous women

and children enjoy the full protection and guarantees against all forms of violence and discrimination. UNDRIP also establishes the basis for the effective engagement of the UN System on indigenous issues. Article 41 states: “*The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.*”

CEDAW provides a specific legal framework for the protection of the individual rights of indigenous women. The CEDAW Committee has repeatedly expressed concern about the lack of information on women facing multiple forms of discrimination and, as such, has consistently referred to indigenous women in its concluding observations and recommendations (see examples in Box A3) to State Parties.

The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination, and the Convention on the Rights of the Child prohibit discrimination on the basis of race, ethnicity and sex, among other categories. The Convention on the Rights of the Child is, however, the first international convention to reference “indigenous” origin in its Article 30: “*In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.*”

Another particularly relevant piece of international law that forms part of the international legal framework for indigenous peoples is the Human Rights Council’s Guiding Principles on Business and Human Rights. The Principles address human rights violations caused by business enterprises founded on three pillars: (i) the obligations of States to protect human rights violations; (ii) the responsibility of companies to respect human rights; and (iii) the need for effective remedies for human rights harms caused by business

BOX A3

CEDAW Committee’s recommendations with regard to indigenous women

- Ensure that indigenous women have the same rights and access to property as indigenous men.
- Adopt concrete, targeted and time-bound measures, with evaluation criteria, to accelerate the improvement of conditions of indigenous women in all spheres of life.
- Take necessary measures to raise awareness of the situation of indigenous women and girls and ensure that sexual violence against them is prosecuted and punished as a grave crime.
- Strengthen current programmes and set up specific programmes for indigenous women in order to improve their economic, social and family situation; develop their economic skills; and promote respect for their rights on equal footing with men.
- Ensure that indigenous women have full access to bilingual education, health services and credit facilities and can fully participate in decision-making processes.
- Adopt and implement targeted measures, including temporary special measures in accordance with Article 4, paragraph 1 of CEDAW.
- Increase indigenous women’s access and awareness of availability of targeted social services in all sectors.
- Take steps to increase indigenous women’s legal literacy and improve their access to remedies for claims of discrimination.
- Examine reasons for the high rate of incarceration of indigenous women and take steps to address root causes.

Source: Office of the UN High Commissioner for Human Rights jurisprudence database. Available at: <http://juris.ohchr.org>

operations. The Principles reference the special risks that private sector projects pose to indigenous peoples and outline a number of risk mitigation measures.⁴⁶

⁴⁶ Human Rights Council. 2011. “The guiding principles on business and human rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”. UN Doc. A/HRC/17/31.

UNPFII is an advisory body to the Economic and Social Council, with the mandate to advise on indigenous issues related to economic and social development, culture, the environment, education, health and human rights. It is composed of 16 independent experts, who are nominated on an equal basis by governments and indigenous peoples (eight each) and serve for a term of three years with the possibility of re-election for an additional term. The UNPFII holds two week annual sessions for purposes of dialogue with and between governments, UN agencies, indigenous peoples and a wide range of other stakeholders. The UNPFII also organizes annual Expert Group Meetings on thematic issues, of which violence against women and girls was the focus in 2012.⁴⁷

Indigenous peoples are generally organized by caucuses to foster a more coordinated approach to their participation in the UNPFII sessions. They include geographical caucuses—Africa, Arctic, Asia, the Americas and the Caribbean, North America, and the Pacific—and issue based caucuses—indigenous peoples languages, disability, youth and women. Since its creation, UNPFII has paid significant attention to issues affecting indigenous women, including a dedicated thematic focus on indigenous women during its third session of 2004, while mainstreaming gender in the themes of other sessions (see Box A4 for examples).

UN agencies, funds and programmes submit annual reports to the UNPFII on activities related to indigenous peoples, including best practices and challenges in implementation. These reports assist in shaping UNPFII's substantive dialogue with partners and indigenous peoples on a number of issues.

The Special Rapporteur on the rights of indigenous peoples is responsible for gathering, requesting, receiving and exchanging information and communications on the situation of indigenous peoples. The mandate holder undertakes regular country visits to provide national stakeholders with a platform to share concerns, testimonies and good practices. In 2015, Ms. Victoria Tauli-Corpuz, the first female Special Rapporteur on the rights of indigenous peoples, submitted the first

47 UNPFII. "Report of the international expert group meeting". Op. cit.

BOX A4

Examples of UNPFII recommendations on indigenous women to the UN System

- Consider UNDRIP as a normative framework for policies and action and implement an accountability system, including the elaboration of human rights indicators for the evaluation and monitoring of the impacts of projects and programmes.
- Promote an evaluation by each UN agency of the implementation of the Plan of Action of the 2nd International Decade of Indigenous Peoples guaranteeing the participation of indigenous women in this process.
- Adopt, when it is possible, a main policy on indigenous peoples and indigenous women taking UNDRIP as a framework.
- Develop strategies at the national level through Resident Coordinators to articulate actions related to indigenous peoples.
- Develop inter-agency groups at the country level to coordinate actions and develop joint programming especially targeting indigenous peoples and indigenous women.
- Promote the participation of indigenous organizations and their inclusion in the development processes, such as the MDGs, the Common Country Assessment, and the UN Development Assistance Framework.
- Strengthen the capacity of the country-based Resident Coordinator's office on relevant issues for indigenous peoples, for example: interculturality; development with identity; free, prior and informed consent; self-determination; and international standards and principles including the ILO Convention No.169, UNDRIP, Plan of Action of the 2nd Decade on Indigenous Peoples, and the UNPFII recommendations, among others.
- Insure the inclusion of priorities and demands of indigenous women's organizations in the Gender Equality Architecture Reform of the United Nations.

Source: International Indigenous Women's Forum. 2009. "Analysis and follow up of the UNPFII on recommendations related to indigenous women".

report on the situation of indigenous women to the Human Rights Council. This report underscores the importance of addressing the intersecting forms of

discrimination facing indigenous women. In particular, the Special Rapporteur recommended that:

- The CEDAW Committee considers and issues a General recommendation on the rights of indigenous women and girls.
- The CSW consider the issue of the empowerment of indigenous women at one of its sessions.
- The Human Rights Council examine the causes and consequences of violence against indigenous women and girls, in consultation with the Special Rapporteur and other mandate holders.

Other thematic special procedures—such as the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on extreme poverty—have paid attention to the situation of indigenous women, repeatedly expressing serious concerns about the persistent patterns of exclusion and violence that they face.

EMRIP is a subsidiary body of the Human Rights Council, with the mandate to provide the Council with thematic advice on issues affecting indigenous peoples through research.⁴⁸ It is comprised of five independent experts who are appointed by the Council with due regard to expertise, gender balance and geographic representation. A number of studies undertaken by EMRIP have included invaluable information on the situation of indigenous women. These include research on: indigenous peoples' right to education (2009) and participation in decision-making (2011), the role of languages and culture (2012), access to justice (2013) (see extracts in Box A5), disaster risk reduction and prevention (2015), and cultural heritage (2016).

Regional institutions and mechanisms

Protections afforded to indigenous peoples at the global level are supplemented by a number of regional instruments and institutions.

⁴⁸ Human Rights Council Resolution 6/36 available at: http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_36.pdf para 1.

BOX A5

EMRIP key recommendations on indigenous women and access to justice

- The United Nations and its bodies and specialized agencies have an essential role in the promotion and protection of indigenous peoples' human rights, including their right to promote, develop and maintain their juridical systems. The work of international entities should be inclusive of indigenous peoples in both developing and developed States. Particular attention is required for indigenous women, children and youth, and persons with disabilities.
- The United Nations should dedicate resources to the development and implementation, in cooperation with indigenous peoples, of training on the rights of indigenous peoples, and particularly indigenous women, children and youth, and persons with disabilities, for law enforcement officials and members and staff of the judiciary. In addition to indigenous peoples' rights, training should also address cultural sensitivity issues and trauma.

Source: Expert Mechanism on the Rights of Indigenous Peoples. 2014. "Study on access to justice in the promotion and protection of the rights of indigenous peoples: Restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities". A/HRC/EMRIP/2014/3/Rev.1.

In *the Americas and the Caribbean*, the Inter-American Commission on Human Rights established the Office of the Rapporteur on the Rights of Indigenous Peoples to focus attention on the special vulnerability of indigenous peoples in the Americas and improving related human rights standards.⁴⁹ In June 1999, the General Assembly of the Organization of American States decided to establish a Working Group to deliberate on a draft American Declaration on the Rights of Indigenous Peoples.

The Inter-American Court of Human Rights has heard an increasing number of cases related to indigenous peoples' rights, including issues of extrajudicial

⁴⁹ Organization of American States, available at: <http://www.oas.org/en/iachr/indigenous/>

killings in Guatemala and Colombia, rapes of indigenous women in Mexico, and land rights in Nicaragua, Paraguay and Suriname. The Court has issued decisions that stress the need to guarantee the right to consult and to obtain the free, prior and informed consent of indigenous peoples in all matters affecting their land and cultural identity.⁵⁰

During the past decade in *Africa*, the African Commission on Human and Peoples' Rights has similarly considered a number of communications related to various issues of concern to indigenous peoples. Since its creation in 2000, the Commission's Working Group on Indigenous Populations/Communities has undertaken several fact-finding missions to various countries and issued specific country and general reports on the situation of indigenous women on the continent.⁵¹ The Working Group's ground-breaking report dealing with the conceptualization of indigenous populations in Africa serves as an important source of reference for advocacy, research and constructive dialogue with governments on issues affecting indigenous women in Africa.

The African Commission on Human and Peoples' Rights is the only regional body to adopt a special resolution on indigenous women in Africa. It recognizes their crucial role in the protection and preservation of natural resources and the transmission of indigenous knowledge and culture. The resolution urges State parties to collect disaggregated data on the situation of indigenous women and to adopt laws, policies, and specific programmes to promote and protect their rights.⁵² To date, the Republic of Congo has made the most significant progress in legislative and policy development on improving the situation of indigenous peoples and the Central African Republic is the only African country to have ratified ILO Convention No.169.

50 See a compilation of judgments available at: http://www.oas.org/en/iachr/indigenous/decisions/ia_court_hr.asp

51 See a full list of African Commission on Human and Peoples' Rights resolutions and decisions available at: <http://www.iwgia.org/human-rights/regional-bodies-and-mechanisms/african-commission-on-human-and-peoples-rights/resolutions-a-official-documents>

52 CHPR, Res. 183 (XLIX). 2011. "Resolution on the protection of the rights of indigenous women in Africa". Available at: http://old.achpr.org/english/resolutions/Resolution183_en.htm

4.2

LIMA DECLARATION

WORLD CONFERENCE OF INDIGENOUS WOMEN

Progress and Challenges Regarding the Future We Want

Lima, 28-30 October 2013

Indigenous Women Towards Inclusion and Visibility

We, Indigenous women from the seven sociocultural regions of the world, met at the World Conference of Indigenous Women, 'Progress and Challenges Regarding the Future We Want' in Lima, Peru, from October 28th to the 30th of 2013. Our gathering included elders and youth, urban and rural, knowledge holders and healers, activists and artists.

We were honoured by the participation of our allies and supporters, including UN agencies, UN mechanisms on Indigenous Peoples, Global Coordinating Group-World Conference of Indigenous Peoples (GCG-WCIP), contributors, governments, and organizations in solidarity.

We shared our stories, struggles, victories, challenges and proposals to move us forward, building upon what we have already achieved.

We have based our discussions on the contributions of those women who came before us, as well as our aspirations for future generations. We celebrated the strength, beauty and expertise of Indigenous women at this gathering and around the world.

We, Indigenous women, assert our right to self-determination, which encompasses the direct, full and effective participation of Indigenous Peoples; including the vital role of Indigenous women in all matters related to our human rights, political status, and wellbeing. We endorse the principle: "Nothing about us, without us", and further declare "Everything about us, with us."

We, Indigenous women, affirm our responsibility to protect the Earth, our Mother. Indigenous women experience the same pain and impacts from the physical abuse and excessive exploitation of the natural world, of which we are an integral part. We will defend our lands, waters, territories and resources, which are the source of our survival, with our lives.

Protection of Mother Earth is a historic, sacred and continuing responsibility of the world's Indigenous Peoples, as the ancestral guardians of the Earth's lands, waters, oceans, ice, mountains and forests. These have sustained our distinct cultures, spirituality, traditional economies, social structures, institutions, and political relations from immemorial times. Indigenous women play a primary role in safeguarding and sustaining Mother Earth and her cycles.

Today, at this time of compounded crises of climate change and impending irreversible loss of biological diversity, we, Indigenous women, underscore the duty of States to protect the territories of Indigenous Peoples, as critical areas for the social, cultural and ecological recovery and resilience of humankind and the natural world.

For Indigenous Peoples, our lands and territories comprise not only the geographical and physical areas of our lands, waters, oceans, ice, mountains and forests, but also the profound cultural, social and spiritual relationships, values and responsibilities, that connect us to our ancestral homelands.

Indigenous peoples' sovereign jurisdiction over our lands, territories and resources is the foundation of our rights to self-determination, self-governance and free, prior and informed consent. State violations and

failure to uphold these rights are a primary source of conflicts and overlapping claims by extractive industries, forest concessions, energy programmes, and other harmful projects arising from a failed and exploitative model of economic growth and development.

Indigenous women call upon States to recognize and respect our rights to lands, territories and resources as enshrined in Indigenous customary law, the UN Declaration on the Rights of Indigenous Peoples, and other international human rights instruments. This includes our right to freely pursue our own economic, social, and cultural development.

There is an urgent need to implement the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. Indigenous women are active human rights defenders of all individual and collective human rights of our peoples. We often bear the burden of social and environmental harms arising from the consistent denial and violation of our human rights and the lack of implementation and accountability of States.

Indigenous women and girls experience multiple forms of discrimination, lack of access to education and health care, high rates of poverty, maternal and child mortality. We are subject to all forms of violence, such as domestic violence and sexual abuse, including in the contexts of trafficking, armed conflict, environmental violence and extractive industries.

As Indigenous women, we recognize the importance of sexual and reproductive health and education for all ages. This includes our associated rights to culturally appropriate health and education services in our communities, and the right to exercise, maintain and control our own health knowledge and practices.

We call for zero tolerance for all forms of discrimination, and all forms of violence against Indigenous women and girls, which are among the worst and most pervasive forms of human rights violations perpetrated against Indigenous Peoples.

Finally, we affirm that Indigenous women have knowledge, wisdom, and practical experience, which has sustained human societies over generations. We, as mothers, life givers, culture bearers, and economic

providers, nurture the linkages across generations and are the active sources of continuity and positive change.

In regard to forthcoming global events:

1. We call upon the WCIP to include the proposals in the Alta Outcome Document for the establishment of effective mechanisms to hold States accountable to their human rights and other obligations.
2. We call upon the WCIP to prioritize the issues and concerns of Indigenous women in all the themes, organizational arrangements, outcome documents, and to ensure the full and effective participation of Indigenous women, including elders and youth, as well as to prioritize the effective implementation of the Action Plan and recommendations arising from the Global Conference of Indigenous Women.
3. We call upon States, the UN System, and all relevant actors to ensure the effective implementation of the Plan of Action and Recommendations arising from the World Conference of Indigenous Women, including through the provision of sufficient financial resources and other support within the frameworks and processes of Beijing+20, Cairo+20 and the Post 2015 Development Agenda, processes in which States, the UN System, and all relevant actors should also ensure the full and effective participation of Indigenous women, including elders and youth.
4. We, Indigenous women, ratify the Beijing Declaration of Indigenous Women subscribed in Huairou, China, 1995. We do so because the recommendations of this Declaration, written 18 years ago, are still valid. Thus, we call upon States, the UN System, and all relevant actors to ensure the effective implementation of these recommendations.

Lima, October 30, 2013

4.3

A TEN-POINT CHECKLIST FOR PLANNING AT THE COUNTRY LEVEL

No.	Questions to ask	Check
1	Have you taken into consideration the situation of indigenous women in your country/area of work, including women in remote/isolated locations, based on available information from assessments undertaken by international mechanisms and indigenous peoples/CSOs, paying attention to both individual and collective rights?	<input type="checkbox"/>
2	Have you assessed the role and capacity of indigenous peoples' organizations and the presence of indigenous women leaders in your country/area of work, including at the local level in remote locations?	<input type="checkbox"/>
3	Have you explicitly included a focus on the most marginalized women, including indigenous women, in your country planning exercise? Have you formulated partnership mechanisms with indigenous peoples' organizations?	<input type="checkbox"/>
4	Have you held a specific consultation process with indigenous peoples' organizations and indigenous women specifically to jointly assess and identify programmatic priorities?	<input type="checkbox"/>
5	Have you ascertained the main political stance of the government regarding indigenous peoples and the main entry points to provide capacity support to implement the recommendations of the CEDAW Committee, Universal Periodic Review and other human rights mechanisms?	<input type="checkbox"/>
6	Have you identified and included specific targets and holistic indicators that take into account the well-being and rights of indigenous women, including their individual and collective rights?	<input type="checkbox"/>
7	Have you identified consultation processes that are taking place in your country between indigenous peoples and the government/private sector, especially with regard to extractive industry projects, and whether mechanisms are in place to ensure the protection of indigenous women's rights in these consultation processes?	<input type="checkbox"/>
8	Have you aligned your operations, including procurement processes and grant mechanisms, to ensure that they take into consideration the characteristics (local knowledge and capacities) of indigenous women's organizations and community-based organizations?	<input type="checkbox"/>
9	Have you included plans and budgets for capacity development of UN Women staff and indigenous women's organizations to promote complementarity in operations?	<input type="checkbox"/>
10	In the drafting of a terms of reference and human resources policies/procedures, have you considered the importance of ensuring diversity in professional profiles and specifically considered the in-depth knowledge of indigenous cultures, processes and languages, and expertise on community-led development?	<input type="checkbox"/>

4.4

KNOW ABOUT THE INDIGENOUS PEOPLES IN YOUR REGION

Africa

African indigenous women have reported to be among the most vulnerable, facing exclusion associated with their indigenous identity, gender, culture, religion and language. They are exposed to very high levels of physical, psychological and sexual violence. Although the majority of indigenous women still live in rural areas, an increasing number are moving to urban settings in response to food insecurity, violence stemming from land encroachment, droughts and other natural disasters. Many indigenous women still adopt semi-nomadic or nomadic ways of life and settlement (e.g., the Tuareg).

West and Central Africa: The Peul are the largest indigenous people in this region (Burkina Faso, Cameroon, Central African Republic, Chad, Mali, Mauritania, Niger, Nigeria and Senegal). They can be divided into the Fulbé who are cattle breeders, and the Mbororo, who are nomadic or transhumant, and whose lives are often spiritually connected to their herds of cattle. They are marginalized both politically and economically. Human rights organizations have argued that slavery practices are still taking place among various ethnic groups in the Sahel region, for instance, in the Northern area between the Tuareg and the Bella people (Black Tamasheq), affecting also other groups such as Songhai and Peul. However, other actors argue that the situation cannot entirely be described as slavery. In Mali, the organization Temedt (“Solidarity”) is working to strengthen the dignity and sense of identity of black Tamasheq, slaves or ex-slaves, who have been largely assimilated into Tuareg culture, maintaining

a complex caste system. Gradual impoverishment of Malian Kel Tamasheq has resulted in many Bella leaving the pastoral sector. Kel Tamasheq live across Northern Mali, Southern Algeria, Niger and Northern Burkina Faso.

Central Africa: The original inhabitants of the forests of Central Africa include the Batwa in Burundi, Republic of Congo, the Democratic Republic of Congo, Rwanda and Uganda; the Baka, Bayeli and Bedzan in Cameroon; the Babis, Babongo, Bakola, Mikaya, Mbenzele, Baka and Bagombe in Republic of Congo; the Babongo, Bakoya, Baka, Barimba, Bagama and Bakoyi in Gabon; the Aka in Central African Republic; and the Bambuti and Bacwa in the Democratic Republic of Congo. They largely depend on hunting, gathering, fishing and pottery and face marginalization, often driving them to the verge of extinction.

Eastern Africa and Horn: In Eritrea, the Kunama and Nara, considered as the early inhabitants, experience social and economic marginalization. Their traditional lifestyle has been eroded, partly due to encroachment on their lands. The introduction of nature reserves has placed additional burdens on their traditional lifestyles. Groups of pastoralists such as the Somalis, Afar, Boran, Karayu, Hamer, Tsemay and Erbore live across boundaries of the countries in the region, including Ethiopia. Numerous pastoralist communities are also living in parts of Sudan. In Kenya, numerous peoples self-identify as indigenous and depend for their survival on pastoralism or hunter gathering. In Tanzania, there are also hunter-gatherer communities such as the Hadzabe, as well as the pastoralists Barabaig and the Masaai. In Uganda, the three main groups are the

Basongora, Karamajongo and Batwa. According to a study by Minority Rights Group International, 57 per cent of Batwa women in Uganda have been victims of sexual abuse. They lost their livelihoods following eviction without compensation from the forest they inhabited from ancestral times. The Karamajongo are a semi-nomadic warrior community whose lifestyle and culture are under threat due to environmental changes and increased competition for land.

Southern Africa: The San are the most significant indigenous people inhabiting the desert areas of Southern Africa. Although some of them have progressively joined the dominant culture and economy, they still maintain nomadic lifestyles, involving hunting and gathering.

A number of African States have begun to recognize the specific needs and rights of indigenous peoples through legislation and policies following the groundbreaking report of the Working Group on Indigenous Populations/Communities. In August 2010, the Central African Republic became the first country in Africa to ratify ILO Convention No.169, and in 2011, the Republic of Congo adopted the first law on the promotion and protection of the rights of indigenous peoples.⁵³ Although the new constitution in Kenya does not recognize indigenous peoples explicitly, it refers to historically marginalized groups. The country's land policy contemplates collective land rights and decentralized land governance structures. The 2005 constitution of Burundi and the 2010 Electoral Code recognize the protection and inclusion of minority ethnic groups and provides for special representation of the indigenous Batwa people in the National Assembly and the Senate.

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Americas and the Caribbean

The region of the Americas and Caribbean has experienced important progress with regard to the recognition of indigenous peoples through constitutional and legislative reforms, including the recognition of collective rights to indigenous peoples and afro-descendants, who are considered to have a legal status equal or similar to indigenous peoples in a number of countries. Various constitutions declare the pluri-cultural and multi-ethnic nature of the State. Fifteen countries in the region have ratified ILO Convention No.169: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua Paraguay, Peru and Venezuela. However, many challenges remain with regard to implementation of the Convention and, in particular, the effective implementation of the principle of free, prior and informed consent in connection to an increasing number of extractive industries and mega projects in indigenous territories.

After centuries of exclusion, indigenous peoples and afro-descendants present the worst economic and social indicators. The Economic Commission for Latin America and the Caribbean finds that ethnic and racial discrimination is at core of xenophobic expressions in the region. Such discrimination is expressed as people from indigenous and afro-descendant populations migrate to other settings. In 1994, the World Bank conducted the first regional analysis of indigenous peoples in the Americas, finding systematic evidence of poverty rates far worse than those of the population on average. Ten years later, in 2004, a follow-up study concluded that while programmes have been launched to improve access to health care

and education, indigenous peoples still consistently account for the highest poverty rates in the region. During the count down to the MDGs, indigenous peoples were worse in outcomes across all indicators. For instance, the lowest female literacy rates are among the Quechua in Peru. Maternal mortality is significantly higher among indigenous women in all countries. In Panama, the mortality rate was of 71 deaths for 100,000 new-borns in 2008, but in the region of Ngöbe-Buglé, the rate was 344 deaths for 100,000 new-borns.

The population known as the pyramid of indigenous peoples in the region is decreasing due to lower fertility rates and the urbanization of indigenous women, especially in Mexico, Peru and Uruguay. In Ecuador, Colombia and, to a lesser degree, Panama, Brazil, Costa Rica and Nicaragua, indigenous women continue to be predominantly rural. Such migration flows need to be taken into account to ensure access to adequate and culturally sensitive services in health, education, housing, etc. While early maternity is higher among indigenous youth, they have lower access to family planning services. In Paraguay, fertility rates among indigenous women are very high (6.3) and nearly doubles the average of 3.9 according to the 2002 National Census. In terms of education, while there has been progress, data still reveal gaps and notable differences affecting indigenous and young indigenous in the school system.

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Arab States and North Africa

The recognition of indigenous peoples remains a significant challenge in this region.

In Israel, the Arab Bedouin are indigenous to the Negev-Naqab desert. Bedouin representatives have addressed UN bodies to claim that they are politically, socially, economically and culturally marginalized. The Bedouin have suffered under Israel's forced transfers: inside Israel in the Negev, and as Palestine refugees in the West Bank. Women's rights are a particular matter

of concern, because they can no longer freely range with their animals, work outside the home or go to markets. Around 90,000 Bedouin lived in the Negev and were expelled after 1948 to Jordan and Sinai. In the early 1950s, the Israeli government concentrated this population in a restricted geographical area, with a promise of return to their original lands that has never been fulfilled.

In North Africa, the Amazigh People (also known as Berber) are present in Morocco, Algeria, Tunisia, Libya and Egypt (around the Siwa Oasis). The 2006 recent census of Morocco estimated the number of Amazigh speakers to be 28 percent of the population, although the Amazigh associations claim a rate of 65 percent to 70 percent. There are now more than 800 Amazigh associations advocating for their right to self-determination. Although the Constitution of 2011 of Morocco recognises Amazigh identity and language, implementation remains a challenge.

The Amazigh, the Mozabite and the Tuareg are present in Algeria and the Sahara. They can be recognized by their language (Tamazight) and also by their way of life and culture. Although the Amazigh language has been recognized as a national language, Arabic remains the only official language. The Algerian government does not recognize any indigenous status and there are no official statistics available. Associations defending Amazigh culture estimate the Tamazight-speaking population at approximately 11 million people, or one-third of Algeria's total population. Amazigh leaders suggest that their identity continues to be marginalized and folklorized by State institutions. In Libya, the Amazigh live in the Nafusa Mountains in North Western Libya. Following the 2011 revolution in Egypt, ethnic Nubians demanded their right to return to their homeland around Lake Nasser. Egyptian Nubians are an ethnic group with a distinct culture and language. In the 1960s, 50,000 Nubians were relocated from Lake Nasser to the Upper Nile region.

Sources: International Work Group for Indigenous Affairs. 2015. "The indigenous world 2015". Copenhagen; Minority Rights Group International. 2012. "State of the world's minorities and indigenous peoples". London.

Asia Pacific

Lack of recognition of indigenous peoples is also acute in the Asia region, where some policies have resulted in the encroachment of indigenous peoples' lands, displacement, assimilation, integration, resettlement and militarization of indigenous peoples' communities.

Asian indigenous women occupy an extremely disadvantaged position in society. They are often rural workers who experience discrimination and racism from the dominant culture, the State institutions, and within their own communities. While indigenous women in the region generally do not enjoy property rights, in some matrilineal societies such as the Lahu and Karen in Thailand, the hill tribes of Cambodia, or the Amis in Taiwan, women have more control over property, resources and production.

Indigenous communities continue to face conflict in many Asian countries. A report by the UN Special Rapporteur on the rights of indigenous peoples in 2015 concluded that: "*military officials may perpetrate sexual violence as a weapon to weaken the resolve of indigenous communities in militarized disputes over land and resources.*" In Fiji, India, Myanmar, Nepal, the Philippines, Thailand, and Timor-Leste, militarized conflict over indigenous land has led to gang rape, sexual enslavement, and the murder of tribal women.

A serious concern of the region is trafficking in persons and prostitution in the cities. For instance, many indigenous women have fled the military operations from Burma. They now live in Thailand with limited livelihoods or social protection and fall into trafficking schemes and sexual exploitation. In other countries, such as India or Taiwan, the number of indigenous women falling victims of trafficking is also disproportionately high.

The migration to urban settings and the loss of livelihoods is inextricably linked to the dispossession of land and the incursion of extractive industries into ancestral domains. In Indonesia (Kalimatan), the emergence of logging companies and loss of ancestral land has contributed to the erosion of the environment and subsistence agriculture, and the emergence of prostitution. In Malaysia, private corporations and government projects consisting of large mono-crop

plantations have displaced rural women from their farms. In many countries, traditional cultures of indigenous peoples are also being threatened by tourism when business actors take control of the markets of traditional crafts and designs.

In the Philippines, many indigenous women in the Cordillera region have sold their properties to be able to pay a recruiting agency to find a job overseas. In Mindanao indigenous communities struggle to protect their ancestral lands from development aggression and incursion of extractive industries they are also compelled to work to increase their voice and influence in peace and development processes. Indigenous women are among human rights defenders who have been harassed or killed in the course of their defence of land and resources. A particular concern is the impact of globalization on the children of indigenous peoples. Among the most significant impacts are child malnutrition due to poverty, growing consumerism habits among the youth, lack of education opportunities in the school and at home, child labour, loss of traditional and natural areas, and neglect of children by parents who are forced to work in distant places.

A study undertaken by AIPP in 2013 finds that one of the most serious problems in the region is the limited access to justice and institutions.⁵⁴ Without formal legal assistance, indigenous women have nowhere to turn except the customary justice systems that are often dominated by men. UNDP finds that indigenous peoples suffer exclusion and discrimination in governance processes across the region. Indigenous peoples continue to strive to include indigenous peoples' rights in the priorities of the Association of South-East Asian Nations Intergovernmental Commission on Human Rights despite the limitations of the existing regional human rights framework.

Sources: Asian Indigenous Peoples Pact. 2015. "Briefing paper: The impacts of land dispossession on indigenous women"; Asian Indigenous Peoples Pact and UN Women. 2013. "Briefing paper on indigenous women in South East Asia: Challenges in their access to justice"; UNDESA. 2009. "State of the World's Indigenous Peoples". United Nations. New York; United Nations. 2015. "Study on access to justice by the EMRIP".

⁵⁴ Asia Indigenous Peoples Pact. 2013. "Briefing paper: Indigenous women in Southeast Asia—Challenges in their access to justice".

Europe and Central Asia

In the **Russian Federation**, approximately 50,000 persons identify themselves as belonging to separate ethnic communities. They inhabit scarcely populated areas, where harsh climate and lack of transportation contributes to isolation and exclusion from social, political and economic participation in larger society. Indigenous peoples are protected by Article 69 of the Russian Constitution and three federal laws that recognize them as “small-numbered indigenous people of Russia”. They enjoy cultural, territorial and political rights, including the right to land and renewable natural resources, and the right to reform their educational institutions according to their traditions. The law on territories provides that oil and other industrial development depend upon prior consultation and agreement with the indigenous communities in their traditional territories. This regulation has allowed for cooperation between oil companies and indigenous people. In 2014, the conflict between Russia and Ukraine entailed policies that constrained the action by civil society, including indigenous peoples’ organizations. After 2014, indigenous peoples’ status as collective subjects of international law has become a contested issue despite this constitutional recognition. With the annexation of Crimea, peoples of the peninsula self-identifying as indigenous are living under Russian control.

The Sami people inhabit the Sápmi territory, which includes the Northern regions of **Norway, Sweden and Finland**, and the Russian Kola Peninsula. The Sami speak nine languages and their culture is the oldest in these countries. The Sami people have traditionally relied on hunting, fishing, gathering and trapping. Reindeer herding is a central element of their culture. In 2011 and 2015, the UN Special Rapporteur on the rights of indigenous peoples expressed concern about

their land rights considering the increasing number of extractive industries projects.

In 2009, Denmark adopted the new Act on Self-Government, which recognized **Greenland** (Kalaallit Nunaat) self-determination within the State of Denmark. The population of Greenland numbers 56,000, of whom 50,000 are Inuit. Their diverse culture is profoundly marked by subsistence hunting and fishing. Their livelihoods also depend on commercial fisheries, tourism and incipient efforts to develop oil and mining industries. The majority of the people of Greenland speak the Inuit language, Kalaallisut, which is the official language, while the second language of the country is Danish. The Inuit Circumpolar Council represents Inuit from Greenland, Canada, Alaska and Chukotka (Russia) and is also a permanent participant in the Arctic Council.

In **Central Asia**, reports from CSOs such as Minority Rights Group International indicate that high levels of discrimination continue to undermine the rights of ethnic minorities. In Southern Kyrgyzstan, the vast majority of crimes committed disproportionately target ethnic Uzbeks and remain unsolved. Women have been victims of gender-based violence and face serious psychological and health problems, with limited access to authorities due to the widespread discrimination in the police and their community’s reluctance and conservative traditions. In Tajikistan, ethnic Kyrgyz women are increasingly becoming victims to bride kidnapping.

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4.5

UNPFII RECOMMENDATIONS TO UN WOMEN

2012 (11th Session)

The Permanent Forum takes note of the UNDP Global Programme for Electoral Cycle Support initiative, with its focus on indigenous women and youth in Latin America, and appreciates the contributions provided by donors to ensure the success of the initiative. The Forum recommends that Member States, UN Women and UNICEF provide financial support for this important initiative for indigenous women and youth. The Forum welcomes the adoption by the Commission on the Status of Women at its fifty-sixth session of the resolution entitled “Indigenous women: Key actors in poverty and hunger eradication” and calls for its implementation.

The Forum recommends that the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the bureau of the fifty-seventh session of the Commission on the Status of Women include indigenous women as experts on violence against women in the interactive panels and guarantee the participation of indigenous women in the process of preparation for and during the fifty-seventh session of the Commission.

The Forum welcomes the participation and perspective of indigenous women and girls with disabilities, recognizes the distinct vulnerability and marginalization that such indigenous individuals encounter as members of an indigenous group, and encourages United Nations agencies, and governments and organizations, to include their views.

2013 (12th Session)

The Permanent Forum urges UN Women, UNDP, other relevant United Nations agencies and governments to support the political participation of indigenous women by assigning resources to training and exchange programmes and strengthening organization and networks of indigenous women.

The Permanent Forum calls upon the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), UNICEF, UNFPA, UNDP and other entities of the United Nations system to develop programmes and projects that support and build the capacity of indigenous women in Africa in order to empower them economically and socially. A good practice in this regard is strengthening the entrepreneurship of indigenous women and facilitating their access to formal markets and financial institutions for their activities. The Forum also encourages States to develop affirmative actions that are aimed at actively including indigenous women in decision-making at all levels and at ensuring that indigenous women’s voices are equally represented in economic, social and political decision-making processes.

2014 (13th Session)

The Permanent Forum recommends that United Nations agencies convene a high-level meeting with representatives of indigenous women to review the commitments and actions for securing the human rights of indigenous women highlighted in Articles 21, 22 and 41 of the Declaration.

The Permanent Forum underscores the need to strengthen collaboration with UN Women in order to finalize a road map, including concrete actions, and specific outcomes within their next strategic plan as well as to include indigenous women's priorities in global, regional and national programmes, consistent with Articles 21, 22 and 41 of the Declaration.

2015 (14th Session)

The Permanent Forum recommends that the Commission on the Status of Women consider the empowerment of indigenous women as a priority theme of its sixty-first session, in 2017, on the occasion of the tenth anniversary of the adoption of the United Nations Declaration.

2016 (15th Session)

The Permanent Forum recommends to UN Women to prepare a specific report on the situation of indigenous women's empowerment in collaboration with the Forum and indigenous women's organizations for the 17th session of the Forum.

The Permanent Forum urges Member States and the agencies, funds and programmes of the United Nations to implement actions to reduce maternal mortality among indigenous women. The Forum recommends that UNFPA, UNICEF and UN Women publish a factsheet in collaboration with the Forum on maternal mortality among indigenous women.

Source: http://esa.un.org/dspdEsa/unpfidata/UNPFII_Recommendations_Database_list.asp

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Important resources and websites

Resources

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