



BRIEFING NOTE

May 2014

POST 2015 DEVELOPMENT PROCESS: WOMEN

Indigenous women face a range of problems related to the violation of their rights. This note focuses on the causes and how they can be addressed in the post-2015 development agenda. It has been prepared by the International Work Group for Indigenous Affairs (IWGIA) in collaboration with Tebtebba and is intended as a discussion paper for stakeholders in the post-2015 development process.



Indigenous women and the post 2015 development framework

As recently reaffirmed by indigenous women worldwide during the 58th session of the Commission on the Status of Women (CSW), “The Millennium Development Goals (MDGs) were created without due and effective consultation or obtaining Indigenous Peoples’ free, prior and informed consent.”¹ The fact that indigenous peoples in general, and indigenous women in particular, hardly participated in the consultation and/or in decision-making processes has been raised as a serious concern

all along, and seen as the reason why indigenous women and men have gained little benefit from the MDG process. Defining Sustainable Development Goals (SDGs) and the post-2015 development framework is therefore seen as a unique possibility for indigenous women to get their voices heard. However, as they themselves stress, it is also “essential to include national and international policies and funding in order to achieve equal opportunities and the fulfilment of our rights and reduce inequal-



ity, poverty, violence, child and maternal mortality, the impacts of climate change and natural disaster reduction that deeply affect indigenous women and our peoples.”²

Changing gender roles and gender relations

The precarious situation which indigenous women face today is the result of a long process. Traditionally, in most indigenous societies, men and women had clearly assigned and well-defined roles that were complementary to each other. As a result of colonialism, modern development and globalization, this is no longer the case and gender roles in most indigenous societies have changed dramatically. The loss of their traditional lands and natural resources, in particular, has meant that indigenous men are no longer able to practise their traditional livelihoods (as hunter-gatherers, shifting agriculturalists, pastoralists, etc.) in a sustainable way but have had to adapt to new market-oriented activities (cash crop cultivation, mining, unskilled labour, etc.), develop new skills or migrate in search of work; indigenous women have seen their multiple roles as mothers, household managers and subsistence producers becoming increasingly

difficult to sustain. This situation has been exacerbated by male migration, which has left many women as the sole providers and de facto heads of household. Since few indigenous women own or have access to productive assets (e.g., land and natural resources, credits), however, a growing number of them have had to search for alternative sources of income. When these could not be found near their villages, they too have migrated, a large number of them ending up in urban slums. All these changes have exposed indigenous men and women to increasing interaction with the State and mainstream society. Irrespective of whether this interaction has taken place in the developed world or in poor, developing countries, it has subjected them to high levels of discrimination and human rights abuses, which have threatened their cultures and identities, sometimes even their lives.³

These profound changes in their living conditions have entailed multiple hardships for both indigenous men and women. It is, however, evident that indigenous women have been the most negatively affected since these changes have been accompanied by the introduction of norms and values explicitly or implicitly in favour of men,⁴ and have subjected indigenous women to a loss of status, discrimination and unequal gender relations.

High levels of gender based inequality and discrimination

Indigenous women are a heterogeneous category that includes very diverse livelihoods and lifestyles. They all have one thing in common, however, namely the disparities and discrimination they face in their daily lives for being ‘female’, ‘indigenous’ and, for the majority of them, poor.

Indigenous men and women face various inequalities when it comes to formal rights, access to social services and participation in decision-making processes. These inequalities are often aggravated by customary laws and norms for indigenous women and girls. Many indigenous women and girls thus expe-



rience: limited or no access to formal education and healthcare, even, in some cases, to adequate nutrition:

- Lack of access to formal education and healthcare, including, in some cases, to adequate nutrition
- Denial of their sexual and reproductive health rights
- Domestic violence and violence in the name of tradition (FGM, forced child marriage, widow burning, dowry-related violence, “honour killings”, etc.)⁵
- Lack of customary and formal legal rights (e.g., property or use rights to land and natural resources; inheritance rights, etc.)
- Lack of economic rights, including limited access to and control over productive assets (e.g., land, natural resources, tools, new technology, training, credit); and lack of access to economic decision-making processes relating to, e.g., land and natural resource management and development projects
- Impairment of their role as custodians and transmitters of traditional culture (language, religious rites, etc.) and specific knowledge and skills related to, e.g., environment and natural resource management
- Lack of access to political participation and public decision-making.

In their contact and interaction with the State and mainstream society, indigenous women are confronted with multiple and overlapping forms of interpersonal, legal and institutional discrimination, experiencing:

- Greater vulnerability to gender violence and human rights violations

- Derision and harassment because of the way they dress, the language they speak, their lower literacy levels and their lack of modern skills
- Negative sexual stereotypes such as being seen as “free game” and sexually promiscuous
- Directly or indirectly discriminatory national policies and development programmes as well as public expenditure and investment⁶
- Lack of access to or availability of specific and adequate reproductive healthcare (birth attendance, mother-and-child care programmes, family planning, etc.), safe drinking water and sanitation, decent housing, etc.
- Lack of access to or availability of adequate educational facilities
- Discrimination and exclusion when trying to access public services (healthcare clinics, schools, public offices, market places, etc.) or seeking justice⁷
- Little or no access to decent work: indigenous women are underpaid, work without contracts, benefits or social protection and in hazardous conditions⁸
- A lower social standing than men when it comes to legal and political rights and decision-making.

The situation of indigenous women

Gender-based disparities and ethnic discrimination have many negative effects and put indigenous women at a disadvantage when compared with non-indigenous women and, in certain cases, indigenous men. Indigenous women have higher rates of maternal mortality, malnutrition and health risks in general, including certain diseases such as gestational diabetes and



type-2 diabetes.⁹ They have higher levels of illiteracy, monolingualism and low school achievement. Coupled with the fact that indigenous women usually lack access to and control of productive assets, these disparities severely limit their capacity to find decent employment and contribute to their impoverishment, dependency and vulnerability.¹⁰ This situation has been exacerbated by the pressure of current worldwide climate change and related adaptation and mitigation strategies, making indigenous women's access to vital natural resources (food, water, fuel, fodder, timber, etc.) more difficult and thus challenging their ability to feed and sustain their families and communities.¹¹ The benefit drawn by indigenous women from climate-related projects is often limited because their specific perspectives, knowledge and skills are not taken into account during project design and implementation.¹²

Discrimination also makes indigenous women vulnerable to violence—today a major concern. Within their own commu-

nities, domestic violence has increased in step with a feeling among indigenous men that their identity and traditional gender role are being threatened,¹³ and indigenous women are also affected by violence in the name of tradition.¹⁴ Discrimination by the State and mainstream society makes indigenous women prime targets for physical and sexual abuse as well as violations of their human rights, for example, forced sterilization. They also suffer from the gendered effects of violence targeting indigenous peoples in general (forced displacements, environmental degradation, development aggression, armed conflicts, racism and social exclusion).¹⁵

Finally, discrimination impacts directly on indigenous women's psychological well-being and social security and has been identified as one of the factors behind the disproportionately high rates of suicide and intentional self-harm among young indigenous women.¹⁶

Indigenous women's rights at the international and national level

The rights of indigenous women are stipulated in the UNDRIP¹⁷ and ILO Convention No. 169,¹⁸ and monitored by several international mechanisms.¹⁹ It is now generally admitted that gender-blind development has undermined indigenous women's status, weakened their identity and aggravated their living conditions. This new insight has exposed the level of discrimination and human rights abuse that indigenous women experience, and international institutions, such as the World Bank Group and the UN specialized agencies, have adopted gender-sensitive policies of engagement with indigenous peoples. Some progress has also been made at the national level, despite marked differences between countries and persistent implementation gaps.²⁰ Most notable has been the capacity of indigenous women to organize

and create national, regional and international networks. In general, indigenous women's rights are being voiced with growing strength and many indigenous women leaders are actively participating in international decision-making forums.²¹ Indigenous women have therefore seen the global thematic consultations and national consultations organized by the United Nations Development Group as an opportunity to come forward with their perspectives and target the inequalities that indigenous women experience. In order to have a say in the post-2015 agenda, they have formulated a series of recommendations and key priorities²² aimed at furthering gender equality and empowering indigenous women not only as a stand-alone goal but across all goals and the full post-2015 development agenda.



Joan Carling Executive Director of Asia Indigenous Peoples Pact (AIPP) and Vicky Tauli-Corpuz Executive Director of Tebtebba and from June 2014 UN Special Rapporteur on Indigenous Peoples. International Meeting on the World Conference on Indigenous Peoples. IWGIA. 2012.

Recommendations and key priorities

- Ensure that the post-2015 SDG goals are based on a human rights and gender-sensitive framework and that the implementation of a human rights-based approach to development takes into account issues of equality and sustainability, endorses the fundamental concept of development with culture and identity and respects the principle of free, prior and informed consent.
- Ensure the effective and meaningful participation of indigenous men and women in the post-2015 development agenda and in the implementation of all political, legal, economic, social and cultural decisions that affect them.
- Ensure that the SDGs and the post-15 development framework recognize and respect indigenous peoples' right to self-determination, and promote respect for their individual and collective human rights, which is crucial for achieving a just and sustainable solution to the widespread poverty that affects indigenous men and women.
- Ensure that the SDGs and the post-15 development framework call for zero tolerance towards all forms of discrimination and all forms of gender-based violence against indigenous women and girls, including violence in the name of tradition and human trafficking.
- Ensure that land and natural resource rights are promoted and protected for indigenous men and women as an important structural precondition for sustainable and self-determined development and poverty alleviation among indigenous peoples.
- Culturally-relevant and gender-based analysis should be implemented in all impact statements regarding the extractive industries, large-scale plantations and dams in order to eliminate their negative impact on the lives and well-being of indigenous women, their communities and future generations.
- Enact and enforce laws and economic and social policies that promote gender equality and create mechanisms for accessing justice on the part of indigenous women.
- Guarantee indigenous women's full and equal participation in every dialogue and decision-making process regarding issues that concern them, including their participation in local government, organizations, political parties and government institutions for the elaboration of public policies for indigenous peoples and indigenous women.
- Ensure that gender equality in terms of capabilities (education, health, information), resources (productive assets, including land) and opportunities (access to credit, decent work) is addressed in order to build indigenous women's economic and social security.
- Ensure indigenous women's sexual and reproductive rights and access to quality and culturally-appropriate health care.
- Prioritize access to quality, culturally-appropriate education and skills development for indigenous women and girls.
- Ensure that indigenous women access their right to equal employment opportunities and equal pay for equal work.
- Ensure that indigenous women's traditional knowledge regarding sustainable development, environmental protection, cultural practices, food production and health is respected and taken into consideration. Further ensure indigenous women's full and effective participation as leaders and experts in all levels of decision-making in these matters.
- Adaptation and mitigation measures to face climate change should respect indigenous peoples' free, prior and informed consent.
- Improve the collection of data broken down by gender, age, ethnic identity and other factors to gain an accurate understanding of the situation of indigenous women and strengthen their political advocacy by highlighting the challenges they face.
- Ensure the participation of indigenous women in both the collection of data and the definition and development of appropriate quantitative and qualitative indicators that take indigenous women's perspective into account and can provide a baseline for effective monitoring of the fulfilment indigenous peoples' rights, in general, and those of indigenous women, in particular. ○

Notes and further reading

- 1 Indigenous women's political position on the Millennium Development Goals and the Post-2015 Development Agenda, ahead of CSW58 at: <http://awid.org/Library/Indigenous-women-s-political-position-on-the-Millennium-Development-Goals-and-the-Post-2015-Development-Agenda-ahead-of-CSW58>
 - 2 See CSW58, "Indigenous women's political position on the Millennium Development Goals and the Post-2015 Development Agenda" (New York, 10-21 March 2014) at <http://www.awid.org/content/search?SearchText=INDIGENOUS+WOMEN>
 - 3 See, e.g., UNPFII, "State of the World's Indigenous Peoples" (New York: U.N., 2009), p. 21.
 - 4 Strong paternalistic values, including patriarchal laws and codes, have been introduced into indigenous societies by, among others, colonialism and through the growing influence of monotheistic religions (Christianity, Islam and Hinduism) and capitalism.
 - 5 See FIMI report "Mairin Iwanka Raya: Indigenous Women Stand against Violence – A Companion Report to the United Nations Secretary-General's study on violence against Women" (2006), p. 22. At <http://www.fimi-iwvf.org/archivos/7ffd8ee2807b42a0df93d25d70c9cfdb.pdf>
 - 6 See Multiple NGOs, "Indigenous Women of the Americas - Methodological and conceptual guidelines to confront situations of multiple discrimination" (2014), p. 14. at <http://www.forestpeoples.org/sites/fpp/files/publication/2014>
 - 7 Ibid, p. 4ff. See also Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), "Access to justice in the promotion and protection of the rights of indigenous peoples" (A/HRC/EMRIP/2013/2, 2013), p. 14.
 - 8 See Diana Vinding and Ellen-Rose Kampbel, "Indigenous women workers. With case studies from Bangladesh, Nepal and the Americas", Working Paper 1 / 2012 (ILO's International Labour Standards Department (PRO 169)), p. 41.
 - 9 Gestational diabetes puts both mother and infant at risk. See Catherine Chamberlain et al., "Diabetes in pregnancy among indigenous women in Australia, Canada, New Zealand and the United States: a systematic review of the evidence for screening in early pregnancy", (Diabetes Metabolism Research and Reviews, 29(4), May 2013;) pp. 241–256. At <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3698691/>
 - 10 Many indigenous women end up in "invisible" areas of informal work (domestic work) or small and unregulated work places (e.g., beauty parlours, sweatshops), which are prime sites for exploitation and abuse, including, in the worst cases, child labour, forced labour, sexual exploitation and trafficking. Vinding and Kampbel (2012), pp. 20-21; 49.
 - 11 See Dawn, Contribution on Social Equity, Gender Equality and Women's Human Rights (8th Session of the Open Working Group on Sustainable Development Goals, New York – February 2014), p. 3.
 - 12 Tebtebba, "Securing Rights and Enhancing Capacities of Indigenous Women on Climate Change Adaptation and Mitigation" (2010) at <http://www.tebtebba.org/index.php/content/162-securing-rights-and-enhancing-capacities-of-indigenous-women-on-climate-change-adaptation-and-mitigation>
 - 13 FIMI report (supra note 4), pp. 15, 28.
 - 14 Ibid., p. 22ff.
 - 15 Ibid., p. 6; UNPFII, Report from International Expert Group Meeting on "Combating violence against indigenous women and girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples" (18-20 January 2012); Multiple NGO's (op.cit., 2014), p. 21; and Rauna Kuokkanen, "Self-Determination and Indigenous Women's Rights at the Intersection of International Human Rights", Human Rights Quarterly, Vol. 34, No. 1 (2012), at http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/human_rights_quarterly/v034/34.1.kuokkanen.pdf
 - 16 Other contributing factors are cultural dislocation, dispossession, social marginalization and violence. See Native Women's Association of Canada (NWAC), "Suicide Prevention" (2014) at <http://www.nwac.ca>.
 - 17 UNDRIP, articles 22 (§1. "Particular attention shall be paid to the rights and special needs of indigenous ... women ... in the implementation of this Declaration"; §2. "States shall take measures in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination"), and 44 ("All the rights and freedoms recognized [in the Declaration] are equally guaranteed to male and female indigenous individuals").
 - 18 ILO Convention No. 169, art. 3 §1 "...The provisions of the Convention shall be applied without discrimination to male and female members of these peoples". For indigenous female workers, other relevant ILO Conventions are No. 100 on Equal Remuneration (1951), No. 111 on Discrimination (Employment and Occupation) (1958) and No. 189 concerning Decent Work for Domestic Workers (2011).
 - 19 These monitoring mechanisms include the Commission on the Status of Women (CSW), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and several Special Rapporteurs, in particular the SR on Violence against Women and the SR on Indigenous Peoples. Although the Convention on the Elimination of Discrimination Against Women (CEDAW) does not refer directly to indigenous women, indigenous women's concerns are beginning to be featured more prominently in the work of its monitoring Committee (see, e.g., General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28, 2010); see also CERD (Committee on the Convention on the Elimination of Racial Discrimination General) and its Recommendation No. XXIII on Gender related dimensions of racial discrimination (U.N. DOC. A/55/18, 2000).
 - 20 Several constitutional reforms have furthered the recognition of the rights of indigenous peoples in general and/or those of women—including indigenous women—in particular. Improvements in the health and education sectors have also benefitted some indigenous women; and indigenous women are increasingly becoming involved in local and even national politics. See Vinding and Kampbel, op.cit., p. 39;
 - 21 For example, forums within the United Nations Human Rights system or related to environment and climate change, intellectual property rights and culture, etc.
 - 22 These include UNPFII (supra note 14); Lima Declaration of the World Conference of Indigenous Women (November 2013) at <http://www.docip.org/News.78+M58d4104e87e.0.html>; Declaration of the Indigenous Women of CSW57 (March 2013), at http://www.un.org/esa/socdev/unpfii/documents/IndigWomen_Declaration_CS57_eg.pdf; CSW58, supra note 1; The Indigenous Peoples' Major Group's Contribution to the Sustainable Development Goals (2013/2014) position paper and MRG, "Voices from the margins: including the perspectives of minorities and indigenous peoples in the post-2015 debate" (2013) at <http://www.minorityrights.org/11811/briefing-papers/>
- UNDG, "A Million Voices: The World We Want" (2013). At <http://www.undg.org/index.cfm?P=1727>
 - UN Women, "A Transformative Stand-Alone Goal on Achieving Gender Equality" (2013). At <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2013/6/UNWomenNote-GenderEqualityGoalInPost2015Framework%20pdf.pdf>

IWGIA - INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

Classensgade 11 E, DK 2100 - Copenhagen, Denmark

Tel: (45) 35 27 05 00 - Fax: (45) 35 27 05 07 - E-mail: iwgia@iwgia.org - Web: www.iwgia.org