

**BOOKLET**

# Indigenous Women

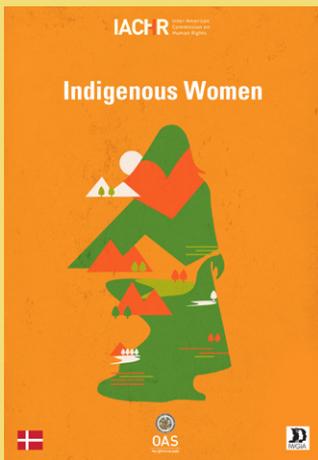


**OAS**

More rights for more people



**IWGIA**



## Cover Art Concept

Standing tall, head held high, her dignity on full display. That's the image of an empowered indigenous woman confronting discrimination and violence, saying "enough is enough" to the tragic impact of extractive industries and other development projects in her ancestral territories. The play of shapes that combines an indigenous woman's silhouette with mountains, lakes, trees, and moon/sun, along with the color palette of earth tones and greens, represents that close, harmonious relationship with her lands and the fundamental role this

relationship has in shaping her identity. The figure on the cover symbolizes all the indigenous women of the Americas, while maintaining and valuing her individuality. She is one, yet at the same time all; her identity is what defines indigenous women collectively, that symbiotic relationship with Mother Earth. Her body morphs into the elements of her land because her identity is intimately tied to her ancestral territories. It is from this place, from this worldview, that the indigenous women of the Americas battle against inequality, racism, sexism, and poverty.

Graphic summary of the main ideas and concepts of the report "Indigenous Women and Their Human Rights in the Americas" (2017), by the Inter-American Commission on Human Rights (IACHR)



Credit: Marcelo Camargo/Agência Brasil

# INTRODUCTION

In the Americas, indigenous women frequently face multiple and overlapping forms of historic discrimination that expose them to human rights violations in every aspect of their daily lives: from their civil and political rights and their right of access to justice, to their economic, social and cultural rights and their right to live free from violence.

Indigenous women face different obstacles, including the following: severely restricted opportunities to join the labor market; unique geographic and economic challenges to gain access to health and education services; limited access to social programs and services; high rates of illiteracy; low participation in the political process; and social marginalization. The political, social and economic marginalization of indigenous women contributes to persistent structural discrimination and makes them particularly susceptible to a variety of acts of violence.

Although they are subjected to discrimination and violations of their human rights, indigenous women must not be understood simply as victims. They have played a crucial role in the history of the struggle for the self-determination of their peoples

and for their rights as women, they are known as the guarantors of their culture, and they play fundamental roles within their families, their communities and their countries, as well as at the international level. Indigenous women must be understood as holders of rights, recognizing their right to actively participate in all the processes that affect those rights.

## Purpose of the report

Providing a detailed picture of the general human rights situation of indigenous women in the Americas.

Identifying current challenges.

Providing States with guidelines for the design and implementation of measures to ensure indigenous women's human rights.

Read the report  
[www.iachr.org/IndigenousWomen](http://www.iachr.org/IndigenousWomen)



# 2.



Credit: Cristina Chiquin

## PRINCIPLES THAT SHOULD GUIDE STATES' ACTIONS

### Guiding principles

The IACHR considers that State efforts to ensure respect for indigenous women's human rights should rest on the following principles:

#### Holistic approach

Incorporating a holistic approach in all laws and policies that affect indigenous women, to address the multiple and interconnected forms of discrimination they face.

#### Empowered actors

Understanding indigenous women as holders of rights and not simply as victims.

#### Intersectionality

Acknowledging that the discrimination of women based on sex and gender is inextricably linked to other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, sexual orientation and gender identity, and that the overlap of various layers of discrimination—known as intersectionality—leads to a deeper, stronger form of discrimination.

#### Self-determination

Respecting indigenous peoples' right to self-determination, to the integrity of their territories and natural resources, and to live free from all forms of racism is a prerequisite to enforce the right of indigenous women to live a life free from all forms of discrimination and violence.

## **Incorporation of their perspective**

Indigenous women's worldview must be considered in all policies that affect them.

## **Active participation**

Indigenous women must be granted the opportunity to participate in all the processes that affect their rights.

## **Indivisibility**

Acknowledging the close connection between the protection of indigenous women's civil and political rights and their economic, social and cultural rights.

## **Collective dimension**

Indigenous women's rights must be understood in their individual and collective dimensions, which are both inextricably related.

## **Standards of international law**

States have an obligation to ensure that all their actions strictly comply with these standards of international law.

### **Self-determination, cultural identity, property, consultation and consent**

Ensuring that indigenous peoples have the right to freely determine their own economic, social and cultural development, in a way that enables them to secure their livelihoods and well-being as differentiated peoples.

Conducting prior, informed and culturally appropriate consultations with indigenous peoples, in good faith, with the aim of reaching an agreement, and including indigenous women in such processes.

### **Equality and non-discrimination**

Establishing the protection of indigenous women's rights as the cornerstone of States' obligations concerning equality and non-discrimination, and responding to the various and intersectional forms of discrimination faced by indigenous women, which heighten their vulnerability, promote the repetition of discrimination, and contribute to impunity.

### **Violence, due diligence and access to justice**

Acting with due diligence to prevent, investigate, punish and offer reparation whenever an act of violence against women occurs, ensuring access to adequate and effective judicial remedies for the victims and their families, both in State-operated and indigenous judicial institutions.

Adopting measures to address and respond to violence against women, and also to address discrimination as its cause and as a social factor sustaining such violence.

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Credit: Mariquit de los Reyes Grey

# VIOLENCE AGAINST INDIGENOUS WOMEN

## Structural discrimination and violence

Violence against indigenous women is closely related to the continuous and intersecting forms of discrimination faced by indigenous women.

Discrimination contributes to the stereotyped perception that indigenous women are inferior, sexually available and/or easy victims.

Violations of collective, civil and political, and economic, social and cultural rights constitute a form of structural violence against indigenous women.

## Different forms of violence

The report uses the definition of violence against women adopted by the Convention of Belém do Pará, which defines violence against women as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere. The IACHR interprets the Convention of Belém do Pará to include obstetric and spiritual violence as forms of violence against women:

### OBSTETRIC VIOLENCE

Encompasses all situations of disrespectful, abusive, neglectful treatment or denial of treatment that take place in health facilities during pregnancy, childbirth or the postpartum period.

### SPIRITUAL VIOLENCE

Takes place when acts of violence and discrimination against indigenous women not only harm those women individually, but also negatively impact the collective identity of the communities to which they belong.

## Manifestations of violence

Violence is often perpetrated against indigenous women in specific contexts:

- 🌿 During armed conflicts
- 🌿 During the implementation of development, investment and extractive projects
- 🌿 In the context of the militarization of their territories
- 🌿 In situations of deprivation of liberty
- 🌿 Within the domestic sphere
- 🌿 Against women who exercise their right to defend human rights
- 🌿 In urban settings and during displacement and migration processes

Because of the unique role of indigenous women as spiritual leaders and guarantors of indigenous culture, the violence perpetrated against them in different contexts harms them physically, culturally and spiritually.



Credit: Marcelo Camargo/Agência Brasil

# 4.



Credit: IACHR

## ACCESS TO JUSTICE

Indigenous women face obstacles in both national and indigenous justice systems.

Within **indigenous justice systems**, they may face patriarchal prejudice and have limited voice and participation.

Within **State-operated justice systems**, they face racism and inadequate or inaccessible mechanisms.

### Indigenous justice systems

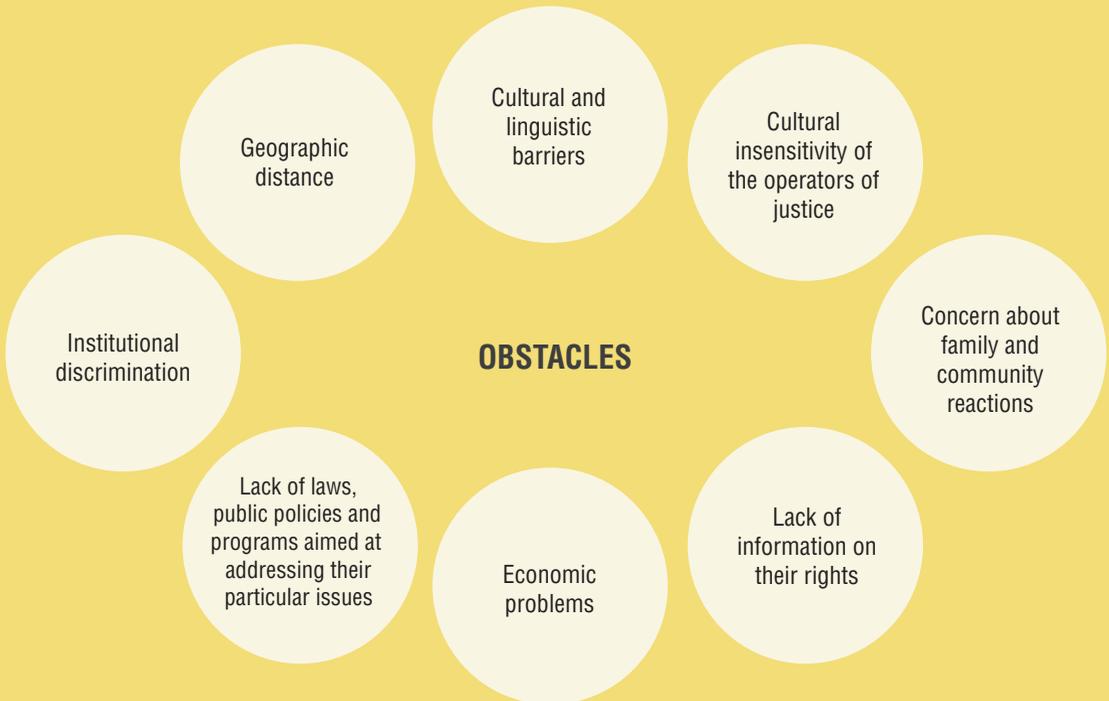
Indigenous peoples have the right to have their own justice systems, forms of organization, authorities and customary law, in accordance with international human rights standards.

States must respect indigenous legal systems, as a manifestation of their right to self-determination of indigenous peoples.

The indigenous justice system must act with due diligence and grant indigenous women access to justice, without discrimination.

## State-operated justice systems

To increase indigenous women’s access to justice, States must act with due diligence and adopt a holistic judicial response, taking into account indigenous women’s specific particularities, their gender, their socioeconomic condition, their situation of special vulnerability and their culture.



## Multidisciplinary perspective

States must adopt an approach that respects indigenous women’s cultural and ethnic identity, their language and their particular characteristics.



## Reparations

When adopting reparations, States must:



# 5.



Credit: Adela Vargas

## ECONOMIC, SOCIAL AND CULTURAL DIMENSIONS

Discrimination against indigenous women manifests itself in the labor market, in limited access to social security and healthcare systems, in higher rates of illiteracy, in a lack of access to food and water, in a lack of respect for their cultural rights, and in the serious poverty and social exclusion they face.



Credit: Rosemary Gilliat



Credit: Fabricio Angulo

## Barriers

The many forms of discrimination to which indigenous women are subjected, based on their gender, ethnicity, and socioeconomic situation, raise significant barriers for them to access basic health and education services, food and water, and decent, quality employment.

### EDUCATION

- 📍 Geographic distance
- 📍 Lack of appropriate infrastructure
- 📍 Lack of teaching in indigenous languages
- 📍 Absence of indigenous knowledge from the curriculum
- 📍 Socioeconomic situation
- 📍 Safety issues, especially concerning sexual violence
- 📍 Early motherhood

**Only 1 out of 10 indigenous girls complete high school in Latin America.**

### HEALTH

Geographic distance

Culturally inappropriate services on offer

Lack of qualified interpreters

Lack of appropriate infrastructure

Obstacles in accessing information

These barriers have health consequences for indigenous women: infections and disease, high maternal mortality rates and massive human rights violations, such as cases where sterilization has been carried out without consent.

### FOOD AND WATER

Indigenous peoples face greater difficulty to access adequate food and drinking water, because of the historic disregard for their rights to control over their lands and natural resources and the situation of poverty they tend to live in.

The loss of their lands and natural resources, pollution in their territories and the extractive activities that are carried out in them hinder the preservation of their traditional livelihoods, such as food gathering, agricultural production and herding.

The lack of clean drinking water and food forces the displacement of indigenous women from their land, which increases their vulnerability to human rights violations.

The impact of the various economic, social and cultural human rights violations that still plague indigenous women increases their vulnerability to violence and to other violations of their fundamental rights, and requires immediate and effective State intervention.

## Cultural rights



Credit: Rosemary Gilliat

Ancestral lands are an essential element of indigenous women's existence and culture.

Indigenous women are seen as the protectors and custodians of cultural values and as the guarantors of their peoples' survival; violations of their cultural rights therefore tend to constitute spiritual violence against indigenous women.



Credit: Lincoln Holder



Credit: Daniel Cima / IACHR

The violation of their cultural rights affects them both individually and collectively.

# 6.



Credit: Xun Ciin / IACHR

## CONCLUSIONS AND RECOMMENDATIONS

In order to ensure that indigenous women can enjoy all their human rights, States must adopt measures to empower those women, grant them access to meaningful participation in the civil and political spheres, and improve their social and economic conditions.

**1** **HOLISTIC APPROACH:** Incorporating a holistic approach in all laws and policies that affect indigenous women, to address the multiple and interconnected forms of discrimination they face.

**2** **GENDER AND INTERCULTURAL PERSPECTIVE:** Adopting this perspective to prevent, investigate, prosecute and punish all forms of violence against indigenous women.

**3 SPACES FOR COORDINATION:** Generating these spaces between State-operated justice systems and traditional indigenous justice systems, to improve the judicial protection of indigenous women.

**4 ACTIVE PARTICIPATION:** Creating spaces for indigenous women to participate fully and actively in the design and implementation of initiatives, programs and policies, at the local, regional and national levels.

**5 TRAINING:** Implementing new forms of gender and cultural competency training for public servants.

**6 ERADICATING INSTITUTIONAL DISCRIMINATION:** Recognizing indigenous conceptions of community, culture and family life and revising public policies, programs and legislation, from a gender and intercultural perspective.

**7 PROMOTING THE ESCR:** Ensuring full access to basic health and education services, food and water, and decent, quality employment, and guaranteeing their collective rights to ownership of their ancestral lands.

**8 PRODUCING STATISTICS:** Producing and updating statistics on the human rights situation of indigenous women, in all categories, in order to provide an accurate picture that allows States to formulate laws, programs and policies to effectively combat violence and discrimination.

**9 PROTECTING HUMAN RIGHTS DEFENDERS:** Adopting special measures for the protection of the lives and safety of indigenous women who are human rights defenders and leaders, given the discrimination they face as women and as members of indigenous communities, and the unsafe conditions that characterize their defense work.

**10 GUIDING PRINCIPLES:** Ensuring the application of the guiding principles detailed in the report when designing and implementing policies that affect indigenous women.



# MULTIMEDIA SITE

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[cidh.org/MujeresIndigenas](https://cidh.org/MujeresIndigenas)

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