

MAIRIN IWANKA RAYA: INDIGENOUS WOMEN STAND AGAINST VIOLENCE

A Companion Report to the United Nations Secretary General's Study on Violence Against Women
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The International Indigenous Women's Forum (FIMI), a member organisation of the United Nations Taskforce for the Study on Violence Against Women, prepared this report pursuant to its concern that the needs, rights and perspectives of Indigenous women would not be adequately reflected in the UN Taskforce Study.

The Report states its goals as being:

- To contribute to the development of a human rights discourse capable of generating concrete, effective strategies to combat violence against Indigenous women.
- To enunciate an Indigenous perspective of violence against women and to strengthen understanding of this perspective within the international women's movement.
- To combat violence against Indigenous women by building on the existing work of civil society organisations.
- To enhance the capacity of the 2006 UN Study on Violence Against Women to support further action by the UN Member States, particularly action that will address the specific strengths of Indigenous women in combating gender-based violence.
- To further the understanding within the UN system and among civil society organisations that violence against women is mediated by various aspects of identity interaction.

The Report identifies the systematic destruction of Indigenous women's collective rights as Indigenous people as the single greatest risk factor for gender-based violence. FIMI relies on a human rights framework, but argues that conventional approaches to human rights have failed to protect Indigenous women because rights are conceived

of as the entitlement of individuals rather than being collectively held. This approach fails to recognise that Indigenous women experience human rights violations 'at the crossroads' of their individual and collective identities. FIMI calls for a recognition of collective rights as a necessary adjunct to individual rights. It argues that this notion of individual rights also dominates the global women's movement, which stresses the universality of women's oppression at the expense of recognising differences in the forms and subjective experiences of oppression.

The Report addresses six key areas intimately associated with violence against Indigenous women: violence generated by neoliberalism and development aggression; violence and tradition; structurally entrenched State violence; armed conflict; the impact of migration and displacement; and, the relationship between violence and HIV/AIDS in Indigenous women.

Neo-liberalism and Development Aggression

The Report examines the numerous dimensions through which neoliberalism exacerbates violence against Indigenous women. These are the same dynamics that threaten non-Indigenous women, but with culturally specific manifestations that must be recognised and addressed in strategies to combat gender-based violence. The dimensions include the economic; the spiritual; the practice of piracy-by-patent whereby patented technologies usurp Indigenous practices, particularly those related to agriculture; and the plunder of natural resources. It argues that as stewards of environmental, technical, scientific, cultural and spiritual knowledge, Indigenous women hold the key to combating poverty in their communities and creating and implementing strategies for sustainable development at all levels of policymaking.

Violence and Tradition

The Report examines the ways that culture can be used as a source of resistance to violence against women, rather than the location and justification for it. It criticises notions like cultural relativity for viewing culture as static and monolithic, rather than fluid, dynamic, historically contingent and formed through human will and invention. This latter conceptualisation allows for the emphasis of positive elements of culture, and for the redefinition of masculine and feminine identities within it.

State Violence

On the third issue, that of state violence, domestic violence and Indigenous women, the Report demonstrates how addressing domestic violence through the criminal justice system expands State intervention in the lives of Indigenous women and their families. The Report argues that laws are written and interpreted in ways that discriminate against and endanger Indigenous women. It critically analyses the use of restorative justice as an alternative or supplement to criminal justice. FIMI's approach is to prioritise the rights of survivors and the accountability of abusers, looking beyond the criminal dichotomy of victim and perpetrator to inquire about the underlying psychological, moral and spiritual reasons for battery.

Armed Conflict

This section of the Report argues that a disproportionate number of armed conflicts are currently being waged on Indigenous territories or against Indigenous resistance movements branded as terrorist organisations, placing Indigenous women in particular at risk of militarised violence. It outlines the ways that armed conflict affects Indigenous women, examining issues such as the use of rape as a weapon of war and the role of Indigenous women in peace building.

Migration and Displacement

The Report notes that because Indigenous women face particular forms of discrimination, programs and policies designed to protect the rights of migrants are often ineffective. Furthermore, since Indigenous women's cultural identity and spiritual practices are often inextricably linked to their territory, migration poses significant cultural consequences.

The Report assesses the reasons for migration and highlights the problems of cultural violence and compulsory assimilation that face Indigenous communities.

HIV/AIDS

The Report highlights the limited nature of studies on the prevalence of HIV/AIDS in Indigenous women, and argues that further research is needed. It examines how the marginalised status of Indigenous women leaves them more susceptible to the disease, and discusses the impact on families and communities when women succumb to it. The Report explores the relationship between violence in the name of tradition and the spread of HIV/AIDS and examines the barriers to treatment and prevention for Indigenous women.

Following the analysis of these key areas is a summary of promising practices developed by FIMI member organisations in Kenya and Nicaragua which have brought human rights training to women in the community, helping to mobilise them against gender-based violence. FIMI also calls for improvements in data disaggregation to better address the circumstances of Indigenous Peoples, and describes five promising practices in data collection for Indigenous women. It urges the development of indicators that better measure violence against Indigenous women and provides relevant guidelines.

The Report concludes by describing FIMI's calls for a fundamental restructuring of human rights categories, terms and their underlying assumptions. It outlines further steps towards eradicating violence against Indigenous women, including:

- Developing a new conceptual framework in which the views of Indigenous women are acknowledged as essential to both understanding and combating violence.
- Strengthening Indigenous women's advocacy through education, improved data collection and public policy.
- Promoting Indigenous women's leadership.
- Advancing Indigenous Peoples' rights, particularly through the *Declaration on the Rights of Indigenous Peoples*.

The full text of this report is available at the International Indigenous Women's Forum website: < <http://www.indigenouswomensforum.org/intadvocacy/vaiwreport.html> >.