

## INTRODUCTION

This written statement is submitted by the International Work Group for Indigenous Affairs (IWGIA) and Asia Indigenous Peoples Pact (AIPP) to the Commission on the Status of Women's 63<sup>rd</sup> Session, in line with the communications submission procedure. We respectfully acknowledge the upcoming priority theme of *Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls* and commend the commission's work towards ensuring a sustainable and just future for women and girls everywhere. Despite progress in some areas of the Sustainable Development Agenda, and given the worsening conditions for human rights defenders in the world, we use this opportunity to call attention to the specific challenges facing indigenous women human rights defenders (women IPHRDs) at this time in history.

This submission seeks to draw attention the worsening cases of violence against indigenous women, and to the increasing and alarming threats facing women IPHRDs in Asia, particularly in recent years, and offer recommendations on behalf of the indigenous women and indigenous men of Asia.

## CHALLENGES

Indigenous human rights defenders (IPHRDs) across the globe are being criminalized and subjected to arbitrary arrests, detentions, trumped-up charges, arbitrary search operations, imprisonments and biased trials. In Bangladesh, for example, in 2017, a total of 141 indigenous human rights defenders and innocent villagers were reportedly arrested or detained while 161 persons were harassed with false charges.<sup>1</sup> Also in the same year, Bangladesh has a recorded of fifty – six (56) indigenous women sexually or physically assaulted.<sup>2</sup> Also, from 2014 to June 2017, there have been 297 reported cases of violence against indigenous women and girls and none of these cases have been properly prosecuted, nor the perpetrators punished. It is notable that most of the perpetrators are non-indigenous. "Rape and sexual violence targeting indigenous women and girls are part of a systematic and brutal strategy to subjugate and terrorize the indigenous communities and displace them from their lands."<sup>3</sup>

Indigenous women human rights defenders face a unique set of challenges within the worsening situation for IPHRDs in general.

Women IPHRDs - who are already marginalized within their communities and mainstream society due to their intersectional status as women and as indigenous – are targeted by governments, armed groups, companies and other more powerful individuals and groups. They face persecution by state in defending their individual and collective rights and for challenging the status quo and social norms which often keep indigenous women confined to their roles within the home. In this context they face threats, and increased gender-based violence. They are more vulnerable to harassment and maltreatment from state forces and armed groups as indigenous women and to health problems. Women IPHRDs and not getting attention from mainstream society dominated by the patriarchal system and access to justice hardly exist. In Asia, women IPHRDs are facing this particular set of challenges in response to their work in promoting and defending the collective rights of their communities.

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<sup>1</sup> Kapaeeng Foundation (2018) Human Rights Report 2017 on Indigenous Peoples in Bangladesh, Mong Shano Chowdhury and Pallab Chakma (eds.), Dhaka, Bangladesh.

<sup>2</sup> <http://iphndefenders.net/indigenous-women-target-of-rape-in-land-related-conflicts-in-bangladesh/>

<sup>3</sup> <http://bit.ly/2GCjG85>

The worsening situation for HRDs in the Philippines is an illustration of this. On 21 February 2018, the Department of Justice filed a petition to the Regional Trial Court of the National Capital Region in Manila City declaring around 600 individuals, many of them are human rights defenders and political activists, as “terrorists and outlawed organisations, associations and/or group of persons.”<sup>4</sup> And the Human Security Act shall be applied to them. These accusations were specifically made towards five women IPHRDs, namely:

**Joan Carling**, current Member and Co-Convener of the Indigenous Peoples Major Group for the Sustainable Development Goals, former Secretary General of the Asian Indigenous Peoples’ Pact (AIPP), and former member of the UN Permanent Forum on Indigenous Issues;

**Victoria Tauli-Corpuz**, current United Nations Special Rapporteur on the Rights of Indigenous Peoples, former Chairperson of the UN Permanent Forum on Indigenous Peoples and former Chairperson of the Cordillera Peoples Alliance (CPA);

**Beverly Longid**, current global coordinator of the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL), former CPA Chair and current Advisory Council member.

**Joanna Carino**, current leader of Sandugo and was the founding Secretary General of the Cordillera Peoples Alliance which have consistently championed the rights of indigenous peoples

**Jeannette Ribaya Cawiding**, currently working with teachers associations and a former leader of the Cordillera Peoples Alliance Chapter in Baguio city

ALL these women IPHRDs have denied the accusation as baseless and malicious. This accusation have very serious implications given that they enable the Philippines government to monitor their movements, check their finances and face the risks of arrest, detentions and even extra judicial killings. In recent years, state-sanctioned harassment of women IPHRDs in the Philippines continues to worsen. For example, in December 2017, there was a case of a 21-year-old staff member of the Rural Missionaries of the Philippines – Northern Mindanao Sub-Region (RMP – NMR) who had threats of rape made against her and threats of violence against her family by a person identifying themselves as an intelligence asset of the 4<sup>th</sup> Infantry Division of the Armed Forces of the Philippines.<sup>5</sup> Likewise a number of community-based women leaders as IPHRDs in Mindanao are facing trump up charges and various forms of intimidation and harassment from military and paramilitary forces as Mindanao is now in a state of Martial Law.

In October 2015, young woman IPHRD, **Alma Sinumlag’s** family received a call from an intelligence officer of the Philippine Army, informing them that Alma had been killed in a clash between the Armed Forces of the Philippines and the New Peoples Army. Alma had been working with Cordillera Women’s Education Action Research Center (CWEARC) to conduct research on the impacts of Chevron’s geothermal development project in the ancestral territories of indigenous peoples.<sup>6</sup>

In addition, the recent rape case of the two Marma sisters in January 2018 that eventually led to the attack of Rani Yan Yan, the Adviser to the Chakma Circle and wife of the Chief of the Chakma Circle who was supporting them<sup>7</sup> is a particularly uphill battle. There is concern of attempts to impose a

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<sup>4</sup> [https://drive.google.com/file/d/1T2LwHKz\\_PxC2W5\\_WY83T3sAd2QKDUhqD/view](https://drive.google.com/file/d/1T2LwHKz_PxC2W5_WY83T3sAd2QKDUhqD/view)

<sup>5</sup> <http://iphndefenders.net/philippines-stop-harassment-human-rights-defender-organization-mindanao-lift-martial-law-without-further-delay/>

<sup>6</sup> <http://apwld.org/stop-harassment-of-indigenous-woman-human-rights-defender-alma-sinumlag/>

<sup>7</sup> <http://iphndefenders.net/bangladesh-uphold-the-rule-of-law-and-end-the-impunity-of-security-forces/>; see update on the case, re the result of investigation of the National Human Rights Commission of Bangladesh: <http://iphndefenders.net/bangladesh-nhrc-body-finds-law-enforcers-intrusion/>

mainstream media blackout<sup>8</sup> and military cover up of the case as it gains attention from the international community.<sup>9</sup> The struggle to achieve justice with this case is exacerbated in the overall context of discrimination against indigenous peoples and general vulnerability of women and girls in Bangladesh, as in many other parts in Asia.

More recently, the gang rape of 5 adivasi women in Kochang, Araki block, Khunti district while holding street plays on anti-trafficking on 19 June 2018 in India<sup>10</sup> adds to the grave picture of vulnerability of women and girls.

In AIPP's submission to the UN Special Rapporteur's call for input on her study on the criminalisation of IPHRDs,<sup>11</sup> it highlighted that particular attention should be focused on women IPHRDs, and indigenous women and girls in general as they are more vulnerable to the systematic use of gender-based violence (GBV) as method to silence and intimidate them. This is more apparent in militarised areas, as in the case of Bangladesh, Philippines, particularly Mindanao region under Martial Law, Myanmar and India,

While the situation in the Philippines reaches a crisis point, women IPHRDs in Asia have been facing such threats for decades. In Bangladesh, for example, **Kalpana Chakma**, Organising Secretary of Hill Women's Federation, was allegedly kidnaped by security personnel from her house in Rangamati District 22 years ago. She remains missing to this day, and rights activists are still demanding the unearthing of a high-level inquiry into the abduction and disappearance of Kalpana Chakma.

## OPPORTUNITIES

We are deeply and gravely concerned by these matters, and the culture of impunity for human rights violations against indigenous and mainstream HRDs alike. While we acknowledge the challenges that are threatening the important work of women IPHRDs, we also recognize the small victories that have been shared in recent times.

On May 10, 2018, Jannie Lasimbang, a woman IPHRD from Malaysia, was elected into the Kapayan State Constituency during the 14<sup>th</sup> general election and now serves as Law and Native Affairs Assistant Minister. Jannie's political representation must be lauded, especially given that just two weeks before the election, it was still unclear whether Jannie's acquittal for charges under the Peaceful Assembly Act (PAA) 2012 would be acquitted. Jannie was the organizer of the Sabah edition of BERSIH 4 held in August 2015. The two-day rally was held along Kota Kinabalu's Likas Bay Esplanade and was attended by 3,000 people on the first day. She was first charged under the Act in October 2015 for failing to provide 10 days' notice for each of the two days the public gathering was held.<sup>12</sup> The decision not to overturn her acquittal was made just days before her election into the Kapayan state Constituency.

The election of Jannie Lasimbang provides a glimmer of hope in an otherwise questionable future for democracy in Asia. Worsening conditions for women IPHRDs, and human rights defenders in general, reflects a regional context whereby human rights are secondary to big business, corporate power and the government's control over its people. Insecure spaces for women IPHRDs have drastic impacts

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<sup>8</sup> <http://bit.ly/2GCjG85>

<sup>9</sup> <https://www.aljazeera.com/news/2018/02/bangladesh-minorities-bid-cover-army-sex-assault-180217110336276.html>

<sup>10</sup> Fact-finding report of Women Against Sexual Violence and State Repression and Sexual Repression forwarded to AIPP confidentially. But see related news: <https://timesofindia.indiatimes.com/city/ranchi/priest-nuns-grilled-in-khunti-gang-rape-case-no-arrests/articleshow/64713505.cms>

<sup>11</sup> [http://iphndefenders.net/wp-content/uploads/2018/03/AIPP\\_input-SRRIP-study-criminalisation-of-IPs\\_FINAL.pdf](http://iphndefenders.net/wp-content/uploads/2018/03/AIPP_input-SRRIP-study-criminalisation-of-IPs_FINAL.pdf)

<sup>12</sup> <http://www.freemalaysiatoday.com/category/nation/2018/04/24/jannie-lasimbangs-candidacy-hangs-on-court-judgment/>

on the future of democracy and the realization of the sustainable development goals, including Goal 5: *Gender Equality and the Empowerment of Women and Girls*.

But despite their chronic marginalization, indigenous women play invaluable roles within their societies and have much to contribute to, not only their own development, but also to the global women's movement and the global goal of sustainable development. Women IPHRDs are at the forefront of this struggle, paving the way for their communities in the realization of their rights and their equitable representation in all aspects of society. Women IPHRDs have long played the role of peacekeepers in their societies, collectively and successfully defending their land, territories and natural resources from private and government interests. Women IPHRDs are fighting for equality within their own societies, at the risk of social ostracism and exclusion. Their role in sustainable development is crucial yet the space for them to effectively perform this role is increasingly dangerous and rapidly narrowing.

## RECOMMENDATIONS

In line with this, we request the 63<sup>rd</sup> Session of the Commission on the Status of Women to implore our governments to acknowledge and implement our recommendations in line with the duties and obligation to respect and protect human rights including the rights of women and indigenous peoples. The universal goal to achieve gender equality will not be realized if indigenous women continue to suffer from GBV and women IPHRDs are being criminalized and prosecuted for their work. On behalf of indigenous women in Asia, our recommendations to our governments and heads of state are:

1. To incorporate in national laws and implement properly the State's human rights obligations including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention of the Elimination of Discrimination Against Women (CEDAW)
2. States should end impunity of security forces, particularly on gender-based violence (GBV), and bring justice to the victims and survivors, including denouncing any GBV inflicted to indigenous women and girls.
  - a. For State forces including para military forces to be made accountable when they commit human rights violations to be made accountable
  - b. To integrate thorough education on human rights and women's rights; and tools for human rights protection in trainings of military units
  - c. Ensure access to justice for victims of human rights violations with special unit to handle cases of women that is gender-sensitive
  - d. Establish effective protection mechanisms for Human Rights Defenders that is gender-sensitive
3. Stop all forms of discrimination against indigenous women in line with international and domestic laws, and ensure that indigenous women, can enjoy the same human rights and fundamental freedoms as men in political, social, economic and cultural fields.
4. States to develop programmes and measures to address the overall vulnerability of indigenous women and girls to violence and close the gap, with regards to access to education, health services livelihood and economic independence and effective participation in decision-making.