

Third Session of the Permanent Forum on Indigenous Issues
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Oral Intervention of Asian Indigenous and Tribal Peoples Network, Hill Watch Human Rights Forum, Lumad Mindanao Peoples Forum and United Zo Indigenous Peoples (By Suhas Chakma)

Thank you Mr Chairman,

Mr Chair, indigenous women like others face various facets of gender discrimination. Yet, it is the discrimination which is perpetrated because of their ethnic origin which requires special consideration. On the special theme of this session, we would like to address two key issues (1) effects of armed conflicts and (2) human trafficking on indigenous women.

Effects of armed conflicts on indigenous women

Beyond the headlines of the conflicts in the War Against Terror against the Al-Qaeda and its subsidiary organs in the post September 11th period, majority of the low intensity armed conflicts in Asia whether in Bangladesh, India, Indonesia, Laos, Myanmar, Nepal, Philippines and Vietnam involve indigenous peoples. The indigenous women are targets in these conflict situations because of their gender and ethnic origin. They are victims of despicable abuses, most particularly rape, by the security forces. However, personal trauma of rape as well as the social stigma attached to it make it difficult to report incidents of rape to the police. Since it is the law enforcement officials who perpetrate rape, there are no mechanisms available to address these violations.

In the ongoing conflict with the Maoist insurgents, the Royal Nepal Army personnel have perpetrated rape, according to by some studies unprecedented even by South Asia's dismal records of violence against women in armed conflict situations. As the Maoists movement started in the indigenous territories in mid-western Nepal, indigenous women have been the worst victims. On 27 September 2003, two indigenous Tharu girls - 16-years-old girl **Janaki Chaudhari** and 14-years-old girl **Chinki Chaudhari** of Belawa 5, Mahadev Village, Bardiya District were brutally gang-raped by seven armed policemen of Kohalpur police station.

In an organised attack on 26 August 2003 at Mahalchari area in the Chittagong Hill Tracts, Bangladesh army and illegal plain settlers completely burnt down nine villages and displaced thousands of people. Nine month old baby, Kiriton Chakma was snatched from grand mother, strangulated to death in front of his grand mother, Kala Sona Chakma who was then raped by Bangladesh army personnel. The illegal plain settlers and security forces raped another 9 indigenous Jumma women in the incident.

Mr Chair, we could cite hundreds of *similar* cases from the conflict situations in Asia. In each and every case, the security forces enjoyed absolute impunity. Mr Chair, accountability is not revenge; accountability is not retribution. It is the assertion of the civilised society that barbaric methods of law enforcement will be dealt with by upholding the majesty of the rule of law. Yet, attempts to establish accountability for these heinous crimes attracted retribution from the governments and their agencies.

Many United Nations and governmental programmes have been addressing the issue of human trafficking. The programmes are more focused on awareness raising, rescue and rehabilitation; and not on law enforcement against the organised criminal groups often aided by the law enforcement personnel, local politicians and corrupt judiciary. Specific studies by National Human Rights Institutions in India and Nepal have found that disproportionate victims of trafficking from Nepal to India as well as within India belong to indigenous communities. Similarly, studies on the victims of trafficking in Thailand or elsewhere in South East Asia have found that disproportionate number of victims of trafficking are indigenous girls and women from within Thailand, Myanmar, Cambodia, Laos etc. Conflict, discrimination and denial of the vehicle to be considered as a person before the law, i.e. citizenship by the government contribute to trafficking of indigenous women. Majority of these victims of trafficking are also victims of serious human rights violations both at the hands of the traffickers and the law enforcement personnel as most governments treat victims of trafficking as undocumented migrants, criminals, or both.

The Permanent Forum is not expected to find solutions to these specific problems. Yet, it could provide necessary guidance within the framework of its mandate to recommend to the United Nations bodies to focus on indigenous women. If rhetorical discussions were to be translated into actions, Mr Chair, we would like to place the following recommendations:

1. Specific members of the Forum or its Secretariat be assigned to prepare a background paper on the "special theme";
2. A summary of the debates on the special theme be prepared for inclusion in the annual sessional report to the ECOSOC as well as to serve as a backgrounder to help the United Nations and other relevant agencies understand the background and complexities of the concerned issue;
3. On the Special Theme of this year, the Permanent Forum in its resolution should request to the United Nations Special Rapporteur on Violence Against Women and UN Special Rapporteur on Human Rights and Fundamental Freedom of Indigenous People to pay special attention to indigenous women.