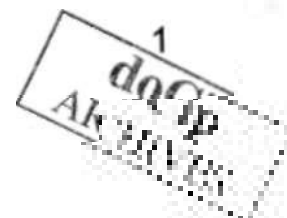


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PRESENTATION

On the special theme of the session: **"Indigenous Women"**

High level Panel and Dialogue on Indigenous Women

At the UN New York on 14th May 2004

By: Prof. Dr. Erica -Irene A. Daes

Thank you very much,

Mr. Chairperson,

It is a particular honor and a great pleasure, to take the floor under your chairmanship. Your successful and fruitful chairmanship, will be marked in the history of the world community. Your valuable contribution to the implementation of the mandate of the Permanent Forum on Indigenous Issues, the most important mechanism for the protection of the rights of indigenous peoples, will be recalled by the present and future generation.

Mr. Chairperson,

At the out set, I should like to pay deep tribute to the memory of the millions of women of the globe, who through their struggle, suffering and sacrifices, contributed to the survival of certain indigenous groups in several parts of the world and to the preservation of their identification and culture. Let us, for a moment, think among others, of the diminutive Indian women of the Andean cities, living in the streets nursing their babies, selling handicrafts and begging, after their civilizations and cities were totally destroyed, centuries ago.

Mr. Chairperson ,

I should like now, to make an attempt to present briefly my views and comments, related to "indigenous women" within the framework of contemporary human rights law and international humanitarian law.

In this respect ,I should like to underline first of all, that all most all the international and regional human rights and humanitarian law instruments , related to the protection of women's rights and freedoms in general , should be applicable to the recognition and protection of the rights and freedoms of the indigenous women. The fundamental principles of equality and non discrimination should be observed in all cases, referring to indigenous women. Also, international law and customary international law, including the Universal Declaration of human rights, should prevailed to the national law and States are legally obliged to take them into consideration in adopting policies, practices and administrative measures concerning the rights and responsibilities of indigenous women.

Contrary to the international norms and principles, an estimated number of 170 million of indigenous women, worldwide

face impoverishment and cultural marginalization as well as widespread discrimination and other gross and systematic human rights abuses. Around the world, certain States deliberately ignore flagrant violations of human rights committed by their agents and others, against indigenous women and in certain cases against whole indigenous communities . The vulnerability of women to human rights abuses is heightened in particular to indigenous women. In situations ranging from police interrogations to civil wars and armed conflict, the rape and sexual abuse of indigenous women is deliberately used to systematically intimidate and traumatize women and families. In a number of cases systematic rape is used as a strategy of war . Violence against indigenous women disregards basic human rights and fundamental freedoms and is an affront to women's inherent human dignity . In this connection, physical ,psychological and sexual violence against indigenous women and girls , in public and in private, plagues all societies and classes and poses tremendous obstacles to the achievement of equality , development, peace and security. It should be mentioned, that the Committee on the Elimination of Discrimination against Women in its recommendation No 19 on violence against women , has, *inter alia*, emphasized that such violence breaches the duty to ensure the equal protection of

humanitarian norms in time of international or internal armed conflict or civil strife. Also, the aforesaid Committee underlined that rape, other attacks on women's dignity constitute grave breaches of the Fourth Geneva Convention and of customary international humanitarian law. In this connection, I would like also to mention operative paragraphs 9 and 10 of Security Council resolution 1325/2000, which, *inter alia*, calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls.

Specially the Statutes of the International Criminal Tribunal for Former Yugoslavia and Rwanda characterize the crime of rape, **as a crime against humanity**. Thus, for the first time in the history, rape during wartime has been explicitly included as a crime against humanity. Also, the Statute of the International Criminal Court includes an important provision relating to "rape, sexual slavery, enforced prostitution forced pregnancy, enforced sterilization, or any other forms of sexual violence or comparable gravity". Subsequently, in my opinion, rape against indigenous women constitutes a crime against humanity and legal norms exist, in order to reinforce the effective protection to which indigenous women are entitled at national, regional and global level. In this respect, I should like to propose the following

recommendation: " States should be encouraged to adopt additional measures for implementing the relevant international law and in particular international humanitarian norms, in order to guarantee effective respect for indigenous women's inherent human dignity and human rights , especially in times of armed conflict."

Mr. Chairperson,

Let me refer now to a broad interpretation of the mandate of the Permanent Forum, as it is provided for by ECOSOC's resolution 2000/22, in order to describe the present and future role of the Permanent Forum and to underscore **the point that the Forum will win serious political and economic support to the extent that it will also serve as a system-wide coordination and evaluation body under the ECOSOC and not simply as an advisory and policy forum.** In this respect, I should like to stress ~~that~~ coordination and **evaluation** of programmes and initiatives for indigenous peoples , including indigenous women, will prove concretely beneficial to Governments and indigenous peoples in all regions of the world .

At least three kinds of benefits should be considered , which may be described as **development, reconciliation and partnership.**

In connection **with development**, it should be stressed that a large portion of more than 2 billion dollars spent on United Nations operational programmes each year is, devoted to regions which have large indigenous populations who may be directly affected. A recommendation should be addressed to the United Nations system to review the positive impacts of its technical and financial assistance in the regions in which indigenous peoples live, by ensuring that they should participate freely and fully in the design and benefits of projects. Reviewing and improving the quality of projects of the competent departments and bodies of the United Nations system in indigenous peoples' territories, will attract increased economic support from developed countries. The Permanent Forum can provide project expertise and programme coordination, facilitate collaboration with indigenous peoples, and serve as a clearing house for Governments, international financial institutions and NGOs, seeking successful models. Agenda 21 and in particular Chapter 16 related to **indigenous peoples and the environment should be fully protected.**

Reconciliation. In many parts of the world, the future stability and democratic development of States will depend fundamentally on the extent to which indigenous peoples become fully involved in political, social and economic life, on just and mutually satisfactory

terms. Over the past two decades we have witnessed some positive developments in this respect, for instance, the role of indigenous peoples in Central American peace processes, and the negotiations of institutions of autonomy or self-government for indigenous peoples in countries as diverse as Colombia, Bolivia, and Norway. This is an important factor in the global trend towards a new kind of national integration and democracy, which is pluralistic and fosters diversity. The Permanent Forum can not only serve as a clearing house of useful experiences in reconciliation and nation building but actually help facilitate communication and build trust between Governments and indigenous peoples individual cases. In other words, the Permanent Forum could become a very useful mechanism for what we call peace-building.

Partnership: The aforesaid Agenda 21, as well as General Assembly resolutions governing the International Year and Decade of the World's Indigenous People, stress the concept of "partnership" between indigenous peoples and states. The Secretary General, in his inspired address to the Permanent Forum on the 10th of May, has, among others stated: "that if we are to make the twenty first century the "age of prevention" then the rest of humanity must enter into greater and more meaningful

dialogue with indigenous peoples . The motto of the International Decade of the World's Indigenous People has been "partnership in action" . The time has come to give more concrete meaning to those words. " Subsequently, I should like to state , that in countries , where indigenous people live , there are important advantages to building true partnerships to which indigenous peoples can freely contribute their traditional knowledge , their creativity, and their unique cultural and artistic heritage. Indigenous medicine alone is an enormous asset to those countries which choose to respect and protect it, with a global value of many millions of dollars. The Permanent Forum for indigenous peoples, could not only foster national-level development partnerships in areas, such as medicine , agriculture and conservation, but also international partnerships that will have a regional or worldwide economic impact.

Finally, Mr. Chairperson, I should like to express my support for the important and timing recommendation concerning **Indigenous Women at the Olympics , proposed by the distinguished Rapporteur of the Permanent Forum , Mr. W. Littlechild.** Indigenous women participation will be welcome and applaud in my country Greece, because it has a particular spiritual and cultural meaning for the world's indigenous peoples and us.

Also, indigenous women contribution to the success of the olympic games will be one more recognition of their talents and their ability to contribute to the promotion and maintenance of the Olympic “ekecheiria”, which means Olympic truce in time of armed conflict.

Thank you very much for your kind attention,

Erica-Irene A. Daes