





exercise the fundamental social, economic, cultural, and political rights guaranteed in international instruments is inextricably tied to their right to self-determination in their territories. These ancestral lands are the basis of indigenous cultures, traditions, spiritual practices, economies, and political systems.

Indigenous women's claim for a conception of women's human rights predicated on collective rights challenges both the conventional human rights paradigm and mainstream conceptions of women's human rights, which both posit the individual as the only subject of rights. Since the World Conference on Human Rights in Vienna in 1993, the global women's movement has succeeded in shifting the traditional rights framework by displacing the dichotomy between the private and public spheres and insisting on states' responsibility for rights violations committed by non-state actors. But indigenous women's claims represent more than an extension of the existing human rights framework: they require an overhaul of underlying assumptions starting with the notion that collective rights threaten, rather than complement, individual rights.

How does applying a gender perspective make a difference?

The Universality of Rights: How Indigenous Women Negotiate Tensions between Culture and Human Rights

Indigenous women understand universality to mean that every woman in the world is entitled to exercise the full range of her rights without exceptions based on culture, tradition, or religion. Since the advent of the human rights framework, conceptions of culture have been placed in opposition to principles of universal human rights. Most commonly, the concept of "cultural relativity" has been used to justify violations of women's human rights by designating abuses as "cultural" and therefore beyond the legitimate reach of human rights. Indigenous women articulate positions outside of the relativist/universality dichotomy, rejecting the underlying premise of both sides, namely, that women are the victims of culture⁶.

While culture can be used as an excuse to violate human rights, it can also be used to promote rights, for example, by emphasizing cultural values of fairness, egalitarianism, and the sanctity of human life that underpin both the human rights framework and many of the world's cultures. This approach positions human rights in dialogue with—not in opposition to, local cultures. Thus, indigenous women see the prohibition of rights violations (as enshrined, for example in Articles 2(f) and 5(a) the Convention for the Elimination of All Forms of Discrimination Against Women, which require states to abolish customs and practices that violate women's human rights) as a crucial, but partial, step in securing human rights. Building on CEDAW, indigenous women seek to find points of alignment between international human rights instruments and local values and practices that uphold women's rights, thus promoting both gender equality and cultural identity as two crucial bases for the full enjoyment of human rights.

What are the key issues to be considered?

Indigenous Women and Indigenous Peoples' Rights

Indigenous women work to promote the rights of their peoples at every level of indigenous life. Their primary involvement is at the community level, where women play leadership roles in producing indigenous culture and identity and developing strategies to address the social problems that affect indigenous communities. Women's leadership in this realm is based on their traditional responsibility for conservation and maintenance of natural resources and for preserving, developing and transmitting indigenous knowledge and culture. In many instances, indigenous women are the primary producers of food in their communities and share custodianship of biodiversity



Indigenous Women and the Global Movement for Women's Human Rights

Indigenous women have been active in the global women's movement since its inception and have played leadership roles in processes that yielded, for example, the Convention for the Elimination of All forms of Discrimination Against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (known as the Belem do Para Declaration), and the 1995 Beijing Platform for Action. Yet, indigenous women have often been marginalized within the broader movement for women's human rights, which tends to stress the universality of women's oppression at the expense of recognizing differences in the forms and subjective experiences of women's oppression. Yet,



References:

- ¹ *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.
- ² *Charter of the United Nations* June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945. See Article 55 and Article 73.
- ³ See Articles 2, 22 and 25.
- ⁴ *International Covenant on Civil and Political Rights*, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. See Articles 1, 2, 3, 26 and 27.
- ⁵ *International Convention on the Elimination of All Forms of Racial Discrimination (1965)*. See Article 1 and Article 5.
- ⁶ *“Bringing Indigenous Perspectives to the International Arena: An Indigenous Women’s Conference”, International Indigenous Women’s Forum Declaration, New York 2005*. See paragraph 5.
- ⁷ *Beijing Declaration of Indigenous Women*; NGO Forum, UN Fourth World Conference on Women Huairou, Beijing.
- ⁸ A/RES/61/295
- ⁹ *NGO Forum, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, August 27-Sept 1, 2001*
- ¹⁰ See *Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children*; www.ohchr.org/english/about/publications/docs/fs23.htm
- ¹¹ Final Report on the 49th Session of the Commission on the Status of Women E/CN.6/2005/11
- ¹² Collection of case studies *Indigenous Women and the United Nations System*, TaskEMC38 TmR60av./IANGWE8 Tm7uairou, Beijing.