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Indigenous women's rights are human rights!

Combining scholarly insights with on-the-ground practical research and original fieldwork, our author intends to highlight voices that have so far been marginalised or silenced to preserve existing power structures.

By Naomi Lanoi Leleto

According to the UN Food and Agriculture Organization's Global Study on the situation of Indigenous Women and Girls, there are an estimated 477 million indigenous people in the world, 238 million of whom are women. Overall, they represent 6.2 per cent of the world's population, but account for 15 per cent of the world's poorest. In all regions, poverty is identified as a multidimensional problem affecting indigenous women, one that represents a serious barrier to equality and full enjoyment of human rights. Despite the reality that is threatening indigenous women on a daily basis, both individually and collectively, and especially in the private sphere, they have demonstrated their resilience and contributions, putting their knowledge to the service of their peoples and humanity. In turn, they are challenging the extremely adverse situations in which they find themselves.

Historical marginalisation in violence towards women and girls

The plight of indigenous women and girls facing violence and discrimination is profoundly troubling and warrants immediate attention. They disproportionately endure various forms of violence and discrimination globally due to intersecting factors such as gender, ethnicity and socio-economic status. Of particular concern is the heightened prevalence of violence against indigenous women and girls, including physical and sexual violence, domestic abuse, human trafficking and femicide. Research consistently indicates that indigenous women are more likely to experience violence compared to non-indigenous women, often encountering additional obstacles in accessing support services and seeking justice.

One example of this is Nepal, a Himalayan nation in which indigenous women and girls are particularly vulnerable to trafficking. Many are lured with promises of better employment opportunities or education, only to be forced into domestic servitude, sex work or bonded labour. For example, within the Badi community (in mid-western Terai district), many women are forced into commercial sex work, with 30-40

per cent reported to be girls below 15 years. Trafficking of young women from Nepal to India for sexual exploitation is a particular problem. Between 5,000 and 7,000 Nepali girls are trafficked every year across the border to India, where most end up as sex workers in brothels in Mumbai, Calcutta and New Delhi. Indigenous women and girls may face additional vulnerabilities because of intersecting factors such as ethnicity, poverty and lack of access to education and healthcare.

After nearly 20 years of collective actions and advocacy across the seven socio-cultural regions of the world, the indigenous women's movement succeeded in getting the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to develop a specific recommendation on indigenous women and girls. General Recommendation 39 (GR39) promotes the voices of indigenous women and girls as agents of change and leaders both inside and outside their communities and addresses the different forms of intersectional discrimination frequently committed by State and non-State actors. However, it also recognises indigenous women's key role as leaders, knowledge holders and transformers of culture within their families, villages and communities.

Notably, the acknowledgment of collective rights within the UN Declaration on the Rights of Indigenous Peoples holds particular importance, especially for indigenous women. It underscores the imperative to confront historical discrimination, as evidenced in the United Nations Committee Declaration on the Elimination of Violence against Women, which sheds light on the historical imbalance in power dynamics between genders. These inequities have resulted in male dominance over women and discrimination against women by men, a situation further exacerbated for indigenous women.

Additionally, indigenous women and girls frequently encounter systemic inadequacies and failures within legal frameworks and justice systems, which fail to address their specific needs and provide sufficient redress for the injustices they face, perpetuating a cycle of impunity and further marginalisation (see Box).

It is essential to recognise that violence against indigenous women and girls cannot be divorced from the broader context of colonisation and historical marginalisation. Many of the harmful customs and societal roles that adversely affect indigenous women do not originate from indigenous cultures themselves; rather, they are a product of colonial legacies that sought to suppress indigenous identities and impose dominant cultural norms. Through colonisation, indigenous communities were forcibly assimilated into Eurocentric systems that devalued indigenous knowledge, traditions and gender roles. This process not only eroded the autonomy of indigenous societies but also facilitated the perpetuation of violence and discrimination against indigenous women and girls. Recognising the role of colonisation in shaping these harmful dynamics is crucial to understanding and addressing the complex challenges faced by indigenous communities today. Efforts to combat violence against indigenous women must involve decolonising approaches that prioritise indigenous self-determination and cultural revitalisation.

Indigenous women's rights to land and natural resources

Four years ago, I had a project in Turkana County, in Northern Kenya, that aimed at sensitising grassroots women on Community Land Act 2016 and their need for participation and inclusion in the process. After the three-day workshop, an old man who had accompanied his wife to the session came to me and asked: "My daughter, how can my property own my property?" This is common belief among many indigenous men, and the notion of women having independent land rights is an anomaly to them. Through payment of dowry, an African woman is considered the chattel of her husband, his possession. Remember, property has no voice and cannot shape policy or choices. Property can be moved, discarded or demolished, and if it breaks under the load, it can easily be replaced. And that's how it has been for women for a very long time.

While indigenous women are often still viewed as property, a deep-rooted patriarchal analogy that they themselves now accept due to conditioning and socialisation, they have nevertheless been at the forefront of a longstanding struggle to protect their ancestral lands and preserve their unique identities since the era of invasion and colonisation. Independently forming organisations and networks worldwide, they tirelessly advocate for the rights of

Alma, an indigenous woman from Guerrero in Mexico, faced pressure from hospital staff to undergo sterilisation after giving birth. This practice is widespread, with 124 complaints reported to the National Commission for Human Rights alone in 2017. However, the actual number of cases is likely higher due to underreporting. Forced sterilisation is especially a problem for indigenous wom-

en, for a wide range of reasons, including discrimination leading doctors failing to feel the need to explain the procedure, its risks and benefits, or to ask for the patient's consent, lack of access to linguistically appropriate health services for women who speak only their native language, and high rates of illiteracy among indigenous women in rural areas.

women and girls. Through spiritual ceremonies, they engage in healing practices and seek harmony with the land, fostering a deep connection to landscapes and seascapes that aligns their existence with nature.

In Cape Town, the Ubuntu Rural Women and Youth Movement have faced significant challenges because of sea mining activities. They have shared how ocean mining has deeply impacted their coastal communities, revealing a complex interplay between human activities and the environment. Employing large machinery and extraction methods, the process of ocean mining disrupts marine ecosystems, leading to a decline in fish populations. This has severe consequences not only for food security but also for cultural practices intertwined with fishing traditions. Moreover, the contamination of water renders traditional healing practices impractical, disrupting cultural heritage passed down through generations. The disruptive noise from explosives and machinery further disturbs the delicate balance of ecosystems, exacerbating the vulnerability of indigenous populations living along the shores and impeding their efforts to preserve their cultural heritage. Given the unfortunate mining activities, the women are concerned because the ocean, whom they have a strong bond with and affectionately call their "sister", is affected, and when this happens, they are also affected. Through songs and storytelling, the Ubuntu women demonstrate their profound connection with the ocean, inviting appreciation and respect for the depth and complexity within every woman. As a story told by Ubuntu women goes:

In the narrative of nature, the ocean serves as a poignant symbol reflecting the myriad moods and nuances of womanhood. In its dance between calm and storm, the ocean embodies the duality inherent in womanhood, representing both serene beauty and formidable strength.

In 2016, African women originating from diverse countries and regions joined forces across the continent to confront entrenched injustices. Their symbolic ascent of Mount

Kilimanjaro signified their commitment to instigate change, ultimately resulting in the creation of a charter presented to both the African Union and governments. This collaborative endeavour epitomises the unwavering determination of African women to shape a more just future for themselves and forthcoming generations.

This united effort is particularly crucial as resource extraction disproportionately impacts rural women, exacerbating existing socio-political barriers to land access and ownership. For instance, the Rural Women's Rights Charter of Kenya resonates with the concerns of women residing in rural areas, underscoring the significance of secure land rights and sustainable livelihoods. Women from 24 rural counties in Kenya contributed to the development of this charter, reflecting their collective aspirations for a stable and prosperous future.

Recognising the decisive role of indigenous women

The challenges and barriers may vary from country to country and even community to community, but indigenous women in developing countries such as Tanzania and Peru face the same structural imbalance in gender equality as their sisters living in New Zealand, Norway and Canada.

The statistics and observations provided above highlight the significant challenges faced by Indigenous Peoples, particularly indigenous women, around the world. Addressing these issues requires recognising and respecting the rights and agency of indigenous communities, and especially women, in decision-making processes at both local and international levels. Supporting indigenous movements and empowering indigenous women is crucial to promoting social justice, preserving cultural heritage and achieving sustainable development that respects the rights and dignity of all peoples.