



Participation of indigenous women in the conservation of cultural heritage

A CLADEM¹ contribution to the study of the Promotion and Protection of the Rights of Indigenous Peoples in relation to their cultural heritage, particularly through their participation in political and public life.

1. Introduction:

The Office of the High Commissioner for Human Rights (OHCHR) requested contributions to the study which is currently being conducted by the Mechanism of Experts on the Rights of Indigenous Peoples, according to Resolution 27/13 of the Human Rights Council. This study was requested by the Human Rights Council to be introduced at its 30th session in order to deepen the knowledge about the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage, particularly through their participation in political and public life

The Latin America and the Caribbean Committee for the Defense of Women's Rights (CLADEM), wishes to contribute to the discussion with this document, focusing on how women of indigenous peoples - many of which are part of our Committee or interact with us - promote and protect the cultural heritage of their peoples in Latin America and the Caribbean, especially through their political and social participation.

1. Contributions of women to the cultural heritage of indigenous peoples

According to UN estimates, more than 23 million indigenous women belong to more than 670 peoples in our region. For centuries, most of these women lived in rural populations. Currently, especially since the census conducted in 2010, it has been observed that a high percentage, nearly half of them, live in urban areas. This has important effects not only in relation to access to health, education, water and housing, but also in relation to social and cultural relations and the possibility of maintaining their customs, traditions and identity as well as symbolic elements.

The index of *rurality* is not uniform. So "in Mexico, Peru and Uruguay over half of indigenous women live in urban areas (54.1%, 56.1% and 97.4%, respectively). On the contrary, in the other six countries they are mostly in rural areas, with percentages which are above 50% in Brazil (59.1%), Colombia (77.8%), Costa Rica (57.8%), Ecuador (79%), Nicaragua (55.4%) and Panama (76.4%)²

The heterogeneity increases when different indigenous peoples are analyzed within the same country. Thus, in Costa Rica the Cabécar village women reside in more than 90% in rural areas,

¹ CLADEM is a feminist articulation that brings together people and organizations dedicated to the promotion and defense of human rights of women in fifteen countries in the region. CLADEM has consultative status within the Economic and Social Council of the United Nations, the OAS and UNESCO. www.cladem.org

² CEPAL op.cit. in 1

while the chorotegas are mostly urban. The Indigenous women have a key role within their towns in relation to the intergenerational transmission of spiritual traditions, the history of their people, their philosophy and defense of the land, territory and natural resources

Much of the cultural heritage of indigenous communities of the region, including their knowledge of medicine, the properties of plants, seeds and herbs; all what provides animal life, oral traditions, designs that are applied in the visual arts, ceramics and textiles including ancient symbols; they all have been preserved thanks to the efforts of women.

In most countries of the region where organized indigenous communities live, it is mainly women the ones who have preserved traditional costumes such as aguayos, tojmipayoj, blouses, huipiles and skirts, hats and ornaments.

However, not all cultural contributions of indigenous women can be transmitted smoothly. Traditional knowledge about childbirth, for example, is often ignored or rejected by the State health services. In Peru, "the cultural appropriateness of the delivery in health services has been subjected to specific norms. However, in 2008, the Ombudsman drew attention to the fact that it depended entirely on international cooperation."³

On the other hand, indigenous women cannot be considered as uncritical transmission agents of their cultural norms and traditions. Along with the strengthening of women's organizations, the interpellation to their own cultures emerged where women lived exclusion in different ways. Among the confronted notions are those of complementarity and harmony, "that before making them part of everyday life, they constitute a political speech which is constantly argued by indigenous movements and their leading men. Assumed in that nature, now they are being discussed and / or used as a political strategy by women themselves. In some cases, the call is to critically analyze and deepen their validity and effectiveness in day to day scenarios, in order not to serve as a muffler to hide systematic oppression. In other cases, they would be nominated by the women themselves as a "must be". In this sense, they become a mechanism to return to Community order. This would open new opportunities of action for women, as this would explicitly or implicitly sustain the exclusions and discriminations as unacceptable breaking points and real fissures for a real harmonious life."⁴

Addressing the issue of the contribution of indigenous women to the cultural heritage of their peoples requires putting aside preconceptions such as reducing the role of women to the role of "guardians" of the traditional culture, ignoring their role as active agents of transformation or assuming a culture of peoples as rigid and crystallized which remains unchanged through centuries, in an isolated bubble, away of the influences that come along with migration, increasing urbanization, contacts with other cultures, exchanges and globalization.

A recent ECLAC/CEPAL study found that "the indigenous women have begun to reassess the cosmovision and the ancestral laws of each nation, which establish precisely harmony and equal rights for men and women through duality and corresponding relations . This aspect recalls that it is inconceivable to assume cultures as unchanging compartments, but the members that share (and build) them have the ability to modify practices and beliefs from time to time."⁵

³ Peruvian Ombudsman /Defensoría del Pueblo. Informe Defensorial No 134. La salud de las Comunidades Nativas. Un reto para el Estado. Lima. 2008. p. 163, quoted by CLADEM Perú, in its Shadow Report- Informe Alternativo al Séptimo y Octavo Informe Periódico del Estado Peruano, for the 58 th Period of Sessions of CEDAW. 2014.

⁴ FLACSO-Ecuador, Participación y políticas de mujeres indígenas en contextos latinoamericanos recientes. Quito, 2009.

⁵ CEPAL, Mujeres indígenas en América Latina: dinámicas demográficas y sociales en el marco de los derechos

Women have always played a key role in the transmission of the language of their people. This is an enriching contribution that should be valued. On the other hand, to speak only their mother tongue should not mean a disadvantage if in the States where indigenous peoples live they could access all educational levels. This is not the reality in Latin America and the Caribbean.

Teaching of and in native languages is offered -as general rule- in educational establishments located in areas with high concentrations of indigenous people and rarely extends to secondary education.⁶ In practice it has been concentrated in rural areas, ignoring big migrations to urban areas that indigenous peoples have been forced to do as a consequence of the constant economic crises.

Women continue to be monolingual in high percentages with and bilingual in smaller proportion than men in all age groups.⁷ Paraguay, Guatemala, Mexico and the República Bolivariana of Venezuela are the countries that have more differences between women and men in relation to (predominantly female) Indigenous monolingualism and bilingualism (present condition is more in men), although Bolivia, Costa Rica and Ecuador also have differences. Mexico is a striking case in this respect, because although evidence of a low percentage of indigenous monolingualism, young women register a value that is twice that of men.⁸

Language is a key element when implementing literacy programs or designing an educational curricula. Current policies, ignoring the fact of a high number of women in monolingual indigenous groups, have resulted on the one hand, on the gradual disappearance of indigenous languages and on the other, the dropout of a large proportion of girls and adolescents.⁹

Besides preserving the language of their peoples, women are active in the defense of cultural heritage role, resources and territory. In a study conducted by the Permanent Forum on Indigenous Issues it is shown how the collective struggle over territories, resources, autonomy, intercultural basic services, among others, has served as processes of politicization and strengthening of ethnic and gender identities.¹⁰

In almost all countries in the region, women have played an active role in claiming for the loss of biodiversity, the disruptive emergence of the mega-mining and other extractive industries.

The participation of indigenous women has been instrumental in building processes and achieving peace agreements in countries where there were armed conflicts such as Peru and Guatemala.

humanos. 2013

⁶ In most of the countries where laws establish that a bilingual education must be put in place at all levels of basic and compulsory education, they only cover primary education in the best of the situations. See: Cortés, Rosalía y Giacometti, Claudia (2010): “Políticas de educación y su impacto sobre la superación de la pobreza infantil”. En: Serie Políticas Sociales N° 157, CEPAL – División de Desarrollo Social, Santiago de Chile.

⁷ CEPAL- Celade y OIJ (Organización Iberoamericana de Juventud) – Juventud Indígena y Afrodescendiente en América Latina – Inequidades sociodemográficas y desafíos de Políticas – Fabiana del Pópolo, Mariana López y Mario Acuña– Madrid, 2009, citado por CLADEM: Audiencia Temática: Acceso a la educación de las mujeres indígenas, campesinas, afro descendientes y de sectores rurales. Hacia la igualdad y no discriminación. CIDH, 2011

⁸ Op. cit en nota 6.

⁹ CLADEM: Audiencia Temática: Acceso a la educación de las mujeres indígenas, campesinas, afro descendientes y de sectores rurales. Hacia la igualdad y no discriminación. CIDH, 2011

¹⁰ Cunningham, Myrna y Kanyinke Sena (2013), “Estudio sobre la participación política de las mujeres indígenas a los niveles internacional, nacional y local” (E/C.19/2013/10), Nueva York, 12o período de sesiones del Foro Permanente para las Cuestiones Indígenas.

2. The social and political participation of indigenous women in the regions. Steps ahead and challenges

2.1 Political participation

In recent decades the indigenous movements in Latin America became powerful political actors. While their gravitation in national political scenes was not uniform, the influence of indigenous organizations and leaders in countries like Mexico, Bolivia, Ecuador, Peru and Guatemala, had repercussions and continental influence. Most countries in the region recognized, with different ranges, included the right of indigenous peoples to their cultural heritage in their national constitutions.¹¹

Women played a very active role in strengthening indigenous political and social organizations, assuming responsibilities and key spaces in the processes, demanding respect for themselves and for their people, transforming agendas, incorporating new concepts and questioning others. This enabled the visualization of multiple voices, postures and situations that cross their lives, transforming the concept of indigenous women as a homogeneous entity and isolated from historical, political and social contexts.

Numerous studies show growth in the leadership of indigenous women, linked to access to formal education processes, project management, participation in women's organizations and in areas of national and international political representation, with emphasis on demands for redistribution and recognition.¹² For ECLAC/CEPAL presently the exercise of power for indigenous women is expressed by the possibilities of "being", their presence, speech and the ability to decide for themselves. (...) Indigenous women not only conceive political participation as individuals, but as members of their peoples, creating specific responsibilities linked to the "collectivity".¹³

The political participation of indigenous women contains a complex mandate, as it includes the right to autonomy and self-determination of indigenous peoples, who claim the right to pursue the economic, social and cultural development of their communities, along with their participation in public decisions in the State that they are members of. Their autonomy relates to the ability to decide on issues related to internal and local affairs, and the right to maintain and strengthen their own political, legal, economic, social and cultural institutions.¹⁴

Their participation in formal channels of national policy, has been favored by the laws of quotas for women that exist in 12 countries of the region. But in most cases this is not enough to ensure that indigenous women get access to political office. Other countries have introduced affirmative action for political participation of indigenous peoples. Colombia and Venezuela have quotas for indigenous peoples. Bolivia has a mechanism of representation for the indigenous peoples of the lowlands, generally occupied by men. Peru has a "native quota" of 15% in sub-national and municipal territories with indigenous peoples and *campesinos* but misses to include the national government. These mechanisms do not guarantee per se that the road will be easier for indigenous

¹¹As an example, Argentina in 1994, assumes the commitment to guarantee the respect to identity and the right to an inter cultural and bilingual education; Bolivia, in 1994 declares to be a multiethnic and pluri-cultural nation; Chile, in 1993 recognizes the right of indigenous peoples to develop according to their own criteria, culture and habits; Colombia, in 1991, recognizes and protects ethnic and cultural diversity; Ecuador, in 1998 defines itself as a pluri-cultural and multiethnic country; Venezuela, in 1999, incorporates a chapter on rights of indigenous peoples.

¹²FLACSO-Ecuador, Participación y políticas de mujeres indígenas en contextos latinoamericanos recientes. Quito, 2009.

¹³CEPAL, Mujeres indígenas en América Latina: dinámicas demográficas y sociales en el marco de los derechos humanos. 2013

¹⁴ONU/ Declaration on the Rights of Indigenous Peoples articles 5 and 18. (2007).

women because their access to this quota goes through internal negotiations that are not exempted of complexities.

In three countries in the region, the indigenous peoples created their own parties: Pachakutik in Ecuador, Yatama in Nicaragua and Winaq in Guatemala. For this last party Rigoberta Menchu applied for a post. (CEPAL 2013).

The study by Cabrero on political participation of indigenous women in the legislature in 6 countries shows that indigenous people in general are a minority in Parliament and within that minority women are another minority. Thus, in Mexico, of the 14 seats held by Indigenous people in a Congress of 500 seats, women hold 4. In Peru, 2 women can be found among nine Indigenous people of a total of 130 members of the Congress. In Guatemala, 3 women out of 19 indigenous people from a total of 158 seats. In Bolivia, there are 9 women among 41 Indigenous people from a total of 130 MPs in the House. In Ecuador, 1 female of 4 Pachakutik Assembly members out of a total of 124 assembly members.¹⁵

2.2 Participation in social organizations

The process of organizing indigenous women has resulted in the birth, in recent decades, of numerous groups and networks of local, national and international scope. This process was not free of tensions within communities and mixed indigenous organizations. Women had to face much resistance to be gaining representation in spaces and place their demands within the indigenous agenda and this was done generally following their own rules and cultural strategies.

Internationally, the moment of greatest visibility for indigenous women was achieved at the Fourth World Conference on Women, held in Beijing in 1995. This enabled a common space with global and regional organizations, the identification of specific and common demands and the construction of joint agendas. In Latin America and the Caribbean, the two major regional organizations are the Continental Network of Indigenous Women and the Alliance of Indigenous Women of Central America and Mexico. Both are active monitors before the UN Committees, especially CEDAW.

Furthermore, indigenous organizations are actively involved in different mechanisms and bodies of the OAS, as the annual session of the General Assembly; Summit of the Americas, forums and discussion tables. Also, they use the mechanism of the Commission for individual petitions, presenting cases that have been building important case law on the rights of indigenous communities. The relationship with the IACHR also includes a permanent dialogue with the Special Rapporteur on the Rights of Indigenous Peoples and other Rapporteurs. For example, women indigenous leaders from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Uruguay, Venezuela, Suriname, Paraguay and Peru participated in a "Meeting of Experts on Indigenous Women in South America" held on 21st and 22nd November 2014 in Lima, Peru with the Commissioner Tracy Robinson, Rapporteur on the Rights of women of the Inter-American Commission on Human Rights on the situation of indigenous women in the region. The information received by the Rapporteur will be used in the regional report on indigenous women that is being elaborated by the IACHR.

2.3 Obstacles for a full and active political and social participation

While indigenous women are occupying in recent decades important positions related to local decision, this participation is hampered by many factors. Unfavorable structural conditions persist,

¹⁵F. Cabrero (coord.), *Ciudadanía intercultural. Aportes desde la participación política de los pueblos indígenas en Latinoamérica*, Quito, 2013, citado por CEPAL, *Mujeres indígenas en América Latina: dinámicas demográficas y sociales en el marco de los derechos humanos*. 2013

which added to racism and patriarchy which mark our societies, generate an increase of the obstacles faced by women in general for their active political participation.

According to ECLAC/CEPAL, less than 15% of indigenous women who are now 20 to 29 years old managed to finish high school studies. Indigenous women not only have lower levels of access to education and presence in the system; they are also ignored by States as important actors in educational policies, despite commitments to ensure their participation in the design of programs through the ILO Convention 169. To this we must add the difficulties of access to new information technologies.

One of the causes of dropout is usually teenage pregnancy. The percentage of early pregnancy remains higher among indigenous women,¹⁶ as well as maternal mortality. In Peru, half of the regions which accounted for 80% of maternal deaths between 2000 and 2009 are the ones with presence of indigenous population from the Amazon.¹⁷

Another obstacle is the lack of documents, essential for the exercise of rights such as identity, political participation and access to services and resources. Within the indigenous population, the lack of documents affects more women than men.¹⁸

A compendium of these obstacles is listed in the National Report of the Women of Panama, when reviewing the situation of women in the Embera, Wauman, Ngobe Bugle, Gunas, Naso and Bri Bri ethnic groups, which constitute 12.3% of the population of the country:

"The female population is smaller than the male and constitutes the poorest, most discriminated group, lacking social services for the care of their children, maintenance and care during pregnancy, with higher maternal mortality, lower life expectancy, higher number of infectious diseases, food insecurity, lack of proper nutrition, a result of a historical social exclusion".

Most of these women live with excessive workload, high number of pregnancies, early marriages, factors which influence the rates of maternal mortality and illiteracy. The difficult access to their communities due to geographical, climatic and economic reasons further harm them and their young children. Health services lack equipment, medicines and specialists to combat the most common diseases. Medical services provided are offered in medical organized visits and constitute only a palliative to their needs. The indigenous population has low levels of education and women have the lowest rate of schooling due to lack of resources to cover school expenses, the situation of temporary labor migration and the lack of implementation of intercultural bilingual education, all this despite the Constitution calls for respect of the ethnic identity of indigenous peoples.

The indigenous women have the highest illiteracy rate from 36 to 38%, and the lack of opportunities leads to high levels of migration to urban centers where they find low wages jobs and discrimination, a situation that limits their personal development."¹⁹

¹⁶<http://www.un.org/spanish/News/story.asp?NewsID=27783#.VNI-oiivilY>

¹⁷Table of Concertation to Fights against Poverty/Strategic programme of maternal and New born health 2010/ Mesa de Concertación para la Lucha contra la Pobreza, Programa Estratégico Salud Materna Neonatal del año 2010. Resumen Ejecutivo. Lima, 2011, p. 3. In: http://www.mesadeconcertacion.org.pe/documentos/documentos/doc_01536.pdf, quoted by CLADEM Perú, in Shadow report/ Informe Alternativo al Séptimo y Octavo Informe Periódico del Estado Peruano, para el 58 Periodo de Sesiones del Comité CEDAW. 2014.

¹⁸According to the national census 2007 in Peru the percentage of undocumented people of 18 years old and older reaches 14.9% of the indigenous population in the Amazon region; 18.1% are women and 12.2% are men. CLADEM Perú, op.cit supra.

¹⁹ V National Report/ V Informe Nacional Clara González sobre Situación de la Mujer Panameña. Instituto Nacional de la Mujer.Panamá 2008-2010.Summary by Carmen Antony, Cladem Panama.

Overcoming these immense barriers, indigenous women in Panama have managed to occupy some spaces, although minimal. The same study notes: "Women are intervening more in organizational spaces, in some NGOs and have made possible the election a female local chieftain/cacica and administrative sahilas (local authorities). There is also a Ngobe deputy and a Guna female governor".

Many female indigenous leaders see their self-esteem diminished by various factors, such as family violence, community and political violence. While all women can suffer violence because they are women, for indigenous women harassment, abuse and assault may be aggravated by racism that runs through the culture of our societies. If violence is not properly sanctioned within the community or by the State, we are portraying a demeaning image of women that is not good for their social and political growth. On the other hand, violence has an inhibitory effect on the potential of women, limiting their potential for mobilization, participation and public positioning.

In this sense, a study done on Amazon women, society organizations of Peru argued that violence perpetrated against women in indigenous communities, whether in the family or the community space, is not recorded in official sources, it is often considered a private matter and in any case, subject to Community law. This, in many cases, considers the household as a privileged space over the personal safety and the physical and mental integrity of women and girls.²⁰

To gain access to justice in these cases, indigenous women make a long pilgrimage, knocking all doors, those of the community and the State authorities (so far as to this date they do not have appropriate forms of coordination) obtaining, in most cases, negative and discouraging responses. Many of the abuses suffered end in impunity.

Despite these obstacles, indigenous women engage in local dynamics, in the management of health centers, schools, neighborhood associations, cooperatives of production and marketing, public demonstrations, complaints to local and national governments, they are included in lists of candidates and hold positions in the State system demanding for higher participation.

3. Conclusions

To expand opportunities for the effective participation in the political and social environment for all indigenous women, it is required to develop a range of skills that will allow them to move comfortably in the public space. This will be possible with quality education, developing social connections and possibilities of movement within and outside the community, in order to gain experience.

To enable women to participate actively in the political life of the country where they live, family and community support are also required. The local environment must ensure participation channels where women can gain experience. Those channels are not always open for women.

It is necessary to strengthen the presence of indigenous women and their organizations in the areas of design, implementation and evaluation of public policies.

At the same time, staff training programs must be implemented with intercultural, gender and rights perspectives.

Another basic requirement is to ensure the safety of indigenous women who are involved politically

²⁰CLADEM Perú, op.cit.

and avoid impunity in cases of violence. A clear policy that guarantees respect for them will send a clear message against racism and sexism.

To properly analyze the context in which indigenous women participate in political and social life as well as the various factors that facilitate and hinder their participation and their contribution to the preservation and enrichment of their cultural heritage, is also required, that national states and as well as intergovernmental organizations (UN, OAS) use intercultural approaches and methodologies that enable a comprehensive approach to the issue of multiple discrimination.

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