

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: POL 30/025/2005 (Public)

News Service No: 211

9 August 2005

### **The International Day of the World's Indigenous People: Dispossessed and in Danger – Time to make the rights of indigenous peoples a reality**

Despite some progress over the last decade, indigenous peoples around the world continue to live in hardship and danger due to the failure of states to uphold their fundamental human rights.

Indigenous peoples are being uprooted from their lands and communities as a consequence of discriminatory government policies, the impact of armed conflicts, and the actions of private economic interests.

Cut off from resources and traditions vital to their welfare and survival, many indigenous peoples are unable to fully enjoy such human rights as the right to food, the right to health, the right to housing, or cultural rights. Instead they face marginalisation, poverty, disease and violence – in some instances extinction as a people.

With the disruption of traditional ways of life, indigenous women may face particular challenges, losing status in their own society or finding that frustration and strife in the community is mirrored by violence in the household. For the growing numbers of indigenous women who have migrated to urban settings or who live on land with a heavy military presence, racial and sexual discrimination in the larger society may lead to a heightened risk of violence and unequal access to the protection of the justice system.

In Brazil some indigenous peoples, such as the Macuxi in Raposa Serra do Sol in the state of Roraima, have had their ancestral land rights recognised by the Brazilian state after several decades of struggle. However, many indigenous peoples continue to be denied economic, social and cultural rights and face threats and violent attacks while these rights are not fully recognised. The Guarani-Kaiowá peoples, in the state of Mato Grosso do Sul, continue to be severely overcrowded in many of their reserves. In the course of their continued fight for their rights to ancestral lands, violent disputes often arise between members of the indigenous communities and the ranchers who have settled in the indigenous areas;

In Khagrachari District, Bangladesh on 26 August 2003, Bengali settlers reportedly sexually assaulted nine women and set on fire hundreds of tribal homes with impunity. Even after the signing of the Chittagong Hill Tracts Peace Accords in late 1997, large-scale human rights abuses against indigenous people have continued with the apparent connivance of the army. On 24 July 2005 dozens of tribal villagers were subjected to severe beating and ill-treatment reportedly by the army personnel at Fakinala Nee Aung Karbari Para under Manikchari sub-district in Khagrachari;

Canadian government statistics show that young Indigenous women are five times more likely than all other women to die as a result of violence. Indigenous women's organizations say that not enough is being done to address critical factors placing indigenous women at risk including economic marginalization and biases in the justice system;

In Kenya the Maasai are campaigning against decades of impunity for violations against them. In September 2004 police used tear gas to disperse members of the Maasai community who were demonstrating over land they lost in colonial times. Several protesters were arrested and one shot dead by police. British soldiers stationed in Kenya for training have been accused of many acts of rape and gang rape between 1965 and 2001;

Valentina Rosendo Cantú and Inés Fernández Ortega, members of the Tlapaneca indigenous community in Guerrero, Mexico, were reportedly raped by members of the army in February and March 2002 respectively. Four other indigenous women have also filed complaints of rape by soldiers in Guerrero in the last 10 years. However, none of these cases have been investigated effectively and those responsible have not been brought to justice. Instead, military investigators have attempted to disprove the rape allegations, placing the burden of proof on the victim, and flouted international standards. Valentina and Ines' cases are also presently before the Inter American Commission on Human Rights awaiting the decision on admissibility.

Amnesty International urges all states to work in close collaboration with Indigenous peoples to ensure that an effective system of protections is put in place at both the domestic and international levels. Critical measures requiring immediate action include:

- Ensuring recognition of indigenous peoples' land rights and protection of them through demarcation and fair resolution of outstanding disputes;

- Adopting a strong United Nations Declaration of the Rights of Indigenous Peoples that consolidates and builds on existing human rights standards;

- Ratifying International Labour Organization Convention No.169 on Indigenous and Tribal Peoples (1989) and implementing its provisions.

## **Background**

The International Day of the World's Indigenous People was first observed on 9 August 1994, at the start of the First International Decade of the World's Indigenous People. A second decade began this year.

In July 2004, Amnesty International launched a global action calling for the timely adoption of a United Nations Declaration on the Rights of Indigenous Peoples. The draft UN Declaration provides for the recognition and protection of a wide range of rights crucial to the survival and well-being of Indigenous peoples as distinct cultures.

In international human rights instruments, the term "indigenous" generally refers to those distinctive cultural groups whose relationship with their land or territory predates colonization or the formation of the modern state and who maintain traditions and institutions unique to that place. In different national contexts, other terms may be used, including "aboriginal", "native" or "tribal" peoples.

