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Recognition of the Human Rights of the World's Indigenous Peoples is Long Overdue

In its forthcoming 61st session the United Nations General Assembly will have an historic opportunity to stand up for the human rights of some of the world's most marginalized peoples by adopting the long overdue UN Declaration on the Rights of Indigenous Peoples.

The Declaration affirms the right of Indigenous peoples to have meaningful control over their own lives, to maintain their distinct cultural identities, to live free from discrimination and the threat of genocide, and to have secure access to the lands and resources essential to their well-being and ways of life.

After more than two decades of negotiation and debate in the UN, the Declaration gained momentum in June when it was adopted at the first meeting of the new Human Rights Council.

The Declaration is supported by a wide range of states in the North and the South as well as by the vast majority of Indigenous peoples' organizations that have participated in its development. However, a few states remain firmly opposed to the Declaration becoming part of the body of international human rights standards.

The Canadian government, which led the opposition to the Declaration at the Human Rights Council, has said that the Declaration could lead to criticism of how Canada has treated Indigenous land rights in the past. The USA has strongly opposed the very notion of an international human rights standard by which the treatment of Indigenous peoples might be judged.

The human rights situation faced by Indigenous peoples the world over highlights the desperate need for their rights to be recognized in principle and respected in practice.

o In Monduliri province, Cambodia, Indigenous Phnong people lost both ancestral land and farmland when the government granted a concession in 2004 for a private company to establish a tree plantation, which vastly exceeded the legal limit of 10,000 hectares. Villagers and local authorities were never consulted and no environmental or social impact studies were undertaken. The Phnong people's requests for information about the concession have continuously been ignored.

o Adivasi (Indigenous) communities in a remote forest region of Chattisgarh, central India, are trapped in the escalating conflict between security forces and Maoists belonging to the People's War Group. There has been an alarming increase in the number of fatalities in recent months. Reports indicate that more than 40,000 people, including adivasis, have been displaced from their homes and remain confined to temporary camps where they cannot adequately support themselves or their families.

- o Indigenous women in Peru are often denied maternal and infant health services. Those who are unable to get to a health centre or choose to give birth at home are fined and their children denied birth certificates, meaning that they have no legal identity, which can have serious consequences for their enjoyment of their human rights.

- o The Office of the UN High Commissioner for Refugees (UNHCR) has repeatedly warned of a humanitarian crisis facing a growing number of Indigenous communities that have been forced from their lands by the armed conflict in Colombia, which for more than 40-years has pitted the security forces and army-backed paramilitaries against guerrilla groups. Noting Indigenous peoples' close dependence on their traditional lands for sustenance and for cultural life, the UNHCR warned in April 2006 that "some of the world's oldest and smallest Indigenous groups are at high risk not only of displacement, but even of extinction because of the Colombian conflict."

- o According to the US Bureau of Justice Statistics Native American and Alaska Native women suffer a rate of sexual assault 3.5 times higher than any other racial group. However, only a small portion of these crimes are ever investigated or prosecuted. The lack of victims' services, in particular culturally sensitive services, and the lack of appropriate training for law enforcement, contribute to inadequate investigations and discourage women from reporting sexual assault.

Denied fair and adequate protection under the law, Indigenous peoples around the world face the threat of being uprooted from lands and natural resources essential to their traditional economies and the ways of life that make them who they are. All too often, the consequence is impoverishment, ill-health and abuse. Indigenous leaders and communities who speak out for their rights or persist in using land coveted by others, face intimidation and violence, often with the collaboration of the state. In many instances, the peaceful support for the right of an Indigenous people or ethnic minority to maintain their own cultural identity or exercise the right of self-determination is branded treason or support for terrorism, leading to violent treatment at the hands of authorities. Indigenous women often face multiple discrimination – on grounds of their gender and their ethnic or national origin.

Amnesty International urges all states to work in close collaboration with Indigenous peoples to ensure that effective systems of protection are established at the domestic, regional and international levels. Critical measures requiring immediate action include:

- o Adopting the draft United Nations Declaration of the Rights of Indigenous Peoples during the upcoming session of the UN General Assembly;

- o Establishing fair and effective processes to provide timely resolution of outstanding land and resource disputes consistent with the rights of Indigenous peoples and other human rights protections in domestic and international law;

- o Ensuring that Indigenous activists and communities can safely exercise their rights without fear of violence or arbitrary arrest and imprisonment.

Background Information

The UN General Assembly has encouraged the international community to observe August 9th as the International Day of the World's Indigenous People throughout the Second International Decade of the World's Indigenous People (2005-2014).

At the 2005 World Summit, Heads of State and Government reaffirmed their "commitment to continue making progress in the advancement of the human rights of the world's indigenous peoples at the local, national, regional and international levels, including through consultation and collaboration with them, and to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible." (A/60/L.1, 15 September 2005, para. 127). On 29 June 2006, the Human Rights Council adopted the United Nations Draft Declaration on the Rights of Indigenous Peoples and recommended its adoption by the UN General Assembly.