



Forest Peoples Programme

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BRIEFING TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF WOMEN IN AFRICA

Regarding indigenous women in Africa

November 2007

1. This briefing has been prepared to provide the Special Rapporteur on the Human Rights of Women in Africa with information concerning indigenous women in Africa. Recommendations for future action by the Special Rapporteur and the African Commission are also respectfully indicated below.
2. Indigenous peoples in Africa experience systematic discrimination in the form of unequal treatment and racial stereotyping from other sectors of society and the State, leading to extreme social isolation. Indigenous women in Africa suffer multiple layers of human rights violations. They are discriminated against as indigenous peoples (i.e. vis-à-vis dominant sectors of society) and as women (i.e. vis-à-vis men, both within and outside their own communities). Some of these issues are explored below.
3. One obstacle currently facing indigenous women in Africa is their **recognition as indigenous**. There are continuing misconceptions amongst African States and civil society about this term as understood in international law. Thankfully, the report of the Working Group on Indigenous Populations/Communities, adopted by the Commission in 2003, has gone far in helping address these misunderstandings, and has even provided some examples of peoples in Africa who identify as indigenous.¹ These include hunter-gatherers like the Batwa, Baka and Bagyeli, and pastoralists such as the Maasai, Tuareg, and Karamojong.
4. The rights of the indigenous peoples to **property**, to **self-determination**, to **freely dispose of their wealth and natural resources**, to practice, enjoy and maintain their **culture**, and to a general satisfactory **environment**, as guaranteed by Articles 14, 20, 21, 22 and 24 of the Charter, are neither recognised in law nor respected in fact in many African countries, where indigenous peoples' lands has been expropriated for the purposes of nature conservation, agricultural industry, natural resource exploitation, and 'development' and other programmes (e.g. Rwanda, Burundi, DRC, Uganda, Cameroon). Some indigenous peoples, such as the Batwa of Rwanda, have been completely dispossessed of their traditional lands, territories and resources and have been denied their means of subsistence on an ongoing basis. Indigenous peoples' land is usually taken without their free, prior or informed consent and they rarely receive restitution or other forms of compensation.
5. Indigenous peoples rely on their lands for their cultural, economic, social, physical and spiritual integrity. If indigenous peoples are no longer able to practice their traditional livelihood and culture based on forest-dwelling hunting and gathering, then their **survival as a distinct people** is severely threatened. The loss of land and access to natural resources has a particularly severe effect on indigenous women, who are seen as the main providers of food for the family. Nevertheless, indigenous women remain economically weaker than indigenous men. For example, in Rwanda, Batwa women's incomes are 58% of those of men, which are already extremely low. This, together

¹ The Working Group report also provides valuable insight into the Commission's growing body of jurisprudence on the question of indigenous peoples' human rights. The Commission's 2007 Advisory Opinion on the United Nations Declaration on the Rights of Indigenous Peoples has further contributed towards an understanding of the term 'indigenous'.

with the loss of menfolk during the 1994 genocide, means that the economic empowerment of Batwa women is a critical issue.

6. In violation of their **economic, social and cultural rights**, and particularly the rights to health, education and work as guaranteed under Articles 15, 16, and 17 of the Charter, indigenous peoples' situation is often considerably worse than the national population, particularly with regard to access to health and education services, and indigenous people experience disproportionately worse living conditions than the rest of society. Their poverty and social exclusion create a vicious circle, each reinforcing the other, perpetuating their impoverished and marginalised situation. Unfortunately there is very little **disaggregated data** available in Africa on indigenous peoples generally or indigenous women in particular. Such data is essential to determine the special measures required to recognize and realize the health, education, and other rights of Batwa people. Nevertheless, there is widespread recognition that in most countries the situation of indigenous women is worse compared to the national population because of the multiple layers of discrimination that they face.²
7. Indigenous women suffer from illnesses disproportionately compared to indigenous men due to their child-bearing role, and they are mainly responsible for their children's well-being. There are high infant mortality and maternal mortality rates. For example, in Rwanda almost half of Twa women between the ages of 15 and 29 have not received pre-natal vaccinations. Access to decent **healthcare** provision can be precarious for many indigenous women, and healthcare services are often ill suited to their traditional lifestyles. Modern medicine is most often unaffordable, and indigenous peoples' lack of access to their traditional herbs and medicines as a result of their exclusion from their traditional territories also contributes to poor health.
8. Education about sexually transmitted disease is low. For example, only 8% of Batwa in Rwanda have taken an **HIV/AIDS** test, and 80% rely on abstinence as their only means of protection against infection and transmission. Indigenous women in some countries are exposed to additional HIV risk due belief amongst men of other ethnic groups that intercourse with an indigenous woman is a cure-all for back-ache and other maladies. A UN report in September 2006 noted the increasing incidence of HIV/AIDS amongst indigenous women in DRC as a result of **rape, used as a weapon of war** by marauding soldiers and militiamen, and lack of access to healthcare.³ Indigenous victims of rape and sexual and other violence often do not seek medical attention afterwards and have been shunned by their communities.
9. In general, the rates of **illiteracy** amongst indigenous are appalling. In Uganda, compared with a literacy rate of almost 70% for adults over fifteen in the population as a whole, there is no single member of the Ugandan Batwa community who can read and write proficiently. In those countries where indigenous literacy rates are marginally better, the level of illiteracy amongst indigenous women is still worse than men's. For example, Rwandan Batwa women's literacy rate is 21% compared to 26% of Batwa men.
10. Although in many countries the **primary school** enrolment rate is about the same for indigenous boys and girls, the participation of indigenous girls at **secondary school** drops dramatically. Families tend to invest in their son's education, believing that girls will marry and be supported by their partners. Some indigenous girls in the Great Lakes region currently benefit from NGO support to continue their secondary education, however we are not aware of any indigenous women participating in **tertiary education** in Central Africa. The level of school drop out rates is high amongst indigenous school students. The main reasons indigenous children give for non-attendance and abandonment of school are usually: (a) lack of funds to buy uniforms, school materials, and lunch; (b) harassment from other students; (c) lack of land and housing; and (d) the need to support their family in meeting urgent basic needs like food, clothing and shelter.
11. Few indigenous women in Africa are **legally married**, either in civil or religious ceremonies, despite the fact that legally married women often feel more secure. For example, some customary

² A number of respected organisations have published reports about indigenous women and indigenous women in Africa. See, for example: Jackson, D., *Twa Women, Twa Rights in the Great Lakes Region of Africa* (Minority Rights Group 2003); Banda, F. and Chinkin, C., *Gender, Minorities and Indigenous Peoples* (Minority Rights Group, 2004); Forest Peoples Programme, United Organisation for Batwa Development in Uganda, and the International Work Group for Indigenous Affairs, *Supplemental Report on the First Periodic Report of Uganda to the African Commission on Human and Peoples' Rights*, 30 October 2006.

³ IRIN (UN Integrated Regional Information Networks), "DRC: Sexual violence, lack of healthcare spreads HIV/AIDS among pygmies", available online at: <http://www.plusnews.org/aidsreport.asp?reportid=6371>

practices evict unmarried women and their children from the matrimonial home after the husband's death. Often if a marriage breaks down the wife has rights to the family property and better protected rights to the children. Nevertheless, the rate of legal marriage amongst indigenous peoples remains low: even if it is free to register, the costs of a celebration and of suitable clothes may be an impossible burden.

12. Indigenous women feel even less **informed** about national events than men, and are usually too occupied looking for food for their families to **participate** in public meetings. Indigenous men often have more time to listen to the radio and usually own the radio and get information from visiting neighbouring communities and bars. Men are also more likely to attend public meetings. Though they are confident in the context of their own communities, indigenous women are often too shy to intervene during meetings with other ethnic groups and the authorities. Due to the provisions for representation according to ethnicity, there are some female Batwa representatives in the upper houses in Burundi, however there are no female Batwa representatives at the national level in other countries in the Great Lakes region. Indigenous women are generally unaware of their **rights** in national or international law.

Based on the information above, the Forest Peoples Programme respectfully proposes the following activities to the Special Rapporteur and the African Commission:

1. Undertake a comprehensive study into the situation and rights of indigenous women in Africa, drawing on existing materials and conducting new research, including where possible country studies and field visits;
2. Organise a seminar for members of the African Commission, representatives of Member States, inter-governmental and other agencies, NGOs and civil society, on the question of indigenous women in Africa.