**SRDC Submission to Support the Development of a General Recommendation on The Rights of Indigenous Women and Girls by the Committee on the Elimination of Discrimination Against Women**

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# **Introduction**

The South Rupununi District Council (“SRDC”) appreciates the opportunity to make a submission towards the preparation and elaboration of a General Recommendation on the rights of Indigenous women and girls by the Committee on the Elimination of Discrimination against Women (the “Committee”). The SRDC is the representative body of the 21 Wapichan villages in the South Rupununi, Region 9, Guyana. The SRDC exercises collective authority and stewardship over Wapichan *wiizi* (territory), represents our people on issues of common concern, and coordinates collective decision-making and action across our territory.

The Wapichan Wiizi Women’s Movement (“WWWM”) is the women’s arm of the SRDC. The WWWM empowers women across Wapichan *wiizi* by providing information and workshops on women’s rights, reproductive health, and social issues at the community level (e.g., domestic violence, substance abuse, teenage pregnancy, sexual abuse, child abuse); promoting Wapichan, Wai Wai and Macushi women’s leadership and income-generation activities; and bolstering the important role that Indigenous women play in defending our lands, resources, and culture.

Indigenous women play critical roles in maintaining our culture, sustaining our people, and contributing to our communities’ development. Our women work hard to provide for our families and maintain our homes, while also supporting our work to uphold Indigenous rights and protect Wapichan *wiizi*. However, our efforts are undermined by the significant barriers that we continue to face in realizing our rights under the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”). In Guyana, any measures implemented by the State to advance women’s rights at the national level rarely filter down to the hinterlands where Indigenous women and girls reside. Consistently, the burden falls upon us as Indigenous women to call upon our government to comply with its obligations under CEDAW and to consider indigenous women in this process. Thus, we are unable to realize the full promises of CEDAW because our needs are consistently ignored by the government. This reinforces the utmost importance of the Committee’s pronouncement of a General Recommendation that outlines State obligations to respect and protect the rights of Indigenous women and girls.

# **Impact of Inequality and Intersecting Discrimination on Indigenous Women and Girls**

Drawing upon the experiences of Wapichan women, our submission focuses on the theme of equality and non-discrimination with a focus on intersecting forms of discrimination, being Part 1 of the upcoming general discussion. The next section outlines the impact of the structural, systemic, social, and cultural barriers that Indigenous women are uniquely subjected to within our communities. Following which, we outline some key recommendations to ensure that a forthcoming General Recommendation on Indigenous women and girls addresses the full range of discrimination and specific concerns faced by Wapichan women. We conclude with an Appendix which includes additional experiences of inequality and discrimination faced by Wapichan women and girls. We have separated these issues to comply with the Committee’s word limit on the basis that they are issues well-recognized in the Committee’s concept note.

Throughout these submissions, we emphasize two key themes that are connected. Firstly, we highlight the intersecting forms of discrimination that we face as Indigenous women and girls. Unlike the situation for non-Indigenous women, the discrimination we suffer also constitutes a serious collective impact transcending our communities and our people.[[1]](#footnote-1) Secondly, our submission emphasizes the impacts of ongoing violation of our land rights and the exploitation of our natural resources by extractive industries. This is because many of the increased vulnerabilities to abuse that we face as Indigenous women are rooted in the violation of our land rights and the harmful impacts of unregulated mining. Our land is central to the survival of our people and particularly important to the wellbeing of Wapichan women and girls. Thus, this section of our submission focuses on how Indigenous women’s rights are negatively impacted by State failures to respect Indigenous Peoples’ self-determination and collective land rights as well as State failures to effectively implement measures to protect indigenous women’s rights.

## **Self-Determination, Land Rights and Mining Practices**

Our people and our ancestors traditionally own Wapichan *wiizi*. We live in harmony with our environment through our close spiritual attachment to and respect for the land, which has been passed down to us by our fore parents. Across our landscapes are important sites of cultural, historical, and spiritual significance, as well as valuable resources for food, building materials, medicines, and for ceremonial and spiritual purposes.

The Wapichan people have been advocating for our right to self-determination and to own and control our territory for generations. While parts of our lands have been legally recognized, the State’s failure to fully recognize our collective rights hinders our women’s ability to enjoy the rights protected under CEDAW. While permission is required for others to enter or harvest resources from titled land in Guyana, no such protections exist for untitled, customary land. This leaves our Indigenous communities vulnerable to the negative environmental and social effects of those who profit from exploiting the land’s natural resources.

The State’s authorization of mining activity on our territory without our free, prior or informed consent (FPIC) has been detrimental to our traditional economies and lifeways. One prime example of this is mining activity on Marudi Mountain, which is part of a network of mountains of significant spiritual and cultural importance within Wapichan *wiizi*. Our people have consistently opposed mining activities on Marudi Mountain which are causing significant cultural, environmental, and social concerns for our people. As a result of mining in Marudi, we have suffered significant deforestation and land degradation; destruction of creek beds; pollution of creeks, with documented high turbidity levels and mercury poisoning; depletion of fish stocks and decrease in wildlife populations; and health risks from mercury poisoning and amalgam burning. The water pollution and deforestation caused by mining activities compounds the effects of climate change, leading to decreased food sources in our communities.

As Indigenous women, we depend on the environment for our livelihood. This is where we source food, fish, and materials to make things for our children. As primary caregivers for our families, the responsibility for ensuring that our children have food to eat and basic supplies falls upon Indigenous women. Farming, hunting, and fishing are no longer sufficient to meet our subsistence needs, let alone to provide income for other basic needs. Thus, the problems arising from mining activities occurring on our lands without our consent both cause and exacerbate violations of our women’s rights as elaborated below.

## **Prostitution and Trafficking**

Indigenous women are especially vulnerable to trafficking and prostitution because of our lack of employment and vocational opportunities for women (Articles 11), limited education (Article 10), and financial insecurity (Article 13). Further, the mining occurring in our territories without our consent has had harmful social impacts on our communities, including prostitution of young Wapichan women in the mining camps. As more men go to work in the mines and spend money on prostitution, levels of sexually transmitted infections and HIV have increased within our communities. The lack of access to specialized education in our communities, such as on the risks of unprotected sex, further contributes to the vulnerability of our girls to teenage pregnancies and sexually transmitted diseases. These problems are then difficult to address due to inadequate access to healthcare in our remote communities (Article 12).

Trafficking and prostitution of our women and girls is exacerbated by the lack of respect for our traditional governing authorities and our right to control activities in our territory. Mining has contributed to teenage pregnancies in our communities, as miners enter our titled lands—without respect for village residents and without reporting to community leaders—and take advantage of our teenage girls. Increased teenage pregnancies lead to more young women dropping out of school, which negatively impacts their ability to pursue economic opportunities in the future.

Due to increased prostitution and drug and alcohol abuse stemming from the mines, our communities are currently struggling with addiction problems, which we do not have the resources or support to handle. The increased drug and alcohol abuse spreads from the mining camps to our communities, especially our youth. When our youth go to the mining sites, they are influenced by the idea of making money and lose their connection to our sacred land and families. Indigenous communities further do not have control over educational curricula and, thus, lose an important opportunity to transmit cultural knowledge to our youths.

Despite being more vulnerable to trafficking, prostitution, and related issues, Indigenous women and girls receive less support from the State in addressing such problems. Most State services for victims of trafficking are inaccessible from our communities and do not have culturally competent service providers. Further, State programs neither address the links between mining activities and trafficking or prostitution, nor attempt to regulate sex work in the mines.

## **Family, Marriage, and Violence Against Women**

The intersecting discrimination and poverty that we face as Indigenous women and girls increases our vulnerability to all forms of violence and abuse. Domestic violence (“DV”), particularly violence against women (“VAW”), remains a significant problem in our communities. Indigenous women face particular barriers to addressing issues of DV due to inadequate laws, State failure to enforce existing DV laws, and a lack of access to support services in Indigenous communities. Further, our communities lack information, education, and training on issues surrounding DV. Without an understanding of the laws and our rights, survivors are denied access to justice. This lack of information and a distrust of the police means that DV often goes unreported, skewing the data on the prevalence of gender-based violence. This creates a risk that the State may use this lack of data as an excuse to justify its failure to invest resources into this issue. Our villages require training and support to effectively address DV within our communities, as well as additional resources to support survivors and women seeking to leave abusive homes. Presently, there are no safe shelters in our villages which means that Indigenous women have nowhere to go in order to escape an abusive relationship.

Women community members are expected to support survivors of abuse, but do not have adequate resources to do so effectively, or to address the issue within our communities. Child sexual abuse and child marriage are also issues of concern that our communities require support and resources to address. Without qualified specialists to respond to these problems in our community, our women are burdened with the vicarious trauma of supporting survivors. This compounds the mental health challenges that Indigenous women already face due to the inequalities and discrimination that we are subjected to by State failures to protect our rights.

## **Inadequate Healthcare**

Indigenous women face inequalities in access to, and quality of, healthcare services. There are only two hospitals in our region: the Aishalton District Hospital and the Lethem Hospital. The Aishalton hospital does not have reliable electricity and struggles with lack of medical personnel, and the Lethem hospital is upwards of 100 miles away from some of our villages. Local village health centers are inadequately stocked with necessary medications, improperly staffed, and ill-equipped to deal with medical emergencies. Further, we have limited access to dental healthcare in the hinterland and need to travel 95 miles to access dental treatment.

Access to reproductive healthcare is particularly difficult, due to inadequately trained community workers, limited birth control options, inadequate stocks of birth control supplies in health centers, and religious stigma. Access to specialists and screenings for illnesses is often only available when travelling technical teams visit villages. As a result, many of our women suffer from undiagnosed and untreated cervical and breast cancers, and some of our women have died during childbirth.

Mining in our territory has also adversely impacted our health. Due to poor mining waste management practices, stagnant water becomes a breeding ground for mosquitoes that transmit malaria, which can be passed down from pregnant mothers to babies. Further, the prevalence of mercury use in mining has led to unhealthy mercury levels in our bodies, which threatens developing fetuses with severe neurological damage. The impacts of mining and climate change have resulted in lower crop yields, making us more dependent on food from outside our communities. This change in diet combined with a lack of education on nutrition leads to poor health among Indigenous women, who experience high levels of chronic diseases, including diabetes and hypertension.

Indigenous women also face increased challenges to our mental health and wellbeing as a result of the State’s failures to meet our basic needs. As primary carers for our families, all of the above stressors—such as poverty, lack of education and employment opportunities, lack of childcare support, inadequate healthcare, exploitation of our lands and resources, and exposure to DV and VAW among other things—increase mental health risks for our Indigenous women. Despite the prevalence of risk factors which undermine mental health in our communities, the State provides no access to mental health services in our communities to support our people.

## **COVID-19 exacerbation of existing inequalities**

Over the past year, the State’s discriminatory response to the COVID-19 pandemic has amplified the existing inequalities that we have long faced as Indigenous women.

When COVID-19 impacted Guyana last year, the SRDC immediately appealed to the Minister of Public Health to suspend mining in Wapichan territory to protect our people. Instead, the government wasted no time in designating mining as an “essential service” which allowed miners to continue traveling through our villages, increasing our communities’ exposure to the virus. In the meantime, courts that adjudicate DV cases in our communities have been closed for over a year because the State did not consider them to be “essential”. Indigenous women have thus been denied access to justice and avenues to prevent VAW at a time when our vulnerabilities were heightened. This has further discouraged reporting incidences of abuse.

Further, the State’s closure of schools and shift to virtual learning has created a greater barrier for Indigenous children’s education. Internet service in Indigenous communities is not available in all villages, relatively new in some, and is often of poor quality. Our children are thus placed at a significant disadvantage when compared with non-Indigenous counterparts.

The already limited job opportunities for Indigenous women in our communities has been exacerbated during the pandemic. For example, Wapichan women were previously employed in a community cooking program, for which we received a stipend every fortnight. Since schools have been, the program has been shuttered. With neither income, nor government grants to fill the gap, Indigenous women have been unable to afford basic supplies for children and food for their families.

# **Key Recommendations**

The SRDC and the WWWM urge the Committee to clarify the specific legal obligations of States to respect, protect and fulfil the rights of indigenous women and girls. In this regard, we support the recommendations of the former Special Rapporteur on the Rights of Indigenous Peoples in her 2015 report (A/HRC/30/41) to advance the rights of indigenous women. Further, we take this opportunity to reiterate all the recommendations made in the SRDC’s Shadow Report to aid the Committee's review of Guyana in July 2019. In light of our experiences shared above, we call upon the Committee to specifically highlight in the General Recommendation the following obligations of States which are of particular importance to Wapichan women and girls:

## **Land Rights and FPIC**

1. Legally recognize the lands and territories of indigenous peoples and respect our self-determination and autonomy, including our right to exercise control over our lands and resources. The root cause of many of the increased vulnerabilities to abuse faced by indigenous women and girls is the violation of our land rights and the harmful impacts of unregulated mining. Respect for our land rights creates enabling conditions to allow indigenous women and men in communities to create sustainable livelihoods that are alternative to mining and in line with our cultural traditions.
2. Implement an FPIC policy that includes a gender mainstreaming strategy and take measures to advance gender equality throughout consultation processes, including by carrying out separate consultations with women.

## **Participation and Consultation**

1. Ensure that indigenous women and girls are empowered as “important agents of change” by guaranteeing our “access and participation at all levels of decision-making”.[[2]](#footnote-2) This includes participation in the formulation of laws, policies, and programmes that affect our people. Apply the principle of FPIC to the development of laws and policies, including culturally appropriate consultation policies.
2. Take steps to amplify the voices of our female indigenous leaders as valued and respected leaders within the community. This includes extending invitations to—and providing funding for—representatives of indigenous women in remote communities to attend national and international conferences and meetings to promote the voices of indigenous women and girls.

## **Employment and Economic Opportunities**

1. Create employment and livelihood opportunities for indigenous women in our villages by training and employing indigenous women in roles that address service provision gaps in indigenous communities. Work with our representative institutions to provide training for indigenous women to pursue economic opportunities of our choice and fund indigenous women’s groups to manage business ventures in our villages.

## **Education**

1. Work with indigenous women to create ongoing female empowerment workshops, including on sex education and reproductive rights to strengthen women’s capacity to make informed decisions. Engage indigenous women to effectively participate in the design of school curricula and outreach programs that combat gender stereotypes. This includes offering specialized educational programs in our communities and supporting the provision of quality internet services to enable distance learning in our villages.

## **Healthcare**

1. Work with our communities to ensure that indigenous women and girls have access to culturally acceptable healthcare, including culturally competent doctors, nurses and dentists. Consult with indigenous women through our representative institutions regarding the best system for effective delivery of medical services. Ensure equal access to adequate healthcare equipment, supplies, specialists, services, emergency treatments, medications, and birth control, within our remote communities.
2. Work with our representative bodies to improve roads and infrastructure in our communities, to ensure that healthcare services are accessible to those who need to travel. This includes constructing and maintaining bridges to ensure access to hospitals during the rainy seasons.

## **Family and Marriage**

1. Provide access to benefits and welfare such as childcare benefits and food stamps to support mothers in providing for their families.

## **Violence against Women**

1. Establish and maintain support services, counsellors, legal aid, and safe shelters within our communities. Further, this should include government programs that provide income support to enable survivors to obtain financial independence from abusive partners.
2. Train and employ indigenous women as therapists to support survivors of abuse in our communities. In circumstances where this is not provided by the State, our women already bear the burden of providing community support to survivors, without the training nor the compensation for this service. Training indigenous women allows us to fill a service gap within our communities and provide support in a culturally appropriate manner, while generating income for indigenous women who currently lack employment opportunities.
3. Instead of merely identifying alcohol abuse and poverty as root causes of DV, engage with our communities to address the connection between mining impacts, alcohol abuse, poverty and DV.

## **Prostitution and Trafficking**

1. Work with female community leaders to deliver awareness raising programs and ongoing trainings within our communities, which address the root causes of trafficking and prostitution. Ensure that perpetrators of trafficking are brought to justice. This includes ensuring that we have access to operating courts in our remote communities.

## **Access to Information**

1. Disseminate information—and support our communities’ efforts—to enhance awareness of women’s rights, and the means to enforce these rights. Engage official translators to participate in any workshops, training and consultations to ensure our communities' understanding. Prepare information tools in our indigenous languages about the law and our rights under CEDAW.

The SRDC and WWWM commends the Committee for undertaking this critical work and eagerly awaits the elaboration of a General Recommendation that promotes State protection of the rights of indigenous women and girls. We welcome the opportunity to make an oral statement at the general discussion and hereby register our intention to do so if time permits. Please contact us via the email below should you have any questions or require additional information on any of the comments addressed in these submissions.

Sincerely,

Immaculata “Mackie” Casimero

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# **APPENDIX**

To avoid exceeding the Committee’s word count for these submissions, below are additional impacts of inequality and discrimination faced by Wapichan women and girls.

## **Cultural Rights**

In addition to our right to self-determination and land rights, our collective rights as Indigenous Peoples include our right to culture. Wapichan women play a critical role in maintaining our culture, language and way of life. Our culture is what makes us uniquely who we are as Indigenous women. We hold deep connections to our culture and, as mothers and child bearers, we ensure that our traditional knowledge is passed on to our future generations by teaching our children. Without State protection of our rights as Indigenous women, we are unable to preserve our culture and maintain our traditions to ensure they remain with our people. To give effect to our cultural rights, States must ensure that we have security to our lands so that we can protect our territory and preserve our relationship with the environment; being the relationship upon which our culture and identities as Indigenous women depends.

Despite constitutional guarantees which promise equality for women,[[3]](#footnote-3) indigenous peoples’ right to the protection of our cultural heritage and way of life,[[4]](#footnote-4) and promises to respect and uphold our international human rights which are incorporated into the constitution,[[5]](#footnote-5)—including through CEDAW, CERD, ICCPR, and ICESCR[[6]](#footnote-6)—support for the cultural rights of Wapichan women and girls remains “very weak and lacks sufficient guarantees” in practice.[[7]](#footnote-7)

## **Access to Education**

As acknowledged by the Committee, “[*e]ducation [of] indigenous women is essential to achieve [our] empowerment and strengthen [our] role as agents of change within [our] community*.”[[8]](#footnote-8) However, Wapichan women and girls continue to face significant inequalities in our ability to access education. While Wapichan girls can attend primary and secondary schools in the hinterland, they must relocate to the capital city of Georgetown to access higher education. Most are denied this educational opportunity due to the financial barriers that are difficult to overcome given limited scholarships for Indigenous youth. Female students who manage to relocate to the capital face additional challenges, including sexual harassment and security threats, which make it difficult for them to safely walk to school. While threats to safety negatively impact many people in Georgetown, the intersecting struggles our Indigenous women and girls face exacerbate our discrimination. This means that, in order to access higher education, Wapichan girls are “forced to integrate into other cultures and more individualistic economic systems that threaten their identity”—a problem recognized by the Committee.[[9]](#footnote-9) Indigenous families who are fearful of the unaddressed safety risks in Georgetown keep their daughters in the hinterland, thereby denying them access to higher education. Further, the State fails to allocate sufficient resources to provide Indigenous women and girls with equal access to specialized and higher education. For example, programs on birth control, family planning and computer programming are only available in towns and cities which are located far from Indigenous communities.

## **Employment Opportunities**

Due to a lack of training and limited access to education for Indigenous women, we are less qualified for our already limited job opportunities. Currently, the main employment options for Indigenous women are in low-wage government roles that are far from home. When women seek jobs in mining, they are largely confined to cooking jobs and are underpaid, if paid at all. Our women suffer not only as a result of the State’s failures to ensure the payment of living wages, but also its failure to address the gender pay gap between men and women working in the mines.

Our women have not experienced the increased job opportunities that the State suggests extractive industries provide. Instead, mining contributes to a cycle of poverty in our communities which sustains the inequalities and discrimination that we face. Many Indigenous men turn to mining as a form of income; however, the money they earn is often spent within mining areas and does not return to our communities. When our men work in mines, women face greater pressures to stay home with children, further restricting our employment opportunities because of government failures to provide childcare benefits. There are no childcare centers in our villages, with the closest being in Lethem—a town which is upwards of 95 miles away from some of our communities. As primary caregivers for our children, without access to childcare, our right to work is impeded.

## **Access to information**

As a result of the State’s failure to educate Indigenous women about our rights under CEDAW, WWWM has taken responsibility to train women on the law and our rights. Without knowledge of our rights, we cannot advocate to address the inequalities and discrimination that we face. The burden of organizing and funding this educational program should not fall upon Indigenous women. The State should provide resources to our communities to deliver these training workshops and disseminate information about our rights in our Indigenous language.

1. Committee on the Elimination of Discrimination against Women (CEDAW Committee), *Concept Note for the General Discussion on the Rights of Indigenous Women* [↑](#footnote-ref-1)
2. Committee on the Elimination of Discrimination against Women, *Concept Note for the General Discussion on the Rights of Indigenous Women* at[59]. [↑](#footnote-ref-2)
3. Constitution of Guyana, s.149F. (“(1) *Every woman is entitled to equal rights and status with men in all spheres of political, economic and social life. All forms of discrimination against women on the basis of gender or sex are illegal; (2) Every woman is entitled to equal access with men to academic, vocational and professional training, equal opportunities in employment, remuneration and promotion in social, political and cultural activity*”). [↑](#footnote-ref-3)
4. Constitution of Guyana, s.149G (“*Indigenous peoples shall have the right to the protection, preservation and promulgation of their languages, cultural heritage and way of life*”). [↑](#footnote-ref-4)
5. Constitution of Guyana, s.154A (“(1) *...every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties, and such rights shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons and shall be enforceable in the manner hereinafter prescribed.”)* [↑](#footnote-ref-5)
6. Constitution of Guyana, Fourth Schedule. [↑](#footnote-ref-6)
7. Committee on the Elimination of Discrimination against Women, *Concept Note for the General Discussion on the Rights of Indigenous Women* at[28]. [↑](#footnote-ref-7)
8. Committee on the Elimination of Discrimination against Women, *Concept Note for the General Discussion on the Rights of Indigenous Women* at[44]. [↑](#footnote-ref-8)
9. Committee on the Elimination of Discrimination against Women, *Concept Note for the General Discussion on the Rights of Indigenous Women* at[23]. [↑](#footnote-ref-9)