

Sixty-eighth session of the Commission on the Status of Women (CSW68)

‘Accelerating the achievement of gender equality and the empowerment of all women and girls by addressing poverty and strengthening institutions and financing with a gender perspective’

Expert Group Meeting

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**An Overview from the Continental Network of Indigenous Women of the Americas - ECMIA**

\* The views expressed in this paper are those of the authors and do not necessarily represent those of the United Nations

## **An Overview from the Continental Network of Indigenous Women of the Americas - ECMIA**

### **1. CONTEXT AND HISTORICAL BACKGROUND OF INDIGENOUS RIGHTS AND INDIGENOUS WOMEN**

This document is the result of the reflection process undertaken by the Continental Network of Indigenous Women of the Americas - ECMIA on the fulfillment of economic rights and the eradication of poverties of indigenous women and youth, as well as the main challenges to achieve the so-called Economic Justice. This paper describes a possible theory for this term, the work approaches and the conceptualization of poverty, which in turn seeks to be a tool for advocacy on this issue for and from indigenous women and youth of the Americas.

According to United Nations estimates, our region is home to more than 23 million indigenous women belonging to more than 670 peoples. For two centuries, most of these women lived in rural populations. Currently, especially since the 2010 census, a high percentage, close to half, live in urban areas. This has significant effects, not only on access to health services, education, water and housing, but also on social and cultural relations, on the possibility of preserving customs, traditions and symbolic elements of identity.<sup>1</sup>

Over the years, indigenous women in the Americas have faced various situations of violence, dispossession, racism and marginalization, for being women and belonging to different indigenous peoples' cultures. All these circumstances have led to discrimination and exclusion in various aspects of their lives, such as living in poverty, difficulties in achieving economic and social development, and economic justice.

We speak of **poverties** in plural, because they are not only related to money and the basic consumer basket used to measure poverty, but they are also political, social, economic, cultural, environmental, food, education, territorial security, spiritual and emotional poverties which are epistemic<sup>2</sup>, “referring to the ignorance, invisibility, invalidation, dispossession, discrediting and illicit appropriation of resources, knowledge and practices of those who own, possess and use them.”<sup>3</sup>. There is a close link between multiple forms of violence and multiple forms of poverty. Just as we speak of violences, we must speak of poverties in plural in order to make visible their multiple causes, consequences and manifestations.

Furthermore, these poverties are systemic, historical and structural, and their main causes are colonialism, exclusions, racism and the economic model based on exploitation.

Indigenous peoples lost their territories, economic systems and food security and sovereignty as a result of colonization, with women being the most affected.

Although some indigenous economies have survived, those driven by indigenous women are developing in an **adverse socioeconomic system** that excludes them and does not allow them to aspire to a GOOD LIVING. The United Nations Permanent Forum on Indigenous Issues (UNPFII), acknowledges that “**Indigenous women face inequalities** in a number of areas such as land tenure, access to credit, capital markets and other economic resources, access to employment opportunities, and access to decision-making processes and institutions”<sup>4</sup>.

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<sup>1</sup> [https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/CulturalHeritage/CLADEM\\_sp.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/CulturalHeritage/CLADEM_sp.pdf) Page 1

<sup>2</sup> <http://ecmia.org/index.php/publicaciones/249-mujeres-y-jovenes-indigenas-trazando-caminos-hacia-vidas-libres-de-violencias>.

<sup>3</sup> *ibid.* page 5

<sup>4</sup> UNPFII (2010). Gender and Indigenous Peoples' Economic and Social Development. [https://www.un.org/esa/socdev/unpfii/documents/Briefing Note 2 GREY.pdf](https://www.un.org/esa/socdev/unpfii/documents/Briefing%20Note%20GREY.pdf)

Social and economic exclusion processes against indigenous women have been the result of educational, labor and economic recovery policies that are not adapted to the context of indigenous populations.

Therefore, these poverties are multidimensional and to overcome them they must be addressed so as to take into account these epistemic and systemic poverties.

Too often we do not consider racism as a factor contributing to poverty, which is the worst expression of discrimination and exclusion.

To overcome this situation, indigenous peoples have made great political efforts within the international framework of the United Nations, together with governments, to develop instruments that guarantee the individual and collective rights of indigenous peoples, including the United Nations Declaration on the Rights of Indigenous Peoples<sup>5</sup> as well as the "American Declaration on the Rights of Indigenous Peoples of the OAS"<sup>6</sup> a 15-year process. In addition to, CEDAW/C/GC/39 General Recommendation No. 39 (2022) on the rights of indigenous women and girls<sup>7</sup>, which lasted 18 years<sup>8</sup> of elaboration and negotiation.

We stress the time it took to obtain these international instruments on the rights of indigenous peoples and indigenous women, because it involved the continuous collective effort of the indigenous peoples and the political will of the states for their approval.

However, despite the existence of these regulatory frameworks and global policies, decisions adopted within the framework of the CSW, among the most important of which is "Resolution 56/4"<sup>9</sup> and other international instances where there are specific recommendations related to efforts to eradicate poverty, as indicated in the concept note prepared for this meeting, these have not been complied with, rather, poverty has increased in many regions of the world and we must identify the reasons for the lack of compliance.

Efforts made towards the social and economic inclusion of indigenous women have so far been insufficient. The main action that governments (executive power) must take is to become aware of the vulnerability of indigenous women in the countries of the region, of the systemic and epistemic multidimensionality of poverties not only in the economic, but also in the social and spiritual spheres. Hence, governments need to include concrete actions in their work agendas to address this issue, since so far there seems to be no agenda, measures, policies, even ignoring that the approach must be adapted according to the context and culture.

Creating specific support programs for each subgroup and not pretending that gender issues are addressed equally by women themselves, is based on the hope that indigenous women can have equal access to better jobs and participate in the economy in order to have a dignified life and eradicate poverties and violences.

Another unfavorable aspect is the mismatch between the prevailing capitalist economic system in most countries of the region, and the economic vision based on the values, principles and practices of indigenous peoples, as well as the role that indigenous women play in it. Traditionally, indigenous women tend to dedicate a large part of our time to unpaid work, such as childcare, housework, weaving, farming in family gardens, as well as contributing to community work, including land and biodiversity care.

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<sup>5</sup> [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_es.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf)

<sup>6</sup> <https://www.oas.org/es/sadye/documentos/res-2888-16-es.pdf> AG/RES. 2888 (XLVI-O/16)

<sup>7</sup> <https://www.ohchr.org/es/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigeneous>

<sup>8</sup> [https://yanapaq.info/search/recomm\\_detail.htm?rcm=152](https://yanapaq.info/search/recomm_detail.htm?rcm=152)

<sup>9</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/274/08/PDF/N1227408.pdf?OpenElement>

Indigenous women make great contributions to the economy of our countries, which are not appreciated or recognized. The contributions we make include caring for agricultural seed varieties, caring for mother earth, preserving the traditional knowledge and cultures of our peoples, among others. In many countries there are indigenous peoples whose territories are preserved and along with rich biodiversity and natural assets they contribute to the economy of the countries. According to IPBES, "indigenous peoples manage fishing, gathering, terrestrial animal harvesting - which includes hunting - and non-extractive practices such as wildlife watching as their means of subsistence and economy on over 38 million km<sup>2</sup> of land in 87 countries, representing about 40% of preserved land areas, including many with high biodiversity value. It also estimates that 15% of the world's forests are managed as community resources by indigenous peoples and local communities, while industrial logging occurs in more than a quarter of the world's forests"<sup>10</sup>.

“The productive contributions made by indigenous women are not taken into account in government records or macroeconomic indicators, making invisible a whole dimension of the economy that has nothing to do with accumulation but with circulation and, often, not with monetary exchanges, but rather with the full satisfaction of our needs at family and community levels, in harmony with Mother Nature, which involves caring for natural resources. This reduces the possibilities for indigenous women to achieve greater economic autonomy in their households, communities, territories and the global system.

Consequently, indigenous women are left outside the hegemonic economic system, without a clear picture on how to achieve economic and social development, and facing numerous barriers when it comes to developing and implementing our own vision of economic justice that includes our diverse realities as indigenous peoples at different stages of our lives”<sup>11</sup> .

Another challenge we face is the failure to take into account diversity, situations and contexts of indigenous peoples within the same country. ECMIA has been making an effort for almost 30 years where we have been weaving and unweaving in a self-critical and critical way a series of knots that overcome discrimination, exclusion, violence, poverty, for which we have developed a series of cross-cutting approaches that govern our work and guide our political influence on decision makers at national and international level. These approaches guide our work within ECMIA and are the result of the Continental Meetings of Indigenous Women of the Americas and intergenerational discussions within ECMIA.

## **2. WORK APPROACHES DEVELOPED BY ECMIA**

As part of its "Theory of Change - Strategic Plan 2023 - 2033, ECMIA points out the following approaches that are fundamental and guide its advocacy work <sup>12</sup>.

**Individual and collective human rights approach:** is the main focus of our work. Human rights are universal, indivisible, inalienable, interdependent and non-renounceable. These rights recognize women and peoples as subjects of both individual and collective rights, and States are the guarantors of these rights. The violation of the rights of indigenous peoples leads to the violation of the rights of indigenous women, youth and girls. Likewise, non-compliance with the rights of indigenous women, youth and girls has consequences for the rights of indigenous peoples.

**Indigenous women's, youth and girls' rights approach:** although they are considered in the human rights approach, these rights are crucial because they represent a sector that has been historically discriminated and has suffered multiple forms of violence, which has affected the full exercise of the

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<sup>10</sup><https://es.mongabay.com/2022/07/ipbes-reconoce-los-aportes-de-los-pueblos-indigenas-en-la-conservacion-de-las-especies-silvestres-del-planeta/>

<sup>11</sup> ECMIA is still working on the ECONOMIC JUSTICE project 2021- 2023

<sup>12</sup> Proposed Theory of Change and Strategic Plan (2023-2033) by the Continental Network of Indigenous Women of the Americas(ECMIA)

civil, political, economic, social, cultural and collective rights. Nevertheless, indigenous women have played a key role in the struggle to defend and secure the rights of indigenous peoples.

**Intercultural approach:** unlike multiculturalism, it goes beyond the mere coexistence of plural and diverse societies. Interculturality in Latin America has entailed a struggle in which the indigenous populations have been present as part of a vindicatory project, in the defense of difference and cultural diversity, in the struggle for autonomy and self-determination, therefore interculturality refers to the complex relations of power, negotiations and multiple cultural exchanges.<sup>13</sup> “Interculturality seeks to develop new economic and social models that require the participation, representation and political autonomy of indigenous peoples to achieve redistribution and social justice and to redress their economic exclusion and the lack of cultural recognition under which they have grown <sup>14</sup>”

**Intergenerational approach:** from a community perspective, it is key to take into account the life cycles, social roles, actions and symbolic imaginaries with which various age groups relate to their communities, towns and institutions, which is why it is important to establish intra-generational and intergenerational relationships in order to overcome ageist stereotypes that exclude and discriminate young people, girls and older women. Since 2021, ECMIA, through the children and youth committee, has been providing feedback by means of an ongoing exchange of knowledge that began with the "Intergenerational Dialogue for Sexual and Reproductive Rights" which has become a permanent practice.

**Gender approach:** this approach has highlighted and denaturalized socio-cultural and historical inequalities and injustices that have been created on the basis of biological differences, subordinating women to men. This has had an impact on autonomy, decision making and the exercise of rights for women at large. Thus, this approach recognizes that all people have the right to be socially valued and to live free from gender-based violence and discrimination. Consequently, indigenous women have refuted or cautiously used the Western explanatory category of gender, opting for their own categories such as complementarity, duality and reciprocity. This perspective provided a critical look at gender relations of indigenous women within the communities. It is a key analytical tool for progress in the recognition and exercise of women's rights.

**Territorial approach:** indigenous territories are understood as the areas regularly and permanently possessed by an indigenous people and those that, although not possessed in such form, constitute their habitat or the traditional sphere of their sacred or spiritual, social, economic and cultural activities, including the natural resources necessary for their livelihood. We are referring to occupied territories and ancestral territories of use.

Therefore, the right to integral indigenous ancestral territory is derived, through which the peoples can live according to the principle of ancestry, recognizing their right to ancestral property and at the same time building their identity. This approach is key to the work of ECMIA, which is organized territorially and has recognized that the territory allows the subsistence of the people and the transmission of their culture and economic development. The network's richness also includes a diversity of Abya Yala territories.

**Diversity of contexts approach:** indigenous peoples, indigenous women and young women live in diverse contexts and realities in our region. For example, women with land, women without land, migrant women, women living in cities, women in communities, women living in militarized contexts, authoritarian states, among others. These realities mark a difference that we must take into account when designing government policies and plans.

### **3. ECONOMIC RIGHTS WE ARE ENTITLED TO**

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<sup>13</sup> (Martínez de Bringas, 2006, quoted in ECMIA and CHIRAPAQ, 2013a, p. 10-11)

<sup>14</sup> <http://chirapaq.org.pe/es/wp-content/uploads/sites/3/2021/10/Modelos-Interculturales-Comp.pdf>

We identified some international regulations that have not been included in the concept note and that help us understand other economic rights for indigenous women that should be considered to eradicate poverty<sup>15</sup>.

### **International Covenant on Economic, Social and Cultural Rights** <sup>16</sup>

The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by UN General Assembly in 1966. According to the United Nations High Commissioner for Human Rights, ESCR are designed to ensure the full protection of people's enjoyment of rights, freedoms and social justice simultaneously (UNHCHR, 1996: 3). The Covenant creates legal obligations for Member States and provides that they adopt measures to achieve progressively the full realization of ESCR (OHCHR, 2009:14).

- To ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights (article 3 of the International Covenant on Economic, Social and Cultural Rights)
- 7. (...) Substantive equality is concerned with the effects of legal and other rules and practice and seeks not to maintain, but to alleviate the disadvantageous situation suffered by certain groups.
- 17. The equal right of men and women to the enjoyment of economic, social and cultural rights, as with all human rights, imposes obligations on States Parties at three levels: to respect, to protect and to fulfill.

### **Convention on the Elimination of all Forms of Discrimination Against Women - CEDAW (1979)**<sup>17</sup>

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international women's rights treaty. It defines the areas and forms in which women have been suffering discrimination and obliges States to take measures to ensure their full development and progress in all spheres of life (UN, 1979: 8).

- Women's economic rights are addressed in Articles 1, 3, 11, 13 and 14 of the treaty.
- Article 14 emphasizes the special situation, contribution and rights of rural women. In this regard, it mentions that the States Parties shall take the necessary measures for their participation in rural development and its benefits.

### **General Recommendation No. 39 of the CEDAW Committee on the Rights of Indigenous Women and Girls** <sup>18</sup>

On October 26, 2022 the CEDAW Committee adopted General Recommendation No. 39 on the rights of indigenous women and girls which includes guidance to Member States on relevant legislative, policy and other measures to ensure that they comply with their obligations relating to the rights of indigenous women and girls under the Convention (CEDAW, s/f: 2).

The General Recommendation, which includes gender and intercultural approaches, addresses the multiple forms of intersectional discrimination that affect indigenous women and girls by considering the interrelationship between their collective and individual rights.

In Chapter D. Right to Work, the Committee recommends that States adopt a series of measures to guarantee equitable, dignified and safe working conditions for indigenous women. These include expanding and promoting vocational and professional training opportunities, as well as opportunities to run businesses, facilitating their transition to the formal economy if they so desire, while ensuring that

<sup>15</sup><http://ecmia.org/index.php/publicaciones/309-justicia-economica-un-acercamiento-desde-las-mujeres-y-juventudes-indigenas-de-las-americas>

<sup>16</sup><https://www.ohchr.org/es/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>17</sup> <https://www.ohchr.org/es/treaty-bodies/cedaw>

<sup>18</sup><https://lac.unwomen.org/sites/default/files/2022-05/CEDAW39-DerechosMujeresNi%C3%B1asIndigenas-25May.pdf>

indigenous peoples and women can continue to exercise and benefit from their occupations without discrimination, also guaranteeing their collective rights to the land on which these occupations are carried out.

The Recommendation sets forth a set of measures that are directly or indirectly linked to economic rights, including, for example, ensuring the free, prior and informed consent of indigenous women before implementing economic activities in indigenous territories; recognizing and protecting indigenous women's intellectual property; and protecting indigenous women's ancestral forms of cultivation and sources of livelihood.

### **United Nations Declaration on the Rights of Indigenous Peoples (2007)<sup>19</sup>**

The United Nations Declaration on the Rights of Indigenous Peoples defines minimum standards for respecting and guaranteeing the rights of indigenous peoples and recognizes the individual and collective rights of these peoples, among which are the rights to free, prior and informed consultation and consent; self-determination; the preservation of their traditional knowledge; as well as rights related to health, education and employment.

The General Assembly acknowledges its concern that indigenous peoples have suffered historic injustices as a result (...) of the colonization and dispossession of their lands, territories and resources, thus preventing them from exercising (...) their right to development in accordance with their own needs and interests (ibidem: 85). In that regard, this treaty seeks to protect these peoples from discrimination and marginalization to which they are still exposed (ibidem: 11) as a means of social justice.

- The declaration recognizes the contribution of indigenous peoples to sustainable and equitable development and sound environmental management through their traditional knowledge, cultures and practices.
- Art. 20: Indigenous people have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. 2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- Articles referring to the economic rights of indigenous peoples are: 3, 5, 17, 20, 21, 23, 26, 31 and 32. Article 3 refers to the right of these peoples to freely pursue their economic, social and cultural development; whereas Article 5 sets forth their right to maintain and strengthen their distinct economic institutions.
- Art. 21 refers to the right of indigenous peoples to the improvement of their economic and social conditions (ibidem: 107).
- Art. 17 is general in that it states, in paragraph 1 that indigenous peoples have the right to enjoy fully all rights established under applicable international and domestic law. Likewise, paragraph 3 stresses that: indigenous individuals have the right not to be subjected to any discriminatory conditions of labor and, inter alia, employment or salary. On the other hand, article 20 sets forth that these peoples have the right to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. Paragraph 2 sets forth that Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.

### **Beijing Declaration and Platform for Action (1995)<sup>20</sup>**

The Beijing Declaration and Platform for Action is a global agenda for the empowerment of women. It is the result of the Fourth World Conference on Women and recognizes the mainstreaming of the gender approach within the framework of twelve areas of action.

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<sup>19</sup> [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_es.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf)

<sup>20</sup> [https://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/bpa\\_s\\_final\\_web.pdf](https://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/bpa_s_final_web.pdf)

It is still one of the main roadmaps for governments and the international community to achieve gender equality and human rights for this population group (UN Women, 2014: 7). Like CEDAW, this agreement is the result of recognizing the levels of inequality that exist between men and women. Some of the issues raised include: low wages and poor working conditions; inflexible working conditions; inadequate distribution of family tasks; lack of opportunities and economic autonomy; lack of access to support services and economic resources; among others.

The agenda pursues gender equality, the empowerment of women and the empowerment of their role in society for social justice, development, peace and democratic consolidation. In addition, through equality, the aim is for women to become agents and beneficiaries of sustainable development that is person-centered. It also acknowledges that rapid economic growth, while necessary for social development, does not in itself improve the population's quality of life.

These twelve areas of action are: poverty; education and training; health; violence against women; armed conflict; economy; power and decision-making; institutional mechanisms for the advancement of women; human rights; media; environment; and girls. (UN Women, 2014).

- Objectives F.3. and F.4. refer to providing business services, training and access to markets, information and technology; objectives F.5. and F.6. reaffirm the elimination of occupational segregation and all forms of employment discrimination, and promote the harmonization of work and family responsibilities for women and men.
- Intercultural and inter-generation approaches are not explicitly considered in the document. However, it urges governments and the international community to ensure equal conditions for women and girls who face barriers due to factors such as race, age, language, ethnicity, culture, religion or disability, or because they are indigenous.
- Several sections of the platform address the situation of indigenous women (see pages 30, 32, 36, 46, etc.). In particular, one of the measures considered in the area of Women and Poverty refers to adopting special measures to promote policies and programs for indigenous women to enable their full participation in development processes, considering their cultural diversity. (UN Women, 2014: 43).
- Finally, in 2005, the Commission on the Status of Women (CSW) adopted Resolution 49/7, paragraph 2 of which calls on governments, intergovernmental organizations, the private sector and civil society to adopt measures to ensure the full and effective participation of indigenous women in all aspects of society. (UN, 2005: 25-26). In 2012, it adopted Resolution 56/4, highlighting the importance of indigenous women's contribution to poverty eradication, food security and sustainable development. (UN, 2012: 25); and in article 1, paragraph. b urges States to support the economic activities of indigenous women, in consultation with them, and taking into account their traditional knowledge<sup>21</sup>.

## **Sustainable Development Goals (2015)<sup>22</sup>**

The 2030 Agenda includes among the populations mentioned those disadvantaged because of gender, age, disability, ethnicity and those suffering from multiple and intersecting forms of discrimination, such as women and girls <sup>23</sup>.

- The 17 SDGs refer to: no poverty; zero hunger; health and well-being; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation and infrastructure; reduced inequalities; sustainable

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<sup>21</sup> Resolution 49/7 was the first CSW resolution on the situation of indigenous women. See source:

<https://www.un.org/sustainabledevelopment/es/objetivos-de-desarrollo-sostenible/>

<sup>22</sup>[https://www.un.org/sustainabledevelopment/blog/2023/05/un-2023-sdg-summit/?gclid=Cj0KCCQjw1OmoBhDXARIsAAAYGSFmLrI40CiyN7eg4g52TJdK6sPtwkvJOawDELeUmmJ8wGIFfBMQyUaAhnoEALw\\_wcB](https://www.un.org/sustainabledevelopment/blog/2023/05/un-2023-sdg-summit/?gclid=Cj0KCCQjw1OmoBhDXARIsAAAYGSFmLrI40CiyN7eg4g52TJdK6sPtwkvJOawDELeUmmJ8wGIFfBMQyUaAhnoEALw_wcB)

<sup>23</sup> <https://www.un.org/sustainabledevelopment/es/development-agenda/>

cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; partnerships for the goals<sup>24</sup>.

- Goal 5, gender equality and empower all women and girls, also reaffirms the purpose of the CEDAW to end all forms of discrimination against women and girls around the world. As part of this framework, its goals are to **ensure their full participation at decision-making levels in political, economic and public life**; to undertake reforms that grant them equal rights to economic resources; and to recognize and value care and work. See source: <sup>25</sup>.
- According to Goals 1.4. and 1.5, poverty is measured in terms of monetary income. Therefore, in general, there is a strong emphasis on the increase in monetary income by social groups such as women, indigenous peoples, farmers, etc.
- Finally, the goal to reduce inequality within and between countries states the need to bridge economic and social gaps between population groups, with special emphasis on the most vulnerable communities.

### **American Declaration on the Rights of Indigenous Peoples - 2016<sup>26</sup>**

The American Declaration on the Rights of Indigenous Peoples adopted in 2016 sets forth minimum standards of respect for and guarantee of the rights of indigenous peoples. The declaration recognizes the individual and collective rights of these peoples, among which are the right to territory, rights to development, rights to consultation and free, prior and informed consent; self-determination; the preservation of their traditional knowledge, rights related to health, education and employment.

Article VI: Indigenous peoples have collective rights that are indispensable for their existence, well-being and integral development as peoples. States recognize and respect the rights of indigenous peoples to their collective action; to their juridical, social, political and economic systems or institutions; article XIII, right to cultural identity and integrity, points out in paragraph 3 that indigenous peoples have the right to recognition and respect for their ways of life, cosmovisions, spirituality, uses, customs, norms, traditions, forms of social, economic and political organization, forms of transmission of knowledge, institutions, practices, beliefs, values, dress and languages, recognizing their inter- relationship as established in this Declaration.

Article XVII on **Social, Economic and Property Rights**, which deals with labor rights, establishes a series of measures ranging from recognition, protection, restitution, inspection, to special measures for indigenous peoples, but does not provide special measures for women.

1. Article XXIX: Right to development, 1: Indigenous peoples have the right to maintain and determine their own priorities with respect to their political, economic, social and cultural development in conformity with their own cosmovision. They also have the right to be guaranteed the enjoyment of their own means of subsistence and development, and to engage freely in all their economic activities. It also sets forth the right of Indigenous Peoples to effective measures to mitigate adverse economic impacts, among others. These measures include restitution, reparation and compensation.
2. Indigenous Peoples have the right to effective measures to mitigate adverse ecological, economic, social, cultural or spiritual impacts of the implementation of development projects that affect their rights. Indigenous peoples who have been deprived of their means of subsistence and development have the right to restitution and, where this is not possible, to fair and equitable compensation. This includes the right to compensation for any harm caused to them by the implementation of plans, programs or projects of the State, international financial institutions, or private business.

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<sup>24</sup> <https://www.un.org/es/sg/speeches/reports/70/report-growth.shtml>

<sup>25</sup> <https://www.un.org/es/sg/speeches/reports/70/report-growth.shtml>

<sup>26</sup> <https://www.oas.org/es/sadye/documentos/res-2888-16-es.pdf>

The Declaration does not provide for specific measures aimed at indigenous women in the areas of development, the economy and labor.

### **International Labor Organization (ILO) - ILO Convention N° 169**

ILO Convention N. °169: Indigenous and Tribal Peoples Convention (1989 ILO Convention No. 169 is one of the main international instruments on the rights of indigenous peoples. It states their individual and collective rights, recognizing, for example, their rights to the ownership of their lands, the preservation of their traditional knowledge, the natural resources of their territories, prior consultation, as well as those related to education, health and employment. (ILO, 2014: 11).

- The rights contained in this international treaty derive from two basic principles: indigenous peoples have the right to maintain and strengthen their culture, their ways of life and their own institutions, as well as to participate in the decisions that affect them. (ibidem: 8).
- Art. 7: The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development (ibidem: 28), in the context of the States in which they live.
- Art. 7: In addition, they shall participate in the formulation, implementation and evaluation of plans and programs for national and regional development which may affect them directly (ILO, 2014: 28).
- Art. 23 sets forth that handicrafts, rural and community-based industries and subsistence economy and traditional activities of the peoples concerned shall be recognized as important factors in the maintenance of their cultures and their economic self-reliance and development. Thus, the Convention urges governments, with the participation of these peoples, to ensure that these activities are strengthened and promoted (ibidem: 51).

#### ***4. ARE STATES COMPLYING WITH THE RIGHTS OF WOMEN AND INDIGENOUS PEOPLES - COMPONENTS OF ACCOUNTABILITY?***

In addition to those mentioned in the concept note on the various international and global frameworks adopted by States to achieve gender equality and poverty eradication, we point out other aspects related to poverty and the economy addressed as indigenous peoples and women by States at the international level.

Despite the existence of all these international regulations and decisions adopted by the states, which represent the commitments undertaken, we wonder why these commitments are not being applied and fulfilled.

“Our continent is going through a difficult process, marked by an increase in corruption and abuse of power, organized crime and unstable democracies, which lead to impunity and a democratic system that does not guarantee justice for indigenous peoples, let alone indigenous women”<sup>27</sup> and which weakens the Social State subject to the Rule of Law. “This is why, to a large extent, the mechanisms and instruments created for the representation and participation of indigenous peoples have not been effective. It is therefore necessary to continue promoting citizen awareness and the organization”<sup>28</sup> of civil society, especially indigenous women, so that they can participate in an informed manner in all decision-making processes.

ECMIA has identified the following reasons for non-compliance:

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<sup>27</sup><http://ecmia.org/index.php/publicaciones/244-viii-encuentro-continental-de-mujeres-indigenas-de-las-americas>

<sup>28</sup> Ibid. pag. 63

1. **Lack of political will on the part of decision makers** to address the structural causes of poverty. Many point out that the problem with government policies to fight poverty and social inclusion is that they focus on social programs, mostly clientelistic, without addressing the underlying problems of poverty, such as the macroeconomic policy that remains unchanged, and that even these plans do not include indigenous peoples.
2. **Lack of knowledge and awareness of indigenous** rights set forth in the international framework among decision-makers and executive agencies. “Indigenous peoples' rights have emerged over the past three decades as a prominent component of international law and policy thanks to a movement driven at the national, regional and international levels by indigenous peoples, civil society, international mechanisms and States.”<sup>29</sup> In addition, there is little knowledge of the causes and consequences of poverties towards indigenous women.
3. **Racism and discrimination** by decision-makers, executive bodies and society at large. “In Latin America and the Caribbean, discrimination and racism are an integral part of the region's problems, which have brought about poverty, exclusion and inequality for millions of people, mainly indigenous and Afro-descendants.”<sup>30</sup> It is vital to understand the “...causes and effects of racism and discrimination that are at the base of our Latin American societies and cultures; it is not only a problem of specialists or of those who are victims and feel affected by this scourge. Overcoming ethnic-racial discrimination is a part of building a citizenship alternative that will allow more than a third of the region's population to gain access to respect for their collective rights and better living conditions”<sup>31</sup>.
4. **Poor coordination and planning** by the executive authorities: The causes and consequences of poverty are multidimensional and therefore their eradication cannot be the responsibility of a single government agency. Rather, there is a need for cross-sectoral actions and co-responsibility among the entities that deal with matters related to the economy, the environment, agriculture, gender equality, education, health, etc. In addition, long-term state measures (state policies) are needed that go beyond specific actions that depend on the government in power.
5. **Lack of knowledge of the different contributions made by indigenous women to the country's economy.** Indigenous women make different contributions to the economy of the countries, which are not recognized, and are absent in national statistics, government records, and macroeconomic indicators. We need to make visible this family, local, national, regional and international contribution, to build egalitarian relationships involving compensation and participation in the economy. For instance, “... to enjoy the multiple goods and products that, derived from the daily economic life of the indigenous peoples, ... are present in local, regional, national and international markets. These include beautiful Mayan textiles, Kuna and Ngäbe molas, gold and silverware and jewelry with indigenous motifs, tourist sites, the Central American tamale industry... multiple ways in which the indigenous presence is evident in the economy of our region”<sup>32</sup>. The contributions that indigenous territories make in terms of biodiversity and ecosystem services to the economy of the countries are not fully accounted for either.
6. **Conceptualization of poverty**, usually the measurement of poverty does not reflect the vision of poverty of the indigenous peoples. “The most widely used method internationally, despite its limitations, is the Poverty Line (PL) method, which uses income or consumption expenditure as measures of well-being, setting a per capita value of a minimum consumption basket necessary for survival, i.e., a basic basket of essential items, in order to differentiate between poverty levels. The extreme poverty line corresponds to the per capita value of the basket

<sup>29</sup> [https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2_SP.pdf)

<sup>30</sup> <https://repositorio.cepal.org/server/api/core/bitstreams/a76d6082-655e-41a5-8c9f-a388d8903e23/content>

<sup>31</sup> <https://repositorio.cepal.org/server/api/core/bitstreams/a76d6082-655e-41a5-8c9f-a388d8903e23/content>

<sup>32</sup> <https://www.corteidh.or.cr/tablas/25144.pdf> Page. 13

containing only food items. The overall poverty line includes the per capita value of food and non-food items”<sup>33</sup>.

7. **Little participation of indigenous women** in decision-making bodies within the State and the indigenous peoples' own structures. The participation of indigenous women in countries with an indigenous majority "it is very poor, there is almost no representation in the Legislative, Executive and Judiciary”<sup>34</sup>.1
8. **There are gaps and guidance to develop national reports and accountability mechanisms** and compliance with quantitative indicators that take into account different approaches raised by indigenous women. For example, there are no accountability mechanisms and guidelines for national reporting that include all of the variables mentioned above.
9. **Ignorance of indigenous women's organizations.** Many governments do not recognize the indigenous women's organizations that have been formed over the years and do not support the strengthening of indigenous women's organizations. On the other hand, organizations from the communities are unaware of the rights and commitments assumed by the States in these UN bodies.
10. **Criminalization of social protest.** In Latin America, many states have passed laws to criminalize protest when accountability is demanded. It is important to make visible and condemn criminalization of indigenous social protest against investment projects affecting their territories that violate the rights of defenders of life and territories of indigenous peoples.
11. **Lack of disaggregated data on poverty and the economy for indigenous women.** “Lack of disaggregated information is also a form of discrimination”, non-disaggregated data hide both basic information and inequities...by removing demographic information, such as sex, gender, race or indigenous identity.”<sup>35</sup> It is necessary to have better sources of disaggregated data to understand the true impacts of poverty on indigenous peoples and indigenous women, in order to guide public policies. that "In the context of the review of the Millennium Development Goals in 2005...ECLAC to redouble efforts in the production, processing and use of relevant information obtained through population censuses, household surveys and other appropriate sources, in collaboration with indigenous peoples, in order to improve the socio-economic conditions and the active participation of indigenous peoples in the development process throughout the Latin American and Caribbean region”<sup>36</sup>.
12. **Lack of interculturality in policy and planning** for poverty eradication. It is important to mainstream intercultural, intergenerational, gender, individual and collective human rights approaches.

## 5. *AN ECONOMIC JUSTICE APPROACH TO ERRADICATE POVERTY* <sup>37</sup>

Poverty cannot be eradicated without raising the importance of understanding what economic justice is for indigenous women and youth, and without knowing what we mean by economy from the perspective of indigenous women and youth.

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<sup>33</sup> [http://sedici.unlp.edu.ar/bitstream/handle/10915/15399/Documento\\_completo.pdf?sequence=1](http://sedici.unlp.edu.ar/bitstream/handle/10915/15399/Documento_completo.pdf?sequence=1) Page.33

<sup>34</sup> Otilia Lux de Coti, <https://www.corteidh.or.cr/tablas/r26800.pdf>

<sup>35</sup> <https://www.culturalsurvival.org/news/por-el-derecho-ser-nombrados-y-contados-pueblos-indigenas-son-excluidos-de-los-datos>

<sup>36</sup> <https://yanapaq.info/search/files/UNPFII03-2004-sp.pdf>

<sup>37</sup> Since 2021 ECMIA has been making an effort to conceptualize economic justice and has developed different actions such as: a study on Economic Justice: **An approach from indigenous women and youth of the Americas**, Meeting of Indigenous Women of the Americas generating proposals for Economic Justice; Antigua Guatemala March 24, 25 and 26, 2022, training processes on economics, intergenerational dialogues on economic justice, process of deepening of economy, formation of a driving group and a working meeting of Indigenous Women, Generating proposals for Economic Justice June 08-10, 2023 BARRANCO, LIMA, PERU.

The economic proposal put forward by indigenous women is primarily a criticism of the current economic system and the need to frame indigenous economies first in terms of meeting family, community and environmental needs. It includes Production based on the principles of reciprocity and retribution, care for mother earth, fair and dignified recognition of labor.

The way indigenous women and youth understand and view the economy varies, considering the economy from the perspective of the different cultures, cosmovisions and characteristics of the peoples, from the political-social contexts of each geographic reality, as well as rural and urban areas.

The economy from the perspective of indigenous peoples and women is developed based on principles of reciprocity, solidarity, complementarity, respect for nature, fair retribution in the use of natural resources and the exchange between producers, identity and sense of belonging and non-accumulation for their own benefit. **The economy is for life**, so having an economy means development as a peoples. In order to raise the issue of economic justice and bring up economic rights and access to justice, we must have a clear position on what economic aspects represent for us.

### **What are economic issues for indigenous women and youth in the Americas?**

The way indigenous women and youth understand and view the economy varies, considering the economy from the perspective of the different cultures, cosmovisions and characteristics of the peoples, from the political-social contexts of each geographic reality, as well as rural and urban areas. The following are the key items of our proposal:

- We must think and talk about economy based on **autonomy and self-determination** as peoples and on collective and individual rights, affirming that the economy has always been present in the lives of peoples.
- The economy from the standpoint of our peoples **involves ethical and spiritual principles and values to live in harmony and respect for Mother Nature, while at the same time caring for and managing it to satisfy our needs**. Trade has been an ancestral practice among many indigenous peoples, a mechanism to exchange goods and services.
- The economy is also related to **productive and reproductive work**: we deliver and take care of human life, as well as take care of our territories, making a contribution to humanity and Mother Nature. We are **caretakers** of all forms of life, of the family but also of our context, animals, plants and their pollinators, land and water sources. This implies management and work and should be recognized as women's contribution to the economy.
- It is based on **ethical principles of reciprocity, solidarity, mutual support and collaboration, complementarity, respect for nature, fair retribution in the use of natural goods and exchange between producers, identity and sense of belonging as well as and non-accumulation for personal benefit**. **The economy is for life**. Development for our peoples implies " Good Living" or Sumak Kawsay, wellbeing and development that includes monetary aspects, but also other dimensions including spiritual, social, economic and cultural wellbeing. On the basis of these ethical principles, it is necessary to build a collective construction of success, the relationship with money and access to markets.

### **What is economic justice from our point of view?**

Economic justice is intimately related to **Good Living** - a way of living in harmony with our environment, our brothers and sisters, and Mother Nature. The Good Living proposal invites us to value, care for and heal the goods and Mother Nature, the environmental services that Mother Earth provides, the scenic beauty, the sacred places of our spirituality and identity. The economy, as we understand it, brings multiple benefits towards achieving well-being or a dignified life, whether at individual, family or social-community levels. These benefits are part of the Good Living.

Economic justice must consider an equitable distribution of economic resources and opportunities in a society. It implies striving for an economic and social system in which all people have access to a decent

well-being in all areas of life, as well as opportunities for personal and professional development, without discrimination or exclusion based on factors such as race, age, disability, gender, religion or socioeconomic status ensuring equal opportunities, reduction of inequality, fair wages, access to services, environmental sustainability and corporate responsibility.

## 6. CONCLUSIONS

To conclude, it is primarily necessary to understand and know the vision of poverties that indigenous women are putting forward and the vision of economic justice from the different approaches proposed in this document.

It is also important to recognize and quantify the different and multiple contributions that indigenous women and youth make to the economies of the countries as part of the gross domestic product (GDP), for a fair economic retribution to indigenous peoples in the planning and allocation of resources to the country's economy. For ECMIA, in order to eradicate poverty, it is vital to recognize these contributions, and policies must also recognize them and consider reparations and fair retribution when allocating resources, given the economic models imposed that have been detrimental to indigenous economies. RECOGNITION, REPARATION AND RETRIBUTION will be key to achieving equality and empowerment for the eradication of poverty for indigenous women and youth.

ECMIA recommends the following:

- For accountability processes, indigenous women and youth should be aware of the commitments assumed by the states in the international framework related to the achievement of gender equality and women's empowerment to eradicate poverties. This requires the development of relevant information mechanisms and support to strengthen indigenous women's organizations and their own institutions, to ensure accountability at all levels and constant evaluation of the relevance of state measures.
- Using the information from these commitments, indigenous women's organizations can monitor the fulfillment of these commitments and carry out accountability processes based on indigenous governance.
- To draw attention to the risks of social protection and economic support systems that can undermine the community fabric.
- To take into account the contributions made by organizations such as ECMIA, which represent a collective construction for decision-makers.
- To achieve coherent planning processes, indigenous peoples' institutions should be advisory and guiding bodies for public policies.
- To promote higher levels of participation of indigenous women in government decision-making spaces.
- Allocation of a fair budget based on the recognition of the contribution of indigenous women to the country's economy.
- Strengthening of civil society and indigenous women's organizations, as well as resource allocation.
- Poverty is multidimensional and to overcome it, it must be addressed in a way that considers these epistemic and systemic poverties.
- On this matter, I believe it could be argued that the causes and consequences of poverty are multidimensional and therefore they cannot be eradicated by the State alone. Rather, cross-sectoral actions and co-responsibility are needed among the entities that deal with issues related to the economy, the environment, agriculture, gender equality, education, health etc.
- Long-term state measures (state policies) are needed that go beyond specific actions that depend on the government in office, in order to overcome electoral clientelism.
- To work with indigenous women's organizations in building ECONOMIC JUSTICE and economic autonomy, with the full participation of indigenous women, and to strengthen indigenous economies.

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