



Alaska (US)

CANADA

NORTH
PACIFIC

UNITED STATES

ATLANTIC
OCEAN

Hawaiian Islands (US)

MEXICO

CUBA

DOMINICAN REP.

Puerto Rico (US)

GUATEMALA

BELIZE

JAMAICA

HONDURAS

EL SALVADOR

NICARAGUA

COSTA RICA

PANAMA

VENEZUELA

COLOMBIA

GUYANA

Guyane (Fr.)

SURINAM

ECUADOR

PERU

BRAZIL

BOLIVIA

PARAGUAY

SOUTH
PACIFIC

CHILE

URUGUAY

ARGENTINA

Americas

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Stretching from Alaska in the north, through Central America and the Caribbean Basin, to Tierra del Fuego in the south, the immense and diverse Americas region contains countries with large, ethnically diverse populations, made up of immigrants from European, Asia-Pacific and Middle Eastern countries, as well as tens of millions of indigenous and African descendant people. In some Central and South American states, indigenous peoples and African descendant populations constitute more than 40 per cent of the national total.

Of these groups, African descendants and indigenous peoples remained the most marginalized and disadvantaged, and are particularly vulnerable to human rights abuses. In 2010, their main concerns continued to be daily societal and institutional discrimination, poverty, resource and land seizures, socio-economic exclusion, limited political participation, and inadequate access to social services such as health and education.

Many of these patterns of marginalization can be traced to social and economic structures established at the very beginning of the colonial era in the Americas. Their ongoing influence constrains current attempts to effect real and lasting social and economic change, including meeting the Millennium Development Goals (MDGs) by 2015. And as has been the case for more than 500 years, it is African descendant and indigenous women who face particular hardship, and limited opportunities for civic, economic and political participation, as a result of ethnicity and gender-based discrimination.

Economics

During 2010, the unstable state of the region's economies continued to have a direct and indirect impact on indigenous and African descendant populations, partly determined by the degree to which the respective groups were integrated into their countries' economic life.

In the United States (US), Native American-owned timber firms (which make up a third of all Native American-owned businesses) were amongst those hardest hit by the crisis in the housing market, and tribes with lucrative gaming casinos have also seen a decline in revenue. But elsewhere, indigenous First Nation-owned corporations in Canada reported increasing profits, and South American countries with large indigenous and

African descendant populations have been managing to weather the economic downturn (although not necessarily to the benefit of already marginalized groups).

In Central and South America, remittances sent home from migrants in the industrialized economies of Europe and North America remained an important source of income for indigenous and African descendant communities. While still not regaining pre-economic crisis levels, these remittances did not slip any lower, and service sectors such as international tourism, which employ many indigenous women and those of African descent, began to show small gains. Nevertheless, rising food prices were an increasing concern in most of the region.

Social insecurity

Continuing economic uncertainty, limited opportunities and consistent lack of social investment helped to fuel increases in violence and crime, and the expansion of criminal youth gang activities in some Latin American countries. While this did not have an immediate impact on the majority of rural-dwelling indigenous peoples and African descendants, the ongoing social threat to their communities remained real, especially given the influence and speed of contemporary global communication. More directly, the continuing state of public insecurity has become one of the greatest impediments to achieving the MDGs for these groups, as the social and economic development concerns of indigenous peoples and African descendant populations now stand even less of a chance of becoming national priority issues. With citizen safety having become the main focus of daily public and official discourse, larger amounts of already scarce national resources continued to be diverted away from social investment, in order to strengthen police, army and other internal state security structures.

Central American gangs – whose in-country memberships alone run into the tens of thousands and include equally violent female participants – function largely with impunity, and are increasingly capable of effectively challenging state authority.

Along with youth gangs, other major sources of violence include powerful drug cartels and various forms of organized crime, as well as assassination squads made up of retired and active duty members

of the police and military. According to Mexico's National Human Rights Commission, the problem of criminal gangs in Central America extends up to the northern border with the US. In addition to cross-border arms smuggling and drug trafficking, Central American Maras and Mexican Zetas kidnap, extort, rob, rape and even murder economic migrants on their way to the US. These include indigenous arrivals in transit from as far south as Bolivia and Ecuador.

In Central America, governments are battling to find ways to deal with the situation. A 2008 study found that zero tolerance laws and repressive tactics – such as those adopted unsuccessfully in El Salvador and Honduras – have actually served to fuel gang activities. With diminishing access to other income-earning opportunities, thousands of gang members now provide an abundant and lethal labour pool for drug trafficking mafias and other organized crime groups; for example, as collectors of 'protection' payments from local residents, shopkeepers and bus drivers. Elsewhere, the Central American Coalition for the Prevention of Youth Violence points out that these laws are ineffective because they do not address the root causes of the problem, namely: poverty, discrimination, and lack of employment opportunities, education and health care. Consequently, government actions such as raising incarceration rates are often merely politically motivated responses to growing pressure and criticism from an increasingly tense and fearful public.

Elsewhere in the region, gang violence and criminality has not developed – or been addressed – in the same way. In South American countries like Brazil and Venezuela, the local youth gangs have not turned into crime rings like their Central American counterparts. In Quito, the capital of Ecuador, young migrants from indigenous rural zones have formed urban subcultures that include indigenous gangs and an indigenous music scene. Indigenous community leaders have been attempting to counter instances of violent criminal activity among rural indigenous youth by imposing traditional measures of penance (discussed in greater detail below). In North America as well, tribal nation leaders continued to be concerned about high crime rates on US Native American reservations. During 2010, US President Barack Obama signed into effect a new Tribal Law and Order Act, intended to help Native American communities combat crime and

violence and provide leaders with greater authority to prosecute and punish offenders in their areas.

The high numbers of indigenous youth who are sent to prison was one of the themes discussed at the 9th Session of the United Nations (UN) Permanent Forum on Indigenous Issues in 2010. According to a UN Habitat report, although First Nations make up only 5 per cent of the total youth population in Canada, in some provinces they account for 34 per cent of all male and 41 per cent of all female young offenders. As IPS news agency reported, Max Maciel, coordinator of Central Única das Favelas (a movement of young slum-dwellers) in Brasilia, has advised that instead of trying to quash gangs and criminalize young people, state authorities should find ways to develop the positive qualities of many of the young people, such as their leadership abilities, and develop initiatives which will allow ethno-cultural self expression and provide tools to enable them to enter the workforce.

Environment

In addition to social and economic challenges, the Americas region also had to deal with the effects of unprecedented weather patterns. Floods and droughts in Brazil, Colombia, Guatemala, Honduras and Venezuela brought destruction to rural and urban areas and often had a direct impact on indigenous and African descendant communities, which tend to be located in marginal areas.

Gender and ethnicity were major factors in determining who was badly affected by these natural disasters. Across the region, significant numbers of poor indigenous and African descendant women are self-employed in farming or informal sector food preparation and sales, and are primarily responsible for looking after children. Natural disasters that destroy food crops and homes thus have a disproportionate effect on women from these groups, which is compounded by national shortages leading to rises in food prices. In addition, indigenous and African descendant women faced discrimination during relief efforts, when their already marginalized communities were often the last to be served – if at all. For instance, following the 2010 Chilean earthquake, indigenous Mapuche resorted to using internet sites to complain about discrimination and the absence of aid and relief efforts in their communities from the Chilean government.



Above: Bolivian indigenous women attend the World People's Conference on Climate Change and the Rights of Mother Earth in Tiquipaya, on the outskirts of Cochabamba, April 2010. *David Mercado/Reuters.*

The overall reduction in subsistence agricultural productivity, crop losses, poor economic opportunities, destructive weather patterns and increasing strains on the social fabric, when coupled with the ongoing denial of rights, meant that during 2010 the overall picture for indigenous peoples and African descendant populations in the Americas remained essentially one of socio-economic stagnation.

Politics

The political arena, however, continued to see minor gains for African descendants and indigenous peoples, in regard to representation in parliaments and inclusion of their ethnic categories in more representative national census counts. At the end of 2010, Mexico was the only major country in Latin America that had still not taken steps to include an African descendant identifying category in its national census. However, region-wide efforts at greater inclusion did not translate into any significant new gains for indigenous and African descendant women, especially in formal politics. In addition, full-term and mid-term elections in a number of states in the

Americas during 2010 saw a resurgence of centre-right coalitions, which may bring a halt to moves that have been made to address indigenous and minority concerns in some countries.

International Year for People of African Descent

In March 2010, the UN designated 2011 as 'International Year for People of African Descent'. Activists hope that this will afford an opportunity to focus on the conditions of African descendants. In response to the UN designation, the Organization of American States (OAS) pointed out that people of African descent are among the most vulnerable social groups in the region. Both the OAS and the Summits of the Americas Process have repeatedly expressed their concern with regard to the exclusion and human rights violations confronting African descendant communities.

African descendant activists point out that African descendants constitute a third of the overall regional population. Moreover, they have a distinct history, as well as proprietary traditions, beliefs and cultural patterns, and were present in the Americas long before any nation-state formation. Therefore, they argue that there needs to be recognition of African descendants as a special type of constituency, as the UN already does for groups such as women and indigenous peoples. In addition, African

Electoral processes, political participation and indigenous women in Latin America

In the past decade there has been a groundbreaking trend across Latin America towards electing women to political office. This began with the election of Michelle Bachelet as President of Chile in 2006; Bachelet went on to be appointed head of UN Women, the new UN Entity for Gender Equality and the Empowerment of Women, in 2010. Other notables include the current President of Argentina, Cristina Fernandez de Kirchner, as well as Presidents Laura Chinchilla of Costa Rica and Dilma Rousseff of Brazil, both of whom took office in 2010.

In the main, however, women still face marked discrimination in regional political life, rooted in social, economic, cultural and historical factors of human and institutional development. And the situation is even worse for African descendant and indigenous women.

Accurate data on the situation of indigenous and African descendant women in the Americas is limited. In most Latin American and Caribbean countries, the gender-disaggregated data that does exist relates to very broad general categories and is not disaggregated further to determine factors such as age or educational

levels. There is an even greater lack of disaggregated data pertaining to indigenous women and those of African descent, especially with respect to income levels, employment opportunities and positions in government. But the available information shows that in 2010, very few African descendant and indigenous women held significant positions in politics or public administration. According to the Network of Afro-Caribbean and Afro-Latino Women, there are at least 75 million black women in Latin America and the Caribbean; however those who occupy high-level political or public administration posts number less than 70.

Despite considerable obstacles, a small number of African descendant women have indeed managed to enter political life in Brazil, Colombia, Costa Rica, Honduras, Nicaragua and Panama. But the same is not true for indigenous women. Some countries such as Bolivia, Ecuador, Peru and Venezuela that have significant indigenous populations have made some space in Congress for a few indigenous women, but on the whole the situation remains poor. In Mexico for example, in 2007–8, there were only four indigenous female office-holders in local legislature in the entire country: one in the Congress of the State of Veracruz; two in the Congress of Oaxaca; and one in Puebla State.

At a presentation to the International Parliamentary Conference in Chiapas, Mexico, during the autumn of 2010, female Mexican Senator Ludivina Menchaca explained that while women in general face a patriarchal male-dominated political structure, indigenous women must also confront a ‘mono-ethnic’ political environment that historically has excluded any diversity.

Nevertheless, there have been some advances. According to the UN Department of Economic and Social Affairs *Report on the World's Women 2010*, seven countries in Central America and ten in South America have taken steps towards ensuring the inclusion of more women in political processes, using a combination of official and voluntary mechanisms. These include reserved places on

Special report Continued

electoral lists, reserved seats in the legislature and voluntary political party quotas, aimed at including a certain percentage of women as party-sponsored election candidates.

There are also small quotas for the inclusion of indigenous and African descendant representatives in parliaments. For instance, following pressure from social activists in the 1970s, Colombia introduced ethnic quotas, whereby indigenous peoples are allocated two representatives in the Senate and one in the House of Representatives. But in Colombia and elsewhere, no special measures have been taken to specifically ensure the participation of female indigenous or African descendant candidates. And unlike the high-profile Afro-Colombian senator Piedad Cordoba, thus far no indigenous woman has ever been elected as a senator in that country.

In Nicaragua, following the recognition of the autonomous regions, some indigenous women have made it to the parliament. In Ecuador, the participation of independent movements in the electoral process alongside traditional political parties in 1996 enabled four seats to go to indigenous candidates; however, none was female. In Mexico, there have been some constitutional changes with respect to involving women and indigenous peoples. Nevertheless, at the federal level indigenous people have to participate in the electoral process as members of one of the traditional political parties. These groupings generally do not favour the inclusion of the indigenous community, much less indigenous women. It should be noted that in the 2008 election cycle, of the 23 women who represent 18 per cent of the total number of federal senators, none self-identified as indigenous.

The ongoing lack of indigenous women in political life in the region should not come as a surprise. To begin with, in order to



become candidates for public office, indigenous women must first confront a political culture that in most instances pointedly favours mainstream male candidates. Despite the fact that some electoral systems have established quotas for female candidates at between 30 and 40 per cent, female activists in Latin American political circles claim that mainstream political parties tend to give their more difficult districts to women to contest. This serves to limit their chances of success. Should they win these difficult seats, female representatives then have to struggle within the parliamentary structure to have their opinions count, and to participate in the commissions and committees that deal with public administration matters.

In addition to challenges facing all women candidates, prospective indigenous women



Above: Dilma Rousseff, president of Brazil with Cristina Fernández de Kirchner, president of Argentina during an official state visit by Rousseff to Buenos Aires. *Roberto Stuckert Filbo/PR.*

candidates must also cope with a number of constraints peculiar to their historically marginalized constituencies. These include their own lack of access to educational opportunities; an educationally deprived and inadequately informed predominantly rural electorate; negative perceptions of indigenous candidate intellectual competence, both as women and as minorities; pressure to reject traditional clothing and language styles and to speak and dress in accordance with mainstream cultural norms; and existing machismo cultural attitudes among both

men and women in their own communities that do not encourage women to assume leadership roles. This means that if there is to be any positive change in this regard, it is first necessary to implement concrete measures to overcome the multiple forms of discrimination that indigenous and minority women experience in the political arena.

Women's rights activists in Mexico and across the region have called on state and federal congresses to publish data on the number of indigenous women active as members and in leadership positions in the various national political parties at regional, municipal and indigenous community levels. Mexican activists also want this information to be disaggregated by ethnic group, and to include details on the commissions, initiatives and legislative achievements of indigenous women leaders. They also call for current gender quotas to be raised to 50 per cent parity in the federal and local electoral codes, and for the establishment of indigenous quotas within the female quota itself.

In practical terms, this means that political parties in Mexico and across the region, as well as other institutions, would have to begin allocating funding to the training, political promotion and empowerment of female candidates, so that they stop being regarded as inexperienced beginners. This would include funding being directed to female political hopefuls who come from areas with large indigenous populations. Among other measures, activists argue that it would also require instituting indigenous women's forums to analyse what training indigenous women need to be able to stand as candidates, and to facilitate the integration of indigenous women into electoral councils and human rights commissions, especially in those countries with large indigenous populations such as Bolivia, Ecuador, Guatemala and Mexico. ■

descendants in the Americas are often overlooked by being broadly categorized along with other minorities and/or as 'the poor'. However, the fact that in 2010 African descendants remain marginalized and invisible in real terms, and that 92 per cent of all African descendants in Latin America remain below the poverty threshold, continues to be cause for concern and to justify calls for more focus on this group. Finally, it is argued that poverty, marginality and exclusion of African descendants in their respective countries are not just standard socio-economic manifestations, but have very deep historical roots underpinning an ongoing denial of justice.

Reflecting this reality, during 2010, activists in countries such as Colombia, Nicaragua and Peru continued to insist that development programmes identify African descendant communities as a specific target category in regional development projects. They also advocated engaging in greater consultation during decision-making and project design processes, since such an approach would help overcome firmly entrenched institutionalized discrimination and marginalization.

Argentina

Argentina is a federal republic with a population of approximately 40.1 million. For the first time since the late nineteenth century, the 2010 census (conducted in October 2010) included questions to compile information on the number of African descendants in Argentina. The last census to count the black population in Argentina occurred in 1895. Since then, Argentines of African descent have remained statistically invisible, which activists claim has fuelled a myth that a significant Afro-Argentine population no longer exists. It also means there is no data available on the actual number or socio-economic conditions of Afro-Argentine women.

Although many Afro-Argentines no longer have the more obvious physical attributes stereotypically associated with African descent, and although some may even be reluctant to claim African ancestry, in 2010 rights organizations, such as Diafar, estimated that there were about 2 million people of African descent in the country. Along with Afro-Argentine descendants from the colonial period and Afro-descendant migrants from neighbouring countries such as Brazil and Uruguay, the Argentine black population in 2010 included post-war migrants

from the Cape Verde islands, and an ever-increasing number of – mostly male – political exiles and economic migrants from West and Central Africa.

The 2010 inclusion of census questions regarding the black population can be seen as a small victory for the predominantly female-led Argentine ethnic rights organizations, such as MRG partner Casa de la Cultura Indo-Afro Americana. These have fought in a persistent and sustained manner for over a decade to increase the visibility of African descendants.

The census was not without controversy. Rights activists charge that a number of African descendants and indigenous people who were trained to be census-takers during pilot trials were not actually used, contrary to agreements between rights organizations and the government's National Institute of Statistics and Censuses (INDEC). It also emerged that two types of questionnaires were deployed in 2010, a long and a short form. Only the long version included questions on 'Black' or 'Afro-descendant' and indigenous origins as one of the identifying categories. As Afro-Argentine activists discovered, this longer form was only applied to one in every ten households, meaning that within Argentina's highly diverse urban neighbourhoods, there was a high probability that census-takers would miss homes inhabited by African descendants and indigenous people, and once again leave them undifferentiated.

Disappointment among the Afro-Argentine community prompted concerns regarding the bureaucratic challenges Afro-Argentines would eventually face at national, regional and local levels, as a result of inaccurate data generated by the census, and the resulting lack of statistical data relating to their demographic and socio-economic situation. They are particularly concerned that the data gap will continue to make it difficult to develop and implement appropriate policies and programmes to address the specific needs of their marginalized communities. In response, at the end of 2010, African descendant rights groups in Argentina began strengthening their efforts to develop rights monitoring and data compilation bodies of their own.

Brazil

Brazil is a federal republic with a population of approximately 192 million. The law requires that 30 per cent of the candidates registered by each

political party must be women. In 2010, voters elected Dilma Rousseff of the left-wing Workers' Party (PT) to a four-year term, making her the first woman to be elected president in Brazil's history. Indications at the end of 2010 were that the new Rousseff government would have a greater female presence. The new cabinet includes nine women out of a total of 37 members, who will hold key positions, such as planning, social development and the environment. None of these women, however, are from indigenous or African descendant backgrounds.

Of greatest potential significance to indigenous and African descendant communities is that the female-led Planning Ministry will now have direct control over large public works projects in Brazil (this was previously the responsibility of the President's Chief of Staff), including municipal-level infrastructure projects in areas that they inhabit.

Indigenous concerns

Government estimates are that half of Brazil's indigenous people continue to live in poverty in communities whose traditional ways of life are threatened on a variety of fronts. These include land development, agricultural expansion and urbanization. In a country report published in 2009, James Anaya, UN Special Rapporteur on the rights of indigenous peoples, noted the absence of an effective mechanism for consultation with Brazil's indigenous peoples on the planning of major development projects, such as large-scale mining, and highway and dam construction. There was also inadequate attention to indigenous people's health care and educational needs.

One particularly controversial project is the massive Belo Monte Amazon rainforest hydroelectric dam on the Xingu River, an Amazon tributary. The US \$17 billion dam in the northern state of Pará will be the world's third-largest after those in China's Three Gorges and the Itaipu on the Brazil-Paraguay border. It will require excavation of earth and rocks in the ecologically highly sensitive Amazon region on a scale similar to that of building the Panama Canal. The government argues that the dam will be vital to economic growth; however, critics counter that flooding 500 sq. km of rainforest will permanently kill trees, damage fish stocks and wildlife, and force the displacement of indigenous peoples (such as the Xinguano).

The Belo Monte dam project was actually started in the 1990s but abandoned amid widespread local and international protests. Within Brazil, the project's resurgence has triggered a huge outcry from a united front made up of indigenous peoples, scientists and the Movement of People Affected by Dams, which claims to represent 1 million people displaced from their land. The Environment Ministry indicated that the land to be flooded would be a fraction of the 5,000 sq. km originally planned and would not cause the displacement of indigenous peoples. However, this does not apply to indigenous communities inhabiting lands that are not demarcated as tribal territory. Residents still stand to lose their homes and complain that they were not properly consulted over the project.

Environmental rights groups from around the world have pointed out that promoting energy efficiency could cut demand by 40 per cent over the next decade, which would be the energy equivalent of several Belo Monte dams. Biologists have also warned that diverting part of the river to run the turbine generators will dry out a curve of the waterway called Volta Grande, whose riverbanks are inhabited by indigenous peoples and thousands of small farmers, who will see a massive reduction in fish, river turtles and other staple foods.

Countering these objections, Brazil's Ministry of Mines and Energy has projected that the country's electricity consumption will rise by 5.9 per cent annually until 2019, and determined that economically competitive hydroelectric supply will be the main source of power in the country. With two-thirds of Brazil's hydroelectric potential located in the Amazon jungle region, all indications are that hydroelectric plants will continue to be built there and that indigenous groups in the Amazon region will continue to see large expanses of water submerge their ancestral lands.

Rights of indigenous women

Brazil appears to be taking steps to develop mechanisms that will promote and protect the rights of indigenous women and ensure their inclusion in decision-making processes. For instance, the government's National Indian Foundation (FUNAI), which is responsible for indigenous affairs, has created a special new internal structure which is led by indigenous women and has a specific budget and mandate to develop a gender

action plan.

In November 2010, a National Meeting of Indigenous Women for the Protection and Promotion of their Rights was held in the province of Mato Grosso and attended by 80 delegates. This was the culmination of a round of seminars organized across Brazil during 2010 by the Secretary of Policies for Women and FUNAI. All together, 457 indigenous women from different indigenous communities attended the preliminary seminars. Among the proposals advanced at the national meeting was an amendment to Draft Law No. 2057/91, which is pending in Brazil's House of Representatives and which aims to modify and revise the country's so-called Indian Act (Law No. 6.001/73). The amendment would introduce a gender and generational dimension to all programmes and policies affecting indigenous peoples in Brazil. The proposal also calls upon the state to adopt appropriate measures, in consultation with indigenous peoples, to ensure that indigenous women, children and the elderly enjoy full protection and guarantees against all forms of violence and discrimination. This reflected acknowledgement that violence against women cannot necessarily be addressed within the traditions of indigenous communities, and may require support from mainstream laws and organizations.

The 80 indigenous women delegates suggested that FUNAI and key government departments, including the Ministries of Justice and Human Rights, the Secretariat for Policies for Women, and the Presidential National Commission on Indigenous Policy (CNPI), should all collaborate with the indigenous movement to ensure that Draft Law No. 2057/91 is included in the 2011 agenda of Brazil's House of Representatives.

Afro-Brazilians

There are approximately 90 million Afro-Brazilians, representing almost half the national population. During 2010, they continued to be significantly under-represented in government, professional positions, and the middle and upper classes. The majority of Afro-Brazilians continued to exist as a virtual 'lower caste', and during 2010 notably disrespectful attitudes and daily social pressures continued in conscious as well as unconscious efforts to maintain this caste relationship.

Consequently, during 2010 Afro-Brazilians – especially those with dark skin – continued to experience a higher rate of unemployment and lower wages that averaged approximately half those of people with pale skin. Afro-Brazilian women were doubly disadvantaged, since according to the Ministry of Labor and Employment (MTE), women in Brazil in general are often paid less than men, with women workers receiving on average 64 per cent of men's wages. Moreover, there is a sizeable education gap related to Afro-Brazilian ethnicity, which continues to fuel negative stereotypes regarding the capabilities of Afro-Brazilians as a group and to keep many in the ranks of the poor. According to Feminist Africa, only 6 per cent of employed Afro-Brazilian women had completed 12 or more years of schooling, compared to 23 per cent of employed Euro-Brazilian women.

In recent years, some of these issues have prompted Afro-descendant women in Brazil to become more politically active. Since 2001, Afro-Brazilian women's non-governmental organizations (NGOs) have formed at least one-third of the National Council of Women's Rights in Brazil, and have been able to achieve some success in lobbying the state to redress racial and gender inequities. This has included pressuring the government to implement affirmative action and other policies that are designed to increase Afro-Brazilian access to education and jobs, and to disaggregate race- and gender-based data on health, education and wages.

Afro-Brazilian women's NGOs have also effectively made the case for incorporating ethno-cultural factors in public health delivery and disease diagnosis. This reflects the prevalence of certain specific medical conditions within Afro-Brazilian populations, including type-2 diabetes, uterine tumours, hypertension and sickle-cell anaemia. In addition, maternal mortality rates are much higher among Afro-Brazilian women than among Euro-Brazilian women.

However, despite being very involved at the family and community levels, the activism of Afro-Brazilian women's NGOs has not translated into political power at the national level. Part of the problem – besides the existence of a discriminatory mainstream political structure – is that Afro-descendant women's NGOs have been unable to mobilize mass grassroots support and instead have focused more attention on

lobbying for policy change.

In addition to infrastructure development, it should be noted that the Planning Ministry will also be responsible for the Growth Acceleration Programme (PAC), a programme of infrastructure and social investment, including cash transfers to poor families for child health and education. The programme enjoys great popularity among low-income groups, of which African descendants make up a sizeable majority. The programme has helped 30 million of Brazil's 198 million people to escape poverty (according to UN figures). Besides promoting a greater feeling of social inclusion, it helped to give the outgoing Lula administration an 80 per cent approval rating.

Chile

During 2010, a cultural and inequality gap persisted between the mainstream population and most of the indigenous peoples of Chile. These include the Aymara, Mapuche, Polynesian Rapanui of Easter Island and small groups of Tierra del Fuegian nations, such as the Qawasqar and Yamana.

Shortly before leaving office at the end of January 2010, outgoing President Michelle Bachelet apologized to the descendants of a group of Qawasqar whose ancestors were among 11 individuals captured by German explorers in 1881 and shipped to Europe to be exhibited as curiosities.

Below: A mother and son from the indigenous Wauras community of Brazil's Amazon rainforest. *Fernando Bizerra Jr/EPA.*

In a speech at the ceremony honouring the return of the remains of five of the group, the president acknowledged the historical mistreatment of Chile's indigenous peoples and linked it to racist attitudes towards 'our indigenous forefathers'.

Earlier in January, Chileans had elected as president billionaire businessman Sebastian Piñera Echenique of the center-right Coalition for Change. They also voted in members of Congress. Seventeen of the 120 members of the Chamber of Deputies and 5 of the 38 members of the Senate were women. None of the elected were known to self-identify as indigenous.

Among Piñera's early pronouncements was his intention to restructure public institutions devoted to indigenous affairs to make them more efficient. In addition, he indicated his government would pursue a land policy focused more on individual subsidies, rather than on recognizing collective rights.

Earthquake

Shortly after the new President took office, a 7.8-magnitude earthquake and related tsunamis battered south-central Chile on 27 February





2010. The earthquake caused widespread damage and distress, including to the region's indigenous Mapuche who were already marginalized long before the disaster struck.

Although Mapuche communities were close to the epicentre of the earthquake and were among the most severely affected, there was a notable absence of media coverage about their situation. Even more striking, there was a complete lack of government disaster relief support for their small communities, despite the fact that in addition to deaths and disappearances the disaster caused structural damage to Mapuche community houses and water supplies, and contamination of natural water sources. Mapuche activists viewed the lack of government response and apparent official lack of interest as another demonstration of the discrimination and exclusion of their indigenous communities. They accused the various government authorities of concentrating only on the north of the country and the big southern cities such as Concepción, while ignoring their rural indigenous communities, also

located in the south.

With help still not arriving in their areas a week after the earthquake, Mapuche activists began using the internet to make online appeals for international assistance. The news agency MapuExpress published a statement by a group of organizations collectively called La Sociedad Civil (The Civil Society), which specified the measures the group would employ to ensure that affected Mapuche households received any foreign aid that was provided.

Reclaiming ancestral lands

The major concern for indigenous peoples in Chile during 2010 remained their ongoing struggle to regain ancestral lands. Closely linked to this were efforts to repeal the controversial anti-terrorist law that hampers their ability to protest and receive just treatment from state authorities. The anti-terror law, which dates back to the era of dictator General Pinochet, treats as acts of terrorism all illegal land occupations and attacks on the equipment or personnel of multinational companies. Those

Left: The aftermath of the devastating earthquake that struck Chile on February 27, 2010. *Mapuche International Link*.

charged are subjected to both civilian and military trials, and the law sanctions the use of ‘anonymous’ or unidentified prosecution witnesses. Those labelled as terrorists can be held in indefinite detention.

On 16 September 2010, as Chile celebrated the bicentennial anniversary of its independence from Spain and the attention of the nation, and the world, was simultaneously focused on this patriotic spectacle and on the drama-filled rescue of 33 Chilean miners trapped deep underground, some 34 Mapuche detainees were on a long-running hunger strike in six prisons across southern Chile. Among their demands were for their trials to be held in civil rather than military courts, and the withdrawal of charges under the anti-terror law. They noted that from its inception this law had been used exclusively against Mapuches, as a direct consequence of their activism. Media coverage of their protest was minimal.

As reported in previous editions of *State of the World's Minorities and Indigenous Peoples*, land invasions and clashes between Mapuche and the police have become increasingly violent in recent years. Chilean police responses have been notably firm-handed, including heavily armed community presences, helicopter overflights, house searches and even lethal force. This has led to even more protests, arrests, detentions and hunger strikes. In August 2010, Mapuche leaders and non-governmental organization (NGO) legal aid providers indicated that it was the continuing failure of the state to address Mapuche concerns that ultimately led to the 2010 hunger strike. They especially criticized the apparent lack of political will to engage in talks and recognize the existence of a conflict over Mapuche land and autonomy.

With the hunger strike in its tenth week, a group of 12 Chilean activists, including student leaders and members of the copper workers’ union (CUT), began a ‘massive solidarity fast’ to support the imprisoned protesters. In an apparent effort to defuse the situation, the government authorized the release of two of the striking prisoners on bail. However, both indicated they would continue their protest. Moreover, a week later on 21 September

four Chilean opposition lawmakers also joined the hunger strike, which may have helped increase pressure on the government to begin talks to end the protest.

In the final weeks of September 2010, President Piñera proposed legislation that would forbid civilians and minors from being tried in military courts, and reduce sentences under the anti-terror statutes. He also announced a US \$4 billion ‘Plan Araucania’, package of economic and social measures aimed at improving socio-economic opportunities and the quality of life for Mapuche in their home territory. Piñera’s government also agreed to begin talks involving cabinet ministers, delegates from Mapuche communities and representatives of religious and social organizations, with the archbishop of Concepción serving as a mediator. The hunger strikers called off their protests and agreed to begin negotiations which they hoped would result in the government meeting some of the key Mapuche demands.

Nevertheless, despite promises of substantial investments in Mapuche home areas, at the end of 2010 the earthquake-affected Mapuche residents of southern Chile were still awaiting the arrival of government support and commenting on the lack of any significant reconstruction or infrastructure rehabilitation in their communities.

Afro-Chileans

During 2010, the small Afro-Chilean population registered a few modest but important gains in their efforts to achieve formal statistical inclusion and national recognition as one of the country’s ethnic groups.

Chileans who identify as African descendants live mainly in the towns of Salamanca and Ovalle in the north-central region of Coquimbo, as well as in Arica and Parinacota, in the arid northernmost region near the border with Peru. At the end of 2009, the three organizations that comprise the Afro-Chilean Alliance – Lumbanga, Oro Negro (Black Gold) and Arica Negro (Black Arica) – carried out an independent survey of 500 families and came up with a preliminary estimate of more than 8,000 people of African descent in Arica and Parinacota. While no official statistics have ever been collected, Fabiana Del Popolo, an expert on population issues with the UN Economic Commission for Latin America and the

Caribbean (ECLAC), has observed that people of African descent in Chile have significant poverty levels and are excluded from public policies that target other vulnerable groups, such as indigenous peoples.

In June 2010, Chile's first community development office for Afro-Chileans opened in the city of Arica. It was regarded as a historic achievement after years of advocacy. In the same month, the Afro-Chilean Alliance met with officials of the National Institute of Statistics (INE), which is responsible for developing the 2012 census form. At the end of 2010, Afro-Chileans were waiting to hear if their advocacy efforts had been successful, and hoping that inclusion in the census form would help put an end to what rights groups regard as structural discrimination and invisibility at the national level.

Rapa Nui

Like the indigenous Mapuche on the South American mainland, indigenous Rapa Nui on Chile-controlled Easter Island in the Pacific are becoming increasingly vocal about control of ancestral lands.

In August 2010, Rapa Nui families – who are originally of Polynesian ancestry – began occupying contested areas on Easter Island after failing to obtain legal redress for their land claims. In early December 2010, Chilean police were flown 3,000 miles to the island to enforce a court decree ordering the removal of the Rapa Nui protesters. According to news reports, the Chilean police shot at protesters with rubber bullets and used batons, resulting in the wounding of 24 people, including the president of the autonomously created Rapa Nui Parliament.

In October 2010, in the hope of preventing further violence, the Washington, DC-based Indian Law Resource Center (ILRC) – which is representing the 28 Rapa Nui clans – filed a Request for Protection before the Inter-American Commission on Human Rights. As of February 2011, the Commission had granted precautionary measures in favour of the islanders, ordering the Chilean government to immediately stop the violent use of armed force against the Rapa Nui, to guarantee the safety and humane treatment of Rapa Nui, and to begin an investigation into recent events. Meanwhile, Rapa Nui vowed to continue their protests.

Colombia

Approximately 27 per cent of Colombia's nearly 45 million inhabitants self-identifies as Afro-Colombian, although NGOs put the number much higher. Indigenous peoples comprise 3.5 per cent of the population.

According to the Colombian relief agency, Acción Social, the long-running internal armed conflict has produced more than 4 million internally displaced people (IDPs), one of the largest populations of IDPs in the world. Many of those displaced are from indigenous or African descendant communities.

In February 2010, following her first official visit to the country, the UN Independent Expert on Minority Issues, Gay McDougall, called on the Colombian government to do more to improve the situation of Afro-Colombians. This was with special reference to key issues such as internal displacement, territorial dispossession, poverty, and violence against individuals and communities in both rural and urban areas. Colombia's legislative framework recognizes many Afro-Colombian rights. However, the UN Independent Expert pointed out that consultations with Afro-Colombian communities and organizations had revealed a pattern of sporadic implementation and limited observance of legal provisions, and a lack of follow-up and enforcement.

The top priority issue for many Afro-Colombians continued to be displacement from their lands despite – and sometimes because of – the prior granting of collective titles for some 90 per cent of Afro-Colombian ancestral territory. Prior to the visit of the Independent Expert, a UN Human Rights Council envoy had pointed out that large-scale economic operations, often involving national and multinational companies, had contributed significantly to the dispossession and displacement that deprives the Afro-Colombian population of access to their lands. In 2009, Colombia's Constitutional Court ordered the national government to implement a range of measures to protect Afro-Colombian communities from forced displacement; however, thus far there has been no observable compliance.

Afro-Colombian women and violence

Among the key issues highlighted by the report of the UN Independent Expert was the situation



of Afro-Colombian women. An NGO survey of displaced women found that the majority of displaced Afro-Colombians are women and many are heads of households with children. Such women continued to face multiple forms of discrimination in 2010, placing them at a distinct disadvantage. Indeed, according to the UN High Commissioner for Refugees (UNHCR), only 5.3 per cent of displaced Afro-Colombian women earn a minimum salary.

Rights activists point out that all parties in the conflict zones, that is, the two guerrilla groups – the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) – as well as government forces are involved in human rights abuses, including violence against women. During their displacement, Afro-Colombian women have frequently reported traumatic acts of physical aggression and sexual violence. This has included economic exploitation, violence and rape. Few victims register complaints due to fear or ignorance of complaint channels.

Above: A mother and her daughter in a settlement for displaced families, Choco Department, Colombia. *Paul Smith/Panos.*

In the case of African descendant women, rape – especially of young women – continued to result in many unwanted pregnancies and the birth of children of mixed ethnicity. Such children, as well as their mothers, are frequently ostracized within their communities, and therefore doubly victimized. Women also complained to the Independent Expert about Afro-Colombian children being coerced into joining armed groups, and about threats made to Afro-Colombian women leaders and members of women's organizations.

Afro-Colombian women reported a pattern of unequal treatment from government officials charged with their protection. They complained that threats against female leaders are not regarded with the same gravity as those against male leaders. They view this as an indication of the disrespect and lack of recognition of their leadership roles, and

another example of ethnicity- and gender-linked discrimination by government agencies.

It should be noted that in 2008 the Colombian Congress adopted Law 1257 on 'Measures to raise awareness, prevent and punish all forms of violence and discrimination against women'. This law recognizes a wide range of public and private acts of violence and according to the government, the Presidential Office on Equality for Women, the Independent Ombudsman and the Office of the Attorney-General have set up a Monitoring Committee to promote its implementation. However, Afro-Colombian women's groups reported that during 2010 they saw no evidence of any implementation.

Aerial fumigation of coca crops

Minority women are also primarily affected by the aerial fumigation used to eradicate illicit coca plantations as part of the US-sponsored Plan Colombia programme. Spraying of the chemical Glyphosate not only destroys illegal coca cultivations, but also kills food crops. Since Afro-descendant women are principally involved in growing staple food crops such as rice and bananas, not only do they lose their harvests but also suffer the side-effects of the chemical spray. These reportedly include skin irritations as well as an increased risk of damage to internal organs as well as miscarriages.

Indigenous women

Along with Afro-Colombians, hundreds of thousands of indigenous peoples have also been forced off their resource-rich lands as a result of intense military conflict. According to a 2008 report by UNHCR, almost the entirety of the indigenous population in Colombia has been a victim of forced displacement, meaning that indigenous women have also been disproportionately affected by physical and sexual violence as a result of the conflict and of displacement.

In light of this reality, Colombia's indigenous women are now seeking to participate more directly in decision-making processes, by becoming involved in local and national politics. They face considerable obstacles, including low levels of education in their communities and limited participation among the predominantly rural indigenous electorate. Reflecting this, it was only in 2007 that two indigenous women candidates were elected to

local government office for the first time, one to Colombia's Cauca Regional Indigenous Council, and the other to the Bogotá Municipal Council. But despite the challenges, obtaining positions of political leadership and supporting other women candidates has become an important priority for indigenous women leaders.

However, with just two seats in the 102-person Senate and one in the 166-person Representative Chamber reserved for indigenous candidates, efforts to change policy on key issues that affect indigenous people face considerable challenges, particularly as these issues include ending the armed conflict, legalization of indigenous lands, environmental protection, and an end to discrimination against minority women. In addition, among the 3.5 per cent of Colombia's 40 million inhabitants who are indigenous, there are some 84 different indigenous peoples who speak 75 languages, and who extend from the Andean highlands to the lowland rainforests. This complexity – and the fact that many indigenous people are more concerned with indigenous territorial governance than national-level issues – has caused some indigenous activists to query whether Congress is the best place to resolve the acute issues confronting the country's indigenous communities at the local level.

Reflecting this, during 2010 female indigenous activists from the Huitoto community in Amazonas developed a training plan to enable young women to learn about governance and land issues, and increase their participation in decision-making at the local level. With national laws already in place that allow Colombia's indigenous people to run their own communities, the move towards greater indigenous female political participation and empowerment at this level is likely to gather momentum.

Dominican Republic and Haiti

The Dominican Republic (DR) shares the island of Hispaniola with Haiti. The latter is the most economically deprived country in the region, and Haiti's large African descendant population has sometimes been described as a marginalized majority.

The majority of the population of the DR is of mixed African descent, and many Dominicans have Haitian ancestors and connections. Despite this, anti-Haitian feeling is rife. Haitians represent

a substantial minority of up to 1 million people within the DR, and form a distinct cultural and linguistic group. Relations between Haiti and the DR have often been contentious, primarily as a result of treatment of the Haitian migrant population in the DR, many of whom are undocumented.

In January 2010, Haiti was hit with a massive magnitude 7.0 Mw earthquake, whose epicentre was approximately 25 km west of Port-au-Prince, Haiti's capital. Two months after the earthquake, the government's Directorate of Civil Protection stated that an estimated 222,517 people had died and another 310,928 were injured. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), there were 460 camps with a total population of 1,170,000 people in Port-au-Prince alone. The vast majority of the displaced population in camps were children.

The earthquake caused major damage in the capital. Almost 250,000 residences, 30,000 commercial buildings and more than 1,300 schools and 50 health care facilities were destroyed.

DR response

The DR was the first country to provide aid to Haiti, including water, mobile medical units, health personnel, communications technicians, food and heavy-lifting machinery to aid rescue efforts. Hospitals in the DR were made available, and the airport opened to receive aid destined for Haiti. Immediately following the disaster, towns in the eastern DR began preparing for tens of thousands of refugees. However, given the history of thorny relations between the two countries, the border was reinforced by Dominican soldiers, and officials indicated that all Haitians who entered for medical assistance would be allowed to stay only temporarily. By 16 January, hospitals close to the border had become filled to capacity, with some institutions running out of critical medical supplies. The DR won international praise for its commitment to helping Haiti recover, however the long history of intolerance and discrimination against its Haitian migrant minority continued to influence local responses to the disaster.

Every year, the DR repatriates thousands of undocumented Haitians. According to a report from the Universidad Centroamericana, between 2003 and 2008 Dominican authorities deported

an average of 20,417 Haitians a year. At the end of 2010, the Dominican migration director, Sigfrido Pared Perez, estimated that the earthquake had resulted in a 15 per cent increase in the estimated 1 million Haitian migrant population.

The issue of trafficking of Haitian children – a cause for concern by rights activists even before the earthquake – came under special scrutiny after the disaster. On 5 February, ten DR-based Baptist missionaries from Idaho, USA, were charged with criminal association and kidnapping for trying to smuggle 33 children out of Haiti into the DR. The missionaries claimed they were rescuing orphaned children, but investigations revealed that more than 20 of the children had been taken from their parents after they were told their offspring would have a better life in America. The leader of the group was held in custody and the others deported.

At the official level at any rate, the earthquake offered an opportunity for some degree of reconciliation between the two countries. In July 2010, Dominican President Leonel Fernandez Fernandez met with Haitian President René Preval. They pledged to cooperate closely in several areas, such as agriculture, trade, education and health and to re-address traditionally contentious issues such as migration. The DR also promised ongoing assistance. What form this will actually take is hard to determine, given the state of rebuilding efforts.

Ongoing humanitarian crisis in Haiti

Following the January quake, some US \$1.1 billion was collected for relief efforts by 23 major charities, however by July 2010 only 2 per cent of the money had actually been released. By October 2010, organizations such as Refugees International were characterizing aid agency efforts in Haiti as 'dysfunctional' and 'inexperienced'. By the end of 2010, almost no transitional housing had been built, and Haitians were still living in a state of emergency. There were 1.6 million displaced people still in tent camps, most of which had no electricity, running water or sewage disposal. There were also increasing reports of gang leaders and landowners intimidating the displaced. Women and young girls in the crowded camps were at particular risk of sexual violence and the UN force was accused of not doing enough to protect them. Additionally, by the end of the year, the Haiti Recovery Commission led by former US President

Bill Clinton and Haitian Prime Minister Jean-Max Bellerive to facilitate reconstruction projects had not begun any major reconstruction work. Some 98 per cent of the rubble from the quake – an estimated 20 million cubic metres – had still not been cleared. Critics also note that existing transitional housing and other rebuilding plans are aimed exclusively at neighbourhoods and homeowners, making no allowances for the estimated 200,000 ‘propertyless poor’, who were living in rented property at the time the disaster struck.

The situation was compounded in October by the outbreak of a cholera epidemic, the first to hit the country in 200 years. With health officials speculating about the origin of the disease and suggesting it may have entered via a UN peacekeeper, numerous angry demonstrations erupted against the ‘blue helmets’ and foreign aid workers in general. Regardless of the source, continuing limited access to clean water and sanitation did much to aid the spread of the disease. By the end of 2010, the Haitian health ministry announced that more than 2,500 people had died.

The cholera outbreak once again tested cross-border relations and the general perception of Haitians in the DR. It prompted officials to close the border and introduce strict rules for entry, in order to prevent the spread of the disease. This had a direct effect on the many Haitians who regularly cross into the DR to trade. However, the cholera outbreak was just one more reminder of the lack of overall progress in recovery efforts, according to a report by Oxfam, raising the possibility of increased migration of Haitians into the DR.

In November 2010, the situation prompted Haitian-born Michaëlle Jean, who recently served as the Governor-General of Canada and was appointed United Nations Educational, Scientific and Cultural Organization (UNESCO) Special Envoy for Haiti, to co-author a public letter with UNESCO head Irina Bokova. It placed much of the blame for the slow recovery on the international development community and charged its members with abandoning their commitments. According to Jean, ‘As time passes, what began as a natural disaster is becoming a disgraceful reflection on the international community.’

Observers note that the rebuilding phase has once again revealed the uncertain nature of long-term post-disaster assistance, and reinforced the

importance of improving DR–Haiti relations, especially in regard to the issue of migration. For one thing, the lack of progress in post-earthquake rebuilding further stalls the growth of the Haitian economy, and especially the possibility of local employment in the construction sector. This is perhaps ironic since construction is one of the major sources of employment for Haitian migrants to the DR. At the end of 2010, therefore, it was clear that economic migration from Haiti to the DR would continue, at least in the short term. Despite the history of prejudice and discrimination, the island neighbours are well aware of the importance of migrant labour to the DR economy, as well as of the value of cooperation. The fact is that while international relief may have received significant media coverage, in the end much of the rescue effort was actually conducted by Haitians themselves, with the DR being the first country on the scene to lend a helping hand.

Ecuador

Ecuador has a population of 15 million (according to the 2001 census), of which more than 8 per cent self-identify as indigenous. If language use is factored in, the indigenous population reaches 14 per cent.

As elsewhere in the Americas, local authorities in Ecuador’s indigenous areas are trying to deal with issues such as urbanization, rising youth violence and erosion of cultural traditions. In combating violent crime in the community, indigenous groups in 2010 increasingly turned to the use of communal justice, sparking debates regarding the role of and relationship between state legal norms and the practice of traditional indigenous customary law.

Neither corporal punishment nor the death penalty is included in Ecuador’s legislation. However, in the country’s 2008 Constitution, which sought to promote greater indigenous inclusion, allowances were made for indigenous communities to impart their own justice under their customary laws. This was in accordance with indigenous rights consecrated in International Labour Organization (ILO) Convention No. 169. At a time when growing numbers of young people are rejecting traditional communal structures and indigenous values in favour of a more globalized, urban-centred world view, community leaders are increasingly trying to address these challenges using

Femicide: gender-based violence against women

The connection between violence, insecurity, discrimination and the challenges to meeting the MDGs is partly exemplified by the issue of femicide. This is the name given to the murder of women, targeted and killed solely on the basis of their gender identity. While used to describe the targeted, gender-based killing of women all over the world, femicide has come to be associated particularly with the killing of young, low-status women (including those from indigenous and other minority communities) in parts of Central America and northern Mexico, and with state indifference to these crimes. As an extreme form of gender-based violence, femicide undermines the third MDG, that of achieving gender equality and empowering women. As such, it places communities ever further away from meeting the MDGs, as well as representing the ultimate violation of women's rights.

At the annual memorial march for Murdered and Missing Indigenous Women, held in 2010 in Montreal, Canada, a spokesperson for the rights group Missing Justice, indicated that indigenous women in Canada are about five times more likely than other women to die as a result of violence. According to Canada's CTV news network, a study found that 521 indigenous women have gone missing or been murdered in Canada over the past four decades. In what activists argue is a function of ethnic as well as gender discrimination, the family members of female indigenous victims in Canada – and elsewhere – have complained that

when they report missing women, the authorities fail to investigate and do not seem to give credence to the reports.

A similar situation has been reported in the Central American country of Guatemala. Violent crime has continued to increase over the last decade, mostly in urban areas, and so has the number of femicide victims. Indeed, in 2010, some women's rights organizations spoke of an 'epidemic' of gender-based murder in the country. According to official figures, in the last eight years, more than 4,500 women and girls (mostly from ages 13 to 36) have been killed in a remarkably brutal or violent manner. In the first seven months of 2010 alone, over 30 women died by firearms or knives as a result of 'machista' or sexist violence.

Femicides in Guatemala have gained attention due to their extreme nature. There are frequent instances of dismemberment, mutilations, torture and extreme sexual violence. In many cases the perpetrators are boyfriends, current or ex-husbands, relatives or men known to the victims.

Women in Guatemala are no strangers to physical and sexual violence used as instruments of control. During Guatemala's 1960–96 armed conflict, in which over 200,000 people died, the use of sexual violence was systematized and widely practised. The majority of the victims of this aggression were indigenous women. Sexual violence was used by the armed units and security forces to subdue women, to terrify them, and to sow fear throughout the whole population (as discussed in the article in this publication 'Minority women and armed conflict: from victims to activists').

Laws against femicide were introduced for the first time in Guatemala in 2008. This included a legal definition of the crime which recognized its gender-specific nature and a prison sentence for those who commit it. Nevertheless, full implementation depends on the existence of effectively functioning state mechanisms.

A diagnostic study by the Guatemalan Group for Women (GGW) found that only 26 per cent of



possible femicide cases were ever investigated, and that impunity is common. The perpetrators of these crimes against women enjoy widespread immunity, with only 1–2 per cent of crimes being successfully prosecuted. As in the case of Canada, the families of the victims also complain of a lack of credence on the part of officials who handle their missing person reports. The study also reveals that an autopsy was ordered in only 12 per cent of the female murder cases that occurred between 2006 and 2008. Activists argue that this reflects the scant importance prosecutors have placed so far on sexual assault committed prior to death.

During 2010, the issue of gender-related violence in Guatemala gained increased international attention. Peruvian lawyer Gladys Acosta, Latin American and Caribbean director for the United Nations Development Fund for Women (UNIFEM), has called on the international community to mobilize and act against what she has called ‘Guatemala’s epidemic of gender-motivated murders’.

Elsewhere, in a case brought at the Inter-American Court of Human Rights (IACtHR) against Mexico, the duty of the state to take measures to protect women from gender-related violence has now been recognized by international law. There is therefore now a legal precedent that holds states responsible for preventing gender-related killings.

In a landmark ruling handed down in November 2009, the IACtHR held the Mexican state responsible for the absence of measures to protect female murder victims and for the lack of prevention of these crimes. Furthermore, it argued that official neglect prevailed in spite of full awareness of the existence of a pattern of gender-related violence that had resulted in the deaths of hundreds of women in the Mexican Ciudad Juárez, a sprawling industrial city on the border with the US.

With its high murder rate and regular shoot-outs between heavily armed criminal gangs and security forces, Ciudad Juárez has the reputation of being one of the most violent cities on earth. According to



Left: Participants in the Memorial March for Missing and Murdered Native Women, Montreal, Canada. *Irina Gaber.*

an Amnesty International report, between 1993 and 2004 more than 370 women and girls were killed in Ciudad Juárez; however, local residents and rights groups put the number higher.

In the Campo Algodonero ('the cotton field') case, the Court found the Mexican state guilty of denial of justice to three specific victims: Claudia González (20), Esmeralda Herrera (15) and Berenice Ramos (17). Their bodies were found along with the corpses of five other women on a piece of waste ground on the outskirts of the city in November 2001. The verdict cited the lack of official response to the initial disappearance of the women and the lack of due diligence in the investigation of the murders, as well as the denial of justice and the lack of adequate compensation to the families.

The Mexican government was ordered to pay amounts of over US \$130,000 to each of the victim's families for reparations and legal costs. In addition, the Court instructed the authorities to undertake a number of special measures, including expanding gender-

sensitivity and human rights training for police, holding a public ceremony to apologize for the killings, and building a monument to the three young women in Ciudad Juárez. Furthermore, the Mexican authorities were ordered to create a website with information about women and girls killed in Ciudad Juárez since 1993, increase efforts to find women who have gone missing and investigate gender-related murders seriously.

This precedent-setting ruling cannot be appealed, and it represents the first time anywhere in the world that a state has been found responsible in cases of gender-based murders. The IACtHR gave Mexico one year to comply. Nevertheless, by the end of 2010, remarkably little had been done. According to IPS news agency, of the 16 specific Court orders, the only action carried out so far by the government was the publication of the Court's ruling in the official government record, and in one nationally distributed daily newspaper.

In case of failure to comply, the IACtHR can turn to the OAS General Assembly. If that happens, Mexico could be declared in breach of international human rights law. However, experience in the Americas has shown that full compliance with IACtHR rulings continues to be a challenge, with states doing only just enough to avoid outright reprimand. To this end, the female head of the state National Commission to Prevent and Eradicate Violence against Women has indicated that, along with developing a protocol to be followed when women go missing, a number of Casas de Justicia, (Houses of Justice) will be created that will include shelters for victims of gender-based violence. The first one is to be built in Ciudad Juárez. ■

decidedly traditional measures.

In May 2010, a 22-year-old man was publicly castigated and subjected to corporal punishment by community members after he had confessed on video to the murder of a young indigenous resident of La Cocha village, in the rural highland Pujilí district. Following the public castigation, the young man was taken back to his home area by his mother and community leaders. There a local assembly ordered him to perform community service for five years, and restricted him from leaving the area during all that time. He was also required to pay US \$1,750 to the victim's mother.

The corporal punishment was widely covered by the local and regional media, and caused a national outcry. Editorial writers in Ecuador called upon the government to limit the practice of indigenous communal justice, which they argued has the potential to produce social chaos. Similarly, members of the Constituent Assembly, who had prepared the new Constitution, indicated that some cases of indigenous justice demonstrated the need for written standards and clear procedures, to ensure that indigenous justice was applied in accordance with international human rights standards.

In contrast, some researchers, such as sociologist Luciano Martínez, Professor at the Latin American School of Social Sciences (FLACSO), argued that indigenous forms of communal justice, such as a one-time public flogging or cold water dousing, are more effective than sending a young man away for a four-year prison sentence that is devoid of social context and lacks rehabilitation measures. Supporters also point out that Western-influenced mainstream law does not take into account indigenous community processes that aim at victim compensation and the reinsertion of offenders back into responsible community life. Indigenous rights advocates especially point to the fact that notions of communal solidarity and traditional reciprocity in indigenous communities are increasingly facing serious new challenges. This includes an increase in suicide rates among indigenous youth, who are unable to find their place either in their indigenous communities or in the individualistic culture of the mainstream urban world.

Meanwhile, in May 2010, President Rafael Correa threatened the use of armed intervention in cases where the state feels indigenous justice is going 'too far'.

Guatemala

The population of the Central American state of Guatemala is estimated at 14 million. According to official statistics, 40 per cent of Guatemala's inhabitants are indigenous, and include Garífuna, Maya and Xinca peoples. During 2010, indigenous spokespeople continued to challenge these figures, claiming that in fact more than 60 per cent of Guatemalans are indigenous.

According to Eduardo Sacayón, director of the Interethnic Studies Institute at Guatemala's University of San Carlos, the situation of Guatemala's indigenous communities continues to deteriorate. Poverty has increased, the quality of education remains very poor, and there continues to be no intercultural perspective in the provision of health services. This latter particularly affects indigenous women in the areas of reproductive and maternal health.

Indigenous women predominantly inhabit rural areas, and may have to walk several hours to get to a health centre. Once there, there is no guarantee they will get the attention they need. A joint USAID/Guatemala Ministry of Health report revealed that the racist attitudes of health workers toward the Mayan population pose a significant problem. Doctors often doubt the ability of indigenous women to understand instructions, and only 65 per cent of health centres have bilingual staff.

The 2009–10 *Human Development Report* for Guatemala, published by the United Nations Development Programme (UNDP), indicates that in the area of education, indigenous peoples continue to be at a distinct disadvantage, constituting just 13.2 per cent of the post-secondary student population.

According to the third report presented by the government in December 2010 on progress towards meeting the MDGs, 80 per cent of indigenous Guatemalans are living in poverty, compared to 40 per cent of the non-indigenous population. Also, according to the government report, while nationwide poverty in Guatemala over the past six years fell nearly 5.2 per cent, extreme poverty, which primarily affects indigenous peoples, declined just half a percentage point (15.7 to 15.2 per cent). During 2010, the prevalence of chronic malnutrition among indigenous children aged five and under continued to be twice that of non-indigenous children (30.6 per cent), which translates

into some 69.5 per cent of indigenous children who suffer chronic malnutrition.

These conditions were not aided during 2010 by the recurrence of extreme weather patterns, including droughts and Tropical Storm Agatha, which damaged road communications, infrastructure and threatened indigenous peoples' food security. A World Food Programme (WFP) study indicated that 235,000 people – most of whom are indigenous people – will need emergency food aid, and a further 95,000 who are engaged in subsistence agriculture will require supplementary food up to early 2011, just to be able to survive in areas that have been swept by torrential rains, floods, deadly landslides and a volcanic eruption.

Critics point out that, despite earlier political promises, no government policies have been developed for indigenous peoples, nor is there compliance with ILO Convention No. 169 on Indigenous and Tribal Peoples.

Mining

Transnational and mining interests continued to prevail in areas where indigenous communities are located. With mining royalties increasing by as much as 10 per cent a year, the Ministry of Energy and Mining (MEM) proposed the creation of a Collective Mining Fund specifically devoted to overseeing the use of mining royalties for rural development. The MEM proposes splitting the profits from activities like gold sales between the company and the state, with 75 per cent of the government's revenue going to the Collective Mining Fund, to be passed on to communities in the form of development projects. This was partly to offset widespread rejection of mines by nearby indigenous communities.

There are valid reasons for their rejection. A research team from the Pastoral Commission for Peace and Ecology (COPAE) that tested local water supplies in the municipality of San Miguel Ixtahuacan found toxic levels of arsenic as high as 0.70 mg/L or 70 ppb (parts per billion) in a river downstream from one mine. Engineer Fausto Valiente from COPAE pointed out that, in comparison, the maximum standard limit established by the World Bank, is 0.1 mg/L (10 ppb), while the US Environmental Protection Agency sets an even lower limit level of 0.01 mg/L. The country's indigenous populations have

continued to oppose mining concessions at public hearings held in accordance with Convention No. 169. They cite the environmental degradation and health risks. Nevertheless, the projects continue.

At an International Parliamentary Conference in Chiapas, Mexico in October–November 2010, Otilia Lux, an indigenous Mayan Guatemalan lawmaker on the congressional Indigenous Affairs Committee explained that although important bills benefiting indigenous peoples have been presented to Congress, these have still not been passed. They include a proposed rural development law to improve access to land and housing, and a law to make indigenous hearings binding with respect to transnational mining company operations. Moreover, the Fund for Guatemalan Indigenous Development, created in 1994, and the 2002 Presidential Commission Against Discrimination and Racism continue to lack the necessary capacity for effective action.

Guyana

The Co-operative Republic of Guyana has a population of approximately 760,000 people. The majority of its inhabitants are concentrated along the coast, and are of African and East Indian descent, with Indo-Guyanese being the dominant group in government and business. According to the 2002 census, Guyana's indigenous people (locally termed Amerindians) constituted 9 per cent of the population, with 90 per cent of their communities located in the vast and remote savannah, riverain and heavily rain-forested interior. Amerindians share many national cultural traits with Afro- and Indo-Guyanese; however, the traditional Amerindian communal hinterland lifestyle and the use of ancestral idioms (as opposed to English) as their first language serve to set Amerindians apart from the more urban mainstream coastal population.

In 2010, the standard of living of indigenous peoples in Guyana remained lower than most of the non-indigenous population. Indigenous peoples continued to receive poor social services, inadequate education and lower incomes, and have limited opportunities to participate in decisions affecting their lands, cultures, traditions and allocation of natural resources.

Two Amerindian women hold positions in the government, as heads of the Ministry of Amerindian Affairs and the high-profile Ministry of Foreign

Affairs. Nevertheless, a long history of discrimination, marginalization and poverty has ensured that in 2010, the majority of Amerindians in Guyana still risk being viewed as second-class citizens by some of their fellow Guyanese on the coast.

Guyana Reduced Emissions from Deforestation and Forest Degradation project

In November 2009, the Norwegian government agreed to pay Guyana US \$250 million over a five-year period. This money, allocated under the international Reduced Emissions from Deforestation and Degradation (REDD+) initiative, would allow the country to protect and manage its rainforest, via the Guyana Reduced Emissions from Deforestation and Forest Degradation (GRIFF) project. Three years earlier, in late 2007, Guyana's President Bharrat Jagdeo had offered up the country's large tracts of standing forest as a giant carbon offsetting zone to counter climate change. At the time, he explained that the main aim was national revenue generation for the cash-strapped government, and not environmental altruism.

Since 2006, almost 13 per cent of the country's land has been recognized as indigenous property. As a large part of this is within the densely tree-covered rainforest zone, Amerindian participation in the GRIFF project is important to its implementation. As a result, the scheme was formally introduced to Amerindian leaders (*toshaos*) at a November 2010 conference of the National Toshaos Council (NTC) (a body of indigenous leaders established under the 2006 Guyana Amerindian Act), where the president announced that US \$8 million of the Norway Fund would be allocated to various projects to benefit Amerindian villages under a Low Carbon Development Strategy (LCDS). This included US \$1.5 million for solar panels for all Amerindian houses, US \$2.5 million to finance development activities, and US \$4 million for demarcating community boundaries.

Of the 171 Amerindian representatives present at the meeting, 166 signed the LCDS resolution. But there was very strong criticism from those leaders who withheld their signatures, some of whom charged that the LCDS resolution was drafted without their knowledge and first presented to them just minutes before their signatures were required. They also claimed that neither the organization's executives nor many of the leaders who actually

signed had any prior knowledge of the contents, and that Guyana's Amerindians should have been consulted during the drafting process, in accordance with their right to free, prior and informed consent. In addition, the dissenting leaders contended that many communities do not understand the conditions of the agreement between Guyana and the government of Norway with respect to REDD+ and the LCDS, and needed more details in order to assess fully the likely impact on their own way of life. They also objected to clauses that could mean the complete exclusion of any role for NGOs, such as indigenous rights defenders and environmental protection advocates.

From the outset, some of the the country's indigenous groups and others have viewed the President's LCDS as another government effort to appropriate densely forested timber-rich indigenous lands and the sub-surface resources. The dissenting leaders charged that the conference was another example of a pattern of flawed consultation by the Guyana government, which they say is characterized by the one-way dissemination of information and no real dialogue.

As it turns out, the indigenous peoples of Guyana may have good reasons to query government motives and actions. According to the local daily *Stabroek News*, it was revealed in 2010 that the much proclaimed landmark Amerindian Act of 2006 – around which all Amerindian policies revolve – had never actually been signed into law.

The revelation came as a particular surprise to the indigenous population. The 2006 Amerindian Act mandated an annual transfer of 20 per cent of the royalties from mining activities to a fund designated by the Minister of Amerindian Affairs, to be used for the benefit of the Amerindian villages. Since 2006, the money accruing to Amerindian communities from the Guyana Geology and Mines Commission (GGMC) would have amounted to many millions. As it turns out, during this period the GGMC did transfer some US \$9 million to a government-owned investment company. However, indigenous leaders appeared unaware of the existence of these funds, which total more than the amount allocated to Amerindian communities under the Norway programme.

Following the revelation, the government was hurriedly forced to table a bill to commence



implementation of the Amerindian Act of 2006 and backdate a large number of related decisions. As of the end of the year, however, there was no indication of what had become of the millions of dollars in royalties owed to Guyana's Amerindian communities.

Amerindian women

Income generation has become increasingly important to continued Amerindian community survival. The traditional Amerindian subsistence living is based on fishing, hunting and agriculture, but the demands of the contemporary economic structure necessitates a source of cash income, in order to supplement diets, pay for children's education, clothing, transportation and specialized medical treatment.

In 2010, income-earning opportunities in

Above: An Amerindian woman and her young daughter return to their village in Guyana after fetching water from the well. *Grete Howard.*

Amerindian communities remained limited. Low levels of education constrict the range of options, and commercial outlets for traditional handicrafts (usually produced by women) and agricultural produce are minimal, as both depend on access to coastal markets. Some government-sponsored economic pilot projects do exist and some – mostly male – Amerindians have gone into mining in the gold-bearing region. But in the main, there are few income-earning options in Amerindian home areas.

This drives Amerindian women in particular to seek work along the coast, often in cheap restaurants

Amerindian domestic worker faces exploitation and abuse

The exploitation of indigenous women working as live-in domestic workers on the Guyana coast does not receive much local media coverage. But during 2010 the case of a 22-year-old Amerindian woman, who was held as a virtual prisoner by her employers, received considerable media attention, as Maurice Bryan recounts.

The woman had answered a newspaper advertisement for a live-in domestic worker at the home of a business couple in the capital city. However, after just three months of employment she found herself a virtual prisoner in the home of her employers, and had to be removed by the police and officials from the Ministry of Labour and the Ministry of Amerindian Affairs, who responded to a call from a neighbour to investigate the situation.

According to one local daily, the *Stabroek News*, the woman complained that she was made to work extremely long hours, seven days a week, without ever receiving overtime pay, and was allowed only two days and one night off a month. Her personal mobile phone was confiscated by her employers and replaced by another.

The confiscation was specifically intended to deny the woman the right to use her native language. The employers indicated they had become uneasy after she was heard speaking to her mother in her indigenous idiom, which the employers

did not understand. But without her personal mobile phone, the woman was unable to communicate with her mother and family members back home, where she had left her six-month-old child.

Six weeks prior to her rescue, the woman had expressed dissatisfaction with her working conditions and indicated she wished to leave. However, her employers informed her that she could not go until a replacement was found, and then proceeded to withhold her pay.

In her account, the Amerindian woman revealed that her employers subjected her to belittling verbal abuse, including derogatory racial terms. According to the news story, the woman also alleged that shortly before she left her employers, there were instances of inappropriate behaviour and requests from the husband that could be regarded as sexual harassment.

Matters came to a head after the distraught young woman began to confide in a neighbour and smuggle her clothes out of the employer's house in preparation for a quick escape. The neighbour then called the authorities, who quickly intervened. According to media reports, one police officer who participated in the removal of the young woman revealed that the couple was already known for hiring Amerindian persons from the interior and having them work under difficult conditions.

At the end of the year the matter was still under investigation and no charges had been brought against the former employers. According to the Ministry of Labour website, the government's Ministry of Human Services will now pay for the young woman to obtain vocational training in a chosen field and cover her expenses during the period. However, there were no indications as to whether the authorities intend to develop any comprehensive measures to educate and empower the country's Amerindian women in general, and make it less likely for them to be abused and exploited in the future. ■

and bars, or as domestic servants, making them particularly vulnerable to exploitation and abuse, both as indigenous people and as women. Amerindian women brought from the Guyana interior to work as domestics far from home are particularly exposed to the risk of mistreatment at the hands of their employers, especially if they are hired as live-in domestic workers.

Mexico

Mexico is a federal republic composed of 31 states and a federal district, with a population of approximately 108 million.

Afro-Mexicans and the 2010 Census

In May 2010, Mexico conducted a national census, gathering information on age, gender, education, religion and birthplace from about 25 million households in 2,456 municipalities. Disappointingly, despite efforts on the part of organizations like the Alliance for the Empowerment of Indigenous Regions and Afro-Mexican Communities, this census failed to include questions on Afro-Mexican identity, ignoring their presence as an identifiable group. The census carried ethnic references related only to language and self-identification of people of indigenous origin, and, further, defined municipalities as indigenous only if the local population preserved native languages, traditions, beliefs and cultures. Officials of the National Institute of Statistics and Geography (INEGI) cited limited time and resources as reasons for being unable to modify the document to include questions relevant to Afro-Mexicans.

The official government stance as promoted by agencies such as the National Council on Population is that the majority of Mexicans are *mestizo* (of mixed Spanish European and indigenous ancestry), with no acknowledgement of any historical or contemporary African presence. However, according to US anthropologist Bobby Vaughn, blacks far outnumbered the Spanish in early colonial times. The black population was three times that of the Spanish in 1570 and 2.5 times in 1646; not until the early nineteenth century did the Spanish outnumber the African heritage population. Mexico is quite likely the last country in the Americas to continue excluding the African descendant category in its census, thereby implicitly ignoring the historical and contemporary

significance of people of African descent within its overall population.

With marginalized Afro-Mexicans languishing at the bottom of the socio-economic scale, inclusive and fully disaggregated census data is particularly important in terms of meeting MDG targets for them. This is because census data is used to create a demographic and socio-economic profile of each area of the country, including information necessary to develop suitable public policies and infrastructure that would benefit the poorest populations.

Poverty among Mexico's indigenous peoples

According to indigenous organizations, at least a third of Mexico's 108 million people are of native descent; however, there are only about 14 million Mexicans who are classified by the census as indigenous and as belonging to one of the country's 62 native groups. The majority of indigenous people live in the southern states of Guerrero, Oaxaca and Chiapas, which are the poorest in the country. It should also be noted that the insecurity and violence so prevalent today in many parts of Mexico is particularly notable in states with significant numbers of indigenous peoples and/or African descendant populations. These include Sinaloa and Chihuahua in the north, Tamaulipas in the east, Michoacán in the west, and Guerrero in the south. In these areas during 2010, large drug trafficking enterprises battled with impunity over control of distribution routes to the US market. Corruption is rife, and uncooperative functionaries are regular targets of assassination. This seriously compromises the effectiveness of municipal and state structures and their ability to meet MDG targets, especially for the indigenous and African descendant populations.

The relationship between violence, poverty and lack of development of Mexico's indigenous peoples is very evident in a report issued in October 2010 by the UNDP human development research office in Mexico City. It indicated that Mexico continued to be a long way from meeting MDG goals for the country's indigenous population. For the first time, the UN study compares the living conditions in Mexico's 156 indigenous municipalities, 393 non-indigenous municipalities and 1,905 municipalities inhabited by people of mixed-race descent. It indicates that although overall poverty in Mexico has been reduced, inequality persists. The National Commission for the Development of Indigenous

Peoples in 2010 also admitted that social spending in indigenous areas was lower than in non-indigenous zones.

Of particular concern with respect to women's rights is that the least progress has been made in the area of cutting maternal mortality among indigenous women. In the indigenous areas of Mexico – places where the local population retains indigenous languages, traditions, beliefs and cultures – the maternal mortality rate stands at 300 per 100,000 live births. This is among the highest in the world and is in stark contrast to the national average of 60 maternal deaths per 100,000 live births. And according to the government's National Population Council (CONAPO), during 2010 the infant mortality rate among indigenous people of 22.8 per 1,000 live births was also significantly higher than the 14.2 per 1,000 for the population at large

Issues like poverty, nutrition, health and education, as well as marginalization lie behind these figures. According to the UN report, 38 per cent of Mexico's indigenous people live in poverty, and Ministry of Social Development data indicates that 3.3 million indigenous people are unable to satisfy their basic nutritional needs.

In the area of education, 50 per cent of indigenous women have not completed primary school, versus 42 per cent of indigenous men. Indigenous girls tend to marry between the ages of 13 and 16 in arrangements that sometimes involve the exchange of cash. Also, from childhood indigenous girls are expected to help their mothers: their 'normal' workday can last 18 hours leaving little time for education, which in many cases is unaffordable.

Chiapas

There is one state in Mexico that has taken steps to address indigenous population issues. The state of Chiapas, located near the border with Guatemala, is very likely the only state in the world where the MDGs have been written in to the State Constitution. This translates into a legal mandate to comply with the MDGs, especially as they relate to indigenous peoples.

Nevertheless, in the 2010 UNDP report the Human Development Index (HDI) value for indigenous people of Chiapas was rated at 0.61, compared to 0.76 for Mexico's non-indigenous population. This is the worst HDI figure of

any of Mexico's 31 states or federal district; however, it represents a significant improvement compared to previous years, in a state that was long characterized by little social investment, and violent confrontations between the indigenous Zapatista Army of National Liberation (EZLN) and government forces.

During an International Parliamentary Conference hosted by the State of Chiapas in October–November 2010, the Chiapas State Governor explained how the publication of an earlier UNDP *Human Development Report* on Mexico had served to motivate a change in approach. This had prompted the Chiapas government to address the needs of the state's indigenous communities directly, and to implement the MDGs with a particular focus on indigenous peoples. A third of the Chiapas state budget is now allocated to the 28 municipalities with the lowest indices, all of which are indigenous. So although CONAPO reported that the infant mortality rate for 2010 in Chiapas stood at 24.2 per 1,000 live births – one of the highest in Mexico – in fact this represents the result of three years of sustained reduction at the fastest rate in the country.

Of significant importance was the orientation of state policies and structures towards greater indigenous inclusion. This allowed the local indigenous representatives at the Inter-Parliamentary Union conference – including some high-level female municipal officials – to state that indigenous voices were increasingly being heard. Consultation in both formal and informal settings has become official state practice at many different levels, and this has resulted in more opportunities to address problems and adapt solutions based on the needs and aspirations of the large indigenous population.

United States

Compared to the rest of the US population, Native Americans during 2010 continued to experience higher rates of illness and mortality from diseases such as diabetes, pneumonia and tuberculosis. In the area of education, Native Americans were also far more likely to drop out of high school and far less likely to go to college. On the other hand, those who attend tribal colleges were much more likely to complete their degree programmes, with the vast majority undertaking careers that serve their indigenous nations and preserve language and

culture. Activists argue that much of this is the result of a history of marginalization and territorial dispossession.

United Nations Declaration on the Rights of Indigenous Peoples

On 16 December 2010, the US finally agreed to officially endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The change in stance comes three years after the UN adopted the measure, despite opposition from the US, as well as Australia, Canada and New Zealand (who all subsequently endorsed the declaration). Although some UN member states remain in abstention, by reversing its decision, the US has ensured that no country now remains opposed. Moreover, as a state with significant influence, it has now joined the international community in recognizing that indigenous peoples have rights to non-discrimination, self-determination, land, natural resources and culture. UNDRIP promotes their effective participation in all matters that concern them and ensures their right to remain distinct.

Though not legally binding, UNDRIP is recognized as having moral and political weight; consequently, for over a year, indigenous rights advocates in the US had been urging President Barack Obama to reassess the US stance on the declaration. Following a promise to comply, the US administration undertook a series of consultations with indigenous leaders and NGOs from April to October, which culminated in the official endorsement at the opening of the second annual White House Tribal Nations Conference. Along with the declaration, the president outlined other initiatives, such as providing funding for improved indigenous health care, community school construction, helping tribes combat violence and crime, and resolving long-standing disputes over discrimination and resource rights. Tribal leaders are hoping that the willingness to engage in dialogue shown by the Obama administration will help end the historical marginalization of Alaskan and Native American nations within the US, and help improve the relationship between their autonomous governments and councils, and that of the US.

The US endorsement of the UNDRIP was especially symbolic given that activists in the US Native American community were involved in

the original proposal as well as the initial work of drafting it some 30 years ago. These activists, including Tim Coulter, now executive director of the Washington, DC-based Indian Law Resource Center, resorted to the international legal system in an effort to improve US national laws and practices, and gain a place for indigenous peoples in the international community. They are therefore hoping that UNDRIP can be used as a basis for ensuring that the US federal government fulfils its responsibilities to indigenous peoples, and carries out its obligation to promote and respect the human rights of Native American nations and tribes.

Violations of migrant rights in Arizona

On 13 April 2010, the State of Arizona passed the strongest anti-illegal immigrant bill in the US. The 'Support Our Law Enforcement and Safe Neighborhoods Act', introduced as Arizona Senate Bill 1070 (SB 1070), authorizes police to check the legal status of anyone they suspect of being an undocumented migrant, and to arrest all who lack proper identification.

According to US federal law, all foreign nationals over 14 years old who are in the country for longer than 30 days are required to register with the US government, and to have the related documents in their possession at all times. SB1070 makes it a crime for a foreign national to be without these documents or others that verify a legal presence in the US, and also prosecutes anyone sheltering, hiring and transporting illegal aliens. This especially targets undocumented migrant day-labourers by making it a crime to look for work on the street, and fines anyone who harbours or transports them including family members.

According to Associated Press, prior to the law Arizona had been hosting an estimated 460,000 mostly Hispanic undocumented migrants, partly as a result of being the main illegal border crossing point between Mexico and the US. Traversing the harsh Arizona Desert on foot is one method used by thousands of Mexicans and Central Americans seeking to enter the US illegally. By the 1990s, the largest number of arrests by the United States Border Patrol was occurring in Arizona. There was also concern that lethal drug-trafficking and human-smuggling related violence in Mexico would spill across the border into the state, particularly given that over the past five years, the state capital



Phoenix had been averaging one kidnapping per day – the highest number of any city in the US.

However, what began as a local discussion over state control of undocumented migrants quickly became a heated national debate. The passage of the bill sparked protests, rallies and calls to Republican Governor Jan Brewer to veto the legislation. Fears were expressed that the Arizona bill would fuel the anger of people frustrated with the lack of progress on federal US immigration reform, and inspire other states to follow suit with similar controversial measures.

Critics charged that the law infringed a number of key human rights by subjecting minorities to police scrutiny, detentions and arrests based on their race or origin. It also violated freedom of speech by exposing speakers to scrutiny based on their language or accent; and eliminated the right to freedom of movement without being stopped,

questioned or detained. Opponents also argued that the bill would subject police departments to civil rights lawsuits for engaging in racial profiling or for not enforcing the law. In a press statement, the Arizona Association of Chiefs of Police warned that the legislation would increase community distrust of local police and deter immigrants from reporting crimes – including domestic violence – and from cooperating in other investigations.

Human rights groups travelled to Arizona to denounce the legislation, and tens of thousands of people demonstrated in over 70 US cities. State governments in California, Minnesota and Colorado banned employee visits, and passed resolutions limiting business transactions with Arizona-based companies. There were also protests from the Mexican Senate, and according to the *Washington Post*, Mexican President Felipe Calderón condemned the bill and called it a ‘violation of

Left: Kathryn Rodriguez of the Coalition of Human Rights Indigenous Alliance Without Borders holds a memorial cross for an infant immigrant who died in an attempt to cross the border from Mexico into the USA. *Yannis Kontos/Polaris/Panos.*

human rights’.

According to a poll conducted by the Arizona State University, researchers found – not surprisingly – that 81 per cent of registered Latino voters in Arizona opposed SB 1070. Supporters such as the sponsor and co-author of the bill, State Senator Russell Pearce, argued that the absence of federal immigration enforcement had left the state little choice but to take its own measures. It should also be noted that, despite the vocal public protests, the Arizona law seemed to enjoy strong backing across most of the US.

The Act was signed into law by Governor Jan Brewer on 23 April 2010, and amended two days later to prevent it from being applied in a discriminatory fashion. However its constitutionality and compliance with civil rights law was immediately challenged in the courts by the National Coalition of Latino Clergy and Christian Leaders, the American Civil Liberties Union (ACLU), the Anti-Defamation League and the Mexican government. Moreover, on 6 July 2010, the US Department of Justice filed a lawsuit against the state of Arizona asking that the law be declared invalid, and requested the federal courts to issue an injunction to halt enforcement before it went into effect. A preliminary injunction was granted that blocked the law’s most controversial provisions.

Nevertheless, supporters could argue that the law is already making a difference. A study released in November 2010 stated that there were already 100,000 fewer Hispanics in Arizona than before the debate about the law began. It also suggested that Arizona’s poor economic climate could be a contributing factor in the decline. According to Associated Press, the government of Mexico reported that between June and September 2010 over 23,000 of its citizens had returned to the country from Arizona. Migrants who have remained in Arizona have modified their behaviour to avoid detection. According to local television station news reports, domestic violence shelters have noted that some women with questionable immigration status have been avoiding domestic abuse hotlines and

shelters for fear of deportation.

In other parts of the country, bills similar to SB 1070 were introduced in Michigan, Minnesota, Pennsylvania, Rhode Island and South Carolina. Politicians in nearly 20 states were proposing to introduce similar legislation during their 2011 legislative calendars. By the end of 2010, none of the bills had gone to final vote.

In the end, the ethnic make-up of a state may have a role to play in whatever decisions are taken regarding the issue of illegal immigration. For example, according to MSNBC News, states along the Mexican border – California, New Mexico and Texas – that have large and influential Hispanic communities and cultural ties to Mexico have shown little interest in following Arizona’s lead, indicating that they do not see illegal immigration to be such a serious problem. ■