



**The 3rd International Indigenous Women’s Symposium
on Environment and Reproductive Health
Focus: Advancing research and assessing impacts of Environmental Violence
on Indigenous Women and Girls
Columbia University, 14-15 April 2018**

Organized and sponsored by the International Indigenous Women’s Forum (FIMI), the International Indian Treaty Council (IITC), the Institute for the Study of Human Rights (Indigenous Peoples’ Rights Program) at Columbia University and el Fondo para el Desarrollo de los Pueblos Indígenas del América Latina y el Caribe (FILAC)

Co-sponsored by: MADRE; Alaska Community Action on Toxics; Tribal Link; and Columbia University’s Center for Gender and Sexuality Law, Native American Law Students Association, If/When/How: Lawyering for Reproductive Justice, Law School, Center for the Study of Social Difference and Center for the Study of Ethnicity and Race.

CONCEPT NOTE

February 6, 2018

I. Environmental Violence

During the Expert Group Meeting (EGM) of the UN Permanent Forum on Indigenous Issues (UNPFII) in January 2012 on “Combating Violence Against Indigenous Women and Girls,” the International Indian Treaty Council (IITC), in conjunction with the Native Village of Savoonga in Alaska, presented a paper titled “Indigenous Women and Environmental Violence: A rights-Based Approach Addressing Impacts of Environmental Contamination on Indigenous Women, Girls and Future Generations”.¹ This was the first time that the term “environmental violence” was presented at a UN forum to describe a pervasive form of human rights violation caused by the deliberate exposure by states and corporations of Indigenous women and girls to environmental contaminants that are well-known and well-documented to cause illnesses,

¹ This paper can be downloaded in its entirety from the UNPFII website under documents submitted for the Expert Group Meeting via http://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

reproductive system impairments and cancer, disabilities, birth defects, untold suffering and many deaths.

Environmental Violence was identified and defined in the “Declaration for Health, Life and Defense of our Lands, Rights and Future Generations” adopted by consensus by 52 Indigenous women and girls ages 14 to 92 from five regions at the 2nd International Indigenous Women’s Symposium on Environmental and Reproductive Health held on April 2012 in Chickaloon Village, Alaska:

“Environmental contaminants causing disease, birth defects and death are deliberately released into the environment because they are toxic to living things (i.e. pesticides), or as a result of industrial or military processes that are judged by States and corporations to pose an “acceptable risk” and “allowable harm.” States and corporations deny “provable” impacts despite the clear evidence that they cause a range of serious health and reproductive impacts which disproportionately affect Indigenous women and children. This constitutes “environmental violence” by States and corporations and must be identified as such by Indigenous Peoples and human rights bodies.”

This concept was formally recognized in the report of the 2012 UNPFII EGM to the UNPFII 12th session². It was also included in the Lima Declaration from the International Conference of Indigenous Women in October 2013, which called for “zero tolerance” for any form of violence against Indigenous women and girls, including environmental violence.

II. The Human Rights Framework

International standards affirming the rights of Indigenous Peoples provide the framework for addressing human rights violations caused by the deliberate exposure by States and corporations to toxic contaminants including pesticides, which are known to have devastating impacts on reproductive, maternal and inter-generational health. The relevant human rights framework begins with the Universal Declaration on Human Rights which affirms in Article 25 (1) that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food...” Other relevant international standards include:

- a) Convention on the Rights of the Child, Article 24 , which calls upon States Parties to “recognize the right of the child to the enjoyment of the highest attainable standard of health” and to “pursue full implementation of this right and, in particular, shall take appropriate measures...(c) To combat disease and malnutrition, ...through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;”

² Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples, Report of the international expert group meeting, E/C.19/2012/6, 28 February, 2012.

b) United Nations Declaration on the Rights of Indigenous Peoples, which includes provisions affirming rights to health, subsistence, culture, productive capacity of the environment, rights of Indigenous women and children to be protected from all forms of violence, and the right to free, prior and informed consent regarding dumping and disposing of hazardous materials. Articles of primary relevance include:

Article 22, paragraph 2: *“States shall take measures, in conjunction with indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”*

Article 24, paragraph 2: *“Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.”*

Article 29, paragraph 2: *“States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent.”*

III. Case Studies Developed Through Collaborative Community-Based Research

Indigenous women and other local community members have been instrumental in documenting the impacts of environmental toxics “on the ground” in their communities. In at least two important cases, Indigenous community based researchers have collaborated with or expanded upon scientific studies confirming the devastating impacts of toxic chemicals on reproductive and inter-generational health.

For example, in 1997 a first-time study was conducted in Yaqui Indian communities in Sonora, Mexico by University of Arizona scientist Dr. Elizabeth Guillette to document specific impacts of pesticides on children’s development. Dr. Guillette’s ground-breaking study detected high levels of multiple pesticides in the cord blood of newborns and mothers’ milk, and found severe learning and developmental disabilities in Yaqui children living in high pesticide use areas, compared to children living in areas with little or no exposure. Her follow-up study in 2005 documented abnormal breast development, including pre-cancerous conditions, in pre-teen girls who had been exposed in-utero to high levels of agricultural pesticides.

To build upon these studies and document additional impacts on the ground, since 2006 Yaqui community members have collected over 80 community testimonies for submission to UN human rights bodies, working in conjunction with the International Indian Treaty Council (IITC) and its affiliate in Rio Yaqui Jittoa Bat Natkia Weria . These community testimonies document deaths, miscarriages, still births, severe illnesses including reproductive system cancers and permanent disabilities caused by exposure to highly toxic pesticides. They include more than 30 deaths directly linked to pesticides exposure. Many of these testimonies were submitted by mothers, traditional health practitioners and community midwives documenting newborn babies born with severe birth defects, cancers or other deadly illnesses due to prenatal exposure.

Additional research has confirmed that many pesticides used and applied in Mexico and other developing countries are exported from the United States and other developed countries which have banned them for use in their own countries due to their proven negative health impacts, a practice that is permitted by both national and international law. Indigenous women, families and community members who are exposed as agricultural workers or as result of indiscriminate aerial applications are not informed of the status of these chemicals nor of the known impacts of exposure on maternal or inter-generational health, in violation of their right to Free, Prior and Informed Consent (FPIC).

In another well documented case, Alaska Community Action on Toxics has collaborated over several years with two Yupik Indigenous villages, Gambell and Savoonga, on St. Lawrence Island (SLI) Alaska, in the Arctic Circle. They conducted community-based participatory research addressing multiple exposure routes and health disparities associated with military contamination and long-range transport of Persistent Organic Pollutants (POPs) into the Arctic. Scientific studies carried out in collaboration with these Indigenous communities found elevated polychlorinated biphenyl (PCB) levels in SLI residents, especially among those who conducted subsistence activities at the formerly used military defense (FUD) site. Community health researchers on the island have also documented health outcomes of concern including cancers, thyroid disease, learning and developmental problems, diabetes, heart disease, and reproductive health problems.

The causes, effects and proposed solutions to these well documented examples of environmental violence have begun to be noted by UN Human Rights bodies, including in recommendations of UN Treaty Bodies. For example, as a result of information submitted by IITC which included testimonies collected in a number of impacted Indigenous communities, in its 2007 and 2012 reviews of Canada and its 2008 and 2014 reviews of the United States, the Committee on the Elimination of Racial Discrimination recommended that these States Parties take measures to prevent human rights violations against Indigenous Peoples in other countries which occur as a result of activities by corporations licensed by the States Parties. In addition, for the country review of Mexico by the 69th session of the UN Committee on the Rights of the Child (CRC) in May 2015, IITC's submission included 30 testimonies confirming birth defects, cancers and other severe impacts on maternal and children's health in Rio Yaqui caused by the indiscriminate application of highly toxic pesticides, including many that are banned for use in the US but are exported from that country to Mexico. The CRC's Concluding Observations³ recognized for the first time the term "Environmental Health" as a right protected by the Convention and presented strong recommendations including calling on Mexico to halt the import and use of pesticides that have been banned by the exporting country.

IV. Goals, objectives and projected outcomes of the Symposium

The broader **goals of the symposium are** 1) to contribute to awareness about the multi-dimensional aspects and impacts of violence against Indigenous women and girls including

³ CRC/C/MEX/CO/4-5 Committee on the Rights of the Child, "Concluding observations on the combined fourth and fifth periodic reports of Mexico."

environmental violence; 2) build and strengthen networks and alliances for research and advocacy between Indigenous women from various regions and the scientific and academic communities; 3) and to build awareness among diverse constituencies, including the broader movements addressing violence against Indigenous women and girls, about the impacts of environmental violence resulting from i) extractive industries, including mining wastes and sexual violence tied to mining activities; ii) pesticides, including the international import and export of banned pesticides; and iii) mercury contamination tied to gold mining, coal burning, and medical/dental exposure.

The objectives **of the Symposium** are a) to share and assess the state of research and case studies on reproductive health and environmental violence and identify need for further key studies and research; b) to systematize, share and strengthen findings in this field; c) to share experiences of using international mechanisms addressing human rights, environment and sustainable development to seek solutions to the problem; d) to identify gaps and points of further action for various actors, including Indigenous organizations, states, the private sector, intergovernmental bodies, academia, scientists and others; d) to advance the global attention on the problem of environmental violence, and e) contribute to awareness, advocacy and policy change on this issue on the local, national, regional and international levels. The papers presented at the symposium, the outcomes and recommendations, and other relevant materials will be published in collaboration with Columbia University.

In preparation for the Symposium a) the organizers will collect and request updates on existing studies and research, including participatory community-based research and studies in Rio Yaqui Sonora Mexico and St. Lawrence Island, Alaska; b) promote more participatory community studies. In that regard, at least two more studies will be carried out before the Symposium, namely: i) a study will be conducted regarding the impact of mercury contamination on reproductive health in relation to “artisanal gold mining” in the autonomous region of Nicaragua in connection with interests of Barrick Gold and other multi-national gold mining companies; ii) a study conducted in Guatemala regarding impacts of mining on Indigenous women and/ or in Kenya Africa regarding impacts of mercury contamination, also resulting from mining. Additional inputs will be sought from Indigenous women in Asia, North America and the Pacific regions including reproductive health impacts of military activities, waste dumping and weapons manufacturing and testing.

Invitees to the Symposium will include Indigenous women from organizations and communities that have conducted participatory community-based research on environmental violence and its impacts on Indigenous women, girls and children; scientists and academics familiar with the topic including those that have collaborated with Indigenous communities to carry out studies including medical doctors and biologists; relevant United Nations intergovernmental organizations (including PAHO, UNFPA, UNICEF, UN-WOMEN, FAO, UNPFII, EMRIP and IFAD) and others. Participation will not be limited to Indigenous women only, however the participation by and input of Indigenous women will be prioritized.

The format will include multi-regional panels on key issues, presentations of 4-5 case studies, participatory discussion and small group breakout sessions. Approximately 60 participants are expected to attend. Travel and lodging costs for many participants will be mitigated by holding the symposium the weekend before the UNPFII 17th session, which will meet from April 16th – 27th, 2018.

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