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**Statement by Ms. Erin Konsmo on behalf of The Native Youth Sexual Health Network,
May 10th 2012**

Eleventh Session of the UN Permanent Forum on Indigenous Issues, 7-18 May 2012

**Agenda Item 3: Report on the Expert Group Meeting: Combating Violence against
Indigenous women and girls, article 22 of the United Nations *Declaration on the Rights of
Indigenous Peoples***

I am here on behalf of The Native Youth Sexual Health Network, an organization that works across the United States and Canada on all issues of sexual and reproductive health, rights, and justice by and for Indigenous youth.

We would like to congratulate Grand Chief Ed John on his appointment as Chair to the Permanent Forum on Indigenous Issues and look forward to working with you for the advancement of the rights of Indigenous youth and women. We thank you and all the Permanent Forum members as well as our allies, brothers, and sisters in this room for the support you have shown towards us and other Indigenous youth for our participation during this 11th session.

The Native Youth Sexual Health Network affirms the importance of taking a culturally safe, rights-based approach of sexual and reproductive health as an integral part of ending violence against Indigenous women and girls. We reclaim healthy sexuality as a central part of ending sexual violence, as well as all other forms of violence. As taught by Mohawk midwife Katsi Cook; "*Woman Is the First Environment*".

We wish to remind those present that the ongoing, widespread shaming and blaming of sexuality today is directly linked to the underlying philosophy and legal framework of the Doctrine of Discovery, which in turn creates the structural conditions that lead to violence against Indigenous women and girls. Instead, we call for the reclamation of Indigenous understandings of gender and sexuality fluidity. Such understandings are rooted in self-determination and cultural practices; including coming of age ceremonies and rites of passage, which affirm the traditional knowledge of Indigenous peoples over our own bodies and related control of our own

reproductive health.

In accordance with article 7 of the UN *Declaration on the Rights of Indigenous Peoples* and as recommended by the Report of the Expert Group Meeting on combating Violence against Indigenous Women and Girls, we call for greater investigation of the links between increasing rates of suicide and inadequate supports given to young women facing situations of violence. Supporting self-determination in experiences of violence means empowering women to make their own decisions. We also recommend particular focus be given to the high rates of suicide among young Two-Spirit and transgendered women as forms of violence that are currently being overlooked. The self-determined gender expression of Indigenous Peoples, for example, the freedom to identify as Two-Spirit, is something to be celebrated - not criminalized.

Incarceration of Indigenous women in the prison system is a particular threat to the foundation of reproductive health and justice for Indigenous women and girls. The incarceration of our bodies is the incarceration of our reproductive health, such as the unacceptable practice of shackling women who are incarcerated during pregnancy, labor and birth. Such control sets the stage for the further violations of the rights of Indigenous women.

The increasing rates of incarceration require immediate action as they are a continued form of institutional and structural violence from the state. We agree with the findings of the EGM report that highlight the need for increased support of Indigenous systems of justice. However we are concerned with the over policing and under protection of Indigenous peoples when state police systems and criminal justice are involved, and often directly responsible for violence.

Therefore, we support the submission to the Committee on All Forms of Discrimination Against Women (CEDAW) from Indigenous women from the Vancouver Downtown Eastside Women's Centre and the Native Women's Association of Canada which highlights the over 800 missing and murdered Indigenous women across Canada and calls for a UN inquiry under CEDAW's optional protocol into these cases, which have gone under- or un-investigated for far too long. Furthermore, we denounce the provincial Missing Women's Inquiry in British Columbia which denied the full, equal, and effective participation of Indigenous women who experience violence while allowing authorities responsible for the lack of due process to be overrepresented.

Similarly we support the *Violence Against Women Re-Authorization Act (VAWA)* currently before Congress in the United States, and that it be passed with the full inclusion of tribal provisions, which calls for the self-determination of Indigenous communities over the decisions of justice on violence that happens on tribal lands. In this regard, we support the attached joint submission to the Special Rapporteur on the Rights of Indigenous Peoples, Prof. James Anaya, entitled, "*Self-Determination and Self-Government: Using the UN Declaration to End Violence Against Native Women*" by the Indian Law Resource Center, the National Congress of American

Indians Task Force on Violence Against Women, the National Indigenous Women's Resources Centre, Inc. and Clan Star, Inc. The enactment of tribal provisions in VAWA is sound practice that supports self-determination through restoring of Tribal jurisdiction including over non-Indigenous peoples and the rights of Indigenous women through implementation of the UN *Declaration*.

We also call for recognition of the need for a broader definition of the expansion of what is considered 'violence' pertaining to Indigenous peoples.

For example, a central driving force of the HIV epidemic for Indigenous women includes new forms of colonial manifestations of violence. As identified in paragraph 25 of the Expert Group Meeting, there is a need to address disproportionately higher rates of HIV/AIDS and other sexually transmitted infections in women and girls. In fact, there is minimal culturally specific HIV/AIDS support and resources for Indigenous women and youth that supports a harm reduction approach. There is still a need to reduce stigma and fear; while the global epidemic of HIV/AIDS rates are decreasing, these rates are increasing for Indigenous peoples, specifically Indigenous women.

As read by our Yaqui sister Andrea Carmen and submitted by the International Indian Treaty Council, we affirm the 2nd report and declaration of "Our Health, Life and Defense of Our Lands, Rights and Future Generations" from the 2nd Indigenous Women's Reproductive and Environmental Health gathering in Alaska in April 2012 in which we were also a participating organization. This report includes particular concerns around environmental violence and how it relates to increased sexual violence and the overall assault to our Mother Earth through resource extractive industries.

One particular aspect of environmental violence that affects the overall health and well-being of Indigenous women and future generations is inadequate access and culturally unsafe reproductive health services and resources for Indigenous women. Due to the lack of appropriate options, conditions are created for increased experiences of violence within the industrialized medical system. This can include a lack of access to traditional and ceremonial services such as traditional midwifery.

In closing, we recommend that the Permanent Forum work with other UN bodies and mechanisms that work on sexual and reproductive rights and health to apply this set of rights specifically to Indigenous peoples, with particular attention to young Indigenous women and girls. We call upon UN agencies, states and Indigenous peoples to advance the sexual and reproductive health, rights, and justice of Indigenous peoples – this is not an issue that is the sole responsibility of Indigenous women and girls. If woman is indeed the first environment, then this is everyone's responsibility.