

## **Environmental Violence: Impacts on Indigenous Women and Girls**

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### **I. Environmental Violence**

During the Expert Group Meeting (EGM) of the UN Permanent Forum on Indigenous Issues (UNPFII) in January 2012 on “Combatting Violence Against Indigenous Women and Girls,” the International Indian Treaty Council, in conjunction with the Native Village of Savoonga in Alaska, presented a paper entitled “Indigenous Women and Environmental Violence: A Rights-Based Approach Addressing Impacts of Environmental Contamination on Indigenous Women, Girls and Future Generations.”<sup>1</sup> 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 women and girls to environmental contaminants that are well-known and well-documented to cause illnesses, reproductive system cancers, disabilities, birth defects, untold suffering and death.

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 2<sup>nd</sup> International Indigenous Women’s Symposium on Environmental and Reproductive Health held in 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*

1. This paper can be downloaded in its entirety from the UNPFII website under “Documents Submitted for the Expert Group Meeting” at: [http://www.un.org/esa/socdev/unpfii/documents/EGM12\\_carmen\\_waghiyi.pdf](http://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf)

*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 by a UN body in the report of the 2012 UNPFII EGM to the UNPFII 12<sup>th</sup> session.<sup>2</sup> 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**

The human rights framework affirming the rights of Indigenous Peoples, including Indigenous women and children, provides the context 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 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*

2. E/C.19/2012/6, “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,” (February 28, 2012).

*into consideration the dangers and risks of environmental pollution”;*

- 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. Documented Impacts**

In Rio Yaqui, Sonora, Mexico, Yaqui children are still sick and dying. Their families are poor and do not have funds to buy medicines, pay for transplants or operations, or in many cases, even purchase wheelchairs for disabled children. Young women, even teenage girls, already have signs of breast cancer. Collective reproductive capacity is undermined and families continue to be devastated while chemical

companies rake in profits with impunity and both the importing states (such as Mexico) and the exporting states (such as the United States) turn a blind eye. Since 2001, the International Indian Treaty Council (IITC) has submitted cases of death and untold suffering to the UN Rapporteurs on Toxics, Rights of Indigenous Peoples, Right to Health and Right to Food, to various sessions and two Expert Group Meetings of the UN Permanent Forum on Indigenous Issues; to the UN Working Group on Human Rights, Transnational Corporations and other Business Enterprises; to the UN Stockholm Convention Conference of the Parties; to the Committee on the Elimination of Racial Discrimination in its Periodic Reviews of the United States in 2008 and 2014; to the UN Commission on Human Rights; and to the Human Rights Council. In 2015, the IITC submitted 39 testimonies documenting direct impacts on children's and maternal health. More than 25 cases of death attributed to pesticides are among these submissions.

The studies of Dr. Elizabeth Guillette of the University of Arizona and University of Florida and her colleagues, conducted in Rio Yaqui, document reproductive and intergenerational health effects including links between prenatal exposure to pesticides and developmental defects in young children.<sup>3</sup> She documented a range of such impacts on young children whose mothers had worked as farm workers. Pregnant women are also exposed to pesticides carried home by their farmworker husbands and fathers, via storage of toxic pesticides near homes, and via aerial spraying affecting entire neighborhoods and communities. Dr. Guillette also documented abnormal breast development including pre-cancerous conditions in pre-teen and teenage girls whose mothers were exposed to toxic pesticides, including pre-cancerous cells and failure to develop glandular tissue essential for breast feeding, further confirming multi-generational reproductive health impacts.

3. Elizabeth Guillette et al., "An Anthropological Approach to the Evaluation of Children Exposed to Pesticides in Mexico," *Environmental Health Perspectives* 106, no. 6 (June 1998): 347–353; and Elizabeth Guillette et al., "Altered Breast Development in Young Girls from an Agricultural Environment," *Environmental Health Perspectives* 114, no. 3 (March 2006): 471–475.

Many of the pesticides still being used in Rio Yaqui have been banned for use in their exporting countries because of their known deadly health impacts including those on reproductive and sexual health. Well-documented impacts of these banned pesticides include high pesticide levels in breast milk and cord blood, infant mortality, severe birth defects, infant and childhood cancers such as leukemia, arrested physical, mental and reproductive development including atrophies of the uterus in newborn girls, developmental impacts in children, malformation of sexual organs in infants of both sexes, premature and late menses, sterility in both sexes, early menopause and endometriosis.<sup>4</sup>

Over 80 community testimonies collected to date by IITC and its affiliate Jittoa Bat Natkia Weria from 2006–2016 in Indigenous agricultural communities in Rio Yaqui, Sonora, Mexico, document deaths, miscarriages, still births, severe illnesses and disabilities caused by the production, use and export of highly toxic pesticides including at least 25 deaths. 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.

4. United Nations Committee on the Rights of the Child, 69<sup>th</sup> Session (May 18–June 5, 2015), “Consideration of the Fourth and Fifth Periodic Reports of Mexico under Article 44 of the United Nations Convention on the Rights of the Child.” Co-submitted by the International Indian Treaty Council/Consejo Internacional de Tratados Indios (Non-Governmental Organization in General Consultative Status to the United Nations Economic and Social Council), and the Affiliates of IITC in Mexico (April 15, 2015), [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MEX/INT\\_CRC\\_NGO\\_MEX\\_20330\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MEX/INT_CRC_NGO_MEX_20330_E.pdf); and S. Byrne et al., “Persistent organochlorine pesticide exposure related to a formerly used defense site on St. Lawrence Island, Alaska: Data from sentinel fish and human sera,” *Toxicology and Environmental Health* 78 (2015): 976–992; and S.D. Mitro et al., “Cumulative chemical exposures during pregnancy and early development,” *Current Environmental Health* 2, no. 4 (2015): 367–378; and R.H. Weldon et al., “A pilot study of pesticides and PCBs in breast milk of women residing in urban and agricultural communities of California,” *Environmental Monitor* 13, no. 11 (2011): 3136–3144; and S. Reuben, “Presidents Cancer Panel Report: Reducing Environmental Cancer Risk,” National Institutes of Health (2010); and A. Gore et al., “The Endocrine Society’s Second Scientific Statement on Endocrine-Disrupting Chemicals,” *Endocr Rev* 36, no. 6 (2015): E1–E150; and EC Marquez and K Schafer, “Kids on the Line: How Pesticides Are Undermining the Health of Rural Children.” (Oakland, California: Pesticide Action Network North America, 2016).

A tragic case is that of Cristian Molina, born with multiple birth defects after his mother was exposed to toxic pesticides working without protection while a 17-year old pregnant field worker. Cristian was never able to walk and his growth was permanently stunted. He passed away as a result of his birth defects at age thirteen on March 15, 2008. His was the first but far from the last case of severe and eventually fatal birth defects presented by the IITC to the UN Special Rapporteur on Toxics and other human rights Rapporteurs and bodies since that time.

Another very difficult death to report was the passing on April 11, 2013, of two-year old Juan Antonio Rodriguez Coronado, born with cirrhosis of the liver. His medical report diagnosed him as being born with cirrhosis of the liver. His family home in Vicam, Rio Yaqui, is on the flight path of airplanes spraying agricultural pesticides overhead, including in the residential areas where he lived.

Examples of other cases presented in testimonies collected in Rio Yaqui by community members and submitted by IITC to UN bodies including the UN Committee on the Rights of the Child include:

- a) Mrs. Flor Reyna, the mother of a young woman who was born with deformities. Currently the young woman is 30 years old and is 1.20 meters [3'11"] tall. She says that when her daughter was born, the child's body was "watery and jelly-like." The girl, due to her scant growth, is unable to move her legs; she can only move her arms. Her vital organs are atrophied. Studies conducted on her reveal that the girl developed deformities while in her mother's womb. The midwife who delivered her, Sra. Jesús, made the following comments: "These deformities are the product of tumors produced by chemicals when young women are exposed to their application while working in the field without personal safety measures or other similar protection" (testimony collected by IITC and Jittoa Bat Natika Weria in December 2011).
- b) In September 2013, testimony was provided to IITC by Mr. Hermenejildo, a community traditional healer who visited

Sra. Francisca Gotopicio in the community of Huamuchil, Cocorit, Rio Yaqui. She is the mother of a baby girl born with birth defects who lived merely four hours. Mr. Hermenejildo reported that the baby's body was completely amorphous, gelatinous, the body slightly elongated and the upper and lower extremities slightly short. He also tells us that the family members of the baby girl have jobs related to pesticides.

#### **IV. State and International Responsibility**

The United States is the largest exporter of pesticides that it does not permit to be used within its own borders. Other countries, including Germany and Switzerland, also carry out this practice. It should be taken into consideration that the first UN Rapporteur on Human Rights and the Illicit Movement of Toxics Wastes, Madame Ouhachi-*Vesely*, called this practice by the US "immoral" during her country visit to the U.S. in 2001. However the practice continues and is, in fact, legal under both national law and the UN Rotterdam Convention.

In particular, the UN *Rotterdam Convention* on the *Prior Informed Consent* Procedure for Certain Hazardous Chemicals and Pesticides in International Trade permits this practice as long as the exporting country informs the importing country of the chemicals' non-registered or restricted legal status. However, Indigenous Peoples in Mexico, Guatemala, Nicaragua, and Ecuador as well as other regions where these chemicals are used are not asked for their consent, nor are they informed of the dangers or provided with any safety precautions for their use. In Rio Yaqui, men and women field workers are not even provided with basic respirators, gloves or water to wash their hands before they eat their lunch in the fields. Aerial spraying takes place over schools, communities and homes.

Scientific studies further contribute to the growing body of evidence documenting the long-term and accumulative impacts of this practice on reproductive health, which are well known to the exporting country, including inter-generational impacts.

For example, the U.S. Department on Health and Human Services Presidential Panel on Cancer reported in 2009 that girls who were

exposed to DDT before they reach puberty are five times more likely to develop breast cancer in middle age. When parents are exposed to pesticides before a child is conceived, that child's risk of cancer goes up. Pesticide exposures during pregnancy and throughout childhood also increase the risk of childhood cancer.<sup>5</sup>

For example, in November 2013, a new study released by the United States National Institute of Environmental Health Sciences found that the presence of two bio-accumulative organochlorine pesticides—mirex and beta-Hexachlorocyclohexane (beta-HCH)—in women's blood serum is associated with an increased risk of endometriosis, a gynecological disorder which often leads to severe pain and infertility. The study found that women with high levels of mirex have a 50% increased risk of developing endometriosis, and women with high levels of beta-HCH have a 30%–70% increased risk.<sup>6</sup>

The two pesticides linked by the study to endometriosis have both been banned for use in the United States. Mirex, a bioaccumulative insecticide, was banned in the U.S. in 1978. However, both continue to be exported by the United States under a federal law that states, "Pesticides that are not approved—or registered—for use in the U.S. may be manufactured in the U.S. and exported."

Such scientific studies and reports carried out in the U.S. and by the U.S. government itself, confirm that the persistent reproductive health impacts of toxic pesticides that have been banned for use in this country are well known and well documented. Nevertheless, with callous disregard for reproductive health in many Indigenous communities, the U.S. continues to allow the manufacture and export of such pesticides for the financial profit of chemical companies and agri-business. The impacts are also well known and well documented and demonstrate how this practice is killing Indigenous babies and undermining the reproductive capacity of Indigenous women in many

5. "President's Cancer Panel. Reducing Environmental Risk: What We Can Do Now," U.S. Department of Health and Human Services, (2009), [http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP\\_Report\\_08-09\\_508.pdf](http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf)
6. "Two Pesticides Tied to Higher Risk of Gynecological Disorder." *Health Day News* (November 2013), <http://consumer.healthday.com/women-s-health-information-34/endometriosis-news-232/briefs-emb-11-5-00-15-et-endometriosis-pesticides-ehp-fhrc-release-batch-995-681617.html>

communities. The deliberate nature of this practice and the extreme levels of harm it causes has led to it being called both Environmental Violence and Environmental Racism carried out by the exporting as well as the importing countries.

According to data obtained from U.S. Government Custom Service Records, “Pesticide Exports from U.S. Ports, 2001–2003” states that “analysis of U.S. Custom Service records for 2001–2003 indicates that nearly 1.7 billion pounds of pesticide products were exported from U.S. ports, a rate >32 tons/hour... including >27 million pounds of pesticides whose use is forbidden in the United States.”<sup>7</sup>

It has been an almost insurmountable challenge to obtain more up-to-date and comprehensive information on both production and export from U.S. government sources. Soon after the 2012 EGM, IITC decided to submit a Freedom of Information Act (FOIA) request seeking information from several U.S. government agencies in collaboration with Advocates for Environmental Human Rights.

In response to this legally mandated process, the U.S. Environmental Protection Agency in August 2012 provided us with a list of 32 pesticides and polymers (chemical components) considered to be extremely hazardous, including at least 10 that are listed as “un-registered” (or not permitted for use) in the U.S. and/or internationally. In 2010, the last year for which data was provided, they were being produced for export only in the United States by 24 companies, including multi-national giants such as Monsanto and Bayer Crop Science, at 28 different facilities in 23 U.S. states. IITC is currently working to obtain more current data as well as the specific destinations of these deadly exports. As stated above, obtaining this information from the United States government has been challenging to nearly impossible.

## V. Other Forms of Environmental Violence

Another example of the export of human rights violations constituting environmental violence is sexual violence, abuse, and trafficking associated with the presence of extractive industries, in

7. C. Smith et al., “Pesticide exports from U.S. ports, 2001–2003.” *International Journal of Occupational and Environmental Health* 14, no. 3 (2008): 167–177.

particular mining and oil corporations, in Indigenous communities around the world. In 2014, the Council on Hemispheric Affairs reported that Canadian mining companies accounted for 50%–70% of mining in Latin America, in many cases through subsidiary companies.<sup>8</sup> On April 2, 2016, *The New York Times* reported that eleven Mayan Q'eqchi' women from Lote Ocho, Guatemala, filed a case in Canadian court charging the Toronto-based mining company Hudbay Mineral with negligence for a 2007 gang rape committed during a forced eviction in which its local subsidiary's security guards took part.

The acceptance of this case in Canadian court marked an advance in terms of access to remedy for Indigenous women victimized by the actions of Canadian-owned mining interests, although anecdotal evidence suggests this type of violence is both widespread and under-reported. For example, on April 4, 2015, *The Sydney Morning Herald* reported that eleven women and girls who were raped, gang-raped or violently molested in the Papua New Guinea Highlands have reached an out-of-court settlement with the Canadian mining company Barrick Gold, having refused to accept the "insulting" compensation paid to 120 fellow victims. The Porgera community says security guards and mobile police at the mine have raped more than 200 women and girls over the past two decades.

In addition, growing concern is being expressed, including at United Nations bodies such as the UN Permanent Forum on Indigenous Issues in its thematic dialogue in 2016 on "Conflict, Peace and Resolution," regarding the targeting of Indigenous human rights defenders around the world. Many Indigenous community members being targeted for criminalization and violence are organizing in opposition to imposed development causing a range of human rights violations being carried out on Indigenous lands without their free, prior and informed consent.

During this discussion at the UNPFII, the IITC presented a statement focused on the increasing number of reports of death threats, intimidation, criminalization, imprisonment and outright killings of Indigenous human rights defenders in many states around the world.

8. Mercedes Garcia, "Canadian Mining: Still Controversial in Central America, The Case of Honduras," *The Council on Hemispheric Affairs* (May 2016), <http://www.coha.org/canadian-mining-still-controversial-in-central-america-the-case-of-honduras/>

IITC stated that “the repression carried out in response to legitimate human rights activism of Indigenous Peoples opposing, in particular, resource extraction and imposed development carried out on their lands without their free, prior and informed consent, only contributes to and perpetuates these conflicts.”<sup>9</sup> IITC also highlighted the many reports of sexual violence, including gang rapes carried out on a regular basis against Indigenous women and girls, in the context of such conflicts.

IITC shares the profound concern, sadness and outrage expressed by many Indigenous Peoples, the UN Special Rapporteur on the Rights of Indigenous Peoples and members of the UNPFII during the UNPFII sessions regarding the Indigenous human rights activists who have been recent targets of assassinations in areas of conflict. This notably included the killing of Berta Cáceres and other member of her organization, COPINH, in Honduras in 2016 in response to their opposition to the construction of the Agua Zara hydroelectric dam. IITC noted in the session that this assassination was carried out even after the Inter-American Commission on Human Rights and the UN Special Rapporteur on the Rights of Indigenous Peoples called attention to the death threats against Berta and other members of her organization, and called upon Honduras to ensure her safety along with others under similar threats in that country.

Citing this and many other cases that were presented at the 2016 session of the UNPFII, IITC joined with others in calling for ramped up action and attention to the situation of Indigenous human rights and environmental defenders around the world, including at the 2017 session of the UNPFII.

## **VI. Signs of Progress in the International Arena**

The causes, effects and proposed solutions to environmental violence described in this paper have begun to be noted by UN fora, including in groundbreaking recommendations of UN Treaty Bodies.

9. Statement by the International Indian Treaty Council, presented by Andrea Carmen, at the United Nations Permanent Forum on Indigenous Issues 15<sup>th</sup> session (May 17, 2016), [http://cdn6.iitc.org/wp-content/uploads/UNPFII-2016-Item-5-Interactive-Dialogue-Indigenous-Peoples-Conflict-Peace-and-Resolution.-May-17-2016\\_web.pdf](http://cdn6.iitc.org/wp-content/uploads/UNPFII-2016-Item-5-Interactive-Dialogue-Indigenous-Peoples-Conflict-Peace-and-Resolution.-May-17-2016_web.pdf)

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. For example, in February 2008, CERD called upon the US to take appropriate legislative and administrative measures to prevent transnational companies it registers “from negatively impacting on the enjoyment of rights of indigenous peoples in territories outside the United States.”<sup>10</sup>

These recommendations regarding state responsibility for corporate violations were made by the CERD as a result of information presented by IITC regarding the activities of Canadian mining companies in the United States, Mexico and Guatemala, as well as the impacts in Rio Yaqui of the U.S. export to Mexico of banned pesticides by U.S. corporations such as Monsanto.

In addition, the disconnect between the UN Chemical Conventions, in particular the Rotterdam Convention which permits countries to import and export banned pesticides, and international human rights standards, has been presented at several UN bodies. The need for action to address this was included in the UNPFII’s report of its 13<sup>th</sup> session (May 2014):

*16. Considering their impact on the sexual health and reproductive rights of indigenous peoples, the Permanent Forum calls...for a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities.*

Finally, as a result of the submission by IITC in conjunction with Yaqui communities and a number of Indigenous organizations in Mexico to the 2015 review of Mexico by the UN Committee on the Rights of the Child, the CRC recognized “environmental health” as

10. CERD/C/USA/CO/6, para. 30.

a right protected under Article 24 of the Convention on the Rights of the Child. In addition, the CRC recommended that Mexico, as an importer of pesticides that have been banned for use in the U.S. and other countries:

*(a) Assess the impact of air, water, soil and electromagnetic pollution on children and maternal health as a basis to design a well-resourced strategy at federal, state and local levels, in consultation with all communities and especially indigenous peoples, to remedy the situation and drastically decrease the exposure to pollutants;*

*(b) Prohibit the import and use of any pesticides or chemicals that have been banned or restricted for use in exporting countries;*

*(c) Further examine and adapt its legislative framework to ensure the legal accountability of business enterprises involved in activities having a negative impact on the environment, in the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.*

These and other signs of progress to hold states and corporations accountable for the causes of environmental violence, as well as continued activities and advocacy by impacted Indigenous Peoples, provide increased access to remedies for victims and create a basis for greater understanding and recognition of these under-recognized and under-reported human rights violations.