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Indigenous Peoples
Law & Policy

Indigenous Rights & Protected Areas

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**Parallel Report for the Review of the Republic of Congo by the UN Convention on the
Elimination of All Forms of Discrimination Against Women**

**The Rights of Indigenous Women and Girls Impacted by Protected Areas and
Conservation Measures**

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I. Reporting Organization

1. This alternative report is submitted to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) by the University of Arizona Indigenous Peoples Law and Policy (IPLP) Program.¹
2. On 29 July 2016 and 19 July 2022, the Special Rapporteur on the Rights of Indigenous Peoples submitted two thematic reports to the General Assembly on the issue of conservation and protected areas.² To follow up on the implementation of the recommendations by the special procedures mandate, IPLP launched the Initiative on Indigenous Peoples Affected by Protected Areas and Other Conservation Measures. As part of this initiative, IPLP conducted a mapping exercise documenting human rights violations of Indigenous Peoples in 95 protected areas across over 40 countries, including the Republic of Congo. The Baka and other Indigenous Peoples are the most impacted by these protected areas in the Republic of Congo. This is because their physical and cultural survival depends entirely on their extensive understanding of the local environment and their engagement in forest activities.

II. Introduction

3. In 2022, CEDAW adopted **General Recommendation No. 39 (2022)** (GR 39) on the rights of Indigenous women and girls. This groundbreaking recommendation addresses the unique needs and vulnerabilities of Indigenous women and girls, interpreting the Convention in light of existing international human rights standards including the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** and the **International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169)**.
4. The GR 39 highlights the indivisibility of Indigenous women and girls' rights, recognizing that they derive not only from the articles of the Convention but also from international instruments that safeguard Indigenous Peoples' rights. It emphasizes the intersectionality of discrimination and the urgent need to address the structural inequalities faced by Indigenous women and girls globally.
5. The Republic of Congo, situated within the Congo Basin, contains the world's second-largest rainforest and largest carbon sink, making it of great importance to the global climate.³ It is home to large, protected areas, including the Conkouati-Douli, Nouabalé-Ndoki, Messok-Dja, and Odzala-Kokoua national parks. These parks, established to protect biodiversity and ecosystems found in the Congo Basin, are home to several Indigenous Peoples *inter alia* the

¹ <https://law.arizona.edu/academics/programs/indigenous-peoples-law-policy>

² A/71/229; <https://undocs.org/A/71/229>; A/77/238 <https://undocs.org/A/77/238>

³ World Bank. *Journey into the Congo Basin: The lungs of Africa and beating heart of the world*, 24 Oct 2022 <https://www.worldbank.org/en/news/feature/2022/10/24/journey-into-the-congo-basin-the-lungs-of-africa-and-beating-heart-of-the-world>

Baka hunter-gatherers, the Bayaka, the Bakwele, and the Banbongo.⁴

6. This report, submitted during the first review of the Republic of Congo since the adoption of GR 39, analyzes human rights violations experienced by Indigenous women and girls due to conservation initiatives, including the establishment and management of protected areas as well as energy projects. Despite the aim of conservation initiatives to protect biodiversity, the establishment of protected areas has disproportionately impacted Indigenous Peoples, leading to forced evictions, displacement, restrictions on traditional practices, and widespread violations of their rights. In particular, this report focuses on violations within the framework provided by GR 39, addressing the prevention of and protection from gender-based violence, the right to effective participation in political and public life, the right to culture, and the rights to land, territories and resources.

III. Summary of Key Findings

7. *Land Rights and Livelihoods:* Conservation policies, including the establishment of national parks such as Conkouati-Douli, Nouabalé-Ndoki, Messok-Dja, and Odzala-Kokoua, have been implemented without adequate consultation or the free, prior, and informed consent (FPIC) of impacted peoples. The creation of protected areas has displaced Indigenous Peoples, restricted their access to ancestral lands, and severely disrupted their livelihoods.

8. *Gender-Based Violence:* Indigenous women and girls face heightened vulnerability to gender-based violence, including beatings, sexual harassment, and rape, often at the hands of eco-guards employed to enforce conservation policies. The violence is frequently carried out with impunity, exacerbating systemic inequalities.

9. *Food Security and Health:* Government restrictions on hunting and farming have led to malnutrition and economic hardship among Indigenous Peoples. Women, who are often responsible for securing food, face additional burdens as they struggle to adapt to new socio-economic realities.

10. *Cultural Erosion:* Forced displacement and restricted access to traditional lands have disrupted cultural practices and the transmission of Indigenous knowledge, threatening the survival of Indigenous Peoples' knowledge and semi-mobile lifestyles.

11. To address these pressing challenges, this report calls for immediate action by the Republic of Congo to uphold its international obligations. Key recommendations include recognizing Indigenous land rights, ensuring FPIC, addressing gender-based violence through robust accountability mechanisms, and promoting culturally appropriate policies that empower Indigenous women and girls as vital contributors to environmental and cultural resilience.

V. Rights to Land, Territories, and Natural Resources (arts. 13 and 14)

12. Measures aimed at developing sustainable models of conservation often exclude

⁴ Forest Peoples Programme, *Conversations about Conservation: The Voices of Indigenous Women*, April 2022, https://www.forestpeoples.org/sites/default/files/documents/220407_Conversations%20about%20conservation_v6%20FINAL.pdf

Indigenous perspectives, leading to significant cultural and economic disruptions for Indigenous women and girls. National Parks such as Conkouati-Douli, Odzala-Kokoua, and Nouabalé-Ndoki National Parks, and proposed parks like Messok-Dja, were created without recognizing Indigenous traditional lands and territories in the absence of consultation and without obtaining FPIC. In some cases, the creation of these parks has resulted in the displacement of Indigenous Peoples. For instance, the Nouabalé-Ndoki National Park was established on Bayaka traditional territory without their FPIC, and they are now denied access to the park.⁵ In the Messok-Dja park proposed by the World Wildlife Fund (WWF), the Baka have reported that they were not consulted about the park,⁶ nor did they provide their consent.⁷ Furthermore, a report assessment of the Forest Peoples Programme on FPIC in Messok-Dja indicates that there was “no evidence of explicit gender analysis or measures taken to promote effective participation by women” concerning consent.⁸

13. Indigenous women and girls are often excluded from the distribution of benefits generated by conservation-related economic activities. Revenues from tourism and other development projects in these parks have not been equitably shared, leaving Indigenous Peoples to bear the negative consequences of conservation policies that prioritize environmental goals over human rights. This inequitable distribution undermines their ability to protect their lands, culture, and overall well-being.⁹

14. Energy development projects, particularly those involving mining, oil and gas exploration, often intersect with conservation efforts, raising significant concerns about their impact on Indigenous Peoples. When projects proceed without good faith consultation and FPIC, they can lead to displacement, resource depletion, and environmental degradation. For example, the Conkouati-Douli National Park was opened up to industrial mining and carbon offsetting projects, further jeopardizing the rights and livelihoods of Indigenous Peoples.¹⁰ In January 2024, the Republic of the Congo granted a permit to China Oil Natural Gas Overseas Holding United Group, violating a 1999 decree that banned oil exploration and exploitation within the park and its buffer zone.¹¹ This action was taken without consulting or obtaining FPIC¹² from the Baka Peoples who are at risk of displacement if the oil exploration proceeds.¹³ It also undermines over a decade of forest governance reforms and threatens ecotourism initiatives in the area.¹⁴

⁵ Survival International, *How Will we Survive?* <https://assets.survivalinternational.org/documents/1683/how-will-we-survive.pdf>

⁶ Baker, K. J. M., *WWF's new national park in the Congo Basin sparks fears of repression*, BuzzFeed News, <https://www.buzzfeednews.com/article/katiejmbaker/wwf-eu-messok-dja-fears-repression-ecoguards>

⁷ Intercontinental Cry, *The Baka peoples don't want to be sacrificed for conservation*, 6 October 2020, <https://intercontinentalcry.org/the-baka-peoples-dont-want-to-be-sacrificed-for-conservation/>

⁸ Forest Peoples Programme, *Report on Alleged Human Rights Abuses in Messok Dja, Republic of Congo*, 2019 https://d2ouvy59p0dg6k.cloudfront.net/downloads/final_messok_dja_report_with_french_exec_sum.pdf. https://d2ouvy59p0dg6k.cloudfront.net/downloads/final_messok_dja_report_with_french_exec_sum.pdf

⁹ Rainforest Foundation UK, *The human impact of conservation in the Republic of Congo*, 2017, <https://www.mappingforrights.org/wp-content/uploads/2020/04/the-human-impact-of-conservation-republic-of-congo-2017-english.pdf>

¹⁰ REDD Monitor, *Republic of Congo approves oil exploration in a national park*, 2023, <https://reddmonitor.substack.com/p/republic-of-congo-approves-oil-exploration>

¹¹ *Id.*

¹² As required by articles 10, 19, and 32 of the UNDRIP.

¹³ FERN, *Donors must not accept violations in Congo's Conkouati-Douli park*, 11 June 2024,

<https://www.fern.org/publications-insight/donors-must-not-accept-violations-in-congos-conkouati-douli-park/>

¹⁴ Rainforest Foundation, *supra* note 9.

Additionally, concessions for seismic testing, the storage of building materials, and the extraction of natural resources within Conkouati-Douli's buffer zone were approved without consulting Indigenous Peoples, further violating the 1999 decree and ignoring their right to FPIC.¹⁵

15. Similarly, in Odzala-Kokoua, the granting of seven permits for gold exploration in 2016 raised concerns about the environmental impact and lack of consultation with Indigenous Peoples who depend on the land for their livelihoods.¹⁶

16. The lack of land security resulting from the creation of protected areas and large-scale development projects without obtaining FPIC has had profound and disruptive effects on Indigenous women and girls who depend on their ancestral territories for cultural, economic, and subsistence purposes. The failure to recognize Indigenous land rights has led to increased poverty, food insecurity, and restricted access to essential natural resources. These conditions also create unsafe environments, exacerbating vulnerabilities and contributing to higher rates of gender-based violence against Indigenous women and girls. Human rights violations are compounded by the lack of compensation or reparations for damage caused by conservation activities.

VI. Prevention of and Protection from gender-based Violence Against Indigenous Women and Girls (arts. 3, 5, 6, 10(c), 11, 12, 14 and 16)

17. Eco-guards employed to protect wildlife have been implicated in numerous instances of violence against Indigenous women and girls. These actions are often carried out with impunity, further marginalizing Indigenous women and girls, whose rights to lands, resources, and personal security are disregarded.

18. In the proposed Messok-Dja, a United Nations Development Programme (UNDP) 2020 investigation uncovered widespread abuse by eco-guards including beatings, arson, theft, burning of camps, sexual assault¹⁷ and reports of Baka women forced to undress at gunpoint.¹⁸ In a particularly violent incident in 2011, wildlife rangers assaulted children, a pregnant woman, and elderly villagers during a funeral ceremony.¹⁹ Two villagers, an elderly man and a 10-year-old girl, died after fleeing into the forest to escape.²⁰

19. In Conkouati-Douli, during a demonstration against arrests and violence by eco-rangers,

¹⁵ *Id.*

¹⁶ Mongabay, *Brazzaville issued mining permits that dip into Congo's flagship park*, 12 Oct. 2016, <https://news.mongabay.com/2016/10/brazzaville-issued-mining-permits-dip-into-congos-flagship-park/>

¹⁷ UNDP, *Final Investigation Report: SECU0009*, 2021, https://info.undp.org/sites/registry/secu/SECU_Documents/SECU0009_Final%20Investigation%20Report0c492fa6c2084b6bae7015945cabe25f.pdf

¹⁸ Project Expedite Justice, *Trapped outside the conservation fortress*, 2022

<https://www.projectexpeditejustice.org/investigative-reports/trapped-outside-the-conservation-fortress>

¹⁹ Survival International, *Letters implicate WWF in illegal land grab and human rights abuses*, 20 Dec. 2018,

<https://www.survivalinternational.org/news/12058>

²⁰ Survival International, *supra* note 5.

guards opened fire on Baka protesters, killing three villagers and injuring two others.²¹ The eco-guards responsible were detained but quickly released and reassigned to other posts within the park. No formal trial took place despite efforts by the victims' families to pursue justice.

20. In Odzala-Kokoua National Park, Baka women face heightened vulnerability to sexual violence due to the influx of conservation workers.²² Reports document horrific incidents of rape, beatings, and torture at the hands of eco-guards.²³ One survivor recounted being raped by an armed guard while holding her newborn baby, with no compensation provided for her injuries.²⁴

21. Accounts from Conkouati-Douli, Odzala-Kokoua, Messok-Dja, and Nouabalé-Ndoki paint a disturbing picture of the human rights violations experienced by Indigenous women and girls in conservation areas. The loss of traditional roles and restricted access to land have further marginalized women, leading to increased domestic violence as families struggle to adapt to new socio-economic status. These systemic violations, often carried out by eco-guards, with little to no consequences, shows an urgent need for comprehensive reforms to protect the rights and safety of Indigenous Peoples in these regions.

VII. Rights to Food, Water, and Seeds (arts. 12 and 14)

22. The Baka, once predominantly semi-mobile hunter-gatherers, are becoming sedentary due to the establishment of protected areas that limit their access to traditional hunting grounds.²⁵ The lack of ability to farm and hunt on traditional lands has also led to food insecurity.²⁶ Park authorities do not always differentiate between traditional hunting practices and poaching, harming the semi-mobile Baka Indigenous Peoples who rely on bushmeat to survive. The imposition of strict hunting laws, such as the requirement to report accidental kills or self-defense actions, has not only limited access to food but also placed additional burdens on Indigenous Peoples, who rely on hunting for both sustenance and income.²⁷ The inability to hunt freely has forced the Baka to compete with logging concession workers and illegal poachers for bushmeat, often under the threat of violence from eco-guards who unlawfully seize their game.²⁸

23. Women and children are particularly vulnerable, as they are often the ones responsible for securing food and resources for the family. In many cases, restrictions on hunting, fishing and farming have led to widespread malnutrition, with reports of decreased agricultural harvests and

²¹ Rainforest Foundation, *supra* note 9.

²² Mongabay, *African Parks vows to investigate allegations of abuse at Congolese park*, 7 Feb 2024,

<https://news.mongabay.com/2024/02/african-parks-vows-to-investigate-allegations-of-abuse-at-congolese-park>

²³ Survival International, *Decolonize UNESCO*, <https://survivalinternational.org/campaigns/DecolonizeUNESCO>

²⁴ Daily Mail, *Harry's Africa charity: Rangers raped and beat tribespeople, Rainforest families claim years of abuse by guards working for conservation body Prince directs, as director begs him to intervene*, 23 Nov. 2022,

<https://www.dailymail.co.uk/news/article-13013591/Harrys-Africa-charity-rangers-raped-beat-tribespeople-Rainforest-families-claim-years-abuse-hands-guards-work-conservation-body-Prince-director-beg-intervene.html>

²⁵ Wildlife Conservation Society, *Nouabalé-Ndoki National Park*, <https://congo.wcs.org/WildPlaces/Nouabale-Ndoki-National-Park>

²⁶ African Parks, *African Parks' follow-up response to allegations of human rights abuses at Odzala-Kokoua National Park, Republic of Congo*, 2024, <https://www.africanparks.org/african-parks-follow-response-allegations-human-rights-abuses-odzala-kokoua-national-park-republic>

²⁷ UNDP report, *supra* note 17.

²⁸ Survival International, *supra* note 5.

fish catches.²⁹ In some areas, Baka women and girls have faced challenges accessing clean water, further threatening their health and well-being.³⁰

24. In Messok-Dja, the Baka are concerned that eco guards will punish them for catching animals of any size, thus leaving them with no source of food or income.³¹ Similarly, in Nouabale-Ndoki in November 2008, the Republic of Congo passed a law redefining the use of land in national parks and protected areas and revoking the rights of people living in core conservation zones while permitting regulated hunting, fishing, and farming in peripheral areas.³² Permits for hunting are required with fees ranging from \$30 to \$100 depending on the species.³³ Residents near Nouabale-Ndoki express frustration with park rangers restricting hunting and inspecting their kitchens to ensure they are not cooking bush meat.³⁴ In Conkouati-Douli, eco-guards are stopping people in the forest and unlawfully seizing their game and products for their own profit; allegedly to sell the meat at market themselves.³⁵

VIII. Right to Culture (arts. 3, 5, 13, and 14)

25. A 2022 report of the U.N. Special Rapporteur highlights the critical role of Indigenous women and girls as key stewards of cultural heritage and vital contributors to environmental sustainability and community resilience.³⁶ The report highlights how Indigenous women's knowledge, passed down through generations, is essential for safeguarding biodiversity, managing natural resources, and ensuring the survival of cultural practices.³⁷

26. Cultural practices among the Baka are increasingly disrupted as they face significant obstacles in performing their rituals and transmitting their culture to future generations.³⁸ The imposition of a forced sedentary lifestyle, combined with the destruction of their ecosystems, poses a grave threat to their semi-mobile way of life and cultural continuity. Restrictions on access to traditional territories and resources in the Republic of Congo severely jeopardize the role of Indigenous women and girls as transmitters of knowledge and culture. These limitations disrupt intergenerational knowledge transfer, erode cultural practices, and weaken their ability to contribute to biodiversity conservation and sustainable resource management. This has far-reaching implications for both cultural heritage preservation and environmental resilience.

IX. Conclusion

27. This report highlights the systemic human rights violations faced by Indigenous women and girls in the Republic of Congo due to conservation initiatives and energy development

²⁹ Rainforest Foundation, *supra* note 9.

³⁰ African Parks, *supra* note 30.

³¹ Project Expedite Justice, *supra* note 17.

³² Goering, L., *Congo leaves locals out of conservation plans*, Inter Press Service, 11 Nov 2010
<https://www.ipsnews.net/2010/11/congo-leaves-locals-out-of-conservation-plans/>

³³ *Id.*

³⁴ *Id.*

³⁵ Rainforest Foundation, *supra* note 9.

³⁶ United Nations Human Rights Council, *Report of the Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Cali Tzay, on the Impact of Certain Conservation Measures on the Rights of Indigenous Peoples*, 2022, A/HRC/51/28.

³⁷ *Id.*

³⁸ Project Expedite Justice, *supra* note 17.

projects. These initiatives, often implemented without proper consultation or adherence to international human rights standards, have led to forced evictions, restricted access to traditional lands, gender-based violence, food insecurity, and the erosion of cultural practices.

28. Despite international frameworks such as UNDRIP and CEDAW's GR 39 which emphasizes the rights and contributions of Indigenous women and girls, these violations persist due to structural inequalities and a lack of accountability. Indigenous women and girls are not only stewards of cultural heritage and biodiversity but are also vital contributors to community resilience and environmental sustainability. Excluding them from decision-making processes and disregarding their rights undermines both their communities and the broader goals of conservation and development.

29. To address these challenges, the Republic of Congo must take urgent action to align its policies and practices with international human rights obligations. The following recommendations provide a roadmap for achieving this:

VII. Recommendations:

30. *Land and Resource Rights:*

- Recognize Indigenous Peoples' rights to lands, territories, and resources, including customary land tenure systems.
- Develop Indigenous-centered conservation and development policies that require FPIC before authorizing projects affecting Indigenous lands, territories and resources.

31. *Participation and Empowerment:*

- Establish inclusive processes that empower Indigenous women and girls to ensure their equitable participation in the development and implementation of conservation policies.
- Respect and integrate Indigenous knowledge of sustainable land management and cultural practices into conservation policies.

32. *Gender-Based Violence Prevention:*

- Ensure that all allegations of eco-guard misconduct, including physical and sexual violence, are investigated by independent and transparent mechanisms.
- Ensure mandatory human rights training for eco-guards, strict enforcement of ethical conduct, and immediate disciplinary action or prosecution in cases of abuse.
- Provide culturally appropriate support services for survivors, including medical care, legal aid, and psychosocial support.
- Require all conservation programs to adopt gender-sensitivity policies and practices that prioritize the safety and rights of Indigenous women and girls. This includes incorporating FPIC into conservation planning, providing safe reporting channels for gender-based violence, and implementing community-led monitoring systems to ensure protection and

accountability.

33. *Economic Rights and Livelihoods:*

- Ensure Indigenous Peoples' rights to access traditional lands and resources by implementing community-led conservation models that respect their livelihoods and cultural practices. This includes differentiating between traditional hunting and poaching, providing exemptions for subsistence activities, and safeguarding the rights of Indigenous women and girls to secure food, water, and seeds essential for their well-being.

34. *Cultural Preservation:*

- Support the preservation and revitalization of Indigenous cultural practices by providing access to traditional lands and resources.
- Promote policies that protect semi-mobile lifestyles and integrate Indigenous knowledge into conservation efforts.

35. *Access to Services and Data Collection:*

- Ensure Indigenous women and girls have equal access to essential services such as healthcare, education, and housing, tailored to their cultural needs.
- Collect disaggregated data to better understand the unique impacts of conservation projects on Indigenous women and girls and to create more inclusive policies.