

Dear Members of the Committee on the Elimination of Discrimination against Women,

Thank you, Madame Chairperson, for giving us this opportunity to provide input to the Committee on the draft of the **CEDAW General Recommendation No. 39 on the Rights of Indigenous Women and Girls.** On behalf of the International Indigenous Women’s Forum (FIMI) and MADRE, we applaud the Committee on drafting a General Recommendation that ensures that the realities and experiences of Indigenous Women and Girls around the world are included in this first draft of the General Recommendation. With this submission, we seek to provide key elements to be considered by the Committee as you are in the process of receiving inputs to the first draft of the General Recommendation.

**❡4:** An *intercultural perspective* considers the cultural diversity of Indigenous Peoples, their worldview, culture, and languages. Finally, a *multidisciplinary approach* appreciates the multifaceted identity of Indigenous Women, and how different disciplines related to law, health, education, culture, anthropology, the economy, and work have and still shape the social experience of Indigenous Women and Girls, and promote discrimination against them.

**Comment:** Include in the last section of this paragraph ‘spirituality’ after “culture” and ‘science’ after “economy”.

**❡5:** This set of rights forms the foundation for a holistic understanding of the rights of Indigenous Women. The violation of any of these rights constitutes discrimination against Indigenous Women.

**Comment:** Include in the last sentence of this paragraph ‘individual and collective rights’ after “understanding of”.

**❡7:** Indigenous Women and Girls play a key role in their communities as leaders; transmitters of culture; custodians; food producers and guardians of native seeds; and workers involved in food and water security; and advocates for a clean, healthy, and sustainable environment. The Committee underscores the importance of the advocacy and organization of Indigenous Women human rights defenders, including women environmental human rights defenders, at all levels.

**Comment:** This paragraph could be strengthened to include how Indigenous Women, in particular, face disproportionate criminalization and State-sanctioned violence, especially when they are defending their lands, similar to the language in paragraph 51.

**❡9:** Gender-based violence is adversely affecting the lives of many Indigenous Women and Girls, including psychological, physical, sexual, economic, spiritual, and environmental violence.

**Comment:** Include in the first sentence of this paragraph ‘political’ after “spiritual”.

**❡14:** The Committee acknowledges that Indigenous Women and Girls have suffered and continue to suffer from forced assimilation policies and other large-scale human rights violations, which may in certain instances amount to genocide. It is critical for States parties to address the consequences of historic injustices and to provide support and reparations to the affected communities as part of reconciliation and the process of building societies free from discrimination against Indigenous Women and Girls.

**Comment:** Instead of “suffer” change to “struggle and continue to struggle” and included after discrimination “and violence”. Also Include urban Indigenous Women and Girls in this paragraph and how they are impacted specifically by forced assimilation and lack of protection of their rights in a city setting. Call on States to protect Indigenous urban Women and Girls rights. Overall, in all paragraphs on “Objectives & Scope” there is a lack of acknowledgement of Indigenous Women and Girls in urban settings, it’s critical to ensure that they are mention to ensure their rights are protected specially within cities where they face disproportionate racism and discrimination.

**❡17:** The dispossession and usurpation of Indigenous lands and territories without their free, prior, and informed consent deprives Indigenous Women and Girls of livelihood sources which are vital for their survival; creates unsafe conditions for them; and facilitates the incursion of state and non-state actors which often commit violence against them.

**Comment**: In this sentence change the word ‘lives’ instead of “survival”.

**❡18:** The Convention should also be interpreted taking into consideration the 2030 Agenda for Sustainable Development, in which states agreed that the achievement of gender equality and the empowerment of Women and Girls is paramount to sustainable development and the end of poverty. States also prioritized non-discrimination based on race and ethnicity, and cultural diversity. **Moreover, the Beijing Declaration and Platform for Action is also an important reference document in this General Recommendation.**

**Comment:** Include in this paragraph the two resolutions adopted by CSW particularly related to Indigenous Women as agents of change to eradicate poverty.

**❡21:** In its collective dimension, discrimination and gender-based violence against Indigenous Women and Girls threaten and disrupt the spiritual life, cultural integrity and survival, and social fabric of indigenous peoples and communities.

**Comment:** Include in this sentence ‘the connection with Mother Earth’ after “spiritual life,”.

**❡28 (a):** Develop comprehensive policies to eliminate discrimination against Indigenous Women and girls, guided by consultations with Indigenous Women and Girls living in and outside of Indigenous territories. This policy should include measures to address intersectional discrimination faced by Indigenous Women with disabilities; Indigenous Girls; older Indigenous women; Indigenous LBTI Women; those in situations of poverty; rural Indigenous Women; and displaced, refugee and migrant Indigenous Women. States parties should collect disaggregated data on the forms of gender-based discrimination and violence faced by Indigenous Women and Girls;

**Comment:** Change in this paragraph “older” to ‘elderly” and change the “rural indigenous” to ‘Indigenous Women living in rural and urban areas;'' to include urban Indigenous Women and girls.

**❡28 (f):** Adopt legislation to ensure Indigenous Women and Girls’ rights to land, water, and other natural resources on an equal basis with men, including their right to a clean, healthy, and sustainable environment, irrespective of their marital status or of a male guardian or guarantor, and that their full legal capacity is recognized and respected. States should ensure that Indigenous Women in rural areas have equal access as men to ownership and possession of and control over land, water, forests, fisheries, aquaculture and other resources that they have traditionally owned, occupied, or otherwise used or acquired, including by protecting them against discrimination and dispossession;

**Comment:** Include urban Indigenous Women and Girls in this paragraph, they experience the same discrimination as rural women.

**❡28 (h):** (Protect Indigenous Women and Girls from discrimination by both state and non-state actors in and outside of their territories, especially in the areas of education, employment, health, social protection, and justice;

**Comment:** Include “decent work” after “protection”.

**❡34:** Other barriers include the costs of legal assistance and the lack of free legal aid; the absence of interpreters; court fees; long distances to courts; and lack of training for justice officials on the rights and specific needs of Indigenous Women and Girls.

**Comment:** In the last sentence of this paragraph include ‘the reprisals” after “courts;”.

**❡35:** In ordinary justice systems, Indigenous Women and Girls frequently face racism, racial discrimination, and forms of marginalization, and often have to participate in procedures that are not culturally appropriate and do not take into account Indigenous traditions and practices. Judicial structures tend to reflect colonial legacies and post-colonial policies. Obstacles include the remoteness of indigenous territories, forcing Indigenous Women and Girls to travel long distances to file complaints. Indigenous Women are often not provided with interpretation services necessary to fully participate in legal proceedings, and there is a lack of culturally appropriate evidence collection methods. There is a lack of training of justice officials on the rights of Indigenous Women and Girls and their individual and collective dimensions. Indigenous Women and Girls also have limited access to specialized medical care when they suffer acts of rape and sexual violence.

**Comment:** In the last sentence of this paragraph include after “sexual violence” ‘and absence of recognition of spiritual healing as strategy to overcome this situation.”

**❡42:** The Committee recognizes with alarm the many forms of violence committed against Indigenous Women and girls. Gender-based violence against Indigenous Women occurs in all spaces and spheres of human interaction, including the family, community, public spaces, the workplace, educational settings, and the digital space. Violence can be psychological, physical, sexual, economic, and spiritual. Violence often occurs in institutions, particularly those that are closed and segregated, against Indigenous Women and Girls with mental illness and disabilities and older Indigenous Women. Indigenous Women and Girls are frequently victims of rape, harassment, disappearances, killings, and femicide. Environmental violence also adversely impacts Indigenous Women and Girls, who are disproportionately affected by environmental harm, degradation, and pollution. Trafficking, exploitation in prostitution and contemporary forms of slavery such as domestic servitude are other forms of gender-based violence against Indigenous Women and Girls.

**Comment:** In this paragraph the include ‘political’ after “economic”. Also Include a paragraph that focuses solely on the increasing trafficking of Indigenous women and girls, this is a pressing issue that many Indigenous communities are facing. Also, emphasis should be placed on the disproportionate impact of sexual violence and human trafficking on Indigenous Girls’ as a result of the militarization of Indigenous territories by national armies, organized crime, drug cartels, as well as the expansion of military bases on Indigenous lands and territories.

**❡47:** The Committee recommends that States parties:

**Comment:** Under these recommendations include a call to States to provide resources for Indigenous Women and Girls survivors of gender-based violence to have access to the legal system and be able to report cases of violence. Oftentimes Indigenous women and girls lack the resources such as transportation, bus fare, legal representation, or access to information in their language. This lack of resources often add to the compounding racism that Indigenous Women and Girls face when they seek legal support.

**❡47(b):** Recognize all forms of gender-based violence against Indigenous Women and Girls, including environmental, spiritual, and cultural violence;

**Comment:** Include in this recommendation ‘political’ after the word “spiritual”.

**❡54(b):** Ensure that Indigenous Women and Girls have access to personal identification documents and affordable user-friendly birth registration procedures, for example through online procedures or mobile registration units, in line with the Committee’s General Recommendation 34 on rural women;

**Comment:** Include a line to address the digital divide that impacts Indigenous Women and Girls who do not have access to technology. Ensure that all Indigenous Women and Girls have access and are not excluded from recommendations like this are critical.

**❡56:** The Committee recommends that States parties:

**Comment**: Under these recommendations, the committee should include a recommendation that calls on States to address the digital divide that Indigenous Women and Girls face.

**❡56 (e):** Remove educational barriers for Indigenous Women and Girls with disabilities;

**Comment:** Include in this recommendation a stronger call for states to provide access to education for Indigenous Women and Girls with disabilities. States should not only remove barriers but they should provide the adequate resources and facilities to ensure Indigenous Women and Girls with disabilities have access to an education.

**❡58(a)(ii):** Expanding opportunities for Indigenous Women to run businesses and become entrepreneurs;

**Comment:** Include in this recommendation for States to directly support Indigenous-led businesses and help Indigenous communities generate wealth by improving access to capital and business opportunities.

❡**64:** The Committee recommends that States parties:

**Comment:** Under these recommendations include a call to States to address Female Genital Mutilation (FGM), this is an important issue impacting Indigenous Girls and it should be prohibit without exception (e.g., article 5 of the Maputo Protocol, Article 39 and 93 of the Beijing Declaration). States should work with Indigenous Peoples to take measures to address harmful practices committed in the name of tradition such as Female Genital Mutilation (FGM) and child marriages.

❡**68(f):** Recognize and protect Indigenous Women’s intellectual property to their cultural heritage, traditional knowledge, and natural resources; and

**Comment:** Includes in this recommendation that Indigenous language that also calls for the protection of Indigenous Women’s intellectual property to material interests resulting from any scientific, literary or artistic production of which they are the author, knowledge about medicine, traditional dances, songs, and designs.

We remain at your disposal and look forward to continue facilitating the meaningful inclusion of

Indigenous Women and Girls from all regions of the world in the formal process of elaboration

of the General Recommendation No. 39.

Respectfully,

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Executive Director

FIMI / on behalf of the coalition