**Comments by the European Union to the Committee on the Elimination of Discrimination against Women (CEDAW) on the draft General Recommendation No. 39 on the rights of indigenous women and girls**

The European Union would like to thank the CEDAW Committee for the opportunity to comment on the on the draft General Recommendation No. 39 on the rights of indigenous women and girls. The EU welcomes the timely and critical initiative of a separate General recommendation pertaining to rights of indigenous women and girls.

**Specific comments:**

**Introduction**: The EU notes that the Recommendation to some degree depicts indigenous peoples as a homogenous group. Currently it does not reflect the diversity of the around 5000 indigenous peoples of the world across continents – that their needs and situations really are very different. This diversity-aspect could be reflected upon somewhere in the introduction of the recommendation text, by stressing that some parts of the recommendation will only be applicable to certain Indigenous peoples.

**Introduction pt 5:,** The reference to voluntary isolation or initial contact could be clarified, currently this formulation leaves very much room for interpretation.

**p. 15 Part f.** Instead of singling out “legally incapacitated indigenous women” the text could refer to the importance of access of all indigenous women and girls and their access to legal aid.

**p.18 47b:** The notion of environmental, spiritual, and cultural violence is unclear and the recommendation could instead refer to all forms of violence instead of detailing types of violence, which would need definitions.

**p.20 para 52 h.** “States measures should include the creation of specialized government instances to protect women human rights defenders, with the effective, real, and meaningful participation of women human rights defenders.” -> it would be feasible not to specify that entities to support human rights defenders need to be government instances, as they rather could be civil-society led or independent.

**p.28 para 71a** The EU welcomes this section, however, it could be specified that more measures are needed by various public and private actors to consult and ensure that the principle of free, prior and informed consent of indigenous peoples are fully realized.

**p. 28 para 71b** Specify the need to prevent and regulate activities by private actors not that may undermine the rights of indigenous women and girls to their lands, territories and environment but all activities that may affect them.