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**79th Session of the Committee on the Elimination of Discrimination against Women (CEDAW)**

**General Discussion on the rights of indigenous women and girls**

**24 June 2021**

**Joint statement by the International Lesbian, Gay, Bisexual, Trans and Intersex Association and the Global Interfaith Network for People of All Sexes, Sexual Orientations, Gender Identities and Expressions**

Delivered by: Andrea Ayala

Dear Members of the Committee,

My name is Andrea Ayala and I am a non-binary lesbian refugee and human rights defender coming from a long line of Chorti Pipil women- an indigenous population originally based in the mid-center of what we know as El Salvador. I am honored to present this statement today. This statement has been prepared in consultation with several organizations worldwide that work on indigenous and LGBTI issues.[[1]](#footnote-1)

We welcome and support the work of the Committee on the rights of indigenous peoples and women. We celebrate the positive developments that the Committee has made, particularly for contributing to the progress achieved concerning equal marriage and family relations[[2]](#footnote-2) and the effective realization of women's right to health.[[3]](#footnote-3) We also applaud the Committee's efforts to stress the gaps that remain and draw attention to the increasing violence against indigenous women and the multiple intersecting forms of discrimination they face regarding access to education, work, health, and justice.[[4]](#footnote-4)

However, we are concerned about the lack of references to LBTI+ indigenous women in individual communications, recommendations, and concluding observations made by the Committee, and the multiple forms of discrimination they face in some countries because of their diverse sexual orientation, gender identity, and expression and sex characteristics (SOGIESC). We are concerned about the systemic root causes of such absence and their contemporary consequences.

In many regions globally (e.g., Australia, North America, Africa, and Latin America), accessibility to specific services such as health treatments, legal support, or gender-affirming care is frequently hampered for LBTI+ indigenous women and girls or people belonging to ancestral sexual and gender diversities. They are frequently victims of violence and discrimination from States but also from their own families, communities, and religious groups. They usually face social sanctions for their SOGIESC, being subjected to forced labor, permanent exile, land dispossession, forced marriages, corrective rapes, and ultimately hate crimes. Many LBTI+ indigenous women and girls experience more risks for poor physical health and social-emotional wellbeing, placing them at a disadvantage to enjoying their rights on an equal basis with indigenous and non-indigenous, non-LBTI men and women, but also with non-indigenous gender diverse women and persons.

ILGA and GIN support the idea that any discussion around equality and non-discrimination towards indigenous women and girls must also emphasize the importance of understanding systemic influences rooted in converging colonial and religious influences that continue to impact the lives of LBTI+ women and girls coming from indigenous communities across the globe today. These historical trends resulted in the erasure of indigenous LBTI+ women and girl's inclusive traditions, cultural identities, and spiritualties by settlers eager to control populations and extract lands and resources from their communities. We highlight the importance of considering the structural discrimination deeply embedded in histories of institutionalized patriarchy, colonization, conquest, and marginalization and invite the Committee to take into account distinct life experiences of LBTI+ indigenous women and girls.

We recommend the Committee to ensure an intersectional approach in creating the General Recommendation and specifically refer to "LBTI+ women," explicitly addressing their distinct needs and rights. We also recommend the Committee to encourage States to include specific references to the situation of LBTI+ and/or indigenous women in their reporting to the Committee and cooperate with all UN agencies and experts and ratify all human rights instruments relevant to the rights of LBTI+ indigenous women and girls. Finally, we recommend the promotion of dialogue with indigenous and religious leaders, particularly in terms of sexuality and gender.

Thank you for your attention.

1. This statement was prepared in consultation with Mano Diversa Bolivia, the trans indigenous women from the Embera Chamí and Katío community of Santuario, Colombia., and the different member organizations that are part of the Global Interfaith Network for People of All Sexes, Sexual Orientations, Gender Identities and Expressions (GIN-SSOGIE) [↑](#footnote-ref-1)
2. General recommendation No. 21 on Equality in Marriage and Family Relations (adopted at the Thirteenth Session of the Committee on the Elimination of Discrimination against Women, in 1994, and contained in Document A/49/38) [↑](#footnote-ref-2)
3. Committee on the Elimination of Discrimination against Women, General Recommendation No. 24 on women and health under Article 12, UN A/54/38/Rev.1, chap. I (1999) (‘GR No. 24’), paras. 21, 30. [↑](#footnote-ref-3)
4. Committee on the Elimination of Discrimination against Women General Recommendation No. 34 on the rights of rural women (2016). [↑](#footnote-ref-4)