**Draft General Recommendation on the rights of Indigenous Women and Girls**

**Submitted**

**To**

**Committee on the Elimination of all forms of Discrimination against Women**

 **(CEDAW) Committee**

**Submitted by**

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**Draft General Recommendation on Indigenous Women and Girls**

**Introduction**

National Indigenous Women Federation (NIWF)[[1]](#footnote-1), National Indigenous Women Forum (NIWF)[[2]](#footnote-2), National Indigenous Disabled Women Association Nepal (NIDWAN)[[3]](#footnote-3) Indigenous Women Legal Awareness Group (INWOLAG)[[4]](#footnote-4) would like to inform that this recommendation is prepared on the report submitted on 79th session on the Committee on the Elimination of Discrimination against Women 18th June 2021. We appreciate the opportunity to submit the written comments to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) regarding the General Recommendation on indigenous women (Draft General Recommendation).

The four Indigenous Women consortium organizations of Nepal appreciate that the CEDAW Committee will dedicate its next General Recommendation to indigenous women in a comprehensive form. This submission provides concrete suggestions about how to amend the Draft General Recommendation to place a greater emphasis on rights issues at the intersection of gender, indigenous identity, and disability to practically enjoy and exercise on the ground.

Indigenous Peoples (IPs) in Nepal comprise 36 percent of the total population and more than half of the populations are Indigenous Women (IW) and including those with disabilities are estimated to be 700000 in Nepal. Despite the significant portion, IW including those with disabilities have been historically marginalized in terms of their social, political, culture, language, and economic opportunities, and their distinct tradition, culture, and religion have not been recognized. IW and those with disabilities continue to suffer from multiple and intersectional discriminations due to continuing colonization and systematic discriminations depriving us from enjoying our collective rights leading to our cultural genocide. State has been violating, interfering, denying, abusing, non complying or ignoring our human rights. Ongoing everyday serious violations of our human rights manifested in the forms of land grabbing, forced eviction, killings, torture, rape, sexual harassment, criminalization of customary practices, and victimization from climate change.[[5]](#footnote-5) Furthermore, these discriminations impose unique and pervasive barriers to the realization of their rights. Studies show that indigenous peoples experience higher rates of disability globally when compared to others.[[6]](#footnote-6) When compared to other women, they experience higher rates of violence, poverty, unemployment, and maternal mortality, among other issues and human rights abuses.[[7]](#footnote-7)

1. **Gender- Indigeneity and Disability related inputs and recommendations on the Draft General**

**Section I: Introduction**

In the introduction indigenous women and girls are mentioned but indigenous women are not a homogenous group they are heterogenous groups with diverse identities like youth, women with disabilities, elderly peoples, LBTI and others. Women with disabilities comprise 28 million[[8]](#endnote-1) all around the globe including youth, elderly peoples, which need to be clearly mentioned as they are the most marginalized groups within indigenous women.

***Current Paragraph***

There are an estimated 476.6 million indigenous peoples globally, of which more than half (238.4 million) are women.[[9]](#footnote-8) They are present in about 90 countries.[[10]](#footnote-9) They span 5,000 different cultures and constitute approximately 5 percent of the world’s population.[[11]](#footnote-10) Discrimination on the basis of indigenous origin or identity, racial discrimination, gender-based stereotypes, age, marginalization, and violence are recurrent phenomena in the lives of many indigenous women and girls living in both rural and urban areas.[[12]](#footnote-11)

***Suggested Amended Paragraph***

There are an estimated 476.6 million indigenous peoples globally, of which more than half (238.4 million) are *[women with diverse heterogenous group[[13]](#footnote-12) which comprise of 28 million indigenous women with disabilities].* They are present in about 90 countries.[[14]](#footnote-13) They span 5,000 different cultures and constitute approximately 5 percent of the world’s population.[[15]](#footnote-14) Discrimination on the basis of indigenous origin or identity, racial discrimination, gender-based stereotypes, age, [*disability, region, and other identities]* marginalization, and violence are recurrent phenomena in the lives of many indigenous women and girls living in both rural and urban areas.[[16]](#footnote-15)

**Paragraph 2**

This General Recommendation takes into account the voices of indigenous women and girls as driving actors and leaders in and outside of their communities […]. This General Recommendation takes into account the voices of indigenous women and girls which is appreciative however when it comes to particularly women and girls with disabilities they are still taken as ‘unwanted human resources’, ‘burden’ to family, ‘non-contributors’ due to stigma related with disability and others so to clearly mention them with their roles as ‘contributors’ is crucial in the family and society.[[17]](#endnote-2)

***Current Paragraph 2***

This General Recommendation takes into account the voices of indigenous women and girls as driving actors and leaders in and outside of their communities. It identifies and addresses different forms of intersectional discrimination faced by indigenous women and girls, and their key role as leaders, knowledge-bearers, and culture transmitters within their peoples, communities, and society as a whole. Indigenous women and girls are crucial actors in the achievement of the right to development of their indigenous peoples and communities.[[18]](#footnote-16)

***Suggested Amended Paragraph 2***

This General Recommendation takes into account the voices of indigenous women, *girls and women with disabilities* as driving actors and leaders in and outside of their communities. It identifies and addresses different forms of intersectional discrimination faced by indigenous women and girls, and *[women and girls with disabilities*] and their key role as leaders, knowledge-bearers, culture transmitters and [*contributors]* within their peoples, communities, and society as a whole. Indigenous women and girls are crucial actors in the achievement of the right to development of their indigenous peoples and communities.[[19]](#footnote-17)

**Paragraph 3**

The distinct and unique discrimination that indigenous women face is compounded in different forms and aspects so several approaches related with each marginalized identities must be integrated for ensuring meaningful participation. These include enabling safe, accessible and inclusive approach which should be clearly integrated with other multiple identities that exist.

***Current Paragraph 3***

Discrimination against indigenous women and girls must be understood taking into consideration the multifaceted nature of their identity. As indigenous women and girls, they face discrimination and gender-based violence frequently committed by state and non-state actors. These forms of violence and discrimination are widespread and often remain in impunity. Indigenous women and girls also have an inextricable link and relation to their peoples, lands, territories, natural resources, culture, and worldview. To comply with articles 1 and 2 and other relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention), state action, legislation, and policies must reflect the multifaceted identity of indigenous women and girls.

 ***Suggested Amended Paragraph 3***

As indigenous women and girls, they face discrimination [*including gender, disability and other marginalized identities]-*based violence frequently committed by state and non-state actors. These forms of violence and discrimination are widespread and often remain in impunity.

**Paragraph 4**

For indigenous women and girls due to the distinct identity, which is not acknowledged by the state and non-state actors, it is necessary to clearly outline intersectional approach, indigenous women and girls, intercultural perspectives, multidisciplinary approach and accessible, enabling and inclusive environment is crucial to children, young, elderly and women with disabilities particularly so reflection of broad comprehensive approach will be for all indigenous women.[[20]](#endnote-3)

***Current Paragraph 4***

A *gender perspective* takes into consideration the stereotypes and inferior treatment that have affected indigenous women and girls historically, and still affect them in the present. There stereotypes are based on both their sex and gender, as defined in paragraph 2 of this General Recommendation. An *intersectional* approach, requires for a state considering the multitude of factors which combine to increase the exposure of indigenous women and girls to different and arbitrary treatment, on the basis of their race, indigenous origin or identity, sex, gender, ethnicity, age, disability, language, situation of poverty, educational level, migration, and displacement. Indigenous women suffer intersectional discrimination both within and outside of their territories. An *indigenous women and girls’* perspective entails understanding the different history, experiences, realities, and needs of indigenous women and men related to human rights protection based on their sex and gender differences. It also involves considering the status of indigenous girls as developing persons, which requires a state response and interventions appropriate to their age, development, condition, and of quality. 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. These perspectives and approaches are key to prevent and eradicate discrimination against indigenous women and girls, and to fulfill the goal of social justice when human rights violations against them occur.

***Suggested Amended Paragraph 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*. [An accessible,safe enabling and inclusive environment considers to an environment that is warm, welcoming and nurturing and facilitates a sense of belonging with simply designing all products, buildings and exterior spaces to be usable by all peoples to the greatest extent possible that acknowledges and accommodates the diversity of user needs and prioritizes to the most marginalized groups.]* These perspectives and approaches are key to prevent and eradicate discrimination against indigenous women and girls, and to fulfill the goal of social justice when human rights violations against them occur.

**Paragraph 7**

Including the lines on the contribution of indigenous women and girls with disabilities is important as most women with disabilities have limited mobility and access to public sphere so they are limited with in homes and their contribution in the family for food and water security; and advocates for a clean, healthy, and sustainable environment. So, their contribution in the homes need to be clearly outlined.

***Current Paragraph 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

***Suggested Amended Paragraph 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. *[Indigenous women and women with disabilities and elders are contributors in the family and society they live.]* 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

**Paragraph 8**

Including private and public sphere discrimination is crucial as most discrimination and violence that Indigenous women and girls face both in private and public face are different and not mentioned clearly which does not get debated in the public violence debate of violence. Most Indigenous women and girls are not aware of these forms of violence and often gender based violence are mostly debated and discussed.[[21]](#footnote-18) So, the effect of private and public discrimination varies so it should be clearly outlined.

***Current Paragraph 8***

The Committee recognizes that indigenous women and girls face intersecting forms of discrimination and persistent barriers to the full enjoyment of their human rights. These forms of discrimination affect them in and outside of their indigenous territories. Such discrimination is often founded on their indigenous origin or identity, sex, gender, age, disability, and is rooted in systemic racism and negative stereotypes.[[22]](#footnote-19)

***Suggested Amended Paragraph 8***

The Committee recognizes that indigenous women and girls face intersecting forms of discrimination and persistent barriers to the full enjoyment of their human rights. These forms of discrimination affect them *[inside private, public sphere and outside*] of their indigenous territories. Such discrimination is often founded on their indigenous origin or identity, sex, *region,* gender, age, disability, and other *marginalized status* and is rooted in *structural,* systemic racism and negative stereotypes.[[23]](#footnote-20)

Indigenous women and marginalized genders with disabilities face unique and increased barriers when exercising their human rights due to intersectional and multiple discrimination, structural inequalities, and marginalization,[[24]](#endnote-4) but the lack of data on the matter limits the evidence of such violations.

**Paragraph 10**

In paragraph 10, the CEDAW Committee addresses the importance of data collection to develop prevention measures, legislation, public policies, and programs to ensure the rights of indigenous women. Disaggregated data is crucial to highlight the situation of indigenous women and marginalized genders, including those with disabilities, among women, persons with disabilities, or indigenous peoples in general and inform policies to ensure their rights.[[25]](#endnote-5) Therefore, it is important to collect data not only disaggregated by sex and ethnic origin but also other factors, such as disability, age, and socio-economic status to better respond to their specific needs. Hence, our four organizations recommend including the factors of age, disability, region and socio-economic status as parameters to disaggregate data.

***Current Paragraph 10***

The Committee calls on States parties to promptly engage in data collection efforts to fully assess the situation of indigenous women and girls, and the forms of discrimination and gender-based violence they face. States must undertake efforts to collect data disaggregated by sex and ethnic origin, and collaborate with indigenous women and their organizations, as well as academic and non-profit institutions, in the achievement of this goal. Data collection and the development of indicators can be important to identify forms of discrimination against indigenous women and girls, and can inform the development of prevention measures, legislation, public policies, and programs.

***Suggested Amended Paragraph 10***

The Committee calls on States parties to promptly engage in data collection efforts to fully assess the situation of indigenous women and girls, and the forms of discrimination and gender-based violence they face. States must undertake efforts to collect data disaggregated by sex, [*age, disability, socio-economic status and region*]and ethnic origin, and collaborate with indigenous women and their *traditional, customary,* organizations, as well as academic and non-profit institutions, in the achievement of this goal. Data collection and the development of indicators can be important to identify forms of discrimination against indigenous women and girls, and can inform the development of prevention measures, legislation, public policies, and programs.

**Paragraph 11**

In paragraph 11, the CEDAW Committee addresses the right to self-determination and collective rights briefly mentions that the disrespect to this right can be particularly acute in the case of women with disabilities. Nevertheless, it does not explain why. According to the United Nations Declaration on the Rights of Indigenous Peoples, the right to self-determination ensures their right to freely determine their political status and freely pursue their economic, social and cultural development.[[26]](#endnote-6) All of these decisions require full legal capacity as a prerequisite [[27]](#endnote-7) for persons with disabilities, including indigenous women with disabilities, are often denied their right to legal capacity due to stereotypical assumptions of their ability to decide and act under the law and lack of support to ensure supported decision-making.[[28]](#endnote-8) In order to call attention to that discrimination, our organizations recommend expanding this topic to better explain why the right to self-determination and collective rights can be particularly salient for women with disabilities.

***Current Paragraph 11***

[…] The Committee also recognizes the history of colonization, militarization, forced migration and displacement, and armed conflicts as important catalysts of gender-based violence and discrimination against indigenous women and girls. The disrespect of the right of self-determination of indigenous women and girls can be particularly acute in the case of women with disabilities, which severely limits the enjoyment of their rights and their effective participation in all social spheres.

***Suggested Amended Paragraph 11***

[…] The Committee also recognizes the history of colonization, development aggression *against indigenous land and territories,* militarization, forced migration and displacement, and armed conflicts as important catalysts of gender-based violence and discrimination against indigenous women and girls. The disrespect of the right of self-determination, *free prior and informed consent* and *[collective rights*] of indigenous women and girls can be particularly acute in the case of women with disabilities, [*who are frequently formally and informally denied their right to full legal capacity* *due to stereotypical assumptions about their ability to decide and act under the law and inadequate support to make important life decisions*,] which severely limits the enjoyment of their rights and their effective participation in all social spheres.

**Paragraph 14**

The ground experiences of indigenous women and girls experience and support that they suffer from forced assimilation of state led policies directly and indirectly by the language, culture, religion and practices dominant of non-indigenous communities. So, including these lines can fully integrate ground lives realities.

***Current Paragraph 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.[[29]](#footnote-21) 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

***Suggested Amended Paragraph 14***

The Committee acknowledges that indigenous women and girls have suffered and continue to suffer from forced assimilation *state* policies*, [culture, religion, language and practices of dominant non indigenous communities] and* other large-scale human rights violations, which may in certain instances amount to genocide.[[30]](#footnote-22) 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.

**Section III: Legal framework**

The Convention on the Rights of Persons with Disabilities (CRPD) is aimed at ensuring the rights of all persons with disabilities, including indigenous peoples. As the first United Nations human rights convention adopted in the 21st century,[[31]](#endnote-9) it ensures many rights that previous treaties did not explicitly mention, such as the right to free from violence, the right to accessibility, and the right to equal recognition before the law, including exercise of legal capacity on an equal basis with others.

**Paragraph 15**

Including a section on the legal framework of the rights of indigenous women and girls is important to raising awareness of the international legal standards available to guarantee the rights of indigenous women, including those with disabilities. Therefore, the four organizations suggest including the CRPD in the document is crucial when the rights in that treaty provide further support for the rights of indigenous women with disabilities.

***Current Paragraph 15***

The rights of indigenous women and girls derive from the articles of the Convention, as further developed in the Committee’s General Recommendations, as well as specific international instruments for the protection of the rights of indigenous peoples, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169 (1989) on Indigenous and Tribal Peoples. The Committee considers UNDRIP an authoritative guide to interpret state party and core obligations under CEDAW. In addition, all core international human rights treaties contain relevant protections for the rights of indigenous women and girls. In addressing the rights of indigenous girls, the Committee also makes reference to the Convention on the Rights of the Child (CRC) and General Comment 11 (2009) on indigenous children and their rights of the Committee on the Rights of the Child. States parties have an obligation to protect indigenous girls from all forms of discrimination. The creation of an enabling environment for indigenous girls’ leadership and effective participation is paramount to the full enjoyment of their rights to traditional territories, culture, worldview, and a clean, safe, healthy, and sustainable environment. The CEDAW Committee moreover recognizes the status of indigenous girls as developing persons, which entails a state response tailored to their needs, and the adaptation of government procedures and services to their age, development, and condition.

***Suggested Amended Paragraph 15***

The rights of indigenous women and girls derive from the articles of the Convention, as further developed in the Committee’s General Recommendations, as well as specific international instruments for the protection of the rights of indigenous peoples, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169 (1989) on Indigenous and Tribal Peoples. The Committee considers UNDRIP an authoritative guide to interpret state party and core obligations under CEDAW. In addition, all core international human rights treaties contain relevant protections for the rights of indigenous women and girls. [*For instance, the Convention on the Rights of Persons with Disabilities (CRPD) guarantees the right to equality and non-discrimination in Article 5, the rights of women and girls with disabilities specifically in Article 6, and the CRPD Committee’s General Comment No. 3 on women and girls with disabilities underlines the multiple and intersectional discrimination faced on the grounds of indigenous identity, gender, and disability. Similarly, the CRPD Committee’s General Comment No. 6 states that the scope of Article 5 includes protection against discrimination on all grounds, including indigenous origin.[[32]](#endnote-10)*]In addressing the rights of indigenous girls, the Committee also makes reference to the Convention on the Rights of the Child (CRC) and General Comment 11 (2009) on indigenous children and their rights of the Committee on the Rights of the Child. States parties have an obligation to protect indigenous girls from all forms of discrimination. The creation of an [enabling and *safe]* environment for indigenous girls’ leadership and effective participation is paramount to the full enjoyment of their rights to traditional territories, culture, worldview, and a clean, safe, healthy, and sustainable environment. The CEDAW Committee moreover recognizes the status of indigenous girls as developing persons, which entails a state response tailored to their needs, and the adaptation of government procedures and services to their age, development, and condition.

*The Committee on the Elimination of Racial Discrimination (CERD) Article 1,2,3, 5(c) and other guarantees the right, without any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin […] recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life and Article 5 (c) guarantees without discrimination of any kind to participate in election and to take part in government, and the conduct of public affairs, at any level.*

*In addition, the Concluding Observations made by the CEDAW to different members states should be implemented on the ground like the CEDAW/C/NPL/CO/6 included recommendation at paragraph 41(a) to the State party Nepal to Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self- determination, in line with the UNDRIP.*

**Paragraph 17**

In paragraph 17, the CEDAW Committee refers to the right to self-determination and effective participation in political and public life, which closely relate to the right to legal capacity. As many indigenous women, including those with disabilities, are denied their right to legal capacity[[33]](#endnote-11) due to stereotypical assumptions about their ability to decide and act under the law, and lack of support to make important life decisions,[[34]](#endnote-12) our organizations suggest including a reference to the right to legal capacity in paragraph.

***Current Paragraph 17***

The Committee recognizes self-determination as a key element to ensure that indigenous women live free from gender-based violence and discrimination based on sex, gender, indigenous origin or identity, race, age,and disability. The limited realization of the right to self-determination constitutes a form of discrimination against indigenous women and girls. Indigenous women and girls also have an inextricable link to their traditional lands, territories, and natural resources. 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. Barriers to access their lands and territories result in poverty and undermine indigenous women’s access to food, water, and essential activities to secure livelihoods and survival. The effective participation of indigenous women and girls in political and public life is a prerequisite for the full enjoyment of their rights under the Convention.

***Suggested Amended Paragraph 17***

The Committee recognizes self-determination as a key element to ensure that indigenous women live free from gender-based violence and discrimination based on sex, gender, indigenous origin or identity, race, age, region, and disability. The limited realization of the right to self-determination [*—including the right to full exercise of legal capacity—*] constitute a form of discrimination against indigenous women and girls. Indigenous women and girls also have an inextricable link to their traditional lands, territories, and natural resources. 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. Barriers to access their lands and territories result in poverty and undermine indigenous women’s access to food, water, and essential activities to secure livelihoods and survival. The effective participation of indigenous women and [women with disabilities] and girls in political and public life*,* [*without any limitations on their right to legal capacity,*] is a prerequisite for the full enjoyment of their rights under the Convention. *And most of the state laws and policies don’t address the right to self-determination of indigenous women and and don’t respect the collective rights of indigenous women.*

**Section IV: General obligations of States parties in relation to the rights of indigenous women and girls: Articles 1 and 2 of CEDAW**

**Equality and Non-Discrimination with a focus on Indigenous Women and Intersecting Forms of discrimination**

**Paragraph 20**

Women with disabilities face significantly more difficulties – in both public and private spheres – in attaining access to adequate housing, health, education, vocational training and employment, and are more likely to be institutionalized and face discrimination and violence so mentioning private sphere is relevant.[[35]](#endnote-13)

***Current Paragraph 20***

Discrimination against indigenous women and its effects should be understood in both their individual and collective dimensions. In its individual dimension, indigenous women and girls suffer intersecting forms of discrimination by state and non-state actors on the basis of their sex, gender, indigenous origin or identity, ethnicity, race, age, disability, language, situation of poverty, and educational level. Racism, discriminatory stereotypes, marginalization, and gender-based violence are inter-related violations experienced by indigenous women and girls.

***Suggested Amended Paragraph 20***

Discrimination against indigenous women and its effects should be understood in both their individual and collective dimensions. In its individual dimension, indigenous women, girls and [*women with disabilities]* suffer intersecting forms of discrimination byboth state and non-state actors [including in private sphere] on the basis of their sex, gender, indigenous origin or identity, ethnicity, race, age, region, disability, language, situation of poverty, and educational level. Racism, discriminatory stereotypes, marginalization, and gender-based violence are inter-related violations experienced by indigenous women and girls at structural and indirect level. *There are inadequate laws that addresses these intersectional, racism, structural and indirect level discrimination which need to be formulated and the existing laws are not indigenous women and girls friendly.*

**Paragraph 22**

Ableism is analogous to racism, sexism or ageism, and sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism related beliefs may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities including indigenous women with disabilities and reduce their inclusion in the life of their communities so it should be clearly outlined in the GR. Moreover, these behaviors are reflected in daily lives of indigenous women.[[36]](#endnote-14)

***Current Paragraph 22***

Discrimination against indigenous women and girls is perpetuated by gender stereotypes, but also forms of racism and the legacy of colonization. These underlying causes of discrimination are reflected directly and indirectly in laws, policies and impede access by indigenous women and girls to land use and ownership, natural and economic resources, credit, financial services, and income generating opportunities. They also impede the recognition, protection, and support for collective and cooperative forms of land ownership and use. Indigenous women still face weak legal protection of their land rights, which frequently exposes them to dispossession, displacement, expropriation, and exploitation.[[37]](#footnote-23)

***Suggested Amended Paragraph 22***

Discrimination against indigenous women and girls is perpetuated by gender stereotypes, but also forms of racism,[ *ableism related stigma, stereotypes, prejudice, negative attitudes and traditional beliefs]* and the legacy of colonization. These underlying causes of discrimination are reflected directly and indirectly in laws, policies and *[in practice in their daily lives that are not indigenous friendly] impede* access by indigenous women and girls to land use and ownership, natural and economic resources, credit, financial services, and income generating opportunities. They also impede the recognition, protection, and support for collective and cooperative forms of land ownership and use. Indigenous women still face weak legal protection of their land rights, which frequently exposes them to dispossession*,* displacement, expropriation, and exploitation.[[38]](#footnote-24)

**Paragraph 23**

In paragraph 23, the CEDAW Committee refers to the barriers to exercising the right to legal capacity, especially for indigenous women who are institutionalized. Living in an institution can lead to the violation of many human rights, including the right to live independently and being included in the community, with freedom to choose and control their lives.[[39]](#endnote-15) As the CRPD Committee states in the General Comment No. 5 on independent living, the right to live independently refers to all persons with disabilities, irrespective of indigenous origin, and encompasses exercising freedom of choice and control over decisions affecting one’s life with the maximum level of self-determination. As currently written, this paragraph does not highlight the specific barriers faced by indigenous women and marginalized genders with disabilities who are institutionalized or face obstacles to exercise their legal capacity including other rights. Therefore, our four organizations suggest amplifying this topic in the paragraph.

Moreover, the CEDAW Committee, when referring to the importance of equal rights to women, establishes a recommendation to “Ensure that indigenous women are equal before the law and have the same legal capacity as men.” Acknowledging that there are many more gender identities than women and men, our four organizations suggest changing the recommendation to eliminate the reference that is exclusive to men.

***Current Paragraph 23***

Indigenous women and girls worldwide still do not enjoy the same legal capacity as men or equality before the law under article 15 of the Convention. In many parts of the world, indigenous women lack capacity to conclude contracts and administer property independent of their husband or a male guardian. Indigenous women also experience challenges in holding, controlling, and inheriting land, in particular when they are widowed. Inheritance laws – both ordinary and indigenous – frequently discriminate against indigenous women. Indigenous women with disabilities face pernicious obstacles in the area of legal capacity, which is particularly alarming when they are institutionalized. Many nationality laws still discriminate against women, including indigenous women, in relation to the transmission of their nationality to their children when they marry non-indigenous persons, which is contrary to Article 9 of CEDAW. Therefore, states must ensure that women and girls can acquire, change, retain or renounce their nationality, transfer it to their children and foreign spouse, and have access to information on these rights.

***Suggested Amended Paragraph 23***

Indigenous women and girls worldwide still do not enjoy the same legal capacity as [*other women*] or equality before the law under article 15 of the Convention. In many parts of the world, indigenous women lack capacity to conclude contracts and administer property independent of their husband or a male guardian. Indigenous women also experience challenges in holding, controlling, and inheriting land, in particular when they are widowed. Inheritance laws – both ordinary and indigenous–frequently discriminate against indigenous women. Indigenous women with disabilities face pernicious obstacles in the area of legal capacity, [processing justice process, *often being formally or informally denied the right to make decisions for themselves. This is particularly alarming when they are placed in institutions, which not only violates their right to full legal capacity, but also their rights to live independently and to right to self-determination.*] Many nationality laws still discriminate against women, including indigenous women, in relation to the transmission of their nationality to their children when they marry non-indigenous persons, which is contrary to Article 9 of CEDAW. Therefore, states must ensure that women and girls can acquire, change, retain or renounce their nationality, transfer it to their children and foreign spouse, and have access to information on these rights.

**Paragraph 25**

In paragraph 25, the CEDAW Committee addresses many issues, such as rights to land, intersectional discrimination, accessibility, indigenous women with disabilities, and indigenous women who are LBTI. Many relevant topics are included in the same paragraph, which can lead to confusion and prevent the Committee from deepening in the discussions related to these issues. Hence, our organizations suggest including a new paragraph focused only on intersectional discrimination, indigenous women with disabilities, accessibility and inclusion.

***Current Paragraph 25***

The Committee in its General Recommendation 34 on rural women underscored the importance of indigenous women’s rights to land and collective ownership, natural resources, water, seeds, forests and fisheries under article 14 of the Convention. Key barriers to these rights are the lack of harmonization of laws; their ineffective implementation at the national and local levels; and discriminatory gender stereotypes and practices, particularly in rural areas. Indigenous women with disabilities often face intersecting forms of discrimination based on their sex, gender, disability, and indigenous origin, which further increase their risk of exploitation, violence, and abuse and undermine their rights to land, territories, and resources. Indigenous women and girls with disabilities are at a particularly high risk due to the lack of accessibility and reasonable accommodation in their communities and territories. Moreover, indigenous women who are lesbian, gay, bisexual, transgender, and intersex (LBTI), including those who are two spirit, gender fluid, non-binary, and bi-gender, regularly face intersecting forms of discrimination.

***Suggested Amended Paragraph 25***

Indigenous women with disabilities often face intersecting forms of discrimination based on their sex, gender, disability, and indigenousorigin, which further increase their risk of exploitation, violence, and abuse and undermine their rights to land, territories, and resources [including basic rights like food water, shelter, rehabilitationand others.[[40]](#footnote-25) Indigenous women and girls with disabilities and *highly marginalized and endangered groups* are at a particularly high risk *of being excluded from inputting on important decisions and on the development of policies that affect their lives* due to the lack of accessibility, reasonable accommodation *and supported decision-making with* safe,accessible and enabling inclusive space and ensuring free, prior and informed consent] in their communities and territories.

**Paragraph 26**

The experiences of and challenges faced by indigenous women throughout the world are often similar in terms of poverty, human rights violations, lack of access to education, health care and socio-economic development. so, access to State provided services (heath, education, education, rehabilitation and other services) are vital precondition to enjoy and exercise their rights for indigenous women and girls at all levels. Women with disabilities and elderly women require rehabilitation and accessibility services in accessible manner.

[[41]](#endnote-16)

***Current Paragraph 26***

Indigenous women and girls face discrimination in both the private and public spheres. Indigenous women and girls, in particular those with disabilities, often face barriers to fully exercise their human rights in all social spheres, including in the family, in their communities, their employment, in the health and education sectors, while participating in the public and political life of their countries, and in the digital space.

***Suggested Amended Paragraph 26***

Indigenous women and girls face discrimination in both the private and public spheres. Indigenous women and girls, in particular those with disabilities, including *highly marginalized and endangered groups* often face barriers to fully exercise their human rights in all social spheres, including in the family, in their communities, their employment, health and *quality* education i*n their language*, *rehabilitation, social services in accessible and affordable manner* in all sectors are, while participating in the public and political life of their countries, and in the digital space

**Paragraph 28**

Specific recommendations, as those included in paragraph 28, are key tools to advocate for the rights of indigenous women and marginalized genders with disabilities and hold States accountable. Therefore, in line with the previous suggestions in this section, our organizations recommend including recommendations related to data collection, legal capacity, independent living, and accessibility, which are discussed throughout the section.

In addition, the right to free, prior, and informed consent, and the effective participation of indigenous women and girls in decision-making processes is vital to ensure their right to self-determination in many aspects of their lives, not only regarding lands and territories. As currently written, the paragraph 28(i) gathers two important rights to indigenous women, including those with disabilities, in only one paragraph. To highlight the importance of both recommendations, which are not necessarily linked, our organizations suggest dividing paragraph 28(i) in two. Furthermore, as indigenous women with disabilities are often denied their full legal capacity,[[42]](#endnote-17), our organizations recommend they are explicitly mentioned in this paragraph.

Lastly, the CEDAW Committee, when referring to the importance of equal rights to women, establishes a recommendation to “Ensure that indigenous women are equal before the law and have the same legal capacity as men.” Acknowledging that there are many more gender identities than women and men, our organizations suggest changing the recommendation to eliminate the reference that is exclusive to men.

 ***Current Paragraph 28***

The Committee recommends that States parties:

(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; […]

(e) Ensure that indigenous women are equal before the law and have the same legal capacity as men to conclude contracts and administer property independent of their husband or any male guardian;

(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;

(g) Ensure that indigenous women and girls have adequate access to information on existing laws, including in their own languages, and opportunities to exercise their rights under the Convention

(i) Adopt measures to legally recognize and protect*, promote and preserve* the lands, territories, and natural resources and *traditional customary skills, knowledge practices* of indigenous peoples, including indigenous women; take steps to fully respect the right to free, prior, and informed consent, and the effective participation of indigenous women and girls in decision-making on matters affecting them; […].

***Suggested Amended Paragraph 28 – adding one section***

(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 and girls 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 [*by sex, age, disability, regions, and other marginalized status*] on the forms of gender-based discrimination and violence faced by indigenous women and girls;[…]

(e) Ensure that indigenous women are equal before the law and have the same legal capacity [*as others, including to*] conclude contracts and administer property independent of their husband or any male guardian;

(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 [*others*] 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;

(g) Ensure that indigenous women and girls have adequate access to information on existing laws, including in their own *simple, plain and easily understandable* languages [*and in accessible formats*] and opportunities to exercise their rights under the Convention;

(i) Adopt measures to legally recognize and protect the lands, territories, and natural resources of *indigenous women and grant collective ownership and control over ancestral lands, territories and resources*

(j)Adopt measures to eliminate and prevent all forced assimilation policies and *practice.* This includes the prompt investigation of and accountability for past and present assimilation policies, the establishment of truth and reconciliation bodies, and ensuring access to justice and reparations for the victims involved

(k) [*Take steps to fully respect the right to free, prior, and informed consent, and the effective participation of indigenous women and girls, including those with disabilities, in decision-making on matters affecting them.*]

**Access to justice and plural legal systems**

The right to accessibility must be ensured in every sphere of the lives of indigenous women with disabilities, including when accessing justice, as accessibility is a vital precondition for the enjoyment of the right to access to justice,[[43]](#endnote-18) which cannot be effective if the legal services provided are not accessible to persons with disabilities.[[44]](#endnote-19) Therefore, our organizations suggest explicitly mentioning accessibility regarding the right to access to justice, as the CEDAW Committee does in other sections of the General Recommendation.

**Paragraph 31**

Integrating a gender, intersectional, indigenous women, intercultural, enabling, accessible and inclusive and multidisciplinary perspective as defined in paragraph 4 of this General Recommendation is precondition for all indigenous women and girls for exercising their rights and effectively participate at all levels.

***Current Paragraph 31***

The Committee recognized in its General Recommendation No. 33 (2015) on women’s access to justice, six essential components of women’s access to justice. [[45]](#footnote-26) These six interrelated components - justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems – are also applicable in the case of indigenous women and girls. Access to justice and remedies for indigenous women and girls should be offered with a gender, intersectional, indigenous women, intercultural, and multidisciplinary perspective as defined in paragraph 4 of this General Recommendation.

***Suggested Amended Paragraph 31***

The Committee recognized in its General Recommendation No. 33 (2015) on women’s access to justice, six essential components of women’s access to justice. [[46]](#footnote-27) These six interrelated components - justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems – are also applicable in the case of indigenous women and girls. Access to justice and remedies for indigenous women and girls should be offered with a gender, intersectional, indigenous women, intercultural*, enabling, safe, accessible and inclusive approach* and multidisciplinary perspective as defined in paragraph 4 of this General Recommendation.

**Paragraph 33**

The information provided to all indigenous women and girls in regard to judicial system needs to be in universal framework integrating accessibility, acceptability, availability, adaptability, effective, easy and with quality which are enshrined in all human rights framework including the CRPD.[[47]](#endnote-20)

***Current Paragraph*** ***33***

State parties should also ensure the establishment of courts, quasi-judicial bodies, or other bodies throughout the State party in urban, rural, and remote areas, as well as their maintenance and funding. Indigenous justice systems should also be easily available, adequate, and effective for indigenous women and girls. Information should be available and be disseminated among indigenous women and girls of how to avail themselves of judicial avenues in both the ordinary and indigenous justice systems. Basic judicial services and free legal aid services should be available in close proximity to indigenous women and communities.

***Suggested Amended Paragraph 33***

State parties should also ensure the establishment of courts, quasi-judicial bodies, or other bodies throughout the State party in urban, rural, and remote areas, as well as their maintenance and funding. Indigenous justice systems should also be easily available, adequate, *[simple, easy understandable, affordable and accessible formats]* and effective for indigenous women and girls. Information should be available and be disseminated among indigenous women and girls of how to avail themselves of judicial avenues in both the ordinary and indigenous justice systems. Basic judicial services and free legal aid services should be available in close proximity to indigenous women and communities.

**Paragraph 34**

***Current Paragraph 34***

Indigenous women face obstacles in their access to both ordinary and indigenous justice systems, which can be particularly acute in the case of indigenous women and girls with disabilities.[[48]](#footnote-28) They are routinely denied their right to a remedy. As a result, many cases of discrimination and gender-based violence against indigenous women and girls end in impunity. Barriers to access to justice and reparations for indigenous women and girls include lack of information in indigenous languages on the legal remedies available in both ordinary and indigenous justice systems. 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.

***Suggested Amended Paragraph 34***

Indigenous women face obstacles in their access to both ordinary and indigenous justice systems, which can be particularly acute in the case of indigenous women and girls with disabilities.[[49]](#footnote-29) They are routinely denied their right to a remedy. As a result, many cases of discrimination and gender-based violence against indigenous women and girls end in impunity. Barriers to access to justice and reparations for indigenous women and girls include lack of information in indigenous languages on the legal remedies available in both ordinary and indigenous justice systems. Other barriers include the costs of legal assistance, *process of legal aid and information,* and the lack of free legal aid; the absence of interpreters; court fees; long distances to courts*;* [*lack of accessible information, communications, and premises;*]and lack of training for justice officials on the rights and specific needs of indigenous women and girls.

***Paragraph 35***

Racism, ableism, sexism and other forms of marginalization exist within indigenous women, girls and those with marginalized which needs to be specially addressed

***Current Paragraph 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 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.

***Suggested Amended Paragraph 35***

In ordinary justice systems, indigenous women and girls frequently face racism, racial, disability 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, practices and *[accessibility needs].* Judicial structures and *state mechanism* tend to reflect colonial legacies and post-colonial policies and *treat women as homogenous group dealing with justice system.* Obstacles include the remoteness of indigenous territories, *their severity of impairments, forcing* indigenous women and girls to travel long distances to file complaints, *state negligence*, and *long process of file* *complaint.]* Indigenous women are often not provided with interpretation services, *enabling environment* necessary to fully participate in legal proceedings, and there is 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.

**Paragraph 39**

In addition to the suggestion regarding accessibility, our organizations suggest amending the language referring to legal capacity to be in line with the language used in the CRPD.[[50]](#endnote-21)

Furthermore, indigenous women, including those with disabilities, often experience disbelief, bias and stereotypical views in the legal system, which imposes various barriers that impede their effective access to justice.[[51]](#endnote-22) In this sense, our organizations suggest making the reference to this issue more explicit in the paragraph.

***Current Paragraph 39***

The Committee recommends that States Parties:

(a) Ensure that indigenous women and girls have effective access to adequate ordinary and indigenous justice systems that are free from racial and/or gender-based discrimination, bias, and stereotypes; […]

(f) Ensure that indigenous women without sufficient means and legally incapacitated indigenous women have access to free legal aid, including in cases of gender-based violence against women. Free legal aid and assistance should be provided to girls. States parties should financially support non-governmental organizations providing free and specialized legal assistance to indigenous women; […]

***Suggested Amended Paragraph 39***

The Committee recommends that States Parties:

(a) Ensure that indigenous women and girls, [*including those with disabilities and highly and endangered marginalized groups]*, have effective access to adequate [*and accessible]* ordinary and indigenous justice systems that are free from racial*, [disability]* and/or gender-based discrimination, bias, and stereotypes;

(b) Provide training to judges in both the ordinary and indigenous justice systems on the rights of indigenous women and girls and the need for an approach to justice that is guided by a gender, intersectional, indigenous women, [*intercultural, safe, enabling and accessible]*

(f) Ensure that indigenous women without sufficient means and indigenous women [*who are denied the right to full legal capacity*] have access to free legal aid, including in cases of gender-based violence against women. Free legal aid and assistance should be provided to girls and *highly and endangered marginalized groups]*, States parties should financially support non-governmental organizations and *traditional customary organizations* providing free and specialized legal assistance to indigenous women;

**Paragraph 42**

Using appropriate language and terminology that is in line with human rights standards is crucial to avoid misconceptions and prejudice against certain groups. According to the CRPD, the definition of persons with disabilities “include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”[[52]](#endnote-23) In view of the above, terminology that refers to any type of disability as an illness must be avoided. In addition, persons with specific types of disabilities are included among persons with disabilities and, therefore, it is not necessary to mention them as a separate group in the context of the paragraph below.

***Current Paragraph 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.

***Suggested Amended Paragraph 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, *collective, cultural* and spiritual. Violence often occurs in institutions, particularly those that are closed and segregated, against indigenous women and girls [*with disabilities, including psychosocial disabilities, intellectual, deafblind, deaf, and other severe disabilities,*] and older indigenous women and t*hese women are risk and in vulnerable stage than others like women who are abandoned or are in the street.]* 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.

**Right to effective participation in political and public life (articles 7, 8, and 14)**

Specific recommendations, as those included in paragraph 52, are key tools to advocate for the rights of indigenous women and marginalized genders with disabilities and hold States accountable. Therefore, our four organizations suggest including in the recommendations a reference to support the participation of indigenous women and girls, including those with disabilities, in political and public life.

***Current Paragraph 44***

States parties have a due diligence obligation to prevent, investigate and punish perpetrators, and provide reparations to indigenous women and girls who are victims of gender-based violence. This obligation is applicable to both ordinary and indigenous justice systems.[[53]](#footnote-30) Due diligence should be implemented with a gender, indigenous women, intersectional, intercultural*,* and multidisciplinary perspective as defined in paragraph 4 of this General Recommendation, and bearing in mind the gendered causes and impacts of the violence experienced by indigenous women. This entails taking into account how racial discrimination, racism, stereotypes, and post-colonial practices intersect with gender factors to reproduce violence against indigenous women and girls by state and non-state actors

***Suggested Amended Paragraph 44***

States parties have a due diligence obligation to prevent, investigate and punish perpetrators, and provide reparations to indigenous women and girls who are victims of gender-based violence. This obligation is applicable to both ordinary and indigenous justice systems.[[54]](#footnote-31) Due diligence should be implemented with a gender, indigenous women, intersectional, intercultural, *[enabling, safe, and inclusive, accessible approach ] a*nd multidisciplinary perspective as defined in paragraph 4 of this General Recommendation, and bearing in mind the gendered causes and impacts of the violence experienced by indigenous women. This entails taking into account how racial discrimination, racism, stereotypes, *[ableism]* and post-colonial practices intersect with gender factors to reproduce violence against indigenous women and girls by state and non-state actors. The effects of the violence suffered by indigenous women severely impact their human rights to life, dignity, personal integrity and security, health, privacy, personal liberty, and to be free from torture.

**Paragraph 46**

Violence related to indigenous women including those with disabilities may face more acute forms of violence including gender-based violence, including domestic violence, harmful traditional practices, sexual violence and femicide; whether originating in their own communities, as forms of control or punishment, or perpetrated by others in the context of the structural violence they face. For example, indigenous women have been reported to be significantly more likely to experience rape and sexual violence than non-indigenous women, a large number by non-indigenous men. Indigenous women have also historically experienced several types of violence perpetrated by State agents, including forced sterilizations so gender, indigenous and disability related causes of violence should be addressed.[[55]](#endnote-24)

***Current Paragraph 46***

States should have an effective legal framework and adequate support services in place to address gender-based violence against indigenous women and girls. This framework must include measures to prevent, investigate, punish perpetrators, and provide assistance and reparations to indigenous women and girls who are victims, as well as services to address and mitigate the harm, of gender-based violence.

***Suggested Amended Paragraph 46***

States should have an effective legal framework and adequate support services in place to address gender-based violence against indigenous women and girls and [*women with disabilities.*] This framework must include measures to prevent, investigate, punish perpetrators, and provide assistance and reparations to indigenous women and girls who are victims, as well *as rehabilitation and reintegration* services to address and mitigate the harm, of gender *and disability based* violence. This general obligation extends to all areas of State action, including the legislative, executive, and judicial branches, at the national, regional and local levels, as well as privatized services

**Paragraph 47**

***Current Paragraph 47***

(a)Adopt legislation prohibiting gender-based violence against indigenous women and girls incorporating a gender, indigenous women and girls, intersectional, intercultural, and multidisciplinary perspective, as defined in paragraph 4 of this General Recommendation;

(b)Recognize all forms of gender-based violence against indigenous women and girls, includingenvironmental, spiritual, and cultural violence;

 (e)Ensure that support services, including medical treatment, psychosocial counselling, professional training, as well as reintegration services and shelters are available and accessible to indigenous women and girls who are victims of gender-based violence against women, which are culturally relevant and appropriate. All services should be designed with an intercultural, and multidisciplinary approach, as described in paragraph 4 of this General Recommendation; and[…]

***Suggested Amended Paragraph 47***

(a)Adopt legislation prohibiting gender-based violence against indigenous women and girls incorporating a gender, indigenous women and girls, intersectional, intercultural, *enabling, safe* *accessible and inclusive* and multidisciplinary perspective, as defined in paragraph 4 of this General Recommendation;

(b)Recognize all forms of gender-based violence against indigenous women and girls, including *disability, environmental*, spiritual, cultural *and collective* violence;

 (e)Ensure that support services, including *rescue to the victim,* medical treatment, psychosocial counselling, professional training, as well as reintegration services and shelters *are available and accessible, affordable, available* to indigenous women and girls who are victims of gender-based violence against women, which are culturally relevant and appropriate. All services should be designed with an intercultural, *enabling safe, accessible and inclusive and* multidisciplinary approach, as described in paragraph 4 of this General Recommendation; and

**Paragraph 49**

The distinct discrimination and violence that indigenous women and girls including those with disabilities faced in several layers related with their individual and collective rights need to be clearly reflected in the GR of Indigenous women which will enable us to use the GR as a tool for transformation so it is fundamental to mention the unequal power relation between non indigenous groups and males including disability, collective rights and cultural related discrimination faced by indigenous women and girls in daily lives.

***Current Paragraph 49***

Indigenous women and girls face multiple and intersecting barriers to effective, meaningful, and real participation.[[56]](#footnote-32) Such barriers include lack of and unequal educational opportunities; illiteracy; language constraints; denial of access to health care services, including sexual and reproductive health and rights; and the lack of access, support, and information on legal, political, institutional, community, and civil society processes to vote, run for political office, organize campaign, and secure funding. Other barriers include discriminatory gender stereotypes and intersectional discrimination, racism, and unequal distribution of family responsibilities such as child care. Indigenous women are also at risk of political violence, harassment and other attacks and reprisals for political activism and advocacy work, both offline and online. In many cases, such reprisals remain unpunished in the absence of legislation prohibiting political violence and legal avenues to seek effective, gender-responsive remedies and report and punish the perpetrators of such acts.[[57]](#footnote-33) The barriers to participation can be particularly high in armed conflict contexts, including in transitional justice processes, in which indigenous women and girls, and their organizations are often excluded from peace negotiations or attacked and threatened when they do. In accordance with Security Council resolution 1325 (2000) on women, peace and security, and subsequent resolutions, States parties should create an enabling, environment for indigenous women and girls to effectively participate in conflict resolution and transitional justice processes.

***Suggested Amended Paragraph 49***

Indigenous women and girls face multiple and intersecting barriers to effective, meaningful, and real participation.[[58]](#footnote-34) Such barriers include lack of and *[unequal power relation and lack of access to resources and distribution and state mechanism,* denied of their free, prior and informed consent*]* educational opportunities; illiteracy; language constraints; denial of access to health care services, including sexual and reproductive health and rights; and the lack of access, support, and information on legal, political, institutional, community, and civil society processes to vote, run for political office, organize campaign, and secure funding. Other barriers include discriminatory gender stereotypes and intersectional discrimination, racism*, [disability related discrimination]* and unequal distribution of family responsibilities such as child care. Indigenous women are also at risk of political, *cultural and collective* violence, harassment and other attacks and reprisals for political activism and advocacy work, both offline and online. In many cases, such reprisals remain unpunished in the absence of legislation prohibiting political violence and legal avenues to seek effective, gender-responsive remedies and report and punish the perpetrators of such acts.[[59]](#footnote-35) The barriers to participation can be particularly high in armed conflict contexts, including in transitional justice processes, in which indigenous women and girls, and their organizations are often excluded from peace negotiations or attacked and threatened when they do. In accordance with Security Council resolution 1325 (2000) on women, peace and security, and subsequent resolutions, States parties should create an enabling, [*safe, accessible, cultural, conducive and inclusive* environment for indigenous women, girls, *women with disabilities including highly ,marginalized and endangered groups] to* effectively participate in conflict resolution and transitional justice processes.

**Paragraph 52**

***Current Paragraph 52***

The Committee recommends that States parties: […]

1. Adopt measures to create enabling environments for indigenous women and girls to meaningfully participate in civil society, their communities, and other social institutions free from discriminatory gender stereotypes.

***Suggested Amended Paragraph – adding one section***

The Committee recommends that States parties:

[…]

(i) Adopt measures to *create safe, conducive,* enabling environments for indigenous women and girls to meaningfully participate in civil society, their communities, and *in traditional, customary institutions* and other social institutions *through inclusive and participatory process* and free from discriminatory gender, *ethnic and disability* stereotypes.

[*(j) Repeal all laws that limit the right to political and public participation of indigenous women and marginalized genders, such as laws restraining their legal capacity.*

**Right to nationality (article 9)**

**Paragraph 53**

***Current Paragraph 53***

Under the citizenship laws in a number of countries, indigenous women and girls face discrimination to acquire, change, and retain their nationality. Article 9 provides that States parties shall grant indigenous women equal rights with men to acquire, change, or retain their nationality and with respect to the nationality of their children. These laws sometimes prevent indigenous women unlike men from directly passing their nationality to their children and foreign spouses and may result in statelessness of their children. Birth registration is closely linked to the enjoyment by indigenous women and girls of the right to a nationality. Indigenous women and girls often face barriers to adequate and effective access to birth registration procedures, including long distances to civil registry offices, transportation costs, legal illiteracy and lack of information on birth registration, marriage, divorce, and death certificates.[[60]](#footnote-36)

***Suggested Amended Paragraph 53***

Under the citizenship laws in a number of countries, indigenous women and girls face discrimination to acquire, change, and retain their nationality. Article 9 provides that States parties shall grant indigenous women equal rights with men to acquire, change, or retain their nationality and with respect to the nationality of their children. These laws sometimes prevent indigenous women unlike men from directly passing their nationality to their children and foreign spouses and may result in statelessness of their children. Birth registration is closely linked to the enjoyment by indigenous women and girls of the right to a nationality. Indigenous women and girls and [*especially women with disabilities* often face barriers to adequate and effective access to birth registration procedures*, issuance of disability card, indigenous card, social protection card,]* including long distances to civil registry offices, transportation costs, legal illiteracy and lack of information on birth registration, marriage, divorce, and death certificates.

[[61]](#footnote-37)

**The Committee recommends that States parties:**

a.Ensure that indigenous women and girls and *women with disabilities* have access to personal identification documents and affordable*, easy,* and *accessible, user*-friendly birth registration procedures, *citizenship,* for example through online procedures or mobile registration units, in line with the Committee’s General Recommendation 34 on rural women;[[62]](#footnote-38)

**D. Right to education (articles 5 and 10)**

Using appropriate language and terminology that is in line with human rights standards is crucial to avoid misconceptions and prejudice against certain groups. Persons with disabilities and their representative organizations have chosen certain terminology, such as “persons with disabilities,” instead of other terms that may be derogatory.[[63]](#endnote-25) Therefore, our organizations suggest amending the language referring to students with disabilities to be in line with the language used in the CRPD.[[64]](#endnote-26)

***Current Paragraph***

Indigenous women and girls face multiple barriers to enrollment, retention, and completion at all levels of education and in non-traditional fields.[[65]](#footnote-39) Some of the most important educational barriers for indigenous women and girls include: poverty; discriminatory gender stereotypes, and marginalization;[[66]](#footnote-40) limited cultural relevance of educational curricula; instruction solely in the dominant language; and the scarcity of sexual education. Indigenous women and girls frequently must travel long distances to schools and they are at risk of gender-based violence on the way to and at schools. While at school, they may experience sexual violence, corporal punishment, and bullying. Gender-based violence and discrimination in education is particularly acute when forced assimilation policies are implemented in schools. Indigenous girls with disabilities face particular barriers to their access and retention in the educational system, including lack of physical accessibility; the refusal by schools to enroll them; the absence of accommodation of their needs in school curricula and teaching materials; stigma and stereotypes regarding their learning capacity; and the lack of teachers trained to assist students with special needs.[[67]](#footnote-41) Forced marriages, sexual abuse and adolescent pregnancies, the disproportionate burden of family responsibilities, child work, natural disasters, and armed conflicts can also hamper indigenous girls’ access to school. States in general should take steps to respect the rights of indigenous women in the area of education, as a key vehicle to transmit their culture, traditional knowledge, and respect for the environment.

***Suggested Amended Paragraph***

Indigenous women and girls face multiple barriers to enrollment, retention, and completion at all levels of education and in non-traditional fields.[[68]](#footnote-42) Some of the most important educational barriers for indigenous women and girls include: poverty; discriminatory gender stereotypes, and marginalization;[[69]](#footnote-43) limited cultural relevance of educational curricula; instruction solely in the dominant language; and the scarcity of sexual education. Indigenous women and girls frequently must travel long distances to schools and they are at risk of gender-based violence on the way to and at schools. While at school, they may experience sexual violence, corporal punishment, and bullying. Gender-based violence and discrimination in education is particularly acute when forced assimilation policies are implemented in schools. Indigenous girls with disabilities face particular barriers to their access and retention in the educational system, including lack of physical accessibility; the refusal by schools to enroll them; the absence of accommodation of their needs in school curricula and teaching materials; stigma and stereotypes regarding their learning capacity; and the lack of teachers trained to assist students [*with disabilities*.][[70]](#footnote-44) Forced marriages, sexual abuse and adolescent pregnancies, the disproportionate burden of family responsibilities, child work, natural disasters, and armed conflicts *and emergency situations* can also hamper indigenous girls’ access to school. States in general should take steps to respect the rights of indigenous women in the area of education, as a key vehicle to transmit their culture, traditional knowledge, and respect for the environment.

**Right to health (articles 10 and 12)**

In this section, the CEDAW Committee refers to many groups that face intersectional discrimination and wrongful stereotyping as related to the right to health. In order to highlight the grounds of the discrimination they may experience it is important to name all the grounds of discrimination that may affect the groups listed in the paragraph.

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

***Current Paragraph***

a) Remove educational barriers and enable educational and *intercultural* support system for indigenous women and girls with disabilities;[[71]](#footnote-45)

***Suggested Amended Paragraph***

b) Remove educational barriers and enable educational support system to *indigenous language , and integrating indigenous local language, culture and skills, enroll and receive quality education* for indigenous women and girls with disabilities;[[72]](#footnote-46)

**Paragraph 59**

***Current Paragraph 59***

Indigenous women often experience difficulties in securing access to sexual and reproductive health information and education, including about family planning methods, contraception, and access to a safe and legal abortion. They are frequent victims of gender-based violence in the health system, including obstetrics violence[[73]](#footnote-47) and coercive practices such as involuntary sterilizations or forced contraception[[74]](#footnote-48) and such practices infringe on the right of indigenous women and girls to decide on the number and spacing of their children. These practices also adversely affect women.

***Suggested Amended Paragraph 59***

Indigenous women, and girls *including those with disabilities and highly marginalized and endangered groups* often experience difficulties in securing access to sexual and reproductive health information and education, including about family planning methods, contraception, and access to a safe and legal abortion. They are frequent victims of gender-based violence in the health system, including obstetrics violence[[75]](#footnote-49) and coercive practices such as involuntary sterilizations or forced contraception[[76]](#footnote-50) and such practices infringe on the right of indigenous women and *girls including those with disabilities* to decide on the number and spacing of their children. These practices also adversely affect indigenous women and girls.

**Paragraph 60**

***Current Paragraph 60***

Indigenous women with disabilities, those who are LBTI and indigenous girls and older indigenous women face wrongful stereotyping based on gender and race, and violence by health professionals. States must ensure that health services offered to indigenous women and girls are culturally appropriate and acceptable, taking into consideration and respecting their different culture, worldview, and languages. It is key that health officials are trained on the historical and present realities of indigenous women and girls, the stereotypes and different treatment they often suffer, and their different culture and worldview. States must ensure that health services offered to indigenous women are culturally appropriate, taking into consideration and respecting their different culture, worldview, and languages. It is key that health officials are trained on the historical and present realities of indigenous women and girls, the stereotypes and different treatment they often suffer, and their different culture and worldview.

***Suggested Amended Paragraph 60***

Indigenous women with disabilities, those who are LBTI and indigenous girls and older indigenous women face wrongful stereotyping based on gender*,* [*other sexual orientation, disability status*] and race, and violence by health professionals. States must ensure that health services offered to indigenous women and girls are culturally appropriate, *accessible, affordable* and acceptable, taking into consideration and respecting their different culture, worldview, languages and *their collective way of life].* It is key that health officials are trained on the historical,*structural* and present realities of indigenous women and girls, the stereotypes and different treatment they often suffer, and their different culture and worldview. States must ensure that health services offered to indigenous women are culturally appropriate, taking into consideration and respecting their different culture, worldview, and languages. It is key that health officials are trained on the historical and present realities of indigenous women and girls, *including those with disabilities* and the stereotypes and different treatment they often suffer, and their different culture and worldview.

**62.The Committee recommends that States parties**

a) Ensure that health information is widely disseminated in indigenous languages and dialects, and in *accessible formats, easy and access to everyone* including through conventional and social media;

b) Ensure the recognition of indigenous health systems, knowledge, and practices and prevent and sanction the criminalization of this knowledge;

**68.The Committee recommends that States parties:**

a) Ensure the individual and collective rights of indigenous women and girls to maintain their culture, identity*, language,* and traditions, and to choose their own path and life plans;

d) Collaborate with indigenous peoples, including women, to *develop inclusive, accessible and culturally* appropriate education programs and curricula;

**Effects of Covid-19 on Indigenous Women and Girls**

The Covid-19 response overlooked women and marginalized genders with disabilities, including indigenous women.[[77]](#endnote-27) Those experiencing intersectional discrimination based on gender, indigenous identity, and disability have faced even greater barriers to accessing healthcare, including sexual and reproductive health, and higher risks of violence, unemployment, and inability to meet basic needs.[[78]](#endnote-28) In order to ensure the rights of indigenous women with disabilities throughout the Covid-19 pandemic and future health crises, it is crucial to gather reliable information and data about their situation regarding health, employment, education, gender-based violence, meeting basic needs, and other important human rights issues and to effectively include indigenous women and marginalized genders with disabilities in the response to the pandemic and its recovery. Therefore, our organizations suggest including an explicit reference to data collection among the recommendations on this topic.

**Paragraph 80**

***Current Paragraph – adding one section (f)***

The Committee recommends that States parties:

(d) Ensure that indigenous women and girls can effectively participate and be leaders in decision-making related to the Covid-19 pandemic and future pandemics; and […]

***Suggested Amended Paragraph 80***

The Committee recommends that States parties:

(d) Ensure that indigenous women and girls can effectively participate and be leaders in decision-making related to the Covid-19 pandemic [*and its recovery*] and future pandemics; *and stop migration to cities with enabling and indigenous and local friendly systems and skills .*

*(f) Disaggregate data related to the impact of the pandemic and future crises by sex, gender, indigenous identity, age, and type of disability. Guarantee that the data and its impact is analyzed accordingly for targeted policies and intervention*]

**The Committee recommends that States parties:**

1. Address the disproportionate health impact of the Covid-19 pandemic on indigenous women and girls, *women with disabilities and highly and endangered groups;*
2. Ensure that indigenous women and girls have access to culturally acceptable health care, aiming at integrating both indigenous traditional medicine and modern medicine, including access to vaccination, equipment, testing, and urgent emergency treatment for Covid-19;[[79]](#footnote-51)
3. Ensure that courts, shelters, domestic violence reporting mechanisms and sexual and reproductive health services are considered essential and remain operational throughout the Covid-19 and during future pandemics;
4. Ensure that indigenous women and girls, *elderly peoples and* *women with disabilities* can effectively participate and be leaders in decision-making related to the Covid-19 pandemic and future pandemics; and

Thank you for your consideration of this submission, If you have any questions or would like further clarification on any point outlined above, please do not hesitate to contact us in following emails: niwf2057@gmail.com, mailmepratima508@gmail.com or nidwan2015@gmail.com. we provide the consent to kindly disseminate the information in the website from four organizations; NIWF, NIWF, NIDWAN and INLOWAG.

1. National Indigenous Women Federation (NIWF) is a Kathmandu based umbrella organization of Adivasi Janajati (Indigenous Nationalities) specific women's organizations. NIWF’s vision is a society based on equality and equity with identity established and makes indigenous women’s visible for inclusive democracy, human rights and social justice. [↑](#footnote-ref-1)
2. National Indigenous Women Forum (NIWF) advocates for ensuring the rights of highly marginalized and endangered indigenous women, promoting the social, cultural, political and economic rights of indigenous women. [↑](#footnote-ref-2)
3. National Indigenous Disabled Women Association Nepal (NIDWAN) aims to unite young women, indigenous women, and women with disabilities to establish a fair, just, and equitable society. With a goal to improve the social, economical, educational, political and environmental justice status of the marginalized, disadvantaged and unsafe women that include young, indigenous, women with disabilities, poor, conflict and disaster-affected victims and other marginalized groups, NIDWAN has been instrumental for bridging the gaps of gender, indigeneity, disability with an intersectional lens. [↑](#footnote-ref-3)
4. Indigenous Women’s Legal Awareness Group (INWOLAG) is a non-profit, non-governmental, non-political, organization established in the year 2000. INWOLAG comprise Indigenous women legal experts and professionals who are dedicated to fight for indigenous women’s human rights and its mission is to protect and promote of the dignity and well being of indigenous women by ending all forms of discrimination and violence against indigenous women and children. [↑](#footnote-ref-4)
5. NIWF. etal. 2021 CEDAW General Recommendation on the Rights of Indigenous Women written submission, 79th session on the Committee on the Elimination of Discrimination against Women 21 June to 1 July 2021 Geneva, Switzerland [↑](#footnote-ref-5)
6. United Nations Human Rights Council, Right to health and indigenous peoples with a focus on children and youth - Study by the Expert Mechanism on the Rights of Indigenous Peoples ¶ 67, U.N. Doc. A/HRC/33/57 (2016). [↑](#footnote-ref-6)
7. As UN Women states, such estimative is very conservative, given that disability rates are higher among women (19 versus 12 percent in men) and also among indigenous women in different countries (ranging from 22 percent among Aboriginal women in Canada to 47 percent among Aboriginal women in Australia), due to many factors related to the intersecting forms of discrimination this group faces. *See* UN Women, *Fact Sheet – Indigenous Women with Disabilities* 1 (2020), <https://www.unwomen.org/en/digital-library/publications/2020/04/fact-sheet-on-indigenous-women-with-disabilities> [↑](#footnote-ref-7)
8. UN Women, Fact sheet on indigenous women with disabilities, 2020, https://www.unwomen.org/en/digital-library/publications/2020 /04/fact-sheet-on- indigenous-women-with-disabilities [↑](#endnote-ref-1)
9. International Labor Organization, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169 Towards an inclusive, sustainable and just future* (2019), page 13; United Nations Department of Economic and Social Affairs, 5th Volume: [*State of the World’s Indigenous Peoples, Rights to Land, Territories, and Resources*](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2021/03/State-of-Worlds-Indigenous-Peoples-Vol-V-Final.pdf) (2021), page 119. [↑](#footnote-ref-8)
10. United Nations Development Programme, [*10 Things to Know about Indigenous Peoples*](https://stories.undp.org/10-things-we-all-should-know-about-indigenous-people), January 25, 2019. [↑](#footnote-ref-9)
11. *Id.* [↑](#footnote-ref-10)
12. Written Submission to CEDAW Committee Regarding the Elaboration of CEDAW General Recommendation 39 on the Rights of Indigenous Women and Girls (presented by FIMI - International Indigenous Women’s Forum AIWO - African Indigenous Women’s Organizations ECMIA - Continental Network of Indigenous Women of the Americas AMICAM - Alliance of Indigenous Women from Central America and México AIWN - Asian Indigenous Women’s Network NATSIWA - National Aboriginal and Torres Strait Islander Women’s Alliance, and MADRE. Prepared by the Human Rights Clinic of the University of Miami Law School. Hereinafter “FIMI Submission”, page 11. [↑](#footnote-ref-11)
13. International Labor Organization, Implementing the ILO Indigenous and Tribal Peoples Convention No. 169 Towards an inclusive, sustainable and just future (2019), page 13; United Nations Department of Economic and Social Affairs, 5th Volume: [State of the World’s Indigenous Peoples, Rights to Land, Territories, and Resources](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2021/03/State-of-Worlds-Indigenous-Peoples-Vol-V-Final.pdf) (2021), page 119. [↑](#footnote-ref-12)
14. United Nations Development Programme, [10 Things to Know about Indigenous Peoples](https://stories.undp.org/10-things-we-all-should-know-about-indigenous-people), January 25, 2019. [↑](#footnote-ref-13)
15. Id. [↑](#footnote-ref-14)
16. Written Submission to CEDAW Committee Regarding the Elaboration of CEDAW General Recommendation 39 on the Rights of Indigenous Women and Girls (presented by FIMI - International Indigenous Women’s Forum AIWO - African Indigenous Women’s Organizations ECMIA - Continental Network of Indigenous Women of the Americas AMICAM - Alliance of Indigenous Women from Central America and México AIWN - Asian Indigenous Women’s Network NATSIWA - National Aboriginal and Torres Strait Islander Women’s Alliance, and MADRE. Prepared by the Human Rights Clinic of the University of Miami Law School. Hereinafter “FIMI Submission, page 11 [↑](#footnote-ref-15)
17. NIDWAN, 2021.Indigenous Women and Girls in Nepal: A Brief Overview. Nepal. [https://nidwan.org.np/ development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing\_wp\_cron=1643362864. 9734780788421630859375](https://nidwan.org.np/%20development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing_wp_cron=1643362864.%209734780788421630859375) [↑](#endnote-ref-2)
18. See United Nations Commission on the Status of Women (CSW), Resolution 56/4, Indigenous women: key actors in poverty and hunger eradication, E/2012/27 E/CN.6/2012/16; United Nations News, Department of Economic Affairs, Empowering Indigenous Women to Achieve Sustainable Development, https://www.un.org/en/desa/empowering-indigenous-women-achieve-sustainable-development [↑](#footnote-ref-16)
19. See United Nations Commission on the Status of Women (CSW), Resolution 56/4, Indigenous women: key actors in poverty and hunger eradication, E/2012/27 E/CN.6/2012/16; United Nations News, Department of Economic Affairs, Empowering Indigenous Women to Achieve Sustainable Development, https://www.un.org/en/desa/empowering-indigenous-women-achieve-sustainable-development [↑](#footnote-ref-17)
20. NIDWAN, 2021.Indigenous Women and Girls in Nepal: A Brief Overview. Nepal. [https://nidwan.org.np/ development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing\_wp\_cron=1643362864. 9734780788421630859375](https://nidwan.org.np/%20development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing_wp_cron=1643362864.%209734780788421630859375) [↑](#endnote-ref-3)
21. NIDWAN, 2021.Violence against Indigenous Women and Indigenous Women with Disabilities.” National Indigenous Disabled Women Association Nepal, MADRE <https://nidwan.org.np/development-research/research-on-violence-against-indigenous-women-and-indigenous-women-with-disabilities/>. [↑](#footnote-ref-18)
22. UNDRIP in Article 2 provides that “indigenous peoples and individuals have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.” [↑](#footnote-ref-19)
23. UNDRIP in Article 2 provides that “indigenous peoples and individuals have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.” [↑](#footnote-ref-20)
24. Asian Indigenous Women’s Network (AIWN), *Indigenous women: Powerful partners in transforming our world 2016-2017* 4 (2017), <https://www.asianindigenouswomen.org/index.php/publications-and-multimedia/magazines-and-newsletters/183-aiwn-2016-2017/file> [↑](#endnote-ref-4)
25. United Nations General Assembly, *Situation of women and girls with disabilities and the Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto*, ¶ 23, U.N. Doc. A/72/227 (2017). [↑](#endnote-ref-5)
26. Declaration on the Rights of Indigenous Peoples, adopted Sept. 13, 2007, art. 3, U.N. Doc. (A/61/L.67

and Add.1). [↑](#endnote-ref-6)
27. Lucy Series and Anna Nilsson, *The UN Convention on the Rights of Persons with Disabilities: A Commentary* Introduction (2018), <https://www.ncbi.nlm.nih.gov/books/NBK539188/#ch12.s1> [↑](#endnote-ref-7)
28. CRPD Committee, *General Comment No. 1 on* *equal recognition before the law ¶*¶ 8-9, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-8)
29. See, for reference, UNDRIP, Article 8; Convention on the Prevention and Punishment of the Crime of Genocide, Article II; Rome Statute of the International Criminal Court, Article 6. [↑](#footnote-ref-21)
30. See, for reference, UNDRIP, Article 8; Convention on the Prevention and Punishment of the Crime of Genocide, Article II; Rome Statute of the International Criminal Court, Article 6.

 [↑](#footnote-ref-22)
31. Amita Dhanda, *Constructing a New Human Rights Lexicon: Convention on the Rights of Persons with Disabilities* 48 (2008), https://www.scielo.br/j/sur/a/7JddmytChKKbq8JD5RQd9jv/?lang=en&format=pdf [↑](#endnote-ref-9)
32. CRPD Committee, *General Comment No. 6 on* *equality and non-discrimination* ¶ 21, U.N. Doc. CRPD/C/GC/6 (2018). [↑](#endnote-ref-10)
33. United Nations Economic and Social Council, *Study on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with regard to the full enjoyment of human rights and inclusion in development* ¶ 50 U.N. Doc. E/C.19/2013/6 (2013). [↑](#endnote-ref-11)
34. CRPD Committee, *General Comment No. 1 on* *equal recognition before the law ¶*¶ 8-9, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-12)
35. Women and girls with disabilities, <https://www.un.org/development/desa/disabilities/issues/women-and-girls-with-disabilities>. html [↑](#endnote-ref-13)
36. https://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions/5-ableism-negative-attitudes-stereotypes-and-stigma [↑](#endnote-ref-14)
37. United Nations Rapporteur on Indigenous Peoples, *Report on Indigenous Women*, paras. 15-17. [↑](#footnote-ref-23)
38. United Nations Rapporteur on Indigenous Peoples, *Report on Indigenous Women*, paras. 15-17. [↑](#footnote-ref-24)
39. CRPD Committee, *General Comment No. 5 on living independently and being included in the community¶*1, U.N. Doc. CRPD/C/GC/5 (2017). [↑](#endnote-ref-15)
40. United Nations Department of Economic and Social Affairs, 5th Volume: [State of the World’s Indigenous Peoples, Rights to Land, Territories, and Resources](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2021/03/State-of-Worlds-Indigenous-Peoples-Vol-V-Final.pdf) (2021), page 121. [↑](#footnote-ref-25)
41. https://www.un.org/esa/socdev/unpfii/documents/Briefing%20Notes%20Gender%20and%20Indigenous%20Women.pdf [↑](#endnote-ref-16)
42. CRPD Committee, *General Comment No. 1 on* *equal recognition before the law ¶*¶ 8-9, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-17)
43. CRPD Committee, *General Comment No. 2 on accessibility ¶*36*y*, U.N. Doc. CRPD/C/GC/2 (2017). [↑](#endnote-ref-18)
44. CRPD Committee, *General Comment No. 2 on accessibility ¶*37, U.N. Doc. CRPD/C/GC/2 (2017). [↑](#endnote-ref-19)
45. CEDAW Committee, General Recommendation 33 on women’s access to justice, para. 14. [↑](#footnote-ref-26)
46. CEDAW Committee, General Recommendation 33 on women’s access to justice, para. 14. [↑](#footnote-ref-27)
47. https://www.humanrights.dk/files/media/dokumenter/udgivelser/aaaq\_issue\_paper\_2014.pdf [↑](#endnote-ref-20)
48. FIMI Contribution, pages 27-30; CEDAW Committee, General Recommendation 33 on women’s access to justice, paras. 61-64; United Nations Rapporteur on Indigenous Peoples, *Report on the Rights of Indigenous Peoples*, A/HRC/42/37, August 2, 2019, paras. 69-74. [↑](#footnote-ref-28)
49. FIMI Contribution, pages 27-30; CEDAW Committee, General Recommendation 33 on women’s access to justice, paras. 61-64; United Nations Rapporteur on Indigenous Peoples, *Report on the Rights of Indigenous Peoples*, A/HRC/42/37, August 2, 2019, paras. 69-74. [↑](#footnote-ref-29)
50. *See* CRPD Committee, *General Comment No. 1 on* *equal recognition before the law*, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-21)
51. United Nations Human Rights Council, *Access to justice in the promotion and protection of the rights of indigenous peoples: restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities – Study by the Expert Mechanism on the Rights of Indigenous Peoples* *¶*40, U.N. Doc. A/HRC/27/65 (2014); United Nations High Commissioner for Human Rights, *International Principles and Guidelines on Access to Justice for Persons with Disabilities* 7 (2020), https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/10/Access-to-Justice-EN.pdf [↑](#endnote-ref-22)
52. Convention on the Rights of Persons with Disabilities, adopted Dec. 13, 2006, art. 1, G.A. Res. A/RES/61/106, U.N. GAOR, 61st Sess., U.N. Doc. A/61/611, (entered into force May, 3 2008) [hereinafter CRPD]. [↑](#endnote-ref-23)
53. Inter-American Commission on Human Rights, *Indigenous Women Report*, para. 230. See also CEDAW Committee, General Recommendation 33 on women’s access to justice, para. 64. [↑](#footnote-ref-30)
54. Inter-American Commission on Human Rights, *Indigenous Women Report*, para. 230. See also CEDAW Committee, General Recommendation 33 on women’s access to justice, para. 64. [↑](#footnote-ref-31)
55. https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Report-VAIWG.aspx [↑](#endnote-ref-24)
56. EMRIP Contribution (June 18, 2021), page 4; Contribution by Indigenous Peoples and Development Branch – Secretariat of the UN Permanent Forum on Indigenous Issues/Division for Inclusive Development/UN Department of Economic Affairs, page 6; Contribution from Defensoría del Pueblo de la Nación Argentina, pages 5-6.  [↑](#footnote-ref-32)
57. Contribution from Commisión Nacional de Derechos Humanos de México (June 2021), pages 2, 5. [↑](#footnote-ref-33)
58. EMRIP Contribution (June 18, 2021), page 4; Contribution by Indigenous Peoples and Development Branch – Secretariat of the UN Permanent Forum on Indigenous Issues/Division for Inclusive Development/UN Department of Economic Affairs, page 6; Contribution from Defensoría del Pueblo de la Nación Argentina, pages 5-6.  [↑](#footnote-ref-34)
59. Contribution from Comisión Nacional de Derechos Humanos de México (June 2021), pages 2, 5. [↑](#footnote-ref-35)
60. CEDAW Committee General Recommendation 34 on rural women, para. 28. [↑](#footnote-ref-36)
61. CEDAW Committee General Recommendation 34 on rural women, para. 28. [↑](#footnote-ref-37)
62. CEDAW Committee, General Recommendation 34 on rural women, paras. 28 and 29. [↑](#footnote-ref-38)
63. United Nations Human Rights Office of the High Commissioner, *The Convention on the Rights of Persons with Disabilities – Training Guide* 19, HR/P/PT/19 (2014). [↑](#endnote-ref-25)
64. *See* CRPD Committee, *General Comment No. 1 on* *equal recognition before the law*, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-26)
65. CEDAW General Recommendation 36 on the right of girls and women to education, para. 41; CEDAW General Recommendation 34 on rural women, para. 42. [↑](#footnote-ref-39)
66. CEDAW General Recommendation 36 on the right of girls and women to education, para. 41; CEDAW General Recommendation 34 on rural women, para. 42. [↑](#footnote-ref-40)
67. CEDAW General Recommendation 36 on the right of girls and women to education, para. 44. [↑](#footnote-ref-41)
68. CEDAW General Recommendation 36 on the right of girls and women to education, para. 41; CEDAW General Recommendation 34 on rural women, para. 42. [↑](#footnote-ref-42)
69. CEDAW General Recommendation 36 on the right of girls and women to education, para. 41; CEDAW General Recommendation 34 on rural women, para. 42. [↑](#footnote-ref-43)
70. CEDAW General Recommendation 36 on the right of girls and women to education, para. 44. [↑](#footnote-ref-44)
71. CEDAW General Recommendation 36 on the right of girls and women to education, para. 46 (e, f, and g). [↑](#footnote-ref-45)
72. CEDAW General Recommendation 36 on the right of girls and women to education, para. 46 (e, f, and g). [↑](#footnote-ref-46)
73. Contribution from Grupo de Información y Reproducción Elegida (GIRE) (June 2021), pages 4-6. [↑](#footnote-ref-47)
74. Contribution from Amnesty International (June 2021), page 2. [↑](#footnote-ref-48)
75. Contribution from Grupo de Información y Reproducción Elegida (GIRE) (June 2021), pages 4-6. [↑](#footnote-ref-49)
76. Contribution from Amnesty International (June 2021), page 2. [↑](#footnote-ref-50)
77. United Nations Population Fund (UNFPA) & Women Enabled International (WEI), *The Impact of COVID-19 on Women and Girls with Disabilities: A Global Assessment and Case Studies on Sexual and Reproductive Health and Rights, Gender-Based Violence, and Related Rights* 5 (2021), <https://womenenabled.org/wei-unfpa/UNPRPD%2C%20UNFPA%2C%20WEI%20-%20The%20Impact%20of%20COVID-19%20on%20Women%20and%20Girls%20with%20Disabilities.pdf> [↑](#endnote-ref-27)
78. See United Nations Population Fund (UNFPA) & Women Enabled International (WEI), *The Impact of COVID-19 on Women and Girls with Disabilities: A Global Assessment and Case Studies on Sexual and Reproductive Health and Rights, Gender-Based Violence, and Related Rights* (2021), <https://womenenabled.org/wei-unfpa/UNPRPD%2C%20UNFPA%2C%20WEI%20-%20The%20Impact%20of%20COVID-19%20on%20Women%20and%20Girls%20with%20Disabilities.pdf> [↑](#endnote-ref-28)
79. CEDAW Committee, Guidance Note on COVID-19 (2020), page 3. [↑](#footnote-ref-51)