**Women Enabled International, National Indigenous Disabled Women Association-Nepal, and Minority Rights Group:**

**Comments to the CEDAW Committee on its**

**Draft General Recommendation on indigenous women**

[Women Enabled International](http://www.WomenEnabled.org) (WEI),[[1]](#endnote-1) National Indigenous Disabled Women Association-Nepal[[2]](#endnote-2) (NIDWAN), and Minority Rights Group appreciate the opportunity to submit these written comments to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) regarding the General Recommendation on indigenous women (Draft General Recommendation).

Indigenous women[[3]](#endnote-3) and marginalized genders with disabilities face multiple and intersecting forms of discrimination on the basis of gender, disability, and indigenous identity. That discrimination imposes 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,[[4]](#endnote-4) and UN Women estimates that there are around 28 million indigenous women with disabilities worldwide.[[5]](#endnote-5) Nonetheless, their rights and needs have been considerably overlooked throughout history. When compared to other women, they experience higher rates of violence, poverty, unemployment, and maternal mortality, among other issues and human rights abuses.[[6]](#endnote-6)

Our organizations appreciate that the CEDAW Committee will dedicate its next General Recommendation to indigenous women. 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.

*Please note that, to ensure the accessibility of this document to those using screen readers, we have included both the paragraphs in its current form and suggested amended paragraphs. Suggested amendments are marked in italics, outlined in brackets, and highlighted in yellow for ease of identification.*

Indigenous women, including those with disabilities, experience intersectional discrimination based on gender, indigenous identity, and disability, which can differ from discrimination based on only one ground. To highlight the intersectional discrimination indigenous women face, our organizations suggest the following changes:

**Paragraph 2**

*Current Paragraph*

[…] 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. […]

*Suggested Amended Paragraph*

[…] It identifies and addresses different forms of intersectional discrimination faced by indigenous women and girls, *[including those with disabilities,]* and their key role as leaders, knowledge-bearers, and culture transmitters within their peoples, *[families,]* communities, and society as a whole.

**Paragraph 3**

*Current Paragraph*

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. […]

*Suggested Amended Paragraph*

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, *[including on the grounds of sex and disability,]* and gender-based violence frequently committed by state and non-state actors. […]

**Paragraph 4**

Accessibility and inclusion are vital rights to ensure the participation of indigenous women with disabilities in society and, therefore, it is important that States’ actions are based on a perspective that is inclusive of disability. Hence, our organizations suggest including a reference to a perspective inclusive to disability.

*Current Paragraph*

State action to prevent and address discrimination against indigenous women and girls must integrate a gender, indigenous women, intersectional, intercultural, and multi-disciplinary perspective throughout their lifespan. […] An *intercultural perspective* considers the cultural diversity of indigenous peoples, their worldview, culture, and languages. […]

*Suggested Amended Paragraph*

State action to prevent and address discrimination against indigenous women and girls must integrate a gender, indigenous women, intersectional, intercultural, [*inclusive to disability],* and multi-disciplinary perspective throughout their lifespan. […] An *intercultural perspective* considers the cultural diversity of indigenous peoples, their worldview, culture, and languages. *[A disability-inclusive perspective inclusive recognizes and responds to the rights and needs of indigenous women with disabilities, respecting and including disability in all of its diversity, and ensuring an accessible, enabling, and inclusive environment.]* […]

**Paragraph 8**

To raise awareness about the intersecting forms of discrimination indigenous women face and emphasize they can occur in many contexts and physical spaces, our organizations suggest including a reference to public and private spheres.

*Current Paragraph*

[…] These forms of discrimination affect them in and outside of their indigenous territories. […]

*Suggested Amended Paragraph*

[…] These forms of discrimination affect them in and outside of their indigenous territories[*, in private and public spheres]*. […]

**Paragraph 10**

Disaggregated data is crucial to highlight the situation of indigenous women, including those with disabilities, among women, persons with disabilities, or indigenous peoples in general and inform policies to ensure their rights.[[7]](#endnote-7) Hence, our organizations recommend including the factors of age and disability as parameters to disaggregate data.

*Current Paragraph*

[…] 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. […]

*Suggested Amended Paragraph*

[…] States must undertake efforts to collect data disaggregated by sex, [*age, disability status*]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. […]

**Paragraph 11**

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.[[8]](#endnote-8) All of these decisions require full legal capacity as a prerequisite.[[9]](#endnote-9) and 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.[[10]](#endnote-10) Therefore, our organizations recommend expanding this topic.

*Current Paragraph*

[…] 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*

[…] The disrespect of the right of self-determination [*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**

To provide examples of forced assimilation policies, we suggest including a reference to culture and language.

*Current Paragraph*

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.[[11]](#endnote-11) […]

 *Suggested Amended Paragraph*

The Committee acknowledges that indigenous women and girls have suffered and continue to suffer from forced assimilation policies, [*such as in culture and language,]*and other large-scale human rights violations, which may in certain instances amount to genocide.[[12]](#endnote-12) […]

**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. The Convention on the Rights of Persons with Disabilities (CRPD) 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. Therefore, our organizations suggest including the CRPD when the rights in that treaty provide further support for the rights of indigenous women with disabilities.

*Current Paragraph*

[…] In addition, all core international human rights treaties contain relevant protections for the rights of indigenous women and girls. […]

*Suggested Amended Paragraph*

[…] 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.[[13]](#endnote-13)*][…]

**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[[14]](#endnote-14) due to stereotypical assumptions about their ability to decide and act under the law, and lack of support to make important life decisions,[[15]](#endnote-15) our organizations suggest including a reference to the right to legal capacity.

*Current Paragraph*

[…] 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. […]

*Suggested Amended Paragraph*

[…] The limited realization of the right to self-determination [*—including the right to full exercise of legal capacity—*] 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. […]

**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. 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. Therefore, our organizations suggest amplifying this topic in the paragraph.

Moreover, it 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*

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. […] 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. […]

*Suggested Amended Paragraph*

Indigenous women and girls worldwide still do not enjoy the same legal capacity as [*others*] or equality before the law under article 15 of the Convention. […] Inheritance laws – both ordinary and indigenous – frequently discriminate against indigenous women. Indigenous women with disabilities face pernicious obstacles in the area of legal capacity, [*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 self-determination.*] […]

**Paragraph 25**

In paragraph 25, the CEDAW Committee addresses many relevant topics 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, and accessibility.

*New Paragraph (based on para. 25, to be included right after it)*

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 [*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* in their communities and territories.]

**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.

*Current Paragraph*

The Committee recommends that States parties:

(a) […] States parties should collect disaggregated data on the forms of gender-based discrimination and violence faced by indigenous women and girls;

[…]

(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;

[…].

*Suggested Amended Paragraph – adding (k)*

The Committee recommends that States parties:

(a) […] States parties should collect disaggregated data [*by sex, age, disability, etc.*] on the forms of gender-based discrimination and violence faced by indigenous women and girls;

[…]

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

(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.*]

**Paragraph 33**

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.[[16]](#endnote-16) Therefore, our organizations suggest explicitly mentioning accessibility regarding the right to access to justice.

*Current Paragraph*

[…] Indigenous justice systems should also be easily available, adequate, and effective for indigenous women and girls. […]

*Suggested Amended Paragraph*

[…] Indigenous justice systems should also be easily available, adequate, [*accessible,*] and effective for indigenous women and girls. […]

**Paragraph 34**

*Current Paragraph*

[…] 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*

[…] 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*;* [*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**

*Current Paragraph*

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 […] Obstacles include the remoteness of indigenous territories, forcing indigenous women and girls to travel long distances to file complaints. […]

*Suggested Amended Paragraph*

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 *[and accessibility needs]*. […] Obstacles include [*inaccessible environments,*] the remoteness of indigenous territories, forcing indigenous women and girls to travel long distances to file complaints. […]

**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.[[17]](#endnote-17) Furthermore, indigenous women, including those with disabilities, often experience disbelief, bias and stereotypical views in the legal system, which impose various barriers that impede their effective access to justice.[[18]](#endnote-18) Hence, our organizations suggest making the reference to this issue more explicit.

*Current Paragraph*

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. […]

[…]

*Suggested Amended Paragraph*

The Committee recommends that States Parties:

(a) Ensure that indigenous women and girls, [*including those with disabilities]*, 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;

[…]

(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. […]

[…]

**Paragraph 42**

Using appropriate language and terminology that is in line with human rights standards is crucial to avoid misconceptions and prejudice. Therefore, terminology that refers to any type of disability as an illness must be avoided.

*Current Paragraph*

[…] 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. […]

*Suggested Amended Paragraph*

[…] Violence often occurs in institutions, particularly those that are closed and segregated, against indigenous women and girls [*with disabilities, including psychosocial and intellectual disabilities* and older indigenous women, *due to the increased risk of being institutionalized and, consequently, experiencing violence*.] […]

**Paragraph 44**

Discrimination on the ground of disability also intersect with gender factors to increase the risk of violence, as well as the other grounds mentioned. Therefore, we suggest including a reference to it in the paragraph.

*Current Paragraph*

[…] 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*

[…] Due diligence should be implemented with a gender, indigenous women, intersectional, intercultural, *[disability inclusive]* 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, *[ableism,]* and post-colonial practices intersect with gender factors to reproduce violence against indigenous women and girls by state and non-state actors. […]

**Paragraph 46**

Considering the increased risk of violence women and marginalized genders with disabilities face, including indigenous women, we suggest referring explicitly to indigenous women with disabilities in this paragraph.

*Current Paragraph*

States should have an effective legal framework and adequate support services in place to address gender-based violence against indigenous women and girls.

*Suggested Amended Paragraph*

States should have an effective legal framework and adequate support services in place to address gender-based violence against indigenous women and girls*[, including those with disabilities*].

**Paragraph 52**

Specific recommendations are key tools to advocate for the rights of indigenous women and marginalized genders with disabilities and hold States accountable. Therefore, our 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*

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 (j)*

The Committee recommends that States parties:

[…]

(i) 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.

[*(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.*]

**Paragraph 55**

Our organizations suggest amending the language referring to students with disabilities to be in line with the language used in the CRPD.[[19]](#endnote-19)

*Current Paragraph*

[…] 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.[[20]](#endnote-20) […]

*Suggested Amended Paragraph*

[…] 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*.][[21]](#endnote-21) […]

**Paragraph 60**

The CEDAW Committee refers to many groups that face intersectional discrimination and wrongful stereotyping as related to the right to health. 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 below.

*Current Paragraph*

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. […]

*Suggested Amended Paragraph*

Indigenous women with disabilities, those who are LBTI and indigenous girls and older indigenous women face wrongful stereotyping based on gender*,* [*gender identity, sexual orientation, disability status*] and race, and violence by health professionals. […]

**Paragraph 80**

The COVID-19 response overlooked women with disabilities, including indigenous women.[[22]](#endnote-22) To ensure their rights throughout the COVID-19 pandemic and future crises, it is crucial to gather reliable data. Therefore, our organizations suggest including a reference to data collection.

*Current Paragraph – adding (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*

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

[…]

[*(f) Disaggregate data related to the impact of the pandemic and future crises by sex, gender, indigenous identity, age, and type of*

Thank you for your consideration of this submission. If you have any questions, please do not hesitate to contact Alana Carvalho, a.carvalho@womenenabled.org, Amanda McRae, a.mcrae@womenenabled.org, or Pratima Gurung, mailmepratima50@gmail.com.

1. WEI is an international non-governmental organization that works to advance human rights at the intersection of gender and disability worldwide, including for indigenous women and marginalized genders with disabilities. [↑](#endnote-ref-1)
2. 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. [↑](#endnote-ref-2)
3. This submission generally uses the term “women” to refer to all women and girls throughout the lifecycle, unless otherwise noted. [↑](#endnote-ref-3)
4. 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). [↑](#endnote-ref-4)
5. 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> [↑](#endnote-ref-5)
6. UN Women, *Fact Sheet – Indigenous Women with Disabilities* 2 (2020), <https://www.unwomen.org/en/digital-library/publications/2020/04/fact-sheet-on-indigenous-women-with-disabilities> [↑](#endnote-ref-6)
7. 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-7)
8. Declaration on the [↑](#endnote-ref-8)
9. Lucy Series and Anna Nilsson, *The Uts of Persons with Disabilities: A Commentary* Introduction (2018), <https://www.ncbi.nlm.nih.gov/books/NBK539188/#ch12.s1> [↑](#endnote-ref-9)
10. CRPD Committee, *General Comment No. 1 on* *equal recognition before the law ¶*¶ 8-9, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-10)
11. *See, e.g.*, 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. [↑](#endnote-ref-11)
12. *See, e.g.*, 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. [↑](#endnote-ref-12)
13. CRPD Committee, *General Comment No. 6 on* *equality and non-discrimination*,¶ 21, U.N. Doc. CRPD/C/GC/6 (2018). [↑](#endnote-ref-13)
14. 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-14)
15. CRPD Committee, *General Comment No. 1 on* *equal recognition before the law*, *¶*¶ 8-9, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-15)
16. CRPD Committee, *General Comment No. 2 on accessibility*, *¶*36(y), U.N. Doc. CRPD/C/GC/2 (2017). [↑](#endnote-ref-16)
17. *See* CRPD Committee, *General Comment No. 1 on* *equal recognition before the law*, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-17)
18. 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-18)
19. 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.” 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]; *See* CRPD Committee, *General Comment No. 1 on* *equal recognition before the law*, U.N. Doc. CRPD/C/GC/1 (2014). [↑](#endnote-ref-19)
20. CEDAW Committee, *General Recommendation No. 36 on the right of girls and women to education*, *¶* 44, U.N. Doc. CEDAW/C/GC/36 (2017). [↑](#endnote-ref-20)
21. *Id.* [↑](#endnote-ref-21)
22. 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-22)