**The Committee on the Elimination of Discrimination against Women (CEDAW)**

**General Recommendation No. 39 on the rights of indigenous women and girls**

**II Objectives and Scope**

**Typo page 4**

**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 sclean, healthy, and sustainable environment.

**Page 5 – suggested inclusion in bold**

11. One of the root causes of discrimination against indigenous women and girls is the historic absence of the effective implementation of their right to self-determination, as manifested in the continued dispossession of their lands, territories, and natural resources. The Committee acknowledges that the vital link between indigenous women and their lands often forms the basis of their culture, identity and survival ***and their worldview that recognizes the belief that all beings and nonbeings are inter-related.***

Ref: Robin Wall Kimmerer. 2015. *Braiding Sweetgrass: Indigenous wisdom, scientific knowledge, and the teaching of plants*. A New York Times Bestseller by botanist and Indigenous author. Note: Nonbeings refers to trees, plants, water, other living beings, etc.

**Page 5 – suggested reference**

One of the root causes of discrimination against indigenous women and girls is the historic absence of the effective implementation of their right to self-determination, as manifested in the continued dispossession of their lands, territories, and natural resources. The Committee acknowledges that the vital link between indigenous women and their lands often forms the basis of their culture, identity and survival. Indigenous women face lack of legal recognition of their rights to land and territories and wide gaps in the implementation of existing laws to protect their collective rights. **The lack of legal recognition of indigenous peoples is evident worldwide in constitutions, and laws. (**Following this sentence insert a reference # with reference that the province of British Columbia in Canada has commenced TransCanada Pipeline development despite the Supreme Court of Canada’s legal recognition and ruling that it is unceded territory and Hereditary Chiefs disagree with the development).

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1. **Right to culture (articles 3, 5, 13 and 14) (bold wording added for clarification)**

Culture is an essential component of the lives of indigenous women and girls. Culture is intrinsically linked **through their worldview** **of interconnection between** their lands, territories, histories, and community dynamics.

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76**. change word (that) to (who)**

The right to a clean, healthy, and sustainable environment encompasses, inter alia, a safe and stable climate; safe and adequate food and water; healthy ecosystems and biodiversity; a non-toxic environment; participation; access to information; and access to justice in environmental matters.[[1]](#footnote-1) This right is critical to the many indigenous women and girls **who (delete that)** have a special connection to their environment, lands, territories, natural resources, and ecosystems.

**General Comments:**

While the Draft General recommendations of the CEDAW Committee on Indigenous women and girls are commendable, the perspective and presentation apparently reflected the worldview of the population that focuses on individualism, whereas the Indigenous worldview focuses on community and inter-relationship with all beings, both human and non-beings in the broad environment e.g. as captured in the term “all my relations”. Some incongruence leads me to suggest that an Indigenous scholar and writer such as Dr. Kimmerer might be a resource and reviewer.

As mentioned in the Draft General recommendation the use of the term older women was limited in the document. Due to research and knowledge of neglect and abuse in long term care facilities and cases of discrimination within hospitals, it is recommended that increased recommendations identify this population of older women as well as the impact of their informal Indigenous caregivers.

**Violence Against Older Women:**

Violence against older women manifests itself differently than violence against girls and women of reproductive age. While “older “ indigenous women are included once in the list below, every mention should include “all “ as a preface to indigenous women and girls or add “older” women.

**Gender Based Violence in the home:**

There is not one world about GBV in the home in the following. It must be added.

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1. Gender-based violence is adversely affecting the lives of many indigenous women and girls, including psychological, physical, sexual, economic, spiritual, and environmental violence. Indigenous women often suffer domestic violence and violence in the workplace, educational institutions, while receiving health services, in their participation as leaders in political and community life, as human rights defenders, while deprived of liberty, and when confined to institutions. Indigenous women and girls are disproportionately at risk of gender-based killings; disappearances; trafficking in persons; contemporary forms of slavery; exploitation; forced prostitution; sexual servitude; and domestic work which is not decent, safe, and adequately remunerated.[[2]](#footnote-2)

**Pg. 11 Para 28** **The Committee recommends that States parties:**

1. **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 age disaggregated data on the forms of gender-based discrimination and violence faced by indigenous women and girls;**
1. For reference, *see* United Nations Human Rights Council Resolution, 48/13, *recognizing the human right to a clean, healthy, and sustainable environment*, A/HRC/RES/48/13 (October 18, 2021), https://undocs.org/A/HRC/RES/48/13 [↑](#footnote-ref-1)
2. See, for reference, CEDAW Committee, *Report of the Inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, paras. 95-99; 111-127; FIMI Contribution, pages 37-41. [↑](#footnote-ref-2)