**Comments on the Draft General Recommendation No. 39 on the rights of indigenous women and girls of the Committee on the Elimination of Discrimination against Women (CEDAW)**

**General proposal:**

* Add “in all their diversity” after “women and girls”.
* Use “indigenous people with diverse SOGIESC” (sexual orientation, gender identity, gender expression or sex characteristics) instead of “LBTI indigenous women and girls”.

**P. 4, Para 9:** Add “and girls”: Indigenous women and girls often suffer domestic violence (…).

**P.5, Para 10:**

Add “age”: States must undertake efforts to collect data disaggregated by sex, age 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.

**P. 5, Para 11:**

Change as follows: “One of the root causes of discrimination against indigenous women and girls is the colonization which led to restriction of their right to self-determination, as manifested in the continued dispossession of their lands, territories, and natural resources.”

**P. 8, Para 18:**

Change as follows: “The Convention should also be interpreted taking into consideration the 2030 Agenda for Sustainable Development, in which states agreed that the achievement of gender equality and the empowerment of women and girls is paramount to sustainable development and the end of poverty and pledged to leave no one behind, including indigenous peoples.”

**P. 10, Para 25:**

Change as follows: “Moreover, indigenous women and girls who are lesbian, bisexual, transgender, and intersex (LBTI), including those who are two spirit, gender fluid, non-binary, bi-gender or adhere to any other gender identity outside the binary norm, regularly face intersecting forms of discrimination and gender-based violence.”

*Alternative proposal:*

*Indigenous peoples whose sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC) places them outside culturally mainstream categories, including lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, those who are two spirit, gender fluid, non-binary, bi-gender or adhere to any other gender identity outside the binary norm, regularly face intersecting forms of discrimination and gender-based violence.*

**P. 11, Para. 28:**

Change as follows: “This policy should include measures to address intersectional discrimination faced by indigenous women with disabilities; indigenous girls; older indigenous women; indigenous peoples with diverse SOGIESC; indigenous women 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 and indigenous peoples with diverse SOGIESC.”

**P.16, Para. 42:**

Change as follows: “Trafficking, sexual economic exploitation and contemporary forms of slavery such as domestic servitude are other forms of gender-based violence against indigenous women and girls. Young indigenous girls, particularly those not registered at birth, are especially vulnerable.”

*For reference: UN CRC General Comment No. 11, para. 72.*

**P.22, Para 55:**

1. Add “non-adaptive school cycles”: Some of the most important educational barriers for indigenous women and girls include: poverty; discriminatory gender stereotypes, and marginalization; limited cultural relevance of educational curricula; non-adaptive school cycles; instruction solely in the dominant language; and the scarcity of sexual education.

*For reference: UN CRC General Comment No. 11, para. 61: The school cycle should take into account and seek to adjust to cultural practices as well as agricultural seasons and ceremonial periods.*

1. Change as follows: “While at school, they may experience sexual violence, corporal punishment, discrimination and bullying. Curricula, educational materials and history text books often do not provide a fair, accurate and informative portrayal of the societies and cultures of indigenous peoples. Gender-based violence and discrimination in education is particularly acute when forced assimilation policies are implemented in schools.”

*For reference: UN CRC General Comment No. 11, para 58.*

1. Change as follows: “Forced marriages, sexual abuse and adolescent pregnancies, the disproportionate burden of family responsibilities, child labour, natural disasters, and armed conflicts can also hamper indigenous girls’ access to school.”

*For reference: UN CRC General Comment No. 11, para. 69.*

**P. 24, Para 59:**

Add “the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and

treatment of sexually transmitted infections (STIs)”: Indigenous women often experience difficulties in securing access to sexual and reproductive health information and education, including about family planning methods, contraception, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted infections (STIs) and access to a safe and legal abortion.

**P. 25, Para 60:**

Change as follows: “Indigenous women with disabilities, indigenous people with diverse SOGIESC, 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, girls and people with diverse SOGIESC, the stereotypes and different treatment they often suffer, and their different culture and worldview, as well as their specific needs in terms of medical treatments.”

**P. 26, Para 62:**

Change as follows: “Guarantee that indigenous women and girls receive prompt, comprehensive, and accurate information in accessible formats on sexual and reproductive health services and affordable access to such services, including safe abortion services and modern forms of contraception as well as to prevention and treatment of sexually transmitted infections (STIs).”

**P. 28, Para 71:**

*Note: This goes beyond current international standards, UNDRIP calls for free prior informed consent in case of relocation (Art. 10) and storage or disposal of hazardous material (Art. 29). For projects affecting their lands or territories and other natural resources, UNDRIP calls for consultation and cooperation in good faith in order to obtain free prior informed consent (Art 32 (2)).*

**P. 31, Para 78:**

Change as follows: “Ensure that laws and policies related to the environment, climate change and disaster risk reduction reflect the specific impacts of climate change and other forms of environmental degradation and harm, including the triple planetary crisis, on indigenous women and girls.”

Change as follows: “Prevent human-induced environmental degradation from negatively impacting the territories, lands and natural resources of indigenous women and girls.”

Change as follows: “Take action to strengthen comprehensive climate and resilience education that is guided by the science around climate change and includes and recognizes the value of indigenous and traditional knowledge in order to build adaptive capacities and to empower indigenous women and girls to participate meaningfully in decision making.”

*For reference: UNFCCC’s* [*Action for Climate Empowerment*](https://unfccc.int/topics/education-youth/the-big-picture/what-is-action-for-climate-empowerment) *and* [*Climate change education for sustainable development: the UNESCO climate change initiative - UNESCO Digital Library*](https://unesdoc.unesco.org/ark:/48223/pf0000190101)