**CRPD WG on women and girls with disabilities 27 January 2022**

**SUGGESTED INPUTS TO THE CEDAW COMMITTEE’S DRAFT GENERAL RECOMMENDATION ON INDIGENOUS WOMEN WITH DISABILITIES**

Inputs from two members of the WG, Ms. Rosemary Kayess and Ms. Amalia Gamio are submitted as two separate documents, as they were submitted in track changes.

**Under Objectives and Scope**

**Paragraph 3**

* **Intersectional** discrimination[[1]](#footnote-1) 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.

**Paragraph 9**

* When referred to women who live in institutions, please add or with disabilities.

**Paragraph 10**

* States must undertake efforts to collect data disaggregated by sex, **\*age, disability\*** and ethnic origin, and collaborate with indigenous women, **\*including indigenous women with disabilities\*** and their organizations, as well as academic and non-profit institutions, in the achievement of this goal.
* **10.- data including any condition either mental or physical disability on indigenous women in the world.**

**Paragraph 11**

* The disrespect, **\*including the lack of legal recognition\*** 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.

**Under Legal Framework**

**Paragraph 15**

* In addition, all core international human rights treaties, **\*including the Convention on the Rights of Persons with Disabilities (CRPD)\*,** contain relevant protections for the rights of indigenous women and girls. **\*Specifically, the CRPD guarantees the right to equality and non-discrimination in Article 5 and the rights of women and girls with disabilities in Article 6. In relation to this, the CRPD Committee’s General Comment No. 3 on women and girls with disabilities underlines the multiple and intersectional forms of discrimination faced on the grounds of indigenous identity, gender, and disability.\***

**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 **\*being denied the right to exercise their full legal capacity\***, lack of accessibility, **\*access to supported decision-making\*** 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.

**Paragraph 28**

* (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 **\*by age and disability\*** 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, such as braille, easy read and other modes and formats of communication \*** 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 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, **\*particularly marginalised groups of indigenous women and girls such as those with disabilities\*** in decision-making on matters affecting them.

**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 **\*suggestion to delete mental illness- hence to read (..against indigenous women and girls with 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.

**Paragraphs 52, 58, 64, 68, 71 and 80:**

* Make sure you include the phrase: Including those living with disabilities- in one or two statements

1. CRPD Committee, General Recommendation 4(c), para. 2. [↑](#footnote-ref-1)