1. June 2021 IOR 40/4332/2021

**THE RIGHTS OF INDIGENOUS WOMEN AND GIRLS**

STATEMENT FOR THE DAY OF GENERAL DISCUSSION FOR THE ELABORATION OF A GENERAL RECOMMENDATION

Amnesty International thanks the Committee for the opportunity to take part in this day of discussion on the rights of Indigenous women and girls. We especially welcome the efforts the Committee has made to give Indigenous peoples’ organisations a platform to speak today. Because of the multiple and intersectional discrimination that Indigenous women, girls, transgender and non-binary people face, it is absolutely vital that the Committee outlines clear and detailed guidance to states on how to fully realise their rights.

In our [written submission](https://www.amnesty.org/en/documents/ior40/4313/2021/en/)[[1]](#footnote-1) we have provided examples from our research in countries around the world. Here, we focus on our recommendations.

States should collect data on discrimination disaggregated by both gender and Indigenous identity, and furthermore analyse how these two grounds of discrimination intersect, along with others. An intersectional analysis must be built into policies and laws which aim to eliminate discrimination against Indigenous women.

Forced and coerced sterilization of Indigenous women must be recognized as intersectional discrimination, emphasizing the particular gravity of the physical and psychological harm that it causes. Depending on the circumstances, it may amount to torture or cruel, inhuman or degrading treatment. States should take all appropriate steps to eliminate this practice, requiring free and informed consent in all cases.

States should ensure that Indigenous women and girls are able to effectively participate in all consultations and free, prior and informed consent processes, always engaging with the people’s representative institutions, and respecting their right to self-determination. States should ensure that assessments of the impact of proposed actions on the rights of Indigenous peoples, include a gendered and intersectional analysis, particularly in the case of resource development and extraction projects. Where projects are ongoing and there are human rights harms, states must act urgently to address those harms and provide adequate, culturally appropriate access to remedy without gender discrimination.

States should carry out a comprehensive audit of laws, institutions, policies and practices in order to identify barriers to justice in cases of violence against Indigenous women and girls, including sexual violence and murder, and take immediate action to break down those barriers. They should ensure that Indigenous peoples’ justice systems have the necessary resources, and are empowered to ensure access to justice for Indigenous women and girls.

States should carry out a comprehensive audit of laws, policies and practices to ensure that they do not discriminate against Indigenous women and girls in access to land rights. Where Indigenous women and girls do not have equal access to land in customary tenure systems, states must not use these to justify expropriation of the people’s lands or denial of their right to self-determination. Instead, they should work closely with the people in question to empower them to address and eliminate all forms of discrimination.

Thank you Madame Chair.

1. <https://www.amnesty.org/en/documents/ior40/4313/2021/en/> [↑](#footnote-ref-1)