**CEDAW**

**Day of General Discussion on Indigenous Women and Girls**

**24 June 2021**

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Good afternoon Madam Chair,

Dear CEDAW Experts,

Distinguished Delegates, indigenous and civil society representatives

It is an honour to be with you today on behalf of the UN Human Rights Office and to provide opening remarks for this very important Day of General Discussion on Indigenous Women and Girls.

I first wish to start by acknowledging with great thanks the inestimable work CEDAW is undertaking since decades to promote, protect and monitor the situation of the rights of indigenous women and girls worldwide, notably through its country reviews.

Giving such a close and systematic attention to indigenous women and girls rights has made a difference in many States parties.

Consolidating today your past work and findings in the form of a General Recommendation will no doubt clarify and reinforce the normative legal framework, at a point in time where, despite some hints towards progress, generally speaking the rights of indigenous women and girls remain still a very fragile reality in most countries.

Among the nine core international human rights treaties, only one – the Convention on the Rights of the Child – provides a specific explicit provision on indigenous rights, though of course all apply to indigenous peoples. Your General Recommendation will make crystal clear to all States parties their obligations under CEDAW and will enhance its implementation. We hope other Human Rights Treaty Bodies will soon issue General Comments on indigenous peoples’ rights to reinforce their protection and implementation at country level and globally.

In this regard, we believe it is crucial to link the United Nations Declaration on the Rights of Indigenous Peoples to your forthcoming General Recommendation. The 2007 Declaration has been a massive step ahead in providing a comprehensive legally recognized framework to promote and protect indigenous rights. It covers all key substantive rights of indigenous peoples, as a result of thirty years of constructive consultations between Member States and indigenous representatives. Collective and individual rights, including the rights to self-determination, self-identification, cultural identity, land, the right to be consulted through the principle of free, prior and informed consent, among others, are recognized by the Declaration. These will no doubt feature in your General Recommendation. The Declaration stipulates that “Particular attention shall be paid to the rights and special needs of indigenous elders, women, children and persons with disabilities”.

Madam Chair, Dear Colleagues,

I also wish to commend CEDAW for its pioneering work in embedding an intersectional approach to the understanding of States obligations to prevent and respond to discrimination against women, acknowledging that not all women experience discrimination in the same way.

Referring to “indigenous women and girls” means speaking about women of all ages, from young girls to older women, and noting that women’s self-identification, as a member of an indigenous community, is the principal criteria for belonging within this category.

Indigenous women and girls are not a homogenous group. Some live in their traditional lands and territories. Others have been dispossessed of their lands and resources and others reside in urban areas. They speak different languages, face different challenges in and outside their community and have differing needs.

Indigenous women in voluntary isolation or initial contact are particularly at risk often due to the presence of settlers, loggers, military and mining company employees, mostly men, in the territories of these peoples.

Almost everywhere, both from outside and within their own communities, indigenous women and girls can face common, multiple and overlapping forms of discrimination. These are based on factors such as their gender, ethnicity, age, disability, status, and/or situation of poverty, or resulting from the historical and structural remnants of colonialism.

Indigenous women have the right to freely determine their economic, social, and cultural development in such a way that empowers them to ensure their existence and well-being as different peoples. Indigenous women´s right to self-determination is linked to their deep connection to their ancestral lands and territories as well as to natural resources.

Regarding the current worldwide pandemic, in a recent report, the UN Special Rapporteur on the Rights of Indigenous Peoples noted that the COVID-19 pandemic has exacerbated racism against indigenous men and women across all continents, indicating that indigenous women and girls face additional risks related to gender-based violence as well as denial of their sexual and reproductive health and rights. Furthermore, indigenous women and girls often face stigma and discrimination for seeking and receiving health services and are also less likely to be medically insured.[[1]](#footnote-1)

The intersection of the different types of discrimination faced by indigenous women and girls raises significant barriers for them to fully participate in public and political life and shape decisions that affect their bodies and lives. [Due to the various and intersectional forms of discrimination faced by indigenous women and girls, they are more at risk human rights violations to be committed against them.]

Gender-based discrimination has a direct negative impact on the indigenous communities as a whole, as women can and do often play an essential role in sustaining and transmitting indigenous cultures, and in the wellbeing of their families, communities, and the preservation of their culture. The loss of indigenous lands has also a disproportionate impact on indigenous women. They often lose their traditional livelihoods, and their key roles within their communities, which in turns has an impact on the collective identity of the peoples.

The loss of land for indigenous women can also create situations where their vulnerability is heightened to abuse and gender-based violence, such as sexual violence, exploitation and human trafficking. Some indigenous property frameworks that reflect patriarchal power structures also influence why indigenous women in some places experience significant barriers to holding and inheriting land, especially when they are widowed.

[A positive example, in Kenya, under the 2010 Constitution, traditional leaders have increased responsibility for protecting and enforcing constitutional rights, including women’s land rights. In the *Ol Posimoru* community, elders drafted a new local constitution (known as a *katiba*) that protects women’s property rights.]

Madame Chair, Dear colleagues

The UN Human Rights Office works to strengthen indigenous peoples’ rights in all worlds regions. A key objective of this work is to empower indigenous peoples, including through supporting and facilitating their participation in decision-making processes on matters that affect their lives, locally, at country level and globally. This work includes a focus on indigenous women, girls and boys, youth and persons with disabilities.

In this context, the principle of free, prior and informed consent (FPIC) is paramount and women and girls have to be adequately involved in such crucial processes. In the absence of their involvement, FPIC will be deficient.

[For example, in Mexico participation of indigenous women in water management has been provided attention in the Chiapas. Indigenous peoples possess traditional knowledge and skills concerning the sensing/locating of water and protection of the sources. Water sources on indigenous lands are often considered a sacred element, and indigenous women may be the holders of ‘water knowledge’. Their traditional land management skills often provide the most effective method of water resource management in their settlement areas. In Chiapas, Directorates of Gender were created within the Water Institute as well as in the Civil Protection Unit. The participation of indigenous women in decision making on Water Boards and Committees and on matters of transparency and access to information, was key for achieving a balanced and effective water management system.]

Regarding the right to consultation, we further welcome CEDAW’s approach to closely involve and consult indigenous women from all regions in the drafting of this General Recommendation.

Furthermore, the rights and needs of indigenous women and girls must be fully considered by States when designing laws, public policies and programmes.

On another critical issue, indigenous women human rights defenders have been at the forefront in mobilizing their communities to protect their land, autonomy, and way of life, and to seek justice and accountability. They play a vital role in protecting human rights, indigenous women and girls, their communities, their lands and environment, and the respect of their right to self-determination and autonomy. Regrettably, we observe increasing visibility worldwide of cases of attacks, violence and even murder of indigenous women human rights defenders [Since 2017, nearly 500 indigenous peoples were killed, in just 19 countries].

Madam Chair, let me conclude by saying the following.

Discrimination against indigenous women and girls evidently hinders the full realization of their human rights in every aspect of their daily lives, from their civil and political rights, to their economic, social and cultural rights, to their right to live free from discrimination, exploitation and violence.

For any measure, law, policy or action adopted to protect the rights of indigenous women and girls to be successful, it is essential to have a holistic approach, ensuring their full and effective participation, taking into account the individual and collective dimension of their rights, and their unique relationship with their lands, territories and natural resources.

Thank you and I wish you an excellent Day of General Discussion.

1. A/75/185 [↑](#footnote-ref-1)