

Mandate of the Working Group on discrimination against women and girls

Submission for the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/1 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers

I. Introduction

The Working Group on discrimination against women and girls welcomes the opportunity to submit specific information on the intersectional dimension of discrimination against women and girls of African descent, including discrimination based on colour, sex/gender, economic and social status, disability, or other status, pursuant to the recent [call for submissions](#).

As affirmed by the Committee on the Elimination of Racial Discrimination in its General Recommendation No. 25 on gender-related dimensions of racial discrimination, “racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life” (CERD/C/GC/25, para. 1).

Women and girls from minority groups are at a heightened risk of violations across the spectrum of human rights, including with regard to education, health, access to justice, political participation, social exclusion, poverty and gender-based violence. The Working Group believes that it is of utmost importance that the report fully analyses the compounding discrimination affecting women belonging to an ethnic or racial minority and the specific challenges that women of African descent experience in the enjoyment of their human rights. For this reason, the Working Group would like to highlight the systemic disadvantage faced by women belonging to an ethnic and racial minority including the structural root causes of their vulnerability, which should be addressed to combat systemic racism at the national, regional and local levels. In the first part of the submission, the Working Group will illustrate the specific challenges and vulnerabilities experienced by women of African descent as highlighted during country visits. Our submission will point to the root causes of systemic racism and discrimination against women belonging to racial or ethnical minorities, as identified in the vast body of work of the Working Group on intersectionality. Finally, the submission will focus on the consequences of systemic racism and discrimination against Roma women and indigenous women. Our analysis reveals a number of issues that are common to women from all minority groups.

II. Discrimination against women of African descent

Country Visit to the United States – 2015- report A/HRC/32/44/Add.

During its visit to the United States of America in 2015, the Working Group found that not only were women of African descent more likely to be imprisoned, but that there was an increasing number of homicides of African-American women by the police. The Working Group further expressed concern about the fact that in the United States there was no system of universal health insurance, which had a disproportionate impact on African American and Hispanic women, who are therefore unable to access basic preventive care and treatments. The Working Group was appalled by the lack of mandatory standards for paid maternity leave, which affects women of African descent disproportionately. The United States is one of only two countries in the world without mandatory paid maternity leave for all women workers. The Working Group also pointed out the persistent wage gap in the United States based on both gender and ethnicity.

Economic and social life:

Para. 52: “African-American, Native American and Hispanic women have the lowest earnings (compared to Asian and white women). Data also indicates that women of colour are less likely to attain a bachelor’s degree or higher than other women.”¹

Para. 56: “The percentage of women in poverty has increased over the past decade—from 12.1 per cent to 14.5 per cent—at a higher rate than for men; this has predominantly affected women of colour, single-parent families and older women.”

Access to health care:

Para. 61: “According to official data from 2015², 28 per cent of the people living in poverty are still uninsured. This affects primarily women and, in particular, African-American and Hispanic women, who are thus prevented from accessing basic preventive care and treatments.”

Para. 72: “The Working Group expresses serious concern at the increase in the maternal mortality rate in the United States. According to the United Nations,³ the rate increased by 136 per cent between 1990 and 2013. This global number hides distressing ethnic and socioeconomic disparities. African-American women are nearly four times more likely to die in childbirth. States with high poverty rates have a 77 per cent higher maternal mortality rate.”⁴

Gender-based violence:

Para. 78: “The Working Group is deeply concerned at the disproportionate number of women from ethnic minorities, particularly African-American, Native American and immigrant women, who are subjected to heightened levels of violence, including rape and sexual violence.⁵ Indigenous women in the United States of America are more than twice as likely as other women to be victims of violence, and that one in three will be raped during her lifetime. It was estimated that nearly 80 per cent of rapes of indigenous women were by

¹ For further disaggregated data showing incoming disparities among these ethnic subgroups, see www.dol.gov/wb/images/Asian_Pacific_Islander_Infographic.pdf.

² See www.cdc.gov/nchs/data/nhis/earlyrelease/insur201508.pdf.

³ See http://apps.who.int/iris/bitstream/10665/112682/2/9789241507226_eng.pdf.

⁴ See www.hrsa.gov/ourstories/mchb75th/mchb75maternalmortality.pdf.

⁵ CERD/C/USA/CO/7-9 and A/HRC/17/26/Add.5 and Corr.1

non-indigenous men.⁶ African-American women, in particular, are subjected to heightened levels of violence, including rape and sexual violence. The experts also deplore reports of police brutality and the increased number of homicides of African-American women by the police.”⁷

The Working Group recommended:

- Ensuring systematic accountability in cases of police brutality, noting in particular the frequency of police brutality against African-American women;
- Addressing the root causes of increased maternal mortality, in particular among African-American women.

Country Visit to Peru – 2014- report A/HRC/29/40/Add.2

Following its mission to Peru in 2014, the Working Group identified the abuses and violations that women of African descent experience in the country.

Para. 72: “A number of sources described the discrimination and the complete lack of visibility of African descent women. According to the United Nations Development Programme, although the illiteracy rate in Peru has fallen, 8.6 per cent of illiterate persons in the country are Afro-Peruvian (in statistical terms, this figure is similar to that for indigenous peoples). The illiteracy rate for Afro-Peruvian women is 6.7 per cent higher than that for Afro-Peruvian men, illustrating the inequalities they face in terms of education.”

Para. 73: “According to a number of testimonies, women of African descent experience verbal abuse and insults in accessing health care. In all, 54.5 per cent of Afro-Peruvians report that they have experienced discrimination and verbal abuse in public, with Afro-Peruvian women being the group most affected.”

The Working Group recommended the Government:

- Implement cross-cutting policies and programmes to tackle multiple discrimination affecting various groups of vulnerable women, in particular indigenous women, women in the Andean and Amazon regions, women of African descent, lesbians, women living in rural areas and women with disabilities.

Country Visit to Honduras – 2018 – report A/HRC/41/33/Add.1

During its country visit to Honduras, the Working Group expressed serious concerns about the disadvantages faced by Afro-Honduran women.

Para. 62: “Despite the constitutional guarantee to preserve native cultures, the historic exclusion of indigenous, Garífuna and Afro-Honduran people underlies the current violations of their human rights, including their precarious socioeconomic situation, privatization of their lands, militarization of their territories, repression of their leaders and violence in isolated areas. For women, this is exacerbated by gender-based discrimination in society at large and within their own communities. They have less access to decent work, land ownership, credit, housing, education and health. However, there is no data disaggregated by ethnicity which would provide the basis for targeted policies addressing the needs of these communities, and specifically women.”

The Working Group recommended:

⁶ A/HRC/21/47/Add.1

⁷ See http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fCSS%2fUSA%2f18555&Lang=en.

- Systematically consult with indigenous, Garífuna and Afro-Honduran women on the design of policies affecting their lives, as well as other groups of women experiencing intersecting forms of discrimination.

III. Root causes of structural discrimination and racism against women belonging to racial and/or ethnical minorities

Poverty

Report on eliminating discrimination against women in economic and social life with a focus on the economic crisis (A/HRC/26/39)

Para. 24: “Although women at all economic levels, in high, middle and low income countries, suffer from discrimination, they have primary responsibility for the provision of care and are often victims of violence. Women are not a homogenous group, and their experience varies greatly between regions, countries, and socioeconomic classes within countries and their identities as members of minorities, migrants, girl children, older women, or on account of single parenthood, disabilities or sexual identity, among others.”

Para. 25: “A crosscutting issue in women’s life cycles is their vulnerability to poverty, especially when they are from minority communities.”

Multiple and intersecting forms of discrimination affecting all women

Report on reasserting equality, countering rollbacks (A/HRC/38/46)

Para 11: “There are multiple and intersecting forms of discrimination against women around the world and within countries that reinforce and sustain each other. All women, in their diversity and varied circumstances, are affected differently by discriminatory laws and practices. Nevertheless, there are shared aspects of discrimination against women that persist in all cultures, although with differing levels of intensity and differing impacts.”

Para 12: “Throughout the first six years of the mandate, there has been a need to constantly reiterate, even within the human rights system, that women are not just another vulnerable group. They are half the world’s population and often the majority of each of the vulnerable groups. This means that eliminating the persistent discrimination and backlash against women’s rights should be addressed both as a stand-alone goal and as a mainstreaming issue.”

Para 82: “Women facing multiple and intersecting forms of discrimination experience inequality even more acutely. The continuing existence of direct and indirect discrimination, both visible and invisible, is the reason why women lag behind in nearly all human progress indicators.”

Deprivation of liberty

Report on causes of women’s deprivation of liberty (A/HRC/41/33)

Para. 16: “The causes of deprivation of liberty do not affect all women or all groups of women equally. Within every society and in every State, there are certain groups of women who experience multiple and intersecting forms of discrimination, many of whom are subject to particularly damaging stereotypes and/or are more

likely to be confronted with violence or conflict, poverty and economic marginalization, and who are thus at higher risk of being deprived of their liberty.”

Para. 27: “The heightened policing of certain populations, owing to racial and ethnic biases intersecting with gender, poses risks for some women. Women from racial and ethnic minorities and indigenous women face specific and deeply damaging stereotypes and are disproportionately targeted for control. They may be scapegoated as lazy, criminal and deviant in order to reinforce the political and social power of the dominant group and justify the perpetuation of structures of exploitation, leading to perceptions of them as a “social problem” or a dangerous threat, to be met with punishment rather than compassion or justice. Those stereotypes may lead to the kind of bias that allows, for example, women from a racial minority in the United States of America to be more than twice as likely as women from the majority group to receive a sentence of incarceration for drug-related crimes. Indigenous women in Australia are also notably overrepresented in prisons; they make up only 2.2 per cent of the population of women, but around 34 per cent of women in prison. In Canada, a disproportionate number of indigenous women are to be found in solitary confinement.”

Para. 62: “Deeply embedded systemic racism leads to racial minority women being subjected to socioeconomic exclusion and poverty (see [A/HRC/35/10](#)), with a heightened risk of incarceration, including, inter alia, for increased involvement in drug trafficking, mostly at the lower levels of drug networks. Similarly, the legacy of colonization and systemic marginalization, ensuing high levels of poverty, dire financial and social stress, and significant gaps in opportunities and well-being between indigenous and non-indigenous women, leading to exposure to alcohol and drug use, aggravates the disproportionate incarceration of indigenous women. Disproportionate criminalization of indigenous women and those from racial minorities remains a significant problem.”

Para. 67: “Minority women may face higher rates of violence and greater exposure to incarceration. Similarly, violence has been found to play a significant role in the lives of indigenous women, contributing to the likelihood of their involvement with the criminal justice system.”

Lack of political participation

Report on eliminating discrimination against women in political and public life with a focus on political transition (A/HRC/23/50)

Para. 59: “Women belonging to minority groups are often victims of dual discrimination, as they must address discrimination against minorities and within their own communities. Providing special measures of education, leadership training and economic assistance for women and awareness-raising for men in patriarchal communities are some of the good practices by which States can address compounding discrimination.”

Para. 70: “Women who belong to vulnerable groups, based on race, class, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity, are effectively barred from political and public life based on multiple stereotyping. In its concluding observations, the Committee on the Elimination of Discrimination against Women has expressed concern about stereotyped media portrayals of women’s roles within the family and society.”

Para. 94: “Women’s economic independence and their economic viability is different depending on intersectional discrimination. Their barriers are compounded if they experience multiple forms of discrimination.”

Inadequate access to healthcare

Report on eliminating discrimination against women with regard to health and safety (A/HRC/32/44)

Para. 57: “As highlighted by the Special Rapporteur on minority issues (A/HRC/31/56), minority women, including women affected by discrimination based on caste, are particularly vulnerable to violations of their right to health, including reproductive and sexual health. Women members of “lower caste” groups present the worst health outcomes, especially in terms of life expectancy, access to maternal care, nutrition and incidence of infections. Roma women are the subjects of degrading stereotypes. Depicted as “fertile” and “promiscuous”; this increases their vulnerability to gender-based violence and forced sterilization.”

IV. Structural discrimination against Roma women and indigenous women

Country Visit to Chile- 2014 – report A/HRC/29/40/Add.1

Despite the invaluable progress made by Chile in advancing women’s rights, the Working Group reported on the increased vulnerability indigenous women face and the profound inequalities affecting this group of women in terms of access to healthcare, education and employment.

Indigenous women

Para. 65: “With regard to Mapuche women, one parameter that illustrates their increased vulnerability, resulting from the structural poverty they experience, is the rise in the maternal mortality ratio (18.3 per 100,000 live births versus 37.4 in 2010) in the Araucanía region, which is home to half of the country’s Mapuche population. This is an indicator of inequality in access to information and to timely, high-quality and culturally relevant health services, an inequality which is rooted in gender, ethnicity, social class and residence in rural areas.⁸ According to the Economic Commission for Latin America and the Caribbean, mortality rates among Mapuche women are 30 per cent higher than the average. With regard to gaps in education, although the State has no statistics on the subject, the Committee on the Elimination of Discrimination against Women has expressed concern about higher rates of illiteracy among Mapuche women.”

Para. 66: “The Working Group expressed its particular concern about the high degree of social exclusion among indigenous women, who reported feeling a sense of invisibility and of a complete inability to advance their human rights as individuals and members of their community.”

Country Visit to Peru – 2014- report A/HRC/29/40/Add.2

In its country visit to Peru in 2014, the Working Group noticed that the huge gender gap affects in particular, women and girls living in poverty, indigenous women living in rural areas in the highlands and in the Amazon region, women of African descent and women with disabilities. Racism and stereotypes deeply rooted in Peruvian society and disseminated through the media, targeting indigenous, campesino and Afro-Peruvian communities in particular, are also major obstacles to the achievement of equality.

Indigenous women

Para. 68: “During its visit, the Working Group met with various indigenous women’s groups, who drew attention to the increase in precariousness and human rights violations affecting indigenous peoples. For

⁸ Observatorio Equidad género, Violencia de Género en Chile, 2013.

example, as regards access to education, the school dropout rate among indigenous girls aged between 12 and 16 years is 89.1 per cent. In 2011, the maternal mortality rate of 160.5 maternal deaths per 100,000 live births in the jungle region of Peru was higher than in the coastal and highland regions. In the highlands there were 145.2 maternal deaths per 100,000 live births.”

Para. 69: “A number of indigenous women’s groups informed the Working Group that the impact of the extractive industries was akin to a form of violence against both themselves and their cultural heritage. They are deprived of their lands, drinking water and means of subsistence and agricultural production. Compensation payments for communal land are mainly paid to male heads of households.”

Country Visit to Hungary- 2016- report A/HRC/35/29/Add.1

The Working Group Women reported on the multiple forms of discrimination and xenophobia regarding Roma women, who are virtually invisible in the political system.

Roma women

Para. 29: “There are no Roma women in Parliament at the national and European levels, although two Roma women were members of the European Parliament between 2004 and 2014. The National Social Inclusion Strategy (2011–2020), while specifically tackling the social exclusion of the Roma, who constitute 7 per cent of the population, has not addressing the empowerment of Roma women in political life or in decision-making positions.”

Para. 38: “The multiple discrimination to which Roma women are subject, including in employment, is widely recognized. Whilst the issue of Roma is a national priority and the adoption of the European strategy for the integration of Roma was a flagship initiative of the Hungarian Government during its 2011 presidency of the European Union, programmes focusing on Roma women are limited”.

Para. 65: “Roma women have a much lower education level; according to the National Social Inclusion Strategy (2011-2020). Only 5.8 per cent have vocational qualifications, compared to 17.5 per cent of Roma men. Roma women have a lower education level than non-Roma women, although the number of Roma women with upper secondary education has increased. The Working Group believes that the placement of Roma children in schools of an inferior standard or in schools for pupils with learning disabilities is a discriminatory practice.”

Para. 77: “Roma women disproportionately suffer from discrimination in accessing health services. They lack adequate access to family planning services, modern methods of contraception and regular gynaecologist consultations. The Working Group received reports that they faced segregation and negligence in many medical facilities. They are, as a result of the high incidence of teenage pregnancy and early marriage, highly vulnerable to increased risk of maternal mortality and obstetric fistula.”

The Working Group recommended:

- Extend and further fund programmes for Roma women’s employment to cover a larger number of the population in more empowering and less traditional fields;
- Increase resources for the education of disadvantaged children, including Roma children, to ensure that Roma girls and boys are not being segregated in inferior educational institutions;

- Conduct public campaigns and educational programmes to create the enabling conditions for public recognition and acceptance for women, including Roma women in leadership and decision-making positions.

Country Visit to Greece – 2019- report A/HRC/44/51/Add.1

The Working Group highlighted the significant disadvantage faced by Roma women and girls.

Roma women

Para. 73: “Roma people in Greece continue to suffer deep-rooted prejudice. Social exclusion, the risk of poverty, high school dropout rates and inadequate housing conditions are among the main problems faced by the Roma population. Despite efforts by the Government to improve outcomes for Roma women and girls, including through the national strategy for the social inclusion of Roma people, 2012–2020, and initiatives such as the appointment of special prosecutors to investigate crimes motivated by racism and the creation of special police units to assist victims of violence and other crimes motivated by racism and xenophobia, high levels of discrimination, exclusion and stereotypes persist.”

Para. 75: “Roma women encounter serious obstacles in gaining access to basic social services, such as housing, employment, education and health care, including the persistence of educational barriers and poor living conditions. They reportedly continue to be disproportionately subjected to arbitrary arrest by the police and other law enforcement officials. Roma women comprise one third of the population of women in detention in Greece, despite being a very small percentage of the overall Greek population.”

The Working Group recommended that the Government:

- Increase prevention efforts that also consider the diversity of women in Greece and their specific needs, especially the needs of those who are facing intersecting forms of discrimination or those who are in vulnerable situations, such as minority, migrant and refugee women, women with disabilities, older women, lesbian and transgender women and intersex persons;
- Design, in cooperation with Roma communities, improved integration policies for girls’ education, avoiding ghettoization, and bridge the gap for Roma girls in secondary and higher education by means of targeted results-based programmes.

Country Visit to Poland – 2018- report A/HRC/41/33/Add.2

The Working Group expressed concerns about the multiple and intersecting forms of discrimination experienced by Roma women and stressed how the persistence of harmful stereotypes of Roma women has an adverse impact on the enjoyment of their human rights.

Roma women

Para. 33: “The majority of women collect a much lower level of retirement benefits than men. The gender pension gap stands at 23 per cent. According to a survey, only 39 per cent of Roma women in comparison to 56 per cent of Roma men have or expect pension entitlements.”

Para. 37: “In addition, Roma girls are at a disadvantage in the education system. Not only do challenges to secure non-discriminatory education for Roma children persist, as there are still attempts to place them in

special schools on the ground of their insufficient knowledge of Polish, Roma girls are more likely than Roma boys to stop school before 16 years of age.”

Para. 44: “Certain challenges remain in securing women’s right to health, particularly for women facing multiple and intersecting forms of discrimination. The Working Group learned that in certain places rural women still faced obstacles in their access to health services and health-care providers such as gynaecologists, for example due to geographical distance, and that women with disabilities, Roma women, sex workers and lesbian, bisexual, transgender and intersex women have limited access to health services that are tailored to their needs. Access to health services is particularly difficult for migrants in irregular situations, who constitute the majority of sex workers, according to interlocutors.”

The Working Group recommended:

- Adopt further measures to increase the participation of women in the labour force, particularly women with disabilities, Roma women and older women, and monitor the impact of social protection measures on women’s labour force participation;
- Improve services for victims/survivors of gender-based violence and their access to justice, in particular women in vulnerable situations, such as minority women, older women, women and girls with disabilities, migrant women and sex workers, including access to shelter for the period needed, as well as preferential access to municipal housing assistance.

Country Visit to Moldova – 2012- report A/HRC/23/50/Add.1

Roma women

Para. 70: “Romani women face discrimination on grounds such as sex and ethnicity, and their low socio-economic status. Romani women and girls in particular have high rates of illiteracy, lack access to employment and are particularly vulnerable to violence. They have lower life expectancy compared to non-Romani women and rarely benefit from social services, including reproductive health services at the community level. They are almost completely excluded from political life, particularly as candidates and in electoral management structures.”

Para. 71: “Romani advocates stated that they have little or no access to women parliamentarians and politicians do not respond to their concerns. Quotas for universities have not worked in practice because no adequate support exists at the secondary level of education for Romani girls and women.”

Para. 72: “The multiple forms of discrimination faced by Romani women represents a pattern of discrimination against the Romani people that is pervasive, persistent and deeply entrenched in social behaviour, constituting what the Committee on Economic, Social and Cultural Rights identifies as systemic discrimination.”

Para. 74: “The Working Group draws attention to the importance of addressing structural impediments to the empowerment of Romani women, including in their access to education, employment and property, and guaranteeing Romani women’s full and equal enjoyment of all human rights, including cultural rights. It also notes that action to strengthen networks of Romani women and girls would contribute to ending practices such as child marriages and child labour, reportedly prevalent in some Romani communities.”

The Working Group recommended:

- Ensuring the capacity of Romani Community Mediators to be gender-responsive and transformative in their work, including enabling Romani women to negotiate within their communities, and full budgetary provisions to cover them by 2014;
- Ensuring gender balance amongst these Mediators and inclusion of Romani women’s rights advocates in implementation and review of the Romani Action Plan;
- Supporting the development of networks of Romani women and girls, providing integrated education, developing a proactive approach to solving human rights issues in Romani communities, and addressing issues related to housing and land title affecting Romani women and girls.

Country Visit to Kuwait - 2016 – report A/HRC/35/29/Add.2

The Working Group highlighted how bidoon women face multiple and/or systemic discrimination and require special attention in efforts to change laws and practices.

Bidoon women

Para 89: “There are over 90,000 stateless people in Kuwait⁹, designated by authorities as “illegal residents” or *bidoons*. The experts were concerned that, as part of a minority community, bidoon women suffer from multiple and systemic discrimination throughout their life. As exemplified by reports received, some of those women continue to be excluded from society, facing stigmatization and having access to poor-quality education and health services and constrained job opportunities. They are discriminated against as part of a minority community in a particularly vulnerable situation but also as women within their own communities and families. They are particularly stigmatized when they stand up for their rights.”

The Working Group made the following recommendations:

- Provide quality and free legal assistance to all, and in particular to vulnerable migrant and bidoon women;
- Reduce the gap between the rights given to Kuwaiti women and those given to migrant women.

⁹ Office of the United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2015* (2016).