



CEDAW General Recommendation for Indigenous Women and Girls *Campaign for Indigenous Women and Girls*

Indigenous women and girls have historically been at the forefront of Indigenous struggles advocating for their rights, demanding recognition, and participation in spaces where decisions that impact their lives are made. The CEDAW General Recommendation on Indigenous women and girls promotes a paradigm shift to recognize their rights and promote their participation and leadership at different levels.

In order to apply the Convention to the realities and experiences of Indigenous women and girls around the world, the CEDAW General Recommendation #39 must:

1. Recognize the importance of Self-Determination and Collective Rights

- a. Center the **collective dimensions** of Indigenous women and girls' rights, especially the right to self-determination. Collective rights are a fundamental component of the rights of Indigenous women and girls because their individual identities are connected to the community to which they belong. As a fundamental right to Indigenous Peoples, Indigenous women and girls should have the right to autonomy and self-determination, and the recognition of the important role they play in their communities.

Provide legal provisions to protect the collective rights of Indigenous women and girls to culture, land rights and natural resources, health, education, food sovereignty, water, and seeds, supporting the right as stated in Article 9, 10, 11, 12, 13, and 14 of the Convention to freely pursue their economic, social, political, and cultural development.

Incorporate the **collective rights** of Indigenous Peoples to land, territories, and natural resources that are inextricably linked to their survival, identity, and **self-determination** as mentioned in the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) and in Article 2 of the Convention. The denial of these rights results in violations of other rights that have a prominent impact on the prevalence of violence and discrimination of Indigenous women and girls.

- b. Require States to protect the rights of Indigenous women and girls to preserve their self-determination as guardians of natural resources and sacred places, access to their lands as food providers. This entails a right to participate in decision-making processes involving their ecosystems.

Particular attention shall be given to including Indigenous women and girls' right to Free, Prior, and Informed Consent (FPIC) in order to fulfill the rights as stated in Article 14 of the Convention to provide the full collective rights and self-determination of Indigenous women and girls.

2. Expand the concept of discrimination and gender-based violence within the Convention to:

- a. Recognize acts of environmental violence against Indigenous women and girls caused by extractive industries, development projects, and military presence within Indigenous territories. This will serve to protect the right to a healthy environment that allows

Indigenous women and girls a means of implementing their knowledge, as well as serve as a protection of their cultural, social, and economic rights.



Expand the definition of “discrimination against women” under Article 1 of the Convention to recognize the rights of Nature for the full realization of the rights of Indigenous women and girls in their role as environmental defenders. The rights of nature have not been recognized as a formal right in international instruments, however, the rights of Nature are deeply intertwined with the cosmivision of Indigenous women and girls. Expanding this definition will guarantee that States take measures to protect against the multidimensional violence that Indigenous women and girls endure.

Recognize the trauma of environmental violence passed down through generations that have alarming consequences for the health, spiritual well-being, and reproductive health of Indigenous women and girls in Article 1 of the Convention.

States shall uphold FPIC to protect the natural resources and territories of Indigenous Peoples to fulfill the rights of Indigenous women and girls as stated in Article 14 of the Convention.

- b. Recognize the disproportionate impact that climate breakdown has on Indigenous women and girls. Climate change is a driver for livelihood loss, water scarcity, and forced migration, which places Indigenous women at greater risk from different types of violence, discrimination, and exploitation.**

States shall provide effective mechanisms to address the impact of climate change, taking into account Article 14 of the Convention that guarantees rural women’s rights to participate and benefit from rural development along with specific access to rights like the enjoyment of “adequate living conditions”, particularly sanitation and water supply.

- c. Protect Indigenous women and girls’ role in sustaining their cosmivision over generations as mothers, life-givers, culture bearers, economic providers, and climate defenders.**

Establish legal protections as stated in Article 14 of the Convention to safeguard the lives of environmental defenders in their efforts to defend their land, natural resources, and ancestral territories. This requires the recognition of the rights of Nature and of collective rights as preconditions for the full realization of the rights of Indigenous women and girls.

Recognize and respect Indigenous women and girls’ traditional knowledge, wisdom, and practical experience, and eliminate any discrimination under Article 2 of the Convention in order to protect the environment, conserve biodiversity, and help prevent climate change.

3. Address racism and colonialism as a root cause of violence against Indigenous women and girls.

- a. Systemic racism and colonialism are the root causes of violations against the collective and individual rights of Indigenous women and girls. Neoliberal models of development have created discriminatory policies that have disproportionately impacted Indigenous women and girls. These new forms of colonialism and systemic racism drive national legislation and generate exclusionary policies that oppress and prevent Indigenous women and girls from the full recognition of their individual and collective rights.**

States shall take effective measures to establish legislation, public policies, and economic development models as stated in Article 2 to address the impact of colonialism and systemic racism in the lives of Indigenous women and girls.



- b. Poverty and racism are inextricably linked presenting a critical barrier to equality and to the full enjoyment of human rights for Indigenous women and girls. In many cases, poverty is related to land dispossession, loss of livelihoods, migration, conflict and violence, forced sterilization, and displacement.**

States must respond to and prioritize the high rates of poverty that Indigenous women and girls face and recognize that it serves as a barrier to the full exercise of their rights and the alleviation of violence and discrimination as stated in Article 1, 13, 14 of the Convention.

The right to health must be guaranteed as stated in Article 12 of the Convention to ensure that Indigenous women and girls have autonomy over their own health systems, ancestral knowledge, and intersectional approach for women. Indigenous women and girls must be given equal access to quality and culturally/linguistically relevant health and mental care services to address low life expectancy, high rates of maternal mortality, and high suicide rates.

- c. The right to equality and non-discrimination of Indigenous women and girls must include actions that rebuke the goals of colonialism and guarantee Indigenous women and girls equal and full access to their collective and individual rights.**

Recognize the intersectional experience and needs of Indigenous women and girls based on multiple identities, including race, class, ethnicity, religion, sexual orientation, gender, age, disability, citizenship, national identity, geopolitical context, and health as stated in Article 1 and 2 of the Convention.

4. Emphasize gender-based violence as an alarming and pressing issue among Indigenous women and girls.

- a. Indigenous women and girls experience multiple forms of violence, including domestic violence, institutional and political violence, physical and sexual violence, femicides, sexual exploitation, and trafficking, early forced marriages and unions, harmful practices, armed conflict, the militarization of Indigenous territories, and environmental violence as a result of extractive industries.**

Special attention must be given to the forced/coerced sterilization of Indigenous women and girls, which to this day, States have not been held accountable. States must create accountability mechanisms to protect this right as stated in Article 12 of the Convention through laws and policies that ban forced sterilization and surrogacy. The failure to do so is a form of violence and genocide against Indigenous Peoples.

States shall take effective measures to acknowledge, prevent, address, and prosecute acts of violence against Indigenous women and girls. States should ensure access to justice as stated in

Article 15 of the Convention to protect Indigenous women and girls from gender-based violence and guarantee survivors equal protection under the law.

States shall consult and cooperate with Indigenous Peoples as stated in Article 16 of the Convention to take effective measures to address harmful practices committed in the name of tradition such as Female Genital Mutilation (FGM) and child marriages.



- b. Recognize the sexual and reproductive rights of Indigenous girls and the impact that early and forced marriages, unions, teenage pregnancies have on Indigenous girls. These rates continue to increase as States fail to implement national policies to prevent these situations.**

States must prevent and prohibit harmful practices as stated in Article 16 of the Convention to protect Indigenous girls from forced marriage through national policies that establish a minimum legal requirement in order to prevent child marriage and early pregnancy.

As stated in Article 6 of the Convention, emphasis should be placed on the disproportionate impact of sexual violence and human trafficking on Indigenous girls' as a result of the militarization of Indigenous territories by national armies, organized crime, drug cartels, as well as the expansion of military bases on Indigenous lands and territories.

5. Strengthen access to political participation of Indigenous women and girls.

- a. The political participation and representation of Indigenous women in State decision-making is key to guaranteeing their rights and accounting for their experiences and demands in public policies.**

States shall take effective measures to respect and support Indigenous women and girls' access to and participation in meaningful political decision-making at the national and local levels. Build on the rights recognized in UNDRIP and Article 4 and 7 of the Convention to ensure that Indigenous women and girls participate in matters that affect their rights and representation.

States shall take specific measures to protect the political participation of Indigenous women and girls as stated in Articles 4 and 7 to participate and access customary governance bodies and decision-making processes.