



WRITTEN SUBMISSION

to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)
General Recommendation on Indigenous Women and Girls

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Written submission to the Committee on the Elimination of Discrimination against Women

Drafting of the General Recommendation on the Rights of Indigenous Women and Girls.

¹ Cover Photo credit from Top, left to right: Indigenous Women at a community meeting Adrienne Surprenant, Cameroon; Indigenous Women at a workshop, FPP // Adrienne Surprenant, Cameroon; Indigenous Woman in an interview, Nepal // IWGIA; Indigenous Women registering for a community workshop, IWGIA // Pablo Lasansky; Indigenous Woman walks in her community, Nepal, IWGIA // Bue Heckmann.

Introduction

With this written submission, the International Work Group on Indigenous Affairs (IWGIA) seeks to bring forward the voices, perspectives and experiences of indigenous women and girls, particularly from Africa, Asia, Latin America and the Arctic, and to include them in the development of CEDAW's general recommendation on the rights of Indigenous women and girls.

The methodology used to collect the data contained in this written submission has been centered on indigenous women's voices, and is extracted from interviews with Indigenous Women leaders from partner organizations, the data available through the Indigenous Navigator, NGO reports that gathered Indigenous Women and Girls' testimony, and international organizations reports. It should be noted, however, that the short deadline provided to file these submissions hampered the ability of NGOs such as IWGIA to fully guarantee the inclusive participation of Indigenous Women and Girls in this process.

All these sources of information have confirmed how indigenous women and girls worldwide are confronted to multiple layers of discrimination and structural barriers that lead to mutually reinforcing human rights abuses. Sexism, racism, economic status, as well as structural and institutional inequities resulting from colonization and globalization make indigenous women more vulnerable to human rights abuses. As will be detailed below, their lives continue to be marked by discrimination, inequity, violence, as well as obstacles to the fulfillment of their civil, political, economic, social, and cultural rights.

Situation of Indigenous Women and Girls Worldwide

a) Lack of Legal Recognition

While IWGIA appreciates the extensive list of challenges highlighted in the Committee's Concept Note, it is concerned about the absence of discussion on the status of legal recognition within national legislative frameworks that constitute a key obstacle to the realization of the rights of indigenous women. Indeed, Indigenous peoples throughout Asia and Africa are confronted to narrow, colonization-centric interpretations of the terms "indigenous peoples," which generate piecemeal approaches to the recognition of their rights and excludes them from international human rights standards and protections. In Thailand, geographic and language barriers, as well as limited access to information and registration processes deprive indigenous peoples from citizenship, and from legal status under national legal frameworks.² As a result, indigenous peoples are denied basic social services; freedom of movement and speech; and land ownership. Indigenous women and girls are specifically and disproportionately impacted by these abuses, enhancing their vulnerability to exploitation and violence by state and non-state actors.

b) Discrimination against Indigenous Women and Girls

Discrimination against indigenous women and girls is prevalent, and is a form of violence itself. As was stressed by the former-United Nations Special Rapporteur on the rights of indigenous peoples, the "routine exclusion of indigenous women and girls from the rights and resources otherwise guaranteed to citizens" and the "endemic violations of [their] collective, civil and political, and economic, social and cultural rights" constitute a form of structural violence against indigenous women.³

Discrimination on the basis of gender and race is also a cause of the violence faced by indigenous women and girls, and a cause of the impunity and complacency with which this violence is treated by

² In Thailand, over half a million stateless populations are indigenous people. UN HRC, *Report by the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people, James Anaya*. A/HRC/15?37/Add.1, par 282-290.

³ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 46.

public officials.⁴ Dismissive responses from authorities, themselves often based on discriminatory and stereotyped beliefs, perpetuate and enhance these beliefs and perceptions of indigenous women and girls in society. This makes indigenous women and girls vulnerable to further violence. For instance, indigenous women in India stressed that violence against Adivasi women is rarely prosecuted or treated seriously, and worse, that Adivasi women have repeatedly reported being sexually abused or raped while under police custody.⁵ A study in Bangladesh revealed that “impunity has been the single most crucial factor contributing to increasing incidents of sexual and gender-based violence in the [Chittagong Hill Tracts]”.⁶ In Canada, a recent report highlighted how indigenous women and girls who went missing were generally viewed by authorities through a lens of “pervasive racist and sexist stereotypes that ultimately blame Indigenous women and girls for the violence and difficulties they face.”⁷

c) Increased Likelihood of Violence and Impunity

Indigenous women and girls experience diverse forms of violence, in disproportionate amounts, as compared to other women and girls.⁸ This includes a higher exposition to various forms of sexual violence, trafficking, and domestic violence. Violence against Indigenous women and girls also occurs in contexts such as during armed conflicts and militarization of their territories, during the implementation of development, investment and extractive projects, and while exercising the defense of their human rights.

Indeed, indigenous women and girls are significantly more likely to be victims of different forms of sexual violence and to experience rape than non-indigenous women and girls.⁹ Indigenous women and girls worldwide who leave their families and communities fleeing difficult socio-economic conditions or armed conflicts, are also highly vulnerable to trafficking, including severe economic and sexual exploitation and sexual violence.¹⁰ In Nepal, indigenous women and girls amount to almost 80% of the total of trafficked persons although the proportion of indigenous peoples in Nepal is only officially 37%.¹¹

Indigenous women and girls’ rights to physical integrity are also violated by their own communities through different traditional, harmful practices. For example, across Sub-Saharan Africa, early and forced marriages remain a major concern for indigenous girls. Early marriage is closely related to removal from school, higher probability of domestic violence, complications in pregnancy and childbirth, among other harmful impacts.¹² A prevalent practice called “beading” in the Samburu region in Kenya, where men of the “warrior” age group can have sanctioned sexual relations with young girls as young as 9 years old in exchange for specialized beads and other goods, constitutes a serious violation of indigenous girls’

⁴ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 46; IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.82-86.

⁵ ISAWN of Mainland India, IWFNEI, AIPP, *India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India*, June 2014, p.7; Kapaeeng Foundation, Bangladesh Indigenous Women's Network, Bangladesh Indigenous Peoples Forum, Adivasi Nari Parishad, Achik Michik Society, *Bangladesh: A Joint Submission to the United Nations Committee on the Elimination of Discrimination against Women*, 2016.

⁶ Kapaeeng Foundation, BIWN, IWGIA, *Briefing Paper: State of Indigenous Women and girls in Bangladesh: Issues and Concerns at a glance*, October 2016; Chittagong Hill Tracts Commission, *Marginalization and Impunity: Violence against Women and Girls in the Chittagong Hill Tract*, Dhaka, 2014.

⁷ Canada, National Inquiry on Murdered and Missing Indigenous Women and Girls, [Reclaiming Power and Place: The Final Report of the National Inquiry into Murdered and Missing Aboriginal Women](#), Vol. 1a, Chapter 8, p.627, 696.

⁸ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 46-60; IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 87-132

⁹ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 47.

¹⁰ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 60.

¹¹ NIWF, LAHURNIP and FPP, *The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4th and 5th Periodic reports of Nepal*, CEDAW/c/NPL/4-5, 11-29 July 2011, para.57.

¹² FFA Cameroon, [Early and Forced Marriage](#), March 20, 2020.

rights.¹³ Beading leads to interrupted education for girls, high illiteracy rates, exposition to physical violence, increased risk of STDs, early pregnancies, forced abortion or infanticide, as well as psychological trauma as a result of the non-consensual sexual relations and violence.¹⁴ In India, Indigenous Women face brutal human rights violations when their communities brand them as witches: young women branded as “witches” and shunned from their communities at best, and at times even stoned, tortured and killed.¹⁵

Indigenous women and girls across all regions are significantly more likely to be victims of domestic violence than non-indigenous women, both from non-indigenous and indigenous partners.¹⁶ The IACHR has discussed the prevalence of domestic violence suffered by indigenous women throughout the Americas and published harrowing statistics from Guatemala, Mexico, Bolivia, Brazil, Ecuador, Canada, and the USA.¹⁷ In Cameroon, 55% of Indigenous Mbororo women reported suffering violence before the age of 15.¹⁸ Domestic violence may be felt more acutely by indigenous women and girls owing to the lack of access to support services and justice, as well as their specific cultural and economic circumstances.¹⁹

Indigenous women also face discrimination and violence in the exercise of their economic, social and cultural rights. Indigenous girls are at higher risk of sexual violence on their way to and from school, or when they move away from their communities to study, as a result of the remoteness of many indigenous communities and the long distances they need to travel to attend school.²⁰ The former UN Special Rapporteur on the Rights of Indigenous Peoples reported that indigenous women accessing health services related to pregnancy, childbirth or postpartum period have been sterilized without their consent or forced to use contraceptives.²¹ In fact, obstetric violence against indigenous women is a widespread practice in the Americas and in other continents, with common reports of practices such as forcing indigenous women to give birth in a supine position rather than their preferred vertical position, banning traditional midwifery and criminalising traditional practices, or ridicule for their traditional clothing or their belief in the effects of traditional medicine; among others.²²

Because indigenous lands are often coveted by diverse actors for the natural resources they contain or for their development potential, indigenous communities - and indigenous women in particular - often end up “caught in the crossfire of conflict situations and subjected to militarized violence.”²³ The militarization of indigenous lands in the Americas has exposed indigenous women to sexual violence, including rape by the military forces, forced prostitution, and sexual slavery.²⁴ In several Asian countries, such as Fiji, India, Myanmar, Nepal, the Philippines, Thailand and Timor-Leste, the militarization of conflict

¹³ Samburu Women Trust, [Silent Sacrifice: Girl-Child beading in the Samburu Community of Kenya, A research and human rights report](#), 2012, p.4; Samburu Women Trust, [The Unspoken Vice in Samburu Community](#), 2016, p.3.

¹⁴ Samburu Women Trust, [Silent Sacrifice: Girl-Child beading in the Samburu Community of Kenya, A research and human rights report](#), 2012, p.7-8; Samburu Women Trust, [The Unspoken Vice in Samburu Community](#), 2016, p.18-19, 32-33.

¹⁵ ISAWN of Mainland India, IWFNEI, AIPP, *India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India*, June 2014, p.10.

¹⁶ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 57.

¹⁷ IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 117.

¹⁸ FFA Cameroon, [Violence against Indigenous Women and Girls](#), March 20, 2020.

¹⁹ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 57.

²⁰ ECLAC, *Indigenous Women in Latin America: Demographic and Social Dynamics in the Human Rights Framework*, October 2013, p.91.

²¹ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 34;

IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 119.

²² IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para. 80-81.

²³ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 52.

²⁴ IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.111.

over indigenous land has led to gang-rape, sexual enslavement and killing of tribal women and girls.²⁵ The militarization of their lands also makes them particularly vulnerable to forced labour and trafficking.²⁶

Development activities on or near their traditional lands have generated increased risks of sexual violence for indigenous women and girls globally. Across Latin America, development projects, and the presence of temporary workers camps or armed security personnel in remote areas have led to “an increase in involuntary prostitution of indigenous girls, forced/unwanted pregnancies, STDs and sexual violence.”²⁷ Other areas of the world face the same issue: an interview with indigenous women leaders from Siberia revealed two recent events of shift-workers from nearby oil and gas projects coming into their villages, getting drunk and raping young Selkup girls on their way back from school.²⁸ The rapid expansion of tourism in some areas, such as in the Chittagong Hill Tracts in Bangladesh, has led to increased “sexual harassment, insecurity and sufferings for the indigenous women and girls.”²⁹ Moreover, indigenous women and girls have an exacerbated risk of health problems associated with environmental contamination when development projects are implemented in their territories.³⁰ Apetina Indigenous women in Suriname denounced the use of mercury and inadequate dumping procedures by mining companies affecting the quality of the water, causing pregnant women and children to suffer from severe diarrhea and tremors.³¹

Additionally, indigenous women leaders and human rights organizations working for the defense of indigenous women’s rights are frequently targets of intimidation, threats, and attacks on their life.³² They face criminalization on the basis of false allegations, are subjected to unfounded criminal proceedings, as well as to imprisonment in order to demoralize them, paralyze their human rights defense work and delegitimize their causes.³³ The combination of this pattern of violence against human rights defenders and the multiple and intersecting forms of discrimination faced by indigenous women create conditions that facilitate and perpetuate violence against indigenous women.

d) Climate Change and Indigenous Women’s Rights

The impacts of climate change are often felt most acutely by indigenous peoples and have gendered impacts. Forced migration as a result of climate change and water scarcity are susceptible of making Indigenous women and girls more vulnerable to human rights abuses.³⁴ Indigenous communities in Asia denounced how women and girls were forced to walk further and further out onto the land, and spend

²⁵ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 53.

²⁶ UN Economic and Social Council, *Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9, February 13, 2013, para.36.

²⁷ IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.102; IACHR, *Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities*, OEA/Ser.L/V/II., Doc. 47/15, December 31, 2015, para. 320.

²⁸ Interview with Selkup Indigenous woman, June 5, 2021.

²⁹ Kapaeeng Foundation, Bangladesh Indigenous Women’s Network, Bangladesh Indigenous Peoples Forum, Adivasi Nari Parishad, Achik Michik Society, *Bangladesh: A Joint Submission to the United Nations Committee on the Elimination of Discrimination against Women*, 2016, para.15; IWGIA, Bangladesh: *If I lose my land, I am no one. I have nothing”: A voice from the Indigenous Mro facing eviction from their land*, April 27, 2021.

³⁰ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 52; IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.106.

³¹ IACHR, *Human rights Situation of the Apetina Indigenous Community in Suriname*, 150 POS, March 27, 2014.

³² IACHR, *Report on Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II., Doc. 44/17, April 17, 2017, para.123.

³³ UN AG, *Attacks and criminalization of indigenous human rights defender. Availability of prevention and protection measures*, A/HRC/39/17, August 10, 2018; Abigail Bengwayan-Anongos, *Philippines: False Accusations, Persecution and Imprisonment of Indigenous Women*, Debates Indigenas Blog, April 1, 2021; IACHR, *Criminalization of the Work of Human Rights Defenders*, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015.

³⁴ UN HRC, *Report of the Special Rapporteur on the Rights of Indigenous Peoples on Climate Change*, A/HRC/36/46, November 1, 2017, para.11.

more time collecting water and firewood than they used to.³⁵ In the Arctic, weather changes, thin ice and severe weather conditions are impeding traditional harvesting and hunting activities, depleting animals on which they base their sustenance, and affecting women's traditional roles.³⁶ State conservation efforts and programs to adapt to and mitigate climate change, when they are designed without consulting indigenous peoples and implemented without their participation, can have adverse gendered impacts.³⁷ Indigenous women hold essential knowledge regarding climate mitigation and adaptation, passed on from one generation to the next, yet they continue to be excluded or underrepresented in environmental policymaking.³⁸ When they speak up, indigenous women face criminalization and intimidation.³⁹

e) Exclusion from Access to and Ownership of Land

As the former UN Special Rapporteur on the Rights of Indigenous Peoples affirmed, the appropriation of indigenous traditional lands "is not gender neutral and indigenous women's rights interact with violations of collective land rights."⁴⁰ Indeed, the community's loss of ancestral lands has specific gendered effects, as women and girls are the keepers of traditions and culture in their communities. Land appropriation infringes on indigenous women and girls' ability to pursue traditional occupations such as food gathering, agricultural production, herding, or weaving; to generate income; to maintain cultures and ways of life; as well as erodes indigenous women's authority within their communities.⁴¹ The loss of land and devaluation of women's contributions creates vulnerability to abuse and violence.⁴² Therefore, the protection of indigenous peoples' collective rights over the lands they have traditionally occupied as well as their associated ancestral knowledge is central to the protection of indigenous women's rights.

Traditional practices or customary laws can also be harmful to indigenous women and girls as they impede their right to ownership and inheritance of land, limit their ability to decide how they will use their natural resources, and create further causes of vulnerability.⁴³ Inversely, matrifocal indigenous societies where indigenous women are entitled to access and ownership of land on the same basis as men, such as the Shipibo-Conibo in Peru, have proven to entail positive results such as greater food security.⁴⁴

f) Exclusion from Public Participation and Decision-Making Roles

In most countries, indigenous women are under-represented in national parliaments, local governments and the judiciary.⁴⁵ Although in some countries, there are reserved seats for women in Parliament, it is very difficult for indigenous women to have access to any of these seats because of local ethnic and gendered prejudice against indigenous women, or because of their proportional minority

³⁵ UN HRC, *Regional consultation on the rights of indigenous peoples in Asia, Report of the Special Rapporteur on the rights of indigenous peoples*, A/HRC/45/34/Add.3, September 2020, para.35.

³⁶ Inclusion y Equidad, *Regional Study: The situation of Indigenous Women in the Arctic Region in the Framework of the Beijing Declaration*, 25th Anniversary of the Beijing Declaration and Platform of Action, April 8, 2020, p.25.

³⁷ UN HRC, *Report of the Special Rapporteur on the Rights of Indigenous Peoples, Climate change and Climate Finance*, A/HRC/36/46, November 1, 2017, para.12; IWGIA, *The impact of renewable energy projects on Indigenous communities in Kenya*, December 2019.

³⁸ Inclusion y Equidad, *Regional Study: The situation of Indigenous Women in the Arctic Region in the Framework of the Beijing Declaration* – 25th Anniversary of the Beijing Declaration and Platform of Action, April 8, 2020, p.26; Agatha Ma and Nilar Tun, "Voices and Choices: Myanmar Indigenous Women in Climate Justice", in IWGIA, *Strong Roots: Understanding the Importance of Myanmar's Indigenous Women as Leaders in Developing Climate Change Solutions*, August 2020.

³⁹ Abigail Bengwayan-Anongos, *Philippines: False Accusations, Persecution and Imprisonment of Indigenous Women*, Debates Indigenas Blog, April 1, 2021.

⁴⁰ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 16.

⁴¹ See Indigenous Navigator: OSAGI, UNFPII 2010.

⁴² UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 16.

⁴³ Indigenous Navigator, *Indigenous women's realities: Insights from the Indigenous Navigator*, October 2020, p.26.

⁴⁴ IWGIA, *Territorial management in indigenous matrifocal societies: Case studies of the Khasi, Wayuu, Shipibo-Conibo and Moso peoples*, July 2020.

⁴⁵ Indigenous Navigator, *Indigenous women's realities: Insights from the Indigenous Navigator*, October 2020, p.47.

within the States in which they live. For instance, in India, Adivasi and tribal women are restricted in their public participation by baseless rules requiring them to have no more than two children to participate in local electoral politics.⁴⁶ A Saami indigenous woman leader from Siberia also brought up how gender stereotypes affected her ability to be taken seriously when running for office, with people doubting her ability because she was a woman, had children, and because she was indigenous.⁴⁷ This has brought indigenous women to call for reserved seats specifically for them.⁴⁸ Indigenous women also encounter barriers to their participation in decision-making in their own communities, with similar gender stereotyping as the cause.⁴⁹

g) Violations of Economic, Social and Cultural Rights

Indigenous Women report various obstacles to their access to education, and particularly to culturally appropriate education. Indigenous women tend to have low levels of educational attainment and literacy compared to non-indigenous populations.⁵⁰ Indeed, a study published by the Economic Commission for Latin America and the Caribbean has shown that illiteracy rates among young indigenous women (aged 15-24) are alarmingly high in both urban and rural areas in Latin America.⁵¹ Some of the main obstacles to education include long distances, lack of transportation, lack of teaching in indigenous languages, poverty, and discrimination. Indigenous girls across all regions experience additional barriers, such as an expectation that they will help with domestic and care responsibilities, an increased vulnerability to harassment and sexual violence on the way to school, early marriage and adolescent pregnancy.⁵²

The banishment or non-recognition of indigenous languages has been a major impediment to indigenous people's rights to their language and culture. Indigenous women in Cameroon reported that schools were an explicit and implicit site of rejection of indigenous knowledge and language.⁵³ In Nepal, access to and long-term participation in education for indigenous women is made far more difficult by an insistence on Khas Nepali as the language of instruction at all levels, rather than indigenous languages.⁵⁴ Indigenous women leaders in Russia also highlighted how a recent law prioritizing the teaching of Russian over other languages had restricted education in the Saami language.⁵⁵ They also denounced the insidious trend of offering indigenous language as an optional second language in competition with other languages such as English, causing parents to reject their indigenous language to offer their children a better future.⁵⁶

Low levels of educational attainment influence the type of work many indigenous women perform: as a result, their participation in the informal economy worldwide is much higher than that of non-indigenous women.⁵⁷ This marginalization from the formal economy explains the low incomes they often

⁴⁶ ISAWN of Mainland India, IWFNEI, AIPP, *India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India*, June 2014, p.10.

⁴⁷ Interview with Saami Indigenous woman leader in Russia, June 5, 2021.

⁴⁸ Kapaeeng Foundation, BIWN, IWGIA, *Briefing Paper: State of Indigenous Women and girls in Bangladesh: Issues and Concerns at a glance*, October 2016; Interview with Selkup Indigenous woman leader in Russia, June 5, 2021.

⁴⁹ IACHR, *Report on the Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion*, OEA/Ser.L/V/II., Doc.43/15, 31 December 2015, para.247

⁵⁰ UN AG, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, August 6, 2015, A/HRC/30/41, para. 24-25.

⁵¹ ECLAC, *Indigenous Women in Latin America: Demographic and social dynamics in the human rights framework*, October 2013, p. 82-83.

⁵² Indigenous Navigator, *Indigenous women's realities: Insights from the Indigenous Navigator*, October 2020, para.48.

⁵³ FFA Cameroon, *Education*, March 20, 2020.

⁵⁴ NIWF, LAHURNIP and FPP, *The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4th and 5th Periodic reports of Nepal CEDAW/c/NPL/4-5*, July 11-29, 2011, para.41.

⁵⁵ Interview with Saami Indigenous woman leader of Russia, June 5, 2021.

⁵⁶ Interview with Saami Indigenous woman leader of Russia, June 5, 2021.

⁵⁷ International Labour Organization, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future*, Geneva, 2019.

generate, their lack of social security protections, and their greater vulnerability to abuses in employment.⁵⁸ Across all regions, indigenous women are more likely to face severe violations of their rights at work. Indigenous women and girls are prey to forced labour, particularly in housekeeping and commercial plantations.⁵⁹ NGOs in India have reported a “largescale trafficking of Adivasi girls and women in India” by unregulated placement agencies.⁶⁰ In Nepal, although the Kamaiya system of bonded labour has been outlawed, it persists in practice, mostly because a lack of education and training impedes access to alternative forms of employment.⁶¹ Indigenous women are finding a way to improve their socio-economic conditions through entrepreneurship. In the absence of training or knowledge on how to develop their small businesses, some indigenous women nonetheless are vulnerable to abuse.⁶²

Indigenous peoples generally are confronted to obstacles in accessing health services, medical treatment and medication. Many remote indigenous communities do not have their own health-care systems and are located far away from hospitals and clinics. The public health care institutions that are established in closer proximity to indigenous communities are insufficiently equipped, and quality services can only be obtained after driving for many hours and up to entire days.⁶³ The situation for indigenous peoples living in urban areas is not much better: often, they cannot afford the cost of consultations and treatment, and very few are medically insured. Indigenous peoples are also denied the right to be treated in their own language or to receive care that considers their cultural beliefs and practices, which often leads to distrust and a reluctance to access public health care services. They also face discriminatory attitudes, prejudice and humiliation. The recent case of Joyce Echaquan, an Atikamekw woman from Canada, who livestreamed the racist abuse and dismissive behaviour she was subjected to from nurses as she plead for help and eventually died, brought racism in public health services to public attention.⁶⁴

Indigenous women who cannot have access to medical treatment generally must contend with worse health conditions than other non-indigenous women. In India for instance, maternal death rates are higher among Adivasi/tribal women than others, and malnutrition rates are higher among Adivasi girls than others.⁶⁵ The ECLAC reports that maternal mortality of indigenous women while giving birth in Mexico is nine times higher in highly marginalized and geographically isolated predominantly indigenous municipalities as compared to more central areas with better access to health care services; that it was almost five times higher in indigenous communities in Panama as compared to the rest of the population; and was three times higher in Guatemala; with similar rates throughout Latin America.⁶⁶

h) Specific Impacts of COVID-19 on Indigenous Women

⁵⁸ Indigenous Navigator, *Indigenous women's realities: Insights from the Indigenous Navigator*, October 2020, p.49.

⁵⁹ Indigenous Navigator, *Indigenous women's realities: Insights from the Indigenous Navigator*, October 2020, p.26.

⁶⁰ ISAWN of Mainland India, IWFNEI, AIPP, “India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India,” CEDAW, 58th session, June 2014, p.9.

⁶¹ NIWF, LAHURNIP and FPP, “The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4th and 5th Periodic reports of Nepal CEDAW/c/NPL/4-5,” CEDAW, 49th session, 11-29 July 2011, para.52-54.

⁶² Interview with Selkup Indigenous Woman Leader of Russia, June 5, 2021.

⁶³ Interview with Selkup Indigenous woman leader in Russia, June 5, 2021.

⁶⁴ CBC News, [Indigenous woman records racist abuse in her dying moments](#), October 1, 2020; APTN, [Quebec promises investigation after Atikamekw mother live-streams moments before her death](#), September 29, 2020; Maclean's, [Opinion by Pam Palmater: What Joyce Echaquan Knew](#), June 3, 2021.

⁶⁵ ISAWN of Mainland India, IWFNEI, AIPP, “India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India,” CEDAW, 58th session, June 2014, p.11-12.

⁶⁶ ECLAC, *Maternal Mortality in Indigenous Peoples and Data Sources: Scope and Challenges for Measurement in Latin American Countries*, August 2017, p. 8, Table 1.

The COVID-19 pandemic has worsened the challenges faced by indigenous women around the world. Pre-existing issues like rates of domestic violence have been magnified by the pandemic. Reports from the Americas, Asia, and Africa have demonstrated a direct correlation between confinement and a rise in domestic and other violence against indigenous women and children, in both urban environments and within indigenous communities.⁶⁷ In fact, some measures like curfews, quarantines, lockdowns, and travel restrictions imposed to limit outbreaks of the virus have also meant restrictions for survivors of abuse from getting help, reaching shelters, and distancing themselves from abusers. Rates of maternal mortality are reported to have risen as a result of a deprioritizing of non-COVID-related treatments.⁶⁸

Indigenous women, who are often employed in the informal sector, were particularly negatively affected. For instance, domestic workers lost their jobs because of the fear of virus transmission;⁶⁹ police repressed indigenous women seeking to sell items in the street;⁷⁰ street vendors and the homeless were banned from the streets as a result of lockdowns and curfews;⁷¹ and the abrupt halt to tourism affected indigenous women selling artwork or earning income through cultural performances.⁷² Working outside the home also proved increasingly difficult for indigenous women, as their workload increased when families were confined at home. To their usual tasks, they now added responsibility to care for the sick - at the risk of their own health⁷³, home schooling, and safe water collection.⁷⁴

However, indigenous women have also demonstrated extraordinary leadership in building a community response: they have been at the forefront of communal lockdown initiatives and demands for more culturally appropriate COVID responses, and deserve to be included in the entire decision-making process related to COVID management.⁷⁵

i) Lack of Disaggregated Data to Develop Public Policies for Indigenous Women and Girls

Indigenous women across the board have highlighted the need for disaggregated data to develop effective public policies aimed at indigenous women and girls. Indeed, disaggregated data is generally lacking with regards to the human rights situation of indigenous women and girls, which prevents an accurate understanding of their needs and realities and is an obstacle to crafting policies and programs to adequately address them. For example, indigenous women in the Arctic region reported that violence was one of the most compelling issues affecting Indigenous Women in all states in the Arctic region, but that the availability of data on violence varied greatly from one country to another.⁷⁶ Indigenous women in Nepal have brought up the fact that there is “very little clear statistical data regarding health, access to education, and other quality-of-life indicators specifically for indigenous peoples and more so for

⁶⁷ UN GA, *Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, A/75/185*, July 20, 2020, para.65. See submissions by the Native Women’s Association of Canada, Asia Indigenous Peoples Pact, Nepalese Indigenous Women’s Organizations, Joint Submissions by Moroccan Amazigh organizations, and submissions by Minority Rights Group International and partners.

⁶⁸ UN GA, *Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, A/75/185*, July 20, 2020, para.65.

⁶⁹ UN GA, *Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, A/75/185*, July 20, 2020.

⁷⁰ UN GA, *Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, A/75/185*, July 20, 2020, para.68; See Asia Indigenous Peoples Pact, “[COVID-19 and humanity: human rights in peril](#)”, May 2020, and submission by Action pour la promotion des minorités autochtones en Afrique Centrale.

⁷¹ UN GA, *Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, A/75/185*, July 20, 2020, para.68.

⁷² *Idem*.

⁷³ Interview with Selkup Indigenous woman leader in Russia, June 5, 2021.

⁷⁴ UN GA, *Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, A/75/185*, July 20, 2020, para.66.

⁷⁵ Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP), [ONAMIAP inicia acción judicial contra el Gobierno por poner en riesgo a los pueblos indígenas durante la pandemia del COVID-19](#), June 30, 2020; Pratima Gurung, “Include indigenous people in COVID-19 response”, *Work in Progress Blog*, 2020.

⁷⁶ Inclusion y Equidad, *Regional Study: The situation of Indigenous Women in the Arctic Region in the Framework of the Beijing Declaration – 25th Anniversary of the Beijing Declaration and Platform of Action*, April 8, 2020, p.19.

indigenous women.”⁷⁷ Indigenous women in India have stressed that disaggregated data is “urgently needed in order to ensure that the extreme marginalization and discrimination of Adivasi/tribal women is being addressed in a more targeted manner and their needs are prioritized by appropriate state interventions.”⁷⁸ The former UN Special Rapporteur on the Rights of Indigenous Peoples highlighted the lack of disaggregated statistics to document the problems faced by indigenous women in Brazil, and recommended to the State that it ensure comprehensive and disaggregated statistics are produced.⁷⁹

Recommendations

As briefly discussed above, formidable barriers continue to exist to the realization of indigenous women’s rights. A first set of recommendations are addressed to the Committee itself:

1. Require that States, when they report on their compliance with the Convention, provide information on legislative, judicial, administrative or other measures specific to indigenous women and girls they have implemented to comply with the obligations in the Convention.
2. Ensure specific references to indigenous women and girls’ rights are included in CEDAW guidelines and recommendations to States.
3. Organize a workshop with indigenous women and girls, in preparation for the General Recommendation, to discuss indigenous peoples’ traditional practices that violate women’s rights and identify potential measures to remedy these violations.

The following recommendations seek to provide guidance to State parties to the Convention on the measures they should adopt to ensure full compliance with their obligations to respect and protect the rights of indigenous women and girls:

1. States must urgently recognize Indigenous Peoples in their Constitutions, as well as protect and promote their cultural, economic, and social rights through comprehensive legal frameworks and policy initiatives.
2. Because indigenous women and girls face these very specific types of human rights abuses as a result of both their gender and ethnicity, among other factors, an intersectional approach which takes into consideration both a gender and an indigenous people’s rights perspective is necessary to appropriately address the human rights situation of indigenous women and girls and should be at the center of any State’s law or policy developed to comply with its obligations under the CEDAW.
3. States must periodically undertake data collection, disaggregated by gender and ethnicity, on discrimination against indigenous women, access to justice and their access to their civil, political, economic, social and cultural rights, and use the collected information to design better tailored and more efficient public policies and programs aimed at indigenous women and girls.

⁷⁷ NIWF, LAHURNIP and FPP, “The Rights of Indigenous Women in Nepal: Shadow Report for the Combined 4th and 5th Periodic reports of Nepal CEDAW/c/NPL/4-5,” CEDAW, 49th session, 11-29 July 2011, para.13.

⁷⁸ ISAWN of Mainland India, IWFNEI, AIPP, *India: NGO CEDAW Shadow Report and status of Adivasi/Tribal Women in India*, June 2014, p.7.

⁷⁹ UN Women Brazil, [Relatora Especial da ONU sobre os Direitos dos Povos Indígenas recomenda maior documentação dos problemas enfrentados pelas mulheres indígenas do Brasil](#), March 18, 2016.

4. The design and implementation of all laws, public policies and programs that address indigenous women and girls' issues must include a full and effective participation of indigenous women.
5. Empowering indigenous women is a vital element to combat violence and discrimination. Policies and programs must be set in place to develop the skills, abilities and confidence of indigenous women to participate in decision-making instances. Support and assistance must be provided to indigenous women's organizations and groups to enable them to earn access to the political spheres and have their voices heard at the local, national and international levels. Specific quotas for indigenous women should be set in place to guarantee their participation in these forums.
6. Discrimination is at the center of both the violence towards indigenous women and girls and its acquiescence by state authorities and the greater public. Adequately funded awareness campaigns and training activities for the general public and for public servants from all sectors of government (including police forces, attorneys, judicial system, health sector, education sector) should be developed to dismantle discriminatory beliefs against indigenous women as a tool of prevention. Special police units trained in gender and ethnic-sensitivity, as well as in dealing with trafficking victims, should be established to investigate acts of violence, and comprehensive support services such as shelters, reporting helplines, and culturally appropriate legal support services, should be set up to guarantee a better access to justice when prevention fails.
7. States must adopt specific protection measures to guarantee the safety of indigenous women human rights defenders and leaders, and their ability to continue carrying out their human rights defense work.
8. Violations of indigenous peoples' rights to land have gendered impacts on women and increase their vulnerability to violence. Legal mechanisms must be set in place urgently to recognize indigenous land rights, through titling, delimitation and demarcation, and to prevent and punish encroachments on their lands.
9. Improving indigenous women and girls' access to culturally adequate education and to vocational training must be made a priority. Bilingual and intercultural education programmes must be established to support the growth of literacy rates among indigenous girls, while protecting and preserving their cultures. States should financially support and legally recognize indigenous people's right to establish and control their own education system and institutions, thereby ensuring access to education in closer proximity to the communities, in their indigenous languages and in a culturally adequate manner.
10. Indigenous women's rights at work are frequently violated. Measures must urgently be taken to train indigenous women for work in the formal economy, to teach them about their labour rights, and to help them detect potential risks of trafficking. States must support indigenous-women-led entrepreneurial activities, through the granting of loans and/or grants, and provision of training on small business development.
11. States must set in place culturally sensitive health care services and make them accessible to indigenous women and girls even in remote areas, to guarantee women feel safe to report illnesses and treat them in a timely manner. Particular attention must be given to safe and respectful sexual and reproductive health services for indigenous women and girls. States should

also support traditional health practices of indigenous peoples that have proven to be effective, and combat stereotypes about traditional practices.

12. As the global fight against COVID continues, the specific impacts of the pandemic and resulting public health measures and economic recovery plans on indigenous women and girls should be taken into consideration when they are adopted by government institutions. Indigenous women should be at the table as these policies are adopted and implemented.