

A Summary Document of 65th Session of the Commission on the Status of Women: Walking Together on the Path of Change – The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

18 March 2021, 9:00am-11:00am (EDT)

Introduction

UNDESA, Indigenous Peoples and Development Branch/Secretariat of the Permanent Forum on Indigenous Issues (IPDB/SPFII) co-sponsored an event with the International Indigenous Women's Forum (FIMI), MADRE and Rosa Luxembourg, New York Office entitled "Walking Together on the Path of Change." The event brought together stakeholders, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee members, and indigenous women leaders from around the world to call for a General Recommendation on the Rights of Indigenous Women and Girls at CEDAW. The General Recommendation seeks to address that CEDAW, an international women's rights treaty, does not recognize the individual and collective rights of indigenous women and girls.

Invited speakers were Ms. Shilpa Pullela, Vice-Chair designate (Western European and other States Groups) of the Commission on the Status of Women; Ms. Gladys Acosta, Chairperson of CEDAW; Ms. Teresa Zapeta, Executive Director of FIMI; Ms. Lucy Mullenkei, Executive Director of Indigenous Information Network (IIN) in Kenya; Ms. Sara Mux, Member of Colectiva Ixpop of Guatemala; Ms. Sareya Taylor, Young Indigenous Women of the White Mountain Apache Tribe, USA; and, Ms. Pratima Gurung, Chair of the National Indigenous Disabled Women Association of Nepal (NIDWAN). The event was moderated by Ms. Mirian Masaquiza, Social Affairs Officer of UNDESA/IPDB-SPFII.

CEDAW Background

Indigenous women strongly advocated from their own unique perspectives for the adoption of the General Recommendation on Indigenous Women into CEDAW. Considering that states submit periodic reports to CEDAW¹ providing information on progress to confront discrimination against women. CEDAW includes general recommendations that provide authoritative guidance and establishes obligations that a government must exercise in order to protect women and children from violence. The absence of a general recommendation on the collective and individual rights of indigenous women and girls or that sets specific obligations to address issues that affect them.

Challenges facing Indigenous Women

Indigenous women and girls are disproportionately impacted by racism, discrimination and violence both from within the community and by the public. They are 32% more likely to be hospitalized because of violence, with a higher rate of sexual assault and fatality than their non-indigenous women counterparts. Indigenous women face great adversity but have demonstrated their strength and resilience through a rich history as human rights defenders, political participants, and women's rights advocates. Indigenous women played a major role in the establishment of mechanisms to protect the rights of indigenous peoples, including the creation

¹ On 18 December 1979, the CEDAW was adopted by the United Nations General Assembly. The Convention was the culmination of more than 30 years of work by the Commission on the Status of Women.

of the United Nations Permanent Forum on Indigenous Issues (UNPFII). CEDAW has adopted 38 general recommendations related to women over the course of 40 years, some are relevant to indigenous women, for instance the “General Recommendation on Rural Woman.” Through indigenous women’s participation their issues are becoming more visible and powerful in the conversation of women’s rights.

A Necessity for Greater Visibility

Indigenous women highlighted the need for greater visibility for indigenous women and girls. They stressed the need that the collective and individual rights of indigenous women be recognized including, social and political discrimination, land rights violations, and the right to live free from violence. They reiterated that the experience of indigenous women and girls must guide the conversations and the solutions to be implemented.

A good example of the inclusion of indigenous women in decision-making was demonstrated in the report entitled *A Ten-Year Review: Closing the Gap Strategy and Recommendations for Reset*. The report states “The close the gap approach, the Close the Gap Statement of Intent and the Closing the Gap Strategy” incorporate the Federal Government-support to the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration). In short, this requires governments to respect Indigenous peoples’ right to self-determination in efforts to improve their health. At the national level, this means Aboriginal and Torres Strait Islander government partnerships in health planning. At the community level, it means community governance and control of health services. In other words, to ‘get the inputs right’, investment must be guided into the kinds of services, health infrastructure and other responses as determined by Aboriginal and Torres Strait Islander health leaders and communities.”²

The Chair of the CEDAW mentioned that is absolutely necessary to include indigenous women in discussions, consultations, and all decision-making processes including in the preparation of the CEDAW general recommendation for indigenous women. It was mentioned that the discussions around this important initiative are in progress and could be completed by 2022. This exercise has collaborated and consulted with indigenous women.

The Diversity of Indigenous Women

To ensure a holistic approach to indigenous women’s collective and individual rights, the speakers emphasized the inclusion of all indigenous women. The diversity of indigenous women is a powerful tool to creating inclusive and comprehensive policies. CEDAW is strategic tool to be used against discrimination and racism but may also be used for creating equality amongst all indigenous women. The mosaic of indigenous women and their unique experiences and intersectional identities must include full and action participation of the youth, persons with disabilities, elders, diverse in languages and experiences.

Recommendations for Further Progress

Indigenous women in the process of the preparation of the general recommendation recommend to CEDAW to consider issues related to the individual and collective rights to equality, non-discrimination, and self-determination; social and economic rights, including the rights to decent

² A Ten-year review: the Closing the Gap Strategy and Recommendations for Reset.

work and to land, territory, and resources; the right to water and food; cultural rights; civil and political rights; and the right to live free of any form of violence.

The general recommendation has to be in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other international instruments where Indigenous women and girls' rights are recognized. Further, it has to recognize the importance of the right to self-determination, which includes the right to freely determine their political status and freely pursue their economic, social and cultural development as mentioned on Article 3 of UNDRIP.

Indigenous women are called to review all of the CEDAW recommendations and with a critical eye and identify how it can be reviewed and revised for the benefit of indigenous women.

In reference to situation of indigenous women and girls during the COVID-19 pandemic, it was highlighted that indigenous women be fully included and heard in the creation and implementation of response plans and programmes. The response must take into consideration indigenous peoples' cultural identities and the specific impact on indigenous women and girls. These programmes must be prepared and disseminated in indigenous languages.

The intersectionality of indigenous women must be recognized by their own community and governments, organizations and the public. These dual approaches should complement and reinforce each other. Indigenous women must also be recognized for their intersecting identities, which include being a part of the LGBTQ+ community, persons with disabilities.

