



Oral Statement by
Mr. José Francisco Cali Tzay
Special Rapporteur on the Rights of Indigenous Peoples
to the Committee on the Elimination of Discrimination against Women

Day of general discussion on the rights of indigenous women and girls

Part I: “Equality and non-discrimination with a focus on indigenous women and girls and intersecting forms of discrimination”

Geneva

24 June 2021

Madam Chairperson of CEDAW,

Distinguished members of CEDAW,

Ladies and gentlemen,

Let me first thank you very Madam chairperson, greetings and good day to all.

Please accept my sincere thanks for the honor of addressing CEDAW in this virtual day of discussion and for your interest in and attention to the extremely pressing need to systematically and forcefully address the human rights situation of indigenous women and girls. I would like to express my deep appreciation for CEDAW's initiative.

I am very pleased to be here with you today in my capacity as UN Special Rapporteur on the rights of indigenous peoples and I am especially pleased to deliver this address to you concerning the human rights of indigenous women and girls.

The protection of indigenous women and girls is extremely important to my mandate. In fact, I believe it is one of the most alarming issues we face in the world today. The need for the recognition and protection of the rights of indigenous women and girls is urgent.

At the outset of this general day of discussion, we need to recognize that indigenous women experience a broad, multifaceted and complex spectrum of mutually exacerbating human rights abuses. That spectrum is influenced by multiple and intersecting forms of vulnerability, including patriarchal power structures; multiple forms of discrimination and marginalization, notably based on gender, class, ethnic origin and socioeconomic circumstances; and historical and contemporary violations of the rights to self-determination and to use and control their lands, territories and resources.

Disturbingly, indigenous women and girls are especially vulnerable to gender-based violence, in various forms such as assault, sexual assault, trafficking, murder and abduction. They are vulnerable to discrimination and exclusion in the context of employment and education. Underlying factors of poverty, ongoing effects of colonization, patriarchal systemic racism and systemic marginalization, all contribute to the epidemic of violence against indigenous women and girls.

It is even more alarming to recognize that indigenous women face increasing violence and harassment globally. cComplex jurisdictions, racial discrimination, fetishes, strategies to silence human rights defenders, strategies to forcibly move indigenous peoples out of their homelands, and further environmental violence are all causes or egregious contributing factors.

In short, human rights violations suffered by indigenous women and girls must be viewed within the context of the broad spectrum of human rights violations, due to their vulnerabilities members of indigenous people's communities.

As I mention in the document that I submit to you, all the provisions of the Declaration apply equally to indigenous women and indigenous men. Article 22 (2) specifically provides that States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

A positive development to be signaled here, is the outcome document of the World Conference on Indigenous Peoples, which focused on indigenous women. The participating Heads of State and Government, ministers and representatives of Member States invited the Human Rights Council to consider examining the causes and consequences of violence against indigenous women and girls, in consultation with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the rights of indigenous peoples and other special procedures mandate holders.¹

Indigenous women's participation in the United Nations world conferences on women has increased with time, since the conference in Beijing in 1995, where participants ensured references to indigenous women and achieved the adoption of the Beijing Declaration of Indigenous Women, which has served as a guiding framework in many of their subsequent efforts to build and strengthen their organizations.

It must be recognized that the United Nations has established a solid gender equality and women's rights regime, which has opened up more possibilities for indigenous women to engage in debates on gender issues. Several Special Rapporteurs, including the previous rapporteur on indigenous peoples' rights, contributed to raising awareness of discrimination faced by indigenous

¹ Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, A/HRC/30/41

women as well as to formulate relevant and adequate recommendations to eliminate all forms of discrimination against indigenous women and girls.

Despite the progress made, systematic attention to the specific vulnerability of indigenous women has remained limited in relation to the scale of abuses against them. Furthermore, what international attention has been given to the issue has not sufficiently focused on the nexus between individual and collective rights, nor on how intersecting forms of discrimination and vulnerability contribute to ongoing abuses of indigenous women's rights. That has created a gap that has contributed to ongoing widespread impunity in relation to the rights of indigenous women and girls.²

There have been some promising signs of progress towards closing that gap, such as the efforts taken by indigenous women to empower themselves by establishing their own organizations and networks, and making their issues more visible at national and global levels. The elaboration of the present General Recommendation is a promising and significant steps forward too.

Madame Chairwomen,

My specific recommendation is that the International Convention for the Elimination of all Forms of Discrimination against Women must be interpreted in light of and in accordance with the United Nations Declaration of the Rights of Indigenous Peoples. Specifically, I invite CEDAW to consider the rights of indigenous women and girls as central to all areas of its work going forward and ensure their meaningful and full participation in the elaboration of the General Recommendation and in its future work

I invite CEDAW to follow the practice of CERD with its general recommendation N° 23 on indigenous peoples and in this case, specifically include indigenous women and girls in your general recommendation that you will discuss, as well as to consult the United Nations Declaration on the rights of indigenous peoples when drafting your final recommendations to the States parties there is much to comment on and recommend, my predecessor's report has a fairly large list on how to resolve the situation that indigenous women and girls experience in its report A/HRC/30/41 to the General Assembly in 2015 ”.

² Idem

Moreover, I invite CEDAW to consider that ensuring that women have a leadership role, promoting indigenous self-determination, further study of the issues outlined in my remarks, are all equally crucial for ending the violence, discrimination and exclusion that indigenous women and girls face the world-over.

I cannot emphasize more that without safe, protected and empowered indigenous women and girls in leadership roles, indigenous self-determination is in jeopardy, as is the future of indigenous peoples. Our lands, way of life, freedom and fundamental human rights are in danger unless indigenous women and girls are in a position of security and power.

Thank you very much Madam Chairwomen to all the members of CEDAW. I look forward to the opportunity to further contribute to your work.