

**RECOMMENDATIONS TO THE CEDAW COMMITTEE TO
GUARANTEE THE RESPECT, ENJOYMENT AND
IMPLEMENTATION OF THE INDIVIDUAL AND
COLLECTIVE RIGHTS OF INDIGENOUS WOMEN**

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INTRODUCTION

This document, which is the result of contributions from indigenous women leaders and organizations from different countries, emerges from a process of discussion and analysis aimed at proposing to the CEDAW Committee the development and adoption of a General Recommendation on Indigenous Women, with an emphasis on their specific individual and collective rights. Participants in the process include indigenous women's organizations based in Mexico, Honduras, Costa Rica, Panama, Colombia, Nepal, Canada and Guatemala. This proposal arose in Guatemala, with the leadership and support of the following organizations: Tzununijá Indigenous Women's Movement, Tik Na'oj, Maya Association Uk' ux B'e, Sinergia No'j, Community Studies and Psychosocial Action Team (ECAP), JASS (Just Associates) and the Women's Human Rights Education Institute (WHRI).

We, the undersigned indigenous women's organizations, request that the CEDAW Committee urge State parties to acknowledge that the subordination of indigenous women is due to ethno-cultural, gender and class mechanisms of oppression rooted in colonization processes and systematic, structural relations of inequality. We affirm that the individual and collective rights of indigenous women have been denied and invisibilized and that the various forms of violence perpetrated against indigenous women are rooted in historically constructed relations of inequality and have generated violence, marginalization and exclusion.

To begin fulfilling their obligation of promoting in-depth transformation, State parties must initiate urgent actions for the institutionalization of social, cultural and economic policies that support the political participation of indigenous women, based on an ethno-cultural and gender perspective, as a necessary mechanism for eradicating structural barriers that have delayed the social, cultural, economic and scientific development of indigenous women.

We also request that the Committee recommend the implementation of measures to eradicate folkloric and racist stereotypes and practices in schools, hospitals, markets, commercial centers, churches and other institutions of the State and general society, acknowledging indigenous peoples as social and political subjects with specific rights, and leaving behind the vision of homogenous nations and societies and monocultural states.

RECOMMENDATIONS TO THE CEDAW COMMITTEE TO GUARANTEE THE RESPECT, ENJOYMENT AND IMPLEMENTATION OF THE INDIVIDUAL AND COLLECTIVE RIGHTS OF INDIGENOUS WOMEN:

1. That the CEDAW Committee adopt a General Recommendation that specifically articulates the individual and collective rights of the indigenous women of the world, recognizing them as a population entitled to the rights of self-determination, and that includes the following provisions:
2. That this recommendation require State parties to pay attention to the enjoyment of the individual and collective rights of indigenous peoples and women in the defense of their territory and natural resources, and ensure that their claims are not criminalized.
3. That the CEDAW Committee, in prohibiting all forms of discrimination against women, consider the individual and collective rights of indigenous women, implementing special measures to ensure that the life, rights and dignity of indigenous women in different parts of the world are not violated, damaged or jeopardized.
4. That this recommendation require State parties to ensure respect for the integrity of all indigenous women, visibilizing and acknowledging their cosmological differences.
5. That this recommendation recognize, respect and ensure the right to social, cultural, political and economic development of indigenous peoples and women and their right to define their developmental priorities according to their own vision.
6. That the recommendation classify practices of racism and discrimination against indigenous women as crimes, calling for the establishment of specialized courts to apply drastic sanctions against racist and discriminatory practices affecting indigenous women in all social, economic, political and cultural spheres.
7. That the recommendation require that State parties, before passing laws and determining public policies, respect and acknowledge the legitimacy of the decisions made by indigenous peoples and women in consultation processes affecting them in order to ensure their consent and see that their individual and collective rights are not threatened.
8. That this recommendation require that State parties responsibly establish and implement sustainable, ongoing policies and actions, with a sufficient budget, to prevent and eradicate discrimination and structural racism in their countries, and urgently foster the institutionalization of social, economic and legal policies based on the individual and collective rights of indigenous peoples and women.
9. That the recommendation require States to follow up on the implementation of prevention policies, implement sanctions against violence against women and recognize and prevent gender based violence, femicide, sexual violence and the human trafficking of indigenous women.
10. That the recommendation call upon States to ensure access to justice and services for indigenous women by culturally relevant institutions and public bodies, providing special services to indigenous women in their own languages and not through translators, due to the fact that idiomatic variations exist that cannot be resolved by people alien to the specific cultural context of indigenous women. Likewise, survivors of violence should be attended to by women, given the sexual harassment often experienced in cases where attention is provided by men.

11. That this recommendation instruct States to enact the appropriate legal, institutional and political measures to eliminate stereotypes, prejudices and racist attitudes, including those contained in countries' legislation, and legally sanction news media, the education system and other entities that spread and/or foment racism and male chauvinism or denigrate the culture of women and indigenous peoples, as in photographic exhibits for profit of indigenous women, girls, boys and men or in commercial, institutional, political and tourism messages, for example.

12. That this recommendation require State parties to implement protocols for services for indigenous women in all public institutions, taking their cultural identity into account.

13. That this recommendation instruct State parties to ensure the gathering of data on indigenous populations, and specifically on women, in order to verify the degree of compliance with laws and the application of policies. States should also facilitate access to statistical information on various aspects of the situation of indigenous women, given that such data has not been generated in the majority of countries.

14. In addition, this recommendation should clearly require States to generate information and provide disaggregated statistics on the situation of indigenous women.

15. That this recommendation require States to ensure the exercise of territorial, legal and political rights, among others, as ways to practice the right to self-determination and the self-government of indigenous peoples, with the aim of establishing plurinational/pluricultural states characterized by social justice and harmony.

16. That this recommendation require States to use news media and the education system to enhance public awareness of instruments for achieving the individual and collective rights of indigenous women, and implement actions to eradicate social imagery and racist, classist prejudices that blame indigenous people for the conditions of oppression in which they live.

17. That this recommendation call upon States to foster and implement educational reforms at all levels to incorporate knowledge of and a perspective on indigenous peoples and women in educational policies and curriculum content. Pluricultural bilingual education should be universal and should be imparted at all educational levels with methodologies that are culturally relevant for indigenous peoples and women.

18. That this recommendation call upon States to assume the obligation of creating conditions so that indigenous women at every stage of life can exercise and fulfill their right to education.

19. That this recommendation call upon States to respect and implement national and international legal and political frameworks related to the respect and recognition of ancestral knowledges, science and technology.

20. That this recommendation require State parties to ensure the protection of the collective intellectual property rights of indigenous peoples and women, which are now being violated by textile and food industries, as well as by national and multinational extractive industries that are usurping this knowledge.

21. That the general recommendation explain State parties' obligation to implement policies and actions to strengthen technical, professional, artistic, artisanal and occupational abilities of indigenous women, and promote affirmative action policies in all spheres of work.

22. That the recommendation outline State responsibility for fostering and implementing international agreements, instruments and relevant measures to ensure fair, human, decent working conditions for indigenous peoples and women, sanctioning all businesses that would diminish the dignity of indigenous women.

23. That this recommendation outline the obligation of State parties to ensure the integrity of the rights of indigenous migrant women, given that migration endangers their individual and collective rights, including cultural and identity-based aspects, such as being forced to renounce their traditional attire, language, cosmovision and ancestral diets.

24. That this recommendation exhort State parties to ensure the right to ancestral diets through autonomy and food sovereignty, with no imposition of industrialized, genetically modified products that pose a threat to the identity of indigenous women.

25. That the recommendation outline State responsibility for the strengthening of sexual and reproductive health programs and health care units for indigenous peoples and women, incorporating and respecting methods of medical care based on ancestral indigenous health systems, with consultancy from therapists that apply the ancestral medical knowledge of indigenous peoples. Health systems should value the contributions of indigenous midwives, with budget allocations for the work they do and for the strengthening of their cognitive abilities.

26. That the Committee exhort State parties to ensure free, accessible and sustainable maternal-neonatal services to reduce risks and protect the lives of women, adolescents and newborn babies, and sanction the imposition of sterilization without prior and informed consent of indigenous women.

**Please send all feedback on this draft, and letters of endorsement and support, to:
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Please sign the petition calling on the CEDAW Committee to draft a General Recommendation on Indigenous Women: www.learnwhr.org/petition