

# "Indigenous women:

Individual and collective rights. Intersectional discrimination.  
Challenges and opportunities in their role as leaders

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# What is CEDAW?

Convention on the Elimination of All Forms of Discrimination against Women.

Adopted by the United Nations General Assembly in 1979 and entered into force in 1981, it is the most comprehensive and progressive binding international instrument on the human rights of all women and girls.

# CEDAW and the Recommendation General 39



# **Convention on the Elimination of All Forms of Discrimination against Women.**

-Committee on the Elimination of Discrimination against Women (CEDAW)

Guidance to States Parties on legislative, policy and other relevant measures to ensure compliance with their **obligations regarding the rights of Indigenous women and girls**

**Patterns of discrimination** faced by Indigenous women and girls.

This **discrimination is often intersectional** and based on factors such as:

- gender, ethnicity,
- disability,
- age, language,
- socioeconomic situation, and the
- HIV/AIDS status.

# Right to equality and non-discrimination of indigenous women and girls.



## Main international normative instruments:

- **Convention** on the Elimination of All Forms of Discrimination Against Women (**CEDAW**)  
- Arts. 1 and 2, prohibition of discrimination (Law No. 23,179). (Art. 75 inc. 22 CN)
- **Resolution 39 (CEDAW)**
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "**Convención** Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer "**Convención** of Belem Do Para" (Law No. 24,632).



# Two dimensions:

By reason of sex, gender, origin, ~~status~~ **Factor** of ~~condición~~ **Condición** Indígenas, disability, language, socioeconomic situation, etc. **INTERSECTIONAL \***

1°) Individual



2°) Collective





# Prevention and protection of gender-based violence against indigenous women and girls

## What is it?

Violence against women should be understood as any action or conduct, based on gender, that causes death or physical, sexual or psychological harm or suffering to women, whether in the public or private sphere.

## How can this be?

Physical, psychological, sexual, economic, political, etc. + **spiritual and environmental.**

## Where can it happen?

In all spaces and spheres of human interaction, such as the family, the community, public spaces, the workplace, educational environments, and the digital space, etc. By state and non-state actors

# Access to Justice.

## Characteristics of the current justice system.

- ❖ Access to Justice as a guarantor of the exercise of Rights
- ❖ Judges in their interventions is a manifestation of law in action.
- ❖ What are the judicial practices with respect to situations where the victim is a woman?  
Indigenous



## Main international normative instruments:

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child
- Resolution 39 CEDAW

### Regional Instruments

- ❖ Inter-American Convention on Human Rights
- ❖ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in the Americas  
Female. Belen Do Para
- ❖ Brasilia Rules for Access to Justice



# Right to education

It is vital for the economic, social and cultural development of all societies and a Human Right.

**Characteristics:** human and accessible right.

## Negative aspects

- ❖ Low level of schooling.
- ❖ Family planning.
- ❖ Obstacle to access to study site assistance

## Positive aspects

- ❖ Adaptation of convention education, with the integration of traditions depending on the community, state.
- ❖ Ensure access to all levels of education.
- ❖ Creation of scholarships and financial aid.
- ❖ The participation of indigenous women and girls in curricula.



# Right to work

Everyone has the right to work is the basis of other human rights for a life in dignity.

**Characteristics:** Dynamic - Expansive

## **Negative aspects:**

- ❖ Poorly paid work.
- ❖ Limited access to jobs.
- ❖ Working below the poverty line

## **Positive aspects:**

- ❖ Increase job prospects as members.
- ❖ Protection in hiring, status, promotion and advancement.
- ❖ Implementation of traditional occupations in formal and informal work.



# Right to health

All people should be able to exercise the right to health, without discrimination based on race, age, ethnicity, conditions.

**Characteristics:** human right.

## **Negative aspects:**

- ❖ They must travel long distances for complex care.
- ❖ the number of services provided in the territory is low.
- ❖ few professionals complete the hours of service in the territory.

## **Positive aspects:**

- ❖ The health care system guarantees the information.
- ❖ traditional and conventional family planning methods.
- ❖ that is not discriminatory.

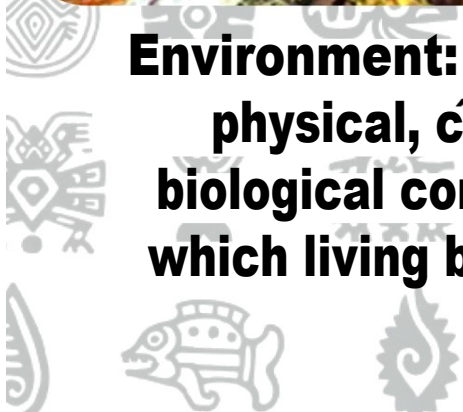


Cultural rights and their relationship with the right to a clean, healthy and sustainable environment.





**Environment: Set of external physical, chemical and biological components with which living beings interact.**





Porque la memoria cultural  
de los quechuas, la  
transmisión de las lenguas  
quechuas, quechuas,  
existencia en simfonía con la  
naturaleza y en muchos  
casos, la habilidad de ser  
interlocutoras entre el  
mundo espiritual y terreno.





# Recommendation 39CE DAW

Convention on the Elimination of All Forms of Discrimination against Women



Culture is an essential component of the lives of Indigenous women and girls, it is intrinsically linked to their lands, territories, histories and community dynamics.



# Why should we care about knowing the work of CEDAW \*

Each of the countries that have ratified the Convention must comply with the commitments of:

- **Create policies to eliminate all forms of discrimination against women in all areas.**
- **To guarantee the full development and advancement of women so that they can exercise and enjoy their human rights and fundamental freedoms in the same way as men.**
- Allow the CEDAW committee to review its efforts to implement the treaty by reporting to the body at regular intervals.



# Rights over land, territories and natural resources (arts. 13 and 14)



Land and territories are an essential part of the identity, views, livelihoods, culture and spirit of Indigenous women and girls.

## The Committee recommends that States parties:

- a. Recognize the rights of women and Indigenous Peoples to ownership of land within their customary land tenure systems,
- b. Legally recognize the right to self-determination and the existence and rights of Indigenous Peoples to their lands, territories and natural resources in treaties, constitutions and laws at the national level;
- c. Require the free, prior, and informed consent of Indigenous women and girls before authorizing economic, development, extractive, and climate mitigation and adaptation projects on their lands, territories, and natural resources.
- d. Prevent and regulate the activities of companies, corporations and other private actors that may undermine the rights of Indigenous women and girls to their lands, territories and environment,



"Nothing about us  
without us."

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