

Practical guide for advocacy by  
indigenous women

# General Recommendation No. 39 (GR 39) on the Rights of Indigenous Women and Girls

Committee on the Elimination of  
Discrimination against Women (CEDAW)



**Indigenous Peoples  
Rights International**

Championing Indigenous Peoples Rights



# **The General Recommendation No. 39 (GR 39) on the Rights of Indigenous Women and Girls**

issued by the Committee on the Elimination of Discrimination against Women (CEDAW) in October 2022, provides important guidance and recommendations for the rights and well-being of indigenous women and girls (IW).

This document was developed with the active participation and engagement of indigenous peoples' organizations including the Indigenous Peoples Rights International-IPRI, the International Network of Indigenous Women-FIMI and other indigenous women's organizations. It reflects many of their views and recommendations. Below are some salient points and key recommendations from GR 39 that indigenous peoples and IW should keep in mind.

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# Recognition of Indigenous Women's Rights

**IW have the right to enjoy all human rights, including civil, political, economic, social, and cultural rights, without discrimination.**

IW often face multiple forms of discrimination based on gender, ethnicity, economic status and other factors. States are required to address these intersecting forms of discrimination for the protection of your individual and collective rights as IW and as members of indigenous peoples. GR 39 emphasizes also the importance to IW of the recognition and protection of indigenous peoples' collective rights, including land rights, cultural rights, and the right to self-determination, as well as the rights of IW to be protected from any form of violence and abuse.

## Participation and Inclusion

**IW have the right to participate fully and effectively in decision-making processes at all levels, including those related to their communities, and to land, and resources.**

States and corporations should engage in meaningful consultation with indigenous women and obtain their FPIC before implementing projects or policies that may affect their land, resources, or rights.

**Too often, IW are invisible in decision-making processes at all levels and their views, concerns, aspirations and recommended actions are not taken into account on matters that affect and/or concern them.**

It is important to stress the urgent need for the meaningful participation of IW in decision-making processes at all levels, including within your indigenous communities, local governments, national governments, and in relevant regional and global processes such as those relating to indigenous



peoples' rights, women's rights, biodiversity protection and climate change. Ensure that IW's voices are heard and respected in these processes and the Free Prior and Inform Consent is sought in projects and policies that may affect them.

## Land and Resource Rights

**IW have equal rights with men to own, use, and control land and natural resources. This is also stated in Article 44 of the UN Declaration on the Rights of Indigenous Peoples, a point also noted by CEDAW in GR 39. States are required to respect and protect these rights and to ensure that IW can participate in land and resource management.**

IW are adversely and disproportionately impacted by land and resource grabs as their interaction with nature for their livelihood, food security, and cultural practices are severely weakened, and forced displacement makes them more vulnerable to violence and abuse while they fend for themselves and the children. It is thereby pertinent to advocate for the protection of IW's land and resource rights and to highlight the roles of IW in sustainable land management, natural resource conservation, sustainable food systems and intergenerational transfer of knowledge.

## Violence Against Women and access to justice

**States are required to take measures to prevent and address violence against IW, including domestic violence, sexual violence, and trafficking. This includes providing access to support services and justice.**

IW have the right to access justice systems, both state-based and indigenous, that are culturally sensitive and responsive to their needs. States should provide legal aid and ensure that traditional justice systems respect their rights, while also respecting indigenous peoples' rights to autonomy and self-government, including the operation of indigenous justice systems.

It is important to raise awareness about the high rates of violence and discrimination

faced by indigenous women, including gender-based violence and violence related to their ethnicity and to land conflicts and other violations of their human rights. Advocate for comprehensive measures to prevent and address such violence and human rights violations, including access to justice, by ensuring the perpetrators are held to account. Seek legal remedies and provide support for survivors of violence and connected human rights violations and their families.

## Access to Education and Healthcare

**IW have the right to equal access to quality education and healthcare services. States must eliminate barriers that prevent access to these services.**

In many national statistics and data, IW have the least access to education and healthcare due to discriminatory provisions, attitudes and delivery of these basic social services, including in remote areas. It is essential to promote culturally sensitive and relevant education and healthcare programs developed with the meaningful participation of IW and ensure access to quality education and healthcare services for IW, including where these are designed and delivered by indigenous peoples.

## Cultural Rights

**IW have the right to maintain and practice their cultural traditions, languages, and customs. States should support and protect these rights.**

IW play a vital role in transmitting culture and cultural knowledge to future generations. This is severely impacted when the rights of indigenous peoples to their lands, territories and resources, which is the base of their culture, is violated. It is therefore necessary to emphasize the importance of preserving and promoting indigenous cultures and languages, which is linked to their uninterrupted practices of conserving and managing their land and resources, and living in harmony with nature and to each other.

# Economic Empowerment

**IW should have access to economic opportunities, including employment, entrepreneurship, and financial services. States should eliminate barriers to economic empowerment.**

Due to the systemic discrimination against IW and their lack of participation in decision-making, IW are not economically empowered. Advocate for economic opportunities and independence for IW. Support initiatives that promote sustainable livelihoods, entrepreneurship, and that enhance their skills for income generation and access to credit and resources.

# Reproductive and Sexual Health Rights

**IW should have access to comprehensive reproductive and sexual health services, including family planning, maternal healthcare, and information about sexual and reproductive health.**

**IW are often denied proper health services and their knowledge on healthcare is often regarded as backward and unscientific.** However, evidence increasingly shows that many indigenous maternal health care practices are much better than those linked to commercial maternal health, such as milk formula over breastmilk.

Thus, it is important to acknowledge good practices on maternal health of IW and ensure that IW receive proper reproductive health information and services.





# Data Collection and Research

**States should collect disaggregated data on IW to better understand their specific needs and challenges.**

The lack of data disaggregation on IW is a major factor in their invisibility, not only in relation to their specific experiences of discrimination, violence and abuse but also in relation to their vital roles and contributions to resource management, inter-generational transfer of knowledge, food security, and as peace makers. It is also important to conduct participatory research on IW's issues in order to develop appropriate plans and actions to ensure the respect and protection of their rights and wellbeing

# Awareness and Education

**States should raise awareness about the rights of indigenous women among government officials, indigenous communities, civil society, and the general public.**

# Legal and Policy Frameworks

**States should review and revise their laws and policies to ensure**



## they are in line with the rights and needs of IW.

Most national laws, policies and practices are not consistent with the recognition and protection of the rights of indigenous peoples' rights, which also results in the systemic criminalization of the exercise of indigenous peoples' rights, including IW. **Likewise, while most countries have ratified CEDAW, violence against women, including IW, often continues with impunity.**

Thus, policy coherence in relation to the recognition of the rights of women and indigenous peoples should be given immediate attention through legal and policy reforms. It is important for IW, their communities, and civil society organizations to advocate for the implementation of these recommendations and hold governments accountable for not respecting and protecting the rights of IW.

Additionally, raising awareness about GR 39 and its recommendations can help empower IW to assert their rights and seek redress for any violations they may face. IW should review if their governments have ratified the Convention for the Elimination of Discrimination Against Women as they have the obligation to implement GR 39. GR 39 may also be invoked in formal complaints under the Optional Protocol to the CEDAW Convention if your country has also ratified that treaty.







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