

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

33RD SESSION OF THE HUMAN RIGHTS COUNCIL: THE CAUSES AND CONSEQUENCES OF VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS, INCLUDING THOSE WITH DISABILITIES

Room XX, Palais des Nations

September 20, 2016

Geneva

***Delivered by Hector Guerra, Senior Advocacy Officer, Office of the Permanent
Observer to the United Nations and other International Organizations in
Geneva, IDLO***

Check against delivery

Mr. President,
Distinguished delegates,
Ladies and gentlemen,

The rule of law, properly understood and applied, is a powerful mechanism - indeed, an essential condition - for ending violence against indigenous women and girls, including those with disabilities.

The International Development Law Organization (IDLO) promotes the rule of law by supporting good governance and legal reform, enabling access to justice, helping to strengthen judicial and other legal institutions, and advancing sustainable development.

The international legal framework for protecting the rights of indigenous women and girls, including those with disabilities, is well advanced -- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of Persons with Disabilities (CRPD), their respective General Comments and Recommendations, and the United Nations Declaration on the Rights of Indigenous Peoples, among others.

IDLO proudly shares the values embedded in the Declaration on the Rights of Indigenous Peoples which, for the first time, established a universal framework of standards for the survival, dignity, well-being and rights of all indigenous people. These standards include outlawing discrimination against indigenous peoples and promoting their full and effective participation in decision-making, while ensuring their right to remain distinct and to pursue their own priorities in economic, social and cultural development.

Implementation, however, is lagging.

For many women, legal protection remains a mirage. Violence is one of the most pervasive forms of discrimination against women and takes many forms: sexual assault, domestic violence, gender-based killings, forced and early marriages. Risks for women and girls are heightened in times of conflict; violence perpetrated against them is often justified in the name of culture,

religion and tradition. Many indigenous women and girls continue to face legal hurdles in the form of limited legal assistance, gender biases by justice actors, and lack of legal knowledge to seek justice for themselves.

Rule of law, including legal measures specifically focused on indigenous women and girls, are among the primary tools that States have at their disposal to ensure protection from violence and discrimination. Such measures include adopting laws that embody equality, abolishing laws and practices that foster violence and discrimination against women, imposing sanctions to prohibit discrimination, and establishing and strengthening competent tribunals and institutions..

IDLO helps to build capacity for stronger justice institutions, supports greater access to justice, and empowers people to fight discrimination and realize rights. IDLO helps to design rule of law-based solutions to enhance indigenous people's access to justice. For example, working with the Ministry of Justice and the Judiciary of Peru, IDLO helped to develop a Protocol on Intercultural Justice. The design of this initiative involved both indigenous leaders and formal legal actors and aims to ensure the centrality of indigenous perspectives, norms and linguistic diversity in the administration of justice.

IDLO is committed to legal pluralism and the equal value of different legal systems, including traditional systems, while supporting States and national partners in the domestic application of international treaties and standards. From Latin America to sub-Saharan Africa, IDLO has helped indigenous women and girls to identify their rights with regard to the administration of justice and the fulfilment of economic, social and cultural rights, such as rights related to land.

To overcome barriers to justice for indigenous women and girls, IDLO recommends that the Council support Member States and stakeholders to:

- sensitize, educate, and train judges, prosecutors, and other justice professionals and legal practitioners on the rights of indigenous women and girls;
- apply and incorporate the key related human rights instruments: CEDAW, CERD, CRPD and United Nations Declaration on the Rights of Indigenous Peoples into national policy and legislation;
- ensure national laws and regulations counter stigma and discrimination against indigenous women and girls, including persons with disabilities;
- increase the representation of women, especially indigenous women, among judges, prosecutors, lawyers and other legal professionals;
- strengthen protection, prosecution and support services with regard to violence against women, ensuring their accessibility for indigenous women; and
- create justice institutions that are gender-responsive and accessible to women, in particular indigenous women.

IDLO stands ready to cooperate with the Council to support and promote the rights of all indigenous women and girls, including those with disabilities, through the advancement of the rule of law.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.