

Feedback: General Recommendation on the rights of indigenous women and girls

January 31st, 2022

To whom it may concern

RE: Draft General Recommendation on IWAG

Thank you for the opportunity to provide commentary on the General Recommendation on the rights of indigenous women and girls. We are a group of Indigenous women with over 300 years of collective lived experience as Indigenous girls, women, mothers, and grandmothers representing Blackfoot, Anishinaabe, Diné, Secwepemc, and Bashkir cultures, rights, and responsibilities. Professionally, we are leaders in Indigenous health, Indigenous law, Indigenous firefighting, Indigenous emergency management, and youth empowerment.

We are concerned with the deficit-based approach adopted in the outset of the document. This approach perpetuates the violent and harmful framing of Indigenous women as victims continuing the assault on the roles, rights, and responsibilities that are ours towards our families, communities, land and waters, and the universe.

Please see our suggestions for the document below.

Feedback

Section Introduction, para 1. Your description of Indigenous women marginalises us at the very outset. Focused solely on the deficits within our communities, this framing fails to create an understanding of the roles that women play in our societies and perpetuates harmful narratives. This is mentioned in passing in some parts below, but we believe it crucial to start the document with this acknowledgment.

ADD: Indigenous women are foundational to family, community, governance, and societal wellbeing as life givers, water carriers, knowledge keepers, professionals, and leaders. As life givers,

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Indigenous women are the connection between family, community, and land and waters.

Section Introduction, para 4. An *indigenous women and girls'* perspective entails **ADD: understanding the sacred relationship of rights and responsibilities to the land, waters, and territory as part of Indigenous identity and wellness.** It entails understanding different history, experiences, realities, and needs of indigenous women and men related to human rights protection based on their sex and gender differences.

Section 2, para 6. The Committee considers self-identification a guiding principle in international law to determine rights holders' status as indigenous women and girls.¹ However, the Committee recognizes that some indigenous women and girls **ADD: may have been stripped of their status due to genocide, colonization, and ongoing imposition of patriarchal systems.** Some may prefer not to disclose their status due to historical discrimination, racism, and the legacy of colonial and colonization policies.

Section 2, para 11: Whenever land is mentioned, it is important to add LAND AND WATERS. For example: "One of the root causes of discrimination against indigenous women and girls is the historic absence of the effective implementation of their right to self-determination, as manifested in the continued dispossession of their lands, **ADD: waters,** territories, and natural resources. The Committee acknowledges that the vital link between indigenous women and their lands **ADD: and waters** often forms the basis of their culture, identity and survival. Indigenous women face lack of legal recognition of their rights to land **ADD: and waters** and territories and wide gaps in the implementation of existing laws to protect their collective rights. **ADD: Indigenous girls and women's ongoing relation to the lands and waters also benefits their communities, the land and waters, and the universe, as Indigenous women and girls ensure their responsibilities to future generations and to "all our relations" are met.**

¹ See Article 33.1, UNDRIP; Article 1, ILO Convention 169; United Nations Permanent Forum on Indigenous Issues, Fact Sheet, [Who are Indigenous Peoples?](#); UN – Economic and Social Council – Commission on Human Rights – Sub-commission on Prevention of Discrimination and Protection of Minorities – Working Group on Indigenous Populations: *Working Paper by the Chairperson-Rapporteur, Mrs. Erica-Irene A. Daes, on the concept of "indigenous people"*, UN Document E/CN.4/Sub.2/AC.4/1996/2, June 10, 1996, paras. 69-70.

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In the same para 11: “Governments and third-party actors frequently implement investment, development, tourism, mining, logging, and extraction activities in indigenous territories without undertaking consultation processes designed to secure the consent of the indigenous peoples affected in line with international human rights standards and environmental sustainability.”

Change to: Governments and third-party actors frequently implement investment, development, tourism, mining, logging, and extraction activities in indigenous territories without **ADD: respect for Indigenous law, rights and responsibilities** and without undertaking consultation processes designed to secure the consent of the indigenous peoples affected in line with **ADD: Indigenous values**, international human rights standards and environmental sustainability. **ADD: This maintains modern day colonialism through settler-state dispossession** and undermines indigenous women’s and girls’ access, use and enjoyment of their ancestral territories and traditional lands; vital natural and water resources; and essential sources of livelihood. **ADD: There is a need for a process beyond the patriarchy of ‘consent’ that ensures that indigenous women are able to maintain their relationships with and their responsibilities to the land and waters**

NOTE: We need to be careful around the word ‘consent’. Despite the aspirations of UNDRIP, consent-based negotiation strategies are often aimed at freeing land and “resources” from the ‘burden’ of indigenous relationship, often for profit. What is happening is more than dispossession, because we are asserting something other than possessing the land. Even in the framing it as ‘seeking indigenous consent’ to these activities they are displacing our ongoing relationships, for redress the **focus should be to ensure that indigenous women are able to maintain their relationships with and their responsibilities to the land and waters.**

Same para 11: The Committee also recognizes the history of colonization **CHANGE TO: “historic and ongoing colonization”**, militarization, forced migration and displacement, and armed conflicts as important catalysts of gender-based violence and discrimination against indigenous women and girls

NOTE: The word ‘history’ makes it sound as if it is in the past, instead of recognizing it as a process that is in fact maintained by the current legal,

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political, and socio-economic systems around the world), militarization, forced migration and displacement, and armed conflicts as important catalysts of gender-based violence and discrimination against indigenous women and girls.² THIS IS AT THE CORE OF THE ISSUE. It is not about the committee recognizing this, it is about this being the vehicle for maintaining the discrimination. This needs to be moved to front.

Para 11: The disrespect of the right of self-determination of indigenous women and girls can be particularly acute in the case of women **ADD: and girls, and two spirited peoples** with disabilities, which severely limits the enjoyment of their rights and their effective participation in all social spheres.

Regarding Section IV – A Para 24 “Many laws that affect indigenous women and girls are adopted without their effective participation or adequate spaces to voice their views and opinions”.

The patronizing language that is presented throughout this document, a deficit-based frame, the absence of clearly articulated Indigenous values and worldviews, and a sole focus on the colonial laws (including international laws) instead of speaking to and drawing on the Indigenous law systems makes us question if this GR will be one of those spaces where our voices are not heard.

- Who wrote this document?
- Were Indigenous women lead authors of the document?
- How was the consultation process organized?
- How much of the feedback was, is, or will be included?

This information needs to be clearly communicated within the document.

D. Right to education (articles 5 and 10), para 55

“Forced marriages, sexual abuse and adolescent pregnancies, the disproportionate burden of family responsibilities, child work, natural disasters, and armed conflicts can also hamper indigenous girls’ access to school.”

REPLACE “natural disasters with “**disasters due to natural, technological, and human-caused hazards (such as colonialism and extractivism), genocide, and armed conflicts etc**

² United Nations Rapporteur on Indigenous Peoples, *Report on Indigenous Women*, A/HRC/30/41, August 6, 2015, paras. 11-14, <https://www.undocs.org/A/HRC/30/41>

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It is now widely adopted that there is no such thing as natural disasters. In Indigenous context, this terminology is particularly inaccurate and harmful as it erases the targeted colonial process of disaster risk creation (e.g., through forced displacement) and purposeful dispossession of Indigenous community resilience.

UNDRR guidance: <https://www.undrr.org/news/sendai-framework-6th-anniversary-time-recognize-there-no-such-thing-natural-disaster-were>

See Darlene's and Lilia's work: <https://climatechoices.ca/publications/unnatural-disasters/>

Section H **Right to culture (articles 3, 5, 13 and 14)**

Para 67: The **dispossession** CHANGE TO: **Ongoing displacement and relational disruption between Indigenous women's and girls rights, responsibilities and relationships to land and waters**, lack of legal recognition and unauthorized use of indigenous territories, lands, and natural resources as well as environmental degradation, including biodiversity loss, pollution, and climate change, are direct threats to the cultural integrity and survival of indigenous women, as are the unauthorized use and appropriation of their traditional knowledge, spiritual practices, and cultural heritage by state actors and third parties.

NOTE on 'dispossession' as a terminology that is used throughout and is inaccurate in capturing the level of **displacement**. Consider naming it what it is. **DISPLACEMENT**. We are displaced, sometimes physically from the land and also from our roles and responsibilities to the lands and waters and from our fundamental right to participate in the governance of these relations. Not as settler states would allow us to participate (as part of indigenous peoples or state regulated bands who need to consent to exploitation) but from our roles and relations to the lands and waters established by our own indigenous laws.

Furthermore, there is a challenge in framing relationship with the land and waters as 'dispossession' which is reduced to ownership. There is a relational aspect that is removed, the continued disruption of our relationships with our home lands and waters and impacting our ability to fulfill our responsibilities to the land and waters, our communities and our relations.

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Para 67: “States should protect and preserve indigenous languages, culture and knowledge, including through digital tools; sanction their unauthorized appropriation and use; and respect and protect the lands, territories, and sacred places of indigenous peoples. States should also ensure and create opportunities for indigenous women and girls to participate fully in recreational activities, sports, and all aspects of cultural and social life”.

This passing mention of Indigenous languages is extremely superficial and does not do justice to the importance of our languages for our identity, rights, and responsibilities: “States should protect and preserve indigenous languages”

Change to: Indigenous languages are fundamental to the identities, cultures, spirituality, relationships to the land and waters, world views and self-determination of Indigenous women and girls. States should recognize that the status of Indigenous languages varies from one language to another, including with respect to the vitality of those languages. States should support the efforts of Indigenous peoples to reclaim, revitalize, maintain, and strengthen them through long-term sustained investments in community-led programming.

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Our biographies:

(Appearing in the order of years that we walked on this Earth):

Darlene Yellow Old Woman-Munro is a Siksika Elder born and raised on the Siksika Nation; she is the oldest of 10 children. Darlene has served her community through many roles as a community nurse, Treaty 7 Zone Director, Medical Services Branch and Chief.

Darlene has spent most of her adult life at Siksika employed by Medical Services Branch, Health Canada in various roles: from 1972-74 as a clerk-typist at the Blackfoot Health Center; 1975-78 as a community Health Representative; 1981 received Nursing Diploma (R.N.); 1981-84 employed as a clinic Nurse; 1984-89 employed as a community Health Nurse, 1989-1996 employed as the Treaty 7 Zone Director, Medical Services Branch, from January 1997-December 1997. Darlene was the Chief from 1998-99; employed by First Nations Health Management 2000-2005, was successful in assisting First Nations Health Management to acquire funding for an Aboriginal Healing Program “Sacred Circle Centre” for the City of Calgary Aboriginal population.

Darlene came out semi-retirement in 2013 to assist Siksika Nation with the 2013 flood. She commenced as a night shift volunteer and became Manager of Dancing Deer Disaster Recovery Program and Project Manager for Community Wellness (Psychosocial) Recovery Program. Her role as Manager overlapped in many areas of the 2013 flood response and recovery. Darlene is the core member of the Advisory Circle and Elder in Residence for the Preparing Our Home program.

Mary Maytwayashing, (Zoongi Gabawi Ozawa Kinew Ikwe, Strong Standing Golden Eagle Woman) is from the Lake Manitoba First Nation aka, Animosibeeng, Dog Creek. Mary is an Anishinaabe Grandmother who leads Traditional Ceremonies. Mary’s Western educational background is Social Work. Mary’s professional career has been in the areas of Addictions/Substance Abuse, Corrections, Child Welfare and Education. Mary’s greatest learning has come from the Traditional Knowledge and Wisdom Holders with whom, she has the privilege of working with. Mary has

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had the fortune of working with people from all walks of life. Mary's passion continues to be in assisting and educating people about the Original and Ancient ways of the First People to these lands. Mary has facilitated along side Grandmothers and Elders teaching young girls and women on the Grandmothers Teachings "Coming of Age" Rites of Passage teachings. Mary's inspiration comes from experiencing and seeing the smiles on people's faces when they learn the Teachings of their people.

Mary believes that we are all born and gifted with a purpose. As humans we need to find what our purpose is. This can be done through our ceremonies and teachings. Mary continues to live her purpose by honoring and facilitating the teachings and sharing with the people.

Sheri Lysons, is a Secwepemc leader, Daughter, Mother, Grandmother, and Fire Chief, Adams Lake Indian Band.

Rosalita (Rose) Whitehair.

Rosalita (Rose) Whitehair is from the Diné Nation. Rose's maternal clan is Water Flows Together and can be traced back sixteen generations to Window Rock, Arizona on the Navajo Nation.

Ms. Whitehair started volunteering with the American Red Cross, became a Firefighter and an EMT; she graduated Cum Laude in Emergency Medical Services at the University of New Mexico. As a committed member of her community, she has taught hundreds of community members CERT, Tribal CERT, emergency preparedness & disaster response; she has expanded her skills in assisting disasters throughout the Navajo Nation, New Mexico and has recently joined an international firm as a Senior Consultant.

Rose has extensive experience in emergency management and disaster response & recovery including the Emergency Management Director for The Navajo Nation, State Coordinating Officer and Emergency Operations Director for COVID response for the current pandemic for the State of New Mexico. Currently she is guiding states, cities, counties & tribes on their COVID recovery efforts.

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Minnawaanigogizhigok a.k.a Dawnis Kennedy, LL.M.

Waabizheshi (Marten) Clan of the Anishinaabe Nation and descendant of Canadian settlers.

AREAS OF RESEARCH/ACTIVISM:

Anishinaabe Izhichigewin (ways of life), Onakonigewin (ways of law) and Inendamowin (ways of thought), Culture-Based Education, Impact of the Canadian Indian Act, Intergenerational Change and Responsibility, MMIWG2S Advocacy, Indigenous Women, Parenting, Surviving Colonization Daily

Minnawaanigogizhigok is a second degree Midewiwin (Way of the Heart) person and was raised as Ogijiidaakwe (Warrior woman/Woman of a Big Heart) by the Ogijiidaa Society and elders of her home community Bagwaanishkoziibing (Roseau River Anishinaabe First Nation). She is of both European and Ojibwe Anishinaabe lineage and is dedicated to reclaiming the best of both traditions in her life and in her work.

Dawnis is a wife, auntie, great auntie, mother, sister, cousin, daughter, niece, granddaughter, caregiver and friend. She is an enthusiastic bead collector, sometimes crafter and occasional beadworker. She is an accomplished scholar focused on learning Anishinabe Onakonigewin (the law of Anishinabe peoples), a community educator and a support to many of the people in her life. In her work, Dawnis draws on her training as a helper, her western education, her learning in the Three Fires Midewiwin Lodge, her experience as a Trudeau Foundation Scholar and her mentorship as a visiting scholar of Shingwauk Kinoomaage Gamig, Centre of Excellence in Anishinabe Education.

Minnawaanigogizhigok is a Research Fellow at the Yellowhead Institute and the Community Connection Coordinator at the Manitoba Indigenous Cultural Education Centre (MICEC), furthering their mandate to promote awareness and understanding of Ingeinois cultures to all interested peoples. As part of the First Nations Confederacy of Cultural Education Centres, MICEC and Minnawaanigogizhigook work collectively for the development of culturally and linguistically self-sustaining First Nations communities. In her role at MICEC, Minnawaanigogizhigok has worked with first language speakers

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and other second language learners to develop language learning books, games and programs for all ages.

Lilia Yumagulova, MSc, PhD is a Bashkir-Canadian woman who is passionate about building community resilience to climate change and disasters. Lilia brings over 20 years of experience in government, NGOs, media, Indigenous communities and supranational organizations in Europe and North America. She is the Program Director for the [Preparing Our Home](#) Program that empowers Indigenous youth leadership in community resilience: www.preparingourhome.ca

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