**Side event on advancing the rights of**

**indigenous persons with disabilities**

organised by IDA, DRAF, and UN Voluntary Fund for Indigenous Peoples

11th session of the CRPD Committee

9 – 10am, 9April 2014

Chair :

Krista Orama, OHCHR Human Rights and Disability

Speakers:

Setareki Macanawai, IDA and Indigenous Persons with Disabilities Global Network

Catalina Devandas, Disability Rights Advocacy Fund

[Olga Montúfar Contreras, Fundación Paso a Paso](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/Presentacion%20Olga.docx)

[Juan Fernando Nuñez, OHCHR Indigenous Peoples and Minorities Section](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/Juans%20presentation.doc)

On 9 April 2014, a side event on advancing the rights of indigenous persons with disabilities was held during the 11th session of the Committee on the Rights of Persons with Disabilities.**[[1]](#footnote-2)\***

Krista Orama, OHCHR

Ms Orama opened the side event by drawing attention to the fact that more than one billion people have disabilities. No global data exists regarding indigenous persons with disabilities, however, available statistics do show that indigenous persons are often likely – in a disproportionate manner – to experience disability in comparison to the general population. Indigenous persons with disabilities face a wide range of barriers in their everyday lives that hinder their full and effective participation in society on an equal basis with others – both on the account of disability and indigenous origin.

The Convention on the Rights of Persons with Disabilities (CRPD) addresses this in its preamble (paragraph p), expressing concern about the “difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of (…) indigenous (…) origin”. It also promotes non-discrimination and respect for difference and human diversity in its general principles (set out in article 3), in the stand-alone article 5, and throughout the spirit of the Convention. The United Nations Declaration on the Rights of Indigenous Persons (UNDRIP) states, on its side, that particular attention shall be paid to the rights and special needs of indigenous persons with disabilities in the implementation of the Declaration (art. 22), making further specific reference to indigenous persons with disabilities in the context of ensuring continuing improvement of their economic and social conditions (art. 21). With this international legal framework in place, both the disability movement and the indigenous movement have in recent years stepped up their work on addressing the specific challenges and human rights violations that indigenous persons with disabilities face in their everyday lives.

In this fashion, and by way of illustration:

* The **Outcome Document of the General Assembly’s High-level Meeting on Disability and Development** that took place on 23 September 2013, calls for development policies and their decision-making processes to benefit and take into account the needs of all persons with disabilities, including indigenous peoples.
* The **Human Rights Council**, in its resolution on the rights of persons with disabilities to education from March this year, demonstrates concern by the lack of data, research and statistics on the education of indigenous persons with disabilities and its negative impact on effective and equitable policy-making.
* The **Permanent Forum on Indigenous Issues** has presented a “Study in the situation of indigenous persons with disabilities, with a particular focus on challenges faced with regard to the full enjoyment of human rights and inclusion in development”, and included a number of recommendations specifically focused on disability in the reports of its 11th and 12th sessions.
* Last but not least, the **Committee on the Rights of Persons with Disabilities** has touched upon the rights of indigenous persons with disabilities in its concluding observations to Argentina, Australia, El Salvador, Peru and Paraguay in relation to issues such as legislation and policies on equality and non-discrimination (art. 5), the rights of indigenous children with disabilities (art. 7), and the establishment of mechanisms for consultation with organisations of persons with disabilities, including indigenous populations (art. 4(3)).

Ms Orama concluded her opening words by highlighting the timeliness of the side event to bring increased attention to indigenous people at this important moment of the negotiation of the post 2015 development agenda to ensure that “no one is left behind”.

Video message from Setareki Macanawai, IDA and Indigenous Persons with Disabilities Global Network

On behalf of the International Disability Alliance and the Indigenous Persons with Disabilities Global Network, Mr Macanawai thanked DRAF and the UN Voluntary Fund on Indigenous Peoples, and welcomed the Committee members to the side event. He highlighted the golden opportunity before the Committee to ensure inclusion of the rights of indigenous persons with disabilities in its work in particular during country reviews and expressed the wish to continued collaboration to advance the rights of indigenous persons with disabilities.

Catalina Devandas, DRAF

Ms Devandas provided information on the Disability Rights Advocacy Fund and its support to organisations that are working in developing countries to advance the implementation of the CRPD: 6% of those organisations are organisations of indigenous people with disabilities. Since it is a significant number, it was decided to start a "cross movement learning initiative", with the idea of bringing disability to the issues and concerns of indigenous persons with disabilities. It started in 2012 when a delegation composed of six indigenous persons with disabilities attended the session of the UN Permanent Forum on Indigenous Issues where the recommendation was made to prepare a report on the situation and rights of indigenous persons with disabilities. This report involved the participation of the International Disability Alliance, DRAF grantees and UN experts and it was presented in May 2013.

One of the next steps is the high level meeting on indigenous peoples' rights on the World Conference in Indigenous People in 2014 in New York. The main challenge at this point, however, is working towards building their own arguments to advocate for their rights, which will be facilitated by doing research and collecting data.

[Olga Montúfar Contreras, Fundación Paso a Paso](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/Presentacion%20Olga.docx)

Ms Montúfar underlined that there is a need to support indigenous people with disabilities in order to strengthen their representative organisations and build their capacity. In May 2012, a group of indigenous persons with disabilities from different regions attended the UN Permanent Forum on Indigenous Issues and issued a report that examines the situation of the rights of indigenous persons with disabilities.

The report provided recommendations such as:

* The adoption of means to improve the situation of indigenous persons with disabilities in consultation with them,
* The need for the UN institutions to include indigenous persons with disabilities in order to support the creation of organisations of indigenous persons with disabilities,
* The need for States to provide information on the situation of indigenous persons with disabilities,
* The need to support the participation of indigenous persons with disabilities and their consultation on the post 2015 development framework,
* The creation of working groups at high levels of government which ensure the participation of persons with disabilities, indigenous peoples and the organizations that represent them in order to examine programs, policies, and to prepare a plan for CRPD implementation,
* The need for UN mechanisms, such as the Special Rapporteur on the Rights of Indigenous Peoples to organise meeting with indigenous people with disabilities, and with their representative organisations during country visits.

[Juan Fernando Nuñez, OHCHR Indigenous Peoples and Minorities Section](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/Juans%20presentation.doc)

Mr Nuñez started by stating that the UN Voluntary Fund for indigenous peoples gives the opportunity to indigenous persons with disabilities to participate in the Forum and the treaty bodies. Ensuring their voices are heard in the UN means it guarantees the conditions of indigenous peoples worldwide. Indigenous people with disabilities are now a priority to receive grants.

The Expert Mechanism on the Rights of Indigenous Peoples is a subsidiary body of the Human Rights Council, supporting it with studies and making proposals. The studies and advice of the Expert Mechanism are meant to provide a better understanding of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and to propose concrete actions that States, indigenous peoples, civil society, international organisations, national human rights institutions and others can take in order to further its implementation. The mechanism places special emphasis on participation of indigenous peoples.

Concerning access to justice, it is a right that has paramount relevance in order to uphold other rights. Indigenous people with disabilities experience multiple forms of discrimination which impede access to justice and full enjoyment of their rights. Some of the barriers identified include physical inaccessibility, as well as inaccessibility to lawyers and legal advisors, treatment in prisons with no provision of services, poverty, isolation, marginalisation and poor information about human rights. Some of the remedies include ensuring accessibility to both state and indigenous systems of justice, providing human rights education, in particular for those involved in administering justice, providing support to families which are often the primary caregivers, increasing access to legal counsel and provide training, improved data collection and adopting an holistic approach to access to justice for Indigenous persons with disabilities, and taking measures to address the root causes of multiple discrimination facing this group.

**Questions and comments by Committee members**

Carlos Rios Espinosa

How to ensure respect for Article 19 among indigenous communities, since there commonly a problem of accepting persons with disabilities?

Hyung Shik Kim

Regarding the indigenous movement vs disability rights movement, are there any conflicts of interest?

Diane Mulligan

Considering that the post 2015 development framework is ongoing work, what work are you doing in influencing this event regarding key issues such as climate change, urbanizations, etc? The Committee would like to interact with indigenous peoples’ community, since your voices are believed to be extremely marginalised.

Ronald McCallum

In Australia, Indigenous people have a higher rate of disability and incarceration, lower health outcomes and are subject to greater disadvantage- it is important for the Committee to be aware of the situation of indigenous peoples with disabilities across the world.

Silvia Quan Chang

Have you identified practices that are typical among indigenous peoples that violate the rights of indigenous people with disabilities?

Theresia Degener

Can you provide us with good practices on how to implement Article 6 regarding indigenous women with disabilities?

Since time ran out for exchange, the speakers committed themselves to responding to members’ questions bilaterally.

1. \* This summary compilation is provided by the IDA secretariat and is not an official record of the proceedings. The review was webcast live and archived for subsequent viewing in [English](http://www.treatybodywebcast.org/crpd-11-side-event-on-the-rights-of-indigenous-persons-with-disabilities-english-audio/) and [Spanish](http://www.treatybodywebcast.org/crpd-11-side-event-on-the-rights-of-indigenous-persons-with-disabilities-spanish/). [↑](#footnote-ref-2)