



# Convention on the Rights of Persons with Disabilities

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**Matters related to the implementation of the Convention:  
round-table discussions**

### **Recognizing and addressing the rights of Indigenous persons with disabilities and their role in advancing disability inclusion**

#### **Background note for round table 3**

#### **I. Introduction**

1. Current estimates point to 1.3 billion persons with disabilities around the world, or 16 per cent of the world's population.<sup>1</sup> Applying this percentage to the estimated 477 million Indigenous Peoples worldwide,<sup>2</sup> the number of Indigenous persons with disabilities stands at approximately 76 million. The lack of more sound data makes it impossible to assess the exact number of Indigenous persons with disabilities. The real number of Indigenous persons with disabilities may be higher because of exposure to many factors that can lead to impairments, including unsafe working conditions, increased environmental degradation, pollution from extractive industries, higher levels of poverty, lack of access to quality medical care, higher risk of being victims of violence and ongoing systemic discrimination (see [A/HRC/57/47](#) and [E/C.19/2013/6](#)).

2. Indigenous persons with disabilities are spread throughout all regions. Indigenous Peoples live in 90 countries around the world, in more than 5,000 distinct groups.<sup>3</sup> Of the global 476 million Indigenous Peoples, 70.5 per cent live in Asia and the Pacific, 16.3 per cent live in Africa, 11.5 per cent live in Latin America and the

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\* CRPD/CSP/2025/1.

<sup>1</sup> See [www.who.int/health-topics/disability](http://www.who.int/health-topics/disability).

<sup>2</sup> International Labour Organization (ILO), *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an Inclusive, Sustainable and Just Future* (Geneva, 2019).

<sup>3</sup> See [www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples](http://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples).



Caribbean, 1.6 per cent live in Northern America and 0.1 per cent live in Europe and Central Asia.<sup>4</sup>

3. Persistent cultural, social, economic, legal, physical and institutional barriers pose restrictions to the full inclusion of Indigenous persons with disabilities in society in all areas of private and public life, including education, employment, healthcare and political participation. Indigenous persons with disabilities face exceptionally difficult barriers because they are Indigenous and because they are disabled (E/2013/43, para. 19). Indigenous women with disabilities face even more barriers.

4. Disaggregation of data by disability, Indigenous status and sex is fundamental for understanding the situation of Indigenous persons with disabilities and informing policies to ensure their effective inclusion and the full realization of their rights. Such data remain scarce.

## II. Relevant international normative frameworks

5. The primary legally binding instrument for the protection and promotion of the rights of Indigenous persons with disabilities is the Convention on the Rights of Persons with Disabilities. In addition, the United Nations Declaration on the Rights of Indigenous Peoples provides important normative guidance in this regard. The Convention, which entered into force in 2008, includes a reference to Indigenous Peoples in its preamble, 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. The Convention also provides detailed guidance on how States are to promote and protect the rights of persons with disabilities, which includes Indigenous persons with disabilities. However, Indigenous persons with disabilities are largely absent in the text of the Convention as a whole, with articles and sections dedicated to women and children with disabilities, respectively, but none highlighting the challenges that Indigenous persons with disabilities face in having their rights respected. In the Declaration, adopted by the General Assembly in 2007, the Assembly makes specific reference to persons with disabilities in articles 21 and 22, in which it calls on States to pay particular attention to the rights and special needs of Indigenous persons with disabilities in the implementation of the Declaration, and to take effective measures and, where appropriate, special measures to ensure continuing improvement of the economic and social conditions of Indigenous Peoples, with particular attention to the rights and special needs of persons with disabilities. Implementing the Convention in the light of the Declaration means that, whenever relevant, the measures provided for in the Convention need to be applied with an approach that is culturally appropriate and that ensures that Indigenous persons with disabilities are involved in decision-making processes.

6. Another important instrument is the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization, in which the need is recognized, in the fourth preambular paragraph, to remove the assimilationist orientation of earlier standards and other important developments are acknowledged, such as the rights to culture and land. The Convention established that Indigenous persons with disabilities enjoy not only individual rights but also collective rights as members of communities of Indigenous Peoples. These rights include the rights to self-determination, land, territories and resources, consultation and free prior and

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<sup>4</sup> ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an Inclusive, Sustainable and Just Future*.

informed consent. Implementing this instrument therefore includes consultations, respect for customs and alignment with international human rights law.

7. The 2030 Agenda for Sustainable Development includes various targets relevant to Indigenous persons with disabilities. One target contains a specific reference to Indigenous Peoples (target 2.3); four targets contain specific references to persons with disabilities (targets 4.a, 8.5, 11.2 and 11.7); one target contains references to both Indigenous Peoples and persons with disabilities (target 4.5); and two targets are calls for achievement irrespective of race, ethnicity and disability (targets 10.2 and 17.18). Target 2.3 is to double the agricultural productivity and incomes of small-scale food producers, in particular Indigenous Peoples, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment. Target 4.5 is aimed at ensuring equal access, by 2030, to all levels of education and vocational training for the vulnerable, including persons with disabilities and Indigenous Peoples. Target 4.a is for the building and upgrading of education facilities that are disability sensitive and the provision of safe, non-violent, inclusive and effective learning environments for all. Target 8.5 is to achieve by 2030 full and productive employment and decent work for all women and men, including for persons with disabilities. Target 10.2 is to empower and promote, by 2030, the social, economic and political inclusion of all, irrespective of race, ethnicity or disability. Target 11.2 is for access to safe, affordable, accessible and sustainable transport systems for all, notably by expanding public transport, with special attention to the needs of persons with disabilities. Target 11.7 is for universal access to safe, inclusive and accessible, green and public spaces, in particular for persons with disabilities. Lastly, target 17.18 contains a call to increase significantly the availability of high-quality, timely and reliable data disaggregated by race, ethnicity and disability.

8. Moreover, the global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development indicates that Goal indicators should be disaggregated, where relevant, by race, ethnicity and disability.

9. In the 2030 Agenda there is also an emphasis on the importance of contributions from Indigenous persons with disabilities. In paragraph 79 of the 2030 Agenda, it is stressed that the regular and inclusive reviews of progress at the national and subnational levels conducted by countries should draw on contributions from Indigenous Peoples, as well as civil society, implicitly including representative organizations of Indigenous persons with disabilities.

### **III. Key issues and challenges faced by Indigenous persons with disabilities and the impacts on their participation in society**

10. Indigenous persons with disabilities often face double discrimination: first, as members of Indigenous Peoples; and second, on the basis of disability. Indigenous women and girls with disabilities and young and older Indigenous persons with disabilities often experience additional intersectional discrimination and marginalization, on the basis of their gender and age. This discrimination and marginalization experienced by Indigenous persons in general, combined with the specific marginalization that persons with disabilities continue to face, leads to Indigenous persons with disabilities experiencing disproportionate levels of marginalization and discrimination, such as inadequate healthcare services, poor educational outcomes and limited employment prospects. In addition, aggravated societal, attitudinal and environmental barriers hinder their full and effective participation in society on an equal basis with others.

## Poverty, social protection and support

11. Indigenous persons with disabilities encounter significant challenges owing to the extreme poverty of their households and communities. Indigenous Peoples are almost three times more likely to live in extreme poverty than others. Globally, in 2019, 18 per cent of Indigenous Peoples, compared with 7 per cent of non-Indigenous people, lived in extreme poverty; disparities in extreme poverty were especially concerning in lower-middle-income countries, where 29 per cent of Indigenous Peoples but 10 per cent of non-Indigenous people lived in extreme poverty.<sup>5</sup> Moreover, in some countries, Indigenous persons with disabilities suffer higher rates of poverty than Indigenous Peoples without disabilities. In Peru, in 2021, 25 per cent of Indigenous persons with disabilities compared with 23 per cent of Indigenous persons without disabilities lived in poverty.<sup>6</sup>

12. Indigenous persons with disabilities face additional costs because of their disabilities, which further increases their risk of falling into poverty, including extreme poverty. Social health protection programmes can include adequate support for these costs, such as coverage of disability-related health services and products (e.g. assistive devices and rehabilitation) and subsidies for transportation or schemes for personal assistance to improve their affordability. However, Indigenous persons with disabilities report barriers in accessing social protection and support. They face obstacles accessing information about how to apply and in the process of application as this tends not to be available in Indigenous languages; they also face barriers in getting the documents needed to apply.<sup>7,8</sup> In addition, while subsidies may exist for transportation to access social services, transportation may remain too expensive or unavailable for those living in extremely remote areas.

13. In some countries, initiatives have been put in place to remove these barriers. For example, in Australia, using sufficient cultural and communication supports, a number of Indigenous persons with disabilities were able to effectively use their social protection plan to gain adequate support to achieve positive sociocultural, health and disability-related outcomes.<sup>9</sup>

14. However, despite the disadvantages that they experience, the rights, needs and well-being of Indigenous persons with disabilities continues to be underprioritized by most Governments, and too often within their own communities. While funds at the government level are typically allocated separately for Indigenous Peoples and disability programmes, funds are rarely earmarked for programmes targeting Indigenous persons with disabilities. Furthermore, direct funding of advocacy bodies of Indigenous persons with disabilities, that are Indigenous led, is insufficient, thus undermining the advocacy and aspirations of Indigenous persons with disabilities.<sup>10</sup>

<sup>5</sup> Ibid.

<sup>6</sup> Data provided by the Economic Commission for Latin America and the Caribbean (ECLAC).

<sup>7</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Closing the Justice Gap for Women with Intellectual and/or Psychosocial Disabilities in Asia and the Pacific* (Bangkok, 2023).

<sup>8</sup> Justin S. Trounson and others, "A systematic literature review of Aboriginal and Torres Strait Islander engagement with disability services", *Disability and Society*, vol. 37, No. 6 (2022).

<sup>9</sup> Jody Barney and others, "Which way? Experiences of Aboriginal and Torres Strait Islander people who are deaf or hard of hearing attaining supports to meet their interwoven socio-cultural, health and disability-related needs and aspirations within the context of Australia's national disability insurance scheme", *Journal of the Australian Indigenous HealthInfoNet*, vol. 5, No. 2 (2024).

<sup>10</sup> For example, the First Peoples Disability Network in Australia. See <https://fpdn.org.au/about-us/>.

## Health and rehabilitation services

15. Indigenous persons with disabilities encounter significant challenges in accessing quality healthcare services because the location of these services tends to be away from their Indigenous territories, including remote villages,<sup>11</sup> and they are often not culturally responsive.<sup>12</sup> Moreover, even when health services are available, they tend to be basic and do not include rehabilitation services, making it impossible to provide the regular and consistent rehabilitation care that some Indigenous persons with disabilities need.<sup>13,14</sup> Without rehabilitation professionals in Indigenous health teams, rehabilitation care for Indigenous persons with disabilities is limited to locations far away from the majority of communities of Indigenous Peoples and located mainly in urban settings, including medium-sized and large cities. When moving to these cities to look for specialized care, many Indigenous persons with disabilities report experiencing racism and various types of discrimination, a factor that further limits access to health and rehabilitation treatments and follow-ups.<sup>15</sup>

16. Owing to lack of financial resources, Indigenous persons with disabilities may face obstacles affording medical care. For example, in a 2022 study in Asia and Pacific countries, Indigenous women with intellectual and/or psychosocial disabilities reported difficulties paying for the medicine that they needed.<sup>16</sup> Women and girls with disabilities often also face added barriers related to access to sexual and reproductive healthcare services, resulting in exacerbated health issues and leading to a decrease in their quality of life.

17. In addition, given the historical abuses against Indigenous Peoples, they tend to be hesitant to trust health advice from government and to be reluctant to access healthcare services owing to real and perceived racism.<sup>17</sup> There is a lack of trained Indigenous health practitioners, who could potentially rebuild trust between Indigenous Peoples and health systems.

## Education

18. Indigenous children with disabilities face barriers in schools owing to the lack of accommodations for their disabilities, as well as a lack of specialized teachers who understand Indigenous cultures and speak Indigenous languages, including

<sup>11</sup> Tristram Richard Ingham and others, “The multidimensional impacts of inequities for Tang āta Whaikaha Māori (Indigenous Māori with lived experience of disability) in Aotearoa, New Zealand”, *International Journal of Environmental Research and Public Health*, vol. 19, No. 20 (2022).

<sup>12</sup> John Gilroy and others, “Environmental and systemic challenges to delivering services for Aboriginal adults with a disability in Central Australia”, *Disability and Rehabilitation*, vol. 43, No. 20 (2021).

<sup>13</sup> Marianna Assuncao Figueiredo Holanda, Fernando Pessoa Albuquerque and Erika Magami Yamada, “Indigenous children with disabilities and the violation of healthcare, territorial and human rights in Brazil”, *Revista Brasileira de Bioética*, vol. 15, No. e19 (2019). Available (in Portuguese) at <https://periodicos.unb.br/index.php/rbb/article/view/27580>.

<sup>14</sup> Alice Cairns and others, “Developing a community rehabilitation and lifestyle service for a remote indigenous community”, *Disability and Rehabilitation*, vol. 44, No. 16 (2022).

<sup>15</sup> Holanda, “Indigenous children with disabilities and the violation of healthcare, territorial and human rights in Brazil”.

<sup>16</sup> UN-Women, *Closing the Justice Gap for Women with Intellectual and/or Psychosocial Disabilities in Asia and the Pacific*.

<sup>17</sup> British Columbia Aboriginal Network on Disability Society, presentation on indigenous disability in Canada (2021). Available at [https://www.cnsa.ca/Publications/lists/Publications/Attachments/VSNCCI%20Virtual%20Series%20January%2020%202021\\_PPT\\_NEIL\\_BELANGER%20\(PDF\).pdf](https://www.cnsa.ca/Publications/lists/Publications/Attachments/VSNCCI%20Virtual%20Series%20January%2020%202021_PPT_NEIL_BELANGER%20(PDF).pdf).

Indigenous sign languages, and a lack of needed support and adapted materials in Indigenous languages (see [A/HRC/43/41/Add.3](#)). Furthermore, Indigenous children with disabilities are more likely to be taught in separate classrooms than non-Indigenous children with disabilities, which leads to exclusion and worsens the achievement gap – students in general education classrooms have better academic success and employment outcomes than students placed in separate spaces.<sup>18</sup> Many Indigenous children with disabilities also lack access to the assistive technology that they need to feel included and participate in school. In a study covering Indigenous persons with disabilities from countries in Africa, Asia and Latin America, only 4 out of 14 of the respondents reported that children with hearing impairments had hearing assistance; and only 4 out of 13 reported that children with difficulties walking used special equipment for walking such as wheelchairs or crutches.<sup>19</sup> The legacy of the residential school systems in various countries, including Canada, has also created lasting psychosocial impacts on multiple generations of Indigenous Peoples, including Indigenous persons with disabilities, which has led to a mistrust of non-Indigenous education systems.<sup>20</sup>

19. As a result, many Indigenous persons with disabilities never attend school, attend fewer years of schooling and are less likely to complete primary, secondary and tertiary education than others. Data available from five countries in Latin America, collected in 2020 or the latest available year, are illustrative of this:

(a) Seventeen per cent of Indigenous youth with disabilities had never attended school, compared with 13 per cent of non-Indigenous youth with disabilities, 0.7 per cent of Indigenous youth without disabilities and 0.3 per cent of non-Indigenous youth without disabilities;<sup>21</sup>

(b) Indigenous adults with disabilities attended only approximately 5 years of school, compared with 7 years for non-Indigenous adults with disabilities, 8 years for Indigenous adults without disabilities and 11 years for non-Indigenous persons without disabilities;<sup>22</sup>

(c) Only 53 per cent of Indigenous persons with disabilities completed at least four years of education, compared with 67 per cent for non-Indigenous persons with disabilities, 84 per cent for Indigenous persons without disabilities and 93 per cent for non-Indigenous persons without disabilities;<sup>23</sup>

(d) Only 46 per cent of the Indigenous persons with disabilities had completed primary education, compared with 56 per cent for non-Indigenous persons with disabilities, 80 per cent for Indigenous persons without disabilities and 87 per cent for non-Indigenous persons without disabilities;<sup>24</sup>

(e) Only 27 per cent of Indigenous persons with disabilities had completed lower secondary education, compared with 36 per cent of non-Indigenous persons

<sup>18</sup> Mark Guiberson and Kyliah Ferris, “Speech-language pathologists’ preparation, practices, and perspectives on serving indigenous families and children”, *American Journal of Speech-Language Pathology*, vol. 32, No. 6 (2023).

<sup>19</sup> Isabel Inguanzo, *The Situation of Indigenous Children with Disabilities*. European Parliament Directorate-General for External Policies, Policy Department (European Parliament, 2017).

<sup>20</sup> Ontario Human Rights Commission, *Right to Read: Public Inquiry into Human Rights Issues Affecting Students with Reading Disabilities* (2022).

<sup>21</sup> Data provided by ECLAC.

<sup>22</sup> *Disability and Development Report 2024: Accelerating the Realization of the Sustainable Development Goals by, for and with Persons with Disabilities* (United Nations publication, 2024).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

with disabilities, 62 per cent of Indigenous persons without disabilities and 73 per cent for non-Indigenous persons without disabilities;<sup>25</sup>

(f) Only 3 per cent of Indigenous persons with disabilities had completed tertiary education, compared with 7 per cent of non-Indigenous persons with disabilities, 11 per cent of Indigenous persons without disabilities and 21 per cent for non-Indigenous persons without disabilities.<sup>26</sup>

20. The barriers to education typically start at the primary education level and are aggravated in higher education levels. Indigenous children with disabilities of primary school age are more likely to be out of school than other children. In secondary education, the out-of-school rates for Indigenous children with disabilities tend to be even higher. For instance, in 2020 or the latest available year, in four countries in Latin America, 10 per cent of Indigenous children with disabilities of primary school age were out of school, compared with 8 per cent of non-Indigenous children with disabilities, 2 per cent of Indigenous children without disabilities and 1 per cent of non-Indigenous children without disabilities.<sup>27</sup> In secondary education, 19 per cent Indigenous children with disabilities were out of school, compared with 23 per cent of non-Indigenous children with disabilities, 6 per cent of Indigenous children without disabilities and 3 per cent of non-Indigenous children without disabilities.<sup>28</sup>

## Employment

21. Employment data on Indigenous persons with disabilities show that they face added barriers finding work compared with non-Indigenous persons with disabilities, including discrimination and a lack of support. In five countries in Latin America, in 2020 or the latest available year, among people aged 15 and over, 43 per cent of Indigenous persons with disabilities were employed, compared with 69 per cent of Indigenous persons without disabilities.<sup>29</sup> In the United States of America, in the period 2019–2021, 24 per cent of American Indians and Alaska Natives with disabilities were working or looking for work, compared with 66 per cent of American Indians and Alaska Natives without disabilities.<sup>30</sup>

22. Moreover, Indigenous persons with disabilities are more likely to work in precarious and informal environments, including self-employment, part-time work and unpaid work. For instance, in eight countries in the Americas, among the employed population, 48 per cent of Indigenous persons with disabilities were self-employed in 2021, compared with 37 per cent of non-Indigenous persons with disabilities.<sup>31</sup> Self-employment may be a last resort when Indigenous persons with disabilities cannot find jobs.

23. Indigenous persons with disabilities are also more likely to work part-time than non-Indigenous persons with disabilities. In five Latin American countries, in 2020 or the latest available year, 25 per cent of Indigenous persons with disabilities aged 15 and over worked 20 or fewer hours per week, compared with 22 per cent for

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Vernon Brundage, Jr., “A profile of American Indians and Alaska natives in the U.S. labour force”, United States of America, Bureau of Labor Statistics, November 2023.

<sup>31</sup> *Disability and Development Report 2024: Accelerating the Realization of the Sustainable Development Goals by, for and with Persons with Disabilities.*



non-Indigenous persons with disabilities, 17 per cent for Indigenous persons without disabilities and 13 per cent for non-Indigenous persons without disabilities.<sup>32</sup>

24. For those in waged employment, wage disparities exist, with Indigenous persons with disabilities earning the lowest wages compared with other population groups. In the same Latin American countries, compared with the average wage of Indigenous persons with disabilities, the average wage of Indigenous persons without disabilities was 24 per cent higher; the wage for non-Indigenous persons with disabilities was 50 per cent higher, and the wage for non-Indigenous persons without disabilities was 75 per cent higher.<sup>33</sup>

25. Indigenous persons with disabilities are less likely to hold leadership positions in their jobs. For instance, in the same Latin American countries, only 5 per cent of Indigenous persons with disabilities aged 15 and over worked as legislators, senior officials or managers, compared with 7 per cent for Indigenous persons without disabilities, 8 per cent for non-Indigenous persons with disabilities and 12 per cent for non-Indigenous persons without disabilities.

26. Many Indigenous women with disabilities are engaged in unpaid work, at levels similar to those for Indigenous women without disabilities but at much higher levels than those for non-Indigenous women. For example, in the same Latin American countries, in 2020 or the latest available year, 14 per cent of Indigenous women with disabilities aged 15 and over were in unpaid work, compared with 16 per cent of Indigenous women without disabilities and 7 per cent of non-Indigenous women.<sup>34</sup> Indigenous women with disabilities in countries in Asia and the Pacific have reported being victims of sexual and physical violence at work, as well as having difficulties getting jobs.<sup>35</sup>

## Violence against Indigenous persons with disabilities

27. Indigenous persons with disabilities face violence and conflict, including sexual and gender-based violence. At least 34 per cent of all documented environmental conflicts worldwide affect Indigenous peoples (see [A/HRC/57/47](#)). Indigenous persons with disabilities are more likely to suffer violence than Indigenous persons without disabilities. In Australia, in 2014–2015, among Aboriginal and Torres Strait Islander people, 17 per cent of persons with disabilities aged 15–64 suffered physical violence, compared with 13 per cent of those without disabilities; and 22 per cent of those with severe disabilities reported experiencing physical violence.<sup>36</sup> In the United States, in the period 2017–2019, among Indigenous and other ethnic minorities, 6 per cent of persons with disabilities, compared with 2 per cent of persons without disabilities, were victims of violence.<sup>37</sup> In a study covering Indigenous persons with disabilities in countries in Africa, Asia and Latin America, 10 out of 13 respondents reported at least one case of sexual violence against Indigenous children with disabilities, committed either by family members or people outside the community, or of harmful traditional practices against Indigenous children with disabilities; in 3

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> UN-Women, *Closing the Justice Gap for Women with Intellectual and/or Psychosocial Disabilities in Asia and the Pacific*.

<sup>36</sup> Jerome B. Temple and others, “Physical violence and violent threats reported by Aboriginal and Torres Strait Islander people with a disability: cross sectional evidence from a nationally representative survey”, *BMC Public Health*, vol. 20, No. 1752 (2020).

<sup>37</sup> Erika Harrell, “Crime against persons with disabilities, 2009–2019: statistical tables”, United States, Department of Justice, November 2021.



out of 4 of these cases, the victims were girls, and Indigenous girls with communicational and intellectual impairments were the most likely to suffer this type of violence.<sup>38</sup> In another study in countries in Asia and the Pacific, conducted in 2022, Indigenous women with intellectual and/or psychosocial disabilities reported suffering sexual and physical violence.<sup>39</sup>

28. Indigenous women and girls with disabilities, who are disproportionately victims of sexual and gender-based violence, are at an increased risk of isolation and lack of access to support services, which can make it impossible for them to escape violence (see [A/HRC/50/26](#)). Indigenous women with intellectual and/or psychosocial disabilities report a lack of community support services, barriers in getting official documents such as identity cards and divorce papers and lack of financial resources.<sup>40</sup>

### Access to justice

29. Indigenous persons with disabilities face increased barriers in accessing justice.<sup>41</sup> Many legal services, even if accessible to persons with disabilities, are not culturally capable of ensuring equal access to justice for Indigenous persons with disabilities.<sup>42</sup> Indigenous persons with cognitive or intellectual disabilities (both diagnosed and undiagnosed) are significantly overrepresented in criminal custodial systems.<sup>43</sup> They require tailored healthcare as opposed to custodial sentencing approaches.

30. Moreover, many laws and policies on disability lack an intersectional lens and do not adequately account for the specific rights and needs of Indigenous persons with disabilities, including Indigenous women and girls with disabilities. In particular, while legislation and policies designed for persons with disabilities often have the objective of ensuring the full inclusion of those persons in mainstream society, Indigenous Peoples tend to be wary of any form of mainstreaming that may lead to assimilation and threaten their languages, ways of life and identities (see [E/C.19/2013/6](#)).

### Cultural safety

31. Policymakers, systems and service providers must consider the unique needs of Indigenous persons with disabilities to ensure cultural safety. Cultural safety, the meaning of which may differ between Indigenous Peoples, involves, an outcome that respects, supports and empowers the cultural rights, identity, values, beliefs and

<sup>38</sup> Isabel Inguanzo, *The Situation of Indigenous Children with Disabilities* (European Parliament, 2017).

<sup>39</sup> UN-Women, *Closing the Justice Gap for Women with Intellectual and/or Psychosocial Disabilities in Asia and the Pacific*.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Bernadette McSherry and others, *Unfitness to Plead and Indefinite Detention of Persons with Cognitive Disabilities: Addressing the Legal Barriers and Creating Appropriate Alternative Supports in the Community* (Melbourne Social Equity Institute, University of Melbourne, 2017).

<sup>43</sup> Tom Calma, *Preventing Crime and Promoting Rights for Indigenous Young People with Cognitive Disabilities and Mental Health Issues* (Sydney, Australian Human Rights Commission, 2008). See <https://humanrights.gov.au/our-work/publications/indigenous-young-people-cognitive-disabilities>.

expectations of Indigenous Peoples while providing quality services that meet their needs.<sup>44</sup>

32. Furthermore, ensuring cultural safety for Indigenous persons with disabilities must also encompass additional considerations in order to meet the specific needs of Indigenous persons with disabilities.<sup>45</sup> Ensuring culturally safe policies, programmes, health services, education and work environments, access to justice and interactions with the justice system will provide improved outcomes for Indigenous persons with disabilities.

## Political participation and access to information

33. Owing to marginalization, poverty and “invisibility”, Indigenous persons with disabilities are not always able to voice their concerns and exercise their right to participate fully in societies, including at the political and leadership level. This marginalization also prevents Indigenous persons with disabilities from accessing knowledge to empower them and realize their rights. There appears to be little awareness among Indigenous persons with disabilities of the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities (see [E/C.19/2013/6](#)).

34. A major barrier is the lack of accessibility of these key international frameworks for Indigenous persons with disabilities: they are not available in languages and formats accessible to Indigenous persons with disabilities. The United Nations Declaration on the Rights of Indigenous Peoples is available in a number of Indigenous languages but is not available in formats accessible to persons with disabilities, such as Braille, Indigenous sign languages, accessible pdf, accessible Word, ePub and easy-to-understand formats. The Convention on the Rights of Persons with Disabilities is available in various accessible formats for persons with disabilities, such as sign language and easy-to-read, but is not available in Indigenous languages. Furthermore, the implementation and realization of the United Nations Declaration on the Rights of Indigenous Peoples varies among countries.

35. In addition, Indigenous persons with disabilities face barriers in accessing public information. To ensure equal access to information, information needs to be presented in languages used by Indigenous persons with disabilities. However, in many countries, information is typically not made available in Indigenous sign languages. In 2023, in 90 countries, no country recognized an Indigenous sign language as an official language or a community language,<sup>46</sup> while 3 per cent of countries recognized non-Indigenous sign languages as official or community languages.<sup>47</sup>

36. In the area of political participation, representation of Indigenous persons with disabilities, and especially of Indigenous women with disabilities, in local and national legislative offices remains scant. Moreover, Indigenous persons with disabilities face obstacles to voting during elections. Major barriers to the political participation of Indigenous persons with disabilities include: (a) absence of quotas in legislatures and on party lists explicitly for Indigenous persons with disabilities;

<sup>44</sup> Sharon Gollan and Kathleen Stacey, *First Nations Cultural Safety Framework* (Australian Evaluation Society, 2021).

<sup>45</sup> Australia, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *First Nations People with Disability: Final Report*, vol. 9 (2023).

<sup>46</sup> Analysis provided by the United Nations Educational, Scientific and Cultural Organization on the basis of the information available on the World Atlas of Languages (<https://en.wal.unesco.org/>).

<sup>47</sup> *Disability and Development Report 2024: Accelerating the Realization of the Sustainable Development Goals by, for and with Persons with Disabilities*.

(b) lack of recognition of Indigenous Peoples in legislation to protect the political rights of women and persons with disabilities; (c) lack of polling stations in communities of Indigenous Peoples; (d) barriers in obtaining identity documents and voter identification cards; and (e) polling stations inaccessible to Indigenous persons with disabilities and lack of assistive devices for voting.<sup>48</sup>

37. Various countries have quotas for Indigenous Peoples, persons with disabilities and women, but have no quotas for Indigenous persons with disabilities or for Indigenous women with disabilities. However, such special measures play a crucial role in increasing the political participation of Indigenous persons with disabilities, and in particular of Indigenous women with disabilities. Evidence from 37 countries shows that combining gender quotas with ethnic seats boosts the election of women from marginalized groups across different electoral systems (see [E/CN.6/2025/3](#)). Nonetheless, too often, gender, disability and ethnic minority quotas function separately, limiting their impact on the participation of Indigenous women with disabilities.

38. There is a lack of research and data on electoral violence against Indigenous persons with disabilities but, given the vulnerabilities of this group, it is likely that they are more impacted by electoral violence.<sup>49</sup> Electoral violence can hinder Indigenous persons with disabilities from participating in electoral processes.

### **Situations of risk, climate change and climate action**

39. While climate change can negatively impact the realization of the rights of Indigenous persons with disabilities and their role in advancing disability inclusion, there are very limited data and research on the impact of climate change and climate action on Indigenous persons with disabilities and their involvement in climate action.

40. Since the 2015 Paris Agreement, representative organizations of Indigenous persons with disabilities, including representative organization of Indigenous women with disabilities, have played a pivotal role in advocating for disability-inclusive climate action. Furthermore, recent global conversations initiated by organizations supporting persons with disabilities have seen increased participation by representative organizations of Indigenous persons with disabilities.<sup>50</sup>

41. Climate change can lead to loss of ecosystems, which are vital economic resources for Indigenous Peoples, including Indigenous persons with disabilities. For example, climate change has caused shorter winters and a lack of sea ice in northern Greenland. The change in climate has affected seal-hunting and caused a reduction in income and food sources for Inuit Peoples (see [A/HRC/57/47](#)). This loss of income and food can lead to food insecurity and a lack of access to basic and essential services, as well as services for persons with disabilities, such as assistive technology, rehabilitation and accessible transportation.

42. Climate action to mitigate the impacts of climate change can have negative repercussions on Indigenous persons with disabilities if this action does not take into consideration the rights, needs and perspectives of Indigenous persons with disabilities. For example, upgrades to more environmentally friendly energy systems

<sup>48</sup> Rebecca Aaberg and others, “Engaging indigenous peoples in elections: identifying international good practices through case studies in Guatemala, Kenya, and Nepal”, International Foundation for Electoral Systems, 2024.

<sup>49</sup> *Disability and Development Report 2024: Accelerating the Realization of the Sustainable Development Goals by, for and with Persons with Disabilities*.

<sup>50</sup> See <https://iwgia.org/en/indigenous-persons-with-disabilities-global-network-ipwdgn/5406-iw-2024-ipwdgn.html>.

can cause temporary disruptions to the use of electricity-run assistive technology – which, if not communicated in an accessible format in Indigenous languages, may exclude Indigenous persons with disabilities and prevent them from preparing for such disruptions.

43. The lack of accessible information and early warnings in Indigenous languages, including Indigenous sign languages, can have tragic consequences for Indigenous persons with disabilities during humanitarian emergencies, conflict and disasters, including climate hazards and natural and human-made disasters such as exposure to pollution from industrial operations. Indigenous persons with disabilities are disproportionately affected in these situations, experiencing higher rates of injury and death as a result of a lack of accessible communication and information in their languages, inadequate or inaccessible evacuation plans and shelters and a lack of accessible transportation. Moreover, the needs of Indigenous persons with disabilities remain an afterthought for decisionmakers when planning evacuations and preparedness plans for humanitarian and disaster situations. The lack of Indigenous participation, including Indigenous persons with disabilities, in these decision-making processes further exacerbates the marginalization and dangers that they continue to experience.

## **Data**

44. When data are collected on Indigenous Peoples, the data typically rely on Indigenous self-identification. While various countries around the world collect data on persons with disabilities and on Indigenous Peoples, the data collected are rarely analysed with simultaneous disaggregation by both disability status and Indigenous self-identification. In practice, this means that data on Indigenous Peoples are available, data on persons with disabilities are available but data on Indigenous persons with disabilities are not available. In several countries, the existing data collections would allow for disaggregation by both Indigenous self-identification and disability status but national resources have not been allocated to carry out this disaggregation during the data analysis and dissemination.

45. Given that the limited data available consistently suggest that Indigenous persons with disabilities are at a disadvantage compared with both non-Indigenous persons with disabilities and Indigenous Peoples without disabilities, more political commitment, capacity-building and resources are needed to ensure that data on Indigenous persons with disabilities are regularly collected, analysed and disseminated. This will be crucial to identify and quantify inequalities and to design better policies to promote the realization of the rights of Indigenous persons with disabilities and the promotion of their well-being and inclusion in their communities and broader society.

46. In terms of thematic areas, there are huge data gaps on Indigenous persons with disabilities. A data gap that needs to be addressed urgently is access to assistive technology. Although data exist worldwide on the needs and unmet needs for assistive technology for persons with disabilities as a whole, no data exist on these unmet needs for Indigenous persons with disabilities.

47. Another data gap that needs to be addressed is accessibility of the environment. These data exist for persons with disabilities in various countries. However, no data are available on the accessibility for Indigenous persons with disabilities of schools, workplaces, public spaces, media, government premises, voting stations, hospitals, health centres, shops, food banks and other premises. Given that accessibility features are often tailored to non-Indigenous persons with disabilities, premises and services accessible to non-Indigenous persons with disabilities may not be accessible to

Indigenous persons with disabilities. For example, if communication is available only in non-Indigenous sign languages but not in Indigenous sign languages, deaf persons with disabilities will be excluded.

## IV. Recommendations for the ways forward

48. The rights of Indigenous persons with disabilities and their role in advancing disability inclusion can be recognized and addressed by focusing on the following priority areas:

(a) **Health and rehabilitation services.** Create culturally responsive health and rehabilitation services in communities of Indigenous Peoples. Raise awareness and train health and rehabilitation practitioners on Indigenous cultures. Invest in the education and training of Indigenous Peoples to produce Indigenous health practitioners who are health and rehabilitation specialists. Co-design health and rehabilitation services in collaboration with Indigenous Peoples and health professionals, including Indigenous health practitioners. Consider Indigenous cultural beliefs, individual cultural needs and Indigenous perspectives on health and disability to enhance access to and engagement with health and rehabilitation services by Indigenous persons with disabilities. Establish more psychosocial support and mental health support services for Indigenous Peoples. Consider funding policies and programmes that better subsidize assistive devices and other health-related services for Indigenous persons with disabilities. Commit to enhancing women's health services, including sexual and reproductive health services, for Indigenous women;

(b) **Inclusive education.** Promote education of Indigenous children with disabilities where they are not segregated from Indigenous children without disabilities, and develop strategies to retain Indigenous children and youth in school. Provide inclusive education that is culturally appropriate and sensitive to Indigenous culture. Implement universal design principles and accessibility in schools and other learning environments that serve communities of Indigenous Peoples. Provide access to assistive technologies in the educational facilities in these communities. Train and promote the hiring of Indigenous teachers with disabilities and build their capacities in inclusive education. Provide specialized education programmes for Indigenous persons with developmental, intellectual and learning disabilities. Create educational programming and interventions that take into account sociocultural considerations, Indigenous knowing and learning approaches, and use materials that celebrate Indigenous heritage;

(c) **Decent work and accessible workplaces.** Promote decent work for Indigenous persons with disabilities and implement programmes that increase employment opportunities for them. Provide reasonable accommodations in the workplace, using Indigenous languages and work environments that are culturally appropriate. Remove wage disparities and promote equal pay for equal work, especially for Indigenous women with disabilities. Implement mainstream measures to support the participation of Indigenous women in waged work, while ensuring that these measures are inclusive of Indigenous women with disabilities;

(d) **Social protection.** Develop a flexible combination of mainstream and disability-specific cash transfers, concessions and/or subsidies and support services for Indigenous persons with disabilities. Progressively expand support towards universal coverage, i.e. access to social protection programmes and services for all Indigenous persons with disabilities. Ensure that the design of social protection schemes fosters inclusion, greater participation by and the autonomy of Indigenous persons with disabilities and supports disability-related costs. Ensure accessibility to Indigenous persons with disabilities across the social protection delivery chain,

including in communications, facilities, outreach, payment system, grievance and redressal mechanisms. Provide the information in Indigenous languages, including Braille and easy-to-understand communications in Indigenous languages and Indigenous sign languages. Make social protection policies and services more culturally aware and more inclusive of Indigenous cultural understandings to better inform inclusive policy and practice;

(e) **Assistive technology.** Enhance access to assistive technology for Indigenous persons with disabilities. In particular, make assistive technology available in communities of Indigenous Peoples and affordable for Indigenous persons with disabilities, including by exploring partnerships with the public and private sectors;

(f) **End violence.** Prevent violence, including sexual and gender-based violence, and identify and respond to impacts of violence against Indigenous persons with disabilities. Involve Indigenous persons with disabilities, including Indigenous women with disabilities, and their representative organizations in the design and implementation of strategies to prevent violence. Train law enforcement officers to identify and respond to violence against Indigenous persons with disabilities, in particular Indigenous women with disabilities. Develop mechanisms to report and monitor violence against Indigenous persons with disabilities. Develop psychosocial support services for Indigenous violence victims and survivors that are culturally sensitive and gender-responsive;

(g) **Laws and policies.** Revise laws and policies on disability inclusion to ensure that they are culturally sensitive and reflect the specific rights and needs of Indigenous persons with disabilities. Encourage States to implement the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities and its Optional Protocol in domestic law;

(h) **Access to justice.** Assess local and culturally specific access to justice mechanisms to ensure that they are accessible to Indigenous Peoples with all types of disabilities, including women with disabilities. Explore alternatives to formal police presence in communities of Indigenous Peoples, such as Indigenous justice mechanisms. Enable dialogue with members of Indigenous communities, and with Indigenous women and men with various types of disabilities, including psychosocial and/or intellectual disabilities, to reflect on the legal and justice processes and how they can be improved to meet the specific rights and needs of Indigenous persons with disabilities;

(i) **Awareness.** Enhance public awareness, in particular among Indigenous persons with disabilities, about the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities. Translate and disseminate the Convention on the Rights of Persons with Disabilities in Indigenous languages, including Indigenous sign language. Produce the United Nations Declaration on the Rights of Indigenous Peoples in formats accessible to Indigenous persons with disabilities, such as Indigenous languages in Braille and easy-to-understand formats in Indigenous sign languages, and audio versions in Indigenous languages;

(j) **Political participation.** Take measures, such as quotas, to enhance the political representation of Indigenous persons with disabilities, including Indigenous women with disabilities, in elected and appointed offices. Make voter education information available in Indigenous languages, including Indigenous sign languages, and use accessible and pictorial formats. Accessible pictorial formats can reduce the information barriers experienced by Indigenous voters with disabilities with low literacy. Consider alternative measures, such as extended voting periods and postal

voting. Ensure the provision of reasonable accommodations for Indigenous voters with disabilities. Promote the identification of Indigenous persons with disabilities, including Indigenous women with disabilities, as candidates by training political parties on the benefits of inclusion. Promote the leadership of Indigenous persons with disabilities, including Indigenous women with disabilities;

(k) **Indigenous sign languages.** Recognize Indigenous sign languages as official languages or as community languages;

(l) **Access to public information.** Provide access to public information in Indigenous languages, with accessible versions for persons with disabilities in Indigenous languages as well, and in Indigenous sign languages;

(m) **Climate change.** Involve Indigenous persons with disabilities and their representative organizations in climate action, including in leadership roles, to ensure that their rights, needs and perspectives are taken into account when planning, designing and implementing mitigation and adaptation measures. Ensure that any communications are available in accessible formats for persons with disabilities and in Indigenous languages;

(n) **Disasters and situations of risk.** Provide early warnings in Indigenous languages, including in Indigenous sign languages, audio in Indigenous languages and Braille in Indigenous languages. Provide accessible evacuation plans, shelters and transportation for Indigenous persons with disabilities. Include Indigenous persons with disabilities in the design, planning and preparation of evacuation strategies in the context of disasters and situations of risk;

(o) **Partnerships.** Government ministries in charge of disability inclusion and Indigenous Peoples need to coordinate and work together to devise laws and policies that address the rights and needs of Indigenous persons with disabilities. Representative organizations of women, persons with disabilities and Indigenous Peoples and environmental organizations can work together and play a catalytic role in advancing the inclusion of Indigenous persons with disabilities and the enjoyment of their rights on an equal basis with others;

(p) **Finance.** Governments need to allocate funds for programmes targeting Indigenous persons with disabilities. Funding for advocacy bodies of Indigenous persons with disabilities that are Indigenous led is also needed to support the advocacy and aspirations of Indigenous persons with disabilities. Funds should be allocated to produce the United Nations Declaration on the Rights of Indigenous Peoples in formats accessible to Indigenous persons with disabilities, including in Indigenous sign languages. Funds should be allocated to translate the Convention on the Rights of Persons with disabilities in Indigenous languages;

(q) **Consultations.** Governments should regularly consult with Indigenous persons with disabilities, including Indigenous women with disabilities, and their representative organizations to ensure that their rights, needs and perspectives are reflected in any laws and policies and the implementation thereof. Indigenous persons with disabilities must be ensured their right to free, prior and informed consent before the adoption and implementation of legislative or administrative measures that may affect them, as provided for in the United Nations Declaration on the Rights of Indigenous Peoples;

(r) **Data.** Build capacity and invest resources to ensure that data on Indigenous persons with disabilities, disaggregated by sex, are regularly collected, analysed and disseminated. Collect and disseminate data on access to assistive technology and on the accessibility of the environment for Indigenous persons with disabilities;



(s) **Cultural safety for Indigenous persons with disabilities.** All actors and stakeholders that engage with, or develop policies, programmes and services that impact Indigenous persons with disabilities must do so while ensuring cultural safety. This includes respecting, supporting and empowering the rights, identity, values and beliefs of Indigenous Peoples while providing quality services that meet their specific needs as Indigenous persons with disabilities.

## **V. Guiding questions for discussion by the panel**

49. The following questions are presented for consideration by all round-table panellists and participants attending the discussion that will be organized under agenda item 5 (b) (iii) “Matters related to the implementation of the Convention: recognizing and addressing the rights of Indigenous persons with disabilities and their role in advancing disability inclusion”, taking into account the overarching theme of the eighteenth session of the Conference, “Enhancing public awareness of the rights and contributions of persons with disabilities for social development leading up to the Second World Summit for Social Development”:

- (a) What are the major barriers faced by Indigenous persons with disabilities?
  - (b) Based on your expertise/experiences, what policies (local, national, regional and global) are required to realize the rights and promote inclusion of Indigenous persons with disabilities?
  - (c) Please give one or two examples of partnerships among representative organizations of Indigenous Peoples, persons with disabilities, women and the environment to promote inclusion for Indigenous persons with disabilities;
  - (d) Please give one or two examples of measures that have encouraged partnerships with producers of assistive technology, in the public or the private sectors, to make this technology available and affordable for Indigenous persons with disabilities;
  - (e) Please share innovative good practices to make services and spaces in communities of Indigenous Peoples accessible to Indigenous persons with disabilities, including with universal design;
  - (f) Indigenous women and girls with disabilities face intersectional discrimination and tend to be especially disadvantaged. What can be done by Governments, Indigenous Peoples and the disability community to address this gap?
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