

WRITTEN SUBMISSION

to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)

General Recommendation on Indigenous Women and Girls

79th Session, Geneva, 18th June 2021

PREPARED BY

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Asia Indigenous Peoples Pact
(AIPP)



ENDORSED BY

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Bangladesh Indigenous Women Network, Bangladesh.
Centre for Sustainable Development in Mountain, Vietnam.
International Indigenous Women's Forum.
International Work Group of Indigenous Affairs.
Indigenous Women's Forum of North East India, India.
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International Women's Rights Action Watch Asia Pacific.
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National Indigenous Women Federation, Nepal.
National Indigenous Disabled Women Association, Nepal.
Network of Indigenous Women-Bai, Inc, Philippines.
Network of Vietnamese Indigenous Women, Vietnam.
National Indigenous Women Forum, Nepal.
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Introduction

We, welcome the Committee's initiative to draft a General Recommendation on Indigenous Women and Girls. In response to the Committee's call for contributions, this submission has been prepared on the basis of wider consultations with 15 organizations from East Asia, South Asia, Southeast Asia and Mekong region.¹

The purpose of this submission is to highlight structural and historic discrimination against Indigenous Peoples in Asia as underlying factors that deny recognition of diverse experiences of human rights violations and impact of multiple oppressive systems among Indigenous Women and girls.

While we appreciate the extensive list of challenges highlighted in the Committee's Concept Note, we remain concerned about the gaps in emphasis on status of legal recognition within national legislative frameworks and historical harms of structural discrimination that constitute key obstacles for realization of the rights for Indigenous Women girls within Asia. Furthermore, intersectional issues such as those of disability and sexual orientation and gender identity remain to be acknowledged and addressed. We wish to reiterate that intersectionality is the centering concept of Indigenous feminism and is crucial to identifying and addressing varying levels of oppression and marginalization experienced by Indigenous Women.

We hope that the recommendations offered in this submission will be given due consideration by the Committee in its process of drafting the general recommendation.

Legal recognition of Indigenous Women.

Indigenous Peoples in Asia are referred by various terminologies such as "hill tribes", "scheduled tribes", "Indigenous Nationalities", "ethnic minorities" etc., reflecting a broad spectrum of approaches and criteria applied towards their recognition by States. Most Asian countries, except for a few such as Nepal, Cambodia and Philippines, have opposed narrow, colonial-centric, interpretations of the term "indigenous peoples" (IP) offered by ILO Convention No. 169,² leading to arbitrary, piecemeal, or complete lack of compliance with international human rights standards in relation to IPs. The latter manifests itself in forms of obstacles to citizenship depriving IPs protection under national legal frameworks;³ deprivation of basic rights and social services; and restrictions on freedom of movement, speech, and land ownership. Indigenous Women and girls are disproportionately impacted by such human rights violations enhancing their vulnerability to exploitation and violence perpetuated with impunity by both state and non-state actors.

1. Association of Indigenous Peoples in Ryukus, Bangladesh Indigenous WomenNetwork, Centre for Sustainable Development in Mountain, Indigenous Women's Forum of North East India, National Indigenous WomenFederation, National Indigenous WomenForum, National Indigenous Disabled Women Association, Network of Indigenous Women-Bai,Inc, Jaringan Orang Asal SeMalaysia, Papora Indigenous Development Association, The Indigenous Women's Legal Awareness Group, PEREMPUAN AMAN, International Women's Right Action Watch Asia Pacific, Chin Human Rights Organization.

2. International Labour Organisation, Indigenous and Tribal Peoples Convention, 1989 (No.169)

3. In Thailand, over half a million stateless population are indigenous people. James, A., 2014. Human Rights Council, Fifteenth session, Report by the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people. A/HRC/15/37/Add.1, par 282-290.UNHCHR

As CEDAW has achieved near universal ratification, the proposed General Recommendation should independently emphasize self-determination, cultural integrity, collective identity, and the cultural attachment to and use of land for survival as a collective, as fundamental elements to full legal recognition of IPs and particularly for protection of Indigenous Women's rights under national legal frameworks.

The General Recommendation should mandate recognition of Indigenous Women, their rights to citizenship, equality and non-discrimination within national constitutions, and their socio-political, economic and cultural rights through comprehensive legal frameworks and policy initiatives.

Right to land.

The collective right to land has been recognized as inherent to rights of Indigenous Peoples under United Nations Declaration on Right of Indigenous Peoples (UNDRIP). Together with ILO Convention No. 169 it enshrines the rights of Indigenous Peoples to determine their own priorities and strategies for development and use of land, territories, and resources. However, patriarchal, and discriminatory norms and practices both within community and those imposed by State continue to deny/restrict land ownership and inheritance of assets and resources for Indigenous Women.

Land title registration has been an issue for Indigenous Peoples in general within Asia, with most countries reluctant to ensure full legal recognition for collective ownership and use of lands and resources.⁴ This has direct negative impact on the capacity of Indigenous Women to generate income.⁵ Furthermore, prioritization of economic development and/or conservation initiatives in Indigenous territories by States combined with lack of Free, Prior Informed Consent (FPIC) has led to large-scale land dispossession, displacement, forced evictions, militarization, extra judicial killings, and human right violations throughout Asia.⁶ Such development aggression has resulted in increase of sexual violence and assaults on Indigenous Women over land disputes and conflict, as witnessed in Bangladesh and Philippines.⁷

Indigenous Women's participation in decision-making processes is nominal even within their communities.⁸ Patriarchal norms within families and communities along with the discriminatory laws on inheritance rights such as those in Nepal, Malaysia, Bangladesh, and Indonesia prevent daughters and female surviving spouses from inheriting property on equal terms with men.

The General Recommendation should mandate States Parties to comply with Free, Prior Informed Consent standards in all matters relating to acquisition of land, relocation, and compensation as outlined by UNDRIP and include Indigenous Women in all development plans and decision-making processes.

4. Marcus Colchester, Indigenous peoples and communal tenures in Asia, <http://www.fao.org/3/y5407t/y5407t07.htm>

5. United Nations Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and the Secretariat of the United Nations Permanent Forum on Indigenous Issues (UNFPII), 2010. Gender and Indigenous Peoples (New York);

6. A/71/229 (https://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/229)

7. The Asia Foundation, 2017. The State of Conflict and Violence in Asia; AIPP, 2015. A Briefing Paper: The Impacts of Land Dispossession on Indigenous Women.

8. INDIGENOUS WOMENIA, and ILO, 2020. Indigenous Women's realities: Insights from the Indigenous Navigator.

Participation and representation of Indigenous Women in decision-making processes should be achieved through quotas and exercise of free choice in identification of representatives by Indigenous Women.

The General Recommendation should mandate States Parties to review all laws and policies and undertake measures to streamline customary norms and practices that prohibit, prevent or limit rights of Indigenous Women in relation to inheritance, ownership and control over land and resources.

Access to water, natural resources, and food security.

Livelihoods of Indigenous Peoples in Asia are reliant on food systems such as shifting cultivation, pastoralism, hunting and gathering, intercropping, fishing, and collection of forest resources which are an integral part of their uniqueness, cultures, spirituality, and lifestyles. Indigenous Women who are the main food producers, knowledge holders, healers, practitioners, defenders of natural resources and biodiversity, have a significant role in their households, community and wider society.⁹ They contribute to the food production from seed selection, plantation, to processing.¹⁰ With agrarian transition over the years, Indigenous Women have been confronted with challenges such as loss of access to land/natural resources, loss of traditional livelihood and migration for alternative means, vulnerability to exploitative conditions in informal economies due to lack of education and language barriers.¹¹

Land dispossession and displacement resulting from development aggression weakens Indigenous Women's access to food, water and natural resources, and compels change in identity from landowners, forest dwellers and farmers to low-paid labors with drastic implications on their identity, culture, and socioeconomic wellbeing. Examples can be found in Cambodia where Kui women of Preah Vihear, lost their land to rubber plantation companies, resulting in a loss of income and livelihood.¹² In Mekong region, dispossession and resettlement induced by Hydropower dam constructions have imposed additional burden of securing the well-being of families, often without the sufficient financial compensation. Loss of access to natural resources makes Indigenous Women dependent on their husbands for livelihood and economic contribution leading to reduced bargaining power with households.¹³ This loss of power gets projected from the household to community level, reinforcing the embeddedness of unequal norms at different levels of Natural Resources Governance, as seen from men holding leadership roles in water management and decision-making.¹⁴

The General Recommendation should recognize rampant land acquisition, colonization, globalization and unregulated transnational trade, militarization, forced eviction and the displacement of Indigenous peoples as detrimental to, and obstruction of, Indigenous Women's right to self-determine their own socio-cultural development, livelihood and well-being.

9. Asia Indigenous Peoples Pact, 2015. Briefing Paper on the Rights of Indigenous Women to their Lands, Territories and Resources in Asia.

10. AIPP, FAO and INDIGENOUS WOMEN IN ASIA, 2015. Shifting Cultivation Livelihood and Food Security. 11. FAO, 2018. Indigenous Peoples in the Asia-Pacific region.

11. AIPP, 2015. A Briefing Paper: The Impacts of Land Dispossession on Indigenous Women. (https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2015/02/final%20briefing%20paper_impact%20of%20land%20dispossession%20and%20Indigenous%20Women_feb%202015.pdf?la=en&vs=5352)

13. Hill, C., Ngoc Thuy, P.T., Storey, J., Vongphosy, S., 2017, Lessons learnt from gender impact assessments of hydropower projects in Laos and Vietnam, Gender and Development, Vo. 25 (3)

14. Karen Delfau and Pichamon Yeophantong, 2020, State of Knowledge: Women and Rivers in Mekong Region

The General Recommendation should prohibit criminalization of Indigenous lifestyles, food systems, and knowledge. It should mandate States Parties to develop and implement laws and policies that recognize and promote Indigenous knowledge and food systems for economic empowerment of Indigenous Women and girls, and guarantee right to food, water, and decent work for Indigenous Women in keeping with international standards.

The General Recommendation should mandate States Parties to undertake measures ensuring integration of gender sensitive approaches into all stages of program, project and policy design, development, and implementation of development initiatives to ensure allocation of necessary resources to relevant stakeholders on the basis of inclusivity.

Cultural rights.

Culture is both tangible and intangible expression of self-determination, as well as spiritual and physical linkage of Indigenous Peoples with land, territories, and resources. The modification of Indigenous' territories through development projects, demarcation of heritage sites and forest areas for conservation/protection without Free Prior and Informed Consent (FPIC) has direct impact on their cultural rights.

Rapid social, cultural and economic changes imposed through policies of assimilation or globalization threaten to place Indigenous Women's role as transmitters and holders of traditional knowledge under great strain and threaten the cultural security of Indigenous Peoples. Systematic erosion of cultural rights of Indigenous Peoples enhances Indigenous Women's vulnerability to cumulative discrimination, structural violence and oppression by colonial/neocolonial agents and institutions on the basis of gender and indigenous identity and denies them opportunities to determine their own well-being.

The General Recommendation should emphasize the inter-connection and inter-relationships between cultural rights of Indigenous Women and their right to self-determination, and ensure they are able to freely pursue their cultural development.

The General Recommendation should emphasize that the cultural rights of Indigenous Women are inherently tied to their lands, territories and resources, and their role in environment sustainability, food security, and preservation of knowledge.

The General Recommendation should mandate States Parties to prohibit discrimination against Indigenous Women on the basis of their attire, accent, and accessories through enactment of appropriate laws.

The General Recommendation should emphasize the need for protecting Indigenous knowledge and its use on the basis of standards relating to Free Prior Informed Consent, acknowledgment of intellectual property rights and consideration of direct economic benefits to Indigenous Women.

Access to justice.

While Indigenous Peoples in Asia are systematically deprived of the rights to freely determine and pursue their economic, social, and cultural development,¹⁵ most flagrant human rights violations continue to be in relation to their rights to land, territories, and resources. Indigenous Women not only suffer from disproportionate impact of militarizing ancestral land/ territories, forced displacement, extra-judicial killings, and forced recruitment to paramilitary groups, they additionally experience sexual violence and abandonment upon impregnation by state forces. Such violations result in weakening of Indigenous natural resource management and conservation systems, the erosion of culture, intra-tribal and inter-tribal conflicts, and most significantly the erosion of Indigenous governance institutions and systems.¹⁶

CEDAW's General Recommendation No. 33, addresses numerous challenges and obstacles experienced by Indigenous Women within plural legal systems, and due to discriminatory practices within Indigenous/community justice systems. However, it is imperative that such discussions and any proposed recommendation be located within the larger context of systemic discrimination, stigma and violations experienced by Indigenous Peoples under national legal frameworks and formal justice systems, and the weakening of Indigenous institutions. Formal justice systems are often dysfunctional, time-consuming, expensive, and are undertaken in national languages which provide limited potential for the fair adjudication of cases for Indigenous Peoples due to a lack of recognition and respect of their collective rights. These circumstances compel Indigenous Women to submit to male-dominated customary or informal justice systems, despite potential biases and discrimination on the basis of sex and gender.

The General Recommendation should emphasize the need for the consultation, participation, and representation of Indigenous Women in both formal and informal justice systems as means of ensuring the realization of their self-determination, agency, and autonomy in matters of achieving justice especially in relation to women's rights.

The General Recommendation should mandate States Parties to ensure justice mechanisms are free from systemic discrimination and stigmatization, through integrated training programmes for judicial and law enforcement officials to enhance awareness on Indigenous communities, their distinct and diverse culture and practices. Structural barriers should be addressed by ensuring easy accessibility and availability of legal texts, documents and proceedings in Indigenous languages, and adoption of simple procedures.

15.AIPP, 2013. Briefing Paper, Indigenous Women in Southeast Asia: Challenges in their Access to Justice (<https://www.ohchr.org/documents/issues/ipeoples/emrip/studyaccessjustice/aipp.pdf>)

AIPP, 2013. Briefing Paper, Indigenous Women in Southeast Asia: Challenges in their Access to Justice. (<https://www.ohchr.org/documents/issues/ipeoples/emrip/studyaccessjustice/aipp.pdf>)

Gender-based violence.

Indigenous Women and girls often confront patriarchal norms, gender-based stereotypes, and unequal power relations between men and women within communities. They are however rendered disproportionately vulnerable to gender-based violence and sexual harassment due to an environment of impunity supported by historic discrimination against Indigenous communities, structural inequality, and colonization. Lack of legal recognition of Indigenous Peoples combined with a lack of disaggregated data based-on ethnicity, caste, disability, and race, have prevented timely interventions, institutionalizing preventive measures, and the delivery of justice in cases of gender-based violence. Structural and systematic violence is therefore interlinked and mutually reinforced with other forms of gender-based violence.

In Asian countries, an influx of non-Indigenous workers, soldiers and security personnel in Indigenous territories/communities has led to an increase of sexual harassment, rape and murder.¹⁷ Armed conflicts and militarization are the cause of countless cases of violence against Indigenous Women.¹⁸ While human trafficking is a serious and growing concern in Asia, the main factors contributing to the trafficking of Indigenous Women and girls are environmental degradation, the erosion of land rights, lack of education opportunities for girls, lack of specific preventive measures and deterioration in customary practices which impede women's empowerment in Asia.¹⁹ Trafficking is high among Indigenous Peoples of Northeast India, Thailand, Vietnam, Myanmar, Indonesia, Nepal, and Cambodia.

The General Recommendation should mandate States Parties to adopt appropriate legislative, political, economic, social, and administrative measures that promote zero tolerance for gender-based violence and collective violence against Indigenous Women and girls, including those with disabilities; implement due diligence standards for prevention, investigation, prosecution, and punishment of perpetrators; and end impunity and ensure access to appropriate remedies and psychosocial support for victims and survivors.

The General Recommendation should recommend States Parties to recognize prevalent customary laws and practices and take measures to streamline them with international standards on women's human rights; ensure legal guarantees on the prohibition of violence; eliminate sex and gender-based as well as inter-sectional stereotypes, and structural discrimination Indigenous Women.

Indigenous Women human right defenders.

The growing risks of retribution and criminalization of Indigenous human rights defenders has been highlighted as a cause of concern by the Special Rapporteur on the Rights of Indigenous Peoples (SRIP) for several years now.²⁰

17.INDIGENOUS WOMENGIA, 2018. Indigenous Women target of rape in land-related conflicts in Bangladesh (https://www.Indigenous_Womengia.org/en/bangladesh/3235-indigenous-women-target-of-rape-in-land-related-conflicts-in-bangladesh.html)

18.AIPP, 2012. Briefing Paper, Violence, Customary Law and Indigenous Women's Rights in Asia (https://www.Indigenous_Womengia.org/images/publications/0659_Violence_Customary_Las_and_IP_omen_Rights_in_Asia.pdf), p.12,13

19.AIPP, 2015. Indigenous Women and Human Trafficking in the Mekong Region: Policy Overview and Community Response.

20.A/HRC/39/17, Report of the Special Rapporteur on the Rights of Indigenous Peoples (<https://undocs.org/en/A/HRC/39/17>)

In many parts of Asia where Indigenous Women are emerging as human right defenders asserting and protecting their rights, they encounter daily occurrence of killings, threats, red tagging, vilification, false accusations, intimidations, assaults, forced evacuations, arrest and detention. Escalation of violence against Indigenous Women Human Right Defenders are noted specifically in countries such as the Philippines, Bangladesh, and Myanmar.²¹

The General Recommendation should mandate a zero-tolerance approach to violence, killings, and disappearances of Indigenous Women Human Right Defenders' and encourage States Parties to undertake comprehensive reviews of national laws that restrict freedom of expression and assembly and violate international human rights obligations.

The General Recommendation should recommend that States Parties recognize the importance of Indigenous Women Human Right Defenders' role in protecting Indigenous Peoples, and their work, and take immediate and effective gender-sensitive and culturally appropriate measures to protect them.

Militarization and armed conflict.

Militarization and armed conflict are often sponsored/tacitly supported by the State through enactment and imposition of draconian security/emergency laws that provide unparalleled powers to security forces in Indigenous territories in Asia. Militarization is high in the Indigenous territories of Chittagong Hill Tracts in Bangladesh, the Mindanao and Lumad regions of the Philippines, Northeast states of India, and Myanmar, contributing to violence and torture of Indigenous Women and girls with impunity, forceful evictions, internal displacement, and the need to seek refuge. While forced displacement and the resultant disproportionate burden on Indigenous Women as food providers has been noted previously,²² of particular grave concern are incidents of sexual slavery. Most recent examples have been noted in Myanmar where teenaged Rohingya girls²³ were routinely conscripted and taken to army bases for purposes of sexual slavery.²⁴

CEDAW General Recommendation No. 30 makes recommendations for states to provide protection against the displacement of Indigenous Women, and addresses the specific needs of internally displaced Indigenous Women. However, it is important that the Committee recognizes the role of States as primary actors in perpetuating violence against Indigenous Women through militarization, forced evictions, and the imposition of special state security laws.

The General Recommendation should mandate States Parties to review and repeal State security laws, policies and regulations that enable militarization and armed conflict. States Parties should be reminded of their commitment to prevent torture and violence against women under CEDAW and be recommended to pursue zero-tolerance policies for rights violations of Indigenous Women and girls.

21. In the Philippines two Indigenous Women leaders, Betty Belen and Rachel Mariano, were falsely accused and imprisoned during the recent COVID-19 pandemic while Kalpana Chakma of Bangladesh was abducted in 1996 with whereabouts uncertain till now. See INDIGENOUS WOMENIA, 2021. Philippines: false accusations, persecution and imprisonment of Indigenous Women. <https://www.indigenous-womenia.org/en/philippines/4376-philippines-false-accusations-persecution-and-imprisonment-of-indigenous-women.html> and Brad, A., 2020. Still No Answers on Activist Disappearance in Bangladesh. Human Rights Watch. <https://www.hrw.org/news/2020/04/08/still-no-answers-activists-disappearance-bangladesh>.

22. In 2007, 11 Iban families were forcefully evicted from their ancestral land, without FPIC or compensation by the local government in Sarawak, Malaysia, at the behest of Malaysian Agriculture Research and Development Institute. Their relocation to a site without access to electricity and water resulted in overburdening INDIGENOUS WOMEN with the role of ensuring food security for their families and community. See, Brigitte, F., 2013. Indigenous People's right to lands and resources. International Land Coalition.

23. The status of Rohingyas as Indigenous Peoples is contested; Rohingyas self-identify as Indigenous while the Buddhist nationalists and Burmese government have maintain their opposition. See Minority Rights Group, World Directory of Minorities and Indigenous Peoples (<https://minorityrights.org/minorities/muslims-and-rohingya/>).

24. A/HRC/42/CRP.4, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts (<https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/sexualviolence.aspx>)

Climate change.

Indigenous Peoples live in marginal and fragile ecosystems which are threatened by climatic change and extreme weather events. Of the estimated 260 million Indigenous Peoples in Asia,^{25.} Indigenous Women's vulnerability to climate change is mainly accountable to poverty, unjust gender and power relations, structural inequalities of larger social, political, and economic institutions that are detrimental to legal rights and ownership, customary and religious practices, and economic, business and livelihood options.^{26.}

Indigenous Women are the custodians of traditional knowledge.^{27.} However, their indigenous knowledge is often unacknowledged due to hegemonic notions of scientific research or empirical knowledge, undervalued or even delegitimized through laws and policies that render traditional ways of knowing and doing illegal.^{28.} E.g., despite growing recognition of Indigenous Women's rights in international human right law, the United Nations Framework Convention on Climate Change (UNFCCC) has been slow on integrating them in climate related processes and mechanisms. The adoption of a human rights-based approach to climate processes could enhance their participation and offer effective measures for Indigenous Women.^{29.} In Asia, many countries such as Nepal, Bangladesh, Philippines, India and Vietnam have initiated disaster reduction and climate change national action plans and programs in recent years, most have failed to integrate the needs and knowledge of Indigenous Women through their participation and consultation.^{30.}

The General Recommendation should mandate States Parties to develop climate response mechanisms addressing issues and the concerns of Indigenous Women; recognize and integrate Indigenous Women's role and knowledge in policies and programmes relating to climate change and disasters. Such measures should be undertaken through active participation and engagement of Indigenous Women in consultations and decision-making processes related to climate action, and investment in dialogue and research to support the production of inclusionary knowledge within policy and academic spheres.

Right to health.

Indigenous Women's health and wellbeing are significantly worse than that of the general population across the world. The importance of investing in health as a prerequisite for reversing the cycle of poverty has been well acknowledged internationally.^{32.} However, persistent inequalities in health and access to health services remains a significant challenge for Indigenous Women in Asia.^{33.} Indigenous Women's lack of access to health services is hindered by remoteness and physical distance to health centres, a lack of information in native languages, Indigenous Women and Indigenous Women with Disability friendly health services, discrimination and exclusion in health policies and services, and complex patterns of cultural behavior.^{34.}

25.AIPP, 2015. Asia Report on Climate Change and Indigenous People 26.Kelkar, G., 2009. Adivasi Women Engaging with Climate Change. UNIFEM.

27.International Labor Office, 1989. Handbook for ILO tripartite Constituents Understanding the Indigenous and Tribal Peoples Convention, (No. 169).

28.Karen Delfau and Pichamon Yeophantong, 2020, State of Knowledge: Women and Rivers in Mekong Region

29.Tahnee, P., 2017. The Rights and Role of Indigenous Women in the Climate Change Regime' Artic Review on Law and Politics, Vol. 8, pp. 193-221. (<http://dx.doi.org/10.23865/artic.v8.901>); Rights and Resources Initiative. (2020). Rights-Based Conservation: The path to preserving Earth's biological and cultural diversity? Retrieved from Washington D.C: (<https://rightsandresources.org/publication/rights-based-conservation/>)

30.Id. no. 23

The Committee should refer to the Report on the Regional Consultation on the Rights of Indigenous Peoples submitted by the SRIP to the 45th Session of the Human Rights Council,³⁵ for an integrated and comprehensive approach towards protecting Indigenous Women's right to health.

Further, the General Recommendation should mandate States Parties to enhance the availability of health services and information in geographically remote Indigenous territories, integrate Indigenous Women's specific health needs in national plans and programs with the support of budget allocations.

Right to education.

It is evident that Indigenous Peoples face greater barriers in accessing quality education compared to non-indigenous counterparts.³⁶ This trend is consistent from completion of primary education to higher level of education specifically for Indigenous girls. The data shows that Indigenous girls have the lowest opportunities in achieving basic education.³⁷ The three main barriers in education relate to lack of access to quality education, lack of education in their mother tongue, and social stigmatization.³⁸

The General Recommendation should mandate States Parties to ensure provision of basic education in the mother tongue and include Indigenous skills, knowledge and practices as part of curriculum; ensure education systems are free from all forms of discrimination on the basis of ethnicity, language, caste, disability, religion, color, and race; and develop an enabling environment for Indigenous girls to pursue education in harmony and peace.

Conclusion.

We further and specifically reiterate that efforts at addressing structural discrimination against Indigenous Women will remain incomplete without identification of diverse, intersectional experiences resulting from prevailing oppressive systems. It is therefore suggested that the Committee emphasizes the mandatory need for development of disaggregated data systems at national levels to address the intersectional discrimination and inequality experienced by Indigenous Women and Girls.

31. "Indigenous Peoples are found to suffer from poorer health: are more likely to experience disability and reduced quality of life: and ultimately die younger than non Indigenous counterparts", UN-DESA, State of the World's Indigenous Peoples, 2nd volume, Indigenous Peoples' Access to Health Services, Advance Copy, 2015, p. 044 (<https://www.un.org/development/desa/indigenouspeoples/publications/2015/09/state-of-the-worlds-indigenous-peoples-2nd-volume-health/>)

32. The Beijing Platform for Action; the General Recommendation Declaration; and the Program of Action of the International Conference on Population and Development and the Sustainable Development Goal (SDG 2030). (<https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Health/AIPP.pdf>)

33. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6393055/>

34. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6393055/>

35. A/HRC/45/34/Add.3

36. United Nations Educational, Scientific and Cultural Organization (UNESCO), 2019. Indigenous Peoples Right to Education. (Paris).

37. International Labor Office, 2019. Implementing the ILO and Tribal Peoples Convention No.169: Towards an inclusive, sustainable and just future. (Geneva).

38. Inter-Agency Support Group on Indigenous Peoples Issues (IASGI), 2014. Education and Indigenous People: Priorities for inclusive education.



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