**Submission of the Asia Indigenous Women’s Network : “Effective participation, consultation and consent of indigenous women and girls in political and public life”**

* WE, in Asia Indigenous Women’s Network, have been looking forward to this proposed GR on the rights of indigenous women and girls and we congratulate the Committee in this regard. We also highly acknowledge our elder indigenous sisters who played significant roles in advancing the cause of indigenous women, from the ground to the global levels, within and outside of indigenous peoples organizations and communities. This is indeed one result emerging from indigenous women’s years of engagement – a gain from the result of this theme on effective participation in political and public life.
* Before addressing the theme for this session let me first take note of a couple of comments on the Concept Note for the record : there is no “Network of Asian Indigenous Women ” as referred to in the second line in page 3. This should be corrected as the Asia Indigenous Women’s Network.
* Secondly, we also note that when indigenous women and their communities speak of ‘care of the land’(line 2, para 2, page 1), this is not simply the aggregated physical soil but includes the resources therein including water – whether marine or riverine. To refer to land only makes indigenous coastal/riverine communities invisible and waters at risk of commodification or exclusion from IP territories.

1.Invisibility of Indigenous Women and Girls

* In Asia, there are thousands of undocumented/unregistered indigenous peoples up to the present in Thailand, Indonesia, Nepal, Malaysia and the Philippines, many of which are women and girls. These includes those who may have citizenship documents but are not in the official censuses. This impacts on their capacity to access basic services, mobility, redress and state protection. For indigenous women and girls, this predisposes them to discrimination, violence and abuse. In Thailand alone, an estimate of over 100,000 indigenous peoples are reportedly without citizenship. A lot of these are women, unable to register due to their marginalization based on patriarchal ideologies, lack of information and resources in support of their registration, low capacity to understand the national language and discrimination by the mainstream population. This is also true in other countries like Malaysia and the Philippines.
* Further, there are varying degrees of state recognition of indigenous peoples, despite most states having signed on to the UNDRIP. As such, they remain to be identified generally as ethnic minorities i.e. Bangladesh, China, Laos, Vietnam. Taiwan and Japan recognized some IP groups to the current exclusion of other IP groups. The intersectionalities of discrimination in relation to being female and disabled is also preventing indigenous women from proper documentation.
* These are all hurdles to information/data generation on indigenous women, therefore, invisibility of their contributions and in the broader political and public domain. The GR should reiterate the right to citizenship and nationality and the UNDRIP’s principles of self-identification and further strengthen the institutionalization by states of data disaggregation based on sex and ethnicity.

2. Rights to Food, Health and Wellbeing

In relation to the right to food, health and wellbeing, indigenous women take issue in the marginalization and to some extent, criminalization, of their food, health care knowledge and birthing systems and practices. While indigenous women recognize the limitations in these systems, the General Recommendation should be an enabling intervention to facilitate respect and protection of these systems, strengthen and advance the complimentarity of these different knowledge and practice systems including the training and accommodation of indigenous birth attendants as partners in local and national health systems. The GR should as well highlight the need for governments to acknowledge the roles indigenous women and girls play in the food system, in ending hunger and malnutrition, and, mitigating the adverse impacts of climate change, at least, at the local and national levels.

3. Access to Justice

* The GR should also highlight the utter lack of access to justice for indigenous women and girls, both in the traditional and mainstream systems, as a result of the intersecting discrimination and all kinds of violence they experience from the lack of social justice. Social justice is far from being realized given the persistent inequality brought about by ethnic, gender and sometimes social status and religious differences in Asia. Governments are obliged to provide basic services that are to enable its constituents to live with dignity. These, however, are still generally lacking or inaccessible by indigenous peoples in the region, especially women and girls. Access to reliable and adequate information, education, health and economic opportunities range from none at all to inappropriate. Efforts by the MDGs to level the playing field failed to address the historical and structural factors that has pushed indigenous women further behind.
* Many cases of human rights and GBVAW among indigenous women and girls, for example are not properly prosecuted due to internalized stereotyping, lack of or inaccessible legal information and services, logistically, morally and psychologically draining processes that leave them no option but amicable settlement. Poverty, in its broadest sense, is a disabling condition and tool for disempowerment among indigenous women and girls. It deprives them time, space and opportunity to develop their capacities, agencies and voices.
* We welcome the acknowledgement of the alarming issues of armed conflict and militarization of indigenous communities in the concept note, disproportionately impacting indigenous women and girls. The acceleration of authoritarianism, intolerance, bigotry in Asia has increasingly put indigenous women and girls being targeted and criminalized in their efforts to assert and protect their human and collective rights. These include gender-specific threats i.e. sexual violence, trumped-up charges, smear campaigns and threats on their children, among others.
* Most of these armed conflicts and militarization can be traced to issues of land and natural resources in indigenous territories. India has its Armed Forces Special Powers Act (AFSPA) over the indigenous peoples dominated North East India since 1958. Similarly, the Chittagong Hill Tracts of Bangladesh has never had respite from state violence and impunity under the government’s Operation Uttoron in 2001. This program was also used in aid of the state’s demographic engineering program which has caused a lot of human rights violations and gender violence up to the present. Indigenous women are exposed to high risks of human rights and gender violence in a situation of militarization galvanizing social, political and economic insecurity. The regression of human rights situation in the region through development projects, anti-terrorism laws[[1]](#footnote-1) and policies adopted by states and restrictive laws imposed on civil society, including indigenous women’s organizations and their agencies, are equally suppressive of the voices of indigenous women.
* The GR should ensure that states honor their commitments to indigenous women and girls as indigenous peoples and as women, in peace accords/agreements or ensure that affected indigenous peoples, including women, are substantially represented in peace negotiations and its implementation. National action plans by states adopting the United Nations Security Council Resolution 1325 should be reviewed with the participation of indigenous women and effectively implemented. The contributions of indigenous women as peacekeepers should as well be acknowledged, strengthened and advanced in peace negotiations.
* The recognition and protection of indigenous women and girls’ right to land in the context of the collective, therefore, is a primary factor for their security and well-being that the GR should not fail to elaborate.

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1. i.e. Philippine’s Human Security Act. The Philippines state also imposed martial law in Mindanao as part of the state’s anti-terrorism campaign, later, followed by the End Local Communist Armed Conflict. The ELCAC is the anti-terrorism/ anti-insurgency program of the current government allowing indiscriminate attacks to human rights defenders tagged as threats to national security; Unlawful Activities Prevention Act, India and the Digital Security Act of Bangladesh. [↑](#footnote-ref-1)