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NATIONAL ABORIGINAL AND
TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

September 2023

New International Gender Equality Strategy

The National Aboriginal Torres Strait Islander Women's Alliance (NATSIIWA) thank you for the opportunity to provide a submission to the New International Gender Equality Strategy, under the Department of Foreign Affairs and Trade (DFAT). NATSIWA supports Governments position to be a global leader for Gender Equality and welcomes the opportunity to provide insight into Indigenous women's perspective on what is a priority in this strategy for our women.

NATSIIWA welcome the opportunity develop and co-design proposals for actions, policies, and programs that governments should implement as part of the Strategy.

NATSIIWA

The National Aboriginal Torres Strait Islander Women's Alliance (NATSIIWA) is the peak body for Aboriginal Torres Strait women in Australia. The leadership team of Directors are Aboriginal Torres Strait Islander women each representing States and Territories across Australia.

Background

On October 26, 2022, the *Convention on the Elimination of Discrimination Against Women (CEDAW) Committee adopted the long-awaited General Recommendation No. 39 on the Rights of Indigenous women and girls.*¹

NATSIIWA Recommendation One:

Support International States adoption of General Recommendation No. 39 on the Rights of Indigenous Women and Girls.

¹ United Nations Human Rights. Committee on the Elimination of Discrimination Against women, *General Recommendation No. 39. (2022) on the rights of women and girls.* (26 October 2022). CEDAW/C/GG/39.



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Please refer to (*Annexure (1), page 4*) for the recommendations in *General Recommendation No.39 on the Rights of Indigenous women and girls*. CEDAW/C/GG/39 can be read in full here: -

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2F39&Lang=en

NATSIWA advocates that the New International Gender Equality Strategy, priority for our women would be for Australia to adopt and support member States to adopt General Recommendation No. 39 on the Rights of Indigenous women and girls. NATSIWA would further advocate that our close relations to Papua New Guinea, and Pacific Regions, would benefit from mutual support for our sisters in these regions, to be afforded Human Rights protections specific to Indigenous women and girls.

Further, Indigenous women and girls globally share the disproportionate impact of discrimination and gender-based violence, which:

‘Disrupts the spiritual life of connections to Mother Earth, the Cultural fabric of Indigenous Peoples and Communities.’²

This is of great significance to Indigenous Peoples and women, as the connection, to Land, Sea, Mother Earth is intertwined with identity.

“For Aboriginal peoples, country is more than a place. Rock, tree, river, hill, animal, human, all were formed of the same substance by the Ancestors. Who continue to live in land, water and sky. Country is filled with relations speaking language and following lore, no matter whether the shape of that relation is human, rock or grow wattle. Country is loved, needed and cared for and country loves, needs and cares for her people in time. Country is family, culture, identity, Country is self.”³

Aboriginal and Torres Strait Islander lore and spirituality are intertwined with the land, the people and creation.

“We feel the pain of the shapes of life in Country as pain to self.”⁴ General Recommendation No. 39 on the

² United Nations Human Rights. Committee on the Elimination of Discrimination Against women, *General Recommendation No. 39. (2022) on the rights of women and girls*. (26 October 2022). CEDAW/C/GG/39.

³ Kway Mullina, *‘Seeing the light: Aboriginal Lore, Learning and Sustainable living in Country.’* Indigenous Law Bulletin, May/June 2005, Volume 6, Issue 11.

⁴ Ibid 8.



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Rights of Indigenous Women and Girls, recognises this connection and if adopted by Member States, affords enshrined rights specific to the identity of Indigenous women and girls globally.

Thank you for the invitation to make submissions for the *New International Gender Equality Strategy*, **NATSIIWA unequivocally supports Australia as a Global Leader in International Gender Equality.**

Please contact the CEO Yasmin Johnson if you have any questions or require further information.

In Hope and Healing,

Yasmin Johnson

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Annexure One to NATSIWA New International Gender Equality Strategy submission.

Indigenous Women and Girls Right to Education⁵

The Committee recommends that States parties:

- (a) Ensure that Indigenous women and girls fully enjoy the right to education by:
- (i) Guaranteeing their equal access to quality education at all levels of education, including by supporting Indigenous Peoples to realize the rights guaranteed in articles 14 and 15 of the Declaration;
 - (ii) Addressing discriminatory stereotypes related to Indigenous origin, history, culture and the experiences of Indigenous women and girls;
 - (iii) Creating scholarship and financial aid programmes to promote Indigenous women's and girls' enrolment, including in non-traditional fields such as science, technology, engineering and mathematics and information and communication technology (ICT), and recognize and protect Indigenous knowledge and the contributions of Indigenous Peoples, including women, to science and technology;
 - (iv) Creating interdisciplinary support systems for Indigenous women and girls to reduce their unequal share of unpaid care work and combat child marriage and to assist victims in reporting acts of gender-based violence and labour exploitation. Social support systems should be operationally effective, accessible and culturally responsive;
- (b) Ensure quality education that is inclusive, accessible and affordable for all Indigenous women and girls, including those with disabilities. States should remove barriers and provide adequate resources and facilities to ensure that Indigenous women and girls with disabilities have access to an education. States should guarantee the availability of age-appropriate sexual education based on scientific research;⁶
- (c) Promote the adoption of curricula that reflect Indigenous education, languages, cultures, history, knowledge systems and epistemologies.⁷ These efforts should extend to all schools, including those in the mainstream. The adoption of curricula should be done with the participation of Indigenous women and girls.

⁵ United Nations Human Rights. Committee on the Elimination of Discrimination Against women, *General Recommendation No. 39. (2022) on the rights of women and girls.* (26 October 2022). CEDAW/C/GG/39.

⁶ General recommendation No. 34, para. 43.

⁷ Ibid.



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Indigenous Women and Girls Right To Work

The Committee recommends that States parties:

(a) Ensure equal, safe, just and favourable conditions of work and income security for Indigenous women and girls, including by:

(i) Expanding and promoting vocational and professional training opportunities for them;

(ii) Expanding opportunities for Indigenous women to run businesses and become entrepreneurs. States should support Indigenous-women-led businesses and help Indigenous communities to generate wealth by improving access to capital and business opportunities;

(iii) Facilitating their transition from the informal to the formal economy, if desired;

(iv) Protecting the occupational health and safety of Indigenous women in all forms of work;

(v) Expanding the coverage of social protection and provide adequate childcare services for Indigenous women, including those who are self-employed;⁸

(vi) Guaranteeing that Indigenous Peoples and women can continue to pursue and benefit from their occupations, without discrimination, and also guaranteeing the collective rights to the land on which these occupations take place;

(vii) Fully incorporating the right to just and favourable conditions of work and the principle of equal pay for work of equal value into legal and policy frameworks, paying special attention to Indigenous women and girls who are working legally.⁹ States parties should promote entrepreneurship by ensuring that Indigenous women have equal access to loans and other forms of financial credit, without collateral, to enable them to create their own businesses and advance their economic autonomy;

(b) Take steps to prevent discrimination, racism, stereotypes, gender-based violence and sexual harassment against Indigenous women in the workplace and to establish and enforce effective reporting and accountability mechanisms, including through regular labour inspections;

(c) Ensure that Indigenous women and girls have access to vocational and professional skills training, including in science, technology, engineering and mathematics, as well as ICT and other fields from which Indigenous Peoples have historically been excluded.

⁸Ibid., paras. 40–41.

⁹Ibid., para. 50.



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Indigenous Women and Girls Right to Culture

The Committee recommends that States parties:

- (a) Ensure the individual and collective rights of Indigenous women and girls to maintain their culture, identity and traditions and to choose their own path and life plans;
- (b) Respect, protect and expand the rights of Indigenous Peoples to land, territories, resources and a safe, clean, sustainable and healthy environment as a precondition for preserving the culture of Indigenous women and girls;
- (c) Act with due diligence to prevent, investigate, punish transgressors and provide reparations to victims in cases of unauthorized use or appropriation of the cultural knowledge and heritage of Indigenous women and girls without their free, prior and informed consent and adequate benefit-sharing;
- (d) Collaborate with Indigenous Peoples, including women, to develop culturally appropriate education programmes and curricula;
- (e) Study the relationship between technology and culture, as digital tools can be important in transmitting and preserving Indigenous languages and culture. Where digital tools are used to support the transmission and preservation of Indigenous cultures, they should be made accessible to and be culturally appropriate for Indigenous women and girls;
- (f) Recognize and protect Indigenous women's intellectual property; cultural heritage; scientific and medical knowledge; forms of literary, artistic, musical and dance expressions; and natural resources. In adopting measures, States parties must take into account the preferences of Indigenous women and girls. Measures can include the recognition, registration and protection of the individual or collective authorship of Indigenous women and girls under national intellectual property rights regimes and should prevent the unauthorized use of their intellectual property, cultural heritage, scientific and medical knowledge, forms of literary, artistic, musical and dance expressions; and natural resources by third parties. States should also respect the principle of free, prior and informed consent of Indigenous women authors and artists and the oral or other customary forms of transmission of their traditional knowledge, cultural heritage and scientific, literary or artistic expressions;¹⁰
- (g) Act with due diligence to respect and protect the sacred places of Indigenous Peoples and their territories, and hold those who violate them accountable.

¹⁰ Committee on Economic, Social and Cultural Rights, general comment No. 17 (2005) on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author, para. 32.



Indigenous Women and Girls Right to Food Water and Seeds

The Committee recommends that States parties:

(a) Ensure adequate access of Indigenous women and girls to sufficient food, water and seeds, and acknowledge their contribution to food production, sovereignty and sustainable development;

(b) Protect ancestral forms of farming and sources of livelihood for Indigenous women, and ensure the meaningful participation of Indigenous women and girls in the design, adoption and implementation of agrarian reform schemes and the management and control of natural resources;

(c) Exercise due diligence to prevent, investigate and punish gender-based violence committed against Indigenous women and girls when they are performing agricultural work, procuring food and fetching water for their families and communities, and ensure that they have access to the benefits of scientific progress and technological innovation to be able to achieve food and water security and that they are compensated for their contributions and technical knowledge. Their scientific contributions should also be recognized by States parties.

Indigenous Women and Girls Right to a Clean, Healthy and Sustainable Environment

The Committee recommends that States parties:

(a) Ensure that laws and policies related to the environment, climate change and disaster risk reduction reflect the specific impacts of climate change and other forms of environmental degradation and harm, including the triple planetary crisis;¹¹

(b) Ensure that Indigenous women and girls have equal opportunities to meaningfully and effectively participate in decision-making related to the environment, disaster-risk reduction and climate change;¹²

(c) Ensure that effective remedies and accountability mechanisms are in place to hold those responsible for environmental harm accountable, and ensure access to justice for Indigenous women and girls in environmental matters;

(d) Ensure the free, prior and informed consent of Indigenous women and girls in matters affecting their environment, lands, cultural heritage and natural resources, including any proposal to designate their lands as a protected area for conservation or climate change mitigation purposes or carbon sequestration and trading or to implement a green energy project on their lands, and any other matter having a significant impact on their human rights.

¹¹ General recomendación No. 37, para. 26.

¹² Ibid., para. 36.