

消除對婦女一切形式歧視公約
第三次國家報告審議
原住民族影子報告
Shadow Report
on
the Rights of Indigenous Women in Taiwan
for the 3rd CEDAW Review

提交單位：台灣原住民族政策協會、LIMA 台灣原住民青年團

Submitted jointly by:

Association for Taiwan Indigenous Peoples' Policies (ATIPP)

LIMA Taiwan Indigenous Youth Working Group

聯絡人：洪簡廷卉 [jinumu@gmail.com](mailto:jinum@gmail.com)

Contact person: Jocelyn Ting-Hui Hung Chien [jinumu@gmail.com](mailto:jinum@gmail.com)

1. In this term's Country Report, just like the one released in 2014, there are paragraphs mentioned the situation of the Indigenous Peoples and Indigenous women. However, those are all merely fragmentary statistics or phenomenological descriptions. Those decontextualized narratives are not only insufficient to reflect the fact that the Indigenous Peoples have been suffered from land grabbing and living space being taken away in history for a long time, but also insufficient to indicate that along the alternation of society, what the real picture of Indigenous women is now in the contemporary Taiwan society. For such a long time, Indigenous women in Taiwan are with multiple adverse social and economic situations, in terms of employment and labor, education, health inequalities. We therefore again urge the Review Committee to require the Taiwanese Government to conduct featured thematic and follow-up reports on the implementation of the Indigenous women's rights in every CEDAW country report in the future.

Indigenous Women's Employment (CEADW Article 3, 11, 14; Country Report para.11.27, 11.32)

2. Indigenous Peoples have long been suffered from the impact of colonization. One of the colonial legacies is the gap between Indigenous Peoples and mainstream society in terms of social and economic conditions. Therefore, when evaluating the implementation of Indigenous women's social and economic rights, it's critical to review and analyze their employment. In the country report, there is no statistic data specifically focus on Indigenous women. The gap and differences between Indigenous women and non-Indigenous women are ignored. It is inappropriate and controversial to make any assumption when there is a lack of basic statistic data. Accordingly, it is not possible to make appropriate employment policies regarding Indigenous women when there is no sufficient data base.
3. According to the statistic data published in 2016, Indigenous women's Labor Force Participation Rate was slightly higher than the national average rate. However, the Labor Force Participation Rate of 25-29 years old Indigenous women was far lower than the national average rate. There was no explanation given. There is actually a high heterogeneity within Indigenous society. Different Indigenous origins/nations, locations (Indigenous areas/urban areas), education, cultural practices and other relevant factors would create impacts on Indigenous women's employment and reflect on relevant statistic data.
4. In addition, although the paragraph in the Country Report listed out the vocational projects and trainings conducted for Indigenous women, those are merely about how many people have participated. It is not possible to see the differences among those participants, for example, how many of them are from Indigenous areas or urban areas, their educational backgrounds, Indigenous origins and age. It is also not possible to evaluate the actual outcomes. This kind of statistic data is no way

to be sufficient enough to serve as the base to evaluate if the government has made appropriate measures to advance Indigenous women's decision making power, economic condition, health, right to education and social security.

5. We strongly recommend the government to take Indigenous Peoples' history and cultures into consideration and apply appropriate measures to build up comprehensive statistic database and evaluation reports in order to develop employment policies that respond to Indigenous women's needs and current situations.

Indigenous Women's Reproductive Rights (CEDAW Article 12; Country Report para. 12.64, 12.65, 14.36-14.43; GR No. 24, GR No. 28)

6. Regarding the protection of women's right to health, it is clearly provided in CEDAW Article 12.2. However, in the Country Report, only a few projects and statistic data in certain urban areas were provided. The requirements indicated in CEDAW GR No.24, para. 26 were ignored. There is no information on Indigenous women, who are lack of medical resources and often suffered from insufficient social security.
7. Furthermore, it is mentioned in CEDAW GR No. 24, para. 25 that for women in different social and cultural conditions, health services are not only about physical factors, but necessary to respond to gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation.
8. In terms of reproductive right, Indigenous women are challenged with the insufficiency of health services, while their will and choice regarding mode of delivery and how to raise their children are often denied. For example, for LGBTIQ women, the infants born via Intrauterine Insemination or surrogacy should also be protected equally on the base of gender diversity. Indigenous women should also have the freedom to decide with what kind of cultural practice and identity they would like to raise their children.
9. To sum up, the right to reproductive health should not be limited to process and mode of delivery. We urge the government to provide further information on health services particularly designed and provided to women belong to different social and cultural communities.

Indigenous Women's Right to Bank Loans, Mortgages and Other Forms of Financial Credit (CEDAW Article 3, 13; Country Report para. 13.21, 13.22)

10. According to the Country Report para. 13.21 and 13.22, the mortgage loan approval rate between Indigenous women and man are very close, in terms of Indigenous Youth Entrepreneurship Loans and Indigenous Microfinance Loans under Indigenous Integrated Development Fund. However, such statistic lacks of

the gender analysis of the applicants and usage analysis of the loan, nor can we tell the portion of denial and the cause of it. What we care more is the aftermath of the loan approvals. How is the financial condition? Can Indigenous women clear off all the debts? How many Indigenous women clear off the debts through the help of Consumer Debt Cleanup Regulation? What's more important is that we wish to understand the economic patterns of Indigenous women; therefore we can better create a friendly financial structure for Indigenous women.

Indigenous Women's Political and Public Lives (CEDAW Article 7; Country Report para. 14.12-14.16)

11. To response to the Country Report para. 14.12, when evaluating Indigenous women's participation in community decision-making mechanism, not only the ratio balance should be considered, but more importantly, also the composition, characteristic and feature of different Indigenous Nations/communities and traditional decision-making mechanisms. There are also significant differences between community/tribal meeting mechanisms established in Indigenous areas and urban areas. The community/tribal meeting mechanisms in urban areas should reflect the fact that the members are from different Indigenous origins with diverse cultural practices. Also, when evaluating Indigenous women's participation in decision-making, it's not only about numbers and ratio, it is more critical to look at their actual contribution and influence.
12. In the Country Report para. 14.13, it indicated there are more Indigenous female senior rank officials in the Council of Indigenous Peoples. We would like to raise the question that how about the number/percentage of Indigenous female senior rank officials in other departments and ministries? To response to the Country Report para. 14.14, how about Indigenous women's participation in government in general? For example, what is the proportion of Indigenous women participating in the Gender Equality Committee? It is not sufficient to only look at the Council of Indigenous Peoples when evaluating Indigenous women in public service/employment. Also, the cultivation of Indigenous female leaders is not only about how many training programs the government has conducted as indicated in the Country Report para. 14.15. The platform for wider participation in public affairs for Indigenous women cannot be established by such training programs.
13. To review and evaluate the opportunities and performance of Indigenous women's participation in politics and public affairs, it is critical to understand the factors and reasons behind their participation. What cultural features may encourage Indigenous women to take part in politics? For example, in the Indigenous Paiwan society, there is the traditional core/leader's family decision-making system that has never ruled out women's participation and voice in public affairs. Indigenous women's participation in politics and public affairs is not only about election,

voting, and meetings. It is more important to understand what are the different patterns of politics and decision-making in different cultures.

Indigenous Women's Education Resources (CEDAW Article 10, 11, 14; Country Report para. 14.44-14.46)

14. In the Country Report, the establishment of community kindergarden to response to the situations and needs in the Indigenous areas was mentioned. Ideally, the establishment of such kind of community kindergarden would be beneficial for the implementation of Indigenous women's rights to reproductive health, education and community participation. However, in reality, there are strict criterion requirements on education level and language capacity for becoming community educare givers. To implement CEDAW articles and community's autonomy on care-taking, there should be more friendly mechanism for Indigenous women in the communities to become educare givers.
15. The static data provided in the Country Report about the numbers of female educare givers cannot be seen as the evidence of right implementation. The numbers of female educare givers employed do not equal to the protection of female employment. We therefore urge the Council of Indigenous Peoples, the Ministry of Education and other relevant departments to conduct qualitative research and analysis on community pre-school education and female participation. The procedure and mechanism for becoming educare givers should also be amended accordingly.
16. To implement the right provided in CEDAW Article 10, the Centers for Indigenous Family Service are established. But such centers are with insufficient labor force and resources. It is necessary to look into the quality of service and actual influence such centers could provide. The Council of Indigenous Peoples and relevant local government agencies should conduct evaluation and analysis on the effects of the Centers of Indigenous Family Service for better understanding of the actual functions of and obstacles encountered by the centers.
17. In CEDAW Article 10 (e) and (h), it is provided that there should be the same opportunities for access adult education and specific educational information. It is indeed a possibility to fulfill the adult education in the form of community library and tribal collage. However, there is no relevant evaluation to analyses if Indigenous women's livelihood, employment, knowledge and rights are improved. We therefore require the Council of Indigenous Peoples to conduct a more comprehensive evaluation report to look at Indigenous Peoples' learning preferences and needs in order to develop measures to empower Indigenous women.
18. Higher percentage of early marriage and having children in younger age can be observed in the Indigenous society. There should be cultural-appropriate family

planning information and education, especially about early marriage, provided to Indigenous people. It is not enough to do so via school system, but also via social education channels to popularize relevant information in a more comprehensive method. The relevant agencies should also provide the statistic data on early marriage and having children in younger age to evaluate and analyses the impacts on Indigenous women's career planning/development and rights implementation.

Indigenous Women's Right to Legal Aid (Country Report para.15.14, GR No. 33)

19. In the CEDAW GR No. 33, it stresses out the concept of Plural Justice Systems. Moreover, it specifically point out the state should reduce the conflicts between different cultures and to increase the understanding to Plural Justice Systems to legal enforcement. However, looking into the Country Report para. 15.14, it only mentioned the measure regarding to interpreters, without any reflection and adjustment under CEDAW GR No.33. The government should review comprehensively the Indigenous women's untrustworthy feeling towards the justice system, and really look into the infringement to Indigenous women due to cultural differences.