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IMPLEMENTING THE OUTCOME DOCUMENT OF THE WORLD CONFERENCE ON INDIGENOUS PEOPLES

Actions to Address Violence Against Indigenous Women in the Commission on the Status of Women and the Human Rights Council

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The UN Declaration on the Rights of Indigenous Peoples sets minimum global standards for the treatment of indigenous women and children. It directs states to pay particular attention to the rights and special needs of indigenous women and children in its implementation, and it calls on states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against all forms of violence and discrimination.

The international standards set by the Declaration are crucial because violence against indigenous women and children is at epidemic levels. In the United States, more than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime, with more than 1 in 2 experiencing sexual violence.¹ Alaska Native women report rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault rates up to 12 times higher.²

The Outcome Document of the World Conference on Indigenous Peoples recognizes this human rights crisis and includes commitments by the UN and member states “to support the empowerment of indigenous women” and to intensify their efforts “to prevent and eliminate violence and discrimination . . . by strengthening legal, policy and institutional frameworks.”³ The Outcome Document requests the Secretary-General to develop a System-wide Action Plan to achieve the ends of the Declaration and invites the Human Rights Council to develop an implementing body for the Declaration.⁴ It is important that these actions pay particular attention to the rights of indigenous women and children to ensure their full protection against all forms of violence and discrimination. Special procedures mandate holders have further recognized the need for an implementing and monitoring body to secure the rights of indigenous women and children.⁵ The implementing body for the Declaration could address implementation gaps and serve as an important complementary body with the necessary expertise to address violence against indigenous women and girls.

¹ Rosay, André, PhD, *National Institute of Justice Research Report: Violence Against Indian and Alaska Native Women and Men 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, p. 2 (May 2016) U.S. Dept. of Justice, Office of Justice Programs.

² *A Roadmap for Making Native America Safer, A Report to the President and Congress of the United States*, Chapter 2, Reforming Justice for Alaska Natives, p. 41 (November 2013).

³ G.A. Res. 69/2, U.N. Doc. A/RES/69/2, ¶¶ 17, 18 (Sept. 25, 2014).

⁴ *Id.* at ¶¶ 28, 31, 40.

⁵ Victoria Tauli Corpuz, Special Rapporteur on the rights of indigenous peoples, reported significant gaps and weaknesses in monitoring and implementing the rights of indigenous peoples, especially indigenous women and girls. Human Rights Council, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, delivered to the Human Rights Council*, U.N. Doc. A/HRC/30/41 (6 August 2015). Rashida Manjoo, the Special Rapporteur on violence against women, its causes and consequences, called for the adoption of a binding international instrument on violence against all women and girls to provide for international scrutiny and accountability. *Violence against women, its causes and consequences, Note by the Secretary-General*, ¶¶ 66, 67, U.N. Doc. A/70/209 (July 29, 2015).

The Outcome Document also invites the Commission on the Status of Women to “consider the issue of the empowerment of indigenous women at a future session” and the Human Rights Council to “consider examining the causes and consequences of violence against indigenous women and girls, in consultation with the Special Rapporteur on the rights of indigenous peoples and other special procedures mandate holders.”⁶ The Commission on the Status of Women has since decided to designate the empowerment of indigenous women as a focus area at its sixty-first session in 2017. The Human Rights Council also has since decided to hold a half-day panel discussion on the issue of violence against indigenous women and girls during its session in September 2016,⁷ and requested a review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples to more effectively promote respect for the Declaration by assisting states to monitor, evaluate, and improve the achievement of the ends of the Declaration.⁸ Without effective and inclusive planning, development of responsive recommendations, and opportunities for follow-up by the panels and the implementing body, however, the promise of the Outcome Document will be lost.

Regarding the Outcome Document, we therefore recommend the following actions:

The Commission on the Status of Women, when it addresses “empowerment of indigenous women” as a focus area at its sixty-first session in 2017,⁹ should ensure that both the selection of panelists for the discussion and the preparation of issue papers by the Secretariat are done in consultation and cooperation with indigenous peoples, including indigenous women’s organizations and women. The discussion of empowerment of indigenous women should result in concrete recommendations for actions by the UN and member states, and the Commission should incorporate those recommendations into its Agreed Conclusions for the sixty-first session or into a resolution on the empowerment of indigenous women.

The Human Rights Council should request, in order to ensure usable outcomes from the half-day panel on violence against indigenous women and girls,¹⁰ that the Office of the High Commissioner for Human Rights present to the Council at its thirty-fourth session a written summary report on the discussion with recommendations for concrete measures to address violence against indigenous women and girls. We further recommend that the Council invite the Secretary-General to issue a separate report with concrete recommendations for action to prevent and eliminate violence against indigenous women and girls, with a view toward enhancing the Council’s special procedures to respond to this cross-cutting issue. Because the Council’s special procedures are best suited to devote sustained collaborative study and reporting to respond to this topic, the Council should request regular joint reports from relevant special procedures on the issue, perhaps on a regional basis.¹¹ The Council also should ask the Secretary-General to convene a high-level panel on intensifying efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women and girls, when the United Nations hosts its high-level event to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, to be held during the seventy-first session of the General Assembly in 2017.¹²

International experts now recognize that violence against indigenous women is a serious human rights violation — a violation so significant that it precludes their realization of all other human rights. We urge you to support these steps to address this global human rights crisis.

⁶ G.A. Res. 69/2, U.N. Doc. A/RES/69/2, ¶ 19 (Sept. 25, 2014).

⁷ A/HRC/RES/30/4 (Oct. 1, 2015).

⁸ A/HRC/RES/30/11 (Oct. 1, 2015).

⁹ “Recalling the invitation to the Commission on the Status of Women to consider the issue of the empowerment of indigenous women at a future session, as stated in paragraph 19 of General Assembly resolution 69/2 of 22 September 2014, and acknowledging the intention to place this issue as a focus area of its sixty-first session,” *Draft Resolution: Multi-year programme of work of the Commission on the Status of Women*, E/CN.6/2016/L.6, preambular paragraph 6, (Mar. 22, 2016).

¹⁰ A/HRC/RES/30/4 (Oct. 1, 2015).

¹¹ The resolution establishing the Council’s modalities notes that “[a]reas which constitute thematic gaps will be identified and addressed, including by means other than the creation of special procedures mandates, such as by expanding an existing mandate, bringing a cross-cutting issue to the attention of mandate-holders or by requesting a joint action to the relevant mandate holders.” A/HRC/RES/5/1, Annex, ¶ 58 (June 18, 2007).

¹² A/RES/70/232, ¶ 4 (Dec. 23, 2015).