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### Commission on the Status of Women

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Follow-up to the Fourth World Conference on Women and  
to the twenty-third special session of the General Assembly  
entitled “Women 2000: gender equality, development and  
peace for the twenty-first century”

### Statement submitted by Ewiiapaayp Band of Kumeyaay Indians and Indian Law Resource Centre, non-governmental organizations in consultative status with the Economic and Social Council\*

The Secretary-General has received the following statement, which is being  
circulated in accordance with paragraphs 36 and 37 of Economic and Social Council  
resolution 1996/31.

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\* The present statement is issued without formal editing.



## Statement

### The Empowerment of Indigenous Women

The Commission has designated the empowerment of indigenous women as a Focus Area during this session, a decision that responds to the call in the Outcome Document of the World Conference on Indigenous Peoples, and reflects both the international importance of this issue, and the need to address the specific factors that impede indigenous women's empowerment, including multiple, intersecting forms of discrimination and disproportionate violence against them. To empower indigenous women, to enable them to participate fully and actively in all spheres of public and private life, we must first end the global epidemic of violence they face.

The Beijing Platform for Action provides an agenda for women's empowerment aimed at "removing all the obstacles to women's active participation in all spheres of public and private life," and specifically identifies violence against women as "an obstacle to the achievement of ... equality, development and peace." (Beijing Declaration and Platform for Action, Fourth World Conference on Women, [A/CONF.177/20](#) (15 September 1995), ¶¶ 1 and 44). The Platform calls on governments, the international community, and civil society to take action in this critical area.

The United Nations Declaration on the Rights of Indigenous Peoples sets standards for the treatment of all indigenous women and children, directing states to pay particular attention to the rights and special needs of indigenous women and children in its implementation, and calling on states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against all forms of violence and discrimination. These standards are crucial because violence against indigenous women and girls is a global scourge.

And yet, 20 years after Beijing, and a decade after the adoption of the United Nations Declaration, indigenous women's rights, including their right to live free of violence and all forms of discrimination, are too often disregarded. Their rights are routinely violated by acts of domestic violence and sexual assault, by trafficking and murder, and by the widespread failure of United Nations Member States to diligently prevent and prosecute these crimes or to provide indigenous women with meaningful access to justice and to health care and victim services.

For example, in the United States violence against indigenous women has reached unprecedented levels on tribal lands and in Alaska Native villages. More than 4 in 5 American Indian and Alaska Native women have experienced violence, and more than 1 in 2 have experienced sexual violence. (André Rosay, 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 ("Rosay"), p. 2-3 (May 2016), United States Department of Justice, Office of Justice Programs). Alaska Native women continue to suffer the highest rate of forcible sexual assault with "reported rates of domestic violence up to 10 times higher than in the rest of the United States." (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)). American Indian and Alaska Native women are more likely to experience violence

and sexual violence by an interracial perpetrator than other women, a fact that is very significant because, under United States law, tribes cannot exercise full criminal jurisdiction over non-Indians despite the fact that over 96% of Native women who experience sexual violence report that they have been victimized by a non-Indian. (Rosay, p. 2-3, 11. A handful of tribes are currently exercising limited criminal jurisdiction over certain non-Indians that commit domestic violence or dating violence against Indian women on tribal lands or violate protection orders. See Violence Against Women Reauthorization Act of 2013, § 904).

Though data is scant, the number of missing and murdered American Indian and Alaska Native women and the lack of a diligent and adequate federal response are extremely alarming to indigenous women, tribal governments, and communities. On some reservations, indigenous women are murdered at more than ten times the national average. (Ronet Bachman et al., Violence Against American Indian And Alaska Native Women And The Criminal Justice Response: What Is Known, p. 5 (2008)). Although the details and statistics will vary from country to country, sustained attention and actions from the Commission and the United Nations are needed to eliminate all forms of violence and discrimination against indigenous women everywhere, including in the United States.

The Beijing Platform is a landmark affirmation of the principle that women's rights are human rights: "the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights." (Beijing Declaration and Platform for Action, Fourth World Conference on Women, [A/CONF.177/20](#) (15 September 1995), ¶ 2). Moreover, violence against women and girls is a serious violation of women's rights that will "impair or nullify their enjoyment of all human rights and fundamental freedoms." ([A/HRC/RES/29/14](#) (22 July 2015), ¶ 2).

Yet the causes of violence against women, and especially violence against indigenous women are complex. For example, violence against indigenous women is rooted in the history of colonialism, the loss of indigenous lands, and the suppression of indigenous governing authority. As the Special Rapporteur on the rights of indigenous peoples concluded, "[c]ombating violence against indigenous women and girls therefore requires remedying the structural legacies of colonialism and discrimination that indigenous peoples have faced." (Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, [A/HRC/21/47](#), ¶ 28 (6 July 2012), In part because of the complex historical and social roots of violence against women, including indigenous women, the United Nations Declaration on Violence Against Women recognizes that additional, specific United Nations attention is needed to complement existing human rights mechanisms. (Declaration on the Elimination of Violence Against Women, [A/RES/48/104](#) (20 December 1993). Developing an effective international response to this issue will require sustained expert attention in order to build knowledge about the issue and to evaluate what policies work and what laws need to be improved. In doing so, indigenous women need to be empowered to add their voices and views to policy-making and changes in law.

What is needed as a matter of priority are clear decisions by the Commission to devote sustained attention to this pervasive human rights issue, and to take steps

to institutionalize the United Nations' response to violence against women, including indigenous women. To this end, we recommend that the Commission:

1. Adopt a resolution on violence against indigenous women with concrete recommendations for actions for states and United Nations actors, including a call for consideration of an international instrument specifically addressing violence against them.

2. Include specific reference to indigenous women in any sections of the Agreed Conclusions that address violence against women in order to call attention to the overlapping but distinct needs and situation of indigenous women.

3. Request that the Secretary-General:

(a) Issue a separate report on preventing and eliminating all forms of violence against indigenous women and girls with recommendations for future actions, and

(b) Convene a high-level panel on intensifying efforts to prevent and eliminate all forms of violence and discrimination against indigenous women and girls, in collaboration with indigenous peoples, when the United Nations hosts its event to mark the tenth anniversary of the adoption of the United Nations Declaration in 2017.

These steps are needed to deepen the United Nations' understanding of this issue, to assist in the development of policy at international and national levels, and to contribute to the empowerment of indigenous women.

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