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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 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 invites the Human Rights Council to develop an implementing body for the Declaration.⁴ As the Council follows through on this invitation by modifying and improving the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, it is important that the body pay particular attention to the rights and special needs of indigenous women and children globally and monitor states’ measures to ensure indigenous women and children enjoy the full protection and guarantees 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.

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 decided to hold a half-day panel discussion on the issue of violence against indigenous women and girls during its 33rd session.⁷ To achieve the promise of the Outcome Document, inclusive planning, development of responsive

recommendations for future actions, and opportunities for follow-up to these panels are needed.

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 2017,⁸ 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 and women’s organizations. 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 intensify efforts to eliminate violence against indigenous women and girls by regularly addressing this issue during its annual discussions on women’s human rights and on integration of a gender perspective throughout the work of the Council and its mechanisms. We further recommend that the Council, in developing the mandate for the Expert Mechanism on the Rights of Indigenous Peoples, specify that the body should pay particular attention to the rights and special needs of indigenous women and children globally and monitor states’ measures to ensure indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination. Because the Council’s special procedures are best suited to devote sustained collaborative study and reporting to respond to this topic, the Council should enhance the ability of relevant special procedures to respond to this cross-cutting issue by requesting regular, and perhaps joint, reports on violence against indigenous women.⁹ The Council also should ask the Secretary-General to issue a separate report on preventing and eliminating all forms of violence against indigenous women and girls with recommendations for future actions, and to 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 UN Declaration in 2017.¹⁰

International experts and bodies 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.

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*, 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).

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 “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).

⁹ 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).

¹⁰ A/RES/70/232, ¶ 4 (Dec. 23, 2015).