



General Assembly

Distr.: General
XX May 2016

English only

Human Rights Council

Thirty-second session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Ewiiapaayp Band of Kumeyaay Indians, National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Ending Violence Against Indigenous Women by Implementing Key Decisions of the World Conference on Indigenous Peoples

Violence against women is a human rights violation and form of discrimination.¹ International experts now recognize that violence against women is a pervasive human rights violation “that precludes the realization of all other human rights.”²

This Council and international experts recognize that indigenous women often suffer multiple forms of discrimination and higher rates of violence and murder because of their gender and because they are indigenous and members of indigenous peoples and communities.³ Indigenous women also are more vulnerable to all forms of violence including human trafficking.⁴ As recognized in Council Resolutions 23/25 and 26/15, there is an urgent need to *accelerate* efforts to eliminate all forms of violence against women, including the most vulnerable—indigenous women. Yet, it has been two years since the Council recognized this, with little UN action and a largely unmet need for UN member states to strengthen their legal frameworks on the rights of women and policies addressing violence against indigenous women and girls.⁵

The United Nations Declaration on the Rights of Indigenous Peoples sets the 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 UN Declaration are crucial because violence against indigenous women and girls is a global pandemic for which no part of the world has immunity.

For example, in the United States, violence against indigenous women has reached unprecedented levels on tribal lands and in Alaska Native villages. A new report by the United States Department of Justice finds that more than 4 in 5 American Indian and Alaska Native women

¹ United Nations Division for the Advancement of Women, *Background Paper for the Expert Group Meeting on Good Practices in Legislation on Violence Against Women*, U.N. Doc. EGM/GPLVAW/2008/BP.01 (May 2008), 3. UN Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/1 (Feb. 12, 2013), 2.

² *Violence against women – Joint Press Release by UN and IACHR Rapporteurs*. Trinidad (28 April 2015). <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15939&LangID=E>.

³ A/HRC/RES/26/15 (11 July 2014), 2.

⁴ UN Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

⁵ UN Economic and Social Council, Permanent Forum on Indigenous Issues, *Combating Violence against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2012/6 (Feb. 2012), 13. The Special Rapporteur on violence against women emphasized the need for a more forceful, legally binding framework on violence against women. *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/23/49 (May 2013).

have experienced violence and more than 1 in 2 have experienced sexual violence.⁶ American Indian and Alaska Native women are significantly more likely to experience violence and sexual violence by an interracial perpetrator.⁷ That fact is significant because, under United States law, the vast majority of tribes are not exercising criminal jurisdiction over non-Indians who commit some 96% of the sexual violence against American Indian and Alaska Native women⁸ or tribes are exercising the very limited criminal jurisdiction over certain non-Indians that commit domestic violence, dating violence, or violate protection orders.⁹

Alaska Native women in particular suffer the highest rates of forcible sexual assault in the United States. In 2013, the Indian Law and Order Commission's Report to the President and Congress of the United States found that in some Alaska Native villages women report rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher.¹⁰ American Indian and Alaska Native children also face an extremely dangerous situation. They endure rates of exposure to violence higher than any other group of children and "experience post-traumatic stress disorder at the same rate as veterans returning from Iraq and Afghanistan and triple the rate of the general population."¹¹ Though data is scant, the number of missing and murdered American Indian and Alaska Native women is alarming to indigenous women and communities.

Elsewhere in the world the situation of indigenous women can be even worse.

Council Resolution 6/30 reaffirms the need to fully implement the human rights of women in all aspects of the work and activities of the United Nations, including conferences such as the 2014 World Conference on Indigenous Peoples and their outcome documents.¹²

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."¹³ Among other matters, the Outcome Document invites the Human Rights Council to develop an implementing body for the Declaration,¹⁴ work that is underway. It is important that this implementing body pay particular attention to the rights of indigenous women and children to ensure their full protection against all forms of violence and discrimination. This body could also

⁶ 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. 2-3 (May 2016) U.S. Dept. of Justice, Office of Justice Programs.

⁷ *Id.*

⁸ *Id.*

⁹ See Violence Against Women Reauthorization Act of 2013, § 904.

¹⁰ *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).

¹¹ *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive*, Executive Summary at 6 (November 2014).

¹² A/RES/69/2 (Sept. 25, 2014).

¹³ *Id.* at ¶¶ 17, 18.

¹⁴ *Id.* at ¶¶ 28, 31, 40.

address gaps in the implementation of the Declaration and be a complementary body with the necessary expertise to address violence against indigenous women.

The Outcome Document also invites 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.”¹⁵ The Human Rights Council 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 2016,¹⁶ and to review the Expert Mechanism on the Rights of Indigenous Peoples’ mandate to more effectively promote respect for the Declaration by assisting states to monitor and improve the achievement of the ends of the Declaration.¹⁷

To fulfill the commitments in the Outcome Document, we recommend that the Council:

1. To ensure usable outcomes from the Council’s half-day panel on violence against indigenous women and girls, request that the Office of the High Commissioner for Human Rights present to the Council a written report on the discussion with recommendations for concrete measures to address violence against indigenous women and girls;
2. Urge 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 existing special procedures to respond to this cross-cutting issue, including by requesting of relevant special procedures regular joint reports; and
3. Request the Secretary-General to convene a high-level panel on intensifying efforts, in collaboration 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 UN Declaration in 2017.

Violence against indigenous women and girls is a world-wide human rights crisis that cannot wait to be addressed. The time for serious and intensified consideration and treatment of the issue by the Council and United Nations system is now.

Alaska Native Women’s Resource Center, Clan Star, Inc., National Indigenous Women’s Resource Center, and Strong Hearted Native Women’s Coalition, Inc. NGO(s) without consultative status, also share the views expressed in this statement.

¹⁵ *Id.* at ¶ 19.

¹⁶ A/HRC/RES/30/4 (Oct. 1, 2015).

¹⁷ A/HRC/RES/30/11 (Oct. 1, 2015).