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

**Joint written statement* submitted by the 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, a non-governmental organization 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.

[18 August 2017]

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



Taking Action to End Violence Against Indigenous Women*

Violence against women is a pervasive human rights violation and a form of discrimination.¹ Violence against women significantly impairs and even “precludes the realization of all other human rights.”² International experts and bodies, including this Council, 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 particularly vulnerable to violence including human trafficking.⁴

The report prepared by the Office of the High Commissioner for this discussion acknowledges that “[t]he United Nations Declaration on the Rights of Indigenous Peoples recognizes the specific needs and rights of indigenous women, and calls upon States to take measures, together with indigenous peoples to ensure that indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination.”⁵ This explicit commitment in the UN Declaration is significant because of the terribly high levels of violence being inflicted on indigenous women around the world.

In the United States of America, a recent report finds that more than 4 in 5 American Indian and Alaska Native women 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 a non-Indian perpetrator⁷ over whom tribes lack full criminal authority. And while nearly half of the survivors required services as a result of the assaults, 38.2% were unable to obtain them.⁸ Alaska Native women suffer the highest rates of forcible sexual assault in the United States, 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.⁹ American Indian and Alaska Native children also face an extremely dangerous situation, enduring rates of exposure to violence higher than any other group of children and experiencing post-traumatic stress disorder at rates triple that of the general population.¹⁰

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, ¶ 3 (May 2008). 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, ¶ 2 (Feb. 12, 2013).

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

³ A/HRC/RES/26/15, ¶ 2 (July 11, 2014).

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 Report of the United Nations High Commissioner for Human Rights, Impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, A/HRC/35/10, ¶ 6 (April 21, 2017).

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. 43-44 (May 2016) U.S. Dept. of Justice, Office of Justice Programs, available at: <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

⁷ *Id.* at 46 (noting they are 2.8 times as likely to have experienced violence by an interracial perpetrator as White female victims (97% versus 35%)).

⁸ *Id.* at 47-48.

⁹ *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 (Nov. 2013), available at: https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf.

¹⁰ *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending*

Indigenous women suffer such extreme rates of violence in part because they "are subject to multiple and intersecting forms of discrimination" which increases their vulnerability to all forms of violence,¹¹ including human trafficking.¹² Recently, this Council expressed alarm at the high level of impunity regarding violence against indigenous women and girls, including killings, and stressed "the urgent need to address violence and discrimination against them."¹³

Violence against indigenous women is intersectional violence—it is an example of how multiple forms of discrimination can exacerbate and reinforce systems of oppression and create layers of inequality. However, it is not just overlapping systems of racism and intolerance behind extreme rates of violence. The political roots of violence against indigenous women must not be overlooked.

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."¹⁴ In part because of the complex historical and social roots of violence against women, including indigenous women, the UN Declaration on the Elimination of Violence Against Women recognizes that additional, specific UN attention is needed to complement existing human rights mechanisms.¹⁵ The Human Rights Council, including through its subsidiary bodies, is well positioned to investigate the political contexts of violence against indigenous women and to offer advice and recommendations to end this global scourge.

To intensify the Council's response to violence against indigenous women and girls, and in particular to better address intersectional discrimination that drives this violence, we recommend the Council:

1. Reaffirm its decision to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, including violence against indigenous women and girls, as a matter of high priority, in conformity with its annual programme of work;
2. 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;
3. Encourage the Expert Mechanism on the Rights of Indigenous Peoples to give particular attention, on at least an annual basis, to the rights and special needs of indigenous women, youth, and children in the implementation of the UN Declaration, and to monitor and, upon request, provide technical advice regarding states' development of domestic legislation and policies to ensure indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination; and
4. Enhance the ability of relevant special procedures to respond to the cross-cutting issue of violence against indigenous women and girls by requesting regular, and perhaps joint, reports on violence against indigenous women.

Violence so Children Can Thrive, Executive Summary, p. 6 (Nov. 2014), available at:

https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/24/aian_executive_summary.pdf.

¹¹ A/HRC/RES/32/19, ¶ 3 (June 30, 2016); A/HRC/RES/26/15, ¶ 2 (July 11, 2014).

¹² 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).

¹³ A/HRC/RES/32/19, ¶ 3 (June 30, 2016).

¹⁴ *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya*, A/HRC/21/47, ¶ 28 (July 6, 2012).

¹⁵ *Declaration on the Elimination of Violence Against Women*, A/RES/48/104 (Dec. 20, 1993).

5. Take steps to provide for the enhanced participation of indigenous governance institutions in the Council's work as a means to better consider and respond to this issue.

We urge the Council to take these necessary steps, to intensify the Council's response to violence against indigenous women and girls and, in particular, to better address intersectional discrimination that drives this violence.

* The California Association of Tribal Governments, Central Council of Tlingit and Haida Indian Tribes of Alaska, Citizen Potawatomi Nation, Metis Nation, and the Northern Arapaho Tribe, indigenous governance institutions or NGOs without consultative status, also share the views expressed in this statement, NGOs without consultative status, also share the views expressed in this statement.