



# General Assembly

Distr.: General  
date

English only

---

## Human Rights Council

Twenty-fourth session

Agenda item 8

**Follow-up and implementation of the Vienna Declaration and Programme of Action**

### **Written statement\* submitted by 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.

[21 August 2013]

---

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

## Combating Violence Against Indigenous Women

The Indian Law Resource Center very much appreciates the Human Rights Council focusing this annual discussion on the *integration of the human rights of women throughout the United Nations system*. The Council's Resolution 6/30 acknowledges the need for a comprehensive approach to protecting the human rights of women in all aspects of the United Nations' work, including the treaty bodies, this Council, and its various mechanisms. The Resolution recognizes the great importance of developing and implementing strategies, programmes, and policies for eliminating all forms of discrimination against women, and it stresses the need for integrating the human rights of women into all United Nations activities, including conferences and their outcome documents.

International and regional bodies recognize violence against women as both a human rights violation and a form of discrimination.<sup>1</sup> Many universal and regional human rights treaties set out rights critical to the protection of women from violence, including but not limited to the right to life, liberty, and security of the person; to be free from torture and from cruel, inhumane, or degrading treatment or punishment; to be free from slavery and servitude; and to equal protection under the law.<sup>2</sup> These are rights that many in the world may take for granted, but not indigenous women and girls, who are especially likely to be targets for and victims of various forms of violence, including but not limited to intimate partner violence, custodial violence by police, and murder, at disproportionate and shockingly higher rates than non-indigenous women.<sup>3</sup> Indigenous women and youth are particularly vulnerable to human trafficking.<sup>4</sup> International experts have called on UN member states to strengthen both their legal frameworks on the rights of women and their policies addressing violence against indigenous women and girls.<sup>5</sup> These experts also encourage "greater coordination among UN agencies, including with states and indigenous peoples, on the issue of violence against indigenous women and girls and the implementation of inter-agency programmes on these issues."<sup>6</sup>

The UN High Commissioner for Human Rights recently stated that "violence against women is one of the most pervasive violations of human rights."<sup>7</sup> Yet, the situation is even more dire for indigenous women and girls who often suffer disproportionate and heightened, multiple forms of discrimination, violence, and murder based not just on their gender, but also because they are indigenous and members of indigenous peoples and communities. For example, in the United States, Indian and Alaska Native women are two-and-a-half times more likely to be assaulted and more than twice as likely to be stalked than other women in the country. Many find it unimaginable that, in the United States, one in three Indian and Alaska Native women will be raped in her lifetime, and six in ten will be physically assaulted. On some reservations, the murder rate for Native women is ten times the national average. Elsewhere in the world, the situation for indigenous women is even worse.

<sup>1</sup> 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. Violence is a form of discrimination as it inhibits the ability of women to enjoy rights on a basis of equality with men. 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.

<sup>2</sup> United Nations General Assembly, Report of the Secretary General, *In-depth Study on All Forms of Violence Against Women*, U.N. Doc. A/61/122/Add.1 (2006), at ¶ 243.

<sup>3</sup> United Nations General Assembly, *Report on Due Diligence Standard*, E/CN.4/2006/61 (Jan. 2006).

<sup>4</sup> United Nations 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).

<sup>5</sup> United Nations 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. Recently, 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).

<sup>6</sup> United Nations 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), 15; see also United Nations 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).

<sup>7</sup> *Statement by the UN High Commissioner for Human Rights, Navi Pillay, on International Women's Day: Violence against women* (March 8, 2013).

The UN Declaration on the Rights of Indigenous Peoples, which now enjoys worldwide support, is a significant affirmation of the rights and special needs of indigenous women and children. Article 22(2) directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination. Similar to the call of Resolution 6/30 for integration of a gender perspective into all policies and programmes of the UN, Article 22(1) directs states to pay particular attention to the rights and special needs of indigenous women, youth, and children in implementing the UN Declaration.

During the UN Permanent Forum on Indigenous Issues in May 2013, we offered a joint statement on behalf of a number of North American Indian Nations and Native women's organizations, and supporting Indian organizations.<sup>8</sup> We noted that action by the United Nations is critical to restore safety to indigenous women, children, and communities and to support rights in the UN Declaration. We offered a three-part recommendation<sup>9</sup> for action to combat violence against indigenous women and girls that we hope can be adopted by the 2014 UN World Conference on Indigenous Peoples:

1. A decision to convene a high-level conference to examine challenges to the safety and well-being of indigenous women and children and to share perspectives and best practices on the realization of the rights of indigenous women and girls under the UN Declaration on the Rights of Indigenous Peoples with respect to being protected against all forms of violence and discrimination.
2. A decision to require that a UN body for monitoring and implementing the Declaration give particular attention, on at least an annual basis, "to the rights and special needs of indigenous . . . women, youth, and children . . . in the implementing of the Declaration;"<sup>10</sup> and
3. A decision to appoint a Special Rapporteur to focus exclusively on human rights issues of indigenous women and children, including but not limited to violence against them and on changing state laws that discriminate against them.

Violence against indigenous women and girls is a pandemic and a global outrage. We urge this Council to support these recommended actions, which are consistent with Resolution 6/30 and the realization of the rights of indigenous peoples affirmed in the UN Declaration.

---

<sup>8</sup> See: <http://www.indianlaw.org/node/985>.

<sup>9</sup> During its meeting of March 28-30, 2013, the Global Indigenous Women's Caucus also included these recommendations in its fuller recommendations for the Alta outcome document for the UN World Conference on Indigenous Peoples.

<sup>10</sup> The Office of the High Commissioner for Human Rights' *Report on creating and/or strengthening synergies and linkages on violence against women and girls*, A/HRC/23/25, (March 2013), makes recommendations on potential synergies between the mechanisms of the Human Rights Council and with other intergovernmental processes to combat violence against women and girls. In commenting on the Expert Mechanism on the Rights of Indigenous Peoples, the report acknowledges that indigenous women often face multiple discrimination regarding the right to culture, education, and the right to participate in decision-making.