

INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

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Combating Violence Against Indigenous Women Proposed Recommendations for the World Conference on Indigenous Peoples

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On September 22-23, 2014, the United Nations will host a World Conference on Indigenous Peoples of all countries of the UN, with the participation of indigenous peoples and non-governmental organizations. The result will be an action-oriented outcome document, which among other things, will pursue the objectives of the UN Declaration on the Rights of Indigenous Peoples.

Violence Against Indigenous Women and Girls is a Pandemic. Actions to stop the horrendous violence against indigenous peoples, including the pandemic of violence being inflicted on indigenous women and girls, are critically needed. Indigenous women often suffer disproportionately high, multiple forms of discrimination, violence, and murder based not just on their gender, but also because they are indigenous and members of indigenous peoples' communities.

UN Action is Needed to End the Violence Now. United Nations action is crucial to restore safety to indigenous women, children, and communities and to address indigenous rights in the UN Declaration. More than 70 Indian nations are urging the UN General Assembly to adopt recommendations at the World Conference, including a three-part recommendation to combat violence against indigenous women and children. That recommendation, which is also supported by indigenous and indigenous women's organizations such as the National Congress of American Indians Task Force on Violence Against Women, National Indigenous Women's Resource Center, Indian Law Resource Center, and Native American Rights Fund, is focused, reasonable, workable, and realistic for the United Nations. Its three actions would be valuable in protecting the rights of indigenous women globally— today and tomorrow:

- 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 children under the UN Declaration with respect to protection 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 implementation of the UN Declaration;" 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 Human Rights Crisis. Violence against women is discrimination and violates women’s human rights.¹ An international policy and legal framework recognizes that states have an obligation to protect women from violence, hold perpetrators accountable, and provide justice and remedies to victims.² The UN Declaration offers opportunities to restore safety and access to justice to indigenous women and girls. Violence against indigenous women and girls is addressed in Article 22(1), which calls for “particular attention” to “be paid to the rights and special needs of indigenous . . . women” and children in implementing the Declaration. Article 22(2) goes on to call on states to “take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection . . . against all forms of violence and discrimination.”

Indigenous women are especially likely to be targets for various forms of violence, including intimate partner violence, custodial violence by police, and murder, often at a much higher rate than non-indigenous women.³ Because data on violence against indigenous women and girls is scant, international experts have called on countries to strengthen both their legal frameworks on the rights of women and their policies addressing violence against indigenous women and girls.⁴ 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.”⁵

Take Action! Support the safety and human rights of indigenous women and children everywhere and at the World Conference. Please circulate these recommendations widely.

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.

² 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), 12-17. See also UN Special Rapporteur on violence against women, its cause and consequences, Report on the Due Diligence Standard, E/CN.4/2006/61 (Jan. 2006).

³ 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), ¶¶ 33, 148. For example, in the United States, American Indian and Alaska Native women are 2.5 times as likely to experience violent crimes and at least 2 times more likely to experience rape or sexual assault crimes, compared to all other races. See Greenfeld, L. A., & Smith, S. K., *American Indians and crime* [NCJ 173386], Washington, DC: US Department of Justice, Bureau of Justice Statistics (1999); Perry, S. W. *American Indians and crime: A BJS Statistical Profile, 1992-2002* [NCJ 203097] Washington, DC: US Department of Justice, Bureau of Justice Statistics (2004); Tjaden, P., & Thoennes, N., *Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey* [NCJ 183781], Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention (2000).

⁴ 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.

⁵ 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).