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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*

September 2015

Violence against indigenous women and children is at epidemic levels. In the United States, for example, American Indian and Alaska Native women are still 2.5 times more likely to be assaulted than other women; one in three will be raped and three in five will be physically assaulted. Alaska Native women continue to suffer the highest rate of forcible sexual assault with “reported rates of domestic violence up to 10 times higher than in the rest of the United States.”<sup>1</sup>

The UN Declaration on the Rights of Indigenous Peoples affirms the rights of indigenous women and children. It directs states to pay particular attention to the rights and special needs of indigenous women and children in implementing all provisions of the UN Declaration and 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 Outcome Document of the World Conference on Indigenous Peoples furthers implementation of the UN Declaration through states’ commitments “to support the empowerment of indigenous women” and to intensify their efforts “to prevent and eliminate violence and discrimination” against indigenous women “by strengthening legal, policy and institutional frameworks.”<sup>2</sup> The Outcome Document also invites actions by the Secretary-General to develop a System-wide Action Plan to achieve the ends of the UN Declaration and by the Human Rights Council to develop an implementing body for the UN Declaration.<sup>3</sup> It is important that all of these actions pay particular attention to the rights of indigenous women and children in order to ensure their full protection against all forms of violence and discrimination. Recent reports by special mandate holders call attention to the need for an implementing and monitoring body. While, the report of the Special Rapporteur on the rights of indigenous peoples highlights significant gaps and weaknesses in monitoring and implementing the rights of indigenous peoples, especially indigenous

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<sup>1</sup>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).

<sup>2</sup>G.A. Res. 69/2, U.N. Doc. A/RES/69/2, ¶¶ 17, 18 (Sept. 25, 2014).

<sup>3</sup>*Id.* at ¶¶ 28, 31, 40.

women and girls,<sup>4</sup> the Special Rapporteur on violence against women calls for the adoption of a binding international instrument on violence against women and girls to provide for international scrutiny and accountability.<sup>5</sup> The implementing body for the UN Declaration could address such gaps in implementation and also serve as an important complementary body with the necessary expertise to address violence against indigenous women and girls.

The Outcome Document also calls on the UN Commission on the Status of Women to “consider the issue of the empowerment of indigenous women” and on 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.”<sup>6</sup>

### ***Action in the Commission on the Status of Women***

We recommend the Commission address the “empowerment of indigenous women” as an emerging theme at its 60<sup>th</sup> session in 2016. In addition to consideration of priority and review themes,<sup>7</sup> the Commission at its annual sessions engages in “discussion of emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men that require urgent attention.”<sup>8</sup> In selecting emerging issues themes, “the Commission may wish to bear in mind opportunities for contributing to, and strengthening coherence with, the thematic work of the Economic and Social Council or with other relevant intergovernmental processes.”<sup>9</sup> Designating “empowerment of indigenous women” as the emerging theme for its 60<sup>th</sup> Session would not only implement the Outcome Document, but would strengthen the coherence of the Commission’s work with other intergovernmental processes, including the development of the System-wide Action Plan.

### ***Action in the Human Rights Council***

We recommend the Council, in order to intensify sustained efforts within the UN and among states to prevent and eliminate all forms of violence and discrimination against indigenous women and children (1) decide to organize and hold at its 32<sup>nd</sup> or 33<sup>rd</sup> session, a half-day panel discussion to examine the causes and consequences of violence against indigenous women and girls, to examine the causes and consequences of such violence; and (2) invite the Secretary-General to issue a report with concrete recommendations for action on the issue of violence against indigenous women and girls, with a view toward enhancing the Council’s special procedures mandates by requiring regular joint reports, perhaps on a regional basis.<sup>10</sup>

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4 Human Rights Council, *Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, delivered to the Human Rights Council*, U.N. Doc. A/HRC/30/41 (6 August 2015).

5 *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 While the formal criteria for selection of priority themes are broad enough to include “empowerment of indigenous women,” previous priority themes have been general and nearly universal in scope and this topic would seem to be an unlikely selection. Review themes are simply past priority themes.

8 *Ways and means to further enhance the impact of the Commission on the Status of Women* E/CN.6/2014/14 (Dec. 19, 2013) para. 18.

9 *Id.* at page 12.

10 The resolution establishing the Council’s modalities states that the “Council should always strive for improvements” and 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, Para. 58 (June 18, 2007).