



# General Assembly

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## Human Rights Council

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Agenda items 2 and 5

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Human rights bodies and mechanisms**

## **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.

[19 August 2020]

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\* Issued as received, in the language(s) of submission only.

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## Violence against Indigenous Women in the United States of America in the Context of the Covid-19 Pandemic

The Indian Law Resource Center offers this written statement to the Human Rights Council concerning violence against indigenous women in the United States of America (United States), particularly Alaska Native women, in the context of the Covid-19 pandemic.<sup>1</sup>

Indigenous women often suffer multiple, intersecting forms of discrimination and higher rates of violence than other women. They are battered, raped, murdered, and disappear at extraordinary rates because of their gender and because they are indigenous.<sup>2</sup>

In the United States, violence against American Indian and Alaska Native women and girls has reached extreme and unprecedented levels on tribal lands and in Alaska Native villages. A discriminatory legal system limits the authority of indigenous peoples to protect their women and children, and fails to prevent and respond to these crimes. More than 4 in 5 indigenous women have experienced violence,<sup>3</sup> with Alaska Native women reporting assault rates 12 times higher than those in the rest of the country.<sup>4</sup> 90% of indigenous victims have reported sexual violence by a non-indigenous perpetrator<sup>5</sup> over whom tribal governments lack full criminal jurisdiction. The murder rate for American Indian women is ten times the national average on some reservations.<sup>6</sup>

The situation for Alaska Native women is even more complex and especially dire. They are subjected to the highest rate of forcible sexual assault in the United States.<sup>7</sup> One in two Alaska Native women will experience sexual or physical violence, and "an Alaska Native woman is sexually assaulted every 18 hours."<sup>8</sup> At least 75 Alaska Native communities are without any law enforcement presence whatsoever.<sup>9</sup> Many Alaska Native villages are in remote rural areas that are not accessible by roads.

Soon after the pandemic arose, Alaska's main rural air carrier abruptly shut down. Without such a lifeline, it is difficult if not impossible to move an abuse survivor to a regional shelter or to ensure villages have adequate food, medicine, personal protective equipment, and other essential items, or to receive mail and freight. Similar issues were raised with the recent shutdown of certain ferry services. The pandemic has left women and children with fewer options for safety than ever before. In rural Alaska, geographic isolation, limited and often overcrowded housing, a lack of domestic violence shelters, limited law enforcement and inconsistent prosecution of crimes are always facts of life. But the pandemic has worsened all of these problems. Social distancing and quarantine requirements cut deeply into the availability of shelter beds. The risk of contracting or spreading COVID-19 make even leaving the house to visit or stay with relatives or friends a potentially dangerous choice.

<sup>1</sup> Founded in 1978 by American Indians, the Indian Law Resource Center (ILRC) is a non-profit organization that provides legal assistance to indigenous peoples of the Americas to combat racism and oppression, to protect their lands and environment, to protect their cultures, to achieve sustainable economic development and genuine self-government, and to realize their other human rights. Its Safe Women, Strong Nations project works with indigenous women's organizations and Native nations to end violence against indigenous women. ([www.indianlaw.org](http://www.indianlaw.org)).

<sup>2</sup> A/HRC/RES/26/15 (11 July 2014), 2.

<sup>3</sup> 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 (U.S. Department of Justice May 2016), available at: <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

<sup>4</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>5</sup> Rosay, André, PhD, *supra*.

<sup>6</sup> See U.S. Government Accountability Office, Indian Country Criminal Justice: Departments of the Interior and Justice Should Strengthen Coordination to Support Tribal Courts, Report No. GAO-11-252, 5 (Feb. 2011).

<sup>7</sup> S. 1474, the Alaska Safe Families and Villages Act of 2013, § 2(a)(3).

<sup>8</sup> S. 1474, the Alaska Safe Families and Villages Act of 2013, § 2(a)(3), (4).

<sup>9</sup> See *Roadmap for Making Native America Safer*, a report to the President and Congress of the United States from the Indian Law and Order Commission (November 2013), Chapter Two – Reforming Justice for Alaska Natives: The Time is Now, at 39, available at <https://www.aisc.ucla.edu/iloc/report/>.

Travel restrictions and the economic fallout of the pandemic that led to the collapse of local air service now leave many women and children with no consistent travel options out of their communities. Law enforcement response protocols that now limit police exposure to coronavirus leave women with even less access to protection than before.

The United Nations (UN) recognizes that indigenous peoples are particularly vulnerable to the global pandemic,<sup>10</sup> and that violence against women is growing. Measures like curfews, quarantines, and travel restrictions and checkpoints being used to slow outbreaks of the virus also restrict survivors of abuse from getting help, reaching shelters, and distancing themselves from abusers. In the United States, the Covid-19 pandemic has magnified historic, pervasive human rights abuses such as the extreme levels of violence experienced by American Indian and Alaska Native women and the crisis of and missing and murdered indigenous women, shining a floodlight on dangerous gaps in U.S. law and significant disparities facing indigenous peoples related to the United States' failure to adequately address their wellbeing for more than 200 years.<sup>11</sup> In June 2020, five homicides occurred in several small rural Alaska villages, but many say these deaths are not a surprise and that Covid-19 is not the cause.<sup>12</sup> Rather, the pandemic is making an already bad situation even worse.

The coronavirus is also impacting the safety of indigenous women in the United States more broadly by preventing lawmakers from giving attention to critically-needed, life-saving legislation such as the reauthorization of the Violence Against Women Act (VAWA). Its last reauthorization expired in 2018. The pandemic has also stymied efforts to fix dangerous gaps that remain in VAWA, including but not limited to that law's exclusion of all but one of the 229 federally-recognized Indian tribes in Alaska from using the new protections to ensure safety for Alaska Native women. As a result, Alaska Natives are denied the full benefit of the law and treated differently than other women, including other non-Alaska Native women. Other legislative bills that would focus on addressing the epidemic of missing and murdered indigenous women, ensuring more equitable funding to Indian tribes to provide crime victim services, and improving the access of indigenous governments to the United States federal criminal information databases have also stalled.

The Declaration on the Rights of Indigenous Peoples<sup>13</sup> and the Outcome Document of the World Conference on Indigenous Peoples must be implemented by states and the UN to address this violence. We welcomed the Human Rights Council's adoption of the 2016 resolution on accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls.<sup>14</sup>

In the light of the foregoing and in the context of the Covid-19 pandemic, we urge that the Human Rights Council:

- During its annual discussions on women's human rights and on indigenous peoples, regularly address the elimination of all forms of violence against indigenous women and girls;
- Direct the Expert Mechanism on the Rights of Indigenous Peoples to pay particular attention to the rights and special needs of indigenous women and children in the context of the Covid-19 pandemic and monitor states' measures to ensure they enjoy protection against all forms of violence and discrimination;
- Enhance the ability of relevant special procedures to respond to this issue and address the multiple and intersecting forms of discrimination experienced by indigenous

<sup>10</sup> See <https://www.un.org/development/desa/indigenouspeoples/covid-19.html>.

<sup>11</sup> See *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, U.S. Commission on Civil Rights Briefing Report (December 2018), available at <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

<sup>12</sup> Anchorage Daily News, "A 'blight' of domestic violence deaths strikes Alaska villages" (July 28, 2020), available at <https://www.adn.com/alaska-news/lawless/2020/07/28/he-said-hed-kill-her-then-he-did-a-blight-of-domestic-violence-deaths-strikes-alaska-villages/>.

<sup>13</sup> UN Declaration on the Rights of Indigenous Peoples, Article 22.

<sup>14</sup> A/HRC/32/L.28/Rev.1 (30 June 2016).

women in the context of Covid-19 by requesting special, and perhaps joint, reports on the topic; and

- Request that the Secretary-General:
  - Issue a report on violence against indigenous women in the context of the Covid-19 pandemic with recommendations for future actions, and
  - Convene a high-level panel in 2021 on intensifying efforts, in collaboration with indigenous peoples, to prevent and eliminate violence and discrimination against indigenous women in the context of the Covid-19 pandemic.

We urge your consideration of these actions that will help provide lasting improvements in the lives of indigenous peoples.

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Alaska Native Women's Resource Center, National Indigenous Women's Resource Center, NGOs without consultative status, also share the views expressed in this statement.