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entitled “Women 2000: gender equality, development and
peace for the twenty-first century”**

Statement submitted by Indian Law Resource Centre, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

Violence against indigenous women and girls

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 collective rights of indigenous peoples to protect their women and children, and fails to prevent, prosecute, or punish these crimes and violations of individual women's human rights. More than 4 in 5 indigenous women have experienced violence, with Alaska Native women reporting assault rates 12 times higher than those in the rest of the country. Some 90 per cent of indigenous victims have reported sexual violence by a non-indigenous perpetrator over whom tribal governments lack full criminal jurisdiction. The murder rate for American Indian women is ten times the national average on some reservations (See, 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. National Institute of Justice Research Report: Violence Against Indian and Alaska Native Women and Men 2010, p. 2–3, U.S. Dept. of Justice, May 2016. 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).

The situation for Alaska Native women is especially dire. They are subjected to the highest rate of forcible sexual assault in the United States. One in two Alaska Native women will experience sexual or physical violence, and an Alaska Native woman suffers sexually assault every 18 hours. At least 75 Alaska Native communities are without any law enforcement presence whatsoever. Many Alaska Native villages are in remote rural areas that are not accessible by roads. (S. 1474, the Alaska Safe Families and Villages Act of 2013, § 2(a)(3), (4). 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).

This extreme level of violence against indigenous women and girls is not unique to the United States. It is a global scourge and it demands immediate, sustained actions from states and the United Nations to restore safety to indigenous women and girls and to prevent and respond to such egregious human rights violations.

This Commission has long recognized the need to respond directly to the specific needs of indigenous women. In 2005, Resolution 49/7 recognized that “profound inequalities exist between indigenous women and other groups and that addressing these inequalities through the full implementation of the Beijing Platform for Action and the outcome documents of the twenty-third special session is essential to the achievement of the internationally agreed development goals.” In 2012, the Commission expressed its concern “about the extreme disadvantages that indigenous peoples, in particular indigenous women, have typically faced across a range of social and economic indicators and the impediments to their full enjoyment of their rights.” It urged states to take concrete measures to “provide and enhance equal access and enjoyment of the highest attainable standard of health for indigenous women” and to “equal access to justice for indigenous women at all levels” and to “take actions at the national, local and community levels to prevent and eliminate all forms of violence against indigenous women.”

In its 2013 Agreed Conclusions, the Commission noted that “violence against women and girls persists in every country” and is “a form of discrimination that seriously violates and impairs or nullifies the enjoyment by women and girls of all human rights and fundamental freedoms.” This Commission specifically recognized

that “indigenous women often suffer multiple forms of discrimination and poverty which increase their vulnerability to all forms of violence.” It recommended that states “ensure women’s and girls’ unimpeded access to justice” and “just and effective remedies” and urged states to “end impunity by ensuring accountability and punishing perpetrators of the most serious crimes against women and girls.” And in 2017, 2018, and 2019 the Commission urged states to address “the multiple and intersecting forms of discrimination and barriers they face, including violence.”

In the United States, the disproportionately high rates of violence against American Indian and Alaska Native women are largely due to an unworkable, discriminatory legal system that severely limits the authority of Indian and Alaska nations to protect indigenous women and girls from violence, and persistently fails to respond adequately to these acts of violence. Together, these factors create a situation where indigenous women are denied access to justice and to meaningful remedies, and are less protected from violence than other women because they are indigenous and are assaulted on tribal lands or within Alaska Native villages.

Indian tribes, Native woman, and their advocates have successfully worked for important reforms in United States law in recent years. These reforms promote the collective rights of self-determination and self-government recognized in the United Nations Declaration on the Rights of Indigenous Peoples. For example, the United States adopted the Violence Against Women Reauthorization Act of 2013 that restored limited criminal authority over certain non-Indians that commit domestic violence, dating violence, or violate protection orders within the tribe’s jurisdiction.

But significant barriers remain. Indian nations must meet stringent requirements to exercise this criminal jurisdiction, and there is insufficient funding for implementation. Even where tribes do exercise the new jurisdiction, it is limited. Tribes are generally still unable to prosecute non-Indians who rape, murder, stalk, or traffic American Indian and Alaska Native women. Strangers may also still enter reservations and commit violent crimes against Indian women with impunity.

Among the most egregious legal barriers still existing in the United States is the one impacting Alaska Native women and tribes. All but one of the 229 tribes in Alaska are prevented from exercising the restored criminal jurisdiction over non-Indians available to nearly all other tribes simply because of the way the United States classifies their land. Through this exclusion, United States law denies Alaska Native women equal protection under the law and treats them differently than other women, including other indigenous women.

The COVID-19 pandemic is only worsening this already dangerous situation. 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. Now, though, the pandemic has left women and children with fewer options for safety than ever before. 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. Similar issues were raised with the recent shutdown of certain ferry services. 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. Law enforcement response protocols to reduce police exposure to coronavirus leave women with even less access to protection than before.

The United Nations recognizes that indigenous peoples are particularly vulnerable to the global pandemic, 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. (See, Broken Promises: Continuing Federal Funding Shortfall for Native Americans, U.S. Commission on Civil Rights Briefing Report, Dec. 2018.

We urge the Commission to continue and deepen its engagement with the issue of indigenous women's rights including, at its earliest opportunity, by designating Implementing Indigenous Women's Individual and Collective Rights to Lives Free of Violence and Discrimination as a focus area. This statement was developed in partnership with Alaska Native Women's Resource Center and the National Indigenous Women's Resource Center.
