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## Commission on the Status of Women

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to the twenty-third special session of the General Assembly  
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.

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\* The present statement is issued without formal editing.



## Statement

Violence against indigenous women and girls.

Throughout the United States, American Indian, Alaska Native and Native Hawaiian women and girls suffer extreme and disparate levels of gender-based violence. For those living in rural and remote communities on tribal lands and in Alaska Native villages this problem is especially severe. In these communities, Tribal and Village governments are often the only government presence, yet they are unfairly hindered and even barred by discriminatory federal law from protecting their women and children. Meanwhile, state and federal governments that could do so fail to prevent, prosecute, or punish these crimes and violations of indigenous women's human rights.

Tribal governments are prevented from responding effectively, state and federal governments lack the will to intervene, and indigenous women suffer the consequences. The text of a recent federal law, the Violence Against Women 2022 Reauthorization Act describes these consequences in excruciating detail.

More than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetimes. American Indian and Alaska Native women are 2.5 times more likely to be sexually assaulted or raped than other women in the United States. The vast majority of American Indian and Alaska Native victims of this violence — 96% of women victims have experienced sexual violence by a non-Indian perpetrator at least once. Their murder rate is ten times the national average on some reservations. The Centers for Disease Control and Prevention notes that homicide is the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age, and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age. 64% of human trafficking victims in the State of Hawai'i identify as being at least part Hawaiian. In Alaska, where at least 75 indigenous communities lack any law enforcement presence at all, Alaska Native women suffer the highest rates of domestic and sexual violence as compared to populations of other Indian tribes; are "overrepresented in the domestic victim population by 250 percent;" and although comprising just 19% of the population in Alaska, comprise 47% of reported rape victims in Alaska. A 2017 report by the U.S. Department of Justice states that in 66% of the criminal cases in Indian country, federal prosecutors declined to prosecute. These cases involved assault, murder, or sexual assault.

We also note that the 2019 U.S. Department of Justice Indian Country Investigations and Prosecutions Report states that most Indian country declinations (60.7%) related to physical assaults and sexual assaults or exploitation, or failure to register as a sex offender. Another 7.2% of Indian country declinations in 2019 involved murder.

The picture Congress paints is bleak. Rates of violence against American Indian, Alaska Native, and Native Hawaiian women remain disproportionately higher than the violence experienced by others in the United States. The situation for Alaska Native women is especially dire. In Roadmap for Making Native America Safer, the 2013 report to Congress and the President prepared by the Indian Law and Order Commission, the Commission found that Alaska Native Women have reported rates of domestic violence up to 10 times higher than in the rest of the United States; that the rate of sexual violence victimization among Alaska Native women was at least seven times the non-Native rate; and that while many Alaska Native villages are in remote rural areas that are not accessible by roads, the state office with primary responsibility for law enforcement in rural Alaska provides only 1.0 to 1.4 field

officers per million acres. (Roadmap for Making Native America Safer, Chapter Two – Reforming Justice for Alaska Natives: The Time is Now, at 39-41).

The crisis of missing or murdered indigenous women falls at the extreme end of the violence spectrum and plagues indigenous communities across the country, including indigenous women and girls trying to cross the southern borders into the United States. The federal response to these cases has been inadequate and untimely, and a lack of accountability exists, as detailed in *The Failed Response of State Justice Agencies to Investigate and Prosecute MMIW Cases, Restoration of Native Sovereignty and Safety for Native Women* (October 2021). Shockingly, an independent, nonpartisan agency in the U.S. legislative branch published a report explicitly acknowledging that the “number of missing or murdered indigenous women is unknown,” citing the lack of case data in the federal databases. (*Missing or Murdered Indigenous Women: New Efforts are Underway but Opportunities Exist to Improve the Federal Response*, United States General Accounting Office, GAO-22-104045 (published Nov. 1, 2021)).

This extreme level of violence against indigenous women and girls and the failure of national governments to respond to these abuses is not unique to the United States. It is a global scourge demanding immediate, sustained actions from states and the United Nations to restore safety to indigenous women and girls by preventing and responding to these egregious human rights violations.

This Commission has long recognized the specific needs of indigenous women. In 2005, Resolution 49/7 called for “international cooperation to improve the situation of indigenous women and girls.” (Report on the forty-ninth session, [E/CN.6/2005/11](#), Resolution 49/7, para. 3, at 24). In its 2013 Agreed Conclusions, the Commission noted that gender-based violence 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,” and specifically reaffirmed that “indigenous women often suffer multiple forms of discrimination and poverty which increase their vulnerability to all forms of violence.” (2013 Agreed Conclusions, para. 10 and 27).

And, as the Commission now reviews the Agreed Conclusions from its 62nd Session, it is important to note that in that document, the Commission recognized that “indigenous women and girls living in rural and remote areas, regardless of age, often face violence and higher rates of poverty, limited access to health-care services, information and communications technology, infrastructure, financial services, education and employment.” (Report on the sixty-second session, [E/2018/27-E/CN.6/2018/20](#), Agreed Conclusions para. 36, at 14.). The Agreed Conclusions further urge States and others to “[p]romote and protect the rights of indigenous women and girls living in rural and remote areas by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence.” (Para. 46(aaa), at 24).

In the United States, Indian tribes, Native women, and allied advocates have secured important law reforms 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 Violence Against Women Reauthorization Act of 2013 restored limited criminal authority to Indian nations over certain non-Indians that commit domestic violence, dating violence, or violate protection orders within the tribe’s jurisdiction. However, because of the way U.S. law classifies Alaska land, those reforms were inapplicable to all but one tribe in Alaska. When that law was reauthorized in 2022, indigenous-led advocacy resulted in significant new provisions to expand tribal criminal jurisdiction and to allow a limited number of tribes in Alaska to exercise criminal jurisdiction over non-Indians who commit these crimes in their territories under a pilot program.

While these developments are hopeful, barriers remain. Inadequate funding for tribal public safety and criminal justice results in unprecedented rates of violence on many reservations. The U.S. Commission on Civil Rights found “systematic underfunding of tribal law enforcement and criminal justice systems, as well as structural barriers in the funding and operation of criminal justice systems in Indian Country” undermine public safety. (Broken Promises: Continuing Federal Funding Shortfall for Native Americans Briefing Report, U.S. Commission on Civil Rights, 2018, pg. 32).

Much more must be done to respond to these human rights abuses. The United Nations Declaration on the Rights of Indigenous Peoples’ Article 22 calls on states to “take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination,” and Article 42 commits United Nations bodies to “promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.” We urge the Commission to continue and deepen its engagement with indigenous women’s rights including by, at its earliest opportunity, 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, National Indigenous Women’s Resource Center and Pouhana ‘O Nā Wahine.

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