

**International Advocacy to Help End Violence Against Native Women**  
Authored By Indian Law Resource Center  
(February 10, 2016)

**TABLE OF CONTENTS**

**1. INTRODUCTION**

**I. United Nations (UN)**

**A. Key Documents**

1. World Conference on Indigenous Peoples Outcome Document (2014)
2. UN Declaration on the Rights of Indigenous Peoples (2007)
3. Declaration on the Elimination of Violence Against Women (1993)
4. Universal Declaration of Human Rights (1948)
5. UN Charter (1945)
6. List of resolutions and reports by the General Assembly and the Secretary General on violence against women

**II. UN General Assembly**

**A. Human Rights Council**

1. Ways to Engage with the Human Rights Council
2. Key Documents

**B. Universal Periodic Review**

1. Ways to Engage with the Universal Periodic Review Process
2. Key Documents

### C. The Special Procedures Mandate Holders

1. Ways to Engage with the Special Procedure Mandates
2. Key Special Procedures

### D. Treaty Bodies

1. Committee on the Elimination of all forms of Racial Discrimination Treaty (CERD): International Convention on the Elimination of All Forms of Racial Discrimination
2. Committee Against Torture
3. Human Rights Committee
4. Committee on Economic, Social and Cultural Rights
5. Committee on Elimination of Discrimination Against Women
6. Committee on the Rights of the Child

## III. Economic and Social Council Bodies

### A. Commission on the Status of Women

1. Ways to engage the Commission on the Status of Women
2. Key Documents

### B. Permanent Forum on Indigenous Issues

1. Ways to engage with the Permanent Forum on Indigenous Issues
2. Key Documents

## IV. Secretariat

### A. Office of the High Commissioner on Human Rights

## 2. ORGANIZATION OF AMERICAN STATES

### I. Organization of American States (OAS)

#### A. Key Documents

1. American Declaration on the Rights and Duties of Man
2. American Convention on Human Rights
3. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará)
4. The Inter-American Human Rights System-Combating Violence Against Native Women in the United States, a Handbook by the Indian Law Resource Center (November 2013)

### II. Inter-American Commission

#### A. Ways to engage with the Inter-American Commission

1. Thematic Hearings
2. Amicus Brief
3. Petition
4. Precautionary Measures

#### B. Key Documents

1. Missing and Murdered Indigenous Women in British Columbia, Canada-2014
2. 2011 Center Hearing: 143 Period of Sessions, October 25, 2011, "Violence Against Indigenous Women in the United States"
3. *Jessica Lenahan (Gonzales) et al. v. United States* Merits Hearing Report No. 80/11

## C. Rapporteurships

1. Rapporteur on the Rights of Indigenous Peoples
2. Rapporteur on the Rights of Women

## III. Inter-American Court

- A. Ways to engage with the Inter-American Court
- B. Key Documents

## IV. Inter-American Commission of Women

- A. Ways to engage with the Inter-American Commission of Women
- B. Key Documents

1. "A Gendered Approach to Multi-dimensional Security"

## IV. Follow-up Mechanism to the Belém do Pará Convention

- A. Follow up Mechanism Reports

---

## INTRODUCTION

This Special Collection is intended to provide information and resources on how to use international advocacy in our work to end violence against Native women and girls. In addition to tribal, state, and federal resources, international law and procedures offer American Indian and Alaska Native women additional advocacy opportunities to raise global awareness about the epidemic of violence against indigenous women in the United States. International advocacy can complement and strengthen grassroots efforts to gain firm national responses to address violence and discrimination against indigenous women in the United States and to restore safety to indigenous women. Participation on the international stage can also help American Indian and Alaska Native women connect with allies around the world, human rights bodies and experts, and indigenous women's organizations who can help put top down pressure on the United States to adhere to its human rights obligations.

Senate Committee on Indian Affairs Report on the Stand Against Violence and Empower Native Women Act, SAVE Native Women Act, S. Rep. 112-265, Pages 10-11 (2012)

<https://www.gpo.gov/fdsys/pkg/CRPT-112srpt265/pdf/CRPT-112srpt265.pdf>

**Description:** This 2012 report by the Senate Committee on Indian Affairs acknowledges that "[i]t is important that the United States consider recommendations from experts with the United Nations and the Organization of American States as it begins to take action. A report to the U.N. General Assembly in 2011 concluded that the United States should 'consider restoring, in consultation with Native American tribes, Tribal authority to enforce Tribal law over all perpetrators, both native and non-native, who commit acts of sexual and domestic violence within their jurisdiction.'" The report goes on to note that "[t]he global reach and international human rights law is a strong push on Congress to act and remove the legal barriers in the United States that affect Native women. According to one advocate, 'Native women must not continue to suffer disproportionately higher rates of rape, sexual assault, and murder, and lower rates of enforcement, prosecution, and punishment just because they are Indian and live on an Indian reservation or in an Alaska Native village.'"

In recent years there has been increased international focus on indigenous peoples, particularly indigenous women, and this has resulted in the creation of international bodies and mechanisms and a variety of useful documents and declarations that can all be used to advance our work to prevent and end violence. For American Indian and Alaska Native women, two organizations are of primary importance: the United Nations, the largest intergovernmental organization in the world, and the Organization of American States, a regional intergovernmental organization of 35 countries in the Americas.

## UNITED NATIONS

### I. UNITED NATIONS (UN)

<http://www.un.org/en>

**Description:** With 193 member countries, commonly called "states" in international contexts, the United Nations is the largest and most important intergovernmental organization. It provides an international forum for its member states to address various issues, from peacekeeping to environmental protection to human rights. The UN works through its main bodies, including the General Assembly, the Economic and Social Council, the International Court of Justice, and the Security Council, as well as through various funds and specialized agencies such as the World Health Organization, the World Bank, and the Food and Agriculture Organization.

[http://www.un.org/en/aboutun/structure/pdfs/UN\\_System\\_Chart\\_30June2015.pdf](http://www.un.org/en/aboutun/structure/pdfs/UN_System_Chart_30June2015.pdf)

#### A. Key Documents

1. World Conference on Indigenous Peoples Outcome Document (2014)

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/2](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/2)

**Description:** The first World Conference on Indigenous Peoples was held in September 2014. The conference was an opportunity for states and indigenous peoples to share best practices on the realization of the rights of indigenous peoples, including pursuit of the objectives of the United Nations Declaration on the Rights of Indigenous Peoples. The Outcome Document contains conclusions from the Conference. It strongly affirms the UN Declaration on the Rights of Indigenous People, and ¶¶ 18 and 19 contain important new commitments to address violence suffered by indigenous women. In ¶ 18, states commit to intensify their efforts to eliminate violence and discrimination against indigenous women, while ¶ 19 focuses on the need for the UN to further examine the causes and consequences of the violence against indigenous women and girls and the empowerment of indigenous women. The Outcome Document demonstrates international recognition that violence perpetrated against indigenous women and girls is a global problem that demands actions by states and the UN.

- a. *World Conference on Indigenous Peoples' Follow-Up Work, Restoration of Native Sovereignty and Safety for Native Women*, June 2015 edition, at 44.  
<https://docs.google.com/viewer?url=restoration.niwrc.org%2Ffiles%2FRestoration-V12.2.pdf>

2. UN Declaration on the Rights of Indigenous Peoples (2007)  
<http://undesadspd.org/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx>

**Description:** The Declaration, adopted by the UN General Assembly in 2007, sets out individual and collective rights of indigenous peoples worldwide, and its provisions serve as minimum standards for their survival, dignity, and well-being. Though the United States initially voted against the Declaration, it subsequently reversed its position and announced its support in 2010. The Declaration is not legally binding on the United States, but it is a powerful affirmation of American Indian and Alaska Native peoples' rights. The Declaration emphasizes indigenous peoples' right to self-determination (Article 3), a right which includes the rights to strengthen their distinct legal institutions (Article 4), to participate in decision-making in matters which would affect their rights (Article 18), and to develop and maintain their own juridical systems or customs, in accordance with international human rights standards (Article 34). Article 22 calls on states to "take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children are protected against all forms of violence and discrimination." Article 35 recognizes the right of indigenous peoples "to determine the

responsibilities of individuals to their communities." Article 44 affirms that all rights in the Declaration are equally guaranteed to female and male indigenous individuals. The Declaration can be used as a benchmark or standard to evaluate existing laws, and as a guide to develop improved laws and policies that will enable both the U.S. and American Indian tribes and Alaska Native villages to better respond to violence against American Indian and Alaska Native women.

- a. Karla E. General, *Putting Words into Action for Indigenous Peoples*, Indianz.Com, Dec. 16, 2014, at <http://www.indianz.com/News/2014/015944.asp>
  - b. Jana L. Walker, *Using the UN Declaration to End the Epidemic of Violence Against Native Women*, Indian Country Today Media Network, Feb. 6, 2012, at <http://indiancountrytodaymedianetwork.com/2012/02/06/us-ing-un-declaration-end-epidemic-violence-against-native-women>
3. Declaration on the Elimination of Violence Against Women (1993)  
<http://www.un.org/documents/ga/res/48/a48r104.htm>  
**Description:** Although UN Declarations do not generally have the binding legal authority of a convention or treaty, they are important statements of international opinion and can serve as guidelines for improving international and domestic laws and policies. As the first international instrument explicitly addressing violence against women, the Declaration provides a framework for national and international action. It has been endorsed by all member states of the United Nations. Article 1 of the Declaration defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” Article 4(d) calls on states to develop penal, civil, labor and administrative sanctions to punish and redress wrongs suffered by women who are subjected to violence. Article 4(f) calls on states to develop preventive approaches and measures that promote the protection of women against violence and to "ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions." Article 4(h) declares that states should budget “adequate resources for their activities related to the elimination of violence against women.”
4. Universal Declaration of Human Rights (1948)  
<http://www.un.org/en/universal-declaration-human-rights/index.html>

**Description:** The Universal Declaration of Human Rights contains 30 articles intended to create a common standard of achievement for nations in respecting human rights and protecting freedoms. Article 1 stresses that every human being is free and equal in dignity and rights. Article 2 declares that all people are entitled to all the rights in the Declaration. Other important articles in the Declaration include: Article 3: “Everyone has the right to life, liberty and security of person,” Article 5: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” Article 7: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination,” and Article 28: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” American Indian and Alaska Native women can cite to the Declaration to advocate for, among other things, changes in the law to guarantee greater security of person through equal protection under the law.

5. UN Charter (1945)

<http://www.un.org/en/charter-united-nations/index.html>

**Description:** The UN Charter outlines the organization of the United Nations and provides the rules by which its various organs function. The Preamble states the core principles and purposes of the UN and affirms the UN’s commitment to international peace and security, the protection of human rights, the worth of all peoples, and the equal rights of men and women.

6. List of resolutions and reports by the General Assembly and the Secretary General on violence against women

<http://www.un.org/womenwatch/daw/vaw/v-work-ga.htm>

## II. UN General Assembly

### A. Human Rights Council

<http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>

**Description:** The Human Rights Council is a subsidiary body of the General Assembly and reports directly to the General Assembly. The Council works to enhance the promotion and protection of human rights and to investigate human rights violations. The Council is made up of 47 UN member states that are elected by the majority of the General Assembly to serve three-year terms. After serving two consecutive terms, Council members are not eligible to be re-elected immediately. The Council meets in Geneva, and holds three, three-week long sessions each year. Typically, the Council holds a day-long discussion on women’s

rights during its June session and a half-day session on indigenous rights during its September session.

1. Ways to engage with the Human Rights Council

**Description:** Nongovernmental organizations (NGOs) with UN Economic and Social Council (ECOSOC) consultative status can attend and observe Council meetings and can, at some meetings, make oral statements. Individuals, groups, or NGOs that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations can file a complaint directly with the Council. Importantly, in most cases all domestic remedies must first be exhausted before a complaint can be filed. This means that victims must first seek to resolve their complaint through their domestic courts or other mechanisms. The procedure is confidential, with a view toward enhancing cooperation with the concerned state. <http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>

a. Fact Sheet

<http://www.ohchr.org/Documents/Publications/FactSheet7Rev.2.pdf>

b. Consultative Status

<http://csonet.org/index.php?menu=17>

**Description:** In general, 501(c)(3) organizations and other nonprofit entities are often eligible to receive ECOSOC consultative status. There is an application and approval process. Once granted, NGO representatives can attend certain UN meetings and may be able to offer oral statement and written submissions.

2. Key Documents

a. Resolution: A/HRC/30/L.8

[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/30/L.8](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/30/L.8)

**Description:** At its 30<sup>th</sup> session in September 2015, the Human Rights Council passed a resolution calling for a half-day panel on causes and consequences of violence against indigenous women and girls. The World Conference Outcome Document requested that the Council consider examining the causes and consequences of violence against indigenous women and girls in large part due to advocacy by indigenous women's organizations. This recommendation was further advanced at the 29<sup>th</sup> and 30<sup>th</sup> sessions of the Human Rights Council. The panel will

be held in September 2016 at the 33<sup>rd</sup> session of the Human Rights Council, and will provide indigenous women with an important platform to inform states and the UN human rights system about the scope and severity of violence against indigenous women worldwide and current best practices, and to offer recommendations for UN and state action.

- b. Written Statements Submitted to the 30<sup>th</sup> session of the Human Rights Council (September 2015): *Combating Violence Against Indigenous Women*, A/HRC/30/NGO/35; and *Advancing Decisions of the World Conference*, A/HRC/30/NGO/36, both available at [http://ap.ohchr.org/documents/sdpage\\_e.aspx?b=10&se=168&t=7](http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=168&t=7) (page 6)

**Description:** The Indian Law Resource Center, National Congress of American Indians, Native American Rights Fund, and Ewiiapaayp Band of Kumeyaay Indians, NGOs in consultative status, submitted two joint written statements to the Council regarding combating violence against indigenous women and advancing decisions of the World Conference outcome document. The following organizations without consultative status also were listed as sharing the views in these statements: Alaska Native Women's Resource Center; Alliance of Tribal Coalitions to End Violence; Emmonak Women's Shelter; Mashantucket Pequot Tribal Nation; National Indigenous Women's Resource Center; Native Alliance Against Violence; Native Village of Anvik; Washington State Native American Coalition Against Domestic Violence and Sexual Assault; and Yup'ik Women's Coalition. The organizations also were able to offer two related oral statements during the session, and these were the only statements made on violence against indigenous women.

- c. Written Statements Submitted to the 29<sup>th</sup> session of the Human Rights Council (June 2015): *Combating Violence Against Indigenous Women by Implementing Decisions of the World Conference on Indigenous Peoples*, A/HRC/29/NGO/27, and *Combating Violence Against Indigenous Women*, A/HRC/29/NGO/28, both available at [http://ap.ohchr.org/documents/sdpage\\_e.aspx?b=10&se=166&t=7](http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=166&t=7) (page 3)

**Description:** The Indian Law Resource Center, National Congress of American Indians, and Native American Rights Fund, as NGOs in consultative status, submitted two

written statements to the Council regarding combating violence against indigenous women and implementation of the World Conference outcome document, including a recommendations that the Council hold a panel to examine the causes and consequences of violence against indigenous women. The following organizations without consultative status also were listed as sharing the views in these statements: Alliance of Tribal Coalitions To End Violence; California Association of Tribal Governments; Central Council of Tlingit Haida Indian Tribes of Alaska; Mending the Sacred Hoop; National Indigenous Women's Resource Center; Strong Hearted Native Women's Coalition, Inc.; Uniting Three Fires Against Violence; and WomenSpirit Coalition. The organizations also were able to offer two related oral statements during the session, and these were the only statements made on violence against indigenous women.

- d. UN Press Release for the Human Rights Council, at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16108&LangID=E#sthash.jMZyfAyl.dpuf>  
**Description:** The press release notes that the Indian Law Resource, in a joint statement with the National Congress of American Indians and Native American Rights Fund, called on states to ensure that indigenous women enjoyed full protection against all forms of violence and discrimination.
  
- e. Human Rights Council Resolution 26/15, *Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier of women's political and economic empowerment*, at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/26/15](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/15)  
**Description:** In this 2014 Resolution, the Council urges states to take a range of policy actions to eliminate violence against women, and specifically recognizes that indigenous women and girls “often experience multiple forms of discrimination, which may increase their vulnerability to all forms of violence and limit their ability to participate in, contribute to and enjoy economic, social, cultural and political autonomy.”
  
- f. Statements by the Delegation of the United States, UN Human Rights Council, 26th Session, as Delivered by Ambassador Keith Harper, Geneva, June 26, 2014

<https://geneva.usmission.gov/2014/06/26/u-s-welcomes-resolution-on-eliminating-all-forms-of-violence-against-women/>

**Description:** On behalf of the United States, Ambassador Keith Harper welcomed the Human Rights Council consideration of the resolution on accelerating efforts to eliminate violence against women and recognizing violence as a barrier to the political and economic empowerment of women.

- g. Statement on behalf of 34 states, UN Human Rights Council, 26<sup>th</sup> Session, as Delivered by U.S. Ambassador Keith Harper, Geneva, June 24, 2014  
<https://geneva.usmission.gov/2014/06/24/joint-statement-on-eliminating-violence-against-indigenous-women-and-girls/>
- h. Gale Courey Toensing, *US Ambassador Keith Harper: Violence Against Indigenous Women a 'Global Scourge,'* Indian Country Today Media Network.com (June 24, 2014).  
<http://indiancountrytodaymedianetwork.com/2014/06/24/w-hat-us-ambassador-keith-harper-calling-global-scourge-155459>  
**Description:** The United States led 34 other countries in joining on a statement on the disproportionately high rates of violence against indigenous women and girls worldwide.
- i. Written Statements submitted during the 24<sup>th</sup> session of the Human Rights Council (Sept. 2013): *Combating Violence Against Indigenous Women*, and *The World Conference on Indigenous Peoples: Recommendations for Actions*, A/HRC/24/NGO/21, at  
[http://ap.ohchr.org/documents/sdpage\\_e.aspx?b=10&se=148&t=7](http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=148&t=7) (page 4)  
**Description:** The Indian Law Resource Center submitted two written statements to the Council with recommendations for combating violence against indigenous women and for taking action during the World Conference on Indigenous Peoples.

B. Universal Periodic Review

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

**Description:** The Universal Periodic Review (UPR) is a process by which each UN member state's human rights record is reviewed. Established in 2006, the UPR reviews each of the 193 UN member states every three to four years. The UPR process is not treaty-based, so every member state's

rights record is reviewed regardless of what treaties the state may have signed.

1. Ways to engage with the Universal Periodic Review Process.  
**Description:** NGOs and other civil society actors can submit information that will be considered in the review. NGOs can also attend the UPR Working Group Sessions and make statements at the regular session of the Human Rights Council when the outcome of the state review is considered.
  - a. Guidelines for submitting documents for the UPR  
<http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.docx>
  
2. **Key Documents:**
  - a. U.S. 2015 Universal Periodic Review Report  
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/USSession22.aspx>  
**Description:** In its National Report and during its presentation to the Working Group, the U.S. highlighted its support of the Declaration on Rights of Indigenous people and empowering tribal governments to protect American Indian and Alaska Native women against domestic violence and sexual assault. The compilation of UN information used by the Working Group, composed of reports about the U.S. by treaty bodies and special procedures and other relevant materials, included calls for an end to discrimination that makes certain groups more vulnerable to violence (¶ 16) and a need for federal infrastructure to recognize and use the Declaration on the Rights of Indigenous Peoples (¶ 63).
  
  - b. U.S. Response to the 2015 UPR Report  
<https://geneva.usmission.gov/2015/09/01/addendum-of-the-united-states-of-america-to-the-report-of-the-working-group-on-its-universal-periodic-review/>  
**Description:** Following on the United States Universal Periodic Review, the Working Group released a report listing over 300 specific recommendations for actions by the United States to improve its human rights compliance. The recommendations, which were made by UN member states participating in the review, include six specifically related to addressing violence against indigenous women. The United States subsequently responded to the Working

Group's report by announcing whether or not it supported each recommendation.

- c. Summary of U.S. Response to Key UPR Recommendations Related to Violence Against Indigenous Women  
Recommendations are listed with the U.S. response in brackets:
- i. Guarantee the right to access to justice and effective remedies to all indigenous women who were victims of violence (¶ 176.256, Recommendation made by the former Yugoslav Republic of Macedonia);  
**[Support in part].**
  - ii. Continue to pay attention to violence against indigenous women by ensuring that all reports of violence, in particular sexual violence and rape against indigenous women, are thoroughly investigated, with a focus on ending impunity and bringing perpetrators before justice (¶176.257, Recommendation made by Finland);  
**[Support].**
  - iii. Fully implement the United Nations Declaration on the Rights of Indigenous Peoples, and remove discriminatory legal barriers (¶176.322, Recommendation made by Egypt);  
**["We support these recommendations consistent with our 2010 Announcement of Support for the UNDRIP"].**
  - iv. Implement the United Nations Declaration on the Rights of Indigenous Peoples (¶176.323, Recommendation made by Plurinational State of Bolivia);  
**["We support these recommendations consistent with our 2010 Announcement of Support for the UNDRIP"].**
  - v. 176.325 Respond to the suggestion made by the special procedures in ¶ 69 (n) of document A/68/284 regarding cases of Alaska, Hawaii and Dakota (¶176.325, Recommendation made by Pakistan); (document referenced calls for inquiry into self-determination in Alaska and possible referral to UN Committee on Decolonization).  
**[Do not support].**
  - vi. Ratify and implement the Convention on the Elimination of Discrimination Against Women

(Recommendation made by various countries, see, e.g., ¶¶ 176.29 through 176.42).

**[“We support recommendations asking us to ratify CEDAW, CRPD, and ILO Convention 111”].**

- d. “Violence Against American Indian and Alaska Native Women,” Joint Stakeholder Submission to the United Nations Universal Periodic Review of the United States (April-May 2015)  
<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1730&file=EnglishTranslation>  
**Description:** This stakeholder report, submitted to the UPR Working Group by the Indian Law Resource Center, National Congress of American Indians, National Indigenous Women’s Resource Center, Inc., and Clan Star, Inc. with support of Yup’ik Women’s Coalition, the Emmonak Women’s Shelter, and the Emmonak Village, explores how the discriminatory U.S. legal system perpetuates violence against American Indian and Alaska Native women by denying them meaningful access to justice. (¶ 3). It specifically recommends that the U.S. repeal the exclusion of Alaska tribes from key provisions in VAWA 2013, fully implement VAWA 2013 and the Tribal Law and Order Act of 2010, assist tribes to strengthen their sovereignty, and implement and ratify the Convention on the Elimination of All Forms of Discrimination against Women.
- e. *World Conference on Indigenous Peoples’ Follow-Up Work*, Restoration of Native Sovereignty and Safety for Native Women, June 2015 edition, at 44  
<https://docs.google.com/viewer?url=restoration.niwrc.org%2Ffiles%2FRestoration-V12.2.pdf>  
**Description:** This article reports on the UPR process and UPR report, and discusses the stakeholder report submitted by indigenous NGOs, “Violence Against American Indian and Alaska Native Women.” The article notes that “[m]ore than 20 states made recommendations relating to indigenous rights and the UN Declaration, including to guarantee access to justice and to end impunity when prosecuting perpetrators of sexual violence against indigenous women.”

- f. *U.S. Admits Violence Against Native Women is a Human Rights Issue*, at <http://www.indianlaw.org/content/us-admits-violence-against-native-women-human-rights-issue>  
**Description:** The article reports that, leading up to the UPR, NCAI and the Indian Law Resource Center met with State Department officials to inform them about violence against Native women.

C. The Special Procedures Mandate Holders

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

**Description:** The Human Rights Council appoints independent human rights experts who report and advise the Council on a specific country or a specific theme. These experts, known generally as "special procedures" are one of the key mechanisms through which the Council gathers information about key human rights issues.

1. Ways to engage with the Special Procedure Mandates

**Description:** Advocates can request that a special procedures mechanism intervene directly with states if a human rights violation has occurred, is ongoing, or which has a high risk of occurring. Communications can involve individual cases, patterns and trends of violations, or cases affecting a particular group or community.

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

2. Key Special Procedures:

a. Expert Mechanism on the Rights of Indigenous Peoples

<http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx>

**Description:** Five independent experts are appointed to provide the Council with studies and research on the rights of indigenous peoples. The Expert Mechanism holds an annual session in July in which indigenous peoples and indigenous peoples' organizations can take part.

i. Key Documents

- (A) Report of the Expert Mechanism on the Rights of Indigenous Peoples on its eighth session. A/HRC/30/52 (Aug. 19, 2015)

[http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A\\_HRC\\_30\\_52\\_ENG.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_52_ENG.docx).

**Description:** The Expert Mechanism recommended that the Human Rights Council "take up the invitation contained in the outcome document to consider examining the causes and consequences of violence against indigenous women and girls, including by holding a panel discussion on the rights of indigenous women and by encouraging the Secretary-General to issue specific recommendations for action to address that issue" (¶ 34).

- (B) Study on access to justice in the promotion and protection of the rights of indigenous peoples: restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities (2014)  
[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/27/65](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/27/65)

**Description:** This report highlights the fact that indigenous women do not receive equal protection of the law due to high levels of violence, discrimination, and marginalization (¶ 35), leading to greater levels of violence and impunity (¶¶ 36, 40). It also notes the lack of culturally sensitive resources and remedies available (¶ 36).

- (C) Expert Mechanism's Follow-up report on indigenous peoples and the right to participate in decision making, with a focus on extractive industries. A/HRC/21/55 (Aug. 16, 2012)

<http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/ExpertMechanismDocumentation.aspx>

**Description:** This report highlights indigenous peoples' right to participate in decision making with a focus on extractive industries. The report finds a corporate responsibility applicable to all business enterprises to respect internationally recognized human rights of indigenous peoples in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (¶ 27(c)). When operating in

indigenous peoples' territories, particular attention must be paid to risks faced by indigenous peoples, "including the different risks that may be faced by women and men" (¶ 27(d)).

- b. Special Rapporteur on the rights of indigenous peoples  
<http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx>

**Description:** An independent, individual expert, the Special Rapporteur is appointed by the Human Rights Council to a term of three years; the appointment can be renewed once. The Special Rapporteur's role is to promote good practices, create human rights country reports in regards to indigenous peoples, and address specific allegations of rights violations through communications with governments and others. Contact information for the Special Rapporteur is available online, and the Special Rapporteur is often available to meet with organizations and representatives during the Expert Mechanism sessions, Human Rights Council meetings, and sessions of the Permanent Forum.

- i. Key Documents

- (A) Violence against indigenous women report (2015)  
[http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A\\_HRC\\_30\\_41\\_ENG.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_41_ENG.docx)

**Description:** This comprehensive report concludes that indigenous women experience a broad, multifaceted, and complex spectrum of mutually reinforcing human rights abuses (¶ 5) and discusses the need for culturally sensitive support and recovery services for domestic violence survivors (¶ 31). The report argues that strategies for the elimination of violence must take into account its causes and consequences using a human rights lens (¶ 57-59), and it explains how past human rights abuses contribute to the risk of being a victim of trafficking (¶ 60). Specific recommendations in ¶¶ 77-80 can be used

by advocates to support arguments for law reform.

- (B) Extractive industries and indigenous peoples report (2013)  
[http://www.ohchr.org/EN/HRBodies/HR/C/RegularSessions/Session24/Documents/A-HRC-24-41\\_en.pdf](http://www.ohchr.org/EN/HRBodies/HR/C/RegularSessions/Session24/Documents/A-HRC-24-41_en.pdf)  
**Description:** This report addresses the impacts of extractive industries on indigenous peoples and mentions that indigenous women can be the victims of violence when there are conflicts over extractive industries (¶ 19).
- (C) Joint press release with Special Rapporteur on violence against women, its causes and consequences  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13012&LangID=E - sthash.Q4FNmgp8.dpuf>  
**Description:** UN rights experts call on Congress to reauthorize the Violence Against Women Act. This joint press release was issued in February 2013, immediately after the U.S. Senate had passed VAWA 2013 with the tribal provisions, but before the House had begun its difficult debate. It provided important encouragement to advocates and made clear to Congress that the international community recognized the human rights issues at stake and was carefully monitoring the situation.
- (D) U.S. 2012 Country Visit Report  
<http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx>  
**Description:** In 2012, then-Special Rapporteur James Anaya made a country visit to the U.S. Among other matters, his report discusses violence against women, highlighting the high rate of violence that American Indian and Alaska Native women face and the impunity of non-

Native attackers due to the lack of tribal criminal jurisdiction (¶ 36). During the Southwest Region consultation, the Indian Law Resource Center, National Congress of American Indians Task Force on Violence Against Women, National Indigenous Women's Resource Center, Inc., and Clan Star, Inc. submitted information concerning the epidemic levels of violence against American Indian and Alaska Native women and girls in the United States (Appendix II at ¶ 106).

- c. Special Rapporteur on violence against women, its causes and consequences  
<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>  
**Description:** The Special Rapporteur on violence against women, its causes and consequences is another Human Rights Council Special Procedure. The Special Rapporteur's mandate is to seek and receive information on violence against women and its causes and consequences from governments, the UN system, and non-governmental organizations. She also recommends measures to eliminate all forms of violence against women and to remedy its consequences. In doing this work, the Special Rapporteur transmits urgent appeals and communications to states about alleged cases of violence against women, undertakes country visits, and submits annual thematic reports.
- i. Key Documents
  - (A) Report of the Special Rapporteur on violence against women, its causes and consequences (2015)  
[http://www.ohchr.org/EN/HRBodies/HR/C/RegularSessions/Session29/Documents/A%20HRC%2029%2027\\_AEV.doc](http://www.ohchr.org/EN/HRBodies/HR/C/RegularSessions/Session29/Documents/A%20HRC%2029%2027_AEV.doc)  
**Description:** The Special Rapporteur reviews the African, European, and Inter-American regional human rights systems and draws attention to the fact that the European and Inter-American system have specific instruments to address violence against women, but these regional instruments are weakened by a

lack of a legally-binding international treaty with a monitoring body. (¶¶ 62-63).

- (B) Violence against women: Twenty years of developments within the United Nations (2014)

[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/26/38](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/38)

**Description:** The Special Rapporteur describes the United Nations' history of classifying "violence against women" as a human rights violation and cites various resolutions that have been passed by the General Assembly, the Human Rights Council, and other UN bodies. (¶¶ 27-32). Although none of these resolutions are directed specifically towards indigenous women, many touch on important issues, such as trafficking, that disproportionately affect indigenous women. (¶¶ 28, 30).

- (C) State responsibility for eliminating violence against women (2013)

[http://www.ohchr.org/Documents/HRBoD/HRCouncil/RegularSession/Session23/A\\_HRC\\_23\\_49\\_English.pdf](http://www.ohchr.org/Documents/HRBoD/HRCouncil/RegularSession/Session23/A_HRC_23_49_English.pdf)

**Description:** The Special Rapporteur discusses how states have a duty to exercise due diligence to prevent violations of women's right to live free of violence. The due diligence standard provides an assessment framework to ascertain if states are fulfilling their obligation to rights holders. (¶ 13). She outlines a series of questions to measure if states are meeting the due diligence standard. (¶ 17). Questions include, but are not limited to whether the state party has "ratified all the international human rights instruments," and if "national legislation and/or administrative sanctions [are] providing adequate redress of women victims of violence."

- (D) Joint press release with Special Rapporteur on the rights of indigenous

peoples: UN rights experts call on Congress to reauthorize the Violence Against Women Act (2013)  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13012&LangID=E - sthash.Q4FNmgp8.dpuf>

**Description:** This joint press release was issued in February 2013, immediately after the U.S. Senate had passed VAWA 2013 with the tribal provisions but before the House had begun its contentious debate. It provided important encouragement to advocates and made clear to Congress that the international community recognized the human rights issues at stake and was carefully monitoring the situation.

- (E) U.S. 2011 Country Visit Report  
<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CountryVisits.aspx>

**Description:** The Special Rapporteur's 2011 country visit to the United States included time in the territory of the Eastern Band of Cherokee Indians, and her report reflects her engagement with the specific concerns of American Indian and Alaska Native women. The report notes a lack of federal laws providing substantive protection against violence against women and inadequate implementation of what laws do exist. The report identifies causes of increased violence in American Indian and Alaska Native communities, including disproportionate poverty, confusing and limited jurisdiction, and the failure of federal action. (¶¶ 62-66). The report includes recommendations and specifically commends the Eastern Band of Cherokee Indians for their systems to combat violence against women. (¶¶ 100-105).

- (F) Press Release: "UN Expert Investigates Violence against Indian Women (2011)

<http://www.indianlaw.org/content/un-expert-investigates-violence-against-indian-women>

**Description:** This article describes the visit of the Special Rapporteur to the Eastern Band of Cherokee Indians' territory and provides an account of some of the testimony she heard there.

- (G) Press Release: "UN Expert to visit Cherokee, North Carolina to study the epidemic of violence against Native women" (2011)

<http://indianlaw.org/safewomen/un-expert-visit-chokeee-north-carolina-study-epidemic-violence-against-native-women>

**Description:** This article announces the Special Rapporteur's visit and provides a detailed agenda for her work.

- d. Special Rapporteur on the sale of children, child prostitution and child pornography  
<http://www.ohchr.org/EN/Issues/Children/Pages/ChildrenIndex.aspx>

**Description:** As the only UN special procedure that focuses exclusively on children, the Special Rapporteur's mandate includes finding the causes of exploitation, promoting best practices, creating comprehensive prevention strategies, and making recommendations to protect the human rights of children. The Special Rapporteur is also tasked with integrating a gender perspective throughout her work.

- e. Special Rapporteur on trafficking in persons, especially women and children  
<http://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx>

**Description:** The Special Rapporteur focuses on the human rights of the victims of trafficking in persons and issues recommendations on necessary measures to uphold and protect their rights. In fulfilling this mandate, the Special Rapporteur is requested to cooperate with other relevant special rapporteurs, and in particular to work closely with the Special Rapporteur on violence against women.

- f. Working Group on the issue of discrimination against women in law and in practice  
<http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx>

**Description:** This five member Working Group is a relatively new Special Procedure that seeks to identify, promote, and exchange views on best practices to eliminate laws that discriminate against women or are discriminatory in their implementation or impact. The Working Group conducted its first country visit to the United States in late 2015. A report on its visit and recommendations for actions by the U.S. will follow. A thematic report on women's health and safety is expected in June 2016.

1. Key Documents

- a. News Story: *Women in U.S. lagging behind in human rights, UN experts report after 'myth-shattering' visit*, UN News Centre (Dec. 11, 2015)

[http://www.un.org/apps/news/story.asp?NewsID=52797&Kw1=Women&Kw2=&Kw3=-.Vq\\_tg9IrKHs](http://www.un.org/apps/news/story.asp?NewsID=52797&Kw1=Women&Kw2=&Kw3=-.Vq_tg9IrKHs)

**Description:** At the conclusion of its 10-day visit, the UN Working Group concluded that the "U.S., which is a leading State in formulating international human rights standards, is allowing its women to lag behind." It also noted that Native American women were among those women who are disparately at risk of rights violations.

- b. *UN Working Group on the issue of discrimination against women in law and in practice finalizes country mission to the United States*, UN Office of the High Commissioner (Dec. 11, 2015)

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16872&LangID=E>

**Description:** The Working Group noted that, although the U.S. committed to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2010 and 2015, it has failed to implement this commitment. The U.S. is one

of only seven countries that has not yet done so. With respect to women's safety, the Working Group acknowledges significant efforts to lower violence against women. However, the Working Group shares "the concerns expressed by the Special Rapporteur on violence against women in her report on her visit to the United States in 2011, regarding . . . the alarming high rates of violence against Native-American women." The Working Group concluded that the U.S. "is allowing its women to lag behind international human rights standards" and noted "an overall picture of women's missing rights." Finding all women are victims of such missing rights, the Working Group reported that "women who are poor, belong to Native American, Afro-American and Hispanic ethnic minorities, migrant women, LGBTQ women, women with disabilities and older women are disparately vulnerable."

D. Treaty Bodies

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

**Description:** There are ten core international human rights instruments; nine human rights treaties and the Optional Protocol to the Convention against Torture. Each of these instruments establishes an expert committee, or treaty body, to monitor state compliance. The United States has signed six of these, although it has only ratified three. <http://indicators.ohchr.org/>.

If the United States has ratified a treaty, it is obliged to report periodically to the relevant treaty body on its compliance. The relevant treaty body then reviews the written reports of the United States and interested civil society actors, conducts a meeting with the U.S., and issues a report with recommendations of actions the U.S. should take to more fully comply with its treaty obligations.

The treaty body reporting process provides Indian tribes and other interested organizations with an important opportunity for human rights advocacy. Tribes and organizations are invited to submit their own reports to the treaty body for consideration alongside the United States' official report. These *shadow reports* allow advocates to draw attention to specific issues or areas where the U.S. is not complying with its obligations under the treaty, and help guide the review process by informing the treaty body about topics that should be addressed during the review and suggesting

questions and recommendations the treaty body can present to the government. Shadow reports also encourage the United States to make a comprehensive and accurate report, ensure that weaknesses in the government's reports are publicized, and generate publicity to bring pressure on the government.

Besides shadow reports, complaint mechanisms under the core human rights treaties can allow individuals to bring alleged violations of human rights to the United Nation's attention.

<http://www.ohchr.org/Documents/Publications/FactSheet7Rev.2.pdf>

1. Committee on the Elimination of all forms of Racial Discrimination Treaty (CERD): International Convention on the Elimination of All Forms of Racial Discrimination

<http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>

Treaty:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

**Description:** The Committee monitors ratifying states' compliance with the Convention. It is made up of 18 independent experts who meet twice a year for four weeks in Geneva. As a party to this treaty, the U.S. should report to the Committee every two years, alternating between comprehensive reports and brief updates, but in practice it does so much less frequently. For example, between 2000 and 2013, the U.S. made only three reports to the Committee. These reports are all available from the U.S. Department of State at [http://www.state.gov/j/drl/rls/cerd\\_report/](http://www.state.gov/j/drl/rls/cerd_report/).

a. Ways to engage with CERD

**Description:** The Committee welcomes reports and information from indigenous representatives and organizations concerning states that are under review. Indigenous advocates can also reach out directly to the Committee members to arrange briefing sessions or individual meetings. However, the U.S. has not recognized the Committee's competency to hear individual or group complaints alleging specific violations of the Convention.

b. Key Documents

- i. 2014 Shadow Report on "Violence Against American Indian and Alaska Native Women—United States' Violations of the International Convention on the Elimination of All Forms of Racial Discrimination," submitted jointly by

National Congress of American Indians (NCAI) and the Indian Law Resource Center, with the National Indigenous Women’s Resource Center, Inc. and Clan Star, Inc. as endorsing organizations. 85th Session of the CERD (Aug. 2014).

[http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT\\_CERD\\_NGO\\_USA\\_17549\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT_CERD_NGO_USA_17549_E.pdf)

**Description:** “Violence Against American Indian and Alaska Native Women—United States’ Violations of the International Convention on the Elimination of All Forms of Racial Discrimination.” This report was submitted jointly by two non-governmental organizations in consultative status with the Economic and Social Council (ECOSOC), the National Congress of American Indians (NCAI) and the Indian Law Resource Center, which was the primary author. The National Indigenous Women’s Resource Center, Inc. and Clan Star, Inc. were endorsing organizations. This report flags how the United States’ discriminatory legal system violates the International Convention on the Elimination of All Forms of Racial Discrimination and perpetuates violence against American Indian and Alaska Native women.

- ii. U.S. 2014 Report: CERD/C/USA/7-9  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2f7-9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2f7-9&Lang=en)

**Description:** The U.S. Report discusses how the Tribal Law and Order Act of 2010 provides new guidelines and training for domestic violence and strengthens tribal courts and tribal authority to punish offenders (§ 18). It also states that addressing violence against American Indian and Alaska Native women is a priority of the administration (§§ 188-191, 195). The report could be used by advocates to hold the United States accountable for their stated goals and responsibilities.

- iii. 2014 Concluding Observations  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexter](http://tbinternet.ohchr.org/_layouts/treatybodyexter)

[nal/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f7-9&Lang=en](http://www.indianlaw.org/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f7-9&Lang=en)

**Description:** The Committee specifically addresses American Indian and Alaska Native women when discussing violence against women and emphasizes the need to guarantee access to justice and effective remedies for all American Indian and Alaska Native victims of violence (¶ 19).

- iv. 2013 Shadow Report by the Indian Law Resource Center and endorsed by the National Congress of American Indians Task Force on Violence Against Women; Clan Star, Inc.; and the National Indigenous Women’s Resource Center, Inc.:  
[http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_NGO\\_USA\\_15124\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15124_E.pdf)

**Description:** The report calls attention to the epidemic levels of violence against indigenous women in the in the U.S., particularly in Alaska, identifying gaps in U.S. law. It urges the Committee to issue recommendations to the U.S. to reform law and policy; ensure delivery of safety and justice in Alaska Native villages; and provide funding and training programs for tribal law enforcement and judicial systems.

- v. 2008 Concluding Observations  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f6&Lang=en)

**Description:** These Concluding Observations recognize that federal and state authorities often lack the will to take action and this deprives American Indian and Alaska Native women of their right to access justice and remedies. The Committee offers four recommendations that could be used by advocates to bolster their positions including: adequate funding for services, increased training, awareness campaigns, and better controls on reporting measures (see especially ¶ 26).

- vi. Press release: “Native Women Provide Testimony Before UN Committee on the Elimination of Racial Discrimination” (2008)  
<http://www.indianlaw.org/safewomen/CERD>

**Description:** American Indian and Alaska Native women's advocates used the CERD report to remind the United States government of its international obligation to protect American Indian and Alaska Native women from violence.

- vii. Marga Lincoln, *Helena group working with U.N. Committee on Violence*, Helena Independent Record (Feb. 23, 2008)

<http://indianlaw.org/node/246>

**Description:** The article reports on efforts by the Indian Law Resource Center to help sponsor a delegation of Native women from the U.S. in testifying at the CERD session.

## 2. Committee Against Torture

<http://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx>

Treaty:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

(See especially Article 16,1)

**Description:** The Convention Against Torture, ratified by the United States in 1994, defines torture as an act that causes severe pain or suffering, mental or physical, inflicted on a person by or with the consent of a public official, excluding lawful sanctions (Article 1). States that ratify the treaty have a duty to prevent other acts of cruel, inhuman or degrading treatment, even if those acts do not amount to torture, if those acts are committed with the consent or acquiescence of a public official (Article 16). Advocates can argue that the federal legal system, because of its lack of response to violence against American Indian and Alaska Native women, is acquiescing to this cruel and inhuman treatment.

### a. Key Documents

- i. General Comment No. 2 by the Committee Against Torture, *Implementation of article 2 by States parties*, CAT/C/GC/2 (Jan. 24, 2008)

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en)

**Description:** General Comment No. 2 explains that the Convention applies to gender-based violence, including domestic violence and rape, and that states violate the treaty if they fail to prevent, investigate, prosecute and punish private actors (¶ 18).

- ii. General Comment 3 by the Committee Against Torture, *Implementation of article 2 by States parties*, CAT/C/GC/2 (January 24, 2008)

[http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf)

**Description:** General Comment 3 clarifies that the Convention's right to redress includes, among other things, compensation, rehabilitation, and a right of access to judicial remedies (¶¶ 2, 6-7), and that state parties shall ensure effective rehabilitation services to all victims, taking into account a victim's culture, history and background (¶ 15).

3. Human Rights Committee

<http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>

Treaty: International Covenant on Civil and Political Rights

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

(See especially Article 7).

**Description:** The Human Rights Committee is the monitoring body created by the International Covenant on Civil and Political Rights. The United States ratified the Covenant in 1992. Made up of independent experts, the Committee meets three times a year to review the reports filed by the parties to the Covenant and issues general comments regarding the meaning and interpretation of the Covenant. Article 3 ensures the equal rights of men and women and Article 7 states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- a. Ways to engage with the Human Rights Committee.

**Description:** As part of the review process, NGOs and other organizations are encouraged to submit written reports to assist the Committee in developing a list of issues to discuss with the country during the review.

Organizations that submit written reports also have the opportunity to brief the Committee during the session prior to the review of the relevant state.

- b. Key Documents

- i. Concluding Observations 2014

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUS%2fCO%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUS%2fCO%2f4&Lang=en)

**Description:** The Committee’s concluding observations highlight the prevalence of domestic violence against American Indian and Alaska Native women. They recommend that the U.S. take measures to assist tribal authorities in their efforts to address domestic violence and assure remedies are available to all victims (¶ 16).

- ii. 2013 Shadow Report by the Indian Law Resource Center and endorsed by the National Congress of American Indians Task Force on Violence Against Women; Clan Star, Inc.; and the National Indigenous Women’s Resource Center, Inc.  
[http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_NGO\\_USA\\_15124\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15124_E.pdf)

**Description:** The report calls attention to the epidemic levels of violence against indigenous women in the in the U.S., particularly in Alaska, and identifies gaps in U.S. law. It urges the Committee to issue recommendations to the U.S. to reform law and policy; ensure delivery of safety and justice in Alaska Native villages; and provide funding and training programs for tribal law enforcement and judicial systems. This report documents the discriminatory legal system in the United States and addresses the United States’ failure to fulfill its obligations under the International Covenant on Civil and Political Rights.

- 4. Committee on Economic, Social and Cultural Rights  
<http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx>

Treaty:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

**Description:** The Committee is the monitoring body for the International Covenant on Economic, Social and Cultural Rights. The United States has signed, but not ratified this treaty. However, its provisions and subsequent interpretations can still be used as strong evidence of international law as it relates to American Indian and Alaska Native women’s social and cultural rights.

- a. Key Documents

- i. General Comment No. 16 (2005)  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexter](http://tbinternet.ohchr.org/_layouts/treatybodyexter)

[nal/Download.aspx?symbolno=E%2fC.12%2f2005%2f4&Lang=en](#)

**Description:** General Comment No. 16 emphasizes that the treaty's rights apply equally to men and women and that it is necessary to address equality of law and equality of the impact of laws and policy. States are required to provide victims of violence with access to safe housing and redress (¶ 27). Additionally, the Comment notes that states "must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish, and redress acts of violence against them by private actors" (¶ 27).

5. Committee on the Elimination of Discrimination Against Women  
<http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

Treaty:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

**Description:** The U.S. has signed, but is one of only seven countries that has not ratified the Convention on the Elimination of All Forms of Discrimination Against Women. The Committee has made clear that Article 12 (on health), Article 16 (on non-discrimination in marriage and family relations), and Article 15 (on equality before the law) are relevant to the issue of violence against women, and the Committee has stated that violence "seriously impedes [women's] rights and freedoms as individuals."

6. Committee on the Rights of the Child  
<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

Treaty

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

**Description:** The U.S. has signed, but not ratified the Convention on the Rights of the Child, although it has ratified two subsequent Protocols to the Convention on "children in armed conflict" and "sale of children, child prostitution, and child pornography." Article 6 of the Convention requires every government to provide the maximum protection possible to ensure the survival and development of every child. In Article 34 states undertake to protect children from all forms of sexual exploitation and abuse.

### III. Economic and Social Council Bodies

- A. Commission on the Status of Women

<http://www.unwomen.org/en/csw>

**Description:** The Commission is a functional commission of the Economic and Social Council (ECOSOC) dedicated to the promotion of gender equality and empowerment of women. The Commission is made up of 45 member states, elected on the basis of equitable geographical distribution. One of the Commission's primary responsibilities is to review and address problems in the implementation of the Beijing Declaration and Platform for Action. The Commission also takes other actions to accelerate progress and promote women's enjoyment of their rights.

1. Ways to engage the Commission on the Status of Women.

a. Annual Session

<http://www.unwomen.org/en/csw/ngo-participation>

**Description:** ECOSOC accredited NGOs may offer written submissions to the Commission, register to offer oral statements, send representatives to a session, and submit a request to hold a parallel event. The Commission meets annually in New York for two weeks.

b. Communication Procedure

<http://www.unwomen.org/en/csw/communications-procedure>

**Description:** An individual, NGO, or group can submit information alleging violations of human rights that affect the status of women in any country in the world. This information is used only to identify trends and for policy development. The Commission will not make a decision about the alleged violation and cannot offer redress. Any information submitted will be shared with the relevant state. The deadline for submission is currently August for consideration at the Commission's annual session in the following spring.

2. Key documents

a. 2015 Written Statement on Violence against indigenous women and girls, submitted by the Indian Law Resource Center and National Congress of American Indian

[http://www.un.org/ga/search/view\\_doc.asp?symbol=E/CN.6/2015/NGO/261](http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2015/NGO/261)

**Description:** The statement cites previous UN Resolutions and Declarations to provide context and support for discussion of the unique vulnerabilities that indigenous women face because of the intersection of their ethnicity and sex. It also criticizes the Millennium Development

Goals for their failure to address violence against women generally or the specific crisis facing indigenous women.

b. Agreed Conclusions

<http://www.unwomen.org/en/csw/outcomes#57>

**Description:** Agreed Conclusions are the outcome document of the Commission on the Status of Women's annual conference. They analyze the priority theme and set out concrete recommendations. While it may be worth reviewing all the past agreed conclusions, some are of particular interest to American Indian and Alaska Native women advocates. These include:

i. Agreed Conclusions on Challenges and Achievements in the implementation of the Millennium Development Goals for Women and Girls (2014)

[http://www.unwomen.org/~media/headquarters/attachments/sections/csw/58/csw58\\_agreed\\_conclusions.pdf?v=1&d=20140924T011525](http://www.unwomen.org/~media/headquarters/attachments/sections/csw/58/csw58_agreed_conclusions.pdf?v=1&d=20140924T011525)

**Description:** Section (A)(i) encourages participation of indigenous women and girls in the 2014 World Conference on Indigenous Peoples, noting the conference can contribute towards the achievement of internationally agreed development goals and recognizing that indigenous women and girls face particular challenges in achieving the Millennium Development Goals (p. 10). Section D includes conclusions about the lack of relevant data. States need to take actions to address data gaps, especially by creating monitoring systems that contain at least the minimum set of gender indicators and violence against women indicators. (p. 16).

ii. Agreed conclusions on the elimination and prevention of all forms of violence against women and girls (2013)

[http://www.un.org/womenwatch/daw/csw/csw57/C5757\\_Agreed\\_Conclusions\\_%28CSW\\_report\\_excerpt%29.pdf](http://www.un.org/womenwatch/daw/csw/csw57/C5757_Agreed_Conclusions_%28CSW_report_excerpt%29.pdf)

**Description:** In ¶ 27, the Commission “reaffirms that indigenous women often suffer multiple forms of discrimination and poverty which increase their vulnerability to all forms of violence; and stresses the need to seriously address violence against

indigenous women and girls.” The Agreed Conclusions contain numerous recommendations to governments and NGOs for strengthening implementation of legal and policy frameworks related to gender equity, addressing causes and risk factors to prevent violence, strengthening services, programs and response to violence against women, and improving available data. In ¶ A(d), the Commission includes recommendations to address and eliminate domestic violence through legislation that prohibits such violence, prescribes punitive measures and establishes adequate legal protection against such violence.

c. Beijing Declaration and Platform for Action

<http://www.un.org/womenwatch/daw/beijing/platform/>

**Description:** The Commission on the Status of Women organizes world conferences on women, the last of which was held in Beijing in 1995. The Beijing Declaration and Platform for Action were the outcome documents adopted at that conference. They identified twelve critical areas of concern that prevent gender equality and the empowerment of women everywhere and created a plan of action. The Commission has reviewed the progress in implementation of the Declaration and Platform for Action every five years since. The Declaration and Platform for Action call on states to “prevent and eliminate all forms of violence against women and girls,” (Declaration ¶ 29) and focuses on violence against women in the platform for action (¶¶ 112-130). Paragraph 116 highlights the vulnerability of minority women, including indigenous women, and ¶ 124 includes recommendations for governments. The Commission on the Status on Women is responsible for monitoring and creating action-oriented recommendations to facilitate implementation of the Declaration and Platform for Action at all levels of government.

B. Permanent Forum on Indigenous Issues

<https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html>

**Description:** Established by the UN Economic and Social Council (ECOSOC) in 2000, the Permanent Forum on Indigenous Issues is a high-level advisory body that deals solely with indigenous issues. The Forum is composed of 16 independent expert members serving three-year terms, half of whom are nominated by states and half of whom are nominated by indigenous organizations in their regions. The Forum is mandated to

discuss economic and social development, culture, the environment, education, health and human rights. In addition the Forum provides expert advice and recommendations to ECOSOC as well as UN programs, funds and agencies. They raise awareness and promote integration and coordination of activities related to indigenous issues within the UN system. They also organize Expert Group Meetings and disseminate information on indigenous issues. The Permanent Forum meets for two weeks annually in the spring at UN headquarters in New York.

1. Ways to engage with the Permanent Forum on Indigenous Issues.  
**Description:** Indigenous peoples organizations, regardless of whether they have consultative status with ECOSOC, may register and participate in the meetings of the Permanent forum and can sign-up to offer oral statements during the meetings.
2. Key Documents
  - a. *UN Permanent Forum on Indigenous Issues, Restoration of Native Sovereignty and Safety for Native Women*, June 2015 edition, at 44  
<https://docs.google.com/viewer?url=restoration.niwrc.org%2Ffiles%2FRestoration-V12.2.pdf>  
**Description:** This article summarizes the activities of indigenous advocates at the 2015 session of the Permanent Forum. One draft recommendation proposed by indigenous advocates called on the Commission on the Status of Women to consider the empowerment of indigenous women a priority theme during the 2017 session.
  - b. Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the UN Declaration on the Rights of Indigenous Peoples (2013)  
<http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.19/2013/9>  
**Description:** This study explains the relevant international law standards and the multifaceted nature of violence against women. It provides an overview of the challenges indigenous women around the world face in responding to this epidemic, as well as a discussion of the different forms this violence takes and key statistics from various regions.
  - c. Report of the International Expert Group Meeting on Combating Violence Against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples (2012)

<http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.19/2012/6>

**Description:** In May 2011, the Permanent Forum on Indigenous Issues recommended that the Economic and Social Council authorize a three day meeting on combating violence. This meeting took place in New York City, May 7-18, 2012. It was attended by members of the Permanent Forum, representatives of the UN, intergovernmental organizations, member states, and experts, including Terri Henry from the Eastern Band of Cherokee Indians. Their report addresses the lack of information available about victim rates, which is key for making policy and reforms, how conflicting jurisdictional schemes discriminate against indigenous women (¶ 63), and the importance of using a holistic approach to address violence (¶ 39) and developing community-based anti-violence strategies (¶ 64). The report specifically recommends that this work be done in consultation with indigenous women’s organizations (¶ 85).

#### IV. Secretariat

##### A. Office of the High Commissioner on Human Rights

<http://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx>

**Description:** The Office of the High Commissioner on Human Rights (OHCHR) is a department under the UN Secretariat. The Secretariat is a principal organ of the UN along with the General Assembly, Security Council, Economic and Social Council, International Court of Justice, and Trusteeship Council. The OHCHR empowers individuals and assists states in upholding human rights. It also supports the UN human rights mechanisms in their work, including monitoring state parties’ compliance with international human rights treaties. In addition to the Executive Office and a number of units that report to the Deputy High Commissioner, the OHCHR has four major divisions. The Research and Right to Development Division is responsible for thematic research and policy development, human rights mainstreaming across the UN system, and development of tools and learning packages. The Human Rights Treaties Division is responsible for supporting the work of the 10 human rights treaty bodies that are mandated to monitor national-level implementation of international human rights treaties. The Field Operations and Technical Cooperation Division supports the work of human rights field presences and leads OHCHR engagement with countries on human rights issues. Finally, the Human Rights Council and Special Procedures Division provides substantive and organizational support to the Human Rights Council, its Universal Periodic Review mechanism, special procedures, and other subsidiary bodies.

[http://www.ohchr.org/Documents/AboutUs/OHCHR\\_orgchart\\_2014.pdf](http://www.ohchr.org/Documents/AboutUs/OHCHR_orgchart_2014.pdf)

## ORGANIZATION OF AMERICAN STATES

### I. Organization of American States (OAS)

<http://www.oas.org/en/default.asp>

**Description:** The OAS, like the United Nations, is an intergovernmental organization. The OAS, however, is regional, composed of 35 states in the Americas. It is the main political, juridical, and social-intergovernmental forum in the Western Hemisphere. It uses four key elements - democracy, human rights, security and development - to implement the OAS objectives. For an organizational chart of OAS see:

[http://www.oas.org/legal/english/gensec/ORGANIZATIONAL\\_CHARTS\\_EXECUTIVE\\_ORDER\\_0801\\_REV7.pdf](http://www.oas.org/legal/english/gensec/ORGANIZATIONAL_CHARTS_EXECUTIVE_ORDER_0801_REV7.pdf)

The OAS conducts its human rights work through two bodies, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Together they are known as the Inter-American System. The Commission conducts preliminary investigations and can deliver recommendations while the Court can issue binding decisions. As a member of the OAS, the United States is subject to review by the Commission. The United States has not accepted the Court's authority nor ratified the American Convention on Human Rights and is therefore not subject to the Court's jurisdiction.

#### A. Key Documents

##### 1. American Declaration on the Rights and Duties of Man

<http://www.cidh.oas.org/Basicos/English/Basic2.american%20Declaration.htm>

**Description:** The American Declaration of Rights and Duties of Man is a foundational document of the OAS and was adopted at the same time as the Charter. All members of the OAS, including the United States, are obligated to uphold the principles of the Declaration. The Declaration includes a list of rights and duties, including the right to equality before law (Article II), the right to protection for mothers and children (Article VII), and the right to due process of law (Article XXVI).

##### 2. American Convention on Human Rights

[http://www.oas.org/dil/treaties\\_B32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B32_American_Convention_on_Human_Rights.htm)

**Description:** Though the United States signed the American Convention in June 1977, it has not ratified it and is therefore not legally bound to it. The Convention includes rights and obligations of governments to their citizens. States have an obligation to respect every person's human rights (Article 1). Every person has

the right to have their physical, mental, and moral integrity respected, and no one shall be subjected to cruel, inhuman or degrading treatment (Article 5). The Convention also provides the right to judicial protection, which includes the right to simple and prompt recourse in front of a competent court (Article 25).

3. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará)

<http://www.oas.org/juridico/english/treaties/a-61.html>

**Description:** This regional treaty is the only international convention directed solely at eliminating violence against women. It has been ratified by every member state in the OAS except for the United States and Canada. The United States has not signed or ratified this Convention. States agree to pursue policies to “prevent, punish and eradicate violence,” including but not limited to taking measures to prevent and punish violence against women, adopting legislation to help eradicate violence against women, and establishing fair and effective legal procedures (Article 7). Any NGO may lodge petitions with the Commission containing denunciations or complaints of violations of Article 7 by a state party to the Convention (Article 12).

4. The Inter-American Human Rights System—Combating Violence Against Native Women in the United States, a Handbook by the Indian Law Resource Center (November 2013)

<http://www.indianlaw.org/safewomen/Inter-American-System-Handbook>

**Description:** This handbook by the Indian Law Resource Center provides concrete guidance on how American Indian and Alaska Native women and advocates can and have used the Inter-American human rights system to raise awareness, spur dialogue, guide policy agendas, and bring pressure from the international community to bear on the United States to restore safety to Native women.

## II. Inter-American Commission

<http://www.oas.org/en/iachr/>

**Description:** The seven-member Commission is elected by the General Assembly of the OAS. One key function is to examine petitions (or complaints) filed by individuals, groups, or organizations who claim that a state has violated a human right recognized under the American Convention on Human Rights or the American Declaration of the Rights and Duties of Man. The Commission investigates the facts, conducts hearings, reports its findings and, where appropriate, recommends measures for a state to remedy the violation. However, the Commission does not have the power to compel a state to act.

A. Ways to engage with the Inter-American Commission

1. Thematic Hearings

<http://www.oas.org/en/iachr/sessions/default.asp>

**Description:** It is possible to request a thematic hearing to inform the Commission of a human rights violation. The Indian Law Resource Center, the National Congress of American Indians Task Force on Violence Against Native Women, Clan Star, Inc., and the National Indigenous Women’s Resource Center requested and was granted a thematic hearing on the Epidemic Levels of Violence against American Indian and Alaska Native Women in the United States in 2011. For a copy of the petition, *see* the Inter-American Human Rights System—Combating Violence Against Native Women in the United States, a Handbook by the Indian Law Resource Center.

<http://www.indianlaw.org/safewomen/Inter-American-System-Handbook>

a. Press release: “IACHR hearing on Violence Against Native Women”

<http://www.indianlaw.org/safewomen/iachr-hearing-violence-against-native-women-us>

**Description:** This was the first international hearing dedicated to the violence against indigenous women in the Americas and specifically focusing on American Indian and Alaska Native women in the United States. Representatives of the United States appeared at the hearing, admitting that the level of violence against American Indian and Alaska Native women is “an assault on the national conscience.” Presenters discussed the high rate of victimization and impunity that assailants have due to jurisdictional issues; the importance of recognizing tribal sovereignty to prosecute perpetrators of violence against Native women within their territories for misdemeanor and felony crimes and fully funding available grants to support these efforts.

2. Amicus Brief

a. *Jessica Gonzales v. United States* Amicus Brief

<http://www.indianlaw.org/safewomen/gonzales>

**Description:** Ms. Jessica Lenahan (formerly Gonzales), a U.S. citizen living in Colorado obtained a protection order against her abusive husband. When he failed to return their three girls at the time dictated by their custody agreement,

Lenahan called the police to report the violation. Lenahan called the police multiple times, but the police refused to enforce the protection order. Hours later Lenahan's husband opened fire on a police station and was killed by the police. Lenahan's three young daughters were found dead in the father's truck; their deaths were never fully investigated. Lenahan pursued her remedies against the Castle Rock police department alleging her civil rights were violated through failure to enforce the protection order. Eventually, the United States Supreme Court ruled against Lenahan and said that she did not have a constitutional right to have her civil protection order enforced by the Castle Rock police department. Ms. Lenahan went on to file the first individual complaint brought before the Commission by a victim of domestic violence against the United States for international human rights violations. A coalition of American Indian and Alaska Native women advocates and NGOs wrote an amicus brief in support of Lenahan. Though this case did not involve an American Indian or Alaska Native woman or tribal jurisdiction, the U.S. Supreme Court decision was especially dangerous for American Indian and Alaska Native women. Due to the limited tribal criminal jurisdiction and apathy on the part of federal and state officers, tribal court protective orders are often the best, or only, tool available to tribes to protect American Indian and Alaska Native women. Ensuring that these protective orders are enforced is a vital step towards securing safety for American Indian and Alaska Native women. The brief uses international law to advocate for changes in the law and to expose U.S. law to international scrutiny. On October 27, 2014, the Inter-American Commission on Human Rights (Commission) convened a hearing to follow up on the implementation of its recommendations in *Jessica Lenahan (Gonzales) v. United States*.

- b. Press Release: "International Commission Decision Brings New Hope to Native Women Facing Domestic Violence in the U.S."  
<http://www.indianlaw.org/content/iachr-decision-brings-hope-native-women>  
**Description:** The Commission determined that the United States violated its obligations under international human rights law by failing to use due diligence and reasonable measures to protect domestic violence victims. The Commission also acknowledged the amicus brief submitted

by the Indian Law Resource Center and Sacred Circle National Resource Center to End Violence Against Native Women that demonstrates that domestic violence has a disproportionate impact on American Indian and Alaska Native Women and low-income minority women.

3. Petition

<http://www.oas.org/en/iachr/mandate/petitions.asp>

**Description:** It is possible to petition the Commission to investigate a specific human rights violation. There is a [fact sheet](#) available to explain the entire process as well a [brochure](#) that includes a description of human rights in the Inter-American System, a guide for submitting a petition, an explanation of the process in serious and urgent situations, and a form for submitting a petition to the IACHR.

4. Precautionary Measures

<http://www.oas.org/en/iachr/decisions/precautionary.asp>

In serious and urgent situations, the Commission may, on its own initiative or at the request of a party, request that a state adopt precautionary measures to prevent irreparable harm to persons. This can be in relation to a pending petition or case or independent of any previous action. Many precautionary measure issued protect groups of people, including indigenous groups.

B. Key Documents

1. Missing and Murdered Indigenous Women in British Columbia, Canada – 2014

<http://www.oas.org/en/iachr/reports/pdfs/Indigenous-Women-BC-Canada-en.pdf>

**Description:** This extensive report examines the disproportionate number of indigenous women who are murdered or missing in Canada and finds that the root causes are a history of discrimination and modern-day, unjust laws and policies. Poverty, inadequate housing, economic and social relegation contribute to their increased vulnerability to violence. The report includes numerous recommendations, including that the Canadian government better address social and economic marginalization (¶ 306), improve coordination between different levels and sections of government (¶ 307), and advocates for indigenous led reform (¶ 308).

2. 2011 Center Hearing: 143 Period of Sessions, October 25, 2011, “Violence Against Indigenous Women in the United States”

<http://www.oas.org/es/cidh/audiencias/TopicsList.aspx?Lang=en&Topic=15>

**Description:** An audio recording of the presentation in front of the Inter-American Committee on Human Rights documenting the vulnerability of American Indian and Alaska Native women and how the lack of equal protection under the law violates their human rights.

3. *Jessica Lenahan (Gonzales) et al. v. United States* Merits Hearing Report No. 80/11

<http://www.oas.org/en/iachr/decisions/2011/USPU12626EN.doc>

**Description:** The Hearing Report announces the Commission's recommendations that the United States adopt federal and state legislation making protection order enforcement mandatory, increase protection for children, and create policies intended to erase the stigma of domestic violence and eradicate the discrimination that impedes full protection from domestic violence.

#### C. Rapporteurships

<http://www.oas.org/en/iachr/mandate/rapporteurships.asp>

1. Rapporteur on the Rights of Indigenous Peoples

<http://www.oas.org/en/iachr/indigenous/default.asp>

**Description:** In 1972, the Commission affirmed that states have a sacred duty to provide special protection to indigenous peoples and, in 1990, the Commission established the Office of the Rapporteur. The Rapporteur's responsibilities include promoting the development of a human rights system that protects indigenous people, meeting with indigenous peoples, facilitating their access to the Inter-American system, participating in individual petitions and precautionary measures, conducting visits to member states, and preparing thematic reports. Rapporteurs in the OAS system are members of the Commission, not independent experts as in the UN system.

##### a. Key Documents

- i. Draft American Declaration on the Rights of Indigenous Peoples

<http://www.oas.org/en/iachr/indigenous/activities/declaration.asp>

**Description:** Since 1989, the OAS has worked to develop and negotiate with indigenous peoples a draft American Declaration on the Rights of Indigenous Peoples. The American Declaration will be a regional human rights instrument that can be

used to protect the specific rights of indigenous peoples. It is expected to improve on the UN Declaration, in part by incorporating a stronger and more thorough treatment of treaties and gender equality. Although the United States has not participated in negotiations since 2007, significant progress to finalize the text of the draft Declaration was made in early 2015. In June 2015, the OAS General Assembly authorized work on the draft Declaration to continue in 2016.

2. Rapporteur on the Rights of Women

<http://www.oas.org/en/iachr/women/default.asp>

**Description:** The Office of the Rapporteur on the Rights of Women raises awareness about situations where women are unable to exercise their basic rights; makes specific recommendations to states to meet their priority obligations for equality and nondiscrimination; promotes mechanisms that the inter-American human rights system provides to protect women's rights, such as the lodging of individual complaints on violations; prepares specialized studies and reports; and assists the Commission in responding to petitions and other reports of violations of these rights in the region. Rapporteurs in the OAS system are members of the Commission, not independent experts like the UN system. Commissioner Margarete May Marculay, a citizen of Jamaica, began serving a 4-year mandate on January 1, 2016 as the Rapporteur on Rights of Women.

a. Key Documents

i. Access to Justice for Women Victims of Violence in the Americas (2007)

<http://www.cidh.org/women/Access07/tocaccess.htm>

**Description:** While this is a broad report covering victims of violence throughout the Americas, it specifically addresses barriers indigenous women face. The report affirms that states have an obligation to provide justice for the victims of crime, in addition to recognizing and respecting indigenous law. (¶ 200). The report highlights the lack of due diligence by the government in responding to reported crimes against indigenous women because of discrimination and racism. (II. A. 6. a).

ii. The Rapporteur has prepared a series of country reports on violence against women in Haiti,

Colombia, and Ciudad Juarez, Mexico. There has not been a report about the United States.

<http://www.oas.org/en/iachr/women/reports/country.asp>

### III. Inter-American Court

<http://www.corteidh.or.cr/index.php/en>

**Description:** If a state fails to implement the Commission's recommendations, the Commission may, in certain situations, submit the case to the Inter-American Court, which can issue binding decisions. Significantly, the Inter-American Court has jurisdiction only over those countries that have expressly accepted its authority and ratified the American Convention on Human Rights. To date, the United States has not done so.

#### A. Ways to engage with the Inter-American Court

**Description:** Since the United States does not recognize the Court's jurisdiction, it does not offer a forum for American Indian and Alaska Native women. For states that have accepted the Court's jurisdiction, it has both an adjudicatory power and an advisory power. Cases can be started by an application by either the Commission or by a state.

#### B. Key Documents

**Description:** The court has heard important cases regarding indigenous land rights, but has not explicitly addressed violence against indigenous women.

### IV. Inter-American Commission of Women

<http://www.oas.org/en/cim/>

**Description:** Established in 1928, the Inter-American Commission of Women (CIM) was the first inter-governmental agency established to ensure recognition of women's human rights. CIM is made up of one delegate from each OAS member state and meets every three years, though an Executive Committee meets once or twice a year to address routine matters. The CIM reports on an annual basis to the General Assembly on the status of women, progress on human rights and gender equity, and offers concrete recommendations to member states to improve participation and recognition of women's human rights.

#### A. Ways to engage with the Inter-American Commission of Women

**Description:** CIM occasionally organizes round-tables, seminars, and other events to raise awareness, identify practical policies and solutions, or share experience and best practices for the protection and promotion of women's rights. For upcoming meetings check

<http://www.oas.org/en/CIM/meetings.asp>.

#### B. Key Documents

1. “A Gendered Approach to Multi-dimensional Security”

<http://www.oas.org/en/cim/security.asp>

**Description:** This report highlights the importance of having the data for the incidence, causes, costs and consequences of violence against women (pg. 2) and the need to bring familial violence outside the private sphere (pg. 3).

IV. Follow-up Mechanism to the Belém do Pará Convention

<http://www.oas.org/en/mesecvi/default.asp>

**Description:** Often referred to by its Spanish language acronym, MESECVI, the Mechanism was developed in 2004 to provide a continuous, independent evaluation process to assist in the implementation of Belém do Pará Convention. The Mechanism analyzes the progress of each state and persistent challenges to effective state response. Civil society is represented by a network of NGOs. These organizations participate in the evaluation, analysis, and follow-up to the Mechanism’s recommendations. They also present shadow reports and help the Mechanism in monitoring compliance with recommendations. To join the MESECVI civil society network, contact the Secretariat at [mesecvi@oas.org](mailto:mesecvi@oas.org). As the U.S. is not a party to the Belém do Pará Convention, American NGOs do not typically participate in this work.

A. Follow up Mechanism Reports

<http://www.oas.org/en/mesecvi/default.asp>

**Description:** Similar to the UPR process, a Committee of Experts prepares and circulates a questionnaire to the member states which responses are evaluated by the Committee of Experts and they issue a series of recommendations. The results and recommendations are consolidated into a hemispheric report. The last [hemispheric report](#) was released in 2012, with a follow-up report released in April 2015.