

# Indian Law Resource Center

## Indigenous Peoples' Rights

<https://indianlaw.org/swsn/violations-indigenous-women%E2%80%99s-rights-brazil-guatemala-and-united-states>

## Campaign and Advocacy

(New York, NY) Indigenous women leaders from the Americas convened virtually on March 22<sup>nd</sup> for an important panel discussion on their grassroots movements to restore indigenous protections and to advance indigenous womens rights, including their human right to be free of violence and discrimination. The parallel event, *Violations of Indigenous Womens Rights: Brazil, Guatemala, and the United States*, was part of the NGO-CSW65 Virtual Forum taking place alongside the 65<sup>th</sup> session of the UN Commission on the Status of Women in New York City.

Indigenous womens rights intersect with a wide range of issues: development and land rights, environmental and health rights, civil and political rights and human rights, said Chris Foley, senior attorney at the Indian Law Resource Center. But it is indigenous peoples collective rights, especially our right to self-determination and our land rights, that are central to the work to restore safety to indigenous women.

The panelists each spoke about their experiences working to improve and reform their governments responses to violence against indigenous women and to bring their countries laws closer to the international standards in the Beijing Declaration, the UN and American Declarations on the Rights of Indigenous Peoples, and other human rights instruments.

### *Situation of Indigenous Women in Brazil*

Judite Guajajara and Cristiane Bar, both indigenous lawyers, spoke as representatives of the Coordination of the Indigenous Organizations of the Brazilian Amazon, a large indigenous organization in Brazil mobilizing some 160 distinct indigenous peoples.

Indigenous women are at the frontline of the work to defend our collective rights, Guajajara said. Many rights violations are specific to our intersectional identity, both as women and indigenous peoples. Examples of this are violations of indigenous territories, which, in addition to affecting the entire community, affect indigenous women with specific violence. Sometimes it can take a week for a survivor to reach a police station because of the geographical distances and then they face more difficulties in reporting perpetrators due to language barriers. She also recalled that the legal establishment of the rights to exist and to remain as indigenous peoples was a victory won by indigenous peoples themselves when it was enshrined in the 1988 Constitution. Before that we did not have the right to exist; it was considered a temporary condition, Guajajara added. We still struggle to realize our right to exist and work very hard to have the rights of indigenous women recognized.

Cristiane Bar described some of the impacts of COVID-19 on indigenous women and communities and how the pandemic has contributed to an increase in violence. There is no accurate data on how many indigenous peoples have died from the virus to date, since the government does not include indigenous peoples who live outside the demarcated territories in its data. In addition, the Brazilian government has not presented an effective plan to fight the virus that takes into account the specific needs of indigenous peoples. Many indigenous women work in informal jobs or selling handicrafts, but due to the pandemic they cannot leave their communities, resulting in negative financial effects on their families and in the community. Often, the pandemic forces indigenous women who are survivors of rape to remain close to their aggressors, in some cases because they need their financial support, given that they are the providers of the house or because the women lack access to the places where they could make complaints. Further, in recent years, indigenous peoples in Brazil have also experienced increased invasions, fires and deforestation of their lands, and consequently seen an increase in violence against indigenous women, Bar said. Bar also emphasized that violence is not part of our culture or of our territories, but is one of the consequences of European colonization and the invasion of the country.

### *Situation of Indigenous Women in Guatemala*

The colonizing system that has been going on for more than 500 years imposed a very different modela dominating approachon indigenous peoples, said Mara Eliza Orozco Prez, who is part of the Guatemalan Integral Association of Indigenous Mam Women (AIGMIM). We had a historical legacy as the children of our ancestors and our way of living with Mother Earth, but all that was ignored. Orozco Prez noted that while there are many historic injustices with respect to indigenous peoples in the education, health, and criminal justice systems, during the pandemic you can see the discrimination against indigenous peoples who are not being served by resources being provided to others, including companies and institutions. Significantly, indigenous women have suffered violence since colonization. Orozco Prez described how these women are becoming invisible; many women are disappearing, and migration is increasing.

Juanita Cabrera Lopez, Executive Director of the International Mayan League, spoke about human rights violations against indigenous women, children, and families in Guatemala and at the U.S./Mexico border, and their impact on mobility, migration, and migration routes. Despite extreme rates of violence against indigenous women in Guatemala, the government routinely fails to act. Cabrera Lopez said there is an epidemic of femicide in Guatemala, citing findings that in just the first 25 days of 2021, 28 women and girls were killed, and stating that indigenous women movements had called on the state to act and guarantee the right to life for all women and girls, and had denounced the racism and historic discrimination as a role in the violence and murder against indigenous women. Among other things, she urged the recognition of indigenous identities and language at the border, the documentation of human rights violations of

indigenous women in migration, and an investigative report on the five deaths of indigenous Mayan children and the murder of Claudia Patricia Gmez Gonzalez at the U.S. Southern Border.

### ***Situation of Indigenous Women in the United States***

Native women in Alaska suffer the highest rate of forcible sexual assault in the United States. Alaska Natives are 16% of the state population, yet we make up 28% of the murder victims in the state, said Tami Truett Jerue, Director, Alaska Native Women's Resource Center. This problem is based on policies of colonization and laws that create barriers to the implementation of local solutions. We are demanding more resources, but we also need state and federal policy and law changes to create a legal framework that will let Alaska Native villages implement the changes that we need. The Alaska Native Womens Resource Center works to educate lawmakers on laws and policies that harm indigenous women and contribute to the high rates of violence.

In the United States, four in five American Indian and Alaska Native women have been assaulted and, on some reservations, indigenous women are murdered at rates ten times the national average. Carmen OLeary, Director of Native Womens Society of the Great Plains, discussed legislation pending in the U.S. Congress that would reauthorize the Violence Against Women Act (VAWA), the major federal law aimed at addressing domestic violence, sexual violence, and stalking, and which expired in 2018. When VAWA was last reauthorized in 2013, historic provisions were added to reaffirm tribal governments inherent sovereignty to address violence against Native women by non-Indians in Indian country who commit domestic violence, dating violence, and violations of certain protection orders. OLeary described efforts to get badly needed improvements in U.S. law that could strengthen protections for indigenous women such as broadening the criminal authority of tribes under VAWA, addressing the protection of indigenous women and communities from so-called man camps and other issues associated with extractive industries on or near tribal lands, incarceration, and pipelines on or near tribal lands.

In concluding, Paula Julian, Senior Policy Specialist with the National Indigenous Womens Resource Center, observed that the panelists made clear that government-sanctioned violence and lack of government accountability are the source of the extreme rates of violence that indigenous women experience throughout the Americas. She noted that indigenous women are vulnerable as a population because they have unique political relationships with their governments as peoples from sovereign nations and because they are women, and that it is unacceptable that for so many indigenous women and girls, its not a question of whether or not they will be raped or assaulted, but a question of when and how many times.

Based on the foregoing panel, the co-sponsoring organizations made the following recommendation to the 65<sup>th</sup> session of the UN Commission on the Status of Women:

***We urge the Commission on the Status of Women to continue and deepen its engagement with indigenous women and their rights including, at its earliest opportunity, by designating Implementing Indigenous Womens Individual and Collective Rights to Lives Free of Violence and Discrimination as a focus area.***

The event was co-sponsored by the Alaska Native Womens Resource Center, Coordination of the Indigenous Organizations of the Brazilian Amazon, Indian Law Resource Center, International Mayan League, National Congress of American Indians, National Indigenous Womens Resource Center, and Native Womens Society of the Great Plains, Reclaiming Our Sacredness.

For more information, email Chris Foley at [cfoley@indianlaw.org](mailto:cfoley@indianlaw.org)

### **Biographies**

**Christopher T. Foley**, an enrolled citizen of the Cherokee Nation, is a senior attorney with the Indian Law Resource Center in its Helena, Montana office. Founded in 1978, the Center is a nonprofit organization established and directed by American Indians that is dedicated to protecting the rights of Indian and Alaska Native nations and other indigenous peoples throughout the Americas. Chris works on the Centers international projects to build and strengthen human rights standards relating to indigenous peoples within the United Nations and the Organization of American States, and on the Centers domestic law reform efforts. He focuses much of his time on the Centers Safe Women, Strong Nations project which works to end violence against American Indian and Alaska Native women. Chris received his B.A. from Swarthmore College, his J.D. from Temple University, and he is admitted to practice law in Pennsylvania.

**Jana L. Walker**, an enrolled citizen of the Cherokee Nation, is a senior attorney with the Indian Law Resource Center in Helena, Montana. Founded in 1978, the Center is a nonprofit organization, established and directed by American Indians, that is dedicated to protecting the rights of Indian and Alaska Native nations and other indigenous peoples. Jana serves as the project director for the Centers Safe Women, Strong Nations project, which works to end violence against American Indian and Alaska Native women and its devastating impacts on Native communities. The project does so by raising awareness domestically and internationally, providing advice to Native nations and Native womens organizations on ways to restore safety to Native women and criminal authority to tribes, as well as helping to strengthen the ability of tribes to prevent and address such violence on their lands. Jana received her J.D. *cum laude* from the University of New Mexico School of Law and is admitted to practice law in Montana, New Mexico and the District of Columbia.

Organized in 2015, the ***Alaska Native Womens Resource Center (AKNWRC)*** is a tribal nonprofit organization dedicated to ending violence against women with Alaskas 229 tribes and allied organizations. AKNWRC board members are Alaska Native women raised in Alaska Native Villages and have 141 years of combined experience in tribal governments, nonprofit management, domestic violence and sexual assault advocacy (both individual crisis and systems and grassroots social change advocacy at the local, statewide, regional, national and international levels), and

other social service experience. AKNWRCs philosophy is that violence against women is rooted in the colonization of indigenous nations. ([www.agnwrc.org](http://www.agnwrc.org))

Founded on April 19, 1989, the **Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB)** is the largest regional indigenous organization in Brazil, seeking to defend the rights of indigenous peoples to their land, environment, health, education, culture and self-determination. The organization also fights for the protection and recognition of indigenous peoples in voluntary isolation. The organization mobilizes roughly 160 distinct peoples, representing 440,000 individuals nearly 60% of the countrys indigenous population who collectively occupy approximately 110 million hectares of land across all 9 states of the Brazilian Amazon (Amazonas, Tocantins, Amap, Maranhão, Roraima, Acre, Pará, Roraima and Mato Grosso). However, these figures do not include indigenous peoples living in voluntary isolation. COIAB is a member of the Coordination of Indigenous Organizations of the Amazon Basin (COICA), one of the largest indigenous organizations in the world and of international representation, and is also a member of the Articulation of the Indigenous Peoples of Brazil (APIB), the largest indigenous organization in Brazil. ([www.coiab.org.br](http://www.coiab.org.br))

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

The **International Mayan League (IML)** is a nonprofit organization whose purpose is to promote, preserve and transmit the culture, history and contributions of our ancestors in the defense of Mother Earth. Its work is guided by the vision and practices of the spiritual and traditional leaders, elders and authorities to address the root causes contributing to discrimination, inequality and oppression of the Maya and the destruction of these communities and their environment. IML partners with allies from other indigenous nations, human rights organizations, academics, scholars, scientists and faith-based communities to stand in solidarity with the struggle of the Mayan peoples. Jointly IML addresses the many critical issues affecting not just the Maya but all of humanity and Mother Earth. ([www.mayanleague.org](http://www.mayanleague.org))

The **National Congress of American Indians (NCAI)** is the oldest and largest national organization of American Indian and Alaska Native tribal governments, and is dedicated to ending the epidemic of violence against American Indian and Alaska Native women. In 2003, NCAI created the NCAI Task Force on Violence Against Women to address and coordinate an organized response to national policy issues regarding violence against American Indian and Alaska Native women. NCAI is in consultative status with the UN Economic and Social Council. ([www.ncai.org](http://www.ncai.org))

The **National Indigenous Women's Resource Center, Inc. (NIWRC)** is a nonprofit organization whose mission is to ensure the safety of Native women by protecting and preserving the inherent sovereign authority of American Indian and Alaska Native nations to respond to domestic violence and sexual assault. NIWRCs Board consists of Native women leaders from American Indian, Alaska Native and Native Hawaiian nations across the United States. NIWRC is a national resource center for Indian nations and Native organizations providing technical assistance, training, policy development, materials, resource information and the development of Native strategies and responses to end the violence. In 2015, NIWRC launched the Violence Against Women Act (VAWA) Sovereignty Initiative to defend the constitutionality and functionality of all VAWA tribal provisions. ([www.niwrc.org](http://www.niwrc.org))

The **Native Womens Society of the Great Plains, Reclaiming Our Sacredness (NWSGP)**, is a coalition of domestic violence and/or sexual assault programs committed to the reclamation of the sacred status of women. The Society offers a vision that ends domestic and sexual violence against Native women, in all aspects a vision of change. The Society works to support and strengthen sisterhood and local advocacy and program development efforts through culturally specific education, technical assistance training and resource implementation. The geographical area that constitutes the service area of the Society includes tribes in southern Minnesota, Montana, Wyoming, North Dakota, South Dakota and Nebraska. ([www.nativewomenssociety.com](http://www.nativewomenssociety.com))

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