



Promoting fair and
effective criminal justice



QUNO

Quaker United Nations Office

Oral Statement

Agenda item 3: Annual full-day discussion on the human rights of women

Panel 1: Violence against indigenous women and girls and its root causes

Geneva, 16 June 2016

Thank you Chair,

Penal Reform International and Friends World Committee for Consultation (Quakers) welcome the focus of today's panel.

We would like to highlight the issues that arise in the context of imprisonment, an issue of particular concern given the over-representation of indigenous women in the female prison population in many countries. For instance, in Canada, 1 in 3 federally imprisoned women are Aboriginal, in New Zealand over 50 per cent of female prisoners are indigenous Māori. In a report of the UN High Commissioner for Human Rights, the high rates of imprisonment of indigenous women were linked to the global prison overcrowding crisis.¹

Violence plays a significant role in the pathways to prison for many women and exacerbates the negative impact of detention and post-imprisonment social exclusion. For indigenous women this is compounded by intersectional discrimination based on race and gender, as noted by the Permanent Forum on Indigenous Issues.² A joint UN agency report noted that the specific risk factors for indigenous women “not only contribute to underlying causes of violence against indigenous girls and young women but may also mitigate the protective factors that typically prevent or reduce the likelihood of its occurrence”.³

This impacts not only on the overrepresentation of indigenous women in prison but also the risks they face when imprisoned. During imprisonment, indigenous women face a higher risk of violence from correctional staff and fellow prisoners. In what the Special Rapporteur describes as a ‘continuum of violence’ following release from prison indigenous women also face a greater risk of violence along with stigmatisation than women from non-indigenous populations.

¹ See Human rights implications of over-incarceration and overcrowding’, 2015, [UN Doc. A/HRC/30/19](#).

² See ‘Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples’, Permanent Forum on Indigenous Issues, 2013, [UN Doc. E/C.19/2013/9](#)

³ See ‘[Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women](#)’, UNICEF, UN Women, UNFPA, ILO and the office of the Special Representative of the Secretary-General on Violence against Children, 2013

To address this continuum of violence for women from indigenous populations member states should look to the UN Bangkok Rules. These Rules require that any histories of violence be taken into account as a mitigating factor in sentencing. Moreover, the Rules give preference to non-custodial measures which can better address the root causes of offending (including victimisation) and lower the risk of re-traumatisation and stigma.

One good practice in this regard is the Canadian Gladue Rights⁴ which recognise the impact of systemic discrimination on overrepresentation of indigenous people in the criminal justice system and instruct judges to consider “all available sanctions other than imprisonment that are reasonable in the circumstances, with particular attention to the circumstances of Aboriginal offenders.” Reports prepared to assist judges with this consideration cover prior experience of gender-based violence.

There is a need for further research and better data collection on the impact of violence on indigenous women who are in prison

To conclude, we urge Member States to address the violence prior, during and after imprisonment far too commonly experienced by women who come into conflict with the law. This is essential in their efforts to deliver on the promise to “leave no one behind” in meeting the 2030 Sustainable Development Agenda, to be discussed later today.

We invite the panel to address the following two questions:

1. Do you have other examples of good practices where national criminal justice systems have taken into account the impact of violence on indigenous women who are accused or convicted of criminal offences?
2. What do you see as the key steps to addressing the over-representation in prison of indigenous women, especially those who have experienced violence?

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⁴ See Native Women’s Association of Canada <http://www.nwac.ca/wp-content/uploads/2015/05/What-Is-Gladue.pdf>