

United States' Compliance with International Human Rights Standards and Norms

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Introduction and Summary on the Situation of Indigenous Peoples' Rights in the United States

1. In the current-day United States, Indigenous Peoples are experiencing a rollback of their rights and worsening of their situation across a number of issues. This submission covers four main areas: Indigenous access to voting; violence against Indigenous women; Indigenous incarceration rates; and Indigenous subsistence rights. Although this submission covers these four topics, it is important to note that nearly every issue and situation affecting Indigenous Peoples is in decline and are only intensified by many compounding factors such as the climate crisis, the political situation, and a renewed priority for extractive industry activity.
2. Indigenous Peoples were granted citizenship in 1924 and were then allowed to vote according to federal law; however, many states worked to exclude Indigenous Peoples from voting, and still do. A popular stance with conservative politicians is to purge voter rolls of anyone that is voting illegally and to do that many suggest to have stricter forms of identification or even to require a street address instead of a post office box to serve as a mailing address on that same identification. These sorts of laws have heightened consequences for Indigenous Peoples due to very nature of Indian Reservations and living in rural areas of the United States. Some of these laws are purposeful in their intent to prevent Indigenous Peoples from voting, but others are drafted by politicians and other interested parties that are wholly unaware of Indigenous issues, or even that they exist at all.
3. Violence against Indigenous women and girls has been an ongoing, purposeful crime against Indigenous Peoples since colonization began in the Americas. The Missing and Murdered Indigenous Women and girls epidemic is garnering more attention, but the crisis is not getting better. Indigenous women and girls are specifically targeted for a variety of reasons. One of those reasons is the complex jurisdiction. Due to that complexity, many bad actors target Indigenous women and girls because they know prosecution is unlikely if they are ever caught.
4. Indigenous Peoples are over incarcerated when examining the population data and incarceration data versus other demographics. In particular, Indigenous youth are incarcerated at the highest rates for low level offenses. Additionally, while arrests are down for youth in all other demographics, arrests are rising for Indigenous youth. Arrests and incarceration can pose heightened consequences for Indigenous Peoples because most lose access to community and ceremonial practices, and are further disenfranchised upon release due to the limiting of freedoms and stigma that accompany a criminal

record.

5. In the current United States, Indigenous Peoples are increasingly becoming unable to practice their original ways of life through subsistence hunting and gathering methods due to overhunting, overfishing, pollution and contamination, extractive industry, and limits put on Indigenous Peoples' hunting and gathering methods in the name of conservation in the legislature. Another compounding factor to the threat of subsistence ways of life of Indigenous Peoples is the climate crisis. In particular, waterways are becoming hotter and hotter every year and Indigenous Peoples are experiencing mass fish and other aquatic life death as a result.
6. This submission is particularly concerned with Indigenous youth, Indigenous women and girls, Indigenous ways of life, and Indigenous Peoples' ability to engage in political life to have influence over law and policy that directly impacts in a variety of ways. These are key tenants and issues for Indigenous Peoples and are interconnected.

The Situation of Indigenous Voting, Violence Against Indigenous Women, Indigenous Incarceration Rates, and Indigenous Subsistence Rights are Worsening

Indigenous Voting

7. As stated previously, Indigenous Peoples were supposed to gain the right to vote in 1924, and even at various times prior to that when it came to Treaty making. Historically, voting has been used as a weapon against Indigenous Peoples. For example, when Alaska was illegally annexed into the United States, there was a vote on whether Alaska would be added to the United States. Only the Original Peoples of Alaska were supposed to be able to vote at that time, but there was a law on the books that Indigenous persons had to prove they could read and write English and have 5 white people sign that they were competent enough to vote. As a result, only the colonists, the miners, the merchants, the military and other ne'er do-wells like politicians were able to vote in the statehood of Alaska.
8. Voter identification laws disparately impact Indigenous Peoples. In 2020, the state of North Dakota settled with Indigenous Nations to "relieve certain burdens on the Tribes related to determining residential street addresses for their tribal members and issuing tribal IDs."ⁱ Originally, North Dakota attempted to remove the ability of individuals with postal boxes as their permanent address on their identifications to vote entirely. If Indigenous

Peoples were unable to use postal boxes registered to them as a permanent address on their identifications, then many would not have an address at all and as a result would not be able to vote.

9. Indigenous Peoples that live on Indian Reservations or in other rural parts of the United States often do not have house numbers on their homes or any address assigned to their home. Indigenous Peoples living in these areas are not serviced by the United States Postal Service and must register for a postal box at their closest Postal Service location. Those postal boxes are where Indigenous Peoples receive their mail and often meet individuals that will visit their home because there is no address to give to would be visitors. Requiring a street address on an identification would endure Indigenous Peoples are disadvantaged.

Violence Against Indigenous Women and Girls

10. Violence against Indigenous women and girls is extremely common in the United States. The Missing and Murdered Indigenous Women and Girls (MMIW) crisis is an ongoing epidemic that is not adequately addressed by federal and state governments or agencies. For these crimes, the federal government has jurisdiction with very few exceptions, whereas the state generally does not. Very few Indigenous Nations have jurisdiction over these crimes. Under federal law, Indigenous Nations must meet very specific criteria to prosecute these crimes and currently only 32 out of 574 Indigenous Nations have any jurisdiction over these crimes.
11. Additionally, MMIW advocacy has expanded to include men and those that are non-gender conforming and is often referred to as Missing and Murdered Indigenous Relatives (MMIR). In Alaska, in 2023, the Alaska Department of Public Safety released the Missing Indigenous Persons Report, which included 280 Indigenous individuals.ⁱⁱ In Alaska, according to another report that states there are 229 cases of MMIR, it is stated 80 were murdered and 149 were missing and of those that were murdered, most did not know the offender.ⁱⁱⁱ
12. The Violence Against Women Act (VAWA) did not extend protections to Indigenous Nations and Peoples until 2013. VAWA contains provisions for Indigenous Nations to prosecute these crimes and appropriates a budget line item to Indian Country to help set these courts up and have some resources to protect their Peoples. But, because the criteria is difficult to meet, the majority of federally recognized Nations can even engage to protect their Peoples in this way.

Indigenous Incarceration Rates

- 13.** According to national statistics, the average rate of incarceration delineated by demographics per capita is 350 people per 100,000. However, Indigenous Peoples are incarcerated in both state and federal prisons at a rate of 763 per 100,000 – that is double the national average and more than four times the rate of white people. In particular, Indigenous women made up 2.5% of all women in prisons and jails in 2010 despite only making up 0.7% of the entire population. The high rates of incarceration amongst Indigenous women is also a symptom of the MMIW epidemic as they are often criminalized while being trafficked and further criminalization of women that have experienced violence.
- 14.** Roughly 30,000 Indigenous individuals are incarcerated in the United States. In some states, despite making up small portions of the overall population, Indigenous Peoples are the majority in prisons. In Alaska, Indigenous Peoples make up 14% of the population versus 40% of the population in prison. South Dakota: 8% versus 36%; Montana: 6% versus 24%; North Dakota: 5% versus 25%; Wyoming: 2% versus 7%; and Utah: 1% versus 6%. Additionally, Indigenous youth is the only demographic that arrests are increasing over a 5-year period and have done so by 6%.^{iv}
- 15.** Incarceration of Indigenous Peoples is particularly disrupting to their lives because they are separated from their communities and ceremonial practices. Despite policy stating individuals that are incarcerated must be within 500 miles of their home and have access to Indigenous spiritual leaders, Indigenous individuals that are incarcerated are often kept behind bars in noncompliant conditions with these policies.

Indigenous Subsistence Rights

- 16.** Many Indigenous Nations and Peoples in the United States still depend on original hunting and gathering practices to live, but also do so teach the next generations and ensure the survival of their culture. For Indigenous Peoples, original subsistence practices cannot be separated by cultural or spiritual practices. As a result, it is very important that Indigenous Peoples' subsistence rights are protected.
- 17.** In Alaska, Indigenous Peoples should have the first choice when it comes to subsistence rights and ways of life and should not have to compete with the sports hunters and fishers, commercial hunters and fishers, and co-called local communities. In and around Alaska, there are trawlers that have been out in the waters and in the mouths of the rivers of Alaska and almost every

river has had a crash in population of Salmon.

18. There are also problems with people moving and interrupting the migration paths of the caribou and with the climate crisis we now see a change in the plant life. Wildfires are now an extreme issue because Indigenous Peoples aren't able to manage the forests and ash run off from the fires pollutes the waters and directly impacts the Salmon. With the fires burning the trees, there is no more shade cover to keep the fry of the Salmon cool and protected in the rivers. Indigenous Peoples depend on the land and all those that inhabit it, and they depend on us as Indigenous Peoples to care for them.

Prior Universal Periodic Review Recommendations

19. There were three recommendations during the Third Cycle of the Universal Periodic Review. First, there was a recommendation for eliminating the gap between Indigenous and non-Indigenous populations.^v Second, there was a recommendation for addressing housing and sanitary concerns for Indigenous communities.^{vi} Third, there was a recommendation to develop norms to ensure Free, Prior and Informed Consent of Indigenous Peoples when projects could potentially impact their territories and original ways of life in accordance with Sustainable Development Goals 10 and 16.^{vii}
20. There were no recommendations regarding Indigenous voting rights, violence against Indigenous women, incarceration of Indigenous Peoples, or Indigenous subsistence rights.

United States Government Response

21. The United States did not address voting rights at all in its Third Cycle Report. The United States also did not address incarceration or subsistence rights. The report did address violence against Indigenous women. The report pointed to several executive orders and task forces created by the then Trump administration.^{viii}
22. Unfortunately, many of the task forces and other policy Trump created during his first presidency have been dissolved in some way or no longer exist. The MMIW crisis has gotten worse.

Other U.N. and Regional Human Rights Bodies Recommendations

23. In 2022, the CERD reviewed the United States and gave many concluding observations regarding Indigenous Peoples. Those concluding observations

and recommendations included voting rights of Indigenous Peoples,^{ix} incarceration of Indigenous Peoples and Indigenous youth,^x the right to food for Indigenous Peoples,^{xi} the Indigenous right to a healthy environment,^{xii} violence against Indigenous women,^{xiii} and bilateral Treaty obligations as well as Free, Prior and Informed Consent.^{xiv}

24. Unfortunately, since 2022, the circumstances that led to these concluding observations and recommendations haven't been improved but have gotten worse. Indigenous Peoples are also experiencing rollbacks of rights with extractive industry projects being fast tracked which further endangers Indigenous Peoples' rights and particularly their subsistence rights and puts more Indigenous women and girls at risk.
25. In 2023, the CCPR reviewed the United States and similarly provided recommendations and concluding observations regarding Indigenous Peoples. Those concluding observations and recommendations included racial profiling biases of law enforcement against Indigenous Peoples,^{xv} racial disparities in the criminal justice system regarding Indigenous Peoples,^{xvi} violence against Indigenous women and girls and MMIW,^{xvii} the climate crisis and the right to life in regard to Indigenous Peoples,^{xviii} and the rights of Indigenous Peoples overall including bilateral Treaty obligations, Free, Prior and Informed Consent, extractive industries.^{xix}
26. Since 2023, the circumstances that led to these concluding observations and recommendations has not improved and has gotten worse. Criminalization of various activities is on the rise. Various task forces and other policies to combat MMIW have been dissolved or ignored. Extractive industry activity is being fast tracked, ignoring Indigenous Peoples' Free, Prior and Informed Consent and therefore making worse the climate crisis and further endangering Indigenous Peoples' abilities to hunt and gather.

Recommended Questions

27. How does the United States plan to address the MMIW crisis?
28. How will the United States ensure laws negatively affecting voting rights of Indigenous Peoples and other minority groups will not be passed?
29. How does the United States intend on upholding Treaty rights and Indigenous Peoples' subsistence rights?

- 30.** How does the United States plan to address the stark disparate incarceration rates of Indigenous Peoples, and in particular, Indigenous youth?

Suggested Recommendations

- 31.** The United States should increase funding via VAWA to Indigenous Nations to combat the MMIW crisis and work effectively enable Indigenous Nations to obtain jurisdiction over these crimes.
- 32.** The United States should ensure Free, Prior and Informed Consent procedures are implemented and followed to help ensure the protection of Indigenous lands and waters and subsistence rights.
- 33.** The United States should implement laws and policies to subvert racial profiling to better protect Indigenous youth from disparate arrest and incarceration rates.
- 34.** The United States should implement laws and policies that respect Indigenous Nations' forms of identification and prevent further hindrances of Indigenous Peoples voting.

ⁱ Braktkton Booker, *North Dakota and Native American Tribes Settle Voter ID Lawsuits*, National Public Radio (Feb. 14, 2020), <https://www.npr.org/2020/02/14/806083852/north-dakota-and-native-american-tribes-settle-voter-id-lawsuits>.

ⁱⁱ *Alaska report details 280 missing Indigenous people, including whether disappearances are suspicious*, Associated Press (Aug. 28, 2023), <https://apnews.com/article/alaska-natives-indigenous-missing-report-f6c032a788032ea5bd664dcdef06bbce>.

ⁱⁱⁱ Adelmi Ruiz, *Indigenous echoes: Alaska's stats on MMIP likely higher, according to study*, Alaska's News Source (Apr. 4, 2025), <https://www.alaskasnewsSource.com/2025/04/05/indigenous-echoes-alaskas-stats-mmip-likely-higher-according-study/>.

^{iv} *Native Incarceration in the U.S.*, Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/native.html> (last visited Apr. 7, 2025).

^v A/HRC/46/15 at 26.144.

^{vi} A/HRC/46/15 at 26.287.

^{vii} A/HRC/46/15 at 26.326.

^{viii} A/HRC/WG.6/36/USA/1 at 56.

^{ix} CERD/C/USA/CO/10-12 at 24-25.

^x CERD/C/USA/CO/10-12 at 26-28

^{xi} CERD/C/USA/CO/10-12 at 41 & 42.

^{xii} CERD/C/USA/CO/10-12 at 45-46.

^{xiii} CERD/C/USA/CO/10-12 at 47-48

^{xiv} CERD/C/USA/CO/10-12 at 49-50.

^{xv} CCPR/C/USA/CO/5 at 12-13.

^{xvi} CCPR/C/USA/CO/5 at 14-15.

^{xvii} CCPR/C/USA/CO/5 at 20-23.

xviii CCPR/C/USA/CO/5 at 38-39.

xix CCPR/C/USA/CO/5 at 66-67.