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**The situation of violence against indigenous women and girls in the European context:
a contribution based on the standards of the Istanbul Convention and GREVIO's
jurisprudence**

The present document was prepared under the responsibility of the Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against women and Domestic Violence (CETS No. 210 - Istanbul Convention). Its purpose is to illustrate how the efforts of states parties measure up to the standards of the Istanbul Convention in addressing violence against indigenous women, including girls, within their jurisdictions.

In light of research showing that indigenous women face complex and intersectional forms of violence, this document highlights the relevance of the Convention's provisions for the purposes of providing States with a comprehensive policy framework to prevent violence against indigenous women, protect victims from such violence and prosecute individuals responsible for inflicting such violence. This contribution also draws largely from the unique expertise of the monitoring mechanism of the Istanbul Convention, namely the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

This submission refers in particular to the GREVIO baseline evaluation reports to Finland¹ (2019) and Sweden,² which offer important insights on violence against indigenous women in Europe, given the presence of the indigenous Sámi in these States. These evaluations included consultations with and information from the Sámi Parliament in Finland, as well as a research expert on indigenous populations and NGO shadow report with detailed information on the Sámi in Sweden, including violence against Sámi women.³ This submission further provides information on violence against Sámi women in Norway, which is currently under review by GREVIO. The existing research on health and living conditions in multi-ethnic areas in Norway indicate that Sami women were more likely to report emotional, physical and sexual violence than non-Sami women.⁴ GREVIO will address these issues in its upcoming baseline evaluation report on Norway. Research also indicates that police and support services lack special expertise in Sámi languages and culture, making it more difficult for them to protect people with a Sámi

¹ Published on 02 February 2019.

² Published on 21 January 2019.

³ Contribution from the International Organization for Self-Determination and Equality (IOSDE), March 2018, available at: <https://rm.coe.int/iosde-report-to-grevio-re-sweden/16808b0421>.

⁴ Emotional, physical and sexual violence among Sami and non-Sami populations in Norway: The SAMINOR 2 questionnaire study by Astrid M.A. Eriksen, Ketil Lenert Hansen, Cecilie Javo & Berit Schei, *Scandinavian Journal of Public Health*, 1–9.

background.⁵ Consideration is also given to GREVIO's baseline evaluation report to France⁶, which includes information on violence against indigenous women in some French overseas territories. The information presented largely demonstrates the challenges faced by these States in preventing and combatting violence against indigenous women, and the consequent findings of GREVIO to support their further conformity with the Istanbul Convention.

1. Provisions of the Istanbul Convention applicable to violence against indigenous women

Violence against indigenous women marks a form of intersectional violence which the provisions of the Istanbul Convention seek to prevent, combat and eliminate. Article 4, paragraph 3 of the convention in particular states that the implementation of these provisions shall be secured without discrimination on any ground. This provision sets an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12⁷ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of some groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, remains widespread.⁸

Whilst it does not directly mention indigenous groups, other grounds mentioned in Article 4, paragraph 3, such as association with a national minority, serves to encompass identities based on indigenous status. Indeed, regarding women who belong to national or ethnic minorities, GREVIO has observed in some state parties that policies addressing violence against women do not always consider the specific circumstances and barriers experienced by these groups of women.⁹ Several other grounds of discrimination may also be considered in relation to indigenous women in applying the provisions of the convention, including sex, gender, race, language, political or other opinion, and property. Additional overlapping identities, such as sexual orientation, gender identity, age, state of health, disability, and marital status can further compound the violence experienced by indigenous women. This highlights the intersecting nature of discrimination and its implications for indigenous women who are victims of violence.

Other provisions of the convention applicable to violence against indigenous women arise from the analysis and findings under the GREVIO baseline evaluation reports to Finland and Sweden. These include Article 7 (comprehensive and co-ordinated policies), Article 11 (data collection and research), Article 13 (awareness-raising), Article 20 (general support services), Article 22

⁵ Øverli, I. T., Bergman, S. H., & Finstad, A. K. (2017). «Om du tør å spørre, tør folk å svare»: Hjelpeapparatets og politiets erfaringer med vold i nære relasjoner i samiske samfunn. Oslo: Norwegian Centre for Violence and Traumatic Stress Studies (Report 2/2017).

⁶ Published on 19 November 2019.

⁷ The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

⁸ See paragraphs 52-54 of the Explanatory Report of the Istanbul Convention.

⁹ GREVIO, Mid-term Horizontal Review of GREVIO baseline evaluation reports, paragraphs 29-30.

(specialist support services), Article 24 (telephone helplines), and Article 50 (immediate response, prevention and protection). The challenges faced by the states parties to the Istanbul Convention in relation to each of these provisions is explored in detail in the next section.

2. Violence against indigenous women in states parties in relation to the Istanbul Convention

a) *Article 4 (fundamental rights, equality and non-discrimination)*

GREVIO's evaluation of violence against indigenous women under Article 4 of the Istanbul Convention in its baseline evaluation reports to Finland, France, and Sweden refer more specifically to intersectional discrimination and Article 4, paragraph 3 of the convention. As explained in the previous section, Article 4, paragraph 3 of the Istanbul Convention requires state parties to secure the implementation of the convention without discrimination.

In its reports to Finland and Sweden, GREVIO refers to a lack of research and knowledge of Sámi women, particularly in terms of their experiences and the prevalence of domestic or sexual violence, as well as the cultural specificities and barriers faced in seeking support or protection from violence.¹⁰ In the context of Sweden, GREVIO points out that this as 'particularly alarming against the backdrop of an otherwise established practice of sound, evidence-based policy making', and notes the various efforts in this regard by other international human rights mandates and treaty bodies.¹¹

In Sweden, GREVIO further notes the lack of measures in place to address the increased vulnerability of women such as those who are members of the Sámi, despite the multiple forms of discrimination they face.¹² In this vein, GREVIO also recalls in its report to Finland the due diligence obligation on states parties to take the situation and rights of individual victims into account 'in order not to create barriers for women in exercising their right to live free from violence and to receive effective protection'.¹³

The experiences of gender-based violence faced by women living in French overseas territories is also noted by GREVIO in relation to intersectional discrimination which stresses, in its report to France, that high rates of violence against overseas women is well documented.¹⁴ The report particularly refers to studies emphasising that indigenous women in some French overseas territories (French Guyana and New Caledonia), particularly Amerindian women and Kanak women, face intersectional discrimination, gender-based violence and barriers to access justice

¹⁰ GREVIO baseline evaluation report to Finland, paragraph 11; GREVIO baseline evaluation report to Sweden, paragraph 15.

¹¹ GREVIO baseline evaluation report to Sweden, paragraph 15.

¹² GREVIO baseline evaluation report to Sweden, paragraph 14.

¹³ GREVIO baseline evaluation report to Finland, paragraph 12.

¹⁴ See GREVIO baseline evaluation report on France, paragraph 23.

and support services, including sexual health services.¹⁵ In its report, GREVIO strongly encourages the French authorities to 'continue their efforts to eliminate discrimination, which increases the risk of exposure to violence and hinders access to protection mechanisms for women from groups subject to multiple discrimination, such as [...] overseas women, [...] on the basis of long-term strategies covering each of the pillars of the Istanbul Convention.'¹⁶

b) Article 7 (comprehensive and co-ordinated policies)

Article 7 of the Istanbul Convention requires states parties to adopt and implement comprehensive and co-ordinated policies which are victim-centred and involve all relevant actors in measures taken pursuant to this article.

In its report to Sweden, GREVIO 'notes the absence of measures that would identify and address the specific situation of women from minority groups and other groups of women who are facing violence as covered by the convention', recalling that women who belong, for example, to the Sámi community may face different and unique barriers in comparison to those belonging to the majority population. GREVIO therefore highlights the need for comprehensive policies to reflect this in order to be relevant to women of all identities,¹⁷ and further encourages Sweden to ensure that methods developed for multi-agency co-operation to this end 'fully reflect the specific needs of women who are or might be exposed to intersectional discrimination', in particular and including 'women belonging to minority groups in Sweden'.¹⁸

c) Article 11 (data collection and research)

Article 11 of the Istanbul Convention calls on states parties to regularly collect relevant disaggregated data, support research, and conduct population-based surveys on all forms of violence against women.

In its reports to both Finland and Sweden, GREVIO notes the lack of measures and surveys taken to identify Sámi women's exposure to gender-based violence in any of its forms and encourages the authorities in both states parties 'to carry out a population-based survey to assess Sámi women's exposure to sexual and domestic violence as a starting point for further policy measures.'¹⁹ However, GREVIO identifies a promising practice in Sweden in the form of an ongoing study to assess 'the health and living conditions, including exposure to domestic violence,

¹⁵ See "L'efficacité des droits de l'homme dans les Outre-mer", 16 May 2018, Commission Nationale Consultative des Droits de l'Homme (CNCDH); and "Avis sur les violences de genre et les droits sexués et reproductifs dans les Outremer", 21 November 2017, CNCDH.

¹⁶ See GREVIO baseline evaluation report on France, paragraph 26.

¹⁷ GREVIO baseline evaluation report to Sweden, paragraph 26.

¹⁸ GREVIO baseline evaluation report to Sweden, paragraph 27.

¹⁹ GREVIO baseline evaluation report to Finland, paragraphs 44 and 47; GREVIO baseline evaluation report to Sweden, paragraphs 67-68.

in traditional Sámi areas.²⁰ It further expresses appreciation for funding to research violence impacting Sámi women in Sweden and calls on the Swedish authorities to ensure appropriate follow-up to the many government inquiries in this regard.²¹

Example of good practice: allocation of research grants in Sweden

'GREVIO also notes that recent research grants allocated by the Swedish authorities specifically fund research into how Sámi women are served by and benefit from the current national response to violence against women. GREVIO appreciates such diversification of research and recalls that a solid knowledge base should also lead to action to repair any shortcomings.'

GREVIO baseline evaluation report on Sweden, paragraph 72.

d) Article 13 (awareness-raising)

Article 13 of the Istanbul Convention requires states parties, in co-operation with relevant stakeholders, to promote and conduct awareness-raising campaigns to increase awareness and understanding among the general public of, and measures to prevent, violence against women.

In its report to Sweden, GREVIO notes a need, in line with the concept of intersectional discrimination, to adapt awareness-raising activities in Sweden to the specific needs and realities of women belonging to national minorities such as Sámi women, and encourages the Swedish authorities to do so.²²

Regarding Finland, GREVIO 'notes the absence of sustained and long-term efforts to raise awareness or engage in any other effort towards primary prevention' and calls for such prevention activities to empower women and girls, including those belonging to specific communities, such as Sámi women.²³

e) Article 20 (general support services)

Under Article 20 of the Istanbul Convention, states parties must take the necessary legislative or other measures to ensure access for victims of violence to services facilitating their recovery, including adequately resourced health care and social services.

²⁰ GREVIO baseline evaluation report to Sweden, paragraph 67; study conducted by Umeå University and the Centre for Sámi Research (Vartoe), with results expected in October 2019, Government Decision S2018/03552/FS.

²¹ GREVIO baseline evaluation report to Sweden, paragraph 72.

²² GREVIO baseline evaluation report to Sweden, paragraphs 79-80.

²³ GREVIO baseline evaluation report to Finland, paragraph 54.

In both Sweden and Finland, GREVIO notes that social services are ill-equipped to tailor their response to the specific situation and challenges faced by women belonging to specific communities who are exposed to violence, including Sámi women.²⁴ In both states parties, employees of municipalities and support services lack understanding of national minorities and their rights, and very few are able to speak any of the Sámi languages, constituting a further barrier to Sámi women who require access to these services in relation to gender-based violence.²⁵ This has further led to a call by the Council of Europe Advisory Committee on the Framework Convention on the Protection of National Minorities for the authorities in Finland to intensify their efforts to provide linguistic training to municipal employees.²⁶

In Sweden, a 2008 study found that Sámi women who had turned to the social services in relation to domestic violence experienced several cultural barriers, including low awareness 'of the patriarchal nature of Sámi communities, the dual exposure of Sámi women to structural violence (from within the community and from outside), the importance of Sámi identity and the consequences of divorce.'²⁷ GREVIO observes a similar situation in Finland, where the absence of 'a sufficient understanding of Sáminess, and of the special style of communication and way of life in Sámi culture' is further noted.²⁸ In Sweden, Sámi women also reported negative attitudes towards minorities among social services employees.²⁹

In Finland, GREVIO observes as a 'pressing issue' the further barrier for Sámi women in rural areas in terms of access to public welfare services in the Sámi Homeland, which are 'scarce and available only in bigger towns, which means travelling long distances.' Moreover, in Sweden GREVIO notes the lack of any observable action to minimise the obstacles faced by Sámi women victims of violence in accessing culturally-sensitive support, a need which GREVIO identifies as 'urgent' given 'the reluctance with which Sámi... women turn to social services, for fear of discriminatory attitudes and secondary victimisation.' GREVIO therefore strongly encourages both states parties to ensure higher degrees of awareness and cultural sensitivity towards the specific situation of women from national minorities such as the Sámi, the aim of which 'must be

²⁴ GREVIO baseline evaluation report to Finland, paragraph 99; GREVIO baseline evaluation report to Sweden, paragraph 126.

²⁵ Information provided to GREVIO during the evaluation visit to Finland. See also: Rauna Kuokkanen, "Gendered violence and politics in indigenous communities", *International Feminist Journal of Politics*, Vol. 17, No. 2, 2015 [published online 20 May 2014], pp. 271-88; GREVIO baseline evaluation report to Finland, paragraph 99; Fourth Opinion on Sweden, published on 22 June 2017, ACFC/OP/IV(2017) 004, paragraph 21; GREVIO baseline evaluation report to Sweden, paragraph 126.

²⁶ A summary of the present situation can be found in paragraphs 15 and 16 of the Fourth Opinion of the Advisory Committee on Finland, Framework Convention for the Protection of National Minorities, CM(2016)96, Paragraph 104. See also "Experiences of inclusion and welfare services among Finnish Sámi with disabilities", Project Report, Nordic Welfare Centre, 2017, p. 80; GREVIO baseline evaluation report to Finland, paragraph 99.

²⁷ For many Sámi women, divorce from a Sámi man means losing membership in the Sámi community for themselves and their children; GREVIO baseline evaluation report to Sweden, paragraph 126.

²⁸ See also "Experiences of inclusion and welfare services among Finnish Sámi with disabilities", Project Report, Nordic Welfare Centre, 2017, p. 87; GREVIO baseline evaluation report to Finland, paragraph 100.

²⁹ See Monica Burman's discussion of the results of 2008 government-initiated review into the experiences of abused women of national minorities carried out by the then National Public Health Institute through a questionnaire survey and individual interviews in Monica Burman (2017), "Men's intimate partner violence against Sámi women – a Swedish blind spot", *Nordic Journal on Law and Society*, Vol. 01, No.01-02, pp.199-200; GREVIO baseline evaluation report to Sweden, paragraph 126.

the provision of adequate support tailored to the individual specificities, rights and needs of all victims, and to overcome language barriers.³⁰

f) Article 22 (specialist support services)

Article 22 of the Istanbul Convention requires states parties to provide or arrange for specialist support services to victims of all forms of violence, including specific services for women victims and their children.

GREVIO notes with concern the lack of services (specialist and general) in Finland for women who live in the Sámi Homeland, identifying the only available specialist service as a shelter in Rovaniemi, leaving Sámi women with little other option than to turn to emergency hospital services.³¹ In north Sweden, GREVIO notes that there are no dedicated services for Sámi women, 'such as a Sámi-run hotline, a counselling service or shelter for Sámi women victims of domestic violence and sexual assault/rape.'³²

g) Article 24 (telephone helplines)

Article 24 of the Istanbul Convention requires states parties to set up state-wide and free-of-charge 24/7 helplines providing confidential advice regarding all forms of violence against women.

In its baseline evaluation report to Finland, GREVIO notes that helpline services are only available in Finnish, Swedish and English, therefore potentially cutting off Sámi women, especially in the Sámi Homeland, by failing to cater to their individual needs. GREVIO therefore encourages the Finnish authorities to ensure these services are provided 'in a wider variety of languages, in particular Sámi', to reduce the language barriers faced by such women when seeking help.³³

h) Article 50 (immediate response, prevention and protection)

Article 50 of the Istanbul Convention refers to the role of the responsible law enforcement agencies regarding prevention and protection against all forms of violence covered by the convention.

GREVIO notes the possibility that Sámi women in Sweden are less likely to seek help from law enforcement agencies, including regarding issues of violence, 'as their confidence in the Swedish authorities generally is weak.'³⁴

3. Conclusion

The standards of the Istanbul Convention offer comprehensive guidance to state parties and policy-makers in addressing violence against women and girls. While the Istanbul Convention does not refer directly to indigenous women, it establishes the basis upon which they may face intersectional discrimination and provides further scope in its provisions for states parties to take

³⁰ GREVIO baseline evaluation report to Finland, paragraph 104; GREVIO baseline evaluation report to Sweden, paragraph 129.

³¹ GREVIO baseline evaluation report to Finland, paragraph 109.

³² GREVIO baseline evaluation report to Sweden, paragraph 136.

³³ GREVIO baseline evaluation report to Finland, paragraphs 119-120.

³⁴ GREVIO baseline evaluation report to Sweden, paragraph 201.



measures to prevent and prosecute violence against indigenous women and to protect them from such violence.

In its baseline evaluation reports to Finland, France and Sweden, GREVIO therefore identifies various shortcomings and the consequent measures required of the states parties to address violence against indigenous women in their jurisdictions. These states parties are called upon in particular to eliminate discrimination against indigenous women, including by increasing research and knowledge of violence against indigenous women and removing barriers to access relevant services. As highlighted by GREVIO, such efforts are essential in order to effectively prevent and combat violence against indigenous women and girls.