

Testimony Before UN Committee on the Elimination of Racial Discrimination

WOMEN ARE SACRED:

Ending the epidemic of violence against indigenous women in the United States

Navajo Nation, New Mexico

In 2006, a 12 year-old girl on the Navajo reservation reported that she had been molested by a neighbor more than a dozen times. Her mother reported the crime to tribal police investigators who referred the case to the Federal Bureau of Investigation. In the year since, the FBI has never contacted the mother or the daughter to follow-up on the complaint. The young girl spent much of the year in her bedroom staring out the window at the house of the man who molested her and waiting for the FBI. Worried about her daughter's safety and emotional well-being, and frustrated by the lack of law enforcement response, the mother recently moved her family off the reservation.

United States government statistics:

- Native women are two-and-a-half times more likely to be raped in their lifetime than any other group of women within the United States;
- 1 in 3 Native women will be raped and 6 in 10 will be assaulted in their lifetime;
- More than 80% of the perpetrators of violent crime against Indian women are non-Indian men.

Root causes of violence against Native women:

Women are held in a place of honor in our Native cultures. But, current United States law has severely limited the ability of tribal authorities to protect Native women, while failing to provide adequate federal law enforcement services. The consequences are devastating our people.

The United States has: 1) stripped tribal justice systems of their authority over non-Indians who commit crimes on tribal lands;¹ 2) unilaterally assumed jurisdiction over many “major crimes” committed by Indians on Indian lands;² and 3) limited the sentencing authority of tribal courts to one year in jail or a \$5000 fine.³ The result is that when a Native woman is the victim of physical or sexual violence, the tribal government’s hands are tied.

But when a Native woman turns to the United States government to investigate and prosecute her batterer or rapist, help is often too slow to respond or denied outright. On the Navajo reservation, there are only 319 officers patrolling 26,000 square miles. The State of West Virginia, which is of comparable size, has nearly 1200-- four times as many officers. Federal law enforcement officers, who have the authority to investigate crimes committed by non-Indians and felonies committed by Indians, are often based many miles away and can take hours to respond. Even when law enforcement does respond, federal prosecutors are unlikely to prosecute the crime. A recent report found that the United States Attorneys fail to prosecute over two-thirds of the crimes that come from Indian Country. In 2005, Congress passed the Violence Against Women Act, but critical portions of this law still have not been implemented by the United States and tribal governments are still denied the resources and authority they need to protect Native women.

Article 5 of the Convention guarantees all persons equal access to justice, and this Committee has previously informed states that they must “ensure respect for, and [recognize] traditional systems of justice of indigenous peoples...” The limits the United States places on tribal authority, combined with the federal government’s reluctance to pursue these cases, has

¹ *Oliphant v. Suquamish*, 435 U.S. 191 (1978).

² Major Crimes Act, 18 U.S.C. § 1153.

³ Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301-03.

led to a complete failure of the criminal justice system for Indian women. We ask for your help in correcting this disparate system of justice.

Recommendations for the U.S. Government:

1. The United States has unilaterally assumed jurisdiction over violent crime on Indian reservations and is failing to fulfill those responsibilities. The United States must make public safety on Indian reservations a priority and fully implement the Violence Against Women Act.
2. The United States is preventing tribal justice systems from doing their job in Native communities. The U.S. should reaffirm the inherent authority of Indian tribal governments to enforce tribal law over all persons on tribal lands.