

The National Congress of American Indians Statement on Violence Against Native Women

Honorable members of the Administration and fellow members of the human rights community, thank you for the opportunity to be here today. As Executive Director of the National Congress of American Indians (NCAI)—the nation’s oldest, largest, and most representative national organization of American Indian and Alaska Native tribal governments—I come here today to discuss what has become a grave concern for tribal communities: the violence against Native American women.

The epidemic of violence perpetuated against American Indian and Alaska Native women in the United States is nothing short of a human rights crisis. Such violence violates Indian women’s rights to life, liberty and security of the person. And the inadequate response to this violence by the United States government violates Indian women’s rights to equality before the law and access to justice.

The United States Department of Justice (USDOJ) estimates that 1 of 3 Indian women will be raped in her lifetime, that 6 of 10 will be physically assaulted, and that Indian women are stalked at more than double the rate of any other population of women in the United States. This violence threatens the lives of Indian women and the future of American Indian Tribes and Alaska Native Villages. Ending this historic pattern of violence requires that the institutional barriers that deny Indian women equal access to justice be eliminated.

While many issues need to be addressed to confront this human rights crisis, it is clear that limitations placed on tribal government jurisdiction by the United States are a key contributing factor. United States law has: 1) stripped tribal justice systems of their authority over non-Indians who commit crimes on tribal lands; 2) unilaterally

assumed jurisdiction over felonies committed by Indians on Indian lands; and 3) limited the sentencing authority of tribal courts to one year in jail or a \$5000 fine. The result is that when an Indian woman is the victim of physical or sexual violence, the tribal government does not have the authority to appropriately respond to the crime.

But when an Indian woman turns to the United States government to investigate and prosecute her batterer or rapist, help is often severely delayed or non-existent. If the federal government declines prosecution, non-Indian rapists, batterers, and stalkers walk free knowing they can return to commit future crimes in the same or a different Indian community.

Systemic change is needed to protect the human rights of Indian women and stop the violence perpetrated against them. NCAI has identified the following steps as critical to the prevention and prosecution of violence against Indian women:

- First, the U.S. must fully implement the Violence Against Women Act of 2005, including tribal access to federal criminal history databases and enforcement of the habitual offender provision;
- Second, the U.S. must address the systemic barriers that exist by:
 - holding the federal and state governments accountable for prosecution of crime on Indian lands,
 - expanding the sentencing authority of tribal courts,
 - implementing effective prisoner release and reentry notification systems,
 - mandating specialized training in domestic and sexual violence for federal prosecutors and law enforcement officials, and
 - addressing the jurisdictional barriers that exist in Indian Country.

So long as the federal government inadequately responds to sexual violence perpetrated against Indian women, the human rights of Indian women will continue to be violated. NCAI respectfully urges you to take these issues seriously and approach them with the appropriate attention and care. Together, we can reverse the current pattern of violence and the institutional barriers that violate the human rights of Indian women. I thank you for the opportunity to present today.