



**Statement of Lucy R. Simpson, Executive Director
National Indigenous Women's Resource Center**

Violence Against American Indian and Alaska Native Women in the U.S.

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American Indian and Alaska Native women deserve a life free from violence, yet many indigenous women in the United States disappear, are murdered, or experience domestic violence, sexual assault and other forms of gender-based violence at alarmingly high rates.

We are assaulted and murdered by outsiders, by oil workers, by our neighbors, by our partners and even through the complicity of our federal government due to its laws and enforcement measures that all too often fail our tribal sisters and children.

Gender based violence against indigenous women is nothing new. It has been used as a tool of genocide in this country since contact. Rape was a tool of colonizers, and turning a blind eye has been a tool of the federal government ever since. In this way, genocide has continued to modern day through various forms of violence against Native women.

Federal officials in the United States have acknowledged that human trafficking is increasing in Native communities and among Native populations. This is especially so for indigenous women who face heightened risks of trafficking within the United States. Because a large number of Indian reservations are located on the United States' borders with Canada and Mexico, indigenous women and girls can be easily targeted and trafficked over either border. Over 60 miles of the United States' northern border is classified as Indian country and under tribal jurisdiction. There are 6 tribes directly on the U.S.-Canada border and 24 other tribes within close proximity of the northern border or on the shores of one of the Great Lakes. Another 26 tribes are located along the U.S.-Mexico border. Our Alaska Native sisters are close to Canada, Russia, and to expanding international shipping routes as well.

Additionally, oil and gas development on and near tribal lands raises the already high risk that indigenous women will become victims of murder, violence, and sex trafficking. While federal officials have acknowledged the increase, there is little hard data on sex trafficking within the energy development context. There have been some arrests and federal convictions involving victims from one Indian reservation in the heart of the North Dakota Bakken oil boom, and in

that case most of the defendants are believed to be Bakken oil patch workers. When boomtown patterns draw large numbers of outside workers into close proximity with Native communities, the risk of sex trafficking, sexual violence, and murder also rises. Due to the lack of tribal criminal jurisdiction over the vast majority of these types of crimes committed by non-Indians, indigenous women are denied legal protections by their respective tribal governments.

It is shocking to know that the homicide rate on some reservations is ten times the national average and that, from 1979 to 1992, homicide was the third leading cause of death of Native women aged 15 to 34.

Missing and murdered Native women has been a reality in Native communities for decades if not hundreds of years, and although it is not a new phenomenon, the increasing national attention is. A growing number of disturbing cases being talked about reflect a pattern of federal unresponsiveness, lack of an effective national protocol for responding to and handling these cases, scant data, and institutionalized disregard for reports of missing Native women. Most of these cases remain unsolved. When the United States fails to respond to these reports of missing persons (either because the federal Bureau of Indian Affairs police is the local law enforcement, or the Federal Bureau of Investigation does not feel the situation requires its involvement), the tribal community has no choice but to conduct their own search for missing women and girls. Parents, grandparents, siblings, children and friends are forced to search and investigate, taking over the job of the federal agencies who are charged to do so, but without law enforcement technology and resources. It is terrible, but these family members are often the ones that find the remains of their loved ones—their grandmothers, mothers, sisters, and daughters.

We often hear that there is insufficient data and statistics on the number of missing and murdered Native women in the United States to justify significant changes in resources, responses and policies. Why is this?

First, the national crime information center has a missing person file, but race and tribal affiliation are often not entered. Further, many tribes do not have access to these national criminal databases, so tribal governments and law enforcement agencies cannot enter this information directly.

Finally, the national missing persons file reflects people that are entered AND that the local police are searching for. But we often hear that local police refuse to open a formal investigation into reports of missing American Indian/Alaska Native Women. Why? Too often it is because racism and stereotypes infect police investigations from the very beginning. We know that police often refuse to respond to reports of missing Native women because they assume substance abuse or mental health issues are behind the disappearance, or perhaps because they think that Native women are just more likely to leave their families and communities without responsible communication.

This bias is unacceptable. We must not only enforce existing laws, but we must establish, monitor, and enforce standards for law enforcement to follow when responding to reports of missing and murdered and sex trafficked indigenous women.

In the United States, federal law and policy has deliberately been used to create what has been called a jurisdictional maze in Indian country. Criminal jurisdiction and authority to investigate

crimes is determined by analyzing a complex series of questions related to the perceived seriousness of the crime, who owns the land where the offense occurred, how the federal government classifies that type of land-ownership, the race and political affiliation of both the victim and the offender, and other factors.

As a direct result of this maze, often times Law Enforcement Agencies themselves are confused about who should respond when an indigenous woman goes missing or is murdered. This is unacceptable. Federal law reform, to clarify that tribes retain full territorial criminal jurisdiction, is surely needed, but in the meantime, it is absolutely essential for Law Enforcement Agencies to take responsibility for serving ALL victims. Part of serving all victims means knowing when they have jurisdiction. Families should not be running a jurisdictional analysis for law enforcement agencies. This is an unfair burden and leads to further victimization and trauma on the part of the family and the victim.

The federal government has a trust responsibility to tribal nations and to the citizens those nations govern. This includes indigenous women and children. The discriminatory and failed response must stop here. Indigenous women and their families need answers and justice. The United States also must not ignore its human rights obligations to respond to, investigate, and address these increasing cases of missing and murdered and sex trafficked indigenous women with due diligence.