



INDIAN LAW
RESOURCE CENTER
JUSTICE FOR INDIGENOUS PEOPLES

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

RECOMMENDATIONS

For the Thematic Hearing before the
Inter-American Commission on Human Rights, 169th Period of Sessions
October 5, 2018

Although the United States has taken certain steps towards addressing the epidemic of violence against American Indian and Alaska Native women, much, much more remains to be done to end this human rights crisis, to restore safety to these indigenous women, and for the United States to comply more fully with its international human rights obligations, including but not limited to those obligations and directives set out in the American Declaration on the Rights of Indigenous Peoples and the UN Declaration on the Rights of Indigenous Peoples. Such measures could include, but not be limited to:

1. Restoring the criminal authority of American Indian and Alaska Native nations to prosecute non-Indians committing crimes on their lands;
2. Reauthorizing and strengthening the Violence Against Women Act and the Tribal Law and Order Act with measures aimed at ensuring that American Indian and Alaska Native nations have the authority and resources they need to provide safety, justice, and healing for victims of gender-based violence;
3. Creating a permanent mandate within the Victim of Crimes Act, the largest source of federal funding for crimes victims in the United States, to distribute funds directly to Indian nations to ensure that indigenous women have access to victim services and compensation;
4. Launching immediate reforms to ensure that the federal response to missing and murdered indigenous women is appropriate, swift, and just, including the development of standardized law enforcement and justice protocols that will serve as guidelines for law enforcement agencies responding to cases of missing and murdered indigenous women, annual reporting to Congress on known statistics on

missing and murdered indigenous women and of trafficked indigenous women in the United States, and recommendations for improving data collection on missing and murdered women and of trafficked indigenous women that would require inclusion of the tribal affiliation of those victims;

5. Substantially increasing federal technical and financial support to Indian nations to enhance their response to violence against indigenous women, including but not limited to funding for tribal courts, law enforcement, and justice systems;
6. Providing sufficient federal support to non-profit, non-governmental indigenous women's organizations to provide effective and culturally appropriate services to indigenous women survivors of domestic and sexual violence, including but not limited to the provision of shelter and transitional housing;
7. Creating a forum for dialogue, collaboration, and cooperation among tribal courts, federal courts, and state courts on the issue of violence against indigenous women on tribal and Alaska Native lands and how the jurisdictional scheme under United States law unjustly discriminates against indigenous women;
8. Develop a national initiative in consultation with Indian nations to examine and implement reforms to increase the safety of Native women living within tribal lands under concurrent tribal-state jurisdictional authority (Public Law 280 states), including but not limited to the provision of federal technical and financial support to Indian nations within Public Law 280 states to support their response to violence against Native women; and
9. Support the recommendations of the Indian Law and Order Commission, chapter 2 on Alaska, for a legislative fix for the U.S. Supreme Court's *Venette v. State of Alaska*, regarding Indian country as follows: amending the definitions of "Indian country" to include Alaska Native allotments and native-owned town sites and recognize a tribe's jurisdiction equivalent to the Alaska Native Claims Settlement Act Village land; supporting land into trust applications by Alaska Native tribes; channeling more resources directly to Alaska Native tribal governments for the provision of governmental services; and supporting Alaska Native tribes and villages with the exercise of criminal territorial jurisdiction within their communities.

Finally, we encourage you to conduct site visits to American Indian and Alaska Native nations throughout the United States to further investigate the epidemic of violence against indigenous women, the lack of criminal investigations of murdered indigenous women and its implications for the United States' international human rights obligations. We also request that the Commission issue a report on how the United States, in consultation and collaboration with tribes, could better protect the human rights of American Indian and Alaska Native women.

Thank you in advance for your commitment to the human rights of indigenous peoples, and indigenous women in particular, in the United States. At your request, we would welcome the opportunity to answer any questions you may have or provide you additional and more complete information on violence against indigenous women.

About the Petitioning Organizations

Organized in 2015, the ***Alaska Native Women's Resource Center*** (AKNWRC) is a tribal nonprofit organization dedicated to ending violence against women with Alaska's 229 tribes and allied organizations. AKNWRC board members are Alaska Native women raised in Alaska Native Villages and have 141 years of combined experience in tribal governments, nonprofit management, domestic violence, and sexual assault advocacy (both individual crisis and systems and grassroots social change advocacy at the local, statewide, regional, national and international levels), and other social service experience. AKNWRC's philosophy is that violence against women is rooted in the colonization of indigenous nations.

Founded in 1978 by American Indians, the ***Indian Law Resource Center*** (ILRC) is a non-profit organization providing legal assistance to indigenous peoples of the Americas to combat racism and oppression, to protect their lands and environment, to protect their cultures, to achieve sustainable economic development and genuine self-government, and to realize their other human rights. Its Safe Women, Strong Nation's project works with indigenous women's organizations and Native nations to end violence against indigenous women. ILRC is in consultative status with the UN Economic and Social Council. (www.indianlaw.org).

The ***National Congress of American Indians*** (NCAI) is the oldest and largest national organization of American Indian and Alaska Native tribal governments, and is committed to ending the epidemic of violence against American Indian and Alaska Native women. In 2003, NCAI created the NCAI Task Force on Violence Against Women to address and coordinate an organized response regarding violence against American Indian and Alaska Native women. NCAI is in consultative status with the UN Economic and Social Council. (www.ncai.org).

The ***National Indigenous Women's Resource Center, Inc.*** (NIWRC) is a nonprofit organization whose mission is to ensure the safety of Native women by protecting and preserving the inherent sovereign authority of American Indian and Alaska Native nations to respond to domestic violence and sexual assault. NIWRC's Board consists of Native women leaders from American Indian and Alaska Native nations across the United States. NIWRC is a national resource center for Indian nations providing technical assistance, policy development, training, materials, resource information, and the development of tribal strategies and responses to end the violence. In 2015, NIWRC launched the Violence Against Women Act (VAWA) Sovereignty Initiative to defend the constitutionality and functionality of all VAWA tribal provisions. (www.niwrc.org).