



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

February 2020 | Volume 17 | Issue 1



**Women
Are Sacred
Conference**
pg. 8

**Legislative
Updates**
pg. 26

**MMIW
Awareness
Day**
pg. 43

Letter from the National Indigenous Women's Resource Center

Dear Friends,

It is an honor to share with you the February 2020 edition of *Restoration of Native Sovereignty and Safety for Native Women*. As the movement gains ground in raising awareness among policymakers, the media and in the public of the issues of violence in Indian Country, we are continuing to work alongside Tribal Nations and grassroots advocates to ensure the federal response is grounded in addressing the root causes of violence against Native women: colonization and genocide.

This is a critical time for the movement, as we look to securing the reauthorization of the Violence Against Women Act—S. 2843 and H.R. 1585. Developed in partnership with tribal and national advocacy organizations, these companion bills include critical resources for tribes to implement VAWA and necessary lifesaving amendments to enhance tribal sovereignty and safety for Native women. We are also working with policymakers on the reauthorization of the Family Violence Prevention & Services Act through companion bills S. 2259 and H.R. 5041. These bills include funding for core domestic violence shelter and supportive services and important tribal amendments to increase services and technical assistance. We continue to work with policymakers on important stand-alone bills addressing the missing and murdered Indigenous women crisis that are also pending in this Congress.

The National Indigenous Women's Resource Center is committed to providing national leadership in the work to end violence against Native women by lifting up the collective voices of Tribal Nations and Native women. Programmatic support is necessary to ensure tribes can continually benefit from NIWRC's training and technical assistance, policy development, educational resources, and publications such as *Restoration*—which are rooted in traditional lifeways and beliefs.

Last fall, our board and staff drafted plans for the next five years of our work, which includes visions for our upcoming Women Are Sacred Conference, national movement building and community organizing, and overall organizational advancement. As we finalize our strategic plans to bring these visions to life, we recognize that these foundational elements of our work require significant financial investment, which we can achieve with your support. Each gift made to the National Indigenous Women's Resource Center and *Restoration of Native Sovereignty and Safety for Native Women* strengthens our mission to end violence against Native women and vision of restoring sovereignty for tribes to hold perpetrators accountable. Please consider making a donation to help advance this work at niwrc.org/donate.

With your support, we can restore our communities to a place of beauty, balance and safety together.



Ahéhee',

Lucy Simpson, Esq.
Diné
Executive Director



Mvto,

Cherrah Giles
Muscogee (Creek)
Board Chair



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

Restoration of Native Sovereignty and Safety
for Native Women Magazine, 2003-2020

During the reauthorization process of the Violence Against Women Act in 2005, several national organizations came together to take a stand for the safety of Native women: Sacred Circle National Resource Center to End Violence Against Native Women, Clan Star, Inc., the National Congress of American Indians, and the National Task Force to End Sexual and Domestic Violence. It was recognized that to fully participate in the national movement to create the changes needed to increase safety for Native women, broad communication was essential. *Restoration of Native Sovereignty and Safety for Native Women* emerged to fulfill this task.

Restoration is a publication dedicated to informing tribal leadership and communities of emerging issues impacting the safety of American Indian and Alaska Native women. The name of the magazine reflects the grassroots strategy of the Task Force that by strengthening the sovereignty of Indian nations to hold perpetrators accountable the safety of Native women will be restored. The magazine is a joint project of the National Congress of American Indians Task Force on Violence Against Women and the National Indigenous Women's Resource Center. It is produced and made available during national NCAI conventions and the annual USDOJ Tribal Consultation on VAWA.

Editor

Jacqueline "Jax" Agtuca

Managing Editor

Mallory Adamski

NIWRC Staff Contributors

Lucy Simpson, Executive Director; Paula Julian, Senior Policy Specialist; Elizabeth Carr, Senior Native Affairs Policy Advisor; Rose Quilt, Director of Research and Policy; Brenda Hill, Director of Training and Technical Assistance; Mallory Adamski, Director of Communications and Advancement; Tang Cheam, Director of Information and Technology

Organizational Contributors

Alaska Native Women's Resource Center, Michelle Demmert, Law and Policy Consultant; Indian Law Resource Center, Staff Attorneys Christopher Foley and Jana Walker

Individual Contributors

Caroline LaPorte, Independent Consultant

Published triannually by the



Comments?

Mail to: Restoration Magazine, NIWRC,
P.O. Box 99, Lame Deer, MT 59043
Email to: restoration@niwrc.org

Cover: Sisseton-Wahpeton Dakota actress Isabella Star LaBlanc performs in 'Peter Pan and Wendy' | Pg. 6



Photo courtesy of Scott Suehman / Shakespeare Theatre Company.

Contents | Volume 17 | Issue 1

Editor's Note

4 A Message from Jacqueline Agtuca

In The News

6 NIWRC to Receive Partial Royalties from Adapted Play 'Peter Pan and Wendy'

7 StrongHearts Native Helpline Awarded More Than \$2.7 Million To Expand Domestic Violence and Sexual Assault Services

8 Women Are Sacred 2020: Conference Details

Tribal Perspectives

11 April is Sexual Assault Awareness Month

13 'A Broken Trust'

15 A Right to Safe Housing and Federal Responsibility to Indian Tribes

17 Safe Housing: The Need for Shelters for Native Women Who Are Battered

20 Report Preview: National Workgroup on Safe Housing for AI/AN Survivors

Legislative Updates

26 116th Congress Legislative Update

33 FVPSA: Family Violence and Prevention Services Act Advances Toward Reauthorization

36 VAWA: The Struggle to Reauthorize VAWA in 2020

41 VAWA: The Success of VAWA 2013, Tribal Criminal Jurisdiction Over Non-Indians

43 MMIW: National Day of Awareness for Missing and Murdered Indigenous Women May 5th, Actions Calling for Justice

46 MMIW Update: Missing and Murdered Indigenous Women and Girls

51 A Retrospective on the Alaska Native Women's Resource Center

54 Extension of Special Domestic Violence Jurisdiction to Alaska Indian Tribes Advances

International Update

57 Symposium Summary and Upcoming UN Meetings





Editor's Note



As we move into the new year and a new decade, the public outcry for justice for missing and murdered Native women has reached a level compelling Congress and the Administration to respond. In 2019, six bills were introduced in the House and Senate; the President issued a National Day of Awareness MMIW proclamation and created the “Operation Lady Justice” initiative, and the Senate passed the National Day of Awareness Proclamation. Yes, these actions all appear to be steps forward, but unfortunately Congress did not pass any of the proposed bills to increase the safety of Native women.

The Sovereignty of Indian Nations to Protect Native Women: Authority and Resources

From the beginning, Indian nations and the United States engaged in international relations as sovereigns. Indian nations held full authority as sovereigns and provided broad protections for their women, citizens, and peoples, within their respective territories. As the United States began to erode the sovereignty of Indian nations and failed to fulfill its federal trust responsibility, the protections afforded Native women diminished. Women were targeted by government agents, clergymen, and the general public.

The broad scale of atrocities committed by the United States upon Indian Nations, and specifically women, provided the basis for the growth of societal acceptance of violence against Native women. The layers of Congressional Acts, Presidential Orders, and Supreme Court rulings have, through the course of history, given legal color to what the United Nations defines as genocide. The eras of the Indian Wars, removal, assimilation, boarding schools, termination, forced sterilization, and other

failed governmental policies attempted to destroy the original protections afforded Native women within their Nations.

A Crisis Created by the United States

The current crisis of Missing and Murdered Native Women is not new. It is the total sum of the current spectrum of violence—domestic violence, sexual assault, trafficking, physical assaults, kidnapping, and murder—documented in federal reports, research, and statistics. More importantly, it is recorded in the lived experiences of Native women and the collective memories of their families and communities.

Why are the victimization rates for Native women not viewed as a national crisis? Why has the government not acted to hold offenders accountable to stop the violence? The harsh reality that more than 4 in 5 American Indian women (84.3 percent) have experienced violence, more than half have experienced sexual violence (56.1 percent), and more than half (55.5 percent) have experienced physical violence by an intimate partner are a telling statement of social and governmental acceptance for these crimes.

The societal hatred, dehumanization, and violence committed against Native women is a cultural extension of the past genocide committed by the United States. While reforming the laws and infrastructure that permitted the genocide is one task, a second task involves the cultural reeducation of mainstream America to understand both the past and present truths of American Indian Nations and the women of those Nations.

Canada’s *National Inquiry into Missing and Murdered*

Indigenous Women and Girls is one example of a political process to analyze including the concentration on government accountability for the murders of Indigenous women and girls. The report from the Inquiry released in May of 2019 said: “Genocide is the sum of the social practices, assumptions, and actions detailed within this report.” The Inquiry held 24 hearings across Canada, and at least 2,380 people attended, including the families of those killed or missing. While not complete or a perfect process, it is one far in advance of the United States.

The Movement for Safety and Justice for Native Women

The crisis of missing and murdered Indigenous women has become a national issue because of the demands for justice

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.¹

United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

by Native women, their families, and tribal nations. This movement has brought missing and murdered Indigenous women into the national spotlight and is holding Congress and this Administration responsible. Many local reforms are also underway and will continue because the movement will not turn back and accept government tolerance and inaction to this crisis.

While the necessary legislative path forward is complicated, it is also not unknown. Indian tribes for more than a decade have amplified their collective voices to make strong recommendations to government officials during the annual violence against women tribal consultation to address this crisis and call for immediate action. Tribal leaders have consistently reiterated that to address the crisis, full tribal sovereignty must be restored with adequate resources to implement such authority to fully protect women.

Congress has the opportunity to make these necessary changes. Pending legislation introduced in 2019 provide reforms to strengthen the authority of Indian nations to protect women including critical resources to implement expanded protections. Legislation including reauthorization of the Violence Against Women Act and the Family Violence Prevention Services Act, amending the Victims of Crime Act, and numerous stand-alone bills specifically addressing missing and murdered Indigenous women were drafted in cooperation with tribal leaders and advocates and are waiting to become law.

For the United States, Congress, and Administration to be accountable and fulfill their trust responsibility, a groundswell of Indian tribes and a national social justice movement must continue to demand the changes needed to protect Native women. The United States has the authority and the resources to end the crisis but has not demonstrated the will. The willpower must come from the movement in its determination and dedication to restoring safety for Native women. In this highly politically charged election year, the safety of Native women should not be based on partisan politics, or the politics of profit and power over others.

Jacqueline “Jax” Agtuca
Editor, *Restoration of Native Sovereignty and Safety for Native Women Magazine*



Sisseton-Wahpeton Dakota actress Isabella Star LaBlanc performs in 'Peter Pan and Wendy' at the Shakespeare Theatre in Washington, D.C. Playwright Lauren Gunderson has committed to donating 25 percent of all future royalties from the revised play to the National Indigenous Women's Resource Center. | Photos courtesy of Scott Suchman / Shakespeare Theatre Company.



NIWRC TO RECEIVE PARTIAL ROYALTIES FROM ADAPTED PLAY 'PETER PAN AND WENDY'

By Mallory Adamski, NIWRC (*Diné*)

This winter, the National Indigenous Women's Resource Center received news it is set to receive a donation of 25 percent of all future royalties earned from the updated story Peter Pan and Wendy, recently performed at the Shakespeare Theatre Company in Washington, D.C.

Adapted by renowned playwright Lauren Gunderson, Peter Pan and Wendy ran in Washington this winter. The new story is a reimagining of the play for the next generation, where Gunderson worked to remove its racist and sexist themes. What was meant to be a light adaptation, Gunderson said, became an overhaul.

"The 'swash-buckling thrill' of the Peter Pan story is based on violence against women," Gunderson said. "The idea that the violence and sexism are acceptable notions for a children's play is beyond me, so changing that narrative is key."

The playwright worked with consultants to dismantle harmful Native misrepresentations within the original story as well, particularly for one character: Tiger Lily, who in the classic version is portrayed as a stereotypical Native "princess" of the fictitious "Piccaninny-tribe," now retold as a strong Native female activist who takes center stage to hold Captain Hook accountable for the genocide of Native people.

"This was a chance to rectify the role of Tiger Lily and take these issues head-on and talk about colonialism," Gunderson said. "One of the things we can do as artists is give a new

version of what is possible in the world. In this play, Tiger Lily represents peace, understanding, and natural harmony. What we see with her is a proud, courageous, intelligent character that holds every role in the play to account."

In the process of adapting the play, Gunderson was inspired to give back to the Indigenous community upon learning the original playwright J.M. Barrie donated to the Great Ormond Street Hospital, a children's hospital in London since it first opened in 1929. "When I think about my own personal feminism and the struggle women have throughout the world," Gunderson said, "giving back has become fundamental to me."

About Dakota Actress Isabella Star LaBlanc

REGIONAL: Jungle Theater: The Wolves, Little Women | Mixed Blood Theatre: Autonomy | Guthrie Theater: Water is Sacred | Cincinnati Shakespeare Company: August: Osage County | Children's Theatre Company: Peter Pan.
 FILM: The Coyote Way (Sundance Film Festival Native Film Lab).
 OTHER: 2017 CBS Drama Diversity Casting Initiative Participant.
 Follow Isabella on Instagram: @isabella_lablanc.

In The News

STRONGHEARTS AWARDED MORE THAN \$2.7M TO EXPAND DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES

By Mallory Adamski, NIWRC (*Diné*)

Within three years of launching its collaborative project, the National Indigenous Women's Resource Center (NIWRC) announced the StrongHearts Native Helpline (StrongHearts) is receiving two grants from the Office of Victims of Crime under the United States Department of Justice for a combined total of \$2,768,168.00 to enhance services over the next three years.

The awards—provided by the Office of Victims of Crime Advancing the Use of Technology to Assist Victims of Crime solicitation and the Field-Generated Program to Improve Services for Victims of Crime—will be utilized to extend the helpline's operating hours to 24 hours a day, develop advocacy training and services to assist survivors of sexual violence, as well as implement digital chat services to help increase accessibility and address caller safety. Launch dates for the digital chat service and 24-7 operating hours will be released at a later time.

“Considering Native women are 2.5 times more likely to be raped or be a victim of sexual assault than other groups, the StrongHearts Native Helpline serves as a potential lifeline for survivors of these crimes,” said Lori Jump, Assistant Director for StrongHearts. “We also know in remote areas, some victims may not have phone service or may fear their abusive partner overhearing them in an attempt to call, so providing a digital chat service option is crucial for increasing access for everyone in our communities.”

In March 2017, the StrongHearts Native Helpline (1-844-7NATIVE, or 762-8483) began providing callers culturally-based support for domestic violence and dating violence. The helpline's Native advocates are specially trained to provide callers with emotional support, crisis intervention, personalized safety planning, and a referral to a Native and Tribal service provider if needed. Currently, the helpline is available every day from 7 a.m. to 10 p.m. Central time.

“Since the very beginning, StrongHearts staff listened to the critical needs of Native communities across the country and identified the need for 24-7 operations,” said Lucy Simpson, Executive Director of the National Indigenous Women's Resource Center. “Now with these two awards, we can realize the collective vision of having a dedicated Native helpline to serve survivors of violence in a culturally-rooted way at all hours of the day and night.”



STRONGHEARTS
Native Helpline

**DOMESTIC VIOLENCE IS NOT
OUR TRADITIONAL WAY**

The StrongHearts Native Helpline (1-844-7NATIVE, or 762-8483) is a safe, confidential, and free helpline for American Indians and Alaska Natives impacted by domestic violence and dating violence. Trained Native advocates offer emotional support, crisis intervention, assistance with safety planning, and a connection to local Native resources.

Visit strongheartshelpline.org.

“CARRYING OUR MEDICINE AND STRENGTHENING OUR VISION TO END THE VIOLENCE”

CARRYING OUR MEDICINE IS HOW WE HAVE SURVIVED AND CONTINUE TO SURVIVE AS INDIGENOUS PEOPLE. IT IS HOW WE HEAL OUR SPIRIT, OUR BODY AND THE LAND WE WALK ON. IT IS USING TRADITIONAL KNOWLEDGE, SKILLS AND PRACTICES TO ENHANCE THE HEALTH AND WELL-BEING OF OURSELVES, OUR FAMILIES, OUR COMMUNITIES AND OUR NATIONS. THE 2020 WOMEN ARE SACRED CONFERENCE REPRESENTS THE STRENGTH AND RESILIENCE OF OUR PEOPLE AND THE TOOLS AND KNOWLEDGE WE HAVE TO MAKE A DIFFERENCE. IT'S ABOUT OUR SHARED VISION FOR THE FUTURE IN ENDING THE VIOLENCE.

CONFERENCE HIGHLIGHTS:

- WAS TALKS -
- CELEBRATING ALL THINGS FEMININE POW WOW -
- FAITH-BASED ROUNDTABLE CONVERSATION -
- YOUTH LEADERSHIP TRACK -

REGISTER NOW:

VISIT [WAS2020.EVENTBRITE.COM](https://was2020.eventbrite.com) TO REGISTER
\$250 EARLY BIRD REGISTRATION RATE (BEFORE MARCH 31, 2020)
OR \$350 REGULAR RATE

HOTEL ROOM BLOCK:

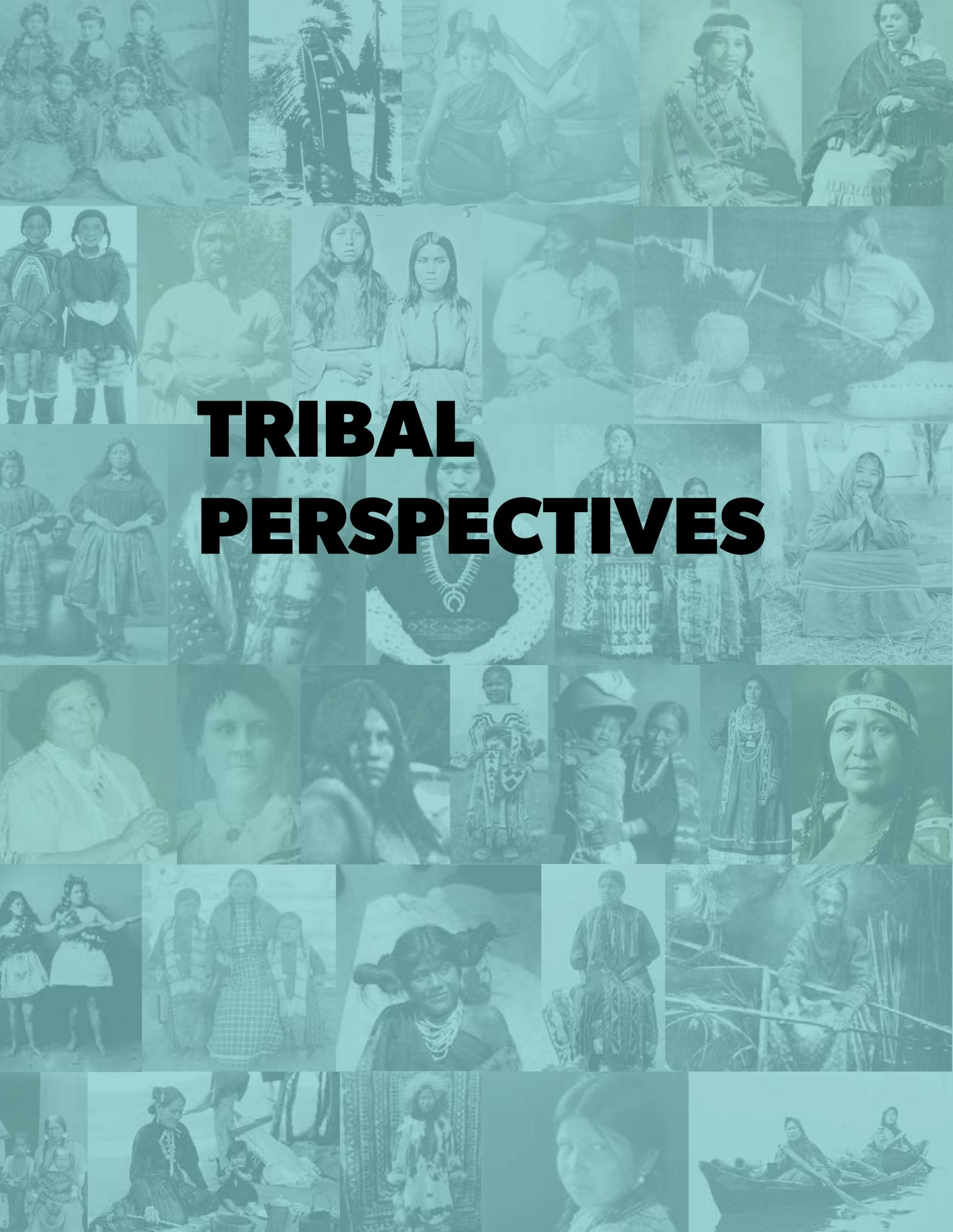
RESERVE A ROOM IN NIWRC'S HOTEL ROOM BLOCK AT THE INTERCONTINENTAL SAINT PAUL RIVERFRONT AT
[HTTPS://BIT.LY/3AJXPku](https://bit.ly/3AJXPku) OR CALL RESERVATIONS AT 1-866-686-2867 AND MENTION GROUP CODE "JKX."

COMPLETE CONFERENCE DETAILS AT [NIWRC.ORG/WAS](https://niwrc.org/was).

2020 WOMEN ARE SACRED CONFERENCE

“CARRYING OUR MEDICINE AND STRENGTHENING OUR VISION TO END THE VIOLENCE”
JUNE 23-25, 2020 | INTERCONTINENTAL SAINT PAUL RIVERFRONT, SAINT PAUL, MN





TRIBAL PERSPECTIVES

APRIL IS SEXUAL ASSAULT AWARENESS MONTH

Join the National Organizing Efforts to End Sexual Assault

By Jacqueline Agtuca, Editor, Restoration Magazine

Every year Native women, advocates, and Indian tribes across the United States organize within their communities to host Sexual Assault Awareness Month activities. These community activities are essential to making strong public statements that we will not tolerate sexual violence in tribal communities. The most effective response to sexual assault is an immediate response to support victims of sexual assault and hold rapists accountable. If the system fails to respond, it sends the signal that sexual abuse is accepted, and abusers face no consequences.

Women are sacred, and support for survivors of sexual assault is central to ending violence against Native women. Awareness activities during April are a strong statement of this support. Activities calling for justice such as walks, marches, vigils, prayer circles, and other events throughout April are various forms of tribal community statements honoring survivors of rape and sexual abuse. These activities can also be an important part of the healing journey for survivors and their communities. As the movement organizes to inform the nation and reform the criminal justice system, survivors deserve to know they are supported by their community.

One of the strongest forms of support to honor survivors is demanding the justice system hold sexual assault offenders accountable. Indian tribes and advocates have worked hard with national allies and Congressional champions to reauthorize the Violence Against Women Act (VAWA) to include the authority of Indian tribes to prosecute non-Indians who sexually assault Native women within tribal jurisdiction. Unfortunately, Congressional negotiations to reauthorize VAWA have stalled in the Senate. During April, we urge you to call upon your members of Congress at their district offices to discuss the urgency of reauthorizing VAWA for victims and survivors of sexual assault. Let them know why reauthorization of VAWA, House Bill 1585 and Senate Bill 2853, is urgently needed. Also, ask that they sign onto the Justice for Native Survivors Act, House Bill 3977 and Senate

Bill 288, which are important marker bills that if passed, would enhance the authority of Indian tribes to prosecute non-Indians who sexually assault Native women within tribal jurisdiction. Expanding jurisdiction is urgently needed as a step forward to ending the sexual assault of Native women and girls.

“When the system has failed you time and time, and time again, you don’t feel empowered. It feels like a disconnect between this moment of ‘Me Too’ and the reality of Indian country and sexual assault.”—Sarah Deer, “A Broken Trust, Sexual Assault and Justice on Tribal Lands.”

Lack of Services for Native Survivors of Sexual Assault

The U.S. Attorney’s office declined to prosecute 64% of sexual assault cases across all reservations from 2013-2018. Access to services for sexual assault survivors is similarly limited. Approximately 34% of Native women are raped in their lifetime, and nearly half will experience sexual violence other than rape within their lifetime. When Native women are raped, they are more likely to experience other physical violence during the attack, their attacker is more likely to have a weapon, and they are more likely to have injuries requiring medical attention. Sexual Assault Examiner (SAE) and Sexual Assault Response Team (SART) programs have been shown to improve both the care of survivors of sexual assault and criminal justice outcomes in sexual assault cases. These programs, SAEs and SARTs, are instrumental in facilitating immediate access to appropriate health care and other services for survivors and for minimizing re-victimization by the justice system. A 2014 study used GIS mapping to evaluate the proximity of trained forensic examiners to 650 census-identified Native American lands. The study found that more than two-thirds of Native American lands are more than 60 minutes away from the nearest sexual assault forensic examiner.

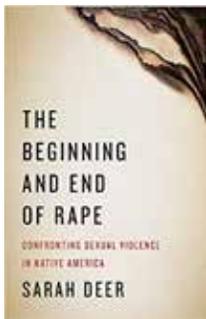
SUGGESTED READINGS AND TRIBAL RESOURCES ADDRESSING SEXUAL ASSAULT

White Paper

“Raping Indian Country,” by Sarah Deer and Elizabeth Ann Kronk Warner (Dec. 2019)

An examination of the Trump Administration as they relate to extractive development on and near Indian country, and policies related to the protection of Native people from rape and sexual assault.

View and download: <https://bit.ly/2u3333l>



“The Beginning and End of Rape, Confronting Sexual Violence in Native America,” by Sarah Deer

‘The Beginning and End of Rape’ collects and expands the powerful writings in which Deer, who played a crucial role in the reauthorization of the Violence Against Women Act in 2013, has advocated for cultural and legal reforms to protect Native women from endemic sexual violence and abuse.

View and order a copy: <https://bit.ly/2R4oRoh>



Understand How to Strengthen Your Tribal Governments Response to Sexual Assault

A series of resource guides by the Tribal Law and Policy Institute are available online. This series can assist Indian tribes to enhance their tribal justice system response to sexual assault.

View and explore: <https://bit.ly/38iLQ4J>



‘A Broken Trust,’ Documentary, Newsy

A 2019 documentary produced by Newsy on sexual assault of Native women. The documentary investigates the hurdles confronting survivors when they seek justice for a sexual assault on tribal lands.

View: <https://bit.ly/2NBoCPf>

A woman with dark hair in a ponytail, wearing a black jacket over a red shirt, stands in profile looking towards the left. The background is a vast, open field under a clear sky.

A BROKEN TRUST

Investigation Uncovers a Broken Justice System for Survivors of Sexual Assault on Tribal Lands

“I was a victim when I was 13, a victim when I was 14 and a victim when I was 34.”—Twila Szymanski, above, in ‘A Broken Trust.’ Now 40, Twila has lived on the Fort Peck Reservation in northeast Montana since she was born and is an enrolled member of the Fort Peck Assiniboine and Sioux tribes. | Photo courtesy of Newsy.

Story courtesy of Newsy

Over the course of an 18-month investigation into prosecutions of sexual assault on tribal lands, Newsy reporters uncovered breakdowns in the federal and tribal criminal justice systems so severe that sexual perpetrators often received minimal or no punishment and survivors were left with little justice.

More than half of American Indian and Alaska Native women report having experienced sexual violence in their lifetimes. Yet, survivors face a unique set of hurdles when they seek justice for an assault on tribal lands. The Newsy investigation “A Broken Trust” takes a deeper look at the impact of a complex, centuries-old relationship between tribal nations and the federal government.

For the project, Newsy’s investigative team spent time with members of the Assiniboine and Sioux Tribes living on

the Fort Peck Reservation in Montana and members of the Mandan, Hidatsa, and Arikara Nation (also known as the Three Affiliated Tribes) on the Fort Berthold Reservation in North Dakota. From survivors to police to tribal leaders to federal officials, “A Broken Trust” gives a voice to the people involved in this complex system.

Documents, reports, and dozens of interviews reveal how the federal government, which is legally required to protect tribal communities, has repeatedly failed to adequately fund and staff tribal justice systems and limited the tribes’ ability to prosecute and sentence sexual crimes to the fullest extent.

Among the investigation’s findings:

- U.S. Attorneys are responsible for prosecuting major crimes committed on reservations. Newsy found that in Montana, the U.S. Attorney’s office declined to prosecute 64% of sexual assault cases across all

reservations from 2013-2018.

-Most tribal nations have no jurisdiction over those who are legally defined as “non-Indians.”

- And most tribal courts are limited to one-year sentences for any crime, including rape. Records obtained from the Fort Berthold tribal prosecutor’s office, in North Dakota, show their court handed down sentences for only three cases of sexual assault from 2013 to mid-2018. The sentences ranged from eight days to six months.

- The 2010 Tribal Law and Order Act allowed tribes to enhance sentencing for up to three years, if they meet certain requirements. Yet only 16 of the 319 federally recognized tribal judicial systems have implemented the Tribal Law and Order Act’s enhanced sentencing.

- Even after the Fort Peck Reservation in Montana implemented enhanced sentencing, tribal prosecutors didn’t file for enhanced sentencing in any sexual assault convictions from 2013 to 2018. The longest sentence was still one year.

“‘A Broken Trust’ is available online, and we encourage Indian tribes and advocates to host screenings and discussions of the film during the 2020 Sexual Assault Awareness Month,” says Elizabeth Carr, NIWRC Senior Native Affairs Policy Advisor. “The film sends a strong message on the importance of expanding jurisdiction to cover cases of sexual assault by amending VAWA and lessening the burdensome requirements for tribes to implement enhanced sentencing authority by amending TLOA.”

About Newsy

Newsy is the leading cross-platform television news network that provides “news with the why,” built to inform and engage by delivering the top stories across every platform. Its content is available on cable; on over-the-top services including Hulu, Roku, Amazon Fire TV, Apple TV, Sling TV, Pluto TV, and Google Chromecast; and on connected television, including Xumo. Newsy is also available via its mobile apps and at newsy.com.



FROM ‘A BROKEN TRUST’ CO-PRODUCER SUZETTE BREWER, CHEROKEE

“Since the time of Columbus, Native communities have been under near-constant threat of sexual assault with impunity, the devastating consequences of which continue to this day. Generation after generation of Indian women and children have had to carry the burden of rape as a weapon of war and conquest, followed by thousands of assaults in boarding schools and foster homes. These were the government policies that contributed directly to the destruction of our communities and the ongoing ripple effects that continue to haunt and plague our people. Further, these tragedies have only been compounded by laws which protect the perpetrators while ignoring the trust and treaty obligations for public safety in Indian Country. It is my profound hope that Congress and the federal agencies will work together to provide more funding for law enforcement, social services and community support to begin addressing this pernicious threat to the 573 federally recognized tribes.”

The Right to Safe Housing and Federal Responsibility to Indian Tribes

A Statement Prepared by the NIWRC Policy Team Members Jacqueline Agtuca, Elizabeth Carr, Brenda Hill, Paula Julian, and Rose Quilt

The right of American Indian and Native Hawaiian women to safety was historically recognized by Indigenous nations long before colonization by Europeans. This right of women to safety within one's home and in the community was assured by the beliefs and lifeways of their respective nations, and today housing is internationally recognized as a fundamental human right¹. The current challenges facing Indian tribes and Native Hawaiians in assuring this right is intertwined with the failure of the federal government to fulfill its federal trust responsibility to Indigenous nations to provide safe, stable communities.

U.S. Colonization Undermined the Relationship of Native Women to the Land and Their Homes

The multifaceted layers of United States colonization historically undermined the right of women to safety within their homes and destroyed the housing infrastructure of Indigenous Nations. Current federal law and policies fail to recognize and continue to diminish tribal sovereignty. The failure of the United States to fulfill its federal trust responsibility has severe consequences for women, including the lack of available housing, leaving them vulnerable to violence with many forced to flee their homes due to the lack of protections. This harsh reality is intertwined with the spectrum of violence that Native women continue to endure.

The U.S., through the multiple layers of colonization, destroyed the traditional homes and communities of Indigenous nations and failed to deliver the infrastructure and critical resources to provide safe and stable housing within Indigenous nations. The U.S. displacement of Indigenous nations through forced removal created substandard living conditions that left families without adequate or stable shelter. The United States seized over 1.5 billion acres from Indigenous nations by presidential executive orders and through treaties. The total acreage seized from Indian tribes is estimated to be 1/8 of the world² and 1.8 million acres from the Native Hawaiian monarchy³. "The United States' primary interest in treaty-making was to acquire Indian land so the

treaties were used for that purpose."⁴

Additional Acts passed by Congress resulted in the further destruction of Indigenous land bases and the Native housing infrastructure, which specifically disrupted the status of Native women. Generally, Indigenous nations were and continue to be matrilineal. The responsibility for the home belonged primarily with the woman as the matriarch and head of household. Land settlement acts passed by Congress failed to address the vulnerabilities to the violence imposed upon Native women as a result of their displacement from their traditional homelands and destruction of their status within their nations.

"The command of removal came unexpectedly upon most of us. There was a time that we noticed several overloaded wagons were passing our home. Yet we did not grasp the meaning. Then one day, the wagons stopped. We were to be taken away and leave our homes never to return."
-Sallie Farney, Survivor of Removal, Muscogee

Congressional Acts, Executive Orders, and Supreme Court decisions under the color of law were instruments of genocide under the definition of the United Nations. These federal laws and policies were utilized to terminate Indian tribes, overthrow the Native Hawaiian monarchy, dispossess and destroy homes, including the social infrastructure, that ensured the safety of American Indian and Native Hawaiian women. The Indian

1 United Nations, International Bill of Rights, <https://www.un.org/ruleoflaw/files/FactSheet21en.pdf>

2 The Invasion of America, University of Georgia, eHistory.org, <https://www.youtube.com/watch?v=pJxrTzfG2bo>.

3 U.S. Public Law 103-150, 103rd Congress Joint Resolution 19, Nov. 23, 1993.

4 Kevin Gover, Director, Smithsonian National Museum of the American Indian, The "Indian Problem," <https://www.youtube.com/watch?v=if-BOZgWZPE>.

Removal Act of 1830¹ forced Indian Nations to move westward from their lands and homes east of the Mississippi. The Dawes Act² of 1887 authorized the President of the United States to divide tribal collective lands into individual plots. The original relationship to the land and tribal way of life was further undermined as the western system of individual property ownership was imposed on Indian tribes and Native Hawaiians. In many instances, agents implementing the Act did not recognize women as the “heads of families,” which prevented them from receiving allotments³. The California Rancheria Termination Acts⁴ of 1958 implemented the U.S. termination policy with Indian tribes in California. The Acts forced the removal of tribal peoples onto lands named rancherias that had limited housing options and these lands and assets would later be placed into private ownership. The Alaska Native Claims Settlement Act of 1971⁵ attempted to eliminate the relationship of the Indigenous peoples of Alaska to their ancestral homelands. Alaska Native tribes were matrilineal, and continue to be, and women held responsibility for the home⁶. Other federal acts also resulted in the loss of tribal traditional lands and homes altering the status of women and increasing their vulnerability to violence by government agents, including the military, corporations and churches, and the public.

“Thus in 2 or 3 days about 8,000 people, many of whom were in good circumstances, and some rich were rendered homeless, houseless, and penniless exposed to all the ills of captivity.”⁷

The U.S. government has a federal trust responsibility to support Indian tribes and Native Hawaiians in providing safe housing to address the current vulnerabilities to violence that endanger Native women.

Increased recognition and progress toward fulfilling the federal trust responsibility to support Indian tribes and Native Hawaiians to safeguard the lives of Native women is urgent. Federal law and the failure to fulfill this trust responsibility have resulted in Native women being displaced without safe shelter, placing them in settings where they are vulnerable to violence by government agents, members of the clergy, predators, sex traffickers, and abusers.

1 The Indian Removal Act, Pub.L. 21–148, 1830.

2 General Allotment of 1887.

3 43 U.S. 581, Sally Ladiga, Plaintiff in Error, v. Richard de Marcus Roland, and Peter Heifner, Defendants.

4 California Rancheria Termination Acts of 1958.

5 Alaska Native Claims Settlement Act.

6 Yup'ik Elder William Trader.

7 Daniel S. Butrick, Cherokee removal: The Journal of Rev. Daniel S. Butrick, May 19, 1838 – April 1, 1839. The Trail of Tears Association, Oklahoma Chapter; 1st edition (1998).

The lack of safe housing increases the risk of Native women to gender-based violence.

- Less than 50 Native based shelters for domestic violence exist in the United States.
- Housing infrastructure is inadequate on tribal lands held in trust by the federal government.
- Federal appropriations to Indian tribes to create and maintain housing are inadequate and must be increased to provide safe housing.

Federal reforms are needed to provide a range of safe housing for Native women.

Federal programs exist to fulfill the trust responsibility to support Indian tribes and Native Hawaiians to provide safe housing, and these programs must be strengthened.⁸ The Native American Housing Assistance and Self-Determination Act (NAHASDA) was enacted in 1996 to reorganize federal housing programs and increase tribal access in recognition of tribal self-determination. NAHASDA must be strengthened to achieve its goal of supporting housing for Indian tribes.

In addition, federal programs must include increased support for Indian tribes to create and maintain safe housing for Native women and tribal communities. The Violence Against Women Act, the Victims of Crime Act, and the Family Violence Prevention and Services Act are federal funding streams that exist but do not adequately address the need for safe housing as a necessary means for Native women to live free of abuse and violence. Indian tribes need federal support to develop a range of safe housing, including emergency shelter, transitional housing, and permanent housing. To be effective in supporting their healing journey and recovery from violence, housing programs for Native women must be established based on the specific tribal beliefs of the survivors.

Current 2019-2020 Legislation

Pending Congressional legislation supports safe housing but does not address the outstanding and urgent needs of Indian tribes and Native women. The Family Violence Prevention and Services Act (FVPSA) is the primary federal funding stream dedicated to the support of emergency shelter and related assistance for victims of domestic violence and their children. The Senate and House bills to reauthorize the Family Violence and Prevention Services Act (FVPSA) do not include the urgent need for increased funding for Indian tribes to provide safe housing for Native women.

8 Housing Needs of American Indians and Alaska Natives in Tribal Areas, A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs, U.S. Dept. of Housing and Urban, Development Office of Policy Development and Research, 2017, <https://www.huduser.gov/portal/publications/HousingNeedsAmerIndians-ExecSumm.html>.

SAFE HOUSING

The Need for Shelters for Native Women Who are Battered

By Brenda Hill (*Siksika*), Director of Technical Assistance and Training, NIWRC

The home, who leaves when domestic violence occurs? In discussions about the importance of safe shelter and advocacy services the assumption often is that a woman who is battered must be the one to escape, find shelter, and then permanent housing. Let us stop for a moment and ask ourselves a question about this western assumption now common across Indian tribes. Why do we as advocates and as a social justice movement find it acceptable that women who are victims of serial violence are expected to leave their homes?

Our movement for the safety for Native women began with our belief of women as sacred and that as relatives we are responsible for each other. This belief was indigenous to tribal peoples as a way of life. Our movement began with the purpose of making women safe, including in their own homes, and the original protections of our tribal beliefs offers a strong foundation to continue to guide our movement.

I remember a woman with this belief saying, ‘I’m not leaving. I pay for this house. I bought everything in it. Why is everybody telling me I have to leave my own home? And then you tell me I’m a victim, and then you tell me it’s not my fault, but I’m the one who’s got to go.’ A few months later her position changed. ‘I give up. I left. I left my own home. I had to leave all my stuff. Are you sure I’m the victim? I have to give up everything—what about him?’

In our conversations about shelter and advocacy we need to challenge the assumption that survivors of violence must escape from their own home. We also need to understand why this is the assumption of the western justice system. Why it is also the assumption of the range of service providers? Too often advocates also work under this assumption.

Why is it too dangerous for survivors to stay within their own home? Is it because the United States is not upholding the federal trust responsibility to support Indian tribes in safeguarding the lives of Indian women? Native women are forced to flee their homes and often homelands due to federal law and policies that leave them unprotected and vulnerable. The lack of sufficient appropriations to Indian tribes to support adequate law enforcement, batterer’s reeducation, a

health response, and safe housing are just some examples of the consequences of a failed federal system. It’s important to question why, as Native people, we struggle to provide safety for victims and offender accountability. The end result of this failed system is put on the backs of the victims. The survivors are forced to find their way through it all.

Accountability for Abusers so Victims Are Not Forced to Become Homeless

A man who had himself been arrested for domestic violence asked me why victims are forced to hide out. He started out saying, “I know a lot of guys who are batterers. And after thinking about it I came up with a huge list of men that I know are battering their wives and that weren’t arrested. And this is huge issue. I want to know why there is not some shelter for them.” And his point was that you’re making these women and their kids hide out in a shelter and they can’t go freely about their lives, but these guys are. “Why aren’t the guys put in some kind of shelter where they can’t move around freely.” He understood forcing women and their children to leave their home is wrong. While I would not call it shelter, appropriate jail time, extended, intensive probation, and court ordered long-term, culturally-based batterers reeducation is appropriate – though funding and housing are, again, major issues.

If we believe women are sacred, then shelter is a place to nurture that sacredness. We need to do this together as women. And then it’s about taking action.

THERE ARE ONLY
55
NATIVE-CENTERED
DOMESTIC VIOLENCE
SHELTERS FOR **574** INDIAN
TRIBES IN THE U.S.



VICTIMIZATION OF **NATIVE** WOMEN

4 in 5 EXPERIENCED VIOLENCE IN THEIR LIFETIME

1 in 2 EXPERIENCED SEXUAL VIOLENCE

1 in 2 EXPERIENCED PHYSICAL VIOLENCE BY AN
INTIMATE PARTNER

A Continuum of Services for Women Who are Battered to Heal

Before colonization the tribe or family of a man who hurt a woman would be so shamed, they took responsibility for making sure she was safe. But in modern times, this has changed. Today shelters are integral to women's safety, yet women also need a continuum of services based on the complexities of reclaiming one's life. It is inhuman to require someone traumatized to deal with safety, courts, child custody, housing and so many other all at the same time. It's like requiring someone who has been repeatedly hit by a truck, to get up and carry on with life. Women need some place to rest and heal. It is a necessity.

Women are in danger because the offender has not been stopped and held accountable.

Traditionally there was an understanding that you don't heal alone. Women have a need to come together. There is healing in coming together. It is about relationships and we need each other to get through the difficulties, all the challenges. Anyone who has been battered will probably say it was being able to talk to other women that have been through it, that helped them understand their own experience and be able to heal from it. That is the origin of advocacy.

In the early 2000s, Sacred Circle National Resource Center reported 26 Native shelters, and currently there are approximately 55 shelters for Native women. Just thirty Native shelters were added over the last twenty years. Why only

twenty? The number of Native shelters is connected to the lack of adequate federal funding. It is also connected to the lack of tribal infrastructure including staff to apply for grant funds to create and maintain a shelter. Some tribes have staff to write grants while many do not. Tribes just do not have the staff to write the applications to access the funding for a shelter. A third issue is finding staff, either survivors, or survivors of a close relative that understand the need for the shelter program and has the wherewithal to pull it together. In small villages for example the amount of money it takes to run a shelter is expensive and difficult. And in many tribes, it goes back to having a building available for a shelter. It is also a question of the number of survivors needing services or shelter. It may not be realistic. In these tribal communities a consortium may be the approach to take.

The funding under the Family Violence Prevention and Services Act (FVPSA) has been the anchor for tribal shelter programs for decades. As the only federal program dedicated to shelter and related services it has made a real difference. Shelter and program directors love FVPSA because it is flexible enough for real women's (and their children's) needs. This flexible funding is needed because each tribe is different and the healing journey for Native women varies. A Native woman in a Yup'ik speaking village in Alaska has beliefs and traditions specific to her tribal nation that are distinct from a Lakota woman. While the funding under FVPSA was never adequate, because it is flexible it addresses the needs of tribal women and other survivors, more than other federal programs. When you looked at advocates on the ground, the women needing services, there's just simply not enough funding. We can provide all the technical assistance in the world, but for a program without sufficient funding, it does not matter.

Indian tribes have advocated for amendments to FVPSA that are included in its 2019 reauthorization. These tribal amendments were all included in the pending bills except for the amendment that would increase funding to Indian tribes to provide shelter and services to women. Given a shelter or advocacy can mean the difference between life or death for a Native woman FVPSA must be a priority. Congress should fulfill its federal trust responsibility and include the increased funding for the tribes.

2020 WOMEN ARE SACRED CONFERENCE

TILLIE BLACK BEAR WOMEN ARE SACRED MEMORIAL AWARD



NIWRC CREATED THE TILLIE BLACK BEAR WOMEN ARE SACRED MEMORIAL AWARD TO RECOGNIZE OUTSTANDING GRASSROOTS DIRECT SERVICE PROVIDERS AND ADVOCATES THAT EXEMPLIFY THE TEACHINGS AND DEDICATION THAT TILLIE INSTILLED IN OUR MOVEMENT TO RESTORE SAFETY FOR NATIVE WOMEN.



“It is an honor to receive the Tillie Black Bear Women Are Sacred award. Tillie inspired so many of us over her life-long commitment to build a movement to increase the safety of Native women and sovereignty of our Indian tribes to protect women. Tillie, as a Sicangu Lakota woman, understood this connection and struggle.”—Award recipient Carmen O’Leary, at the 2018 Women Are Sacred Conference in Albuquerque, NM. Pictured with Carmen is Colleen Clark, the first recipient of the Tillie Black Bear Women are Sacred Memorial Award, and other members of the Native Women’s Society of the Great Plains. Colleen made the red ribbon skirt and staff as gifts to Carmen in honor of her receiving the 2018 award.

2015 RECIPIENT - COLLEEN CLARK, NOW RETIRED, FORMER DIRECTOR OF
THE RED BIRD WOMAN CENTER

2018 RECIPIENT - CARMEN O’LEARY, EXECUTIVE DIRECTOR OF THE NATIVE
WOMEN’S SOCIETY OF THE GREAT PLAINS

FOR MORE INFORMATION ABOUT THE 2020 WOMEN ARE SACRED CONFERENCE, INCLUDING
THE TILLIE BLACK BEAR AWARD, VISIT NIWRC.ORG/WAS.

REPORT PREVIEW

Report from the National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence

By Caroline LaPorte, J.D., Independent Consultant

The National Indigenous Women’s Resource Center, the Alaska Native Women’s Resource Center and the National Resource Center on Domestic Violence convened a meeting in Phoenix, Arizona June 4-5, 2019 to establish a National Workgroup on Safe Housing for American Indian and Alaska Native (AI/AN) Survivors of Gender-Based Violence. The goal of this workgroup was to bring together experts from Indian Country who work in the fields of gender-based violence and housing to develop policy and create concrete recommendations for technical assistance, resources and other supports for the sole purpose of increasing the availability of safe, affordable, accessible and sustainable housing for AI/AN survivors of gender-based violence.

At the core of this convening were essential questions about how we can be good relatives to one another, to our nonhuman kinship and to the Land. Because if housing stability is going to be fully realized, we have to ask and answer important questions about what it means to have a duty to one another,

about what it means to do good work and to be good people. If we start from the framework that we all deserve safety, that we all deserve a place to belong, that we all deserve community, we can start to move forward. If we can believe that housing and shelter are basic human rights, just as they are basic human needs, we can start to see the outlines of what it is that we have to change about our existing framework and about how we have set about doing this work in the past. What the convening showed us, if anything, is that we truly need time to get our arms around these issues, because the actualization of housing stability will require a major shift in how we have approached this issue historically.

The following individuals were active participants in our workgroup convening on June 4-5, 2019 in Phoenix, Arizona: Kris Billhardt (National Alliance for Safe Housing); Donna Fairbanks (National Native Housing Training Consultant); Brenda Hill and Gwen Packard (National Indigenous Women’s Resource Center); Eileen Hudon (Independent Consultant);



Tami Jerue (Anvik Tribal Council, Alaska Native Women’s Resource Center); Sheila Lamb (Life House); Caroline LaPorte (Independent Consultant); Tatewin Means (Thunder Valley Community Development Corporation); Anne Menard and Heidi Notario (National Resource Center on Domestic Violence); Linda Retka (National American Indian Housing Council); Liana Sanchez (Avanyu, LLC); Christine Stark (Independent Consultant); and Diana Yazzie Devine (Native American Connections).

Historical Relevance

The need for safe, affordable and sustainable housing is a grave concern for AI/AN gender-based violence survivors, the advocates and services who seek to help them, and for their communities who value them. This is especially true considering that domestic violence and sexual assault are the leading causes of homelessness in most communities within the United States¹. The shelter and housing “crisis” in Indian Country and for AI/AN people is nothing new. Housing issues have been present ever since the moment that Indigenous ways of life and tribal communities were destroyed by colonization. A quick study on the eras of federal Indian law and policy make it clear that inhumane practices towards AI/AN peoples and Indian Tribes have historically been the norm and housing is not an exception.

1 Safe Housing Partnerships, *The Intersection of Domestic Violence and Homelessness* (July 21, 2019), available at https://safehousingpartnerships.org/sites/default/files/2017-05/SHP-Homelessness%20and%20DV%20Infographic_1.pdf

The basic lack of housing for AI/AN peoples is factually the result of massive land theft, systemic removal and other intentional acts across the timeline of the United States’ history. The treatment of AI/AN people, of Indian Tribes with regards to land became statutorily enshrined around 1830, when Congress passed the Indian Removal Act under the tutelage of one Andrew Jackson. Between 1832 and 1843, most Eastern tribes were removed to the West or were forced to live on smaller reservations East².

Between 1887 and 1934, the federal policy towards Indian people was shaped by two efforts: 1) take Indian Lands for settlement by whites and 2) take Indians, specifically children, and assimilate to them into white society³. As a result, the General Allotment Act (commonly referred to as the Dawes Act) was passed. The overall goal of the Dawes Act was “to extinguish tribal sovereignty, erase reservation boundaries, and force the assimilation of Indians into society at large.”⁴ In accordance with the Act the President was authorized to divide “communally held tribal lands into separate parcels (‘allotments’).”⁵ Tribal members were assigned an allotment and a trust was supposed to ensue after a set period of time. The remaining tribal land was sold to non-Indian farmers. The idea was to satisfy the goals of non-Indian settlers while making Indians white (and thereby eliminating Indian

2 Pevar.

3 Pevar.

4 *County of Yakima v. Confederated Tribes and Bands of Yakima Indian Nation*, 502 U.S. 251, 254 (1992).

5 Pevar, S.L. (2012). *The Rights of Indians and Tribes*. Oxford, NY: Oxford University Press.



poverty), simply by having them live in close proximity to one another.¹ The act was successful at taking tribal communal land and transferring it to white colonizers for individual consumption, but it was not at all successful in eliminating Indian poverty, which occurred as a direct result of the policy and treatment of AI/AN people since the first contact between Indians and non-Indians occurred.² First, the Indians had no desire to become white because they were already Indians. Second, the allotments they received, upon which they were to farm and ranch, were not suitable for agriculture. Due to their poverty, many Indians were forced to sell their allotments to white colonizers or they lost the land to foreclosures. Of the nearly 150 million acres of land that tribes owned in 1887, by the time the Dawes Act was repealed in 1934, less than 50 million acres remained.³ My own ancestors lost an 80-acre allotment of land in the Upper Peninsula of Michigan on the East side of Monocle Lake. It is now part of the Hiawatha National Forest.

Thus, the housing crisis in Indian Country has to be viewed first as a historical injustice, one that has been utilized as a tool in the ongoing genocide of indigenous populations. The same is true for the high incidence of gender-based violence in AI/AN populations. The housing crisis and the high rates of violence, lack of adequate resources and criminal justice response to that violence in Indian Country and in communities where AI/AN people reside outside of Indian Country, cannot be viewed as randomized or even consequential occurrences, but rather as manifestations of a larger goal: the eradication of Indigenous people from their lands.

Intersection of Housing and Gender-Based Violence for American Indian and Alaska Native Survivors

The need for safe, affordable, accessible and stable housing is one of the most pressing concerns for American Indian and Alaska Native survivors of gender-based violence. Domestic and sexual violence are leading causes of homelessness for women and children generally.⁴ Housing is a basic human right, yet AI/AN survivors of gender-based violence frequently report access, habitability or sustainability issues, leading to layers of vulnerability and increased risk of new or continued victimization. These issues are felt almost universally by the AI/AN population across the housing spectrum. Just as there are urgent issues for AI/AN survivors of gender-based violence who attempt to access shelters or emergency and transitional housing, the same issues are present with regards to the availability of housing assistance and affordable, habitable, sustainable and stable housing.

1 Id.

2 Id.

3 Id.

4 Safe Housing Partnerships, *The Intersection of Domestic Violence and Homelessness* (July 21, 2019), available at https://safehousingpartnerships.org/sites/default/files/2017-05/SHP-Homelessness%20and%20DV%20Infographic_1.pdf

Please note that for the purposes of this report, the term AI/AN people includes AI/AN people in Indian Country and off reservation. AI/AN people reside in all communities, tribal or non-Tribal, urban or rural, and the policy recommendations included at the end of this report would need to be differentiated based on the needs of AI/AN peoples and based on the resources that can be found within our communities. Consultation would also be needed in order to vet these recommendations through Tribal leadership, who are in the best possible position to know and elevate the needs of their Nations.

The National Institute of Justice (NIJ) through the USDOJ released a study in May, 2016, which found that American Indian and Alaska Native women experience severe rates of violence in their lifetimes, including:

- 56.1% have experienced sexual violence;
- 55.5% have experienced physical violence by an intimate partner;
- 48.4% have experienced stalking; and
- 66.4% have experienced psychological aggression by an intimate partner.⁵

Of the women who experienced sexual violence, 96% of them were victimized by at least one non-Indian perpetrator. This cannot be ignored, though it is certainly true that intraracial violence occurs in tribal communities as well. A Center for Disease Control and Prevention (CDC) report issued in 2017 found that Non-Hispanic black and American Indian and Alaska Native women experienced the highest rates of homicide (4.4 and 4.3 per 100,000 population, respectively).⁶ The CDC report further concluded that there was a strong link between homicide and intimate partner violence, finding that 55.4% of the cases involving American Indians and Alaska Natives were at the hands of an intimate partner.⁷ 38% of these women were killed with a firearm.⁸

The link between homelessness and sex trafficking victimization is equally strong and was discussed at the convening extensively. The report “Garden of Truth: The Prostitution and Trafficking of Native Women,” found that of the 105 women who were prostituted and sex trafficked, 98% of them were either currently experiencing or had experienced homelessness.⁹

These numbers represent the lived experiences of AI/AN

5 Rosay, A.B. (2016). Violence Against American Indian and Alaska Native Women and Men. *NIJ Journal* 277:38-45. <http://nij.gov/journals/277/Pages/violence-againstamerican-indians-alaska-natives.aspx>.

6 Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017;66:741–746. DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>

7 Id.

8 Id.

9 Farley, M., et al. (2011). *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*. www.miwsac.org

women. They are not simply statistics or talking points. They are real individuals, with real experiences of violence in their lives. It is essential to center their stories, which are lacking in this report. It is going to be imperative moving forward to include survivors' voices into reports such as this one. While working group participants brought their many experiences to the table during the convening, hearing valuable anecdotal information from survivors was not the focus of the convening itself. The focus of the convening was to look at systemic issues from a practice and policy lens.

The Convening

The intention of this convening was to bring together advocates from diverse fields, backgrounds, regions, and experiences in order to begin thinking about what

During the convening, the following became clear:

- Domestic violence/sexual assault/stalking/sex trafficking advocates could make exceptional gains in their advocacy efforts with increased interaction and collaboration with public housing advocates/advocates who address housing instability and homelessness;
- It is essential that public housing authorities/advocates who address homelessness receive training on serving their clients who are experiencing gender-based violence;
- Tribal governments need adequate training on gender-based violence and on the barriers that survivors in their communities face. They need a foundational understanding of how housing intersects with the experience of violence in their communities;
- The gender-based violence field needs education on the development of community projects/housing projects and on how to access and utilize different funding sources, housing projects and models;
- There are a variety of successful housing models that could be utilized to meet survivor needs like permanent supportive housing;
- Stakeholder participants were in agreement that the multiple silos are in place across their respective fields creating a barrier to effective services;
- Youth led movements are inherently valuable and create overwhelmingly positive outcomes in their communities;
- There are certain quick policy fixes, which might improve housing options in the immediate future (for example, allocating Domestic Violence Bonus Funds to supplement Indian Block Grants), but which might not address overall policy goals for the gender-based violence field in Indian Country (like the full realization of inherent tribal authority over tribal lands);
- There are longer term policy goals, which might improve housing options in a sustainable way, and which also might be a disruption to colonial constructs around housing, such as ownership of land (for example, full recognition of treaty rights or return of land to Indigenous populations)¹;

¹ Note: Not all Tribes are Treaty Tribes.

- Any solutions must address the whole of the individual survivor, as well as the needs of the community; and
- Traditional ways of living are paramount to actual safety and prevention work.

Ongoing Questions of the Workgroup

Because the working group was able to begin delving into the many layered issues of housing access, instability and inequality for survivors in AI/AN communities, the convening produced additional questions that need to be explored further. These questions were not resolved by the working group because they are inherently difficult to answer and are existential in nature. They also ask us to examine our underlying premises for the ways in which we have traditionally approached this work with our funders. We have to accept that these are the issues that are at hand for all of us, not just for AI/AN advocates and survivors. An illustrative, not exhaustive, list of these questions is provided below:

1. How do you address the tension between western concept of homeownership and economic stability and the Indigenous understanding and teachings around land, Earth, and our responsibility to her?
2. Why do we displace survivors from their homes and their communities? Why do we displace their sense of belonging and deprioritize their normalcy and stability?
3. How can one instill commitment to safety and security for survivors across the various public housing options found in Indian Country/off reservation settings where AI/AN peoples live?
4. How can we incorporate restorative justice concepts into housing for survivors and still maintain safety and confidentiality?
5. How do we create healthy and safe communities that thrive?
6. When addressing offenders, who are often victims themselves, how do we maintain that every individual has value and create access to healing while still maintaining offender accountability?

Other questions arose that can be answered with additional time and funding allocated to continue the work of the group:

7. How does permanent supportive housing become a safe and available option for survivors of gender-based violence?
8. How do we help advocates have a better understanding of housing as a highly regulated industry?
9. How can we support housing advocates who can navigate the systems in place?

Core Conversations and Themes that Emerged from the Workgroup

The workgroup's core conversations centered on the following: the housing spectrum, survivors needs, the Trust Responsibility of the Federal Government, Historical Trauma, The Violence Against Women Act, Tribal Housing Codes,

Policy Recommendations Highlights

The following are policy recommendations that emerged from the working group as well as from the listening session and the critical conversation which were both held at the FVPSA Tribal grantee meeting. These recommendations were the culmination of the conversations that have occurred over the past year, but they are not meant to be exhaustive. Additional conversations have to happen to ensure that this list is representative of all AI/AN peoples in the United States. A report is forthcoming that details the policy recommendations, the themes that emerged during the convening, and the core conversations that were had. While it awaits approval, the following article is a summation of what was discussed. Again, this is not exhaustive (the actual report is around 60 pages):

- a. Create a Tribal Housing Consortium; a group for culturally relevant TA and technical assistance providers, similar to the DV Housing Consortium that already exists in the mainstream gender-based violence field in order to build Responsive TA in a comprehensive manner;
- b. Fund listening sessions with survivors, where survivors are compensated for their time, so that the working group can competently assist survivors in crafting policy that would ensure AI/AN peoples who are two-spirit, who have disabilities, who are non-English language speakers, and other additional marginalized identities can be represented more fully in working group reports; or alternatively or who are funded to develop the work themselves with support from a funded Tribal Housing Consortium;
- c. Fund a Youth Component to the Tribal Housing Consortium that is youth led and youth developed;
- d. Change the definition of chronic homelessness to make permanent supportive housing more available to survivors of gender-based violence;
- e. If necessary or beneficial, work with the National American Indian Housing Council to draft a resolution in support of advocating for changes to tribal housing codes where needed, which either more closely mirror the Violence Against Women Act of 2013, or that address the unique needs of survivors in their community;
- f. Support training and technical assistance for the gender-based violence field in AI/AN communities (including urban) to better understand how to leverage housing funds that are available and to better understand development of housing projects or other models, such as permanent supportive housing.
- g. Support and fund training and technical assistance efforts to educate service providers, tribal governments, tribal HUD authorities, and other stakeholders on domestic violence and other forms of gender based violence.

- h. Support the development of a toolkit that focuses solely on funding and how it can be layered to meet the needs for survivors;
- i. Support DV Bonus Funding for housing survivors in tribal communities, similar to the one here <https://www.hudexchange.info/news/fy-2018-coc-competition-focus-serving-survivors-of-domestic-violence/>;
- j. Support the development of a toolkit for Tribal Public Housing Agencies regarding the operation and management of permanent supportive housing for tribes;
- h. Support the ongoing meetings of this working group, expanded to include others, so that the group can narrow in on one or more of these policy recommendations and develop the recommendation(s);
- l. Fully fund Indian Housing Block Grants at least to the levels recommended in ONAP's 2017 report;
- m. Increase Tribal FVPSA and statutorily include funding for the AKNWRC, for the StrongHearts Native Helpline, and for tribal coalitions who provide lifesaving services to gender-based violence survivors in Tribal communities. These statutorily created organizations either do not have their own funding allocation or are completely shut NAHASDA out (in the instance of tribal coalitions) from accessing lifesaving FVPSA dollars;
- n. A permanent tribal set aside out of the CVF that is equal or greater to 5% of the cap established by Congress in each year;
- o. Advocate for full consultation with Indian Tribes on the allocation of VOCA dollars and on the application process and the oversight of those monies;
- p. Fund the working group to research the ways that states, and territories creatively use and layer VOCA funding to support housing stability for gender-based violence survivors;
- q. Fully staff a tribal VOCA office; and
- r. Get clarification regarding whether the restriction of Tribal VOCA dollars to disallow building new construction is one of agency discretion or if there is a statutory prohibition against new construction.

Conclusion

The working group is expected to reconvene (and grow) in order to more fully develop these recommendations. Again, the working group met over the course of a day and half. What the working group found to be essential was that space was created over that day and a half to convene individuals from different fields, rather than creating a silo-ed space with gender-based violence advocates only. It was incredibly beneficial to hear from the experts who work primarily in response to housing instability (who service GBV survivors, but who do not mainly focus on the GBV field), to hear what types of funds they access, how they layer that funding, and how they leverage their resources into sustainable services. It is critical going forward to continue engaging in these conversations.



LEGISLATIVE UPDATES

116th Congress Legislative Update: Legislation to Watch VAWA, FVPSA, and MMIW

With Analysis By Elizabeth Carr (*Sault Ste. Marie Tribe of Chippewa Indians*), Senior Native Affairs Policy Advisor, NIWRC

As Congress returns from holiday recess, the new year will begin with a flurry of action on the Hill in relation to several bills pertinent to addressing and enhancing safety of Native women. All bills that were pending at the end of 2019 will move into 2020 for continued negotiations and consideration. It is important to note that while there are bills that remain unauthorized (Violence Against Women Act and Family Violence Prevention and Services Act), the funding for important programs related to those bills remains intact and will continue through FY 2020 as they continue to be funded through the appropriations process.

In addition, to the legislative updates we provide in Restoration Magazine, NIWRC will provide legislative status updates more frequently using our email listserve. If you subscribe to our listserve, you will receive bi-weekly legislative updates designed to keep grassroots advocates, and tribal leaders updated on the status of bills important to the work of protecting and enhancing safety for Native women. NIWRC will also continue to send out action alerts for major legislative actions and calls to action to mobilize survivors and advocates.

Appropriations

The House voted to pass two spending packages on Tuesday, December 17, 2019, which was subsequently passed by the Senate on Thursday, December 18, 2019 and signed into law by the President on Friday, December 20, 2019. These omnibus spending packages include appropriations for the continuation of VAWA, FVPSA, and VOCA programs.

Violence Against Women Act: Requires Authorization

Last reauthorized in 2013, the authorization for VAWA expired in 2018. On April 4, 2019, the House of Representatives passed a VAWA Reauthorization bill (H.R. 1585). This bipartisan bill was developed in partnership with national and tribal advocacy organizations. H.R. 1585 includes critical resources for tribes to implement VAWA and necessary lifesaving amendments to enhance tribal sovereignty and

safety for Native women and is widely supported across Indian Country. Bipartisan negotiations in the Senate unfortunately broke down and has resulted in two Senate Bills to reauthorize VAWA.

- On November 13, 2019, Senator Dianne Feinstein (D-CA) introduced a companion Senate Bill (S.2843) to H.R. 1585 to reauthorize VAWA. This bill closely mirrors the language contained in the bipartisan, advocate supported H.R. 1585 and is inclusive of the important tribal provisions that tribal leaders and advocates strongly support.
- On November 20, 2019, Senator Joni Ernst (R-IA) introduced a second bill, S.2920, to reauthorize VAWA. Unfortunately, the S.2920 provisions would leave Native women less protected from violent offenders by destabilizing tribal courts and infringing on tribal sovereignty. S.2920, if enacted, would undermine tribal justice systems by imposing undue burdens and restrictions on tribal courts far beyond those imposed on federal and state courts, including unprecedented audits by the Attorney General while further leaving Tribes vulnerable to lawsuits by tribal court defendants through the stripping of sovereign immunity. Ultimately, this bill would eliminate the gains made in VAWA 2013 and infringes on the inherent tribal authority of tribal nations to prosecute crimes committed against their citizens on tribal lands.

In contrast to S.2920, the bipartisan H.R. 1585 and S.2843 include the tribal provisions that national, regional, and local tribal organizations advocated for to provide enhanced protections for Native women. There is no reason to substitute the language in H.R. 1585 and S. 2843 with language found in S.2920 that will preclude tribal courts, and ultimately tribal nations, from protecting their most vulnerable populations, Native women and children. S.2920 would be a huge step backward with VAWA provisions aimed to destabilize and limit the inherent authority of tribal nations. Moving into 2020, NIWRC remains hopeful and looks forward to working with the Senate to pass a bipartisan reauthorization of VAWA that protects tribal sovereignty to increase the safety for Native women and children.

Violence Against Women Reauthorization Act of 2019

Numbers	Summary
<p>H.R. 1585 Rep. Bass (D-CA), there are 167 co-sponsors and only 1 of them is republican, Rep. Fitzpatrick (R-PA) Passed with Amendments 4/4/19</p> <p style="text-align: center;">Note: Two Senate Bills to Reauthorize VAWA</p> <p>S.2843 Sen. Dianne Feinstein (D-CA)</p>	<ul style="list-style-type: none"> - Reauthorizes 2013 provisions and expands prosecution of non-Indians to include obstruction of justice-type crimes, sexual assault crimes, sex trafficking and stalking; and creates pilot project for five Alaska Tribes and expands the definition of Indian Country to include ANCSA lands, townsites and communities that are 75% Native. - Expands definition of DV to include children who witness the crime. - Provides a specific finding for Alaska and jurisdictional challenges because of restrictive land settlement. - Expands Tribal Access Program (TAP) to tribes without law enforcement. - Expands enforcement of tribal protection orders and specifically in Alaska with land issues. <p>Closely mirrors H.R. 1585 with expansion of covered crimes.</p>
<p>S.2920 Sen. Joni Ernst (R-IA)</p>	<p>Includes expansion of covered crimes but would undermine tribal justice systems by imposing undue burdens and restrictions on tribal courts far beyond those imposed on federal and state courts.</p>

Family Violence Prevention and Services Act: Requires Authorization

The Family Violence Prevention and Services Act (FVPSA) authorization expired in 2015. The FVPSA provides critical support for shelters, coalitions, training and technical assistance centers, children’s services, emergency response hotlines, and prevention initiatives. The FVPSA is the only federal grant program solely dedicated to domestic violence shelter and supportive services. It is the primary source of funding for these services for Indian tribes.

This past year, a coalition of national advocacy organizations worked closely with congressional staffers in both the House and Senate to draft an enhanced reauthorization of the FVPSA reflecting the diverse needs of domestic violence victims and priorities of Indian tribes and the domestic violence field. In July, Senators Bob Casey (D-PA) and Lisa Murkowski (R-AK) introduced S. 2259. In November, House Representatives Lucy McBath (D-GA), Gwen Moore (D-WI), Tom Cole (R-OK), and John Katko (R-NY) introduced a companion bill H.R. 5041. These bills, S. 2259 and H.R. 5041, expand grant programs and make many needed improvements so that more survivors have access to support and safety including:

- Increasing the overall funding authorization level to address very low per-program funding levels and provide access to FVPSA funds for more tribes and programs not currently funded.

- Strengthening the capacity of Indian Tribes to exercise their sovereign authority to more fully respond to domestic violence in their communities by increasing the current 10% tribal allocation to 12.5% off the top of appropriations.
- Authorizing recognition and meaningful funding for tribal coalitions to provide Indian tribes and tribal organizations with technical assistance and training on developing responses to domestic violence.
- Authorizing recognition and permanent funding for the currently funded Alaska Native Women’s Resource Center.
- Authorizing recognition and permanent funding for the currently funded StrongHearts Native Helpline to serve as the national Indian domestic violence hotline.

On December 12, 2019, the Senate Health, Education, Labor, and Pensions (HELP) Committee passed S.2971 a package of legislation inclusive of a bill to reauthorize FVPSA. Unfortunately, S.2971 falls short of the tribal enhancements included in S.2259 and H.R. 5041. The NIWRC and the national coalition looks forward to continued conversations in 2020 to ensure that the FVPSA bill moving forward is inclusive of more robust enhancements for Tribes and tribal programs.

Family Violence Prevention and Services Improvement Act of 2019

Numbers	Summary
<p>Note: Three Senate bills to reauthorize FVPSA</p> <p>S.2259 Sen. Murkowski (R-AK) and Casey (D-PA)</p> <p>H.R. 5041 Sen. Lucy McBath (D-GA), Gwen Moore (D-WI), Tom Cole (R-OK), and John Katko (R-NY)</p> <p>S. 2971 Included as a rider in the Child Abuse Prevention and Treatment Act (CAPTA) Sen. Johnny Isakson (R-GA) Ordered to be reported favorably out of Senate Health, Education, Labor, and Pensions (HELP) Committee</p> <p>S. 85 Sen. Grassley (R-IA), Sen. Klobuchar (D-MN), Sen. Capito (R-WV), Sen Tills (R-NC) Referred to the Committee on Health, Education, Labor, and Pensions</p>	<p>S.2259 and H.R. 5041 include four important tribal provisions:</p> <ul style="list-style-type: none"> - Makes adjustments to the current formula to address tribal sovereign relationships, re-structures the funding for the children’s program grants and the newly authorized culturally specific grant program. - Codifies the StrongHearts Native Helpline, which addresses the culturally specific needs and specific jurisdictional issues facing native survivors and survivors living on tribal lands. - Codifies the funded Alaska Native Women’s Resource Center to reduce tribal disparities and ensure ongoing access to comprehensive technical assistance from culturally relevant providers that address the unique and urgent needs of domestic violence victims in Alaska. - Authorizes funding for tribal coalitions, which provide vital support to tribes and tribal domestic violence programs but are not currently authorized by statute to receive FVPSA funding. <p>S.2971 falls short on including urgently needed tribal enhancements but includes:</p> <ul style="list-style-type: none"> - Authorizes funding for tribal coalitions, which provide vital support to tribes and tribal domestic violence programs but are not currently authorized by statute to receive FVPSA funding. - Codifies the currently funded Alaska Native Women’s Resource Center to reduce tribal disparities and ensure ongoing access to comprehensive technical assistance from culturally-relevant providers that address the unique and urgent needs of domestic violence victims in Alaska. <p>S.85 is not supported because as a straight reauthorization it fails to incorporate the needed changes since the last reauthorization in 2010. It also disregards the changes proposed by the national movement, tribal leaders, and advocates.</p>

Legislation Addressing Missing and Murdered Indigenous Women

NIWRC is tracking the movement of several bills that have been introduced as a result of the grassroots advocates call for more action to address violence against Native women. Please see the following pages for a quick update on several bills that have been introduced and will continue to be negotiated and considered throughout 2020.

Name & Numbers	Summary of Bill
<p>Savanna's Act S. 227 Sen. Murkowski (R-AK), Sen. Cortez Masto (D-NV) (with 14 bipartisan cosponsors).</p> <p>H.R. 2733 Torres (D-CA) and Haaland (D-NM) and 31 other cosponsors including AI/AN Representatives Cole (R-OK), Mullin (R-OK), and Davids (D-KS)</p>	<p>Aims to improve the response to missing and murdered Native women by</p> <ul style="list-style-type: none"> -improving tribal access to the federal criminal information databases, -requiring data collection on missing and murdered Native people, and -directing the U.S. Attorneys to develop law enforcement and justice protocols to address missing persons. <p>Significant changes in H.R. 2733 from the S.277 include provisions that:</p> <ul style="list-style-type: none"> -Expand the requirement for the creation of law enforcement guidelines to all U.S. Attorneys, not just those with Indian Country jurisdiction, and require such guidelines to be regionally appropriate; -Require the Attorney General to publicly list the law enforcement agencies that comply with the provisions of the legislation (rather than list those that don't comply); and -Replace the affirmative preference subsections with an implementation and incentive section that provides grant authority to law enforcement organizations to implement the provisions of the legislation and increases the amount of those grants for those that comply, while removing the preference provision in S. 277 that will punish Tribal Nations lacking sufficient resources to implement the guidelines their local U.S. Attorney creates.
<p>Not Invisible Act S. 982 Introduced 4/2/2019 Sen. Murkowski (R-AK), Cortez Masto (D-NV), Tester (D-MT)</p> <p>H.R. 2438 Introduced 5/1/2019 Representatives Haaland (D-NM), Davids (D-KS), Cole (R-OK), and Mullin (R-OK) and 32 other sponsors</p>	<p>Aims to address the crisis of missing, murdered, and trafficked Native people by engaging law enforcement, tribal leaders, federal partners, and service providers and improving coordination across federal agencies. This bipartisan bill establishes an advisory committee of local, tribal and federal stakeholders to make recommendations to the USDOJ and USDOJ on best practices to combat the epidemic of disappearances, homicide, violent crime and trafficking of Native Americans and Alaska Natives.</p>
<p>Bridging Agency Data Gaps and Ensuring Safety Act S.1853 Introduced 6/13/2019 Senators Udall (D-NM), Tester (D-MT), Murkowski (R-AK), Cortez Masto (D-NV), McSally (R-AZ.), and Smith (D-MN).</p> <p>H.R. 4289 Introduced 9/11/2109 Representatives Haaland (D-NM), Cole (R-OK), Davids (D-KS), Mullin (R-OK), Young (R-AK), Gallego (D-AZ), O'Halleran (D-AZ), Torres (D-CA) Newhouse (R-WA), Moore (D-WI), and Cook (R-CA).</p>	<p>Aims to improve law enforcement recruitment, Tribal access to federal criminal databases, and coordination between federal, state, Tribal, and local law enforcement agencies by:</p> <ul style="list-style-type: none"> -Addressing inefficiencies in federal criminal databases; -Increasing Tribal access to federal criminal databases; and -Improving public data on missing and murdered Indigenous women cases and Indian Country law enforcement staffing levels. -Promoting more efficient recruitment and retention of BIA law enforcement; -Providing Tribes with resources to improve public safety coordination between their governments, States, and federal agencies; and -Mitigating against federal law enforcement personnel mishandling evidence crucial to securing conviction of violent offenders.

Name & Numbers	Summary of Bill
Finding and Investigating Native Disappearance Act (FIND Act) S.1893 Sen. Steve Daines (R-MT) Introduced 6/19/2019	Aims to require the Comptroller General of the United States to conduct a study on ways to increase reporting of missing Indians and the effects of the use of methamphetamine and other illegal drugs on violent crime in Tribal communities, and for other purposes.
Tribal Reporting and Accountability to Congress Act (TRAC Act) S.1892 Introduced 6/19/2019 Sen. Steve Daines (R-MT)	Aims to require tribal liaisons to submit to Congress reports on missing and murdered Indians. Full bill text: https://bit.ly/30vz5kl

Savanna’s Act

Introduced in both the Senate (S.277) and House (H.R. 2733). Originally, advocates and NIWRC raised several serious concerns with S.277. Those concerns were addressed in H.R. 2733 and have subsequently been addressed in the markup of S.277.

Savanna’s Act aims to improve the response to missing and murdered Native women by:

- Improving tribal access to federal criminal information databases;
- Requiring data collection on missing and murdered Native people; and
- Directing the U.S. Attorneys to develop law enforcement and justice protocols to address missing persons.

Significant changes that NIWRC and other organizations have advocated for include:

- Expand the requirement for the creation of law enforcement guidelines to all U.S. Attorneys, not just those with Indian Country jurisdiction, and require such guidelines to be regionally appropriate;
- Require the Attorney General to publicly list the law enforcement agencies that comply with the provisions of the legislation (rather than list those that don’t comply); and
- Replace the affirmative preference subsections with an implementation and incentive section that provides grant authority to law enforcement organizations to implement the provisions of the legislation and increases the amount of those grants for those that comply, while removing the preference provision in the original S. 277 that will punish Tribal Nations lacking sufficient resources to implement the guidelines their local U.S. Attorney creates.

Not Invisible Act

Introduced in both the Senate (S.982) and House (H.R.

2438), the Not Invisible Act aims at addressing the crisis of missing, murdered, and trafficked Native people by engaging law enforcement, tribal leaders, federal partners, and service providers and improving coordination across federal agencies. This bipartisan bill establishes an advisory committee of local, tribal, and federal stakeholders to make recommendations to the Department of Interior and Department of Justice on best practices to combat the epidemic of disappearances, homicide, violent crime, and trafficking of Native Americans and Alaska Natives.

Bridging Agency Data Gaps and Ensuring Safety Act

Introduced in both the Senate (S.1853) and the House (H.R. 4289), the Bridging Agency Data Gaps and Ensuring Safety Act (BADGES) aims to improve law enforcement recruitment, Tribal access to federal criminal databases, and coordination between federal, state, Tribal, and local law enforcement agencies by:

- Addressing inefficiencies in federal criminal databases;
- Increasing Tribal access to federal criminal databases; and
- Improving public data on missing and murdered Indigenous women cases and Indian Country law enforcement staffing levels.
- Promoting more efficient recruitment and retention of BIA law enforcement;
- Providing Tribes with resources to improve public safety coordination between their governments, States, and federal agencies; and
- Mitigating against federal law enforcement personnel mishandling evidence crucial to securing conviction of violent offenders.

Finding and Investigating Native Disappearance Act

Introduced in the Senate, the Finding and Investigation Native Disappearance Act (FIND Act) (S.1893) aims to

require the Comptroller General of the United States to conduct a study on ways to increase reporting of missing Indians and the effects of the use of methamphetamine and other illegal drugs on violent crime in Tribal communities, and for other purposes.

Tribal Reporting and Accountability to Congress Act

Introduced in the Senate, the Tribal Reporting and Accountability to Congress Act (TRAC Act) (S.1892) aims to amend the Indian Law Enforcement Reform Act to require each tribal liaison within the U.S. Attorneys' Offices to submit to Congress an annual report on missing and murdered Indians.

Legislation Strengthening Tribal Sovereignty to Increase Accountability of Non-Indian Abusers

Name & Numbers	Summary of Bill
<p>The Native Youth & Tribal Officer Protection Act (NYTOPA)</p> <p>S. 290 Sen. Udall (D-NM), Sen. Murkowski (R-AK), Sen. Smith (D-MN)</p> <p>H.R. 958 Rep. O'Halleran (D-AZ), Rep. Cole (R-OK), Rep. Sewell (D-AL), Rep. Gallego (D-AZ), Rep. Haaland (D-NM), Rep. Kuster (D-NH)</p>	<p>Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including child abuse and crimes that are committed against certain public safety & justice officials.</p>
<p>Justice for Native Survivors of Sexual Violence Act</p> <p>S. 288 Sen. Smith (D-MN), Sen. Murkowski (R-AK), Sen. Udall (D-NM)</p> <p>H.R. 3977 Rep. Deb Haaland (D-NM), Paul Cook (R-CA), Ruben Gallego (D-AZ), Tom Cole (R-OK), Sharice Davids (D-KS)</p>	<p>Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including sexual assault, stalking, and trafficking.</p>

Native Youth & Tribal Officer Protection Act

Introduced in both the Senate (S.290) and the House (H.R. 958), the Native Youth and Tribal Officer Protection Act (NYTOPA) aims to reaffirm tribal criminal jurisdiction over some crimes committed by non-Indians including: child abuse and crimes that are committed against certain public safety & justice officials.

Justice for Native Survivors Act

Introduced in both the Senate (S.288) and the House (H.R. 3977), the Justice for Native Survivors Act aims to reaffirm tribal criminal jurisdiction over some crimes committed by non-Indians including sexual assault, stalking, and trafficking.

Legislation Permanently Providing Tribal Access to Funds to Provide Victim Services

Name & Number	Summary of Bill
<p>Securing Urgent Resources Vital to Indian Victim Empowerment Act (SURVIVE Act) S.211</p>	<p>Directs that five percent of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes to provide crime victim services.</p>

Survive Act

Introduced and passed out of the Senate Committee on Indian Affairs, the bipartisan Survive Act (S.211) would direct that five percent of the total annual outlays from the Crime

Victims Fund (CVF) be provided to Indian tribes to provide crime victim services. Since Fiscal Year 2018, Congress has appropriated 5% of the CVF for a tribal set aside, S.211 would make the authorize the appropriation permanently.

Legislation Addressing the Exclusion of Alaska Indian Tribes

Name & Number	Summary of Bill
<p>Alaska Tribal Public Safety Empowerment Act S. 2616 Introduced 10/17/2019 Sen. Lisa Murkowski (R-AK)</p>	<p>S. 2616 aims to expands the jurisdiction provided in the Violence Against Women Act of 2013 (VAWA) to apply to Alaska Native villages on a pilot basis. This bill would also expand covered crimes to include crimes of sexual violence, sex trafficking, stalking, and assault of law enforcement or corrections officers.</p>

Alaska Tribal Public Safety Empowerment Act

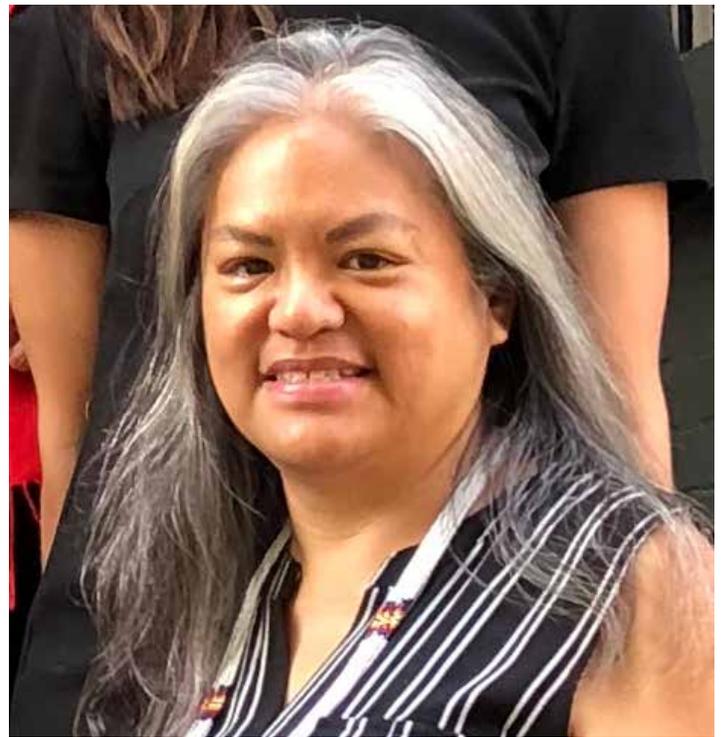
Introduced in the Senate, the Alaska Tribal Public Safety Empowerment Act (S.2616) aims to expand the jurisdiction provided in the Violence Against Women Act of 2013 (VAWA) to apply to Alaska Native villages on a pilot basis. This bill would also expand covered crimes to include crimes of domestic violence; dating violence; violation of a protective

order, sexual violence; stalking; sex trafficking; obstruction of justice; assault of a law enforcement or correctional officer; any crime against a child; and any crime involving the possession, transportation, or sale of alcohol or drugs where that possession, transportation, or sale is prohibited by an applicable federal, state, or tribal law. Eligible tribes must meet the required criteria including having a community predominantly Native.



Family Violence and Prevention Services Act Advances Toward Reauthorization

By Paula Julian, Senior Policy Advisor, NIWRC



On December 12, 2019, the Senate Health, Education, Labor, and Pensions (HELP) Committee passed a package of legislation, S. 2971, inclusive of a bill to reauthorize the Family Violence Prevention and Services Act (FVPSA). The FVPSA provides critical support for shelters, coalitions, training and technical assistance centers, children’s services, emergency response hotlines, and prevention initiatives. The FVPSA is the only federal grant program dedicated to domestic violence shelter and supportive services. It is the primary source of funding for these services for Indian tribes.

This past year, a coalition of national advocacy organizations worked closely with congressional staffers to draft an enhanced reauthorization of the FVPSA reflecting the diverse needs of domestic violence victims and priorities of Indian tribes and the domestic violence field. This coalition included the National Indigenous Women’s Resource Center (NIWRC), Alaska Native Women’s Resource Center, National Congress of American Indians, StrongHearts Native Helpline, and the Alliance of Tribal Coalitions to End Violence.

The partnership between congressional champions and the movement to protect Native women resulted in the introduction of bills to reauthorize the FVPSA in both the House and Senate. In July, Senators Bob Casey (D-PA) and Lisa Murkowski (R-AK) introduced S. 2259. In November, House Representatives Lucy McBath (D-GA), Gwen Moore (D-WI), Tom Cole (R-OK), and John Katko (R-NY) introduced a companion bill H.R. 5041. These bills, S. 2259 and H.R. 5041, expand grant programs and make many needed improvements so that more survivors have access to support and safety.

“While S. 2971 as passed by the HELP Committee makes

slight improvements, S. 2259 and H.R. 5041 provide a more complete and better pathway for providing Native victims with the advocacy services so desperately needed,” said Lucy Simpson, Executive Director of NIWRC. “We will continue to advocate on the importance of moving this critically needed legislation forward, ensuring that it aligns more closely with the actual needs of the victims we all aim to serve.”

According to the 2018 annual survey of the National Network to End Domestic Violence, in just one day, domestic violence programs across the country were unable to meet 9,183 requests from survivors.

“Native survivors of domestic violence urgently need increased services and we welcome the Committee’s vote to move the reauthorization of FVPSA forward,” said Paula Julian, Senior Policy Specialist for NIWRC. “S. 2971 includes some of the important enhancements that our coalition advocated for by recognizing the role of tribal domestic violence coalitions, the StrongHearts Native Helpline a national Indian domestic violence hotline, and the Alaska Native Women’s Resource Center. Our coalition will continue to work with both the Senate and the House to more closely align a final bill with the more fully enhanced provisions in S. 2259 and H.R. 5041.”

“We are thankful for the recognition of the unique role that tribal coalitions play in supporting tribes and tribal organizations to address domestic violence and look forward to ongoing negotiations to secure the tribal resources so badly needed,” said Dawn Stover, Executive Director of the ATCEV.

The tribal improvements in S. 2259 and H.R. 5041 reflect the needs of domestic violence victims and priorities of Indian

tribes and our coalition, including but not limited to the following:

- Increasing the overall funding authorization level to address very low per-program funding levels and provide access to FVPSA funds for more tribes and programs not currently funded.
- Strengthening the capacity of Indian Tribes to exercise their sovereign authority to more fully respond to domestic violence in their communities by increasing the current 10% tribal allocation to 12.5% off the top of appropriations.
- Authorizing recognition and meaningful funding for tribal coalitions to provide Indian tribes and tribal organizations with technical assistance and training on developing responses to domestic violence.
- Authorizing recognition and funding for the currently funded Alaska Native Women's Resource Center.
- Authorizing recognition and funding for the currently funded StrongHearts Native Helpline to serve as the national Indian domestic violence hotline.

The coalition does not support the straight reauthorization of FVPSA, S. 85, introduced by Senator Chuck Grassley (R-IA), because it lacks increased support for survivors. "S. 85 falls short of our coalition's call for improvements to the law," said Lucy Simpson of the NIWRC. "Given the growing call of families and grassroots organizing against the injustice of missing and murdered Indian women, and resulting state and federal attention, the need for advocacy services for Native victims is urgent."

Funding Under the FVPSA 2020 Reauthorization Must Increase

While all federally recognized Indian tribes are eligible to apply for tribal FVPSA funding, unfortunately the current funding level prevents funding all the tribes. We applaud the FVPSA office for funding 134 tribal programs representing 238 Indian Tribes, yet this number must increase. Currently fewer than half of all federally recognized tribes receive FVPSA funding. The FVPSA office graphic is disturbing. "Typically, the largest number of tribes funded are in Alaska and California (between 45 to 70 tribes), followed by Nevada, Oklahoma, and Washington (13 to 23 tribes). All other states have fewer than ten tribes funded through FVPSA. To meet the need for shelter, tribal programs contract with hotels, utilize safe homes, and access non-Native shelters outside of their villages, communities, and reservations."¹ Less than 50 tribal domestic violence shelters currently exist. FVPSA funding must increase to support additional Indian tribes to provide lifesaving shelter and services.

¹ https://www.acf.hhs.gov/sites/default/files/fysb/fvpsa_tribaldvservices_071818_508.pdf



From left to right: AKNWRC Tami Truett Jerue, Sen. Lisa Murkowski (R-AK), and NCAI Juana Majel-Dixon. | Photo courtesy of AKNWRC.

"Imagine: a mother in rural Alaska has fallen victim to an abusive partner, alongside her two children. The mother and her children desperately need to find a safe place to stay and recover from the abuse, but the closest shelter is nearly 100 miles away and it's already over capacity. The village they call home isn't connected to a road system and the family can't afford air fare to reach the next closest shelter. Instead, they're forced to remain in a hostile environment and the cycle of domestic violence continues. This situation may seem far-fetched to some, but unfortunately in Alaska this scenario is not unique. It is a heartbreaking reality for too many. Alaska Native women have reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault rates up to 12 times higher. As we work to tackle these unacceptable statistics, FVPSA will help ensure victims and their children have the support they need. This is just one piece of the puzzle when it comes to addressing the issue of domestic violence and assault, but it's an incredibly important one."

-Sen. Lisa Murkowski (R-AK)

2020 WOMEN ARE SACRED CONFERENCE

FEATURED WORKSHOP



“UNDERSTANDING THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT: PAST, PRESENT, AND FUTURE”

Thirty five years ago, Congress passed the Family Violence Prevention and Services Act (FVPSA). It opened the door to critically needed federal funding to support domestic violence shelters and supportive services. As important, it recognized the need for shelters for battered women as a national policy issue of the United States. This marked a historic shift in the way the federal government recognized its responsibility to respond to domestic violence by providing victims with safe shelter and supportive services. This WAS workshop will provide an overview of the law and the historic changes over the last 5 years due to tribal advocacy. It will also provide the opportunity for our movement to discuss issues important to continuing our progress as a national movement and the on-going barriers preventing Native women from accessing shelter and services. How do we continue to remove the barriers Native women face in accessing shelter and services? How do we build on the recognition of tribal services designed to support Native women in their healing journey based on their beliefs and way of life? How do we strengthen technical assistance to tribal service providers to fulfill the needs of Indian tribes in meeting these challenges? Join this workshop to understand the past, present, and future of FVPSA and continue to increase the safety of Native women.

Presenters: Paula Julian, NIWRC Policy Team; Lori Jump, StrongHearts Native Helpline; Tami Truett Jerue and Michelle Demmert, Alaska Native Women’s Resource Center; Kelbie Kennedy, National Congress of American Indians; and Dawn Stover and Germaine Lucero, Alliance of Tribal Coalitions to End Violence.

FOR MORE INFORMATION ABOUT THE 2020 WOMEN ARE SACRED CONFERENCE ,
INCLUDING REGISTRATION AND AGENDA, VISIT [NIWRC.ORG/WAS](https://niwrc.org/was).

Support Reauthorization of FVPSA

Call on your Congressional members to reauthorize FVPSA with the tribal provisions included in S. 2259 and H.R. 5041. These provisions meet the needs of Indian tribes and increase shelters and services Native women and survivors need. #FVPSA4All #TribalFVPSA #FVPSA2020

Sample Tweets

Increase tribal funding for Native shelters and support services. #FVPSA4All

Native women who are battered need shelters and services now. #FVPSA2020

Increase tribal domestic violence shelters to support Native women. #TribalFVPSA

VIOLENCE THE STRUGGLE TO AGAINST REAUTHORIZE VAWA WOMEN IN 2020 ACT

By Jacqueline Agtuca, Editor, Restoration Magazine

In 2013, the movement for safety won a historic victory in the partial return of jurisdiction to Indian tribes over non-Indians committing domestic violence. While many said this would “never happen” tribal women who were survivors of such violence understood the dangers perpetrated by non-Indians. These sisters stepped forward to testify at Congressional hearings, speak to the media, and share their stories where needed.

It is important to remember the calls for this reform were raised during prior reauthorizations of VAWA in 2000 and then again in 2005. The earlier efforts failed. Why? In short, the national movement, public awareness, and Congressional

leadership were not strong enough to win the votes needed. The misconceptions and mistruths about Native women and tribal justice dominated Congress.

VAWA originally passed in 1995, and then in 2000, with strong bipartisan support. In 2005, the creation of the tribal title faced some opposition but also passed without delays. Reauthorization of VAWA in 2013, however, was a battle. Members of Congress opposed strengthening tribal sovereignty and were relentless—until outvoted. As we begin 2020 and a new decade, the movement faces similar opposition to including lifesaving tribal reforms under VAWA in the U.S Senate.

Voids in VAWA 2013 Tribal Jurisdiction

Congress, in 2013, unfortunately, limited the return of tribal jurisdiction over non-Indians to only three domestic violence crimes—domestic violence, dating violence, and violation of an order of protection. In March of 2018, NCAI released a Five-Year Report on VAWA 2013’s Special Domestic Violence Criminal Jurisdiction¹. This Report summarizes the implementation of VAWA 2013’s tribal jurisdiction over non-Indians. It analyzes its impacts in the first 5 years of enactment. The Report is a strong statement that VAWA 2013 is a success, holding criminals accountable and protecting Native women. It is also a statement of the tremendous void that Congress allows to continue by non-Natives who are committing sexual assault, trafficking, and crimes against children and justice personnel responding to domestic violence.

Indian tribes implementing SDVCJ report many of the offenders prosecuted had a significant number of tribal police contacts prior to implementation and had been menacing their victims and straining the tribes’ law enforcement resources. The Tulalip Tribes, for example, has reported that their 17 SDVCJ defendants had a total of 171 contacts with tribal police in the years prior to SDVCJ implementation and their ultimate arrests. The implementing tribes reported the 85 defendants accounted for 378 prior contacts with tribal police before their tribe implemented special domestic violence criminal jurisdiction over non-Indians.

The Tulalip Indian Tribes shared one case example of a non-Indian defendant with 19 prior contacts with tribal police. The case involved an Indian woman who was assaulted and raped by the non-Indian father of her children. “The couple’s 8-year old son disclosed in his statement to police that he was “punched in the face” by his father. This incident, the latest in a long history of abuse, resulted in charges of Assault in the First Degree Domestic Violence and Rape Domestic Violence, but the defendant was not immediately apprehended. Based on the conduct alleged, the victim petitioned for a protection order, which was granted. Prior to defendant’s arraignment on the violent crimes, he was served with, and twice violated, the Protection Order. At the scene of these violations, the defendant was taken into custody. The defendant had nineteen contacts with Tulalip Police prior to these incidents. However, after the implementation of SDVCJ, the defendant was finally held accountable for his crimes. The defendant served a significant jail sentence and is now supervised by Tulalip Probation. He is getting the treatment he needs. The victim and her children were finally able to make a life for themselves away from the violence and abuse.”

This is but one of many examples of the success of the return

¹ http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf



FROM NIWRC BOARD CHAIRWOMAN CHERRAH GILES, MUSCOGEE (CREEK)

“In 2020, members of Congress must recognize the truth of our stories and respect our experiences. Respect for tribes and allowing us as sovereign tribal nations within the federal government framework to continue to govern ourselves and take care of ourselves must happen this year. It’s essential the federal government support sovereignty for Indian tribes so we can protect our women. It is crucial for non-Natives, as allies and partners, to help us continue this fight and reauthorize VAWA with all the tribal amendments necessary to protect Native women.”

of tribal jurisdiction over non-Indian abusers. The VAWA 2013 amendment has made a tremendous difference in the lives of victims of domestic violence. Before VAWA, tribal police could only give an abuse victim “a head start” to flee the scene. “In 2014, a non-Indian man attacked his Indian wife in a public parking lot of a gas station. During the assault in the car, he also bit her. When she ran out of the car and rushed into a women’s restroom to seek shelter, he followed her and continued to assault her. The police were called, and tribal and state officers arrived at the scene. In any other case, the man would have been arrested and charged. However, because the assault took place on the Sisseton-Wahpeton Oyate’s reservation land and the defendant was a non-Indian, only the federal government had jurisdiction. So, the tribal and state police who responded did the best they could do. They held the man in custody and painfully told the woman all they could do is try to ‘give her a head start.’” The Sisseton-Wahpeton Indian Tribe is now implementing SDVCJ. Still, for many reasons, such as the lack of resources, the vast major of other Indian tribes are not.

Why Tribal Jurisdiction Under VAWA Must be Expanded in 2020

Passed by the House of Representatives, the VAWA Reauthorization Act, H.R. 1585, includes the expansion of tribal jurisdiction over non-Indians based on the needs of victims, including specific crimes involving children and elders, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and corrections personnel. Unfortunately, the U.S. Senate has yet to pass a companion bill to reauthorize VAWA. The current lack of tribal jurisdiction over non-Indian offenders emboldens criminals because they face no consequences for violent crimes committed on tribal lands. If Congress continues to stall and show their lack of concern about the safety and well-being of Native women and children, they fail to fully understand that allowing criminals to commit crimes with impunity only raises the threat to all women and children.

There are many examples of how the narrow restrictions of the VAWA 2013 SDVCJ limit the protection tribal law can provide victims of domestic violence, sexual assault, trafficking, and other crimes. In the following case reported in the NCAI Five-Year Report, a child sexual predator who evaded tribal prosecution was subsequently arrested by the county for raping a young girl.

A non-Native man with criminal convictions moved to the Sault Ste. Marie Reservation. He entered into an intimate relationship with a tribal member. He then began making unwanted sexual advances on his girlfriend’s 16-year-old daughter. He sent inappropriate texts to the daughter and would stand outside the windows of their home. On one occasion he groped the daughter and then told her she could

not tell anyone about it. The tribe charged the defendant with domestic abuse, attempting to characterize his actions toward the daughter as tied to the relationship with the mother and thus within special domestic violence jurisdiction of the tribe, but the tribal judge dismissed the case as beyond the tribal court’s jurisdiction.

“As tribal leaders, we have no greater priority than protecting our women, children, and elders. The VAWA Reauthorization Act, H.R. 1585 and S.2843, include amendments necessary for Indian tribes to protect Native women. We urge the Senate to move quickly to take up this legislation. Victims in Indian Country cannot wait. We will not accept a bill that leaves Native victims behind. They are counting on us.”

-Juana Majel-Dixon, Co-Chair for the Task Force on Violence Against Women and Recording Secretary at National Congress of American Indians

“Four months later, he was arrested and charged by city police with three counts of criminal sexual conduct, one count of attempted criminal sexual conduct, one count of child sexually abusive activity, one count of using a computer to commit a crime, and one count of using a computer network to commit a crime. The alleged incident involves a barely 14-year-old girl who was a tribal member and resided on the Sault Ste. Marie Reservation. The defendant allegedly contacted her online and then kidnapped and held her in an off-reservation motel, repeatedly raping her over the course of 12 hours. The defendant pled not guilty, and the case is currently pending in state court.”

“Had our tribe had jurisdiction to maintain court authority over the alleged non-Native perpetrator for the first incident, this second act of violence may have been prevented,” said Jami Moran, Director of the Sault Ste. Marie Tribe of Chippewa Indians Advocacy Resource Center. “This child’s life will never be the same.”

2020 WOMEN ARE SACRED CONFERENCE

FEATURED WORKSHOP



“THE VIOLENCE AGAINST WOMEN ACT 2013, JURISDICTION OVER NON-INDIANS”

In 2013, Congress restored limited jurisdiction to Indian tribes over non-Indians committing domestic violence on tribal lands. This historic victory was achieved through the national movement calling for justice for Native women who were unprotected from non-Indian domestic violence perpetrators due to a racial loophole in federal Indian law. As Congress intended, the law has equipped tribes with the authority to increase the safety of Native women, while at the same time protecting non-Indians’ rights in impartial, tribal forums. The restored jurisdiction is limited to only three crimes—domestic violence, violation of an order of protection, and dating violence. This workshop provides an overview of the law, summarizes the implementation of this landmark provision, and analyzes its impacts in the years since it was enacted. It will also include a panel comprised of representatives from tribes who have implemented.

FOR MORE INFORMATION ABOUT THE 2020 WOMEN ARE SACRED CONFERENCE ,
INCLUDING REGISTRATION AND AGENDA, VISIT [NIWRC.ORG/WAS](https://niwrc.org/was).

We Need VAWA Reauthorization Now

Call on your Congressional members to reauthorize VAWA to ensure Native women are protected from violence. #VAWA4Natives #VAWA2020 #TribalVAWA

Sample Tweets

Native women face the highest rates of domestic violence and sexual assault in the U.S. How long do Native women have to wait for justice? #Senate MUST pass the House version of #VAWA and restore tribal jurisdiction to protect Native women. #VAWA2020

After 25 years of #VAWA, Native women still face the highest rates of domestic violence and sexual assault. Last April, the House passed VAWA with critical enhancements to protect #NativeWomen. Native women cannot afford to wait. The Senate must act and pass VAWA now. #VAWA2020



indigenous

NATIVE WOMEN'S SOCIETY

Native Women's Society

The Success of VAWA 2013, Tribal Criminal Jurisdiction Over Non-Indians

Highlights of the NCAI Report on The First Years

When VAWA 2013 was pending before Congress, some policymakers and commentators questioned the need for the tribal jurisdiction provision. Despite numerous Native women stepping forward to share their stories, they questioned whether restoring tribal jurisdiction over non-Indians was needed. The NCAI Five-Year Report on VAWA 2013¹ summarizes the implementation of Special Domestic Violence Criminal Jurisdiction (SDVCJ) by the 18 tribes implementing jurisdiction over non-Indians. The number of prosecutions and cases leaves no doubt that restoring jurisdiction was absolutely necessary and must be expanded in 2020.

In the first five years, the 18 implementing tribes made a total of 143 SDVCJ arrests, resulting in 74 convictions. The tribe with the highest number of SDVCJ arrests, Pascua Yaqui, reports that SDVCJ cases account for 15-25 percent of the tribe's overall domestic violence caseload.

143 arrests	74 convictions	24 cases pending
-----------------------	--------------------------	-------------------------------

The vast majority of SDVCJ cases are domestic or dating violence cases. Among the implementing tribes, 125 of the cases are domestic or dating violence cases, while 34 involved criminal violations of a protection order. Protection order violations make up a comparatively small proportion of the prosecutions thus far. Protection order violations are arguably the broadest recognition of tribal authority under VAWA 2013.

Opposite page:

Congresswoman Deb Haaland (D-NM) attends "Twenty Five Years of the Violence Against Women Act" event, organized by the National Indigenous Women's Resource Center and the National Congress of American Indians, in Washington, D.C., on September 13, 2019.

¹ http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf

125 domestic violence or dating violence cases 34 protection order violations
--

Protection order violations make up a comparatively small proportion of the prosecutions thus far. Protection order violations are arguably the broadest recognition of tribal authority under VAWA 2013. The federal framework recognizes the inherent power of tribal courts to prosecute offenders for violating a protection order that protects anyone, not just an intimate partner, so long as the other jurisdictional requirements are met.

Many Defendants have Numerous Prior Contacts with Tribal Police

Prior to implementing SDVCJ, tribal justice systems could not hold criminally abusive non-Indians who were continuing to harm their Indian partners accountable. Many of the offenders had a significant number of tribal police contacts prior to implementation and had been menacing their victims and straining the tribes' law enforcement resources. During the first five years, the Tulalip Tribes, for example, reported that their 17 SDVCJ defendants had a total of 171 contacts with tribal police in the years prior to SDVCJ implementation and their ultimate arrests. SDVCJ was enacted to end the era of little to no prosecution of non-Indian domestic abusers. Today, in the 18 implementing tribes, many victims have finally seen their long-time abusers prosecuted—and by their own community law enforcement.

85 defendants account for 378 prior contacts with tribal police

“In reservation attorneys’ offices and tribal court houses throughout the United States when VAWA was passed, there was celebration like you wouldn’t believe...what we didn’t realize then...was how it’s really just a little tiny down payment on a much bigger issue that needs to be addressed.”
—Sharon Jones Hayden, Tulalip Prosecutor & Special Assistant U.S. Attorney

Many Defendants Have Criminal Records with Outstanding Warrants

Many of the defendants who have been arrested and convicted under SDVCJ have prior convictions or outstanding warrants. Because of SDVCJ, tribes can arrest, prosecute, and convict non-Indians with a documented history of violent behavior. Additionally, tribal convictions can now lay the groundwork for future federal habitual offender charges. State, federal, and tribal law enforcement are now able, through cooperation and information sharing across jurisdictions, to ensure that defendants with a pattern of dangerous behavior are identified and receive appropriate sentences.

At least **75** defendants had criminal records

Implementation Revealed Serious Limitations In The Law

The narrowness of SDVCJ is a continual source of frustration. SDVCJ was intended to apply only in cases of protection order violations, domestic violence, and dating violence. Other crimes of violence against women, including stalking, sexual assault by a stranger or acquaintance, and sex trafficking, for example, are not included. The implementing tribes are unable to prosecute non-Indians for many of the crimes that co-occur with domestic violence or that they committed while being arrested or in custody for an SDVCJ crime. These crimes remain outside tribal jurisdiction. The full report is available at <https://bit.ly/30UH1fz>

CRIMES IN SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION CASES THAT TRIBES CANNOT CHARGE

- Violence against children
- Violence against victim’s family
- Endangering the welfare of a minor
- Assault on law enforcement
- Assault on a jailer
- Sexual contact
- Stalking
- Damage to government property
- Driving under the influence
- Drug possession
- Malicious mischief
- Criminal mischief
- Criminal contempt
- Menacing
- False imprisonment
- Unlawful use of a weapon
- Obstruction of justice



#MMIW



**National Day
of Awareness
for Missing
and Murdered
Indigenous Women
May 5th
Actions Calling for
Justice!**

By Jacqueline Agtuca, Editor, Restoration Magazine

In 2017, Senators Steve Daines and Jon Tester from Montana introduced a resolution recognizing May 5, as a National Day of Awareness for Missing and Murdered Native Women and Girls. It was in response to the murder of Hanna Harris on the Northern Cheyenne Reservation and other abductions and killings of Native women across the United States. Since 2017, actions on May 5th to honor MMIW at the local, regional, and national level continue to grow across the United States and internationally. These efforts are as varied as the Indian Nations, where they are being organized. The silence of tolerance and inaction is being challenged.

When a mother, daughter, or sister goes missing communities understand action is needed immediately. Silence is being replaced with the understanding of the urgency to act— alerting tribal leadership, reporting to law enforcement, not accepting the “no action response,” but demanding a “yes crisis-mode response.”

The United States implemented inhuman governmental policies toward Indian Nations and women. Congress in its 2009 Apology to Native Peoples acknowledged “years of official depredations, ill-conceived policies,” and apologized for the “many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States.” The foundation of the crisis of MMIW is like two sides of a coin, official government laws and policies of depredations representing one side; tolerance and inaction the other. The movement for justice for MMIW challenges these separate crimes against Indigenous women and the system that allows this crisis to continue.

The tribal press conferences, community searches, and justice marches taking place across the continent reflect the emergence of a new standard—holding the government accountable for the criminals, government employees, and the public, who are allowed to prey on Native women and girls. Increased educational awareness actions are needed. Organize conferences, community runs, and public art displays. Produce songs, videos, and films. Wear red and explain to those around you, the world, why. The list of movement actions taking place is long; it is as varied as the people taking action across the nation.

“As a mother, nothing will replace the loss of my daughter, but by organizing to support the National Day of Awareness and creating the changes needed, I know it will help others. And Hanna and so many others will not be forgotten.”
-Malinda Limberhand, Mother of Hanna Harris, honored by the National Day of Awareness Senate Proclamation

While large organized actions are essential, individual actions provide a social statement of the depth of MMIW. These actions relay to the world the reality that MMIW touches all Indian Nations and the peoples of which they are comprised. In making these personal statements, the loved one is honored, and we hope the family and community are supported. *Restoration* showcases the following MMIW actions to thank the artist and producers, and encourage everyone to participate in the May 5th, MMIW National Day of Awareness.

Individual Action: Shifting the Cultural Balance to Respect and Awareness

“The main inspiration for the *qaspeq* was the disappearance of Val Sifsof in July of 2012 from Granite Creek campground. She was a family friend. It was also the awareness of the pattern of deaths and disappearances that I didn’t hear people talking about but that I’d been aware of since I was about 8 years old. They are all our relatives. The goal of the project is to humanize the issue and find a way to make people feel it. I wanted to make the *qaspeq* large to represent the space that the grief occupies within Native communities. It was done to honor the memory of our relatives and remind the world that it shouldn’t be up to Native women to prove their innocence before crimes against them are investigated. It was also about healing myself and sparking healing for all Native women. I carry these stories, but they are not mine. The project has its own energy and my job is just to facilitate its movement. I can’t undo these crimes, but if we can open conversations about the root causes of violence that are honest and do not minimize the effects of violence, then the project is worth doing. The project has been ongoing for the last 18 months. With the larger *qaspeq*, I’m hoping that my efforts will also honor the advocacy work happening all over North America. This work has been driven by the efforts of Native women and it’s important to acknowledge that. Visibility is a step toward changing social attitudes. It has been featured on Alaska channels 2 and 11, the Juneau Empire, First Alaskans magazine, First Americans magazine, and was present during testimony in Juneau for HR 10 in support of Savanna’s Act and continued funding for VAWA. The resolution passed unanimously.—Amber Webb, Creator of the Memorial *Qaspeq*.

*Opposite page:
Yup’ik artist Amber Webb stands with her 12-foot qaspeq Thursday, Oct. 17, 2019 during the Alaska Federation of Natives convention at the Carlson Center in Fairbanks. Webb made the qaspeq, which displays portraits of over 200 Alaskan, Canadian, and Native American Murdered Indigenous Women and Girls. Webb received the 2019 Dr. Walter Soboleff “Warriors of Light” award from AFN. (Photo courtesy of Loren Holmes / ADN).*



MMIW UPDATE

Missing and Murdered Indigenous Women and Girls

By Jacqueline Agtuca, Editor, Restoration Magazine

As social justice actions continue to increase across Indian nations and communities, lawmakers and government departments are being held accountable to remove the legal barriers and make the changes needed. Survivors, their families, Indian nations, and the movement for the safety of Native women have created a national groundswell calling for justice. This grassroots movement has also worked to build relations and gain the support of the United Nations Commission on the Status of Women, and the Permanent Forum on Indigenous Peoples.

The MMIW Crisis

Failed Federal Laws and Policies By Which They Are Implemented

Indian nations and the world community are confronted by many issues needing action to be addressed. Yet, the reality that the lives of Indigenous women and girls are the price paid for inaction has created a groundswell calling for justice for

MMIW. Congressional hearings, federal reports, statistics, consultations, and testimonials all confirm the MMIW crisis is real, and current laws and lack of resources prevent Indian Nations from protecting Native women from non-Indian perpetrators. These laws are clearly racial loopholes benefiting criminals who are non-Indians. Congress has the authority to restore tribal protections for the safety of Native women and girls. It has the power to authorize and appropriate the resources for tribal justice systems and the services women and girls need to become and stay safe. It is widely recognized that the responsibility for the MMIW crisis rests upon Congress in its inability to act as a body and pass laws to make the changes needed to save the lives of women and girls. For decades federal law has boxed, limited, the response of tribal law enforcement to non-Indian offenders. “The best we can do is give her a head start.” “The best we can do is take him to the reservation boundary.” “The best we can do is tell her to move off reservation.” How is this response acceptable? The words “safety” and “justice” should have meaning for Native women and girls.





Rep. Tom Cole (R-OK) in Washington, D.C, in 2019.



Rep. Deb Haaland (D-NM) in Washington, D.C, in 2019.

2019 Federal Response to MMIW—Unacceptable

In 2019, Congress failed to pass a single law to address the MMIW crisis. In 2019, six bills were introduced in the Senate and House to recognize, study, and increase the coordination and response of law enforcement agencies to the MMIW crisis. Unfortunately, none of the MMIW legislation introduced in 2019 became law. As concerning, is the failure of Congress to reauthorize legislation that Indian tribes rely on to fund tribal justice and the services for Native women—the Violence Against Women Reauthorization Act (HR 1585 and S.2843) and the Family Violence Prevention Services Act (S.2259). While Congress had the opportunity to act, it fell short on legislating the changes needed.

In 2019, the Senate did pass an important resolution recognizing May 5, 2019, as a National Day of Awareness for Missing and Murder Native Women and Girls. And both the House and Senate held hearings on MMIW. Tribal champions for Native women are pushing for changes but clearly the process has stalled. In 2019, the President issued a Presidential MMIW proclamation and executive order establishing Operation Lady Justice, a task force addressing MMIW. These actions represent an acknowledgment of the crisis but more is

needed at a foundational level from the White House such as support for the reauthorization of VAWA (S.2843), the Senate companion to the House passed H.R. 1585.

The NIWRC is working in partnership with the NCAI Task Force, and sister organizations to inform Congress and urge it to act. Efforts at all levels of tribal, state, and federal government are required to begin making the changes needed. The movement has and must continue to compel action by Members of Congress. The power to generate change rests in the hands of local organizers.

2019 State Responses: Legislative action is also happening at the city, county, and state levels. From the entire west coast to the great plains, southwest and upper midwest state lawmakers have acted to pass legislation to increase the response to MMIW. The state legislation centers on increasing the response to MMIW by monitoring cases through dedicating state personnel and the creation of local task forces. The NIWRC is now tracking legislative actions by state and federal governments to address the crisis of MMIW. Each month, a compilation of MMIW legislative actions, state and federal, is released to our listserv. To sign up for the “Monthly National Legislative Summary Update,” visit <https://bit.ly/2Hh1dzM>.

Each Person Holds the Authority and Responsibility
to Take Action

Stand with the Mothers, Sisters, Families, and
Nations of the MMIW

Organize to Increase Protections for Native
Women! Honor MMIWG!

“We demand meaningful legislative reforms that remove barriers to safety for Indian women by recognizing and strengthening the sovereign ability of all tribal nations to protect women and their children.”

-Lucy Simpson, NIWRC Executive Director

Organizing to Recognize and Support Tribal Authority, Responses, and Services

Laws shape public perception and the cultural norms of what is unacceptable, or is a crime. The normalization of violence against Native women occurred as federal law and policies eroded the authority of tribal governments to protect women. It happened as the fundamental right of Native women to safety as human beings were ignored by the United States and violated. These laws and policies over time placed Native women in the status of “unprotected.” The old laws, dating back to the 1800s, that led to this crisis continue to exist today and must be replaced.

“By organizing for changes to federal laws and policies, we remove the foundation of tolerance for violence against Native women,” said Elizabeth Carr, Senior Native Affairs Policy Advisor for the NIWRC. “By demanding justice for our missing and murdered sisters, we compel this government to prioritize and take responsibility for the crisis it has created

through its laws and policies.”

The current federal justice system is outdated. Pending legislation is waiting to be voted upon but has stalled. The MMIW crisis occurs at the hands of a range of criminals—domestic abusers, sexual predators, sex traffickers, and other criminals. This crisis requires a range of responses to strengthen tribal sovereignty and provide the resources to implement changes needed. The House has passed H.R. 1585, now the Senate must pass S.2843 to reauthorize the Violence Against Women Act.

Certain MMIW specific legislation supported by NCAI and NIWRC is included under the bills to reauthorize VAWA, H.R. 1585 and S.2843. Other MMIW bills introduced later in 2019 are not included. NIWRC urges Congress to incorporate all of the 2019 MMIW legislation into the final version of VAWA. Indian tribes require passage of the full range of VAWA, and funding under FVPSA (S.2259), and SURVIVE (S.211) to increase their response to this crisis.

LEGISLATION ADDRESSING MISSING AND MURDERED INDIGENOUS WOMEN

Tribal Reporting & Accountability to Congress Act
S.1892

Savanna’s Act
S.277 /
H.R. 2733

Finding and Investigating Native Disappearance Act
S.1893

Not Invisible Act
S.982 /
H.R. 2438

Bridging Agency Data Gaps & Ensuring Safety Act
S.1853 /
H.R. 4289

GAO Studying MM Indian Crisis Act
S.336 /
H.R. 2029

2020 WOMEN ARE SACRED CONFERENCE

FEATURED WORKSHOP



“NATIONAL STRATEGIES TO ADDRESS MISSING AND MURDERED INDIAN WOMEN: THE ROLE OF POLITICAL CLARITY”

Session 1: The current crisis of Missing and Murdered Indigenous Women (MMIW) is not new. It is a continuation of the violent colonization of Indigenous nations by the United States ingrained in current federal laws and policies dating back to the 1800s. This political reality leaves Native women as a population unprotected and vulnerable to a spectrum of violence by abusers and predators. This workshop is part 1 of a 2-part series to discuss the development of a national framework for addressing the crisis of MMIW based on a political organizing approach. The session will provide public awareness materials to support developing MMIW response efforts, including NIWRC’s Restoration Magazine.

Session 2: This workshop will continue the discussion on the development of a national framework for addressing the crisis of MMIW in tribal communities. Changes in laws, policies, and social norms over the past 35 years have been rooted in Indigenous worldviews and organizations. The session will focus on the political action planning and organization necessary to achieve the changes to address MMIW and build the groundswell required to enhance the safety of Native women.

Presenters: Malinda Harris Limberhand, mother of Hanna Harris; Leanne Guy, Executive Director of the Southwest Indigenous Women’s Coalition; and NIWRC Policy Team Members Elizabeth Carr, Paula Julian, and Rose Quilt.

FOR MORE INFORMATION ABOUT THE 2020 WOMEN ARE SACRED CONFERENCE ,
INCLUDING REGISTRATION AND AGENDA, VISIT [NIWRC.ORG/WAS](https://niwrc.org/was).



INTRODUCING ARTIST ANGEL GELLER: ‘ADVICE MY MOTHER GAVE ME’

Angel Geller (Umóho Nation) is an emerging contemporary Indigenous artist working across many disciplines. Geller unpacks the idea of the Urban Indian, a term describing an Indigenous person living off the reservation/settlement. Raised in Lincoln, Nebraska, Geller has walked in two worlds. One world is that of American millennial pop culture, and the other is one filled with rich traditional and spiritual values. Geller’s work depicts personal narratives on traumas and survival in a post-colonial world. Using bright colors to soften the blow of heavy topics (Missing and Murdered Indigenous Women, Descendant of Genocide Survivors, Processing History of Boarding School Traumas on Family Members, Blood Quantum, etc.) Geller describes that she has to make this work to combat this notion that Indigenous peoples are vanishing. More information about the artist can be found at angelgeller.com.

RESOURCES FOR MAY 5TH NATIONAL DAY OF AWARENESS MMIW ACTIVITIES

Organize now to honor and fight for justice for missing and murdered Indigenous women and girls. On May 5th, social justice actions will occur across the United States and we encourage everyone to take action. Organize and post your actions on your social media and share on NIWRC's social media. Connect online to any of the following resources we offer to assist you in understanding and responding to the crisis of MMIWG.

ACCESS weekly compilations of state and federal MMIW legislative actions. To sign up for NIWRC's "Weekly National Legislative Summary Update," visit <https://bit.ly/2Hh1dzM>.

LISTEN to "Honoring Missing and Murdered Indigenous Women to Guide our Advocacy for Change." A recorded webinar is available on NIWRC's Resource Library at niwrc.org/resources.

SIGN ON in support of the May 5th as National Day of Awareness for Missing & Murdered Indigenous Women & Girls: <https://bit.ly/30Mnz4r>

EXPLORE NIWRC's MMIW Special Collections Resource Listing and **DOWNLOAD** Wear Red for MMIW Digital Postcards and share on your social media with hashtags: #MMIW, #MMIWG, #WhyWeWearRed, and #VAWA4MMIW.

READ Canada's Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: <https://bit.ly/2RLjQjk>

WATCH NIWRC's Wear Red Slide Show for MMIWG May 5th Social Media Campaign! Visit <https://bit.ly/2NQMTuB>

DOWNLOAD "Tribal Community Response When a Woman is Missing: A Toolkit for Action" in NIWRC's Resource Library: <https://bit.ly/30KdgxG>

SHARE the StrongHearts Native Helpline (1-844-7NATIVE, or 762-8483). StrongHearts is a safe, confidential, and free helpline for American Indians and Alaska Natives impacted by domestic violence and dating violence. Trained Native advocates offer emotional support, crisis intervention, assistance with safety planning, and a connection to local Native resources. Visit strongheartshelpline.org.

SOMEBODY'S DAUGHTER

"After watching, many thoughts fevered my brain for hours..."

Wes Studi
Oscar-winning actor

"A very powerful and important film for the world to see..."

Georgina Lightning
Award-winning actress & director

DIRECTED BY
RAIN

NARRATED BY JULIAN BLACK ANTELOPE

ALTER-NATIVE MEDIA • EPPOY LIFE FILM • COUSHATTA TRIBE OF LOUISIANA • BLACKFEET NATION
ALEX ROBINSON • SAGRAL INDIAN COUNCIL • ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL
CONFEDERATED SALISH • KOOTENAI TRIBES • NAHIAN UNSEHERED • TOM ROBERTS • ROADWEST PICTURES
LESLIE BELL • COUSHATTA TRIBE OF LOUISIANA

World Premiere

2020 Native American Presidential Forum

Artemus W. Ham Concert Hall, UNLV

WED 15th JAN

5,712 Native women were reported
murdered or missing in 2016
Now we've lost count

somebodysdaughter-mmiw.com

"Somebody's Daughter" Increasing Awareness to Create Change

With Additional Information Provided By The Global Indigenous Council

Indian tribes have continuously raised concerns and made specific recommendations to address the MMIW crisis from the early years of the Violence Against Women Act. Through the VAWA advances have occurred, but clearly, we are only at the beginning of the necessary process of legal, political, and social change. Single reforms have helped, but Congressional action to create larger foundational changes are essential.

In the past, votes for or against tribal amendments, was a statement of support or opposition to safety and sovereignty. It was also a very large statement of this country's knowledge and understanding of Indian tribes as sovereigns, and responsibilities of the U.S. to Indian tribes.

Efforts to inform lawmakers and the general public of the connection to the MMIW crisis to federal legal barriers to protect Native women have made a difference and are important to winning reforms. The release of Somebody's Daughter, in January is one example of the public education needed on the MMIW crisis. The film released by the Global Indigenous Council makes this connection and advances partnerships with Congressional champions who are working on changes to address MMIW.

Somebody's Daughter focuses on some of the higher-profile MMIW cases, most of which were raised during the Senate Committee on Indian Affairs hearing in December 2018. With historical points of reference, the victims' and their families' stories are told through the lens of the legal jurisdictional maze and socio-economic bondage that constricts Indian Country. For the first time on film, prominent tribal leaders reveal the devastating roles of drug cartels and gangs in the MMIW crisis.

"After watching Somebody's Daughter many thoughts fevered my brain for hours," commented Wes Studi, the

only Native American actor ever to receive an Oscar. "The search for a solution begins with first knowing a crisis exists," Studi continued, and the purpose of Somebody's Daughter is exactly that – to alert lawmakers and the public alike that the Murdered and Missing Indigenous Women (MMIW) crisis exists and demands urgent action.

An indigenous production, Somebody's Daughter was executively produced by the Coushatta Tribe of Louisiana and supported by the Blackfeet Nation and Confederated Salish & Kootenai Tribes in association with the Global Indigenous Council. Somebody's Daughter is presented by Alter-Native Media and directed by Rain, the team that created Not In Our Name, a short film that featured House Natural Resources Committee Chairman, Congressman Raúl Grijalva, and became the most-watched film on Sierra Club's social media platforms. Not In Our Name had the distinction of being entered into the Congressional record at a hearing in May 2019. Somebody's Daughter is narrated by indigenous actor Julian Black Antelope, best-known for his roles in Into The West, Blackstone, Hell on Wheels and Showtime's Penny Dreadful.

"Must our sisters have to step out into a world filled with monsters ready to use them for their own convenience and comfort, as our sisters hunt for supplies for their own survival? What kind of world have we created for our children?" Wes Studi asked after watching the documentary. "There is no comfort in watching Somebody's Daughter," he cautioned, as the documentary provides a heart-wrenching insight into the tragedy.

Visit the film's website for more information and additional MMIW materials at somebodysdaughter-mmiw.com.

A Retrospective on the Alaska Native Women's Resource Center

By Michelle Demmert, Law and Policy Director, Alaska Native Women's Resource Center

The Alaska Native Women's Resource Center (AKNWRC) looks forward to a new decade of serving the broad needs of our Alaska Native tribes and communities. "We have made progress in carrying out our mission for the last two years with full funding, and this next year will be no exception," said Tami Truett Jerue, AKNWRC Executive Director. "The services, information, and assistance we provide continues to be making a difference to Alaska Tribal Governments and the tribal citizens they serve."

Over the next decade, the AKNWRC will continue to expand partnerships with state, tribal, and federal government agencies, sharing necessary critical information and providing platforms for tribes to identify and share their culturally specific ways of addressing domestic violence and sexual assault with an emphasis on isolated underserved tribes. The Center is working closely with tribes to develop Alaska Native specific advocacy and tribal court training modules creating tribally driven tools for strengthening local and statewide capacity to address domestic violence and sexual assault.

Reestablishing Safety Through the Exercise of Tribal Sovereignty

The AKNWRC's philosophy is that violence against Alaska Native women is rooted in the colonization of Indigenous nations. Many Alaska Native peoples have lived on their traditional lands for thousands of years governing themselves according to their lifeways and traditions in which women were respected. Today, Alaska Native women are subjected to the highest rates of sexual assault, at least 7 times the non-Native rate; and reporting domestic violence rates 10 times higher and physical assault rates up to 12 times higher than non-Natives. Alaska Native women are over-represented in the



domestic violence victim population by 250%. While Alaska Natives represent only 19% of the Alaska state population: Alaska Native women make up 47% of reported rape victims. Many say the current crisis in the everyday safety of Alaska Native women came with the arrival of "outsiders." The AKNWRC believes the reversal of these devastating statistics lies in the exercise of tribal sovereignty and traditional lifeways. We are committed to providing technical assistance for Alaska Native tribes with respect for tribal sovereignty and traditional ways that support the tribal process of developing solutions. It is critical to us as technical assistance providers for Indian tribes, to identify and provide the kind of technical assistance they wish to receive. Alaska Native tribes direct and contribute to the development of training materials by the Center that are useful to our unique situations in Alaska.

The Alaska Native Women's Resource Center is unique to Alaska. The State specific tribal resource centers were originally authorized in 2010 as part of the Family Violence Prevention and Services Act reauthorization (FVPSA 42 U.S.C. 10410 or Sec. 310). Congress included the following description for state resource centers "to reduce disparities in domestic violence in states with high proportions of Indian (including Alaska Native) or Native Hawaiian populations," and such centers "shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner." Funding of the AKNWRC is essential to providing the Indian tribes in Alaska the support needed to sort through the complicated and interlocking laws, policy and resulting barriers preventing the exercise of sovereignty by Alaska tribes to protect Native women. It is an extension of the



Staff and advocates pose with the Memorial Qaspeq, created by Amber Webb, at the Advocacy Organizer's Meeting in Fairbanks, Alaska, in October 2019 at the Alaska Native Women's Resource Center. | Photo courtesy of AKNWRC.

federal trust responsibility to Indian tribes.

2017-2020, Two Years of Steady Progress

First, the National Indigenous Women's Resource Center (NIWRC) was funded under this language in 2011 to assist in the formation of an Alaska Native Women's Resource Center. After working closely with and receiving the support of the NIWRC, the AKNWRC was formally funded in 2017 under this same authorizing language. Since receiving funding, the AKNWRC has been successfully implementing over the past two and one-half years, grassroots efforts developing tribally driven culturally-specific materials for Alaska Native tribes. Because of the disparities severely impacting the health and safety of underserved Indian tribes in isolated, remote regions of the state, including the outreach and availability of technical assistance to Alaska Native tribes, we continue to prioritize working with underserved remote tribes. Given the geographic remoteness assisting tribes in identifying a network of information and possible collaborators is very important. In 2020, two developmental working groups of tribal representatives are being formed with convenings in the summer of 2020 to expand the development of Alaska Native specific materials. In addition, the AKNWRC will

continue to expand its knowledge base by convening developmental working groups of Alaska Native tribal experts and leaders. This year, we will attempt to define the role that their faith plays in developing tribal responses to domestic violence. The Center will continue to provide regional outreach opportunities in 2020 to Alaska Tribal leaders and presentations on AKNWRC services and victims' unmet needs such as emergency shelter services and challenges to current responses, including emergency transport and law enforcement intervention.

In 2020, the AKNWRC will launch culturally driven technical assistance for the Office of Victims of Crime grantees, providing tools for developing Crime Victim Services Programs that are as unique as the tribes themselves. "The OVC TA Project is particularly exciting in that this is a new funding source for tribes in Alaska, and also Indian tribes in the lower 48, to expand and develop crime victim services programs with the recent funds Congress set aside under the Crime Victims Fund for Indian tribes," said Jerue. The AKNWRC is anticipating Alaska Native tribes will develop meaningful and successful programs to finally be able to provide services to the broad array of tribal crime victims who have been severely underserved in our state.



About the Alaska Native Women's Resource Center

Organized in 2015, the Alaska Native Women's Resource Center is a tribal nonprofit organization dedicated to ending violence against women with Alaska's 229 tribes and allied organizations. AKNWRC board members and Steering Committee are Alaska Native women raised in Alaska Native Villages with over 200 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; the tools to address violence against women are inherent in tribal sovereignty and the return of cultural lifeways.

Visit aknwrc.org.

ALASKA UPDATE

Extension of Special Domestic Violence Jurisdiction to Alaska Indian Tribes Advances

By Michelle Demmert, Law and Policy Director,
Alaska Native Women's Resource Center

Late last year, Senator Lisa Murkowski (Alaska) introduced the Alaska Tribal Public Safety Empowerment Act, S. 2616. This Act extends the special domestic violence criminal jurisdiction in the Violence Against Women's Act of 2013 (VAWA 2013), to Alaska Tribes on a pilot basis and under certain conditions.

S. 2616 will create a pilot project for qualified tribes to expand the jurisdiction provided in the VAWA 2013 to apply to Alaska Native villages on a pilot basis. While VAWA 2013 exemptions were repealed, the practical effect was that only one of the 229 tribes in Alaska could potentially exercise special domestic violence criminal jurisdiction (SDVCJ). The Alaska Tribal Public Safety Empowerment Act seeks to remedy this situation by extending SDVCJ and other qualifying crimes to Alaska Tribes. The 2013 SDVCJ was limited to crimes that occur in the Indian country of a tribe, which left Alaska Native women unable to obtain protection from incidents of domestic violence.

Upon introduction, Senator Murkowski stated: “[f]ar too many communities in Alaska know what it feels like to lack any means to seek help or justice for a crime of domestic violence or sexual assault because their village lacks advocacy services and law enforcement. This bill aims to change that and empowers villages to develop local solutions to problems,” said Senator Murkowski. “When it comes to domestic violence, Alaska Native women are over-represented by 250 percent—that means our sisters, mothers, aunts, cousins, and loved ones are being violated at rates that are unacceptable anywhere, in any state. Alaska's tribes need to be able to exercise the special domestic violence criminal jurisdiction to address our staggering statistics. Alaska tribes, with support from the federal government, can be effective partners with the State to address Alaska's rural public safety crisis.”

The House of Representatives included a pilot project provision in the VAWA Reauthorization Act, H.B. 1585,



Red kuspuks are displayed as a public honoring of missing and murdered Alaska Native women during the first MMIW Walk for Justice in Fairbanks, Alaska on May 5, 2018, | Photo courtesy of AKNWRC.

passed in March 2019. Similar to VAWA 2013, H.B. 1585 recognized the inherent authority of Alaska tribes to exercise SDVCJ and defined Indian Country for the purposes of exercising this jurisdiction to: “(1) Alaska Native-owned Townsites, Allotments, and former reservation lands acquired in fee by Alaska Native Village Corporations pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 33) and other lands transferred in fee to Native villages; and“(2) all lands within any Alaska Native village with a population that is at least 75 percent Alaska Native.”

Senator Murkowski’s bill takes a different approach to defining jurisdiction. While she agrees the population has to be 75% Alaska Native, rather than use the term “Indian country,” she defines jurisdiction to a “village,” which means the Alaska Native Village Statistical Area covering all or any portion of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)). The bill would also expand covered crimes to include crimes of sexual violence, sex trafficking, stalking, assault of law enforcement or corrections officers, obstruction of justice, and assault of a law enforcement or correctional officer, any crime against a child,

and any crime involving the possession, transportation, or sale of alcohol or drugs where that possession, transportation, or sale is prohibited by an applicable Federal, State, or Tribal law. Eligible tribes must meet the required criteria, including having a community be predominantly Native.

“Senator Murkowski again demonstrates her commitment to the public safety crisis in Alaska,” commented Tami Truett Jerue, Alaska Native Women’s Resource Center Executive Director. “This bill would provide real change to our tribal communities, especially if there is a funding mechanism tied to this bill or implementing tribes are permitted to use funding under the Office on Violence Against Women grant programs.”





Georgetown University Symposium, Missing and Murdered Indigenous Women, Human Rights at Home, in Washington, DC, November 18, 2019. From the left, Bette Jacobs (Georgetown University), Chris Foley (Indian Law Resource Center), Representative Deb Haaland (D-NM), and Qajaq Robinson (Commissioner, Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls). | Photo courtesy of Indian Law Resource Center.

Symposium Summary and Upcoming UN Meetings

By Jana L. Walker and Christopher Foley, Attorneys, Indian Law Resource Center

On November 18, 2019 the Indian Law Resource Center participated in a symposium at Georgetown University, Missing and Murdered Indigenous Women, Human Rights at Home. Center attorney Chris Foley spoke about how international human rights instruments address violence against Indigenous women and Congresswoman Deb Haaland of New Mexico spoke about national level policy responses to this crisis in Canada and the United States. The other panelist, Qajaq Robinson from Canada, spoke about Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls. Robinson served as Commissioner during this multi-year, federal government investigation. The final report from Canada's Commission includes the results of their historical investigation as well as forward-looking policy recommendations. Canada's Inquiry process and the Commission's report are both potential models for work here in the U.S. Full details about Canada's National Inquiry are available at mmiwg-ffada.ca/.

The UN Commission on the Status of Women will hold its 64th annual session at UN Headquarters in New York from March 9-20, 2020. This year, the Commission will observe the 25th anniversary of the adoption of the Beijing Declaration and Platform for Action. In the Beijing Declaration, countries explicitly affirmed their determination to: “[i]ntensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face

multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people.” The Declaration and Platform for Action also acknowledge that Indigenous women often face barriers not only as women, but also as members of Indigenous communities. While registration to attend the formal meetings of the CSW has closed, there are many related parallel events organized by NGOs and women's rights advocates that take place throughout New York City during the CSW sessions. Registration to attend these events is generally free. Details and schedules will be available at ngocsw.org/.

The UN Permanent Forum on Indigenous Issues will meet in New York from April 13-24 for its 19th Session. The Permanent Forum is a high-level advisory body to the UN Economic and Social Council that addresses Indigenous issues in six mandated areas: economic and social development, culture, the environment, education, health, and human rights. The theme of this year's session is “Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16.” Sustainable Development Goal 16, an internationally agreed upon policy goal, is to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” During the Permanent Forum's session there will also be a



New York, NY, Meeting of the United Nations Permanent Forum on Indigenous Issues. | Photo courtesy of Indian Law Resource Center.

separate UN meeting to discuss how to change UN rules to allow tribal governments to participate in certain UN meetings as governments. If these rules are changed, then tribal governments would be able to speak directly on the international stage about tribal policy concerns and priorities, including matters related to violence against indigenous women. This would be an important step towards realizing Indigenous peoples' rights of self-government and self-determination.

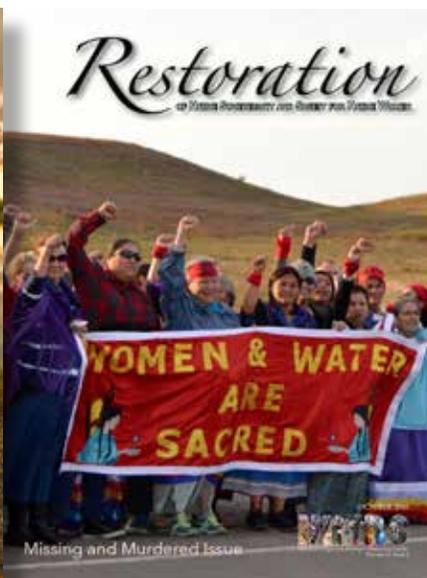
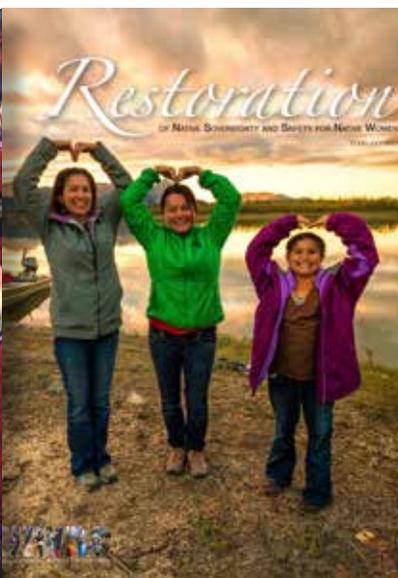
Registration for the Permanent Forum is now open, and details can be found at <https://bit.ly/2uoe7Iw>. There will probably be a separate, simpler registration process for the meeting about the participation of indigenous governments at the UN. Details should be posted on the same webpage. Contact the Indian Law Resource Center at mt@indianlaw.org if you have questions about how to attend the Permanent Forum or similar UN events.

On May 11, 2020, the United States is scheduled to be reviewed by the United Nations' Universal Periodic Review Working Group. The Universal Periodic Review (UPR) is a country-driven UN human rights process that involves a review of the complete human rights performance of a country. These rights include Indigenous peoples' collective

rights, Indigenous women's rights to live free of all forms of violence and discrimination, and other rights acknowledged in the UN Declaration on the Rights of Indigenous Peoples. Every member state of the UN is reviewed on a four-year cycle. The Working Group does this work by reviewing a report prepared by the United States government, as well as stakeholder reports submitted by civil society organizations, and conducting an in-person review with representatives of the U.S. government. The Working Group then issues a report with recommendations for actions to improve human rights compliance. The United States' report is due in February. However, the U.S. did not meet the deadline to file its mid-term report in May 2019, and it is not clear if the government will meet this next deadline either. If the U.S. refuses to participate in this process, the Working Group will likely decide to reschedule the review for 2021.

Finally, the UN Human Rights Council will hold its 44th Session June 15-July 3, 2020. This session is expected to include a full day discussion of women's rights, although the agenda has not yet been finalized.





**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

**Subscriptions Now
Available
Visit restoration.niwrc.org
\$30 Individual / \$100 Institutional**



BOARD OF DIRECTORS, NATIONAL INDIGENOUS WOMEN'S RESOURCE CENTER

- Cherrah Giles, Muscogee (Creek), Chair
- Carmen O'Leary, Cheyenne River Sioux, Vice Chair
- Wendy Schlater, La Jolla Band of Luiseno Indians, Treasurer
- Leanne Guy, Diné, Secretary
- Deborah Parker, Tsi-Cy-Altsa (Tulalip/Yaqui), Member
- Lenora ("Lynn") Hootch, Yupik Eskimo, Member
- Randi Barreiro, Akwesasne Mohawk, Member
- Tina Marie Osceola, Seminole Tribe, Member
- Wanette Lee, Native Hawaiian, Member

Restoration Magazine is made possible by generous supporters of the NIWRC and the NOVO Foundation.



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

February 2020 | Volume 17 | Issue 1

**“A Nation is not conquered until the hearts
of its women are on the ground. Then it is
finished, no matter how brave its warriors or
how strong their weapons.”
-Cheyenne proverb**



National Indigenous Women's Resource Center
515 Lame Deer Ave, Lame Deer, MT 59043
1-855-649-7299 (406) 477-3896
info@niwrc.org • niwrc.org
Facebook: fb.com/niwrc
Twitter: @niwrc
Instagram: niwrc
YouTube: youtube.com/niwrc

ISBN 9780985656614



50995 >

9 780985 656614