



Pokégnek Bodéwadmik

POKAGON BAND OF POTAWATOMI





Violence Against Indigenous Women





General disclaimer

- This is a very sensitive topic and can be traumatic to discuss. Please take care of yourself during this discussion.
- There are 574 federally recognized Tribes in the United States. No two communities are exactly the same, just as no two families or individuals are exactly the same. How these cases get handled can vary, so it's important to remember that risks, as well as protective factors, are going to look different.
- While we know that intimate partner violence can happen to anyone, and that LGBTQ2S+ individuals also have complex experiences with violence, research on these issues is still relatively new and sparse. For this presentation I will be framing the conversation around predominantly heterosexual relationships, using cisgender pronouns, where applicable.





Statistics

- As of 2016, there were 5,712 cases of missing Indigenous women and girls, however only 116 of these cases were registered in the Department of Justice missing persons database (Urban Indian Health Institute, 2018)
- More than 4 out of 5 American Indian and Alaska Native (AIAN) Women (84.5%) and Men (81.6%) have experienced some form of violence at some point in their lifetime, according to a 2016 report by the National Institute of Justice (NIJ, 2016). Other important highlights from that report include:
 - 56.1% of AIAN Women and 27.5% of AIAN Men report experiencing sexual violence;
 - 55.5% of AIAN Women and 43.2% of AIAN Men report experiencing physical violence by an intimate partner (i.e. domestic violence, dating violence)
 - 48.8% of AIAN Women and 18.6% of AIAN Men report stalking
- Why are rates of violence so much higher for Indigenous women?





Historical Trauma

- A concept developed by Dr. Maria Yellow Horse Braveheart (Oglala Lakota) at the University of New Mexico that explains why communities of Color, particularly Native American communities, see such staggering rates of substance abuse, violence, health disparities, etc.
- Historical trauma is defined as the cumulative emotional and psychological pain experienced over a lifetime that comes as a result of generational trauma.
- It's important to remember that every Indigenous person alive today still feels the impact of historical trauma in some way or another.





Historical Trauma

- Loss of land and culture through the various Indian removals
 - Potawatomi Trail of Death,
 - Cherokee Trail of Tears
- Assimilation
 - “Kill the Indian, Save the Man.” –Capt. Richard Pratt
 - Boarding schools that removed children from their parents and communities
- Forced sterilization of poor women and Women of Color
 - Common practice at Indian Health Service facilities until the late 1970s.





Impact

- Overrepresentation in the child welfare system
 - As of 2019, AI/AN children made up 1% of the overall population of children yet accounted for 2% of children in foster care (Child Welfare Information Gateway, 2021).
- Substance abuse
- Poverty
- Disconnect from culture and community
 - Unhelpful or unsupportive systems
- Increased rates of violence against Native American women
 - Prior to European colonization, there was very little record of violence against women and children. When these things did happen, tribal communities had their own systems in place for holding perpetrators accountable and compensating victims and their families
 - Banishment, restitution, etc.
 - Today most reported offenders of violence against Native women are non-Native partners.





Jurisdictional challenges

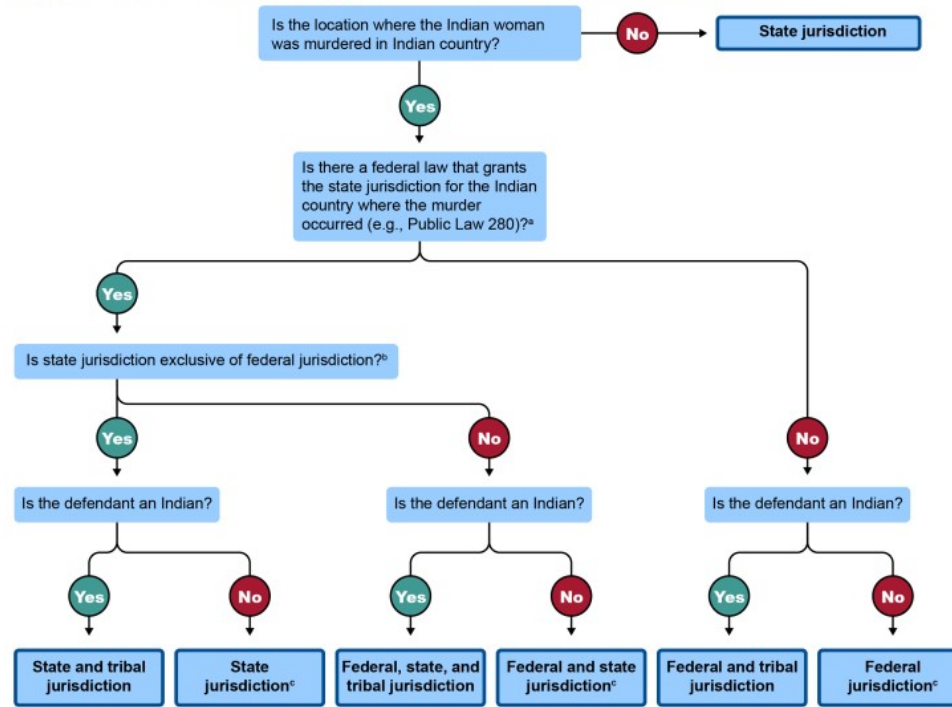
- Jurisdiction
 - Which entity has jurisdiction is decided by several factors
 - What the crime was?
 - Where the crime occurred?
 - Is the State a Public Law 280 state?
 - Has the Tribe implemented Special Criminal Domestic Violence Jurisdiction under the Violence Against Women Act (VAWA) of 2013?
 - Who is the victim?
 - Who is the defendant?





Jurisdiction (Government Accountability Office [GAO], 2021)

Figure 1: Federal, State, and Tribal Jurisdiction for Prosecuting Cases Involving Murdered Indian Women



Source: GAO analysis of federal laws and court decisions. | GAO-22-104045





Violence Against Women Act of 2013 (VAWA 2013)

- *Oliphant vs. Suquamish Tribe* (1978)
 - Tribal courts do not have the authority to prosecute non-Native offenders.
- VAWA 2013 and the *Oliphant* fix
 - Tribes may now prosecute non-Native offenders for the domestic violence and dating violence. Major loopholes existed
 - Requirements for Tribal Courts
 - Alaskan Villages and parts of Maine were left out
 - No jurisdiction over sexual assault
 - As of May 2022, only 31 tribes have implemented Special Domestic Violence Criminal Jurisdiction under VAWA.





Recent Policy Updates

- VAWA 2022 was reauthorized March 10, 2022
 - Expanded Special Criminal Jurisdiction for Tribal courts to prosecute Non-Native offenders for sexual assault, child abuse, sex trafficking, stalking, and assaults on Tribal law enforcement on Tribal lands.
 - Includes a pilot project for 31 Alaskan villages to adopt and implement Special Tribal Criminal Jurisdiction under VAWA 2022.
- Creation of Missing and Murdered Unit within the Bureau of Indian Affairs under Secretary Deb Haaland (Laguna Pueblo) to enhance collaborations between Federal agencies and Tribal communities to investigate missing persons cases in Indian Country (April 2022)



Protective factors

- Culturally supportive victim services
 - Case management
 - Education
 - Safety planning
 - PPO assistance
 - Court accompaniment
 - Community programming
 - Purple Shawl
 - Dedicated Cultural Specialist
 - Children's programming
- Services to help meet basic needs
- Our families and friends
- Positive relationships with Federal Partners





What can I do?

- Educate yourself and others on the dynamics of gender violence, paying close attention to how these dynamics intersect with race, ethnicity, class, sexual orientation, gender identity, etc.
- Keep informed on new legislation and use your voice to advocate for causes you care about
- Seek out Indigenous media and popular culture





Questions?

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Resources

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Department of the Interior. (2022, April). *Secretary Haaland Creates New Missing & Murdered Unit to Pursue Justice for Missing or Murdered American Indians and Alaska Natives*. [Secretary Haaland Creates New Missing & Murdered Unit to Pursue Justice for Missing or Murdered American Indians and Alaska Natives | U.S. Department of the Interior \(doi.gov\)](#)

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The White House. (2022, March). *Fact Sheet: Reauthorization of the Violence Against Women Act (VAWA)*. [Fact Sheet: Reauthorization of the Violence Against Women Act \(VAWA\) | The White House](#)

