

Amnesty International USA

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SUBMISSION TO THE STUDY ON VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS

VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS IN THE UNITED STATES

In the United States, Indigenous women face disproportionately high rates of violence. One study by the United States National Institute of Justice found that 84.3% of American Indian and Alaska Native (AI/AN)¹ women have experienced some type of violence over the course of their lives.²

The US federal government does not consistently collect data on violence against AI/AN women and the services available to survivors, and the limited data that does exist—as well as most US law and policy focused on Indigenous people in the United States—largely excludes Indigenous peoples of Hawaii, Puerto Rico, Guam, American Samoa, and the Mariana Islands. This entry focuses on violence against AI/AN women, but there is a high need for the United States to invest in research regarding and prevention and response to violence against Native Hawaiian and other Indigenous women.

SEXUAL AND DOMESTIC VIOLENCE

AI/AN women face highly disproportionate rates of sexual violence. Available data suggests that roughly 56.1 percent of AI/AN women have experienced sexual violence; over twice the national average rate of sexual assault.³ In Alaska, Alaskan Native women are 2.8 times more likely to experience sexual violence than non-Indigenous women;⁴ in South Dakota, American Indian women are 3.6 times more likely to be victims of rape than non-Indigenous women.⁵

High rates of sexual violence have been compounded by the federal government’s steady erosion of tribal government authority, its chronic under-resourcing of those law enforcement agencies and service

¹ Note on terminology: No single term is universally accepted by all Indigenous peoples in the USA; the terms American Indian and Alaska Native are most often used by the United States government in relations to data and legal agreements regarding Indigenous people in the USA, but this is explicitly exclusive of other Indigenous peoples.

² National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, May 2016, available at <https://www.ojp.gov/pdffiles1/nij/249736.pdf>

³ National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, May 2016, available at <https://www.ojp.gov/pdffiles1/nij/249736.pdf>

⁴ 17 data shows Alaskan Natives as 15% of the state population, but make up 42% of victims of sexual violence incidents. See State of Alaska Rape Prevention Education Program, *Sexual Violence in Alaska Data Resources*, January 2019, available at <https://www.mcdowellgroup.net/wp-content/uploads/2019/05/sexual-violence-data.pdf>. See also Alaska Department of Labor & Workforce Development, *Alaska Population Overview 2017 Estimates*, November 2018, available at <https://live.laborstats.alaska.gov/pop/estimates/pub/17popover.pdf>

⁵ 2019 data shows Native Americans as 9% of the state population, but 32.5% of rape victims. See South Dakota Department of Health, *Sexual Violence in South Dakota 2019 Data Report*, March 2021, available at https://doh.sd.gov/documents/Prevention/2019_SD_SexualViolenceReport.pdf

providers meant to protect AI/AN women from sexual violence, the under resourcing of Indigenous health services, and the complex jurisdictional maze that face AI/AN survivors of sexual violence.⁶

AI/AN women also face disproportionately high rates of domestic violence. 55.5% of AI/AN women have experienced physical violence by an intimate partner in their lifetime; 66.4% have experienced psychological aggression by an intimate partner.⁷

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS (MMIWG)

On some reservations, AI/AN women are murdered at more than ten times the national average;⁸ murder is the third-leading cause of death among AI/AN women and girls between the ages of 10 and 24.⁹ In 2017, the U.S. Centers for Disease Control reported homicide as one of the leading causes of death among AI/AN women and girls.¹⁰ The rates of MMIWG are likely grossly underreported. The Urban Indian Health Institute found that in 2016, only 116 of the 5,712 cases of MMIWG they were able to identify were logged in the Department of Justice's database.¹¹ AI/AN women are also often misclassified as Hispanic or "other" in reporting data, which causes inaccuracy in reporting rates of homicide. Additionally, U.S. reporting on MMIWG does not include Native Hawaiians, though the state legislature of Hawaii has created a taskforce in response to concerns over high rates of missing and murdered Indigenous Hawaiian women and girls.¹²

MAN CAMPS

Oil-pipeline construction in the United States often occurs near AI/AN communities. "Man camps" (temporary housing facilities constructed for predominantly male workers) that accompany such projects are increasingly connected with higher rates of sexual violence and sex trafficking of AI/AN women. A 2015 report from the U.S. Department of State detailed that near oil extraction facilities "sex traffickers are exploiting women [...] including Native American women".¹³ A number of studies and reports connect man camps with increased rates of sexual violence and sex trafficking.¹⁴

⁶ Amnesty International USA, *Maze of Injustice: The Failure to Protect Indigenous Women in the USA*. 2007. Available at <https://www.amnestyusa.org/wp-content/uploads/2017/05/mazeofinjustice.pdf>

⁷ National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, May 2016, available at <https://www.ojp.gov/pdffiles1/nij/249736.pdf>

⁸ US Department of Justice, "Protecting Native American and Alaska Native Women from Violence: November is Native American Heritage Month", 29 November 2019, available at <https://www.justice.gov/archives/ovw/blog/protecting-native-american-and-alaska-native-women-violence-november-native-american>

⁹ Urban Indian Health Institute, *Missing and Murdered Indigenous Women and Girls*, 14 November 2018, available at <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls/>

¹⁰ Centers for Disease Control and Prevention, "Leading Causes of Death - Females - Non-Hispanic American Indian or Alaska Native - United States 2017", undated, available at <https://www.cdc.gov/women/lcod/2017/nonhispanic-native/index.htm>

¹¹ Urban Indian Health Institute, *Missing and Murdered Indigenous Women and Girls*, 14 November 2018, available at <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls/>

¹² See: <https://www.mauicounty.gov/DocumentCenter/View/126932/Hawaii-Legislature-Creates-Taskforce-for-Missing-and-Murdered-Indigenous-Women>

¹³ United States Department of State, Office to Monitor and Combat Trafficking in Persons, "The Link Between Extractive Industries and Sex Trafficking", July 2015, available at <https://perma.cc/FL5Q-CHR6>

¹⁴ See Condes, Ana. "Man Camps and Bad Men: Litigating Violence Against American Indian Women." *Northwestern University Law Review*. 116.2 (2011). <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1474&context=nulr>
See also: University of Colorado, Boulder. First Peoples Worldwide. "Violence from Extractive Industry 'Man Camps' Endangers

LAND PROTECTORS

Many Indigenous land and water protectors in the United States face considerable amounts of violence at the hands of police when they protest pipelines and other projects that affect Indigenous land or water sources, as Amnesty International itself documented during protests by water protectors at Standing Rock in 2016/2017.¹⁵ AI/AN women are often at the forefront of these movements and may suffer disproportional violence because of policies and actions that criminalize protest. For example, in 2021 Indigenous water protector Tara Houska detailed how a group Indigenous water protectors protesting the Enbridge Line 3 pipeline project in Minnesota were shot with rubber bullets, tear gassed, and subject to excessive force by police officers.¹⁶ A growing number of anti-protest bills,¹⁷ often specifically focused on protests against pipeline or infrastructure projects, threaten to make Indigenous women more vulnerable to police brutality as these laws further criminalize protest and broaden police authority.

GOOD PRACTICES TO ASSIST AND PROTECT INDIGENOUS VICTIMS OF VIOLENCE

Indigenous-led victim support services are often preferred by Indigenous survivors of sexual assault. The US Department of Justice reported in 2013 that the support services based in Western cultural practices were often ineffective for AI/AN survivors.¹⁸ The StrongHearts Native Helpline, an Indigenous-led support hotline for Indigenous survivors of domestic and sexual violence, found that out of the 3,074 calls received in 2020, not one of the callers chose to transfer to a non-Native hotline for support during non-staffed hours and that “Native callers prefer to work with a Native-centered organization.”¹⁹

DISAGGREGATED DATA ON VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS

It is incredibly difficult to determine the full extent of the violence against AI/AN women in the United States due to a lack of comprehensive disaggregated data. Data collection efforts by government agencies charged with documenting violence against AI/AN women are uncoordinated and infrequent. A 2017 Department of Justice report found that “crime data in Indian country²⁰ remains unreliable and incomplete.”²¹

Indigenous Women and Children.” <https://www.colorado.edu/program/fpw/2020/01/29/violence-extractive-industry-man-camps-endangers-indigenous-women-and-children>

¹⁵ See: https://www.amnestyusa.org/files/letter_to_gov_and_ag_of_nd.pdf

¹⁶ Democracy Now!, “Shot with Rubber Bullets, Hospitalized, Jailed: Line 3 Protestor Tara Houska Decries Police Attack”, 4 August 2021, available at https://www.democracynow.org/2021/8/4/tara_houska_line_3_pipeline_resistance

¹⁷ Since 2017, 16 states have implemented laws that increase criminal penalties for acts such as trespassing and interference with infrastructure sites, such as pipelines. See International Center for Non-Profit Law bill tracker: <https://www.icnl.org/usprotestlawtracker/>

¹⁸ US Department of Justice- Office for Victims of Crime, *Vision 21: Transforming Victim Services- Final Report*, May 2013, available at https://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf

¹⁹ StrongHearts Native Helpline, *Sharing Our Stories: 2020 Year-End Report* (previously cited).

²⁰ US Federal law defines “Indian country” as: “All land within the limits of any Indian reservation”, “all dependent Indian communities within the borders of the United States” and “all Indian allotments, the titles to which have not been extinguished.”

²¹ US Department of Justice, *Review of the Department’s Tribal Law Enforcement Efforts Pursuant to the Tribal Law and Order Act of 2010*. 2017. <https://oig.justice.gov/reports/2017/e1801.pdf>

What limited data does exist shows that rates of sexual violence committed against AI/AN women is most often done by non-Indigenous perpetrators. Among the AI/AN women who have experienced sexual violence in their lifetime, 96 percent have experienced sexual violence by at least one non-Indigenous perpetrator.²² Separately, 21 percent of AI/AN women who have experienced sexual violence have experienced it at least once by an intraracial perpetrator, reflecting that some AI/AN women who have been experienced sexual violence have been assaulted by several perpetrators during their lifetime.

A very few individual states within the United States have collect or have publicly available disaggregated data, most notably Alaska and South Dakota (cited above). Additionally, the U.S. government does not collect data specifically on Native Hawaiians, neither does the government recognize their tribal status, or that of other Indigenous women in the United States and its territories, which means they are excluded from data collection on Indigenous women in the United States. This exclusion makes it difficult to extract accurate data on programs focused on addressing violence against Indigenous women and girls. Without accurate and consistently updated data, it is impossible to understand the full extent to which Indigenous women have been impacted by violence.

RECOMMENDATIONS

Amnesty International presents the following recommendations to the Special Rapporteur for consideration to be included in the report on violence against Indigenous women and girls:

- States must collect detailed and comprehensive data on the rates of violence against Indigenous women and use this data to make informed decisions on policy and practice that will prevent and respond to violence against Indigenous women and girls. Indigenous peoples and groups should be involved in the process of data determination and collection.
- States must ensure all laws and policies across jurisdictions work in a way to prevent and respond to violence against Indigenous women. States must further amend any laws or policies that erode the ability of Indigenous communities to prevent and respond to violence against Indigenous women.
- States must act to protect Indigenous women human rights defenders and land protectors who are at risk of discrimination and violence based on their Indigenous status, gender, and line of work. This includes ensuring robust protections for the right to protest and ensuring that violence against Indigenous women human rights defenders and land protectors is fully investigated.
- States must ensure that infrastructure projects are carried out only with the full prior and free consent of the tribe or tribes affected by the project, on whose land the project would rest or affect, or who have claims to cultural sites potentially affected by such projects. States must further ensure the safety of Indigenous women related to any project that may mean the formation or increase of “man camps” near Indigenous communities.

²² See National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey* (previously cited).

- States must support and ensure adequate funding for support services for survivors of violence; these support services must provide culturally appropriate, sensitive and non-discriminatory support.
- States must ensure that Indigenous women are able to fully and effectively participate in processes and policy-making that affect their safety and well-being.