



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

October 2022 | Volume 19 | Issue 3



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Consultation**
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Dear Friends,

It is our pleasure to share with you the October 2022 edition of Restoration of Native Sovereignty and Safety for Native Women Magazine. Our hearts are full from the content shared in this edition, as we make great strides in our movement building for the safety of Native women and the sovereignty of Native Nations.

Here at NIWRC, we assisted with the Violence Against Women Tribal government-to-government consultation held in Alaska September 21-23, 2022; and Tillie Black Bear Women Are Sacred Day on October 1st, including healing camp sessions for survivors throughout October which is nationally recognized as Domestic Violence Awareness Month.

We continue to urgently push for the reauthorization of the Family Violence Prevention and Services Act (FVPSA) before the end of 2022. FVPSA provides critical support for shelters, coalitions, training and technical assistance centers, children's services, hotlines, and prevention initiatives, including for NIWRC, the StrongHearts Native Helpline, and the Alaska Native Women's Resource Center.

This month, we celebrate with complete aloha the opening of the Native Hawaiian Resource Center on Domestic Violence by the Pouhana O Nā Wāhine (PONW), included for the first time in 2022 Congressional appropriations.

From our board and staff, we must stay on the path in our mission to support Indigenous-based advocacy, restore safety to Native women, and uphold the sovereignty of Native Nations.

In strength and solidarity,



Ahéhee', Lucy Simpson, Esq. Diné Executive Director



PhilamayyaA, Carmen O'Leary Cheyenne River Sioux Board Chairwoman



Restoration of Native Sovereignty and Safety for Native Women Magazine, 2003-2022

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.

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.

Editor Paula Julian

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Creative Editor Kelsey Foote

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Organizational and Other Contributors

Alaska Native Women's Resource Center; Indian Law Resource Center; Mary Kathryn Nagle; Pouhana O Nā Wāhine; National Congress of American Indians; StrongHearts Native Helpline; Alliance of Tribal Coalitions To End Violence; Family of Kaysera Stops Pretty Places

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Comments?

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"Qaspeq Ceremony," a traditional opening to the 17th Annual Government-to-Government Violence Against Women Tribal Consultation. Photo courtesy of Kelsey Foote.

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EDITOR'S NOTE



It is an honor to serve as the Editor of *Restoration Magazine*. In assuming this role, I give thanks for how I arrived at where I am today. I am here because of the lifelines of relationships that the Creator has blessed me with. I volunteered at a women's shelter in 1994 and met Jax Agtuca, the former *Restoration Magazine* Editor. Connecting with women and children in the shelter was a lifeline I needed as I struggled after losing a partner and my Mom. I was reminded that my life was not my own to take and that I have a responsibility to women and children who had come before me, were living in the present, and the unborn.

In 1995, Jax recruited me to help open the Violence Against Women Grants Office (now the Office on Violence Against Women or OVW) at the Department of Justice after the signing of the Violence Against Women Act (VAWA). During my years at OVW, just under 11 years, I was blessed with making relatives and more lifelines with Native peoples nationwide who helped me to heal from my traumas, taught me so much, and helped to shape me into who I am today. Many of my relatives continue advocating for sovereignty and safety, some have stepped back to enjoy their families, and some have crossed over, like Beryl Rock, Liz LaPrairie, Patty McGeshick, CJ Doxtater, Shirley Moses, and my mask'e (sister friend) Tillie Black Bear.

Tillie called me in 2009 after I had left OVW and said it was time for me to return to work to help my Native

sisters, which I have been doing since. Like many others, I believe we have a responsibility to restore safety for Indigenous women.

"If the women of the First Nations of this land cannot walk free of the terror of rapists, batterers, stalkers and murderers, no woman can be truly safe."¹

We do this work as much to restore respect for ourselves as we do for all women. Thank you to those whom I call friends and family. I hope to continue your legacy, as Editor of *Restoration Magazine*, which has shared many truths worth reviewing here and in future editions. I value past teachings and lifelines to guide our present and future advocacy. These teachings light the path forward.

Articles in this edition reflect the maturation of our political advocacy, organizing, and centering solutions from Indigenous worldviews. We are approaching 20 years that *Restoration Magazine* has served as a communication bridge to organize and inspire the grassroots movement. Communicating the truths and experiences of Indigenous women and nations has been key in our strategy of restoring sovereignty and safety for women.

Indigenous women's voices have provided the political will for social change reflected in the amendments made to VAWA from 2000-2022, the passage of the Tribal Law and Order Act of 2009, the Not Invisible Act and Savanna's Act in 2021, and changes in laws, policies, and social norms at the state and international levels.

Last month thanks to the leadership of Secretary Haaland in response to the decades-long outcry by Indigenous peoples, the Interior Department removed "sq---" from geographic features nationwide.² California's Governor also recently signed a new law removing "sq---" from geographic features and place names in California.³ While barriers remain, the path forward is clearer when we open our strong hearts and minds to past teachings and understand our responsibilities as relatives caring for each other and all life. What changes we effect into the future will replace the terror that Indigenous women have experienced since colonization with respect, peace, health, happiness, and living to their full potential.

We are excited about NIWRC's partnership with advocates who formed the Pouhana O Nā Wāhine (Pillars of Women, PONW). Last month, in partnership with NIWRC, the PONW secured the U.S. Department of Health and Human Services grant award to serve as the Native Hawaiian Resource Center on Domestic Violence (NHRCDV). Congratulations! Our strong-hearted advocacy provided the political will for the federal government to appropriate \$1 million for an NHRCDV, helping to fulfill the federal government's trust responsibility to Native Hawaiians to assist with safeguarding the lives of Native Hawaiian women. We welcome working with our Native Hawaiian relatives to fulfill their vision and mission for sovereignty and women's safety.

Our movement has grown, welcoming new organizations and relatives, including the Alaska Native Women's Resource Center, StrongHearts Native Helpline, Alliance of Tribal Coalitions to End Violence, and now the PONW. The opportunities to restore protections rooted

² <https://edits.nationalmap.gov/apps/gaz-domestic/public/all-official-sq-names>
³ https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB2022 and <https://aclulacation.org/bill/ab-2022/>

in Indigenous traditions are as important today as ever. No matter how governments and systems fail to uphold women's rights to safety, health, education, and housing, we uphold the belief of women as sacred. Centering Indigenous traditions is how we will remove barriers and make connections "beyond the shelter doors" as Tillie called on all of us to do.

"As Indian women, we have survived. As Tribal Nations, we have survived. We have survived because of our beliefs, teachings, and traditions."—Tillie Black Bear, Sicangu Lakota.

Honoring what my relatives who began *Restoration Magazine* shared in the first edition:

"This publication is a result of "one heart, one mind." Individuals and organizations coming together...to offer knowledge, thoughts and energy will restore safety for Native women... We..want to acknowledge the thousands of Native women who are battered and have experienced sexual assault. These women are mothers, grandmothers, aunties, sisters, daughters, granddaughters, nieces, and cousins. It is the collective voice of Native women that is represented in this publication. We dedicate this publication to our relatives, the seen and unseen. Our grandmothers and grandfathers suffered and died so that we might live. We feel the spirits of our ancestors every day and are thankful for the strength and fortitude they bring to this call for action."

It is my honor to share this lifeline relationship of our movement through *Restoration* with you and our communities.

Paula S. Julian (Washtë Wiya, Good Woman), Filipina Editor, Restoration of Native Sovereignty and Safety for Native Women & Senior Policy Specialist

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¹ Karen Artichoker et al., Overview, *Restoration Magazine* (2004), 4.



Celebrating NIWRC's Growth and New Staff

Farewell to Our Sister, Mallory Adamski

By Liane Pippin, *Cherokee Nation*,
Communications Specialist, NIWRC

The past year brought growth and opportunity for the National Indigenous Women's Resource Center to expand its staff, continuing our efforts to offer culturally based technical assistance and training, advocacy, and programmatic and policy development for Tribes and grassroots advocates. With gratitude, we welcome Cassandra Roy, Julie Weddell, Marquel Musgrave, and Heather Bruegl. This growth results from the consistent work of our dedicated staff. Let us celebrate each other, and all that led us here.

Cassandra Roy is a member of the White Earth Band of Ojibwe, based in St. Paul, Minnesota. She is passionate about uplifting Indigenous voices and communities, working collaboratively to ensure healing, safety, and sovereignty in all Indigenous communities within and outside of the United States. Previously, she worked as Communications Coordinator with StrongHearts Native Helpline, a national domestic violence, dating violence, and sexual violence helpline, culturally specific for Native Americans and Alaska Natives.

"As Data Specialist for the National Indigenous Women's Resource Center, I hope to work collaboratively with the team to optimize database workflows."

—Cassandra Roy,
Ojibwe, Data Specialist,
NIWRC



Cassandra Roy
Data Specialist

Cassandra is currently pursuing her degree in psychology with the intention of gaining her Master of Social Work (MSW) while specializing in the healing of Indigenous communities.

IN THE NEWS



Julie Weddell
Human Resources Manager

Julie Weddell is Ihanktonwan Dakota, residing on the Yankton Sioux reservation in southeast South Dakota.

After graduating high school from Marty Indian School, she received her BA from Augustana College (Sioux Falls, SD) and her Juris Doctorate from the University of South Dakota School of Law. Julie practiced Tribal law and established the Yankton Sioux Tribal Court in 1994, then moved to the Human Resources Department in 2002.

"As a survivor of domestic violence and a lifelong proponent of women's and Indigenous rights, I'm excited to bring my expertise to the National Indigenous Women's Resource Center and to be a part of an organization that truly makes a difference in the lives of Indigenous women across Indian Country."

—Julie Weddell, *Ihanktonwan Dakota*,
Human Resources Manager, NIWRC



Marquel Musgrave
COVID TA Specialist

"We know the decisions we make now ripple through time and impact future generations and we have the opportunity in this time to create and restore systems centered in health, balance and equity. I feel called to this role and am excited

to support our Tribal Nations, Tribal coalitions, advocates and survivors in resource sharing to contribute to the collective health and wellness of our Nations."

—Marquel Musgrave, *Nanbé Owingeh*, COVID TA Specialist, NIWRC

Marquel Musgrave (they/she) is a mother, auntie, and Tribal citizen of Nanbé Owingeh (the Pueblo of Nambe). She joins the National Indigenous Women's Resource Center as the COVIDTA Specialist after dedicating the last two years as the Membership and Communications Director at the Coalition to Stop Violence Against Native Women (CSVANW). During their time at CSVANW, Marquel had the honor of being a member of the core work group that organized to pass the Indian Family Protection Act, effectively codifying the federal ICWA protections in the state of New Mexico.

Marquel's recent advocacy work focused on mutual aid projects, clean indoor air mitigation, and disability justice to support the collective and long-term health of Tribal communities in the southwest region during the COVID-19 pandemic and ongoing climate crisis.



Heather Bruegl
Policy Specialist

Heather Bruegl is a citizen of the Oneida Nation of Wisconsin and a first-line descendent of the Stockbridge Munsee. She is a graduate of Madonna University in Michigan and holds a Bachelor of Arts and Master of Arts in U.S. History. Her research comprises

numerous topics related to American history, legacies of colonization, and Indigeneity, including the history of American Boarding Schools, and Missing and Murdered Indigenous Women. She has been invited to share her research on Native American history, including policy and activism for such institutions as the Tate and the Brooklyn Public Library. Heather opened and spoke at the Women's March Anniversary in Michigan, in 2018, and at the first Indigenous Peoples' March in Washington, D.C., in 2019. From 2019-2021, Heather spoke at the Crazy Horse Memorial and Museum in South Dakota.

Heather is a public historian, activist, and independent consultant who works with institutions and organizations for Indigenous sovereignty and collective liberation. She currently calls upstate New York home and is also a doctoral student at the University of Wisconsin-Green Bay in First Nations Education.

"Being a historian by training, I have been able to see all through history how the violence of colonization has led to the violence that we see today. I am honored to be able to continue the work of those who came before me. I hope that the work that we do helps to be able to begin a healing among our people."

—Heather Bruegl, *Oneida Nation*,
Policy Specialist, NIWRC



Farewell to Mallory Adamski

We take a moment to lift and acknowledge our sister, Mallory Adamski (Diné), who continues to strive for women's rights by departing from NIWRC and *Restoration Magazine* and joining She The People. Mallory laid the foundation of our Communications Department and we cannot wait to see the incredible moves she makes next. Mallory, thank you. NIWRC owes you our love and gratitude for all you have done for NIWRC, and continue to do for Tribes, Native and Indigenous women, and communities. **Thank you for carrying your medicine forward.**

‘Safe at Home’ Breached

New Mexico Survivors Participating in Confidentiality Address Program Have Personal Information Leaked

IN THE NEWS

On July 22, 2022, U.S. District Court Judge James Browning in New Mexico, granted the motion for Voter Reference’s Preliminary Junction. Voter Reference is an organization centered around voters’ rights and government transparency to mitigate voter fraud. This motion has allowed Voter Reference to release and display New Mexico voters’ information for the time being. At the outset, protecting voter rights is an honorable intention. However, it disregards the safety of an already vulnerable group—Indigenous women survivors of domestic violence, sexual assault, and stalking.

Stalking is a consistent pattern of unwanted behaviors and actions, leading a person to feel frightened and violated. According to the National Institute of Justice, 48.8% of Indigenous women have experienced some form of stalking and 11.6% have experienced it in the past year. Stalking is one form of violence against women and the necessity to address this issue is ever-present.

Many aspects are not addressed when it comes to victim’s rights, and some are even less obvious than others, including the right to vote. How can transformative legislation be passed for survivor advocacy when survivors themselves are too afraid to come forward to vote? Registering to vote creates a dilemma for survivors of domestic violence, sexual assault, and stalking. The right to vote is one of the ways that Indigenous women can assert agency. However, the right to vote is taken away when the fear of being found is forefront.

To address the need for security and safety for survivors, New Mexico has, like 40 other states, created an Address Confidentiality Program called “Safe at Home” that allows survivors of domestic violence, stalking, or sexual assault to use the Secretary of State’s address to keep personal information private and confidential. Participants of the

Program are assured of their safety and privacy while interacting with state agencies. Participants’ mail is forwarded to their addresses through the Program. “In this way, Safe at Home participants are at a reduced risk from being tracked using public records,” according to New Mexico Secretary of State, Maggie Toulouse Oliver’s office. These Programs are integral for survivors of stalking, domestic violence, and sexual assault because it allows some sense of control and security, without losing out on engaging in civil liberties.

This is a gross violation of confidentiality and escalates the danger of revictimization for survivors.

Safety and security is threatened by organizations like Voter Reference, a 501(c)(4) organization. Their goal is to bring transparency to the voting process and uphold voters’ rights by ensuring all election information is public. In New Mexico, Voter Reference aims to provide full name, year of birth, address, voter’s registration status, party affiliation, and voter’s district. Anyone with access to the Voter Reference website can look up any registered voter in that state, along with all the information provided.

On March 28, 2022, Voter Reference and one other plaintiff sued the New Mexico Secretary of State, Maggie Toulouse Oliver, and the New Mexico Attorney General, Hector Balderas, to release all New Mexico registered voters’ information on their website.

On July 22, 2022, Judge Browning granted Voter Reference’s request for a preliminary injunction thus allowing the organization to upload and display voters’ registered information on their site, unless they are enrolled in the Safe at Home Program. However, for three days from July 26 to 29, Program participants’ information was displayed on VoteRef.com. The Secretary of State’s office worked with Voter Reference to successfully take down participants of the Safe at Home Program’s information. The *Voter Reference Foundation v. Balderas, 2022* case is ongoing.

The implications and consequences of publicizing voters’ personal information—specifically those of the survivors of domestic violence, sexual assault, and stalking—may not be obvious to those who have allowed this situation to unfold. This is a gross violation of confidentiality and escalates the danger of re-victimization. The continuing safety of many survivors relies on keeping their location unknown to their violent perpetrators. There can be more violence and fatal consequences as a result of this case.

This violation of privacy under the guise of upholding voters’ rights only exacerbates the trauma survivors experience. How survivors cope and strive to find safety is an arduous journey. Unjustly, the onus of safety is placed solely on the individual who has been abused and victimized. When a violation such as this occurs, there’s no relief regardless of the outcome because the retraumatization has already happened.

One survivor in the Safe at Home Program, who wishes to remain anonymous, shared this statement: “For a long time, I stopped voting. I didn’t vote for many years because I was scared of being found and assaulted again. Changing my entire life to feel safe has been difficult for me. I’m barely getting back to a place where I can go out and show my face, and return to doing the things I love without debilitating fear. The moment I was told that my information was leaked, my first thought was to move immediately. I even spent the next few days with friends in an entirely different area in the state just in case. It feels like me trying to feel safe and joining the program was for nothing. Where is the acknowledgment and reassurance that this won’t happen again? What’s the point of staying in the Program if my information is already out there? What happens if something does happen to me? Who will answer if I get hurt?”

The case is ongoing and will likely take several months to complete. The Secretary of State’s office has worked with Voter Reference to take down the information of Safe at Home Program participants. However, this does not address the countless other survivors of domestic violence, sexual assault, and stalking who may not have access to this Program. Although the information of participants of this Program is taken down, their information was online for three days. The fear and retraumatization that participants may have felt are not easily forgotten or healed. Exercising the right to vote should not result in assault and trauma. Everyone has a right to safety.

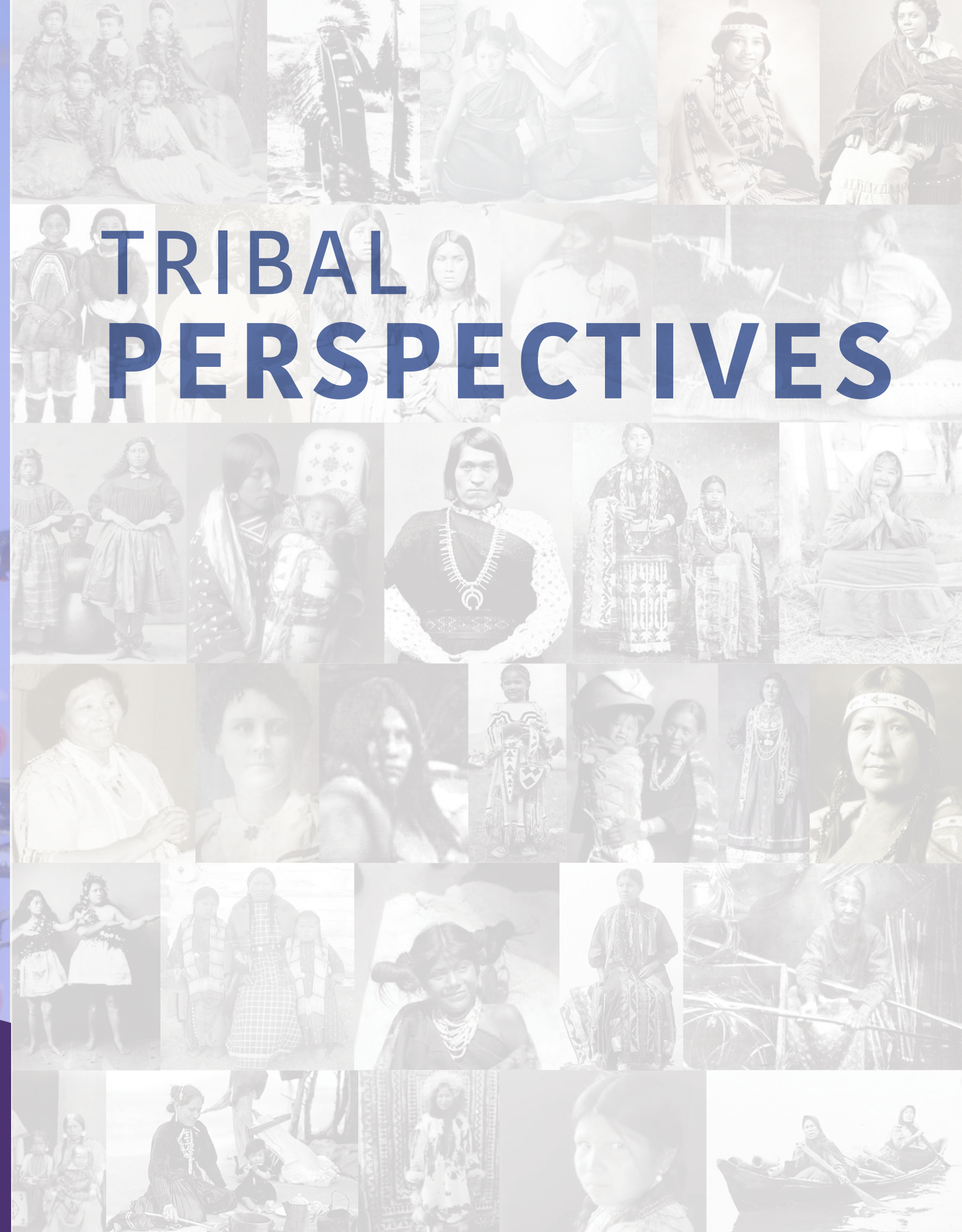


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**TRIBAL
PERSPECTIVES**



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Conversation With the Field: Highlighting and Supporting Indigenous Women's Sacred Ties to Their Homelands and Culture as a Protective Factor

By Rose M. Lashawaat Quilt, *Yakama*, Director of Policy and Research, NIWRC

The National Indigenous Women's Resource Center (NIWRC) policy team held a Conversation With the Field (CWTF) with a diverse group of grassroots advocates, Tribal coalitions, and staff from various Tribal organizations to highlight Indigenous Women's sacred ties to their homelands and to discuss culture as a protective factor. Developed by the NIWRC in the early 2000s, the CWTF is an important tool for organizing national dialogue to inform and develop a national platform of current and emerging issues of concern and recommendations to increase the safety of victim-survivors of domestic violence and gender-based violence. The team was also joined by Rosemond (Loke) Pettigrew (founding member of the Pouhana O Nā Wāhine) and Christopher Foley (Indian Law Resource Center) to provide their insight and wisdom regarding the sacredness and connection of Indigenous women to their homelands.

To directly correlate with our work, this CWTF was specifically designed to elaborate on point six of NIWRC's Advocacy in Action: Restoring Safety of Indigenous Women. In close collaboration with our National Partners, the NIWRC developed the 6-Point Action Plan, with point six recognizing that both land and Indigenous women are sacred and connected and that both require legislative and policy actions to protect them from violence, such as the passage of the Save Oak Flat legislation, HR 1884/S.915.

Conversation With the Field

In the July CWTF, the session's overview began by recognizing the spiritual connection of Indigenous women to the land, further highlighting the 6-Point Action Plan,

acknowledging that traditionally, Indigenous women were respected and held sacred within their nations. However, with colonization, the current spectrum of violence against Indigenous women ties directly to the layers of systemic barriers embedded within the U.S. federal government. These barriers developed as the U.S. seized the homelands and natural resources of Indigenous peoples who were forcibly removed and relocated, which further exacerbated living conditions leaving Native women vulnerable to violence. To fully address the current crisis of violence against Indigenous women, we must have conversations with advocates, first responders, leaders, and family members to inform our work and further help remove the systemic barriers to restore the sacred status of Indigenous women.

The overview acknowledged that our identity and our sovereignty are tied to maintaining the sacred connection with Mother Earth including the important ceremonies where the land and water/natural resources are integral and sacred and therefore require protection. To further facilitate conversation and dialogue following the brief overview, the team opened up the space for sharing and discussion. The team posed several questions to help start the dialogue, including 1) In your view, can you share about this connection of protecting the land and protecting Native women? What does culture as a protective factor mean to you? 2) There are a lot of people who do not understand this connection and are still learning about the sacredness of ceremonies, and protections within Indigenous cultures and traditions. What would you say to people who may not understand these connections? What do you want them to hear, understand, respect and honor? 3) What are you doing now or plan to do after our CWTF to support Indigenous communities' struggles to

Discussion Questions

In your view, can you share about this connection of protecting the land and protecting Native women? What does culture as a protective factor mean to you?



Rosemond K. Pettigrew, Board President, Pouhana O Nā Wāhine sharing her perspective on Indigenous women's sacred ties to their homelands and culture as a protective factor.



protect their homelands and women? How can other people/organizations/partnerships support your efforts?

What We Heard

To appropriately ground ourselves, our relative, Loke shared among other critical teachings, that central to Native Hawaiian culture is the relationship of everyone with one another through the land. "We're connected through the aina because Hawaii is our home," Loke said. And like American Indian and Alaska Native (AI/AN) women, Native Hawaiian women, like their land, have been subjected to alarmingly high rates of violence, trauma, and assault since colonization and into the present day. Their call or Kahea for unity and change reflects that "the life of the land is in its people," Loke said, quoting the Native Hawaiian writer Dana Naone Hall. "If your people need healing and need to be taken care of, you have to take care of your land. If you don't take care of your land, you can't take care of your people."

The much-needed conversation brought out many teachings and wisdom about the sanctity in which we uphold the land, as one person commented, "we draw our strength from our land. It protects us and we give back." An important reminder was raised about how the land plays a part in why Indigenous women do not leave abusive relationships. She shared that "our connection to the land hinders our desire to leave our lands to go

"We must continue to honor and reclaim our respected values and kinship systems to promote safety and protections for Indigenous women including the lands, waterways, and medicines that carry us forward in our healing and lifeways."

—Rose M. Lashawaat Quilt, *Yakama*, Director of Policy and Research, NIWRC

off into an unknown world even for our own safety. We find comfort in what we know and are linked to versus going out and leaving our abuse." To this, a relative who works with survivors of intergenerational trauma noted the importance of land to help in personal healing and recognized that our land including trees, medicines, water, air, and fire all serve as paths to healing.

As the stories echoed throughout our virtual circle, we were reminded that as relatives, we were participating in a ceremony and ceremony is about thanking what has been given to us from the Creator and Mother Earth. She

“As the stories echoed throughout our virtual circle, we were reminded that as relatives, we were participating in ceremony and ceremony is about thanking what has been given to us from the Creator and Mother Earth.”

—Rose M. Lashawaat Quilt, *Yakama*, Director of Policy and Research, NIWRC



Chris Foley, Senior Attorney, Indian Law Resource Center sharing his perspective on Indigenous women’s sacred ties to their homelands and culture as a protective factor.

land is one of reciprocity and respect - the land sustains and provides for the people, and the people sustain and manage it as stewards moving on and in it with respect, sacredness, culture, and ceremony. Because of this close connection, when the land is disrespected, damaged, or destroyed, this can have a real impact on the well-being of Indigenous people including the safety of Indigenous women. Therefore, we must continue to honor and reclaim our respected values and kinship systems to promote safety and protection for Indigenous women including the lands, waterways, and medicines that carry us forward in our healing and lifeways.

As we continue to be challenged with an unpredictable pandemic and a climate crisis, this CWTF was not only welcomed with much gratitude but came with recommendations to hold additional conversations to delve deeper into culture as a protective factor and how the collective can inform recommendations for the 6-Point Action Plan recognizing that both land and Indigenous women are sacred and connected and that both require legislative and policy protections.

shared that in ceremony, a circle of people are connected and that it takes us all to mend the broken/disconnected circles. Such ceremonies to heal our homelands and our Indigenous women are long overdue.

Near the close of the conversation, Christopher Foley (ILRC) shared with us how international human rights law has helped Indigenous women and other countries in advancing protections and guarantees of the rights of Indigenous peoples and protections of their homelands. He also shared how the climate crisis has impacted Indigenous women including how climate change increases and fuels violence against them. For example, when unsustainable development takes and damages Indigenous land and resources, whether through extraction, deforestation, environmental degradation, tourism, and other related activities, it not only contributes to global climate instability but also adversely impacts Indigenous women and their communities and increases their vulnerability to violence. However, as Christopher shared through international forums and documents such as the Universal Declaration of Human Rights, many of our Indigenous relatives are advocating for their protection, survival, and well-being, including the rights of Mother Earth.

Conclusion and Recommendation(s)

The overarching theme among the July CWTF circle is that the relationship between Indigenous people and the

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View the *Advocacy in Action: Restoring Safety of Indigenous Women* poster. ▶

Advocacy in Action: Restoring Safety of Indigenous Women



Contributors



National Indigenous Women's Resource Center
515 Lane Deer Avenue
Lane Deer, MT 59043

StrongHearts Native Helpline Organization

Organization Growth Ushers In New Energy and Creativity

By Lori Jump, *Sault Ste. Marie Tribe of Chippewa Indians*, Chief Executive Officer, StrongHearts Native Helpline

As of September 2022, StrongHearts Native Helpline observed five years of successful operation with more than 25,000 calls from across Indian Country. We continue to see exponential growth and positive change within our organization. StrongHearts is thriving!

Earlier this year, StrongHearts hired a management consultant to review the structure of our organization—job titles, position descriptions, and compensation. During this time, job titles have been updated, job descriptions revised, and a new compensation package has been implemented.

I am grateful for the support of our Board of Directors, which approved the employee compensation project and allowed us to backdate pay raises to June 1. I'm also proud to report that some of our in-house team members have stepped into leadership roles and accepted promotions that will ensure we are growing in the right ways and direction.

One of the most exciting developments is the hiring of team members in the Communications Department. We are pleased to welcome Samantha Still (She/Her, Pueblo of Pojoaque) as Communications Manager. The Communications Manager plans and executes communications strategies and initiatives to promote StrongHearts across communications channels to meet our mission and project goals.

Christy “Giizhi” Bieber (she/they, Anishinaabe) is our new Communications Coordinator. The Communications Coordinator promotes StrongHearts across multiple channels and helps execute communications strategies to ensure consistent branding and messaging, including developing print and digital content, curating social media posts, and conducting outreach to Tribal communities.



Samantha Still, Communications Manager.
Photo courtesy of S. Still.

These two positions are critical for us to get our messages out to Indian Country and amplify our reach to Native American and Alaska Native domestic violence, dating violence, and sexual violence victim-survivors in Indigenous communities and urban areas. Both Samantha and Giizhi bring an incredible amount of energy, enthusiasm, and creativity to StrongHearts, and I am thrilled to welcome them to our organization.

“Violence in Indian Country is an unfortunate reality our relatives face and being a part of StrongHearts will allow me to inspire those suffering from domestic violence, dating violence, and sexual violence to reach out for support and create a space for healing.”

—Samantha Still, *Tewa*,
Communications Manager, SHNH

About Samantha Still, Communications Manager

Samantha believes that marketing and communications are a fundamental part of bringing attention to StrongHearts’ mission and securing support for Native communities. She has been in the field of Marketing and Communications for more than a decade starting at her Tribe in web and graphic design, social media, content creation, strategic planning, event planning and execution, public and media relations, data analysis, process improvement, and community engagement.

Samantha studied business administration with an emphasis on marketing and communications. This is her first time working in the field of domestic violence, dating violence, and sexual violence. Samantha is proud of her marketing background and experience, which includes many years working for her Tribe.

“Marketing for our resort and other businesses and corporations within my community has given me the opportunity to explore my likes and dislikes of different areas within the world of business,” said Samantha. “All of my experience comes from being hands-on. Taking the strategic goals of a company and turning those goals into results is what drives me. Creating and delivering content to inform our relatives of what resources we can provide to help navigate their current situation is my focus and priority. I consider my strength to be in social media and website platforms and being able to assess key performance indicators to gauge the effectiveness of marketing strategies.”

As Communications Manager, Samantha hopes to relay the word about StrongHearts in the best possible way to our relatives across Indian Country by “getting our mission and voices directly to reservations and ensuring our relatives are in a safe space,” she said.

“Making a difference within my community and helping to bring resources and support to Native nations was the reasoning behind my decision to seek employment with StrongHearts. StrongHearts Native Helpline has done an amazing job creating a space for support and healing. My goal is to enhance things, such as social media, web, and our chat option. Our team will work collectively on gearing our messages to our Native communities who seek support for their current or past experience with domestic violence, dating violence, and sexual violence.”

Samantha will assess the marketing strategies that StrongHearts has in place and how to improve those strategies. “I look forward to working with the StrongHearts Communications team to turn our mission and goals into effective messages while driving more of our relatives needing support and resources to our different platforms,” Samantha said. “Violence in Indian Country is an unfortunate reality our relatives face and being a part of StrongHearts will allow me to inspire those suffering from domestic violence, dating violence, and sexual violence to reach out for support and create a space for healing. I’m looking forward to learning and growing beside my team.”

When she’s not working Samantha enjoys baking and spending time with her family. She can be reached at sstill@strongheartshelpline.org.

About Communications Coordinator Christy “Giizhi” Bieber

“I believe that authenticity and keeping community at the center of our creative process and messaging is very important.”

—Christy “Giizhi” Bieber, *Anishinaabe*,
Communications Coordinator, SHNH.

Communications Coordinator Christy “Giizhi” Bieber (she/they, Anishinaabe) has a background focused on mental health. She has experience as a master trainer of Applied Suicide Intervention Skills Training. Giizhi has a Bachelor of Science in Brain, Behavior, and Cognitive Science from the University of Michigan. Her media work has supported messaging campaigns supporting public health, environmental justice, education, and mental health.

Giizhi has 10 years of experience working in Detroit’s urban community where she helped with a youth program and suicide prevention project. “Having been a trainer of



Christy "Giizhi" Bieber, Communications Coordinator.
Photo courtesy of G. Bieber.

something that I value. I have seen the way media arts has been utilized in communities that has brought about positive change, healing, and connection and this is work that I am honored to be a part of. My strengths are in creativity and authenticity—videography and editing are what I am best at, creating visuals that reflect the beauty of our surroundings and relatives. I believe that authenticity and keeping community at the center of our creative process and messaging is very important. It is this human and empathetic root of creating that will contribute to the well-being of our relatives.”

“I was interested in this position at StrongHearts because it is an amazing opportunity to work in the realm of media arts while supporting my community directly on an issue that I am passionate about. I am excited and honored to work with the communications team at StrongHearts to find creative ways to educate our community and bring more awareness to the Helpline, so that our relatives can get the support they need when facing domestic violence. I am especially looking forward to making videos for social media platforms.”

“This work is important to me because I am a relative that has been affected by the issues our collective community faces with regard to domestic violence, dating violence and sexual violence. All of us are reflections of one another, and our well-being is determined by all of our relatives being safe and free from domestic violence, dating violence, and sexual violence. This work is our collective responsibility; and it is an honor and a blessing to use my gifts to support.”

When Giizhi is not working, she enjoys being outdoors, visiting the waters, and the land. Giizhi can be reached at cbieber@strongheartshelpline.org.



helpers in the field of suicide prevention, I am familiar with messaging that is trauma-informed and culturally-specific,” Giizhi said. “This experience is related as the mental wellness of our relatives go hand-in-hand with domestic violence in our communities.”

Giizhi—a storyteller through the medium of film—has several years of uplifting stories of resilience, culture, and education. “I have worked as an independent filmmaker on various projects,” Giizhi said. “I learned videography and graphic design skills through actively meeting the needs of my community as a documentarian and cultural worker supporting various grassroots organizations and movements. The stories that I was a part of uplifting and co-creating were about environmental justice, Indigenous cultures, and healing justice. Urban areas experience environmental racism with the proximity to industrial pollution and Native communities across Turtle Island experience the negative effects of colonization through historical trauma and the current violence from oppression. Uplifting narratives for and by our relatives is an effort to bring awareness to issues and a direct healing modality by way of contemporary storytelling. I love media making and the art of storytelling that is inherent in this field. Creating messages and media that is accessible, culturally responsive, and supportive is

U.S. Supreme Court Building.
Photo courtesy of StrongHearts Native Helpline.



Impacts of the *Roe v. Wade* Decision on Native American and Alaska Native Women Sexual Violence Victim-Survivors

Decision Will Impact Native American and Alaska Native Victim-Survivors in Several Ways

By StrongHearts Native Helpline

The June 24 decision by the U.S. Supreme Court overturning the constitutional right to an abortion will adversely impact Native American and Alaska Native victim-survivors of sexual violence in several ways. The ruling paved the way for the national criminalization of abortion. Several states, including Idaho, Louisiana, Mississippi, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming, already have existing trigger laws that allow those states to ban abortion now that *Roe v. Wade* has been overturned.

“Native women and girls suffer the highest rates of stalking, rape, and femicide in the nation,” said Lori

Jump (Sault Ste. Marie Tribe of Chippewa Indians), chief executive officer, StrongHearts Native Helpline. “Abortion is not offered at the Indian Health Service (IHS)¹ and having planned parenthood clinics is essential to the health and well-being of sexual assault victims. It is a breach of the federal trust responsibility and body sovereignty that goes back to colonization.”

In fact, the IHS (which provides health care on reservations) is prohibited under the 1976 Hyde Amendment² from using federal monies for abortion services, except when the mother’s life is endangered and in instances of incest and rape.

Making it difficult for any woman to obtain an abortion or by criminalizing it in some, or even all, states won't make abortions disappear. It makes them unsafe and potentially fatal. Those at most risk will be poor women and women of color, especially Native women who reside on Tribal lands or in remote areas where abortion services are difficult to access.

Making abortion services inaccessible to Native women, whether they live in an urban or rural area, further exacerbates the enormous socio-economic and health disparities. For example, the poverty rate among Native women is the highest among racial and ethnic groups in the U.S. at 28.1 percent. Overall, one in three Native Americans lives in poverty with an annual median income of \$23,000. Complications during pregnancy or childbirth (or both) are three to four times more likely for Native women.

There are also barriers to acquiring emergency contraception outside of reservation communities and travel to obtain abortion services can require exorbitant travel and other expenses that Native women simply cannot afford. Financial abuse — a form of relationship abuse where one partner controls their partner's financial situation — also can figure into the picture. An intimate partner who takes control of their partner's finances ultimately has control over making financial decisions that undermine their partner's well-being and, in cases such as these, make it difficult or even impossible for that partner to seek abortion services.

Native women in the United States suffer from the highest rates of sexual violence. In Indigenous communities, more than half of American Indian and Alaska Native women (56.1%) have experienced sexual violence in their lives and the vast majority (96%) are victimized by a non-Native perpetrator. Sexual violence is based on power and control and an abuser may see the unpredictability of pregnancy as an opportunity to increase power and control. Sexual violence robs Native women of the right to body sovereignty and the choice of reproductive autonomy.

Sexual violence is a tool and result of colonization,

which has been responsible for the enslavement and genocide of Native peoples and the theft, occupation, resource extraction, and exploitation of Native lands that began at contact. The same government infrastructure and its federal laws, policies, and institutions has targeted and permitted sexual violence, abuse and harassment of Native women for centuries. The legacy of colonialism continues to exist in 2022 through this most recent action by the U.S. Supreme Court to deny Native — and all — women the right to body sovereignty.



STRONGHEARTS
Native Helpline

About

StrongHearts Native Helpline is a 24/7/365 culturally-appropriate domestic, dating and sexual violence helpline for Native Americans and Alaska Natives, available by calling or texting **1-844-762-8483** or clicking on the website chat icon at **strongheartshelpline.org**.



³ bit.ly/3SgynBI

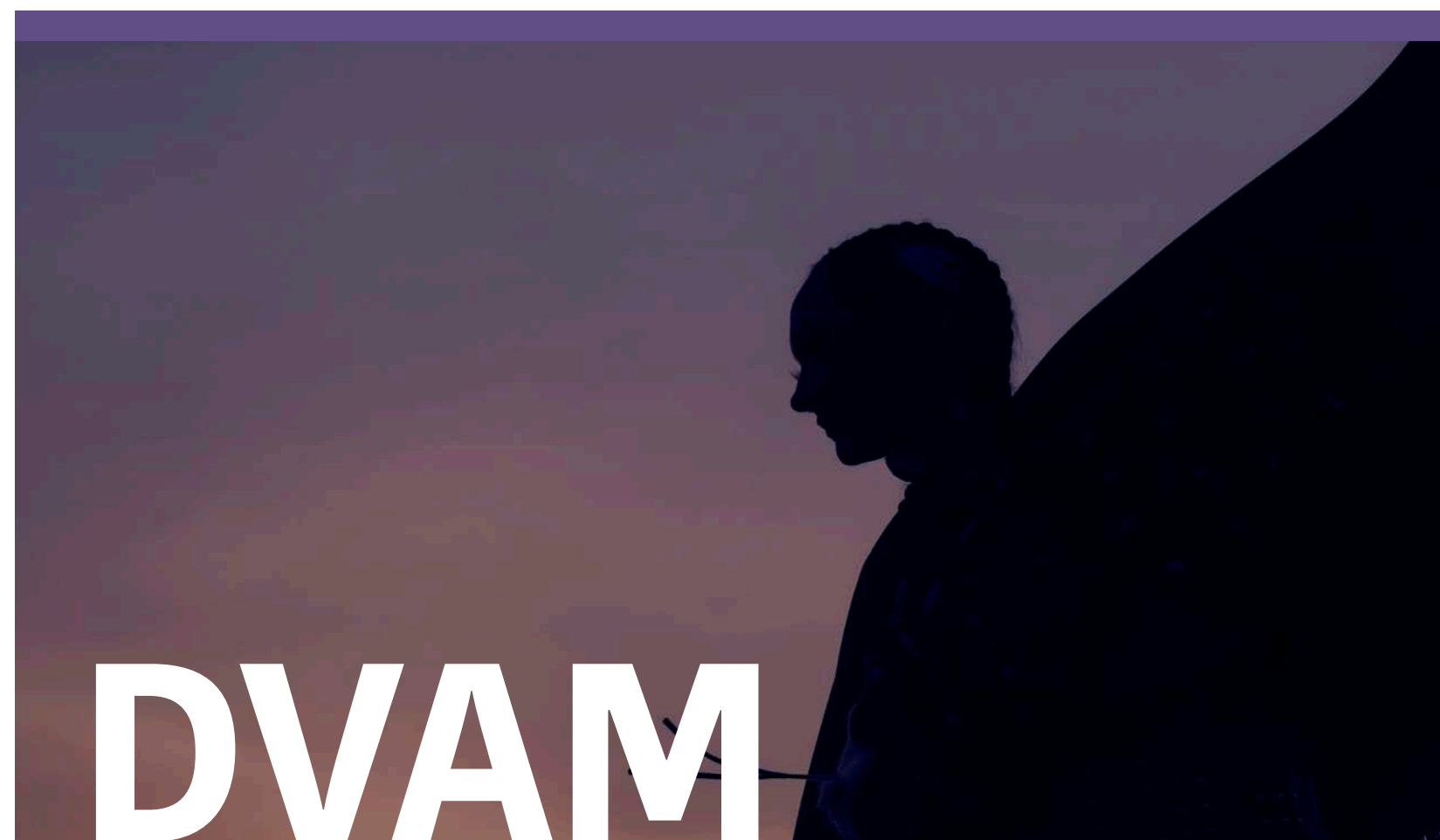
⁴ bit.ly/3Sj6n0s

⁵ bit.ly/3ffdgky

⁶ bit.ly/3SgynBI

⁷ bit.ly/3BVdYeJ

⁸ bit.ly/3RdNRFm



Domestic Violence Awareness Month

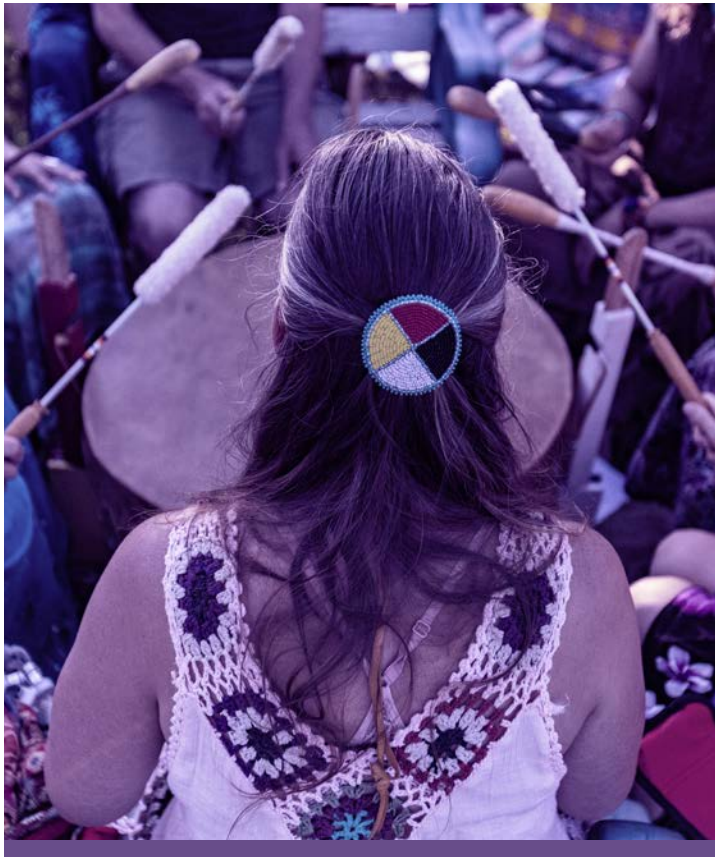
Domestic Violence Is Not Traditional: Speaking Truth And Uplifting Advocacy for and With Survivors

By NIWRC and STTARS

The National Indigenous Women's Resource Center (NIWRC) and our STTARS Indigenous Safe Housing Center recognize October as Domestic Violence Awareness Month (DVAM) as a time to celebrate the leadership and strengths of survivors and advocates, mourn relatives lost from domestic violence, and connect with community members to speak our truths to help end domestic violence. Violence against Indigenous women, including domestic violence continues at staggering rates, as is the lack of safe housing for those seeking shelter from abuse.

NIWRC's advocacy is grounded in Indigenous culture: violence against women and all forms of domestic violence are not traditional within Native communities and cultures. Ending the violence experienced by

Indigenous women in the United States requires an acknowledgment of colonization and genocide as root causes. Addressing this violence requires strong-hearted advocacy for social change at the Tribal, Native Hawaiian, federal, state, and local levels. It is integral to understand that the safety of Indigenous women, and all our relatives, requires the restoration of Tribal sovereignty, reclamation of Indigenous belief systems, and fully funded resources for health care, housing, justice, and other rightful, basic necessities. Reclaiming the sacredness of women, honoring the roles and responsibilities of all relatives including 2 Spirit LGBTQ, and prioritizing safety and accountability are central to ending violence and restoring harmony and balance within Tribal and Native Hawaiian nations. Please join NIWRC and STTARS Indigenous Safe Housing Center



of women, survivors, and advocates are mandatory in this transformation. Enacting social change begins with understanding proactive advocacy, rather than reactive responses to crises.

Look to the story of The Three Sisters¹ for an understanding of the role of advocates and the necessity of social change as the purpose of our work.

We acknowledge the herstory behind DVAM by **honoring our grandmother of the movement—Tillie Black Bear**. We honor our Unci (Grandmother) Tillie Black Bear, Wa Wokiye Win (Woman Who Helps Everyone), (Sicangu Lakota), of the movement to end violence against Native women, for upholding the cultural teachings and traditions that teach and demonstrate that women are sacred. Tillie helped organize the Violence Against Women Movement on a national level through the creation of the National Coalition Against Domestic Violence (NCADV) and decades later the National Indigenous Women’s Resource Center.

NIWRC asks for your help in recognizing **October 1st as Tillie Black Bear Women Are Sacred Day** in your community.

in acknowledging Domestic Violence Awareness Month as we uplift the work of Indigenous advocates and the expertise of survivors and speak the truth that **women are sacred and violence is not traditional**.

Social change = Reclamation of Indigenous Life Ways. Meaningful social change addresses the root causes of domestic violence and disproportionate violence against Native women and moves toward a vision of re-Indigenized Tribal and Native Hawaiian communities and Nations. This includes the repeal of historical federal policies rooted in the erasure of Indigenous peoples, lifeways, and governance. Assimilation and colonization meant the imposition of a patriarchal hierarchy requiring the breaking of relationships including physical and spiritual, between humans and other beings, the Earth and elements, and the mental, emotional, physical, and spiritual aspects of human beings. The breaking of relationships is the first step to justifying and committing violence. Ending violence and the healing of Indigenous peoples relies on the restoration of relationships within two-leggeds, between two-leggeds, and between relatives of Mother Earth, Air, and Water. **The feminine spirit is the core and heart of this transformation.** The voice and leadership

“It is integral to understand that the safety of Indigenous women, and all our relatives, requires the restoration of Tribal sovereignty, reclamation of Indigenous belief systems, and fully funded resources for health care, housing, justice, and other rightful, basic necessities.”

¹ Three Sisters Story: n8ve.net/GP99PEbH

Domestic Violence Awareness Month Resources and Goods

DVAM Social Media Guide

NIWRC recognizes social media as a powerful tool in community outreach and the promotion of culturally-grounded resources. For DVAM, we have created a social media guide which provides suggested post language, hashtags, and graphics for spreading awareness.



DVAM Store

“Domestic Violence is NOT Traditional” vinyl stickers and unisex t-shirts (S-4XL) available in NIWRC’s Etsy store at etsy.com/shops/niwrc.



Shareable social media banner, available in the NIWRC Social Media Guide (2022) for DVAM. See link below.

For a complete list of resources and downloadable content, please visit niwrc.org/dvam22.

2022 Tillie Black Bear Women Are Sacred Day

Virtual Healing Camp

By Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist, NIWRC

In honor of Tillie Black Bear, Wa Wokiye Win (Woman Who Helps Everyone), Women Are Sacred Day NIWRC offered a virtual healing camp for survivors of domestic violence, sexual violence, and advocates. Tillie centered much of her advocacy on providing support for women to heal and organized with White Buffalo Calf Woman's Society on behalf of survivors of sexual assault Sicangu based healing camps.

“There has to be a piece about reclaiming traditional ways of healing, not only consequences for perpetrators but traditional ways of healing for the victims. For the victim, there is a part of her that has been taken. How do we help her reclaim that part that has been taken? What do we need to do as tribal women to do that? There have been many times where we have taken women into the purification lodge, and it basically lays a foundation for



Tillie Black Bear.
Photo courtesy of Jax Agtuca, NIWRC.

the women for healing. And that is where it is really important for women who believe in traditional spirituality—they are reclaimed by that. We pray with the woman to help her reclaim parts of her body. We wipe her tears. We wipe her down with the sage to cleanse her that way. Often, victims want some type of healing, they want something to help them stop the pain they are experiencing, the feeling of fear not only for themselves but for family members. To help them put a closure to that. And women do not just come once, but they keep coming back for additional purification lodge ceremonies. It becomes a foundation and framework for how they take care of themselves in other situations, other periods of their lives. It is about having a belief in something greater. After working here at Rosebud for over 25 years, we have to do something that is hands-on, tangible, that will give them the strength to know they are not alone.”

—Tillie Black Bear, September 2006, Saint Francis, Rosebud Indian Reservation

Events and activities were scheduled throughout October, beginning October 1, 2022. While we have a lot of work to do to achieve social change at the Tribal/local, state, national and international levels, we should take a moment to remember that individual and collective healing is possible and available. Indigenous women are more than the trauma of domestic violence they have experienced, and these activities and tools can help move survivors through and release the trauma to reconnect with not only ourselves but with those who offer support. Wa Wokiye Win offered hope and healing and inspired generations of survivors and advocates. We hope this inspired everyone

“We should take a moment to remember that individual and collective healing is possible and available. Indigenous women are more than the trauma of domestic violence they have experienced.”

—Paula Julian, *Filipina*, Senior Policy Specialist, NIWRC

to more intentionally plan and regularly implement self-care throughout the year to improve overall health outcomes for Indigenous women.

Organized by Tillie's daughter Connie Brushbreaker and her family on October 1, 2022, was a Tillie Black Bear Tribute Celebratory Walk on the Rosebud Sioux Reservation with a traditional opening provided by Waycee His Fancy Horse. Please help us continue to center support and healing with and for survivors and advocates. Sessions addressed a variety of support and healing, including ceremony, exercise, walking/running, healthy diet, songs, dances, breadmaking, arts, talking circles, energy work, including the use of essential oils, use of video to help youth share their truths, laughter, talking sticks, and implementing self-care and wellness for staff.

We plan to organize seasonal healing sessions throughout the next year. Please join our mailing list to receive information about and join these sessions. These virtual healing camp sessions were supported with FVPSA and nonfederal funding.



MISSING AND MURDERED INDIGENOUS WOMEN

Centering Prevention of Missing and Murdered Indigenous Women

Women Are Sacred In Thought and Actions

By Paula Julian, *Filipina*, Editor,
Restoration Magazine & Senior Policy
Specialist, NIWRC

The Office on Violence Against Women (OVW) and the U.S. Department of Justice (DOJ) conducted their Violence Against Women Act (VAWA) mandated annual government-to-government consultation on September 21-23, 2022. The first in-person consultation since before the COVID-19 pandemic, with some observers joining virtually.

I was one of the 600 participants and observers who witnessed Tribal leaders, survivors, advocates, grandmothers, mothers, daughters, grandfathers, fathers, and sons testify to the systemic barriers they have faced and recommendations for solutions to violence against women. The barriers are well documented throughout history, including the 1993 Apology to Native Hawaiians and the 2009 Apology to Native Americans.¹ These Congressional Resolutions acknowledged and apologized for years of official depredation, ill-conceived policies, breaking of covenants, many instances of violence, maltreatment, neglect, and the long-range economic and social changes that have been devastating to the health and well-being of Native people.

My heart races thinking about the injustices we heard about during consultation, all of which are preventable. The qaspeks that the Yup'ik Women's Coalition and Alaska Native Women's Resource Center shared in the ceremony to open and close the consultation and a red skirt that Director Kimberly Lee from Sault Ste. Marie Tribe of Chippewa Indians also shared for missing and murdered Indigenous women (MMIW) are witnesses of the barriers that we must remove to restore sovereignty

¹Public Law 103-150 and Public Law 111-118.



Councilwoman Gloria Burns, Ketchikan Indian Community singing a song at the close of consultation September 23, 2022.
Photo courtesy of Paula Julian, NIWRC

and increase safety for Native women. What more can we do differently to remove the systemic barriers resulting in domestic violence, sexual assault, stalking, dating violence, sex trafficking, and finally in MMIW?

During the second day of the consultation, a Tribal leader left after providing her testimony after receiving news that her niece was found murdered. Thanks to Councilwoman Gloria Burns from the Ketchikan Indian Community for sharing songs to close the second and the final days of the consultation. Councilwoman Burns' songs remind us that in the face of injustice, we have hope, we can heal, life continues, and Native peoples are resilient.

What we heard overwhelmingly was that Tribes know best how to respond to violence against women and the federal government must honor and fulfill its trust responsibility to assist Tribes to increase the safety of Native women. Tribal leaders spoke of the importance of ongoing government-to-government consultations to:

- reform and strengthen federal laws and policies;
- appropriate trust resources for local, Tribal responses, including prevention;

- administer trust resources, including grant funds; and
- ensure that perpetrators are held accountable in federal, state, and Tribal systems.

While we continue to reform Tribal, state, and federal justice systems, we must equally invest in the prevention of violence against women as Tribal Chairperson Bernadine Atchison recommended in her testimony:

“To make a change we need to find ways to support our children, so they grow up to be healthy adults. We need to go to ground zero. If we are going to provide safety for our adults we need to do it for our children otherwise you won’t break the cycle of violence and a new generation of violence will continue.”

We must work with our children to heal trauma and ensure they have what they need to live the lives they deserve, safe, thriving, and living to their fullest potential. We must challenge ourselves to transform what we’re doing to ensure that Native peoples are thriving and not only surviving. We must center on “the time period before an individual goes missing or is murdered.”² This is why Indigenous women’s advocates and shelters play such a critical role in supporting women as they ask for help, and in educating, partnering, and organizing within communities to remove barriers. We have examples of the ways to center the time period before women go missing and/or are murdered throughout Tribal and Native Hawaiian communities, especially rooted in Indigenous cultures and ways of living.³ Indigenous women’s advocates and shelters need greater support, including financially.

Another leader thanked the survivors who shared their stories at the Consultation and said that survivors’ stories will lead us to stronger futures. Despite feeling angry and frustrated after hearing all the stories of violence against Native women and how some of the same barriers are still in place, we know that we are removing barriers. Our groundswell of advocacy is helping to restore sovereignty and increase safety. The Family Violence Prevention and Services Act (FVPSA), Victims of Crime Act (VOCA), and VAWA are testaments that survivors and the grassroots, including everyone at Consultation

² MMIW and the Need for Preventative Reform

³ Examples include NIWRC’s Indigenous Creation Story webinar series, Culture is our Best Protective Factor and Healing Practice and Stories are our Medicine.

⁴ MMIW and the Need for Preventative Reform, pg. 31.

“The grassroots movement of survivors, advocates, Tribal leaders, policymakers, and our allies has changed the ‘underpinnings of federal policy’ that are reflected in the rates of violence and other disparities in Indigenous communities. We have provided the political will for policymakers to follow through on recommendations for change.”

—Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist, NIWRC

can end violence and restore Native women’s respected status. We’re advocating to stop and heal the violence that’s 17+ generations old since 1492 in the lower 48, since 1741 for Alaska, and since 1893 for Hawaii. It will take time, ongoing intentional political strategizing and organizing, and centering Indigenous worldviews.

Teachings shared by Tillie Black Bear, including those of the White Buffalo Calf Woman, tell us women are sacred in thought—respectful behaviors towards women reflect this belief. Related teachings include responsibilities between relatives, with the land and surrounding life we depend on for nourishment, and ceremonies around birth, puberty, marriage, and death. These teachings have governed Indigenous nations maintaining order, balance, ensuring the health, safety, and prosperity of Indigenous citizens and community members. Our work as advocates, policymakers, leaders, and ultimately our responsibilities to each other as relatives requires us to uncover and share these teachings to uphold and restore women’s sacredness. In this way, we prevent violence against women. In this way, we center “the time period before an individual goes missing or is murdered.”



Qaspeqs and a red skirt representing those impacted by domestic violence, sexual assault, and MMIW. Photo courtesy of Paula Julian, NIWRC.

The grassroots movement of survivors, advocates, Tribal leaders, policymakers, and our allies has changed the “underpinnings of federal policy”⁴ that are reflected in the rates of violence and other disparities in Indigenous communities. We have provided the political will for policymakers to follow through on recommendations for change. The annual VAWA Tribal Government-to-Government Consultations have driven federal legislative and policy reform for the past 17 years, providing a consistent dialogue between the Tribal and federal governments on the highest priorities to be addressed.

Recommendations for U.S. Departments of Justice (DOJ), Interior (DOI), Homeland Security (DHS), and Health and Human Services (DHHS)

It is essential that the federal departments increase Tribally based victim advocacy services to prevent MMIW and support their families and community members. The increased services should include but not be limited to the following: counseling for the children and extended family of the victim; funeral services and burial assistance; community healing such as walks for justice and ceremonies to honor MMIW; community meals and gatherings; and other Indigenous-specific activities. Federal departments should implement the following recommendations:

- Implement NCAI recommendations regarding the Office for Victims of Crime Tribal Victim

⁵ MMIW and the Need for Preventative Reform

Services Set Aside Program so that the resources reach victims, survivors, and their families.⁵

- DHS should require each DHS office to develop and implement MMIW protocols in consultation with Tribal Nations. DHS is the youngest federal agency, with the largest federal budget after Department of the Defense (DOD), yet only a minuscule amount makes it to Tribal Nations. For example, Customs and Border Protection could coordinate with Tribal Nations on MMIW cases occurring near U.S. Borders, the Transportation Security Agency could train staff on how to identify trafficking victims and coordinate with Tribal Nations, the Cyber Security Infrastructure Security Agency could help train Tribal communities on how to protect against traffickers, the DHS Blue Campaign could offer culturally specific information campaigns for Tribal Nations, and the Federal Emergency Management Agency could coordinate with Tribal Nations to help find victims during or after disasters.
- DHS should establish permanent MMIW staff positions. Currently, DHS has one staff person on detail from the Department of the Interior handling issues. This is not enough staffing to address MMIW within DHS, and there is no guarantee of ongoing MMIW work once the person on detail leaves.
- DHS must staff its Office of Tribal Affairs (OTA) in the Office of Intergovernmental Affairs with at least six staff members. Currently, there is only one career staff position in the OTA, and the

person that occupied that position recently left. Where there are a few staff on detail to DHS to help with Tribal issues, the same problem of the lack of follow through on Tribal issues and MMIW matters once those detail staff ends their tour.

- Fully implement the 2005 VAWA National Institute of Justice research program and provide Tribal Nations information regarding MMIW, including barriers facing Tribes and Native women in P.L. 280 states.
- DOJ and DOI should review, revise, and create law enforcement and justice protocols appropriate to MMIW, including interjurisdictional issues as provided by the Savanna's Act and Not Invisible Act (NIA).⁶
- Develop protocols, in consultation with Tribal Nations, which recognize the inherent right of AI/AN to exercise their traditional practices to prevent and intervene in response to MMIW. These protocols must address the current violations of Tribal religious and cultural practices of the murdered woman and the disrespectful handling of her remains. The protocols must address the following: The cremation of the remains without notice or consent of a family member. In numerous cases like Kaysera Stops Pretty Places, her family did not consent to the coroner's decision to cremate Kaysera's body:

- The denial of requests by mothers and other family members to see the bodies of their loved ones. In many cases, the requests to see the remains of the woman have been denied without explanation.
- Mailing and shipping remains without notice to the family and sometimes without proper clothing and modesty covers.
- In adjudicated cases, return of the victim's personal effects and belongings to the family for proper disposal and/or burial consistent with cultural practices.
- Coordinate efforts across all federal departments to increase support for Tribal responses to MMIW as required by Savanna's Act and by Executive Order 14053.
- Coordinate efforts in consultation with Tribal Nations to increase the response of state governments to cases of MMIW.
- DOJ should investigate state and local agencies, like Montana justice officials with a pattern or practice of inadequately responding to cases of MMIW.⁸
- DOJ should ensure that data on Indian Country, Tribal Nations, and Tribal Citizens are included in the reports required by Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. In particular, the reports that contain data from the Accountability Database should include a breakdown of what cases occurred in Indian country

and in what BIA region that conduct occurred.

- Implement the recommendations in the section below titled "Accountability of Military and Extractive Industries for Violence Against AI/AN Women."
- Frequent and regular updates to Tribes communicating NIA Commission work and progress.

Accountability of Military and Extractive Industries for Violence Against Indigenous Women

The federal government must address the escalation of sexual and domestic violence, including sex trafficking, due to the presence of military and extractive industries on or near Tribal lands. The military and defense industry, extractive industries, companies, and subcontractors must be held accountable for the resulting violence from military and itinerant workforces that are used within Indigenous communities by these industries. Indigenous women and communities should not be exposed to violence by felons or serial predators employed by these industries.

Recommendations for the DOJ, DOI, DHHS, DHS, and DOD

- DOJ, DOI, DHHS, DHS, and DOD Army Corps of Engineers should create standards of protection for Tribal communities for industries' compliance before, during, and after contact to protect Indigenous women and children. The protections must be included throughout the federal permitting processes.
- DOJ should assist Tribal Nations in safeguarding the lives of women from extractive industries that employ a militarized police force. Further protections must be employed to ensure that no militarized tactics and usage of excessive force and/or violations of civil rights are committed against Tribal citizens.
- DHHS should enhance support for services and training for shelter and related advocacy and medical services by developing materials addressing the needs of domestic and sexual

violence victims who are victimized by military and itinerant workers who cannot be held accountable by local and Tribal authorities.

- The DOJ, DOI, and DHS should establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers, and murderers from employment with defense and extractive industries on Tribal lands to prevent predators from accessing vulnerable and often unprotected populations of AI/AN women and children

Caroline LaPorte, former Senior Native Affairs Advisor with NIWRC stated in the February 2019 edition of *Restoration Magazine*:

"The fact is, MMIW is about more than the law enforcement response or lack of response to violence in Indian country. It's about the length of time in which American Indians and Alaska Natives have been continuously devalued, fetishized, dehumanized, and discarded. It's about how genocide and colonization have informed and served as underpinnings in federal policy. It's about how genocide and colonization were based on the violent thought that land and bodies could be owned and consumed. It's about how that thought has been allowed to fester and grow and cement itself in the general public's attitudes towards Indian people and Indian Tribes... We have to focus on vulnerabilities that increase risk if we want to prevent these cases from ever occurring in the first place."

As we reflect on all of the testimony shared at the recent annual VAW consultation, let us remember that while we advocate for continued reform of laws and policies, we have available to us now Indigenous teachings of respect, love, forgiveness, how to care for women and all of our relatives that no one can ever take away from us. This is what we choose to live by day by day, and pass on from generation to generation.

"Through the preparation and hosting of potlatches and feasts, he had demonstrated that learning emerges from strong relationships, authentic experiences, and from curiosity; that learning occurs through observation, contributions, and recognizing and encouraging strengths; and that learning honors the power of the mind, our history, and our stories, as well as spirituality and protocol."⁷

⁶MMIW and the Need for Preventative Reform, pg. 31.

Tribal Chairperson Bernadine Atchison, Kenaitze Indian Tribe testifying second from the right September 23, 2022. Photo courtesy of Paula Julian, NIWRC



⁷Sara Florence Davidson and Robert Davidson, *Potlatch as Pedagogy Learning Through Ceremony*, Manitoba, Portage and Main Press, 2018, pgs. 67-68.

#JusticeforKaysera

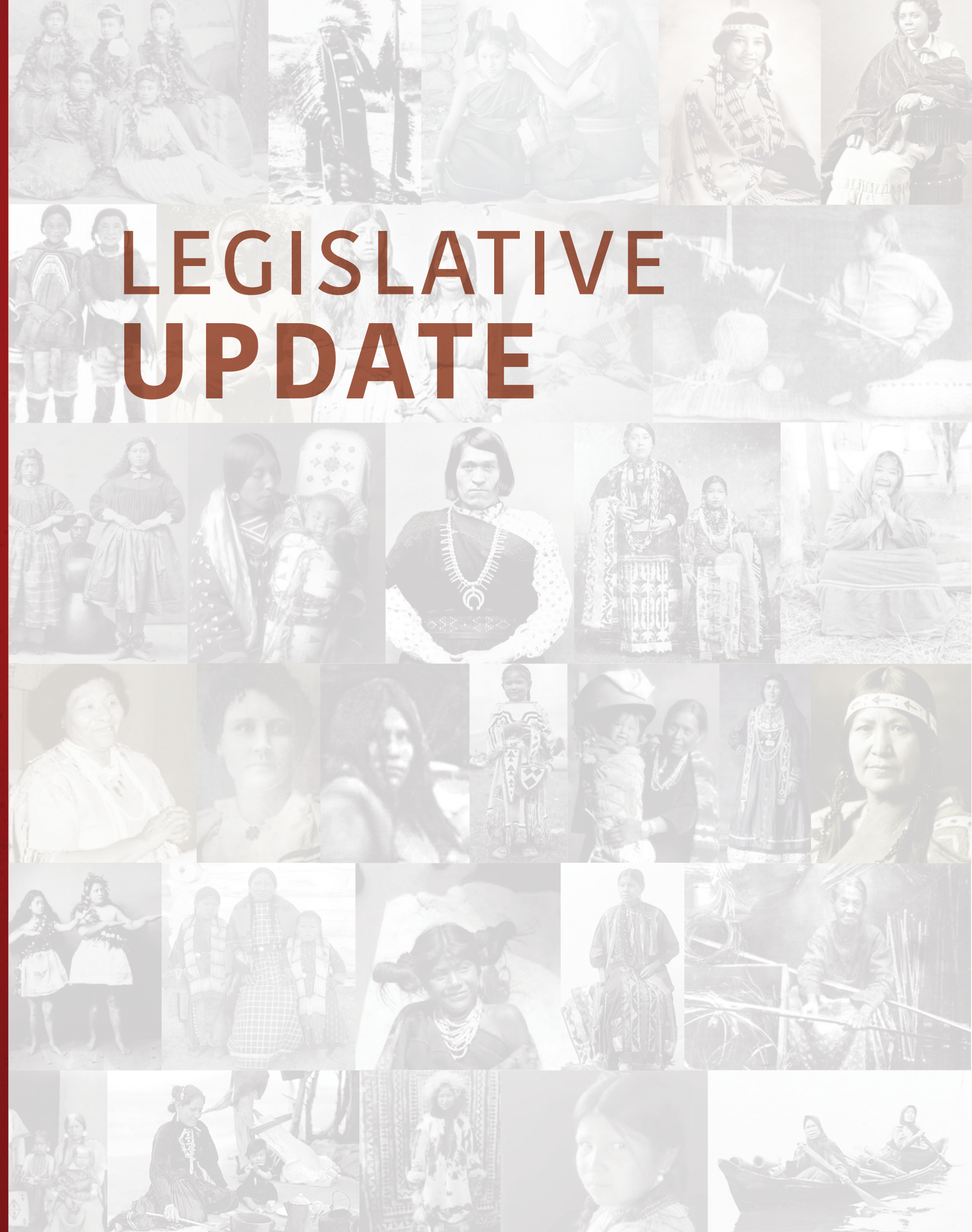
On September 17, Kaysera Stops Pretty Places' family organized and held a run to raise awareness around the campaign to obtain #JusticeForKaysera. Runners ran at Crow Agency MT in person, and also virtually from all across the United States.

For more information about the #JusticeForKaysera Campaign, please visit <https://www.justiceforkaysera.org/>



Many thanks to Goldstein Little Eagle who volunteered to organize the race, EliteFeats.com as a sponsor, NIWRC, and Jordan Marie Daniel.

LEGISLATIVE UPDATE





Reforms and Resources to Remove Barriers to Safety and Justice for Native Women

Legislative Update

By Kerri Colfer, *Tlingit*, Senior Native Affairs Advisor, NIWRC

Family Violence Prevention and Services Improvement Act of 2021 (FVPSA)

On October 26, 2021, the United States House of Representatives voted 228 to 200 to pass the bipartisan Family Violence Prevention and Services Improvement Act (FVPSA) of 2021 (H.R. 2119). On July 21, 2021, the Senate Committee on Health, Education, Labor, and Pensions marked up S. 1275. The bill advanced out of Committee by voice vote.

The FVPSA reauthorization bill provides critical support for shelters, coalitions, training and technical assistance centers, children's services, emergency response hotlines, and prevention initiatives, including those in Indian Country. FVPSA is also the only federal grant program solely dedicated to domestic violence

shelter and supportive services and is the primary source of funding for these services for Indian Tribes.

The FVPSA would expand grant programs and make many needed improvements so that more survivors have access to support and safety, including:

- Adjustment of the funding distribution formula to increase the amount that Tribes receive from 10% to 12.5%;
- Dedicated funding for Tribal coalitions to provide culturally-appropriate technical assistance and training to Tribes;
- Permanent funding for the national Indian domestic violence hotline;

“FVPSA is also the only federal grant program solely dedicated to domestic violence shelter and supportive services and is the primary source of funding for these services for Indian Tribes.”

—Kerri Colfer, *Tlingit*, Senior Native Affairs Advisor, NIWRC

- Permanent funding for the Alaska Native Tribal Resource Center on Domestic Violence to reduce disparities facing Alaska Native victims; and
- Permanent funding for the Native Hawaiian Resource Center on Domestic Violence to reduce disparities facing Native Hawaiian victims.

Please send a prewritten FVPSA reauthorization letter directly to your Senator at: <https://niwrc.quorum.us/>.

Bridging Agency Data Gaps and Ensuring Safety (BADGES) for Native Communities Act

On September 22, Representative Ruben Gallego (D-AZ-07) and Senator Catherine Cortez Masto (D-NV) led Tom Cole (R-OK-04), Sharice Davids (D-KS-03), and Dan Newhouse (R-WA-03) in introducing the BADGES for Native Communities Act (S. 4923 /H.R. 8960). The bill promotes recruitment and retention of federal law enforcement, addresses inefficiencies in federal missing persons data systems, increases Tribal access to the National Missing and Unidentified Persons System (NamUs), and establishes a grant program to improve coordination efforts between states, Tribes, and Tribal organizations on cases of missing and murdered persons.

Violence Against Women Act (VAWA 2022)

On March 10, the U.S. Senate voted to reauthorize the bipartisan Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) through the passage of the

Consolidated Appropriations Act, 2022 (H.R. 2471), the omnibus government funding bill for the fiscal year 2022. The bill was signed into law by President Biden on March 15.

Now reauthorized through 2027, VAWA 2022 includes historic provisions that restore critical categories of Tribal criminal jurisdiction necessary to protect Native women and children, including sexual assault,

In addition to restoring Tribal jurisdiction over certain crimes, VAWA 2022:

- Codifies the Tribal Access Program (TAP) to enhance Tribes' ability to access and obtain information from national criminal information databases;
- Establishes a reimbursement program, through which the U.S. Attorney General may reimburse Tribal governments for expenses incurred in exercising special Tribal criminal jurisdiction (STCJ);
- Permanently reestablishes the U.S. Bureau of Prisons (BOP) Tribal Prisoner Program to allow Indian Tribes to place offenders convicted in Tribal Courts of violent crimes in federal facilities if the sentence includes a term of imprisonment for one or more years; and
- Increases resources to Tribal governments exercising STCJ.

stalking, sex trafficking, child violence, obstruction of justice, and assault on Tribal justice personnel.

The Violence Against Women Act Reauthorization Act also establishes an Alaska pilot project, which will enable a limited number of Alaska Native villages to exercise STCJ, and clarifies that Tribes in Maine are also



Family Violence Prevention and Services Act (FVPSA) Consultation

Priority Issues to Address Domestic Violence

By NIWRC and AKNWRC Policy Teams

How the Family Violence Prevention and Services Act (FVPSA) Became Federal Law in 1984

Since the 1970s, survivors of domestic violence (mostly women), their advocates, shelters, and domestic violence programs (hereinafter advocates) have organized at the grassroots level to effect social change locally, statewide, and nationally. While we've seen some changes, the issues that they spoke about and organized to change since then continue to be issues today.

In response to the grassroots movement, the U.S. Commission on Civil Rights sponsored a Consultation in 1978 entitled "Battered Women: Issues of Public Policy." Six years later in 1984, this organizing resulted in the passage of FVPSA with dedicated funding for shelter and supportive services. FVPSA marked a shift in our nation's culture providing resources for state and Tribal efforts "to support the establishment, maintenance, and expansion of programs and projects

"We must challenge ourselves to develop solutions across all branches of governments, advocacy, and systems, including child welfare, health, justice, housing, education, and economics. Red tape must not stop us from helping women secure the life-saving shelter and supportive services they need."

—Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist, NIWRC

to prevent incidents of family violence, domestic violence, and dating violence; to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and to provide specialized services for children exposed to family violence, domestic violence, or dating violence, including underserved populations, and victims who are members of underserved populations" (45 CFR §1370.10(a)). This shift paved the way for the passage of the Violence Against Women Act (VAWA) 10 years later in 1994 and was a shift from the legally, and in many instances religiously sanctioned belief that men had the right to abuse their partners. Advocates have been the nexus of that social change and lead ongoing grassroots organizing.

Survivor and Advocate-Led Solutions

The 1978 Consultation report offers recommendations worth considering. We must continue to change U.S. culture from one that normalizes violence against women to a culture that prevents violence centering survivors' experiences to develop solutions. Tribal and Native Hawaiian responses that restore customs and traditions which protect Native women must be at the root of solutions. The impact of domestic violence on Native women reflected in the cries of families of missing and murdered Indigenous women (MMIW) demands solutions that center survivors' experiences. Anything less is a breach of the federal trust responsibility to assist Tribes in safeguarding Native women's lives. As Chief Michael Williams from the Akiak Native Community shared at the 2021 VAWA Consultation, "Less than 60 Native shelters and less than 300 Tribal programs addressing violence against women

cannot be the markers for providing women with the comprehensive assistance they need." We must develop solutions across all branches of government, advocacy, and systems, including child welfare, health, justice, housing, education, and economics. Red tape must not stop us from securing the shelter and supportive services women need.

The late Del Martin testified at the 1978 Consultation, and shared:

"Solutions to the problem..call for nontraditional measures and radical change in approach, the impetus for which has come from women who are victims of tradition...developing their own support systems.. based upon the concept of women helping women..."

Beside hotlines, response to the immediate crisis, emergency shelters..., these women provide consciousness raising...The battered woman gains..strength through peer counseling, sharing with other women who have suffered the same...The wife/victim becomes aware of options...knowing that whatever she chooses she will have support from the other women..."

Marya Grambs, co-founder of La Casa de las Madres..shelter for battered women...says..to help the victim make connections with other women and reduce her isolation...The function of La Casa is to help the women take power over their lives.

What we need are counterpart programs conducted by men who...work with battering husbands in much the same way as women are helping wife/victims. If...men would offer husband/offenders peer support and programs to help them change destructive patterns into constructive outlets...we would move a lot faster towards ending marital violence."¹

The 1978 Commission speakers also addressed the need for governments to support survivors' leadership and organizing to uphold their rights to:

- Shelter and safe, affordable, and quality housing;
- Affordable childcare;

¹ Presentation of Del Martin, Overview Scope of the Problem, Battered Women: Issues of Public Policy, Consultation sponsored by the U.S. Commission on Civil Rights, Jan. 30-31, 1978, pgs. 25-26.

² "1 in 4 AIAN women live in poverty - the highest rate of poverty among women or men of any racial or ethnic group." R. Bleiweis, D. Boesch, & A. Cawthorne Gaines, The Basic Facts About Women in Poverty, Center for American Progress, Aug. 3, 2020, pg. 2.

³ Supra: "Courts have acknowledged the legal status of Native Americans as both a sovereign political entity and as a racial group with constitutionally guaranteed rights to equal protection."

⁴ Supra, Response of Charles Schudson, pg. 89-90.

- Economic security and financial independence;²
- Access to affordable health care, substance and alcohol abuse treatment, and legal services;
- Lives free from domestic and sexual violence, including homicide; and
- Equal protection under the law.³

"..[W]hat was it then about the family that enabled it to help battered women? I identified three...simple... things... The first factor of immediacy is that, if my sister is battered and I am in the extended family, I can and will...end it. The second factor...is interest. As a member of that family...I have a vested interest in stopping that violence. I don't want it to extend to me...to influence my reputation or the other people in the family. The third factor...is authority. As a member of the family, I have the authority to deal with that violence. I can be a buffer with the other members of the family...And if worse comes to worse, and we have to banish that member...I can keep the victim at my side, shelter..and comfort her. Now where in the criminal justice system have we ever found comparable immediacy, interest, or authority? It simply does not exist."⁴

How we can provide shelter and supportive services that uphold the federal trust responsibility to Indian Tribes and is:

- respectful of the richness of Native traditions;
- consciousness-raising;
- strengthens connections;
- reduces isolation;
- helps Native women to take power over their lives,
- expands preventative, supportive services for women, and;
- radically increases tools of accountability for the men committing domestic violence and terrorizing their loved ones.

The 2018 Broken Promises Report states, "Unequal treatment of tribal governments and lack of...recognition of the sovereign status of tribal governments...diminish tribal self-determination and negatively impact criminal justice, health,...outcomes for Native Americans."⁵ Specifically, a new allocation distribution formula for



Shawl ceremony by the Wabanaki Women's Coalition opening and closing the FVPSA Government-to-Government Consultation September 8-9, 2021. Photo courtesy of Paula Julian, NIWRC.

FVPSA Tribal funds must increase the quantity and strengthen the quality of Tribal shelter and supportive services.

The spectrum of violence is intertwined with barriers embedded within the federal government. These barriers developed as the U.S. seized the homelands and natural resources of Native peoples, forcibly removed and relocated Native people, and created living conditions where Native women are vulnerable to violence. To prevent violence against women, these barriers must be removed and the sacred status of Native women restored.

FVPSA Allocation Distribution Formula

Regarding the question in FYSB's framing paper: Do Tribal Leaders support the FVPSA Program establishing a minimum grant award of \$55,000 for all Tribes that apply for FVPSA funding?

Increasing the FVPSA grant award Tribes receive is essential to ensure all Tribes enhance their response to domestic violence.

The overall amount of FVPSA funds is inadequate, so the current formula leaves smaller Tribes with inadequate funding. For example, under the current formula, the La Jolla Band of Luiseno Indians (CA) with a population of 720, and Anvik Village (AK) with a population of 321 received 2-year awards for \$17,454. From this amount, the Tribe covers the cost of administration, including

reporting and hours to attend required meetings. If travel is required, depending on the meeting location and remote location of a Tribe, the cost to administer will exceed the award amount.

The current formula is not adequate to 1) prevent domestic violence; 2) provide shelter, supportive services, and access to community-based programs; and 3) provide services for children exposed to domestic violence. In addition, the statutory percentages distributing the funds are outdated. The 10% allocation to Tribes was established in 1992 before Alaska Tribes were restored to the list of federally recognized Tribes in 1993. This recognition of Alaska Tribes meant that more than 220 Tribes became eligible for funding, nearly doubling the eligible Tribes. Yet, FVPSA Tribal funding was not increased.⁶

It is crucial for Congress to authorize the increase to the overall percentage of FVPSA funds allocated to Indian Tribes from 10% to not less than 12.5% as reflected in the current Senate bill (S.1275) that Congress must pass and get to the President's desk before the end of 2022.

Recommendations for Shelter, Supportive Services, and Housing Needs

- Support for roundtables with Tribal shelters and programs to develop action plans strengthening services for Native women and children/youth.
- Shelter and supportive services for Native women must account for their needs, which if not addressed often leads to victims returning to their abusers and unsafe homes. Tribal shelters need resources to

address the needs of children/youth, alcohol and substance abuse counseling/treatment, assistance with transitional and permanent housing, and economic security.⁷

- Support for Tribes to administer cash assistance for victims.
- In consultation with Indian Tribes, a collaboration between FYSB and the Department of Labor to identify how to improve Native women's economic security.
- Dedicated funding for transitional and permanent, safe, affordable housing for victims of domestic violence.
- Support for the recommendations from the 2020 report, National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence: Lessons Learned.
- Long-term support for the Tribal Safe Housing Capacity Building Center.
- Support for the Tribal enhancements in FVPSA bills (H.R. 2119 and S. 1275).
- Support for permanent funding for Tribes in the Victims of Crime Act.
- Meaningful coordination between federal offices that address housing, child welfare, economic security, and public benefit programs for women.

Recommendations for Supportive Services for Native Children & Youth Impacted by Domestic Violence

- Reform federal and state laws, policies, and programs to prioritize "home-grown, tribally based systems, respective of the civil rights of all citizens, systems that reject outmoded command-and-control policies in favor of increased local control, accountability, and transparency."
- Because Native children and youth face the highest disparities (please see stats included in Chapter 6 of the ILOC Report), an increase in FYSB's base allocation would help develop and strengthen services for children and youth.
- Increase funding for Tribes and technical assistance and training specifically focused on children and youth under the FYSB Specialized Services for Abused Parents and their Children Program.

⁷ Indian Law and Order Commission (ILOC), A Roadmap for Making Native America Safer Report, Executive Summary, 2013, pg. xxxi.
⁸ Ibid: Executive Summary, pg. xxxi.
⁹ n8ve.net/6zTe317z

“Survivors, advocates, shelters, and domestic violence programs supported by FVPSA funding have been the nexus of that social change and continue to lead ongoing grassroots organizing.”

—Paula Julian, (Filipina), Editor, Restoration Magazine & Senior Policy

- Support for the ILOC Report's twelve (12) recommendations in Chapter 6.⁸
- Coordinate across federal agencies to identify programs that serve Native children/youth and their families to inform Indian Tribes; with the inclusion of such agencies at consultation.
- Coordinate across federal agencies to provide increased funding to improve educational services and restore Native language education, with greater investments in Tribal schools and community services such as domestic violence shelters.

Recommendations for the Child Welfare/Foster Care System

- Strengthen collaboration and coordination of social services, Tribal shelters, and domestic violence programs.
- Support dedicated funding and resources for Tribes to collaborate with State agencies to strengthen the capacity of Tribal child welfare agencies.
- Require as a condition for federal funding from the Administration for Children and Families that States consult with Tribes to develop a plan to provide a payment system for services needed for Tribal court cases.

Recommendations for Alaska Issues

- Fully fund efforts to develop the infrastructure, capacity, and technical support to increase broadband and internet access for Alaska's Tribes.
- Increase access to funding for transportation, especially in rural Alaska where the cost of airfare and fuel hinders a victim's ability to travel to safety; and
- Ongoing support for the Alaska Native Women's Resource Center to provide technical assistance and training to Alaska's Tribes to enhance Tribal responses.

Family Violence Prevention and Services Act Saves Native Women's Lives

Pass FVPSA (S.1275) Now

By FVPSA Tribal Workgroup and Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist,

The Family Violence Prevention and Services Act (FVPSA) grants to American Indian and Alaska Native Indian Tribes and Tribal organizations are formula grants funded through a 10% statutory set-aside. The purpose of these grants is to assist Tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence, and to provide immediate shelter and supportive services for victims of domestic, family, or dating violence, and their dependents. Funding is available to all Tribes and Tribal organizations that meet the definition of “Indian Tribe” or “Tribal organization” at 25 U.S.C. 450b and are able to demonstrate their capacity to carry out domestic violence prevention and services programs.

Other programs funded by FVPSA include the National Indigenous Women's Resource Center (NIWRC) serving as the National Indian Resource Center, the Alaska Native Women's Resource Center (AKNWRC), and StrongHearts Native Helpline. The last two programs are funded on a discretionary basis through appropriations and need permanent funding.

The following amendments would strengthen American Indian, Alaska Native, and Native Hawaiian capacity to respond to domestic violence:

1. Increase the Tribal government set aside from 10% to 12.5%
2. Authorize permanent funding for the AKNWRC

to serve as the Alaska Native Tribal Resource Center on Domestic Violence

3. Authorize permanent funding of the StrongHearts Native Helpline to serve as the National Indian Domestic Violence Helpline
4. Authorize formula funding for the Tribal Domestic Violence Coalitions to provide training and technical assistance (TTA) similarly to what the State Domestic Violence Coalitions provide through a separate set aside
5. Authorize permanent funding for the Native Hawaiian Resource Center on Domestic Violence (NHRCDV)

Recommendations And Organizations

The overarching theme of our recommendations is based on one simple fact. Tribal governments, Tribal coalitions, and Tribal and Native Hawaiian people are best equipped and situated to help Indigenous survivors of domestic violence and abuse. The current breakdown of FVPSA funding allows AI/AN survivors to fall through the cracks. Only by making Tribal programs (such as AKNWRC and StrongHearts) and the NHRCDV permanent and reallocating funding percentages to meet current needs can more AI/AN and Native Hawaiian survivors receive the shelter and support services they need.

“Less than half of the federally recognized Tribes currently receive funding with awards for most Tribes averaging \$14,000 before 2018 with increased appropriations for Tribal governments.”

—FVPSA Tribal Workgroup and Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist, NIWRC

Tribal Government Funding From 10% To 12.5%

Before 1994, Alaska Tribes were not eligible for funding through FVPSA. In a Solicitor's Opinion issued 1/11/1993, entitled “governmental Jurisdictional Alaska Native Villages Over Land and Nonmembers,” the Solicitor rejected the view that Alaska Native Villages were not Tribes. As a result of this decision, roughly 220+ Tribes were added to the FVPSA eligibility—nearly doubling the eligible Tribes, but not increasing the amount available to Tribes. Less than half of the federally recognized Tribes currently receive funding with awards for most Tribes averaging \$14,000 before 2018 with increased appropriations for Tribal governments. Less than 60 Tribal domestic violence shelters and less than 300 Tribal domestic violence programs operate throughout the nation. Shelters and advocacy services are too often the only lifeline women and their families have, especially when justice systems fail to protect women and hold abusers accountable.

FVPSA Authorization expired in 2015 and our FVPSA Tribal Workgroup has worked closely with our larger coalition of allies for several years to craft meaningful FVPSA reauthorization language with key Tribal enhancements mentioned above and included in H.R. 2119 passed out of the House of Representatives October

26, 2021. The Senate must now pass S.1275 out of the Senate. Tribal leaders provided clear statements during the 2021 FVPSA, HHS government-to-government consultation on the need for the Tribal enhancements in H.R.2119 and S.1275. All of these enhancements are supported by the National Congress of American Indians and NCAI Violence Against Women Task Force with resolutions passed in 2014 and 2021.

On March 22, 2021, testimony of La Jolla Band of Luiseno Indians Vice Chairwoman, Wendy Schlater, before the House Subcommittee on Civil Rights & Human Services Hearing, *Ending the Cycle: Examining Ways to Prevent Domestic Violence & Promote Healthy Communities*:

“I know first-hand how FVPSA has made a difference in the lives of women in my community. I share these stories as day-to-day examples of why FVPSA is essential to Native women and Indian Tribes. One morning when I arrived at my office, I noticed a strange car parked in front of our building. A mother and her children were in the car and looked like they had spent the night there. I invited them in for coffee and food. FVPSA allows us to have food on-site for victims. The woman explained that she had run away the night before with her kids, one of whom was autistic and had down syndrome. She left with nothing because her husband had been abusive and started burning their clothes, including their son's orthotic brace, which he needed to walk and participate in school. Through FVPSA, we found her temporary shelter and later a permanent home of her own. We also used FVPSA funds to replace his brace.

On another day, we had a call from a victim who was not from our Tribe, but whose sister was married to one of our Tribal members. The woman had gotten kicked out of the shelter because her abuser had stalked her with a tracking device in her car, which he used to track her to the shelter. He had threatened her and their children with a gun. She had nowhere to run to after being forced out of the shelter, except to her sister's home on our Reservation. We knew she would not be safe for long. We assisted with a restraining order, food, a safety plan, and most importantly a one-way airline ticket to family out of state. This woman now lives violence-free and has gotten the healing help she and her children needed.

Call to Action

Let your senator know that the Senate must pass S.1275 out of the Senate now before the start of the new Congress in January 2023.

- Send a prewritten FVPSA reauthorization letter directly to your senator at niwrc.quorum.us
- Join us via social media (Twitter, Instagram, Facebook) for FVPSA Friday's throughout October, and on November 14th using #FVPSAReauthNow, #PassS1275, #passFVPSA, #endDV, #FVPSAsaveslives, #MoveFVPSANow

This may have ended in homicide if we didn't have FVPSA funding to buy her one-way ticket back home.”

The Alaska Native Women's Resource Center (www.AKNWRC.org): AKNWRC is committed to strengthening local, Tribal government responses in Alaska, a state comprised of over 40% of federally recognized Tribes, by organizing efforts to advocate for the safety of women and children in their communities and homes, especially against domestic violence and sexual abuse violence. We do this by providing:

6. Technical Assistance & Training, including Needs Assessment;
7. Public awareness/resource development;
8. Policy development & systems advocacy/engagement; and
9. Advocacy on an Alaska Native program of research and knowledge development.

The StrongHearts Native Helpline (www.strongheartshelpline.org): Trained with a strong understanding of Tribal cultures, sovereignty, and law, StrongHearts advocates offer one-on-one, peer-to-peer support, and referrals to local resources in a safe and healing environment. All calls are anonymous and confidential. As of August 2022, StrongHearts

(1-844-7NATIVE) has received more than 25,000 calls from survivors, concerned family members and friends, service providers, and more, helping to close the gap in culturally-appropriate resources for American Indians and Alaska Natives facing domestic violence. As the first culturally-appropriate domestic violence helpline specifically serving Native Americans, StrongHearts is also expanding its staff of advocates to respond to callers, many of whom are seeking support as they navigate difficult barriers to justice and safety.

Alliance of Tribal Coalitions to End Violence (ATCEV) (www.atcev.org) on behalf of the Tribal Coalitions: Tribal Coalitions exist throughout Indian Country providing training, technical assistance, and support to Tribal government and Tribal victim services providers. Currently, 19 Tribal coalitions exist with more forming to address gaps in services and as need is demonstrated. The Alliance in collaboration with the Tribal coalitions seeks a funding stream through FVPSA for the Tribal coalitions, such as the funding received by their non-Tribal coalition counterparts, to provide training, technical assistance, and support to the Tribal governments funded under FVPSA, specific to FVPSA guidelines, requirements, and directives. The overarching goal of Tribal Coalitions is to raise awareness, educate, and provide culturally specific technical assistance, training, and supportive services to advance and enhance

the responses to crimes of domestic violence and sexual violence committed in Indian Country.

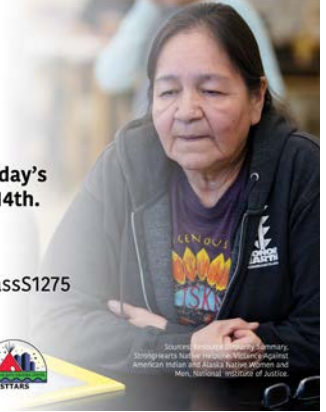
The Pouhana O Nā Wāhine (Pillars of Women - PONW www.pouhanaonw.org): Helping Native Hawaiians address domestic violence through restoring the Native Hawaiian (NH) way of life rooted in our beliefs, practices, and ceremonies, and securing resources to open an NHRCDV. PONW's mission is to provide technical assistance and training, partner at the community, statewide, and national levels, develop policies and cultural resources to prevent and eliminate domestic violence and help increase victim safety. While domestic violence programs function in Hawai'i, none are designed, led, and managed by NHs or rooted in developing NH solutions like the PONW advocating for the full implementation of the federal trust responsibility to assist NHs to safeguard the lives of NH women. Further, except for the PONW, there does not exist an NH organization focused on providing information, training, and technical assistance to improve the capacity of individuals, organizations, governments, and communities to prevent domestic violence against NHs.

View and Download FVPSA Fact Sheet:
n8ve.net/AbEOM7xz

There are **only 58** Native domestic violence shelters nationwide for 574 federally recognized Indian Tribes.

Join us via social media for DVAM Friday's throughout October, and November 14th.

Use hashtags: #FVPSAReauthNow #PassS1275



FVPSA is the primary federal funding source dedicated to supporting immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents.

More than 1 in 3 Native female victims of violence face unmet service needs.

Join us via social media for DVAM Friday's throughout October, and November 14th.

Use hashtags: #FVPSAReauthNow #PassS1275



Sources: Resource Disparity Summary, StrongHearts Native Helpline, Violence Against American Indian and Alaska Native Women and Men, National Institute of Justice.

“Shelters and advocacy services are too often **the only lifeline** women and their families have, especially when justice systems fail to protect women and hold abusers accountable.”

—Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist, NIWRC

17th Annual Tribal Consultation On Violence Against Women

Priority Issues to Address Violence Against Indian Women



Juana Majel-Dixon (NCAI Task Force), Kelbie Kennedy (NCAI), and Kerri Colfer (NIWRC)
Photo courtesy of Kelsey Foote.

The following issues, concerns, and recommendations were identified by Tribal Nations and advocates during past annual consultations (2006–2021), through National Congress of American Indians (NCAI) resolutions (2000–2021), through regional Tribal organization resolutions, at numerous national meetings, and Congressional hearings and Hill briefings. Tribal leaders and advocates continue to raise concerns about barriers preventing the protection of American Indian and Alaska Native (AI/AN) women at numerous national meetings with the administration, federal departments, and agencies, with their respective Congressional delegations, and in NIWRC’s VAWA Sovereignty Initiative’s amicus briefs. A review of statements made by Tribal leaders during consultations since 2006 as well as before other state and federal policymakers demonstrates that many of the issues raised are not new, but instead illustrate the complicated legal and policy barriers embedded in the layers of federal Indian law. These issues are monitored on an ongoing basis and compiled by the NCAI Task Force on Violence Against Women.

The concerns and recommendations raised by Tribal Nations are extensive, as documented in oral and written testimonies of Tribal Nations and past VAW Consultation Reports to Congress. The following pages discuss some of the priority issues. Additional issues are discussed in articles concerning Alaska Natives, the Family Violence Prevention Services Act Consultation, the Centering Prevention of Missing and Murdered Indigenous Women, and STTARS HUD Consultation Guidance articles.

Issues Regarding Implementation of the Violence Against Women Act (VAWA)

- **Tribal Jurisdiction Over Non-Indian Offenders and Special Tribal Criminal Jurisdiction (STCJ).** Limited Tribal jurisdiction over non-Indian offenders on Tribal lands continues to be a key reason for the perpetuation of disproportionate violence against AI/AN women. The 2013 reauthorization of VAWA addressed this issue for certain crimes of domestic violence, dating violence, and certain protection order violations for some Tribal Nations. The 2022 VAWA reauthorization expanded the list of covered crimes to include sexual assault, stalking, sex trafficking, child violence, obstruction of justice, and assault against justice personnel. VAWA 2022 restored jurisdiction to Tribes in Maine and established an Alaska Pilot Project. While a pivotal step forward, the most recent reauthorization did not address protections for elders or serious crimes that co-occur with domestic and sexual violence, such as financial crimes and homicide. Perpetrators will continue to slip through the cracks until Congress fully restores every Tribal Nation’s complete jurisdiction over non-Indians.
- **Funding and resources are a significant problem for Tribal Nations in implementing their restored**

jurisdiction under VAWA. Tribal Nations spend significant amounts of time and resources to prepare their justice systems and victim services to meet the needs of their communities. However, many Tribal Nations are limited by a lack of wholistic, consistent, and sustainable funding for their justice systems, leaving many with restored jurisdiction but without the resources to implement VAWA. When asserting this restored jurisdiction, Tribal Nations are also confronted with costly healthcare expenses for non-Indian inmates sentenced by Tribal courts, often straining their limited budgets. The 2022 VAWA Tribal reimbursement program will help with many of these costs, but additional, consistent, and sustainable upfront funding for wholistic Tribal justice systems and victim services must be appropriated by Congress for Tribal Nations to build capacity and utilize the new reimbursement program.

Recommendations for the Department of Justice (DOJ) and the Department of Interior (DOI):

- DOJ and DOI should coordinate and work together to implement the provisions of VAWA 2022 and support Tribal Nations in implementing their restored jurisdiction over non-Indian perpetrators. We recommend the following next steps for DOJ and DOI regarding implementation and Tribal support:
 - o DOJ and DOI should offer joint training opportunities for Tribal Nation law enforcement and federal law enforcement on implementing VAWA 2022 in Indian Country. What resources do DOJ and DOI have for Tribal law enforcement training, and will those resources be expanded to cover the Alaska Pilot Program? Finally, will the National Indian Country Training Initiative include new training regarding all VAWA 2022 provisions, including the Alaska provisions?
 - o DOJ and DOI need to be on the same page regarding Alaska Native Villages’ restored jurisdiction under the Bureau of the Census Tribal Statistical Areas. Tribal and federal staff will need training on this new area of restored jurisdiction. The Bureau of Indian Affairs (“BIA”) seems to be confused about Alaska Native Villages’ land status and their legal authority with the designation of the Village Census Area. How will DOI and BIA

address this confusion and ensure a consistent understanding with DOJ?

o DOJ and BIA should build on the June 2019 DOJ law enforcement emergency, which led to additional justice resources for the area; however, the majority of the funding never reached Alaska Native Villages. The DOJ should build on that declaration and work with the DOI to provide comprehensive justice and public safety funding directly to Alaska Native Villages rather than the state of Alaska.

- Ensure that the STCJ grant program and the STCJ reimbursement program are easy for Tribal Nations to apply for and fulfill reporting requirements to the appropriate agency. Additionally, the programs should be improved to be culturally responsive to the needs of Tribal Nations and not locked into a rigid list of allowable costs or requirements. VAWA 2022 notes that the reimbursable expenses shall include “costs incurred in, relating to, or associated with” the four designated reimbursement areas. This flexible language allows DOJ to be much more expansive than only the four designated areas in the law. For example, there are dire infrastructure needs across Indian Country, and Nations cannot prosecute perpetrators if they do not have roads to drive on or courthouses for trials. We urge the DOJ to include this flexibility in their reimbursement regulations. DOJ should also consider the recommendations Tribal leaders presented during the various consultations on the Tribal reimbursement program.
- In the President’s Budget, the DOJ should request the full amount of funding authorized for Tribal programs in VAWA 2022, especially the \$25 million for the STCJ grant program and reimbursement for FY 2024 and FY 2025.
- In their appropriations request, the DOJ and DOI should request annual, consistent, and sustainable noncompetitive funding for Tribal Nations to build the capacity of their entire justice systems and victim services.
- DOJ and DOI should fund the Alaska Pilot Project sufficiently and make building infrastructure allowable for all Alaska Native Villages interested in exercising STCJ. The Bureau of Prisons (BOP) should overhaul its Tribal prisoner program to make it easier for Tribal Nations to submit inmate placement requests and ensure that they have BOP staff on hand to respond to Tribal Nation inquiries. Additionally, BOP should cover transportation costs

for Tribal Nations to transport inmates to designated facilities or coordinate with Tribal Nations to provide federal transportation to the facility.

- DOJ and DOI should support legislation that would fully restore Tribal Nations’ jurisdiction over all non-Indians for any offense.
- The DOJ and DOI should support legislation removing the limited number of Tribal Nations eligible to exercise restored jurisdiction under the Alaska Pilot Project.
- Increase funding for Tribal Nation implementation of STCJ for DOJ, HHS, and the BIA.

Issues Regarding Bureau of Indian Affairs (BIA), DOI Disparities in Funding

Sixty-five percent of all federally recognized Indian Tribes are located in P.L. 280 states. Certain P.L. 280 states fail to investigate and prosecute crimes involving violence against AI/AN women. Exacerbating this lack of state justice responses, the BIA and DOI have failed to fulfill the federal trust responsibility to Tribal Nations located in P.L. 280 states providing zero to little support for Tribal law enforcement and Tribal courts in these states. Consequently, the Tribal Nations in P.L. 280 states are caught between two systems: they have fewer resources to develop their Tribal justice systems, including police departments and court systems, and states that have concurrent jurisdiction fail to fulfill their responsibilities under the law. The DOJ has financially supported and provided technical assistance to Tribal Nations for developing and enhancing their Tribal police departments and Tribal court systems since the 1990s. Only in the past few years has the DOI requested and received funding towards this end due to Tribal Nations’ outcry on this issue. The federal funding disparities for Tribal Nations located in P.L. 280 states and similarly situated jurisdictions must be addressed more robustly and immediately by the federal government.

Recently, the BIA and DOI submitted a report to Congress estimating that to provide a reasonable base level of funding to all federally recognized Tribes: \$1 billion is needed for Tribal law enforcement, \$1 billion is needed for Tribal courts, and \$222.8 million is needed for detention. Based on recent appropriation levels, the BIA generally funds Tribal law enforcement at about 20 percent of the estimated need, Tribal detention at about 40 percent of the estimated need, and Tribal courts at a dismal 3 percent of the estimated need. In

P.L. 280 states, Tribal Nations have virtually no BIA law enforcement presence or funding for courts and law enforcement other than what is appropriated from year to year, essentially providing no sustainability or safety. It is imperative not only to fully restore Tribal Nations’ jurisdiction over non-Indian perpetrators but to also provide funding for their justice systems so that they can make Indian Country safer for everyone that lives there.

Recommendations for BIA and DOI:

- BIA and DOI should continue to request appropriate additional federal funding to provide public safety and justice resources to Tribal Nations located in P.L. 280 states.
- BIA and DOI should provide funding to Tribal Nations located in the P.L. 280 states for their Tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.
- BIA and DOI should seek to end the disparity in funding between Tribal Nations based on their location within or outside of a P.L. 280 state.



June Yupanik, Pitka’s Point Traditional Council, Village Resource Advocate.
Photo courtesy of Tasha Paukan.



Marilyn Stanislaus, Village of Alakanuk, Village Resource Advocate.
Photo courtesy of Tasha Paukan.



Mural in Rapid City, SD.
Photo courtesy of STTARS Staff.

Memorializing STTARS HUD Consultation Guidance

By Caroline LaPorte, *Immediate Descendant of the Little River Band of Ottawa Indians*, Director, STTARS, and Gwendolyn Packard, *Ihanktonwan Dakota*, Senior Housing Specialist, STTARS

On August 16, 2022, HUD issued a Dear Tribal Leader Letter regarding implementation of the Violence Against Women Act (VAWA). The letter acknowledged the survivor-centered housing provisions in VAWA 2005, 2013, and 2022. Please read the STTARS VAWA Policy Brief regarding the timeline of changes to VAWA (n8ve.net/40N3ufwu).

In March 2022, VAWA was reauthorized with expanded housing protections for survivors. It included the requirement that HUD promulgates rules regarding the implementation of the VAWA 2022 requirements within two (2) years. As of August 16, 2022, HUD was seeking Tribal input regarding the implementation of “VAWA-like” protection and requests Tribal feedback on four questions:

- What are the challenges/barriers to helping survivors of domestic violence, dating violence, sexual assault, and stalking in HUD-assisted Tribal housing?
- What policies do Tribes and Tribally Designated Housing Entities (TDHEs) already have in place to assist survivors?
- Should HUD consider implementing certain policies that assist and protect survivors who reside in HUD-assisted Tribal housing? If so, what policies would they be? Please note that HUD would conduct extensive Tribal consultation before implementing any such policies.
- Are there resources HUD could provide to help Tribes and TDHEs protect survivors?

Comments were due on September 30, 2022, but this guidance will be helpful going forward and can be a starting place for community conversations regarding

housing. STTARS provides some basic information in response to HUD's questions below (after the inclusion of general information about this critical issue). These responses are based on our work to address housing insecurity and homelessness in Indian Country (including off-reservation communities where American Indian, Alaska Native, and Native Hawaiian (AI/AN/NH) people reside) for survivors of gender-based violence. If this starting place is not reflective of your Tribe or survivors' experiences in your community and you would like technical assistance in regards to your housing codes, ordinances, policies, resolutions, and survivor safety please visit TTA request and our staff will be in touch.

Housing and Shelter Needs of AI/AN/NH Survivors

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 States. The shelter and housing "crisis" in Indian country is nothing new. Access to land, safe housing and shelter issues have been present since our Indigenous lifeways and Tribal Nations were violated by colonization. A quick study on the eras of federal Indian law and policy makes it clear that inhumane practices towards AI/AN/Indigenous peoples and Indian Tribes have historically been the norm. Housing is certainly not an exception and the basic lack of housing for AI/AN/NH peoples is factually the result of massive land theft, systemic removal, relocation and other intentional acts across the timeline of the United States' history.

Thus, the housing crisis in Indian country must 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 incidences 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 violence across Tribal nations and in communities where AI/AN people reside, 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.

General Statistics

The Experience of Gender-Based Violence for AI/AN survivors:

National Institute of Justice Research Report May 2016: Violence Against American Indian and Alaska Native Women and Men and 2010 Findings from National Intimate Partner & Sexual Violence Survey:

- More than 4 in 5 American Indian and Alaska Native women (84.3%) have experienced violence in their lifetime. This includes:
 - 56.1% who have experienced sexual violence
 - 55.5% who have experienced physical violence by an intimate partner
 - 48.8% who have experienced stalking
 - 66.4% who have experienced psychological aggression by an intimate partner
- Impact of Violence Among American Indian and Alaska Native victims of lifetime physical violence by intimate partners, stalking, and sexual violence:
 - 66.5% of women and 26.0% of men were concerned for their safety.
 - 41.3% of women and 20.3% of men were physically injured.
 - 92.6% of women and 74.3% of men had talked to someone about what the perpetrators did.
 - 49.% women and 19.9% of men needed services because of what the perpetrators did.
 - 40.5% of women and 9.7% of men had to miss days of work or school because of what the perpetrators did.
- The most common service needed was medical care (38.0 % of female victims and 9.3% of male victims). 38.2% of American Indian and Alaska Native women and 16.9% of American Indian and Alaska Native men were unable to get the services they needed.

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 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 concerning the availability of housing assistance and affordable, habitable, sustainable, and stable housing.

STTARS Responses to HUD Questions

A. What are the challenges/barriers to helping survivors of domestic violence, dating violence, sexual assault, and stalking in HUD-assisted Tribal housing?

The barriers facing survivors in HUD-assisted Tribal housing are best characterized as structural. The following list exemplifies some of this (but is meant to be merely illustrative):

- Housing can be time-capped;
- Requirements to maintain housing are overburdensome;
- Funding is limited and does not meet the disparate need of Indigenous survivors;

- Housing is not habitable;
- Housing inventory is severely limited;
- Rent is exceptionally high and increasing;
- Economic and community development and lack of jobs or employment impacts on maintaining and sustaining housing;
- COVID-related assistance is ending;
- Eviction moratoriums ended; and
- Western practices are pervasive (either as part of funding requirements or around the idea of maintenance/care/access/sustainability affordability/etc.).

Some Tribal codes include provisions that mirror western practice, which may not be survivor-centered (but may also be in place due to the disparate funding issue). For example:

- Nuisance Ordinances;
- One-Strike Laws;
- Expedited Eviction Codes (usually related to substance misuse);
- Requirement of certain disclosures (prior convictions/other application disclosures regarding systems interactions);
- Financial barriers to accessing housing (application fees, prior evictions, lack of employment);

Owanni Restaurant sign in Minneapolis, MN. Photo courtesy of STTARS Staff.



- Access to information can be limited or restricted by Internet access/sometimes not publicly available;
- Rigid rules around care/maintenance of housing units;
- Rigid rules regarding pets (prohibition against pets);
- Limitations regarding who can reside in a unit;
- Citations and fines for garbage/maintenance/upkeep;
- Lack of ADA compliance or similar regulations/ordinances; and
- Substance abuse/misuse policies (for example: requiring a clean drug screening).

The major issue with many of the provisions above is that emphasis is placed on the protection of an asset (the housing unit), rather than on the survivor. Additional barriers include non-Native/not trauma-informed property management companies, decentralization of codes/ordinances and regulations (due to the intersectionality of gender-based violence and housing), rules relating to children (curfews/ punitive treatment of parents), non-Native Organizations serving as Tribally Designated Housing Entities, problematic terminology (“needy family” programs), and views of survivors generally.

B. What policies do Tribes and Tribally Designated Housing Entities (TDHEs) already have in place to assist survivors?

Many Tribes have laws and policies which center on the survivor experience. For example:

- Codes/policies that consider survivor economic impacts, such as domestic violence paid leave;
- Codes/policies that have eviction protections, such as no “self-help” laws (a landlord cannot carry out an eviction without a court order);
- Codes/policies that reflect compliance with the Violence Against Women Act 2013 and 2022 (non-compulsory for Tribes who receive only IHBG funding);
- Codes/policies that create enforceable minimum standards for rental properties (fines for violations);
- Codes/policies that reflect intersectional practices (minor clothing allowance ordinances, low barrier applications, childcare provisions, etc.);
- Codes/policies that include provisions that promote dignity and autonomy (elder protections/paths to permanency/provisions that clearly state the duty to

care for one another);

- Codes/policies that consider AI/AN/NH survivors’ unique safety and confidentiality needs; and
- Codes/policies that represent low barrier access (applications fees waived or low or provided for, case management that is rooted in dignity, respect and trust, and language access).

Many Tribes also have codes that memorialize the central role of culture in housing. With culture being THE core protective factor for AI/AN/NH people, policies that are reflective of this, are inherently survivor-centered.

C. Should HUD consider implementing certain policies that assist and protect survivors who reside in HUD-assisted Tribal housing? If so, what policies would they be? Please note that HUD would conduct extensive Tribal consultation before implementing any such policies.

First and foremost, Tribes are sovereign. HUD should not implement any rules without meaningful and consistent consultation with Indian Tribes and absent full compliance with NAHASDA and the Federal Trust Responsibility. Meaningful consultation occurs when the rules reflect the testimony provided, not merely a box indicating consultation occurred.

At a minimum, policies enacted:

- Must take into account the impact of the pandemic on AI/AN/NH survivors, Tribes, Tribal Housing Authorities, and Tribally Designated Housing Authorities;
- Should be implemented concurrently with full funding that meets the trust relationship of the federal government to Tribes, meets the fiduciary standard, and addresses past funding disparities (which are severe);
- Must respect and prioritize the safety and cultural needs of AI/AN/NH survivors;
- Must respect and prioritize Tribal self-determination;
- Must consider the historical and ongoing impacts of colonization on Tribal housing and access to safe housing and shelter for AI/AN/NH survivors;
- Must increase access to safe housing and shelter for AI/AN/NH survivors;
- Should create adequate funding sources for Tribes and Tribal programs to be able to build, staff, maintain and sustain domestic violence shelters;

The Intersection of Housing and Gender-Based Violence for AI/AN Survivors

Though Native women experience violence at incredibly disparate rates, it is just as alarming that **38%** of those women reported they were unable to access necessary services (such as a shelter and legal assistance).

There are **574** federally recognized Tribes and less than **50** Native domestic violence shelters nationwide.

50% of the homeless population identify domestic violence as the primary cause.

Between **22%** and **57%** of homeless women report that domestic violence was the immediate cause of the homelessness.

92% of homeless women have experienced severe physical or sexual abuse at some point in their lives

63% of homeless women have been victims of domestic violence.

38% of domestic violence victims will become homeless at some point.

**For Native women, the majority of these statistics are under-representative.



- Should create incentives, but not penalties, for Tribes who implement policies that are consistent with VAWA 2013 and 2022;
- Should consider the diversity of Tribal communities, their unique needs, and their many strengths;
- Should ensure funding for concurrent services for survivors that are culturally based;
- Should uphold NAHASDA;
- Must include the right to appeal;
- Should consider the unique geographic and existing infrastructure in Tribal communities; and
- Should not be implemented without adequate training and technical assistance to grantees.

D. Are there resources HUD could provide to help Tribes and TDHEs protect survivors?

Yes. Examples include (not an exhaustive list):

- Flexible funding;
- Funding for application fees, deposits for first and last;
- Transportation vouchers;
- Funding to keep survivors in their current homes;
- Funding opportunities that address intersectional issues (childcare, health, mental and behavioral health, food, sanitation, clean water, Internet access, etc.); and
- Consistent and frequent training regarding gender-based violence, including trauma-informed and culturally grounded approaches.



Mural art on American Indian Community Housing Organization (AICHO) building. Photo courtesy of STTARS Staff.



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Pouhana O Nā Wāhine Awarded and Honored To Serve as the Native Hawaiian Resource Center On Domestic Violence

Living Aloha

By Dolly Tatofi, NaniFay Paglinawan, Dayna Schultz, Rosemond Pettigrew, *Native Hawaiian*, Board of Directors, Pouhana O Nā Wāhine & Paula Julian, *Filipina*, Editor, Restoration Magazine & Senior Policy Specialist, NIWRC

Paula

The Pouhana O Nā Wāhine (PONW) celebrates the news they received on September 27, 2022, that PONW has been awarded to serve as the Native Hawaiian Resource Center on Domestic Violence (NHRCDV) to reduce domestic violence disparities facing Native Hawaiians. The award is administered by the Family Youth and Services Bureau, U.S. Department of Health and Human Services. Thanks to the late Senators Akaka and Inouye's leadership, the NHRCDV was authorized in the Family Violence Prevention and Services Act (FVPSA) 2010, but never funded until this year. The PONW formed to fulfill the kuleana (responsibilities) of the NHRCDV. PONW will open its doors this fall. This funding is reflective of a sea of changes increasing Native Hawaiian women's safety.

PONW is committed to enhancing the capacity of its stakeholders to respond to domestic violence in a culturally relevant manner—Native Hawaiian (NH) communities, domestic violence programs, state and federal governments, policymakers, and others. PONW is dedicated to restoring NH beliefs and ceremonies and helping increase survivors' safety through technical



First NIWRC meeting with Native Hawaiian advocates, 2015.

assistance and training (TA/T), partnering at the community, state, and national levels, and developing policies and resources. While domestic violence programs function in Hawai'i, none serve as resource centers that are designed, led, and managed by NHs or rooted in NH solutions like PONW that contribute to the fulfillment of the federal trust responsibility to assist NHs in safeguarding women's lives. NIWRC and PONW have partnered since 2013 to address the needs of NHs that experience domestic violence, including the realization of the creation of an NHRCDV.

The history of the U.S. conspiring, the overthrow of the NH government, and the taking of NH homelands is reflected in the rates of violence against NH women. An NHRCDV will organize, amplify, and connect survivors' voices to restore protections rooted in NH culture. This process takes aloha and this was reflected in NIWRC's meeting with the PONW this past July. This mo'olelo (story) and lived experience is guided by aloha as the foundation of the NH groundswell joining with the tribal and national groundswell to restore respect for women in thought, actions, social norms, and state and federal laws and policies.

Dolly

Our meeting was on the windward side of Oahu at the Windward Retreat Center. A quiet place next to the mauna (mountain). Over the past seven years, our hui (group) had decreased in size from approximately thirty people to four, each year organizing more. As more kuleana (responsibility) was absorbed, challenges came forward making the hana (work) difficult to accomplish. This retreat center is close to the elements, flora, fauna,



PONW Board of Directors pictured left to right Dolly Tatofi, Dayna Schultz, NaniFay Paglinawan, Rosemond Pettigrew, 2022. Photo courtesy of Lary Ganiron, Lifted Creative Studio.

and ‘uhane (spirit) of this ‘āina (land). This ground allowed for a leveling out of space and place to be ready to share with honesty what has held us back from our hana.

We started the retreat with greetings of aloha. I facilitated a Hanu and Hā (breathing exercise) to help wāhine ground before getting into this heavy and meaningful hana. After this exercise, through some kukakuka (intentional conversation), concepts emerged, including Noho pono (to sit, reside; in this instance to be present in a just way) that set the foundation for ho‘oponopono (conflict resolution and forgiveness) and receiving hō‘ailona (spiritual messages).

It showed the power of being pono (correct, balanced) in life. As we went into a space of aloha, ho‘oponopono organically unfolded and we cleared the way for the most mana-ful (powerful) work to come forward. We were able to see, feel, and know how being Kanaka ‘Ōiwi is not something we refer to in the past, but rather that the ‘ike (knowledge), traditions, and the ways of doing things happen i keia manawa, in the moment. We are living the ways of our people in this present time, in every moment. There is no separation in time. This was clear as we talked about Noho to be in a space where we take that time to build our relationships and be pono in ourselves and with others.

Another profound mo‘olelo was discussing the transformation of our logo to reflect what pouhana means. Coming to the realization that our Akua Wāhine (goddesses) are alive and born just like our Akua Wahine ‘O Pouhana. She is the essence of what Nā Wāhine o Hawai‘i need to re-member, that we are as strong as the pillar of a hale (house), even more so a kauhale (village). This needs to be restored so that our wāhine know the strength that they have within that cares for many.

As we discussed the challenges that we have each dealt with, we clarified assumptions, released withholds between us through forgiveness, felt closer, and received divine inspiration and messages. We felt lighter and clearer to see the hana ahead. The element of ‘āina and this space allowed for healing. We expressed our gratitude for this space and place in pule (prayer) and by offering a makana aloha (loving gift) to the ‘āina. What came full circle was the important reminder (by the ‘āina) of forgiveness and as we ended in a way in which we should have started. Forgiveness is the key to restoring relationships through aloha in our lives always and in all ways. Our worldview as kanaka ‘ōiwi (Native Hawaiian) and the relationships between kanaka (people), ‘āina, the kai (ocean), the elements, and the unseen which include nā Akua (the Gods) and ‘aumākua (spiritual ancestors) have always been in a state of lōkahi (completeness) and was never broken on the deepest level. The ‘āina reminded us of this.

Aunty NaniFay

The surrounding environment affected us all. Face-to-face was healing. We could see and feel the many emotions shared and felt between us. The space was quiet as we were surrounded by the natural elements. We could hear and see the makani (wind) blowing and hear the ocean in the background. We were embraced from mauka to makai (mountainside to oceanside). What a wonderful experience for me. The ho‘oponopono and breathing was a great way to release negative feelings and be open and transparent. We continued at our own pace, slowly so as not to judge ourselves and others. Our views of the Universe are crucial because we will be working in different communities. Our different ways will help to have a wider perspective of the communities here in Hawai‘i and of other Indigenous peoples around the world.

A big thank you to our House and Senate Appropriations Committees in Washington, D.C. for their support for an NHRCDV and to our many supporters and partners in Hawai‘i and across the country, especially the National Indigenous Women’s Resource Center who has been a committed relative to Native Hawaiians and the PONW since 2011. NIWRC has been ‘onipa‘a (resolute, steadfast) in their partnership with the PONW and Native Hawaiians.

Dayna

I had concerns leading up to our meeting as I was aware of our need for ho‘oponopono. The need for transparency, however, I was not sure how genuine and transparent everyone would be, along with being receptive and open to feedback. I felt relief regarding

having an open and honest conversation, releasing things I have held for seven years on words communicated to me at the inception of our coordination meetings with NIWRC in 2015. My hope moving forward is to have continued transparency and humility while allowing growth and correction with aloha. Accepting similarities and respecting differences is key as I welcome diversity and support equity amongst all.

Hearing Paula identify the strength in PONW to be able to resolve conflict better and more effectively than other agencies she has been a part of and participated in was uplifting. While we had and will have differences, the ability to talk through varying perspectives is a skill set that takes time, effort, respect, and genuine care for one another as we all strive for the best possible outcome. I feel this walked us right into Noho Pono, our newest concept introduced by Dolly which has since resonated within me deeply. Furthermore, being surrounded by the elements of our ‘āina, enriched the process and allowed for things to organically unfold. Trusting in the space, company, and ourselves is not easy, yet a priceless gift we all have. I truly believe we are being guided by our ancestors and Akua to do this work and we will continue to holomua (move forward) while being onipa‘a.

Lastly, this was an eye-opening and tear-shedding moment, as the opportunity has come for the opening of the Native Hawaiian Resource Center on Domestic Violence for which we have advocated for. Our time is now, to be the change of our people, fellow survivors, and lost loved ones. What an honor!

Loke

PONW and NIWRC had the privilege of meeting in the beautiful moku (land division) of Ka‘a‘awa to discuss the purpose of an NHRCDV and future projects. It was a peaceful setting. I listened to the mana (power) of the ocean that created a space for my mind, body, and spirit to connect with the elements and the roots of my kupuna (ancestors).

At dawn on the first day, I went outside to say a pule (prayer) and sprinkle pa‘akai alaea (sea salt and dirt with minerals) on the ‘āina at the base of the center’s entrance. I do this to cleanse and purify around my hale (house), remove negativity, restore pono (make right) and balance, and keep unwanted ‘uhane (spirits) from coming into the space.

“We are living the ways of our people in this present time, in every moment. There is no separation in time.”

—Dolly Tatofi, Board of Directors, Pouhana O Nā Wāhine



tree’s resiliency and how it has sustained our people for hundreds of years. It is a tree of strength and endurance, and hō‘ailona (sign) as we move forward.

PONW intends to create healing spaces for nā keiki o keia ‘āina (the children of this land), Native Hawaiians, by providing TA/T, aloha as a protective factor, and our worldview that is intertwined into all Hawaiians. Hawaiians must reconnect to their identity spiritually, to know where they come from, and how we belong to this land. Hawai‘i is our home and with the shift from a traditional lifestyle to an unfamiliar way of life due to colonization that created a disconnect. This affected the life of our kupuna and is evident in the violence against our Kānaka wāhine (NH women and girls).

Mahalo nui, I am grateful to NIWRC, AKNWRC, and PONW to work with wāhine who are strong and care about healing our generations of Kānaka (Native people). Healing is imperative to our Lāhui’s (Hawaiian nation) survival. The ‘ike (knowledge) and na‘auao (wisdom) PONW shares are phenomenal with 100 years of experience as survivors, advocates, and social workers. Me ka ha‘aha‘a (humility).

“I was startled to see the roots of the coconut tree next to the noni. I was reminded by my kupuna of the coconut tree’s resiliency and how it has sustained our people for hundreds of years. It is a tree of strength and endurance, and hōailona (sign) as we move forward.”

—Rosemond Pettigrew, Board of Directors, Pouhana O Nā Wāhine



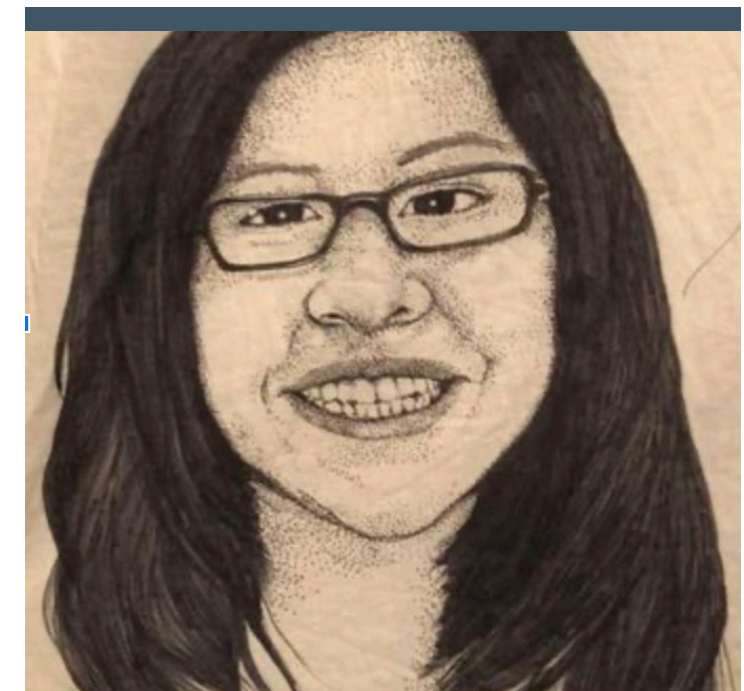
Lives Lost in Alaska Demonstrate The Inequalities to Families In Investigations in PL 280 States

An Honoring Totem Raised for One Victim, and Resolution Demanded for Another

By Michelle Demmert, *Tlingit*, Assistant Professor, University of Alaska Fairbanks and Law and Policy Director, Alaska Native Women’s Resource Center

The day was overcast and calm. As the ceremony unfolded and the crowd convened, eagles flew overhead as if knowing their clan sister’s life would be honored on this day. The ceremony opened with prayers, remembrances, and an explanation of the totem by the carver and ended with singing and dancing to recognize the life of Judylee Guthrie. The carver, Tony Christianson, explained the story on the totem, with the front of the totem representing Judylee and her clan, Eagle, and the symbolism of the missing and murdered Indigenous women (MMIW) crisis that has taken far too many of our young women. The red handprint faces upwards and could be described as equaling justice. The back of the 8-foot totem shows another woman’s face that is masked with beads, with red handprints facing downward symbolizing the many lives lost who have not seen justice. Francille Turpin’s case is one such life lost without any formal closure and without someone being held accountable for her death, despite systems that have been put in place to help find justice.

The story is far too common—two lives lost in a small Alaska Native community, Klawock, Alaska. Judylee Guthrie was 28 in 2016 when her life tragically ended at the hands of a convicted murderer, Albert Macasaet III. Within the same small town located in Southeast, Alaska, Francille Turpin was 37 in 2018, when her life ended at what was described as “foul play.” To this day, no one has been held responsible. Both lives were filled with meaning and are mourned by those that loved them. Of these two deaths, one family has what can be described as closure while the other family continues to work towards a resolution and answers.



Judylee Guthrie depicted on Amber Webb’s MMIW honoring qaspeq. Photo courtesy of Michelle Demmert.

Judylee Guthrie was a devoted mother of two who worked at the Boys and Girls Club in Klawock. She was also a daughter, granddaughter, and niece committed to her family, her culture, and her community. Judylee went missing one night and her body was found in a wooded area near Klawock on July 31, 2016. Macasaet, the sole suspect, initially resisted arrest and held hostage two adults and three children (two of which were his own) during a 10-hour standoff. He eventually surrendered and was taken to the hospital for a possible drug overdose. Three years later, Macasaet was convicted and sentenced to the maximum sentence of 99 years because the court found that he had shown “no remorse” for killing Judylee by strangulation.

TOP: NIWRC meeting with Native Hawaiian advocates to learn about the Alaska Native Women’s Resource Center organizing curriculum and discuss 43 CFR Part 50, 2017.

BOTTOM: PONW cosponsoring and presenting workshops at NIWRC’s Women Are Sacred 2018 Conference.

We started with a Hanu and Hā (deep breathing exercise), an essential protocol for grounding. It sets the tone of peace as you prepare for ho‘oponopono. I asked Akua and my kupuna to guide my ‘uhane. I knew I would be vulnerable, yet, I felt safe, peaceful, and emotional as I shared personal situations aside from my role as a board member. I realized when the question was asked if having a haku (an unbiased mediator, one that is respected by all) would have affected the outcome, I believe the result would have been different for me. In other situations, a haku may be necessary, but fortunately, we shared without hesitation. I felt my mana and ‘uhane release me from the pilikia (trouble) and lift the kaumaha (heavy weight) I had felt.

Before closing that portion of our meeting, we each put pa‘akai alaea in the middle of a ti leaf (ti is used in ceremonies as protection against bad spirits and to bring in good) and we wrapped it into a puolu (bundle). We went outside to pule (pray). Each of us put our puolu into one ti leaf and I placed it at the base of a noni tree, an Indigenous medicine tree, and a coconut tree. I was startled to see the roots of the coconut tree next to the noni. I was reminded by my kupuna of the coconut

The family of Judylee was able to see a measure of justice accomplished. To honor Judylee's life, they along with Helping Ourselves Prevent Emergencies (HOPE) commissioned a memorial totem from Haida Carver Christianson. The Na'ah Illahee Fund and Sealaska provided funding for the totem and memorial. On July 31, 2022—6 years after Judylee's death—the totem was raised along the entrance to the location where her body was found.

For Judylee's family and community, there were many tears shed and stories told. The family participated in traditional dancing designed to help heal the family and release the grief of many years. The community embraced this ceremony, which ended with food and informal sharing. Linda and Gordon Guthrie, parents of Judylee, looked exhausted and relieved to have this ceremony honoring the life of their sweet daughter. An ending with answers and resolution.

Not more than two miles away was the family of Francille Turpin, still waiting for answers and resolution for the death of their beloved mother, daughter, niece, friend, and granddaughter. Francille Turpin, who was found unresponsive and airlifted to Harborview Hospital in Seattle, Washington, died 10 days later. Her death highlights the problems that numerous Indigenous families across Alaska and the United States encounter when a Native woman's life is tragically and violently lost. While law enforcement found the circumstances of her injuries suspicious, the death certificate lists the manner of death as "undetermined." Deaths are defined as either natural or unnatural; with unnatural being defined as an accident, homicide, or suicide. If no conclusion can be established, the death is deemed "undetermined." The family was told she had severe injuries and the death certificate lists numerous injuries that are unexplained, yet no conclusive manner of death could be provided. Why did she die; how did she die; will someone be held accountable? These questions remain unanswered.

Francille's family, searching for answers, was put in touch with the MMIP Coordinator in the U.S. Attorney's office in Anchorage, who put them in touch with the cold case unit of the Bureau of Indian Affairs (BIA). The MMIP coordinator's goal is to work with federal, Tribal, state, and local agencies to develop common protocols and procedures for responding to reports of missing or murdered Indigenous people. In November 2019, U.S. Attorney William Barr announced the Murdered and

Missing Indigenous Person Initiative, and the Alaska U.S. Attorney's office hired a coordinator who could lead the initiative in all 229 Tribal communities in Alaska. As part of this process, the BIA's Office of Justice Services (OJS) brought on a BIA/OJS Missing & Murdered Unit (MMU) investigator for the state of Alaska. In states such as Alaska, defined as a P.L. 83-280 (PL 280) state, (i.e., the federal government has transferred its jurisdiction to the state government), when a Native American/Alaska Native victim dies unnaturally, the MMU investigator can "offer" federal technical assistance to investigations. However, the catch is, they can only "offer" assistance upon an "official request" by local or Tribal "law enforcement." At the urging of Francille's family, the MMU investigator "offered" his review and assistance to the Klawock City Police. However, this offer was politely declined; the explanation provided by the MMU investigator informed the family:

"I provided my contact information and offered my assistance to the Klawock Police Department. As I explained ... Alaska is a Public Law 280 state in which I do not have federal jurisdiction. I operate under the authority of an Alaska State Troopers Special Commission. What this means, in short, is that a request from the investigating agency needs to be made for me to assist. At this point the Klawock Police Department has not requested my assistance.

Given the status of the case and investigation, it appears there is not an investigative function the Bureau of Indian Affairs, Missing and Murdered Unit would be able to provide that would further the case as I was told the completed case is with the prosecutor's office."

No resolution and yet another question unanswered. Where can this family turn to for help?

Reportedly, the local law enforcement has provided the file to the local prosecutor and more than 4 years later, Francille's family is still left without resolution. Herein lies a problem. Savanna's Act, signed into law in 2019, was named in honor of Savanna LaFontaine-Greywind, a 22-year-old pregnant citizen of the Spirit Lake Nation in North Dakota who was viciously murdered in August 2017. The Act aims to improve Missing and Murdered Indigenous Women data collection and access and directs the Department of Justice to review, revise, and develop law enforcement and justice protocols to address missing

No resolution and yet another question *unanswered*. Where can this family turn to for help?

and murdered Indigenous peoples. As mentioned, the law requires the Department of Justice to have training for Tribal, state, and federal law enforcement officers to cooperate to establish investigative and data collection protocols. However, to access the specialized protocols and enhanced investigations, only a "law enforcement" agency can request for assistance. Most Tribal communities lack Tribal law enforcement and do not meet the requirements for additional assistance. How can Alaska Tribes benefit from the heightened level of investigations called for in the recent MMIP federal legislation?

As has been reported previously, the Violence Policy Center reports that Alaska is ranked first among states with the highest homicide rates of women by men. Alaska

is the most violent state in the nation, with Anchorage as one of the most violent cities within the Union. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered Native Americans and Alaska Natives. Why has the state of Alaska not required cooperation with the measures envisioned in Savanna's Act?

While this article is designed to focus on the beautiful, traditional healing ceremony held on July 31, 2022, in memory of Judylee Guthrie, it would not be authentic in this close-knit Tlingit community, without mentioning the unresolved suspicious death of Francille Turpin, a beautiful mother of eight. To this day one death and a murderer have been held accountable, and another unnatural death goes unexplained, leaving the family with many unanswered questions and unresolved grief. While we are grateful for the justice for Judylee Guthrie, justice for Francille Turpin is still needed.

Totem by Tony Christianson, representing Judylee and her clan, Eagle. / Photo courtesy of Michelle Demmert.



Alternate view of totem by Tony Christianson, illustrating the MMIW handprint(s). / Photo courtesy of Michelle Demmert.

Alaska Native Priority Issues To Address Violence Against Indian Women

17th Annual Tribal Consultation On Violence Against Women

By the Alaska Native Women's Resource Center

Traditionally, Native women were respected and held sacred within their Nations. Order was maintained within Tribal communities, and if abuse did occur, the wrongdoers were dealt with swiftly. U.S. colonization through imposing legal and policy barriers on Alaska Natives eroded this sacred status and dehumanized Native women. These systemic barriers devalued Native men, removed our children, stripped our languages, and required us to denounce living our way of life and practicing our culture to become a citizen of the United States.

Imagine the trauma these demands have had on us as a people. We have had many traumas imposed on us from the cradle to the grave. The current spectrum of violence against Native communities is intertwined with systemic barriers embedded within the federal government. These barriers developed as the United States seized the homelands and natural resources of Native peoples, forcibly removed and relocated Native people, perpetrated violence against Native people, and created living conditions and a culture where it was

acceptable to victimize Natives and especially Native women.

While Alaska Native governments face the same systemic barriers as other Indian tribes, many other laws and policies were enacted or implemented with the specific purpose of eroding the sovereignty of Alaska Native Tribes. To address violence against Alaska Native women these barriers must be permanently removed. The following priority issues were presented by Alaska Native Tribal leaders during the 2022 annual government-to-government consultation in Anchorage.

SUMMARY OF CONSULTATION PRIORITY ISSUES OF ALASKA NATIVE TRIBES

Address Lack of Stable Tribal Justice Funding

The underfunding of Tribal justice systems is a systemic barrier preventing the Tribal governments from developing stable justice systems capable of responding to the crisis of violence against Alaska Native women. It is a dereliction of the federal trust responsibility that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims. In Public Law 280 (PL 280) states, like Alaska, Tribes have virtually no BIA law enforcement presence or funding for courts and law enforcement other than funding appropriated from year to year for special annual PL 280 appropriations. This yearly appropriation essentially provides no sustainability or safety. For the federal agencies to assume that Tribes should conform and operate similarly to state programs does a disservice to the victims.

In addition, the federal government must address funding disparities for Tribes in PL 280 states. Indian Nations in PL 280 jurisdictions have received substantially lower

amounts of support or none at all in the BIA compacting process for Tribal law enforcement and Tribal courts. Consequently, the Tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems. The DOJ and BIA should request federal funding and authority to add additional funding to Tribal compacts to end this disparity in funding between Tribes regardless if concurrent jurisdiction lies with the federal or respective state government.

Fund Tribal justice systems at necessary levels as documented and recommended in various federal reports and laws, and other federal documents, including the 2018 U.S. Commission on Civil Rights' Broken Promises Report and the 2009 Tribal Law & Order Act.

Address Implementation of Special Tribal Criminal Jurisdiction (STCJ)

To implement, develop, and maintain STCJ, Tribal governments require stable and sufficient funding. Tribal governments in Alaska implementing STCJ pilot projects will require regular, predictable, and sufficient funding for implementation of the pilot projects to support comprehensive law enforcement, justice systems, and victim and offender services.

The technical assistance providers for the Alaska Pilot Project should be funded immediately similar to how NCAI was funded to support VAWA 2013. The funding for the implementation of STCJ should not be contingent on Tribal justice systems looking and acting like the western courts. Tribal justice systems as defined by the Tribes themselves must be allowed to develop and their decisions recognized. This approach will allow for recognition of the many positive outcomes and successes possible with operating an Indigenous justice system—more timely and increased accountability, healing, preservation, and strengthening of family and communities. Oftentimes perpetrators within our communities are part of our community and we want to see services to address their needs to stop the violence.

The formation and funding of an Alaska Intertribal workgroup for all Tribes aspiring to be a pilot project Tribe whether in the first year or the future is strongly recommended. Similar to the Intertribal Working Group (ITWG), it can support and help advise and direct the STCJ Alaska Pilot Project.

In addition, Tribal leaders recommended the following priority issues be addressed:

- Support for Tribal law enforcement recognition and support fixing legislation and 25 C.F.R. §12.21 that authorizes Special Law Enforcement Commissions.
- The Tribal Reimbursement program should be the least restrictive possible to Tribal governments.
- Provide funding for a dedicated Tribal Liaison in the Alaska United States Attorney's Office to carry out statutory duties required under 25 U.S.C. § 2810.
- Prioritize and release the Alaska Special Tribal Criminal Jurisdiction Training and Technical Assistance Solicitation for Alaska Tribes designated by the Attorney General as participating Tribes under the Alaska Pilot Program immediately.
- Support Technical Assistance providers for Alaska who are located in Alaska. In recent months we have numerous concerns regarding the national TTA providers who cannot imagine that a community can be without the Internet. Many of our rural villages struggle with a consistent Internet connection and a few have been without Internet access for months. They try to use their phones for that Internet connection when necessary, but often the signal is weak and there are many dropped attempts to handle the Internet required forms, issues, etc.

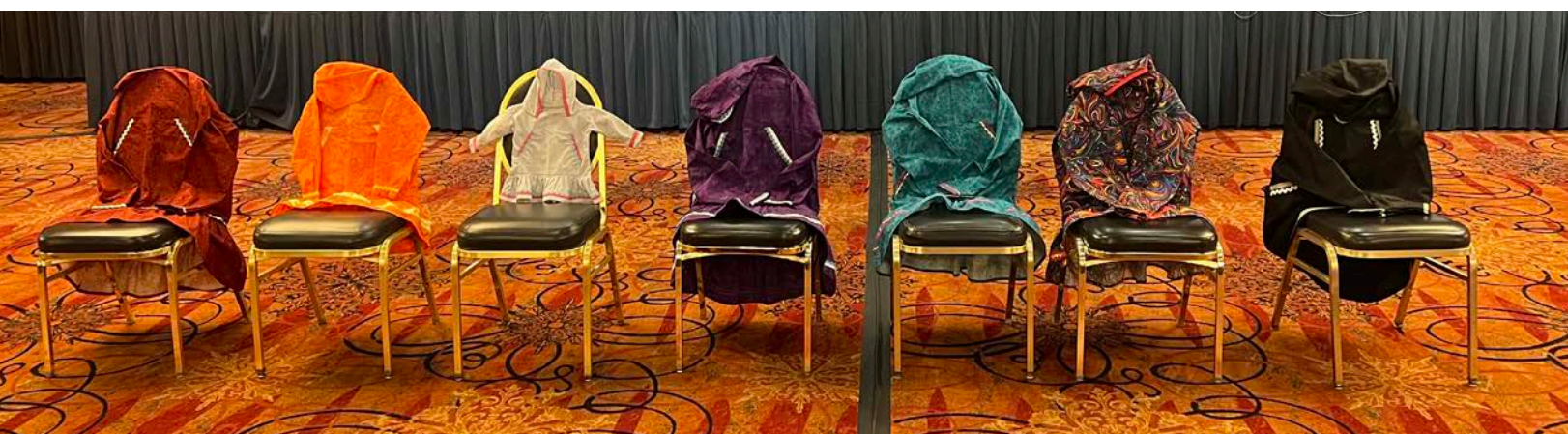
Address Victim Services Program

While the non-Indigenous communities may not have the needs associated with systematic and historical "victimization," the AI/AN communities do, and we need to be able to address these needs by adequately funding Tribes and recognizing their self-determination and authority in creating culturally appropriate, holistic services. The Office for Victims of Crime (OVC) funding is a way to achieve this through comprehensive victim services that are based on Tribal needs and the values of our communities. In addition, cultural programs help to both heal victims' trauma and reduce continual violent behavior within our families and communities, and these programs need to be funded.

Tribal leaders recommended the following specific issues be addressed as priorities to increase victim services for Alaska Native victims:

- Identify historical trauma as a victim need that can be served under the Tribal Victim Services Set Aside Program (TVSSA).

Qaspeks Ceremony with the Yup'ik Women's Coalition, Emmonak Women's Shelter and Alaska Native Women's Resource Center opening the VAW annual government-to-government consultation in Alaska Sept. 21-23, 2022. Photo courtesy of Tami Truett Jerue.



Among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country.

Congress must reauthorize FVPSA with permanent funding for an Alaska Native Resource Center

#TribalFVPSA #FVPSAReauthNow



- Require OVC and DOJ to work towards amendments in the law that serve Tribal needs, including infrastructure, court services, and law enforcement.
- Evaluate past grant victim service programs prior to the TVSSA Program of 2018 and create a comprehensive, increased services formula-based program for victims of violence and accountability for those who use violence.
- Ensure that OVC is appropriately staffed and understands the challenges of all Tribes, to work towards solutions to create safer communities.
- Establish a standing Tribal VOCA advisory committee to guide OVC's decision-making about the implementation of the TVSSA. In addition, fund a cadre of Tribal technical assistance providers who can work with Tribal governments to develop multi-year Tribal strategic plans for developing crime victims services appropriate for their communities.
- These Tribal technical assistance providers could be organized regionally and should be funded to travel and engage in the communities they serve.
- Alaska needs Alaska Tribal TA providers from within the state who understand our needs.
- Push for improvements to the laws, policies, and regulations for VOCA funding that allows for funding services and departments tied to victim services. We need to be able to fund core criminal justice services. We need the flexibility to build our programs as we deem necessary for success. We need to fund law enforcement, court services, perpetrator services, and prevention.
- Federal staff assigned to Alaska must be available during Alaska working hours. Federal staff call us in the wee hours of the morning and when we

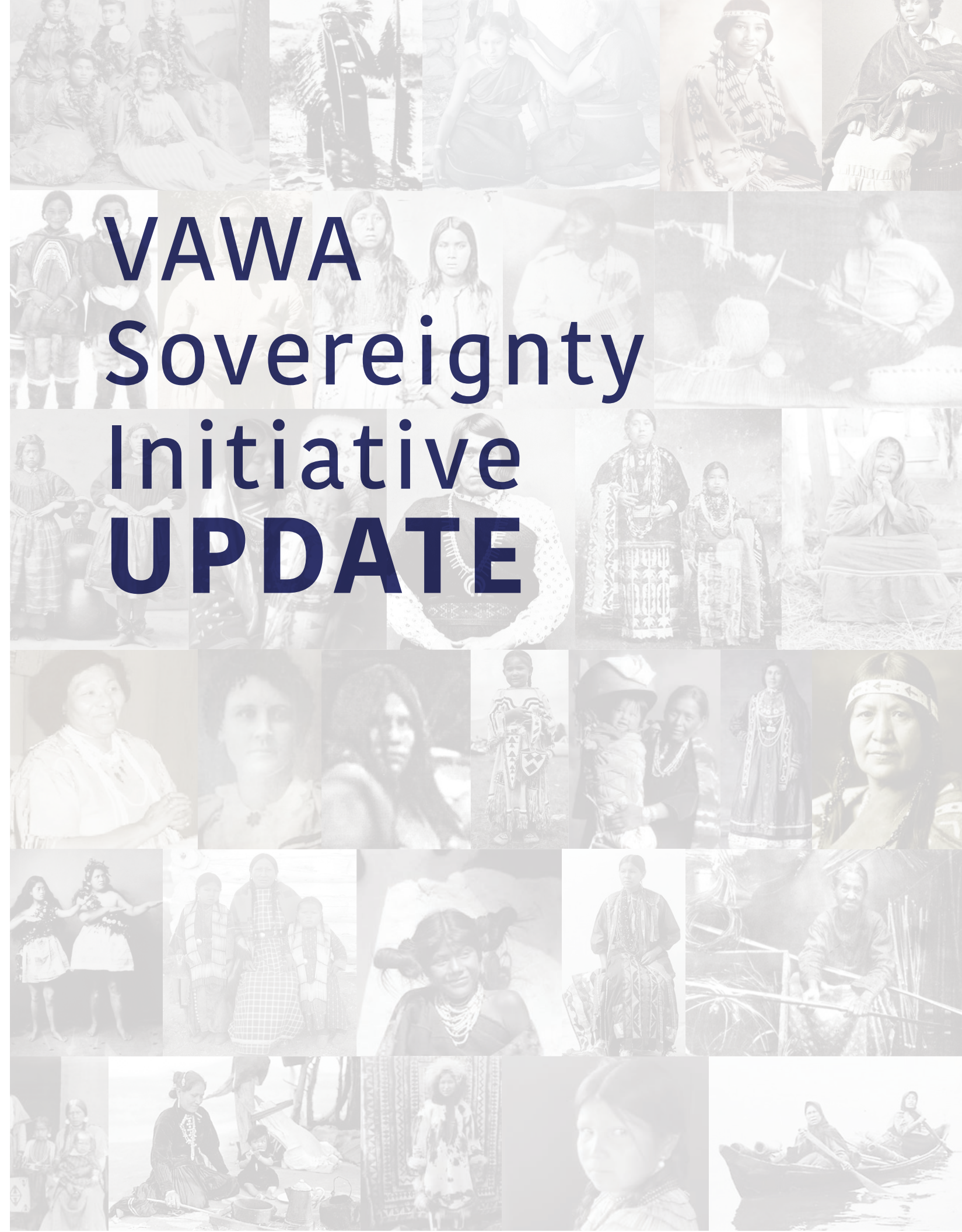
need them during all business hours, they are not there. In addition, the Tribal staff assigned to specific regions should be working the hours of the respective region.

Address Better Coordination Among Federal Agencies

We call upon the US DOJ—OVW and OVC, BIA, HHS, DHS, and other agencies for better coordination among federal agencies to meet President Biden's top priority of the safety and well-being of all Native Americans. Tribes, which are often understaffed, have to jump through the hoops of all the different departments, their programs, and requirements. Federal agencies need an overall czar, if you will, who can pull together all the grant programs under DOJ, HHS, BIA, DHS, etc., will coordinate and streamline all available programs so that there is consistency and ease of use as required in the Paperwork Reduction Act. Far too often we have different electronic grant platforms for administration, different finance requirements, different special conditions, etc. The approach should be simplified to enable the Administration to work hand in hand with Tribal Nations and Tribal partners to build safe and healthy Tribal communities and to support comprehensive law enforcement, prevention, intervention, and support services. Any regulation or requirement that does not assist with this goal should be eliminated.

There must be a mandate that all federal agencies that provide funding, services, or assistance to Tribes, collaborate to better streamline funding, grant procedures, and regulations. Federal agencies must also improve coordination of the scheduling of consultations, mandatory grantee conferences, and providing Tribal oversight and evaluation of training and technical assistant providers.

Thank you for taking the time to listen to our concerns. We believe in the continuation of building alliances to enhance and promote the voice of Alaska Native survivors, advocates, and Tribal leaders at the Village, state, federal, and international levels. By working together, we stand stronger in our advocacy efforts for equal access to justice, local Village-based solutions to local Village problems, and access to services and advocacy designed by and for Native women.





VAWA Sovereignty Initiative Update

By Ashleigh Fixico, *Mvskoke (Creek) Nation*, Law Student Extern, and Mary Kathryn Nagle, *Cherokee Nation*, Counsel, NIWRC

Through its VAWA Sovereignty Initiative (“VSI”), the NIWRC continuously monitors federal court litigation for cases and issues that could impact tribal sovereignty and the ability of Tribal Nations to protect their women and children. If and when a case has the potential to undermine the ability of Tribal Nations to protect their women and children, the NIWRC files an *amicus* brief to educate the Court. Since its creation in 2015, the VSI has made a significant impact in protecting and preserving tribal sovereignty in the federal courts.

Recently, the NIWRC filed an *amicus* brief in *Oklahoma v. Castro-Huerta*, and the Supreme Court issued its decision on June 29. The NIWRC also filed an *amicus* brief in *L.B. v. United States* before the Montana

¹ *Oklahoma v. Castro-Huerta*, 142 S. Ct. 2486, 2491 (2022).

Supreme Court, and the Montana Supreme Court issued its decision on August 16, 2022. On August 19, the NIWRC filed an *amicus* brief in the Supreme Court in *Brackeen v. Haaland*, and the case has been scheduled for oral argument on November 9, 2022.

An update on each of these cases is provided below.

***Oklahoma v. Castro-Huerta* (June 2022)**

On June 29, 2022, the United States Supreme Court decided *Oklahoma v. Castro-Huerta*, which held the federal government and states have concurrent jurisdiction over non-Indian crimes against Indians in Indian country. In this case, a non-Indian living in Tulsa was convicted of child neglect against his Indian stepdaughter in Oklahoma State Court.¹ *Castro-Huerta*

challenged Oklahoma’s jurisdiction arguing federal jurisdiction over non-Indian crimes against Indians is exclusive under the General Crimes Act.² His conviction was vacated by the Oklahoma Criminal Court of Appeals, and he was then subsequently indicted for the same conduct by a federal grand jury.³ Oklahoma petitioned for a writ of certiorari asking the Court to decide whether a state has authority to prosecute non-Indian crimes in Indian country and to overturn *McGirt v. Oklahoma*.⁴ The Supreme Court declined Oklahoma’s invitation to consider overturning *McGirt* and only granted cert to answer the question of whether Congress intended for the General Crimes Act to prohibit the exercise of state criminal jurisdiction over crimes committed by non-Indians against Indian victims on tribal lands.

The NIWRC submitted an *amicus* brief, joined by thirty-seven non-profit organizations and Tribal Nations, arguing the Court should not interfere with Congress’s exclusive power over Indian affairs, and furthermore, that States should not be granted jurisdiction over tribal lands absent tribal consent.

The NIWRC argued Congress’s exclusive authority over Indian affairs is necessary to protect Tribal Nations from States who have historically threatened tribal self-determination and self-governance. Specifically, the trust relationship between Tribal Nations and the federal government is an instrument of federal policy that can be used to prevent unlawful state interference in tribal affairs. For example, NIWRC acknowledged Congress has historically granted state criminal jurisdiction in Indian country, but these efforts have consistently failed to increase safety for Native women and children, and in fact, have only undermined public safety in Indian country. A lack of incentive for States to provide adequate resources to protect Native victims, less funding for Tribal Nations located within States exercising criminal jurisdiction in Indian country, and insufficient funding for state law enforcement charged with protecting tribal communities have led to high rates of victimization for Native women and children on tribal lands where States have the jurisdiction that Oklahoma requested before the Supreme Court. However, the NIWRC also highlighted Congress’s active engagement in addressing violence against Native people by restoring tribal jurisdiction.

Congress is intimately aware that Native women and children are exceptionally vulnerable. However, instead

² *Id.* at 2492.

³ *Id.*

⁴ *Id.* at 2492-2493.

of giving States jurisdiction that Oklahoma requested, Congress recognized that restoration of tribal jurisdiction would best serve Native victims because the sovereign closest to the victim has the most responsibility and accountability to the victim. The NIWRC highlighted how the 2013 and 2022 VAWA Reauthorizations have enhanced tribal responses to domestic violence by restoring the inherent right of Tribal Nations to arrest, prosecute, and convict non-Indian offenders. In fact, the NIWRC argued that *McGirt* did not create a public safety crisis. Instead, tribal communities have been subjected to a public safety crisis for decades because of the imposition of foreign criminal justice into tribal justice systems that often renders tribal law enforcement meaningless. To address Oklahoma’s fear of tribal criminal jurisdiction, the NIWRC recognized the 2013 Tribal Law and Order Act’s Indian Law and Order Commission findings that tribal courts and law enforcement are better and more effective in providing justice in Indian country when they are supported, not undermined. Thus, the sovereigns with the most interest in protecting their citizens’ safety and welfare should not be further stripped of their jurisdiction when Congress has been actively engaged in addressing the public safety crisis in Indian country.

Unfortunately, the Court held that States have concurrent criminal jurisdiction over non-Indian crimes committed against Indians in Indian country. This decision is harmful to Native victims because States lack a trusting relationship with Tribal Nations; therefore, there is no inherent responsibility to protect Native people or to promote tribal governments. Furthermore, the decision could limit and impair their federal rights as state adjudications may prohibit federal prosecution, and individual U.S. Attorney’s Offices are already stating they will defer prosecution of crimes against Indian victims to state and local district attorneys. Of course, the real problem with this is that State and local county law enforcement agencies are not required to report the fact that crimes have been committed against Indian victims with the U.S. Attorney’s Office or with the Tribal Nation, even if the State ultimately declines to prosecute the crime. Consequently, the Court’s decision in *Castro-Huerta* is going to increase the number of instances where crimes committed against Native victims go unprosecuted.

The real threat of the Court’s decision in *Castro-Huerta* is the Court’s complete disregard for Congressional



Mary Kathryn Nagle, Cherokee Nation, Counsel to NIWRC.
Photo courtesy of Mary Kathryn Nagle.

In this case, a Northern Cheyenne tribal member was raped by a Bureau of Indian Affairs (“BIA”) officer who responded to her call for assistance. She filed a claim under the Federal Tort Claims Act (“FTCA”) against the BIA, but the United States Attorney’s Office has argued that the BIA cannot be held liable for its officer’s rape of L.B. because the officer was acting “outside the scope” of his employment when he raped L.B. The NIWRC submitted an *amicus* brief asking the Montana Supreme Court to hold on-duty sexual assault falls within the scope of a law enforcement officer’s employment to prevent disparate impacts on Native women in Montana.

The NIWRC argued that immunizing the federal government from tort suits involving BIA law enforcement is incompatible with the federal government’s trust responsibility to protect and provide safety in Indian country. In fact, not being able to hold the federal government liable for its employee’s actions would discourage Native women from seeking law enforcement assistance and would exacerbate the chronic underreporting of violent crimes on tribal lands. Ensuring Native women can trust federal law enforcement officers that they will protect their safety means holding the federal government liable for the actions of its employees.

Unfortunately, despite the fact that L.B. won the legal issue before the Montana Supreme Court, the case is still proceeding before the Ninth Circuit Court of Appeals, where the U.S. Attorney’s Office for Montana continues to *f* the L.B.’s claims under the FTCA. It is incredibly disappointing that the United States continues to refuse to accept responsibility for the egregious conduct of its law enforcement officer. The United States’ refusal to accept responsibility for this officer’s heinous act only further contributes to the distrust that exists between tribal communities and law enforcement, and this distrust only exacerbates the crisis of Missing and Murdered Indigenous Women, Girls, and Two-Spirit Relatives.

Brackeen v. Haaland (Scheduled for Nov 9, 2022)

Nothing is more critical to ensuring the safety and welfare of Indian children than preserving the sovereignty of their Tribal Nations. Like VAWA, the Indian Child Welfare Act (“ICWA”) was passed with the understanding that no sovereign is better equipped to protect the safety and welfare of Indian children than their own Nations. These procedural and jurisdictional processes are essential to ensuring that an Indian child’s

“feelings of belonging and connectedness to their culture and family [, which] are critical to their development of identity and resilience,” are adequately considered when evaluating an out-of-home placement. Accordingly, the loss of ICWA would significantly jeopardize the ability of Tribal Nations to exercise jurisdiction and ensure their children are placed in safe homes.

However, the Plaintiffs in *Brackeen* are arguing that ICWA is unconstitutional because it violates States’ rights under the Tenth Amendment, and further, because “Indian” constitutes an unconstitutional race-based classification that violates the Equal Protection Clause of the Fourteenth Amendment as incorporated through the Fifth. These arguments are not only incredibly erroneous, but they are also incredibly dangerous.

The NIWRC, Sandy White Hawk, Stephanie Benally, and eighty-eight victim advocacy, legal services, religious, and children’s rights organizations filed an *amicus* brief arguing for the constitutionality of ICWA.

The NIWRC’s *amicus* brief points out that ICWA is not alone in its use of “Indian” as a political classification. But for the last forty years, everyone has understood these terms to be political classifications: “Indian” refers to a citizen of a Tribal Nation, and non-Indian refers to someone who is not a citizen of a Tribal Nation—regardless of that individual’s race.

Tribal Nations have signed hundreds of treaties with the United States. And as the Supreme Court and Congress have repeatedly recognized, these treaties created trust duties and responsibilities that the United States owes to Tribal Nations. One of these duties is the duty of protection, specifically the protection of Indian women and Indian children. The simple reality, however, is that Congress cannot effectuate its trust duties and responsibilities to tribal citizens if terms that refer to citizens of Tribal Nations are suddenly declared to be racial classifications subject to strict scrutiny.

Furthermore, because the Court in *Oliphant* declared that only Congress can restore tribal criminal jurisdiction over non-Indian defendants, if “Indian” is suddenly transformed into a racial classification, then Congress will be without the authority to fix a crisis of violence that this Court has declared only Congress can fix. Ultimately, if “Indian” is suddenly declared to be a racial classification and not a political classification, then the ability of Congress to “fulfill its treaty obligations and

its responsibilities to the Indian tribes” will be gravely endangered—if not eliminated. Like ICWA and VAWA, the Indian Child Protection Act, Savanna’s Act, and the Not Invisible Act all utilize “Indian” as a political classification. And like ICWA and VAWA, these laws save lives. Prohibiting Congress from effectuating its trust duties and responsibilities to Indian women and children will not only undermine public safety in Indian country, but it will also disrupt the Constitution’s separation of powers that have kept the separate branches of the republic in check.

The NIWRC’s *amicus* brief also highlighted the fact that Indian children are especially susceptible to abuse and trafficking when placed in state-run adoptive and foster homes. Without ICWA, it is clear that more Indian children will be placed in state-run foster homes, and it is also clear that this will result in an increase in violent crimes being committed against Native youth.

The Court has scheduled oral arguments for November 9, 2022, and the Court has re-opened the Court so that members of the public may now again attend oral arguments. Individuals interested in attending the argument should plan to arrive very early, as a long line is likely to form early in the morning, and only a certain number of individuals will be allowed in to hear the case in person.

The NIWRC will continue to monitor this case and will report after the argument and when a decision is finally reached. In the meantime, let’s keep all our children in our prayers as the ability of our Nations to protect them is under direct attack.



Ashleigh Fixico, Mvskoke (Creek) Nation.
Photo courtesy of Ashleigh Fixico.

intent and Congress’s exclusive authority over Indian affairs. Given the fact that the Court is now considering *Brackeen v. Haaland*, it is very troublesome that the *Castro-Huerta* Court departed from centuries of precedent and respect for Congress’ authority over Indian affairs.

The NIWRC was invited to testify before the House Indigenous People’s Subcommittee on the Court’s decision in *Castro-Huerta* and has taken the position that Congress should take action to correct the harmful consequences of the Court’s opinion.

L.B. v. United States (2022)

On August 16, 2022, in *L.B. v. United States*, the Montana Supreme Court concluded that law enforcement officers are acting within the scope of their employment when they sexually assault an individual being investigated.



Increasing Global Awareness Of Violence Against Indigenous Women In the U.S

International UPDATE

By Jana L. Walker, *Cherokee, Delaware, and Loyal Shawnee*, and Christopher Foley, *Cherokee*, Senior Attorneys, Indian Law Resource Center



Peacebuilding & Human Rights by UN Photo/Mark Garten.

International human rights law can provide significant opportunities to raise global awareness about the crisis of violence against Indigenous women in the United States—opportunities besides those found in local, Tribal, state, and federal fora. “In addition to providing new advocacy spaces to strengthen grassroots efforts to restore safety to Indigenous women and to gain strong federal responses, international advocacy helps Indigenous women and Indigenous organizations in the United States build relationships,” notes Chris Foley, Senior Attorney at the Indian Law Resource Center, “including with other Indigenous women and peoples, with other advocacy organizations, and with human

rights bodies and experts that can be helpful in pressuring the United States to meet its human rights obligations.”

Review of United States’ compliance with the International Convention on the Elimination of All Forms of Racial Discrimination

On August 11-12, in Geneva, Switzerland, the Committee on the Elimination of Racial Discrimination (CERD) reviewed the United States’ recent Combined Tenth to Twelfth Periodic Reports concerning its compliance with an important international human rights treaty. While such reports are generally expected from

member states every two years, it is a welcome move that the U.S. submitted its Combined Periodic Reports covering three past reporting periods since CERD's last review of its compliance in 2014.

CERD is a body of experts that monitors the compliance by member state parties with the International Convention on the Elimination of Racial Discrimination, a binding treaty adopted by the United Nations in 1965 and ratified by the United States in 1994. The Convention offers protections for Indigenous women and all other persons against racial discrimination in all its forms. Racial discrimination continues to be a major barrier throughout the world to the complete realization of human rights.

The Indian Law Resource Center worked collaboratively with several Indigenous women's organizations on an alternative report, titled "Violence Against Indigenous Women in the United States, including the Crisis of Missing or Murdered Indigenous Women, and Lack of Safe and Adequate Housing for Indigenous Survivors," says Jana Walker, a Senior Attorney with the Indian Law Resource Center. "CERD encourages such alternative reports from international, regional, national, and local organizations, particularly reports by coalitions, to help it gain a fuller picture of serious human rights matters, in this case the situation of Indigenous women in the United States with respect to violence." The Alternative Report is posted on the UN Treaty Body Database for CERD's 107th session at n8ve.net/IfEf4c6q.

The Alternative Report was submitted to CERD by the Alaska Native Women's Resource Center, the Indian Law Resource Center, the National Indigenous Women's Resource Center with its project STTARS Indigenous Safe Housing Center, and the Pouhana O Nā Wāhine (Pillars of Women).

The Alternative Report pointed out that recent legislative findings show little improvement since CERD's last Concluding Observations in 2014. Violence against Indigenous women remains at unprecedented levels. The United States' discriminatory legal system continues to limit Indigenous peoples' right to protect their women and fails to prevent or respond to crimes and rights violations. As to the pressing crisis of missing and murdered Indigenous women in the United States, the Alternative Report also noted that a recent federal report found that no one even knows how many Indigenous women are missing or murdered.

CERD also held a hybrid informal meeting with NGOs focused on the United States on August 9, 2022, prior to its review of the United States' compliance. Because NGOs are not allowed to speak during the official country review meetings, CERD organized this informal meeting to allow NGOs to present information and highlight key points from their written submissions. Caroline LaPorte, Director, STTARS Indigenous Safe Housing Center, participated in the informal meeting virtually and was able to offer a brief statement on behalf of the

organizations collaborating on the alternative report regarding violence against Indigenous women in the U.S. "The United States' failures to meet its obligations under the Convention perpetuate violence and discrimination against Indigenous women and contribute to the crisis of missing and murdered Indigenous women and the inadequate response, such as housing and shelter, for survivors of violence," said LaPorte.

After the review is completed, CERD will publish its Concluding Observations and Recommendations regarding the United States' compliance with the Convention. This document is intended to help state parties with the implementation of the Convention and will highlight both good practices and CERD's recommendations for addressing ongoing challenges. The document can serve as another tool that we can use to evaluate the United States' compliance and help hold the government accountable.

Resolution A/RES/76/300 UN General Assembly Recognizes Right to a Healthy Environment

On July 28, 2022, the United Nations General Assembly made a historic, groundbreaking move, declaring that everyone on this planet has the right to a healthy environment.

The General Assembly adopted Resolution A/RES/76/300, recognizing the right to a clean, healthy and sustainable environment as a human right. "This resolution sends a message that nobody can take nature, clean air and water, or a stable climate away from us – at least not without a fight," noted Inger Anderson, Executive Director of the UN Environment Programme (UNEP). Of the United Nations 193 member states, 161 voted yes, 8 abstained; 0 voted against; 24 did not vote.

The General Assembly's action follows the adoption of Resolution 48/13 by the UN Human Rights Council on October 8, 2021, explicitly recognizing that a clean, healthy, and sustainable environment is a human right and calling for the General Assembly to consider the matter. Currently, some 150 countries already recognize a right to a healthy environment through their national law (constitutions, legislation, or policies) or by ratification of international instruments.

Both the UN Human Rights Council and the General Assembly recognize that those people who most likely contribute the least to environmental degradation often are at the highest risk of experiencing its worst impacts on their human rights.

The General Assembly Resolution recognizes that:

"[W]hile the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by women and girls and those segments of population that are already in vulnerable situations, including indigenous peoples, children, older persons and persons with disabilities."

Significantly, the General Assembly Resolution also recognizes that environmental damage has terrible direct and indirect negative implications "for the effective enjoyment of all human rights." It specifically recognizes that "environmental degradation, climate change, biodiversity loss, desertification and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to effectively enjoy all human rights."

While UN General Assembly resolutions are not legally binding, this action is expected to provide strong and urgently needed support for Indigenous peoples, civil societies, and others to press their governments for much more aggressive climate action—the sooner the better. David Boyd, the UN Special Rapporteur on Human Rights and the environment stated before the vote that "[t]hese resolutions may seem abstract, but they are a catalyst for action and they empower ordinary people to hold their governments accountable in a way that is very powerful."¹

Joint Statement to Ms. Reem Alsalem, UN Special Rapporteur on Violence Against Women

As an outcome of our parallel event during the 66th Session of the Commission on the Status of Women, the Alaska Native Women's Resource Center (AKNWRC), Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB), Indian Law Resource Center (ILRC), International Mayan League (IML), National Indigenous Women's Resource Center



Photo courtesy of Indian Law Resource Center.

¹n8ve.net/IW16Q178

(NIWRC), Native Women's Society of the Great Plains (NWSGP), and Pouhana O Nā Wāhine (PONW) offered a *Joint Statement on Climate Change and Indigenous Women's Rights: Brazil, Guatemala, and the United States* as input to inform the UN Special Rapporteur's Report to the 77th Session of the UN General Assembly on violence against women, in the context of the climate crisis, including environmental degradation and related disaster risk mitigation response.

The Report, A/77/136, is now available at n8ve.net/c8gXJw2C.

Upcoming International Events

October 10-28, 2022

83rd Session of the Committee on the Elimination of Discrimination Against Women (CEDAW)

The CEDAW is comprised of 23 independent experts on women's rights charged with monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (Convention). Drafted by the Commission on the Status of Women, the UN General Assembly adopted the Convention in 1979. It took legal effect as a binding treaty in 1981 after ratification by 20 member states. Countries that ratify the Convention agree to work toward ending discrimination and violence against women through concrete steps for improving the status of women. The Convention focuses on three main areas: civil rights; reproductive rights; and gender relations.

There is widespread support for the Convention. Thus far, 189 of the 193 UN member states have ratified the Convention although about a third have done so with explicit reservations. The UN member states that have not ratified the Convention yet include the United States, Iran, Somalia, and Sudan. The United States stands as the only member state that signed the Convention, but never ratified it.

During its 83rd session on October 1-28, 2022, the CEDAW is expected to consider adoption of its draft General Recommendation No. 39 on Indigenous women and girls, available at n8ve.net/rbqQABY2.

March 6-17, 2023

67th Session of the UN Commission on the Status of Women (CSW)

The CSW is the principal intergovernmental body within the United Nations that focuses exclusively on the promotion of gender equality and the empowerment of women globally. The CSW will meet in New York from March 6-17, 2023, with the priority theme of "innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls." The review theme is "challenges and opportunities in achieving gender equality and the empowerment of rural women and girls (agreed conclusions of the sixty-second session)." Notably, paragraph 33 of those agreed conclusions recognizes that rural women and girls "are often disproportionately affected by the adverse impacts of climate change, extreme weather events and natural disasters and other environmental issues." Further information about the session, including details about registration and additional participation opportunities, will be posted when available at n8ve.net/3dZ3jjmS.



904 Task Force Meeting

December 13, 2022
1:00 p.m. - 5:00 p.m. EDT

The Task Force on Research on Violence Against American Indian and Alaska Native Women (commonly referred to as the Section 904 task force), is a federal advisory committee that provides advice and recommendations on the Department of Justice National Institute of Justice's program of research on violence against American Indian and Alaska Native Women.

This meeting will include the introduction of new Task Force members, an update on NIJ's program of research, and facilitated Task Force discussion. In addition, the Task Force is also welcoming public oral comment at this meeting and has reserved 30 minutes for this.



NATIONAL
INDIGENOUS
WOMEN'S RESOURCE CENTER



National Indigenous Women's Resource Center
515 Lame Deer Avenue
Lame Deer, MT 59043

www.niwrc.org



Intimate Partner Violence

Gender-based
institutionalized
system
of over-lapping
continuous
violent tactics
used to maintain
power & control

PHYSICAL VIOLENCE

PUNCH - KICK - STRANGLE - PUSH - SLAP - PULL HAIR

SEXUAL VIOLENCE

PHYSICALLY ATTACKING THE SEXUAL PARTS OF HER BODY - TREATING HER LIKE A SEX OBJECT

MALE PRIVILEGE

Treats her like a servant.
Makes all the big decisions. Acts like the "king of the castle."
Defines men's and women's roles.

ISOLATION

Controls what she does, who she sees and talks to, what she reads. Limits her outside involvement. Uses jealousy to justify actions.

INTIMIDATION

Makes her afraid by using looks, actions, gestures. Smashes things. Destroys her property. Abuses pets. Displays weapons.

EMOTIONAL ABUSE

Puts her down. Makes her feel bad about herself. Calls her names. Makes her think she's crazy. Plays mind games. Humiliates her. Makes her feel guilty.

MINIMIZE, LIE AND BLAME

Makes light of the abuse and doesn't take her concerns seriously. Says the abuse didn't happen. Shifts responsibility for abusive behavior. Says she caused it.

USING CHILDREN

Makes her feel guilty about the children. Uses the children to relay messages. Uses visitation to harass her. Threatens to take away the children.

ECONOMIC ABUSE

Prevents her from working. Makes her ask for money. Gives her an allowance. Takes her money. Doesn't let her know about or access family income.

COERCION AND THREATS

Makes and/or carries out threats to do something to hurt her. Threatens to leave her, to commit suicide, to report her to welfare. Makes her drop charges. Makes her do illegal things.

CULTURAL ABUSE

Competes over "Indianness." Misinterprets culture to prove male superiority/female submission. Uses relatives to beat her up. Buys into "blood quantum" competitions.

RITUAL ABUSE

Prays against her. Defines spirituality as masculine. Stops her from practicing her ways. Uses religion as a threat. "God doesn't allow divorce." Says her period makes her "dirty."

Except for male privilege, tactics are not listed in order of use or power.

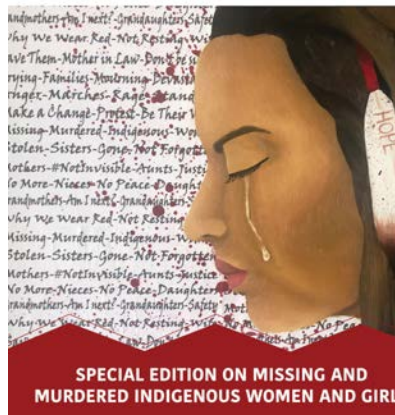
UNNATURAL POWER & CONTROL

IPV/Battering: the purposeful use of a system of multiple, continuous tactics to maintain power and control over another. This intentional violence results from and is supported by unnatural, misogynistic, sexist societal and cultural belief systems. IPV/Battering is a crime against individuals, families and communities.



OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

January 2022 | Volume 18 | Issue 1



SPECIAL EDITION ON MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS



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OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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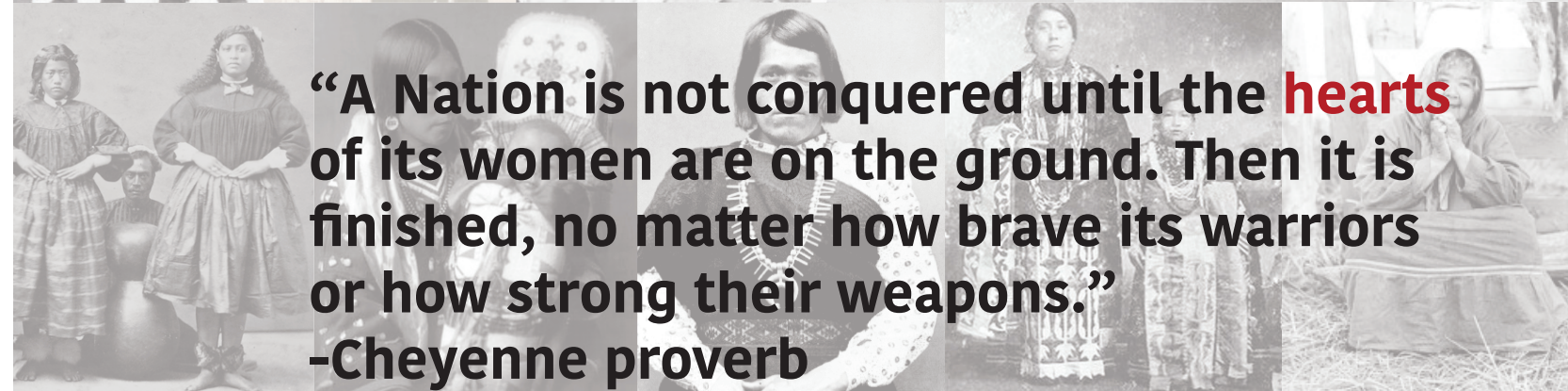
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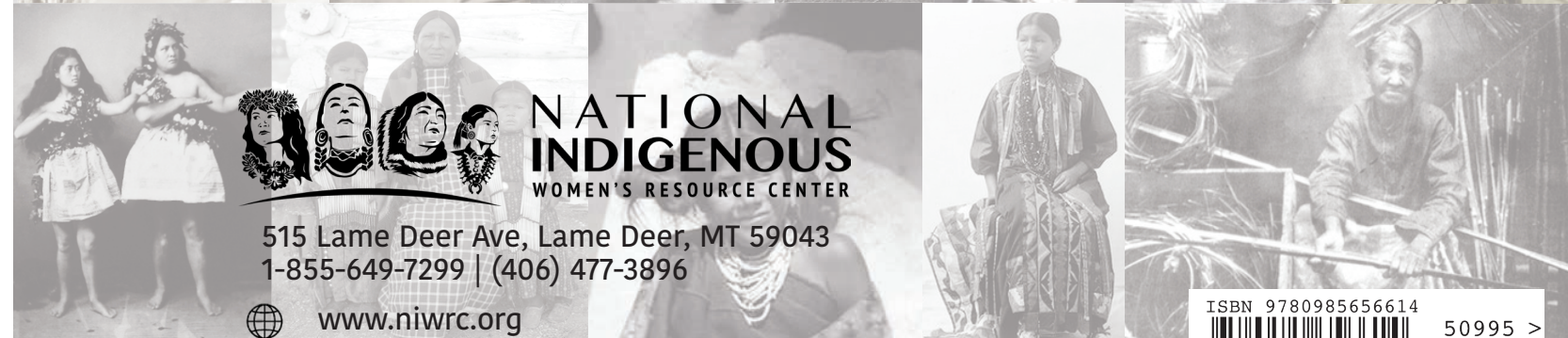


OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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“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



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