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Permanent Forum on Indigenous Issues (PFII), Expert Group Meeting on
Combating Violence against Indigenous Women and Girls
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U.S. Statement, delivered by Associate Director for Tribal Justice Support
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Thank you, Distinguished Chair. At the July 2010 signing ceremony of the Tribal Law and Order Act (TLOA), the President recognized that Native women in the United States face disproportionate rates of violence. He said: "... when one in three Native American women will be raped in their lifetimes, that is an assault on our national conscience, it is an affront to our shared humanity; it is something that we cannot allow to continue."

Under President Obama's leadership, the United States has increased consultations with tribal governments on combating violence against women. These include major annual tribal consultations stipulated by the Violence Against Women Act, most recently in December 2011, that involved key Federal agencies including the Department of Justice, Department of the Interior, and the Department of Health and Human Services.

Shaped by these discussions, our efforts to improve safety for Native women in the U.S. are taking place on two fronts: 1) ensuring that the federal government fulfills its responsibility to enforce the law and promote public safety where there is criminal jurisdiction; and 2) supporting tribal governments and tribal communities in their efforts to enhance their capacity to prevent and respond to violence against women.

To build on the Tribal Law and Order Act, the Department of Justice submitted to United States' Congress a legislative proposal that would recognize certain tribes' power to exercise concurrent criminal authority over domestic-violence cases, regardless of whether the defendant is Indian or a non-Indian. In addition, the legislative proposal clarifies that tribal courts have the civil authority to issue and enforce protection orders against both Indians and non-Indians, and would provide federal prosecutors tools to seek stiffer sentences for particular offenses.

With particular regard to Theme 4 Issues of Jurisdiction and Policing and Theme 5 Anti-Violence Strategies in the U.S. legal system, the Department of Justice has a unique responsibility to pursue justice against those who perpetrate violence in tribal communities. Likewise, the Department of the Interior is tasked with assisting tribes, by providing direct assistance or funding to the tribal communities and technical assistance to the tribes, in the pursuit of justice against those who perpetrate domestic violence in tribal lands in the United States.

The Department of Justice has initiated a Department-wide initiative to improve public safety in tribal communities. Justice has already:

- deployed 28 new Assistant U.S. Attorneys, six new FBI Agents, and 12 new FBI Victim Specialists dedicated to fighting crimes and protecting Native women on tribal lands in the United States;
- instructed federal prosecutors to give priority to crimes against Native American women and children;

- established a Violence Against Women Federal / Tribal Prosecution task Force, which is developing recommendations and resource materials on prosecutions; and
- launched the National Indian Country Training Initiative to ensure that federal prosecutors receive the training and support needed to address crime in tribal lands in the United States.

Likewise, my agency, the Department of the Interior (DOI), has initiated new programs and training opportunities for tribal and law enforcement officials from the Department's Bureau of Indian Affairs (BIA). DOI also has provided training and technical assistance to the tribal court programs, focusing on the importance of protecting indigenous women and girls.

- To this end, DOI, specifically the Bureau of Indian Affairs (BIA), has conducted domestic violence training for law enforcement officials who are responding to domestic violence calls and focusing on recognizing and diffusing potentially lethal situations surrounding domestic violence.
- BIA's Victim Witness Advocacy Program provides assistance to those victims of domestic violence whose cases are prosecuted in tribal court, as well as assisting the Department of Justice Victim Witness Specialist, who assists victims of domestic violence whose cases are prosecuted on a federal level.
- The Bureau of Indian Affairs Tribal Courts Division provides hands on technical assistance training to tribal court personnel on the intricacies of prosecuting domestic violence cases.
- Recognizing that elder women are the backbone of traditional culture, the Tribal Courts Division financially supports specific pilot programs which

focus on the importance of women in the tribal community. One such pilot program has re-created a women's society specific to young Native women at risk. The elder women in the community are the guidance and backbone of this program. The long term aim of this program is to assist women in standing firm to prevent domestic violence in their own communities.

The United States Department of Health and Human Services, specifically the Indian Health Service (IHS), has recently promulgated its first sexual assault policy and protocol for use in its health facilities across the country.

The United States is proud of our efforts to improve the federal response to crimes of violence against women in tribal communities, but we recognize that tribal governments — tribal police, tribal prosecutors, and tribal courts — are essential parts of the response to these crimes and the key to success. However, they often lack the authority and resources to address violence against women.

As previously noted, the United States has consulted extensively with tribal officials about these issues. The consensus that emerged from these consultations is the need for greater tribal jurisdiction over domestic-violence cases. The Executive Branch of our government continues to work with the U.S. Congress to address these jurisdictional limitations and strengthen the ability of tribal authorities to confront violence against indigenous women.

Tribal leaders have noted a tremendous need for additional resources at the tribal level. Justice has streamlined the process for tribes to access grants for public safety, awarding nearly \$120 million to tribes over the past two years; set up a national clearinghouse for training and technical assistance concerning sexual assault of Native American women; and is funding a project to collect and preserve sexual assault evidence in geographically isolated tribal communities. Interior has

provided one time funding to help tribes hire domestic violence prosecutors, and is enlarging its Victim Witness Program to assist victims in many new places.

Department of the Interior will work with HHS, specifically the Indian Health Service, to coordinate the sexual assault protocol with law enforcement throughout tribal lands.

With regard to Theme 2, Contextualizing Violence: the Economic Survival of Women and Girls, we believe that advancements in Indian education will off-set some of the negative social factors that contribute to violence and will give rise to community environments where tribal economies will not only survive, but flourish. President Obama's Executive Order 13592 of December 2, 2011, on "Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities," marks an important milestone in the effort.

We do not underestimate the challenge before us. Ending violence against Native women will require a sustained effort and ongoing collaboration from the tribal and federal systems. Partnership is crucial in our efforts to end the violence.

Thank you for giving me the opportunity to speak.