



March 15, 2019

Representative Ruben Gallego
Chairman, Subcommittee on Indigenous Peoples of the United States
Longworth House Office Building #1131
Washington, DC 20515

RE: Subcommittee Hearing “Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women (MMIW): Exploring Solutions to End the Cycle of Violence.”

Dear Chairman Gallego, Ranking Member Cook, and members of the House Subcommittee:

On behalf of Amnesty International USA (AIUSA) and our more than one million members and supporters and members nationwide, we submit this statement for the record.

Since 2007, Amnesty International has documented alarming rates of violence against Native American and Alaska Native women and girls, particularly in regards to sexual violence. Our report, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA*, documented the alarming rates of sexual violence against Native American and Alaska Native women. We detailed how sexual violence against Indigenous women is the result of a number of factors and continues a history of widespread human rights abuses against Indigenous peoples in the United States.¹ We also documented the failures of the US government to adequately prevent or respond to such violence, and the many barriers that faced Native American and Alaska Native women and girls in ensuring their right to safety and freedom from violence, including sexual violence; right to the highest standard of care, including after a sexual assault; and their right to justice. These barriers include chronic underfunding of tribal law enforcement and the Indian Health Service, complex jurisdictional issues, lack of appropriate training in all police forces, and limited and outdated data regarding the scale and scope of violence against Native American and Alaska Native women and their ability to access services (like basic post-rape care) or law enforcement or judicial engagement. We are concerned about the same failures of protection and barriers facing Indigenous communities in regards to missing and murdered Indigenous women and girls.

The crisis of missing and murdered Indigenous women and girls is a human rights crisis. Indigenous women and girls are disappeared or murdered each year at alarming rates in the United States. Because there is no consistent and standardized reporting on the issue, tribal epidemiology center, the Urban Indian Health Institute (UIHI) compiled 506 cases of missing and murdered American Indian and Alaska Native women across 71 cities in their 2018 report, *Missing and Murdered Indigenous Women and Girls*.²

The Center for Disease Control and Prevention has reported that murder is the third-leading cause of death among American Indian and Alaska Native women and that rates of violence on reservations can be up to ten times higher

¹ Amnesty International USA, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA*. 2007. <https://www.amnestyusa.org/wp-content/uploads/2017/05/mazeofinjustice.pdf>

² Urban Indian Health Institute, *Missing and Murdered Indigenous Women and Girls*. 2018. <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>



than the national average.³ However, no research has been done on rates of such violence against American Indian and Alaska Native women living in urban areas despite the fact that approximately 71% of American Indian and Alaska Natives live in urban areas.

Though there are critical issues regarding jurisdiction of Missing and Murdered Indigenous Women and Girls (MMIWG) cases on reservations and tribal lands, lack of prosecution, lack of proper data collection, prejudice, and institutional racism are factors that also occur in urban areas. UIHI filed FOIA (Freedom of Information Act) requests with municipal police departments in all 71 cities included in the survey. The FOIA process requires intensive follow up and resources from the requesting agency. In response to its FOIA requests, UIHI received invoices requesting payments for this information.

Nine cities (13% of total) reported the inability to search for American Indian, Native American, or Alaska Native in their data reporting systems despite the commonly expected practice of classifying victims by race. Of the agencies that did provide data, nine (23%) located data prior to 1990, 18 (45%) located data prior to 2000, and 29 (73%) located data prior to 2010. The oldest case UIHI identified happened in 1943, but approximately two-thirds of the cases in UIHI's data are from 2010 to 2018.⁴ This suggests the actual number of urban MMIWG cases are much higher.

The barriers in accessing data on this issue from law enforcement impede the ability of communities, tribal nations, and policy makers to make informed decisions on how best to address this violence.

In October of 2017, former U.S. Senator Heidi Heitkamp (D-ND) introduced Savanna's Act (named after Savanna LaFontaine-Greybird, a Native American woman from North Dakota who was murdered), as the first piece of major legislation specifically addressing Missing and Murdered Indigenous Women and Girls. It passed the U.S. Senate unanimously in December of 2018. In early 2019, U.S. Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV) reintroduced Savanna's Act.

Savanna's Act requires the Department of Justice (DOJ) to update the online data entry format for federal databases relevant to cases of missing and murdered Indians to include a new data field for users to input the victim's tribal enrollment information or affiliation.

Savanna's Act will also require that the DOJ:

- make standardized law enforcement and justice protocols that serve as guidelines with respect to missing and murdered Indigenous women,
- meet certain requirements to consult with tribes, and
- provide Tribal governments and law enforcement agencies with training and technical assistance relating to the development and implementation of the law enforcement and justice protocols.

³ Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. *Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014*. MMWR Morb Mortal Wkly Rep 2017;66:741–746. <http://dx.doi.org/10.15585/mmwr.mm6628a1>

⁴ Urban Indian Health Institute, *Missing and Murdered Indigenous Women and Girls*. <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>



AIUSA recommends:

- Requiring the DOJ, Interior, and HHS (Health and Human Services) to solicit recommendations from Tribal nations on enhancing the safety of missing Native American and Alaska Native women and girls and improving access to crime information databases and criminal justice information systems during the annual consultations mandated under the Violence Against Women Act.
- Requiring the creation of standardized guidelines for responding to cases of missing and murdered Native Americans and Alaska Natives, in consultations with Tribal governments, which will include guidance on inter-jurisdictional cooperation among tribes and federal, state, and local law enforcement.
- Requiring statistics on missing and murdered Native American and Alaska Native women and girls, and recommendations on how to improve data collection, to be included in an annual report to Congress and passage of the Savanna's Act

For more information, please contact Tarah Demant by phone at: 202-509-8180 or email at: tdemant@aiusa.org

Sincerely,

A handwritten signature in black ink, appearing to read 'Tarah Demant', written in a cursive style.

Tarah Demant
Director, Gender Sexuality and Identity Program
Amnesty International USA