



*September 2016*

## **BACKGROUND**

On June 29, 2016, President Obama traveled to Ottawa for the North American Leaders Summit (NALS) to meet with the President of Mexico and the Canadian Prime Minister to discuss a variety of topics impacting our shared borders. Among the many commitments announced at the NALS was a tri-lateral commitment to address the high levels of violence against indigenous women and girls that exists across North America. This commitment appears in the White House [Fact Sheet](#) on Key Deliverables for the 2016 North American Leaders' Summit under the "security and defense" pillar. All three countries agreed that the high levels of violence endured by indigenous women and girls across the region warrants increased attention and coordination, resulting in the formation of the new North American Working Group on Violence Against Indigenous Women and Girls (the Working Group), which will meet for the first time in October in Washington, D.C.

Across Canada, the United States, and Mexico, indigenous women and girls face alarmingly high levels of violence and often lack access to justice, health care, and social services. A new [report](#) from the United States Department of Justice (DOJ), National Institute of Justice (NIJ), which was released in May 2016, found that more than 84% of Alaska Native and American Indian women had experienced some form of violence in their lifetimes. According to the researchers, of those women, 66% experienced psychological violence, 56% experienced sexual violence, 55% experienced physical violence from an intimate partner, and 49% experienced stalking. Despite the grave need for support and protection from this violence, 38% of Alaska Native and American Indian female victims were unable to access legal, medical, and other services. The report also found that, among the women who reported experiencing violence in their lifetimes, 97% of victims experienced violence by a perpetrator who was not American Indian or Alaska Native.

These disturbing statistics underscore the importance of the Special Domestic Violence Criminal Jurisdiction (SDVCJ) provisions in the 2013 Reauthorization of the Violence Against Women Act (VAWA), which recognized tribes' inherent power to exercise special criminal jurisdiction over non-Indian offenders who commit domestic violence, dating violence, or violate certain protection orders. As the data in the NIJ study show, interracial violence is unacceptably common in Indian Country and this provision is needed to hold non-tribal offenders accountable for their crimes.

Regional coordination on the challenges presented by the incidence of this violence across borders comes at a pivotal time. According to [reports](#) by the Royal Canadian Mounted Police, indigenous women and girls face greater risks of violence and homicide. In recognition of this situation, the Trudeau government, in partnership with First Nations advocates, has officially launched a [National Inquiry](#) into Missing and Murdered Indigenous Women and Girls. Likewise, in Mexico, lethal violence against indigenous women and girls is a serious problem. Across Latin America, including in Mexico, it is estimated that indigenous women and girls are



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disproportionately the victims of *femicidios* (gender-motivated killings) according to a [report](#) prepared by the United Nations Permanent Forum on Indigenous Issues.

Given the widespread impact of this violence, the governments of Mexico, Canada, and the United States have resolved to work together as part of the Working Group, with the goals of:

- Exchanging knowledge of comprehensive policies, programs and best practices to prevent and respond to violence against indigenous women and girls through increased access to justice and health services, with a human rights and multicultural approach;
- Enhancing cooperation to address violent crimes against indigenous women and girls, including human trafficking, residing on or off their tribal, First Nations, and indigenous lands and across our borders;
- Improving the response of our justice, health, education, and child welfare systems to violence against indigenous women and girls; and
- Strengthening the capacity of our health systems to provide culturally-responsive victim services.

The [2015 Tribal Consultation Report](#), recently published by the U.S Department of Justice's Office on Violence Against Women (OVW), demonstrates that there are a number of challenges posed by the U.S.-Mexico and U.S.-Canada borders. In preparation for the first Working Group meeting in October, the Department has developed this framing paper and is seeking input from tribal leaders through two upcoming listening sessions. These listening sessions will supplement the information received on an annual basis through OVW's Tribal Consultation.

The schedule for the listening sessions is below:

- 1) Conference Call with Tribal Leaders, 3:00 p.m. Eastern Time, September 16, 2016
- 2) In-person with Tribal Leaders, 9:30 a.m. – 11:30 a.m. Eastern Time, September 28, 2016

Following the first Working Group meeting in October, the Department will share outcomes of the meeting, as well as solicit tribal input regarding subsequent directions for the Working Group, at its Eleventh Annual Government-to-Government Tribal Consultation on Violence Against Women to be held on December 6, 2016 on the reservation of the Agua Caliente Band of Cahuilla Indians in Palm Springs, California. Information on registering for this annual tribal consultation on violence against women issues can be found at <http://ovwconsultation.org/>.

The Department welcomes comments on the issues presented here, as well as on any other issues regarding violence against indigenous women and girls and the work of the Working Group.

## **QUESTIONS:**

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- 1. (As applicable) What types of challenges in responding to violence against women and girls in your community are presented by shared borders with Canada/Mexico? For example, do shared borders make it difficult to prevent or respond to trafficking of indigenous women and girls or hinder the enforcement of protection orders?**
- 2. (As applicable) What type of interactions have your tribal law enforcement and victim services programs had with law enforcement and victim services programs in Canada/Mexico, with regard to domestic violence, sexual assault, stalking, or human trafficking?**
- 3. Canada has recently officially launched a National Inquiry into Murdered and Missing Indigenous Women and Girls. What has been the experience of your tribe with missing Native women and girls and domestic violence homicides, sexual assault, or trafficking?**
- 4. In preparing to exchange information with the governments of Canada and Mexico regarding best practices to prevent and respond to violence against indigenous women and girls, what policies, programs and practices do you believe should be highlighted or addressed? Additionally, what barriers, challenges and ongoing needs do you think should be highlighted, as well as recommendations to address those needs?**