



Sexual Assault Advocacy In Tribal Communities Resources for Responding

Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) is a statewide tribal coalition and national Tribal technical assistance provider that has worked since 2001 to end gender-based violence and enhance Tribal, state, and federal responses to sexual violence and sex trafficking.

MIWSAC uses culturally based training, technical assistance, strategies, resources, tools, and a wide range of events and activities to engage and support survivors of sexual violence, advocates, service providers, community, and allies that are working to end sexual violence and sex trafficking across Minnesota's 11 federally recognized Tribal Nations, urban Native bases, and Tribal communities across the country.

MIWSAC's work is grounded in the philosophy that each of us have a role, purpose, and place in eradicating sexual violence. As we galvanize across gender, race, age, orientation, expertise, and experience, we are all safer.

- Education & Training: 40-Hour Native-Specific Sexual Assault Advocacy Training, Annual Conference, Peer Trainings, Elevate|Uplift National Technical Assistance and National Dialogue Platform, Tribal Sexual Assault Services Program National Technical Assistance;
- Membership & Outreach: Quarterly Coalition Meetings, Sustaining Our Advocacy Retreats, Site Visits, Visioning Our North Star;
- Public Awareness: Missing and Murdered Indigenous People's March, Solidarity Shawl Project, Barrette Project-Living Memorial, Survivor Pow-Wow, Radio PSA's, Sexual Assault Awareness Month Learning Series, LGBTQ2S Educational Brochure, MMIW Task Force;
- Prostitution and Trafficking of Native Women: Beacon Project National Technical Assistance, Trafficking National Technical Assistance, Garden of Truth Report, presentations and trainings as requested;
- Engaging Native Men and Boys in Sexual Violence Prevention: Indigenous Men's Summits, Webinars, [Making Space to Rise](#) Video and Community Discussions;
- Policy: MMIW Task Force, Trafficking Task Force, coordination with state agencies, Decolonizing Our Work Materials;

This project was supported by Grant No. 2017-TA-AX-K025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the meeting do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women.

Updated August 2020



Sexual Assault Advocacy In Tribal Communities Resources for Responding

To help in preparing and improving advocates and volunteers to provide effective and inclusive advocacy for LGBTQ2S (Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, Two Spirit Survivors, we suggest MIWSAC's webinar "[Responding to LGBTQ2S Survivors](#)".

For information & resources on sexual assault in Indian Country, please contact [MN Indian Women's Sexual Assault Coalition](#) and check out our [Facebook page](#) for announcements and Facebook live videos.

For more information on [trafficking in Indian country](#), [MN Indian Women's Sexual Assault Coalition](#) Sex Trafficking Conferences and [Sex Trafficking in Indian Country Introduction and Resources](#) and [Tribal Law and Policy](#) websites provides comprehensive information on sex trafficking as it impacts Native people and Native nations; including, publication resources, victim service directories, and training calendars.

[MN Indian Women's Sexual Assault Coalition's](#) video "Making Space to Rise" is intended as a tool to increase conversations in your community about sexual violence against women. The video and [guide](#) is structured to guide the process of opening those conversations based on the experiences of men engaging other men and youth to talk about what we see, hear, and learn about sexual violence and how that influences our reactions to violence against women. Primarily geared toward men, these tools can be used with other groups – elders, professionals, mixed gender/co-ed, etc.

[Native Youth Toolkit on Human Trafficking](#): Among the diverse populations affected by human trafficking, indigenous peoples worldwide are at particular risk for both sex trafficking and labor trafficking. The HHS Administration for Native Americans (ANA) notes that American Indian, Alaska Native, Native Hawaiian, and Pacific Islander women and girls are at higher risk for experiencing sex trafficking.

[National Indian Country Clearinghouse on Sexual Assault](#) provides tools for teams working in Indian Country and discusses the cooperative partnerships that are both formal and informal.

[Tribal Coalitions and Sex Trafficking Service Providers](#) use Office on Violence Against Women (OVW) program grants to increase awareness of domestic violence and sexual assault, including sex trafficking and stalking, against American Indian and Alaska Native women; Enhance the response to violence against women at the tribal, federal, and state levels; and Identify and provide technical assistance to coalition membership and Native communities to enhance access to essential services. For individuals searching this site for resources we suggest contacting their

This project was supported by Grant No. 2017-TA-AX-K025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the meeting do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women.

Updated August 2020



Sexual Assault Advocacy In Tribal Communities Resources for Responding

local tribal coalition for assistance first, because the coalitions' network will increase chances of receiving services or referrals immediately.

[Mending the Sacred Hoop Technical Assistance Project](#) improves the safety of American Indian women who experience battering, sexual assault, and stalking by offering training, technical assistance, and resource materials that specifically address violence against AI/AN women.

[Elevate/Uplift](#) is a program started out of the Sexual Assault Demonstration Initiative that looked at using a framework of trauma-informed and healing-centered care, organizations can make a difference in the lives of survivors.

[Maze of Injustice](#) provides information on and recommendations for overcoming law enforcement policing issues, providing forensic medical examinations, overcoming barriers to prosecution, and providing accessible support services for survivors.

[Healing Journey for Alaska Native Victims](#)

Video 1: Responding to Survivors of Violence

This video provides an overview of the multiple challenges victims face when pursuing safety and justice in Alaska, including geographic, climate, and jurisdictional realities. Traditional values, local customs, cultural practices, and trauma-informed care help victims to heal and serve to promote the well-being of communities.

Video 2: First Responders to Victims of Violence

This video focuses on community-driven responses to victims in Alaska villages. Although many challenges remain, well-coordinated responses that integrate tribal- and community-based approaches with other resources are changing outcomes for victims and communities.

Video 3: Multidisciplinary Responses to Victims of Violence

This video illustrates the multidisciplinary approach that brings together a range of professions to ensure timely, comprehensive, and victim-centered responses. Teams must be flexible and responsive to the range of short- and long-term needs of Alaska Native victims, including cultural, emotional, physical, and geographic needs.

Video 4: Community Responses with Victims and Offenders

This video highlights holistic and community-based approaches to victims and offenders. It also addresses the significant impact historical trauma has had on some Alaska Natives. Offenders often return to their homes and communities; therefore, communities must be actively involved

This project was supported by Grant No. 2017-TA-AX-K025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the meeting do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women.

Updated August 2020



Sexual Assault Advocacy In Tribal Communities Resources for Responding

in re-entry efforts to ensure the safety of victims and community members.

[Guidelines for Community Response to Sexual Assault in Alaska](#) was created to provide a framework for developing, training, and implementing community sexual assault response in Alaska.

Medical Resources

[Safestar](#) is a unique model of healthcare for AI/AN communities that draws upon the strength and resilience of Indigenous women to put an end to sexual violence, while also providing compassionate and holistic care for women and teen victims. Specially selected and qualified Native women learn the skills necessary to deliver emergency first aid to sexual assault survivors, collect sexual assault forensic evidence to promote accountability for the perpetrators, and provide referrals for follow-up care.

[Indian Health Service, U.S. Department of Health and Human Services](#) raises the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level.

[Indian Health Services Chapter 29 Sexual Assault](#) provides guidelines for its facilities to follow when responding to a sexual assault for IHS facilities.

Jurisdictional Issues

Laws and Sovereign Nations impact AI/AN Nations and how systems respond to victims/survivors of sexual violence. Responders have many factors to consider stemming from treaties that have been signed and laws created by the U.S. Congress.

Challenges of determining criminal jurisdiction, when there are concurrent jurisdictions, explains unclear jurisdictional boundaries, untimely action, or no action/response at all. Prosecution may happen in Tribal Court, Federal Court, or State Court. There are several contributing factors when it comes to determining jurisdiction. Federal and state jurisdictions must work collectively with tribal jurisdictions to set up appropriate protocols for notification of a crime and jurisdictional transfer proactively. [A General Guide to Criminal Jurisdiction in Indian Country](#) for tribes and non-native programs working with tribes is a valuable resource.

[Major Crimes Act](#) was the first layer of federal law placed on Native communities and still comes into play today. For major crimes committed by an Indian on Native land, the Federal Bureau of Investigation (F.B.I.) and U.S. federal court prosecutes. U.S. Supreme Court case *Ex Parte Crow*

This project was supported by Grant No. 2017-TA-AX-K025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the meeting do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women.

Updated August 2020



Sexual Assault Advocacy In Tribal Communities Resources for Responding

Dog (1883) allows for federal prosecution in *Indian Country* for the major crimes such as murder, kidnap, rape and mayhem.

Utilizing [U.S Department of Justice 689. Jurisdictional Summary chart](#) will be a valuable resource in clarifying jurisdictional boundaries including Public Law 280 Tribes. [Public Law 83-280](#) (PL 280) shows the state jurisdiction over offenses committed by or against American Indians, on Indian land. It also clarifies the state civil jurisdiction in actions to which American Indians are parties to.

[Understanding VAWA and Title IX. Safety for Indian Women](#), [VAWA 2013](#), and [Tribal Jurisdiction over Non-Indian Perpetrators](#) of Domestic Violence, Dating Violence, and Criminal violations of protection orders will help to clarify VAWA and its impact on AI/AN women and men. The [Implementation chart of VAWA](#) have identified which tribes are implementing or plan to assert their jurisdictional authority over non-Indian perpetrators. The [Tribal Implementation of VAWA](#) resource center explains the process.

Congress passed the [Indian Civil Rights Act of 1968](#) to address civil rights in Indian country. [Tribal justice and safety](#) shows how the U.S. Dept. of Justice is addressing high rates of violence against AI/AN women. The Constitution's protections for individual liberties, embodied in the Bill of Rights and elsewhere, do not apply to tribal government.

The [Supreme court affirms tribal court jurisdiction over Dollar General Corporation](#). The National Indigenous Women's Resource Center's summary explains the *Decision upholds tribal civil jurisdiction over non-Indians who sexually assault Native children on tribal lands*.

Jurisdictional Considerations

The U.S. constitution and hundreds of treaties, federal laws, and court cases acknowledge that Indian tribes are sovereign governments. Despite this fact, Indian tribes are the only government in American without jurisdiction to combat certain types of domestic violence in their communities. [S.1925, the VAWA Reauthorization Act](#), addresses this jurisdictional gap with local solutions that will deliver long-overdue justice to Native women and safety to tribal communities.

When a crime of sexual assault/sex trafficking is committed in Indian Country, the law enforcement response could include tribal police, state or local law enforcement, the Bureau of Indian Affairs, and/or the Federal Bureau of Investigation. At times, the difficulty of determining criminal jurisdiction, particularly when there may be concurrent jurisdictions, there may be unclear jurisdictional boundaries, untimely action, or no response at all. A [689. Jurisdictional Summary](#) chart and [Safety for Native Women: VAWA and American Indian Tribes](#) by the [National](#)

This project was supported by Grant No. 2017-TA-AX-K025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the meeting do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women.

Updated August 2020



Sexual Assault Advocacy In Tribal Communities Resources for Responding

[Indigenous Women's Resource Center](#) is utilized by many tribal programs to understand the jurisdictional complexities.

While Native nations are sovereign governments, federal sex trafficking laws apply to Indians and Indian Country. Like other areas of the law, native nations are beginning to assert the full jurisdiction of their tribal courts and developing increasingly sophisticated laws and codes in addition to their traditional forms of self-governance already in place. So, there are a few places in Indian Country where both federal and tribal law apply. A full list of Tribal Codes can be found at [Tribal Court Clearing House](#) and the [National Indian Law Library](#) has a full list of each of the Tribal Codes.

[Walking on Common Ground](#) for more information about collaboration, criminal jurisdiction and Tribal-State-Federal Collaborations.

The [National Congress of American Indians](#) provides a better understanding of Tribal Nations, history, and their governments today.

[Title IX Safety for Indian Women](#) explains the unique legal relationship of the United States to Indian tribes and created a federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

[VAWA Reauthorization –s.1925 Key Tribal Provisions Overview clarifying Title IX, Safety for Indian Women, National Indigenous Women's Resource Center, Safety for Native women: VAWA and American Indian Tribes](#) breaks down some of the complexities.

[Legal barriers for Native Women](#) is a YouTube PowerPoint that discusses in depth the legal barriers for Native Women by the National Indigenous Women's Resource Center that covers safety from sexual assault, justice in tribal, federal, and state systems, and services designed for and by tribal women based on tribal beliefs and practices.

Legal Resources

[Indian Law Resource Center](#) provides legal assistance to AI/AN nations who are working to protect their lands, resources, human rights, environment, and cultural heritage.

[National American Indian Court Judges Association](#) supports AI/AN justice systems through education, information sharing, and advocacy. Its membership are primarily judges, justices, and peacemakers serving in tribal justice systems. The site offers publications, tribal codes, tribal constitutions, court opinions, and links to tribal organizations.

This project was supported by Grant No. 2017-TA-AX-K025 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the meeting do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women.

Updated August 2020



Sexual Assault Advocacy In Tribal Communities Resources for Responding

Other Resources

The special conditions of the Cooperative Agreements between OVW and the individual TA providers require TA providers to post all pending and approved project events to the [TA2TA Calendar](#). This allows other TA providers, OVW grantees, potential grantees, subgrantees, and OVW to avoid scheduling conflicts, be informed about TA provider events, and access in-person and on-line educational opportunities.