

Inequity and Violence: Indigenous Women and Sex Trafficking Policies

Becca Archer

University of Nebraska: Kearney, Department of Social Work

March 30th, 2021

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 1

Colonization began the destruction of Indigenous populations and culture. Today, Indigenous populations have been denied equal protection, civil rights and are continuously dehumanized through poor policy implementation. For many Indigenous populations, the lack of attention on sex trafficking of Indigenous women by the federal and state governments, is another example of how the United States government has failed to implement policies that protect them. Sex trafficking is prevalent in Indigenous communities because of the broader social and economic problems that are common among communities, as well as state and federal legislation that has not been effective in prevent sex trafficking.

Population Description

A disproportionate amount of Indigenous women that fall victim to sex trafficking because of the broader economic and social problems that Indigenous women face. Sex trafficking is a form of human trafficking that has been defined through the Trafficking Victims Protection Act of 2000 as, “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.”¹ The coercion that Indigenous women face is a dehumanizing tactic to supply modern-day slavery. For example, in South Dakota, forty percent of sex trafficking victims identify as Native American, although they only represent eight percent of the population. In Minnesota, twenty-five percent of women arrested for prostitution are Native American— comprising less than two percent of the state’s population.² This is limited perspective of the entire scope of the amount of Indigenous women

¹ “Sexual Violence | Violence Prevention | Injury Center | CDC.” *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 5 Feb. 2021

² Armitage, L. (2015, July 15). ‘Human Trafficking Will Become One of the Top Three Crimes Against Native Women.’

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 2

that become victims to sex trafficking. This is because “many trafficking victims do not identify themselves as victims. Some suffer from fear, shame, and distrust of law enforcement ... [and] ... develop traumatic bonds with their traffickers because of the manipulative nature of this crime.”

³ Indigenous women will continue to be exploited and coerced into sex trafficking with the current limited and ineffective policies that are intended to protect victims from sex trafficking.

Human Rights Violations and Inequities

Poverty

Many Indigenous communities have the nation's highest poverty rates. On many reservations, there is a direct disconnect from the states' industrialization and economic lifelines. For example, the Pine Ridge reservation in South Dakota has an unemployment rate of ninety percent. Additionally, the average annual per capita income is \$4,000 USD. ⁴ On other reservations, the poverty rate ranges between thirty-eight to sixty-eight percent. Many families are forced to live without basic utilities and allocate funds towards food and transportation.⁵

The high rates of poverty within Indigenous communities forces many individuals to make difficult decisions to survive. This opens the opportunity for sex trafficking recruiters and pimps, individuals associated with living off the wages of prostitutes, to promise victims a quick source of income. Traffickers convince victims to become involved in “escorting” services.

Before a victim is allowed to work in these services, traffickers will charge a “choosing fee.”

³ Sweet, V. (2014). Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada. *The Yearbook of Polar Law Online*, 6(1), 162-188.

⁴ Pine Ridge Indian Reservation-- Re-Member. (2018).

⁵ Lester, D. (1999). *Crime and the Native American*. Springfield, IL: Charles C. Thomas Publisher.

This is an amount that the pimp requires the victim to pay in order to work for the pimp.

Manipulation is used as a tactic to maintain control over victims. This includes withholding money, inflicting violence and abuse, and requiring payments if a victim desires to leave working for the traffickers.⁶ Inevitably, victims feel stuck with no ability to leave once they have become victims of sex trafficking. This is if victims are aware of the abuse and have a desire to leave.

This model actively maintains control over victims and provides limited opportunity for escape.

Domestic and Sexual Abuse

Indigenous women are victims of domestic and sexual abuse compared to their white counterparts. For example, thirty-four percent of Native women will be raped in their lifetime. This can be compared to nineteen percent of African-American women, eighteen percent of white women, and seven percent of Asian and Pacific Islander women.⁷ The Minnesota Indian Women's Resource Center reported that fifty-five to ninety percent of adult Native American women were sexually abused at home in their childhood.⁸ Overall, Indigenous women are between 2 and 2.5 times more likely than other racial groups to experience violence and sexual abuse throughout their lifetimes.⁹ The victim's experience detrimental effects from the high rates of violence in their communities.

⁶ "Trafficking Lingo ." *Exploit No More*, 2018.

⁷ Tjaden, P., & Thoennes, N. (1998a). Prevalence, incidence, and consequences of violence against women: Findings from the National Violence against Women Survey [Research in Brief (NCJ 172837)]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention.

⁸ Alexandra (Sandi) Pierce, *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*, MINN. INDIAN WOMEN'S RESOURCE CTR., 37 (2009).

⁹ Greenfeld, L. A., & Smith, S. K. (1999). *American Indians and crime* [NCJ 173386]. Washington, DC: US Department of Justice, Bureau of Justice Statistics.

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 4

The violence that Indigenous women through childhood and on a daily basis is a crisis that directly contributes to Indigenous women being victims of sex trafficking. When an individual is a victim to sexual violence, their judgement to be able to recognize sexual exploitation can be limited. Individuals that experience abuse are more likely to have interference with “normal development of interpersonal relatedness and affect regulation... [decreasing] abuse victims’ awareness of danger.”¹⁰ This results in individuals associating abuse and coercion as a normal aspect of sexuality-- making it less likely that a victim will immediately recognize sexual exploitation. This leaves Indigenous women increasingly vulnerable to exploitation and trafficking. The high rates of violence many Indigenous women face in their childhood, in conjunction to the likelihood of such abuse later in life, synthesizes that sexual abuse Indigenous women face leaves them increasingly vulnerable to sex trafficking and sexual exploitation.

Substance Abuse

In addition to the issues that already disenfranchise Indigenous populations, high rates of substance abuse is extricatingly damaging to Indigenous communities. On many reservations, there are high rates of alcoholism -- a form of ‘liquid genocide.’ Indigenous populations have the highest rates of binge drinking, heavy drinking, and infants born with fetal alcohol syndrome, even though alcohol is illegal on many reservations. For example, in White Clay, Nebraska, a town with a population of twelve that sits right outside of the Pine Ridge Reservation in South Dakota, had four liquor stores and sold more than forty-two million cans of beer in a decade to Indigenous individuals who live on the reservation.¹¹ The liquor stores were later shut down in

¹⁰ “Sexual Revictimization .” *National Sexual Violence Research Center*, 2012,

¹¹ Mae, Alyssa, et al. “Nebraska's Shameful Legacy.” *The Wounds of Whiteclay*, University Of Nebraska - Lincoln, School of Journalism and Mass Communications, 2017.

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 5

2016. Additionally, Indigenous populations have the highest abuse rates of methamphetamines, tobacco, marijuana, nonmedical pain relievers, and nonmedical use of psychotherapeutics.¹²

Substance abuse rates are high among Indigenous communities because of economic disadvantages, cultural loss, the history of physical and sexual abuse, and physical and mental health problems.

Substance abuse plays a large role in those who become victims of sex trafficking. Coercion is one of the main ways that traffickers use to control victims. This means that those who have substance abuse issues are at a higher risk to be coerced directly through their addiction. Specifically for Indigenous women, the correlation between sex trafficking and substance abuse is prevalent. For example, Lisa Brunner, a member of the White Earth Ojibwe Nation in Minnesota and an advocate for victims of sexual assault and domestic abuse, explained in a testimony to her local senate:

“...we have girls as young as 12 years olds who are victims [of sex trafficking]. With the introduction of heroin, we now have an epidemic of the same age group and up of girls and women who are trafficked now have heroin needles in their arms. Native women and girls are sold for \$20 worth of heroin.”¹³

Victims are increasingly younger and most victims already have an addiction to a particular substance. Most victims that do not have addiction will form one due to the nature of sex trafficking.¹⁴ Substance abuse has plagued reservations and, as a result, increased sex trafficking of Indigenous populations.

¹² Reviewed by Michael Kaliszewski, PhD Last Updated: February 12. “Substance Abuse Statistics for Native Americans.” *American Addiction Centers*, 13 Feb. 2021,

¹³ “The Devastating Impact of Human Trafficking of Native Women on Indian Reservations” Testimony of Lisa Brunner, Program Specialist September 23, 2013

¹⁴ How Heroin Traps Women In A Cycle of Sex Work And Addiction. (2018, January 11).

Effective Policing

Effective policing is difficult in many Indigenous communities due to the high volume of cases and understaffed police forces. Police forces on many reservations often have to cover the size of Delaware with no more than nine police officers in the entire force.¹⁵ Even though reservations tend to have low populations, all of the United States' recognized reservations have an average violent crime rate of 2.5 times higher than the national average. Reservations, also, have the lowest number of prosecuted cases in the United States-- making crime virtually improbable of repercussions.¹⁶ In conjunction with reservation police being understaffed and the high crime rates, effectively policing reservations remains difficult.

A lack of effective policing in many Indigenous communities make preventing sex trafficking nearly impossible. In addition to limited staff, reservation police forces do not have access to many resources or funds. Thus, reservation police tend to not have access to the proper training to process sex trafficking cases.¹⁷ Mainly, reservations police often do not even have the opportunity to pursue sex trafficking cases because they have to prioritize emergency calls over long-term investigations.¹⁸ This allows traffickers free reign of Indigenous communities to openly coerce victims with ease. Additionally, Indigenous women have limited resources to rely on when it comes to sex trafficking. This leaves women more likely to submit to traffickers rather than seek assistance from law enforcement because a sense of distrust has been formed.

¹⁵ Wakeling, Stewart, et al. "Policing on American Indian Reservations." *U.S. Department of Justice*, 2001.

¹⁶Crane-Murdoch, S. (2013, February 22). On Indian Land, Criminals Can Get Away With Almost Anything.

¹⁷ Maze of Injustice – Amnesty International USA. (n.d.).

¹⁸ Logan, M. (2016). Human Trafficking Among Native Americans: How Jurisdictional and Statutory Complexities Present Barriers to Combating Modern-Day Slavery. *American Indian Law Review*, 40, 293-324.

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 7

Reservation police forces lack the resources to focus a spotlight on sex trafficking of Indigenous women.

Racial fetization

The hypersexualized images of Indigenous women contributes directly to sex trafficking. Individuals are able to openly express their racist sexual fantasies-- requesting that Indigenous women wear their hair down, refer to the women as Pocahontas, and demand the women worship them.¹⁹ Additionally, traffickers continue to target Indigenous women because “they feel that they are versatile and they can post them [online] as Hispanic, Hawaiian, Native, [and] as Asian.”²⁰ Because of the vulnerability that exists in Indigenous communities, women will continue to be targeted to fulfill racial based sexual fantasies of those demanding it.

Current Policies and Recommendations

The sex trafficking in Indigenous communities has gain momentum in the national spotlight. States that have large Indigenous women that fall victim to sex trafficking have started to promote the public’s awareness and allocate more funds to prevent sex trafficking. Additionally, there has been national legislation and local legislation passed to decrease the number of those that become victims of sex trafficking.

The main national legislation is The Victims of Trafficking and Violence Prevention Act that aims to combat trafficking individuals and “ensure just and effective punishment of traffickers, and to protect their victims.”²¹ It has been reauthorized three times since it was

¹⁹ Deer, S. (2015). *The Beginning and End of Rape, Controlling Sexual Violence in Native America*. Minnesota.

²⁰ Peirce, A., & Koepplinger, S. (2011). *New Name, Old Problem: Sex Trafficking of American Indian Women & Children*.

²¹ Victims of Trafficking and Violence Protection Act of 2000, Public Law No. 106-386 (2000).

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 8

originally passed in 2000. National efforts in this legislation include, but not limited to, government assistance to victims of trafficking, allowing victims to sue traffickers in federal court, implementing grant programs and training to state and local law enforcement agencies, changing the standard of proof to make it easier to prosecute traffickers, increasing penalties for those involved in trafficking, and providing resources to services for survivors and to prevent trafficking in the first place.²² The Victims of Trafficking and Violence Prevention act seeks to assist victims and prevent trafficking from happening.

In addition to national legislation, state legislation has been passed in hopes to reduce sex trafficking. States that have large indigeneous populations have started to lead public awareness campaigns against sex trafficking and placing and, in hopes of reducing the number of victims, introducing new preventative measures against sex trafficking. Additionally, an increasing number of states are passing Safe Harbor laws. This is a direct effort to view minors arrested for prostitution as victims rather than criminals. Additionally, many states have raised fines against traffickers and some have initiated new rehabilitation programs for victims.²³ Increased local efforts seek to protect disenfranchised individuals to fall victim to sex trafficking.

Despite the large effort to prevent trafficking, this problem continues to grow. To help combat sex trafficking, current Safe Harbor legislation ought to be expanded to include adults who are trafficked and arrested for prostitution and be viewed as victims. Additionally, legislation that places more funding and increases recruitment efforts ought to be passed to expand the effectiveness and ability to pursue, investigate, and prosecute trafficking cases. This would lead to an increase Indigeneous women reaching out to law enforcement. Additionally, there should be

²² "Human Trafficking Laws & Regulations." *Department of Homeland Security*, 19 Sept. 2019.

²³ *Breaking Free: Native American Women Tell How They Survived Sex Trafficking*. (n.d.).

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 9

legislation passed to mitigate the factors that contribute to Indigenous women becoming sex trafficking victims, such as legislation that encourages community development of indigenous communities.

Furthermore, more funding should be placed towards victim services for Indigenous who are sex trafficking victims. Victim service organizations play a key role in helping victims with “... comprehensive case management...[and] navigating the legal system, [as well as], provid[ing] assistance to law enforcement...” to effectively prosecute traffickers.²⁴ Victims are often provided therapy, rehabilitation, recovery, and restorative services through victim services organizations. These victim services assist in legal proceeds, which is often complicated and lengthy. Ensuring that victim services are adequately funded on a national and state level can help ensure that victims are able to feel safe and heal from their abuse.

Conclusion

Sex trafficking rates are high through many Indigenous communities. These communities have lived in poverty, with high addiction and substance abuse, sexual and domestic assault rates for decades. This has caused indigenous women to be placed at high risk of being sex trafficked. Additionally, most reservation police forces understaffed and under resourced. National and state level legislation has been implemented, but has not been effective at reducing the trafficking rates of indigenous women. Placing funds towards community development and reservation police forces can help deter sex trafficking. Efforts like ensuring states have Safe Harbor laws, as well as more funding for victim services can reduce the amount of indigenous women who are victims to sex trafficking. In order to prevent the sex trafficking and further destruction of

²⁴ “Summary of the Trafficking Victims Protection Act (TVPA) and Reauthorizations FY 2017.” *Alliance To End Slavery and Trafficking*, 10 Mar. 2016,

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING
POLICIES

ARCHER 10

indigenous communities, of indigenous women, individuals with authority need to ensure
policies advocate for those disenfranchised.

Works Cited

Alexandra (Sandi) Pierce, *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*, MINN. INDIAN WOMEN'S RESOURCE CTR., 37 (2009).

Armitage, L. (2015, July 15). 'Human Trafficking Will Become One of the Top Three Crimes Against Native Women.'

Breaking Free: Native American Women Tell How They Survived Sex Trafficking. (n.d).

Crane-Murdoch, S. (2013, February 22). *On Indian Land, Criminals Can Get Away With Almost Anything.*

Deer, S. (2015). *The Beginning and End of Rape, Controlling Sexual Violence in Native America*. Minnesota.

Greenfeld, L. A., & Smith, S. K. (1999). American Indians and crime [NCJ 173386]. Washington, DC: US Department of Justice, Bureau of Justice Statistics.

How Heroin Traps Women In A Cycle of Sex Work And Addiction. (2018, January 11).

"Human Trafficking Laws & Regulations." *Department of Homeland Security*, 19 Sept. 2019,
www.dhs.gov/human-trafficking-laws-regulations#:~:text=The%20Victims%20of%20Traffickin g%20and,%2C%2013%20pages%20%2D%2054%20KB).

Lester, D. (1999). *Crime and the Native American*. Springfield, IL: Charles C. Thomas Publisher.

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING POLICIES

ARCHER 12

Logan, M. (2016). Human Trafficking Among Native Americans: How Jurisdictional and Statutory Complexities Present Barriers to Combating Modern-Day Slavery. *American Indian Law Review*, 40, 293-324.

Mae, Alyssa, et al. "Nebraska's Shameful Legacy." *The Wounds of Whiteclay*, University Of Nebraska - Lincoln, School of Journalism and Mass Communications, 2017, www.woundsofwhiteclay.com/_home.html.

Maze of Injustice – Amnesty International USA. (n.d.).

Peirce, A., & Koeplinger, S. (2011). New Name, Old Problem: Sex Trafficking of American Indian Women & Children.

Victims of Trafficking and Violence Protection Act of 2000, Public Law No. 106-386 (2000).

Pine Ridge Indian Reservation-- Re-Member. (2018).

Reviewed by Michael Kaliszewski, PhD Last Updated: February 12. "Substance Abuse Statistics for Native Americans." *American Addiction Centers*, 13 Feb. 2021. americanaddictioncenters.org/rehab-guide/addiction-statistics/native-americans.

"Sexual Revictimization ." *National Sexual Violence Research Center*, 2012, nsvrc.org/sites/default/files/publications_NSVRC_ResearchBrief_Sexual-Revictimization.pdf.

"Sexual Violence |Violence Prevention|Injury Center|CDC." *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 5 Feb. 2021, www.cdc.gov/violenceprevention/sexualviolence/index.html.

INEQUITY AND VIOLENCE: INDIGNEOUS WOMEN AND SEX TRAFFICKING
POLICIES

ARCHER 13

“Summary of the Trafficking Victims Protection Act (TVPA) and Reauthorizations FY 2017.” *Alliance To End Slavery and Trafficking*, 10 Mar. 2016, www.endslaveryandtrafficking.org/summary-trafficking-victims-protection-act-tvpa-reauthorizations-fy-2017-2/.

Sweet, V. (2014). Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada. *The Yearbook of Polar Law Online*, 6(1), 162-188.

The Devastating Impact of Human Trafficking of Native Women on Indian Reservations”
Testimony of Lisa Brunner, Program Specialist September 23, 2013.

Tjaden, P., & Thoennes, N. (1998a). Prevalence, incidence, and consequences of violence against women: Findings from the National Violence against Women Survey [Research in Brief (NCJ 172837)]. Washington, DC: US Department of Justice, National Institute of Justice & the US Department of Health and Human Service, Centers for Disease Control and Prevention.

“Trafficking Lingo .” *Exploit No More*, 2018, www.exploitmomore.org/uploads/1/0/1/0/101007376/trafficking_lingo_updated_october_2018.pdf.

Wakeling, Stewart, et al. “Policing on American Indian Reservations.” *U.S. Department of Justice*, 2001.