

## Influencing Policy Solutions: Navajo Nation Human Trafficking White Paper

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## Welcome & Introductions

## Partnerships



Building partnerships to take a strong stand against human trafficking of Navajo people.



## Navajo Nation Taking Action

- Genesis of the Navajo Nation Law Against Human Trafficking 2017



Human Trafficking "Blue Campaign" Awareness Walk at the Navajo Nation Council Chamber, Jan. 22, 2018

## What is Sex Trafficking?

- Sex trafficking occurs when someone uses **force, fraud, or coercion** to cause a **commercial sex act** to occur.
- A **commercial sex act** includes activities such as prostitution, pornography, and sexual performance done in exchange for anything of value (i.e. money, drugs, shelter, food, clothing, survival, etc...).

## Dynamics of Human Trafficking

- Three actors involved - victim, buyer and seller - can involve men, women, and children.
- Trafficking does not require movement across borders, but movement can be used to control the victim.
- Traffickers are often known to victims and can be intimate partners, boyfriends, acquaintances, family or friends.
- Victims do not report for many reasons: they may feel shamed; they may need money, safety or shelter; or they may be under the control of the trafficker.
- Initial consent to the activity, or knowledge of the activity, does not mean that someone is not a victim. The presence of coercive control is an important factor and victims must be given support.

## Indicators of Human Trafficking on Navajo Nation

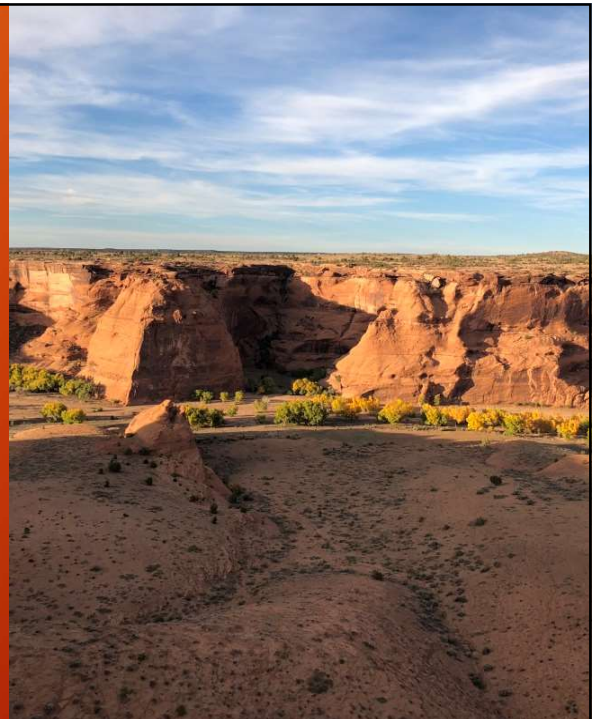
- **Socio-economic indicators:**
  - Pockets of poverty and poor local economy
  - Large, rural geographic area
- **Development indicators:**
  - Trucking thoroughways with several stops on Navajo lands
  - Casinos, hotels and gaming enterprises
  - Presence of organized crime, such as gangs
  - Online trafficking or use of social media to entice youth



## Indicators of Trafficking on Navajo Nation (cont'd)

### Links with other types of violence:

- **Missing and Murdered Indigenous Women**
  - Victims forced into commercial sexual exploitation are at a greater risk of being murdered
  - Runaway adults and teens are the most vulnerable to sex traffickers
- **Inter-personal violence**, domestic violence, sexual violence
- **Generational trauma** familiar to many Native communities
- Recent increase in **substance abuse** linked to inter-personal violence and trafficking



## Navajo Nation Law Against Human Trafficking

- A person commits human trafficking if they:
    - Recruit, solicit, entice, transport or obtain by any means another person with the intent or knowledge that Force, fraud or coercion will be used to subject that person to provide labor, services, or to engage in commercial sexual activity.
    - Benefit financially or by receiving anything of value, from the labor, services or commercial sexual activity of another person with the knowledge that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity.
- \*\* Minors induced to perform services, labor or commercial sex are human trafficking victims without requiring the elements of force, fraud or coercion.

## Navajo Nation Law Against Human Trafficking

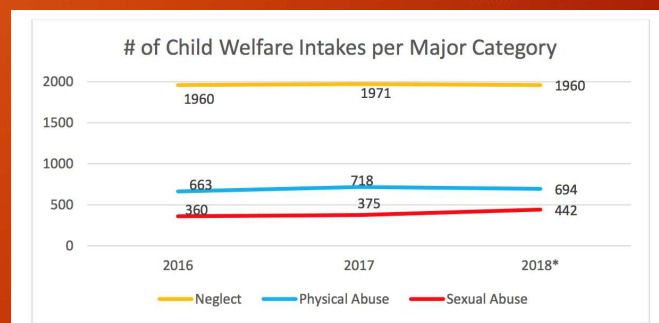
- The Navajo Nation's Law Against Human Trafficking is stronger than the federal laws because it reflects the dynamics of trafficking and is more expansive:
  - The definitions for "commercial sex act" include a broader range of activities for which traffickers can be penalized, e.g. inducing someone to participate in "sexually explicit exhibitions" such as exotic dancing.
  - The definition for "commercial sex act" also penalizes an act for which anything of value is *promised*, given or received. This addition allows for earlier intervention since the transaction must only be known but does not need to be complete for successful criminalization.

## Results of the Enacted Trafficking Law on the Navajo Nation

- With the passage of the Navajo Nation Law Against Human Trafficking, some initial sexual abuse cases are now recognized and reclassified as trafficking.
- Workers attest to many incidences of trafficking prior to the law but recently, the Navajo Nation Dept. of Family Services (NDFS) program substantiated 3 cases of child trafficking on Navajo Nation.
- Other data indicates that Navajo people are being targeted, most likely directly from Navajo Nation

## NDFS Data on Child Welfare Cases

DFS has seen an increase, since 2016, in reports of child abuse. DFS workers observe that it is likely that sex trafficking is misidentified and many of these cases involve trafficking.



## NDFS Child Welfare Cases

- 13% of DFS cases involve sexual abuse as an allegation.
- Over 90% of the alleged perpetrators in sexual abuse cases are family/close friends of family within close proximity to home.
- 8 in 9 alleged perpetrators in sexual abuse cases are adults.
- Neglect includes physical neglect, emotion neglect, medical neglect, educational neglect.

## NDFS Human Trafficking Case Profile

- 3 total cases identified
- 2 cases in 2017 after passage of the Law against Human Trafficking
- 66% of alleged incident occurred within Navajo Nation boundaries; in developed towns.



## NDFS Statistics

- 66% of alleged perpetrators are friends of family
- 33% is caretaker's boyfriend
- 100% of alleged perpetrators are adults (mid 20's, mid 40's, mid 50's)
- Primary caretaker aware of incidents in 100% of cases
- Monetary exchange resulted in aiding drug or substance abuse in 2 in 3 cases
- Monetary exchange resulted in survival; bills and food in 1 in 3 cases
- FBI investigating all cases

## What next?

- The Navajo Nation is taking a holistic approach to address all aspects of the issue including prevention and response through all means available:
  - Legal
  - Policy
  - Training and education
  - Coordination with partners
  - Data collection



## Naabik'íyáti' Sexual Assault Prevention Committee

- In Spring 2016, the Navajo Nation Council's Naabik'íyáti' Committee established the SAP Subcommittee through a resolution to address sexual violence on the Navajo Nation.
- Members:
  - Council Delegate Amber Kanazbah Crotty (chair)
  - Council Delegate Jonathan Perry (vice chair)
  - Council Delegate Nathaniel Brown
  - Council Delegate Otto Tso
  - Council Delegate Dwight Witherspoon

## Work of the Sexual Assault Sub-Committee

### Initiatives of the subcommittee include:

- Sexual violence prevention: trainings and work sessions for Navajo leadership and programs
- Creating appropriate sexual assault team responses
- AMBER Alert
- Public education initiatives: Start by Believing Campaign
- Human Trafficking: Navajo Nation White Paper and participates in the Human Trafficking Blue Campaign
- Reducing cyberbullying and revenge porn campaigns

## Navajo Leadership Efforts

- Council Delegate Nathaniel Brown appointed to the Arizona Human Trafficking Council
- Coordinate trainings and workshops to create awareness of trafficking on Navajo Nation
- SAP Subcommittee began researching proposed policy changes to the Navajo Nation Criminal Code
- Proposed legislation to pass a Protocol for Human Trafficking of Children

## Protocol for Human Trafficking of Children

The protocol requires:

- 1) Workers recognize the indicators of potential labor and sex trafficking to make an identification
- 2) Reporting, once a possible identification has been made
- 3) Coordinated response between child care workers and law enforcement to provide protection and safety
- 4) Child-centered investigation of crimes
- 5) Cooperative case management between agencies
- 6) Training of DFS workers to successfully enact protocol and recommends all agencies train employees

## Navajo Gaming Trainings

- In February, the Navajo Nation Gaming Enterprise successfully trained all gaming staff and administrators in human trafficking.
- Presenters provided curriculum to gaming employees, who can now apply this knowledge to actively combat human trafficking in gaming facilities and hotels.
- Education/training is KEY!



## Federal Policy Changes Needed

- Often federal Indian policies work against tribes when it comes to prosecution and jurisdictional issues
- Outdated federal policies need to be updated to address tribal issues happening today:
  - Indian Crimes Act
  - Major Crimes Act
  - Public Law 280
  - The Indian Civil Rights Act
  - Several judicial decisions need to be reexamined (*i.e. Oliphant v. Suquamish Indian Tribe*)
- Implementation of VAWA/TLOA to reaffirm tribal sovereignty and increase tribal jurisdiction over all perpetrators that commit sexual violence.

## DFS Human Trafficking Initiative

- Completed in Nov. 2017 with development of:
  - DFS Human Trafficking Screening Tool;
  - DFS Human Trafficking Indicator Tool;
  - Protocol for Trafficking of Child (collaborative effort with NN Criminal Investigations);
  - Internal Policies/Procedures for the investigations of Human Trafficking;
  - Internal Policies/Procedures for Reporting of Missing Children.
- First Navajo Nation program on Navajo to engage in efforts to address human trafficking.
- In 2018, all DFS child welfare staff and support staff who may come in contact with children will be trained on identifying indicators of Human Trafficking.
- Developing MOA with Arizona State University School of Social Work for regular training for identifying human trafficking and intervention methodologies.

## Data Collection

- Implementing strong response programs because trafficking is happening now
- Establishing guidelines to collect data to create policy
- Ensuring that data accurately reflects all people on Navajo Nation, including youth and LGBT2S individuals.

## Creating a Strong Response

- The Navajo Nation is a leader in addressing trafficking of Native women and youth:
  - By creating collaborations with local, state and federal partners to identify, educate and prevent trafficking;
  - By creating an expansive law that reflects the dynamics of trafficking;
  - By mandating inter-departmental cooperation to support victims from identification through long-term wellness;
  - By providing training and tools to departments to recognize trafficking;
  - By recognizing the need to collect data to influence policy AND the need to create immediate infrastructure to protect victims - one trained advocate can create pathways to safety and wellness for victims.

**In moving forward,  
what kind of ancestor do we want to be for  
our future generations?**



