



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Council amends criminal code to combat human trafficking

WINDOW ROCK – The 23rd Navajo Nation Council unanimously approved Legislation No. 0117-17 on the third day of the Summer Council Session, which amends the Navajo Nation Criminal Code Title 17 to enact the 2017 Law Against Human Trafficking.

According to the bill, it states that the intent of the law is to deter human traffickers by criminalizing certain offenses, prescribing appropriate punishment, giving priority to the investigation and prosecution of trafficking offenses, and protecting and providing justice to victims.

The legislation defines human trafficking as “the illegal recruitment, transportation, transfer, harboring, or receipt of a person, especially from another country, with the intent to hold the person captive or exploit the person for labor, services, or body parts. Human trafficking offenses include forced prostitution, forced marriages, sweat-shop labor, slavery, and harvesting human organs from unwilling donors.”

Council Delegate Nathaniel Brown (Chilchinbeto, Dennehotso, Kayenta), who sponsored the legislation, said that in his query to find human trafficking data on the Navajo Nation, he was unable to gather the information because there has never been a human trafficking law that would require the tracking of data.

“In doing some research, I found that since the time of colonization human trafficking has always been present in Indian Country. We heard of stories of the Long Walk in which women and children were forced into sexual acts and heinous crimes. We have never addressed this because we didn’t create laws up until this point,” said Delegate Brown.

Delegate Brown who worked with the Navajo Nation Department of Family Services found that the lack of human trafficking laws resulted in several potential trafficking offenses being classified as sexual abuse or prostitution.

NNDFS reported that they had cases in which girls under the age of 18 were being trafficked for prostitution and came under the services of their department. They stressed that the crime

should not fall on the victim and that children cannot consent to sex while being forced to solicit, and that Navajo Nation laws need to be shaped to fit the actual crime to prosecute traffickers.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) said although there is a lack of data regarding human trafficking on the Navajo Nation, the cases that NNDFS is reporting is alarming. He said that when the federal courts fail to prosecute the perpetrators, it is the responsibility of the Navajo Nation to ensure justice is served.

“What bothers me is how the federal courts are interpreting that tribes have no legal ability to enforce trust law. There is no accountability on the federal governments’ part. We know there are non-[American] Indians on Navajo land committing these crimes and the federal government has allowed these prosecutions to fall through the cracks,” said Delegate Tsosie.

Delegate Tsosie recommended an amendment stating that since the federal government is failing to prosecute non-Indian traffickers, the Navajo Nation will assume jurisdiction to do so within the Navajo Nation courts.

Council members voted 14-0 to approve the amendment.

This month, Delegate Brown who serves on the Health, Education, and Human Services Committee and the Naabik’iyáti’ Sexual Assault Prevention Subcommittee, met with representatives from the Casey Family Programs and University of Colorado Boulder to discuss a proposed plan to evaluate sex trafficking on the Navajo Nation, and ultimately develop a plan to combat the problem.

For nearly two years, the CFP and CU Boulder have assisted the Mandan, Hidatsa, and Arikara Nation in developing a comprehensive strategic plan to address sex trafficking on their land, and have developed a policy paper that contributes to a comprehensive approach to sex trafficking, data management, and policy recommendations, said Delegate Brown.

“We met with CFP and CU Boulder regarding the MHA Nation’s “White Paper,” to develop a strategic plan. They compiled their data from their social services and researched how many kids were involved in sex crimes and prostitution. I did forward this paper to the Council and I encourage my colleagues to review it and aid in developing our own strategic plan,” said Delegate Brown.

Council voted 16-0 to approve Legislation No. 0117-17 with two amendments. The President will have ten calendar days to consider the bill once it is sent to the Office of the President and Vice President.

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