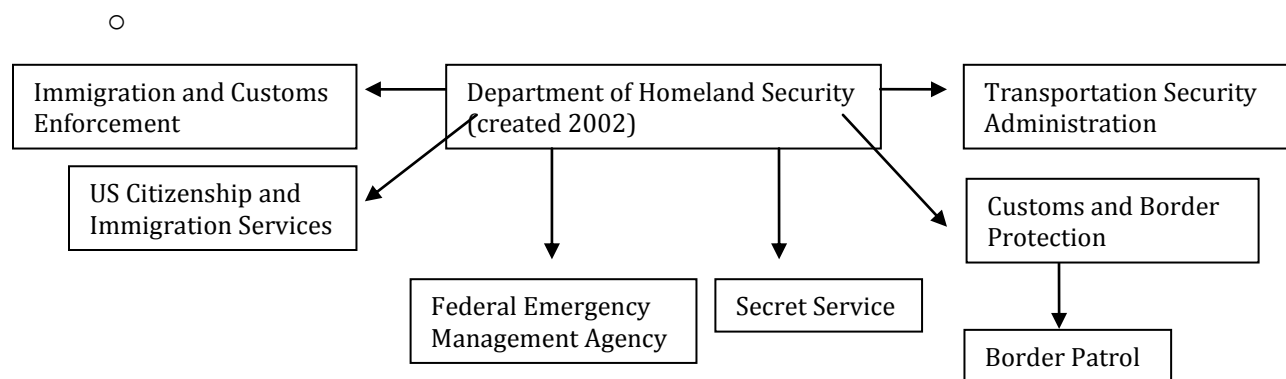


## 30-minute panel presentation

### I. Introduction:

- About a year ago, I read a CBS news interview with the former Chief of Internal Affairs for Customs and Border Protection in which he said the agency had **a rate of sexual misconduct cases that is “significantly higher than other law enforcement agencies.”** He said the people under investigation were likely repeat offenders.
- We started looking for more information, specifically about Border Patrol’s use of sexual violence against migrants, starting with sexual violence and immigrant rights organizations. Then we looked at human rights organizations, academic research, and journalism. And, finally, we looked to government reports.
- One of the things we found was a **distressing lack of information about the survivors** – who, how many, the nature of the sexual violence, support and survival needs, whether or not these needs are being met, by whom, and so on. One thing I would like to note clearly – I don’t doubt **there are advocates working closely with these survivors**, some of you may be with us today. Thank you, and I wish for you millions of dollars for your work and infinite resources and personal power to every survivor.
- But, outside of some academic writing and a lot of episodic news reporting, there is practically nothing publicly available about migrant survivors of sexual violence perpetrated by Border Patrol agents. I believe it is vital that we figure out ways to recognize these survivors, not just as occasional individuals but as the critical mass they are.
- In this half hour, I’ll try to describe for you **what we know, including the problems inherent to Border Patrol that condone a culture of sexual violence**. I hope we’ll begin to illuminate concrete places we can foment change toward social justice. So – even if you don’t think you or your organization has ever seen a migrant survivor of sexual violence perpetrated by a Border Patrol agent – I’m willing to bet there is still a place for you to advocate for these survivors within the work you are already doing.
- A few comments about the **frameworks** I’ll use here -



- **SV (not SA)** as a means to understand the scope of the abuse and the **many ways in which a climate of dominance and intimidation is created**. Sexual violence is the **continuum of sexualized behavior and attitudes used to exert patterns of abusive power and control over another person or group of people**. It includes criminal-legal definitions generally limited to interpersonal

- acts such as nonconsensual sexual acts (completed or attempted) and also degrading or demeaning attitudes, beliefs, and practices based on sexuality.
- **Feminist analysis** – **beyond criminal justice frame of sexual assault as a specific act between parties** of equal standing, to one that frames SV as a **tool to maintain a cultural imbalance of power and control**
  - **LGBTQ analysis** – **GBV** (rather than VAW) as the **oppression and exclusion of all persons who disrupt the male/female binaries**. This includes LGBTQ people for reasons of our transgressive sex lives and gender presentation. It means, however, that “mainstream” (or cisgender) women and LGB people who don’t identify as trans\* are both survivors and perpetrators. **“Latinx”** to refer and defer to all genders, including those that do not ascribe or conform to a male/female binary. **Gender-based violence includes both sexual violence and abusive power and control over another person or group based on perceived, actual, or nonconforming gender** (examples in the source literature for this article include kicking a pregnant woman in the abdomen and denying hormone therapy to transgender women detainees).

## II. Describe problem (Border Patrol perpetrating SV)

Follow outline of paper, to include -

- OIG statement in 2015
- News reports
- Human rights organizations reports
- DHS/Border Patrol data

## III. Describe institutionalization of the problem

Follow outline of paper, to include -

- DHS system
- Human rights reporting problems

## IV. **A question for you – how do we find survivors, introduce ourselves to them, what kinds of supports can we offer at present? What kinds of responses and systems do we want to build, and what do we need to get there?**

E.g., re: direct services, there are trauma supports specific to survivors of rape as a weapon of war, violence by State actors (police, soldiers, etc.). Re: systems advocacy, implementation of PREA, to include offering confidential services in short- and long-term immigration detention.

V. I also want to be clear that we all have responsibility for this, too. We live within a larger national ethos that needs Border Patrol to exist, and to exist as it does at present. So in the roundtable next on the agenda, we’ll talk the ideology of different systems, like criminal justice, national security, and economic policy, that feed Border Patrol. Because I also believe that once we see this big picture, it’s even easier to see the work that can be done, often with different civil society sectors like immigrants’ and human rights organizations, and where we each fit into it. That’s a more intimate conversation, one which I hope will invite us to reflect on our individual, organizational, and collective stances, ranging from

how we use our vote, to the silences we keep, to all the ways it is possible to imagine real change toward equity and peace for every person.

### ***15-minute roundtable***

I. Not a linear logic/story – let’s examine all the ways in which we “need” Border Patrol, and, specifically, as it exists at present.

Follow outline of paper, to include –

- Economic policy
- Criminalization of immigration
- National security/militarization

II. SV movement reporting

III. How courageous are we in our intersectional work?

IV. Points of movement strategy

Follow outline of paper, to include –

- Train human rights observers on prioritization and interviewing SV survivors
- We need to document (and probably build in survivor-specific safeguards re: undocumented status, State abuse, etc.)
- Comprehensive immigration reform
- Observatorio – documentation and reporting only, i.e., no training, TA, services, base-building or prioritization of funder mandates; generally, reports translate to policy advocacy in conjunction with activists; very human rights frame (can go into broad idea of what that is and how more established in Latin America)