

## What Native Communities Can Do To Make A Difference

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- ◆ **Recognize and respect the sovereign status of Indian tribes.** In federal and state interactions with tribal governments, adhere to principles of government-to-government relations and respect the history, customs, and governments of individual tribes.
- ◆ **Support the development of culturally appropriate strategies to end violence against Indian women.** Increase tribal, state, and federal funding and grant flexibility to encourage the design of culturally specific services for adult and child victims of violence, as well as interventions for the perpetrators of that violence.
- ◆ **Enhance the development and continued operations of tribal courts.** Develop, strengthen, and fully implement tribal codes that better protect Indian women, including the enforcement of full faith and credit laws.
- ◆ **Strengthen investigation and prosecution of crimes of violence against Indian women.** Expand domestic violence and sexual assault training for tribal and federal law enforcement officials and prosecutors, and encourage coordination among tribal, federal, and state law enforcement offices.
- ◆ **Expand specialized health and mental health care services for Indian women and children who have been sexually assaulted.** Increase training for Indian Health Services and other health care providers on violence against women issues, and expand and strengthen Sexual Assault Nurse Examiner (SANE) programs in Indian Country.
- ◆ **Enhance health care response to domestic violence services for Indian women and children.** Increase training for health care providers on culturally appropriate screening, assessment, and response to domestic violence.
- ◆ **Increase affordable and safe housing options in Indian communities.** Provide resources to build safe and affordable emergency, transitional, and long-term housing for Indian women who have been victims of violence.
- ◆ **Foster parallel development of violence against women programs in Indian Country.** Provide government funding and technical support to develop programs about violence against women in Indian Country concurrently with programs being developed in non-Indian communities.
- ◆ **Expand intervention resources for children.** Increase the availability of culturally appropriate mental health services for Indian children who have experienced or witnessed sexual assault or domestic violence.
- ◆ **Invest in prevention.** Integrate culturally appropriate information on sexual assault, dating and domestic violence, and stalking into Indian school curriculums.

## Chapter 14

# Nation to Nation: Promoting the Safety of Native Women

**U**nder tribal tradition and law, many American Indian and Alaska Native communities viewed women as sacred and accorded women important political and social status. The traditional tribal response to violence against Indian women was swift. However, some U.S. federal policies have undermined traditional tribal leadership, law enforcement response, and the economic stability of many tribes. Violence against indigenous women must be viewed within the context of the history of assimilation policies and practices implemented by the United States.

Today, much of Indian Country is faced with severe economic deprivation, high unemployment, and related social problems such as alcohol and substance abuse. Both male and female American Indians experience violent crime at higher rates than people of other races and are more likely to experience interracial violence.<sup>1</sup> The rate of sexual assault is higher among American Indian women, including Alaska Native and Aleut women, than other women in the United States. In 1999, the Bureau of Justice Statistics reported that American Indian women suffered 7 rapes or sexual assaults per 1,000 women, compared to 3 per 1,000 African-American women, 2 per 1,000 white women, and 1 per 1,000 Asian women.<sup>2</sup> Other studies report that Native women also face high rates of domestic violence and stalking.<sup>3</sup>

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution and supporting legal trusts, statutes, orders, and decisions. Specifically, the United States is responsible for preserving the public safety of residents of Indian communities. Tribal

governments and the Federal Government have concurrent jurisdiction over certain classes of crimes and exclusive jurisdiction over other classes. Often, tribal police and federal law enforcement agencies are the first responders to Indian women who have been stalked, sexually assaulted, or battered, and they assist the Federal Bureau of Investigation (FBI) and the Bureau of Indian Affairs (BIA) in investigations. Thus, the safety of American Indian and Alaska Native women in Indian Country hinges on an effective tribal justice system working in partnership with federal law enforcement. Enhancing tribal and federal partnerships and reducing violence against American Indian women can be achieved, in part, by disregarding the race of perpetrators and affirming tribal court authority to safeguard American Indian women within tribal territories, whether they have been attacked by Indians or non-Indians.

The shortage of appropriate resources in most Indian communities adversely affects the availability of advocacy and support services for women and children who have experienced sexual assault, dating or domestic violence, or stalking. The concerns of American Indian and Alaska Native women and their communities are often not reflected in the policies and decisions of local or state councils addressing violence against women. American Indian and Alaska Native women living outside reservation communities often have no access to culturally specific services. The scarcity of jobs and affordable housing on reservations not only puts tremendous pressure on the limited resources of many Native communities but also limits the options of women and their

children who have been victimized or are at increased risk for sexual assault, dating or domestic violence, or stalking.

Despite hardships endured by American Indians and Alaska Natives, traditional cultures remain a source of strength. The centrality of religious ceremonies and other communal events, a greater balance of power between men and women, and the respected role of women are cultural resources that can be used to reduce and prevent violence against women in these communities.

Reducing violence against women in these communities requires that tribal governments prioritize the safety of Native women, develop policies and programs responsive to the unique needs of their communities, and be granted the authority and resources to fully implement these programs and policies. Allowing organizations directed by American Indian and Alaska Native people to apply for federal grants directly can ensure that more programs are culturally appropriate in their design and implementation. Monitoring, evaluation, and technical assistance associated with such federal grants should be developed collaboratively with the tribal governments and Indian organizations and advocates.

Outlined below are specific actions the U.S. Government, tribal governments, American Indian and Alaska Native communities, and Indian and non-Indian advocacy organizations can take to reduce and eliminate violence against women and girls in Native American communities.

## **Improve Response to Violence Against Indian Women**

**1. Understand and respect tribal sovereignty and the federal trust responsibility that arises from the U.S. Government's legal relationship with Indian tribal governments.**

- ◆ Train all federal employees who work in Indian Country on issues of tribal sovereignty and the policymaking discretion of tribal governments. Avoid limiting the policymaking authority of tribes.

- ◆ Train all federal employees who work in Indian Country on issues of violence against women, including incidence, prevalence, and culturally specific responses.
- ◆ Conduct ongoing meaningful and timely consultations with American Indian and Alaska Native women's advocates and representatives of tribal governments to develop policies and programs that address violence against women. Build in accountability measures that allow Indian communities to monitor the impact of such consultation.
- ◆ Require any non-Indian grantee working with Indian people on issues of violence against women to demonstrate a working relationship with the sovereign nation representing those people being served by the agency.
- ◆ Award grants for programs addressing violence against Indian women directly to tribal governments.
- ◆ Through federal regulation, allow community-based organizations operated by indigenous people to apply to federal agencies directly for grants addressing violence against Indian women.

**2. Encourage the development of indigenous strategies that address violence against Indian women and reflect the unique history, customs, and circumstances of individual tribes.**

- ◆ Increase funding for violence against women initiatives within Indian communities, including culturally appropriate intervention programs for Indian perpetrators of sexual assault, dating and domestic violence, and stalking.
- ◆ Allow tribal grantees the flexibility necessary to use federal grants and other funds to implement linguistically and culturally competent programs for reducing violence against Indian women.
- ◆ Support capacity building for Indian communities through technical assistance initiatives designed and provided by organizations with demonstrated expertise in issues regarding violence against Indian women.

### 3. Support the development, enhancement, and continued operation of tribal courts.

- ◆ Help tribes establish and enhance tribal courts, and offer technical assistance in drafting and implementing tribal codes addressing violence against Indian women.
- ◆ Help tribal courts, U.S. Attorneys' Offices, and states coordinate efforts to implement full faith and credit laws effectively.<sup>4</sup>

### 4. Increase funding for training federal and tribal law enforcement agencies on effective investigation and prosecution of violence against Indian women.

- ◆ Train all tribal law enforcement, FBI, and BIA officers to enhance their responses to sexual assault, dating and domestic violence, and stalking, including cases of battered women who act in self-defense and those involving alcohol or drug use.
- ◆ Support collaborative efforts among tribal law enforcement, advocates for American Indian and Alaska Native women, tribal elders, and other community representatives to build coordinated community responses to violence against Indian women.

### 5. Continue to prosecute cases involving sexual assault, dating and domestic violence, and stalking among American Indian and Alaska Native women.

- ◆ Share information on cases involving violence against women among U.S. Attorneys' Offices, tribal law enforcement, and tribal prosecutors.

## Expand Services for Native Women and Early Intervention With Indian Children

### 6. Increase tribal, federal, and state funding to develop and expand advocacy services—designed and directed by American Indian and Alaska Native women from the communities to be served—for victims of sexual assault, dating and domestic violence, and stalking.

- ◆ Offer culturally specific tribal-based programs on reservations and culturally specific programs for urban Indians, indigenous women living

off-reservation in rural communities, and Indian women who lack strong tribal ties.

- ◆ Promote parallel development of programs regarding violence against women by funding the design and implementation of programs responsive to Indian communities concurrently with programs being developed in non-Indian communities.
- ◆ Provide ongoing training in sovereignty, cultural sensitivity, and issues of violence against women to staff and board members of multi-service non-Indian organizations who offer services to Indian communities.
- ◆ Support the development of strategies that ensure the personal safety of advocates threatened by the abusers of women they are assisting.

### 7. Support the development and expansion of specialized health and mental health care services for American Indian and Alaska Native survivors of sexual assault, and expand SANE programs in Indian Country.

- ◆ Provide training on sexual assault issues, including the use of forensic medical exams, to enhance the expertise and capacity of Indian Health Services and other tribal health care providers to Indian women who are sexually assaulted.
- ◆ Train health care providers on the health and mental health consequences of sexual assault for children who have been sexually assaulted.

### 8. Support the development and expansion of specialized health and mental health care services for American Indian and Alaska Native survivors of domestic violence.

- ◆ Train Indian Health Services and other tribal health care professionals in screening for and assessment of domestic violence and in providing appropriate referrals and services for patients who are experiencing domestic violence.
- ◆ Train health care providers on the health and mental health consequences of domestic violence on children who witness that violence.

**9. Target tribal, federal, and state resources to build safe and affordable emergency, transitional, and long-term housing in Indian Country.**

- ◆ Increase federal and state funds for developing a full range of housing for victims of sexual assault and domestic violence.

**10. Foster the parallel development of American Indian- and Alaska Native-based projects.**

- ◆ Include American Indian and Alaska Native organizations that address violence against women as members of state sexual assault and domestic violence coalitions, and provide opportunities for them to participate in establishing funding, policy, and program priorities.
- ◆ Provide opportunities for American Indians and Alaska Natives to assume leadership positions in state and local sexual assault and domestic violence programs, and use their expertise to guide policy and program development.
- ◆ Promote parallel development by supporting the design and implementation of American Indian- and Alaska Native-developed programs responsive to Indian communities concurrently with programs being developed in non-Indian communities.
- ◆ Ensure that non-Indian advocates are trained in cultural and sovereignty issues by Indian people.

**11. Expand intervention and prevention resources for American Indian and Alaska Native children regarding sexual and physical violence.**

- ◆ Increase resources for the development of culturally appropriate information on sexual assault and dating violence and its integration into curriculums used to teach Indian children.
- ◆ Increase availability of mental health counselors for Indian children who have experienced or witnessed sexual assault or domestic violence.
- ◆ Continue addressing the effects of violence against women on the children enrolled in or served by American Indian Head Start programs.

- ◆ Train and support educators to identify and respond to aggression and sexual harassment by students.

## Resources

### **Mending the Sacred Hoop**

STOP Violence Against Indian Women Technical Assistance Project  
202 East Superior Street  
Duluth, MN 55802  
Phone: 218-722-2781 or 1-888-305-1650  
Fax: 218-722-5775  
Web site: [www.msh-ta.org](http://www.msh-ta.org)

Mending the Sacred Hoop (MSH) is a Native American Women's organization that helps tribal governments and agencies improve their response to Native American victims of violence against women by crafting strategies at local levels that reflect available resources and cultural perspectives. MSH publishes a newsletter, provides assistance and advocacy, coordinates public education events and conferences, and hosts an online discussion forum.

### **Stalking Resource Center**

National Center for Victims of Crime  
2000 M Street NW., Suite 480  
Washington, DC 20036  
Phone: 202-467-8700  
Fax: 202-467-8701  
Web site: [www.ncvc.org](http://www.ncvc.org)

The National Center for Victims of Crime's (NCVC's) mission is to help victims of crime and their families rebuild their lives. The Stalking Resource Center provides resources, training, and technical assistance to criminal justice professionals and victim service providers to support locally coordinated, multidisciplinary antistalking approaches and responses.

## Endnotes

This section focuses on indigenous people in federally recognized tribes (American Indians and Alaska Natives); however, many of these

recommendations can also be applied to indigenous communities and individuals not belonging to federally recognized tribes (e.g., Hawaii Natives).

1. Greenfeld, L.A., and Smith, S.K. (1999). *American Indians and Crime*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. NCJ 173386

2. Ibid.

3. Bachman, R. (1992). *Death and Violence on the Reservation: Homicide, Family Violence, and Suicide in American Indian Populations*. Westport, CT: Auburn House; Tjaden, P., and Thoennes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice, National Institute of Justice, and Centers for Disease Control and Prevention. NCJ 169592

4. For further information on full faith and credit laws, see *Toolkit* chapter “Enhancing the Response of the Justice System: Civil Remedies.”