



Domestic Violence Against American Indian and Alaska Native Women

WHO ARE AMERICAN INDIANS AND ALASKA NATIVES?

According to the federal government, “American Indians and Alaska Natives are people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment”.ⁱ

DID YOU KNOW?

- American Indian and Alaska Native women experience assault and domestic violence at much higher rates than women of any other ethnicity.ⁱⁱ
- Over 84% of Native women experience violence during their lifetimes.ⁱⁱⁱ
- American Indians are 3 times more likely to experience sexual violence than any other ethnic group. Over half of American Indian women report having experienced sexual assault.^{iv}
- 55.5% of Native women experience physical intimate partner violence in their lifetimes; 66.6% experience psychological abuse.^v
- 17% of American Indian and Alaska Native women have been stalked.^{vi}
- On some reservations in the United States, the murder rate of Native women is 10 times higher than in the rest of the nation.^{vii}
- American Indian/Alaska Native children experience PTSD at the same rate as combat veterans from the Iraq and Afghanistan wars.^{viii}

WHY IT MATTERS

American Indian and Alaska Native women experience extremely high rates of domestic violence, physical and sexual assault, and murder. Many women do not report violence for a variety of reasons. Many tribes have inadequate or no law enforcement to report these crimes to. In small, isolated communities, victims often fear retribution from perpetrators’ friends and family. Many Native women also never speak of their abuse because they see it as futile; they believe no one can or will help them.^{ix}

LACK OF RESOURCES ON TRIBAL LANDS

- High poverty rates, especially on reservations, can exacerbate domestic violence trauma.^x
- Alcohol and drug use on tribal lands is rampant and is associated with domestic violence perpetration. On one Montana reservation, 40% of reported violent crime involved alcohol or drugs.^{xi}
- Although the federal government recognizes 566 tribes in the US, there are only 26 shelters nationwide providing culturally-specific services to American Indian and Alaska Native victims/survivors.^{xii}

If you need help:

Call The National Domestic Violence Hotline 1-800-799-SAFE (7233)

Or, online go to TheHotline.org

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VIOLENCE AGAINST AMERICAN INDIAN AND ALASKA NATIVE WOMEN FEDERAL RESPONSIBILITY TO TRIBES

The history of European settlement and the founding of the United States is, in large part, a history of persecution of Native people. Through violence, a succession of broken treaties, and in violation of multiple Supreme Court rulings, the United States government displaced American Indians from their tribal lands. Through allotment and aggressive assimilation policies, the United States government broke up Native families and attempted to destroy their languages and cultures. Many of the broken treaties established a federal trust responsibility in exchange for tribal land. The federal government promised, and has a legal duty, to protect American Indian peoples, to see to their welfare, and to treat them with respect and dignity. The federal government “has charged itself with moral obligations of the highest responsibility and trust” (*Seminole Nation v. United States*, 1942).^{xiii} Despite that obligation, the federal government has abrogated its duties, failing to provide law enforcement protection to tribes, severely underfunding tribal criminal justice systems, and ignoring the needs of victims and survivors of violent crime. Recent years have seen some improvements in the federal government’s response to violence against Native women, particularly as a result of programs established by the Violence Against Women Act.

TRIBAL SOVEREIGNTY AND JURISDICTION

Under federal law and as a term of treaties, tribes are sovereign nations ruled by their own governments. However, tribal sovereignty has been slowly eroded. Tribal governments have charge of day-to-day operations in Indian country, and the federal government is required to consult with tribes when making decisions impacting their citizens and/or property. Many tribes have their own criminal justice systems, but a convoluted jurisdictional muddle prevents them from holding non-Native offenders accountable. As a result, many non-Native offenders are virtually immune to prosecution.^{xiv} Jurisdiction also varies by the nature of the crime and the location of the tribal land. Certain states, known as PL-280 states, have full jurisdiction over crimes committed on tribal lands. In communities where the federal government is responsible for responding to and prosecuting violent crime, US Attorneys refused to prosecute 67% of sexual assault and related cases.^{xv} Lack of jurisdiction over non-Natives is particularly problematic, because:

- Approximately 2/3 of Native women who are sexually assaulted are attacked by non-Native men.^{xvi}
- 59% of Native women report being in relationships with non-Native men.^{xvii}
- In 71% of sexual assaults against Native women, the victim knew her attacker.^{xviii}
- The rate of interracial violence experienced by American Indians and Alaska Natives is far higher than the rate experienced by Black or White victims.^{xix}

The most recent iteration of VAWA gave tribes meeting certain due process requirements jurisdiction over non-Natives who commit violence against women on tribal lands. This program has been successful in pilot projects and is now being implemented by many tribes across the nation.

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ⁱ Centers for Disease Control (2015). *American Indian and Alaska Native populations*. Retrieved from <http://www.cdc.gov/minorityhealth/populations/REMP/aian.html>.

ⁱⁱ United States Department of Justice. (2000). *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>.

ⁱⁱⁱ Rosay, R. B. (2016). *Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

^{iv} Ibid.

^v Ibid.

^{vi} Stalking in America: Findings from National Violence Against Women Survey; NIJ & CDC 1998.

^{vii} Bachman, R. (2008). *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>.

^{viii} Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence *supra* note 3, at 38.

^{ix} United States Department of Justice. (2000). *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>

^x National Child and Neglect Data System (2002). *Child maltreatment 2002*. Washington, DC: Department of Health and Human Services, Administration on Children and Families

^{xi} Stafne, A. T. (2015) *Testimony of A.T. Stafne, Chairman of the Assiniboine and Sioux tribes of the Fort Peck Reservation before the Senate Committee on Indian Affairs on addressing the need for victim services in Indian Country*.

^{xii} Mending the Sacred Hoop Technical Assistance Project. (2003) *Addressing Violence in Indian Country: Introductory Manual*. Retrieved from: <http://www.msha.org/Resources/Addressing%20Violence%20in%20Indian%20Country.pdf>.

^{xiii} US Department of Interior Indian Affairs (n.d.). *Frequently asked questions*. Retrieved from <http://www.bia.gov/FAQs/>.

^{xiv} Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Retrieved from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

^{xv} United States Government Accountability Office (2010). *U.S. Department of Justice Declinations of Indian Country criminal matters*. Retrieved from <http://www.gao.gov/assets/100/97229.pdf>.

^{xvi} Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M., and Lanier, C. (2008). *Violence against American Indian and Alaska Native women and the criminal justice response: What is known*. Unpublished grant report to the US Department of Justice. Retrieved from: www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf.

^{xvii} Ibid.

^{xviii} Ibid.

^{xix} Ibid.

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