

Sexual Assault Among Native American Women Living on Reservations in the United States

Chrystal Begay and Tinesha Zandamela

Note: There is much discussion surrounding the terms “American Indian” and “Native American” and which one is more accurate and politically correct. Both phrases are used in this brief, depending on the source. For the most part, the phrase used is Native American. It is understood that there is no agreement on which term is perfect to use, and so this paper was written to be as culturally sensitive as possible.

Summary

Native American women in the United States who live on federal Native American reservations are disproportionately more likely to be victims of sexual violence than other groups living in the United States. Like many victims of sexual violence, Native women affected by sexual violence deal with adverse mental and physical health effects. Often, Native American women who have been sexually assaulted on a reservation are often unable to access necessary medical and legal resources because of a myriad of issues, such as poverty, child abuse, colonization, and complex jurisdictional issues. Education, advocacy, and legislation are the major models for change.

Key Terms

Batterer Intervention Treatment—A rehabilitation program for perpetrators of domestic violence.¹

Coping Strategies—The specific efforts, both behavioral and psychological, that people employ to deal with stressful events.²

Federally Recognized Reservation—An area of land reserved for a tribe or tribes.³

Federally Recognized Tribe—An American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States. The U.S. federal government recognizes the right of these tribes to self govern. They are eligible for funding and services from the Bureau of Indian Affairs. Tribes control a reservation, with the purpose to preserve and protect specific lands for Natives in the U.S.⁴

Revictimization—The trend that “sexual victimization in adolescence significantly increases the likelihood of sexual victimization in adulthood.”⁵

Sexual Assault—“Any type of sexual contact or behavior that occurs without the explicit consent of the recipient,” including “sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.”⁶

United States Attorney Offices (USAO)—The U.S. Attorney’s Office represents the United States in federal cases.⁷

Introduction

In 2015, 5 million people living in the United States identified as American Indian and Alaskan Native (either alone or in combination with 1 or more races). Out of this number, roughly 47% identified as solely American Indian or Alaskan Native. Exactly 50.6% of the 5 million people were women. Native American women are disproportionately more likely than other races in the United States to be victims of sexual assault. While there is a lack of comprehensive data comparing violence against Native American women on and off reservations, Native women living on reservations do face the highest rates of sexual assault in the nation: one in every three Native American women will be the victim of sexual violence.⁸

Understanding Native American reservations in the United States is an important part of understanding sexual assault among Native American women. The creation of federal Indian reservations started in 1778. Until 1871, the United States and Indian American tribes conducted decision making through treaties, or agreements. One of the agreements was the

Indian American tribes' decision to give their land to the U.S in exchange for protection.⁹ The U.S. Constitution gives Congress authority over tribal governments. The primary legal relationship for tribes is with the federal government, meaning that many tribal cases are handled by federal courts.¹⁰

In 2010, 78% of the American Indian and Alaska Native alone-or-in-combination population lived outside of the federal- and state-designated American Indian and Alaska Native lands.¹¹ The other 22% resided on reservations: American Indian areas (20.5%) or Alaskan Native areas (1.5%).¹² Native Americans are not the only people allowed to live on federal or state reservations. Of the total 4.6 million people in Native American areas, 77% did not identify themselves as American Indian or Alaskan Native.¹³ There are presently 567 federally recognized tribes and villages.¹⁴ As of 2010, the Navajo Nation is the largest American Indian reservation with a population of 174,000 residents.¹⁵

The interplay between Native American reservations and the federal government complicates the prosecution of perpetrators of sexual assault. Native Americans who live on federal Indian lands are citizens of the United States and are afforded the same rights and obligations as citizens of other ethnic backgrounds, including voting, paying taxes, and receiving Social Security and welfare.¹⁶ Native American tribes can self-govern, meaning they can make and enforce laws. Some legal cases are handled by the tribal government and some by the federal government. Tribal governments can address dating violence or domestic violence. Other crimes, such as rape committed by a stranger, are handled by the state or federal government.¹⁷ This distinction explains the complexity of charging a perpetrator with sexual assault on a reservation. Prosecution also can be difficult because of a lack of resources.

According to the U.S. Justice Department, one in three Native American women who live off or on Native American reservations report being raped during their lifetime. By comparison, nationally about one in six women report being raped in their lifetime.¹⁸ Native Americans are roughly 2.5 times more likely to experience sexual assault compared to all other races.¹⁹ On average, Native Americans ages 12 and older experience 5,900 sexual assaults per year.²⁰ Sexual assault victims may often suffer from mental illnesses, economic instability, and physical illnesses.

The perpetrators of sexual violence crimes against all Native American victims are predominantly white men. According to comprehensive data from 1992 to 2001, white men committed approximately 80% of the crimes.²¹ This data provides sufficient aggregate information about victimization against Native Americans over an extended period to indicate the role of white males as a major contributor to the issue and is the most recent comprehensive dataset for this issue to date.²²

Many Americans misunderstand Native American history and therefore fail to advocate effective change with the Native American community. The story of Native Americans in the United States did not start in 1492 with the

arrival of Christopher Columbus. Native Americans inhabited the area that is now the United States of America long before European colonization. There were at least 2000 diverse cultures, along with many languages, practices, and traditions.²³ Even though these tribes and societies were different and existed independently, they interacted with one another, especially for trading purposes.²⁴ These tribes were complex and advanced in fields such as politics, economics, architecture, medicine, and technology.²⁵ The lack of pre-Columbian written sources limits how much we know about these groups.²⁶

Native American women were highly esteemed and played an invaluable role in their communities pre-Columbian colonization.²⁷ Pre-colonial Native American women actually might have been subject to less physical and sexual violence than post-colonialism;²⁸ domestic violence was punished severely.²⁹ However, colonization drastically changed the lives of Native Americans, including the shift toward European male-dominated culture. The subservient roles of women were a European construct. Along with their views on gender, Europeans subjected Natives to forced assimilation, committed genocide against the Natives, and raped and forcibly sterilized Native women. Many of these atrocities were sanctioned by the U.S. government.³⁰ Acceptance of this abuse continues to this day by the lack of adequate and available resources provided by the government to the Natives.

Factors Contributing to Sexual Assault

Currently, understanding and studying the issue of sexual assault in Native American communities presents some large issues: the difficulty of sufficient data collection and the complexity of U.S.-Native American relations. Collecting adequate data is difficult because of the number and diversity of tribes and cultures; not one solution is ideal for each tribe. While it is possible to collect and use data from Native Americans across the U.S., not all information gathered can be generalized. The history of the U.S. and Native Americans also impacts sexual assault rates on reservations. Sexual assault in Native communities is not just about Native women—it directly involves federal legislation and enforcement. Finding solutions includes more than simply doing more research and changing certain laws; it requires examination into history, context, and culture.

Race and Colonization

Race and colonization play an undeniably large part in the sexual violence epidemic against Native women. Rape was a tool that white European colonizers used when settling the land now known as the United States and other areas around the world. Rape is about power. It is a widespread tactic for subjecting opposing populations. Although white European settlers did not establish the precedent, during the expansion of the United States, rape was a way to dehumanize the

indigenous people. The consequences of colonization are still seen today. Racist and colonialist mindsets are manifested in the epidemic of non-Native white men targeting Native women, especially on reservations.³¹

As mentioned previously, caucasian males commit the majority of sexual assaults against Native American women. Currently, there is no solid quantitative research that identifies why. The fact that Native American women are the racial group most likely to marry outside of their race may contribute to this trend. In 2013, 61% of Native American women married men of another race.³² However, many of stranger-involved attacks are attributed to white men as well.³³ The National Crime Victimization Survey (1992–2001) found that Native Americans were more likely than other races to be sexually assaulted by a stranger or acquaintance, rather than a family member or intimate partner.³⁴ This finding suggests that interracial marriages do not account for all the sexual violence.

There are many speculative reasons why white men commit a high number of sex crimes against Native women. Although there are no conclusive reasons, the history of European colonization and intermarriage rates probably play a role. They may not merely be factors; they may be causes. Indian country has been described by some non-Native sexual predators as a “free-for-all,” as a place to rape someone and get away with it because many non-Natives understand they will often not be charged for sexual violence crimes on Native lands.³⁵

Jurisdictional Issues

Prosecuting sexual assault crimes, especially when they involve non-Natives, can be incredibly difficult and complex. This complexity leads women who have been sexually assaulted to be reluctant to report; as Natives, they often know the limitations of the tribal police and justice system. Few perpetrators of sexual violence are charged for their crimes.

Tribal police departments often lack crucial resources, such as adequate funding to hire more law enforcement to assist Native women who have been assaulted.³⁶ Officers are often undertrained, leading to a severe lack of sensitivity toward tribal cultures and rape victims within the law enforcement departments.³⁷

- Tribal courts can only try non-Natives who live or do business on federal Indian reservations,³⁸ or, in cases of sexual assault, are involved in a relationship with a Native.³⁹ Such stipulations reveal some noticeable limitations for prosecuting sexual assault perpetrators, since most of the offenders are non-Natives.⁴⁰ When tribes do not have the authority, the federal government is supposed to prosecute the offenders. Before the Justice Department takes legal action, it reviews certain criteria. These considerations include the Indian status and residency of the victim and the perpetrator, the nature of their relationship, and the location of the assault.⁴¹

However, the federal government often does not allocate the time or money necessary to prosecute non-Indian perpetrators or will not seek to prosecute them when the resources are available.⁴² In 2010, United States Attorney's Offices (USAOs) declined to prosecute 67% of the sexual abuse or related cases from Indian country that they received. The USAOs cited 32 reasons, the most common being "weak or insufficient evidence," "no federal offense evident," and "witness problems."⁴³ Some of the issues surrounding evidence collection could be attributed to the fact that police departments work differently for each tribe; some tribes work with tribal police and federal law enforcement officers and some work with only one or the other. The confusion over which department should take the case can lead to slow and poor responses and less substantial evidence.⁴⁴ Native American women who live on reservations are the least likely demographic to see their sexual assault case investigated or taken to trial.⁴⁵

Access to Resources

Lack of appropriate medical resources, including connections to mental health resources or lack of rape kits, discourages sexual assault victims from seeking help, enabling perpetrators to evade punishment for their crimes and leaving victims to cope with the devastating effects of sexual assault on their own. This glaring resource insufficiency is visible in Indian Health Services (IHS), an agency within the Department of Health and Human Services that provides federal health services to Natives.⁴⁶

After a woman is assaulted, she can go to the closest IHS facility for medical attention. However, many IHS facilities are severely underfunded, so they are not always open. If a woman is assaulted at night or on a weekend, she may not be able to access services for hours or days. Rape kits are often inaccessible, further impeding prosecution. Many facilities do not offer any form of counseling nor provide victims with adequate mental health resources, like a therapist, in order to assist with their mental and emotional state.⁴⁷ Confidentiality remains one of the biggest concerns of Native American women. Many women do not want their communities to know that they have been sexually assaulted. Because many other tribe members also access health resources through IHS, women can rarely maintain anonymity in IHS facilities. Lastly, cultural barriers and insensitivity against tribal culture from the doctors and employees in medical facilities is also cited as a reason many women do not seek help.⁴⁸

Poverty

As of 2015, Native American women and Black women faced the most poverty in the nation: one-fourth of each group is affected. Comparatively, 10.8% of white, non-Hispanic women were in poverty.⁴⁹ The median individual income for women who identified as American Indian or Alaskan Native alone was \$20,838,⁵⁰ as compared to the national median individual income of \$32,298.⁵¹ Research shows that people living in poverty are at a

greater risk for sexual violence; the World Health Organization identifies poverty as one of the risk factors for victimization and perpetration of sexual violence.⁵² Women in poverty, especially those with dependents, experience more stressors in meeting basic needs and rely on others for assistance. Such dependency can lead to an inability to recognize when victimization has occurred or that intervention is needed.⁵³

Gender Inequality

Native American women are reportedly disproportionately affected by sexual assault than are Native American men. The National Crime Victimization Survey (1992–2005) found that 13% of Native Americans and Alaskan Natives who reported being raped or sexually victimized were men. The remaining 87% of victims were women.⁵⁴

Women's status in society, including the following aspects, plays a major role in sexual assault rates.

- Educational status (participation and integration in higher educational institutions).⁵⁵ Native women's educational status is largely a function of history. Traditionally, women in many tribes played an instrumental role in teaching children, but the U.S. government intervened in the educational process for Native Americans by forcing them to attend boarding schools in order to force assimilation.⁵⁶ In 2016, 17% of American Indian/Alaskan Native females 25 and over had a Bachelor's degree. This percentage is lower than that of all other racial demographics in the U.S.⁵⁷
- Occupational status (such as the number of women in the workforce that hold decision-making positions).⁵⁸ Native American women make 57 cents for every dollar that white men make. Although more Native American women are entering the workforce and attending college, there still is a significant wage gap.⁵⁹
- Political status (how many women hold political office).⁶⁰ In 2017, only 20 Native American women were serving as state legislators. Native American women were not represented in Congress, as statewide elected executives, or as mayors of any of the 100 largest cities in the U.S. Large concentrations of Native Americans do live in cities, but they do not have the representation in public office.⁶¹

Traditionally, indigenous women throughout the world, including the Americas, were respected by their tribes, though not all these women had equal access to education, work, or political office. Colonization introduced an even stronger, male-dominated structure of living for indigenous communities.⁶² Many women were forced to become economically reliant on the men in their tribes and many lost their shared land to men.⁶³ Not all Native men rely on European ideas of gender roles and norms, but many men throughout the United States do.⁶⁴

The Girls' Opportunity Index was created as a way to measure the status of girls throughout the world. The United States scored a 32 out of 144, below countries such as Algeria and Kazakhstan, because of significant gender disparities in the United States.⁶⁵ Gender disparities do contribute to sexual assault rates and promoting gender equality is important in violence prevention.⁶⁶

Child Abuse and Revictimization

Many Native American women who survive child abuse will be subject to revictimization as adults. The rate of reported child abuse in Native American and Native Alaskan communities is higher than the national rate.⁶⁷ In a study of 30 Native women sampled from one specific clinic, all 24 of the women who survived sexual abuse as a child were also abused as adults.⁶⁸ While this sample size is low and does not represent all Native American women on reservations, research shows an important relationship between child abuse and revictimization.

The coping strategies that survivors of child abuse employ affect their ability to fully process their traumatic experience and contribute to revictimization. Child abuse victims often suffer from depression, self-blame, and poor self-esteem as adults. They frequently abuse substances, engage in risky sexual behavior, and have a higher risk of contracting STIs than women who were not abused as children.⁶⁹ These poor coping strategies can put child abuse survivors at risk for revictimization.

One poor coping strategy is alcohol abuse, which is a significant issue in Native communities. Alcohol consumption is a way many survivors numb their psychological and emotional pain, but alcohol use can also increase a woman's risk for victimization.⁷⁰ Alcohol lowers inhibitions, thereby making women easier targets. Because alcohol consumption is a significant issue, it is commonly cited as a cause of sexual abuse. However, past predatory behaviors are similar for men who drink and those who do not, suggesting that alcohol may be a more likely determinant of *when* someone commits an assault, rather than *who* will do it. Alcohol itself does not drive someone to assault others.⁷¹

Although women are not to blame for their victimization, effectively addressing child abuse could potentially lower revictimization rates by improving survivors' mental state and their ability to cope with past trauma in a healthy way.

Consequences

The effects of sexual assault are significant. Because Native American women are disproportionately sexually assaulted, they experience the devastating effects in higher numbers than other races. Effects can include, but are not limited to, the following:

Physical Effects⁷²

- pregnancy
- sexually transmitted infection (STI)

There is no exact statistic about how many rapes end in a pregnancy in the United States. However, it is certainly a risk, especially if protection was not used.⁷³ Native women are also at an incredibly high risk for contracting HIV because sexual assault does not grant them the choice to use protection.⁷⁴ Research suggests that there tends to be a higher rate of STIs among all childhood and adult abuse survivors as compared to those who have not suffered abuse, regardless of race.⁷⁵ Additionally, with the exception of Black women, Native American women are at risk to be diagnosed with an STI at higher rates than other groups. This trend can be attributed in part to sexual assault.

Economic instability⁷⁶

- homelessness
- unemployment

There is a clear cyclical link between poverty and sexual assault;⁷⁷ those in poverty are more likely to be victims of sexual violence and sexual violence can lead to homelessness, unemployment, and poverty.⁷⁸ In 2010, Native Americans and Alaskan Natives living in Minnesota made up 11% of the state's homeless population.⁷⁹ Sexual assault victims can become homeless or unemployed. Poor coping mechanisms and mental or physical disabilities relating to the sexual assault can lead to serious economic instability.⁸⁰

Psychological and emotional disorders⁸¹

- suicidal thoughts
- depression
- eating disorders
- post-traumatic stress disorder (PTSD)
- flashbacks
- substance abuse

One study reports that out of 30 Native American women surveyed, 26 of them had experienced sexual assault at some point in their lives; half of the survivors reported that they had attempted suicide. The high number of suicide attempts among Native American survivors of sexual assault is attributed to the amount of violence to which Native American women are subjected

collectively. Sexual assault survivors are at a high risk for death by suicide.⁸² Native women suffer from depression more than any other racial group of women. Trauma often leads to poor coping strategies, which include drugs and alcohol.⁸³ The aforementioned study indicates that more than half of the women who suffered child abuse had a history of drug or alcohol abuse.⁸⁴

Practices

Legislative Efforts

The federal government has passed legislation to prevent violence in Native American communities. Two acts specifically address Native American women and sexual violence.

Tribal Law and Order Act (2010): This act requires the Federal Bureau Investigation (FBI) and the USAOs to report all investigations and prosecutions on Indian federal land.⁸⁵ The act established more community programs, increased funding for the programs, added more protocol for coordination between agencies, and emphasized the need to collect more data and research on Native American crime than had been done previously.⁸⁶

Violence Against Women Reauthorization Act of 2013 (VAWA 2013): This act was largely implemented in 2015. Many people celebrated the law's passage, claiming it was an important step towards reducing sexual violence because it allowed Native Americans *and* non-Natives to be tried in tribal courts for crimes of domestic and dating violence and violations of protective orders. Previously, non-Natives not living or working on the reservation could not be tried for dating or domestic violence. Domestic violence under the *VAWA 2013* is very specific.⁸⁷ The violence *must* be committed by the following: a current or former spouse, an intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabiting or has cohabited with the victim as a spouse or intimate partner under the domestic or family violence laws of an Indian tribe that has jurisdiction over the Indian country where the violation occurs.⁸⁸

If the defendant is a non-Native, he or she must have ties to the Indian tribe, meaning reside on the Indian land, be employed in the specific Indian country, or be involved in a relationship (as defined above) with a Native.⁸⁹

Impact

Tribal Law and Order Act (2010): In 2014, the Department of Justice (DOJ) published an Indian Country Investigations and Prosecutions report, detailing that more cases were approved by the FBI and then referred to USAOs than ever before and more cases were resolved by the USAO. However, USAOs still declined to prosecute 34% of the cases they received from Indian lands, a rate that has remained steady over the past several years.⁹⁰

Violence Against Women Reauthorization Act of 2013 : Three tribes in the U.S.— one in Arizona, one in Washington, and one in Oregon—participated in a pilot study of the new statutes under the *VAWA 2013* before they were enacted. These tribes were given permission to enact the laws early and report on their results.

- The Confederated Tribes of Umatilla Indian Reservation had 4 cases which resulted in 4 guilty pleas. They were subjected to tribal probation and a batterer treatment intervention treatment program provided by the tribes.
- The Tulalip Tribes had 6 cases and 4 cases resulted in guilty pleas. All 6 of these offenders were non-Indians who collectively had 88 documented tribal police contact. There was 1 referral for federal prosecution, and 1 dismissal of a case.
- Pascua Yaqui had 18 cases with 15 different offenders. There were 5 guilty pleas, 10 dismissals.⁹¹

While the pilot program demonstrates that there is not a 100% conviction rate, this program clearly results in higher rates of prosecution, and it allows the tribal courts to take more action in their communities to convict these offenders, most of whom are non-Native offenders.

Gaps

Legislation is an important part of solving this issue. However, neither of these acts fully addresses the problem. Each fails to address certain essential factors.

- While more cases are being accepted in order to seek justice for the victims, which was caused by the Tribal Law and Order Act, show improvement, the report admits that these declination rates are not the best way to measure justice or success within the departments.⁹²
- Much of the responsibility and funding for these programs was granted to the federal government. Because of the government's continued deprioritization of Native American issues, funding was authorized for tribes through *VAWA 2013*, but funds were not appropriated moving forward.⁹³
- Rules about which court will prosecute which crime on Indian lands are still unclear in relation to sexual assault. This ambiguity complicates investigating crimes and prosecuting offenders.

On paper, these Acts appear to accomplish much, but they do not ultimately address the root causes of sexual assault. A simple solution would be to transfer all jurisdiction of sexual crimes to tribal courts. At the very least, allowing for concurrent jurisdictional power would improve the situation by giving tribal courts more power to convict sex criminals when the federal government declines.⁹⁴

Education on Sexual Violence

Many groups, including groups founded by Native Americans, approach combating sexual violence by educating tribes and tribal leaders on sexual violence and poverty. These groups approach education in a variety of ways: education via the internet, school-based education, and community outreach and awareness.

The Tribal Access Program for National Crime Information (TAP) launched in 2015. This education program is primarily for educating leaders of the tribe about the of violent crimes in their specific communities. This approach allowed tribes to access more data about sexual assault; the project continues to expand, giving information to more tribes. As the program grows, tribes will be able to register sex offenders.⁹⁵

Other regional and local groups follow an outline similar to the National Indigenous Women's Resource Center (NIWRC), a non-profit organization that seeks to address domestic violence in indigenous communities; these include Native Americans, Native Hawaiians, Native Alaskans. As per its website, the NIWRC works to do the following:

- Support grassroots efforts
- Provide national leadership
- Develop educational and programmatic materials
- Provide direct technical assistance
- Build capacity of Indigenous communities

The website provides resources for educators and youth to watch and use.⁹⁶ Additionally, the NIWRC's magazine, *Restoration of Sovereignty and Safety*, highlights issues that Native women face. Other organizations have similar approaches: newsletters, magazines, flyers, videos, and community groups dedicated to educating others about domestic violence.

Another organization addresses the gaps in medical care by education. SAFESTAR, created by the Southwest Center for Law and Policy, is a curriculum and model of care for tribal communities that cannot access a sexual assault nurse examiner (SANE). Tribes must apply to receive this training; if they are accepted, they receive the training for free.⁹⁷ The training gives sexual violence victims access to medical care. The director of IHS explained that this training is meant to be a temporary fix until additional medical forensic experts are available more widely.⁹⁸

Impact

There is currently no conclusive data of the results of education on sexual assault rates. Each tribe is different. There are different groups that approach the issue differently depending on the tribe. It is also hard to quantify how significantly different ways of education impact rates of sexual violence. Additionally, many of these programs are fairly new, therefore comprehensive data does not exist.

Gaps

- Some of this education is helpful for specific groups, without addressing the issue comprehensively. For example, TAP may be useful to tribal leaders and courts, but it does not change the laws that prevent tribes from prosecuting non-Natives for sexual assault, and its real utility is limited to those who need the data TAP provides.⁹⁹ The same limitations apply for SAFESTAR, which gives training to those who already have medical knowledge. This excludes other members of the community who are not in the medical field.
- Many people lack the time or access needed to attend informational trainings or watches online videos. In fact, many people on reservations do not have access to the internet. When it is available, it is more expensive than it would be off a reservation.¹⁰⁰
- Education for tribal leaders is not necessarily the best approach because it targets the wrong audience: police and other non-Natives who deal with sexual assault victims need the bulk of the education.

The most important takeaway from education: in order to provide any kind of education, there must be knowledge and awareness about the Native American tribes and cultures that each organization is working with. Education must be fully accessible to everyone.

Support for Victims

While the ultimate issue is preventing and eliminating sexual assault, complete elimination is not an easy task. In concert with efforts to prevent and eliminate sexual assault, there must be support for those who are affected by sexual violence. Advocacy for sexual violence victims in Native communities must be approached with cultural sensitivity and an understanding of the laws and barriers that prevent Native women from reporting and seeking help.

Supporting victims is done through advocacy. There are a few types of advocacy services offered to victims of sexual violence: medical, legal, and personal advocacy. Medical advocates work to make sure victims receive appropriate medical care, including STI testing, pregnancy testing, and rape kits. Legal advocates assist victims and families to navigate the legal system with support and guidance. They often work as liaisons

with other agencies in behalf of the family. Personal advocates are trained to help the victims create safety plans, find good coping skills, and access other counseling and medical resources. These resources are specific to individual tribes through different organizations.¹⁰¹

A national advocacy resource for Native American sexual assault and domestic violence victims was created in March 2017. Victims can call the StrongHearts hotline, a confidential and culturally sensitive hotline for women who have been affected by dating or domestic violence, from 9:00 a.m. to 5:30 p.m. (CST) to be connected to a StrongHearts advocate who can help the caller receive support, create a safety plan, and figure out a way to live a life free from abuse. According to the website, each advocate is knowledgeable about Native American cultures and tribal laws.

Impact

NIWRC was instrumental in creating the StrongHearts Helpline. The hotline is too new to offer any concrete data on how many women have been helped by the hotline and what effect the hotline has had on Native women.¹⁰² There is very little quantitative evidence to show how advocacy in general has affected each tribe in the United States. It would be too difficult to attempt to generalize this data, so it would be necessary to assess each tribe.

When working with Native American communities, culturally sensitive programs are said to be most effective. While there is no quantitative evidence to prove this, Native Americans from many tribes working with this issue mention cultural sensitivity as one of the most important attributes an organization can have when helping sexual assault survivors who are Native American women. Most, if not all, of the observed organizations emphasize cultural sensitivity as a priority. Many of them were founded by Native Americans from the tribes that they serve and employ other tribe members, further aiding in cultural awareness.

Gaps

- Measuring the effectiveness of advocacy work is difficult, and there needs to be more research to better assess how these advocacy issues impact Native American women. For example, measuring how many women were helped by the hotline or specific advocacy center, while useful, does not provide an accurate representation of how useful the services were to the women.
- While women in the United States are all disproportionately at risk for sexual assault or domestic violence relative to men, some women are more at risk and not all communities experience gender-based violence in the same way. There is a need for “targeted and culturally appropriate solutions.”¹⁰³

Key Takeaways

- One in three Native American women report being raped during their lifetime at a rate 2.5 higher than other groups.
- White men commit a large percentage of the sexual assault crimes against Native Americans.
- Sexual assault has serious physical, emotional, and economic effects.
- Jurisdictional issues, lack of resources, gender, poverty, race, and child abuse all play a part in the issue.
- There are serious limitations with finding one solution and model for Native women across the United States—there are many different experiences, cultures, tribes, and demographics. Each tribal nation must approach sexual violence survivor advocacy differently because of the vastly different laws and cultures throughout tribes in the United States.
- While it is helpful to do research on general ideas for Native women—for example, culturally sensitive advocates—each tribe must be researched in more detail. Research and prevention efforts must include children who have been sexually abused.¹⁰⁴
- There is little evidence of the outcomes and progress currently, and there has not been reviews on these programs. That seems to be an important step forward; collecting data on the feasibility and effectiveness of these programs.
- The issue of sexual assault on reservations cannot be approached without fully understanding the history of Native Americans, the complicated jurisdictional issues, and the vastly different tribes and cultures across the United States.

Endnotes

- 1 David Adams, “Certified Batterer Intervention Programs: History, Philosophies, Techniques, Collaborations, Innovations and Challenges,” *Clinics in Family Practice* 5, no. 1 (May 2003), adapted and updated, https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Certified%20Batterer%20Intervention%20Programs.pdf.
- 2 Shelley Taylor, “Research Network on SES & Health, Psychosocial Notebook: Coping Strategies,” The John D. and Katherine T. MacArthur Foundation, University of California, San Francisco, July 1998, <http://www.macses.ucsf.edu/research/psychosocial/coping.php>.
- 3 “Frequently Asked Questions,” U.S. Department of the Interior: Indian Affairs, accessed December 22, 2017, <https://www.bia.gov/FAQs/>.
- 4 Ibid.
- 5 National Sexual Violence Resource Center, *Sexual Revictimization Research Brief* (2012), http://www.nsvrc.org/sites/default/files/publications_NSVRC_ResearchBrief_Sexual-Revictimization.pdf.
- 6 “Sexual Assault,” The United States Department of Justice, Office on Violence Against Women, July 16, 2017, <https://www.justice.gov/ovw/sexual-assault>.
- 7 “Justice 101: Frequently Asked Questions,” U.S. Department of Justice: Offices of the United States Attorneys, accessed February 27, 2018, <https://www.justice.gov/usao/justice-101/faq>.
- 8 Amy L. Casselman, *Injustice in Indian Country: Jurisdiction, American Law, and Sexual Violence Against Native American Women*, (New York: Peter Lang Publishing, Inc., 2016), 6, <https://www.amyhontalas.com/wp-content/uploads/2017/08/Casselman-Injustice-in-Indian-Country-Title-Pages-and-Chapter-1.pdf>.
- 9 “Frequently Asked Questions.”
- 10 Ibid.
- 11 Tina Norris, Paula L. Vines, and Elizabeth M. Hoeffel, 2010 *Census Briefs*, *The American Indian and Alaska Native Population: 2010* (January 2012), <https://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.
- 12 Ibid.
- 13 Ibid.
- 14 “Frequently Asked Questions.”
- 15 Norris et al., 2010 *Census Briefs*.
- 16 Ibid.
- 17 Ibid.
- 18 National Center for Injury Prevention and Control, Division of Violence Prevention, *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Results* (November 2011), https://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf.
- 19 “Tribal Affairs,” The United States Department of Justice, Office on Violence Against Women, January 5, 2018, <https://www.justice.gov/ovw/tribal-affairs>.
- 20 “Victims of Sexual Violence: Statistics,” Rape, Abuse & Incest National Network, accessed December 21, 2017, <https://www.rainn.org/statistics/victims-sexual-violence>.

- 21 Steven W. Perry, U.S. Department of Justice: Office of Justice Programs: Bureau of Justice Statistics, *A BJS Statistical Profile, 1992–2002: American Indians and Crime* (December 2004), <https://www.bjs.gov/content/pub/pdf/aico2.pdf>.
- 22 Perry, *BJS Statistical Profile*, 4.
- 23 Neal Salisbury, “The Indians’ Old World: Native Americans and the Coming of Europeans,” *The William and Mary Quarterly* 53, no. 3 (July 1996): 437–438.
- 24 Ibid.
- 25 “Overview of the First Americans,” Steven Mintz and Sara McNeil, *Digital History*, accessed June 14, 2017, <http://www.digitalhistory.uh.edu/era.cfm>.
- 26 Francis Flavin, “Native Americans and American History,” 2005, Southeastern Oklahoma State University Henry G. Bennett Memorial Library, Native American Historical Resources. https://www.nps.gov/parkhistory/resedu/native_americans.pdf.
- 27 Hillary N. Weaver, “The Colonial Context of Violence: Reflections on Violence in the Lives of Native American Women,” *Journal of Interpersonal Violence* 24, no. 9 (October 2008): 1552–1563.
- 28 Diane K. Bohn, “Lifetime Physical and Sexual Abuse, Substance Abuse, Depression, and Suicide Attempts among Native American Women,” *Issues in Mental Health Nursing* 24, no. 3 (July 2009): 333–352.
- 29 Weaver, “The Colonial Context of Violence,” 1555.
- 30 Ibid.
- 31 Andrea Smith, “Not an Indian Tradition: The Sexual Colonization of Native Peoples,” *Hypatia* 18, no. 2 (Spring 2003): 70–85, https://www.jstor.org/stable/3811012?seq=1#page_scan_tab_contents.
- 32 Wendy Wang, “Interracial marriage: Who is ‘marrying out?’” (June 12, 2015), Pew Research Center, <http://www.pewresearch.org/fact-tank/2015/06/12/interracial-marriage-who-is-marrying-out/>.
- 33 Ronet Bachman, Heather Zaykowski, Christina Lanier, Margarita Poteyeva, and Rachel Kallmye, “Estimating the Magnitude of Rape and Sexual Assault Against American Indian and Alaska Native (AIAN) Women,” *The Australian and New Zealand Journal of Criminology* 43, no. 2 (2010): 212, https://www.researchgate.net/profile/Heather_Zaykowski/publication/249916046_Estimating_the_Magnitude_of_Rape_and_Sexual_Assault_Against_American_Indian_and_Alaska_Native_AIAN_Women/links/5492d94a0cf2302e1d074407.pdf.
- 34 Perry, *BJS Statistical Profile*, v.
- 35 Casselman, *Injustice in Indian Country*, [insert specific page numbers].
- 36 Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, and Christina Lanier, “Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known,” U.S. Department of Justice (August 2008): 83, <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>.
- 37 Ibid.
- 38 U.S. Department of Justice, Offices of the United States Attorneys, *Criminal Resource Manual 687. Tribal Court Jurisdiction*, 435 U.S. 191 (1978), <https://www.justice.gov/usam/criminal-resource-manual-687-tribal-court-jurisdiction>.
- 39 Violence Against Women Act (VAWA) Reauthorization of 2013, title IX § 204 (2013), <https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf>.
- 40 Ibid.

- 41 Kevin Meisner, "Modern Problems of Criminal Jurisdiction in Indian Country," *American Indian Law Review* 17, no. 1 (1992): 175–207, https://www.jstor.org/stable/20068722?seq=1#page_scan_tab_contents.
- 42 Jacqueline "Jax" Agtuca, "NCAI Update on VAWA 2012 Reauthorization," *Restoration of Native Sovereignty and Safety for Native Women* 20, (June 2012): 10–16, <https://www.google.com/>
- 43 United States Government Accountability Office, *U.S. Department of Justice Declinations of Indian Country Criminal Matters* (December 2010), <http://www.gao.gov/assets/100/97229.pdf>.
- 44 Bachman et al., "Violence Against American Indian and Alaska Native Women," 82.
- 45 Casselman, *Injustice in Indian Country*, [add page numbers].
- 46 "Agency Overview," Indian Health Services, accessed January 5, 2018, <https://www.ihs.gov/aboutihs/overview/>.
- 47 Bachman et al., "Violence Against American Indian and Alaska Native Women," 82.
- 48 Ibid.
- 49 Alana Eichner and Katherine Gallagher Robbins, National Women's Law Center, *Poverty & Family Supports, National Snapshot: Poverty Among Women & Families, 2014* (September 2015), <https://nwlc.org/wp-content/uploads/2015/08/povertysnapshot2014.pdf>.
- 50 "B20017 Median Earnings in the Past 12 Months (in 2015 Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over with Earnings in the Past 12 Months," *Universe: Population 16 years and over with earnings 2011-2015 American Community Survey American Indian and Alaska Native Tables*, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_05_EST_B20017&prodType=table.
- 51 Ibid.
- 52 World Health Organization, "Sexual violence," in *World report on violence and health*, ed. Etienne G. Krug, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi, and Rafael Lozano (Geneva: World Health Organization, 2002), http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf.
- 53 Donna Greco and Sarah Dawgert, *Poverty and Sexual Violence: Building Prevention and Intervention Responses; A Guide for Counselors and Advocates* (Pennsylvania Coalition Against Rape: 2017): 8, http://www.pcar.org/sites/default/files/pages-pdf/poverty_and_sexual_violence.pdf.
- 54 Bachman et al., "Violence Against American Indian and Alaska Native Women," 82.
- 55 Carrie L. Yodanis, "Gender Inequality, Violence Against Women, and Fear," *Journal of Interpersonal Violence* 19, no. 6 (2004): 662.
- 56 Deirdre A. Almeida, "The Hidden Half: A History of Native American Women's Education," *Harvard Educational Review* 67, no. 4 (Winter 1997): 757-771.
- 57 U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *Digest of Education Statistics* (2016), table 104.10, https://nces.ed.gov/programs/digest/d16/tables/dt16_104.10.asp.
- 58 Yodanis, "Gender Inequality," 662.
- 59 Elizabeth Bolton, American Association of University Women, "Native Women Have to Work 9 Extra Months to Make the Same Salary as Men Made Last Year," updated by Kevin Miller (September 2015), <https://www.aauw.org/2015/09/03/native-women-gender-pay-gap/>.
- 60 Yodanis, "Gender Inequality," 662.
- 61 Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University, "Women of

Color in Elective Office 2017: Congress, Statewide, State Legislature, Mayors” (2018), <http://www.cawp.rutgers.edu/women-color-elective-office-2017>.

62 United Nations Office of the Special Adviser on Gender Issues and Advancement of Women and the Secretariat of the United Nations Permanent Forum on Indigenous Issues, “Briefing Note no. 1, Gender and Indigenous Peoples: Overview,” (United Nations: New York, February 2010): 2, http://www.un.org/esa/socdev/unpfi/documents/BriefingNote1_GREY.pdf.

63 Ibid.

64 Julie Collins, “The Status of Native American Women: A Study of the Lakota Sioux,” accessed September 1st, 2017, <http://www.drake.edu/media/departments/offices/dussj/2006-2003/documents/StatusCollins.pdf>.

65 Save the Children, “Every Last Girl: Free to Live, Free to Learn, Free from Harm,” (London: Save the Children, 2016): 23-24, http://www.savethechildren.org.uk/sites/default/files/images/Every_Last_Girl.pdf.

66 World Health Organization, “Violence Prevention: The Evidence; Promoting Gender Equality to Prevent Violence Against Women,” (Geneva: World Health Organization, 2009): 3-4, http://www.who.int/violence_injury_prevention/violence/gender.pdf.

67 Sarah K. Kastelic, “American Indian/Alaska Native Children Exposed to Violence in the Home,” National Indian Child Welfare Association, December 9, 2013, https://www.nicwa.org/wp-content/uploads/2016/11/NICWATestimonyTaskForceonAIANChildrenExposedToViolence_Dec2013.pdf.

68 Diane K. Bohn, “Lifetime Physical and Sexual Abuse, Substance Abuse, Depression, and Suicide Attempts Among Native American Women,” *Issues in Mental Health Nursing* 24, no. 3 (2003): 343.

69 Stevan E. Hobfoll, Anita Bansal, Rebecca Schurg, Sarah Young, Charles A. Pierce, Ivonne Hobfoll, and Robert Johnson, “The Impact of Perceived Child Physical and Sexual Abuse History on Native American Women’s Psychological Well-Being and AIDS Risk,” *Journal of Consulting and Clinical Psychology* 70, no. 1 (2002): 252-257, https://www.researchgate.net/profile/Stevan_Hobfoll/publication/11501992_The_Impact_of_Perceived_Child_Physical_and_Sexual_Abuse_History_on_Native_American_Women%27s_Psychological_Well-Being_and_AIDS_Risk/links/55d1e63708ae2496ee658658/The-Impact-of-Perceived-Child-Physical-and-Sexual-Abuse-History-on-Native-American-Womens-Psychological-Well-Being-and-AIDS-Risk.pdf.

70 Bohn, “Lifetime Physical and Sexual Abuse,” 344.

71 Antonia Abbey, “Alcohol’s Role in Sexual Violence Perpetration: Theoretical Explanations, Existing Evidence, and Future Directions” (author manuscript, September 1, 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3177166/>.

72 “Effects of Sexual Violence,” Rainn, accessed March 26, 2018, <https://www.rainn.org/effects-sexual-violence>.

73 “Victims of Sexual Violence: Statistics,” Rainn, accessed March 26, 2017, <https://www.rainn.org/statistics/victims-sexual-violence>.

74 Karen Saylor and Nalini Daliparthi, “Native Women, Violence, Substance Abuse, and HIV Risk,” *Journal of Psychoactive Drugs* 37, no. 3 (October 2005): 273-280.

75 Diane K. Bohn, “Lifetime and Current Abuse, Pregnancy Risks, and Outcomes Among Native American Women,” *Journal of Health Care for the Poor and Underserved* 13, no. 2 (May 2002): 184-198.

76 Greco, *Poverty and Sexual Violence*, 15.

77 Ibid, 28.

78 Ibid, 1.

- 79 “Native Women,” Minnesota Women’s Consortium, accessed March 26, 2017, <http://www.mnwomen.org/native-women/>.
- 80 Greco, *Poverty and Sexual Violence*, 15.
- 81 “Effects of Sexual Violence,” Rainn, accessed March 26, 2017.
- 82 Bohn, “Lifetime Physical and Sexual Abuse,” 333-352.
- 83 Saylor, “Native Women,” 273-280.
- 84 Bohn, “Lifetime Physical and Sexual Abuse,” 333-352.
- 85 U.S. Department of Justice, *Indian Country Investigations and Prosecutions*, Washington: 2014, 3, <https://www.justice.gov/tribal/file/796976/download>.
- 86 Tribal Law and Order Act, title 2 (2010), <https://www.justice.gov/sites/default/files/usao-az/legacy/2010/10/14/Tribal%20Law%20%20Order%20Act%202010.pdf>.
- 87 U.S. Department of Justice, “Violence Against Women (VAWA) Reauthorization Act 2013,” updated March 26, 2015, <https://www.justice.gov/tribal/violence-against-women-act-vawa-reauthorization-2013-o>.
- 88 25 U.S.C. § 1304.
- 89 Ibid.
- 90 U.S. Department of Justice, *Indian Country*, 4.
- 91 National Congress of American Indians, *Special Domestic Violence Criminal Jurisdiction Pilot Project Report* (2016), http://www.ncai.org/attachments/NewsArticle_VutTUSYSfGPRpZQRYzWcuLekuVNeETAOBwGyvkWYwPRUJOioqI_SDVCJ%20Pilot%20Project%20Report_6-7-16_Final.pdf.
- 92 U.S. Department of Justice, *Indian Country*, 4.
- 93 U.S. Department of Justice, “Violence Against Women.”
- 94 Jasmine Owens, “‘Historic’ in a Bad Way: How the Tribal Law and Order Act Continues the American Tradition of Providing Inadequate Protection to American Indian and Alaska Native Rape Victims,” *Journal of Criminal Law and Criminology* 102, no. 2 (Spring 2012): [add page numbers], <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7429&context=jclc>.
- 95 U.S. Department of Justice, Offices of the United States Attorneys, “Department of Justice Announces Expansion of Program to Enhance Tribal Access to National Crime Information Databases,” *Justice News* (December 2016), <https://www.justice.gov/opa/pr/departement-justice-announces-expansion-program-enhance-tribal-access-national-crime-o>.
- 96 “Intro,” Native Love, accessed March 26, 2018, <http://nativelove.niwrc.org/>.
- 97 “SAFESTAR (Sexual Assault Forensic Examinations, Services, Training, Advocacy, and Resources),” Southwest Center for Law and Policy, accessed March 26, 2018, <http://www.swclap.org/safestar/>.
- 98 Joshua Armstrong, “Native American Women Face High Rate of Sexual Assaults,” *Tucson Sentinel*, December 23, 2011, http://www.tucsonsentinel.com/local/report/121511_az_safestar_rape/native-american-women-face-high-rate-sexual-assaults/.
- 99 U.S. Department of Justice, “Tribal Access to National Crime Information Databases.”
- 100 “The Poverty Cycle,” Running Strong for American Indian Youth, accessed March 26, 2018, <http://indianyouth.org/american-indian-life/poverty-cycle>.

- 101** “Programs,” Reach, accessed March 26, 2018, <https://reachcounseling.com/programs/>.
- 102** “Home,” StrongHearts Native Helpline, accessed March 26, 2018, <http://www.strongheartshelpline.org/>.
- 103** ACLU Women’s Rights Project, the Human Rights Institute at Columbia Law School, and the Human Rights Clinic at University of Miami School of Law, *Domestic Violence & Sexual Assault in the United States: A Human Rights Based Approach & Practice Guide* (August 2014), http://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/dv_sa_hr_guide_reduce.pdf.
- 104** Diane K. Bohn, “Lifetime and Current Abuse,” 184-198.