



Native American Women's Health Education Resource Center

A PROJECT OF THE NATIVE AMERICAN COMMUNITY BOARD

United Nations Permanent Forum on Indigenous Issues
2007

Intervention By: Charon Asetoyer, M.A. (Comanche Nation)
Executive Director of the Native American Women's Health Education Resource Center

Violence Against Women is Against the Law

Our history has illustrated that patterns of sexual violence against Native American and Alaska Native women occurs against a backdrop of systemic discrimination against Indigenous Peoples. When a Native woman suffers abuse, this abuse is not just an attack on her identity as a woman, but on her identity as Native. "It is because of a Native American woman's sex that she is hunted down and slaughtered, in fact, singled out, because she has the potential through childbirth to assure the continuance of the people"¹

The Fourteenth Amendment of the U.S. Constitution guarantees all Americans equal protection under the law. This means that the government has a legal obligation to intervene in sexual assault against Native American and Alaska Native women just as it responds to sexual violence against other Americans. Failure to do so would be unconstitutional racial discrimination.

It is clear that sexual violence against women is a violation of a woman's Human Rights which are based on the recognition of the inherent dignity and worth of every human being, and governments around the world are committed to ensuring that all people can enjoy certain universal rights and freedoms.²

Under legal concept of due diligence, when states know or should know about such crimes as sexual violence against Native women and fail to take appropriate actions to prevent them, they bear responsibility for those abuses.

Federal statistics indicate that, most sexual assaults committed against Native American women are inter-racial, with more than 86% perpetrated by non-Native American men, the majority of whom are white.³

¹ Hernandez-Avila 1993, 386

² United Nations and the Organization of American States, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (IOL Convention 169) the Declaration on the Rights of Indigenous Peoples.... (partial list)

³ Bureau of Justice Statistics, American Indian Crime (1999)

More than 1 in 3 – Native American and Alaska Native women will be raped during their lifetime.⁴ Sexual assault against Native American and Alaskan Native women is not met with uniform response and the challenges faced by survivors at every level increases the likelihood of impunity for perpetrators.⁵

In January 2005 the Native American Women's Health Education Resource Center released a report entitled *A Survey of Sexual Assault Policy and Protocols Within Indian Health Service Emergency Rooms*. The findings of this survey are alarming and document a substantial gap in services for women who use Indian Health Service facilities after a rape or sexual assault. Even more disturbing is the fact that Indian Health Service does not even have a standardized set of Sexual Assault Policies in place.

30% of Service Units surveyed reported they do not have policies in place for emergency services in case of sexual assault.

70% of the respondents indicated they have policies.

Only 56% of Service Units have their policies posted and accessible to staff members. The statistics reflect a discrepancy between policy and practice.

44% of the facilities lacked trained personnel to perform emergency services such as the collection of evidence done in a rape kit. For those facilities in the lower 48 states that do not provide emergency services for sexual assault, victims must travel long distance some over 150 miles. This figure does not include the extreme travel distances and challenges faced by Alaska Native women.

Indian Health Services could greatly reduce the number of sexual assaults within our communities if they would require Sexual Assault Nurse Examiners (SANE) and Sexual Assault Response Team (SART) programs within each Service Unit. A Sexual Assault Nurse Examiner is a Registered Nurse who has been specifically trained to provide care to victims of sexual assault and is capable of conducting forensic exams know as a rape kit. Without a rape kit being performed on a women there is no collection of evidence and without evidence there is no conviction which means that a rapist is free to rape again.

It is not uncommon after a sexual assault to here a Health Care Provider in an Indian Health Service Emergency Room say that they do not want to get involved or testify in court. That kind of attitude often results in a victim not receiving the quality of care received by those in main stream society and it also diminishes the severity of the crime. It also under mines our status as human beings.

⁴ Patricia Tjaden & Nancy Thoennes, U.S. Dept. of Justice, Full Report on the Prevalence, Incidence, and Consequences of Violence Against Women (2000)

⁵ Amnesty International on Sexual Assault Against Native American and Alaska Native Women, report to be released.

In closing, we request that the United Nations Permanent Forum on Indigenous Issues Sixth Session include this area of human rights violations in its report from this Session and call upon States, beginning with the United States of America, to report at its next Session and each subsequent Session on what steps have been achieved, in conjunction with Indigenous Peoples and Indigenous Women, to resolve this shocking and appalling human rights violations in those States.

The wisdom of the Cheyenne...

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.