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USA: Authorities fail to protect Indigenous women from shocking rates of rape

(Washington, D.C.) – Native American and Alaska Native women in the United States suffer disproportionately high levels of rape and sexual violence, yet the federal government has created substantial barriers to accessing justice, Amnesty International (AI) asserted in a 113-page report released today. Justice Department figures indicate that American Indian and Alaska Native women are 2.5 times more likely to be raped or sexually assaulted than women in the United States in general; more than one in three Native women will be raped in their lifetimes.

The United States government has created a complex maze of tribal, state and federal jurisdictions that often allows perpetrators to rape with impunity -- and in some cases effectively creates jurisdictional vacuums that encourage assaults. It is necessary to establish the location of the crime and the identity of the perpetrator to determine which authorities have jurisdiction, during which critical time is lost. This leads to inadequate investigations or a failure to respond.

Further complications are the lack of trained Sexual Assault Nurse Examiners (SANEs) at Indian Health Service (IHS) facilities to provide forensic exams, and the potential for law enforcement to mishandle evidence when rape kits are used. The result is that Native women often:

- o Do not get timely – or any – response from police.
- o May not get forensic medical examinations.
- o May never see their cases prosecuted.

“The high levels of sexual violence experienced by Indigenous women in the USA are compounded by failures at every level of the justice system. Amnesty International stands in solidarity with Indigenous women’s demands that the United States Government provide them the protection and justice they deserve,” said Kate Gilmore, Executive Deputy Secretary General of Amnesty International.

“Native women are brutalized at an alarming rate, and the United States government, a purported champion of women’s rights, is unfortunately contributing to the problem,” said Larry Cox, executive director of Amnesty International USA (AIUSA). “It is disgraceful that such abuse even exists today. Without immediate action, an already abysmal and outrageous situation for women could spiral even further out of control. It is time to halt these human rights abuses that have raged unfettered since this country was founded.”

The AI report, *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA*, warned that government figures, as disturbing as they are, grossly underestimate the problem because many women are too fearful of inaction to report their cases. According to one Oklahoma support worker, of 77 active sexual assault/domestic violence cases involving Native American women, only three victims reported their cases to the police.

The U.S. Government has undermined the authority of tribal justice systems to respond to crimes of sexual violence by consistent under-funding. Federal law limits the criminal sentences that tribal courts can impose for any one offense to one year and prohibits tribal courts from trying non-Indian suspects -- even though data collected by the Department of Justice shows that up to 86 percent of perpetrators are non-Indian.

In addition, AI’s research suggests that there is a failure at the state and federal level to pursue cases of sexual

violence against Native women involving non-Indian perpetrators. One former federal prosecutor told AI, "It is hard to prosecute cases where there is a Native American victim and a non-Native American perpetrator." Once a case is denied at the state or federal level, there is no further recourse for survivors of rape under criminal law.

"When elders say, 'too many of our women and children have been raped,' we know that we must come together to overcome the darkness and end the silence. What we don't acknowledge, we carry with us," said Denise Morris, executive director and CEO of the Alaska Native Justice Center and a speaker at the report launch. "The United States government has a legal and moral responsibility to provide resources to Native organizations so they can begin to develop solutions and promote healing and wellness at the community level."

The report focuses primarily on three regions that pose distinct jurisdictional challenges: Oklahoma, Alaska and Standing Rock Sioux Reservation (North/South Dakota). The report finds that regardless of the location or legal framework, the outcome is the same: many Native women who have experienced sexual violence are denied justice.

In addition to increasing levels of training, AI urged federal, state and local authorities to take other concrete steps to decrease sexual violence and increase services for Indigenous women who are raped:

- o The U.S. Congress should fully fund and implement the Violence Against Women Act (VAWA) -- and in particular Tribal Title (Title IX), the first-ever effort within VAWA to fight violence against Native American and Alaska Native women. This includes a national baseline study on sexual violence against Native women, a study on the incidence of injury from sexual violence against Native women and a Tribal Registry to track sex offenders and orders of protection.
- o The U.S. Congress should increase funding for the Indian Health Service (IHS) and IHS contract facilities. Such monies should be used to increase the number of Sexual Assault Nurse Examiners so that survivors may receive timely forensic medical examinations, at no charge, following sexual assault. Furthermore, the IHS should ensure that appropriate protocols are in place for the treatment of survivors of sexual violence.
- o The U.S. Congress should recognize tribal authorities' jurisdiction over all offenders who commit crimes on tribal land. The federal government must provide the necessary funding for police forces in Indian Country and Alaska Native villages, with particular attention paid to improving coverage in rural areas and the funding and resources to enable tribal authorities to develop and maintain tribal courts.
- o Federal and state governments should consult and cooperate with tribal nations, and Native women in particular, to institute effective plans of action to stop sexual violence against Native women.

AI will continue to campaign in partnership with Native American and Alaska Native women in the USA to address the critical human rights abuses documented in this report. This report is part of AI's global Stop Violence Against Women campaign.

From 24 April, the report *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the US*, will be available at: <http://web.amnesty.org/library/Index/ENGAMR510352007>

A briefing on Amnesty International's concerns regarding sexual violence against Indigenous women in Oklahoma, Alaska and Standing Rock Sioux Reservation (North/South Dakota), will be available at: <http://web.amnesty.org/library/Index/ENGAMR510702007>

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