

The Violence Against Women Act for Native American Women

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ABSTRACT

According to the Department of Justice statistics, American Indian and Alaska Native (AI/NA) women suffer a higher rate of assault than other female demographics. Additionally, the statistics show that the majority of perpetrators are not Native American or Alaska Native. No other female demographic experiences this high rate of interracial assault crimes. The Violence Against Women Act (VAWA) represents significant legislation involving crimes against women in general. VAWA does have a provision for re-introducing the ability for Tribes/Nations to prosecute violent crimes against American Indian and Alaska Native women, which had been legally eliminated by historical legislation. This research will examine the effectiveness of VAWA in protecting Native American and Alaska Native women to the same standards as other female demographics. Finally, the research will analyze whether the law itself is at issue for the differences in VAWA's effectiveness in these differing demographics or if jurisdiction and the implementation of VAWA explains the differences in the policies application.

IMPORTANT STATISTICS

- Native Americans are victims of rape or sexual assault at more than double the rate of other racial groups.
- A University of Oklahoma study of 422 Native American women in Oklahoma found that 82% of the women had experienced physical or sexual intimate partner violence in their lifetime, with 66% reporting severe physical partner violence (defined as kicking, choking, using an assault weapon, etc.).

WHAT IS EFFECTIVE ABOUT VAWA?



- The four crimes, domestic violence, sexual assault, dating violence, and stalking, now have greater legal protections and civil remedies than before.
- The criminal justice system's response as a whole to these crimes has improved across the board.
- Developing innovative solutions to complex and emerging problems, such as specialized courts and law enforcement units, risk and lethality assessments, and trauma-informed service models

REFERENCES

- US Department of Justice. (2016). Twenty Years of the Violence Against Women Act: Dispatches from the Field. Office on Violence Against Women.
- Modi, M. N., Palmer, S., & Armstrong, A. (2014). The role of Violence Against Women Act in addressing intimate partner violence: a public health issue. *Journal of women's health* (2002), 23(3), 253–259. <https://doi.org/10.1089/jwh.2013.4387>

THE PROBLEMS WITH VAWA



- It is slow to adapt important changes. It was not until 2013 that tribes had jurisdiction over non-natives under VAWA. Therefore, non-natives were essentially untouchable on reservations when they assaulted women. However, critics worry that it would be difficult to conduct a fair trial because the jury would obviously be composed of a majority native population.
- It does not even provide for ongoing basic training for those who respond to crimes under VAWA.
- It does not address the intersections among complex trauma, multiple victimizations, mental health and substance abuse, and poverty, which are, unfortunately, common issues among native populations.

IMPLICATIONS AND CONCLUSION

- We still have a long way to go before this act fully accomplishes what it claims to do.
- Ensuring equal access to justice under VAWA for women of color, Native women, LGBT people, immigrants, people with disabilities, youth, and older individuals remains to be seen.
- VAWA has the potential to equalize protection for all groups of women. However, it requires the cooperation of those in Congress to make sure all groups are protected.

Hear the voices
of survivors:
VAWA needs
improvements.



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