

**Amnesty
International**

MAZE OF INJUSTICE

**The failure to protect
Indigenous women
from sexual violence
in the USA**

**One Year Update
Spring 2008**

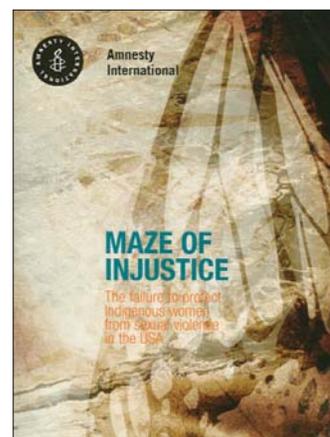
Amnesty International
Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA

1 Year Update: Spring 2008

“Maze of Injustice” has brought a face to violence and sexual assault in this country that most people have never seen before. The cries from the “Grass Roots” women in Indian Country are finally being heard throughout the halls of Congress. Amnesty International and Native women have worked together to bring this issue to the attention of policy makers. It is now time for those policy makers to make changes that will improve the lives of Native women!”

- Charon Asetoyer, Executive Director, Native Women’s Health Education Resource Center, South Dakota

On April 24, 2007, Amnesty International issued a report entitled *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA*. The report confirmed what Native American and Alaska Native advocates have long known: that sexual violence against women from Indian nations is at epidemic proportions and that survivors are frequently denied justice. As the Amnesty International report demonstrates, this is not simply a public health or criminal justice issue, but a serious human rights issue, that the US government is obligated to address under internationally recognized human rights standards.



The U.S. Department of Justice’s own statistics indicate that Native American and Alaska Native women are more than two and a half times more likely to be raped or sexually assaulted than women in the USA in general and that 86% of the reported crimes are committed by non-Native men. The AI report found that as a result of barriers including a complex jurisdictional maze and a chronic lack of resources for law enforcement and health services, perpetrators are not being brought to justice. Native American and Alaska Native women:

- May get a police response;
- May never have access to a sexual assault forensic examination; and
- May never see their case prosecuted.

None of this is inevitable or irreversible. The voices of Indigenous women who have come forward to speak about these issues send a message of courage and hope that change can and will happen. Their voices are being heard: Over the past year the issue of violence against Indigenous women has risen significantly on the political agenda. The Senate Committee on Indian Affairs held three hearings¹ and the House Committee on Natural Resources² also held a hearing on law enforcement in Indian Country, and specifically included sexual violence. Indigenous advocates, survivors and AI staff testified at these hearings. On the local level, an AI survey of advocates who provided information for *Maze of Injustice* found that the report has been useful as to “raise awareness” and to “begin critical conversations.”

¹Oversight hearing on law enforcement in Indian Country, May 17 2007 (S. Hrg. 110-106); Oversight hearing on law enforcement in Indian Country, June 21, 2007 (S. Hrg. 110-136); Oversight hearing Examining the Prevalence of and solutions to Stopping Violence Against Indian Women, September 27, 2007 (S. Hrg. 110-196). All held in Washington D.C.

²Oversight Hearing on the Needs and Challenges of Tribal Law Enforcement on Indian Reservations, Lower Brule, S.D., June 1, 2007 (Serial No. 110-28)

At the federal level, and in each of the three locations³ where AI undertook detailed research and campaigning, increased pressure and attention, at least in part, resulting from the publication of the AI report, has led to some specific gains and promising initiatives – for example:

- In Oklahoma a law was passed allowing access to free sexual assault forensic examinations (also known as rape kits) for all victims of sexual assault.
- The Alaska Senate established a Task Force to review the Village Police Safety Officer program. A report was published on February 2008, recommending increasing staffing by enhancing efforts to recruit and retain officers.⁴
- In Standing Rock, the town council of McLaughlin approved a zoning application by the Pretty Bird Woman House to establish a shelter for victims of sexual assault and domestic violence. At the time research was undertaken for the *Maze* report, there was no shelter on the reservation.
- On the federal level, Senator Byron Dorgan (D-ND) Chairman of the Senate Committee on Indian Affairs developed a concept paper following Senate hearings and meetings with tribal leaders.⁵ The paper is an attempt to create a comprehensive plan of action, and lists a number of proposed solutions to law enforcement issues in Indian Country. Senator Dorgan is reportedly planning to propose legislation based on this paper. The ranking Republican Senator, Lisa Murkowski (R-AK), has also expressed strong interest in seeing that Congress takes steps to address this issue.
- The US Senate also passed the Indian Health Care Improvement Act in February 2008 with an amendment by Senator Johnson (D-SD), mandating that Indian Health Service (IHS) develop standardized sexual assault policies and protocols, in coordination with tribes, tribal organizations and the Office on Violence against Women at the Department of Justice.⁶
- During the 2008 hearings held by the House Appropriations Committee on the IHS and Bureau of Indian Affairs (BIA) budgets, Congressman Moran (D-VA) raised the issue of violence against Native American and Alaska Native women. Interest was generated within the Committee to pursue further investigation of the serious problem and marshal additional resources for IHS and BIA to ensure a response to the problem. House Appropriations Committee staff scheduled a meeting with representatives of IHS, BIA, AIUSA and a Native American legal expert to discuss how to tackle the issue of violence against Native American and Alaska Native women on April 17, 2008.

These developments are welcome – in some cases, groundbreaking - steps towards stopping the violence and ensuring that women who experience sexual violence have access to support and justice. However, concrete changes are still lacking in crucial areas:

- **Adequate and appropriate health services:** IHS should immediately adopt and implement national uniform protocols on dealing with sexual violence, and must prioritize the establishment of Sexual Assault Nurse Examiner programs. If IHS fails to adopt strong protocols on its own, Congress should mandate these initiatives and ensure the IHS has adequate funding to implement them.
- **Data collection on prosecution of cases:** US Attorneys should immediately begin comprehensive data collection, and make it public. If the Executive Office of US Attorneys fails to

³ The Standing Rock Sioux Reservation in North and South Dakota, the State of Oklahoma and the State of Alaska. The locations were selected to illustrate different policing and judicial arrangements

⁴ *Alaska State Senate Village Public Safety Officers (VPSO) Task Force Report to the Senate*, February 1, 2008

⁵ Senator Byron L. Dorgan, *Concept Paper for an Indian Country Crime Bill*, U.S. Senate Committee on Indian Affairs, November 7, 2007, Available At: http://www.indian.senate.gov/public/_files/IndianCrimeBillCONCEPTPAPER.pdf

⁶ S. 1200, 110th Cong. (2008), passed by the Senate and Sent to the House of Representatives, referred to the House Committee on Natural Resources (last checked 2 April 2008)

do so, Congress should mandate these steps.

- **Resolving the jurisdictional maze:** The federal government should remove the barriers to justice created by jurisdictional confusion and complexity by directly addressing the complex rules and legislation.

The urgency of this issue is undiminished: On the ground women are facing many of the same issues they did one year ago. Local advocates surveyed for this update told AI that they had seen no or only limited improvements for women in most areas.

At the one year mark of the release of *Maze of Injustice*, there is significant, even historical, opportunity for change but there is also real danger that the follow through that is so desperately needed will not happen. It will require working together on all levels to fulfill the promises made.



Cindy Pennington, former police officer and chair of the Alaska Native Women's Sexual Assault Committee. The Committee, which was formed in 1999 and whose members include the Anchorage Police Department and Alaska Native organizations, focuses on public education and prevention. In 2001 the Committee was honored with a Crime Victims Service Award from the US Department of Justice.

The legal relationship that exists between the US federal government and tribes (trust responsibility) places on the US government a unique legal obligation to ensure the protection of the rights and wellbeing of American Indian and Alaska Native peoples. As citizens of particular tribal nations, the welfare and safety of American Indian and Alaska Native women are directly linked to the authority and capacity of their nations to address such violence. However, the federal government has steadily eroded tribal government authority and chronically under-resourced law enforcement agencies and service providers. The federal government must honor their trust responsibility and take urgent action to address sexual violence against Indigenous women.

Addressing sexual violence against Native American and Alaska Native women requires a holistic and integrated approach. In all efforts by federal and state authorities collaboration and co-operation with Indigenous nations and Indigenous women particular must be meaningful and ongoing.

This update will present the main achievements of the past year in more detail and identifies urgent priorities going forward.

Amnesty International hopes that the report, *Maze of Injustice*, and this one-year update can contribute to and support the work of the many Native American and Alaska Native women's organizations and activists who have been at the forefront of efforts to protect and serve women, and are carrying out important and innovative work to end sexual violence.

I. Data collection

“The Amnesty International report was a wake-up call that the federal government has not been listening carefully enough to the advocates for our Native women and that’s wrong and needs to change.”

- Senator Lisa Murkowski (R-AK), U.S. Senate Committee on Indian Affairs, Oversight Hearing on Law Enforcement in Indian Country, June 21 2007

There is still a dearth of specific data about sexual violence against Native women. Limited data currently available impedes the ability to develop responses to crimes of sexual violence against Native American and Alaska Native women. There is a lack of comprehensive data about the incidence of the sexual violence as well as about responses by authorities, including the outcomes of the cases referred for prosecution.

Accomplishments and promising developments	Remaining concerns
<ul style="list-style-type: none"> ● Title IX of the Violence Against Women Act (VAWA)⁷ directs the Attorney General to conduct a national baseline study on sexual violence committed against Indigenous women and to evaluate the effectiveness of tribal, federal, state and local responses.⁸ The FY2008 Omnibus Appropriations Act passed by Congress appropriated \$940,000 for this study.⁹ ● According to newly appointed Director of the Office of Violence Against Women at the Department of Justice (DOJ), Cindy Dyer, the baseline study is likely to consist of multiple projects over a longer period of time. A comprehensive research agenda has as yet not been prepared, however, a task force to guide the study was established on March 31, and their first meeting is reportedly scheduled for the summer of 2008.¹⁰ ● Some progress has been made in the interim: a working group is developing comprehensive outreach to the 562 federally recognized Indian tribes and Alaska Native villages and corporations; developing sampling and research plans; and releasing a report highlighting existing literature and research on violence against American Indian/Alaska Native women as well as criminal justice response.¹¹ 	<ul style="list-style-type: none"> ● Title IX of VAWA also directed the Department of Health and Human Services to conduct a study on the number of cases involving violence against Native American and Alaska Native women and the cost of providing related health services. This study has not been funded - AI found a failure to provide adequate and appropriate health services including forensic examinations.

⁷ The Act, first passed by Congress in 1994, is a collection of funding programmes and actions to improve criminal justice and community-based responses to violence against women, including sexual violence. Thanks to the advocacy of Native American and Alaska Native women, the 2005 version of the Act contains, for the first time, a specific Tribal Title (Title IX).

⁸ Violence Against Women Act, Public Law No. 109-162, (2005)

⁹ Consolidated Appropriations Act of 2008, Public Law No. 110-161 (2008)

- The Dorgan concept paper recommends that **US Attorneys** (federal prosecutors) **be mandated to file and maintain data** on declination reports.

- The US Attorneys' Office has not initiated data collection absent a legislative mandate.

Urgent Next Steps

- The federal government must fulfill their obligation to ensure that the **national baseline study** on violence against Indigenous women, including sexual violence, is conducted.
- **US Attorneys should immediately begin comprehensive data collection**, and make it public: Data should be kept on cases of sexual violence against Native American and Alaska Native women, including the Indigenous or other status of victims and suspects, localities where offences take place and reasons why a case was declined. It should be mandated that this data be shared with tribes in a timely manner including the reasons for declinations. Decisions not to prosecute must be communicated to the survivor and other prosecutors with jurisdiction.

A woman with dark, curly hair is sitting on a white metal fence in a rural landscape. She is wearing a patterned, long-sleeved top and blue jeans. The background shows a green field, some trees, and a cloudy sky.

After the destruction of her sexual assault forensic examination, J was advised to drop her complaint due to lack of evidence. Since then J has teamed up with AIUSA appearing at hearings in Washington, DC to make sure that no other Native woman is forced to drop her complaint due to lack of evidence.

¹⁰ U.S. Department of Justice, Office on Violence Against Women, At: <http://www.ovv.usdoj.gov/siw.htm>

¹¹ Cindy Dyer, Partners in anti-crime, Letter, Indian Country Today, posted March 21, 2008 At: <http://www.indiancountry.com/content.cfm?id=1096416878> and Cindy Dyer, Director U.S. Department of Justice, Office on Violence Against Women, Letter to Tribal leaders, February 19, 2008 At: <http://www.ovwtribalconsultation.com/>, visited April 10, 2008

II. Police response and prosecutions

Leslie Ironroad, a 21-year-old Native American woman was raped and severely beaten by four men in February 2003. Her friend told AI that she was transferred to a hospital in critical condition, having taken an overdose of anti-diabetic medication that she found in the house where she had been raped with the apparent intention of committing suicide. Rhea said: “she just lay there all beat up, with big black eyes.” According to Rhea, a Standing Rock Police Department (SRPD) officer came to the hospital and questioned her. Leslie died two weeks after the rape. Rhea says she spoke to the police officer a year later; he told her the rape case was closed. “The perpetrators are still walking around” she told AI, “I don’t know why.” Interview with Rhea, 2006 (details withheld)

Following the launch of the AI report, the BIA **re-opened the investigation** into Leslie Ironroad’s case. According to the SRPD the case is still open, but there are no further updates.¹²

“The story of what happened to [Leslie] Ironroad, and more importantly what happened to the investigation of her death, is a window into what is happening on Native American reservations across the country. Cases like hers are going unreported, uninvestigated and unprosecuted...”

- Laura Sullivan, Rape Cases on Indian Lands Go Uninvestigated, National Public Radio, July 25, 2007

Navajo police reported that of 328 rapes committed on the reservation in 2007, only 17 led to an arrest. According to Police Chief Jim Benally violent crimes are investigated by the FBI and prosecuted by U.S. attorneys, “so it may take two to four years before an arrest is made.”¹³

There are frequently lengthy delays in responding to reports of sexual violence against Indigenous women – and sometimes no response at all. A lack of appropriate training in federal, state and tribal police forces also undermines survivors’ right to justice. Law enforcement in Indian Country and Alaska Native villages is chronically under-funded. Even if there is a police response to crimes of sexual violence, prosecutions are rare due to jurisdictional complexities and because of severe under-funding of tribal courts.

Accomplishments and promising developments	Remaining concerns
<p>Training</p> <ul style="list-style-type: none">● The Dorgan concept paper proposes to enhance family violence training for tribal and Federal law enforcement. AI and allies have further emphasized that sexual violence should be included in the curriculum.● In Oklahoma, as of November 1, 2007 all police officers who go through the academy must have 6 hours of Sexual Violence training.¹⁴ Advocates who co-teach the training told AI that they make sure that they stress	<p>Funding</p> <ul style="list-style-type: none">● When asked about the low staffing levels of law enforcement in Indian Country, BIA Director Patrick Ragsdale said he “expects the situation to improve with \$16 million in new funding that the Bush administration has proposed, which would add about 50 new BIA officers.”¹⁷ NPR noted that spread among the 200 tribal jurisdictions, 50 new officers comes out to well below one per tribe.¹⁸

¹² Amnesty International interview with Gerald White, Standing Rock BIA Police Chief, April 2, 2008

¹³ Fax to Amnesty International, Jeanette Dentdale, Statistical Research Analyst, Acknowledged by Orlando D. Bowman, Program Supervisor, Information Management Section, NPD, April 15, 2008; Donovan, *Alcohol fuels crime increase. Spike in domestic violence cases results in increase in crime statistics*, Special to the Times, April 3, 2008 at <http://www.navajotimes.com/news/040308alcohol.php>

¹⁴ Okla. Stat. Ann., tit. 70, sec. 3311.5

<p>how jurisdictional issues greatly affects sexual violence cases.¹⁵ AI notes that the patchwork nature of tribal and state land in Oklahoma means that there are considerable difficulties in establishing jurisdiction, and urges an expansion of police training on this issue.¹⁶</p>	<ul style="list-style-type: none"> ● Senator Dorgan’s concept paper has a number of proposals for additional grants targeting law enforcement and prosecutors. It is positive that there are suggestions to increase funding, however, without <i>ongoing</i> funding which is not tied to federal oversight, the impact may be short-lived and may not reach the areas where there is the greatest need.
<p>Working with Indigenous women’s organizations</p> <ul style="list-style-type: none"> ● In the Standing Rock Sioux Reservation, advocates reported that the Standing Rock Police Department (SRDP) chief is now regularly meeting with, and has expressed his support for their domestic violence program. 	
<p>Staffing levels</p> <ul style="list-style-type: none"> ● Although they may be the first or only officers to respond to a crime, Village Public Safety Officers (VPSOs) are not certified by the Alaska Police Standard Council. Over 80 per cent of those who are not afforded trained and certified law enforcement protection are Alaska Native.¹⁹ As a result, the VPSO program has been criticized as a separate, unequal and insufficient form of law enforcement.²⁰ In 2007, the Alaska Senate established a Task Force to review the VPSO program. A report was published on February 2008, recommending increasing staffing by enhancing efforts to recruit and retain officers.²¹ 	

¹⁵ Jennifer McLaughlin, Oklahoma Coalition Against Domestic Violence and Sexual Assault, co-teacher of CLEET classes on sexual assault, April 2, 2008

¹⁶ The Council on Law Enforcement Education and Training (CLEET) reportedly provided “just a passing glance” on jurisdiction at the time of the publication of *Maze*. AI interview with Jeanie Nelson, Director of State of Oklahoma Council on Law Enforcement Education and Training, 26 September 2005

¹⁷ The Department of Interior (DOI) reported that the \$16 million for the Safe Indian Communities Initiative would primarily target fighting methamphetamine distribution. \$5 million were earmarked to hire and train additional law enforcement officers. According to the DOI, Congress augmented the amount to \$24 million in the final budget. See http://www.doi.gov/initiatives/indian_safe_communities.html and <http://www.doi.gov/budget/2008/08Hilites/DH43.pdf>

¹⁸ Laura Sullivan, *Rape Cases on Indian Lands Go Uninvestigated*, National Public Radio, July 25, 2007

¹⁹ Some 165 off-road communities lack “certified” police officers, 136 of which are Alaska Native villages. Complaint for Declaratory and Injunctive Relief, Alaska Inter-Tribal Council, et al., v State, et al, 25 October 1999

²⁰ Alaska Advisory Committee to the US Commission on Civil Rights, *Racism’s Frontier: The Untold Story of Discrimination and Division in Alaska*, April 2002

²¹ *Alaska State Senate Village Public Safety Officers (VPSO) Task Force Report to the Senate*, February 1, 2008

Urgent Next Steps

- The Federal government must ensure that the chronic under-resourcing of law enforcement agencies and tribal justice systems, is adequately addressed through permanent funding solutions.
- All trainings and training materials should be shaped and drafted by Native American and Alaska Native women experts on family and sexual violence. Sufficient funds for this training should also be available for tribes.



Standing Rock Sioux Reservation, SD

III. Jurisdiction

“[A]s long as the tribe must depend on the federal government to police and prosecute people on their own land, anyone who comes here may well be able to rape or assault women ... and get away with it.”

- Ron His Horse Is Thunder, Chairman of the Standing Rock Sioux Tribe, July 25, 2007²²

“Our people are afraid because there are persons committing crimes against us at night and in broad daylight ... We have criminals that are simply unafraid of prosecution.”

- Fort Peck Tribal Chairman, A.T. “Rusty” Stafne, Montana, December 2007²³

The federal government has steadily eroded the authority and capacity of tribal governments to respond to crimes committed on tribal land and has created a complex jurisdictional maze that often results in perpetrators going free. It is often very confusing to figure out just who has the authority to address crimes committed against Indian women. This can lead to delays in investigations or no response at all.

Accomplishments and promising developments	Remaining concerns
<ul style="list-style-type: none"> ● Senator Dorgan’s Concept Paper includes proposals which address the jurisdictional maze through enhancing collaboration agreements, trainings, improving collaboration as well as the liaison role within US Attorney Offices. 	<ul style="list-style-type: none"> ● Initiatives to address the jurisdictional maze have failed to address its root problems, which would require restoring tribal authority to investigate and prosecute cases of sexual violence.
<ul style="list-style-type: none"> ● In Oklahoma, the FBI and the BIA introduced a toll-free number to report crimes committed on tribal lands, in an effort to “eliminate confusion about what law enforcement agency should respond to crimes that take place on tribal lands.”²⁴ ● However, there are serious concerns about this program in terms of the safeguards in place for women as well as the provision of translation services. The hotline, and all such programs, should be developed and evaluated in collaboration and consultation with tribal nations and Native American women’s organizations. 	

Urgent Next Steps

- The federal government must remove barriers to justice created by jurisdictional confusion and complexity by:
 - Addressing the jurisdictional challenges created by *Oliphant v. Suquamish* by recognizing the concurrent jurisdiction of tribal authorities – thereby re-affirming inherent tribal authority - over all crimes and matters occurring within Indian country.
 - Removing limitations on tribal imposition of incarceration and fines which are currently restricted by the Indian Civil Rights Act.
 - Making available the necessary funding and other resources to enable tribal authorities to develop their courts so that they have the capacity to operate effectively and in accordance with international standards.

²² Laura Sullivan, *Rape Cases on Indian Lands Go Uninvestigated*, National Public Radio, July 25, 2007

²³ Richard Person, “Citizens seek ways to make Fort Peck Reservation a safer place” Great Falls Tribune, December 18, 2007

²⁴ FBI Press Release, October 10, 2007. At http://oklahomacity.fbi.gov/pressrel/2007/oct10_07.htm;

Julie Bisbee, *New hotline to report crime on tribal lands*, The Oklahoman, October 10, 2007

IV. Ensure Access to Sexual Assault Forensic Examinations

Health service providers have a key role to play both in providing survivors with any medical attention they may need and in documenting sexual violence. Many IHS facilities do not consistently provide a forensic sexual assault examination. IHS facilities lack clear protocols for treating victims of sexual violence, are severely under-funded and lack personnel trained to provide services in the event of sexual violence. In addition there is a need for the IHS to assess how better to support staff responsible for testifying in court during a prosecution.

Accomplishments and promising developments	Remaining concerns
<p>Protocols²⁵</p> <ul style="list-style-type: none"> ● According to the IHS website: “As a result of this report [<i>Maze of Injustice</i>], the IHS will help develop a prototype policy on sexual assault that can be used by facilities to help ensure the provision of best practices and culturally appropriate medical and supportive care for victims.”²⁶ ● The Senate passed the Indian Health Care Improvement Act in February 2008.²⁷ Senator Johnson (D-SD) introduced an amendment mandating that the IHS develop standardized sexual assault policies and protocols, in coordination with tribes, tribal organizations and the Office on Violence against Women at the Department of Justice. 	<ul style="list-style-type: none"> ● Universal protocols have not yet actually been developed in the year since the release of the report. ● A companion bill to the Indian Health Care Improvement Act has been introduced in the House, but has not yet passed. At the time of the writing of this report, the House version did not include the language in the Johnson amendment.²⁸
<p>Sexual Assault Nurse Examiner (SANE) programs and personnel^{col}</p> <ul style="list-style-type: none"> ● An IHS initiative to improve health care responses to domestic violence with project sites in twenty locations, found an alarming incidence of sexual assault. In response, several of the projects reportedly trained SANEs who are on call and available for emergency room care. For other sites, cooperation with existing sexual assault community resources 	<ul style="list-style-type: none"> ● It is not clear that there is a commitment at the national level to ensure that SANEs are available at IHS facilities across the nation. When questioned by the Senate Committee on Indian Affairs, the former director of IHS, Dr. Charles W. Grim indicated that “even some of our hospitals that might be capable of carry out a SANE program ... defer to another hospital in their city that has it” He further noted that, “Those that aren’t trained to actually do it can hold evidence you know until state troopers or others you know or tribal police show up.” .

²⁵ The Department of Justice previously convened national experts to create a recommended protocol for sexual assault forensic exams which could serve as the basis for IHS protocols – available at <http://www.ncjrs.gov/pdffiles1/ovw/206554.pdf>.

²⁶ Domestic Violence – Denise Grenier, Rachel Locker, IHS-ACF Domestic Violence Project “The failure to protect Indigenous women from sexual violence in the USA” Available at: http://www.ihs.gov/MedicalPrograms/MCH/M/obgyn0607_Feat.cfm, visited March 27, 2008.

²⁷ S. 1200, 110th Cong. (2008)

²⁸ Indian Health Care Improvement Acts Amendments, H.R. 1328, 110th Cong. (2007)

<p>reportedly was sought to strengthen responses. Project administrators suggest their experiences can be applied to enhance health care responses to sexual violence as well as domestic violence.²⁹</p> <ul style="list-style-type: none"> ● Oklahoma has established the position of a statewide SANE Coordinator who will be responsible for the recruitment, training and retention of SANEs.³⁰ 	<ul style="list-style-type: none"> ● A survey of IHS Service Units by the Native Women’s Health Education Resource Center, found a continuing lack of clarity and standardization regarding sexual assault policies in general and particularly in regard to emergency contraceptives. Researchers found that “nursing supervisors and nurses... were sometimes unsure of which department or personnel treat patients in cases of sexual assault.” The survey also found that while “many hospitals” are working to implement a policy regarding SANEs, there is still confusion among staff about the role of SANEs. Reportedly, one respondent explained that SANEs are not permitted by the federal government.³¹
<p>Participation of medical personnel in court proceedings</p> <ul style="list-style-type: none"> ● An amendment to the Indian Health Care Improvement Act³² introduced by Senator Johnson mandates the Director of IHS to approve or disapprove any request for a SANE to provide testimony in court, and to approve it if it does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action³³ (If the Director does not respond within 30 days the request will automatically be approved). 	<ul style="list-style-type: none"> ● A companion bill has been introduced, but has not yet passed in the House. At the time of the writing of this report, the House version did not include the language in the Johnson amendment.³⁴
<p>Free access to forensic exams</p> <ul style="list-style-type: none"> ● Oklahoma passed a bill that allows victims to access free sexual assault forensic examinations, including victims who do not press charges immediately. The law went into effect on November 1, 2007.³⁵ 	<ul style="list-style-type: none"> ● In Alaska, victims continue to face serious obstacles including lack of funding for transportation to locations where forensic examinations may be performed. A report by the University of Alaska found that in rural Alaska, rape kits were gathered in only 26% of all cases, and 38% of cases reported within 72 hours.³⁶

²⁹ The IHS and the Administration for Children and Families (ACF) jointly fund activities in this project. The work is led by multi-disciplinary teams of health service staff and tribal and community domestic violence advocates. Partners include the Family Violence Prevention Fund (FVPPF), Mending the Sacred Hoop Technical Assistance Project and Sacred Circle.

³⁰ State of Oklahoma, 1st Session of the 51st Legislature (2007), Committee Substitute for Housing Bill No. 1649 By: Peterson (Pam) of the House and Eason McIntyre of the Senate.

³¹ Gattozzi, Ellen and Charon Asetoyer, *Indigenous Women’s Reproductive Justice. A survey of the availability of PLAN B® and emergency contraceptives within Indian Health Service*, Native Women’s Health Education Resource Center, January 2008

³² S. 1200, 110th Cong. (2008)

³³ This appears to suggest that in criminal matters, IHS SANEs would be approved to provide testimony, but this may not be the case for private civil lawsuits.

³⁴ Indian Health Care Improvement Acts Amendments, H.R. 1328, 110th Cong. (2007)

³⁵ H.B. 1385, 51st Leg., 1st Sess.(Ok. 2007) – incorporated into law: Okla. Stat. Ann., tit. 22, sec. 40.1

³⁶ G. Postle, A. Rosay, D. Wood and K. TePas, *Descriptive Analysis of Sexual Assault Incidents Reported to Alaska State Troopers: 2003-2004*, Alaska Justice Statistical Analysis Center, Justice Center, University of Alaska Anchorage, 2007, at 44, available at <http://justice.uaa.alaska.edu/research/2000/0601intimatepartnerviolence/0601.02.sexualassault.pdf>

Urgent Next Steps

- IHS should immediately adopt and implement standardized policies and protocols in consultation with Indigenous women’s organizations for handling cases of sexual violence.
- The federal government should permanently increase funding for the IHS and to tribes that administer their own health services to improve their response to Indigenous women survivors of sexual violence, including by prioritizing establishing SANE programs.
- The IHS should remove all procedural and policy barriers to the prompt and timely participation of medical personnel who have conducted sexual assault examinations in court proceedings.
- The IHS should, in consultation with Indigenous peoples, review current methodologies to obtain data on sexual violence against Indigenous women to ensure that the data collected is comprehensive and accurate. Data should include the age and Indigenous or other status of victims and perpetrators, as well as the localities where offences take place.

V. Ensure Availability of Support Services for Survivors

Programs run by Native American and Alaska Native women are vital in ensuring the protection and long-term support of survivors. However, lack of funding is a widespread problem.

Accomplishments and promising developments	Remaining concerns
<ul style="list-style-type: none">● <i>Maze of Injustice</i> featured Pretty Bird Women House on the Standing Rock Reservation as an example of the struggles facing many shelters servicing Indigenous women. At the time the report was researched, the program had no physical location and had severe funding issues. Following the launch of AI’s report, bloggers from Daily Kos raised a total of almost \$100,000 in support of the program. The money has allowed PBWH to buy a safe house - in the vicinity of the police department - on the reservation. In January 2008, the McLaughlin City Council voted in favor of allowing a shelter to be established there.	<ul style="list-style-type: none">● Although a critical component in an adequate response for Native American and Alaska Native women, this aspect is often overlooked – very little has been accomplished in this area.

Urgent Next Steps

- Federal and state authorities should support and ensure adequate funding for support services, including shelters which should provide culturally appropriate, sensitive and non-discriminatory support.



Road sign in Oklahoma in Cherokee and English.

Some 395,000 Native Americans live in Oklahoma, the second highest total of any state in the USA. However, few Native American peoples lived there prior to their forced eviction and removal from their original areas of residence by the US government. The process of resettlement, which cost thousands of lives, began in the 1830s and by 1885, more than 30 culturally diverse Native American tribes had been forcibly relocated to present-day Oklahoma. The history of the state has given rise to a complex map of jurisdictions.

MAZE OF INJUSTICE

The failure to protect Indigenous women from sexual violence in the USA

One Year Update
Spring 2008

More than one in three Native American or Alaska Native women will be raped at some point in their lives. Most do not seek justice because they know they will be met with inaction or indifference.

The report Maze of Injustice, released in 2007 unravelled some of the reasons why Indigenous women in the USA are at such risk of sexual violence and why survivors are so frequently denied justice. Chronic under-resourcing of law enforcement and health services, confusion over jurisdiction, erosion of tribal authority, discrimination in law and practice, and indifference – all these factors play a part.

None of this is inevitable or irreversible. The voices of Indigenous women who have come forward to speak about these issues send a message of courage and hope that change can and will happen.

At the one year mark of the release of Maze of Injustice, there is significant, even historical, opportunity for change but there is also real danger that the follow through that is so desperately needed will not happen. It will require working together on all levels to fulfill the promises made.

This update presents the main achievements of the past year in more detail and identifies urgent priorities going forward.



www.amnestyusa.org/women