Women of Color Network

Reports from the Field

An Economic Policy & Leadership Series

Survivors of Violence & Economic Security: Focus on Tribal Sexual Assault

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Introduction

Economic security and violence against women are deeply connected across communities. Especially in our current challenged economy, we witness the disproportionate impact of economic inequities on survivors of color, Tribal survivors, and our communities. Along with access to food, housing, and safety, access to economic opportunity and security is necessary for self-sufficiency. Within this economic landscape, the Women of Color Network (WOCN) seeks to ensure that the economic security challenges facing Tribal and women of color survivors are examined and addressed so that all survivors can be supported and reached effectively.

In this time of economic crisis, many anti-violence programs have been forced to roll back services. The needs of under-represented communities may be unintentionally overlooked or even disregarded as too complex to address – leading to a further **need for a stronger safety net for Tribal communities and survivors of color**. Simultaneously, we see that Tribal programs and culturally specific organizations continue to serve survivors with innovative responses that respond to economic security needs.

During this period of economic crisis, **WOCN aims to ensure a safety net for all survivors, leadership of Tribal advocates and advocates of color, and a voice for our communities**. From 2011-2013, through the Economic Policy & Leadership Project,

WOCN documented how diverse survivors are affected by economic factors as well as promising methods of response. This series of five reports from the field emerges from WOCN forums where Tribal and women of color advocates from the fields of violence against women, social justice, and economic justice shared challenges and recommendations for survivor support in relation to economic security. Through these field reports, we give voice to the expertise of on-the-ground advocates to support Tribal advocates & advocates of color and their allies – including other advocates, local/state programs, and policy partners – in furthering more effective program development and response within domestic violence and sexual assault programs. Through understanding specific needs and advancing the recommendations in these field reports, advocates, programs, institutions, and policymakers can better remove barriers and improve access while building a better understanding of the intersection of Tribal communities and communities of color, domestic violence and sexual assault, and economic security. Furthermore, these reports can inform policy conversations and policymakers in shaping policies more effectively for our communities. Finally, these reports demonstrate the advocacy leadership of Tribal and women of color advocates – and the power of their voices.

Defining the Economic Needs of Diverse Survivors

In 2011, WOCN convened the National Women of Color Economic Policy and Leadership Summit comprising participants from across the United States and Tribal sovereign nations to ask, **"What are the economic needs of survivors from our communities and how do we ensure a safety net and support?"** Based on advocate input from the 2011 National Summit, WOCN identified two overarching areas vital to the economic security of women of color and Tribal survivors: **(1), the need for Strengthening Institutional Services** to challenge external, systemic, and internal racism & bias to ensure inclusivity as well as **(2), the importance of Policy Advocacy, development, and education** to better reach and serve our communities. Moreover, the 2011 National Summit attendees delineated three policy issues requiring specific attention: **(3), Reentry Populations; (4) Tribal Sexual Assault;** and, **(5) access to T- and U-Visas for undocumented survivors**.

Subsequent to the 2011 National Summit, WOCN held three Women of Color Regional Forums in 2013 to gather information and recommendations to reduce economic marginalization in the above five arenas. These events were hosted by the Women of Color Network and funded by the Office on Violence Against Women.

Reflecting the expertise of advocates, activists, and survivors, this issue report from the field examines the compounding economic challenges faced by Tribal survivors of

sexual assault. This field report provides effective program development recommendations to support the safety and economic security of Tribal populations. Along with personal accounts and field advocacy, this valuable information can work alongside national data to build economic security and safety of ALL communities, families, and survivors.

Voices from the Field

This report from the field offers on-the-ground recommendations for individual advocates, Tribal communities, anti-violence programs, and policymakers to support the economic security and safety of Tribal survivors and programs. As Tribal leaders, women, and families are self-identified, the American Indian/Alaska Native/Tribal voices designations do not indicate being enrolled or affiliated with a federally-recognized Tribe in this report or in key data cited.[1] In this report, Tribal is used interchangeably with American Indian, Indian, Native, Indigenous, First Nations, Native American/Alaskan Villager, and Aboriginal.

Given the on-the-ground expertise of advocates, we start with their powerful voices in reference to economic marginalization, domestic violence, and sexual assault in Tribal communities (including urban, rural, reservation, agency, territory, federally/state-recognized, or cultural communities of Tribal families). Here are some of the key frameworks, barriers, and solutions **voiced by Tribal and women of color advocates who attended our forums:**

- Lack of trust in systems and leadership (police, Tribal and non-Tribal court, short-staffed mainstream as well as non-DV/SA community programs, etc.) due to nepotism and/or lack of specific issue and/or community knowledge;
- Need for quicker response times so that by the time an officer gets to the scene of a sexual assault, the assailant has not already fled the premises;
- Need for timely investigations and protections of survivors;
- Need for more than one safe number or place to call for sexual assault and rape services;
- Need to resolve jurisdictional challenges to serving communities with Tribal sovereignty;
- Need to address issues with a Tribal council whose leadership rotates;
- Need for access to adequate jobs, education, and training; and,
- In rural jurisdictions, need for access to shelter and shelter funding.

[1] Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. "The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report." Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. 2011. p. 20. http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

WOCN is grateful for the vital expertise shared by Tribal and women of color advocates – expertise that forms the basis for understanding the scope and impact of the following critical barriers and recommendations for change. In particular, it is the dedication of Tribal and women of color advocates that enabled a focus on supporting a population often overlooked by mainstream providers – Tribal survivors and communities.

Context and Scope of the Barriers

Lifetime prevalence of the burden of violence within Tribal populations shows more than one-quarter (26.9%) of Tribal women reported rape in their lifetimes.[2] Furthermore, almost half (49.0%) reported sexual violence other than rape in their lifetimes.[3]

As of 2011, the Tribal population is estimated at two percent of the total U.S. population.[4] Of the Tribal population, it is important to note that only 22 percent of American Indians and Alaska Natives live on reservations or other trust lands while the majority 78 percent live within urban, rural, and other areas across the United States.[5]

Challenges facing Tribal survivors and communities include the limited or highly competitive funding for programs in federal, state, or self-identified Tribal communities compounded by the lack of culturally specific programming in urban and rural communities. With 28 percent of Tribal families currently living at or below the poverty level,[6] this gap in access further exacerbates stress on Tribal survivors who are responsible for the direct and indirect costs of care, including short-term medical care, prolonged medical care, mental health care, loss of work, and childcare while facing residual life-earning barriers.[7] In often already financially-stretched Tribal communities or urban and rural advocacy organizations, there is limited ability to allocate funds and resources to absorb costs of medical care or loss of wages of the survivor.

With millions of Tribal families living in rural or urban communities, identifying children eligible for Indian Child Welfare Act (ICWA) implementation and protection is increasingly difficult with non-Tribal programs and systems ill-equipped and with little

[2] Ibid.
[3] Ibid.
[4] "American Indian/Alaska Native Profile." Office of Minority Health, U.S. Department of Health and Human Services. Revised September 17, 2012. http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=2&lvlid=52
[5] Ibid.
[6] Ibid.
[7] "Costs of Intimate Partner Violence Against Women in the United States." Atlanta (GA): National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. 2003. http://www.cdc.gov/violenceprevention/pdf/ipvbook-a.pdf

state and/or federal support.[8] In cases in which children experience sexual assault or sex trafficking during adolescent years, the long-term impact of this sexual abuse in later-life employment and health outcomes links with depression, anxiety and self-harm, weaker labor force attachment, and lower incomes. Furthermore, childhood sexual abuse survivors are four times more likely to be out of work due to sickness and disability.[9]

Another barrier relates to seemingly economically-affluent Tribes participating in the gaming industry. In this context, a new problem for those few Tribes with successful gaming industries is sexual predators who take children who have gaming stipends out of the Tribal community. Jurisdictional barriers make regaining legal custody of their children in non-Tribal courts (outside Tribal jurisdiction) severely difficult for Tribal women. Sexual predators are using Tribal children as Tribal stipend paychecks, leaving the Tribal parents without their children – who often also experience both sexual and economic abuse.

The federal government has certain responsibilities to federally-recognized Tribes such as an obligation to provide certain benefits to these Tribes and their members. The set-asides for Tribal sexual assault and domestic violence programs are competitive and a small percentage of the overall federal budget. A lack of program funding as well as personal finances prevent mothers from fighting expensive and exhaustive custody, adoption, or foster care court cases that are often outside Tribal courts. As a result, many non-Tribal legal advocates living away from reservations become practitioners for Tribal families without necessarily knowing the appropriate tools for assault cases that include retaliative adoption or foster care court cases or federal ICWA law.

For state or non-federally recognized Tribal communities, programs often operate on any culturally specific funding available to them via limited state government budgets and often operate using volunteer staff. A few non-federally recognized Tribes sought support for programming, infrastructure, and community development through federal government grants. The result was a United States Government Accountability Office (GAO) investigation on the relationship between Tribes and the United States. GAO was asked to address how non-federally recognized Tribes were ever eligible for federal funding. The GAO recommended grantors take clear and specific actions to no longer fund non-federally recognized Tribes and to enforce the federal definition, limiting Tribal community access to funds.[10] Despite limited capacity, in order to address need,

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[8] Justine van Straaten and Paul G. Buchbinder. "The Indian Child Welfare Act: Improving Compliance through State-Tribal Coordination." Center for Court Innovation. 2011. http://www.courtinnovation.org/sites/default/files/documents/ICWA.pdf

[9] Alan Barrett and Yumiko Kamiya. "Childhood Sexual Abuse and Later-Life Economic Consequences. " Bonn, Germany: The Institute for the Study of Labor. January 2012. http://ftp.iza.org/dp6332.pdf

[10] "Indian Issues: Federal Funding for Non-Federally Recognized Tribes." United States Government Accountability Office. Apr 12, 2012. http://www.gao.gov/products/GAO-12-348

Tribal programs have reached out in the periphery of their tribal lands to help fill the need of non-tribal survivors, serving as a model practice for programs already existing in certain parts of the country. Similarly, non-Tribal programs could reach out to Native communities to support areas without federal Tribal recognition so no community is left behind – regardless of federal recognition status. In the arena of sexual violence, Sexual Assault Nurse Examiners (SANE) and Sexual Assault Response Teams (SART) will benefit from first starting a base project of sexual assault advocacy services, developing a SANE program, and then creating a complete SART Team. After these are developed, communities can request implementation funding from Tribal governments, state and federal grants, and private foundations.[11] Most reservation communities receive care from medical clinics funded by Indian Health Services (IHS). This funding typically runs out by the middle of the calendar year preventing sexual assault, sexual violence, or nursing advocates from providing accompaniment support at medical clinics and successful forensic examination collections throughout the year. "Don't get sick after June" is often heard in Tribal communities.

Recommendations for Non-Native Advocates

Advocates from WOCN's forums noted the following recommendations for enhancing services for Tribal survivors of sexual assault:

- Gain information on Tribal sexual assault and economic security issues;
- Learn about domestic sex trafficking of Tribal girls and best practices for response; and
- Foster linkages across Tribal programs and communities.

Recommendations for Tribal Advocates & Programs

Advocates noted the power of Tribal advocates & programs in fostering a stronger safety network for Tribal survivors through these strategies:

- Enhance employment skills and economic security programming for survivors;
- Offer Tribal Advocacy 101 with local mainstream programs or shelters to enable ally work in public policy, information-sharing, Tribal law, advocacy, and shelter to support Native women. This information benefits any Tribal survivor of sexual assault or domestic violence who may seek services within mainstream programs

[11] Bonnie Clairmont. "Sexual Assault Response Teams: Resource Guide for the Development of a Sexual Assault Response Team (SART) in Tribal Communities." The Tribal Law and Policy Institute. September 2008. http://www.tribal-institute.org/download/SART_Manual_09_08.pdf

due to locality, school districts, employment opportunities, and/or transportation needs;

- Enable organization-to-organization connections, having more than one Tribal liaison working with neighboring community programs in order to eliminate short-lived partnerships that depend on the availability of one advocate or an existing relationship between just two people;
- Create an intertribal alliance or enable Tribal community sponsorship. Reaching out to other Tribal programs, communities, or family centers within other Tribal communities will enable a farther reach within Tribes with little to no infrastructure and/or funding for their own shelters or programs. If your program cannot stretch funding, expand the reach by embracing ally programs and other Tribal programs in your work, including across state lines when possible; and
- Offer a partnership with local non-Tribal programs/communities to enable education, support, and unification with first responders, Tribal police, and court systems. Create a neutral space for Tribal police and local public police departments to receive training on laws, methods, first response advocates, and SANE/SART advocates to support survivors/victims of sexual assault and domestic violence crimes. For example, hold a Police Appreciation Breakfast or lunch and invite police, investigators, and leadership to address sexual assault and domestic violence crimes & how to respond. Local statistics and data from within the community can be shared while requesting data on Tribal information from neighboring programs, both to enhance Tribal reporting and data collection and to strengthen the case for Tribal programs funding, benchmark number of survivors served, and raise knowledge of Tribal communities as a whole.

Recommendations for Institutions

Advocates noted that mainstream programs, allied agencies, and institutions can have a profound influence on Tribal survivors through these means:

- Invite local Tribes to decision-making tables regarding service provision, programming, legal services, protection from abuse orders, shelter services, life skills, finance and back to work programs as well as healthy families program development;
- Bolster access to shelters and transitional housing for Tribal survivors;
- Equip advocates and local programs (both Tribal and mainstream) with the knowledge and skills needed to provide effective support to survivors of sexual

assault and domestic violence who are at risk of losing their children to foster care or adoption by a perpetrator or institutionalized victimization by local courts and department of public welfare not adhering to federal ICWA law;

- Equip local programs to intervene and support survivors of sexual assault and domestic violence crimes with foster and adoption cases where losing their children due to perpetrator actions is re-victimization. With the aid of ICWA, advocates, and ally work with the Tribe, ICWA experts may be able to know the laws and support the process;
- Many program advocates have no knowledge of Tribes in their state which is problematic to ending violence for all women and families for which funding is provided. Therefore, include service provision and demographic questions regarding the number of Tribes or Tribal communities (regardless of federally-registered status) existing within the state as well as the names of the Tribes and the knowledge of any Tribal sexual assault program existing within the Tribe/Tribal community to which they are aspiring to become an ally. Culturally specific advocacy cannot take place if service providers are not aware of community demographics, Tribal existence and locations, and applicable Tribal law;
- Offer a partnership with other local Tribal programs and communities to provide education, support, and positive relationships with first responders and police departments. Work with local Tribal programs to create a neutral space for Tribal police and local public police departments to receive training on laws, methods, first-response advocates, and SANE/SART advocates to support survivors/victims of sexual assault and domestic violence crimes;
- Create real partnerships and do not reach out to Tribal programs solely to collect data for grant applications – unless you are creating flows of culturally specific services to and partnerships with the community. This information-gathering must result in enhanced or expanded access. In the worst-case scenario, not supporting the Tribal program leaves out Native survivors and the programs that do serve them marginalized and behind in funding – despite being included in grant demographics; and
- Provide training for grant administrators to ensure that communities, particularly those that are marginalized, receive support to end sexual violence equitably with other communities. Moreover, this support should be bolstered with applicable training, technical assistance, and funding of state dollars to Tribal communities.

It is vital for non-Tribal programs to continue to provide assistance in ending violence against all families and women including Tribal communities that may not have their own provider programs. Key areas of possible collaboration would be sharing data, resources, and membership to and from the Tribal community. For example, one such support could be a 24-hour regionally-specific Tribal training workshop for all advocates. Your organization can provide support for Tribal members to take back to start their own grassroots programs.

Recommendations for Policymakers

Advocates developed these recommendations to support overall policy affecting Tribal communities on a state and national level for cohesive advocacy for Tribal populations:

- Enhance access to transitional housing and shelter for survivors of sexual assault and domestic violence in order to enable further options for Tribal survivors;
- State and federal policymakers must take into consideration reports of non-compliance with federal ICWA laws in non-Tribal courts. Problematic foster care, adoption, and/or custody issues that arise from within domestic violence/sexual assault cases, involving Tribal survivors or their children within non-Tribal courts should be addressed directly by Tribal and state courts, and federal/state dollars should not be used to support breaches in federal law; and
- Proportionate state funding should be provided to support effective implementation of ICWA, including information sharing and training to support the federal laws around ICWA. Many states do not provide such training which results in survivors of domestic violence, sexual assault and sex trafficking losing their children and a perpetuation of institutionalized abuse while a survivor tries to heal from domestic violence or sexual assault – essentially punishing the custodial parent for seeking services.

Conclusion

Advocates from the WOCN forums believe that understanding the links between Tribal communities, sexual assault, and economic security is vital for ending cycles of violence. With the above recommendations from Tribal and women of color advocates from the field, we believe that not only can we work to create a stronger safety net for Tribal families but that we can embolden the capacity for self-sufficiency, health, and community safety.

For more information about the content of this publication, please contact us at:

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More Information and Resources

WOCN seeks to support policy recommendations for employment programming, sex trafficking responses, and limited shelter and transitional housing while furthering the endless dedication to building multicultural alliances between all communities and Tribal Nations so that ALL women and families are at the forefront of ending violence in our various communities. For related economic justice intersections within Tribal sexual assault advocacy please visit the following online resources:

Child abuse:

- Pat Sekaquaptewa, Roe Bubar, and JoAnne Cook. *A Victim-Centered Approach to Crimes Against American Indian & Alaska Native Children: Resource Guide and Workbook for Drafting New or Amended Tribal Laws Against Children.* Tribal Law and Policy Institute, Children's Justice Act Partnerships for Training and Technical Assistance, August 2008: http://www.unified-solutions.org/Pubs/child_sexual_abuse_in_ic_larry_echohawk.pdf

Employment/Return to Work:

- The American Jobs Act and Indian Country: http://www.whitehouse.gov/blog/2011/09/09/american-jobs-act-and-indian-country

- Self Employment in Indian Country: Finding Funding: http://www.uaa.alaska.edu/centerforhumandevelopment/fulllives/pastconferences/upload/AK-FundingForSelfEmploymentFullLivesConference.pdf

Fair Housing:

- The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009: https://www.onecpd.info/resources/documents/S896_HEARTHAct.pdf

Trafficking and Commercial Sexual Exploitation:

- *Shattered Lives: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota.* The Minnesota American Indian Women's Resource Center. August 2009: http://www.indianlaw.org/sites/default/files/shattered%20hearts%20report.pdf
- Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, and Eileen Hudon. *Garden of Truth: The Prostitution and Trafficking of NativeWomen in Minnesota.* Minnesota Indian Women's Sexual Assault Coalition and Prostitution Research & Education, St. Paul, MN: William Mitchell College of Law, October 27, 2011: http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf

WOCN Economic Policy and Leadership Reports Series

The WOCN policy reports (published 2014) emerged from advocate expertise during the 2011 National Economic Policy and Leadership Summit and a series of three regional convenings in 2013. The reports explore Strengthening Institutional Services; the need for Policy Advocacy; Reentry Populations; Tribal Sexual Assault; and T- and U-Visas, and present the direct expertise of advocates working to end violence across the country. The reports provide background, a scope of the problem, and offer targeted recommendations for advocates, agencies, and policymakers. We look forward to your responses and to ensuring economic access for all survivors!

This project was supported by Grant No. 2013-TA-AX-K023 awarded to the National Resource Center on Domestic Violence by the Office on Violence Against Women, U.S. Department of Justice with the Women of Color Network as the author and distributor. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.