

ENDING VIOLENCE AGAINST WOMEN TAKES AN ACT OF CONGRESS

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The Violence Against Women Act (VAWA) has historically been well supported by parties on both sides of the political aisle, but on May 17 the House of Representatives passed HR 4970, its version of the VAWA reauthorization. The partisan 222-205 vote further complicates renewal of a law that funds comprehensive, effective and cost-saving services to victims of domestic violence, dating violence, sexual assault and stalking.

Official negotiations haven't started, but the North Dakota Council on Abused Women's Services (NDCAWS) has been working with our state leadership to hear the voices of leadership in domestic and sexual violence across our state and to stress our support for the Senate version of VAWA. NDCAWS supports 21 crisis intervention centers across the state and is committed to making sure state and federal legislation protects all victims of violence.

The House bill removes three key protections in the Senate version, which passed on a bipartisan vote of 68-31. NDCAWS supports these provisions, which focus on three underserved groups: LGBTQ communities, immigrant women, and Native American women.

The House bill fails to protect gay and transgender victims of domestic violence.

Lesbian, gay, bisexual, transgender and queer victims of violence face additional barriers and stigma when seeking services – simply making wording in VAWA gender neutral doesn't provide enough specificity about Congress's intent to protect LGBTQ victims, who are underserved because of their sexual orientation and gender identity, not just their gender.

According to the National Task Force to End Sexual and Domestic Violence, LGBTQ communities continue to face discrimination as they seek assistance. Lesbians aren't turned away from shelters because they're women, it's because they're lesbians. Gay men are denied services and have their relationships minimized, being told theirs is an issue of battery, not domestic violence. Transgender people are turned away not because of their assigned gender, but because service providers don't understand and can't address their gender presentation and expression. According to the Center for American Progress, a 2010 study showed 45 percent of gay and transgender victims were denied services when they sought help from a domestic violence shelter.

The House VAWA enhances abusers' power over immigrant victims.

The House version of VAWA erodes important provisions for immigrant victims' safety and gives abusers access to additional ways to harm victims. It would limit the U-visa certification process, a visa category that allows undocumented victims of certain criminal activities to legally remain in the United States, discouraging victims from coming forward and cooperating with law enforcement.

This version of VAWA also rolls back protections provided by the self-petition process. Amendments granting the alleged abuser access to the self-petition process can also allow them to block the victim's access to this critical remedy. Abusers who could have adjusted the status of their spouse but who chose not to as a tool of abuse and fear, will be further empowered to keep victims from getting help. Allowing immigration agents to contact abusers and allow uncorroborated evidence to be presented by the perpetrators of violence to be used in determining the validity of a victim's immigration case is also dangerous. This puts victims at greater risk of retaliation – abusers frequently deny the abuse and falsely accuse victims of fraud or abuse. Also, shifting the self-petition process to local offices is duplicative, expensive, doesn't address concerns about fraud and introduces a new need for extensive training on domestic violence and sexual assault in citizen and immigration service offices across the country.

It fails to address the crisis of violence against Native American women and shields their abusers.

One of the most vital amendments in the Senate version of VAWA eliminates key protections for Native American women despite their staggeringly higher rates of domestic and sexual violence. Three out of five Native American women will experience domestic violence in their lifetime, and HR 4970 fails to grant tribal authority over non-Native American or non-enrolled offenders when domestic violence or sexual assault is committed, even if the perpetrator lives on the reservation and is married to a tribal member. The Bureau of Indian Affairs acknowledges that more than half of Native American women are married to non-Native American men.

Statistics from our reservations show a huge jurisdictional gap, and state courts and state law enforcement cannot take on the responsibility of addressing this horrific level of victimization. Not holding perpetrators accountable is unacceptable, and correcting jurisdictional gaps will also lead to increased reporting of sexual and domestic violence.

As advocates for social change, when we analyze the bottom line of VAWA it is clear that failure to include these important provisions will be an extreme disservice to the thousands of victims of sexual and domestic violence seeking help in North Dakota each year, as well as the nation. It is our social responsibility to support an inclusive version of VAWA that protects all victims of violence.