

## Questionnaire to Governments

The report of the 13<sup>th</sup> Session of the UN Permanent Forum on Indigenous Issues provides a number of recommendations within its mandated areas, some of which are addressed to Member States.

The Secretariat of the UN Permanent Forum on Indigenous Issues invites Governments to complete the attached short questionnaire on any action taken or planned in response to the Permanent Forum's recommendations. All the questionnaire responses from Governments will be compiled into one report for the fourteenth session of the Permanent Forum.

Please submit your completed questionnaire by **1 January 2015** to:

Secretariat of the Permanent Forum on Indigenous Issues

Division for Social Policy and Development

Department of Economic and Social Affairs

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The questionnaire can also be downloaded from this site:

<http://undesadspd.org/IndigenousPeoples/UNPFIIISessions/Fourteenth/Questionnaire.aspx>

## **Question 1**

Briefly state what recommendations from the Thirteenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)<sup>1</sup> or recommendations from previous sessions (not included in previous reports) have been addressed by your Government. Where possible, also provide information on the situation of indigenous women.

The 2010 Tribal Law and Order Act (TLOA) has steadily improved the federal government's ability to work with Indian tribes to investigate and prosecute crimes affecting indigenous communities. The TLOA gives tribes greater sentencing authority; strengthens defendants' rights; helps at-risk youth; establishes new guidelines and training for law enforcement officers handling domestic violence and sex crimes; improves services to victims; helps combat alcohol and drug abuse; and expands recruitment and retention of Bureau of Indian Affairs and law enforcement tribal officers and gives them better access to criminal databases.

The U.S. Congress passed a third extension of the Violence Against Women Act (VAWA) in February 2013, and President Obama signed the extension into law on March 7, 2013. This latest reauthorization contains an important new provision restoring indigenous tribes' authority to prosecute non-Native perpetrators who commit domestic or dating violence on tribal lands against women who are members of a tribe. This is particularly important because Native American women, including adolescent girls, in the United States face disproportionately high rates of domestic violence, and statistics from the Department of Justice demonstrate that a majority of perpetrators are non-Native. The Act also continues effective programs; expands the protections and services available to survivors of violence; and helps prevent violence in future generations. This is in line with the principles of the United Nations Declaration on the Rights of Indigenous Peoples, as it empowers tribal institutions to address the challenges they face.

To highlight the topic of violence and discrimination against indigenous women and girls, the United States delivered a joint statement on behalf of 35 countries at the June 2014 session of the UN Human Rights Council (HRC). The U.S. Ambassador to the HRC, a member of the Cherokee Nation, also delivered first-hand observations regarding the devastating consequences that violence

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<sup>1</sup> The following paragraphs of the Report on the Thirteenth Session of the Permanent Forum (E/2013/43) contain recommendations addressed to Member States: 21, 22, 23, 24, 25, 30, 33, 41, 42, 43, 44, 45, 46, 48, 49, 53, 62, 63, 64, 65, 73, 74

against indigenous women and girls has on individuals, their families, and their communities, and committed to addressing this issue in the HRC and throughout the UN system. The United States supported the highlighting of this issue at the World Conference on Indigenous Peoples and in its Outcome Document.

The Departments of Interior and Justice also hosted a meeting of experts to discuss access to justice for indigenous peoples. Alternative forms of justice were discussed that take into account indigenous peoples' customary laws, institutions, and processes. The link to the September 2014 report of the meeting is:

<http://redirect.state.sbu/?url=http://www.justice.gov/sites/default/files/atj/legacy/2014/10/09/expert-working-group-report--native-american-traditional-justice-practices.pdf>.

## **Question 2**

At its fourteenth session in 2015, the Permanent Forum will review the following areas:

- (a) Outcome of the high-level plenary meeting of the General Assembly, also known as the World Conference on Indigenous Peoples;
- (b) Post-2015 Development Agenda;
- (c) Youth, self-harm and suicide.

Please briefly state how your Government deals with these issues in regards to indigenous peoples.

- (a) Implementation of the Outcome of the high-level plenary meeting of the General Assembly, also known as the World Conference on Indigenous Peoples.

The informal U.S. interagency working group on indigenous peoples includes officers from the Department of State, Department of the Interior, U.S. Agency for International Development, and the White House. The working group is exploring ways to follow up on the recommendations and statements of intention in the WCIP outcome document. Special attention is being given to the four key priorities shared by the U.S. government and U.S.-based tribal governments: 1) combatting violence against indigenous women and girls; 2) repatriating human remains and objects of cultural and religious significance and protection of sacred sites; 3) attaining the goals of the UN Declaration on the Right of Indigenous Peoples (Declaration); and 4) enhancing the participation of indigenous peoples throughout the UN system, including consideration of a new

status for indigenous peoples in the UN. The U.S. Department of State held consultations with indigenous tribal leaders and representatives to develop the U.S. position on the WCIP outcome document, and continues to be in close contact with indigenous leaders on follow-up to the WCIP and implementation of its outcome document. The next consultation will be held in February 2015.

- We welcome the outcome document's recommendation that the Commission on the Status of Women (CSW) examine empowering indigenous women. We are exploring possible initiatives for the March 2015 CSW session, including providing speakers to official panel discussions and hosting side events.
- The State Department is actively working with the Department of the Interior and several tribes to recover sacred objects offered for sale at auctions in Paris, and to raise awareness abroad of the importance of objects of cultural patrimony to U.S. indigenous peoples. More globally, the United States is engaged in discussions with tribal leaders and other States on how to best address the issue in a less ad hoc manner.
- On fulfilling the Declaration's objectives and enhancing indigenous people's participation in UN meetings, the United States is exploring possible courses of action along with UN officials, member states, and indigenous representatives.

(b) Post-2015 Development Agenda and the inclusion of indigenous peoples in this process.

Negotiations on the post-2015 development agenda resume in January 2015. UN member states will work with other stakeholders to support giving indigenous peoples' concerns due consideration in the post-2015 development agenda. At present the Open Working Group proposal for Sustainable Development Goals mentions indigenous peoples in Target 2.3 on agriculture and Target 4.5 on education.

- Target 2.3 reads: "By 2030 double the agricultural productivity and the incomes of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets, and opportunities for value addition and non-farm employment."
- Target 4.5 reads: "By 2030 eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for

the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations.”

(c) Youth, self-harm and suicide and how this is being addressed.

The first-ever White House Tribal Youth Gathering, which will engage hundreds of Native American youth for a day-long session, is scheduled for summer 2015. This meeting will build upon the November 2014 Native Youth Conference hosted by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (HHS/SAMHSA) and the tribal youth visit with President Obama.

HHS/SAMHSA addresses indigenous youth suicide, self-harm, and substance abuse. Several official publications raise awareness of these issues and provide guidance for prevention.

- On addressing suicide, see the HHS/SAMHSA publication “To Live to See the Great Day that Dawns: Preventing Suicide by American Indian and Alaska Native Youth and Young Adults” found at: [www.sprc.org/sites/sprc.org/files/library/Suicide\\_Prevention\\_Guide.pdf](http://www.sprc.org/sites/sprc.org/files/library/Suicide_Prevention_Guide.pdf).
- On addressing substance abuse, see HHS/SAMHSA’s website on American Indian and Alaska Native behavioural health work, [www.samhsa.gov/behavioral-health-equity/ai-an](http://www.samhsa.gov/behavioral-health-equity/ai-an).
- The “2014 Native Youth Report” includes information about indigenous youth self-harm and suicide. It is found at: [www.whitehouse.gov/sites/default/files/docs/20141129nativeyouthreport\\_final.pdf](http://www.whitehouse.gov/sites/default/files/docs/20141129nativeyouthreport_final.pdf)

The December 2-3, 2014 White House Tribal Nations Conference included a breakout session on “Mental Health and Substance Abuse Issues” for the first time.

### **Question 3**

What are some of the obstacles your Government has encountered in implementing the recommendations of the Permanent Forum?

The United States has strong mechanisms in place to discuss the merits of PFII recommendations and whether and how they may be accommodated (see response to Question 4). Efforts could be enhanced, however, if the Permanent Forum, its members, and its Secretariat had closer relations with U.S. tribal

leaders, as recommendations and activities of the Permanent Forum are often not well known among U.S. tribal leaders and U.S. indigenous representatives and do not consistently reflect their priorities.

#### **Question 4**

What are some of the factors that facilitate your Government's implementation of the recommendations of the Permanent Forum?

The following institutional frameworks enable discussion of PFII recommendations, among other topics, among U.S. government officials and between representatives of the U.S. government and U.S. indigenous representatives.

- Executive Order 13175 mandates regular, meaningful consultations between the U.S. government and U.S. federally recognized tribes on policies affecting them.
- For the past six years during the November-December timeframe, the White House has hosted a White House Tribal Nations Conference. At these much-anticipated meetings, U.S. government officials – including Cabinet secretaries and other senior-level staff – have interactive dialogues with members of the 566 federally recognized tribes. The December 2-3, 2014 conference included the first-ever breakout session on “International Issues.”
- The White House Council on Native American Affairs, established by the President through a June 2013 Executive Order, is comprised of the heads of U.S. government departments, agencies, and offices. It allows for improved high-level coordination among Federal agencies on five focus areas: tribal economies, health and nutrition, education for Native American youth, law enforcement and public safety, and cultural and natural resource protection and the environment. Council members confer and have opportunities to engage directly with U.S. tribal representatives.

#### **Question 5**

Please provide information on how your Government currently promotes and/or implements the U.N. Declaration on the Rights of Indigenous Peoples.

Many subjects discussed at the annual White House Tribal Nations Conferences are also addressed in the Declaration. These include self-determination, including self-governance, of tribal governments; healthcare; economic and infrastructure development; education; protecting natural and

cultural resources; climate change; natural disaster mitigation; and law enforcement and public safety. After each conference, a White House Tribal Nations Conference Progress Report is issued. Progress reports for the conferences since 2010 are available online at the [www.whitehouse.gov](http://www.whitehouse.gov) website. The reports describe the many tribal-related U.S. government policies and programs in place to improve the situation of U.S. indigenous peoples. The Progress Report for the December 2-3, 2014 conference is being prepared.