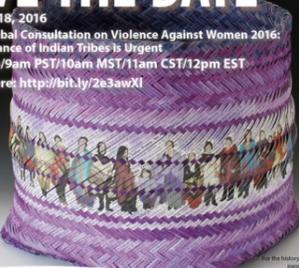


SAVE THE DATE
 November 18, 2016
 WEBINAR-Tribal Consultation on Violence Against Women 2016:
 Why Attendance of Indian Tribes is Urgent
 8am Alaska/9am PST/10am MST/11am CST/12pm EST
 Register Here: <http://bit.ly/2e3awXI>



For the history of VAWA consultation requirement see page 12 of <http://ncai.org/2016/08/01/2016-08-01-01>

Presenters:
 Virginia Davis, Senior Policy Advisor, National Congress of American Indians (NCAI)
 Jacqueline Adams, Policy Consultant, National Indigenous Women's Resource Center (NIWRC)
 Terri Henry, NCAI Violence Against Women Task Force Co-Chair
 Juana Majal Dixon, NCAI Violence Against Women Task Force Co-Chair

The National Indigenous Women's Resource Center's participation in this webinar was supported by Grant Number 1041997 from the administration of: Housing, Health and Family, Family and Youth Services Bureau, U.S. Department of Health and Human Services.




Tribal Consultation VAWA 2013, Section 903

**November 18, 2016
 12 noon EST**



National Indigenous Women's Resource Center

Welcome!

Today's Presenters

National Congress of
American Indians

NCAI Task Force Co-Chairs:

Terri Henry, Secretary of State,
Eastern Band of Cherokee Indians

Juana Majel Dixon
Pauma Band of Luiseno Indians

Virginia Davis, Senior Policy Advisor

National Indigenous Women's
Resource Center

Rose Quilt
Director Policy and Research

Jacqueline "Jax" Agtuca
Legal and Policy Consultant

What is Tribal Consultation?

- The Department of Justice's annual Tribal Consultation on Violence Against American Indian and Alaska Native Women is held pursuant to Public Law 109-162, Title IX, Section 903, Violence Against Women Reauthorization Act of 2005.
- Section 903 requires the Attorney General to conduct an annual consultation with Indian tribal governments **to address the federal administration of all tribal funds and programs established under VAWA**

Purpose of Tribal Consultation

- Section 903, VAWA 2005 directs the Attorney General to solicit recommendations from Indian tribes on the following:
 - **administering tribal funds and programs;**
 - **enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, *and sex trafficking*; and**
 - **strengthening the federal response to such violent crimes.**

Annual Tribal Consultation Report

- Section 903, VAWA 2005 mandates the Attorney General to submit a report to Congress on the annual consultation that –
 - **contains recommendations made by Indian tribes during the year covered by the report;**
 - **describes actions taken during the reporting year to respond to recommendations made during the year or a previous year; and**
 - **describes how the Attorney General will coordinate and collaborate with Indian tribes, Secretary of HHS, and Secretary of the Interior to address recommendations made.**

Notice of Annual Tribal Consultation

- Section 903, VAWA 2013 requires the Attorney General *not later than 120 days before* the consultation date to notify tribal leaders of the date, time, and location of the consultation.

Significance of Tribal Consultation

- Provides an avenue for getting what tribes want/need to keep Native women safe
- Feedback opportunity on what works/doesn't work in how funds and programs are administered
- Bring awareness on issues of the day (provide examples)
- Help to design a legal frame work for change and removal of barriers, inequity, etc.

Previous Tribal Consultations

- October 2009, Minneapolis, MN. Focused on how to best enhance the safety of Alaska Native & American Indian women from domestic violence, dating violence, sexual assault & stalking
- October 2010, Spokane, WA. Focused on subject of violence against AI & AK Native Women and on CTAS process
- December 2011, Santa Ana Pueblo, NM. Focused on improving the response to violence against women in tribal communities
- October 2012, Tulsa, OK. Focused on how to enhance the safety of AK Native & AI communities & prevent violence against women

Platforms for Change

- *National* platform unites movement on a national level
- *Regional* platform unites movement on a regional or tribal-specific level

Preparing for Tribal Consultation

- ① Review VAWA 2013 in context of tribe/region
- ① Identify tribal or region-specific platform issues
 - Extend VAWA 904 jurisdiction to sexual assault crimes
 - Parity in funding for Tribes under FVPSA, VOCA
- ② Develop consultation statement on specific platform issues

Review VAWA 2013 in Context of specific tribe/region

- Inherent Tribal Sovereignty is reaffirmed
- Section 904: Implementation of special domestic violence jurisdiction over non-Indians
- Section 905: Full civil jurisdiction over everyone to issue & enforce protection orders is clarified
- “Sex Trafficking” language is included under tribal government & tribal coalitions program
- Tribal Coalitions program is strengthened

Question posed by DOJ for consultation:

Protection Orders:

VAWA requires states, local governments, and tribes to give “full faith and credit” to each other’s protection orders.

1. What has been your tribes experience with state and local authorities ‘ willingness to recognize and enforce tribal protection orders?
2. What would help improve cross-jurisdictional enforcement of protection orders?

Question posed by DOJ for consultation:

North American Working Group:

The U.S. has formed a working group with Canada and Mexico to address violence against indigenous women.

1. What types of challenges in responding to violence against women and girls in your community are presented by shared borders with Canada/Mexico?
2. Canada has recently officially launched a National Inquiry into Murdered and Missing Indigenous Women and Girls. What has been the experience of your tribe with missing Native women and girls and domestic violence homicides, sexual assault, or trafficking?

2016 Issues of Concern

- Safety for Alaska Native women
- Increased protections from sexual assault and services for women surviving rape
- Increased authority/jurisdiction SDVCJ
 - Exclusion of Indian tribes in Alaska and Maine
- Impact of extractive industries on Safety of Native Women
- Inadequate response to issues of missing and murdered Native women
- Failure of state governments to enforce tribal orders of protection

Priority Concerns

- Tribal Access Program (TAP) – expansion is limited to those with a SORNA-compliant registry or those with tribal police departments. Without access, tribal courts cannot enter protection orders. DOJ states this is a priority, so why is TAP not available to any tribe with a tribal court issuing protection orders?
-
- 2. Tribal Deputy Director Position – Priority that the OVW Tribal Deputy Director position be filled upon Lorraine Edmo's departure and before the end of the current Administration
-
- 3. Rescission – OVW continues to apply congressionally-mandated rescissions to the tribal programs – they took \$3.2M from GTTG, for example, last year. Because of the unique federal trust responsibility and heightened federal obligations in Indian Country, tribal programs should be protected from future rescissions.

Additional Resources

- **VAWA 2013, Title IX-Safety for Indian Women**
- **National Platform Issues**
- **Tribal Consultation Testimonies from Previous Years**
- **NIWRC Restoration Magazines**
- **ovw.usdoj.gov/tribal-consultation**

Thank You!

See you in Palm Springs

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“The National Indigenous Women's Resource Center's participation in this webinar was supported by Grant Number 90EV0409 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.”