



National Indigenous Women's Resource Center



National
Congress of
American
Indians

Tribal Consultation VAWA 2013, Section 903

August 1, 2018



The National Indigenous Women's Resource Center's participation in this webinar was supported by Grant Number 90EV0452-01-00 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.

Welcome!

Today's Presenters

National Congress of
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13th Annual
Government-to-Government
Violence Against Women
Tribal Consultation

August 21-22, 2018

Sioux Falls Convention Center

Sioux Falls, South Dakota

<http://ovwconsultation.org/2018-tribal-leader-invitation-letter/>

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 and the Secretary of the Department of Health and Human Services 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

- Identifies issues unique to your community, educates the Attorney General, HHS, and DOI about what tribes need to keep Native women safe
- Feedback opportunity on what works/doesn't work in how funds and programs are administered
- Raise awareness on outstanding and emerging issues
- Help to design a legal frame work for change and removal of barriers, inequity, etc.

Platforms for Change

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

Preparing for Tribal Consultation

- ① Review VAWA 2013 in context of tribe/region
- ② Review Title IX findings
- ③ Review FVPSA (and other HHS programs) statutes/regulations
- ④ Review reports/documents (NIJ Report, TLOA, ILOC)
- ⑤ Identify tribal or region-specific platform issues. For example:
 - Extend VAWA 904 jurisdiction to sexual assault crimes, co-occurring crimes
 - Parity in funding for Tribes under FVPSA, VOCA & other funding sources
 - Consider how to best leverage resources and share best practices
- ⑥ Develop consultation statement on specific platform issues
- ⑦ Create templates for other related purposes

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

2018 Issues of Concern

- Tribal Jurisdiction Over Non-Indian Offenders
 - Increased authority/SDVCJ jurisdiction
 - Increased protections from sexual assault and services for women surviving rape
- Disbursement of Crime Victim Funding/Support for Permanent Fix
- Improve Public Safety Funding Mechanisms
- Funding/Resources across agencies
- Impact of oil/mining industries on Safety of Native Women
- Outstanding Unaddressed Issues/Missing and Murdered Native Women
- Increase Federal Penalties for Tribal Protection Order Violations and Exclusion Orders
- Inadequate safe housing/shelter

Priority Concerns Discussion

Additional Resources

- **NCAI 2018 Priority Issues**
- **VAWA 2013, Title IX-Safety for Indian Women**
- **Tribal Consultation Testimonies from Previous Years**
- **NIWRC Restoration Magazines**
- **ovw.usdoj.gov/tribal-consultation**
- **“Safety for Native Women: VAWA and American Indian Tribes” resource book @NIWRC or Amazon.com**
- **Reports (TLOA Report, VAWA 2013’s Special Domestic Violence Criminal Jurisdiction Five-Year Report, NIJ Study, ILOC)**

Thank You!

See you in South Dakota!

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