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## GENERAL MEMORANDUM 12-116

### United Nations Special Rapporteur on the Rights of Indigenous Peoples Releases Report on the Status of Indigenous Peoples in the United States

On September 11, 2012, the United Nations (UN) Human Rights Council Special Rapporteur on the rights of indigenous peoples released a report on the status of indigenous peoples in the United States. The Special Rapporteur's Report was based on research and on information gathered during a visit to the country from April 23, 2012 to May 4, 2012 which included consultations with tribes across the Nation.

#### *Background on the Role of the Special Rapporteur*

The UN Commission on Human Rights appointed a Special Rapporteur on the rights of indigenous peoples in 2001 to examine, monitor, and advise and publicly report on human rights situations in specific countries or territories. The Special Rapporteur, sometimes called an "independent expert," must:

- Promote good practices, including new laws, government programs, and constructive agreements between indigenous peoples and states, to implement international standards concerning the rights of indigenous peoples
- Report on the overall human rights situations of indigenous peoples in selected countries
- Address specific cases of alleged violations of the rights of indigenous peoples through communications with governments and others
- Conduct or contribute to thematic studies on topics of special importance regarding the promotion and protection of the rights of indigenous peoples.

Other duties of the Rapporteur include following up on previous recommendations and annually reporting to the UN Human Rights Council.

#### *Contents of the Special Rapporteur's Report*

The Special Rapporteur's Report on the status of indigenous peoples in the United States addresses a range of topics. The Special Rapporteur conferred with U.S. officials as well as with indigenous peoples, tribes, and nations in Washington, DC; Arizona; Alaska; Oregon; Washington State; South Dakota; and Oklahoma, both in Indian Country and in urban areas. Included as an appendix to the report are summaries of comments made by indigenous groups and others during these consultation sessions.

In general, the Report concludes that American Indians, Alaska Natives, and Native Hawaiians constitute vibrant communities that have contributed greatly to life in the country. It goes on the note, however, that Native people "face significant challenges that are related to widespread historical wrongs, including broken treaties and acts of oppression, and misguided government policies, that today manifest themselves in various indicators of disadvantage and impediments to the exercise of their individual and collective rights." While emphasizing that "more needs to be done" the Special Rapporteur spoke favorably of "the many new initiatives taken by the executive to advance the rights of indigenous peoples in the last few years." The Report includes:

- A discussion of the diversity and contributions of indigenous peoples in the United States
- A discussion of the basic framework, evolution, and current status of federal policy and legislation as it relates to indigenous affairs in the United States
- A discussion of the disadvantaged conditions faced by indigenous peoples in the United States, which the Special Rapporteur refers to as "present day legacies of historical wrongs." Topics discussed include economic and social conditions; violence against women; lands, resources and broken treaties; sacred places; removal of children from indigenous environments; open wounds of historical events; self-government; recognition
- Conditions specific to Alaska and to Hawaii, with the notation that "the Special Rapporteur intends to address these situations further in future communications with the United States"
- A discussion of welcomed, but insufficient, government initiatives and the need for determined action within a program of reconciliation
- A discussion of the significance of the UN Declaration of the Rights of Indigenous Peoples as an impetus and guide for measures to address the concerns of indigenous peoples in the United States
- Conclusions and recommendations addressed, in part, to the federal executive, Congress, the federal judiciary, state governments, and indigenous peoples' authorities.

The Special Rapporteur officially presented his Report to the UN Human Rights Council in Geneva, Switzerland, on September 18, 2012. A copy is available at:

[http://unsr.jamesanaya.org/docs/countries/2012-report-usa-a-hrc-21-47-add1\\_en.pdf](http://unsr.jamesanaya.org/docs/countries/2012-report-usa-a-hrc-21-47-add1_en.pdf)

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