

National Congress of American Indians (NCAI)

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NICWA AND NCAI APPLAUD UNITED NATIONS' ANAYA FOR CALLING ON U.S. TO PROTECT VERONICA'S HUMAN RIGHTS

U.N. Expert Says 'All Necessary Measures Should Be Taken'

Portland, Ore. and Washington, D.C.—The National Indian Child Welfare Association (NICWA), the National Congress of American Indians (NCAI), and Angel Smith, an independent attorney appointed by the District Court of the Cherokee Nation and "Next Friend in the filing," are applauding today's action by the United Nations Special Rapporteur on the Rights of Indigenous Peoples James Anaya calling for state, federal, and tribal authorities in the United States to take all necessary measures to ensure that the well-being and human rights of Veronica Brown, the four-year-old Cherokee child at the center of a highly contentious custody dispute, are protected.

Anaya's office in a release today pointed out that the Indigenous rights are guaranteed by various international instruments subscribed to or endorsed by the United States, stating, "I urge the relevant authorities, as well as all parties involved in the custody dispute, to ensure the best interests of Veronica, fully taking into account her rights to maintain her cultural identity and to maintain relations with her indigenous family and people."

NICWA, NCAI, and Smith, who had brought their concerns to the Special Rapporteur's attention, hailed the announcement as corroboration of the concerns raised both in the federal civil rights lawsuit on behalf of Veronica in July and in ongoing legal matters in Oklahoma.

Among the possible human rights violations is the forced removal of Veronica from her Indian family and tribal nation without adequate protection or recognition of her right to culture. Such removal violates her right to culture, education, family, and tribal nation as guaranteed by Articles 7 and 8 of the U.N. Declaration on the Rights of Indigenous Peoples and Article 27 of the International Covenant on Civil and Political Rights.

The executive directors of two leading national organizations, NICWA's Terry Cross and NCAI's Jacqueline Pata, called for the national conversation about the case to focus on Veronica's human and civil rights.

"These rights are being violated by the failure of the courts to provide Veronica, her tribal nation, and her extended family with opportunities to be heard regarding her best interests," said Cross. "What the U.N.'s involvement indicates is that we must all agree to turn our focus back to Veronica. When we do, it

becomes disturbingly clear that the courts have utterly failed to protect what is guaranteed to her by international law and established treaties, best adoption practices, and in my opinion, basic tenets of decency. Her rights have been violated, pure and simple."

"We commend the Special Rapporteur for engaging on this issue—it's a vital step for protecting all Indigenous children throughout the world. It's important to note that these are violations of international laws recognized and ratified by the United States long ago, not external forces weighing in on domestic laws," said Pata. "Veronica, and all similarly situated Indian children, families, and tribal nations, have deeply felt interests in maintaining their individual and collective rights to family, culture, and community. These basic human rights, along with the fundamental principles of self-determination, non-discrimination, due process, and equality, must be protected."

Smith agreed, stating, "Of course the facts of these matters are heart aching. Even so, it is important and required that when considering Veronica's rights and protections to acknowledge that, as an Indigenous child, she holds the rights of continued connection to her family, her culture and community. It has been tragic that, in the media firestorm following this case the last two years, so little attention has been paid to Veronica's basic human rights. These are rights and protections due her—due to Veronica—and are independent of any other individual involved in these matters. Veronica's rights and interests must be considered."

Smith continued, "If she were any other child, in any other case, her present situation, needs, and rights would be considered and would have been part of the determination. Today, Veronica is a four-year-old little girl with her own view of her daily world and her own identity. She has her own words, and her own voice. It is time Veronica is heard because it is, after all, Veronica's life."

About The National Congress of American Indians

Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments and communities, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights. For more information visit www.ncai.org.