



United Nations Permanent Forum on Indigenous Peoples 17th Session New York, 16 - 27 April, 2018

Item 12: Future work of the Permanent Forum, including issues considered by the Economic and Social Council and Emerging Issues

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by James Christian, Chief Executive Officer.

Thank you, Madam Chair,

We pay our respect to the Elders and Ancestors of these lands and of the world's Indigenous peoples.

First Madam Chair, we refer to the method of work of the Permanent Forum pursuant to Articles 3, 5, 18 and 33 of the Declaration, and the effective participation of the Indigenous peoples' delegations within the United Nations system.

We propose as part of the future work of the Permanent Forum

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1. the development and implementation of a United Nations system-wide agenda..... addressing Indigenous participation and decision-making, with a strengthened focus on the rights of Indigenous persons with Disabilities.

Indigenous Australians suffer disability at a rate 3 times greater than non-Indigenous Australians.

Next - the NSW Aboriginal Land Council Australia renews the call for permanent observer status within the UN - as was recommended in the Expert Mechanism¹ Report back in 2011.

¹ EMRIP (2011 Report) recommendation: “adopt, as a matter of urgency, appropriate permanent measures to ensure that Indigenous peoples’ governance bodies and institutions, including traditional Indigenous governments, Indigenous parliaments, assemblies and councils, are able to participate at the UN as observers with, at a minimum, the same participatory rights as non-governmental organisations in consultative status with the Economic and Social Council”. (A/HRC/18/43)

The NSW Aboriginal Land Council Australia requests that the Permanent Forum and UN adopt more accessible approaches to ensure Indigenous participation in UN activities including:

- 1- establish ongoing regional focal points to ensure participation and decision-making – while we can attend UN Headquarters for this Forum once a year – the work that must be done between Forums requires greater Indigenous engagement.
- 2- Build capacity through these regional focal points and provide support for programs that are mandated to follow up on the implementation of recommendations of the Permanent Forum.
- 3- Conduct a comprehensive study to investigate inequity in the current arrangements for Indigenous peoples to participate in UN activities.
- 4- Initiate a study to investigate the risk factors that influence the well-being of Indigenous peoples with disabilities, with a focus on State justice systems that fail to adequately identify and respond to the rights of peoples cognitive and psychiatric deficits.

Madam Chair, I draw your attention to Article 13 of the UN Convention on the Rights of Persons with Disabilities which provides for equal access to justice for people with disabilities.

I draw attention to the indefinite detention of people with cognitive and psychiatric impairment in Australia.

The violation of rights starts pre-contact with the criminal justice system, when Indigenous people with cognitive and psychiatric impairments are not provided with appropriate support, or even diagnosis.

This violation continues during contact with police and the judiciary, where cognitive and psychiatric impairment of Indigenous people are not recognised or understood.

Indefinite detention is in breach of Article 9 of the **International Convention on Civil and Political Rights (ICCPR)** which prohibits arbitrary detention.

Placing un-convicted prisoners with the general prison population is in breach of Article 10 of the ICCPR.

Next Madam Chair, we know the challenges, and opportunities facing Indigenous peoples in regards to the right to participation, and decision-making - including within the United Nations system.

On a national level, the lack of political representation of Indigenous peoples, compounded by the denial of a National representative Indigenous voice, are a denial of our basic human rights. This denial deprives Indigenous peoples in Australia of our right to self-determination².

In conclusion, these examples reinforce is the importance of domestic implementation of the Declaration and participation of Indigenous peoples throughout all levels of decision-making.

²Article 3 - See A/HRC/24/50, A/HRC/27/65, A/HRC/18/42 and A/HRC/21/55