



Expert Mechanism on the Rights of Indigenous Peoples 12th Session
Item 3 : Study on Indigenous peoples' rights in the context of borders, migration and displacement.
Monday, July 15, 2019

Thank you madame chair,

My name is Rosalee Gonzalez, I am Xicana Kickapoo, and I address you as the Executive Director of the US Human Rights Network, and on behalf the Continental Network of Indigenous Women of the Americas, North America Region.

We congratulate you on the Study of Indigenous Peoples Rights in the Context of Borders, Migrants and Displacement. For us in North America, specifically in the United States, the presentation of this study is timely and of pressing importance.

Last week, as we faced new reports of [scabies and shingles outbreaks](#) and the [sexual assault of a child](#) at Border Patrol detention centers in Texas and Arizona in the US, our determination to advocate for the cessation of child detention and family separation is stronger than ever.

It is with gratitude and appreciation that we welcomed the High Commissioner for Human Rights Michelle Bachelet's recent statement on the conditions of migrants and refugees in detention. We commend High Commissioner Bachelet's efforts to cooperate with indigenous peoples and US Civil Society (more broadly), and for listening to our accounts of atrocities at the US-Mexico border.

I highlight and thank EMRIP and the Secretariat for your immediate response to also decry the increasing detention of indigenous migrants at the US-Mexico border through your "Statement in Support of indigenous families, children, individuals and others being detained in the United States of America". Your position informs the world that the grotesque human rights violations against asylum seeking families are indigenous peoples. As the international community and main stream press turn their attention to the US-Mexico border, the victims of said violence are identified solely as "migrants" and are stripped of their identity as indigenous peoples and in turn of their rights afforded in the UNDRIP. For this reason alone, the need to persistently recognize and name those migrants as indigenous women, men, children and communities is necessary.

With regard to this study, **we recommend** that this study explicitly capture the increased forms of state violence and the interconnection with the grotesque prison-industry complex deploying mass incarceration tactics targeting indigenous migrants at the US-Mexico border. Although this study captures the criminalization of HR Defenders, which is undoubtedly a serious concern impacting bold community leaders, this study does not capture how the apparatus of mass incarceration has been designed to target indigenous migrants legally seeking asylum. As noted in the Study, "Colonization is the backdrop to migration", furthermore, we would like to recommend that you add that "Colonization is also the backdrop for ongoing state violence, such as the criminalization and mass incarceration of indigenous migrants".

We also recommend strengthening Section 2, Par 48 on Indigenous migrant workers. I point you to a recently adopted ILO Convention 190, which sets a new international labor standard to combat violence and harassment in the world of work, with specific attention to violence experienced by women.

We welcome the recent statement on Detentions by EMRIP and last weeks statement issued by the High Commissioner Michelle Bachelet. Furthermore, we encourage and support an additional statement on this issue that calls on the US to immediately release all children illegally detained and to call for a moratorium to further criminalize all migrants seeking legal asylum.

The USHRN, which I lead, has invited the High Commissioner Bachelet to visit the US-Mexico border area in December during a tribunal we will host involving different UN experts. The goal is for the High Commissioner to speak with as well as lend support to raise the visibility of the violations experienced by those communities. Consequently, we extend the same invitation to EMRIP members. As follow up, I will submit a formal invitation on separate cover.

Thank you for your considerations.