



Expert Mechanism on the Rights of Indigenous Peoples

11th Session Palais des Nations, Geneva 9-13 July, 2018

Item 10: Future work of the Expert Mechanism, including focus of the next annual study

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by the Deputy Chairperson, Councillor Anne Dennis

Thank you Chair,

We support the comments made by our Pacific region Indigenous neighbours. We the Indigenous peoples of the Pacific unite in our call on EMRIP and Human Rights Council to ensure that States parties in the Pacific region recognise the unique status of Indigenous peoples collective rights and the need to redress the power imbalance between Indigenous peoples and States parties. We recommend EMRIP clearly and actively encourage member states in the Pacific region to partner with Indigenous peoples and their representative organisations to establish legal and practical measures for seeking the free, prior and informed consent of Indigenous peoples.

As the Expert Mechanism has previously noted, most Member States have not fulfilled their commitment made at the 2014 World Conference on Indigenous Peoples to prepare national action plans to implement the Declaration¹.

In accordance with the commitment of Paragraph 8 of the Outcome Document of the World Conference on Indigenous Peoples, we urge the Expert Mechanism and the Human Rights Council to call on Australia and other Member States to work with Indigenous Peoples, through our own representative institutions, to develop and implement national action plans, strategies and other measures, to achieve the ends of the Declaration.

¹ A/HRC/EMRIP/2017/CRP.2, paragraph 50, available at:

<https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Session10/A.HRC.EMRIP.2017.CRP.2.pdf>

In particular, we propose that the future work of the Expert Mechanism include:

1. Building capacity of Indigenous peoples to work with Member States to develop national action plans to achieve the full set of Declaration rights;
2. Providing support and comprehensive frameworks to guide the development and implementation national action plans consistent with the Declaration. This should include effective processes to guide and inform, and to demonstrate fulfilment of commitment and shortcomings.
3. Regular monitoring and reporting on each Member States implementation of national action plans, including engagement with indigenous institutions and peoples.

In addition, we draw attention to the continued and increasing removal of Indigenous children from their families in Australia (at a rate 10 times that of non-Indigenous children).

It is an indictment on Australian society that the number of Indigenous children in out-of-home care has doubled in the decade since the 2008 Apology to the stolen generations.

The current child protection system has been shaped by non-Indigenous people, with little to no involvement from Indigenous peoples and communities.

We urgently request that the Expert Mechanism and Human Rights Council:

1. Call up on Member States, particularly Australia, to stop the practice of government-imposed adoption of Aboriginal children from out-of-home care, as is currently proposed in the Australian state of New South Wales.
2. Call upon Member States, especially Australia, to work with Indigenous peoples to reduce and prevent Indigenous children being removed from families kids going into care, giving greater focus to early intervention, and support for Aboriginal community-controlled approaches and frameworks.
3. Investigate and report on measures across Australia to support indigenous led programs and initiatives to support indigenous children and families.

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

Thank you Chair