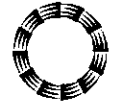




National
Congress of
American
Indians



INDIAN LAW
RESOURCE CENTER

UN Expert Mechanism on the Rights of Indigenous Peoples 8th Session (20-24 July 2015)

Agenda Item 9: Proposals to be submitted to the Human Rights Council for its consideration and approval (23 July 2015)

Joint statement by the National Congress of American Indians, the Native American Rights Fund, the Indian Law Resource Center, non-governmental organizations in consultative status with ECOSOC

Mr. Chair,

The UN Declaration on the Rights of Indigenous Peoples Article 18 states, in part, that indigenous peoples have a right to participate in decision-making in matters which would affect their rights through representatives chosen by them, and Article 41 commits, in part, that “[w]ays and means of ensuring participation of indigenous peoples on issues affecting them shall be established.” Yet, indigenous governing institutions are seriously limited in their ability to meaningfully and effectively participate in the United Nations system on issues affecting them because of the absence of an appropriate status through which indigenous governments’ participation can be realized. This prevents indigenous governing institutions from addressing any number of issues of critical importance to our communities.

We therefore recommend the development of new rules to provide indigenous governing institutions greater and permanent rights of participation within the UN, including a distinct and appropriate status that respects them as rights-holders. Current ad hoc arrangements about participation are unpredictable and inadequate. Indigenous governments must be able to participate as representative institutions, not civil-society or NGOs, and they must be able to fully, effectively, and meaningfully participate in UN meetings.

These new rules must, at the least, allow indigenous institutions to: attend and participate in meetings relevant to indigenous interests as determined by indigenous governments; submit written and oral statements; propose agenda items; participate in work sessions; and have priority over NGOs with regard to seating arrangements and order of speaking.

A stand-alone accreditation body should be established to carry out the necessary accreditation work. The body must include representatives of indigenous governing institutions. The

accreditation standards and rules of the body must be flexible and responsive to the regional realities and the diverse characteristics of indigenous peoples' governing institutions.

Additionally, the Human Rights Council is expected to take important action during its 30th session towards developing an implementing and monitoring body for the UN Declaration, a call to action that was outlined in the World Conference on Indigenous Peoples outcome document. The establishment of a strong and effective implementing body for the UN Declaration that will promote, monitor, and protect indigenous rights is one of the most important achievements of the World Conference.

To that end, we offer the following proposals for submission to the Human Rights Council for its consideration.

We recommend strengthening and expanding the mandate of the Expert Mechanism to function as an effective implementing and monitoring body for the UN Declaration. A strong implementing body is crucial to monitor, evaluate, and achieve the ends of the Declaration, and EMRIP is the logical mechanism to take that up. The expanded mandate should provide authority to gather and receive information from all sources; make country visits; conduct studies; write reports and recommendations; make general observations; share information about best practices; issue interpretations of the Declaration; take friendly measures to resolve conflicts through consensual solutions; and collaborate with other special mandate holders. Consistent with Article 22 of the Declaration, the implementing body should pay particular attention to the human rights and special needs of indigenous women and children, in order to ensure their full protection from all forms of violence and discrimination.

The implementing body should include a balance of indigenous and other experts selected by both states and indigenous peoples' representative institutions, a sufficient number of independent experts with the relevant expertise, capacity, and experience to accommodate an expanded mandate, and a sufficient number of meeting days. When possible, this body should make use of internet and teleconferencing technology and be given adequate financial resources to fulfill an expanded mandate.

Finally, violence against indigenous women must be addressed.

We recommend the Human Rights Council hold a high-level panel discussion to examine the causes and consequences of violence against indigenous women and request a report from the Secretary-General with concrete recommendations on the issue. We are deeply concerned about the global pandemic of violence against indigenous women and girls. A panel discussion would allow the Council to gather information about this complex topic from within the UN system and to engage with external experts. The panel could be held in conjunction with the annual discussion on the rights of women during the 32nd Session of the Council. We also request that the Secretary-General issue a research-based report on the issue of violence against indigenous women and provide concrete recommendations for action. Finally, we request the

System-wide Action Plan for achieving the ends of the UN Declaration pay particular attention to the rights of indigenous women and children.

We look forward to building on the momentum of the World Conference in order to enable the full, effective, and meaningful participation of indigenous institutions, achieve an effective implementing body for the UN Declaration, to combat the global crisis of violence against indigenous women, and to advance the rights of indigenous peoples.

Thank you for this opportunity to offer our proposals.