



EUROPEAN UNION
Permanent Delegation to the United Nations Office
and other international organisations in Geneva

United Nations Human Rights Council

21th session

HRC21: Half-day discussion on Indigenous Peoples:

Access to Justice

18 September 2012

EU intervention

Madame President,

The European Union welcomes the holding of a discussion on this important issue and thanks the distinguished panellists for their substantial presentations.

We reiterate our strong commitment to the promotion and protection of the rights of indigenous peoples, as set out in 2007 United Nations Declaration on the Rights of Indigenous Peoples, which is an important milestone for indigenous people. The new EU human rights Action Plan, adopted in June this year, foresees further developing of EU policy on advocating for the rights of indigenous peoples with a view to the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples to be held in 2014.

Despite positive developments in recent years, indigenous peoples continue to be at risk of a wide range of human rights violations directed against community leaders, individuals and indigenous human rights defenders. Their rights are further infringed upon when seeking redress through judicial mechanisms due to numerous barriers they often face, including lack of awareness of such mechanisms, language or

literacy barriers, costs for obtaining legal representation, remote physical location and fears of reprisals.

The right to equal access to justice for indigenous peoples is expressed in Article 40 of United Nations Declaration on the Rights of Indigenous Peoples, and plays an important role in advancing the right of indigenous peoples to self-determination, guaranteed by Article 3 of the Declaration. States should seek to engage in an inclusive consultation process based on free prior and informed consent with indigenous communities in order to review, adapt and develop judicial mechanisms accordingly. Particular attention should be given to the needs of indigenous women who often face discrimination because of indigenous status and their gender. Indigenous peoples' access to justice can also be improved through greater availability of dedicated Indigenous legal services which respect cultural sensitivities and language barriers.

It is legitimate to strengthen indigenous peoples' traditional justice systems/customary law, in accordance with international human rights standards. *In this regard, could the panellists elaborate on the issue of coordination between the country's national versus indigenous justice systems, as well as on possible interchangeability/interaction of the two for individuals seeking redress? How to reconcile deep-rooted local cultural practices of restorative justice with national law, in line with the State's international human rights obligations?*

Thank you for your attention.