



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

UNITED NATIONS HUMAN RIGHTS COUNCIL
42nd session
Clustered Interactive Dialogue with the Special Rapporteur on indigenous peoples and the Expert Mechanism on the rights of indigenous peoples
16 September 2019
EU Intervention

Mr. President,

Let me thank both the Special Rapporteur Ms. Victoria Tauli-Corpuz and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) for their reports.

The report of the Special Rapporteur focussing on indigenous peoples and justice described well the diversity of the state of justice for indigenous peoples and individuals in countries across the world. We've learned about many different examples of reconciling fundamental human rights principles such as access to justice and the right to a fair trial with the respect for indigenous peoples' right to promote, develop and maintain their institutional structures, including juridical systems or customs.

The report also provides a helpful starting point for the much needed debate on how to effectively move towards the Sustainable Development Goal 16 on promoting peaceful and inclusive societies for sustainable development; provide access to justice for all; and build effective, accountable and inclusive institutions at all levels. Several of the proposals of the EMRIP's report can also be thematically placed under SGD 16. We note in particular proposal 5 on Indigenous Human Rights defenders and proposal 6 on Reprisals.

Support to human rights defenders is one of the major priorities of the EU's external human rights policy. We therefore subscribe to the proposal of EMRIP that human rights violations against indigenous human rights defenders, including indigenous women, should be thoroughly investigated and the perpetrators be brought to justice. It is also of importance to support the development of effective preventive measures *to reduce risk of violations* against human rights defenders, including women human rights defenders.. The current spike in numbers of indigenous human rights defenders being targeted is a true tragedy and we all need to devise measures to prevent human rights violations and abuses from happening in the first place.

Madame Special Rapporteur,

You write in your report that many customs, traditional rules and legal systems of indigenous peoples tend to be transmitted orally over generations and in time. Would it not be a step in the right direction to ensure that these are recorded in writing or even codified so as to facilitate the interaction and reconciliation with formal system of the States?

With regards to the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council, have the expert members of EMRIP given any consideration to the issue of "selection criteria", and if so, what would these entail?

Thank you.