

Expert Mechanism on the Rights of Indigenous Peoples 12th Session, 15-19 July 2019, Palais Nations, Geneva Switzerland; Agenda Item 9: Future work of the Expert Mechanism, including focus of future thematic studies. Statement by the International Indian Treaty Council, July 15, 2019, presented by Andrea Carmen

Thank you, Madame Chair, and thanks to all for a very productive EMRIP session. Our delegation would like to recommend a theme for the EMRIP's next study, building off of its current Study on Borders and Migration as well as the contributions of many participants in this session.

We call for an EMRIP Study on Missing and Murdered Indigenous Women and Girls, based on Article 22 paragraph 2 of the UN Declaration, to be presented at the next session, with an intersessional expert group meeting held to include the very important work on this issue being carried out by Indigenous Peoples, and in particular Indigenous women, around the world.

As we stated under Agenda item 3, we appreciated that the Study of Borders and Migration acknowledged the issue of cross-border sexual trafficking of Indigenous women. This practice often results in violence and death and requires additional in depth-study. The special vulnerabilities of Indigenous teenagers and children, as well as Indigenous women and girls with disabilities should be prioritized. The impacts of extractive industries tied to sexual violence and trafficking, militarization and military activities in all regions and the urgent need for disaggregated data should also be key focus areas.

We also include in this agenda item a specific recommendation for an EMRIP proposal to the Human Rights Council, based on interventions at this session by IITC and other delegations, the proposed EMRIP country engagement addressing the repatriation of the Sacred Yaqui Maaso Kova, and the advice presented in EMRIP's 2015 Study on Cultural Heritages. It reads as follows:

"The EMRIP recognizes that the ongoing lack of a process or mechanism for international repatriation of Indigenous Peoples' sacred items and human remains removed from Indigenous homelands without their free prior and informed consent or in violation of their traditions, laws and customs continues to be an ongoing challenge for Indigenous Peoples around the world. These sacred items vital for the cultural and spiritual rights, practices and identity of Indigenous Peoples are stored, bought, sold and displayed in auction houses, national museums, private collections and other repositories around the world.

The EMRIP therefor proposes that the Human Rights Council, in its 2019 resolution on the Rights of Indigenous Peoples to be adopted in September 2019, support and encourage the development of such a process or mechanism, as called for in the UN Declaration on the Rights of Indigenous Peoples Articles 11 and 12, as well as paragraph 27 of the UN World Conference on Indigenous Peoples Outcome Document. Our recommendation for text is as follows:

"Recalling paragraph 27 of the UN World Conference on Indigenous Peoples Outcome Document, Articles 11 and 12 of the UN Declaration on the rights of Indigenous Peoples, and recommendations of the UN Permanent Forum on Indigenous Issues, the UN Human Rights Council encourages the development of a mechanism to facilitate the international repatriation of Indigenous Peoples sacred items and human remains. The exploratory process could include States, the EMRIP, the UNPFII, UNESCO and other relevant UN Agencies, Indigenous Peoples representatives, museums, educational institutions and other interested parties."

Thank you.