

6th session of the Expert Mechanism on the Rights of Indigenous Peoples

Item 5: Study on the access to justice in the promotion and protection of the rights of indigenous peoples

Geneva, 9 July 2013

Statement by Austria

At the outset, let me congratulate you for your election as chair of the EMRIP.

Mr. President,

Austria would like to thank all the experts for their comprehensive and valuable contributions and the EMRIP for producing such an important study on access to justice in the protection and promotion of the rights of indigenous peoples. We welcome this discussion on the study which offers a good opportunity to discuss challenges and perspectives with regard to indigenous peoples' access to justice.

Social marginalization and legal discrimination place indigenous peoples at risk of a wide range of human rights violations directed against individuals and indigenous peoples as a whole. In some States, while making up a small minority of the population, indigenous peoples often comprise a majority of the people incarcerated and often lack access to justice. For this reason, the international community has to join forces in order to achieve a change on the ground. In this regard, we would like to know how the panelists, including the Special Rapporteur intend to follow-up on the EMRIP-report on this issue.

Austria believes that the issue of multiple, aggravated and intersecting forms of discrimination which are among the root causes of indigenous people's lack of access to justice needs greater attention. Therefore, we welcome that the study examines access to justice issues relevant to indigenous women, children and persons with disabilities. Especially indigenous women face significant barriers to accessing justice, both within indigenous systems and in the formal state sector. In

In this context, it is also highly important to emphasize the root causes for lack of access to justice or barriers thereto for indigenous women. This includes inter alia poverty, violence against women, including sexual violence, structural discrimination as well as the lack of women's voice and participation in decision-making forums. Given the cross-cutting nature of this issue, cooperation and a holistic approach at all levels is needed. We therefore call for an increased cooperation between all stakeholders and would seek comments and views on this by the panelists.

With regard to indigenous persons with disabilities, we share the assessment that they still face significant challenges, such as the physical inaccessibility of domestic or traditional courts and experience higher rates of incarceration. In addition, concerns exist regarding their treatment in prisons where, among other challenges, there may be no access to necessary services, including psychological and psychiatric assistance. Given the prominent discussions on this issue at this year's session of the Permanent Forum in NY, we would like to ask the experts whether they are planning to increase their attention to this issue in the future.

Mr. President,

The involvement of indigenous peoples in reconciliation and transitional justice processes is key, in order to achieve the full and effective access to justice for indigenous peoples. Therefore, Austria believes that indigenous peoples and indigenous peoples' representative institutions and organizations should be consulted and involved in all stages of the establishment and implementation of transitional justice mechanisms. We also have to make sure that all persons are effectively represented in those processes, including women.

I thank you.