

**Expert Mechanism on the Rights of Indigenous Peoples
Sixth Session**

Geneva, July 8 – 12, 2013

Agenda Item 5: Study on access to justice in the promotion and protection of Indigenous Peoples

Global Indigenous Youth Caucus Statement

Thank you Mr. Chair,

We the Global Indigenous Youth Caucus acknowledge the need for the realization of recognized and sovereign forms of traditional justice for Indigenous youth. Supporting Indigenous youth in judicial systems through traditional forms rather than western structure facilitates the promotion of cultural knowledge as well as advancements within the livelihoods of Indigenous youth.

We recognize, and reaffirm, the ongoing work completed surrounding the issue of justice pertaining to Indigenous youth through EMRIP as well as other platforms within UN systems. Yet, the disproportionate amount of Indigenous youth involved in the (in)justice system, to that of their non-Indigenous counter-parts, is a concern. We as the GIYC are looking to EMRIP to improve our lives as youth. If member states do not address the overrepresentation of Indigenous youth in the Justice System then we are at risk of losing another generation to forced colonial policies creating greater disadvantage for our people. This is highlighted throughout A/HRC/EMRIP/2013/2 as stated under Barriers, in paragraph 66 of the final document. This over-representation could be dissolved through the direct promotion of cultural knowledge and the advancement of traditional livelihoods for Indigenous youth. The GIYC represents Indigenous youth worldwide including those who are often seen as mere statistics within judicial systems.

We recommend the following to ensure that those voices within those numbers are not forgotten:

- 1 We acknowledge the work of the Expert Mechanism and their study on justice. We request that this study be continued and ensure the full and effective participation of Indigenous youth in a specific section on justice as it relates to our lives.
- 2 We support the National Indian Youth Council submission to EMRIP, which provided critical information regarding the affects of and meaningful access to justice systems.
3. We urge Member States to adopt and implement Indigenous judicial policies and frameworks created specifically by, and for, Indigenous Peoples.
4. We urge Member States to consult, and reach consent with, Indigenous youth in regards to their involvement in their own traditional justice systems. This will lead to finding ways to decrease the high incarceration rates of Indigenous youth by providing access to and participation of these traditional systems.
5. We reaffirm, and extend the claim to see that recommendations numbered 68-70 in the A/HRC/EMRIP/2013/2 are fully established and implemented with the free, prior, and informed consent of Indigenous Peoples, and more specifically, Indigenous youth.

6. That States develop and follow-through with truth and reconciliation committees ensuring that Indigenous Peoples, and more specifically Indigenous youth, are involved in processes leading up to, and following the committees' work. Additionally, we recommend that they ensure a gender justice analysis that looks at the effects of imposed gender roles and patriarchy as part of historical trauma and assimilation during the process of these commissions.

7. That States enforce and further advance, implement inclusive inquests surrounding sexual violence, killings and all forms of violence involving Indigenous women and children.

8. We recommend that Member States, UN systems as well as domestic organizations working on issues of justice for Indigenous youth find ways to strengthen the meaningful participation of youth who have experience with incarceration. This includes those who often face barriers to participation due to criminal records, being in foster and group homes, state custody, jail and youth detention.

9. We express our support for the next Expert Group Meeting on Sexual and Reproductive Rights as this is also a critical issue related to justice. This EGM presents another opportunity for meaningful leadership of Indigenous youth, looking to the last EGM as a model for that youth leadership.

In conclusion, we as the GIYC would like to extend our gratitude for the inclusion of Indigenous youth in regards to ensuring the full, and effective participation of Indigenous youth, and that it is included when advancing diverse Indigenous traditional justice system, building a brighter future for Indigenous youth involved in the justice system.