

**Expert Mechanism on the Rights of Indigenous Peoples
Eight Session, 23 July 2015**

Item 8: United Nations Declaration on the Rights of Indigenous Peoples

Statement by Continental Network of Indigenous Women of the Americas/
Enlace Continental de Mujeres Indígenas de las Américas (ECMIA)
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Mr. Chair.

My name is Dr. Rosalee Gonzalez, Faculty at Arizona State University and the elected Co-Coordinator for the Continental Network of Indigenous Women of the Americas, North Region. I address this body on behalf of 23 national Indigenous Women's organizations in 19 countries throughout North, Central and South America that make up this Continental Network.

Our networks' founders and leaders have actively participated and engaged with the UN system for **over thirty years**—since the working group on Indigenous Peoples, the drafting and negotiations of the adoption of the Declaration on the Rights of Indigenous Peoples, through the activities leading up to the first High Level Plenary, known as the World Conference on Indigenous Peoples, and today we participate in this session that will once again determine the future of indigenous peoples rights.

In September 2013, our Network united with the International Forum of Indigenous Women and our sister **continental indigenous women's networks** in Asia, Africa, the Pacific, and North-Eastern Europe, to host the first World Conference of Indigenous Women (WCIW) in preparation for World Conference on Indigenous Peoples (WCIP). Drawing on OP 18 of the WCIP Outcome Document and quoting the Declaration and Platform for Action from the WCIW conference, the following excerpt clearly articulates our expectation of **indigenous women's participation** in international processes:

We, Indigenous women, assert our right to **self-determination**, which encompasses the direct, full and effective participation of Indigenous Peoples; including the vital role of Indigenous women in all matters related to our human rights, political status, and wellbeing. We endorse the principle: "Nothing about us, without us", and further declare **"Everything about us, with us."**

Mr. Chair,

It is alarming to organized indigenous women around the world that the Human Rights Council can, for the 2nd and consecutive time, appoint an all-male membership of this mechanism. This concern is not aimed to critique the qualification of any of our indigenous brothers and experts who currently make up this body—you have our support and we stand with you—but rather it is a critique for a faulty selection process that can **systematically disregard the implementation** of its historic commitment to protect and

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promote the right of Indigenous women to full participation and to the UN's commitment to mainstream gender system-wide. This outcome is evidence of the **multiple forms of systematic discrimination** that Indigenous women face today, even within this UN selection process.

Consequently, I draw your attention to Art. 41 of the Declaration and Par 33 and 17 an of the Outcome Document (OD) which affirms **state “support [for] measures** which will ensure the full and effective participation of indigenous women in decision making processes at all levels and in all areas, and eliminate barriers for their participation in political, economic, social and cultural life”, and point out that future appointments must be in line with the Declaration.

Recognizing the multiple international mechanisms to protect the human rights of all peoples around the world, despite these mechanisms there are ongoing violations targeting indigenous peoples. We believe a new mechanism specifically for Indigenous Peoples is needed. We believe an evaluation of EMRIP is necessary and to build on EMRIP achievements, while complementing the mandates of the SRIP and PFIL.

There is a gap between international standards and national and local implementation of the Declaration. Implementation at the local level can only come about through legislative and executive action. Judicial action can help us well, BUT the leadership of IP must be included. Drawing on Par 7 of the Outcome Document, consultation with Indigenous Peoples in two areas is necessary, first, on what needs to happen on the ground for IP rights to be upheld; and what process can resolve this gap between international stands and local implementation. Any revisions of the EMRIP mandate have to consider and harmonize with Par 28 of the OD.

Bridging that gap, we have to think of that mechanism or mechanisms that will move states to develop those kinds of protections. Not just evaluate the states, but to assist states that will put those regulatory apparatus for states to fulfill IP rights.

Consequently, we make the following **recommendations**:

- We recommend the UN Human Rights Council adopt a resolution at the upcoming 30th Session of the HRC to affirm a commitment to OP 28 of the Outcome Document of the WCIP and review the mandate of EMRIP.
- We recommend that the resolution affirm HRCs commitment to uphold Art. 36 of the Declaration and **ensure consultation with indigenous peoples, including indigenous women**, prior to the adoption of any future modifications of the EMRIP mandate.
- As the HRC moves forward in modifying the EMRIP mandate, we ask for the following:
 - Any modifications to the EMRIP mandate must be **in line with the Declaration on the Rights of Indigenous Peoples**, with the intent to develop a monitoring body for the implementation of the Declaration.
 - **We call for gender balance**, as well as geographic balance, not only as a consideration but a requirement in the appointment of all future members.

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- We recommend the broadening of the number of **members to reflect the 7 cultural-regions** of indigenous peoples, and that Experts continue to have **an array of skills and expertise**, inclusive of international legal skills as well as political participation with indigenous peoples.
- We call on the HRC to adopt a resolution that commits HRC to implement Par 29 of the OD, which invites the HRC to consider **examining the causes and consequences of violence against indigenous women and girls**, in consultation with the Special Rapporteur on Violence Against Women, the Special Rapporteur on the Rights of Indigenous Peoples and other Special Procedures within their respective mandates.

Lastly, we congratulate the UNVFIP on its 30th anniversary, and highlight that our networks' founding leaders have served the Funds board and our local leaders have benefited tremendously throughout the years as grantees, OHCHR fellows and myself, as a former OHCHR Senior Indigenous Fellow. However, we note that there is one important UN body that Indigenous Peoples that the Fund does not yet support.

Consequently, **we recommend** that the HRC expand the mandate of the UNVFIP to include funding the participation of Indigenous Peoples, specifically indigenous women, to the annual **Sessions of the Commission on the Status of Women**.

Thank you Mr. Chair.

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