

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

Geneva, 8-12 July 2013

Statement by the Danish delegation on agenda item 5: Study on the access to justice in the promotion and protection of the rights of indigenous peoples

Thank you Mr. Chair,

My delegation wishes to thank the Expert Mechanism for the draft study on access to justice in the promotion and protection of the rights of indigenous peoples. We welcome further discussions on this important issue.

Denmark and Greenland were happy to provide information on the new Administration of Justice Act for Greenland and Criminal Code for Greenland of 2010. We hope the information provided has been helpful and that it will be duly reflected in the report. We are also pleased to note the participation from Greenland in the International Expert Seminar on Access to Justice for Indigenous Peoples Including Truth and Reconciliation Processes held in New York earlier this year.

Mr. Chair,

Despite positive developments in recent years, indigenous peoples continue to be at risk of a wide range of human rights violations directed against community leaders, individuals and indigenous human rights defenders.

My delegation agrees with the notion that particular attention should be given to the needs of indigenous women who often face discrimination because of their gender and indigenous status.

The rights of indigenous peoples are at risk of being further infringed upon when seeking redress through judicial mechanisms. This is due to numerous barriers, including lack of awareness of such mechanisms, language or literacy barriers, costs for obtaining legal representation, remote physical location and fear of reprisals.

The right to equal access to justice for indigenous peoples is expressed in article 40 of United Nations Declaration on the Rights of Indigenous Peoples. It moreover plays an important role in advancing the right of indigenous peoples to self-determination as guaranteed by article 3 of the Declaration. States should seek to engage in an inclusive consultation process based on free, prior and informed consent with indigenous communities in order to review, adapt and develop judicial mechanisms accordingly. We reiterate that it is legitimate to strengthen indigenous peoples' traditional justice systems, in accordance with international human rights standards.

Mr. Chairperson,

A notable gap between the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples and their actual implementation persists. As often stated before, this gap must be closed. Indigenous peoples must see their rights realized in their everyday life. For this reason, we welcome the recommendations set out in the annex of the report and encourage states and all parties to pay particular attention to these important recommendations.

Thank you for your attention.