



Establishing an effective body to implement, promote, and monitor states' compliance with the UN Declaration on the Rights of Indigenous Peoples

A Joint Oral Statement Offered at the 33rd Session of the UN Human Rights Council by the Indian Law Resource Center, Ewiiapaayp Band of Kumeyaay Indians, National Congress of American Indians, and Native American Rights Fund

Item 5 – Human rights bodies and mechanisms

(Interactive dialogue: Report of the Expert Mechanism on the Rights of Indigenous Peoples on its 9th Session (HRC res. 6/36 and 30/4) (September 20 2016))

Indigenous peoples and individuals, especially women and girls, continue to suffer severe violence, systematic discrimination, and other horrendous violations of their rights. Often, this is a result of the failure to implement their rights to participate in decision making, to have their lands effectively demarcated and titled, and, in some cases, the failure of laws to protect those in voluntary isolation.

Killings of indigenous individuals are a special problem. According to Global Witness, the situation is worsening. The year 2015 was the deadliest yet for land defenders: 185 were killed and 40 percent were indigenous.¹ There is an extraordinary need for a strong and capable body to promote and oversee the implementation of the Declaration.

The World Conference on Indigenous Peoples Outcome Document asked this Council to strengthen the Expert Mechanism on the Rights of Indigenous Peoples “so that it can more effectively promote respect for the Declaration.” This improvement can **include** assisting Member States, but it is not limited to that, as some have suggested. This Council should restructure the Mechanism and give it a new mandate to seek and consider information from all sources, to issue reports, and make recommendations about serious situations affecting the rights of indigenous peoples. The terrible level of violence against indigenous women is a worldwide epidemic, and this new mandate is practically the only concrete UN action that has been proposed to address this violence. Will this Council now fail to take action, or will this Council instead take the sensible step to authorize the body to respond directly to violence against indigenous women and girls and to other such serious situations?

The body must be able to take action that is both prompt and sustained. It **must** be able to do more than provide mere “technical assistance” and issue a single annual report. Indigenous peoples remain vulnerable because there is no mechanism that can adequately address violations of their rights or promote and monitor achievement of the objectives of the Declaration. Again, the mandate must include, at minimum, the authority to gather information and to respond to serious situations affecting indigenous rights, such as violence against indigenous women and girls.

Thank you.

¹ Global Witness, on Dangerous Ground, 2015's Deadly Environment: The Killing and Criminalization of Land and Environmental Defenders Worldwide (June 20, 2015), available for download at: <https://www.globalwitness.org/en/reports/dangerous-ground/>.