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

**Sixteenth session 17-21 July, 2023**

**Item 5: *United Nations Declaration on the Rights of Indigenous Peoples:* *Interactive dialogue with UNPFII, the Special Rapporteur on the Rights of Indigenous Peoples, and the UN Voluntary Fund for Indigenous Peoples and members of the United Nations Treaty Bodies***

**Statement by Indigenous Peoples Rights International /IWGIA/Deusto University?**

Members of the Expert Mechanism,Indigenous Peoples Rights International welcomes and highlights the importance of maintaining and enhancing interactive dialogue with the ten treaty bodies.

In February 2024, IPRI, IWGIA in collaboration with Deusto University supported a meeting of key OHCHR staff, various members of the treaty bodies, and experts on Indigenous Peoples’ rights, including the Chairperson of EMRIP. For three days, we discussed treaty bodies’ practice on Indigenous Peoples’ rights, concluding with recommendations to further consistency, to identify gaps and obstacles, and to foster further progress.

We especially discussed the advances being made by the treaty bodies to use UNDRIP as a key interpretative aid when assessing State obligations. For instance, those present recalled:

* that CERD, CEDAW and the Human Rights Committee are now often using UNDRIP in their decisions on communications;
* that the CESCR repeatedly cited eleven UNDRIP articles in its three most recent general comments;
* that CEDAW’s General Recommendation 39 concludes that UNDRIP is “an authoritative framework” for interpreting State party obligations; and
* that this practice is mirrored in various decisions and judgments in the African and Inter-American regional systems.

This approach further supports the widely held view that UNDRIP is, to quote EMRIP, “a contextualized elaboration of general human rights principles” and its standards “connect to existing State obligations under international human rights law….”[[1]](#footnote-1) The treaty bodies are a critical component of monitoring these obligations within their areas of competence.

While acknowledging this progress, the meeting also concluded, among other things, that:

* there is a lack of consistency across and even within treaty bodies on Indigenous Peoples’ rights;
* that treaty bodies are not equally familiar with or attentive to Indigenous Peoples’ rights; and
* that there is a lack of knowledge by many Indigenous Peoples about the work of treaty bodies, including how to effectively engage with them.

The role of EMRIP was also highlighted. For instance, recommendations were made for treaty bodies to seek EMRIP’s advice when Indigenous rights are considered, particular on communications and general comments, and that EMRIP adopts a standing agenda item on dialogue with the treaty bodies.

In conclusion, IPRI welcomes the interactive dialogue taking place today **and encourages EMRIP to make this dialogue a standing agenda item. We also encourage the EMRIP and the treaty bodies to collaborate further where relevant.** We also urge the treaty bodies to continue to employ UNDRIP to interpret State obligations and we fully endorse CEDAW’s conclusion that UNDRIP represents an authoritative interpretation of State party obligations under the various treaties.

Thank you.

1. A/HRC/EMRIP/2023/3, para. 8. [↑](#footnote-ref-1)