

July 19, 2023

**Expert Mechanism on the Rights of Indigenous Peoples.  
16<sup>th</sup> Session**  
**Item 12. Future Work of the Expert Mechanism, including  
focus on future thematic studies**

**Statement by Indigenous Peoples Rights International (IPRI)**

Dear Chairperson,

Members of the Expert Mechanism,

In line with EMRIP's amended mandate (33/25, 2016, para. 1), which *decides* that EMRIP shall "provide ... expertise and advice on the rights of indigenous peoples **as set out in the [UNDRIP],**" and Article 42 of the UNDRIP, which provides that the United Nations and its bodies "shall ... **follow up the effectiveness of this Declaration,**"

Indigenous Peoples' Rights International recommends that the EMRIP further cooperates and collaborates with Indigenous Peoples, States, and others to collect specific data on the effectiveness of the Declaration and the various rights set out therein.

IPRI has commenced compiling various UN, regional and national-level judicial decisions and legislation from around the World and we are very willing to collaborate with the EMRIP in this respect. This includes legislation and related developments adopted by Indigenous Peoples that give effect to the Declaration. We will continue to do this at least twice a year.

Dialogue between the EMRIP, the treaties bodies and the regional mechanisms is also valuable in this regard. We note that the Inter-American Court of Human Rights explained in 2022 that it understands that the UNDRIP represents "international minimum standards applicable to the protection of the human rights of indigenous [peoples]," and the Court will use it to interpret the American Convention on Human Rights as it has done previously in its case law. Apart from endorsing article 43 of the Declaration, this echoes CEDAW's GR 39, which states that UNDRIP is an authoritative interpretation of the rights of Indigenous women and girls in relation to the various standards in CEDAW. This is part of a broader trend in the treaty bodies and special procedures to read the UNDRIP conjunctively with various binding standards.



It is especially important that EMRIP advises and supports these developments, illustrating good practices, obstacles and important developments, including offering specific assistance to States and Indigenous Peoples, where requested. This kind of analysis is also an important part of taking stock and developing future work in relation to UNDRIP 20<sup>th</sup> Anniversary in 2027. This is an important milestone for a full analysis of the issues related to effectiveness of UNDRIP.

Thank you.