14 October 2019

**Intervention for Monday afternoon, Item 4, covering Definitions**

**Type of Organization –** NGO

**Name of the organization:** Indigenous Peoples International Centre for Policy Research and Education – Tebtebba Foundation

**Name of the speaker:** Mary Ann Manja Bayang

I speak as an indigenous person who has witnessed and monitored numerous violations and abuses of human rights of indigenous peoples worldwide. This is why I am specifically concerned on the definition of “victims” in the Draft Treaty.

In the draft treaty, access to justice and effective remedies are provided for “victims”. There are 16 provisions under Section 2, Article 4, enumerating the “Rights of Victims” to ensure that their fundamental freedoms are ensured and protected. However, the definition of “Victims” under Article 1 is narrow and limiting, and does not include those who are facing potential violations or abuses of their human rights. Those whose right are about to be violated should also be accorded effective remedies and access to justice and enjoy the rights under Section 2, Article 4. This is necessary to ensure a preventive measure to stop a human rights violation or abuse even before it happens.

Thus:

**Current Draft:**

**Article 1. Definitions**

1. “victims” shall mean any persons or group of persons who individually or collectively have suffered or have alleged to have suffered human rights violation or abuse as defined in Article 1 paragraph 2 below. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependents of the direct victim.

**Proposal:**

**Article 1. Definitions**

1. “victims” shall mean any persons or group of persons who individually or collectively have suffered or have alleged to have suffered **OR WHO FACE AN IMMINENT** human rights violation or abuse as defined in Article 1 paragraph 2 below. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependents of the direct victim.