

Twelfth session of the Permanent Forum on Indigenous Issues

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Provisional Agenda Item 7: Human rights

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Statement by International Chief Wilton Littlechild,

Expert Member (WEOG Region)

Expert Mechanism on the Rights of Indigenous Peoples

Thank you, Mr. Chair. As this is the first time I take the floor, I extend my congratulations to you, Mr. Paul Kanyinke Sena, on your appointment. Greetings to all of your Excellencies: Permanent Forum members, Indigenous peoples, member states, international organisations and all meeting participants.

On behalf of my colleagues at the UN Expert Mechanism on the Rights of Indigenous Peoples, I thank you for this opportunity to share with you the work of the Expert Mechanism over the past year, particularly in relation to advancing the UN *Declaration on the Rights of Indigenous Peoples* in view of today's agenda item. Allow me to begin by congratulating and thanking all the members and support staff of the Permanent Forum for the excellent organization of this session.

Mr. Chairperson, allow me to provide a brief background of the Expert Mechanism.

The Expert Mechanism was established by the Human Rights Council in 2007 and is a research based advisory body to the Human Rights Council - the main intergovernmental body dealing with human rights at the United Nations. We apply all human rights standards in our work, but our key reference is the UN *Declaration on the Rights of Indigenous Peoples* as the normative human rights framework in advancing and realizing the rights of Indigenous peoples worldwide. Before speaking more about this, for the benefit of all delegations attending the Permanent Forum, I would like to provide information about our upcoming Expert Mechanism session.

The sixth session of the Expert Mechanism will take place in Geneva from July 8th to 12th, 2013. A significant number of States, indigenous peoples, international organisations and national human rights institutions participate in the sessions of the Expert Mechanism, together with the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum. People interested in participating the Expert Mechanism's sixth session can seek accreditation on the Expert Mechanism's website.

As Chairperson of the Expert Mechanism, it is my pleasure to share with you some updates on the work of the Expert Mechanism in the past year:

- The Expert Mechanism held its fifth session in July 2012. It discussed the Declaration on the Rights of Indigenous Peoples, including by way of interactive dialogue with a representative from the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples. The Expert Mechanism adopted its final report on its study on role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, including its advice No. 4 (2012) on indigenous peoples' cultures and languages.
- The study, together with a number of proposals made by the Expert Mechanism, was presented to the Human Rights Council at its twenty-first session in September 2012, which included an interactive dialogue with state representatives and the Special Rapporteur on the Rights of Indigenous Peoples. In its resolution 21/24 of September 2012 the Human Rights Council, called upon States "to consider, in consultation and cooperation with indigenous peoples, initiating and strengthening, as appropriate, effective legislative and policy measures to protect, promote, respect and, where necessary, revitalize indigenous peoples' languages and culture, taking into account, as appropriate, the study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples";
- At the 5th Session, the Expert Seminar also approved its follow-up study on the Right to Participate in Decision-making, with a focus on extractive industries. This was complemented by a Comment on the Human Rights Council's Guiding Principles on Business and Human Rights as they apply to Indigenous peoples. As well, we heard from States who reported on their implementation activities in relation to the UN

Declaration. Finally, we addressed preparations for the World Conference on Indigenous Peoples.

- In January 2013, the Expert Mechanism participated in the Permanent Forum's International Expert Group Meeting on Indigenous youth: identity, challenges and hope: articles 14, 17, 21 and 25 of the United Nations Declaration on the Rights of Indigenous Peoples.
- In February 2013, OHCHR organized an expert seminar on access to justice in the promotion and protection of the rights of indigenous peoples, including Truth and Reconciliation Commissions in cooperation with the University of Columbia Institute for the Study of Human Rights and the International Centre for Transitional Justice. The main objective of the seminar was to obtain additional substantive input to the thematic study of the Expert Mechanism on access to justice in the promotion and protection of the rights of indigenous peoples, to be discussed at the sixth session of the Expert Mechanism in July 2013. The study on access to justice, which takes into account the excellent contributions from Indigenous peoples, states, UN agencies and bodies, academics and others, will be available shortly on the Expert Mechanism's website.
- Members of Expert Mechanism have had opportunities to participate in meetings in different regions of the world on topics of importance to advancing the human rights of Indigenous peoples, in some cases jointly with Permanent Forum representatives and the Special Rapporteur. These meetings have included participation in preparatory meetings on the World Conference on Indigenous Peoples (Guatemala), in an expert workshop on World Heritage and Indigenous Peoples (Denmark), in a Southeast Asia Consultation on Development, Access to Justice (Malaysia) and the Human Rights of Indigenous Women, in the Forum on Minority Issues and the UN Forum on Business and Human Rights (Geneva, Switzerland).
- The Expert Mechanism also provided a briefing to a number of the human rights treaty bodies on its work and especially its studies and advices related to the rights of indigenous peoples. It is the hope that the human rights treaty bodies will increasingly apply the Expert Mechanism's studies when examining issues affecting indigenous peoples.

- The Expert Mechanism also attended a preparatory meeting for the UN Forum for Business and Human Rights in November 2012 and the UN Forum on Business and Human Rights in December 2012 (in Geneva, Switzerland). The participation of the Expert Mechanism at the preparatory meeting contributed to the decision of the Working Group on the issue of human rights and transnational corporations and other business enterprises to focus on indigenous peoples in 2013.

The Expert Mechanism has been working on two specific projects, as directed by the Human Rights Council in resolution 21/24, of September 2012. These include:

The Expert Mechanism continues to report on the responses received from a questionnaire to states, with the addition of reporting on responses received from indigenous peoples on best practices on appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

The Expert Mechanism has also focused its work on the study on access to justice in the promotion and protection of the rights of indigenous peoples which we proposed to the Human Rights Council “given the gravity of the issues facing indigenous peoples, including discrimination against indigenous peoples in criminal justice systems, particularly for indigenous women and youth. Over-representation of indigenous peoples in incarceration is a global concern;”

The study on access to justice and the report on questionnaires will be made available at the Expert Mechanism’s sixth session, where further contributions by participants will be considered. The study and report will then be finalised for the Human Rights Council’s 24th session in September 2013.

We are very pleased that the 6th session of the Expert Mechanism will again include a panel discussion and interactive dialogue. This will involve the Expert Mechanism, a representative of the Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples, states and representatives of regional human rights mechanisms and other participants on how to increase the advancements of our collective efforts to promote the implementation of the *UN Declaration on the Rights of Indigenous Peoples*.

The UN *Declaration* informs every aspect of the work of the Expert Mechanism, and each report, advice and study that we have presented to the Human Rights Council relates to the rights and freedoms contained in the UN *Declaration*. These include our studies and advice on the Right to Education, the Right to Participate in Decision-making, the Right to Cultures and Languages, the Right to Participate in Decision-making with a Focus on Extractive Industries and this year's Right to Access to Justice in the Promotion and Protection of the Rights of Indigenous Peoples. All of these contribute to aspects of the cornerstone right – the right to self-determination of Indigenous peoples. I welcome the opportunity to hear from delegations today about advances made to the implementation of the UN *Declaration* as we all work to coordinate our efforts and by doing so, making the lives of Indigenous peoples worldwide better, for today and for future generations.

In conclusion, Mr. Chair, I would like to thank the Permanent Forum for its on-going contribution to the Expert Mechanism and appreciation for our continued collaboration.

Hai Hai. Thank you.