

**Permanent Forum on Indigenous Issues
First session, New York 13-24 May 2002**



**Agenda Item 6: Review of activities of the United Nations system
Theme: Human Rights
Monday 20 May 2002**

Statement by Dr William Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner of the Australian Human Rights and Equal Opportunity Commission (www.humanrights.gov.au/social_justice/index.html)

Thank you Mr Chairman.

My name is Bill Jonas and I am from the Worimi people of Australia. Since 1998 I have been the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights and Equal Opportunity Commission.

The Social Justice Commissioner is an independent, statutory officer with legislative responsibilities to monitor the compliance of Australian governments with human rights standards as they relate to Indigenous peoples. The Commissioner also conducts educational activities and promotes awareness of human rights as they relate to Indigenous peoples.

As this is the first time that I have spoken at this Forum I would like to congratulate you and your fellow members on your appointment to this important body, and to offer you our support for your work.

Mr Chairman, for too long Indigenous peoples have been denied the capacity to exercise our human rights – be it our basic citizenship entitlements through to a lack of recognition of our distinct cultural characteristics and our inherent rights such as the right to self-determination.

Action at the international, regional and national levels, must be based in the full recognition of our human rights – all of our human rights, not just some of them – for such action to be effective and to produce the dramatic change to our communities that is required.

Accordingly, I urge the Permanent Forum to place human rights standards at the centre of its work and dialogue with the UN specialized agencies. A rights based approach is required in each of the fields covered by the Permanent Forum's mandate.

Much debate in this forum has centred on the appropriate weight and recognition that ought to be given to the draft Declaration on the Rights of Indigenous Peoples. I fully support the position of other Indigenous organizations in this Forum that the declaration constitutes the minimum acceptable standard that applies to Indigenous peoples and

accordingly should be adopted as the framework for consideration by the Permanent Forum and the UN specialized agencies.

At the same time I am mindful of concerns of governments that these standards remain in the draft stage and aspirational in nature. Because of this, I would also recommend to the Permanent Forum that it take into account the interpretation of the various obligations under the UN human rights treaties by the competent committees established thereunder.

In particular, I draw your attention to General Recommendation 23 of the Committee on the Elimination of Racial Discrimination on Indigenous Peoples; as well as to recent concluding observations of the Human Rights Committee on the applicability of article 1 of the ICCPR to Indigenous peoples as well as its interpretation of article 27 of the Convention. While these interpretations apply to commitments by governments who are parties to these treaties they offer a rich source of guidance to the Permanent Forum.

In accordance with this, I also recommend to the Permanent Forum that you include in your recommendations an invitation for each of the UN treaty committees to submit information to the Permanent Forum on their interpretation of the application of the treaties to Indigenous peoples. Such a contribution could perhaps be coordinated through the regular meetings of the Chairpersons of the committees.

Mr Chairman, a second issue that I feel must be addressed by the Permanent Forum is its relationship to the Working Group on Indigenous Populations. The Permanent Forum will involve standard setting and institutional innovation at the UN level. The focus of this innovation, however, is ensuring the transparency and accountability of UN agencies rather than the elaboration of specific standards or the application of human rights under specified themes. There remains a clear distinction between the mandates and roles of the Working Group and that of the Permanent Forum. I recommend that the Permanent Forum should state its support for the continuation of the Working Group, as part of the review envisaged in paragraph 8 of ECOSOC resolution 2000/22.

At a practical level, it appears that this distinction is not clear to at least some States and may indeed be influencing their decisions as to resourcing of the Permanent Forum. Accordingly, I recommend that the Permanent Forum be unequivocal in its first report on the desired relationship and interaction with the Working Group.

Thank you Mr Chairman.