

**Human Rights Council – 33<sup>rd</sup> Session**

**Interactive Dialogue with the Expert Mechanism on the Rights of Indigenous Peoples**

**Opening Remarks by Albert Kwokwo Barume**

**Chair-Rapporteur, Expert Mechanism on the Rights of Indigenous Peoples**

**Palais des Nations, Geneva, Switzerland**

**20 September 2016**

Mr. President of the Human Rights Council,  
Excellencies,  
Special Rapporteur on the Rights of Indigenous Peoples,  
Representatives of indigenous peoples,  
Ladies and Gentlemen,

It is my pleasure to present to you the work of the Expert Mechanism on the Rights of Indigenous Peoples over the last year. I would like to welcome the contribution of my fellow experts, International Chief Wilton Littlechild, Mr. Edtami Mansayagan, Mr. Alexey Tsykarev and Ms. Erika Yamada. I would also like to thank my colleagues for the trust they have placed in me to serve as Chair-Rapporteur of the Expert Mechanism this year.

I take this opportunity to thank particularly Chief Wilton Littlechild, who will be leaving the Expert Mechanism this year, for his immense and unique contribution to not only the work of EMRIP but also the advancement of indigenous peoples' rights at the global level.

Pursuant to Human Rights Council resolution 30/4, the Expert Mechanism on the Rights of Indigenous Peoples has undertaken:

- A study on the right to health and indigenous peoples with a focus on children and youth; and
- An updated version of its report on responses received to a questionnaire for States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

We appreciate the confidence you have placed in the Expert Mechanism by directing it to undertake such important work, which we hope will contribute to greater promotion and protection of the rights of indigenous peoples.

These documents were finalized during our ninth session, held in Geneva from 11 to 15 July, and are now presented to the Council in their final version. I would like to thank all those States, indigenous peoples' organizations, NGOs and national human rights institutions that contributed to our studies or responded to the questionnaire. These

contributions are essential to ensure that our products reflect the real challenges and obstacles that indigenous peoples face in making their rights a reality, as well as emerging good practices to address these challenges.

Let me begin by introducing the study on the right to health and indigenous peoples with a focus on children and youth. The study focuses on certain aspects of health that are particularly important to indigenous peoples. It begins by examining the concept of health, and what this means from an indigenous perspective. This is followed by a review of the international legal framework, as well as regional frameworks. The study then analyses the link between indigenous peoples' right to self-determination and health before addressing States' obligations and the particular context of health for indigenous youth and children. Finally, the study looks into the health rights of key indigenous groups and current challenges relating to indigenous peoples and the right to health.

The study concludes with the Expert Mechanism's Advice No. 9, which distils the findings and conclusions of our study into practical measures that States, indigenous peoples, international organizations and other stakeholders can take in furthering indigenous peoples' right to health. Our advice responds to the fact that indigenous peoples around the world are disproportionately affected by health problems, in particular indigenous women, youth, children, and persons with disabilities. We begin by proposing some general principles, including the recognition that indigenous peoples' right to health is inalienable from their rights to self-determination; development; culture; lands, territories and resources; language; and the natural environment. We also recognize that indigenous concepts of health are broad and holistic, incorporating spiritual, environmental, cultural and social dimensions in addition to physical health; and we address the legacy of colonialism on indigenous peoples' health rights.

Drawing from these principles, we advise States to take a number of steps to ensure the recognition, and protection of indigenous peoples' right to health. We emphasise the need for States to recognise indigenous peoples' right to control their own health, while ensuring they seek their free, prior, and informed consent for any policy which will affect them, as well as by facilitating the full and effective participation of indigenous peoples in the design and implementation of all healthcare policies and programmes. In this regard,

we also recommend that States provide sufficient resources to indigenous peoples to facilitate the establishment and operation of their own healthcare initiatives.

Furthermore, we call on States to protect indigenous peoples from the effects of negative environmental health, including by minimising the impact of extractive industries. Additionally, we urge States to ensure Indigenous peoples have access to quality healthcare services and to make healthcare services culturally appropriate, by making translation services available, by improving services to sensitise healthcare workers to the needs of indigenous peoples, and by integrating indigenous healthcare workers into healthcare systems. We advise States to focus their efforts on mental health and take immediate steps to address high rates of indigenous suicide, as well as the trans-generational trauma of the removal of indigenous children from their families and the effect of this on mental health outcomes. Finally, we recommend States pay particular attention to the health needs of Indigenous women, children, youth and persons with disabilities, while also taking concrete steps to protect these groups from discrimination and violence.

Our study also presents advice for international organizations, calling for more investment and research into indigenous youth suicide and community-controlled healthcare. We offer a series of recommendations to the World Health Organization and other UN agencies to take into consideration the particular concerns of indigenous peoples with respect to their right to health, and encourage them to work with indigenous peoples throughout the development of policy guidelines in order to incorporate indigenous traditional knowledge into national healthcare systems.

In our advice to indigenous peoples, we encourage them to strengthen their advocacy efforts for recognition of their health rights and rights to self-determination, as well as for proportionate representation and genuine participation in policy decisions regarding their healthcare. We call on indigenous peoples to ensure steps are taken within communities to protect children and youth from practices with negative health impacts and encourage them to take measures to protect and promote traditional medicine and associated practices.

In resolution 30/4 the Human Rights Council also asked the Expert Mechanism to continue to undertake a questionnaire survey to seek the views of States and of indigenous

peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples. The results continue to show that, even though the standards of the Declaration are often overlooked and targeted strategies for their implementation remain too rare, there are also many positive practices at the national level that must be supported and replicated.

Mr. President,  
Excellencies,  
Ladies and Gentlemen,

I am pleased to inform you that 55 Member States and approximately 100 indigenous peoples' organizations and civil society organizations participated in the 9th session of the Expert Mechanism, held in July of this year. In addition to discussing our study on the right to health and indigenous peoples and the UN Declaration on the Rights of Indigenous Peoples, we conducted a panel discussion on the promotion and protection of the rights of indigenous persons with disabilities. Our 9<sup>th</sup> session was also an opportunity to discuss follow-up to the World Conference on Indigenous Peoples, and specifically the review of the Expert Mechanism's mandate.

During the year, the Expert Mechanism has undertaken a number of activities to further its work. Our inter-sessional activities have also been directed at enhancing cooperation with the Special Rapporteur on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues, especially in the follow-up to the World Conference on Indigenous Peoples.

In February, OHCHR and the Institute for the Study of International Development at McGill University co-organized an expert seminar on indigenous peoples and the right to health. The main objective of the seminar was to obtain substantive input to our study on this theme. The seminar brought together approximately 30 participants, including members of the Expert Mechanism, health practitioners working in indigenous communities from several regions, indigenous human rights advocates, representatives of the Department of Indigenous and Northern Affairs of Canada, academics and OHCHR staff.

We have also continued to devote a great deal of time and attention to the review of the Expert Mechanism's Mandate, as requested by the General Assembly in paragraph 28 of the outcome document of the World Conference on Indigenous Peoples. Following a request from the Council, the Office of the High Commissioner for Human Rights organized an expert workshop on the review of EMRIP's mandate, which took place in Geneva in early April. Participants included three currently serving members of the Expert Mechanism, the Special Rapporteur and the chair of the UNPFII, as well as academics, and representatives of States, indigenous peoples and other stakeholders.

We are pleased to see that the Council is discussing a resolution on the review of our mandate, and hope that this initiative will result in an Expert Mechanism that "more effectively promotes respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration", as set out in the outcome document of the World Conference on Indigenous Peoples. We are also pleased to see that the spirit of cooperation between representatives of States and of indigenous peoples that was so evident during the expert workshop has continued in the negotiations for this resolution.

Members of the Expert Mechanism have also participated in other meetings in different regions on topics of importance to advance the human rights of indigenous peoples, including the 15<sup>th</sup> session of the UN Permanent Forum on Indigenous Issues. These activities strengthen the Expert Mechanism by improving its visibility, as well as the reach of its studies, and by supporting coordination on indigenous peoples' rights and issues within the international system as a whole.

As you can see, the work of the Expert Mechanism goes well beyond its annual session and its studies. As you continue to move forward in the review our mandate, I would like to take this opportunity to urge you to provide the financial resources necessary to facilitate our inter-sessional activities.

To conclude, I would like to thank the Human Rights Council for its work to advance the rights of indigenous peoples. I reserve special thanks to the delegations of Guatemala

and Mexico for their continuing leadership in the development of the resolutions on human rights and indigenous peoples.

I thank you and look forward to working with you in order to reach our collective goal of full respect for, and recognition of, the rights of indigenous peoples.