



**Australian
Human Rights
Commission**

**United Nations Permanent Forum on Indigenous Issues
Eleventh Session - New York
7-18 May 2012**

Agenda Item 4(b): Dialogue with the Special Rapporteur on the rights of indigenous peoples

INTERVENTION DELIVERED BY:

**Mick Gooda, Aboriginal and Torres Strait Islander Social Justice
Commissioner, Australian Human Rights Commission**

Thank you Madam/Mister Chair

The Australian Human Rights Commission is pleased to make this statement as part of the dialogue with the Special Rapporteur on the rights of Indigenous peoples. The Commission is Australia's National Human Rights Institution. My role as Aboriginal and Torres Strait Islander Social Justice Commissioner is a statutory position within the Commission which was established to monitor the exercise and enjoyment of human rights by Aboriginal and Torres Strait Islander peoples in Australia.

Firstly we thank the Special Rapporteur for his continued support for Aboriginal and Torres Strait Islander peoples and express our hope to continue this positive working relationship. In addition we welcome Mr Anaya's contribution to the international discussions on the impact of extractive industries on Indigenous peoples in his fourth annual report to the Human Rights Council last year. This report covers issues pertinent to the situation of Indigenous peoples in Australia.

The Special Rapporteur visited Australia for the first time in August 2009 and tabled his report at the 15th Session of the Human Rights Council in September 2010. Mr Anaya's visit was the result of the Australian Government extending a standing invitation to UN Special Procedures mandate holders. We commend the Government for this action and encourage all States to extend a standing invitation to the Special Rapporteur on the rights of Indigenous peoples, if they have not already done so.

In 2010 the Permanent Forum recommended that States provide a written response to the Human Rights Council in relation to country visits by the Special Rapporteur. Given its importance, the Commission urges States, as a demonstration of good faith to Indigenous peoples, to formally respond to each of the recommendations in the Special Rapporteur's country report relevant to them.

Keeping in mind that the Australian Government provided a statement in response to the Special Rapporteur's Report on 20 September 2010 and engaged in an interactive dialogue with Special Rapporteur at the 65th Session of the United Nations General Assembly by the Third Committee in October 2010, the Commission takes this opportunity to remind the Australian Government of its commitment to re-setting the relationship with Aboriginal and Torres Strait Islander peoples, and requests that it provide a formal response to the recommendations in the Special Rapporteur's country visit to Australia in 2009.

Finally, the Commission recommends that the Permanent Forum encourage States to take note of the observations and recommendations made by the Special Rapporteur in his thematic reports, such as his 'Analysis of duty of States to consult with indigenous peoples on matters affecting them' (A/HRC/12/34), and to incorporate his findings into State practice as it relates to Indigenous peoples.

We recommend that the Permanent Forum:

- 1. Encourage all States to extend a standing invitation to the Special Rapporteur on the Rights of Indigenous peoples.**
- 2. Encourage all States to take note of the observations and recommendations made by the Special Rapporteur on the rights of indigenous peoples in this thematic reports, such as his 'Analysis of duty of States to consult with indigenous peoples on matters affecting them' (A/HRC/12/34), and to incorporate his findings into State practice as it relates to Indigenous peoples.**