



**Australian
Human Rights
Commission**

PT16 Amber 012

**United Nations Permanent Forum on Indigenous Issues
Fifteenth Session – New York
9 - 20 May 2016**

Agenda Item 4: Implementation of the six mandated areas (human rights) of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

Statement delivered by: Amber Roberts on behalf of the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission

Thank you Mr/Madam Chair

I would like to acknowledge the Traditional Owners of the land we are meeting on today and pay my respects to their elders past and present.

I would also like to acknowledge the National Congress of Australia's First Peoples and other Australian Indigenous Organisations here today.

I make this statement on behalf of the Aboriginal and Torres Strait Islander Social Justice Commissioner of the Australian Human Rights Commission.

The Australian Human Rights Commission is an 'A status' national human rights institution accredited by the Global Alliance of National Human Rights Institutions (NHRIs) as being in compliance with the Paris Principles.

I acknowledge my colleagues from other NHRIs within the Asia Pacific Region from Indonesia, Malaysia and the Philippines.

The Australian Human Rights Commission has a dedicated Indigenous commissioner position, with a statutory reporting role to the federal Parliament regarding the exercise and enjoyment of human rights by Indigenous peoples.

This role provides a critical focal point to facilitate dialogue between the Australian Government and Aboriginal and Torres Strait Islander peoples and organisations.

In his annual reports, the Aboriginal and Torres Strait Islander Social Justice Commissioner draws on the fundamental principles set out in the UN Declaration on the Rights of Indigenous Peoples (the Declaration), of:

- self-determinationⁱ
- participation in decision-making, free, prior and informed consent, and good faithⁱⁱ

- respect for and protection of cultureⁱⁱⁱ
- equality and non-discrimination.^{iv}

Discussions between States and Indigenous peoples about the application of these core principles at the national level are critical if we are to give full effect to the Declaration.

Central to the Declaration is the knowledge that realisation of Indigenous peoples' rights requires meaningful engagement and relationships between States and Indigenous peoples.

To advance this objective, the Australian Human Rights Commission, together with the National Congress of Australia's First Peoples, has an ongoing program of work to conduct dialogue roundtables across the country on the Declaration and continue to work with the Australian Government towards a National Strategy on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Through our awareness raising work across the community and by promoting the Declaration principles, NHRIs like the Australian Human Rights Commission are well placed to assist with better communication between the State and the voices of Indigenous communities. NHRI's also provide a structural link between international and domestic levels to ensuring Indigenous peoples human rights are monitored and protected, underpinned by the Declaration.

Accordingly, I wish to focus on the important contribution that NHRIs can make to protecting Indigenous peoples human rights, and in engaging at the international level.

I note General Assembly Resolution A/RES/70/163 of 2015, which called for enhanced participation of NHRIs compliant with the Paris Principles and to support their independent contribution to UN fora in New York. This includes the United Nations Permanent Forum on Indigenous Issues. It includes ensuring capacity for NHRIs to register and participate in UN mechanisms.

Enhanced participation by National Human Rights Institutions across the United Nations will assist the mainstreaming of human rights across the UN's work and reinforce the interlinkages between its three pillars: human rights, sustainable development; and peace and security.

I provide the following Recommendations:

1. Recalling General Assembly resolution (A/RES/70/163), the Australian Human Rights Commission encourages the UNPFII to ensure that A status NHRIs can fully participate in their independent capacity at this Forum.
2. That member states within UNPFII establish an independent Indigenous Commissioner role within their NHRI, where they exist, to monitor and protect the rights of Indigenous Peoples underpinned by the United Nations Declaration on the Rights of Indigenous Peoples.
3. That member states within the UNPFII commit to engaging in a meaningful dialogue with Indigenous peoples and their National Human Rights Institutions, where they exist, to design and develop National Strategies to give full effect to the United Nations Declaration on the Rights of Indigenous Peoples which includes monitoring and evaluation and annual reporting as to the progress of such implementation.

Thank You Mr/Madam Chair

ⁱ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295, UN Doc A/RES/61/295 (2007), arts , 4, 5, Preamble 16, 17. At <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx> (viewed 3 February 2016).

ⁱⁱ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295, UN Doc A/RES/61/295 (2007), arts 18, 19, 5, 10, 11(2), 27, 28, 29, 32(2), 41, 46. At <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx> (viewed 3 February 2016).

ⁱⁱⁱ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295, UN Doc A/RES/61/295 (2007), arts (1), 31, 11(1), 11(2), 12(1), 13(1), 15(1), Preamble 3, 7, 10, 11. At <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx> (viewed 3 February 2016).

^{iv} *United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295, UN Doc A/RES/61/295 (2007), arts 8(1)(e), 9, 15(2), 21(1), 22(2), 44, 46(3), Preamble 5, 9, 18, 22. At <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx> (viewed 3 February 2016).