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## Expert Mechanism on the Rights of Indigenous Peoples

### Agenda item 3: Follow-up to thematic studies and advice

#### Opening Statement by Jannie Lasimbang, Member

11 July 2011

Thank you, Mr Chairman. Since it is my first time to take the floor, let me express my confidence in your wisdom to chair this fourth session of the Expert Mechanism. It is an honour for me and my people to continue my task as a member of the Expert Mechanism on the Rights of Indigenous Peoples together with my other new and old colleagues. I want to thank the indigenous organisations who have nominated and supported me to be part of this Expert Mechanism. ~~I am Jannie Lasimbang from the~~ Kadazan indigenous people of Sabah, Malaysia. *and also a member of the*  
→ *Malaysian Human Rights Commission*

Allow me Mr. Chairman to give a brief background to this agenda item. Several States and indigenous delegates have been considering the question on how to follow-up on the completed studies by the Expert Mechanism, including implementation of recommended measures. The Expert Mechanism's understanding of its mandate is that, since the studies are requested by the Human Rights Council, the Council is therefore the appropriate body to decide on the next course of action. Nevertheless, the Expert Mechanism, based on various responses to its first study on the right of indigenous peoples to education, has proposed to devote an agenda item to discuss past mandated thematic studies.

The Council through its Resolution 15/7, para 6, welcomed this and encouraged States to participate and contribute to the discussions. In my view, the resolution of the Council to allow discussions on past mandated thematic studies is an important indication of its commitment with respect to follow-up and implementation of measures related to indigenous peoples' rights.

→ I am <sup>particularly</sup> pleased to welcome <sup>reps of</sup> National Human Rights Institutions, <sup>and particularly</sup> including the chairperson of ~~the~~ the International Coordinating Committee of NHRIs whose untiring work to ~~include~~ <sup>highlight</sup> indigenous ~~people~~ issues in the ICC's work.

It should be clarified that the intention of the Expert Mechanism for this agenda item is not to monitor the implementation of the recommendations and measures made in the thematic study, but more to solicit information on how the study has been useful to States, indigenous peoples and other bodies. If this discussion can serve as a way of encouraging further improvements on the promotion and protection of indigenous rights, then I would view these deliberations as an added value.

Mr. Chairman, I would then like to touch specifically on the Expert Mechanism's first thematic study on lessons learned and challenges to achieve the implementation of right of indigenous peoples to education contained in A/HRC/12/33. The study contains four substantive chapters, namely the international human rights framework; indigenous education systems and institutions; lessons learned; and challenges and measures and an annex entitled "Expert Advice No. 1 (2009) on the right of indigenous peoples to education", which contained a comprehensive set of thematic advice.

The Expert Mechanism's report of second session (A/HRC/12/32) also gave detailed of the ways in which reflected the preparation of the study itself has already generated numerous ideas on how challenges could be addressed. States had expressed the view that the report was not only relevant to the Expert Mechanism and to indigenous peoples but also to the wider work of the Human Rights Council, as it provides the Council with the perspective and needs of indigenous peoples for the effective realization of the right to education. This would help mainstream the rights of indigenous peoples and highlight the relevance of the Mechanism to the Council's work.

In para 5, Resolution 12/13, the Council welcomed the successful completion of the study and strongly encouraged States to disseminate it broadly and to take it into account when elaborating national plans and strategies. The Expert Mechanism also recognise Council Resolution 15/7, para 8, to hold at its eighteen session, that is, during <sup>the</sup> ~~the~~ upcoming September session, a half-day panel on the role of languages and culture in the promotion and protection of well-being and identity of indigenous peoples, to have originated from the Expert Mechanism's proposal at it 3<sup>rd</sup> Session. In the

proposal to request for a panel, the Expert Mechanism has specifically requested that it be devoted to the study on indigenous peoples' right to education. The president of the Council also ~~mentioned~~ <sup>affirmed</sup> this in her opening speech.

The study and advice on the right to education stressed among others, on the importance of indigenous languages and culture, not only when integrating these into mainstream education curricula but also in the recognition of indigenous peoples traditional education. It would therefore be important that the study and the advice by the Expert Mechanism would be use as a background document for the panel discussion and that a representative from the Expert Mechanism would be invited to be part of the panel.

In anticipation of that panel discussion, I would therefore like to encourage participants here today to speak, not only on the work that you have been using the report and advice on indigenous peoples' right to education, but also provide input to the Expert Mechanism for the half-day panel.

Thank you, Mr. Chairman.