

**Thirteenth Session of the Permanent Forum on Indigenous Issues**

**New York, 12 - 23 May 2014**

**Agenda Item 4: Human Rights**

**20 May 2014**

**Statement by International Chief Wilton Littlechild,**

**Chairperson**

**Expert Mechanism on the Rights of Indigenous Peoples**

Thank you, Madame Chair. Greetings to all of your Excellencies: Permanent Forum members, Indigenous peoples, States, international organisations and all meeting participants. Allow me to begin by extending my congratulations to you, Ms. Dalee Sambo, on your appointment as Chair.

On behalf of my colleagues of the UN Expert Mechanism on the Rights of Indigenous Peoples, I thank you for this opportunity to share with you the work of the Expert Mechanism over the past year. Allow me to begin by congratulating and thanking all the members and Secretariat staff of the Permanent Forum for the excellent organization of this session.

Madame Chairperson, allow me to provide a brief background of the Expert Mechanism.

The Expert Mechanism was established by the Human Rights Council in 2007 and is a research based advisory body to the Human Rights Council - the main intergovernmental body dealing with human rights at the United Nations. We apply all human rights standards in our work, but our key reference is the UN *Declaration on the Rights of Indigenous Peoples* as the normative human rights framework in advancing and realizing the rights of Indigenous peoples worldwide. Before speaking more about this, for the benefit of all delegations attending the Permanent Forum, I would like to provide information about our upcoming Expert Mechanism session.

The seventh session of the Expert Mechanism will take place in Geneva from 7 to 11 July 2014. A significant number of States, Indigenous peoples, international organisations and national human rights institutions participate in the sessions of the Expert Mechanism, together with the Special Rapporteur on the Rights of Indigenous peoples and the Permanent

Forum. People interested in participating in the Expert Mechanism's Seventh Session can seek accreditation through the Expert Mechanism's website.

As Chairperson of the Expert Mechanism, it is my pleasure to share with you some updates on the work of the Expert Mechanism in the past year:

- The Expert Mechanism held its Sixth Session in July 2013. It discussed the Declaration on the Rights of Indigenous Peoples, including by way of a panel and interactive dialogue on the role of regional mechanisms in advancing Indigenous peoples' rights. The Expert Mechanism adopted its study on access to justice in the promotion and protection of the rights of Indigenous peoples, including its Advice No. 5 on the same topic.
- The study, together with a number of proposals made by the Expert Mechanism, was presented to the Human Rights Council at its Twenty-Fourth Session in September 2013. This session included a half-day panel discussion on the World Conference on Indigenous Peoples, which brought together representatives of States and Indigenous peoples and nations. I would like to thank the Permanent Forum for the participation of Mr. Raja Devasish Roy at this event.
- In its resolution 24/10, of September 2013, the Human Rights Council encouraged all parties to consider the good practices and recommendations included in the study on access to justice "as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples." In the same resolution, the Council requested the Expert Mechanism to continue this study, with a focus on restorative justice and Indigenous juridical systems, particularly as they relate to achieving peace and reconciliation, including an examination of access to justice related to Indigenous women, children and youth and persons with disabilities. The Council also requested that the Expert Mechanism prepare a study on the promotion and protection of the rights of Indigenous peoples in natural disaster risk reduction and prevention and preparedness initiatives.
- At the 6<sup>th</sup> Session, the Expert Mechanism also made proposals to the Human Rights Council regarding the World Conference on Indigenous Peoples, the implementation of the *Declaration on the Rights of Indigenous Peoples*, the Post-2015 Development

Agenda, and the use of the *Declaration* in the context of the Universal Periodic Review.

- In January 2014, the Expert Mechanism participated in the Permanent Forum's International Expert Group Meeting on Sexual Health and Reproductive Rights: articles 21, 22(1), 23 and 24 of the United Nations *Declaration on the Rights of Indigenous Peoples*.
- In February 2014, OHCHR and the Faculty of Law of the University of Auckland co-organized an expert seminar on Access to Justice in the Promotion and Protection of the Rights of Indigenous Peoples: Restorative Justice, Indigenous Juridical Systems and Access to Justice for Indigenous women, children and youth and persons with disabilities. The main objective of the seminar was to obtain additional substantive input to the Expert Mechanism's follow-up study on access to justice in the promotion and protection of the rights of Indigenous peoples, to be discussed at the Seventh Session of the Expert Mechanism. The follow-up study on access to justice, which takes into account the excellent contributions of Indigenous peoples, States, national human rights institutions, academics and others, will be available shortly on the Expert Mechanism's website.
- Members of the Expert Mechanism have had opportunities to participate in meetings in different regions of the world on topics of importance to advancing the human rights of Indigenous peoples, in some cases jointly with Permanent Forum representatives and the Special Rapporteur. These meetings have included participation in the 25<sup>th</sup> session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Geneva, Switzerland); the World Conference of Indigenous Women (Peru); the 11th Session of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action (Geneva, Switzerland); the UN Forum on Business and Human Rights (Geneva, Switzerland); and the International Parliamentary Conference on Parliaments and the Rights of Indigenous Peoples (Bolivia). In preparation for the World Conference of Indigenous Women, the Expert Mechanism compiled its recommendations, conclusions and Advice related to Indigenous women. This Conference Room Paper is available on the Expert Mechanism website.

- The Expert Mechanism has also provided briefings to a number of the human rights treaty bodies on its work and especially its studies and advice related to the rights of Indigenous peoples. It is the hope that the human rights treaty bodies will increasingly apply the Expert Mechanism's studies when examining issues affecting Indigenous peoples.
- The Expert Mechanism has also participated in preparatory meetings on the World Conference on Indigenous Peoples, including the Global Indigenous Preparatory Conference for the WCIP, held in Alta, Norway from 10 to 12 June 2013. The Expert Mechanism has repeatedly advocated for the full, equal and effective participation of Indigenous peoples in all decisions related to the World Conference, including its outcome document, and it is our firm belief that compromising the participation of Indigenous peoples in the preparatory process would seriously undermine the outcome and legitimacy of the World Conference.

The Expert Mechanism has been working on three specific projects, as requested by the Human Rights Council in resolution 24/10, of September 2013.

- As outlined above, the Expert Mechanism has continued its study on access to justice in the promotion and protection of the rights of indigenous peoples. The Expert Mechanism's follow-up study focuses on Indigenous juridical systems, restorative justice, and access to justice for Indigenous women, children and youth and persons with disabilities.
- The Expert Mechanism has also pursued a study on the promotion and protection of the rights of Indigenous peoples in natural disaster risk reduction and prevention and preparedness initiatives, including consultation and cooperation with the Indigenous peoples concerned in elaboration of national plans for natural disaster risk reduction.
- Finally, the Expert Mechanism continues to report on the responses received to questionnaires addressed to states and Indigenous peoples on best practices regarding appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples. An updated version of this report, incorporating responses received this year, will be discussed at our upcoming seventh session and presented to the Human Rights Council at its twenty-seventh session in September.

The studies on access to justice and natural disaster risk reduction initiatives, as well as the report on the questionnaires will be made available at the Expert Mechanism's Seventh Session, where further contributions by participants will be considered. The study and report will then be finalised for the Human Rights Council's twenty-seventh session in September 2014.

The UN *Declaration on the Rights of Indigenous Peoples* informs every aspect of the work of the Expert Mechanism, and each report, advice and study that we have presented to the Human Rights Council relates to the rights and freedoms enshrined in the *Declaration*. I welcome this opportunity to hear from Indigenous peoples' organizations and State delegations today about advances made in the promotion and protection of the rights of Indigenous peoples, making the lives of Indigenous peoples worldwide better, for today and for future generations. This will be a critical vision to bring forth at the World Conference on Indigenous Peoples.

In conclusion, Madame Chair, I would like to thank the Permanent Forum for its on-going contribution to the work of the Expert Mechanism and, on behalf of my fellow Experts, express my appreciation for our continued collaboration. It is critical that the Expert Mechanism, the Permanent Forum, and the Special Rapporteur continue to work together in a collaborative way as we carry out our respective mandates, in order to strengthen the recognition of the human rights of Indigenous peoples within the UN system and beyond.

Hai Hai. Thank you.