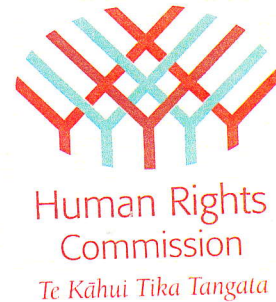


Human Rights Council
Expert Mechanism on the
Rights of Indigenous Peoples



TENTH SESSION, 10-14 JULY 2017, GENEVA

Agenda item 3: New mandate of the Expert Mechanism: activities and methods of work

E ngā mana, e ngā reo, e ngā maunga, e ngā awaawa, e nga pātaka o ngā taonga tuku iho, tēnā koutou katoa. [*Translation: to all expert colleagues, all voices, the mountains, the rivers, the treasure houses, greetings to all of you.*]

Mr Chair, thank you for this opportunity to speak on behalf of the New Zealand Human Rights Commission. My name is Karen Johansen.

The Commission welcomes and strongly supports the enhanced mandate of the Expert Mechanism. We appreciate the presentation provided today on how this new mandate will be implemented.

We particularly welcome the provision for enhanced engagement between the EMRIP and national human rights institutions, and look forward to further discussions during this session, and to working more closely with the Expert Mechanism and others here to promote and protect the rights of indigenous peoples.

During my nine and a half year term as a Human Rights Commissioner, a highlight has been to see the strengthening role of NHRIs and the increasing recognition throughout the UN system of the critical role which NHRIs have to play.

It was a privilege in 2014 to attend the World Conference on Indigenous Peoples and to see the progress that has occurred since. As well as many other important, positive initiatives, the Outcome Document affirmed the “increasingly important role of national and regional human rights institutions in contributing to the achievement of the ends of the Declaration”.¹

¹ GA A/RES/69/2, para 30

The System-Wide Action Plan (SWAP) developed out of the World Conference, identifies six elements, five of which include a country level focus. While NHRIs were not identified specifically, there is a clear space for NHRIs to support the SWAP domestically and in cooperation regionally. This may be through actions which we are already engaged in, such as: raising awareness of the Declaration domestically; monitoring and reporting; capacity building; promoting understanding of the UN system; and supporting the realisation of indigenous rights with respect to the 2030 Agenda for Sustainable Development Goals (the SDGs).

Alongside and as part of the SWAP and the EMRIP's new mandate, we welcome the strengthened coordination and cooperation with other United Nations bodies and mechanisms.² We believe that treaty body reporting and the Universal Periodic Review are an important means of 'mainstreaming' the Declaration. Aligning the Declaration with these processes is critical to increasing its implementation, and ensuring that the respective processes are complementary and mutually reinforcing.

New Zealand's imminent examination by the UN Committee on the Elimination of Racial Discrimination in August presents a key opportunity. The Committee has enquired about a range of fundamental indigenous rights issues, including: New Zealand's implementation of the Declaration; the status of the Treaty of Waitangi in domestic law; and mechanisms for ensuring Māori participation and free, prior and informed consent.³

New Zealand's third Universal Periodic Review in 2018 provides a further opportunity to ensure that the Declaration and indigenous rights are at the fore, and that recommendations focus not just on the inequalities experienced by Māori, but also on underpinning rights such as self-determination and participation – both as fundamental rights in themselves, but also as a critical means of addressing those inequalities.

The new mandate provides even further opportunity for States to request advice from the Expert Mechanism on the implementation of

² HRC Resolution 33/25, adopted 30 September 2016, at para 10. Accessible at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/224/16/PDF/G1622416.pdf?OpenElement>

³ UN Committee on the Elimination of Racial Discrimination, (2017), *List of themes in relation to the twenty-first and twenty-second periodic reports of New Zealand*, CERD/C/NZL/Q/21-22. Accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1110&Lang=en

recommendations made by treaty bodies or through the UPR.⁴ We encourage the New Zealand Government – and all Member States – to take up these opportunities, and we look forward to further engagement with the Expert Mechanism in these international forums.

As the Expert Mechanism embarks on an increased level of in-country engagement – whether at inter-sessional meetings, providing advice or facilitating dialogue – we also look forward to engaging with, providing information or support to the EMRIP wherever we can.

In conclusion, the New Zealand Human Rights Commission recommends that:

- (a) United Nations agencies engage with NHRIs at the domestic level in the implementation of the SWAP;
- (b) The EMRIP engage with the UN Committee on Elimination of Racial Discrimination to ensure that an indigenous rights lens is applied to its upcoming review of New Zealand;
- (c) The New Zealand Government utilise opportunities to engage with the EMRIP, in particular to seek its advice and guidance on the implementation of treaty body and UPR recommendations.

Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa. [*and finally, greetings to you all*]

Karen Johansen, Indigenous Rights Commissioner
New Zealand Human Rights Commission
July 2017

⁴ HRC Res 33/25, at para 2(d).