

~~ETH 69 Andrew 120~~
Eth 9 Tom 119

Agenda Item 4(a) – Implementation of the Declaration at the national and regional level,

Australian Human Rights Commission

Thank you Madame Chair. This statement is made by the Australian Human Rights Commission. The Commission is Australia's National Human Rights Institution.

Our Commission is established in compliance with the Paris 'Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights' in accordance with General Assembly Resolution 48/134 of 1993. This sets out the minimum standards for national human rights institutions to be considered credible and independent of government control.

National institutions that comply with the Paris Principles provide a vital link between the international system and domestic legal frameworks. They are charged with the responsibility of monitoring at the national level compliance with universal human rights standards, including in relation to Indigenous peoples. Many national institutions conduct significant research activities, as well as an investigative role in identifying and remedying breaches of human rights.

There is a clear role for National Human Rights Institutions in implementing the UN Declaration on the Rights of Indigenous Peoples at the national level.

Of most relevance are articles 38 (relating to the taking of appropriate measures to implement the Declaration) and Article 40 (which relates to access to conflict resolution procedures and the provision of effective remedies).

There are also clear links between the work of national institutions and the achievement of the objectives and Program of Action for the Second International Decade of the World's Indigenous Peoples.

Madame Chair, there is great potential for this Mechanism to create partnerships with national institutions in order to draw on the extensive research and experience of these organisations globally, as well as to extend further the activities that national institutions undertake to promote and protect the rights of Indigenous peoples.

At last year's session, we stated that we intend to work in conjunction with our colleagues in the Asia Pacific Forum of National Human Rights Institutions to ensure that at each session you will receive information about research, consultations and other activities that have been undertaken by national institutions across the Asia-Pacific region over the previous year.

To this end, in recent months the Asia Pacific Forum of National Human Rights Institutions has conducted a survey of its member organisations to identify what work national institutions perform in relation to Indigenous peoples.

This survey reveals that there is a variable level of activity among national institutions across the region, with some conducting an extensive range of activities relating to Indigenous peoples and others providing no specific focus. Examples of activities that national institutions are conducting include, inter alia, the following:

- Annual reporting to parliament on the status of enjoyment of Indigenous peoples' human rights – such as by the Australian Commission;
- The conduct of research projects on issues faced by Indigenous peoples;

- Community education projects about Indigenous peoples rights and the UN Declaration – for example, as conducted by the New Zealand Commission;
- Translation of the UN Declaration into Indigenous languages – such as by the Commissions in Thailand and New Zealand;
- Assessment of policy and proposals against the standards in the UN Declaration, including through submissions to parliamentary committees and interventions in court proceedings to put a human rights perspective;
- Complaint handling processes for dealing with discrimination against Indigenous peoples; and
- Partnerships with civil society and NGOs to promote awareness of the rights of Indigenous peoples.

What the survey of national institutions also revealed is a clear need for technical assistance to provide national institutions with the tools to promote widespread awareness of the Declaration and to increase the skills of national institutions in utilising the UN Declaration.

As an example, the Provedoria for Human Rights and Justice of Timor Leste states in its response to the survey that they 'require training and the assistance of an expert of the rights of Indigenous People to better understand the Declaration and to better assist us in promoting the implementation of the Declaration domestically'.

The Asia-Pacific Forum of National Human Rights Institutions held its annual general meeting last week. The record of decisions of the Forum Councillor meeting held on the 3rd and 4th August 2009, includes the following statement at paragraph 13:

Noted that the (results of the survey of member's activities in relation to Indigenous peoples and the UN Declaration on the Rights of Indigenous Peoples) identified a variable level of activities among APF members and a strong desire for technical cooperation and educative tools to assist members to be able to implement the UN Declaration on the Rights of Indigenous Peoples at the national level. The APF agreed to work in partnership with APF members, particularly those with dedicated programs on Indigenous issues, to develop a toolkit for NHRIs on understanding and implementing the UN Declaration on the Rights of Indigenous Peoples as part of its program for 09-10.

Madame Chair, we recommend to the Expert Mechanism that:

- the Expert Mechanism note the important role of national human rights institutions in protecting and promoting the rights of Indigenous peoples at the national level and in implementing the UN Declaration on the Rights of Indigenous Peoples;
- call on States to establish national institutions that comply with the Paris Principles as set out in General Assembly Resolution 48/134 of 1993 and for them to ensure that they have specific roles and activities to promote and protect the rights of Indigenous peoples; and
- Call on the United Nations to work with the International Coordinating Committee of National Human Rights Institutions and regional organisations of National human rights institutions, such as the Asia-Pacific Forum of NHRIs, in developing educative tools and conducting technical assistance programs on the rights of Indigenous peoples and the UN Declaration, in light of the importance of these organisations in protecting the rights of Indigenous peoples at the national level.

Thank you.