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Joint written statement^{*} submitted by Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status, International Committee for the Indians of the Americas (INCOMINDIOS), Anti-Racism Information Service (ARIS), Interfaith International, International League for the Rights and Liberation of Peoples (LIDLIP), Traditions for Tomorrow and Women's International League for Peace and Freedom (WILPF), non-governmental organizations in special consultative status, and the Indigenous Peoples' Centre for Documentation, Research and Information (DoCip), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2007]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Indigenous Peoples' Human Rights Expert Body (IEB)

A necessary and valuable completion to the Human Rights Council¹

The UN human rights bodies and Indigenous Peoples have come a long way. It is important to use this exemplary experience to focus on the implementation of human rights of Indigenous Peoples and on the collection and dissemination of the best practices appropriate to their situation - otherwise the endeavours done by the UN to guarantee the rights of Indigenous Peoples would severely lose ground in future. Over nearly three decades, Indigenous Peoples gained a unique organizational knowledge, which is necessary to coordinate and promote Indigenous issues in the different human rights mechanisms. It is crucial that this knowledge will not get lost during the current UN-reform. Integrating Indigenous Peoples into the UN human rights system and securing the specific knowledge could be best achieved by establishing an Indigenous Expert Body (IEB) to the Human Rights Council.

We, the non-governmental organizations supporting Indigenous Peoples, believe that such an IEB is urgently needed. This statement will throw light on five areas where the IEB could be active. How an Indigenous Peoples' Human Rights Expert Body (IEB) can contribute to the Human Rights Council

1. Complement the work of the Permanent Forum on Indigenous Issues Mandate:

According to its mandate, the Permanent Forum on Indigenous Issues provides expert advice to the ECOSOC, raises awareness and disseminates information about Indigenous issues. The Permanent Forum is an indispensable institution under the ECOSOC but due to its position within the UN system not a human rights body. In particular, the Permanent Forum does not have the specific mandate to focus on the implementation of Indigenous Peoples' human rights nor is it designed to address specific human rights situations on the ground. Furthermore, it can dedicate only a few hours to the human rights issues at its annual sessions.

¹ Aktionsgruppe Indianer und Menschenrechte (AGIM), Arbeitskreis Indianer Nordamerikas (AKIN), Bruno Manser Fonds, Humanrights.ch, Institute for Ecology and Action Anthropology Switzerland (Infoe Switzerland), Society for Threatened Peoples Switzerland, TI TLANIZKE (asociación de consulta y apoyo para pueblos indígenas) also share the views expressed in this statement.

IEB-contribution: Human rights are one of the three pillars of the UN system and one priority of the Millennium Development Goals (MDG's). Today, a human rights-based approach is considered as indispensable to development. It is therefore logical that Indigenous Peoples have a standing at the United Nations, where human rights standards are set and implemented. An Indigenous Expert Body within the system of the Human Rights Council is required to coordinate the implementation of Indigenous Peoples' human rights. Such a body does not duplicate, but complement and enhance the work of the Permanent Forum on Indigenous Issues.

2. Complement the work of the Special Rapporteur on Indigenous Issues Mandate:

Pursuant to the Resolution 2001/57 of the Human Rights Commission, the mandate of the Special Rapporteur contains the gathering, requesting and exchanging of information and communications from governments, Indigenous Peoples and organizations on human rights violations. The Special Rapporteur's task is to formulate recommendations and proposals to prevent and remedy violations of human rights and fundamental freedoms of Indigenous Peoples. In order to fulfill his mandate, the Special Rapporteur has concentrated on three areas of work: thematic research, country visits and communications. Thereby, the focus of his work is on the evaluation of specific situations and themes and to propose recommendations for appropriate measures or remedies.

IEB-contribution: The IEB on the other hand will review and evaluate all situations and best practices brought by Indigenous Peoples and therefore have an overall effect on Indigenous Peoples' human rights. The IEB will follow up the issues raised by the Special Rapporteur in his thematic researches and country reports, such as the gap between legislative measures and their implementations.

3. Provide expert advice and mainstream Indigenous peoples' human rights within the Council's system

IEB-contribution: Indigenous Peoples' human rights are an issue in relation to almost all Council mandates. All institutions and mandates can therefore benefit from the expert advice on Indigenous Peoples' human rights offered by the IEB. In particular, the IEB's analysis of the implementation of Indigenous Peoples' human rights and the gaps therein provides the Council with the information needed to take the most effective and efficient measures to improve Indigenous Peoples' human rights. Establishing an IEB, which reports directly to the Human Rights Council and stands directly under the members of the Council, creates an expert body that facilitates the mainstreaming of Indigenous Peoples' human rights. An IEB ensures that an Indigenous Peoples' perspective is included in all Council mechanisms, policies and programs. Moreover, the IEB can support the Council in its efforts to mainstream human rights by strengthening the indigenous-related network and using synergies to encourage the mainstreaming of Indigenous Peoples' human rights in processes such as the MDGs or development and cooperation in general.

4. Ensure an automatic examination of Indigenous Peoples' human rights in the Universal Periodic Review (UPR)

IEB-contribution: The list for the basis of the UPR is exclusive. None of the mentioned documents contain specific Indigenous Peoples' rights. However the examination of the implementation of Indigenous Peoples' human rights could be ensured with the establishment of the IEB. The IEB focuses on the implementation of Indigenous Peoples' human rights e.g. by generally reviewing and evaluating best practices in the promotion and protection of Indigenous Peoples' human rights. In this regard, the IEB with its special and specific knowledge can truly contribute with expert advice to mechanisms such as the UPR. The UPR could additionally be strengthened by specifically adding Indigenous Peoples' rights to the list of the UPR basis.

5. Ensure a wide involvement of Indigenous Peoples

IEB-contribution: In most countries Indigenous Peoples are underrepresented in the governmental structures. It is therefore not easy for Indigenous Peoples to bring their interests and concerns into the international arena. The IEB is on the one hand a body with Indigenous experts, and on the other hand guarantees the involvement of Indigenous Peoples' representatives.

To this day, Indigenous Peoples still belong to the world's most deprived people. They experience severe human rights violations and they still make up 15% of the world's poor. The UN General Assembly has adopted resolution 59/174 on 20 December 2004, which proclaims a second International Decade of the World's Indigenous People from 2005-2015. The mere fact that a second decade has been proclaimed shows that Indigenous Peoples are far from having achieved the status they need.

We, the non-governmental organizations supporting Indigenous Peoples, urge the Member States of the UN Human Rights Council to establish an Indigenous Expert Body in order to ensure that Indigenous Peoples have an appropriate representation in the newly established Human Rights Council.
