

Expert Mechanism on the Rights of Indigenous Peoples

Fourth Session, Geneva

11-15 July 2011

Agenda Item 3: Follow-up to thematic studies and advice

Statement by the North America regional caucus

Presented by: Kenneth Deer, Indigenous World Associations on behalf of the North American Indigenous Caucus

Mr. Chairman,

As this is our first intervention, we would like to congratulate you on your election as Chairman and look forward to working with you over the next year.

In 2009, in keeping with its mandate to provide thematic advice to the UN Human Rights Council, the UN Expert Mechanism on the Rights of Indigenous Peoples produced a and submitted to the Council its first Study which was on the Indigenous Peoples Right to Education [A/HRC/12/33, 31 August 2009]. We are very grateful for the Study and the advice and recommendations that it presented to the Council and its member States, which are very thorough and comprehensive, and would be of great benefit to Indigenous Peoples if they are implemented. We note with special appreciation, among its many important provisions, the Study's recognition of the Treaty Right to education, its affirmation of the key role of education in maintaining Indigenous languages and cultures and the right of Indigenous Peoples to control their own educational institutions and processes as affirmed in Article 14 of the UN Declaration on the Rights of Indigenous Peoples.

However, our concern is what has happened to the excellent advice provided to the Human Rights Council by the EMRIP's first study, and how the recommendations have been and will be used by the Council.

We acknowledge that the Council will be holding a panel discussion on Indigenous Education and Language and Culture at their September session, but we think that the Council could do more.

We have to keep in mind that it was the Human Rights Council itself which requested that the EMRIP undertake a Study on this theme as its first effort. Now that the study has been completed, with extensive input by Indigenous Peoples, states and the EMRIP experts, we expect that there will be action taken on the part of the Human Rights Council in response. We have yet to see any concrete results in response to the extensive and excellent work of the Mechanism by the HRC with regard to in depth discussion, careful review, and specific plans for implementation by its member states, and a process for assessing the impacts and results.

This inactivity by the Council leaves some questions. What is the purpose of the Studies produced by the EMRIP? What is the plan of action for consideration and implementation of the advice that is presented to the HRC? As Indigenous Peoples who are encouraged to provide input for the Mechanism's Studies, and in support of the role of the EMRIP in the UN system, we would like to be assured that the work of

Indigenous Peoples, States and Human Rights Experts though the EMRIP will be taken seriously by the Human Rights Council.

These are serious issues that must be addressed and require a response. Towards this end we make the following recommendations:

1. We urge the members of the Expert Mechanism to be more assertive in the exercise of their mandate by developing, in collaboration with the HRC Council, specific and effective methods for the use and implementation of the advice provided ~~by~~ through direct dialogue with the Council, its President and its member states as well as other UN bodies and agencies with mandates which are relevant to the specific advice being provided on request of the Council.
2. We urge the members of the Expert Mechanism to request a report from the Human Rights Council on the use, dissemination, discussion and implementation of the advice it provides to the Council through its studies and other methods.
3. We urge the High Commissioner on Human Rights to advance the recommendations of the Expert Mechanism and to use those recommendations when addressing the Human Rights of Indigenous Peoples with the Human Rights Council, UN agencies and bodies, member states, Human Rights Institutions and all other relevant bodies.
4. Finally, we urge Indigenous Peoples and NGOs to use the recommendations of the Expert Mechanism when relevant in the UPR process and Treaty Body mechanisms.

We all have a stake in strengthening the role and ensuring the relevancy and impact of the EMRIP in advancing and promoting the rights of Indigenous Peoples within the UN System.

We thank you for considering these recommendations.