

“Clustered Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples” and “Indigenous Peoples’ Access to Justice”

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Tuesday 18 September, 2012: The 21st regular session of the Human Rights Council listened to the report of the Special Rapporteur on the Rights of Indigenous Peoples Professor James Anaya, and to the Chairman of the Expert Mechanism on the Rights of Indigenous Peoples, Mr. Wilton Littlechild. The reports were accompanied by briefings from a panel of experts which culminated in an interactive dialogue with state parties, NHRIs, and NGOs. The aim of the dialogue was: to highlight the multifaceted challenges facing indigenous peoples - specifically, access to justice systems; and, to propose possible solutions. Accordingly the following concerns and recommendations were given:

Main points discussed

- The Special Rapporteur promotes good practices, addresses alleged human rights violations, undertakes country assessments, and does thematic studies
- The Expert mechanism alongside the SR hopes to change any perception which views indigenous peoples as victims; even though true, it is also worth remembering that they are very creative people
- Indigenous American Indians, Hawaiians, and Alaskan communities are often challenged by broken treaties and misguided government policies
- Argentina has adopted a law to better regulate indigenous land ownership
- Kenya and Uganda have failed to implement judicial decisions that favored indigenous peoples

Possible Recommendations to NGOs

- ☞ **Allow indigenous peoples to have genuine consultations, make informed decisions, set and pursue their own priorities**
- ☞ **Avoid systematic and entrenched barriers and redress historical wrongs**
- ☞ **Reform traditional social structures that negatively impact indigenous peoples particularly women and girls**
- ☞ **Take note of the huge power imbalance between indigenous peoples and extractive industries**
- ☞ **Narrow gaps between stated legal provisions and actual implementation**
- ☞ **Safeguard customary and communal legal systems**
- ☞ **Improve knowledge base of indigenous peoples over their land & natural resources**