

# Leaflet No. 3: UN Charter-based Bodies and Indigenous Peoples

## The Charter-based System : How to use it

### Key Words and Ideas

**Charter of the United Nations  
Working Group on Indigenous Populations  
Sub-Commission on the Promotion and Protection of Human Rights  
Commission on Human Rights  
General Assembly  
Working Group on the draft Declaration on the Rights of Indigenous Peoples  
Permanent Forum on Indigenous Issues**

***Summary:** The most important UN bodies for indigenous peoples are the Working Group on Indigenous Populations (WGIP), the Commission on Human Rights (CHR) and the CHR Working Group on the draft Declaration on the Rights of Indigenous Peoples. Following a decision adopted in 2000 by the Commission on Human Rights and ECOSOC, a Permanent Forum on Indigenous Issues will be established.*

In Leaflet no. 2, ("Indigenous Peoples, the UN and Human Rights"), the distinction was made between those UN human rights bodies and mechanisms that were established as a result of resolutions and decisions of the UN system (charter-based bodies) and those that were established by legally binding human rights treaties (treaty-based bodies). This leaflet focuses on the charter-based bodies.

While the treaty bodies are independent of governments, the various bodies of the charter-based system have a strong governmental influence; at high levels, the bodies are composed of governments. These bodies are often highly politicized. While the treaty bodies are composed of independent experts, the charter-based bodies operate mainly through conferences and meetings at which representatives of governments and NGOs advocate their positions.

This leaflet focuses only on the main elements of the charter-based system. The most important UN human rights body is the Commission on Human Rights (CHR), which meets annually for a six-week session and is comprised of 53 UN member governments, elected for three-year terms. The Commission reports to the Economic and Social Council (ECOSOC). The highest UN body is the General Assembly (UNGA), which meets annually from September to December and which provides the final endorsement of proposals from other bodies of the UN human rights system. (A chart setting out the relationship between the various bodies appears in Leafletno. 1 on "Indigenous Peoples and the United Nations System: An Overview").

There are a range of other bodies and mechanisms that are subordinate to the Commission on Human Rights. The most important of these is the Sub-Commission on the Promotion and Protection of Human Rights. The Sub-Commission is a so-called "expert" body: that is, it is composed of individuals, not governments, and it is supposed to function as the Commission's "think tank". It meets annually for three weeks in August. The Sub-Commission has its own subordinate bodies, including the Working Group on Indigenous Populations (WGIP). The Working Group meets annually for one week immediately prior to the Sub-Commission session. Another body of growing importance is the Working Group of the Commission on Human Rights on the draft Declaration on the Rights of Indigenous Peoples (see Leaflet no. 5 on "The draft Declaration"). The General Assembly meets in

New York, ECOSOC meets alternately in New York and Geneva, and the other bodies meet in Geneva.

## The Working Group on Indigenous Populations

### Key Words and Ideas

**ECOSOC status**

**The United Nations Voluntary Fund for Indigenous Populations**

**Observers**

**Summary:** *The most accessible charter-based UN body for indigenous peoples is the Working Group on Indigenous Populations (WGIP). The WGIP enables indigenous peoples to raise their concerns at the UN. They can do this by networking, making speeches and providing information.*

The Working Group, which was created by the Sub-Commission on the Promotion and Protection of Human Rights, held its first meeting in 1982. It is comprised of five members of the Sub-Commission, one representing each of the five geographical regions designated by the UN for electoral purposes. During 2000, the Chairperson of the Working Group is Mr. Alfonso Martinez, who is from Cuba. The other experts are from Greece, Japan, Senegal and Romania.

The Working Group session has become one of the United Nations' largest human rights meetings. Some 1,000 people attend each year to offer their views and listen to the views of others. Indigenous representatives come from every region of the world and have become skilled in their ability to use UN fora effectively. It is important to be aware, however, that governments and NGOs participate in the Working Group only with the status of **observers**, that is, they do not control the proceedings or the outcomes; that is done by the five experts.

### Participation of non-governmental organizations

The Working Group is very open to NGO participation. Normally, the UN permits the participation of NGOs only on the basis of formal status granted by the Economic and Social Council (ECOSOC), after a complex and lengthy application process. It was recognized from the beginning that requiring formal **ECOSOC status** to participate in the Working Group would not only put indigenous peoples at a disadvantage, it would probably make the Working Group's proceedings ineffective. Therefore, the Working Group was opened to participation by any indigenous person and to individuals, such as academics, who have special expertise in the field.

### The Working Group's agenda

Traditionally, there have been two main issues on the Working Group's agenda. The first is the "Review of Developments", which provides an opportunity for indigenous peoples and their representatives to draw attention to issues of concern and for governments to present their views of developments. This item usually elicits the most heated debate and takes up most of the available time. The second is "Standard Setting", which focuses on the draft Declaration on the Rights of Indigenous Peoples (see Leaflet no. 5 on "The draft Declaration").

Since 1996, the Working Group has tried to focus discussion in the "Review of Developments" session by addressing a specific theme each year. In 2000, the theme was "Indigenous Children and Youth"; in 2001, it is "Indigenous Peoples and their Right to Development". By concentrating on a single theme, specialist indigenous organizations that deal with these issues can make a more substantive contribution to the Working Group and have better opportunities to share information with other organizations working in the same field. While it is still possible to raise other issues of concern, it is best to find out what the annual theme will be. That way, indigenous representatives with specific interests can participate more productively.

Other issues of interest to the Working Group and its participants are:

- A study of treaties, focusing on those entered into by colonial governments and indigenous peoples in North and South America
- Arrangements for and content of the International Decade of the World's Indigenous Peoples (1995-2004). (For more information on the Decade, see Leaflet no. 7 on "The International Decade of the World's Indigenous Peoples".)
- The cultural heritage and intellectual property of indigenous peoples
- A working paper on land rights, which was approved in 1997
- The Permanent Forum on Indigenous Issues within the UN system. (For more information, see Leaflet no. 6 on "The Permanent Forum".)

### ***PARTICIPATING IN THE WORKING GROUP ON INDIGENOUS POPULATIONS***

The Working Group is the most important UN body for indigenous peoples. It provides an opportunity for indigenous peoples from all over the world to get together to share their experiences, to join in solidarity in confronting common challenges, and to register their concerns at the UN. It is vitally important that indigenous peoples take advantage of the opportunities the Working Group offers. It is also important to recognize the Working Group's limitations as a mechanism for tackling specific problems of human rights violations.

There are three main ways of participating in the Working Group: making contact with others, making speeches and providing information.

#### **Making contact with others and networking**

The Working Group provides an opportunity to meet with a wide range of people with specific interests in the situation of indigenous peoples, including indigenous peoples from all over the world, Sub-Commission experts who are the official members of the Working Group, academics who are expert in indigenous issues, UN officials who work on indigenous issues at the Office of the High Commissioner for Human Rights in Geneva or in UN specialized agencies, such as the World Health Organization or the International Labour Organization, and government representatives. Given that many of the specialized agencies are located nearby, it is easy to arrange appointments. (A list of the web site addresses of international organizations that may be useful to indigenous peoples is enclosed in this information set.)

There are NGOs based in Geneva whose objective is to help indigenous participants in the Working Group operate more effectively. You should contact these NGOs soon after your arrival in Geneva, or even before, if possible. These NGOs include the Indigenous Peoples' Documentation Centre (doCip) (web site: [www.docip.org](http://www.docip.org); FAX: 41-22-740-3454; Tel: 41-22-740-3433) and the International Service for Human Rights (ISHR) (web site: [www.ishr.ch](http://www.ishr.ch); FAX: 41-22-733-0826; Tel: 41-22-733-5123). doCip has word processing equipment, photocopying equipment, a fax service, an e-mail link, a documentation and information service, and accommodation in Geneva, and can provide information on covering indigenous issues at all UN meetings.

There are plenty of opportunities to talk to people informally during the sessions of the Working Group. You will be in touch with other indigenous people all the time. You should not be reluctant to seek out other participants and convey your message. That is what people expect at the UN; that is how business is done. You can talk to people in the coffee shop next to the conference hall, you can have a meal with them informally, and you can talk to them at the receptions that are usually held during the Working Group session. You can also simply approach them in the room while the meeting is in progress and ask if you can have a word with them. If they are not too busy, they will come out and talk with you. If it is a matter that can be covered quickly, they will talk to you then and there.

If you want to talk to the Sub-Commission experts or people from the UN, it will be helpful to have a clear idea beforehand of what you want to talk about. Think about what it is you wish to convey to them, have a clear message and convey it in a straightforward way.

### **Making speeches**

The main meeting of the Working Group is a long succession of formal, individual speeches, given mostly by indigenous representatives, but also by Sub-Commission experts and government representatives. If you are participating in the Working Group, it is important that you get your message across in the main meeting by making a speech.

You may find the Working Group's method of working confusing at first. The speeches are made in the order in which people ask to speak. This can mean that there is no continuity to the debate. One minute you can be listening to an indigenous person talking about his or her difficulties, the next you will hear a government representative telling the meeting about government programmes in his or her country, then a Working Group member may offer his or her opinion. Also, a lot of the time, it looks as if most of the people at the meeting are not paying much attention to the speakers.

To make your speech as effective as possible (wherever you deliver it), you may consider the following suggestions:

- Find out how to put yourself on the speakers' list and do so early. In theory, the list will schedule you for an approximate time, such as Tuesday afternoon. Don't pay much attention to this. You have to allow several hours on either side of your expected speaking time to make sure you are there when you are called on to speak. If you are not there, you may lose your turn and not have a chance to read your speech. If you have to leave the meeting for a short period of time, make sure someone else there so he or she can read your speech if your name is announced unexpectedly.
- Prepare your speech well in advance. Make sure it is clear and well argued and include concrete facts to support your case. Have a readable copy in front of you ready for your turn to speak. Make 10 extra copies for the interpreters and the Secretariat of the meeting. Remember that many of the people there do not speak your language fluently and rely on the interpreters to know what you are saying. If the interpreters have a text, their task is made easier and your message is conveyed more effectively.
- Find out the allowed speaking time: it is usually five or ten minutes. Practice your speech beforehand and make sure it fits within the allowed time. If you go over time, the Chairperson will probably interrupt you and tell you to finish. If you've saved the best part for the end, you might not get a chance to say it.
- Speak slowly and clearly. Some people get excited while speaking and tend to speak more quickly than usual. Often, this means that no one can understand them and their speech is to some extent wasted. Listen to how some of the experienced speakers make their statements. If you hear someone who appears to be particularly effective, try to copy some of his or her techniques.
- Have 20 or more copies of your statement ready to distribute to interested people after you have finished. You may find that people will come and ask you for a copy; you won't have to leave your seat. The exception is governments: always make sure that the government representative from your country receives a copy. That way, your message will get back to people in a position to take some action.

You should be aware that the meetings of the Working Group generally have little impact back in your home country, even though the Working Group is the forum in which your concerns can be raised to seek resolution and action by your government. Given this fact, it is important to encourage the media in your country to cover the activities of the Working Group.

There is a press room in the UN Building in Geneva that services a wide range of international media organizations. Staff at the press room can be helpful in putting you in touch with representatives of

these organizations. There may be a media representative based there who comes from your own country. You can put your press releases into the pigeon holes located in the press room, but it is best to make personal contact with the journalists. It would also be useful to talk to helpful media representatives in Geneva well before your speech and make sure they have copies of it.

It is important that supporters in your own country are working in parallel with you. While you are in Geneva, they can be in contact with local media, informing them in advance of the issues you are addressing at the Working Group and encouraging them to cover the story. It may be useful to provide a background on the Working Group to local media to help them understand the context in which your speech will be delivered. Make sure that you are available to any journalists who might want to telephone you, and be sure to include a telephone number on your press releases through which they can contact you.

### **Providing information**

The work undertaken by the Working Group is not limited to the annual meeting. The Working Group also prepares studies, such as those on the cultural heritage of indigenous peoples, the question of past treaty arrangements with indigenous peoples, and land rights. These studies are conducted by the Working Group experts during the year between meetings and are circulated as documents at the annual meeting. The reports are often based on information provided by indigenous peoples. People who have a sound knowledge of the issues, and who feel they have something to contribute, can have a positive influence on the studies by submitting information at the right time. The Office of the High Commissioner for Human Rights may also request information from indigenous NGOs on different issues.

This type of activity, however, is more useful for long-term projects and support. It is not a particularly productive way of drawing attention to specific violations of human rights, though it could influence the thinking of government officials in various countries about how to deal more effectively with such issues over the long term.

The following chart, designed by the staff of the United Nations Voluntary Fund for Indigenous Populations, summarizes the activities possible during the Working Group:

|  |   |  |
|--|---|--|
| <p><b>Lobbying</b></p> <ul style="list-style-type: none"> <li>➤ Working Group experts</li> <li>➤ Governments</li> <li>➤ UN system</li> </ul>   | <p><b>Exchange of information</b></p> <ul style="list-style-type: none"> <li>➤ Learn about the concerns of other indigenous communities and organizations</li> <li>➤ Voice your concerns</li> <li>➤ Share information on your community's activities</li> </ul> | <p><b>Establish cooperation</b></p> <ul style="list-style-type: none"> <li>➤ with other indigenous communities and organizations with similar aims</li> <li>➤ Learn from each other's experience and best practices</li> </ul> |
| <p><b>Help raise awareness of the UN system on indigenous issues</b></p> <ul style="list-style-type: none"> <li>➤ by participating in the discussions on indigenous issues in the UN system</li> <li>➤ by making sure indigenous issues are included in the agenda of the UN and specialized agencies</li> </ul> | <p><b>Learn about your rights</b></p> <ul style="list-style-type: none"> <li>➤ by learning about the UN system, indigenous rights, and human rights</li> </ul>  | <p><b>Participate in parallel events such as:</b></p> <ul style="list-style-type: none"> <li>➤ The Indigenous Caucus</li> <li>➤ Workshops and presentations on different topics</li> <li>➤ Training sessions</li> </ul>        |

## **The United Nations Voluntary Fund for Indigenous Populations**

A Voluntary Fund for Indigenous Populations was established in 1985 to help representatives of indigenous communities and organizations participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance. The Fund is financed through voluntary contributions from governments, NGOs and other private or public entities. Information material on the Fund can be found in this set.

If you want more information on the Fund or would like application forms, contact the Secretariat of the Voluntary Fund for Indigenous Populations at the following address:

**Trust Funds Unit**  
**Office of the United Nations High Commissioner for Human Rights**  
**CH-1211 Geneva 10 - Switzerland**  
**Tel. (41 22) 917- 9164/917- 9145 Fax: (41 22) 917-90 17**  
**Email: eortado-rosich.hchr@unog.ch/emonsalve.hchr@unog.ch**

## **The Sub-Commission on the Promotion and Protection of Human Rights**

**Summary:** *The Sub-Commission is the supervising body for the Working Group on Indigenous Populations. Its work includes mainstreaming human rights issues and providing opportunities for indigenous people to participate in the UN human rights system. In determining whether you wish to participate in the meetings of the Sub-Commission, it is important to consider whether it will be cost-effective, as its meetings are held after those of the Working Group on Indigenous Populations.*

The Sub-Commission on the Promotion and Protection of Human Rights, or Sub-Commission, is another of the major UN human rights meetings. It is the supervisory body for the Working Group on Indigenous Populations and is composed of 26 members from all parts of the world who are experts serving in their personal capacity. The Sub-Commission meets every August in Geneva for a three-week session, immediately after the Working Group on Indigenous Populations.

### **The Sub-Commission and the Working Group on Indigenous Populations**

The Sub-Commission's agenda covers most of the human rights issues of international concern. One item on the agenda is the human rights of indigenous peoples, under which the Sub-Commission considers and takes action on recommendations from the Working Group. For example, the Sub-Commission will recommend the principal theme of the next session of the Working Group, or it may ask one of the Working Group's members who is working on a study to have a preliminary report prepared for the next Working Group or Sub-Commission meeting. The Sub-Commission also recommends new studies to its parent body, the Commission on Human Rights. In the past, the Sub-Commission has recommended indigenous-related studies on land, cultural and intellectual property rights, and treaties.

### **The Sub-Commission and non-governmental organizations**

NGOs regard the Sub-Commission as very much "their" forum. Governments take a relatively low-key approach to the Sub-Commission, while NGOs are very active in lobbying experts and making speeches.

### ***PARTICIPATING IN THE SUB-COMMISSION***

NGOs that attend the Working Group on Indigenous Populations might want to extend their stay in Geneva to attend the Sub-Commission. However, you should consider whether the opportunity for additional activity would justify the extra cost of staying in Geneva for another three weeks. In addition, the Working Group's relaxed approach to accreditation is not shared by the Sub-

Commission, so only those NGOs with ECOSOC status can speak and submit documents. (For more detailed information on how to apply for ECOSOC status, see Leaflet no. 1 on "Indigenous Peoples and the UN system: An Overview".)

For indigenous peoples, the main benefit of attending the Sub-Commission is the chance to convey their concerns to a wide range of people active in the field of human rights by speaking to them outside the formal meetings of the Sub-Commission and by creating alliances with other human rights defenders. These would include the 26 experts, many of whom are sympathetic to the concerns of indigenous peoples, even though they may not be members of the Working Group. There are also many non-indigenous NGOs that are concerned about violations of the rights of indigenous peoples and may be prepared to take up their cause.

It might also be possible to speak at the Sub-Commission. If your organization does not have formal status, you could only speak if you are able to find another NGO with UN status that would be prepared to list you as a representative and let you use their speaking slot for the relevant agenda item. This would probably not be hard to arrange, but should not be left until the last minute. NGOs like the Indigenous Peoples' Centre for Documentation, Research and Information (doCip) or the International Service for Human Rights (ISHR) could probably help you find an organization that would give you accreditation.

### **The Commission on Human Rights**

|   |   |
|---|---|
| <b>Key Words and Ideas</b>                    |   |
| <b>Special rapporteurs<br/>1503 Procedure</b> | <b>Complaints mechanism<br/>Urgent action</b> |

**Summary:** *The Commission on Human Rights (CHR) is the most important and active UN human rights body. Indigenous issues are becoming more prominent in its work. The CHR operates a complaints mechanism, which can be of use to indigenous peoples. Information about human rights violations can also be sent to CHR investigative bodies.*

The Commission on Human Rights is the largest and most important UN human rights forum. Generally, more than three thousand people participate in the Commission during each of its sessions. The Commission meets for a six-week session each year, usually in March and April, during which members and observers make formal speeches on various human rights issues. The Commission is comprised of 53 member countries, each of which is represented by a government delegation. Most of the remaining UN member countries, which are not members of the Commission, attend the Commission as observers. A large number of NGOs also participate, representing virtually every human rights cause on the globe. The many VIP guests who attend, including presidents, prime ministers, foreign ministers and ministers of justice, make speeches during the session.

The agenda of the Commission covers just about every human rights issue imaginable. There are hours and hours of formal speeches, and thousands of pages of documentation are produced for the meeting. The back rooms and coffee shop around the conference room are full of diplomats and other people lobbying and negotiating. In the latter part of the session, meetings last well into the evening. The Commission adopts around 100 resolutions and decisions each year. The atmosphere is tense, frenetic and highly politicized.

### **The Commission on Human Rights and indigenous issues**

In recent years, the Commission has devoted increasing amounts of time and attention to indigenous issues. In 1996, the Commission included a special agenda item, "Indigenous Issues", for the first time. Resolutions adopted under this item relate to such issues as the draft Declaration on the Rights of Indigenous Peoples, the Working Group on Indigenous Populations, the Permanent Forum on Indigenous Issues, and the International Decade of the World's Indigenous Peoples.

## ***PARTICIPATING IN THE COMMISSION ON HUMAN RIGHTS***

Although the Commission is the most important UN human rights body, NGOs representing indigenous peoples do not often succeed in influencing thinking on human rights in this forum. The Commission's business is very much determined by governments and, as such, is quite different from the Sub-Commission or the Working Group on Indigenous Populations. The same requirement for formal status that applies at the Sub-Commission applies at the Commission. The only NGO representatives allowed to participate are those who have accreditation from NGOs with ECOSOC status. It may be possible, however, to obtain accreditation from another indigenous organization or an international NGO that has this status, as explained in the above section on the Sub-Commission.

Many NGOs go to the Commission to speak, but there is usually so much going on that governments generally only pay attention to speeches from persons or organizations from their own country. Given that NGOs are given only five minutes to speak on each agenda item, and that it is expensive to get to Geneva and to stay there, the potential benefits of participating should be weighed carefully against the financial costs. The NGOs that have the greatest impact at the Commission tend to be the larger organizations, such as Amnesty International or the International Commission of Jurists, or NGOs that are relevant to topical issues, such as those that may be alleging human rights abuses in a particular country.

That said, you can air your concerns through various actions related to the Commission on Human Rights.

### **Making speeches**

Since the Commission is the most important forum for human rights in the UN system, a speech made at the Commission will have greater weight than a speech made just about anywhere else in the UN system.

### **Networking with other indigenous peoples' and human rights organizations**

Increasing numbers of indigenous peoples are taking their human rights concerns to the Commission. Their objective is to influence resolutions on indigenous issues. They are also keen to participate in informal discussions with each other and with governments about preparations underway in the Commission's Working Group on the draft Declaration on the Rights of Indigenous Peoples. The Commission on Human Rights also provides an opportunity to get the support of other human rights groups to build a strong lobby for your cause.

### **Lobbying your own government**

Governments set the agenda—and the results—of the Commission. If you want to see something achieved at a session of the Commission, it is advisable to work through your own government. Many governments like to present themselves as actively concerned with human rights issues and may be receptive to proposals that come from NGOs.

If your objective is broadly in line with your government's policy, or is not opposed to your government's policy, your government may be willing to bring up the issue at the Commission. For example, your government may be willing to help ensure that particular ideas are incorporated into relevant Commission resolutions.

You don't necessarily have to go to Geneva to influence your government in this way, though you do need to follow the issues closely. You can make your views known by contacting your Foreign Ministry directly. Even if your objective is not something that your government is prepared to take up at the Commission, it is useful to inform the government of your views and the action you wish to see taken.

### **Lobbying international non-governmental organizations**

Some non-indigenous NGOs with recognized status to participate in UN meetings (such as Amnesty International and the International Commission of Jurists) have a lot of experience in dealing with the UN human rights system. These NGOs are regular participants in the Commission on Human Rights and the Sub-Commission but are less prominent in the Working Group on Indigenous Populations. They tend to be mainly interested in human rights situations in particular countries. However, some of them do maintain an interest in the human rights situations of indigenous peoples. For example, Amnesty International's reports on various countries often draw attention to violations of the rights of indigenous peoples.

Some of these NGOs have permanent offices in Geneva. Some of them also have networks in other countries, possibly including your own. It can be useful to keep them informed of your concerns and to ask them to raise your concerns in major UN meetings. For example, if one of these organizations made a statement to the Commission on Human Rights noting that your government failed to uphold the rights of indigenous peoples, your government would undoubtedly be affected. Outside criticism of this kind often has a greater impact on governments than criticism from inside.

Keeping these organizations informed about your concerns will convey your message to larger numbers of people who are sympathetic to your human rights concerns. Doing so may spark international campaigns devoted to raising awareness about violations of your rights. In time, these kinds of campaigns may result in action that will help your cause.

### **Providing information to special rapporteurs of the Commission**

The work of the Commission on Human Rights is not limited to its annual meeting in Geneva. The Commission has a host of working groups that meet to draft new standards, such as the draft Declaration on the Rights of Indigenous Peoples, or to discuss important issues, such as the right to development. The international civil servants working for the Office of the High Commissioner for Human Rights implement the resolutions of the Commission during the year by preparing reports, arranging meetings and launching projects.

One of the most important elements of the Commission's work is investigating and reporting on human rights problems. It does so through various so-called "mechanisms" that are composed of either individual experts or working groups of five members. The individual experts go by a variety of names, the most common of which is "**special rapporteur**". Some of these mechanisms work in a particular country; some focus on a particular issue, such as torture, enforced disappearance or violence against women. While the following information refers only to special rapporteurs, similar considerations apply regardless of the name of the mechanism involved.

Indigenous peoples have not made much use of special rapporteurs in the past. Each of the special rapporteurs gathers information, either when it is provided to them by NGOs or when they request it from governments. This information is incorporated into a report that is presented annually to the Commission on Human Rights. This report may list all the allegations made to the special rapporteur about violations related to the subject for which the special rapporteur is responsible. At times, the special rapporteur may visit a country, with its government's approval, to look at a situation in more depth. On these occasions, the special rapporteur will file an additional report. These reports may contain comments on a government's failings or they may simply reproduce the complaint and the government's response.

Some special rapporteurs are of more relevance to the situation of indigenous peoples than others. Those whose work may relate to indigenous peoples include the Special Rapporteur on Summary or Arbitrary Executions, the Special Rapporteur on Religious Intolerance, the Special Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights, the Special Rapporteur on Contemporary Forms of Racism, and the Independent expert of the Commission on Human Rights on the Right to Development. Figure 1 lists the special rapporteurs who deal with issues that could be relevant to indigenous peoples, together with a brief description of their mandates.

Indigenous peoples can send relevant information to each of these rapporteurs. The address is:

**(The special rapporteur concerned)**  
**c/o Office of the High Commissioner for Human Rights**  
**UNOG-OHCHR, Palais Wilson, CH-1211 Geneva**  
**Tel. 41-22-917-9000 Fax: 41-22-917-9003**  
**E-mail: [www.webadmin.hchr@unog.ch](mailto:www.webadmin.hchr@unog.ch)**

### **How to report**

It may be more effective to provide information through representative organizations rather than through individuals, since by doing so you emphasize that the problems are widespread and not restricted to one or two individuals. The minimum information to be included in a communication to the special rapporteurs is the same whether the special rapporteur is country-oriented or responsible for a particular issue. That information is:

- identification of the alleged victim(s)
- identification of the perpetrators of the violation
- identification of the person(s) or organization(s) submitting the communication (anonymous communications are, therefore, not admissible)
- detailed description of the circumstances of the incident in which the alleged violation occurred

Other details related to the alleged specific violation may be required by the relevant thematic mechanism (e.g., past and present places of detention of the victim; any medical certificate issued to the victim; identification of witnesses to the alleged violation; any measures undertaken to seek redress locally, etc.).

In principle, communications will not be considered if they are also submitted under ECOSOC resolution 1503 (see information on the "1503 procedure" below) and/or the optional Protocol of the International Covenant on Civil and Political Rights (see Leaflet no. 4 on "Human Rights Treaty Bodies and Indigenous Peoples").

As a general rule, communications containing abusive language or that are obviously politically motivated are not considered. Communications should describe the facts of the incident and provide the relevant details clearly and concisely. Reports from witnesses or other corroborating information should be provided as an annex. The information should not only say what happened, but should indicate how your government had some responsibility in the matter. It would not be appropriate to raise an issue with a special rapporteur if the government had taken effective steps to address the issue.

Information can be submitted at any time; but given that the special rapporteur would want to include the government's response to the allegations, and that reports are due for completion for the Commission on Human Rights' sessions in March-April, it is best to submit the information by October/November, at the latest. Information submitted after this period may not be addressed until the following session of the Commission, one year later. Information that you do submit will appear in the relevant report, together with your government's response, if any.

## SOME SPECIAL RAPORTEURS AND THEIR MANDATES

| SPECIAL RAPORTEUR   | Mandate <sup>6</sup>   |
|---|--|
| Extrajudicial, Summary or Arbitrary Executions  | <ul style="list-style-type: none"> <li>• Examine situations of extrajudicial, summary or arbitrary executions and submit findings, together with conclusions and recommendations, annually to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention</li> <li>• Respond effectively to received information, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred</li> <li>• Further enhance dialogue with Governments, as well as follow up on recommendations made in reports after visits to particular countries.</li> </ul>  |
| The adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights | <ul style="list-style-type: none"> <li>• Investigate and examine the effects of the illicit dumping of toxic and dangerous products and wastes in African and other developing countries on the enjoyment of human rights, in particular on the human rights to life and health of everyone</li> <li>• Investigate, monitor, examine and receive communications and gather information on the illicit traffic and dumping of toxic and dangerous products and wastes in African and other developing countries</li> <li>• Make recommendations and proposals on adequate measures to control, reduce and eradicate the illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries</li> <li>• Produce annually a list of the countries and transnational corporations engaged in the illicit dumping of toxic and dangerous products and wastes in African and other developing countries and a census of human persons killed, maimed or otherwise injured in the developing countries through this act</li> </ul> |
| Contemporary Forms of Racism, Racial Discrimination and Xenophobia and Related Intolerance  | <ul style="list-style-type: none"> <li>• Examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs or Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them</li> </ul>   |
| Religious Intolerance   | <ul style="list-style-type: none"> <li>• Examine incidents and governmental actions in all parts of the world that are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and recommend remedial measures as appropriate</li> </ul>  |

<sup>6</sup> Descriptions of mandates drawn from UN resolutions and publications

|  |  |
|--|--|
| Independent expert of the Commission on Human Rights on the right to development | <ul style="list-style-type: none"> <li>• Submit comprehensive reports to the General Assembly on the effects of poverty, structural adjustment, globalization, financial and trade liberalization and deregulation, on the prospects of the enjoyment of the right to development in developing countries</li> </ul> |
|--|--|

A list of all special rapporteurs can be found on the OHCHR web site: [www.unhchr.ch](http://www.unhchr.ch) under "OHCHR Programme", "Extra-conventional mechanisms".

**"Urgent action" procedure under extra-conventional mechanisms**

Extra-conventional mechanisms, sometimes referred to as "special procedures", include special rapporteurs, representatives, experts and working groups. Communications addressed to the extra-conventional mechanisms occasionally contain information that a serious human rights violation is about to be committed (e.g., imminent extrajudicial execution, fear that a detained person may be subjected to torture or may die as a result of an unattended disease, etc.) and, in the case of disappearances, those that happened most recently. In such cases, the special rapporteur or chairman of a working group may address a message to the authorities of the State concerned by fax or telegramme, requesting clarifications on the cases and appealing to the government to take the necessary measures to guarantee the rights of the alleged victim. Such appeals are, first and foremost, preventive in nature; they in no way prejudge a conclusion. They are regularly resorted to by certain thematic mechanisms, in particular the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and on Torture, as well as the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention. However, other thematic and country mechanisms also occasionally resort to that procedure. In some instances, when the circumstances of the case justify such an approach, an appeal may be addressed by several special rapporteurs and/or working groups jointly. The criteria for urgent interventions vary from one mandate to another.

Specific requests for such urgent intervention may be addressed to:

**(The special rapporteur or working group concerned)**  
**c/o OHCHR-UNOG, 1211 Geneva 10**  
**Switzerland, Fax: (41 22) 917-9003**  
**E-mail: [webadmin.hchr@unog.ch](mailto:webadmin.hchr@unog.ch)**

The text "**For Urgent Action**" should be indicated at the beginning of your communication so it is transmitted quickly to the respective mandate(s).

**The Commission on Human Rights complaints procedure (the "1503" Procedure)**

It is possible for individuals or NGOs to make complaints about human rights abuses to the Commission on Human Rights. In 1970, a process called the **1503 Procedure** (named after the number of the Economic and Social Council resolution that set it up) was established. It was reformed during the 56<sup>th</sup> session of the Commission on Human Rights in 2000 to strengthen its effectiveness. This complaints system is only likely to be useful to indigenous peoples in certain specific circumstances.

The Commission will only consider what it would regard as "gross and reliably attested" violations of human rights. The focus tends to be on civil and political rights, rather than on economic, social and cultural rights that are more likely to be of concern to indigenous peoples. Usually, the Commission considers acts of discrimination, unfair trial, torture, killings by government authorities, arbitrary detentions and the violent repression of demonstrations as violations of human rights. Complainants must have exhausted domestic remedies: that is, they must demonstrate that they have done everything possible to resolve the problem within their own country.

Communications submitted under the 1503 Procedure must adhere to the following rules to be admitted:

- No communication will be admitted if it runs counter to the principles of the United Nations Charter or it shows political motivations.
- A communication will only be admitted if there are reasonable grounds to believe, after also considering any replies sent by the government concerned, that there is a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.
- Communications may come from individuals or groups who claim to be victims of human rights violations or who have direct, reliable knowledge of violations.
- Anonymous communications are inadmissible as are those based only on reports in the mass media.
- Each communication must describe the facts, the purpose of the petition and the rights that have been violated. As a rule, communications containing abusive language or insulting remarks about the State against which the complaint is directed will not be considered.
- Domestic remedies must have been exhausted before a communication is considered, unless it can be shown convincingly that solutions at the national level would be ineffective or that they would extend over an unreasonable length of time.

Communications intended for consideration under the 1503 Procedure may be addressed to:

|  |
|--|
| <p><b>Support Services Branch</b><br/><b>OHCHR-UNOG</b><br/><b>1211 Geneva 10, Switzerland</b><br/><b>Fax: (41 22) 917 90-11</b></p> |
|--|

The whole process is completely confidential; in fact, it is commonly known as the "confidential procedure". It is also political rather than judicial. Its aim is to identify countries in which serious abuses are occurring rather than provide a remedy for those complaining of human rights violations. In some cases, a government may want another government to be identified in this way for political reasons.

It can be argued that, even though civil and political rights may not be formally threatened in your country, the disadvantage suffered by some groups or individuals is so severe that it can be described as a "consistent pattern of gross and reliably attested violations of human rights". Even though it may be unlikely the Commission on Human Rights would criticize your government through this procedure, any complaints submitted under the procedure will be relayed back to the government concerned by the United Nations. That will serve notice that the government may be held accountable in an international forum. In addition, the complaint will be drawn to the attention of other governments that are members of the Commission.

### The General Assembly

|                                   |
|-----------------------------------|
| <p><b>Key Words and Ideas</b></p> |
|-----------------------------------|

|  |
|--|
| <p><b>Plenary</b><br/><b>Third Committee</b></p> |
|--|

**Summary:** *The General Assembly is the highest body of the United Nations. Its Third Committee covers Human Rights.*

The General Assembly is the highest body of the United Nations. It meets in New York from late September to December each year, though its sessions can be reconvened throughout the year. It is not just one meeting, but consists of numerous simultaneous committees each covering a particular area of the United Nations' work, along with a **Plenary**, to which each of the committees report. Human rights are covered by the **Third Committee**, which also deals with other social issues such as refugees, crime, women, and social development.

The Third Committee receives reports from all of its subordinate bodies, such as the Commission on Human Rights (through the Economic and Social Council) and the human rights treaty bodies. It adopts many resolutions, often similar to those of the Commission, which are then endorsed by the Plenary.

Over the years, the General Assembly has played a major role in setting standards, addressing human rights violations in particular countries, and shaping the general philosophical debate about human rights, as well as overseeing various administrative issues and coordinating UN activities.

#### ***PARTICIPATING IN THE GENERAL ASSEMBLY***

There is not much that an individual or NGO can do directly at the General Assembly. NGOs have no right to participate in its activities. You can lobby informally in the corridors, but this will only be useful if you have a very specific purpose. You could, however, raise issues of concern with members of your own government with the intent of persuading them to take supportive positions at the General Assembly in New York.