

Introduction to the United Nations Human Rights System



E-Learning Series on International Frameworks that Support Indigenous Peoples, Local Communities and Their Territories and Areas

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Cover photo: The entrance to the United Nations headquarters (Palais des Nations) in Geneva, Switzerland

INTRODUCTION

Module Overview

This module aims to provide an introduction to the human rights system within the United Nations, with brief overviews of the United Nations system in general, and how these relate to Indigenous peoples and local communities. This module provides a context for the existing e-learning module on the United Nations Declaration on the Rights of Indigenous Peoples. It will explore the history of the human rights system, including the existing instruments that comprise the “International Bill of Rights” and other main treaties that set out human rights in the international system. In addition, it will highlight the bodies and mechanisms supporting these treaties, both generally and specifically with respect to Indigenous peoples. Note that many of the mechanisms below can be used by anyone suffering a human rights abuse. Those specific to Indigenous peoples only are specified in the relevant sections below.

Key Objectives

1. To gain an understanding of the human rights system within the United Nations;
2. To highlight where human rights mechanisms specific to Indigenous peoples fit within the broader human rights system; and
3. To explore methods of advocacy within existing treaty bodies and monitoring mechanisms, generally and specifically with respect to Indigenous peoples.

Key Concepts & Terms

Term	Definition
<i>Derogation</i>	A derogation allows for a right to be applied differently or not at all in some instances.
<i>Restriction</i>	Restriction of a right is a limit to that right.
<i>Intergovernmental Organisation</i>	An international organization that is composed of governments.
<i>Optional Protocols</i>	These are protocols in addition to a convention that may set out procedures or further elaborate on substantive information of the original convention.
<i>Organ</i>	A particular agency that is tasked with particular functions.
<i>General Comments</i>	Statements issued by a treaty (or other) body that set out an interpretation or further information on substantive or procedural issues

Who Is This E-Learning Module Directed Towards?

This e-learning module may be useful if you or your community would like to:

- Gain a broad understanding of the United Nations human rights system;
- Learn more about mechanisms that are relevant to Indigenous peoples; and/or
- Consider how to use human rights mechanisms to advocate for community issues.

COMMUNITIES AND THE UN HUMAN RIGHTS SYSTEM

Introduction to the United Nations

The United Nations (UN) is an intergovernmental organisation founded in 1945 by 51 countries. It was created against the backdrop of the Second World War as a commitment by countries to enhance international peace and security, develop friendly relations between countries, and promote human rights. It is from this framework that the current human rights system emerged.

There are currently 193 States that are members of the UN. The numerous UN committees (listed below) provide a forum for all Member States to air their views and take action on a number of issues. Although typically known for its peace-keeping and humanitarian assistance, the work of the UN has expanded to incorporate a number of different issues, including counter-terrorism, landmines, sustainable development, gender equality, international health, refugee protection, environment, human rights, and disaster relief.

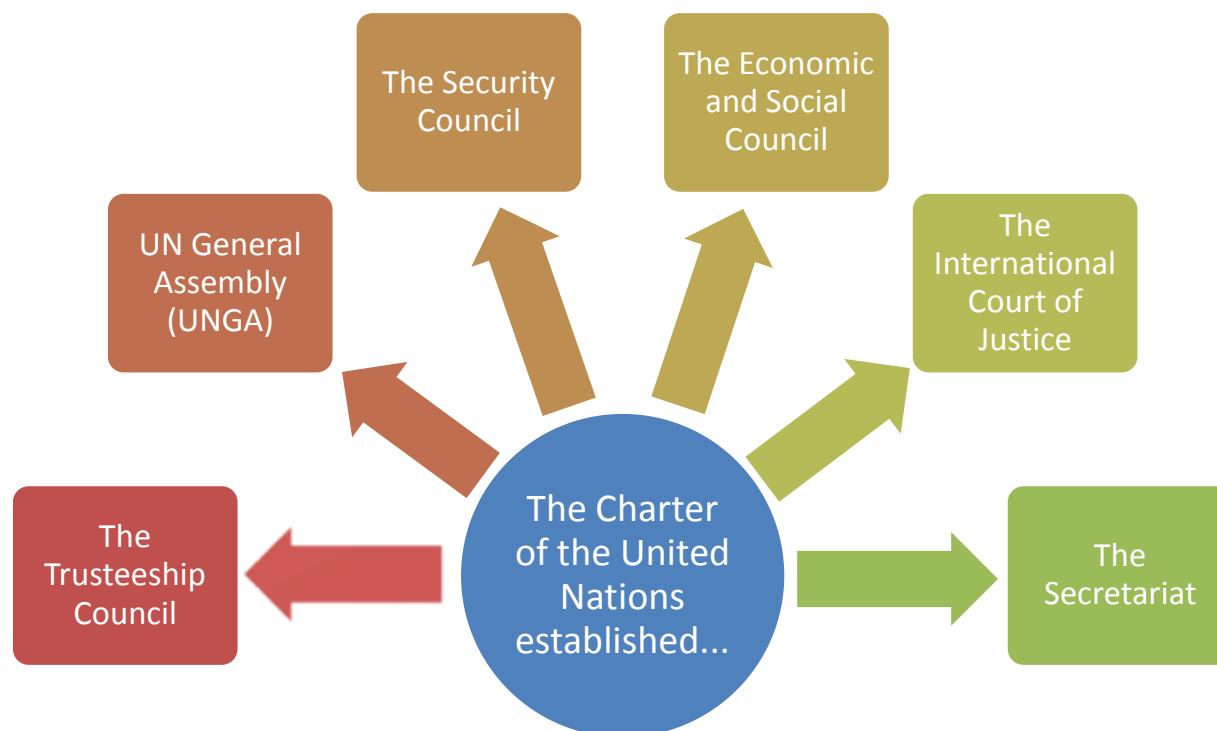
The United Nations was created to:

- Maintain international peace and security;
- Develop friendly relations among nations, based on the principles of equal rights and self-determination of peoples;
- Achieve international cooperation in solving international problems and promoting and encouraging respect for human rights and fundamental freedoms; and
- Be a centre for harmonising the actions of nations in the attainment of these common ends.

(Article 1, Charter of the United Nations)

The Charter of the United Nations was signed on 26 June, 1945, and came into force on 24 October, 1945. It is the document establishing the UN and sets out purposes and principles of the UN, responsibilities of members and the functions and powers of different organs that make up the UN. Given the context of its creation, it also sets out how the UN will address threats to the peace, breaches of the peace and acts of aggression and international economic and social cooperation.

The six principal organs of the UN, as established by the Charter of the United Nations, are:



Here is a short explanation of each organ:

General Assembly (GA)

- The main deliberative, policymaking and representative organ of the UN.
- Composed of representatives of 193 Member States.
- Provides a forum for discussion of international issues covered by the UN Charter.
- Responsible for appointing the Secretary-General of the United Nations.
- Comprised of a number of subsidiary bodies including Boards, Commissions, Committees, Councils and Panels and Working Groups. Find out about each body [here](#).

Security Council

- Has primary responsibility for the maintenance of international peace and security, as set out in Chapter V of the UN Charter. It has the power to draft resolutions regarding the use of force against States.
- Consists of 5 permanent members who hold the power to veto resolutions (China, France, Russian Federation, the United Kingdom, and the United States) and 10 non-permanent members.
- Also consists of a number of subsidiary bodies including committees, working groups, peacekeeping operations, and international tribunals. Find out about each subsidiary body [here](#).

Economic and Social Council (ECOSOC)

- The main body to coordinate the economic, social, environmental, and related work of the UN. It is where these issues are discussed and debated, generating policy recommendations to the GA.
- Mandated to hold Annual Ministerial Reviews to assess internationally-agreed development goals and Development Cooperation Forums to enhance the effectiveness of activities of different development partners.
- Has a number of subsidiary bodies, including functional and regional commissions, standing committees, ad hoc bodies and expert bodies (including the [Permanent Forum on Indigenous Issues](#)). Find out about each subsidiary body [here](#).

Secretariat

- Carries out the day-to-day work and programs of the United Nations.
- Services the principal organs of the UN and administers the policies and programmes set out.
- The Secretary-General, appointed by the General Assembly, is the head of the Secretariat.

International Court of Justice

- The principal judicial organ of the United Nations.
- Settles disputes between states, gives advisory opinions to agencies of the UN, and clarifies international legal norms.

Trusteeship Council

- Was tasked with supervising the administration of “Trust Territories” placed under the Trusteeship System. Trust Territories were particular territories held under a UN mandate, detached from enemy states as a result of the Second World War, and voluntarily placed under the system by States responsible for their administration.
- The aims of the Trusteeship System have been fulfilled, to the extent that the Trusteeship Council amended its rules in 1994 to meet as occasion requires. The Trusteeship Council has suspended its operations.

Guiding Questions for Self-Assessment

1. What are the six principal organs of the UN Charter?
 - a. The International Court of Justice, the Expert Mechanism on the Rights of Indigenous Peoples, the Security Council, the Secretariat, the General Assembly, and the Trusteeship Council.
 - b. The International Court of Justice, the Economic and Social Council, the Security Council, the Secretariat, the General Assembly, and the Trusteeship Council.
 - c. The General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice, and the Human Rights Council.
2. Which UN organ has the power to draft resolutions regarding the use of force against states?
 - a. The General Assembly.
 - b. The International Court of Justice.
 - c. The Security Council.

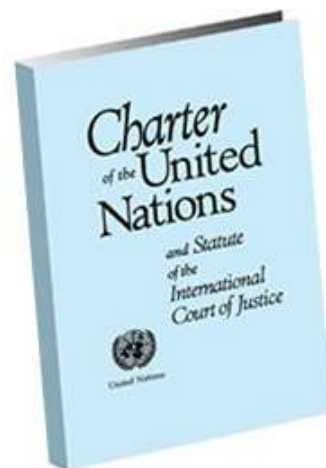
3. The United Nations Permanent Forum on Indigenous Issues is a subsidiary body of which principal organ of the UN Charter?

- a. The Economic and Social Council.
- b. The General Assembly.
- c. The Trusteeship Council.

Answers: 1(b); 2(c); 3(a).

Guiding Questions for Discussion within Your Community

- Have you heard of any particular decisions or recommendations of any of the six principal organs of the UN (for example, a judgment of the International Court of Justice or a recommendation of the General Assembly)? If not, try to find one of relevance or interest to your community.
- What were the facts of the case or situation being considered? What were the key points of the decision or recommendation?
- What role did civil society organisations play in bringing the issue forward within that particular UN organ? If you can't find out this information, use your imagination!



(Photo courtesy: The United Nations)

INTRODUCTION TO HUMAN RIGHTS

What are Human Rights?

Human rights are rights that all human beings have regardless of nationality, race, religion, gender, language, geography, colour, or any other distinguishing feature. Everyone is entitled to these rights without exception. Various human rights are set out and guaranteed in international legal instruments such as treaties and customary international law. These instruments obligate States to protect the human rights and fundamental freedoms

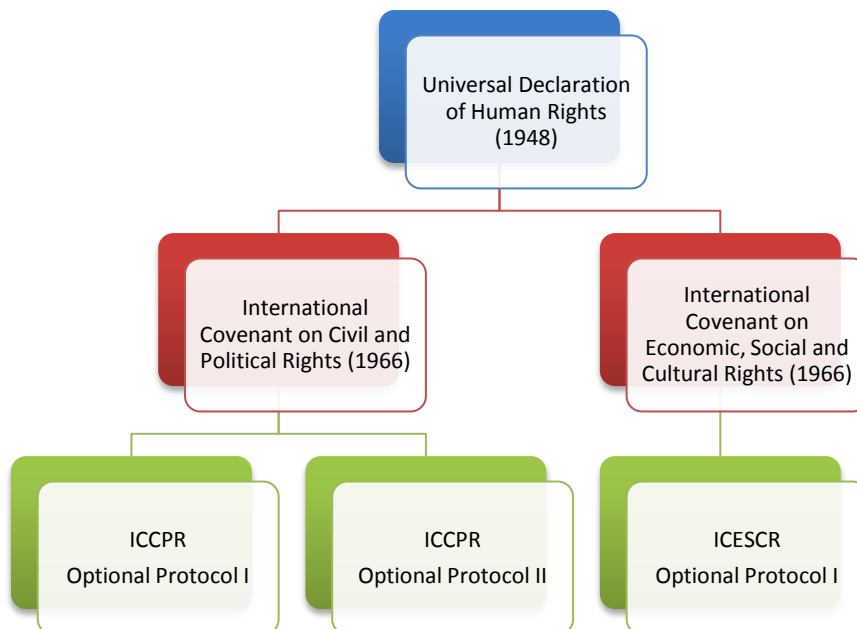
Human rights:

- Are universal: they apply to everyone, equally and without discrimination;
- Are inalienable: that is, you cannot lose these rights;
- Are indivisible and interdependent: human rights are all linked and are inseparable in the way that they operate and all depend on each other (for example, the ability to exercise your right to life affects all other human rights); and
- Contain both rights and obligations: As *individuals*, we have individual rights and the responsibility to respect the human rights of others. *States* have obligations and duties to respect human rights under international law. This means not interfering with the individual and group rights and positively protecting the abuse of human rights.

of its citizens by performing or refraining from certain actions.

The International Bill of Human Rights

The International Bill of Human Rights consists of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).



The first of these instruments, the Universal Declaration of Human Rights, sets out general standards of human rights. It was drafted and adopted by General Assembly resolution 217A(III) on 10 December, 1948. Draft covenants including civil and political rights and economic, social, and cultural rights were prepared in the Commission on Human Rights' ninth and tenth sessions in 1953 and 1954. After significant consultations with governments and the public, the two covenants were completed in 1966. The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) were adopted by the General Assembly in its resolution 2200A(XXI) of 16 December, 1966. An Optional Protocol to the ICCPR was also adopted by the same resolution, providing a means for dealing with individual complaints arising from alleged violations of the rights set out in the ICCPR. The Optional Protocol to the ICESCR entered into force on 5 May 2013, enabling individuals to lodge complaints arising out of alleged violations of the rights set out in ICESCR.

Resources: The UN Human Rights Treaty System

A Brief History of International Human Rights Law	This is a brief introductory lecture on human rights law, through the UN Audiovisual library on international law.
Introduction to the United Nations Human Rights Treaty System	This article describes the goals, standards, treaty bodies (and functions), as well application on the national level.
OHCHR - The United Nations Human Rights Treaty System – Fact Sheet 30	This information booklet sets out each of the major human rights treaties, treaty bodies, how to use relevant mechanisms, and an overview of the development of the treaty system.

Three Generations of Rights

Broadly speaking, the human rights set out in the instruments in this module are generally categorised into three groups or “generations”, mimicking the evolution of human rights:

- **First generation rights** are civil and political rights such as the right to free speech, the right to a fair trial, the right to vote, and freedom of religion. These rights were originally thought to be of immediate application and of more importance of second or third generation rights.
- **Second generation rights** are economic, social, and cultural rights, including the right to housing, the right to work, and the right to education.
- **Third generation rights** are “collective” or “group” rights that have emerged from a growing recognition of rights attributed to groups of people such as the right to a healthy environment and self-determination.

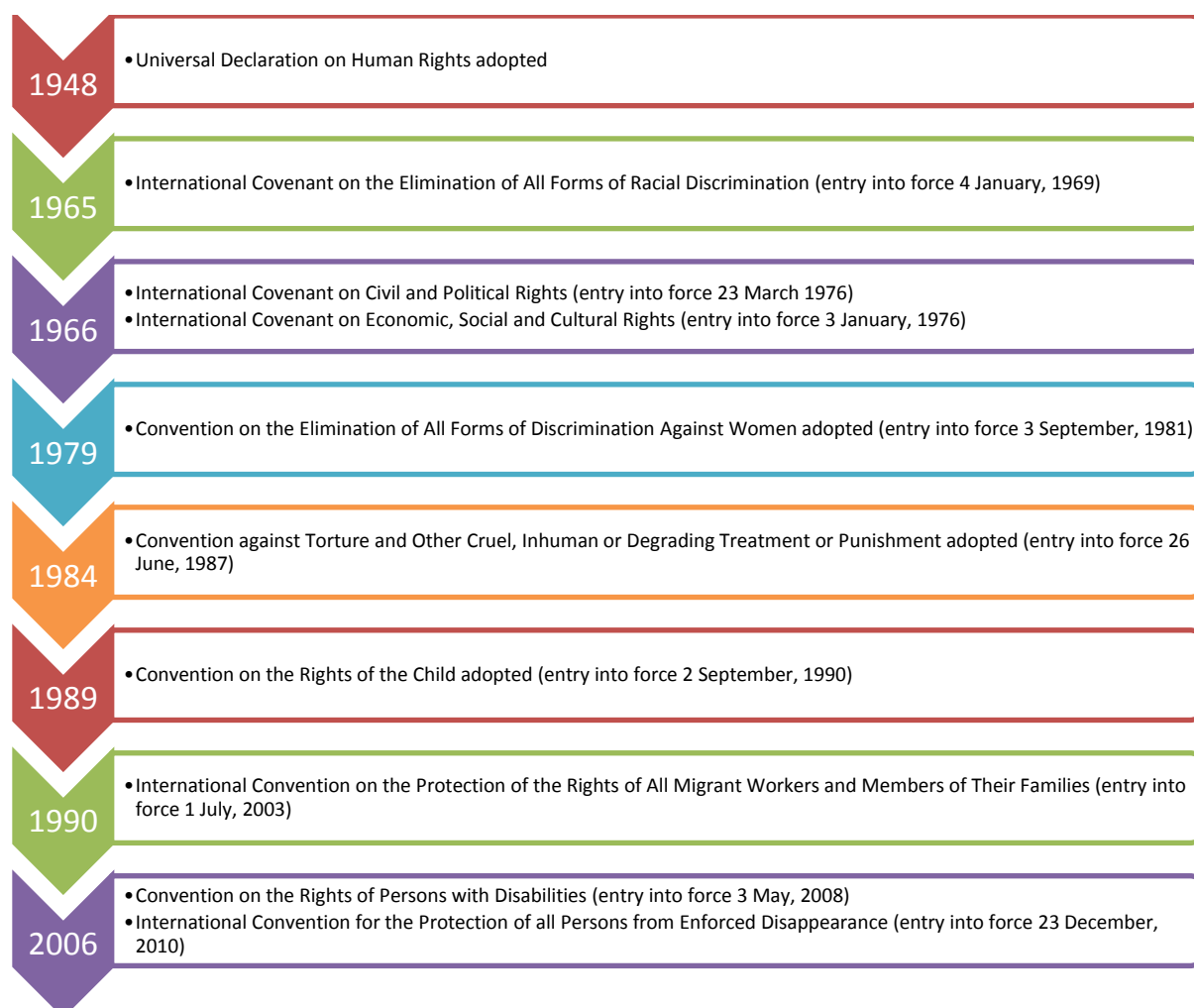
Guiding Questions for Self-Assessment

1. Which human rights instruments are parts of the International Bill of Rights?
 - a. Universal Declaration of Human Rights, the UN Charter, and the International Covenant on Civil and Political Rights.
 - b. The Vienna Convention on the Law of Treaties, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights.
 - c. Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights.
2. Human rights are:
 - a. Indivisible, universal, and interdependent;
 - b. Inalienable and contain both rights and responsibilities;
 - c. All of the above.

Answers: 1(c); 2(c)

Chronology of Other Significant Human Rights Treaties

The treaties found in the International Bill of Rights above are part of a larger body of human rights law. The human rights treaty system contains nine major treaties in addition to the Universal Declaration on Human Rights. These are, in chronological order of year of adoption:



In addition to the International Bill of Rights and the core human rights treaties set out above, there are a number of other legal instruments that relate to human rights. These include not only legally binding treaties, but also declarations, standards, principles, guidelines, and recommendations.

Resource: OHCHR, [International Law](#)

Provides a list and link of all human rights instruments, including the international bill of human rights, core international human rights instruments, and universal human rights instruments.

Human Rights and Indigenous Peoples

Some of the core international human rights treaties above set out rights that are relevant to Indigenous peoples and local communities. This will be set out in the e-learning module “Other Human Rights Instruments”. In addition, the following three further legal instruments set out the rights of indigenous peoples, local communities and minorities:

- International Labour Organisation Indigenous and Tribal Peoples Convention (No. 169) (1989);
- The United Nations Declaration on the Rights of Indigenous Peoples (2007); and
- Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (1992).

Guiding Questions for Self-Assessment: Other Human Rights Treaties

1. *How many major human rights instruments are there?*
 - a. 8
 - b. 12
 - c. 10
2. *When did the International Covenant on Civil and Political Rights enter into force?*
 - a. March 1976
 - b. January 1976
 - c. December 1968

Answers: 1(c); 2(a)

Non-derogable Rights and Permissible Restrictions on Rights

Non-derogable Rights

It is important to know that there are *absolute* rights that cannot be derogated from in any circumstances (ICCPR Article 4(2)). These rights include:

- The right to life (ICCPR, Article 6);
- Freedom from torture or cruel, inhuman or degrading treatment or punishment (ICCPR, Article 7);
- Freedom from slavery or servitude (ICCPR, Article 8(1) and (2));
- Freedom from prison because of an inability to fulfil a contractual obligation (ICCPR, Article 11);
- Freedom from a finding of guilt for a criminal offence that was not a criminal offence in the past, and the right to a fair trial (ICCPR, Article 15);
- The right to recognition as a person before the law (ICCPR, Article 16); and
- The right to freedom of thought, conscience and religion, though limitations may be prescribed by law if necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others (ICCPR, Article 18).

Community Experience

Non-derogable rights are important because they can be linked to the exercise of other rights. This is supported, for example, by the African Commission on Human and Peoples' Rights in the case of *Center for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of the Endorois Welfare Council vs. Kenya* (case no. 276/2003, hereafter "Endorois" case). The African Commission decided that Indigenous lands deserved extra protection against intrusion by external parties (like the Kenyan government). To limit the right to property (particularly Indigenous lands), it "must be proportionate to a legitimate need, and should be the least restrictive measures possible" (see paragraphs 212 and 214). The African Commission found that the right to property is linked to the non-derogable right to life in Article 6 of ICCPR, so that the dispossession of ancestral lands could breach the right to life if alternate living conditions are incompatible with the principles of human dignity (paragraph 216). This is also highlighted in the case of *Saramaka People v. Suriname* (Judgment of 28 November, 2007) by the Inter-American Court of Human Rights.



The Endorois community was forcibly evicted from their ancestral land in Kenya's Rift Valley for the creation of a wildlife reserve in 1973. (Photo courtesy: Minority Rights Group International)

Resources: Endorois and Saramaka Cases

[*Centre for Minority Rights Development \(Kenya\) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, 276/2003*](#) (2003 African Commission on Human and Peoples' Rights decision)

["Conservation and Indigenous Peoples' Rights: Must One Necessarily Come at the Expense of the Other?"](#) (2010 article on the Endorois decision by Cynthia Morel)

[*Saramaka People v. Suriname*](#) (2007 Inter-American Court of Human Rights decision)

["An Analysis of International Law, National Legislation, Judgements, and Institutions as they Interrelate with Territories and Areas Conserved by Indigenous Peoples and Local communities: Report No. 11: Suriname"](#) (2012 legal review of Suriname by VIDS, the Association of Indigenous Village Leaders in Suriname, with detailed discussion of the Saramaka case)

Limitations

It is also important to know that while these international legal instruments afford individuals and groups particular rights, they also give instances when the State is permitted to restrict particular human rights. These restrictions may be expressly stated or implied in the terms of the legal instrument.

a) Express Limitations

Some examples of limitations expressed in legal instruments include:

- States are *only* allowed to limit rights *solely* for the purpose of promoting general welfare in a democratic society, where limitations are compatible with the nature of those rights (ICESCR, Article 4);
- States *cannot* destroy the rights or freedoms within the Covenant or limit these rights to a greater extent than what is provided for (ICESCR and ICCPR, Articles 5(1));
- In times of *public emergency only*, States can take measures to derogate from their obligations under the ICCPR (notifying all other parties to the ICCPR), but *only*:
 - As much as they need to in the situation;
 - Providing these measures are not inconsistent with other international laws; and
 - Providing these measures are not discriminatory on the basis of race, colour, sex, language, religion, or social origin (ICCPR, Article 4).
- States *can only* limit a person's right to hold opinions without interference, or freedom of expression *if* restrictions are provided by law *and* are necessary to respect the rights or reputations of others, or for the protection of national security, public order, public health or morals (ICCPR, Article 19);
- States *can only* restrict the rights of peaceful assembly, and freedom of movement, to choose their residence, or freedom to leave any country, *if* restrictions are provided by law and necessary in the interests of national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others (ICCPR, Articles 12, 21).

The Human Rights Committee set out in detail when derogations are permissible during a state of emergency in [General Comment 29](#).

b) Implied Limitations

These limitations are more discreet or hidden – meaning limitations to rights can be interpreted through a reading of an article. For example:

- ICCPR Article 17 states the freedom from “arbitrary or unlawful interference with his privacy”. The use of the word “arbitrary” suggests that such interferences may be justifiable where they are informed, objective and logical.
- ICCPR Article 25 allows restrictions on the right to take part in the conduct of public affairs, to vote and be elected and access to public services where “reasonable”.

It is important to read the relevant articles of each treaty carefully, to see whether or not there are express or implied limitations that apply.

Resource: Permissible Limitations

Australian Government, Attorney-General's Office,
[Permissible Limitations](#)

A summary sheet explaining express limitations, implied limitations, and key criteria. It also contains a good table setting out how particular rights are limited.

Guiding Questions for Self-Assessment: Non-derogable Rights and Permissible Restrictions on Rights

1. True or false: A non-derogable right can be abused at times of public emergency.
2. Which of the following rights is non-derogable?
 - a. The right to culture
 - b. The right to life
 - c. The right to free speech
3. Which of the following is an express limitation?
 - a. "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation." (ICCPR, Article 17(1))
 - b. "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: ...(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (ICCPR, Article 25)"
 - c. "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." (ICCPR, Article 4(1))

Answers: 1.false; 2(b); 3(c)



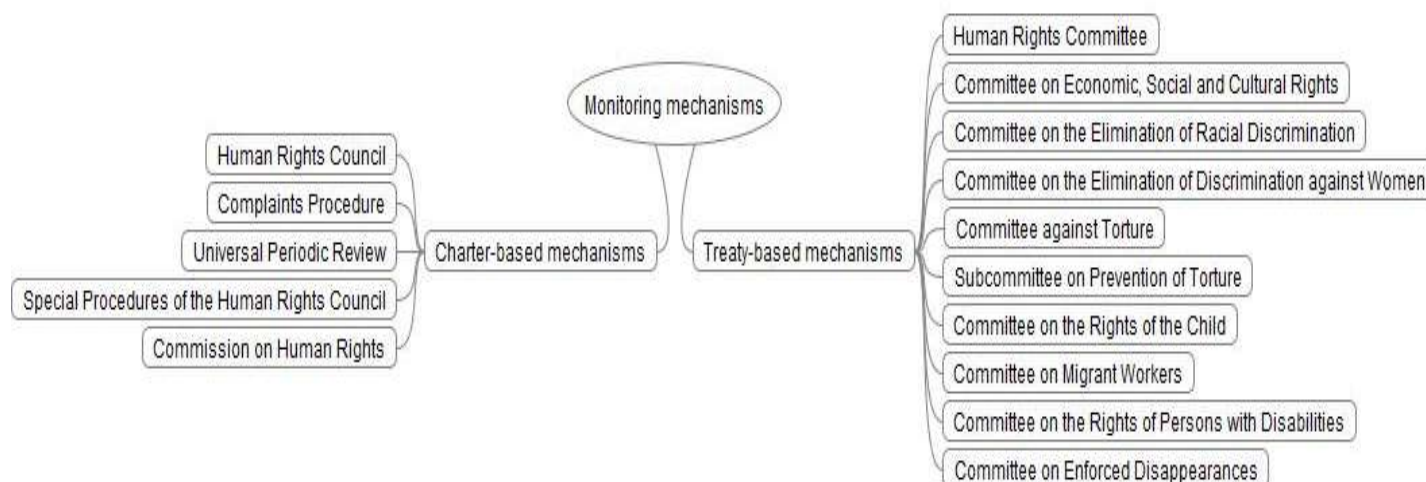
HOW ARE HUMAN RIGHTS STANDARDS IMPLEMENTED AND MONITORED?

States publicly accept to be legally bound by the provisions within treaties when they sign, then ratify or accede to them. Most states require the creation of corresponding legislation at a national level in order to ensure the implementation of the provisions with their national jurisdiction. The implementation of human rights standards are monitored at an international level through treaty-based and charter-based monitoring mechanisms or bodies.

This section will take a look at the United Nations international human rights monitoring mechanisms or bodies that currently exist, explaining the origins of each of these bodies (that is, originating from either charters or treaties).

UN International Human Rights Monitoring Mechanisms

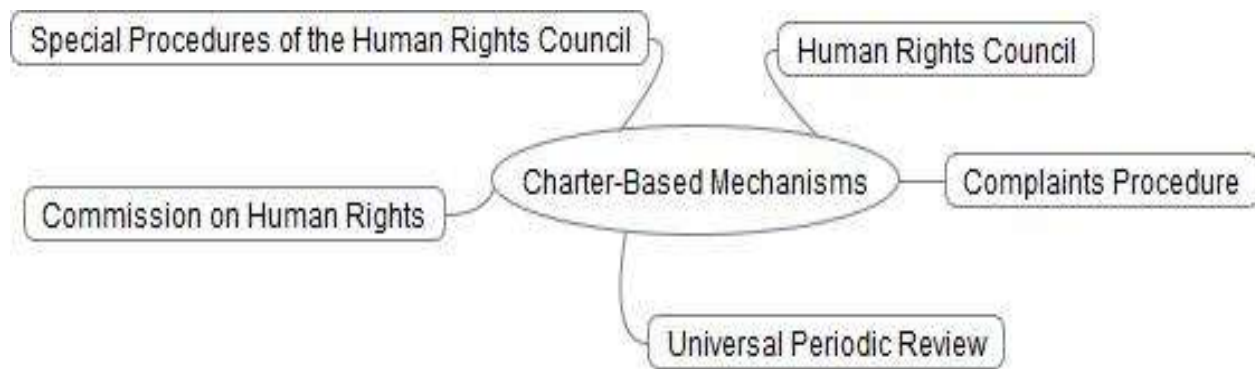
Within the UN Office of the High Commissioner for Human Rights, there are two types of human rights monitoring mechanisms that monitor the implementation of human rights through the UN Charter or the treaty bodies listed above in the chronology: charter-based bodies and treaty-based bodies (see diagram below).



This section will explain each of the charter-based mechanisms, including the function of each and how to access it. With respect to treaty-based mechanisms, each Committee deals with potential human rights issues using a range of different mechanism. A summary of mechanisms (per committee) is outlined below.

Charter-based Mechanisms

Charter-based mechanisms gain their power through the UN Charter. They have the power to review the human rights practices of all members of the United Nations. They include the following, which are described in more detail below:



a) Human Rights Council

The Human Rights Council replaced the Commission on Human Rights through General Assembly [resolution 60/251](#) in 2006 and is a body responsible for the promotion of respect for human rights and fundamental freedoms, addressing human rights violations, and making recommendations. In addition to the functions of the Commission on Human Rights, the Human Rights Council has the responsibility of undertaking the Universal Periodic Review mechanism (an interactive review of the human rights situation in member states), the [Advisory Committee](#) (which provides advice on human rights issues), and the [Complaint Procedure](#) (which enables organisations and individuals to make complaints to the Council on human rights violations).

b) Complaint Procedure

The Complaint Procedure was adopted by the Human Rights Council in 2007 “to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances” (GA Resolution 5/1, paragraph 85). The Complaint Procedure:

- Is confidential and victim-oriented;
- Attempts to enhance cooperation with the State concerned; and
- Aims to be conducted in a timely manner.

It consists of two working groups:

- The Working Group on Communications: consists of 5 experts that assess the admissibility and merits of a communication. All admissible communications are then transferred to the Working Group on Situations; and
- The Working Group on Situations: consists of 5 members and examines communications (as well as State replies), then produces a report (based on information and recommendations by the Working Group on Communications) regarding the violations and makes recommendations to the Council on a course of action. The Council then makes a decision on each situation.

How to use the Complaint Procedure

A communication that details a violation of human rights and/or fundamental freedom **should**:

- Include a factual description of the violation, including what human rights and/or fundamental freedom has been violated;
- Be submitted by a person or group of people who allege violations of human rights/fundamental freedoms OR by a person or organization on behalf of a person or group of people who allege violations of human rights/fundamental freedoms who have direct knowledge of such violations; and
- Be submitted to the Complaint Procedure *after* local remedies have been exhausted, unless the remedies would be ineffective or dealt with after a lengthy period of time.

A communication **will not** be admissible if:

- It has political motivations and is not consistent with principles in UN human rights treaties;
- The language is abusive and does not meet the criteria for admissibility;
- The Communication is based on allegations solely produced in mass media; and
- The case is being dealt with by another treaty body, special procedure, or complaint mechanism.

Resources

OHCHR, UN Human Rights Council, Complaint Procedure	This explains how the complaint procedure works, the criteria for a communication to be accepted for examination and relevant contact details to send communications.
OHCHR, Complaints Procedure, Fact Sheet 7	An explanation of procedures of the complaints procedures under international human rights treaties, with specific reference to complaints to the Commission on the Status of Women.

c) Universal Periodic Review

This is a review mechanism of the human rights obligations and commitments of each of the member states of the United Nations. The mechanism is cooperative – involving dialogue with the member state over issues, taking into consideration a state's need to build capacity. Forty-two states are reviewed each year during the sessions of the Universal Periodic Review, which take place three times a year. To find out when your country will undergo a review by the Universal Period Review, see the calendar of reviews for the period 2012 to 2016 [here](#).

Non-government organisations can and do submit information that can be considered during the review. They can attend Universal Periodic Review Working Sessions and make statements when the outcome of a state reviews is considered. Technical guidelines for submissions by stakeholders can be found [here](#).

Community Experience

In response to the Universal Periodic Review of Malaysia, the Indigenous Peoples Network of Malaysia (JOAS) provided submissions to the Universal Periodic Review focussing on the human rights situation of Indigenous peoples (*orang asal*) in Malaysia. The submissions provided an opportunity for Indigenous peoples' organisations and communities to provide a review of the human rights situation of Indigenous peoples in Malaysia, setting out violations with respect to land, free, prior and informed consent, self-governance, intimidations and harassment by authorities, citizenship and the role of the United Nations in providing capacity to the Malaysian government.

The submission in its entirety can be found [here](#).

d) Special Procedures of the Human Rights Council

The Human Rights Council also works with the Special Procedures, which are mechanisms to address [country](#)-specific or [thematic](#) issues world-wide. There are currently [36 thematic mandates](#) and [12 country mandates](#). They can consist of individuals (such as rapporteurs) or working groups appointed by the Human Rights Council. They report to the Human Rights Council on their findings and recommendations and also respond to individual complaints. The Office of the High Commissioner for Human Rights supports the work of these working groups, rapporteurs and representatives.

e) Commission on Human Rights (replaced by the Human Rights Council)

As noted above, the Commission on Human Rights was replaced by the Human Rights Council in March 2006. It was originally established in 1946 and responded to a range of human rights issues. It was assisted by the Sub-Commission on the Promotion and Protection of Human Rights as well as working groups, experts, special rapporteurs and representatives.

Guiding Questions for Self-Assessment: Charter-based Mechanisms

1. Which of the following is NOT a charter-based mechanism?

- a. Permanent Forum on Indigenous Issues
- b. Universal Periodic Review
- c. Human Rights Council

2. With which of the following organisations can you directly lodge a complaint about the violation of a human right?

- a. Human Rights Council
- b. Complaint Procedure
- c. Universal Periodic Review

Answers: 1(a); 2(b)

Treaty-based Mechanisms

Treaty-based mechanisms have been created to monitor the implementation of the core human rights treaties noted above. They are made up of independent experts that assess the compliance of these treaties by State parties. They include the following:



They meet periodically throughout the year and monitor State implementation via the following means:

a) State Reports

Each signatory to a treaty is obligated to produce periodic reports that highlight domestic compliance with international standards. Treaty bodies examine these State reports and, based on their findings, produce “concluding observations” that comment on state compliance with treaty obligations.

b) Individual Complaint Mechanisms

Individuals may complain to each treaty body regarding alleged violation of their rights under the relevant treaty. The treaty body considers the complaint and makes a decision as to whether or not there has been a violation of a right set out in the treaty. In particular cases, the treaty body might take urgent action by asking a State party to implement “interim measures” prior to the outcome of the communication.

c) State-to-State (inter-state) Complaint Procedures

Some of the treaties allow for States to claim that another State is not fulfilling its obligations under the treaty.

d) Other Special Mechanisms

Some treaty bodies have other special mechanisms, such as inquiry procedures, where treaty bodies can investigate a particular State it believes has seriously violated relevant rights protected under the particular treaty body. A treaty body may also request a State visit. More detailed information about special mechanisms can be found [here](#).

e) General Comments or Recommendations

Treaty-based mechanisms contribute to the understanding and interpretation of human rights standards by occasionally producing General Comments or Recommendations.

General Comments or Recommendations Relevant to Indigenous Peoples

Several General Comments or Recommendations produced by particular treaty bodies are relevant to Indigenous peoples (some are also relevant to local communities that can be considered minorities).

Relevant Body	Decision and Topic
Committee on the Elimination of All Forms of Racial Discrimination	General Recommendation XXI dated 23 August, 1996: “Right to Self-Determination”
Committee on the Elimination of All Forms of Racial Discrimination	General Recommendation XXIII dated 18 August, 1997: “Rights of Indigenous Peoples”
Human Rights Committee	General Comment No. 21 dated 13 March, 1984: “The Right to Self-Determination of Peoples (Article 1)”
Human Rights Committee	General Comment No. 23 dated 8 April, 1994: “The Rights of Minorities” (Article 27)
Committee on Economic, Social and Cultural Rights	General Comment No. 21 dated 21 December, 2009: “Right of Everyone to Take Part in Cultural Life (Article 15, paragraph 1(a) of the International Covenant on Economic, Social and Cultural

The following table summarises the mechanisms used by each of the treaty bodies to monitor treaty obligations:

Treaty-based body	Monitoring Mechanisms
Committee on the Elimination of All Forms of Racial Discrimination	<ul style="list-style-type: none"> • State reports • Early-warning procedures • Inter-state complaints • Individual complaints
Human Rights Committee	<ul style="list-style-type: none"> • State reports • Inter-state complaints • Individual complaints
Committee on Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • State reports • Individual complaints
Committee on the Elimination of Discrimination Against Women	<ul style="list-style-type: none"> • State reports
Committee Against Torture	<ul style="list-style-type: none"> • State Reports • Individual complaints • Undertake inquiries • Inter-state complaints
Subcommittee on Prevention of Torture	<ul style="list-style-type: none"> • State visits
Committee on the Rights of the Child	<ul style="list-style-type: none"> • State reports • Individual complaints (through other relevant committees)
Committee on Migrant Workers	<ul style="list-style-type: none"> • State reports • Individual complaints
Committee on the Rights of Persons with Disabilities	<ul style="list-style-type: none"> • State reports • Individual complaints
Committee on Enforced Disappearances	<ul style="list-style-type: none"> • State reports • Potential individual complaints

Community Experience

Indigenous peoples and local communities have used and continue to use these international treaty mechanisms to address human rights violations.

For example, Forest Peoples Programme and the Association of Saramaka Authorities, as representatives of the traditional authorities of the Saramaka people, recently made submissions to the Committee on the Elimination of All Forms of Racial Discrimination. Using the Committee's urgent action and early warning procedures, the Association of Saramaka Authorities requested the Committee's urgent assistance to avoid grave and irreparable harm to the Saramaka people as a result of the grant of new mining rights, likely to have a huge impact on the community, in addition to the construction of a hydropower project to provide power for these mining operations. These latest actions by the government of Suriname directly contravene the judgments and recommendations set out in the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights' with respect to the Saramaka. See the full request [here](#).

Guiding Questions for Self-Assessment: Treaty-based Mechanisms

1. Which of the following is a treaty-based mechanism?

- a. United Nations
- b. Human Rights Council
- c. Human Rights Committee

2. Treaty-based mechanisms monitor human rights through a number of different methods. Which of the following methods are NOT used by treaty-based mechanisms?

- a. General Comments and Recommendations
- b. Human Rights Committee
- c. Individual Complaints Procedures and Inter-State Complaints Procedures

Answers: 1(c); 2(b)

Charter-based Mechanisms and Treaty-based Mechanisms – Which to Use?

Treaty-based mechanisms:

- * Considered to be more effective than charter-based mechanisms;
- * Each treaty-based committee addresses specific rights;
- * Once an individual or community has reflected on the harm it has suffered and linked it to a right, individuals or communities can choose to communicate directly to these bodies if:
 - Their government has signed on to the treaty that contains the right that has been violated;
 - They are able to access an individual complaints mechanism; and
 - They are able to access a special mechanism (see the table above).

Charter-based mechanisms:

- * Traditionally deal with human rights violations that need urgent addressing;
- * Have a complaints procedure that individuals can appeal to involving abuse of human rights
- * Special representatives and special rapporteurs can be effective to appeal to if specific rights have been violated (for example, the Special Rapporteur on the Rights of Indigenous Peoples deals with issues specific to Indigenous peoples)

Resources: Treaty Bodies

OHCHR, [“What is a Human Rights Treaty Body?”](#)

This is a short film produced by the OHCHR about human rights treaty bodies and their roles.

OHCHR, [“Glossary of Treaty Body Terminology”](#)

This is a short list of definitions intended to explain some of the more important terms used when discussed treaty body systems.

UN Audiovisual Library on International law, “Human Rights Bodies – Introduction”	This is a brief introductory lecture on human rights bodies, through the UN Audiovisual Library on International Law.
UN Audiovisual Library on International Law, “Explaining the Human Rights Treaty-Based Complaints Procedures at the United Nations Level”	This is an explanatory video on human rights treaty-based complaints procedures at the United Nations level by the Office of the United Nations High Commissioner for Human Rights.



KEY HUMAN RIGHTS INSTITUTIONS AND ENFORCEMENT MECHANISMS FOR INDIGENOUS PEOPLES

As mentioned above, in addition to core human rights treaties and corresponding treaty bodies, there are also specific human rights instruments and mechanisms that help monitor and enforce Indigenous peoples' rights.

United Nations Declaration on the Rights of Indigenous Peoples

The Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly on 13 September, 2007. At the time of adoption, 144 Member States voted in favour of the Declaration, 4 voted against it, and 11 abstained from voting. The 4 that voted against (Canada, the USA, Australia, and New Zealand) have since endorsed it. There is a dedicated e-learning module on the Declaration [here](#).

International Labour Organisation, Indigenous and Tribal Peoples Convention (No. 169)

Convention No. 169 was adopted on 27 June, 1989, and is a legally binding international instrument that has been ratified by [22 countries](#).

Resources: ILO Convention No. 169

“Indigenous & Tribal People’s Rights in Practice – A Guide to ILO Convention No. 169”	The guide provides a tool for the implementation of indigenous peoples' rights, based on experiences, good practice and lessons learned.
Leaflet No. 2, ILO Convention No. 169, and ILO programmes specifically addressing indigenous and tribal peoples	A short leaflet setting out the major themes of ILO Convention 169.

Special Rapporteur on the Rights of Indigenous Peoples

The Commission on Human Rights appointed a Special Rapporteur on the rights of Indigenous peoples in 2001. The Special Rapporteur's mandate was later renewed in 2004 and 2011. The current Special Rapporteur is S. James Anaya, who was appointed for his second term as Special Rapporteur in 2011 (due to end in 2014).

The Special Rapporteur provides a report to the Human Rights Council on a yearly basis, and has a mandate to:

- Promote good practices including new laws, programs, agreements and behaviours (by business enterprises), in order to implement international standards on the rights of Indigenous peoples;
- Report on the overall human rights situations of Indigenous peoples in particular countries;
- Address specific cases of alleged violations of the rights of Indigenous peoples through the use of communications. These cases are brought to the Special Rapporteur by Indigenous peoples, their organisations, and other sources; and
- Conduct or contribute to studies on particular themes on topics of special importance regarding the promotion and protection of the rights of Indigenous peoples.



Professor James Anaya, Special Rapporteur on the Rights of Indigenous Peoples

(Photo courtesy: UN Special Rapporteur website: <http://unsr.jamesanaya.org>)

In carrying out his or her mandate, the Special Rapporteur works in close cooperation with the Permanent Forum on Indigenous Issues and participates in its annual meetings. The Special Rapporteur also attends and contributes to the annual meeting of the Expert Mechanism on the Rights of Indigenous Peoples.

Resource

OHCHR, “Submitting Information to the Special Rapporteur”	A description of the information to include to a complaint to the Special Rapporteur, including contact information.
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How to Use the Special Rapporteur

Communications

The Special Rapporteur can intervene in response to alleged violations of the rights of Indigenous peoples that have already occurred, are ongoing, or are likely to take place. The intervention takes the form of a confidential communication to the government in question, requesting information, providing comments, and suggesting that preventative action be taken.

The Office of the High Commissioner for Human Rights provides information as to how to submit information to the Special Rapporteur on alleged violations on Indigenous peoples' rights. There are no formal requirements for submitting information to the Special Rapporteur and any person, group, or organisation can send this information to the Special Rapporteur, regardless of the relationship with the victim of the alleged violation. The information sent to the Special Rapporteur should be brief and to the point (1-2 pages). It **should** state:

- Date, time, and location of the incident;
- The name of the victim(s) or community affected, including name, number, and full details of location;
- Details on what happened (in chronological order);
- Details of the perpetrator, be it a person or institution and their relationship to the government (if any);
- Any action taken by the government and its authorities;
- Any action taken before other international bodies; and
- The source of the information.

Further information, including the address to which this information can be sent, can be found [here](#).

Expert Mechanism on the Rights of Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples was established by the Human Rights Council through Resolution 6/36 in 2007. It is a subsidiary body of the Council and is tasked to provide the Human Rights Council with thematic advice on the rights of Indigenous peoples in the form of studies and research. Studies have been finalised with respect to Indigenous peoples' right to languages and culture and the right to participate in decision-making, with a focus on extractive industries.

Consisting of five independent experts, the Expert Mechanism holds annual sessions involving representatives from Indigenous peoples and organisations, States, academia, and non-governmental and inter-governmental organisations. The Special Rapporteur on the rights of Indigenous peoples and a representative from the Permanent Forum on Indigenous Issues both attend the annual sessions to ensure collaboration amongst the mechanisms.

How to Participate in the Expert Mechanism on the Rights of Indigenous Peoples

Participation in EMRIP Meetings

Meetings are open to participation by observers, who must first be accredited to participate. Registration is for:

- NGO representatives in consultative status with the UN Economic and Social Council (ECOSOC);
- Representatives of indigenous peoples organisations and NGOs without consultative status;
- Academics and experts on indigenous peoples;
- National Human Rights Institutions;
- Those who have received funds from the UN Voluntary Fund for Indigenous Populations.

Registration is an online process, with the procedure set out [here](#). Funding to attend sessions of the Expert Mechanism for representatives of indigenous communities and organisations can be sought from the [Voluntary Fund for Indigenous Populations](#).

People are able to simply attend the meetings of the Expert Mechanism, though there are limited seats. If you would like to attend as an observer, you must send a letter (prior to attending) to the Secretariat of the Expert Mechanism (expertmechanism@ohchr.org) setting out the date and purpose of the visit, and full names of those attending.

Preparing Submissions and Statements

The Expert Mechanism regularly encourages written submissions on issues that it addresses. You or your organisation could provide a submission on a thematic study, if it is relevant to your experiences. For example, Natural Justice recently prepared submissions on access to justice. They can be found [here](#). You may also wish to prepare an oral statement to present during the plenary itself. You will only have 3 minutes to speak, so the statement should be concise and relate directly to the topics being addressed.

Hosting a Lunch-time Event

You can submit an application to host a lunch-time event during the meeting. The application should be submitted to the Secretariat (expertmechanism@ohchr.org) with the following information:

- Title of the event
- Preferred date
- Organisers
- Purpose and description
- Relationship to the theme of that session of EMRIP
- Languages (for example, if you can provide or if your speakers require translation to/from a language other than English)

Resources: Expert Mechanism on the Rights of Indigenous Peoples

OHCHR, [“Accreditation for the Sessions of the Expert Mechanism on the Rights of Indigenous Peoples”](#)

Information as to the procedure for obtaining accreditation to attend sessions of the Expert Mechanism.

OHCHR, [“Video about the Expert Mechanism”](#)

A short video to raise awareness of the mandate of the Expert Mechanism and its contributions to advancing the rights of Indigenous peoples.

United Nations Permanent Forum on Indigenous Issues

The Permanent Forum on Indigenous Issues is an advisory body to the Economic and Social Council and was established through Resolution 2000/22 on 28 July, 2000. It consists of 16 independent experts, with 8 nominated by governments and 8 nominated by Indigenous organisations. Details of the composition of membership can be found [here](#). It has a mandate to discuss Indigenous issues relating to economic and social development, culture, the environment, education, health, and human rights, and it:

- Provides expert advice and recommendations on Indigenous issues to the Economic and Social Council;
- Raises awareness and promotes integration of activities related to Indigenous issues throughout the United Nations; and
- Prepares and disseminates information on Indigenous issues.

The Permanent Forum holds annual sessions for representatives of Indigenous peoples, non-government organisations, inter-governmental organisations, and States.

How to participate in the Permanent Forum on Indigenous Issues

The Permanent Forum on Indigenous Issues holds yearly sessions on particular themes. Participation in the Permanent Forum is open to those NGOs and Indigenous Peoples’ Organisations who hold consultative status with ECOSOC, in addition to academic institutions such as universities. Sessions normally take place in April or May each year and you must pre-register online in January or February before the Permanent Forum takes place.

Once registered, organisations can make statements or oral presentations at the Permanent Forum sessions, depending on time.

There is some funding for travel to participate in the Permanent Forum sessions through the UN Voluntary Fund for Indigenous Populations. Applications for funding close every October.

Indigenous organisations and NGOs have also occasionally submitted reports to the Permanent Forum. If you wish to submit a report, contact the Secretariat of the Permanent Forum to discuss whether or not it is possible to submit a report. The deadline is 31 January each year.

Resources: Permanent Forum

UNPFII, [“Trainings on Indigenous Peoples’ Issues with United Nations Country Teams, Government Officials, and Indigenous Peoples’ Organizations”](#)

Training materials aimed at government agencies, indigenous peoples’ organisations and UN system staff at the country level, including capacity building and awareness raising of Indigenous peoples’ issues.

Guiding Questions for Self-Assessment: Key Human Rights Institutions and Mechanisms for Indigenous Peoples

1. True or false: the United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organisation, Indigenous and Tribal Peoples Convention (No. 169) are human rights instruments that protect the rights of indigenous peoples and some local communities?

- a. True
- b. False

2. Which mechanism specifically addresses cases of violations through communications?

- a. Expert Mechanism on the Rights of Indigenous Peoples
- b. Permanent Forum on Indigenous Issues
- c. Special Rapporteur on the Rights of Indigenous Peoples

Answers: 1(a); 2(c)

Guiding Questions for Discussion within Your Community

- Have you or any colleagues attended a past session of the Permanent Forum on Indigenous Issues or the Expert Mechanism on the Rights of Indigenous Peoples? If so, how would you describe the experience? What key points or lessons learned could be shared with your community?
- If you are planning to attend a future session of one of these mechanisms, how could your community help you prepare beforehand? What information would you want to share during the session? What information would you want to bring back home?



HOW DOES THE UN HUMAN RIGHTS SYSTEM APPLY TO MY COUNTRY?

The UN produces information on the ratification status of international human rights treaties. To find out whether your country has ratified and is therefore legally obligated to uphold the provisions of each of these human rights instruments, you can search [here](#), under “Ratification status of international human rights treaties”. You can also check Annex III of [The Living Convention](#) for lists of ratifications and Annex IV for ratifications by region.

Resources

United Nations Audiovisual Library of International Law, “Regional Perspectives. Human Rights Law in the Caribbean”	This video considers the main issues concerning human rights protection that have arisen in the region, including the applicable rules of law.
United Nations Audiovisual Library of International Law, “Human Rights Law in Africa”	This video gives a summary of human rights laws in Africa.
Natural Justice, “The Living Convention”	This is a compendium of Indigenous peoples’ and local communities’ rights under international law relating to their territories and resources.

Your country is also likely to have laws or policies that recognise the human rights set out in the various international instruments mentioned above. National bills of rights that feature in the constitutions or laws of many countries are often modelled on the rights set out in the International Bill of Rights. It is important to find out whether or not these international human rights are present in your country’s national or sub-national laws. In some countries, these human rights are present, but their application is hindered by other laws and policies (for example, on protected areas or large-scale development).

For example, the Constitutions of Kenya (in Chapter 4) and South Africa (Chapter 2) each contain a “Bill of Rights” that set out, for instance, a citizen’s rights to life, equality and freedom from discrimination, freedom of religion, and access to information. The same types of rights may also be embedded in criminal laws, natural resource laws (affording rights over natural resource use), freedom of information legislation, and anti-discrimination legislation.

National Human Rights Institutions

[National human rights institutions](#) (NHRIs) play an important role in the promotion and monitoring of international human rights standards at the national level. You can appeal to an NHRI for support when a human rights violation has occurred. They may also conduct studies or inquiries on certain key issues that remain politically or legally contentious (for example, Indigenous peoples’ land rights), outcomes of which can be used to advocate for legal and institutional reform. It is important to know whether or not there is a functional NHRI in your country and to develop a working relationship with them and individual Human Rights Commissioners, who may be able to assist you ‘unofficially’ as well.

The UN has recognised the importance of NHRIs, as set out in the “Paris Principles” relating to the status of national institutions in [GA resolution 48/134](#). There is an [International Coordinating Committee of NHRIs](#), which coordinates the activities of the NHRI network.

Resources: National Human Rights Institutions

OHCHR, [“National institutions for the promotion and protection of human rights”](#)

A fact sheet setting out what a “National Human Rights Institution” is, including different categories of institutions that may be implemented in States.

UN, General Assembly, Report of the Secretary-General, [“Process currently utilized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to accredit national institutions in compliance with the Paris Principles”](#)

This resource sets out information on the accreditation process and adoption of general observations. It includes an excellent annexure setting out the National Human Rights Institutions in each country.

UN, General Assembly, Report of the Secretary-General, [“The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights”](#)

The report contains information on efforts to establish and strengthen an independent Ombudsman, mediator, and other NHRIs.

Suggestions for Practical Activities

a) Ratified Human Rights Treaties

Compile a list of all international human rights treaties that your country has ratified based on the resources provided above. Download or get a hard copy of the full text of your country’s constitution or other relevant human rights-focused legislation. If possible, ask a legal NGO or pro bono legal practitioner to what extent the national legislation upholds your country’s international commitments.

b) National Human Rights Institutions

Search online to determine whether your country has a national human rights institution. If so, record the contact details and location of the main office, and the names of the Human Rights Commissioner(s) for your area (usually by state or province). Search the NHRI’s website for information about past or ongoing studies or inquiries, and a calendar of upcoming events. Write to or telephone the Commissioner from your area to find out more information about their work. Consider sharing some information about your organisation’s or community’s work and perhaps inviting them to a local event, especially if it relates to the NHRI’s priorities.

c) Special Mechanisms for Indigenous Peoples

Search the website of the Special Rapporteur on the Rights of Indigenous Peoples to see whether he has visited or submitted reports in relation to your country. Also check the websites of the Expert Mechanism on the Rights of Indigenous Peoples or the Permanent Forum on Indigenous Issues to determine whether there are members from your country, or if submissions have been made from local NGOs on the situation of indigenous peoples in your country.



WHAT DOES THE UN HUMAN RIGHTS SYSTEM MEAN FOR MY COMMUNITY?

Key Opportunities

A number of human rights have been set out in the treaties listed above. Human rights charter-based and treaty-based mechanisms monitor the implementation of these rights at an international level. Each of these mechanisms or bodies consists of a Committee that monitors the implementation of human rights based on state reports, individual complaints, and inter-state complaints. Individuals or communities who are the victims of violations of human rights and/or fundamental freedoms can appeal to these mechanisms and bodies for assistance.

A complaint that is investigated by a human rights body increases the profile of the human rights abuse, issue, and community within the international community and media. It may also attract significant support from other governments and inter-governmental and non-governmental organisations. This can be an effective means of putting pressure on a government to stop current or potential human rights abuses.

Key Challenges

However, there are a number of considerations to take into account when filing a complaint to a human rights treaty body, or using the complaints procedure under Charter mechanisms. Generally:

- Appeals to these treaty bodies do not guarantee either the short-term or long-term protection of individuals or communities from potential or actual threats to human rights;
- Once violations are investigated, treaty bodies contact the relevant States to follow up on complaints, but there are no tangible, punitive measures that States suffer as a result of determining that human rights or fundamental freedoms have been violated;
- Appeals take a long time to investigate and are not a “quick fix”; and
- A human rights charter- or treaty-based body will not investigate a complaint until local remedies are exhausted. This means that an individual or community will need to seek justice within the relevant country using legal means, unless the remedy is likely to be ineffective or take an excessive period of time.

Community Experiences

UN bodies have provided Indigenous peoples with an opportunity to voice concerns over issues that affect them. For instance, a number of Indigenous peoples’ organisations formulated a joint declaration on Indigenous women and presented this Declaration at the 57th Session of the Commission on the Status of Women in March 2013. Presented at the UN in New York, Indigenous peoples’ organisations made recommendations on, amongst other things, inclusion of women and youth in political processes, eradication and prevention of violence against women, review of education systems to encompass diversity and cultural differences, the development of culturally appropriate tools and methodologies to deal with the forms and consequences of violence against women, the impacts of extractive industries on indigenous women and the participation of women in consultation processes on programs to combat violence against women. For more information, see the submission [here](#).



TAKING ACTION

Please see this link [here](#) for a list of UN Human Rights events and upcoming meetings that you or your community may wish to attend.

Discussing Our Community's Views, Priorities & Strategies

It is important to have a sense of human rights generally so that you can determine which human rights are most applicable to your or your community's particular circumstances. By having a good understanding of the rights that exist, you will have a better understanding of what resources can be used if you have a particular complaint.

In many circumstances, filing complaints to treaty bodies can only be a last resort. You and your community should seek the assistance of legal and other professionals in order to guide the most appropriate strategies and priorities for your community in order to deal with particular issues. You should also be aware of any relevant special mechanisms (such as Special Rapporteurs, Representatives, Working Groups, or forums) that you can use in order to raise the profile of the particular issue that you're facing.

Communicating Our Views to Others

If your community is developing a protocol (www.community-protocols.org), part of that process is to identify and document the rights that are relevant in general and to any particular situations that you may be facing. With this knowledge of your rights, you may consider the following actions, depending on the local context and implications:

- Approaching those violating your rights (if it is safe to do so) and informing them of your and your community's rights. Your community protocol could serve as a basis for setting out your rights and claims to land and natural resources, for example, and to put them on notice of community-specific terms of conditions for engagement based on customary, national, and international law;
- Appealing to a treaty- or charter-based mechanism for support. As mentioned above, when you communicate your complaint, you will need to provide particular information, though you can also include your community protocol to detail the relationships between your territories and natural resources, ways of life, and human rights, and the significance of the harm suffered.
- Connecting with other national, regional, or international human rights and environmental organisations to discuss your situation and brainstorm appropriate next steps. Note that international organisations in particular may not be attuned to local or national sensitivities, but they may bring important networks or ideas from international fora. ***It is usually better to have a number of complementary partners to ensure all possible strategies are considered and the most appropriate actions are prioritised and undertaken effectively.***

If your community has not yet developed a protocol, there may be different organisations (such as your country's National Human Rights Institution or a legal resource centre) that may be able to assist you in identifying the rights that are relevant to your particular situation and communicating those rights to potential violators, or to the national or international community.

Suggested Activity: Preparing an oral statement for the UN Permanent Forum on Indigenous Issues

Imagine you are attending a session of the Permanent Forum on Indigenous Issues and you have the opportunity to make an oral statement. Try drafting a statement. What would you include and how would you communicate it? What are the most important points to convey in a limited amount of time? Practice reading it in front of your friends and seek their feedback on how it sounds and whether your points are communicated clearly. Remember that a delegate is usually given only 3 minutes to make a statement, and then his or her microphone is cut off!

Ideas for Advocacy & Action

Complaints procedures, charter and treaty-based bodies, and special mechanisms have been discussed above. You or your community may wish to:

- Familiarise yourself with relevant human rights and charter- and treaty-based mechanisms;
- Follow the activities of relevant charter- and treaty-based mechanisms on issues and themes of importance to your community - *For example, search online to find out when your country will next be subject to the Universal Periodic Review Mechanism and try to find other organisations or people who plan to provide inputs to this process;*
- Follow the activities of relevant special mechanisms or subsidiary bodies such as the Special Rapporteur on the Rights of Indigenous Peoples, and consider developing a complaint or case to submit to them;
- If an issue important to your organisation or community is being considered by a UN organ or special mechanism, brainstorm how you can raise awareness about the issues and advocate to your government and other relevant UN Member States;
- Establish relationships with local and international human rights organisations and the NHRI in your country, and consider undertaking a collaborative project or study with them on key human rights issues;
- Liaise with other individuals, groups and organisations in your region and country;
- Prepare a workshop or seminar to educate others on relevant rights in international human rights treaties.



SUMMARY

This e-learning module has provided an overview of the UN human rights system, including an explanation of how it was created, relevant UN Charter bodies, important human rights treaties, and associated charter- and treaty-based bodies. It also discussed bodies relevant to Indigenous peoples and how these fit within the broader human rights system. It includes a summary of the different avenues for complaints to human rights bodies generally and specifically with respect to Indigenous peoples and local communities.

It also highlighted some key opportunities and challenges in working with the UN human rights system and provided some ideas for you and your community to take action.

It is clear that there are options for individuals and communities to complain to charter- and treaty-based bodies if there are or have been violations of particular human rights. It is important to remember, though, that these options should be considered one of several advocacy methods in a “toolbox” that a community may wish to use, depending on the local context and community plans and priorities.



ADDITIONAL RESOURCES

Other Relevant E-modules

There are a number of international frameworks that relate to specifically to the rights of Indigenous peoples. If you are interested in learning more, please visit www.community-protocols.org/toolkit for the following additional e-modules in particular (some forthcoming):

- Other International Human Rights Instruments, including ILO 169
- United Nations Declaration on the Rights of Indigenous Peoples
- Introduction to International Environmental Law

Bibliography & Further Reading

Office of the United Nations High Commissioner for Human Rights:

- *Human Rights. The United Nations Human Rights Treaty System. An introduction to the core human rights treaties and the treaty bodies. Fact Sheet No. 30.* Located at www2.ohchr.org/English/bodies/docs/OHCHR-FactSheet30.pdf
- *The International Bill of Rights. Fact Sheet No. 2 (Rev.1),* Located at www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf
- *Human Rights. Civil and Political Rights: the Human Rights Committee. Fact Sheet No. 15 (Rev.1).* Located at www.ohchr.org/Documents/Publications/FactSheet15rev.1en.pdf

- *Complaints Procedure. Fact Sheet No.7/Rev. 1.* Located at www.ohchr.org/Documents/Publications/FactSheet7Rev.1en.pdf
- *Frequently Asked Questions on Economic, Social and Cultural Rights. Fact Sheet No. 33.* Located at www.ohchr.org/Documents/Publications/FactSheet33en.pdf

Human Rights Education Associates, *The United Nations Human Rights System*, located at www.hrea.org/index.php?doc_id=437

Acronyms

ECOSOC	Economic and Social Council
GA	General Assembly
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
NHRI	National Human Rights Institution
OHCHR	Office on the High Commissioner for Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations

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Contact & Request for Feedback

This e-learning module is part of a toolkit for community facilitators on biocultural community protocols. The complete toolkit, including additional e-learning modules, is available at: www.community-protocols.org/toolkit.

We welcome any and all feedback on the content and use of the e-learning modules and toolkit. If you have suggestions for improvement, would like more information, or would like to request a hard copy of the toolkit, please contact Holly Shrumm (holly@naturaljustice.org).

Natural Justice: Lawyers for Communities and the Environment
63 Hout Street, Mercantile Building
Cape Town, South Africa 8000

Websites: www.naturaljustice.org, www.community-protocols.org
Blog: www.natural-justice.blogspot.com
Facebook: www.facebook.com/naturaljustice