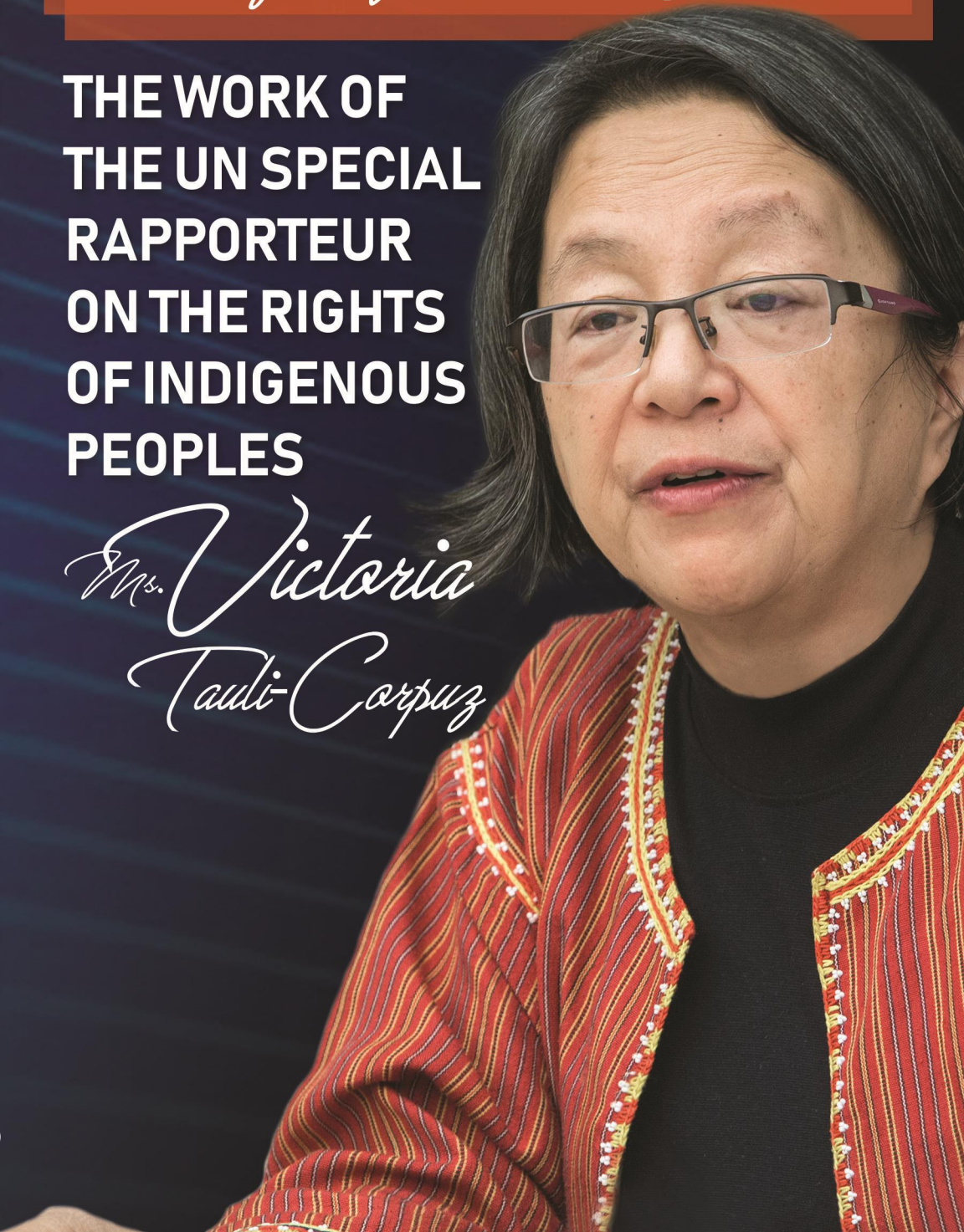


Fulfilling the Mandate

**THE WORK OF
THE UN SPECIAL
RAPPORTEUR
ON THE RIGHTS
OF INDIGENOUS
PEOPLES**

*Ms. Victoria
Tauli-Corpuz*



**Fulfilling the Mandate:
The Work of the UN Special
Rapporteur on the rights of
indigenous peoples,
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Foreword

by Myrna Cunningham Kain

I am sincerely grateful for the opportunity to prepare the foreword of this book on the work of Victoria Tauli-Corpuz, the first indigenous woman to be appointed Special Rapporteur on the rights of indigenous peoples. I have known “Vicky” for a long time: as an activist from her community to the international level. She has played an important role as an articulator of the global indigenous movement. She is a builder of political advocacy processes, and she is a peace promoter, a researcher, an organizer and a leader. She is also a woman proud of her ancestors and committed to the future generations.

I always knew that in her work as Special Rapporteur, she would seek to combine in a balanced way her base as activist, faithful to the commitments for the rights of indigenous peoples, with her role as independent expert; and she has demonstrated it during her term.

Throughout her mandate, we have seen her accompany indigenous peoples tirelessly in processes related to education, traditional knowledge, climate change, self-determined development, the rights of indigenous women, among others. Her accompaniment has been during global processes such as the signing of agreements on climate change in Paris; or regional processes, as a witness in cases of the Inter-American Court of Human Rights, to local processes, as advocating for resolution of conflicts and search for peace in her own country, Philippines, or in Colombia or Guatemala.

Her solidarity with the Ixil women in Guatemala during the legal process that followed their plight for justice was touching and heroic. She has practiced in her mandate the right to consult with her indigenous sisters and brothers from different socio-cultural regions of the world on the subjects to which she has referred in her reports; and has assured the presence of indigenous women and youth in these consultations. I appreciate the personal way of communication that she uses and really enjoy seeing the meaningful time she dedicates to her family between missions.

This publication clearly shows that the origins and personal trajectory of Victoria Tauli-Corpuz is key to appreciating the approaches taken in the analysis of the issues and the commitment to the rights of indigenous peoples that is observed in each of her interventions. It is not the analysis of the performance of a technocrat or an official who is part of the international bureaucracy, and her work is neither, nor is it an academic exercise. On the contrary, the task of Victoria Tauli-Corpuz as Special Rapporteur on the rights of indigenous peoples draws on her experience from her own roots as a member of the Igorot peoples of the northern Philippines, her local activism for the well-being of her people, and her solidarity involvement with multiple indigenous demands and struggles throughout the world.

For human rights to be protected, legal rules are needed to recognize them, but also mechanisms to enforce them. No law, whether national or international, guarantees the realization of rights without the support of efficient mechanisms to promote compliance. One of the great milestones of the universal system of protection of human rights has been that, together with the treaties and declarations that recognize those rights, procedures have been installed for their supervision and demand of effective fulfillment.

In relation to the rights of indigenous peoples, the universal system for the protection of human rights has three specific areas to promote compliance with the human rights of indigenous peoples: the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights

of Indigenous Peoples of the Human Rights Council, and the United Nations Special Rapporteur on the rights of indigenous peoples.

Precisely, the gap between the existence of rights and their effective fulfillment is one of the conceptual axes of Victoria Tauli-Corpuz's work as Special Rapporteur. It is particularly noteworthy that, in addition to requiring States to assume and comply with international standards of indigenous peoples' rights, the Special Rapporteur pays special attention to the United Nations System itself and to the processes of negotiation and conclusion of international trade agreements, which are carried out without the intervention of the peoples and without adequate consideration of their demands and rights.

On the first aspect, Victoria Tauli-Corpuz is concerned that the guidelines contained in the UN Declaration on the Rights of Indigenous Peoples have not been incorporated by all agencies of the United Nations System as a consistent guide in their plans and programs. This lack is also detected in the Sustainable Development Goals (SDGs) where references to indigenous peoples are few and very specific; but they do not appear adequately at the level of the targets or indicators, although she herself urged to include them in one of her reports to the General Assembly of the United Nations.

On the second aspect, her work detects a conflict between international human rights law and international investment law, which as a result shows that the rights of indigenous peoples are subordinated to investors' protection, with no possibility of participation or resources to protect their rights.

Another aspect worthy of note in this review, which is reflected in Victoria Tauli-Corpuz's entire career as a Special Rapporteur, is her concern about the situation of indigenous women, which demands compliance not only by the States but also by the United Nations. From her perspective, this has been given disproportionately low attention to their needs. Many other country-specific issues and situations are addressed by the Special Rapporteur.

We invite you to do a careful reading of the publication, not only of the review but also of the documents that the

Special Rapporteur has prepared and that can be accessed through the references included in the text.

This publication is very useful in highlighting the great relevance of the mandate of the Special Rapporteur on the rights of indigenous peoples, as well as the variety and importance of the issues that Victoria Tauli-Corpuz has been able to address in the short period considered. And above all, it has the great virtue of demonstrating that the real commitment to the demands and dreams of indigenous peoples is what allows her to overcome the limitations of resources, time and multiple inconveniences to be able to fulfill the mandate of the Special Rapporteur towards becoming a key international body in the defense and promotion of the rights of indigenous peoples in the world.

Myrna Cunningham Kain

President, Fondo para el Desarrollo de los Pueblos Indígenas de
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Chairperson, UN Permanent Forum of Indigenous Issues (2011)

President, Centro para la Autonomía y el Desarrollo de los Pueblos
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Foreword

by Elsa Stamatopoulou

When I was first told I had to contact Victoria Tauli-Corpuz, it was back in 1997, when we were trying, with the late Ingmar Egede, to establish the International Training Center of Indigenous Peoples in Greenland. We needed to get the advice of an established indigenous leader from Asia on the vision and specifics of the Training Center.

The name I was given outright was that of Vicky Tauli-Corpuz, whom I had not yet met. I was told how extraordinary she was, how dynamic and how knowledgeable—and that her field was International Law. She was a professor, I was told. Although later I learnt that Vicky Tauli-Corpuz's field was not, formally speaking, International Law, it took me just a very short time to realize that, in fact, she is that and many other things, being such a polymath and avid learner with deep analytical thinking on the major disciplines of today that are relevant for policy making and advocacy.

So, International Law is one of these areas, as are of course human rights, development and economics in general, environment, climate change, the field of conflict and peace, culture, spirituality and health, to name the main ones.

“Vicky” as the world fondly calls her, is a professor and mentor of many people around the world, not only for generously giving her precious time to seminars whenever

she can—as at Columbia’s Summer Program on Indigenous Peoples’ Rights and Policy from 2013-2017—but also as an engaged interlocutor for other indigenous leaders, for women and youth, for government and international agency officials, for NGOs, for family and friends. It is no secret that everyone wants to work with Vicky.

In order to evaluate and discuss the extraordinary work of Ms. Victoria Tauli-Corpuz and outline the extent of her impact in human rights thinking, it will be useful to place the very institution of Special Rapporteur in perspective: historical, institutional, as well as political and economic, and social in terms of global developments.

The institution of Special Rapporteur is one of the biggest achievements of the international human rights system. Unimaginable until the 1970s, the system of rapporteurs, or independent experts, as they are sometimes called, is by now a well-developed nexus of mandates that provide the aspect of international monitoring and protection of human rights.

The very concept of “protection of human rights” as compared to the “softer” “promotion of human Rights” that is used in the UN Charter¹ took decades to develop.

At the time that the first human rights monitoring procedures of the UN Commission on Human Rights were created in the late 1960s, it was clear in the minds of states that there was a distinction between human rights monitoring and the promotion of human rights.

In almost four decades since, the international human rights system, especially the system developed by the United Nations, has taken on a more comprehensive approach. Today, the “naming and shaming” connected with human rights monitoring, often goes together with human rights institution building, human rights information, education and training—areas where states can seek the technical assistance of the United Nations. In addition, human rights monitoring

¹ Article 1 identifies among the goals of the United Nations, “To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”;

has to be seen against the backdrop of increasing efforts of the UN system to integrate human rights in development work and humanitarian and peace operations, which in turn make monitoring relatively easier, since it can be done within an all encompassing operational framework.

The very first monitoring mechanism of the UN Commission on Human Rights—succeeded by the Human Rights Council in 2006—was the Commission's Working Group on Southern Africa, established in 1968, on a topic and two countries (South Africa and the then Rhodesia) that all could agree, at least rhetorically, that a close scrutiny was needed. After the coup against President Salvador Allende in Chile in 1973, the second monitoring mechanism was established, namely, the Working Group on Chile. It later changed name and received a broader mandate as the Working Group on Enforced or Involuntary Disappearances in 1980: this was the first thematic human rights monitoring mandate of the Commission on Human Rights, a precursor of what is today a system of more than 40 such mandates.

Special Rapporteurs are treasures of the UN human rights system. Why? Almost each one has responded to the advocacy of people on the ground representing issues that require special vigilance and continuous reporting. Special Rapporteurs are appointed as independent experts in their personal capacity, in other words, they can express their own views—without seeking permission of any government or UN body—on country situations or topics of research. This is an especially precious characteristic in the human rights field, which is obviously politically heated. While the international human rights treaty monitoring bodies are also human rights bodies and conduct periodic dialogues with States parties as well as examine specific cases raised under the optional complaints procedures, their responses and reporting systems are slower and more cumbersome than those of Special Rapporteurs.

In 2001 the Commission on Human Rights decided to establish a Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples to examine the situation worldwide on the basis of communications received and country-specific visits. As other special rapporteurships, this

was the result of advocacy, that of the international indigenous peoples' movement.

The establishment of the mandate, an initiative of Latin American and other states, especially Mexico, at the Commission on Human Rights, came at a time when negotiations on the Draft Declaration on the Rights of Indigenous Peoples seemed to render few results and frustrations were running high. The establishment of the Special Rapporteur was a novelty that would give high profile and new impetus to indigenous peoples' rights, together with the establishment of the UN Permanent Forum on Indigenous Issues, which held its first session in 2002.

Vicky Tauli-Corpuz took up the role of Special Rapporteur on the rights of indigenous peoples at a time that the UN was clearly recognizing the coexistence of three global crises: the climate crisis, the economic crisis and the food crisis. It was also a time of states negotiating the 2030 Agenda of the Sustainable Development Goals. This is also an era of major challenges for human rights, with oppressive authoritarian regimes on the rise, with human rights defenders losing their lives—many indigenous peoples among them, for defending their lands and cultures—with neoliberal policies trampling upon international human rights treaties and with cynicism posing as the new realism.

As this book and her overall work amply show, Victoria Tauli-Corpuz has been the person who feels the pulse of indigenous peoples' dignity, their resilience and their struggle for justice. With her deep knowledge and understanding of the world, she has not hesitated to grapple with truly major topics that are of concern to the indigenous peoples of the world and to all of us, including investments and human rights, inconsistencies of International Law (regarding international investments and free trade and human rights treaties), the challenges of environmentalism and conservation for indigenous peoples, and lessons from country situations, some of which are part of the social struggles of our times, like Standing Rock and the late Berta Caceres' vision for environmental justice for indigenous peoples.

The issues Ms. Tauli-Corpuz analyzes, whether shedding light on the challenges or outlining good examples, invite us all to re-think critically about where our world is going and where indigenous peoples' stewardship could actually provide answers for all.

Vicky Tauli-Corpuz has also been my mentor and friend over the many years we worked together, especially when she chaired the UN Permanent Forum on Indigenous Issues. I have had the privilege to always see, through her, that humanity and the planet are too important to abandon to cynicism and that there is always hope to be found in the struggle for human rights and social justice.

Thank you, Vicky, for being a light for human rights in the world.

Elsa Stamatopoulou

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Chief, Secretariat of the UN Permanent Forum on Indigenous
Issues (UNPFII), 2003-2010

Chapter one



**SCANNING THE RIGHTS OF THE
WORLD'S INDIGENOUS PEOPLES:
A Review of the 2-year Work of the
Special Rapporteur on the rights of
the indigenous peoples,
Ms. Victoria Tauli-Corpuz**

Introduction

So crucial are a special section of the world's people to the health of the planet and, perhaps, even the survival of humankind. And yet so little about them is known by the general public; and so little public attention is devoted to them. These are the world's indigenous peoples. They number 370 million or roughly only five percent of the world's population. But as they have lived for the longest time in ancestral lands that are the environment's bulwarks against climate change and disaster, their significance as guardians of these ecosystems far outweigh their numbers.

To fill in the gap between this blissful public ignorance about them and the ample awareness they deserve is the central purpose of this book and its contents.

Among the least known facts about indigenous peoples is not just that they are among the most oppressed sections of the world's population, but that on the other hand, their movements, organizations and leaders are, to a great extent, making up for this injustice and making dramatic and outstanding headway in the field of global law and global government, through the United Nations.

In the words of an international indigenous leader,

“ *Indigenous peoples are among the most marginalized and discriminated against groups in the world. The international framework protecting their rights emerged largely in response to that reality.*”¹

The international framework referred to is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a document astounding for its sheer sweep and depth and a model legal template for protecting rights of the indigenous peoples, especially those who are disadvantaged in today's world.

The global indigenous leader mentioned is none other than Victoria Lucia Tauli-Corpuz, more popularly known by her nickname “Vicky.” A member of the Kankana-ey ethno-linguistic group of the Igorot peoples of the Cordillera, north of the Philippines, Ms. Tauli-Corpuz belongs to a select crop of global indigenous leaders who can speak with the highest level of authority and credibility about the state of the world's indigenous peoples and the UNDRIP.

After all, she was among the UNDRIP'S leading architects and crafters.

In 2006, when the UNDRIP was adopted, she was the chair of the United Nations Permanent Forum on Indigenous Issues (UNPFII), a leading UN platform for asserting indigenous people's rights among governments and within the UN system itself. She would occupy this post for five years from 2005 to 2010.

For two decades now, her masterful skills in tackling and coordinating indigenous peoples' concerns have prepared her to shoulder an immensity and variety of leadership responsibilities. These tasks have ranged from previous chairperson-rapporteur of the Voluntary Fund for Indigenous Populations to membership in the United Nations Development Programme Civil Society Organizations Advisory Committee.

Her high-profile and top-level obligations and organizational talents did not emerge from just out of the blue. Her biographical profile traces these back to her grassroots activist origins:

“ *She helped build the indigenous peoples' movement in the Cordillera as a youth activist in the early 1970s. She helped organize indigenous peoples in the community level to fight against the projects of the Marcos Dictatorship such as the Chico River Hydroelectric Dam in the province of Kalinga and the Cellophil Resources Corporation in Abra. These communities succeeded in stopping these.* ”

Her long trail of service to indigenous peoples has now led her to her latest and current appointment since May 2014: United Nations Special Rapporteur on the rights of indigenous peoples (UNSRRIP), a post established in 2001 by the UN Human Rights Commission. As only the third yet and as both the first indigenous and first woman Special Rapporteur, she has brought to her assignment a unique and powerful perspective and dynamic. This book aims to shed light into her work, accomplishments and impacts as UNSRRIP in helping narrow the gap between indigenous peoples' rights and reality.

The adjective “Special” is already apt if only for the fact that since 2007, the Special Rapporteur has been formally mandated to fulfil a heavy load of 10 major tasks requiring special multitasking talent, passion and commitment.

The following six of these duties² alone already come across as daunting and complex in the extreme:

- a. To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples, in conformity with his/her mandate, and to identify, exchange and promote best practices;
- b. To gather, request, receive and exchange information and communications from all relevant sources,

including Governments, indigenous peoples and their communities and organizations, on alleged violations of the rights of indigenous peoples;

- c. To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the rights of indigenous peoples;
- d. To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, as well as indigenous peoples, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;
- e. To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;
- f. To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of his/her mandate.

Each of these responsibilities by themselves is already massive and formidable. But all addressed together by one person, the work does certainly demand from the Special Rapporteur a special and extraordinary level and amount of energy, commitment and creativity.

Ms. Tauli-Corpuz for her part divides her work into four major areas:

- a. Preparing thematic reports. These involve the production of critical analysis of the most important issues and trends affecting indigenous peoples' rights worldwide;
- b. Country assessments;
- c. Investigating violations;
- d. Identifying good practices.

Based on this mandate, her job description appears to be: jurist, mentor, elder statesperson, mediator, arbiter,

investigator, inspector, adviser, social scientist, watchdog, coordinator, regulator, troubleshooter, grassroots movement-builder, publicist, journalist and social media practitioner all rolled into one. But amid these multiple hats she all wears simultaneously, Ms. Tauli-Corpuz distills her work into one central objective: “Closing the gap between the recognition of indigenous peoples' rights at the international and national levels and the actual implementation on the ground remains my main pre-occupation.”³

In simpler terms, this means working to make the vision of the rights of indigenous peoples a living, concrete reality across the globe. After all, Ms. Tauli-Corpuz has cited this still wide gap between rights and reality as the prime reason behind her decision to apply as Special Rapporteur in the first place. As she explained at the time, “there is still a long way to go before indigenous peoples' rights are effectively respected, protected and fulfilled.”⁴

Ms. Tauli-Corpuz's three-year term as Special Rapporteur would come at a critical juncture in this “long way to go” toward realizing indigenous peoples' rights. For one, the Millennium Development Goals begun in 2000 were ending in 2015 and the UN was thus in the midst of defining anew what was meant by “sustainable development” in the form of Sustainable Development Goals from 2015 to 2030. In the same year, 2015, the Paris Agreement was set to shape the future of the world's response to climate change, for many environmentalists a make-or-break crossroad for the planet and human survival.

As Ms. Tauli-Corpuz pointed out,⁵ negotiations were likewise afoot in 2015 to strengthen the mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), a UN body tasked with pushing UN policies supporting the indigenous peoples. The Special Rapporteur was both mandated and expected to play a major role in this process as one of her 10 tasks was “To work in close cooperation and coordination with other special procedures and subsidiary organs of the Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies,

the treaty bodies and regional human rights organizations.”

The world stage was thus set for the grand linking up of the agenda of development with that of the environment. But as her work would bear out, for Ms. Tauli-Corpuz the key missing link in the whole blueprint for global change was indigenous peoples’ rights. As history and events would show, the road to such a vision was rough and rocky.

To grasp how enormous, complex and difficult the work is cut out for the Special Rapporteur on the rights of indigenous peoples requires us to get a firm enough grasp of the UN Declaration of the Rights of Indigenous Peoples, which precisely lays out that panoramic vision.

The UNDRIP

The UNDRIP starts out by laying down the core principles underpinning indigenous peoples’ rights. Among these are:

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from

exercising, in particular, their right to development in accordance with their own needs and interests,

And then the UNDRIP goes on to present an alternative vision for indigenous peoples by listing down their collective rights. These rights include the following most violated ones:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 43 goes a long way in defining what is meant by indigenous peoples' rights: their minimum benchmarks of economic, political and cultural life below which would violate their survival, dignity and well-being.

At the heart of this wide-ranging body of indigenous peoples' rights is, firstly, their collective right to self-determination, their effective voice and say in the special way they design, manage and live out their development based on their unique traditions of wisdom and ways of life. Many of these special traditions are rooted in their time-tested social ideals and practices of cooperation, ecology, consensus, communal spirit and solidarity.

Secondly, it is their right to non-discrimination and remedial justice. Since indigenous peoples throughout history have been the severest victims of historical injustices as in their loss of their communal lands from colonialism, historical justice cannot but require that they enjoy special, extra access to State benefits and resources, such as affirmative action, just to even out their long-time deep inequalities and disadvantages.

Indeed, Ms. Tauli-Corpuz in her first two years as Special Rapporteur already presents an unabashedly honest global picture of the state of indigenous peoples' rights:

“ While States have gone a long way towards putting an end to the most egregious human rights violations against indigenous peoples, abuses are still occurring in all the countries in which they live. Current violations often present the most urgent issues that need addressing and are often the focus of attention of the international human rights system... Perhaps the clearest manifestation that redress is still needed for indigenous peoples around the world is their continued lack of access to and security over their traditional lands.⁶

”

And then, Ms. Tauli-Corpuz fleshes out her overview even further:

“ Unless indigenous peoples enjoy certain minimum conditions of well-being, they will be unable to truly thrive with their rights intact. According to many different indicators, indigenous peoples fare worse than their non-indigenous counterparts in terms of their development, including with regard to levels of poverty, education, health, unemployment, housing conditions, clean water and sanitation... In fact, development around the world has historically taken place and still takes place today at the expense of indigenous peoples; it has often been the case that indigenous peoples' lands and resources have been taken, to their detriment and to the benefit of the development of others.⁷

”

Driven by her core mission of sealing the gap between

indigenous peoples' rights and reality, Ms. Tauli-Corpuz has since 2014 plunged into the challenging Special Rapporteur work of uncovering how much and in what way these minimum standards for indigenous peoples are being met or unmet. But both her Mandate and her own conviction have required her to do far more on two fronts.

First, she is beset with the formidable task of pinpointing the core obstacles to, as well as the driving forces toward, indigenous peoples' fulfilment of their rights. In pursuit of the larger picture and broader truths shaping indigenous peoples' rights, Ms. Tauli-Corpuz has proceeded to analyze themes and events with a sharp, historical and systemic eye. As such, she has managed to produce a wealth of long-term and short-term analyses, recommendations and proposals that are both essential and doable.

What makes her work even more remarkable is that she is likewise tasked with other monumental duties such as directly responding to complaints of human rights violations of indigenous persons or communities, arriving at country assessments and identifying best practices—certainly no mean commitments in their own right. Her official country visits, and other working visits have brought her to a large number of both developed countries, such as Finland, Norway and Sweden, and developing countries such as Peru, Panama, Paraguay, Brazil, and Honduras.

In attempting to shed light into the work and accomplishment of the Special Rapporteur, this book explores these various works, including the reports and statements Ms. Tauli-Corpuz has prepared and crafted in fulfilment of her tasks.

No doubt, the aspect alone of gathering baseline data, raw information and opinions in numerous meetings with government and non-government representatives, seminars and workshops, on-site visits and written communications and questionnaires is already tremendously laborious, especially for only one person, even for all her multitasking efficiency.

To manage and maximize the limited time of her Mandate as Special Rapporteur, Ms. Tauli-Corpuz has carefully chosen to pay special attention to certain pivotal themes. Two of

these—international investment agreements and conservation programs in indigenous lands—lie at the very heart of the questions of sustainable development and indigenous peoples' rights. In other words, these issues impinge on the right of indigenous peoples to their economic empowerment, a goal that the Special Rapporteur views as essential to their long-term well-being. As she pointed out in an interview shortly before she assumed her post as UNSRRIP:

“ *I believe that economic empowerment of indigenous peoples is necessary for their political empowerment and for as long as they are kept in impoverished situations, their lives will not improve, even with all the policies and laws at global and national levels on indigenous peoples' rights.*”⁸

In the process, she has extracted key insights into major drivers and shortcomings behind the under-realization of indigenous peoples' rights.



Imbalance in International Law

A major conclusion she has put forward is that indigenous peoples' rights were under-recognized and under-articulated in the international legal framework, including that supervised by the United Nations system itself. While the indigenous peoples have managed to establish the UNDRIP as the core legal framework guiding their lives worldwide, indigenous peoples' rights as enshrined in the UNDRIP, unfortunately, do not yet guide the rest of the UN legal framework as consistently and firmly as Ms. Tauli-Corpuz believes they should.

She highlights this flaw especially in her critique of the UN Millennium Development Goals (MDGs).⁹

“ *Huge challenges remain in the implementation of the economic, social and cultural rights of indigenous peoples. Sadly, this implementation gap is reflected by the failure of the*

international community to use the Millennium Development Goals as a vehicle to overcome discrimination and achieve substantial equality for indigenous peoples in the context of development. Unfortunately, indigenous peoples were not formally involved in the formulation of the MDGs and neither the goals nor the targets and indicators have any reference to the situation of indigenous peoples. Based on available data regarding social and economic conditions of indigenous peoples, it is clear that the MDGs did not adequately address or resolve their social and economic disadvantages.¹⁰

”

Ms. Tauli-Corpuz laments the fact that in this way, indigenous peoples become invisible in statistical indicators and government planning targets, thereby experiencing even more discrimination and inequality.

In her October 17, 2016 report to the UN General Assembly, Ms. Tauli-Corpuz, while acknowledging that indigenous peoples were now somewhat more visible in the Sustainable Development Goals compared to the MDGs, did not conceal her disappointment that this visibility did not go further as she believed it should have in the interest of indigenous peoples:

“ *While I note as positive the references to indigenous peoples in the SDG indicators relating to agricultural productivity, education and in the need for national progress reviews, I regret that the SDGs did not include additional references to indigenous peoples among its goals and target indicators. I wish to recall that I urged for such inclusion and for the need for disaggregated data in order to monitor development progress in my report to the General Assembly in 2014 (A/69/267).¹¹*

”

In a number of reports and statements, the Special Rapporteur would chronicle the challenges indigenous peoples faced in the field of law on the global and UN-system level, such as in the UN Development Program (UNDP) and the World Bank. She cites the findings of an assessment of the UNDP, tasked with “technical assistance” or mentoring and

advising governments of developing countries, that it commonly has failed to fulfil the basic right of indigenous peoples to free, prior and informed consent.

She has traced this incoherence to a persistent and lingering lack of appreciation of the role played by indigenous peoples in sustainable development on the international and UN-system level. But in her thematic reports, she points to an even more pervasive, severe and difficult problem: “current imbalance and incoherence of international law” in upholding human rights.

She laments the reality that, currently, conflict rather than coherence exists in particular between international human rights law and international investment law. Unharmonized with international human rights law, international investment in the eyes of Ms. Tauli-Corpuz thus remains questionable.

Worse, she notes, “indigenous peoples’ rights are subordinated to investor protections, with no option provided for participation or appeal.”¹² This “imbalance,” as Ms. Tauli-Corpuz terms it, is reflected in the way the tribunals have judged indigenous peoples’ rights to be “outside the scope of the dispute and not part of the applicable laws.”¹³ In other words, in law as in life, globally, indigenous peoples suffer discrimination, as Ms. Tauli-Corpuz’s report on international investment agreements bears out.

The Special Rapporteur admits that on paper and in theory, transnational corporations express and acknowledge respect for indigenous peoples’ rights. But, as she reveals, these are not necessarily and readily translated into real-life action and behavior. She asserts in her report:

“However, implementation of those commitments remains poor; and issues remain surrounding the interpretation of indigenous peoples’ rights, in particular, the right to give or withhold free, prior and informed consent.”¹⁴ ”

Here she calls attention to the following finding:

“ My research reveals an alarming and growing number of cases where foreign investment in the mining, oil and gas, hydroelectric and agribusiness sectors is resulting in serious violations of indigenous peoples' land, self-governance and cultural rights. The legal vacuum arising from the lack of recognition or enforcement of indigenous peoples' land rights is facilitating arbitrary land expropriation for such investment projects.¹⁵ ”

In view of their gravity, the Special Rapporteur even goes as far as contending that these violations “can extend to crimes against humanity.”¹⁶

But Ms. Tauli-Corpuz delivers as well an equally searing indictment of the typical host States' paradigm of development of lands and natural resources traditionally belonging to the native indigenous peoples. She describes the broad spectrum of gross violations of indigenous peoples' rights in the name of development:

“ Typically, the host States involved employ economic development policies aimed at the exploitation of energy, mineral, land or other resources that are predominantly located in the territories of indigenous peoples. The government agencies responsible for implementing those policies regard such lands and resources as available for unhindered exploitation and actively promote them as such abroad to generate capital inflows. Recognition of indigenous peoples' rights in the domestic legal framework is either non-existent, inadequate or not enforced. Where they exist, institutions mandated to uphold indigenous peoples' rights are politically weak, unaccountable or underfunded. Indigenous peoples lack access to remedies in home and host States and are forced to mobilize, leading to criminalization, violence and deaths. They experience profound human rights violations as a result of impacts on their lands, livelihoods, cultures, development options and governance structures, which, in some cases, threaten their very cultural and physical survival.¹⁷ ”

International Investment Agreements

As described in her report, the vast majority of indigenous peoples' lands are covered by International Investment Agreements (IIA), which as of 2016 number 3,268, nearly 3,000 of which are bilateral. These IIAs provide strong and broad-ranging legal protection to foreign investors and big business against expropriation without compensation, and in the form of "national treatment" or "non-discrimination" in favor of domestic investors, and "most favored nation treatment" requiring equal treatment vis-à-vis all foreign investors. Some legal standards are as vague as "fair and equitable treatment" or "minimum international standards of treatment" and "legitimate expectations."¹⁸

However, as revealed by the Special Rapporteur, indigenous peoples are excluded from drafting, negotiation and approval of these IIAs. As expected, the preambles and provisions of these IIAs fail to address indigenous peoples' rights. Moreover, indigenous peoples are excluded as well from settlement of disputes based on these agreements.

As such these IIAs could come into conflict with and undermine the customary laws already enjoyed by indigenous peoples.¹⁹ Whereas States are already hamstrung by weak laws and regulations and enforcement of indigenous peoples' rights, IIAs tend to even further weaken and override powers of States to protect indigenous peoples' rights, or at least prevent these policies from being reformed and strengthened.

Ms. Tauli-Corpuz points to what has been called the "regulatory chill" effect of IIAs, which cause States to hold back on adequately regulating foreign investors for fear of judicial and financial backlashes.

Moreover, as described by the Special Rapporteur, IIAs typically support and favor foreign investors in the form likewise of investor-state dispute settlements (ISDS) mechanisms. In this system of arbitration, foreign investors may sue host States without even first exhausting local remedies and may claim unlimited amounts of State taxpayer money in rewards.

These rewards, often running into billions of dollars, may be seized from States' overseas assets, thus ending up in poor countries being even more drained of public funds that should have instead been channelled to the benefit of the indigenous peoples.

In these legal disputes between foreign investors and States, indigenous peoples are commonly marginalized and ignored as mere "third parties" even when they are the most affected by these disputes. When indigenous peoples offer their positions through *amicus curae*, these are often dismissed outright or hardly considered by the tribunals.

Foreign investors, many of them in the extractive and energy lines of business, ordinarily file cases against States for cancelling or allegedly violating contracts, or for revoking or denying licenses. Most of these settlements take place in countries with significant populations of indigenous peoples whose lands are exploited for mineral, energy and forest resources.

In her review of seven cases,²⁰ the Special Rapporteur found that in all but one case, indigenous peoples' rights were ignored outright by the tribunal; and in five cases, the tribunal did not at all consider indigenous peoples' rights a source of applicable law. This, Ms. Tauli-Corpuz observes, "despite the fact that violations of their rights and efforts to assert them had been core issues underpinning the disputes in question."²¹ Aside from indigenous peoples' rights in general, also dismissed by these tribunals were specific indigenous peoples' rights, such as the right of protection by the State, and the right to self-identification.

Ms. Tauli-Corpuz, though, notes progress in the way States now deal with these disputes. Whereas "in the past most States failed to address indigenous peoples' rights in their arguments before ISDS tribunals,"²² States now increasingly emphasize indigenous peoples' consultation and their rights to free, prior and informed consent. In this new trend, the Special Rapporteur sees a strong emerging synergy between States and indigenous peoples. As she views it, by recognizing and invoking indigenous peoples' rights, States can prevent the loss or giving up of control over local natural resources

to foreign investors and international tribunals. As such, Ms. Tauli-Corpuz calls on States to be more proactive in asserting indigenous peoples' rights.

In her report, the Special Rapporteur also calls attention to the fact that IIAs that "have facilitated and protected investments in indigenous territories are often accompanied by the deployment of military and private security services,"²³ especially in situations of low-intensity conflict. She then cites instances of the imposition of IIAs "triggering large-scale conflict and significant loss of life,"²⁴ among them the armed rebellion of the Zapatista National Liberation Army, a group of indigenous peoples from Chiapas, Mexico, sparked by the privatization of communal indigenous lands in the wake of the North American Free Trade Agreement (NAFTA) in 1994.

Compounding this imbalance in international law, Ms. Tauli-Corpuz underscores, is the pervasive bias of mainstream business and culture that indigenous peoples are backward, primitive and obstructive of national development. On the other hand, she contends, "Indeed, numerous studies have shown that increasing indigenous peoples' control over their internal decision-making results in better economic growth outcomes."²⁵

One highlight of her report on IIAs is her stinging critique of the most recent mega-regional free trade agreement, the Trans-Pacific Partnership (TPP). Although its rejection by US President Donald Trump may yet scuttle TPP, Ms. Tauli-Corpuz's report offers rich lessons and warnings of the dangers faced by indigenous peoples from such trade-investment deals. As described by her, its investment chapter mirrors the model bilateral investment treaty of the United States and has been widely criticized for having corporations take over decision-making powers of the public and governments.

The Special Rapporteur reports that indigenous peoples' organizations and leaders have "expressed their concerns in relation to the lack of protections for their rights vis-à-vis those of foreign investors, and the imbalance in remedies." In addition, they have also taken the TPP to task for its lack of consultation during the TPP negotiations, as well as its lack of

human rights impact assessments. Ms. Tauli-Corpuz also takes note that the TPP makes no mention altogether of human rights.

As she points out in her report, while conceding on paper the right to regulate “environmental, health and other regulatory objectives, the TPP effectively subordinates these to considerations in the investment chapter.”²⁶ In other words, similar to the way that all other considerations were trumped by free trade interests in the World Trade Organization rules, these would also subordinate indigenous peoples’ rights and interests to foreign investor needs and benefits.

One key concern highlighted both by indigenous peoples and the Special Rapporteur’s reports is the impact the TPP might make on their control of their traditional knowledge. She warns that:

“ [T]he rights of corporations that hold intellectual property rights are strengthened in the relevant chapter of the Partnership, while traditional knowledge rights that fall outside of the intellectual property regime are afforded no protection. Experience to date demonstrates that, in the absence of adequate safeguards, traditional knowledge can be commercialized. Similar concerns exist in relation to genetic resources and biodiversity.²⁷

”

And:

“ Requirements under international human rights law and international environmental law in relation to equitable benefit sharing and a general requirement for free, prior and informed consent of indigenous peoples were not included in the Trans-Pacific Partnership, with consent only referenced where national law already requires it.²⁸

”

In the face of these daunting challenges, Ms. Tauli-Corpuz in her reports remains hopeful that the many reforms she proposes through her recommendations can yet be achieved.

As she notes:

“ *I believe it is possible to develop a system of International Investment Law that reduces risk to indigenous peoples' rights and serves to benefit them and the State, while providing investment security to foreign investors.*²⁹ ”

In her reports, she stresses the need as well for States to enjoy “regulatory space,” in other words, the adequate freedom to set and enforce indigenous peoples’ rights and standards on foreign investors. Thus she advocates the following reform measure:

“ *Mechanisms should be developed to amend existing international investment agreements to include the right to regulate and to mandate respect for human rights.*³⁰ ”

In line with her call for “regulatory space,” she also proposes that governments should enjoy the right to make counter-claims against foreign investors based on international human rights law and “affirmative relief” for indigenous peoples. On the linkage between the UNDRIP and national laws, the Special Rapporteur recommends that:

“ *[A]pplicable law includes all international human rights law treaties ratified by either State party, and the United Nations Declaration on the Rights of Indigenous Peoples as an interpretative guide for their application to indigenous peoples.* ”

Under this principle, UNDRIP would automatically and necessarily govern national and local government laws, policies and decisions.

She calls on governments to be aware of contributions of foreign investors to violation of indigenous peoples’ rights and of the disadvantages indigenous peoples face in confronting these violators.

Meanwhile, she calls on foreign investors to practice Corporate Human Rights Due Diligence by making prior

human rights impact assessments so as to prevent disputes from taking place in the first place. She recommends that IIAs contain clear provisions that deny corporate human rights violators access to Investor-State tribunals.

She likewise is seeking a radical reform of the dispute settlement system, which should begin to include the indigenous peoples as the primary voices, stakeholders and beneficiaries in the process after all. She advocates that indigenous peoples enjoy the right of fully participating in investor-State dispute settlements through *amicus curiae* submissions (written opinions and arguments in court) and by having their arguments considered fully.

Clearly, the Special Rapporteur offers the hopeful guideline and perspective that “human rights and sustainable development approaches can contribute to shaping the future of investments in or near indigenous peoples’ territories so that they serve to benefit all in a just and equitable manner.”

Conservation Programs

Aside from the impact of foreign investments on indigenous peoples, Ms. Tauli-Corpuz in another thematic report, zeroes in on the impact of conservation measures such as nature parks and protected areas. On October 17, 2016, she presented a report on the topic, her third annual report, to the UN General Assembly. Her special focus on conservation practices as they affect indigenous peoples is well chosen, especially in view of the high public and media spotlight on climate change, the environment and biodiversity.

On the part of the indigenous peoples, this issue is increasingly urgent since as Ms. Tauli-Corpuz’s report underlines, “The traditional lands of indigenous peoples are being declared protected for purposes of conservation at a rapidly increasing rate.” According to her report, 50 percent of protected areas worldwide and as high as 90 percent in Central America cover ancestral lands of indigenous peoples.

As her report concludes, this reality has been disastrous for indigenous peoples. Her research has arrived at the finding that

“ *In practice however, for indigenous peoples the consequences of the declaration of protected areas commonly entailed expropriation of their traditional territories and loss of land rights as well as their exclusion from management and territorial governance. The loss of the guardianship of indigenous peoples has often placed their lands under the control of Government authorities who have lacked the capacity and the political will to protect the land effectively.*³¹ ”

Her report cites UN data that in 2014, indigenous peoples and local communities governed only less than five percent of protected areas worldwide.

In her report, the Special Rapporteur argues that not only has the exclusion of indigenous peoples from governing the ancestral lands now declared protected areas violated economic, social, cultural and civil rights of the indigenous peoples. She asserts, too, that their loss of control and environmental rights over their traditional lands has harmed and weakened as well the protection and conservation itself of the ecosystems of their ancestral lands.

On one hand, she describes the common hardships indigenous peoples have suffered as a result of conservation programs: they are forcibly displaced, their leadership bodies are unrecognized, their leaders and members are killed or intimidated, they are blocked from carrying out their traditional livelihoods, they become poor or even poorer, they are prevented from visiting their spiritual sites, their cultures are disrespected and degraded in the wake of their physical and psychological dislocation, they are prevented from restoring or returning to their lost lands or receiving some form of justice in the form of adequate payments for their losses.

On the other hand, her report brings attention to a major historical irony: conservation programs have typically denied both humankind and the planet the past key benefits that

indigenous peoples have for millennia provided them in the form of sustainable care and use of the natural environment in their ancestral lands. In her report, Ms. Tauli-Corpuz thus lays stress on the increasingly recognized truth that “the ancestral lands of indigenous peoples contain the most intact ecosystems and provide the most effective and sustainable form of conservation.” As she maintains in her report, “studies have demonstrated that the territories of indigenous peoples who have been given land rights have been significantly better conserved and protected against deforestation than the adjacent lands.”³²

The report underscores the finding in many countries that in ancestral lands where indigenous peoples have not been awarded land rights and even where protected areas have been declared, corporations involved in raw material extraction, agribusiness and infrastructure are making increasing incursions.

The report reveals the historical reality that originally, conservation schemes were unfairly designed to drive out indigenous peoples and to promote commercial tourism.

Based on her report, the need to reform conservation in line with indigenous peoples’ rights is both critical and urgent. It is critical because while covering only 22 percent of the world’s total land surface, they hold 80 percent of the planet’s biodiversity.³³

As Ms. Tauli-Corpuz argues, the need is urgent as well since all 196 countries that have signed up to the Convention on Biological Diversity not only require full respect of indigenous peoples’ rights and participation in protected areas, but also target expansion of protected areas to 17 percent of inland areas and 10 percent of coastal and marine areas by 2020. On top of this, the Special Rapporteur supplies even more reasons for urgency:

“ Protected areas continue to expand, yet threats against them from extractive industry, agribusiness, energy and infrastructure projects are also increasing, and thus the urgency to address effective, collaborative and long-term conservation

*is of paramount importance. The escalating incidence of killings of indigenous environmentalists further underlines the urgency that conservationists and indigenous peoples join forces to protect land and biodiversity from external threats.*³⁴

”

As the report affirms, indigenous peoples in protected areas enjoy collective and individual rights in international environment and human rights laws. Besides, the International Union for the Conservation of Nature (IUCN), the institution tasked to craft global policy on protected areas, is committed on paper to promote full participation of indigenous peoples in managing them. But sadly, as the Special Rapporteur admits in her 2016 report to the UN General Assembly, these “new policies have been slow in transferring from paper to practice.”³⁵

But even conservation policy as set by the IUCN continues to undergo even further improvement. Ms. Tauli-Corpuz has expressed her appreciation that as Special Rapporteur, she has managed to help influence IUCN conservation policy for the better. Recognizing her authority and expertise on this concern, the IUCN has sought her advice, inviting her to present a report at the IUCN World Conservation Congress held in Hawaii last September 2016. But even more notable is that the IUCN would as a result adopt important resolutions taking into consideration some of her recommendations. Among these was Resolution 097 encouraging governments to work with indigenous peoples in creating and enforcing law and policies and thus protect indigenous peoples from unsustainable development. Another resolution called for improving the participation of indigenous peoples’ organizations in the structure of IUCN.³⁶

In her report, the Special Rapporteur pinpoints what she has investigated to be the primary problem behind this gap between policy and practice:

“Deficient national legal recognition of indigenous peoples’ land rights continues to be the main obstacle which continues to block the important contribution of indigenous peoples

*in conserving biological diversity and their participation in conservation efforts.*³⁷

”

In this light, she calls for the needed changes in State policies and laws in support of indigenous peoples' effective control of their lands:

“ *I urge States to critically review their policy and legislative framework for the full recognition of the rights of indigenous peoples over their lands, territories and resources as enshrined in international human rights law.*

”

Still another source of concern for indigenous peoples has been the misappropriation or theft of genetic resources through corporate bioprospecting by transnational pharmaceutical and biotechnology firms, as well as of their traditional knowledge. Again, Ms. Tauli-Corpuz has been invited to share her expert insights, this time by the International Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, for the keynote address of its 29th Session in February 15, 2016. Once more, the invitation was well-selected since after all, Ms. Tauli-Corpuz had been among the indigenous peoples' representatives fortunate to have first set this agenda in the first few sessions of the IGC that took place more than 10 years before 2016.

In her address, she urged the State-members of the World Intellectual Property Office (WIPO) to fast-track negotiations and finally work out within two years a legally-binding treaty protecting indigenous peoples' rights over their genetic resources and traditional knowledge.

Amid these intense challenges, Ms. Tauli-Corpuz celebrates the fact that “[w]hile it is no secret that good practices for the promotion and protection of indigenous peoples' human rights are still few and far between, examples are emerging.”³⁸

One such example that Ms. Tauli-Corpuz has often cited is the way that the UN International Fund for Agricultural Development (IFAD) has institutionalized indigenous issues.

She commends the IFAD for forming the Indigenous Peoples' Forum, which meets every two years, as well as for installing a "quality assurance system which reviews country and thematic projects and programmes to check whether indigenous peoples' issues are addressed, particularly in countries where indigenous peoples live."³⁹ Among the good practices in conservation policy, she praises exception clauses as the most significant:

“ *The most important one worth mentioning is the inclusion of exception clauses to protect the rights of indigenous peoples and promote sustainable development. For example, indigenous land could be exempted from non-discrimination and expropriation clauses.*⁴⁰

”



Indigenous Women and Children

Taking up both her mandate and her own personal pledge, Ms. Tauli-Corpuz in the 30th Session of the Human Rights Council on August 5, 2015, presents an in-depth reading of the human rights situation of the world's indigenous women.⁴¹ Here she concludes that:

“ *Abuses of indigenous women's collective; economic, social and cultural; and civil and political rights are varied and severe. Those violations are alarming infractions on their own, but constitute a form of structural violence against indigenous women whereby they are victimized by the realities of the circumstances of their everyday life.*⁴²

”

In her report, she describes a highly intricate web of interacting drivers behind the gross marginalization of indigenous women. In doing so, she succeeds in tracing the connections of gender to class, ethnic origins and socio-economic conditions, as well as of their individual rights to their collective rights.

She regrets that “[d]espite the progress made, systematic attention to the specific vulnerability of indigenous women has remained limited in relation to the scale of abuses against them.”⁴³ As such, she calls for a better understanding of how and why oppression of entire indigenous communities and of indigenous women reinforce each other.

In the report, she criticizes the reality that “[i]n the battle for indigenous communities to assert their right to self-determination, women's rights have often been considered divisive and external to the indigenous struggle and connected to ‘external values’ or ‘Western values’ that privilege individual over communal rights.”⁴⁴

Here in this report, Ms. Tauli-Corpuz also weighs against the way corporate and commercial appropriation of indigenous peoples' lands by business and mass tourism has weakened indigenous women's power, security and well-being:

“ *Land appropriation is not gender neutral and indigenous women's rights interact with violations of collective land rights. In indigenous communities where matriarchy and matrilineal practices exist, the loss of land will likewise undermine indigenous women's status and roles. The gendered effects of those violations become manifest in situations where indigenous women lose their traditional livelihoods, such as food gathering, agricultural production, herding, among others, while compensation and jobs following land seizure tend to benefit male members of indigenous communities. The loss of land and exclusion of women can create vulnerability to abuse and violence, such as sexual violence, exploitation and trafficking. Additionally, the secondary effects of violations of land rights, such as loss of livelihood and ill health, often disproportionately impact women in their roles of caregivers and guardians of the local environment.*”⁴⁵

Consistently self-critical, Ms. Tauli-Corpuz in her August 6, 2015 report does not shirk from exposing and critiquing gender inequalities within indigenous communities themselves:

“ *The roles that women hold within indigenous communities and...indigenous property frameworks reflect patriarchal power structures. Indigenous women commonly experience significant barriers to holding and inheriting land, especially when they are widowed.*⁴⁶ ”

While the Special Rapporteur in her report asserts that indigenous peoples are more impoverished and unemployed than non-indigenous people, she also describes how and why indigenous women suffer even more than indigenous men from their poverty and the violation of their economic and social rights:

“ *Like poverty, violations of the right to food affect indigenous women directly and also have a disproportionate impact on them because of their roles as food and water providers, caregivers and managers of resources.*⁴⁷ ”

Her report makes it clear that, as with their economic and social rights, so is this situation reflected as well with respect to their cultural rights:

“ *Indigenous peoples, in particular women, tend to have low levels of educational attainment and literacy compared with non-indigenous populations...*

[I]ndigenous children often experience significant gaps in educational attainment compared with non-indigenous populations and dropout rates are high among indigenous children...

*[I]ndigenous girls tend to be more disadvantaged than indigenous boys. In addition to the factors impacting overall indigenous dropout rates, girls can experience a number of additional barriers. Firstly, their role within communities often means that they are expected to help with domestic and care responsibilities. Secondly, indigenous girls may also be subjected to child marriage, so that their roles as wives and sometimes child bearers mean that they have to leave school. Thirdly, indigenous girls may face the risk of sexual violence and rape during long journeys to school.*⁴⁸ ”

After illustrating through various examples how indigenous peoples and children suffer greater health inequalities compared with non-indigenous people, she explores the matter even further, through gender analysis:

“ *Women acutely feel the low levels of health within indigenous communities. They are disproportionately affected by illness owing to reduced coping capacity caused by the denial of broader rights. Women also play a primary role in overseeing the health and well-being of their families and communities, and can be particularly affected by the suffering of children and other family members. Their gender and role as child-bearers also make them vulnerable to specific health difficulties.*

*Lack of respect for indigenous cultures is evident across all violations of indigenous peoples and is a fundamental part of the experiences of indigenous women and girls. The commodification of the cultures and cultural heritage of indigenous peoples is a common experience for many indigenous peoples. For example, indigenous territories have been declared World Heritage Sites without their free, prior and informed consent, thereby turning them into tourist areas. In most cases, the people who reap the biggest benefits are foreign or national travel and tour agencies or hotel owners.*⁴⁹

”

As for civil and political rights of indigenous women, Ms. Tauli-Corpuz has these to say:

“ *Indigenous women and girls experience racism and racial discrimination as members of indigenous communities. Such violations of their rights also increase their vulnerability to other human rights abuses, as they are part of the intersecting forms of discrimination and inequality that they face... However, in reality, indigenous women are often excluded from both indigenous decision-making structures and local and national political processes in States...*

[R]eports suggest that indigenous women are overrepresented in the criminal justice systems and the number of indigenous

women in custody is increasing in a number of countries, including Australia, Canada and New Zealand...

Issues associated with disregard for collective and individual indigenous rights—such as abuse of women, mental health problems and poverty—have been identified as causal factors in criminal behaviour among indigenous women...

It has been estimated that more than one in three indigenous women are raped during their lifetime... In Fiji, India, Myanmar, Nepal, the Philippines, Thailand and Timor-Leste, the militarization of conflict over indigenous land has led to gang-rape, sexual enslavement and killing of tribal women and girls... Practices commonly carried out in the name of tradition, such as female gender mutilation and child marriage, impact some but not all indigenous communities... [A]vailable data suggests that indigenous women are significantly more likely to be victims of domestic violence than non-indigenous women.⁵⁰

”

In an assessment in her report, Ms. Tauli-Corpuz pinpoints gaps in analysis and lack of attention in the work of the UN itself concerning indigenous women issues:

“*Despite the severity and regularity of violations of the rights of indigenous women, the attention of much of the United Nations human rights and development policy architecture has been limited... [A] number of development and other policy mechanisms, including the Millennium Development Goals, the proposed [S]ustainable [D]evelopment [G]oals and the Beijing Platform for Action, have given disproportionately low attention relative to needs.⁵¹*

”

At the same time, Ms. Tauli-Corpuz observes and reports a positive counter-trend in the horizon: “There are, however, promising signs that the gap in monitoring indigenous women's rights is closing.” Among the good practices she has identified, she makes special mention of a native American tribe cited earlier by the UN Special Rapporteur on violence against women:

“ [T]he tribal justice system of the Eastern Band of Cherokee Indians in the United States has an effective infrastructure to provide safety of women within their jurisdiction, including dedicated codes to address domestic violence and training for personnel of tribal law enforcement authorities, tribal courts, prosecutors and probation officers.⁵² ”

She notes that many tribes, including the Eastern Band of Cherokee Indians and her own Kankana-ey Igorot tribe, banish from their communities perpetrators of violence or rape against women so as to prevent the victims from fleeing their homes and to keep incidences of rape at very low levels.

And finally, based on this in-depth and insightful reading of the state of the world's indigenous women and girls, Ms. Tauli-Corpuz comes up with concrete long-term and short-term recommendations of great practical value. These include short-term recommendations seemingly mundane but very much relevant and urgent, such as ensuring birth registration of indigenous children in national systems. Among only a few of the many other recommendations she has batted for are the following:

- a) Develop an intercultural approach to health, and support reinforcement of traditional healing and health practices of indigenous peoples that have been proven to be effective;
- b) Review and improve poverty-reduction programmes, such as conditional cash transfers, to ensure cultural and gender sensitivity;
- c) Develop educational materials that sensitize non-indigenous populations to the cultural realities of indigenous communities and women;
- d) Explore the feasibility of implementing quota systems for indigenous women's representation in local and national politics;
- e) Consider the development of the special tribunals to ensure access to justice for indigenous women following abuses of their human rights.

Furthermore, she advocates deeper research into the root causes of food insecurity, domestic violence, over-representa-

tion in prisons and violation of collective and individual rights in general among indigenous women.

Finally, she urges States to “Consider developing national action plans on indigenous women’s rights, which are strongly linked with clear monitoring and accountability systems.”

These analysis and recommendations are made all the more credible and authoritative, as they genuinely are, coming from the first woman and first indigenous UN Special Rapporteur on the Rights of Indigenous Peoples.



Communications on Alleged Violations of Indigenous Peoples’ Rights

A major facet of Ms. Tauli-Corpuz’s tasks and work has been to respond to alleged violations of the rights of indigenous peoples by sending to the concerned governments confidential communications requesting information, offering comments and recommending actions. Among the communications she has transmitted during her first two years as UNSRRIP are those listed down and categorized by global region and topic in Table 1.

As Table 1 indicates, the communications generated by the Special Rapporteur from June 2014 to May 2016 tackled a wide variety of key issues and complaints, ranging from the adverse effects of the Trans-Pacific Partnership (TPP) to lack of indigenous peoples’ control of their ancestral lands to environmental and civil rights abuse issues. Making up the leading topics of concern were the TPP (10), environmental destruction from mining and oil extraction/exploration (4 each), and state-military repression (5). Communications to the governments of Central and South America topped the list categorized by region, accounting for 21 of the 49 communications. The high number of complaints and high level of concern vis-à-vis the TPP from nearly all the regions shows that Ms. Tauli-Corpuz’s decision to pay special attention on impact of corporate laws and dispute settlement mechanisms on indigenous peoples was well-justified and appropriate.

Table 1: Communications by UNSRRIP Victoria Tauli-Corpus by Region, Countries and Topic of Concern, June 2013 - May 31, 2016.

Topic of Concern	Central South America	Asia	N. America Europe Russia	Africa	Australia New Zealand	No.
Trans-Pacific Partnership Agreement	Peru	Brunei Japan Malaysia Singapore Vietnam	Canada Mexico		Australia New Zealand	10
Land tenure/land usurpation	Belize	Cambodia				2
Reclaiming indigenous land	Brazil					1
Financial abuse/eviction	Ecuador					1
Reduction of social services					Australia	1
Health discrimination and government neglect	Colombia					1
Environmental destruction (oil/business)	Ecuador Peru (3)					4
Environmental destruction via illegal logging	Brazil					1
Environmental destruction via mining, metal pollution	Brazil		US (2)		Australia	4

Dislocation from dam, infrastructure projects	Ecuador	India Laos	US			4
State-military repression	Guatemala	Philippines (2) Indonesia (2)				5
Violent conflict with state-civilian forces		Bangladesh				1
Violence to /displacement of indigenous peoples	Nicaragua					1
Violence related to issues of income-sharing in indigenous lands		Nepal				1
Killings, arrests and harassment of indigenous leaders	Brazil Honduras					2
Arrests, detention or harassment of indigenous leaders	Peru Honduras Chile		Mexico (2) Russia			6
Organized assaults				Tanzania		1
Suppression of demonstrations	Nicaragua	Indonesia				2
Lack of participation and benefits in peace talks	Colombia					1
Total	21	15	8	1	4	49

Country Reports

These thematic conclusions that cut across countries, though with specific country variations, are often supported by the Special Rapporteur's assessments of indigenous peoples' rights in selected countries.

Normally based on fresh and up-close-and-personal data gathered in intensive visits and meetings in host countries, these country reports help pinpoint both the leading good practices and the heaviest obstacles to realizing indigenous peoples' rights in each country. These visits and reports also provide the Special Rapporteur arenas whereby she is able to lend her special expertise and practical and hands-on problem-solving acumen in helping find creative solutions to the most severe and complex violations of indigenous peoples' rights. Her background and current activities as indigenous leader and activist-at-large concurrent with her mandate as Special Rapporteur affords her the natural facility and grassroots-oriented understanding helpful in connecting and seeking solidarity with other indigenous leaders and representatives of indigenous organizations and networks.

Not only have these country reports been the fruit of numerous travels to various regions within each of the host countries and a multitude of meetings with national and local government executives, lawmakers and members of the judiciary. These reports are likewise the end-products of a large number of the Special Rapporteur's visits to indigenous peoples in their villages, to indigenous lands, to representatives of various indigenous peoples and to their national networks. These visits have brought her face to face as well with civil society and human rights groups working with indigenous communities. Ultimately, these reports strongly draw upon the wealth and abundance of concrete information from which Ms. Tauli-Corpuz as UNSRRIP has extracted and processed into recommendations the collective wisdom of indigenous peoples and organizations, civil society organizations and governments.

Among these country reports and their major conclusions include:

Official Visit to the Sami people in the Sapmi region of Norway, Sweden and Finland (August 25 to 27, 2015)

In her August 9, 2016 report to the UN Human Rights Council on the human rights situation of the Sami people, Ms. Tauli-Corpuz expressed the general finding that their indigenous peoples' rights "do not appear to be sufficiently established, implemented or judicially protected in Norway, Sweden or Finland, resulting in their perpetual insecurity and instability."⁵³ According to the report, the surge in natural resource investments such as construction, mining, windmills, hydroelectric dams, overhead power lines, oil and gas installations in indigenous lands largely reliant on reindeer-herding has sparked social conflict.

The Special Rapporteur found that as in many other indigenous lands in other countries, the Sami people do not enjoy substantial legal control and ownerships of their ancestral lands despite commitments to the UNDRIP and the presence of an indigenous Sami Parliament. As her detailed report bears out, the dominant governments and laws in the Sapmi region fail to substantially recognize indigenous peoples' rights over their lands, water and natural resources. In her report, Ms. Tauli-Corpuz describes this situation in Norway:

“ While the process for identifying rights in the entire County of Finnmark has yet to conclude, the Special Rapporteur notes that in the investigations concluded to date, the Commission has almost exclusively found no grounds for recognizing Sami individual or collective ownership or usage rights beyond usage rights already granted to all inhabitants in Finnmark. Such conclusions seem to have been motivated by the State's active and extensive disposition of land and resources in the investigated fields which is seen to have precluded property or usage rights for the local population.⁵⁴

”

At the same time, as with her country assessments, Ms. Tauli-Corpuz's Sami report serves as a channel for the collective, often ignored voices and enduring ecological wisdom of indigenous peoples. Her report points out:

“ *The Special Rapporteur heard explanations from Sami representatives that resource areas, the diversity of nature, cultural monuments, the landscape and the fjords comprise an important part of the basis for their culture. The management of areas, nature and cultural heritage is therefore important to ensure the basis for preserving and developing Sami culture. It is important to find good solutions for the management of the use and conservation of natural resources that secure the reindeer husbandry, fresh and seawater fishing, small-scale farming, hunting and gathering that are important to Sami culture.* ”

Official Country Visit to Honduras (November 2 to 10, 2015)

Ms. Tauli-Corpuz's report on Honduras, where indigenous leader Berta Caceres was murdered, is particularly dire and scathing:

“ *The situation of the indigenous peoples of Honduras is critical, since their rights over their lands, territories and natural resources are not protected, they face acts of violence when claiming their rights, in a general context of violence and impunity, and they lack access to justice. In addition, they suffer from inequality, poverty and a lack of basic social services, such as education and health... They call for immediate and decisive protection measures...*⁵⁵ ”

In a statement issued on March 4, 2016, Ms. Tauli-Corpuz would go on to sound out a wake-up call against the killing across the globe of indigenous activists such as Berta Caceres:



“ Berta is the latest name on a long list of indigenous activists who have been murdered for standing up for their human rights. It is time for the nations of the world to bring perpetrators to justice and to protect indigenous rights activists peacefully protesting the theft of their lands and resources.⁵⁶ ”

Brazil (March 7 to 17, 2016)

In the case of Brazil, the Special Rapporteur praises a number of positive developments that support the rights of indigenous peoples. Among those she cites are:⁵⁷

- “[C]onstructive and proactive role of specialized agencies” of the Brazilian government, such as the National Indian Foundation (FUNAI) and the Public Prosecutors’ Office;

- “[E]stablishment of an internationally recognized legal and administrative framework for the demarcation of indigenous lands and the protection of land rights”; and
- “[O]rganization of the first national conference on indigenous policies, aimed at encouraging the State to review and revise colonial-based attitudes and policies towards indigenous peoples, and the establishment of the National Commission on Indigenous Policies.”

Alongside this, however, Ms. Tauli-Corpuz’s report highlights the deteriorating trend in the past eight years: “a worrying regression in the protection of indigenous peoples’ rights.”⁵⁸ It deeply traces these transgressions of their rights in part to what she calls “structural issues,” specifically:

“ *The concentration of economic and political power in the hands of a small segment of Brazilian society has historically contributed to the exploitation of the lands and resource of indigenous peoples, without consideration for their rights or well-being...*

*The observation of the previous mandate holder that ‘indigenous peoples as a whole are disadvantaged economically and in terms of access to political power in relation to most of the rest of Brazilian society’ would, unfortunately, appear to be even more pertinent today, with indications of deep-seated structural discrimination towards indigenous peoples being on the increase and institutional changes serving to further disempower them.*⁵⁹

”

On the other hand, she appreciates the fact that citing her statement during her 2015 visit to Brazil warning of threats to the livelihood of indigenous communities, a federal court cancelled the environmental permit of a Spanish-led megatourist project to undertake construction on the indigenous land of the Trembe people.⁶⁰

Finally, in response to the most pressing challenges facing Brazil’s indigenous peoples, Ms. Tauli-Corpuz’s report puts forward an array of much-needed yet doable key recommendations that include:⁶¹



- Strengthen State institutions, such as FUNAI;
- Build the capacity of State officials, including senior members of the executive and lower court judges, in the light of their inappropriate application of doctrines that deny rights;
- Redouble efforts in land demarcation and protection;
- Conduct “a public campaign aimed at eliminating racism, discrimination, hate speech and violence towards indigenous peoples.”
- Initiate an “independent and transparent national inquiry into violations of their rights.”

In her mission report, she urges the Brazilian government to:

“ [In] collaboration with representatives of indigenous peoples and in accordance with their right to self-determination, develop a national action plan for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in keeping with Brazil’s commitment at the World Conference on Indigenous Peoples.⁶² ”

All these insights and policy proposals, as Ms. Tauli-Corpuz envisions it, are geared to a new redefining of partnership of the State and indigenous peoples based on mutual respect. As she puts it:

“Brazil owes a historical debt to its indigenous peoples who have suffered marginalization and discrimination since the formation of the State. Despite the hardships they have endured, they remain unwavering in their resolution to preserve their lands, to maintain and develop their cultures, customs and languages and to determine their own futures. Rather than being seen as a burden on the State or an obstacle to national development, their contributions to Brazilian society should be widely recognized and fully appreciated and celebrated. With this in mind, Brazil should embark on an inclusive process of belated State-building with its indigenous peoples premised on respectful and just relationships between self-determining peoples.”

Paraguay (November 21 to 28, 2014)

Her report on Paraguay in 2015 offers a similarly alarming assessment and equally urgent call to action:

“Paraguay has a constitutional framework in which the rights of indigenous peoples are recognized. However, this normative framework has not been translated into the legislative, administrative or other measures needed to ensure the enjoyment by indigenous peoples of their human rights, in particular their fundamental right to self-determination and their rights to their lands, territories and natural resources. The lack of access to justice and the persistence of racism and discrimination are also causes for concern.

There is a widespread lack of legal protection for indigenous peoples' rights over their lands, territories and resources, which are vital to ensure their survival and uphold their dignity. This situation gives rise to numerous conflicts and

*human rights violations. The Government of Paraguay should regard this as an emergency situation.*⁶³ ”

Her report presents a picture of Paraguay's indigenous peoples' access to justice, participation, consultation that is both dismal and discouraging:

“ *The Special Rapporteur received numerous reports about the lack of redress in cases where the human rights of indigenous peoples have been violated. She has learned, for example, about the situation of the Mbyá Guaraní communities in the Caazapá, Itapúa and Misiones departments, who were moved from their lands in the 1970s—without adequate compensation—to make way for the building of the Yacyretá hydroelectric dam...*

There is a widespread problem in terms of non-compliance with the State's obligation to engage in consultation before it adopts legislative, political and/or administrative measures that directly affect the indigenous peoples and their lands, ”





“ territories and natural resources. The majority of institutional projects and programmes for indigenous peoples about which the Special Rapporteur has received information, including those conducted by the Secretariat for Social Action, have not included a consultation process.⁶⁴ ”

The situation of Paraguay’s indigenous peoples with respect to racism and discrimination as reported by Ms. Tauli-Corpuz is likewise revealed as distressing:

“ The Special Rapporteur believes that racism and discrimination are at the heart of many of the problems faced by indigenous peoples in Paraguay. The indigenous populations have historically suffered, and continue to suffer, from multiple, intersectional forms of discrimination that interfere with their enjoyment of all their human rights. Although discrimination is prohibited under the Constitution, the State has not taken the necessary measures to put this prohibition into practice, and a general anti-discrimination law has yet to be passed.⁶⁵ ”

In her Paraguay reports as with her country assessments, Ms. Tauli-Corpuz adopts a holistic, multi-dimensional analytical approach that takes into adequate consideration socio-economic factors confronting indigenous peoples:

“ *The socio-economic problems of the indigenous peoples of Paraguay cannot be separated from the socio-economic circumstances of the country as a whole. As pointed out by the Special Rapporteur on extreme poverty and human rights, there are a series of structural factors in Paraguay, including corruption, vast inequality, a regressive tax structure, the concentration of landownership and environmental degradation, which, combined with institutional weaknesses, hinder progress in alleviating poverty.*”⁶⁶

In the light of these acute problems, the Special Rapporteur’s report advances a broad spectrum of deep-going reforms ranging from building a “new legal framework for indigenous peoples’ rights over their lands, territories and natural resources” to “their right to establish their own educational systems in their own languages.”⁶⁷

Call to Paradigm Shift

But in a typical way, Ms. Tauli-Corpuz's reports do not end there. She takes her analysis and recommendations even much further by boldly raising it to the long-term level of paradigm and world view. Thus she calls upon all involved to examine, address and root out indigenous problems and issues as they remain shaped by what she terms "the dominant paradigm."

Ms. Tauli-Corpuz singles out neoliberal economic theory and practices among this paradigm's key facets:

“*Neo-liberalism is an economic paradigm that champions the power of market forces and argues that, if left unregulated, markets will deliver global development. Neo-liberalism grew in dominance in the latter part of the twentieth century and infiltrated development policy. The entry of foreign direct investments in indigenous territories to exploit mineral resources and establish mega-infrastructure projects without the free, informed and prior consent of the citizens impacted by market liberalization and deregulation has led to systematic violations of indigenous land rights and self-determination. The global dominance of neo-liberalism has led to development that is measured by overall growth figures, but which gives little weight to whether such development leads to a reduction in inequality or poverty alleviation therefore significantly disadvantaging vulnerable groups, such as indigenous peoples and women.*

*Another way in which neo-liberalism has affected indigenous peoples and women are related to the structural adjustment policies of the International Monetary Fund and the World Bank. Such policy interventions, which are based on neo-liberal doctrines, prescribe harsh fiscal austerity programmes as a remedy for economic underdevelopment and a high ratio of indebtedness in relation to gross domestic product. Dramatic decreases in government spending routinely result in cuts to vital services, which disproportionately impact the most vulnerable, including indigenous women.*⁶⁸

”

To this powerful critique, she adds:

“ *The progressive realization of the economic, social and cultural rights of indigenous peoples clearly cannot be achieved through the perpetuation of the dominant development paradigm which promotes exclusive and distorted economic growth which favors a small number of wealthy elites and certain geographical areas. The unprecedented inequality seen today within and between countries and the multiple financial, environmental, energy and food crises the world faced speak of the failures of this economic and social development model.*”⁶⁹

Ms. Tauli-Corpuz also identifies a second facet of this paradigm: a global power imbalance:

“ *The associated ‘implementation gap’ between law and practice is often symptomatic of power imbalances between vulnerable indigenous peoples and powerful political elites who seek to benefit from exploitation of resources found in their territories...*

Therefore, even in jurisdictions with advanced legal frameworks, deep-rooted structural discrimination and vested interests can render ineffective the legal protections afforded to indigenous peoples.”⁷⁰

Such unequal power relations between indigenous peoples and corporations and States also contribute to endemic levels of poverty among indigenous peoples...

While investors are able to access a strong and arguably disproportionate form of remedy, States and/or indigenous peoples are often unable to effectively legally challenge corporate practices that severely undermine the realization of human rights. That contributes to a dangerous accumulation of power among international corporate actors, which impedes States’ abilities to act as an effective regulator and protector of human and indigenous peoples’ rights.⁷¹

In her report on Brazil, she traces to the entrenchment of the economic and political elite the continuing violations of indigenous peoples' rights such as the killings and the eviction of the Kaiowa Guarani people in Mato Grosso.⁷²

In her reports, Ms. Tauli-Corpuz points to a third facet of this dominant paradigm: Western individualist culture and its corrupting influence on what used to be communal indigenous values of some indigenous communities. She describes this influence as follows:

“ Indigenous communities that have moved away from their ancestors' cosmovision, views, and rituals may have been negatively influenced by the western model of development, which gives priority to the individual's success over that of the community.⁷³

”

In the long haul, what the Special Rapporteur is advocating amounts to a broad-ranging profound paradigm shift in public policy as well as in the day-to-day practice of development to that which is distinctly guided by and indelibly imbued with the age-old traditional communal and ecological wisdom and spirit of indigenous peoples.

As such, readers are well-advised to read these reports contained in the following pages of this book in their entirety. They bear a wealth of wisdom and insight that flows from the great rich tradition of indigenous communal knowledge and lifeways passed on through countless generations. They also depict a microcosm of the struggles of indigenous peoples against all odds in the work of one global indigenous leader, Special Rapporteur Victoria Tauli-Corpuz. Through these reports, it is hoped that more and more people realize the unassailable truth that indeed, indigenous peoples make up a significant slice of the world much upon whom will hinge the future of humankind and its planet.

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Chapter two



Annexes

A. Submission of information to the Special Procedures

What are the Special Procedures?

The Special Procedures of the Human Rights Council are independent human rights experts who:

- monitor the situation in countries through visits;
- act on complaints of alleged human rights violations by sending communications;
- conduct thematic studies and organize expert consultations;
- contribute to the development of international human rights standards;
- engage in advocacy and raise public awareness;
- and provide advice for technical cooperation to Governments.

The experts report annually to the Human Rights Council, and the majority of the mandates also report to the General Assembly.

More information on the special procedures can be found at: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

List of thematic mandates: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM

List of country mandates: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx

What are Communications?

Communications are letters sent by the Special Procedures to Governments and others, such as intergovernmental organisations, businesses, military or security companies.

In these letters, the experts report on allegations of human rights violations they have received, regarding:

- past human rights violations – which can be the object of a letter of allegation;
- on-going or potential human rights violation – which can be the object of an urgent appeal;
- concerns relating to bills, legislation, policies or practices that do not comply with international human rights law and standards.

The expert(s) will in the letter present the allegations and request clarifications on them. Where necessary, the experts request that the concerned authorities take action to prevent or stop the violation, investigate it, bring to justice those responsible and make sure that remedies are available to the victim(s) or their families. The experts also recall the applicable human rights provisions in these letters.

There are other procedures applicable to the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances; please consult their methods of work here:

<http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

<http://www.ohchr.org/EN/Issues/Disappearances/Pages/MethodsWork.aspx>

The complaints procedure of the Special Procedures is not a quasi-judicial procedure, and the Special Procedures do not have power or authority to enforce their views or recommendations.

There are also procedures for complaints which fall outside of the Special Procedures system - through the complaints procedures to the Treaty Bodies and the Human Rights Council Complaint Procedure.

What is the purpose of communications?

The purpose of communications is for the Special Procedures to:

- draw the attention of Governments and others on alleged human rights violations;
- ask that the violations are prevented, stopped, investigated, or that remedial action is taken;
- report to the Human Rights Council on communications sent and replies received, therefore raising public awareness on individual, and group cases as well as legislative and policies developments they have addressed in a given period.

What do Communications address?

The communications address:

- allegations of violation of the human rights of one or more individuals;
- allegations of violation of the human rights of a group or a community;
- allegations that a bill, a law, a decree, a policy and/or a practice is not in compliance with international human rights law and standards.

What are the criteria applied to act on a submission?

Each expert will decide whether she/he will take action on a given submission, on the basis of the information received and the scope of her/his mandate.

This decision depends also on criteria laid down in the Code of Conduct for the experts (“Code of conduct of the Special Procedures mandate-holders of the Human Rights Council”, Human Rights Council resolution 5/2):

- the communication should not be manifestly unfounded or politically motivated;
- the communication should contain a factual descrip-

- tion of the alleged violations of human rights;
- the language in the communication should not be abusive;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.

Experts will not require that the concerned State has ratified an international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication.

Who can submit information, and how?

Any individual, group, civil-society organization, inter-governmental entity or national human rights bodies can submit information to the Special Procedures.

The form that you are about to access includes information that is both required and desirable in order for experts to properly examine a case and take action as needed. If you are not able to complete the form online, you may send your submission via e-mail to urgent-action@ohchr.org. Post submissions may be sent to OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneve 10, Switzerland. In order to keep track of submissions, you are encouraged to use the online form.

What happens with my submission?

When received, information is screened and directed to concerned Special Procedures mandates.

If information has been submitted through the online form or by e-mail, you will receive an automatic acknowledgment that your submission has been received. This does not mean that experts have taken action on the submission.

If one or more expert(s) send(s) a communication on the basis of your submission, you will not be notified, as this

information remains confidential until the communication is published in one of the three reports compiling the communications to the Human Rights Council each year.

For more information on these reports please see:

<http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>

Consent and confidentiality

Because communications are aimed at soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims, these have to be as comprehensive, detailed and precise as possible. Therefore, communications sent to a Government or an intergovernmental organisation, a business, a military or security company, will by default include the name(s) of the alleged victim(s). However, if the victim(s) or her/his/their representatives make(s) it clear in the submission that concerns relating to the security of the alleged victim(s) exist, the experts may exceptionally decide to withhold the victims' names from the communication.

Reports compiling communications sent and responses received are published in a report prepared for each session of the Human Rights Council. These reports contain the letters sent by the experts, including the names of the alleged victims – except alleged victims under 18 years of age or alleged victims of sexual violence, whose names are not published. If it is clear from the submission that concerns relating to the security of the alleged victim(s) exist, the report will not mention the victim(s) by name.

It is extremely important that alleged victims and/or their families or representatives indicate in their submissions whether they DO or DO NOT consent that:

- the names of the victims be disclosed in the communications to Governments, intergovernmental organisations, businesses, military or security companies.
- the names of the victims appear in a public report to the Human rights Council.

How much time does the process take?

The experts strive to act as quickly as possible on the submission of information, with attention given to the most serious and urgent cases. Cases may be taken up within 24 hours of their submission. However, it may take longer particularly when sufficient information is not available in the submission. You should provide detailed but concise information and attach key substantiating information only.

Use of the online form is highly recommended.

Due to the number of submissions received and the initial confidentiality nature of communications, it is not yet possible to provide status updates on submissions. You are therefore encouraged to regularly check the Communications Reports.

The online form

Each page of the online form contains “Help and information” to help users navigate the form.

Certain fields are mandatory and marked with an asterisk. You must complete these fields in order to submit the form.

You may save the form at any point and come back to it within 24 hours.



B. Submitting Information to the Special Rapporteur

To carry out her work, the Special Rapporteur relies heavily on information from indigenous peoples, their organizations and NGOs. The Special Rapporteur encourages these sources to submit information that relates to her mandate from the Human Rights Council, which is to promote the human rights of indigenous peoples and address specific situations in which their rights are being violated. This information may be about positive developments, studies or conferences of interest, new initiatives, or problem situations.

Information alleging human rights violations

The Special Rapporteur is authorized to act on credible information alleging human rights violations of indigenous peoples. No formal requirements exist for submitting information to the Special Rapporteur on alleged violations. Neither exhaustion of domestic remedies nor a detailed legal argument about the case is required. Any person, group or organization can send information to the Special Rapporteur irrespective of the relationship with the victim(s) of the alleged violation.

Information submitted to the Special Rapporteur on alleged violations should include a detailed description of the circumstances of the case. It should be precise and as brief as possible while providing a complete statement of the situation, and may be accompanied by annexes providing written or graphic evidence of the facts. See below on information to be included in submission.

Procedure for communications on alleged violations

Types of cases

The mandate of the Special Rapporteur is broadly defined, and thus her communications have focused on a wide range of issues related to the rights of indigenous peoples, both individual and collective. Past communications include cases of killings, tortures, threats, and other abuses committed against indigenous leaders and community members. In addition, the Special Rapporteur has sent communications in relation to violations of indigenous peoples' rights over lands and natural resources, such as dispossession and removal, lack of prior consultation regarding development projects, etc. The Special Rapporteur has also intervened with regard to the content of national legislation and policies that have a direct impact on indigenous peoples. At present, given the existence of other United Nations mechanisms to address violations of individual rights, the Special Rapporteur gives priority consideration to those cases involving infringements of the collective rights of indigenous peoples, in particular the collective rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples.

Requirements

No formal requirements exist in order for the Special Rapporteur to receive information or to send communications on alleged violations. Neither exhaustion of domestic remedies nor a detailed legal argument about the case is required. Any person or organization can send information to the Special Rapporteur irrespective of the relationship with the victim(s) of the alleged violation.

Procedure

As information arrives, the Special Rapporteur first seeks to determine the validity of the information and decides whether it is advisable to send a communication to the Government concerned. The decision to intervene is at the discretion of the Special Rapporteur. Due to the large number of cases received, it is impossible to respond to every situation. This decision will depend on various criteria including: the credibility of information received; the detail provided; the extent to which the case is representative of situations faced by indigenous peoples generally, and the possibility that intervention by the Special Rapporteur may have a positive impact.

If the Special Rapporteur determines that intervention on her part is appropriate given the relevant circumstances, ordinarily she will communicate with the Government concerned through either a written urgent appeal or an allegation letter. Depending upon the specificities of the case, a communication may be sent jointly with other Special Procedures mandate holders.

Follow-up

The Government may react to the Special Rapporteur's letter and investigate the alleged facts, and/or take action to prevent or end any violation, but this is not always the case. In some cases, the Special Rapporteur may follow-up with further communications or other types of actions. This follow up may consist of a written evaluation of the situation with specific recommendations, which may be included in a Special report. However, resource limitations make it impossible to follow-up on every case, and past experiences have shown that often the impact of the Special Rapporteur's actions depends on the mobilization of civil society and indigenous peoples' organizations, as well as on their efficient use of the mechanism.

Confidentiality

The communications are confidential and the sources are not disclosed. A summary of all the communications sent by the Special Rapporteur during the year, along with the responses received from the Governments concerned, are published as an addendum to the Special Rapporteur's annual report to the Human Rights Council.

Information on alleged violations should include, where applicable:

When and Where: Date, time and precise location of the incident (Country, region, municipality)

Victim(s) or Community Affected: Name, number and full details on the location of the indigenous people, community or individual(s) whose rights allegedly have been violated or are under threat.

What happened: Detailed circumstances of the alleged violation. If an initial event leads to others, please describe them chronologically. In cases of general measures, such as national legislation or policies, indicate their stage of development and how indigenous peoples have or will be affected by them.

Perpetrator(s): Detailed information on the person(s) or institution(s) responsible for the violation and their relation, if any, to the Government concerned. If circumstances require, provide an explanation of the reasons for suspecting responsibility of the person(s) or institution(s) identified.

Action taken by State authorities: If applicable, what actions have been taken by the relevant authorities to remedy the situation? Has the matter been reported to the administrative or judicial authorities of the State concerned? Note that exhaustion of domestic remedies is not a requirement.

This information merely aids the Special Rapporteur in understanding the allegation and developing an appropriate response.

Action taken before international bodies: Has any action been initiated before other international or regional human rights mechanisms? If so, at what stage are these other international actions?

Source: Name and full address of the indigenous people, organization or individual(s) submitting the information. These contact details are essential in the event the Special Rapporteur needs clarification or further information on the case. This information is kept confidential, unless the source authorizes otherwise.

Contact information

Anyone who wishes to submit information to the Special Rapporteur may do so in one of the following ways:

Email (preferred method): indigenous@ohchr.org

Please include “Communication regarding [country or indigenous people]” in the Subject Line

Fax: +41 – 22 917 90 06

Mail

Special Rapporteur on the rights of indigenous peoples

c/o OHCHR-UNOG

Office of the High Commissioner for Human Rights

Palais Wilson

1211 Geneva 10, Switzerland

New portal for submitting info to UN Special Rapporteurs
Human Rights: <https://spsubmission.ohchr.org/>



C. Summary of Communications Sent and Replies Received

1. Communications sent, 1 March to 31 May 2016; Replies received, 1 May to 31 July 2016

Date Type	Case No Country	Mandate(s)	Summary of the allegation transmitted	Reply
02/03/2016 JAL	USA 1/2016 United States of America	African descent; Hazardous substances and wastes; Health; Indigenous peoples; Minority issues; Racism; Water and Sanitation;	Alleged high levels of lead found in water consumed by residents of Flint, Michigan; and allegations that Flint is not an isolated incident but that disproportionate health risks are faced by communities and/or people of lower socio-economic standing due to toxics, pollution and other hazardous substances and wastes in the United States of America. According to the information received, inhabitants of the city of Flint were consuming water contaminated with lead when the state of Michigan changed the source for tap water in April 2014 but failed to apply standards to prevent contamination of the water. Several alerts and studies were dismissed by the authorities until 1 October 2015 when the Governor of Michigan admitted the gravity of the situation and urged residents to stop drinking water from the tap, declaring a state of emergency on 5 January 2016. On 16 January 2016 President Obama declared a Federal state of emergency for Flint in order to speed up distribution of bottled waters and filters. Up to 8,000 children under the age of six are alleged to have been exposed to lead poisoning and will need ongoing medical help with health and behavioural issues.	25/04/2016

08/03/2016 JUA	HND 2/2016 Honduras	Environment; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples; Summary executions;	Alegaciones de asesinato de una defensora de derechos humanos y el riesgo que corre otro defensor del derecho a la tierra. Según la información recibida, el 2 de marzo, la Sra. Bertha Isabel Cáceres Flores, miembro de la población indígena Lenca, Cofundadora y Coordinadora del Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH), fue asesinada en La Esperanza, departamento del Intibucá, por sujetos desconocidos. La Comisión Interamericana de Derechos Humanos había otorgado medidas cautelares a la Sra. Cáceres en junio de 2009. Según las informaciones recibidas, el Sr. Gustavo Castro Soto, fundador y actual director de la organización Otro Mundos, A. C. Chiapas, miembro del Movimiento Mexicano de Afectados por las Presas y en Defensa de los Ríos (MAPDER) de México, testigo clave en el asesinato de la Sra. Berta Cáceres habría sido herido durante el ataque y habría proporcionado a las autoridades su testimonio sobre los acontecimientos. Las autoridades hondureñas le habrían prohibido la salida del país. Se expresa preocupación por su seguridad física y psicológica.	14/03/2016 14/03/2016 17/03/2016 14/03/2016
14/03/2016 AL	FIN 1/2016 Finland	Indigenous peoples;	Letter concerning new legislation on land management, a lack of consultation with indigenous peoples during its development and potential adverse impact on the human rights of indigenous peoples. According to the information received, the Government's proposed new legislation on the Finnish Forest and Park Enterprise (Metsähallitus) will transfer regulation of the management of State owned lands and waters to a new State owned company. The reform will affect the majority of the traditional territory of the Sami indigenous peoples. Concern has been expressed that the proposed Bill was drafted without adequate consultations with the Sami people and that its lack of provisions safeguarding the rights of the Sami people may lead to a significant weakening of their rights over their lands and resources. This Bill was previously subject of a joint urgent appeal together with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on 15 December 2015, see A/HRC/32/53, case no. FIN 1/2015.	12/05/2016

24/03/2016 AL	COL 3/2016 Colombia	Indigenous peoples;	Alegaciones indicando el impacto de las negociaciones de paz que están teniendo lugar entre el Gobierno de Colombia y las Fuerzas Armadas Revolucionarias de Colombia (FARC) en la Habana sobre los pueblos indígenas. Se expresa una serie de graves preocupaciones en relación con las negociaciones de paz: la falta de participación de las organizaciones y autoridades representativas de los pueblos indígenas en el proceso de negociación de la paz; y el impacto que ciertas decisiones que ambas partes están adoptando en las negociaciones de la Habana pueden tener sobre los derechos de los pueblos indígenas, incluyendo discusiones sobre una política pública subsiguiente con el fin de poner en práctica los acuerdos de paz. Se expresa también preocupación por la falta de avances reales en la aplicación de las reparaciones colectivas para los pueblos indígenas. Se solicita que ambas partes de las negociaciones observen y respeten el derecho de los pueblos indígenas a ser consultados en relación con medidas que les afecten según establece el Convenio número 169 de la Organización Internacional del Trabajo.	
24/03/2016 UA	ECU 1/2016 Ecuador	Indigenous peoples;	Alegaciones de la falta de un proceso de consulta adecuada con pueblos indígenas. Según las informaciones recibidas, el 14 de enero de 2016, el Ministerio de Hidrocarburos firmó un contrato de explotación y exploración con la empresa china Andes Petroleum para los Bloques 79 y 83 de la Amazonia, que afectan directamente los territorios de los pueblos indígenas Sápara, Kichwa de Sarayaku, Achuar, Shiwiar, Kichwa y Huaorani, generando graves impactos socio-ambientales y amenazara su sobrevivencia e identidad cultural. Las alegaciones conllevarían presuntas violaciones del derecho a la consulta previa y consentimiento previo, libre e informado.	

24/03/2016 JAL	IDN 1/2016 Indonesia	Freedom of expression; Freedom of peaceful assembly and of association; Indigenous peoples; Summary executions; Torture;	Alleged excessive use of force, killing, torture, arbitrary detention and charges against individuals for the exercise of their rights to freedom of peaceful assembly and to freedom of expression. According to the information received, on 1 December 2015, indigenous Papuans commemorated their National Day through numerous peaceful demonstrations and prayer services across Indonesia. At demonstrations and events held in Jakarta, Yapen Island and Nabire, security forces used blockades, tear gas and violence to end the commemorations, resulting in the injury of 141 individuals and death of four individuals. Another 355 individuals were arrested and detained, and two were charged with criminal offences. All individuals were subsequently released and the charges brought against the two individuals dropped. Previous communications concerning the exercise by indigenous Papuans of their rights to freedom of peaceful assembly and freedom of expression were sent on 9 October 2015 see A/HRC/31/79, case no. IDN 8/2015; 1 May 2014, see A/HRC/27/72, case no. IDN 2/2014; 23 September 2013, see A/HRC/25/74, case no. IDN 4/2013; and 24 July 2012, see A/HRC/22/67, case no. IDN 6/2012.	14/04/2016
01/04/2016 JUA	PER 1/2016 Peru	Business enterprises; Human rights defenders; Indigenous peoples;	Alegaciones de ataques físicos, actos de hostigamiento y amenazas contra la indígena quechua Máxima Acuña de Chaupe, defensora de derechos humanos, y su familia en el departamento de Cajamarca, por razón de su disputa territorial con la compañía minera Yanacocha S.R.L. Según las informaciones recibidas, el 2 de febrero de 2016, la Sra. Acuña de Chaupe habría sufrido una serie de actos por parte de la compañía minera y la Policía Nacional peruana. Se expresa preocupación para la vida y la integridad física y moral que la presente situación supone para la familia de la Sra. Acuña de Chaupe y la falta de medidas de protección, pese a ser beneficiarias de medidas cautelares por parte de la Comisión Interamericana de Derechos Humanos desde el 5 de mayo de 2014. Las alegaciones conllevarían presuntas violaciones del derecho a la consulta previa y consentimiento previo, libre e informado con las comunidades y rondas campesinas en la aprobación del proyecto minero. La Sra. Acuña de Chaupe fue objeto de comunicaciones previas enviadas el 25 de agosto de 2015 (ver A/HRC/31/79 PER 3/2015) y el 20 de febrero de 2014 (ver A/HRC/26/21PER 1/2014).	

08/04/2016 UA	BRA 1/2016 Brazil	Indigenous peoples;	Alleged arrest of an indigenous leader and his brother based on their work defending their lands. According to the information received, in the late morning of 7 April 2016, Mr. Rosivaldo Ferreira da Silva, known as Cacique Babau Tupinambá, a well-known and respected indigenous leader, was arrested by Bahia Military police of the municipality of Olivença along with his brother, Mr. José Aelson Jesus da Silva, also known as Teity Tupinambá. The arrest took place after they spent time in Aldeia Gravatá, in the Tupinambá de Olivença, which is indigenous land in the south of Bahia, where the Tupinambá denounced the illegal quarrying of sand. The two men were taken to the Federal Police headquarters in Ilhéus. Concerns is raised about the safety and well-being of the aforementioned individuals, in particular that of Cacique Babau Tupinambá whose arrest may be linked to his work as a human rights defender and leader of his community.	20/06/2016
20/04/2016 JAL	AUS 3/2016 Australia	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	

20/04/2016 JAL	BRN 1/2016 Brunei Darussalam	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	30/06/2016
20/04/2016 JAL	CAN 1/2016 Canada	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	02/05/2016

20/04/2016 JAL	CHL 2/2016 Chile	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alegaciones acerca del impacto adverso en el disfrute de los derechos humanos de varias disposiciones contenidas en el Acuerdo Transpacífico de Cooperación Económica (en adelante 'TPP' por sus siglas en inglés). De acuerdo a la información recibida, el TPP habría sido redactado de forma no transparente, sin consultas amplias, impidiendo que ciertos actores, como algunos grupos indígenas, participasen activamente en el proceso de negociación. Ciertas disposiciones del TPP relativas a los derechos de propiedad intelectual podrían tener un efecto perjudicial sobre el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental, el derecho a una alimentación adecuada, a vivir en un ambiente limpio, a gozar de los beneficios del progreso científico y a participar en la vida cultural. Se expresa gran preocupación sobre las disposiciones relativas a los mecanismos de solución de controversias ante los cuales los individuos no tienen capacidad legal y por lo tanto se ven privados del derecho a un recurso efectivo, así como sobre el mecanismo de solución de controversias entre inversores y el Estado que permite a los inversores desafiar la aplicación de las leyes y políticas que promuevan y protejan los derechos humanos. El impacto negativo en el acceso a medicamentos por parte del TPP fue objeto de una comunicación anterior enviada el 19 de julio de 2011, ver A/ HRC/19/44, casos no. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 y VNM 5/2011,).	30/06/2016
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20/04/2016 JAL	<u>JPN 2/2016</u> Japan	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	<u>30/06/2016</u>
20/04/2016 JAL	<u>MYS 5/2016</u> Malaysia	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	<u>30/06/2016</u>

20/04/2016 JAL	MEX 3/2016 México	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alegaciones acerca del impacto adverso en el disfrute de los derechos humanos de varias disposiciones contenidas en el Acuerdo Transpacífico de Cooperación Económica (en adelante 'TPP' por sus siglas en inglés). De acuerdo a la información recibida, el TPP habría sido redactado de forma no transparente, sin consultas amplias, impidiendo que ciertos actores, como algunos grupos indígenas, participasen activamente en el proceso de negociación. Ciertas disposiciones del TPP relativas a los derechos de propiedad intelectual podrían tener un efecto perjudicial sobre el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental, el derecho a una alimentación adecuada, a vivir en un ambiente limpio, a gozar de los beneficios del progreso científico y a participar en la vida cultural. Se expresa gran preocupación sobre las disposiciones relativas a los mecanismos de solución de controversias ante los cuales los individuos no tienen capacidad legal y por lo tanto se ven privados del derecho a un recurso efectivo, así como sobre el mecanismo de solución de controversias entre inversores y el Estado que permite a los inversores desafiar la aplicación de las leyes y políticas que promuevan y protejan los derechos humanos. El impacto negativo en el acceso a medicamentos por parte del TPP fue objeto de una comunicación anterior enviada el 19 de julio de 2011, ver A/ HRC/19/44, casos no. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 y VNM 5/2011.	30/06/2016
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20/04/2016 JAL	NZL 1/2016 New Zealand	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see <i>AI HRC/19/44</i>, case nos. <i>AUS 4/2011</i>, <i>BRN 1/2011</i>, <i>CHL 3/2011</i>, <i>MYS 8/2011</i>, <i>NZL 1/2011</i>, <i>PER 3/2011</i>, <i>SGP 2/2011</i>, <i>USA 13/2011</i> and <i>VNM 5/2011</i>.	30/06/2016 13/07/2016
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20/04/2016 JAL	PER 2/2016 Peru	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alegaciones acerca del impacto adverso en el disfrute de los derechos humanos de varias disposiciones contenidas en el Acuerdo Transpacífico de Cooperación Económica (en adelante 'TPP' por sus siglas en inglés). De acuerdo a la información recibida, el TPP habría sido redactado de forma no transparente, sin consultas amplias, impidiendo que ciertos actores, como algunos grupos indígenas, participasen activamente en el proceso de negociación. Ciertas disposiciones del TPP relativas a los derechos de propiedad intelectual podrían tener un efecto perjudicial sobre el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental, el derecho a una alimentación adecuada, a vivir en un ambiente limpio, a gozar de los beneficios del progreso científico y a participar en la vida cultural. Se expresa gran preocupación sobre las disposiciones relativas a los mecanismos de solución de controversias ante los cuales los individuos no tienen capacidad legal y por lo tanto se ven privados del derecho a un recurso efectivo, así como sobre el mecanismo de solución de controversias entre inversores y el Estado que permite a los inversores desafiar la aplicación de las leyes y políticas que promuevan y protejan los derechos humanos. El impacto negativo en el acceso a medicamentos por parte del TPP fue objeto de una comunicación anterior enviada el 19 de julio de 2011, ver A/ HRC/19/44, casos no. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 y VNM 5/2011.	19/07/2016
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20/04/2016 JAL	SGP 1/2016 Singapore	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	30/06/2016
20/04/2016 JAL	USA 4/2016 United States of America	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	30/06/2016

20/04/2016 JAL	VNM 2/2016 Viet Nam	Cultural Rights; Democratic and equitable international order; Freedom of expression; Health; Indigenous peoples; International Solidarity; Privacy;	Alleged adverse human rights impact related to numerous provisions within the Trans-Pacific Partnership (TPP). According to the information received, the TPP was drafted opaquely, without broad consultations, preventing certain stakeholders, including indigenous peoples, from meaningfully participating in the negotiation process. Certain provisions of the TPP related to intellectual property rights may have a detrimental effect on the realization of the right to the highest attainable standard of physical and mental health, to live in a clean environment, to enjoy the benefits of scientific progress and to participate in cultural life. Serious concern is expressed at provisions relating to the dispute settlement mechanisms before which individuals do not have legal standing and thus are deprived of the right to an effective remedy, and at the investor-State dispute resolution mechanism, which allows investors to challenge laws and policies that promote and protect human rights. The negative impact on access to medicines by the TPP was the subject of a previous communication sent on 19 July 2011, see A/ HRC/19/44, case nos. AUS 4/2011, BRN 1/2011, CHL 3/2011, MYS 8/2011, NZL 1/2011, PER 3/2011, SGP 2/2011, USA 13/2011 and VNM 5/2011.	30/06/2016
22/04/2016 JAL	IDN 3/2016 Indonesia	Food; Health; Indigenous peoples;	Alleged preventable deaths of 51 children and three adults as a result of a Pertussis epidemic in Papua Province, Indonesia. According to the information received, between November 2015 and 5 January 2016, 51 children and three adults died of Pertussis in the Nduga Regency, a remote area in the highlands of Papua Province that is mainly inhabited by indigenous Papuans. The spread of the epidemic was reportedly facilitated by food and clean water shortages, chronic malnutrition and poor availability of and lack of access to adequate medical services. Information received indicated that preventive immunizations had not been provided to the indigenous Papuans. Both national and local government institutions reportedly failed to adequately prevent, treat and control the Pertussis epidemic. It is therefore alleged that the 54 deaths were preventable and the result of government neglect.	

28/04/2016 JAL	IND 1/2016 India	Discrimination against women; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Independence of judges and lawyers; Indigenous peoples; Violence against women;	Alleged harassment, attacks and threats against five women human rights defenders. According to the information received, on 3 October 2015, a resolution was passed by the Bastar Bar Association, prohibiting Ms. Shalini Gera and Ms. Isha Khandelwal, two human rights lawyers, from representing their clients, indigenous Adivasis, in Jagdalpur. Following a complaint by the lawyers, an interim order allowed them to practice again. On 18 February 2016, the landlord of Ms. Gera and Ms. Khandelwal was pressured by police to evict the lawyers from their offices. In January 2016, after Ms. Bela Bhatia had assisted several Adivasi women who had allegedly been raped by police officers, she faced intimidation from a police organisation. Police visited her home numerous times and her mobile phone was tracked. On 20 February 2016, the landlady of Ms. Bhatia was called to the police station in Jagdalpur and pressured to ask Ms. Bhatia to leave her home. On 7 February 2016, the home of Ms. Malini Subramaniam, a journalist, was targeted by a group of 20 persons shouting abusive slogans at her. On 18 February, Ms. Subramaniam's landlord was forced by the police to evict Ms. Subramaniam from her residence. On 1 August 2015, Ms. Soni Sori, an indigenous rights defender, held a press conference on the murder of a villager, and subsequently became the object of a slander campaign. On 20 February 2016, she was attacked by three unidentified men throwing chemical substance near Jawbanga, Chhattisgarh, resulting in her hospitalisation.
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02/05/2016 JAL	IDN 4/2016 Indonesia	Arbitrary detention; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alleged excessive use of force, degrading treatment and arbitrary arrest of 20 West Papuan activists in Papua Provinces of Indonesia. According to the information received, on 12 and 13 April 2016, 20 West Papuan activists ? Mr. Yupi Sobolim, Mr. Unyil Kobak, Mr. Erson Suhun, Mr. Lendeng Omu, Mr. Leni Busup, Mr. Natu Dapla, Ms. Panggrasia Yeem, Mr. Petrus Katem, Mr. Idelfonsius Katop, Mr. Yohakim Gebze, Mr. Gento Emerikus Dop, Mr. Charles Sraun, Mr. Emilianus Nemop, Mr. Rikardo Pisakai, Mr. Oktovianus Warip, Mr. Petrus P. Koweng, Mr. Lukas Arawok, Mr. Simon Tauleni, Mr. Paustinus K. Metemko, and Mr. Moses Pasim ? were arrested in two different locations in the Papua Province of Indonesia. The arrested persons are comprised of members of and activists supporting the West Papua National Committee, as well as members of People's Regional Parliament. The arrests were reportedly in reaction to their support of the candidacy of the United Liberation Movement for West Papua to be a full member of the Melanesian Spearhead Group. They were reportedly subjected to a series of degrading treatment, including forced to eat dirt, strip and beaten with a hammer. Concern is expressed at the alleged excessive use of force, degrading treatment, arrest and arbitrary detention against individuals for the legitimate exercise of their rights to freedom of assembly and freedom of expression.
04/05/2016 UA	KEN 2/2016 Kenya	Indigenous peoples;	Allegations of land grabber violence against the indigenous Ogiek in the Ngongongeri area in Nakuru county. According to the information received, this violence included the burning and demolition of homes, intimidation of indigenous peoples, the forced eviction of 500 people and the killing of a community elder. The alleged violations occurred notwithstanding an Order of Provisional Measures issued on 15 March 2013 by the African Court on Human and Peoples' Rights on the case (application no. 6/2012), which in view of the risk of irreparable harm to the Ogiek ordered the Kenyan Government to refrain from any act or thing that would or might irreparably prejudice the main application before the Court. Concerns have been expressed over the failure of the police to protect members of the Ogiek community, despite that members of the police force were allegedly present during the forced evictions and killing. The persistent patterns of forced evictions of the Ogiek have been the subject of previous communications sent on 15 October 2009 and 1 April 2010, see A/HRC/15/37/Add.1, paras. 240-271.

24/05/2016 JAL	PHL 1/2016 Philippines	Arbitrary detention; Food; Freedom of expression; Freedom of peaceful assembly and of association; Indigenous peoples; Summary executions; Torture;	Allegations of excessive use of force, arbitrary arrest and detention of farmers and their supporters who were calling for food assistance. According to information received, on 1 April 2016 police forces in Kidapawan City, North Cotabato, violently dispersed farmers and their supporters who demanded food assistance, in the context of a severe drought attributed to the El Niño phenomenon. It is alleged that two individuals died as a result of gunshot wounds. There are reports of excessive use of force and arbitrary arrests and detentions by the police. It is further alleged that the Government failed to ensure a comprehensive and equitable famine relief response in view of the ongoing dry spell, which is particularly affecting landless and marginal farmers, tenants and farm workers, many of whom belong to the indigenous Lumad peoples.	
25/05/2016 AL	BRA 3/2016 Brazil	Indigenous peoples	Alleged risks to the protection and promotion of indigenous peoples' rights following political uncertainty and imminent changes to the composition of the Government. According to information received, the Government has failed to demarcate indigenous lands prior to planned changes, and a proposed revision of the structure of the Government could weaken indigenous rights protections. Concerns are expressed about unmet needs, particularly in the southern region of Brazil, to complete the demarcation of indigenous lands in accordance with the Brazilian Federal Constitution. Concern is further expressed with respect to the imminent changes to the Government's composition following the impeachment process of former President Dilma Rousseff. Concern is also expressed that the disarticulation of the Ministry of Human Rights and the Ministry of Culture will further endanger and weaken in particular the rights of indigenous peoples who are among the most vulnerable to human rights abuses. Concern is last expressed with respect to the future of the Brazilian National Human Rights Council (Plataforma de Direitos Humanos) and the uncertain state of the newly established National Council for Indigenous Policy.	

27/05/2016 JAL	HND 4/2016 Honduras	Discrimination against women; Environment; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples; Violence against women;	Alegaciones relativas a agresiones físicas y amenazas, y a la falta de protección adecuada de manifestantes y defensores de derechos humanos por parte de las fuerzas de seguridad en el marco de una manifestación pacífica. Según la información recibida, el 15 de abril de 2016, se desplazaba un grupo de personas para participar en una manifestación del Encuentro Internacional de los Pueblos "Berta Cáceres Vive". En este contexto, se habrían producido graves incidentes, incluyendo agresiones físicas, contra varios centenares de personas que habrían sido parte de esta caravana. Asimismo, varias personas habrían proferido amenazas directas contra varios manifestantes, incluyendo los Sres. Tomás Gómez y Sotero Chavarría, integrantes de la Coordinación General del Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH). Además, el 9 de mayo, se reportaron represiones violentas de otra manifestación pacífica por parte de miembros del COPINH, cuyos miembros habrían llegado desde las comunidades indígenas lenkas hasta las inmediaciones de la Casa Presidencia en Tegucigalpa para exigir la instauración de una Comisión Internacional e Independiente para investigar el asesinato de Berta Cáceres. Después de la movilización, miembros del COPINH habrían sido objeto de detenciones así como de seguimientos y hostigamientos por parte de agentes de la policía. En particular, desde el 10 de mayo de 2016, se habrían producido diversos pronunciamientos e intimidaciones directas relacionadas con el trabajo realizado por la defensora de derechos humanos Giulia Fellin. Similares asuntos destacados en esta comunicación han sido abordados en comunicaciones anteriores: el 8 de junio de 2004, caso HND 3/2004, el 12 de agosto de 2004, caso HND 6/2004, el 7 de abril de 2006, caso HND 1/2006, el 6 de julio de 2009, caso HND 5/2009, el 27 de agosto de 2013, referencia A/HRC/25/74, caso HND 4/2013, el 2 de abril de 2014, referencia A/HRC/27/72, caso HND 2/2014, el 9 de abril de 2014, referencia A/HRC/27/72, caso HND 3/2014, el 8 de marzo de 2016, caso HND 2/2016, el 18 de marzo de 2016, caso HND 3/2016.
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31/05/2016 JAL	GTM 5/2016 Guatemala	Arbitrary Detention; Business; Freedom of opinion and expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples	Alegaciones de acoso judicial y criminalización contra seis defensores de derechos humanos, medioambientales y de los derechos de los pueblos indígenas en el departamento de Huehuetenango. Algunos de ellos son autoridades de los pueblos indígenas maya q'anjob'ales en la región. Según las informaciones recibidas, el 26 de febrero de 2015, los Sres. Sotero Adalberto Villatoro, Francisco Juan Pedro y Arturo Pablo Juan habrían sido detenidos por los cargos de amenazas, instigación a delinquir, reunión y manifestación ilícita plagio y secuestro. El 24 de marzo de 2015, los Sres. Rigoberto Juárez y Domingo Baltazar habrían sido detenidos por los cargos de coacción, amenazas, atentado, instigación a delinquir, obstaculización de la acción penal, plagio o secuestro. El 2 de junio de 2015, el Sr. Bernardo Ermitaño López Reyes habría sido detenido por los cargos de amenazas, coacción, obstaculización de la acción penal, instigación a delinquir, atentado, y plagio o secuestro. Las personas arriba citadas se encontrarían en detención preventiva. Todas habrían sido acusadas de formar parte de una red criminal. Se reporta sin embargo que la detención y procesos judiciales contra las personas arriba citadas no tendrían fundamento y representarían una forma de acoso judicial en respuesta al ejercicio legítimo de sus derechos y su trabajo de promoción y protección de los derechos humanos.	06/05/2016
17/09/2015 JUA	MEX 11/2015 México	Arbitrary detention; Human rights defenders; Independ- ence of judges and lawyers; Indigenous peoples;	Alegaciones sobre la detención de un abogado, representante legal de comunidades indígenas en la defensa de sus derechos. Según las informaciones recibidas, el 22 de julio de 2015, el abogado Sr. Eduardo Arturo Mosqueda Sánchez habría acompañado en su calidad de abogado, a miembros de la comunidad indígena de Ayotitlán en la municipalidad de Cuautitlán, estado de Jalisco, quienes se habrían acercado a las instalaciones de la compañía minera Consorcio Minero Benito Juárez Pena Colorada S.A. Una decisión judicial de cesación habría sido otorgada en 2013 en respuesta a un amparo presentado por el Sr. Mosqueda Sánchez. El Sr. Mosqueda Sánchez y miembros de la comunidad se habrían apersonado y habrían presentado copia del amparo. En respuesta, habrían sido hostigados y golpeados por la policía del Estado de Jalisco. El Sr. Mosqueda Sánchez había sido detenido en ese momento y el 30 de julio de 2015 habría sido formalmente acusado de la comisión de delitos graves.	

16/02/2016 JAL	LAO 1/2016 Lao People's Democratic Republic	Adequate housing; Business enterprises; Cultural Rights; Environment; Food; Health; Indigenous peoples;	Alleged human rights violations associated with the Don Sahong dam development project of the lower Mekong River in the territory of Lao People's Democratic Republic, 2 kilometres from the Laos-Cambodia border. According to the information received, the dam construction, operated by a Malaysian developer, Mega First, is likely to adversely affect approximately 29.7 million people residing both upstream and downstream from the Mekong dam in Lao PDR, Cambodia, Thailand and Vietnam. Despite the anticipated risks, it is alleged that the project is proceeding without adequate environmental and human rights impact assessment and in the absence of meaningful consultations with the concerned population while posing a considerable threat to the livelihoods of people living in the area, particularly in relation to their right to an adequate standard of living, including the rights to adequate food and housing, the right to the highest standard of physical and mental health, cultural rights, the rights to information and participation, as well as the rights of indigenous peoples. A related communication was sent to the Government of Malaysia on 29 February 2016, see below, case no. MYS 1/2016, as well as to Mega First Corporation Berhad and the Mekong River Commission on 29 February 2016, see below, case nos. OTH 12/2016 and OTH 13/2016.	10/05/2016
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26/02/2016 JAL	GTM 2/2016 Guatemala	Disappear- ances; Discrimin- ation against women; Human rights defenders; Indepen- dence of judges and lawyers; Indigenous peoples; Slavery; Summary executions; Torture; Truth, justice, reparation & guarantees on non-rec; Violence against women;	Comunicación relativa al desarrollo de tres procesos judiciales sobre violaciones manifiestas de las normas internacionales de derechos humanos y violaciones graves del derecho internacional humanitario, ocurridas durante el período del conflicto armado interno en Guatemala. Según las informaciones recibidas, procedimientos judiciales habrían iniciado en tres causas conocidas por los nombres de CREOMPAZ; Molina Theissen; y Sepur Zarco. Dieciocho militares en situación de retiro habrían sido objeto de órdenes de captura y habrían sido acusados de varios delitos incluyendo delitos de lesa humanidad, masacres, desaparición forzada, incluso en el caso de un niño, Marco Antonio Molina Theissen, así como la esclavitud sexual y laboral de mujeres q'eqchies que vivían en la comunidad de Sepur Zarco, donde estaba ubicada una base militar durante la época del conflicto armado interno. En el contexto de estos procesos judiciales, se reportan un creciente número de mensajes y actos intimidatorios, incluyendo de grupos ligados a los militares acusados, que buscarían desacreditar y presionar a las víctimas y a quienes les apoyan en este proceso. Esta comunicación se refiere a comunicaciones anteriores enviadas el 22 de diciembre de 2014, ver A/HRC/29/50, caso no. GTM 8/2014; 18 de agosto de 2014, ver A/HRC/28/85, caso no. GTM 5/2014; el 2 de mayo 2014, ver A/HRC/27/72, caso no. GTM 4/2014; el 30 de octubre 2013, ver A/HRC/25/74, caso no. GTM 9/2013; el 17 de mayo 2013, ver A/HRC/24/21, caso, no. GTM 5/2013; y el 15 de marzo 2013, ver A/HRC/24/21, caso no. GTM 2/2013.	06/04/20162 4/05/2016
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29/02/2016 JAL	OTH 13/2016 Other	Adequate housing; Business enterprises; Cultural Rights; Environment; Food; Health; Indigenous peoples;	Alleged human rights violations associated with the Don Sahong dam development project of the lower Mekong River in the territory of Lao People's Democratic Republic, 2 kilometres from the Laos-Cambodia border. According to the information received, the dam construction, operated by a Malaysian developer, Mega First, is likely to adversely affect approximately 29.7 million people residing both upstream and downstream from the Mekong dam in Lao PDR, Cambodia, Thailand and Vietnam. Despite the anticipated risks, it is alleged that the project is proceeding without adequate environmental and human rights impact assessment and in the absence of meaningful consultation with the concerned population while posing a considerable threat to the livelihoods of people living in the area, particularly in relation to their right to an adequate standard of living, including the rights to adequate food and housing, the right to the highest standard of physical and mental health, cultural rights, the rights to information and participation, as well as the rights of indigenous peoples. Related communications were sent to the Governments of Lao People's Democratic Republic and Malaysia on 16 and 29 February 2016, respectively, see above, case nos. LAO 1/2016 and MYS 1/2016, as well as to Mega First Corporation Berhad, see above, case no. OTH 12/2016.	09/05/2016
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2. Communications sent, 1 December 2015 to 29 February 2016; Replies received, 1 February to 30 April 2016

Date Type	Case NoCountry	Mandate(s)	Summary of the allegation transmitted	Reply
01/12/2015 AL	BRA 9/2015 Brazil	Indigenous peoples;	Alleged lack of adequate action to stop ongoing forest fires in Arariboia protected land, an area which contains Amazon rainforest. According to the information received, the forest fires are threatening indigenous peoples who live in the protected area, including Tenetehara / Guajajara peoples and Awá peoples who live in voluntary isolation. There are allegations of a lack of adequate, timely and coordinated steps by the authorities to extinguish the fire and protect indigenous peoples. Concern is also raised about an alleged lack of investigation into the cause of the fire, which may have been deliberately started by illegal loggers as an act of retaliation against indigenous peoples following defence of their land rights.	05/0
07/12/2015 JAL	OTH 11/2015 Other	Business enterprises; Hazardous substances and wastes; Health; Indigenous peoples; Water and Sanitation;	Letter to BHP Billiton Ltd on alleged detrimental human rights impacts caused by the collapse of an ore tailing waste dam in Bento Rodrigues, a district of Mariana municipality in Minas Gerais state, Brazil, belonging to Samarco Mining S.A., a joint venture between Vale S.A. and BHP Billiton Brazil Ltd. According to the information received, 50 million cubic metres of iron ore waste washed away the Bento Rodrigues district of 600 inhabitants and the 'mud wave' penetrated the whole extension of the Doce river and the sea beyond the estuary, affecting the entire ecosystem of the region in its downstream path of 850 km towards the sea. Around 3 million people are estimated to be affected. Studies have shown the toxicity of the wastes, with high levels of hazardous substances such as arsenic, barium, lead, manganese, copper, iron, nickel, zinc, antimony, chrome, cobalt, vanadium, phosphor and aluminium reported. Most cities in the flood path have had water cuts, since their main water source is the Doce River and the water is untreatable for human consumption due to the large presence of suspended solids and heavy metals. It is reported that 11 bodies have been found and 12 persons are missing. Hospitals have also received patients displaying symptoms of intoxication by heavy metals. Similar communications were sent to Samarco Mining and Vale, see below, case nos. OTH 12/2015 and 13/2015.	10/12/2015 14/01/2016

07/12/2015 JAL	OTH 12/2015 Other	Business enterprises; Hazardous substances and wastes; Health; Indigenous peoples; Water and Sanitation;	Letter to Samarco Mining S.A. on alleged detrimental human rights impacts caused by the collapse of an ore tailing waste dam in Bento Rodrigues, a district of Mariana municipality in Minas Gerais state, Brazil, belonging to Samarco Mining S.A., a joint venture between Vale S.A. and BHP Billiton Brazil Ltd. According to the information received, 50 million cubic metres of iron ore waste washed away the Bento Rodrigues district of 600 inhabitants and the 'mud wave' penetrated the whole extension of the Doce river and the sea beyond the estuary, affecting the entire ecosystem of the region in its downstream path of 850 km towards the sea. Around 3 million people are estimated to be affected. Studies have shown the toxicity of the wastes, with high levels of hazardous substances such as arsenic, barium, lead, manganese, copper, iron, nickel, zinc, antimony, chrome, cobalt, vanadium, phosphor and aluminium reported. Most cities in the flood path have had water cuts, since their main water source is the Doce River and the water is untreatable for human consumption due to the large presence of suspended solids and heavy metals. It is reported that 11 bodies have been found and 12 persons are missing. Hospitals have also received patients displaying symptoms of intoxication by heavy metals. Similar communications were sent to BHP Billiton Ltd, see above, case no. OTH 11/2015, and to Vale S.A , see below, case no. OTH 13/2015.	14/01/2016
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07/12/2015 JAL	OTH 13/2015 Other	Business enterprises; Hazardous substances and wastes; Health; Indigenous peoples; Water and Sanitation;	Letter to Vale S.A. on alleged detrimental human rights impacts caused by the collapse of an ore tailing waste dam in Bento Rodrigues, a district of Mariana municipality in Minas Gerais state, Brazil, belonging to Samarco Mining S.A., a joint venture between Vale S.A. and BHP Billiton Brazil Ltd. According to the information received, 50 million cubic metres of iron ore waste washed away the Bento Rodrigues district of 600 inhabitants and the 'mud wave' penetrated the whole extension of the Doce river and the sea beyond the estuary, affecting the entire ecosystem of the region in its downstream path of 850 km towards the sea. Around 3 million people are estimated to be affected. Studies have shown the toxicity of the wastes, with high levels of hazardous substances such as arsenic, barium, lead, manganese, copper, iron, nickel, zinc, antimony, chrome, cobalt, vanadium, phosphor and aluminium reported. Most cities in the flood path have had water cuts, since their main water source is the Doce River and the water is untreatable for human consumption due to the large presence of suspended solids and heavy metals. It is reported that 11 bodies have been found and 12 persons are missing. Hospitals have also received patients displaying symptoms of intoxication by heavy metals. Similar communications were sent to BHP Billiton Ltd and Samarco Mining S.A., see above, case nos. OTH 11/2015 and OTH 12/2015.	23/12/2015
15/12/2015 JUA	FIN 1/2015 Finland	Environment; Indigenous peoples;	Alleged lack of meaningful and effective public participation during the drafting phase of new legislation to regulate the Finnish Forest and Parks Enterprise (Metsähallitus), which regulates the management of State owned lands. Alleged lack of recognition of the Sami and their rights as an indigenous people, notably their right to free, prior and informed consent and to enjoy their own culture and the right to their lands and resources, in the proposed new law. According to the information received, the Sami Parliament has been unable to participate in the law-making process and the most recent draft does not include articles safeguarding the rights of the Sami as an indigenous people. Serious concerns are expressed, inter alia, that the business operations of the proposed company will lead to increased deforestation and mining activities in the Sami Homeland region and to further fragmentation and destruction of the Sami people's traditional herding, hunting and fishing grounds resulting in an imminent threat to the Sami people and their traditional livelihoods and other land-based cultural activities.	22/12/2015

14/01/2016 JUA	HND_1/2016 Honduras	Business enterprises; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples; Summary executions;	Alegaciones de asesinato, ataques, intimidación y amenazas contra miembros de comunidades indígenas y defensores de derechos humanos. Según las informaciones recibidas, el 27 de septiembre del 2015 una persona habría muerto y varias heridas en un enfrentamiento entre miembros del consejo indígena San Isidro y afines de un proyecto hidroeléctrico, en el municipio de Santa Elena. El Sr. Rosalio Vásquez Pineda, Presidente del consejo indígena de San Isidro, habría sido acusado de homicidio e intento de homicidio, aunque no habría estado presente. El 10 de octubre de 2015, el Sr. Yobany Alonzo Vasquez, miembro de Movimiento Indígena Lenca de la Paz (MILPAH) habría sido detenido de manera violenta y amenazado de muerte por una patrulla de diez policías. El 22 de octubre de 2015, a las 4:30 de la mañana, 30 policías, militares y civiles armados habrían entrado de manera violenta en la vivienda del Sr. Rosalio Vásquez Pineda y la Sra. Ana Miriam Romero, y atacado miembros de su familia. Los Sres. Porfirio Vasquez Pineda y Rodolfo Vasquez Pineda fueron detenidos. Las Sras. Romero y Rosaura Vásquez Pineda habrían sufrido consecuencias graves de los golpes recibidos durante el ataque. El 20 de diciembre de 2015 el Sr. Javier Vásquez Benítez, miembro de MILPAH, habría sido encontrado asesinado en un barranco en el municipio Santa Elena en La Paz.	04/04/2016
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14/01/2016 JAL	NIC 6/2015 Nicaragua	Business enterprises; Environment; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alegaciones de abuso de autoridad y funciones, y falta de protección de manifestantes y defensores de derechos humanos, por parte de la Policía Nacional nicaragüense en el marco de una manifestación campesina contra la construcción del Canal interoceánico en Nicaragua. Según las informaciones recibidas, en el contexto de acciones de comunidades campesinas y pueblos indígenas contra la construcción del Canal interoceánico en Nicaragua, el Consejo por la Defensa de la Tierra, Lago y Soberanía habría convocado una marcha campesina a nivel nacional para el 27 de octubre de 2015, con el fin de protestar contra el mencionado proyecto y demandar la derogación de la "Ley Especial para el Desarrollo de Infraestructura y Transporte Nicaragüense atiniente a El Canal, Zonas de Libre Comercio e Infraestructuras Asociadas" (Ley n. 840). Las autoridades habrían obstaculizado la participación de las personas en las manifestaciones sin razón o motivo aparente. Se reportaron varias detenciones, presuntamente arbitrarias, confiscación de bienes personales, sin mandato judicial y agresiones a los manifestantes por parte de otros grupos de individuos, sin la debida protección por parte de las autoridades. Estas alegaciones conllevarían presuntas violaciones de los derechos a la libertad de reunión y libertad de expresión, así como el derecho a la libertad y a la seguridad personal.	11/03/2016 11/03/2016
15/01/2016 AL	CHL 1/2016 Chile	Indigenous peoples;	Alegaciones sobre violaciones de derechos de miembros del pueblo Rapa Nui en la isla de Pascua, incluidas detenciones de dirigentes Rapa Nui y registro indebida y clausura de las oficinas del Parlamento Rapa Nui. Según las informaciones recibidas, los supuestos hechos estarían relacionados con los derechos de los Rapa Nui sobre sus tierras, territorios y recursos, incluidos los sitios ceremoniales y de uso ancestral ahora comprendidos en el Parque Nacional Rapa Nui. Alegaciones de falta de efectividad del proceso de las comisiones de trabajo y los acuerdos adoptados que no han conseguido instaurar un clima de diálogo y buena fe, a raíz de alegaciones sobre las detenciones de representantes Rapa Nui e investigaciones y registros de algunas de sus organizaciones.	

16/02/2016 JAL	LAO 1/2016 Lao People's Democratic Republic	Adequate housing; Business enterprises; Cultural Rights; Environment; Food; Health; Indigenous peoples;	Alleged human rights violations associated with the Don Sahong dam development project of the lower Mekong River in the territory of Lao People's Democratic Republic, 2 kilometres from the Laos-Cambodia border. According to the information received, the dam construction, operated by a Malaysian developer, Mega First, is likely to adversely affect approximately 29.7 million people residing both upstream and downstream from the Mekong dam in Lao PDR, Cambodia, Thailand and Vietnam. Despite the anticipated risks, it is alleged that the project is proceeding without adequate environmental and human rights impact assessment and in the absence of meaningful consultations with the concerned population while posing a considerable threat to the livelihoods of people living in the area, particularly in relation to their right to an adequate standard of living, including the rights to adequate food and housing, the right to the highest standard of physical and mental health, cultural rights, the rights to information and participation, as well as the rights of indigenous peoples. A related communication was sent to the Government of Malaysia on 29 February 2016, see below, case no. MYS 1/2016, as well as to Mega First Corporation Berhad and the Mekong River Commission on 29 February 2016, see below, case nos. OTH 12/2016 and OTH 13/2016.
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26/02/2016 JAL	GTM 2/2016 Guatemala	Disappearances; Discrimination against women; Human rights defenders; Independence of judges and lawyers; Indigenous peoples; Slavery; Summary executions; Torture; Truth, justice, reparation & guarantees on non-rec; Violence against women;	Comunicación relativa al desarrollo de tres procesos judiciales sobre violaciones manifestes de las normas internacionales de derechos humanos y violaciones graves del derecho internacional humanitario, ocurridas durante el período del conflicto armado interno en Guatemala. Según las informaciones recibidas, procedimientos judiciales habrían iniciado en tres causas conocidas por los nombres de CREOMPAZ; Molina Theissen; y Sepur Zarco. Dieciocho militares en situación de retiro habrían sido objeto de órdenes de captura y habrían sido acusados de varios delitos incluyendo delitos de lesa humanidad, masacres, desaparición forzada, incluso en el caso de un niño, Marco Antonio Molina Theissen, así como la esclavitud sexual y laboral de mujeres q'eqchies que vivían en la comunidad de Sepur Zarco, donde estaba ubicada una base militar durante la época del conflicto armado interno. En el contexto de estos procesos judiciales, se reportan un creciente número de mensajes y actos intimidatorios, incluyendo de grupos ligados a los militares acusados, que buscarían desacreditar y presionar a las víctimas y a quienes les apoyan en este proceso. Esta comunicación se refiere a comunicaciones anteriores enviadas el 22 de diciembre de 2014, ver A/HRC/29/50, caso no. GTM 8/2014; 18 de agosto de 2014, ver A/HRC/28/85, caso no. GTM 5/2014; el 2 de mayo 2014, ver A/HRC/27/72, caso no. GTM 4/2014; el 30 de octubre 2013, ver A/HRC/25/74, caso no. GTM 9/2013; el 17 de mayo 2013, ver A/HRC/24/21, caso, no. GTM 5/2013; y el 15 de marzo 2013, ver A/HRC/24/21, caso no. GTM 2/2013.
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29/02/2016 UA	AUS 2/2016 Australia	Indigenous peoples;	Allegations that the proposed Carmichael Coal Mine by Adani Mining in the Galilee Basin, Queensland, would threaten the ancestral lands, sacred sites and cultural identity of the Wangan and Jagalingou peoples. According to the information received, the extensive coal extraction plant, waste rock dumps and associated infrastructure would have significant negative impact on the land and that the mines would allegedly require 12 billion litres of water per year, thus affecting the Carmichael River and the sacred Doongmabulla Springs. The Wangan and Jagalingou peoples' relationship to their ancestral land and water is central to their culture and self-identity. The environmental destruction caused by the mine would permanently rupture their relationship with their ancestral land and water, deny their ability to transfer spiritual ties to their children and destroy their culture beyond repair. The Wangan and Jagalingou people have faced intense governmental and corporate pressure in relation to development of the mine. Concerns have been raised over the failure by the National Native Title Tribunal and the State and Federal government to ensure the free and informed consent prior of the aboriginal community, who have a pending Native Title land claim on the area since 2004.	01/04/2016
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29/02/2016 JAL	MYS 1/2016 Malaysia	Adequate housing; Business enterprises; Cultural Rights; Environment; Food; Health; Indigenous peoples;	Alleged human rights violations associated with the Don Sahong dam development project of the lower Mekong River in the territory of Lao People's Democratic Republic, 2 kilometres from the Laos-Cambodia border. According to the information received, the dam construction, operated by a Malaysian developer, Mega First, is likely to adversely affect approximately 29.7 million people residing both upstream and downstream from the Mekong dam in Lao PDR, Cambodia, Thailand and Vietnam. Despite the anticipated risks, it is alleged that the project is proceeding without adequate environmental and human rights impact assessment and in the absence of meaningful consultation with the concerned population while posing a considerable threat to the livelihoods of people living in the area, particularly in relation to their right to an adequate standard of living, including the rights to adequate food and housing, the right to the highest attainable standard of physical and mental health, cultural rights, the rights to information and participation, as well as the rights of indigenous peoples. A related communication was sent to the Government of Lao People's Democratic Republic on 16 February 2016, see above, case no. LAO 1/2016, as well as to Mega First Corporation Berhad and the Mekong River Commission on 29 February 2016, see below, case nos. OTH 12/2016 and 13/2016.
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29/02/2016 JAL	OTH 12/2016 Other	Adequate housing; Business enterprises; Cultural Rights; Environment; Food; Health; Indigenous peoples;	Alleged human rights violations associated with the Don Sahong dam development project of the lower Mekong River in the territory of Lao People's Democratic Republic, 2 kilometres from the Laos-Cambodia border. According to the information received, the dam construction, operated by a Malaysian developer, Mega First, is likely to adversely affect approximately 29.7 million people residing both upstream and downstream from the Mekong dam in Lao PDR, Cambodia, Thailand and Vietnam. Despite the anticipated risks, it is alleged that the project is proceeding without adequate environmental and human rights impact assessment and in the absence of meaningful consultation with the concerned population while posing a considerable threat to the livelihoods of people living in the area, particularly in relation to their right to an adequate standard of living, including the rights to adequate food and housing, the right to the highest attainable standard of physical and mental health, cultural rights, the rights to information and participation, as well as the rights of indigenous peoples. Related communications were sent to the Governments of Lao People's Democratic Republic and Malaysia on 16 and 29 February 2016, respectively, see above, case nos. LAO 1/2016 and MYS 1/2016, as well as to Mekong River Commission, see below, case no. OTH 13/2016.
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29/02/2016 JAL	OTH 13/2016 Other	Adequate housing; Business enterprises; Cultural Rights; Environment; Food; Health; Indigenous peoples;	Alleged human rights violations associated with the Don Sahong dam development project of the lower Mekong River in the territory of Lao People's Democratic Republic, 2 kilometres from the Laos-Cambodia border. According to the information received, the dam construction, operated by a Malaysian developer, Mega First, is likely to adversely affect approximately 29.7 million people residing both upstream and downstream from the Mekong dam in Lao PDR, Cambodia, Thailand and Vietnam. Despite the anticipated risks, it is alleged that the project is proceeding without adequate environmental and human rights impact assessment and in the absence of meaningful consultation with the concerned population while posing a considerable threat to the livelihoods of people living in the area, particularly in relation to their right to an adequate standard of living, including the rights to adequate food and housing, the right to the highest standard of physical and mental health, cultural rights, the rights to information and participation, as well as the rights of indigenous peoples. Related communications were sent to the Governments of Lao People's Democratic Republic and Malaysia on 16 and 29 February 2016, respectively, see above, case nos. LAO 1/2016 and MYS 1/2016, as well as to Mega First Corporation Berhad, see above, case no. OTH 12/2016.
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27/08/2015 JAL	PER 4/2015 Peru	Hazardous substances and wastes; Indigenous peoples;	Carta de seguimiento respecto a la aplicación de los acuerdos del Acta de Lima para la reparación de las violaciones de los derechos humanos de los pueblos indígenas afectados por la explotación petrolera del Lote 192 y al proceso de consulta llevado a cabo para la nueva licitación en la zona. Según la información recibida, la ejecución por parte del Gobierno del Perú de las medidas acordadas con las Federaciones indígenas representantes de las comunidades indígenas del Lote 192, en el Departamento de Loreto, para la reparación de las graves violaciones de derechos humanos, resultado de 44 años de explotación petrolera en los territorios indígenas, está siendo lenta, limitada y no se han realizado las acciones previstas sobre los temas centrales de titulación de tierras, estudios de salud y remediación ambiental de la grave situación en la zona. En relación con el proceso de consulta a las comunidades afectadas acordado por el Gobierno con las Federaciones indígenas, se alega que el Estado no ha tenido en cuenta las propuestas presentadas por las comunidades de manera cabal y que dichas consultas no se han realizado con la necesaria buena fe, por lo que es necesario establecer un nuevo proceso de diálogo para superar el fracaso de las conversaciones anteriores antes de la nueva e inminente licitación del Lote. La grave situación de contaminación y sus impactos en los derechos humanos fundamentales de los pueblos indígenas en el área fue motivo de dos comunicaciones anteriores, el 5 de diciembre de 2014, véase A/HRC/29/50, caso no. PER 3/2014 y el 28 de mayo de 2015, véase A/HRC/30/27, caso no. PER 1/2015.	26/10/2015 01/12/2015 07/12/2015 14/04/2016
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3. Communications sent, 1 June to 30 November 2015; Replies received, 1 August 2015 to 31 January 2016

Date Type	Case No Country	Mandate(s)	Summary of the allegation transmitted	Reply
22/06/2015 UA	TZA 1/2015 United Republic of Tanzania	Indigenous peoples;	Alleged attacks against Maasai communities in Tanzania resulting in gross and continued violations of their individual and collective human rights. According to the information received, on 18 January 2015, triggered by the burial of a farmer from Morogoro municipality in the Mvomero district, Maasai pastoralists as well as Datoga pastoralists, often mistaken for Maasai, have been targeted through a series of organized assaults. These assaults have created an environment of fear among the Maasai living in the region. Maasai representatives have requested protection from district and regional authorities to stop the escalation of violence. No protection has reportedly been provided to affected communities from settlers who cultivate lands legally registered to the Kambala, Mvomero district, and Mabwegere, Kilosa district, communities. Echoing the Maasai authorities' fear of escalation of violence, during the February 2014 Parliamentary session, a Member of Parliament expressed concern that the assaults on Maasai in Morogoro could lead to genocide. On 7 February 2015, the Prime Minister committed to visit the region; however, despite the continued recurrence of violent episodes, the visit has yet to take place.	07/09/2015

03/07/2015 UA	BLZ 1/2015 Belize	Indigenous peoples;	Allegations concerning the arrest and detention of 12 Maya people from the village of Santa Cruz in Toledo District, Belize, for their actions to remove from their village lands a non-Maya individual who was building a housing structure on ancient Maya ruins, in violation of Maya customary law and despite repeated requests to remove the structure. According to the information received, despite repeated attempts to involve local police in the removal of the non-Maya individual, on 20 June 2015, the non-Maya individual threatened villagers during a fajina (traditional meeting). The Mayan authorities handcuffed the individual and released him the next day. On 24 June 2015, local police removed 12 Mayan representatives from their homes and charged them with unlawful detention and some of them, in addition, with aggravated assault. The alcalde (local leader) of Santa Cruz and the spokesperson for the Maya Leaders Alliance were also charged with unlawful imprisonment. Concern is expressed that the arrest and detention of the Maya villagers was prompted by retaliation for their legal work to have their rights to their traditional lands recognized and protected by the Government.	13/10/2015 13/10/2015
22/07/2015 JAL	MEX 7/2015 México	Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alegaciones de amenazas de muerte, vigilancia e intento de secuestro contra defensores y defensoras de derechos humanos. Según la información recibida, el 10 de febrero de 2014, la Sra. Ruiz Martínez y los Sres. Carlos Sánchez y Mariano López Gómez recibieron amenazas de muerte por teléfono. El 10 de abril de 2014, un colega habría recibido una llamada advirtiéndole de la intención de secuestrar a la Sra. Ruiz Martínez. El mismo día, la Sra. Ruiz Martínez habría sido perseguida por dos mujeres que habrían intentado privarla ilegalmente de su libertad. El 8 de julio de 2014, la organización Código-DH habría recibido dos llamadas amenazantes. El 5 de noviembre de 2014, el Sr. Sánchez y las Sras. Ruiz Martínez y Jiménez Salinas habrían recibido llamadas amenazantes relacionadas con su trabajo. El 11 de noviembre de 2014, los Sres. Rodrigo Flores Peñaloza y Mariano López Gómez habrían sido amenazados de muerte, el segundo con arma de fuego. El 16 de abril la Sra. Bettina Cruz y el Sr. Flores Peñaloza habrían sido agredidos y perseguidos. Desde el 3 de diciembre de 2014 hasta el 20 de abril de 2015, se habrían registrado un total de 22 incidentes contra los integrantes de Código DH. La organización fue objeto de dos comunicaciones anteriores con fecha de 16 de mayo de 2012, véase A/HRC/21/49, caso no. MEX 12/2012; y el 26 de noviembre de 2013, véase A/HRC/25/74, caso no. MEX 10/2013.	

14/08/2015 JUA	MEX 10/2015 México	Human rights defenders; Indigenous peoples; Water and Sanitation;	Presuntos impactos causados por el Acueducto Independencia en los derechos sustantivos de 5 comunidades indígenas que constituyen el Pueblo Yaqui y que se encontrarían asentadas a lo largo del río Yaqui. De acuerdo con la información recibida, no hubo un proceso de consulta adecuada con las comunidades del Pueblo Indígena Yaqui en el contexto de la construcción y operación del acueducto. Este fue afirmado en 2013 por la Suprema Corte de Justicia de la Nación (SCJN), que clarificó que el manifiesto de impacto ambiental de 2011 quedó insubsistente dado que la autoridad no cumplió con su deber de organizar una consulta previa, libre e informada al pueblo Yaqui que se ve directamente afectado por el proyecto. En seguimiento a la sentencia de la SCJN, en agosto de 2013, se empezó la implementación de un proceso de consulta al pueblo Yaqui, que según la información recibida no habría cumplido con los estándares internacionales en la materia, más específicamente el carácter previo, libre e informado del proceso. Además, hasta la fecha el acueducto sigue operando, causando una violación grave a sus derechos al agua. Además, hay alegaciones de criminalización de la oposición indígena al proyecto. Según se informa, algunos líderes de la comunidad Yaqui, entre los cuales, Mario Luna Romero, Tomas Rojo Valencia y Fernando Jiménez Gutiérrez habrían sido objeto de órdenes de aprehensión por parte de la Procuraduría Estatal, en el contexto de una serie de amenazas y actos de hostigamientos directos a desalentar la oposición indígena al acueducto.	18/11/2015
17/08/2015 JAL	USA 16/2015 United States of America	Cultural Rights; Freedom of religion; Indigenous peoples;	Alleged desecration of Mauna Kea Sacred Mountain located in Hawai'i for the construction of the Thirty Meter Telescope. According to the information received, the construction violates United States of America's international obligations to protect the human rights of indigenous peoples to participate in cultural life, to freedom of religion and belief and to be meaningfully involved in decision making-processes that impact on their human rights. It is alleged that the decision to adopt the project was made without appropriately consulting the people for whom the mountain has high cultural and religious value, and that no serious consideration was given to alternative locations for the construction.	

24/08/2015 UA	ECU 5/2015 Ecuador	Indigenous peoples;	Situación de conflicto y enfrentamientos que se están produciendo en su país a partir de la declaración de un paro nacional convocado por la Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) el día 10 de agosto. Se alegan presuntos allanamientos de moradas cometidos en Saraguro, Provincia de Loja, que no se justificarían por el estado de excepción. De acuerdo a la información recibida, se habría detenido a unas 31 personas en la comunidad de Saraguro, algunas de las cuales se encontraban en sus domicilios. Se han recibido alegaciones de maltrato y abusos en las detenciones. Preocupación por la información recibida sobre la situación de conflictividad social existente y resaltar la dificultad de acceder a información veraz y contrastada de lo que ha sucedido y está sucediendo en diferentes puntos del país como señal de la preocupante situación en la que se podrían producir nuevas y graves violaciones de derechos humanos.	22/09/2015
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27/08/2015 JAL	PER 4/2015 Peru	Hazardous substances and wastes; Indigenous peoples;	Carta de seguimiento respecto a la aplicación de los acuerdos del Acta de Lima para la reparación de las violaciones de los derechos humanos de los pueblos indígenas afectados por la explotación petrolera del Lote 192 y al proceso de consulta llevado a cabo para la nueva licitación en la zona. Según la información recibida, la ejecución por parte del Gobierno del Perú de las medidas acordadas con las Federaciones indígenas representantes de las comunidades indígenas del Lote 192, en el Departamento de Loreto, para la reparación de las graves violaciones de derechos humanos, resultado de 44 años de explotación petrolera en los territorios indígenas, está siendo lenta, limitada y no se han realizado las acciones previstas sobre los temas centrales de titulación de tierras, estudios de salud y remediación ambiental de la grave situación en la zona. En relación con el proceso de consulta a las comunidades afectadas acordado por el Gobierno con las Federaciones indígenas, se alega que el Estado no ha tenido en cuenta las propuestas presentadas por las comunidades de manera cabal y que dichas consultas no se han realizado con la necesaria buena fe, por lo que es necesario establecer un nuevo proceso de diálogo para superar el fracaso de las conversaciones anteriores antes de la nueva e inminente licitación del Lote. La grave situación de contaminación y sus impactos en los derechos humanos fundamentales de los pueblos indígenas en el área fue motivo de dos comunicaciones anteriores, el 5 de diciembre de 2014, véase A/HRC/29/50, caso no. PER 3/2014 y el 28 de mayo de 2015, véase A/HRC/30/27, caso no. PER 1/2015.	26/10/2015 01/12/2015 07/12/2015
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28/08/2015 UA	BRA 6/2015 Brazil	Indigenous peoples;	Allegations regarding the occupation of several properties located in the city of Antônio João, in the state of Mato Grosso do Sul, by the Guarani and Kaiowá people who consider this action to be a reclaiming of their traditional lands, which were recognised as such by a Presidential Decree of 2005. According to the information received, the occupation is being carried out by hundreds of Guarani and Kaiowá people, including elders, women and children, who consider this action to be a reclaiming of their traditional lands (Tekoha Nanderu Marangatu), which were recognised as such by a Presidential Decree of 2005. There have been allegations of gunshots and violence, including by armed gunmen. Kaiowá and Guarani occupiers have now declared their intention to remain occupying those lands, until their land-claims are settled. The National Public Security Force (Força Nacional de Segurança Pública) has reportedly not yet intervened and it is feared that without their presence the conflict may escalate, possibly resulting in the loss of lives. A previous communication concerning the situation of the Kaiowá and Guarani communities of in the State of Mato Grosso do Sul was sent on 5 August 2015, see above, case no. BRA 4/2015.	18/09/2015
15/09/2015 JUA	PHL 5/2015 Philippines	Human rights defenders; Indigenous peoples;	Allegations concerning the extrajudicial killings of five indigenous family members and three human rights defenders working on indigenous issues in the Mindanao region. According to the information received, on 18 August 2015, five indigenous family members from the Manobo tribe in Bukidnon, Northern Mindanao, including a political and spiritual adviser (known as datu) and one child, were summarily killed. On 1 September 2015, three human rights defenders working on indigenous issues were summarily killed in Liango, Surigao del Sur. They were Mr. Emerito Samarca, the Executive Director of the Alternative Learning Center for Agriculture and Livelihood Development, Mr. Dionel Campos, a member of the Manobo tribe and the chairperson of the Malahutayong Pakighisog Alang sa Sumusunod (MAPASU), an indigenous peoples organization leading the protests against human rights violations, and Mr. Bello Sinzo, a Manobo tribal chieftain. It is reported that the killings of these eight individuals were carried out by members of Government controlled forces, namely members of the Philippine Army's 36th Infantry Battalion and Special Forces with members of the Magahat-Bagani Force, and soldiers from the 3rd Special Forces Company of the 1st SF Battalion (within the 403rd Infantry Brigade) respectively.	

17/09/2015 JUA	MEX 11/2015 México	Arbitrary detention; Human rights defenders; Independence of judges and lawyers; Indigenous peoples;	Alegaciones sobre la detención de un abogado, representante legal de comunidades indígenas en la defensa de sus derechos. Según las informaciones recibidas, el 22 de julio de 2015, el abogado Sr. Eduardo Arturo Mosqueda Sánchez habría acompañado en su calidad de abogado, a miembros de la comunidad indígena de Ayotitlán en la municipalidad de Cuautitlán, estado de Jalisco, quienes se habrían acercado a las instalaciones de la compañía minera Consorcio Minero Benito Juárez Pena Colorada S.A. Una decisión judicial de cesación habría sido otorgada en 2013 en respuesta a un amparo presentado por el Sr. Mosqueda Sánchez. El Sr. Mosqueda Sánchez y miembros de la comunidad se habrían apersonado y habrían presentado copia del amparo. En respuesta, habrían sido hostigados y golpeados por la policía del Estado de Jalisco. El Sr. Mosqueda Sánchez habría sido detenido en ese momento y el 30 de julio de 2015 habría sido formalmente acusado de la comisión de delitos graves.	07/01/2016
21/09/2015 JAL	PHL 4/2015 Philippines	Education; Indigenous peoples;	Allegations concerning a government directive to close community schools and disruption of classes in Mindanao, regions XI and XII, due to systematic attacks reportedly committed by state and alleged paramilitary forces on schools. According to the information received, an official communication from the Department of Education of 12 May 2015 has instructed the closure of at least 24 community schools in Davao (region XI) and Caraga (region XIII), affecting more than 2,800 indigenous children, and their replacement by schools with military personnel as “para-teachers”. Additionally, other community schools in Mindanao have been increasingly disrupted or suspended due to alleged systematic attacks on schools and harassment of teachers, students and parents reportedly perpetrated by state and alleged paramilitary forces, often in collusion with local authorities.	

09/10/2015 JUA	BRA 7/2015 Brazil	Human rights defenders; Indigenous peoples; Summary executions;	Alleged killing, attempted killing, attacks, death threats and harassment of human rights defenders and indigenous leaders of the Guarani-Kaiowá community in Mato Grosso do Sul, Brazil. According to the information received, on 29 August 2015, indigenous leader Mr. Semão Fernandes Vilhalva, aged 25, was killed by a gun shot during a land recuperation operation in the municipality of Antônio João. On 2 September 2015, indigenous leaders Mr. Tonico Benites, Mr. Eliseu Lopes and Mr. Genito Gomes were followed by two unidentified men in a car near the city of Dourados. The following day, four unknown individuals asked in the community about their whereabouts. On 18 September 2015, unidentified armed men violently attacked the indigenous community in Pyelito kue-Mbarakay, in Iguatemi. They were also searching for community leader Mr. Lide Solano Lopes, who managed to escape. On 19 September 2015, unidentified men attempted to repossess the land in the Tekoha Potrero Guasu indigenous community, in Paranhos, beating several members of the community and shooting and wounding its leader, Mr. Elpidio Pires. Judicial harassment and criminalisation was reported against Ms. Inayé Lopes and Mr. Ismarie Martim for defending their communities' rights to their ancestral lands. Two earlier communications were sent on 5 and 28 August 2015 respectively regarding the situation of the Kaiowá and Guarani communities in Mato Grosso do Sul, see above, case nos. BRA 4/2015 and BRA 6/2015.	09/12/2015
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09/10/2015 JAL	IDN 8/2015 Indonesia	Freedom of expression; Freedom of peaceful assembly and of association; Indigenous peoples; Summary executions;	Alleged excessive use of force by Indonesian security forces in Papua Province resulting in the death of nine individuals, of which seven minors, and injuries to several others. According to the information received, on 8 December 2014, Indonesian security forces shot at a group of demonstrators who were protesting against the ill-treatment of a boy by army personnel in Ipakiye Village, Paniai District, Papua Province. Mr. Simon Degei, aged 18, and three 17-year-old boys died as a result and 17 other members of the indigenous community were injured. On 25 June 2015, a junior high school student was killed and another one injured when members of the Indonesian security forces shot at a group of youth who were requesting a monetary fine to passers by on a road in Desa Ugapuga, Kamu Timur District, Dogiyai Regency, in Papua Province. On 17 July 2015, the Indonesian National Police killed a 15 year old boy and injured eleven other individuals following the burning of a mosque in Karabuga, Tolikara Regency, in Papua Province. On 28 August 2015, members of the Indonesian military forces shot at a crowd after they had complained to them for having driven too fast past a street gathering in Timika, Mimika Regency, in Papua Province. Mr. Yulianus Okoare, aged 18, and Mr. Imanuel Marimau, aged 23, died as a result and four others were wounded. On 28 September 2015, the police killed a 17 year old boy and wounded another in GorongGorong, Timika, after the two students had been reported to the police as troublemakers and their fathers had been accused of being members of the Free West Papua Movement.
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23/10/2015 AL	BLZ 2/2015 Belize	Indigenous peoples;	Allegations concerning the lack of implementation of Maya property and other rights arising from customary land tenure, and the ongoing criminal charges concerning Maya villagers arrested on 24 June 2015. According to the information received, the Maya individuals arrested on June 24 2015 are still subject to ongoing criminal charges, and due to appear again in Court on 26 October 2015. In the meantime, construction work seems to be continuing, affecting the indigenous heritage archaeological area of Uxbenká. Updated information has also been received concerning the lack of progress with regard to the implementation of the order by the Caribbean Court of Appeals issued on 22 April 2015 requiring the Government of Belize to identify and protect Maya property and other rights arising from customary land tenure. The Government of Belize has reportedly not yet met with Maya representatives to begin implementation of the order nor has it taken measures not to interfere with this right unless consultation occurs. A previous communication on this subject was sent on 3 July 2015, see above, case no. BLZ 1/2015.	
24/11/2015 JUA	BRA 10/2015 Brazil	Business enterprises; Environment; Hazardous substances and wastes; Health; Indigenous peoples; Water and Sanitation;	Alleged detrimental human rights impact caused by the collapse of an ore tailing waste dam in Bento Rodrigues, a sub-district of Mariana municipality in Minas Gerais state belonging to Samarco Mining S.A., a joint venture between Vale S.A. and BHP Billiton Brazil Ltda. According to the information received, 50 million cubic metres of iron ore waste washed away the entire Bento Rodrigues district of 600 inhabitants and the advancing toxic 'mud wave' continues to contaminate the soil, rivers, flora and fauna of the entire ecosystem of the region in its downstream path of 850 kilometres towards the sea. From the source of the contamination to the mouth of the sea, around 6 million people are affected by this disaster. The environmental damage to the region is said to be irreparable as the flood waters have produced a dense toxic mud that has entered the River Doce, contaminating it with very high levels of hazardous substances. All cities in the flood path have had water cuts and many residents have had to be taken to hospital for respiratory irritation and intoxication of heavy metals. 11 bodies had been found and 12 persons are still officially missing.	

24/11/2015 UA	NIC 5/2015 Nicaragua	Indigenous peoples;	Alegaciones sobre la creciente situación de violencia en la Región Autónoma Costa Caribe Norte, en la Mosquitia de Nicaragua. Según la información recibida, los enfrentamientos tienen su origen en la presencia de terceros en territorios del pueblo miskito y sus comunidades, debido a la falta de un proceso real y efectivo de saneamiento de dichos territorios, de acuerdo a lo que señala la ley número 28 (Estatuto de Autonomía) y la ley número 445 sobre el régimen de propiedad comunal. La tensión creciente ha desembocado en diversos incidentes violentos, que han tenido ya como resultado asesinatos, heridos y desplazados, además de daños a los bienes de los comunitarios. Como consecuencia de la violencia reinante en la zona, la información recibida señala un gran número de desplazados, ahora refugiados en las ciudades de Bilwi y Waspan y en la vecina Honduras. Debido a la situación, los miembros de las comunidades no han podido recolectar sus cosechas, por lo que podría estarse produciendo una situación de emergencia humanitaria.	29/01/2013 13/10/2015
28/12/2012 AL	MEX 36/2012 México	Indigenous peoples;	Alegaciones de posibles impactos negativos sobre los derechos humanos del pueblo indígena ikojts (o huave) a raíz de la construcción de un parque eólico en San Dionisio del Mar, Oaxaca. Según la información recibida, en años recientes, el Gobierno federal mexicano y el gobierno estatal de Oaxaca han promovido un proyecto eólico que afectaría las tierras tradicionales de la comunidad de San Dionisio del Mar y de las demás comunidades que conforman el pueblo ikojts, las cuales son formalmente reconocidas como tierras comunales bajo el régimen agrario nacional. Se alega que el proyecto eólico en San Dionisio del Mar no fue debidamente autorizado por la asamblea comunitaria, la cual es la principal entidad representativa compuesta por miembros de la comunidad. La principal preocupación expresada por miembros del pueblo ikojts en relación con el proyecto eólico gira en torno a los posibles impactos ambientales que generaría la construcción del proyecto eólico sobre el mar, las lagunas, las áreas costeras y los manglares de los que dependen para sus actividades tradicionales de pesca a lo largo del Golfo de Tehuantepec y el complejo lagunar Huave.	

07/11/2013 JAL	CAN 4/2013 Canada	Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Allegations concerning discrimination in funding and retaliation acts against Ms Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada. According to the information received, in 2007, the First Nations Child and Family Caring Society of Canada filed a complaint against the Government of Canada before the Canadian Human Rights Tribunal alleging discrimination in the funding provided to First Nations for child welfare. Reportedly, after the case was filed in 2007, Ms Blackstock and the First Nations Child and Family Caring Society of Canada experienced what they perceived as several forms of retaliation by the Government of Canada. This allegedly included the monitoring of Ms Blackstock's personal Facebook page, her professional meetings and presentations, and her Indian Status registry.	10/01/2014 10/01/2014 09/10/2015
26/01/2015 JUA	ECU 1/2015 Ecuador	Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alegaciones sobre el desalojo repentino e injustificado de la Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) de un inmueble en comodato con el Ministerio de Asuntos Económicos y Sociales (MIES). Según información recibida, el 11 de diciembre de 2014, el Gobierno de Ecuador, mediante el MIES, habría notificado a la CONAIE la terminación unilateral del contrato de comodato presuntamente válido por 30 años (1984 – 2021). El motivo habría sido la necesidad urgente de utilizar el edificio para un programa de desintoxicación. La CONAIE habría recibido un plazo de 15 días hábiles (hasta el 6 de enero de 2015) para desalojar los locales que, además, habría remodelado recientemente, agregando dos nuevas plantas. El edificio sería símbolo importante de las demandas indígenas y sociales de tres décadas en el país. El presunto entorno crecientemente restrictivo e intimidatorio para las organizaciones de la sociedad civil en Ecuador, en particular aquellas en pro de los derechos indígenas, ha sido objeto de cinco comunicaciones previas enviadas el: 30 de noviembre de 2011, referencia A/HRC/19/44, caso ECU 1/2013; 4 de octubre de 2013, referencia A/HRC/25/74, caso ECU 2/2013; 31 de diciembre de 2013, referencia A/HRC/26/21, caso ECU 4/2013 y el 5 de septiembre de 2014, caso ECU 2/2014. Los Procedimientos Especiales lamentan no haber recibido aún ninguna respuesta a estas comunicaciones.	02/07/2015

4. Communications sent, 1 March to 31 May 2015; Replies received, 1 May to 31 July 2015

Date Type	Case No Country	Mandate(s)	Summary of the allegation transmitted	Reply
13/03/2015 JUA	MEX 3/2015 México	Arbitrary detention; Health; Human rights defenders; Independence of judges and lawyers; Indigenous peoples; Torture; Violence against women;	Presunta detención arbitraria, malos tratos y situación de riesgo en detención debido a falta de tratamiento médico adecuado de una defensora de derechos humanos y líder de una comunidad indígena en el estado de Nayarit. De acuerdo con la información recibida, el día 21 de agosto de 2013 la Sra. Nestora Salgado García, dirigente de la comunidad indígena y coordinadora de la Policía Comunitaria en Olinálá, fue detenida y trasladada al Centro Federal de detención de Mujeres 'Noroeste', la cárcel de máxima seguridad de Nayarit. Posteriormente, la Sra. Salgado fue acusada del secuestro del representante legal municipal y los adolescentes. Se alega que hubo una supuesta falta de garantías del debido proceso, así como malos tratos a la detenida. Sra. Salgado está en riesgo ya que no está recibiendo el tratamiento médico adecuado. Se expresa preocupación por la presunta detención arbitraria, el arresto y la detención continuada de Sra. Salgado.	15/05/2015 15/05/2015 15/05/2015
19/03/2015 UA	NIC 3/2015 Nicaragua	Indigenous peoples;	Alegaciones de falta de un proceso de consulta adecuado con el Gobierno Territorial Rama y Kriol en el contexto del desarrollo de infraestructura y transporte asociado con la construcción de un canal y la preocupación por los impactos en los derechos sustantivos de los pueblos indígenas afectados en relación con sus tierras, territorios y recursos, incluidos sus medios de subsistencia. El Gobierno Territorial publicaría su postura en relación con el Canal, pidiendo una modificación de la Ley 840, en consulta con los pueblos indígenas afectados y, una vez modificada la ley, un proceso de consulta apropiado para determinar las condiciones de uso del territorio del Gobierno Territorial Rama y Kriol para el proyecto. El Gobierno Tradicional propondría también la presencia de observadores en el proceso de consulta. Las autoridades del Gobierno Tradicional habrían presentado una petición y habrían solicitado medidas cautelares ante la Comisión Interamericana de Derechos Humanos, que siguen pendientes.	

26/03/2015 JAL	IND 4/2015 India	Adequate housing; Indigenous peoples;	Allegations of adverse impacts on the right to an adequate standard of living, including food and housing, and the rights of indigenous peoples due to the ongoing construction of the Mapithel dam in the State of Manipur. According to the information received, the construction of the Mapithel dam continues to result in evictions, displacement, inadequate resettlement and the destruction of over 700 hectares of agricultural land in six villages, namely Lumphong, Phayang, Chadong, Lamlai Khullen (now Ramrei), Lamlai Khunou (now Ramrei lower) and Lamlai Monbung. The construction of the dam, which is scheduled for completion in 2015, threatens the survival of approximately 10,000 inhabitants who will be forcefully displaced from their land and deprived from their sources of livelihood. Reports suggest that the decision to build the dam was made without free, prior and informed consent of the individuals and communities concerned.	03/06/2015
15/04/2015 JAL	AUS 4/2015 Australia	Cultural Rights; Freedom of peaceful assembly and of association; Indigenous peoples;	Allegations concerning the Federal Government's discontinuing of funding for basic services in remote aboriginal communities, which may affect more than 100 such communities in the State of Western Australia. According to the information received, the measure is expected to take place at the end of July 2015 when federal funding will end, affecting 12,113 people living in the 275 remote communities in the State of Western Australia. Concerns are raised regarding the impact that such discontinuation may have on the human rights of indigenous communities, including their cultural rights, whether indigenous communities have been consulted with and the alternatives that the communities will have to choose from.	

30/04/2015 JAL	KHM 1/2015 Cambodia	Adequate housing; Cambodia; Indigenous peoples;	Alleged forced eviction and land appropriation of Bunong indigenous community in Cambodia. According to the information received, in early December 2014, Binh Phouc Rubber Company 1 bulldozed property and farmland occupied since the 1940s by approximately 211 families in Monduliri province. Subsequently, on 31 March 2015, company representatives, supported by approximately 90 armed police officers and a provincial prosecutor, who had reportedly been instructed to arrest any protestors, bulldozed additional land and approximately 170 temporary residential structures where individuals and families reside on seasonal basis when planting crops and cultivating land for several months at a time. The Monduliri Provincial Governor threatened local NGO members with arrest if they attempted to enter the area to monitor the situation. Both the evictions and the Company's lease of the land allegedly contravene the community's property rights under domestic law. They have submitted complaints to District authorities, the Provincial Governor's office, the National Assembly and others, and are currently left without additional recourse to protect their land.	27/07/2015
28/05/2015 JAL	PER 1/2015 Peru	Indigenous peoples; Toxic waste;	Seguimiento al supuesto incumplimiento del gobierno de las recomendaciones del anterior relator especial, el Sr. James Anaya relacionadas con el caso de la contaminación petrolera en territorios indígenas en el denominado Lote 1-AB (actual Lote 192) ubicado en las cuencas de los ríos Pastaza, Tigre, Corrientes y Marañón, departamento de Loreto, donde viven los pueblos indígenas quechuas, kichwas, kukamas y urarinas. Según la información recibida y después de la comunicación urgente emitida (UA Per 3/2014), los resultados positivos del proceso de diálogo han resultado en la firma de un acuerdo entre el Gobierno de Perú, el gobierno regional de Loreto y los presidentes de FEDIQUEP (Federación Indígena Quechua del Pastaza), FECONACO (Federación de Comunidades Nativas del Corrientes), FECONAT (Federación de Comunidades Nativas del Alto Tigre) y ACODECOSPAT (Asociación Cocama de Desarrollo y Conservación San Pablo de Tipishca) el 10 de marzo de 2014.	

20/02/2014 AL	USA 5/2014 United States of America	Indigenous peoples;	Allegations made in follow up to the observations and recommendations made in the Special Rapporteur's report, "The situation of indigenous peoples in the United States of America" (A/HRC/21/47/Add.1) of 30 August 2012. Subsequent to the publication of this report, the Special Rapporteur has continued to monitor the situation of indigenous peoples in the United States. The allegations received indicate that many Native American tribes and other indigenous communities still face persistent barriers to the realization of their human rights as indigenous peoples, including with respect to land and sacred places, preservation of their languages and cultural artefacts, and the welfare of their children and communities. In addition, the Special Rapporteur has received information regarding ongoing grievances with special legal and policy regimes that affect indigenous peoples in Maine, Alaska, Hawaii and Guam.	12/05/2015
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5. Communications sent, 1 June to 30 November 2014; Replies received, 1 August 2014 to 31 January 2015

Date Type	Case N° Country	Mandates	Summary of the allegation transmitted	Reply
20/06/2014 JAL	NPL 1/2014 Nepal	Indigenous peoples; Summary executions;	Alleged violent conflicts in Dho village, Dolpo district, related to the collection of royalties for the harvesting of “Yarsagumba” (caterpillar fungus). According to the information received, on 3 June 2014, clashes erupted during a meeting between indigenous residents of Dho village who harvest Yarsagumba and officials of the Buffer Zone Management Committee, a State entity of the Shey Phoksundo National Park. The Buffer Zone Management Committee was accompanied by members of the Armed Police Force and the Nepal Police, who intervened in the clash. Reportedly, the incident resulted in the death of two people and injury of some 50 others.	02/09/2014
23/07/2014 JAL	BGD 4/2014 Bangladesh	Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alleged attack on members of the International Chittagong Hill Tracts Commission in Rangamati district, Chittagong Hill Tracts. According to the information received, on 2 July 2014, the Commission initiated a visit to the Chittagong Hill Tracts region in the context of the clash of 10 June 2014 between personnel of the Border Guard of Bangladesh and local Jumma people. In the subsequent days, members of Bengali settler organizations allegedly took various measures to attempt to prevent the Commission from entering the area. Reportedly, on 5 July 2014, the Commission's minibus was attacked in Rangamati by some 50 members of Bengali settlers' organizations who began to throw rocks and bricks at the vehicle. At least one commissioner was injured in the attack.	31/07/2014

31/07/2014 AL	BLZ 2/2014 Belize	Indigenous peoples;	Allegations concerning the land tenure situation of the Maya villages of Belize. According to the information received, the Government of Belize has yet to implement decisions of its Supreme Court of 2007 and 2010, and a decision of the Inter-American Commission on Human Rights, and title or otherwise secure protection for Maya lands within the Toledo District. The Special Rapporteur urges the Government to engage in good faith consultations with the Maya people, through appropriate procedures that conform to the relevant international standards and Maya customary law, in order to develop effective mechanisms to secure their rights.	
05/09/2014 JAL	ECU 2/2014 Ecuador	Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alegaciones de actos intimidatorios por parte de la Policía y la Dirección de Migración y Extranjería contra un ex miembro y colaborador de la Fundación Pachamama. Según la información recibida, el 16 de julio de 2014, tras un acto organizado por la Fundación Pachamama, primero policías vestidos de civil y luego policías uniformados, habrían exigido al Sr. Oliver Cyrus Rothschild Utne la presentación de su documentación, presuntamente para verificación de su estatus migratorio. Posteriormente habría sido retenido sin motivo por la policía durante cuatro horas. El 17 de julio, habría sido informado que su visa había sido revocada y las autoridades le habrían exigido abandonar el país. Estos actos constituirían actos de intimidación realizados por motivos presuntamente relacionados con la afiliación del Sr. Utne con la Fundación Pachamama, la cual habría sido disuelta en diciembre de 2013 en aplicación del Decreto Ejecutivo 16. La Fundación Pachamama y su presunto cierre basado en la aplicación del Decreto Ejecutivo 16 fueron objeto de una comunicación previa enviada el 31 de diciembre de 2013, ver A/HRC/26/21, caso ECU 4/2013. El Decreto Ejecutivo 16 fue objeto de una comunicación previa enviada el 16 de septiembre de 2013, ver A/HRC/25/74, caso ECU 1/2013.	

02/10/2014 JAL	RUS 8/2014 Russian Federation	Freedom of expression; Human rights defenders; Indigenous peoples;	Alleged prevention of two, and attempted prevention of another two indigenous rights defenders to travel from Russia to New York to take part in the United Nations World Conference on Indigenous Peoples. According to the information received, on 18 September 2014, Mr. Rodion Sulyandziga, head of the Russian Center for Support of Indigenous Peoples of the North, intended to fly from Sheremetyevo International Airport, Moscow, to New York. However, his passport was seized by passport control officials because a page had been removed. He was unable to exit Russia and faces administrative sanctions. On 20 September 2014, Ms. Anna Naikandchina, of the same organisation, was unable to travel for the same reason. On the same day, Ms. Valentina Sovkina and Ms. Alexandra Arlieva, Saami rights defenders, had their car tires punctured, and were stopped and questioned three times by traffic police. During one check, an individual attempted to steal Ms. Sovinka's belongings. Ms. Sovkina and Ms. Arlieva were able to exit Russia one day later.	28/11/2014
08/10/2014 JUA	PER 2/2014 Peru	Environment; Human rights defenders; Indigenous peoples; Summary executions;	Presunto supuestos ataques y asesinatos contra miembros de comunidades indígenas y defensores de derechos humanos en el Perú. Según la información recibida, el 20 de febrero y el 5 de noviembre de 2014, el señor Washington Bolívar Díaz recibió amenazas de muerte por parte de un maderero ilegal y un agricultor, respectivamente. El 3 de junio 2014, el Señor Edwin Chota Valera, líder Asháninka, presentó una carta al Presidente del Consejo de Ministros del Perú denunciando las múltiples amenazas de muerte recibidas por miembros de la misma comunidad. El 1 de septiembre de 2014, los señores Edwin Chota Valera, Jorge Ríos Pérez, Leoncio Quinticima Meléndez y Francisco Pinedo, todos líderes Asháninkas, se dirigían a la frontera con Brasil cuando encontraron una base maderera ilegal y solicitaron a los ocupantes abandonar sus tierras. En respuesta a esta solicitud habrían sido agredidos y asesinados por los presuntos madereros ilegales.	

21/11/2014 JAL	COL 10/2014 Colombia	Discrimination against women; Health; Indigenous peoples; Water and Sanitation;	Presuntos obstáculos al disfrute del derecho al más alto nivel de salud física y mental por parte de ciertas comunidades indígenas residentes en el Departamento del Chocó. De acuerdo con la información recibida, preocupa especialmente que el sistema de salud no responda a las necesidades de las mujeres debido a una ausencia de perspectiva de género y que las causas de morbilidad y mortalidad en estas comunidades, en especial las que afectan a niños y niñas, se consideren como evitables y prevenibles.	
27/11/2014 JAL	CAN 1/2014 Canada	Environment; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alleged surveillance of environmental and aboriginal organizations in the context of hearings concerning an oil pipeline project. According to the information received, the National Energy Board and the Canadian Security Intelligence Service (CSIS) have carried out surveillance of environmental and aboriginal organizations, including Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia and Idle No More, and shared the information collected with the Royal Canadian Mounted Police (RCMP) and private sector companies. Information received alleges that this surveillance took place in 2013 in the context of hearings concerning an oil pipeline project. The issue of undue monitoring of associations was the subject of an earlier communication sent to the Government of Canada on 7 November 2013, see A/HRC/25/74, case no. CAN 4/2013.	27/01/2015 27/01/2015 27/01/2015 27/01/2015 27/01/2015 27/01/2015
25/02/2014 AL	CRI 1/2014 Costa Rica	Indigenous peoples;	Alegaciones sobre la situación del proyecto hidroeléctrico El Diquís. La carta fue enviada en seguimiento al informe de 2011 sobre "La situación de los pueblos indígenas afectados por el proyecto hidroeléctrico el Diquís en Costa Rica" (A/HRC/18/35/Add.8). Desde la publicación del informe el Relator Especial ha continuado monitoreando el desarrollo del proceso de consulta sobre el Proyecto Hidroeléctrico El Diquís, incluyendo durante una visita al país en marzo de 2012. En la carta, el Relator Especial hace una serie de preguntas sobre el estado actual del proyecto y asuntos relacionados.	16/10/2014

11/04/2014 JAL	HND 3/2014 Honduras	Human rights defenders; Indigenous peoples;	Alegaciones de la situación de las comunidades indígenas lenkas afectadas por la construcción del proyecto hidroeléctrico Agua Zarca en la región de Río Blanco, Intibucá. La información recibida señala preocupación sobre la situación de tenencia de la tierra de las comunidades indígenas de Río Blanco; la aprobación del proyecto hidroeléctrico Agua Zarca y su rechazo por miembros de las comunidades de Río Blanco; el inicio de obras relacionadas al proyecto; las protestas en contra del proyecto Agua Zarca y la respuesta del Estado; y las denuncias interpuestas por miembros de las comunidades de Río Blanco en contra del proyecto Agua Zarca.	24/10/2014 27/10/2014
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6. Communications sent, 1 December 2014 to 28 February 2015; Replies received, 1 February to 30 April 2015

Date Type	Case N° Country	Mandates	Summary of the allegation transmitted	Reply
08/12/2014 JUA	PER 3/2014 Peru	Indigenous peoples; Toxic waste;	Supuesto incumplimiento por el gobierno de las recomendaciones del anterior Relator Especial, Sr. James Anaya, relacionadas con el caso de la contaminación petrolera en territorios indígenas en el denominado Lote 1-AB (actual Lote 192) ubicado en las cuencas de los ríos Pastaza, Tigre, Corrientes y Marañón, departamento de Loreto, donde viven los pueblos indígenas quechuas, kichwas, kukamas y urarinas. Según la información recibida, el remedio acordado no ha conducido a resultados concretos y no se ha llevado a cabo el diálogo previo al proceso de concesión de licencias. A pesar del acuerdo firmado entre organizaciones indígenas y Perupetro (la empresa estatal de derecho privado que promueve, negocia, suscribe y supervisa contratos para la exploración y explotación de hidrocarburos en el Perú) en febrero de 2013, Perupetro publicó el 7 de noviembre de 2014 en la prensa nacional que el proceso de licitación del Lote 1-AB comenzaría el 15 de diciembre.	

22/12/2014 JAL	GTM 8/2014 Guatemala	Disappearances; Human rights defenders; Independence of judges and lawyers; Indigenous peoples; Torture; Truth, justice, reparation & guarantees on non-rec; Violence against women;	Alegaciones sobre la posible aplicación de una amnistía por los delitos de genocidio y crímenes de lesa humanidad, retrasos en el proceso judicial y alegaciones relativas a la falta de garantías de imparcialidad e independencia en la selección de magistrados de la Corte Suprema y salas de apelaciones. Según las informaciones recibidas, los retrasos debidos a la anulación de una fase del debate del juicio por genocidio y crímenes de lesa humanidad contra el ex Jefe de Estado Sr. Efraín Ríos Montt; la posible re-victimización de los testigos y víctimas si tuvieran que volver a dar testimonio; la posible aplicación de una amnistía a delitos que constituirían violaciones graves de los derechos humanos, crímenes de lesa humanidad y genocidio; así como la falta de garantías para la imparcialidad e independencia de la justicia señaladas en el proceso de selección de magistrados de la Corte Suprema y salas de apelaciones, vulnerarían el derecho a la verdad y el acceso a la justicia para las víctimas y familiares de violaciones graves de los derechos humanos cometidas en Guatemala durante el conflicto armado interno. Esta comunicación se refiere a comunicaciones anteriores enviadas el 18 de agosto de 2014, ver A/HRC/28/85, caso no. GTM 5/2014; el 2 de mayo 2014, ver A/HRC/27/72, caso no. GTM 4/2014; el 30 de octubre 2013, ver A/HRC/25/74, caso no. GTM 9/2013; el 17 de mayo 2013, ver A/HRC/24/21, caso, no. GTM 5/2013; y el 15 de marzo 2013, ver A/HRC/24/21, caso no. GTM 2/2013.	26/12/2014 15/01/2015
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26/01/2015 JUA	ECU 1/2015 Ecuador	Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples;	Alegaciones sobre el desalojo repentino e injustificado de la Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) de un inmueble en comodato con el Ministerio de Asuntos Económicos y Sociales (MIES). Según información recibida, el 11 de diciembre de 2014, el Gobierno de Ecuador, mediante el MIES, habría notificado a la CONAIE la terminación unilateral del contrato de comodato presuntamente válido por 30 años (1984 – 2021). El motivo habría sido la necesidad urgente de utilizar el edificio para un programa de desintoxicación. La CONAIE habría recibido un plazo de 15 días hábiles (hasta el 6 de enero de 2015) para desalojar los locales que, además, habría remodelado recientemente, agregando dos nuevas plantas. El edificio sería símbolo importante de las demandas indígenas y sociales de tres décadas en el país. El presunto entorno crecientemente restrictivo e intimidatorio para las organizaciones de la sociedad civil en Ecuador, en particular aquellas en pro de los derechos indígenas, ha sido objeto de cinco comunicaciones previas enviadas el: 30 de noviembre de 2011, referencia A/HRC/19/44, caso ECU 3/2011; 16 de septiembre de 2013, referencia A/HRC/25/74, caso ECU 1/2013; 4 de octubre de 2013, referencia A/HRC/26/21, caso ECU 4/2013 y el 5 de septiembre de 2014, caso ECU 2/2014. Los Procedimientos Especiales lamentan no haber recibido aún ninguna respuesta a estas comunicaciones.
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23/02/2015 JAL	NIC 1/2015 Nicaragua	Business enterprises; Environment; Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Indigenous peoples; Terrorism;	Alegaciones de disolución de asambleas pacíficas con uso excesivo de la fuerza y detención arbitraria de manifestantes acusados de delitos de terrorismo y exposición de personas al peligro, en el marco de protestas pacíficas contra la construcción del canal interoceánico en Nicaragua. Según la información recibida, el proyecto de construcción del canal interoceánico otorgado a la Empresa china HKND Group habría sido aprobado sin estudios del impacto medioambiental y sin consultar con las poblaciones locales directamente afectadas por las obras. A su vez, se nos reporta que hacia fines de diciembre, habrían tenido lugar protestas pacíficas en las carreteras, en contra del proyecto y/o para denunciar irregularidades, las cuales habrían sido violentamente reprimidas por la Policía Nacional. Cerca de 90 personas, entre las que se encuentran los Sres. Octavio Vicente Ortega Arana, Ronald Iván Henríque Delgado, Danilo Lorio, Freddy Antonio Orozco, Jairo Moisés Lazo Gaitán y Manuel Vega, habrían sido arrestadas de forma arbitraria y acusadas de los delitos de terrorismo y exposición de personas al peligro. Ocho días después de los arrestos, todas estas personas habrían sido liberadas. Se expresa preocupación por la dispersión violenta y criminalización de reuniones pacíficas y por el uso excesivo de la fuerza, entre otros.
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D. Summary of Annual/Thematic Reports

Annual Reports to the Human Rights Council and General Assembly

The Special Rapporteur's annual reports include descriptions of the activities carried out within the framework of the mandate and discussion of specific themes or issues of particular relevance to the concerns of indigenous peoples.

2017

A/72/186	Report of the Special Rapporteur to the General Assembly on the rights of indigenous peoples A/72/186, 21 July 2017. Implementation of the United Nations Declaration on the Rights of Indigenous Peoples.	PDF: En Sp Ar Fr Ru Ch
A/HRC/36/46	Report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council. 15 September 2017. Impacts of climate change and climate finance on indigenous peoples' rights.	PDF: En (Advance Unedited Version)

2016

A/71/229	Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly, July 29, 2016. Conservation and indigenous peoples' rights	PDF: En Sp Ar Fr Ru
A/HRC/33/42	Report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council. 11 August 2016. Impacts of international investment agreements on the rights of indigenous peoples	PDF: En Sp Ar Fr Ru

2015

A/70/301	Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly, August 7, 2015. The impact of international investment and free trade on the human rights of indigenous peoples.	PDF: En Sp Ar Ch Fr Ru
A/HRC/30/41	Report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council. Rights of indigenous women and girls.	PDF: En Ar Ru Sp
A/HRC/30/41/Add.1	Addendum - The situation of indigenous peoples in Paraguay	PDF: En Sp

2014

A/69/267	Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly, August 6, 2014	PDF: Ar Ch En Fr Ru Sp
A/HRC/27/52	Report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council, August 11, 2014	PDF: En Fr Ar Ru Sp
A/HRC/27/52/Add.1	Addendum - Mission to Panama	PDF: Ar Ch En Fr Ru Sp
A/HRC/27/52/Add.2	Addendum - Mission to Canada	PDF: Ar Ch En Fr Ru Sp
A/HRC/27/52/Add.3	Addendum - Mission to Peru	PDF: Ar En Fr Ru Sp
A/HRC/27/52/Add.4	Addendum - Observations on communications	PDF: En [Advance Version]

E. Summary of Country Reports

The Special Rapporteur's country reports evaluate the situations of indigenous peoples in selected countries and offer recommendations to governments and other actors on how to address particular matters of concern within the framework of applicable international standards. These reports are based on information gathered during the Special Rapporteur's visits to the countries as well as on independent research conducted by her and her support team on the relevant issues, peoples and locations.

2017

A/HRC/36/46/ Add.1	Report of the Special Rapporteur on the rights of indigenous peoples on her mission to the United States of America	PDF En Sp Fr Ru Ar Ch
A/HRC/36/46/ Add.2	Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia	PDF En Sp Fr Ru Ar Ch

2016

A/HRC/33/42/ Add.1	Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil	PDF En Sp Fr Ru Ar Ch Portugues
A/HRC/33/42/ Add.2	The situation of indigenous peoples in Honduras	PDF En Sp Fr Ru Ar Ch
A/HRC/33/42/ Add.3	Report of the Special Rapporteur on the rights of indigenous peoples on the human rights situation of the Sami people in the Sápmi region of Norway, Sweden and Finland	PDF En Sp Fr Ru Ar Ch

2015

A/HRC/30/41/ Add.1	The situation of indigenous peoples in Paraguay	PDF En Sp
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F. Summary of Statements and Press Releases

#	Article Title	Date
1	Declaración de cierre de misión a México. Relatora Especial Victoria Tauli-Corpuz	17-11-2017
2	Current risks and challenges to the physical and cultural survival of indigenous peoples in Latin America	17-10-2017
3	Statement of the Special Rapporteur on the Rights of Indigenous Peoples to the UN General Assembly	12-10-2017
4	Statement to the Human Rights Council 36th Session	21-09-2017
5	Tenth Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples	12-07-2017
6	Statement by Victoria Tauli-Corpuz. 16th session of the UN Permanent Forum on Indigenous Issues	01-05-2017
7	The tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Statement by Victoria Tauli-Corpuz	25-04-2017
8	Relatora Especial de Naciones Unidas: Pueblos indígenas esperan continuar los diálogos con el Gobierno y demás sectores en Honduras	21-04-2017
9	End of Mission Statement by UNSR on the rights of indigenous peoples, Victoria Tauli-Corpuz on her visit to Australia	03-04-2017
10	End of mission statement on United States by the Special Rapporteur on the rights of indigenous peoples	03-03-2017
11	Keynotes: 3rd Meeting of the Indigenous Peoples' Forum at IFAD	12-02-2017
12	UN experts condemn string of Ecuador clampdowns on human rights organizations	30-12-2016
13	Consultation and consent: Principles, experiences and challenges	19-11-2016
14	Statement of Special Rapporteur on the Rights of Indigenous Peoples to the UN General Assembly	17-10-2016
15	Ethiopia: UN experts call for international commission to help investigate systematic violence against protesters	10-10-2016

16	North Dakota: "Indigenous peoples must be consulted prior to oil pipeline construction" – UN expert	23-09-2016
17	Statement to Human Rights Council 33rd Session, 2016	21-09-2016
18	Indigenous Peoples' right to education – a transformative force for empowerment	09-08-2016
19	Statement on the celebration of the International Day of the World's Indigenous Peoples in the Philippines	09-08-2016
20	El Salvador: "Hope for victims" – UN experts welcome annulment of the Amnesty Law	16-07-2016
21	Seeking for More Effective Ways of Implementing the UN Declaration on the Rights of Indigenous Peoples	14-07-2016
22	Critical Issues and Challenges in addressing rights of indigenous persons with disabilities	11-07-2016
23	Brazilian mine disaster – UN experts call for a timely resolution after the settlement suspension	05-07-2016
24	UN Experts Statement on Habitat III: New Urban Agenda Must be Based in Human Rights	30-06-2016
25	A death foretold in Brazil – UN expert condemns indigenous peoples killings and urges an end to violence	22-06-2016
26	World Environment Day – 5 June. "A deadly undertaking" – UN experts urge all Governments to protect environmental rights defenders	05-06-2016
27	Conflict, peace and the human rights of Indigenous Peoples	23-05-2016
28	Berta Cáceres' murder: UN experts renew call to Honduras to end impunity	12-04-2016
29	Brazil. End of Mission Statement. United Nations Special Rapporteur on the rights of indigenous peoples	17-03-2016
30	UN Special Rapporteur on the rights of indigenous peoples announces follow-up visit to Brazil	05-03-2016
31	UN expert condemns killing of rights defender Berta Cáceres in Honduras	04-03-2016
32	Flint: Fundamentally about human rights – UN experts underline	03-03-2016
33	Guatemala: UN experts welcome judgment of two former military officials for crimes against humanity	01-03-2016
34	Human rights, indigenous jurisdiction and access to justice	24-02-2016

35	Observations on strengthening indigenous women's access to justice and protection against violence	23-02-2016
36	Intellectual Property, Genetic Resources and Associated Traditional Knowledge: Indigenous and Local Community Perspectives	16-02-2016
37	Canada must address root causes of extreme violence and discrimination against indigenous women – Rights experts	01-02-2016
38	Finland. New bill threatens Sami's rights to their traditional lands and livelihood	17-12-2015
39	Removing Rights for Indigenous Peoples places Forests, Climate Plan at Risk. Statement from Paris, COP21	07-12-2015
40	Nicaragua: Experta de la ONU exhorta a la calma ante la creciente situación de violencia en la Región Autónoma del Atlántico Norte	01-12-2015
41	End-of-mission statement on Honduras by the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz	10-11-2015
42	UN experts urge Latin America and the Caribbean to adopt trend-setting agreement on environmental democracy	22-10-2015
43	Statement by United Nations experts on the ECLAC's negotiation of a regional instrument on environmental democracy	22-10-2015
44	Statement by Special Rapporteur on the rights of indigenous peoples to 70th session of the UN General Assembly	20-10-2015
45	Statement to the Human Rights Council, 30th Session 2015	22-09-2015
46	Philippines: UN experts urge probe into killings of three Indigenous peoples' rights defenders	22-09-2015
47	Land and resource rights are key to Sami people's self-determination, UN rights expert says	28-08-2015
48	ECUADOR. Relatora Especial sobre los Derechos de los Pueblos indígenas exhorta a la calma y el diálogo en Ecuador	24-08-2015
49	UN rights expert to assess Sami people's self-determination and land and resource rights	24-08-2015
50	UN rights expert urges Brazil not to evict Guarani and Kaiojá indigenous peoples from their traditional lands	11-08-2015
51	Statement. International Day of the World's Indigenous Peoples, 9 August 2015	08-08-2015

52	<u>Statement to the 8th session of the EMRIP. Follow up to the World Conference on Indigenous Peoples</u>	20-07-2015
53	<u>Belize Government's recent actions show troubling disregard for Maya property rights. UN expert warns</u>	07-07-2015
54	<u>Opening remarks. First session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights</u>	06-07-2015
55	<u>Statement to the 14th session of the UN Permanent Forum on Indigenous Issues</u>	27-04-2015
56	<u>Human Rights and Climate Change. Indigenous Peoples' rights must be respected in global climate change agreement</u>	06-03-2015
57	<u>Expert Testimony before the Inter-American Court of Human Rights on the Case of Kalifña and Lokono Peoples vs. the Government of Surinam</u>	08-02-2015
58	<u>World Bank should recognize importance of human rights in its new environmental and social policies</u>	17-12-2014
59	<u>Peru / Indigenous peoples: "New oil project threatens further harm for human rights victims" – UN experts warn</u>	15-12-2014
60	<u>End of Mission to Paraguay Statement: UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz</u>	28-11-2014
61	<u>Paraguay: UN rights expert to assess indigenous peoples' participation and land and resource rights</u>	19-11-2014
62	<u>Statement by Special Rapporteur on the rights of indigenous peoples to 69th session of the UN General Assembly</u>	20-10-2014
63	<u>A new climate change agreement must include human rights protections for all</u>	17-10-2014
64	<u>UN system-wide actions for the Implementation of the Rights of Indigenous Peoples. Statement of the Special Rapporteur</u>	22-09-2014
65	<u>Statement to the Human Rights Council. 27th Session 2014</u>	17-09-2014
66	<u>Justice still remains elusive for many indigenous peoples in many parts of the world</u>	09-08-2014
67	<u>Indigenous peoples cannot be 'deleted' from the new global development goals. UN experts state</u>	18-07-2014
68	<u>Meetings with the Special Rapporteur on the rights of indigenous peoples during the seventh session of the United Nations Expert Mechanism on the Rights of Indigenous Peoples</u>	27-06-2014

69	Presentation to the WCIP Interactive Dialogue June 17-18, 2014	18-06-2014
70	UN Expert congratulates El Salvador on reforms to Constitution recognizing indigenous peoples	17-06-2014

Closing the gap between the recognition of indigenous peoples' rights at the international and national levels and the actual implementation on the ground remains my main pre-occupation.

Ms. Victoria Tauli-Corpuz
UN Special Rapporteur on the rights of indigenous peoples

She has practiced in her mandate the right to consult with her indigenous sisters and brothers from different socio-cultural regions of the world on the subjects to which she has referred in her reports; and has assured the presence of indigenous women and youth in these consultations.

Ms. Myrna Cuninghame Kain
President, Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y El Caribe (FILAC)

The issues Ms. Tauli-Corpuz analyzes, whether shedding light on the challenges or outlining good examples, invite us all to re-think critically about where our world is going and where indigenous peoples' stewardship could actually provide answers for all.

Ms. Elsa Stamatopoulou
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Institute for the Study of Human Rights, Columbia University



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