

What happened. Detailed circumstances of the alleged violation. If an initial event leads to others, please describe them chronologically. In case 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). Information on who allegedly committed the violation. If known, an explanation of the reasons why they are suspected of being responsible and whether they have any relation with national authorities.

Actions taken by national authorities: Has the matter been reported to the national administrative or judicial authorities? If applicable, what actions have been taken by the relevant authorities to remedy the situation?

Actions taken before international bodies: Has any legal action been initiated before international or regional human rights mechanisms? What is the state of development of these actions?

Source: Name and full address of the organization or individual(s) submitting the information. The details about the person or the organization submitting the information is essential in case the Rapporteur would need clarification or further information on the case. This information is always kept **confidential**.

Further information

Additional information on the work of the Special Rapporteur, as well as his annual reports, can be found at the website of the Office for the High Commissioner for Human Rights:

www.ohchr.org/english/issues/indigenous/rapporteur/

Information addressed to the Special Rapporteur should be sent by mail, by fax or via email to:

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
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Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people:

The communications procedure



The mandate of the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people is the single international procedure specifically responsible for the promotion and protection of the rights of indigenous peoples.

The Special Rapporteur's mandate is one of the various thematic special procedures of the Human Rights Council. The Special Rapporteur reports to the Council and to the UN General Assembly on an annual basis, and shares with other special procedures' mandates a common set of methods and practices. The Office of the High Commissioner for Human Rights provides assistance to these mandates to enable them to fulfill their duties.

Since its establishment in 2001, the mandate of the Special Rapporteur has been held by the Mexican academic, **Rodolfo Stavenhagen**.

Mandate

The mandate of the Special Rapporteur on indigenous people was established by the Commission on Human Rights in 2001. The mandate was assumed by the newly established Human Rights Council in 2006.

In the resolution creating the mandate, the Special Rapporteur was requested to (a) gather **information and communications** regarding violations of indigenous peoples' human rights; (b) formulate **recommendations** on measures to prevent and remedy these violations; and (c) work in **close relation** with other special procedures and other human rights bodies.

Activities

Thematic research: The Special Rapporteur presents annual thematic reports to the Human Rights Council on issues of special relevance to the rights of indigenous peoples. All these reports are available on the internet.

Country visits: The Special Rapporteur conducts official missions to countries, upon the invitation of the Governments concerned, and presents reports on his findings and recommendations to the Council (Addendums 2 and following of the annual report). These reports are also available on the internet.

Communications: The Special Rapporteur exchanges communications with Governments concerning allegations of violations of the human rights of indigenous peoples worldwide. The procedure is detailed below.

The communications procedure

Communications sent by the Special Rapporteur are normally brief (1-3 pages) and typically include a brief description of the alleged facts, without implying any initial conclusions about them. The Special Rapporteur reminds the Governments of their international obligations with regard to the protection of the rights of indigenous peoples, seeks clarification on specific circumstances of the case, and, where appropriate, requests immediate action in order to remedy the situation.

Types of communications. The communications sent by the Special Rapporteur are of two types: **urgent appeals**, in cases of imminent danger of violations of the human rights of indigenous individuals and communities; and **allegation letters**: if violations have already occurred or are of a less urgent character.

Cases. The mandate of the Special Rapporteur is broadly defined, and thus his 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.

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. Depending upon the specificities of the case, a joint communication may be sent by several Special Rapporteurs.

Requirements. No formal requirements exist in order for the Special Rapporteur to send communications. The exhaustion of domestic remedies is not required, nor a detailed legal argument about the case. Any person or organization can send information to the Special Rapporteur irrespective of the relationship with the victim(s) of the alleged violation.

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. However, resource limitations make it impossible to follow-up on every case, and past experiences have shown that a lot of the impact of the Special Rapporteur's actions depends on the mobilization of civil society and indigenous 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 annex to the Special Rapporteur's annual report to the Human Rights Council (Addendum 1 of the annual report).

Sending information to the Special Rapporteur

The communications sent by the Special Rapporteur rely, to an important extent, on the information provided by NGOs and indigenous organizations. It is therefore very important that this information be the most **accurate, updated and specific** as possible.

This information should include a detailed description of the circumstances of the alleged violation. It should be **brief and precise** (1-2 pages may suffice), and may be accompanied by annexes providing written or graphic evidence of the case.

The quality and level of information provided is crucial in ensuring the Special Rapporteur's prompt intervention in a given case, as incomplete information will require further investigation and may delay consideration of the case. Any additional information about the case should be made available to the Special Rapporteur, as it may provide grounds for the Special Rapporteur's intervention or to follow-up on a previous communication sent to the Government concerned.

Required information

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

Victim(s). Name, number and full details on the location of the individual(s), people or community that has been or will be affected or at risk as result of alleged fact.

