



UNITED NATIONS
OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS IN NEPAL



Press Release – 21 November 2008

Special Rapporteur on indigenous people visiting Nepal

At the invitation of the Government, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, S. James Anaya, will visit Nepal from 24 November to 2 December.

During the nine-day mission, the Special Rapporteur will travel to Kathmandu and to the Eastern, Central and Far-Western regions to hold discussions with government representatives, indigenous communities and civil society groups on the human rights of indigenous peoples. The Special Rapporteur intends to explore such issues as representation and participation of indigenous representatives in Government and inclusion of indigenous issues in the Constitution, land and resource issues, implementation of ILO Convention No. 169 and rights of indigenous women.

A press conference will be held in Kathmandu at the end of his visit, and the Special Rapporteur will present the visit's findings in a forthcoming session of the Human Rights Council.

Please see the attached information note.

For additional information on the mandate of the Special Rapporteur, see the website: <http://www2.ohchr.org/english/issues/indigenous/rapporteur/>

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**Office of the
High Commissioner for Human Rights, Nepal**



**Visit of the Special Rapporteur on the situation of human rights
and fundamental freedoms of indigenous people
24 November - 2 December 2008**

Country visit

The Government of Nepal has responded positively to the request by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, to undertake a country visit to Nepal. The visit is scheduled for 24 November - 2 December 2008, and will allow dialogue and in-depth consultations between the Special Rapporteur and relevant stakeholders. The Special Rapporteur will meet and interact with Government representatives, indigenous communities and organizations, national human rights mechanisms, and civil society representatives. He is also scheduled to meet UN agencies present in the country.

The Special Rapporteur intends to explore such issues as representation and participation of indigenous representatives in Government and inclusion of indigenous issues in the Constitution, land and resource issues, implementation of ILO Convention No. 169 and rights of indigenous women, among others.

Mandate holder

On 26 March 2008, the Human Rights Council appointed Prof. S. James Anaya (United States of America), for an initial period of three years, as new Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Prof. Anaya is the James J. Lenoir Professor of Human Rights Law and Policy at the University of Arizona (United States). He began his work as Special Rapporteur on 1 May 2008 and reported to the 9th Session of the Human Rights Council. During this session, he reported on the operationalization of the United Nations Declaration on the Rights of Indigenous Peoples (A/HRC/9/9) and on communications transmitted to governments and replies received regarding human rights situations worldwide. (A/HRC/9/9/Add.1).

This will be the second country visit of the Special Rapporteur, following a mission to Brazil in August 2008. He has also carried out a number of less formal working visits, including to Ecuador, Peru, Finland and Nicaragua.

Background and mandate

The Commission on Human Rights decided to appoint in 2001 a Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as part of the system of thematic special procedures. The Special Rapporteur's mandate was renewed by the Commission on Human Rights in 2004 and by the Human Rights Council, which replaced the Commission, in 2007.

In accordance with Human Rights Council resolution 6/12, the Special Rapporteur has the following mandate:

- (a) To examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people, in conformity with his 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 people and their communities and organizations, on alleged violations of their human rights and fundamental freedoms;
- (c) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;
- (d) To work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, the treaty bodies, and human rights regional organizations;

In carrying out these different activities, the Special Rapporteur is requested to develop a regular cooperative dialogue with all relevant actors; to pay special attention to the situation of indigenous children and women; to consider relevant recommendations of the world conferences and treaty bodies on matters regarding his mandate; and to submit a report on the implementation of his mandate to the Council in accordance with its annual programme of work.

In addition, the Special Rapporteur is requested to work in close cooperation and contribute to the work of the Permanent Forum on Indigenous Issues and the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples.

In the fulfillment of his mandate, the Special Rapporteur:

- Undertakes country visits and presents reports on his findings and recommendations.
- Exchanges information with Governments concerning alleged violations of the rights of indigenous peoples, and may provide conclusions and recommendations to remedy or prevent violations.
- Undertakes activities to follow-up on the recommendations included in his reports.
- Presents annual reports on particular topics or situations of special importance regarding the promotion and protection of the rights of indigenous peoples.

General background related to Special Procedure mechanisms

"Special procedures" is the general name given to the mechanisms established by the Commission on Human Rights to address specific country situations or thematic issues in all parts of the world. As of 15 March 2006, the Special Procedures were assumed by the Human Rights Council following the dissolution of the Commission on Human Rights.

Special procedures are either an individual (called "Special Rapporteur", "Special Representative of the Secretary-General" or "Independent Expert") or a working group usually composed of five members. The Special Rapporteurs serve in their personal capacity as independent experts, and do not receive salaries for their work. The independent status is crucial in order to be able to fulfill their functions in all impartiality.

On official visits, the Special Rapporteurs usually examine, monitor, advise, and publicly report on issues related to their respective mandate. The Office of the High Commissioner for Human Rights is delegated to provide the Special Rapporteurs with personnel and logistical assistance to support them in the execution of their mandates.

For further information or questions regarding the Special Rapporteur's upcoming visit to Nepal, please contact Nicole Bjerler (nbjerler@ohchr.org) and Tanuja Basnet (tbasnet@ohchr.org) at OHCHR-Nepal (Telephone: +977 1 428 0164).