



# International Indian Treaty Council

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## THE UN HUMAN RIGHTS COMMITTEE WILL QUESTION THE UNITED STATES ABOUT INDIGENOUS PEOPLES' SACRED AREAS AND FREE PRIOR AND INFORMED CONSENT IN THEIR OCTOBER, 2013 REVIEW OF US COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

**July 23<sup>rd</sup>, 2013:** The International Covenant on Civil and Political Rights (ICCPR) is a multilateral Human Rights Treaty that was adopted by the United Nations (UN) General Assembly on December 16, 1966. It went into legal force on March 23<sup>rd</sup>, 1976. The United States of America is one of the 167 countries, called "State parties", which have ratified the Covenant.

The ICCPR is legally binding on the State parties. State parties are required to undergo periodic reviews of their compliance with the Covenant, usually every 4 - 6 years. The UN Human Rights Committee (HRC) is the Treaty Monitoring Body for the ICCPR. The HRC conducts periodic reviews of the State parties and makes recommendations to the States about how to improve their compliance and better fulfill their legal obligations under the Covenant.

The HRC consists of 18 members representing all the UN regions. They are nominated and elected by the State parties to the Covenant. The HRC members are independent experts (not representatives of their respective countries) and serve in their individual capacities. For a list of current HRC members see: <http://www2.ohchr.org/english/bodies/hrc/members.htm>.

Reports submitted by the State parties under review, provisional agendas, questions for States under review and other relevant documents, including submissions by Civil Society and Indigenous Peoples, are posted on the Human Rights Committee website, <http://www2.ohchr.org/english/bodies/hrc/>. Recommendations and concluding observations of the HRC addressing the State parties' compliance are also posted after the reviews.

During its 107<sup>th</sup> session ending on March 28<sup>th</sup>, 2013, the HRC determined the issues which will be the focus of their review of 8 countries at their 109<sup>th</sup> session from October 14<sup>th</sup> – November 1<sup>st</sup>, 2013. **The United States will be reviewed at that time.** The list of issues for the US review is posted on the HRC web page, under 107<sup>th</sup> session, information on the US.

In December 2012, the International Indian Treaty Council (IITC) and the United Confederation of Taino People, with input from Indigenous Peoples, Nations and organizations in California, Hawaii, Alaska and New Mexico, submitted two proposals for issues to be addressed during the US review. These focused on Article 1 of the Covenant addressing Self-Determination and Articles 18 and 27 addressing Language, Culture and Freedom of Religion for "minorities" and highlighted the relevant provisions in the UN Declaration on the Rights of Indigenous Peoples (*Note: The ICCPR was drafted in the 1960's and did not use the term "Indigenous Peoples", however the HRC now uses this term*).

The HRC accepted the recommendations submitted by IITC et al pertaining to Article 27 of the ICCPR, and has drafted questions for response by the US and Indigenous Peoples as follows:

**27. Please provide information on measures taken to guarantee the protection of Indigenous Sacred Areas, as well as to ensure that indigenous peoples are consulted and that their free, prior and informed consent is obtained regarding matters that directly affect their interests. Please provide information on steps taken to implement Executive Order 13175 on Consultation and Coordination with Tribal Governments.**

The HRC will accept alternative or “shadow” reports with information in response to these questions and related concerns from Indigenous Peoples, Nations, Tribes and organizations as well as from Civil Society. The alternative reports are due by September 1<sup>st</sup> for the October session. The HRC requests information that is “as specific, reliable and objective as possible”, identifying the submitting non-governmental organization (NGO) or Peoples. Anonymous information is not accepted. Check the HRC web page for more information and guidelines on submissions by NGO’s and Indigenous Peoples.

IITC will coordinate the submission of a joint Indigenous Peoples "shadow report" on threats to Indigenous Peoples sacred lands, waters and places, cultural rights and practices, Free Prior and Informed Consent and other relevant concerns for the US review. We will also provide technical assistance and information to Indigenous Peoples and organizations who want to include information and cases in the joint shadow report or on their own.

As a reminder, we are also preparing for the periodic review of the US by the UN Committee on the Elimination of Racial Discrimination (CERD), the Treaty monitoring Body for the UN Convention on the Elimination of All Forms of Racial Discrimination. The CERD will review the US again in 2014. Please also contact IITC for information on that process, which will address the protection of Indigenous Peoples Sacred Areas and Cultural Rights, Treaty rights, Environmental Racism and a number of other issues. IITC has an on-line handbook on using the CERD including its urgent action process which we will provide upon request.

**IITC requests that information and text for inclusion in the joint HRC shadow report be submitted by August 15<sup>th</sup>, 2013.** Additional information on format and guiding questions for submissions will be provided to those who have expressed an interest in being included in the joint shadow report by August 1<sup>st</sup>. All co-submitting Peoples and organizations will be asked to review and approve the final text before its submission on September 1<sup>st</sup>. To receive more information or to submit text and cases for the joint Indigenous Peoples shadow report for the HRC please contact:

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Additional information on this process can also be found on the US Human Rights Network web site: <http://www.ushrnetwork.org/our-work/project/iccpr-international-covenant-civil-political-rights>.

IITC looks forward to working with you on this important opportunity to address issues of vital importance to Indigenous Peoples and to hold the US accountable to their human rights obligations. Thank you for your interest.

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