

Special Rapporteur on the rights of indigenous peoples

Communications

An important aspect of the Special Rapporteur's work is to receive and exchange information with indigenous peoples, their organizations and other sources. The Special Rapporteur relies heavily on information submitted to him in relation to all areas of his work, including promoting good practices, country reports, thematic studies and responding to alleged violations of the human rights of indigenous peoples. The Special Rapporteur places special emphasis on his mandate "to develop a regular cooperative dialogue with all relevant actors" by developing ongoing, long-term strategies for all the work he undertakes.

Communications on alleged human rights violations

As part of his mandate, the Special Rapporteur intervenes in response to alleged violations of the rights of indigenous peoples. The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process, in general, involves the sending of a confidential communication to the concerned Government requesting information, commenting on the allegation and suggesting that preventive or investigatory action be taken.

See also [Submitting information to the Special Rapporteur](#)

Procedure for communications on alleged violations

Types of communications

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

Types of 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. 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 his part is appropriate given the relevant circumstances, ordinarily he 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 (Addendum 1).