

INTERNATIONAL EXPERT SEMINAR on ACCESS TO JUSTICE FOR INDIGENOUS PEOPLES INCLUDING TRUTH AND RECONCILIATION PROCESSES

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Contributing to the work of the United Nations Expert
Mechanism on the Rights of Indigenous Peoples

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Restoring the Circle: How Indigenous Peoples Are Using Truth Commissions and Courtrooms to Help Address Historic Wrongs

As demands for justice by Indigenous communities around the world [grow stronger](#), many movements for Indigenous rights are focusing on new forms of truth-seeking, steeped in native traditions, that have promise for righting decades-old wrongs. First nations and some governments are looking at ways to uncover the truth about the past, redress abuses suffered by Indigenous Peoples and communities, and begin to heal as part of official truth-seeking policies.

Two newly established institutions stand out: the [Truth and Reconciliation Commission of Canada \(TRC\)](#) and the [Maine Wabanaki-state Truth and Reconciliation Commission](#). Both institutions examine violations committed by the state against Indigenous Peoples, and both were established by Indigenous Peoples themselves in coordination with government. This is an entirely new phenomenon.

From February 27-March 1, leading Indigenous rights activists from these truth commissions will join their counterparts and other experts from around the world at Columbia University, to discuss how best to use these types of mechanisms to strengthen the right to truth and access to justice for Indigenous Peoples.

Recently in Canada, a group of [10 We'koqma'q Mi'kwaw students](#) participated in a hearing of

the TRC, the government body examining abuses against children in the Canadian Indian Residential School System. They did not expect to be so moved.

For more than 150 years, the Canadian government systematically removed Aboriginal children from their homes and placed them in church-run residential schools, with the intention of assimilating them into mainstream Canadian society. Many children suffered emotional, physical, and sexual abuse at the schools, and some were never reunited with their families.

[Chief Wilton Littlechild](#), who will attend the meeting, is one of three TRC commissioners and chair of the UN's [Expert Mechanism on the Rights of Indigenous Peoples](#). He is a survivor of residential schools himself and an outspoken advocate for the rights of Indigenous Peoples.

"When I was a child, before I went to residential school, I was raised by my grandparents. I was brought up in a very traditional way with my Cree language, Cree culture, and Cree ceremonies," [recounted](#) Chief Littlechild. "One day, I was dropped off at residential school... and it was a whole new world where I didn't even understand the language."

"My role as a commissioner is a once-in-a-lifetime opportunity to contribute to building a better Canada, one that is inclusive of everyone."

In courtrooms – Indigenous communities in Latin America are also contributing to the struggle for justice.

In Guatemala, former general Efraín Ríos Montt will [stand trial](#) for charges of genocide, taking the Mayan People a step closer to achieving accountability for the massacres they suffered in the 1980s, which continue to have profound consequences for their lives.

The Kaqchikel- Maya community of Chuarrancho were restored their rightful ownership of 4,185 hectares in the central area of Guatemala, through litigation in national courts. It was a two-fold victory for indigenous peoples in the country, providing a legal basis for both the recognition of ancestral lands and Indigenous forms of organization. "The court ruling benefits over 5,000 families living in the community," says young indigenous leader Santos Alvarado, president of the Indigenous community of Chuarrancho. "It is an important achievement because now we have autonomy over our own territory."

[Alvaro Pop](#), a meeting participant and [Mayan himself](#) who assisted with preparations of the Guatemalan Peace Accords, knows how hard it can be for indigenous peoples to raise their concerns. Although Mayans represent nearly 50 percent of Guatemalans and are a stronghold of the economy, they still live "like strangers in their own land," says Pop. "Guatemala is currently composed by a generation of heirs of the violence and the armed confrontation. This generation is living together with the previous one, the one that made war, their murderers. The generational change has not been possible yet."

In Colombia, it will be a challenging process to search for truth, now that [peace negotiations](#) are underway between the government and FARC rebels. The government recently mandated that a truth commission be established to examine violations committed during decades of armed conflict. Most the communities targeted were indigenous, because they inhabit the rich land that has been at stake in the war between the guerrillas, the government, and drug cartels.

[Alcibiades Escué](#), the leader of the Cauca community, which is very active among the various

indigenous communities that inhabit Colombia's valleys, will attend the meeting in New York. The Cauca developed their own security measures to protect their people, and even created a memory center called "House of Thinking," where they share their experiences and suffering.

The meeting will also include indigenous experts from Russia who face great challenges in their efforts to improve access to justice for indigenous peoples. The Russian Association of Indigenous Peoples of the North (RAIPON), the largest umbrella organization of indigenous peoples in the country, sees its right to operate challenged. RAIPON participants will share perspectives on access to justice in relation to land, territories and resources, as well as the use of international and regional justice systems to address historical grievances.

From February 27-March 1, indigenous representatives and activists from around the world will gather at Columbia University for the 'International Expert Seminar on Access to Justice for Indigenous Peoples, Including Truth and Reconciliation Processes.' It will be held in partnership between the UN Office of the High Commission for Human Rights, the International Center for Transitional Justice, and Columbia University's Institute for the Study of Human Rights, Indigenous Peoples' Rights Program.

The meeting will result in an unprecedented report to the United Nations Human Rights Council, exploring human rights, opportunities and, all too often, challenges faced by Indigenous Peoples around the world in accessing justice.

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