Statement by the
Aboriginal and Torres Strait Islander Social
Justice Commissioner
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Australian Human Rights Commission
to the
Expert Mechanism on the Rights of Indigenous
Peoples
20-24 July 2015, Geneva

Item 4:  Panel discussion on Indigenous peoples’ human rights in relation to business enterprise

Thank you Mister Chair.

Firstly, I commend the Expert Mechanism’s work in relation to advancing the full implementation of the UN Declaration on the Rights of Indigenous peoples.

I make the following statement in my capacity as the Aboriginal and Torres Strait Islander Social Justice Commissioner on behalf of the Australian Human Rights Commission.

My office is sits within the Australian Human Rights Commission, Australia's National Human Rights
Institution (NHRI) and this ensures the Commission maintains an extensive work program on Indigenous rights at all times.

Given that one of my duties is to monitor and promote the exercise and enjoyment of human rights by Aboriginal and Torres Strait Islander peoples, I have made the implementation of the UN Declaration on the Rights of Indigenous Peoples a priority for the time I will spend in this position. I do this because action to implement international human rights commitments and obligations into national laws, policies and programs for the benefit of Indigenous peoples remains a challenge in Australia.

I believe that the Declaration provides a roadmap to address that challenge.

Mister Chair, I believe that businesses, alongside Governments, can also play a core role in breathing life into the Declaration and this will be the focus of my statement today.

Engaging with business is a key strategic priority of the Australian Human Rights Commission, and involves encouraging innovation in promoting, protecting and respecting human rights in order to prevent discrimination and assist with resolving disputes.
The Commission is playing a brokering role by providing a safe place for wider engagement between Aboriginal and Torres Strait Islander peoples and the business sector. In Australia the private sector has been quite heavily involved in a number of human rights issues that affect the lives of Aboriginal and Torres Strait Islander peoples.

This has primarily occurred across the following areas:

- Justice reinvestment
- The removal of racial discrimination and the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution
- The Racism. It. Stops. With. Me campaign
- Assisting businesses to understand the rights and responsibilities outlined in the Declaration on the Rights of Indigenous peoples; and
- Reconciliation Action Plans

Justice reinvestment seeks to address the underlying issues relating to the overrepresentation of Aboriginal and Torres Strait Islander peoples within the criminal justice system in Australia. This is one of the most pressing human rights issues facing our communities and has been raised by numerous organisations and at previous sessions here at EMRIP, the UNPFII and the UPR processes.
Whilst we are still advocate for our Governments to show greater leadership when it comes to addressing the over incarceration of our peoples, business has certainly stepped up to throw its support, time, energy and resources behind this issue.

Another key way that businesses have demonstrated support for Indigenous human rights in Australia is through the current campaign to recognise Aboriginal and Torres Strait Islander peoples in the constitution.

Our constitution is silent on the history of Aboriginal and Torres Strait Islander peoples and still contains clauses that allow for discrimination against both Indigenous communities and other ethnically diverse populations.

I regularly engage with the corporate sector who also want to throw their support behind this issue, whether it is through donations, awareness raising events, promotional materials or in kind support.

The final issue I want to raise is about how the Declaration is promoted through business in Australia. In 2013, together with Catherine Hunter, Chair of the UN Global Compact and Corporate Citizenship at KPMG in Australia, I launched the Business Reference Guide to the Declaration with . This Guide is an important tool that helps business
understand, respect and support the rights of our communities by illustrating how these rights are relevant to the activities of business.

Beyond this, I also continue to engage with the Global Compact group through their Indigenous Engagement Working Group and it is through this group, that we are seeing a real commitment to a human rights approach within the corporate sector.

Mister Chair, I have mentioned just a couple of examples of standout organisations who are at the forefront at promoting the human rights of our communities back home. However, it is because of this leadership that other businesses are realising the value of a human rights based approach not only contributes to our communities, but also makes real good business sense as well.

**Recommendations**

We recommend that Expert Mechanism on the Rights of Indigenous Peoples:

- recognise and support the role National Human Rights Institutions can play in supporting the implementation of the UN Declaration on the Rights of Indigenous Peoples
• recognise and support the role of National Human Rights Institutions in promoting human rights with the business sector

• urge States to develop mechanisms, with the full engagement of Indigenous peoples, that encourage business to implement the Declaration on the Rights of Indigenous Peoples