

SECOND PART: APPLICATION FORM IN WORD FORMAT

Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), members from four indigenous sociocultural regions [[HRC resolution 33/25](#)]

Appointment to be made by the Human Rights Council at its 40th session
(25 February – 22 March 2019)

APPLICATION DEADLINE: 18 DECEMBER 2018 AT 12:00 NOON GREENWICH MEAN TIME

- The application process consists of two parts: **(1) online survey¹** (<https://ohchr-survey.unog.ch/index.php/913788>) and **(2) application form in Word format²** (to be downloaded from <http://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC40.aspx>)
- Candidates should indicate in question 10 of Section I for which indigenous sociocultural region they are applying and then include in the motivation letter in Section III why they are applying for the specific indigenous sociocultural region.
- Once fully completed, the Word application form should be submitted by email to hrcspecialprocedures@ohchr.org
- A maximum of up to three optional reference letters may be attached to the email (in Word or pdf format). For EMRIP candidates, preferably one of the three letters should be from an organization or entity representing indigenous peoples.
- No additional documents (e.g. CVs, resumes or supplementary reference letters) will be accepted.
- Applicants will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by email. Shortlisted candidates will be interviewed at a later stage.
- General description of the selection process and answers to frequently asked questions are available at <http://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx>
- Please note that an application will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline. **No incomplete or late applications will be accepted.**
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email (hrcspecialprocedures@ohchr.org) or fax (+41 22 917 9008).

I. PERSONAL DATA	
1. Family (last) name: YAMADA	5. Year of birth: 1978
2. First (given) name: ERIKA	6. Place of birth: Atibaia-SP/Brazil
3. Other name, if any: MAGAMI	7. Nationality (please indicate the nationality that will appear on the public list of candidates): Brazilian
4. Gender: Female	8. Any other nationality: NO
9. Indigenous origin: NO	
10. Please indicate for which indigenous sociocultural region you are applying (please tick a box):	Africa Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia <input checked="" type="checkbox"/> Central and South America, and the Caribbean Pacific

¹ The short **online survey** is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity. The same name, gender and nationality should be used both in the online survey and in the Word application form.

² The **application form** includes a motivation letter of maximum 600 words (section III of the form). The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will also be posted as received on the OHCHR public website.

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II. MANDATE-SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE

NOTE: Please describe why the candidate's competence / qualifications / knowledge is relevant in relation to the specific mandate:

1. QUALIFICATIONS (200 words)

Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)

The candidate is currently serving as Chair of the Expert Mechanism with great recognition from her peers. She has engaged in activities for the negotiation and implementation of EMRIP's extended mandate, particularly in organizing its methods of work and improving the coordination with the other UN mechanism and treaty bodies, aiming to fulfill the expectations expressed by States, Indigenous Peoples and UN bodies towards the Mechanism.

Ms. Yamada has a bachelor degree in Law from Brazil, her home. She acquired her master and doctoral degrees in the field of human rights and indigenous peoples at well-known University programs in Sweden and in the United States. In addition to Portuguese as her mother tongue, she holds good communication skills in English and Spanish, and can understand basic French/creole, being able to hold intercultural dialogues with indigenous peoples from different regions and cultures.

Ms. Yamada has worked with indigenous affairs in the government of Brazil, as well as with national and international NGOs and local indigenous communities/organizations for the past thirteen years. She has developed significant technical work in the field of free prior and informed consent and consultation, indigenous peoples right to lands, indigenous peoples in volunteer isolation, and social policies for indigenous peoples. Most recently, she has worked on issues related to indigenous children rights and indigenous migration, and coordinated a reference research work of the International Organization for Migration (IOM) in Brazil.

2. RELEVANT EXPERTISE (200 words)

Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)

Knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights. (Please state how this was acquired.)

Proven work experience in the field of human rights. (Please state years of experience.)

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The candidate is recognized among Brazilian government officials, human rights NGOs, scholars and, above all, among indigenous leaders from Brazil, from other Latin American countries as well as from Belize in the Caribbean region, due to her long standing work in the field of international human rights law and indigenous people's rights. For the past years, she has promoted the work of EMRIP as well as the Universal Periodic Review as important mechanisms for dialogue among States, NGOs and indigenous peoples.

Ms. Yamada attended the Indigenous Peoples Law and Policy Program at the University of Arizona (2006-2008), and has worked for fifteen years with cases for indigenous peoples rights in the UN and Interamerican Human Rights Systems. She received a doctor degree, under the academic supervision of Professor James Anaya, former UN Special Rapporteur on the Rights of Indigenous Peoples. In 2016, she assisted on the visit of the current UNSR, Victoria Tauli-Corpuz, to Brazil and became an EMRIP member for Latin America and Caribbean region. At EMRIP, among other things, she has led the country engagement requested by the government of Mexico City to implement the constitutional provisions and the UN Declaration on the Rights of Indigenous Peoples.

3. ESTABLISHED COMPETENCE (200 words)

Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)

In addition to her academic background, the candidate has substantial practical experience in the field of indigenous peoples's rights. Since 2009, she worked on legal cases at the national and international levels, and with public policies related to land rights. In 2015, she was appointed by a coalition of NGO's to serve as National Rapporteur for Human Rights and Indigenous Peoples and ,together with the National Human Rights Council, presented a comprehensive report on the situation of indigenous peoples in the southern region of Brazil and another on the relationship of economic policies and the human rights for indigenous peoples. Lately she has dedicated her attention to indigenous peoples' elaboration of their own protocols for consultation.

The candidate has worked with capacity building on human rights for different actors and has supported the enhanced participation of indigenous organizations in national, regional and international forums. Through her experience she has also been able to better understand the difficulties that States face to improve its laws and policies for indigenous peoples. As Chair of EMRIP, she has promoted the importance of a closer relationship of EMRIP with the different treaty bodies and human rights mechanisms and she has made efforts to ensure that the work of the Mechanism is useful for States and indigenous peoples.

4. PUBLICATIONS OR PUBLIC STATEMENTS

Please list-significant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.

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4.1. Enter three publications in relation to the mandate for which you are applying in the order of relevance:

1. Title of publication: Aspectos Jurídicos da Atenção aos Indígenas Migrantes da Venezuela para o Brasil

Journal/Publisher: OIM Brazil (ISBN 978-85-94066-03-9)

Date of publication: April, 2018

Web link, if available: <https://repository.oim.org.co/bitstream/handle/20.500.11788/2018/BRL-OIM%20004.pdf?sequence=1&isAllowed=y>

2. Title of publication: Relatório da Relatoria de Direitos Humanos e Povos Indígenas da Plataforma de Direitos Humanos – Dhesca Brasil

Journal/Publisher: Terra de Direitos (ISBN 978-85-62884-23-8)

Date of publication: April, 2017

Web link, if available: <http://www.plataformadh.org.br/files/2017/04/Relatório-DH-e-Povos-Ind%C3%ADgenas-INTERNET-2.pdf>

3. Title of publication: Isolated Indigenous people: autonomy and application of consultations rights

Journal/Publisher: Revista Brasileira de linguística Antropológica (ISSN2176-834X)

Date of publication: August, 2017

Web link, if available: <http://periodicos.unb.br/ojs311/index.php/ling/article/view/16299>

If more than three publications, kindly summarize (200 words):

4.2. Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:

1. Platform/occasion/event on which public statement/pronouncement made: CDMX celebra 10 años de la Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas

Event organizer: Mexico City Government

Date on which public statement/pronouncement made: August, 2017

Web link, if available: <https://www.sederec.cdmx.gob.mx/storage/app/media/uploaded-files/version-erika-yamada-foro-internacional-declaracion-derechos-indigenas.pdf>

2. Platform/occasion/event on which public statement/pronouncement made: Public hearing on the situation of indigenous peoples in Brazil

Event organizer: Ministério Público federal do Brasil

Date on which public statement/pronouncement made: November, 2016

Web link, if available: http://www.mpf.mp.br/pgr/noticias-pgr/relatorio-da-onu-orgaos-prestam-contas-e-se-comprometem-a-dialogar-para-cumprir-recomendacoes-em-favor-dos-povos-indigenas?fbclid=IwAR2pzBehEVsCTXO-NsZVuwngcCN_Gv9jqRXgOa8N_mHFYkpTZBmSR2fQh3I

3. Platform/occasion/event on which public statement/pronouncement made: Symposium: Challenges and perspectives on current issues related to indigenous peoples' rights in Brazil

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Event organizer: School of Ministério Público Federal ESMPU

Date on which public statement/pronouncement made: April, 2018

Web link, if available: <http://escola.mpu.mp.br/a-escola/comunicacao/noticias/direitos-indigenas-situacao-de-povos-transfronteiricos-foi-destaque-do-terceiro-painel>

If more than three, kindly summarize (200 words):

The candidate has also made several statements as Chair and as Vice-Chair of the Expert Mechanism at the Human Rights Council Session, Inter-sessional and Inter-agency meetings, Expert Seminars and at the EMRIP sessions and activities. In addition to that she has been invited to capacity building programs for indigenous peoples organized by UNCT Brazil, UNCT Argentina, OHCHR Mexico, OHCHR Colômbia and various NGOs in Brazil, Peru and Mexico.

5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME (200 words)

to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated total of approximately three months per year to the work of a mandate.

Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of “experts on mission”.

The candidate is currently on an extended leave from her work at the governmental indigenous affairs agency in Brazil (FUNAI) and has flexibility and availability to continue to perform the functions of the mandate and fulfill the requirements of participations and work, including to travel. She can combine her seasonal consultant work with the EMRIP mandate.

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**III. MOTIVATION LETTER, INCLUDING WHY YOU ARE APPLYING FOR THE SPECIFIC
INDIGENOUS SOCIOCULTURAL REGION**

(600 word limit, must be included below and not in a separate email or as an attachment)

Dear Sir or Madam,

I am pleased to apply for an extension to my mandate as an EMRIP member from Latin America and Caribbean Region. The past 3 years have been very challenging and inspiring to me and it is an honor to be serving as the Chair of the Mechanism in this stage of implementation of our new mandate.

We have worked as a team and achieved significant progress, particularly in relation to making our studies more relevant and exploring the possibilities of our country level activities to become useful for all parties. Nonetheless, much still need to be done and I believe I can continue to contribute, particularly in terms of establishing our methods of work in a practical manner and in great dialogue with States and Indigenous Peoples.

As an expert without indigenous background, I remain fully committed to disseminate information and to encourage the participation of indigenous peoples at UN discussions and mechanisms. My understanding is that still only few individuals fully understand and make use of the UN human rights' system in a continued and comprehensive manner. Therefore, I feel motivated to continue to work to further disseminate the work of EMRIP, particularly in LAC countries likewise Brazil and to encourage more indigenous peoples and organizations, NHRIs and Universities to engage in the construction of solutions and dialogues for the implementation of the UN Declaration on the Rights of Indigenous Peoples.

Other relevant global agreements related to human rights and indigenous peoples such as the Sustainable Development Goals, the Climate Change Agreements, the Global Compact on Migration and so on also motivate me to apply for an extended mandate. I believe that the years to come are a crucial time for our future and for the future of the planet and with regard to the long standing human rights. Therefore, it will be very relevant to continue to strengthen the UN System, bringing it closer to the reality of the peoples and the societies.

I consider myself very fortunate to have had the chance for the past 15 years and to continue to learn and work with peoples that live in and together with nature, that have so much to teach us on how to build peace and trust in societies. I have also assisted the 2 visits of UN Special Rapporteurs on the rights of indigenous peoples to Brazil, which allowed me to gain other perspectives on the challenges to implement international human rights standards and obligations. Working for the Brazilian Federal Government (FUNAI) with indigenous land's demarcation was an intensive training and opened my eyes to the difficulties the State itself has to implement participative policies that relate environment, human rights, and development when structural racism still persist in the institutions.

As a UN Independent Expert at the Expert Mechanism on the Rights of Indigenous Peoples, I have been able to put together all those lessons and concerns and have made all possible efforts to transform them into constructive responses, if not solutions to the similar problems indigenous peoples face around

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the globe: criminalization and violence against communities and leaders, loss of lands, lack of access to water and natural resources, disrespect to their cultural, spiritual and physical survival.

Therefore, I am confident to be able to continue to contribute at the Mechanism for another mandate.

Sincerely yours,

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IV. LANGUAGES (READ / WRITTEN / SPOKEN)

Please indicate all language skills below.

1. Mother tongue:

2. Knowledge of the official languages of the United Nations:

Arabic: Yes or no: **NO** If yes,

Read: Easily or Not easily:

Write: Easily or Not easily:

Speak: Easily or Not easily:

Chinese: Yes or no: **NO** If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

English: Yes or no: **YES** If yes,

Read: Easily or not easily: **EASILY**

Write: Easily or not easily: **EASILY**

Speak: Easily or not easily: **EASILY**

French: Yes or no: **NO** If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

Russian: Yes or no: **NO** If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

Spanish: Yes or no: **YES** If yes,

Read: Easily or not easily: **EASILY**

Write: Easily or not easily: **EASILY**

Speak: Easily or not easily: **EASILY**

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V. EDUCATIONAL RECORD

NOTE: Please list the candidate’s academic qualifications (university level and higher, indicating type of degree, subject, and whether full or part-time, ex. *Masters in law, University of xxx, part-time*).

Name of degree and name of academic institution:	Years of attendance (provide a range from-to, for example 1999-2003):	Place and country:
S.J.D. Doctor of Juridical Science University of Arizona Indigenous Law and Policy Program	2006-2009	Tucson-AZ, United Staes of America
LL.M Master of Laws Lund University International Human Rights and Humanitarian Law	2003-2005	Lund Sweedden
Bachelor in Law University of São Paulo	1997-2001	São Paulo-SP Brazil

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VI. EMPLOYMENT RECORD

NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with your current occupation. Also indicate whether positions held were not full-time.

Name of employer, functional title, main functions of position:	Years of work (provide a range from-to, for example 1999-2005):	Place and country:
Consultant for the facilitation of workshops on Indigenous Protocols for Consultation in Brazil	current	various/ Brazil
Research Coordinator Consultant for the International Organization for Migration in Brazil to coordinate a research on the legal aspects of the migration of indigenous people from Venezuela do Brazil	2017-2018	Roraima/RR Brazil
Relatoria Plataforma DHesca National Rapporteur for Human Rights and Indigenous Peoples Monitoring the situation of human rights violation in Brazil and the implementation of recommendations set by international human rights bodies.	2015-2016	Brasília/DF Brazil
Tebtebba Consultant to assist the UN Special Rapporteur on the Rights of Indigenous Peoples in the preparations to her visit to Brazil.	2015-2016	Brasília/DF Brazil
World Bank Consultant for the South-South Cooperation Program regarding public policies for indigenous peoples and exchange activities between Brazil and India.	2015-2016	Brasília/DF Brazil

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<p>Maya Leaders Alliance & Toledo Alcaldes Association Consultant through the University of Arizona to support the Maya leaders and village to monitor the implementation of their land rights' case.</p>	<p>2015</p>	<p>Punta Gorda/ Toledo Belize</p>
<p>Brazilian Federal Government Fundação Nacional do Índio - FUNAI General Coordination and Director assistant for public policy making and implementation on the field of indigenous peoples' land rights, participation, autonomy and consultation.</p>	<p>2010-2015</p>	
<p>Instituto Socioambiental Lawyer Promoting legal assistance to indigenous peoples and information on international human rights standards and mechanisms. Research on climate change and on the role indigenous peoples' lands play to global environmental issues.</p>	<p>2008-2010</p>	
<p>COIAB - Coordenação das Organizações Indígenas da Amazônia brasileira Consultant for the project supported by OXFAM: Indigenous Peoples and the International Human Rights Mechanisms. Assisting the participation of the Brazilian indigenous delegation in the 2008 UNPFII.</p>	<p>2007-2008</p>	
<p>University of Arizona Indigenous Law and Policy Program Legal Assistant for indigenous land rights cases before the Inter-American System of Human Rights and the UN Human Rights Mechanisms: Raposa Serra do Sol (Brazil) and Awas Tingni (Nicarágua). Supporting the UN Special Rapporteur's visit to Brazil.</p>	<p>2006-2009</p>	
<p>Brazilian Federal Government Fundação Nacional do Índio - FUNAI Consultant through a UNESCO Program Organizing land rights jurisprudence and elaborating normative proposal on the right to image and copyrights for indigenous peoples.</p>	<p>2005-2006</p>	

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São Paulo State Government Secretariat of Justice and Citizenship Technical Assistant for Human Rights Organizing Seminars, Conferences and educative materials on human rights aimed and public institutions and civil society.	2000-2002	
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**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS
(of Human Rights Council resolution 5/1)**

***To be completed by the candidate or by the nominating entity on the candidate's
behalf.***

1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.

NO.

2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging the mandate? If yes, please explain:

NO.

3. Is there any reason, currently or in the past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which the candidate discharges the mandate? If yes, please explain:

NO.

4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if the candidate complies, NO if the candidate does not comply, together with an explanation.)

Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.

Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.

YES.

5. Should the candidate be appointed as a mandate holder, the candidate will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.

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VIII. CERTIFY AND SUBMIT APPLICATION

To be completed by the candidate or by the nominating entity on the candidate's behalf.

I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.

Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by email (hrcspecialprocedures@ohchr.org).

Please review your application before you insert your name and date to indicate your agreement.

Name: Erika Magami Yamada

Date: December 12th, 2018.
