



General Assembly

Distr.: General
25 May 2023

Original: English

Human Rights Council
Expert Mechanism on the Rights of Indigenous Peoples
Sixteenth session
17–21 July 2023
Item 2 of the provisional agenda
Adoption of the agenda and organization of work

Annotated provisional agenda*

Provisional agenda

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* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



Annotations

1. Election of officers

Pursuant to paragraph 11 of General Assembly resolution 60/251, the Human Rights Council applies the rules of procedure established for committees of the General Assembly,¹ as applicable, unless subsequently otherwise decided by the Assembly or the Council.

Regarding the election of officers, rule 103 of the rules of procedure provides that each committee should elect a Chair, one or more Vice-Chairs and a Rapporteur.

2. Adoption of the agenda and organization of work

The Expert Mechanism will have before it the present provisional agenda of the sixteenth session and the annotations contained therein. The Expert Mechanism will adopt the agenda, including any revisions that it may wish to make.

In paragraph 12 of its resolution 33/25, the Human Rights Council decided that the Expert Mechanism should meet annually for up to five days and that the sessions may be a combination of open and private meetings, as deemed necessary. At its sixteenth session, the Expert Mechanism will meet for five days, from 17 to 21 July 2023.

Rule 99 of the rules of procedure of the General Assembly provides that each committee should, at the beginning of the session, adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item. Accordingly, the Expert Mechanism will have before it for consideration and approval a draft timetable prepared by the secretariat showing the order and distribution of meeting times for each agenda item for the sixteenth session.

3. Study and advice on the impact of militarization on the rights of Indigenous Peoples

At its fifteenth session, the Expert Mechanism decided to conduct its next annual study on the status of the rights of Indigenous Peoples worldwide in the achievement of the ends of the Declaration, as mandated by the Human Rights Council in paragraph 2 (a) of its resolution 33/25, on the impact of militarization on the rights of Indigenous Peoples.²

Accordingly, the Expert Mechanism has prepared a draft study thereon (A/HRC/EMRIP/2023/2). Following the practice adopted for its previous studies, the Expert Mechanism sent out a call for submissions and contributions and examined the issue in greater detail at an expert seminar held in December 2022.

The Expert Mechanism and observers will make comments and suggestions on the draft study. The Expert Mechanism will subsequently finalize the study and submit it to the Human Rights Council for consideration at its fifty-fourth session.

4. Coordination meeting of United Nations Indigenous rights mechanisms (closed meeting)

In paragraph 10 of its resolution 33/25, the Human Rights Council decided that, within its mandate, the Expert Mechanism should coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of Indigenous Peoples, the United Nations Voluntary Fund for Indigenous Peoples and other United Nations bodies and processes. The Expert Mechanism will therefore hold a closed meeting of United Nations Indigenous rights mechanisms in order to coordinate their work and plan joint initiatives.

5. Interactive dialogue with the Expert Mechanism on the Right to Development

The Expert Mechanism will seek to engage in an interactive dialogue with the Expert Mechanism on the Right to Development to provide a space for dialogue and better

¹ A/520/Rev.17

² A/HRC/51/49, para. 86.

understanding on the similarities and differences between the two mandates. The former will also discuss interlinkages between the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development.

6. Country engagement

As part of the amended mandate of the Expert Mechanism set out in Human Rights Council resolution 33/25, the Council indicated that the Expert Mechanism should, upon request, assist Member States and/or Indigenous Peoples in identifying the need for, and providing technical advice regarding, the development of domestic legislation and policies relating to the rights of Indigenous Peoples.

The Expert Mechanism has carried out five country engagement missions under its amended mandate since 2018 (Finland, 10–16 February 2018; Mexico, 26 February–2 March 2018; New Zealand, 8–13 April 2019; Sweden, 2020; and Brazil, 2021).

The Expert Mechanism will hold a dialogue with various stakeholders involved in past and forthcoming country engagements.

7. International Decade of Indigenous Languages

The Expert Mechanism has joined the efforts led by the United Nations Educational, Scientific and Cultural Organization to draw global attention to the critical situation of many Indigenous languages, pursuant to the proclamation by the General Assembly, in paragraph 24 of its resolution 74/135, of the International Decade of Indigenous Languages.

Pursuant to paragraph 10 of Human Rights Council resolution 33/25, the Expert Mechanism decided, at its intersessional meeting held in Geneva in December 2022, to hold a discussion on the International Decade for Indigenous Languages.

8. Panel discussions on the right of Indigenous Peoples to engage freely in all their traditional and other economic activities, with a focus on fishing practices; and on the impact of the legacies of colonialism on the rights of LGBTQIA+ members of Indigenous Peoples

At its intersessional meeting held in Geneva in December 2022, the Expert Mechanism decided to hold two consecutive panel discussions at its sixteenth session, to examine (a) the right of Indigenous Peoples to engage freely in all their traditional and other economic activities, with a focus on fishing practices; and (b) the impact of the legacies of colonialism on the rights of LGBTQIA+ members of Indigenous Peoples. The two panel discussions will bring together Indigenous experts in the field, who will open a debate on the subject.

The first panel discussion will focus on the rights of Indigenous Peoples to maintain their economic systems and be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities, in accordance with articles 20 and 25 of the United Nations Declaration on the Rights of Indigenous Peoples. The discussion will consider international, national and subnational legislation, protection measures, remedies, and gaps and barriers to fishing practices not only from the perspective of economic activities, subsistence and food security but also as part of the culture and traditional knowledge of Indigenous Peoples.

The second panel discussion will address the ongoing challenges faced by LGBTQIA+ members of Indigenous Peoples in relation to the impact of the legacies of colonialism on their rights, including the right to free, prior, and informed consent, to be free from any kind of discrimination, and not to be subjected to forced assimilation; to share experiences of, and initiatives taken by LGBTQIA+ members of Indigenous Peoples to address related consequences; and to discuss the measures that States and Indigenous Peoples can take to address ongoing challenges and the solutions to them, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

9. United Nations Declaration on the Rights of Indigenous Peoples

The amended mandate of the Expert Mechanism is explicitly based on the United Nations Declaration on the Rights of Indigenous Peoples, as set out in paragraph 1 of Human Rights

Council resolution 33/25. The Expert Mechanism will hold an interactive dialogue with the Special Rapporteur on the rights of Indigenous Peoples, the Chair of the Permanent Forum on Indigenous Issues and the Chair of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples.

Pursuant to paragraph 2 (b) of Human Rights Council resolution 33/25, the Expert Mechanism will also present a report on good practices and lessons learned from efforts to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, with a focus on establishing monitoring mechanisms (A/HRC/EMRIP/2023/3). Observers will be invited to make comments and suggestions on the report. The Expert Mechanism will subsequently finalize the report and submit it to the Council at its fifty-fourth session.

10. Intersessional activities and follow-up to thematic studies and advice

In paragraph 5 of Human Rights Council resolution 18/8, the Council welcomed the practice adopted by the Expert Mechanism of devoting specific time to the discussion of updates relevant to past mandated thematic studies of the Expert Mechanism, recommended that the Expert Mechanism adopt that practice on a permanent basis and encouraged States to continue to participate in and contribute to those discussions.

The Expert Mechanism will consider follow-up efforts conducted or planned with regard to its previous studies, in particular its study on treaties, agreements and other constructive arrangements between Indigenous Peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition.³

The Expert Mechanism will also discuss its intersessional activities, including its intersessional meeting held in Geneva in December 2022.

11. Enhancing the participation of Indigenous Peoples in the United Nations

At its intersessional meeting held in Geneva in December 2022, the Expert Mechanism decided to follow up on the process that had begun with a commitment made by Member States during the World Conference on Indigenous Peoples in 2014 to enhance the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. That commitment was reiterated by the General Assembly in paragraph 4 of its resolution 71/321 and by the Secretary-General in his report on enhancing the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.⁴ In his report, the Secretary-General also set out achievements, analysis and concrete recommendations on the possible further measures necessary to enable such participation.

Interactive dialogues have been conducted pursuant to Human Rights Council resolutions 39/13, 42/19 and 45/12. The Expert Mechanism will focus on follow-up to the interactive discussions held in July and September 2021⁵ and the four-day expert workshop held in November 2022 by the Office of the United Nations High Commissioner for Human Rights pursuant Human Rights Council resolutions 48/11 and 51/18, on possible ways to enhance the participation of Indigenous Peoples in the work of the Council, and the summary report thereon⁶ and resulting recommendations.⁷

12. Future work of the Expert Mechanism, including thematic studies

Pursuant to paragraph 2 (a) of Human Rights Council resolution 33/25, the Expert Mechanism is to prepare an annual study on the status of the rights of Indigenous Peoples worldwide in the achievement of the ends of the United Nations Declaration on the Rights of Indigenous Peoples, focusing on one or more interrelated articles of the Declaration as decided by the Expert Mechanism, taking into consideration the suggestions received from

³ A/HRC/51/50.

⁴ A/75/255.

⁵ See A/HRC/49/69 and A/HRC/50/48.

⁶ A/HRC/53/44.

⁷ See also www.ohchr.org/en/indigenous-peoples/expert-workshop-possible-ways-enhance-participation-indigenous-peoples-work-human-rights-council.

Member States and Indigenous Peoples, including challenges, good practices and recommendations.

The Expert Mechanism will hold a discussion regarding the focus of such future annual studies.

13. Proposals to be submitted to the Human Rights Council for its consideration and approval

Pursuant to Human Rights Council resolution 6/36, the Expert Mechanism may make proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council, which may include proposals on how the thematic expertise of the Expert Mechanism could assist in the implementation of the Council's mandate and mechanisms.

14. Adoption of studies and reports

The Expert Mechanism will adopt its study and advice on the impact of militarisation on the rights of Indigenous Peoples, the report on good practices and lessons learned from efforts to achieve the ends on the United Nations Declaration on the Rights of Indigenous Peoples, focusing on the establishment of monitoring mechanisms, and the annual report on the work of the Expert Mechanism, including its sixteenth session, with a view to submitting those documents to the Human Rights Council for consideration at its fifty-fourth session.
