

## **Expert Mechanism on the Rights of Indigenous Peoples**

### **Statement to the Permanent Forum on the Rights of Indigenous Peoples, 11<sup>th</sup> Session**

**15 May 2012**

#### **Item 4: Human Rights**

Greetings to the Chairperson, Permanent Forum members, member states, international organisations and meeting participants.

##### **I. Background of EMRIP**

Ms. Chairperson, allow me to provide a brief background of the Expert Mechanism.

The Expert Mechanism was established by the Human Rights Council in 2007. The Expert Mechanism's mandate is to provide advice mainly through studies and through proposals on the rights of indigenous peoples to the Human Rights Council - the main body dealing with human rights at the United Nations. While having neither the capacity to deal with country situations nor the mandate to monitor the implementation of the Declaration, it can contribute to a better understanding of its provisions and how to translate them into concrete measures.

The fifth session of the Expert Mechanism will take place from 9 - 13 July 2012. As a specific forum to discuss the rights of indigenous peoples, it is open to all, including organisations without ECOSOC status. People interested in observing the Expert Mechanism's fifth session can seek accreditation via the Expert Mechanism's website.

As you are aware, the Expert Mechanism regularly coordinates with the Permanent Forum and the Special Rapporteur on the rights of indigenous peoples, for example by participating in sessions of the Permanent Forum and in annual coordination meetings. The Expert Mechanism has also begun a practice, which it hopes to continue, of liaising with the Permanent Forum and the Special Rapporteur on its studies and reports that are relevant to the other mandates before finalising such work.

##### **II. Work undertaken by the Expert Mechanism**

A significant number of States, indigenous peoples, international organisations and national human rights institutions participate in the sessions of the Expert Mechanism, together with the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum.

The Expert Mechanism has completed two studies:

- The first is on the lessons learned and challenges to achieve the right of indigenous peoples to education, including the Expert Mechanism Advice No. 1 which provides key normative content and recommendations. The Human Rights Council in resolution 12/13 strongly encourages States to disseminate the report broadly and to take it into account when elaborating national plans and strategies.
- The second study is on indigenous peoples' and the right to participate in decision making, undertaken over two years and comprised of a progress and a final report. The Human Rights Council in resolution 18/8 welcomed the completion of the report and especially the inclusion of examples good practices, including in relation to extractive industries, and encouraged parties to consider them a practical guide on how to attain the goals of the Declaration on the Rights of Indigenous Peoples.

Over the last 7 months, the Expert Mechanism has been working on three specific projects, as directed by the Human Rights Council in resolution 18/8. These include:

- A study on the role of languages and culture in the protection and promotion of the rights and identity of indigenous peoples;
- A report on the responses to a questionnaire to states on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples; and
- A follow-up report to its study on indigenous peoples and the right to participate in decision making, with a focus on extractive industries.

The draft study and two reports will be made available at the Expert Mechanism's fifth session, where further contributions can be made by observers. They will then be finalised for the Human Rights Council's 21<sup>st</sup> session in September 2012.

The United Nations Declaration on the Rights of Indigenous Peoples is used as a framework for the Expert Mechanism's work and is a specific item on its annual agenda. We are very pleased that, for the first time this year, the Permanent Forum and the Special Rapporteur on the rights of indigenous peoples will participate in an interactive dialogue on the Declaration during the Expert Mechanism's fifth session.

The Expert Mechanism continues to encourage the protection and promotion of indigenous peoples' rights, especially in its engagement with the Human Rights Council. As initiated by the Expert Mechanism, the Human Rights Council has:

- approved on an annual basis, a Human Rights Council panel discussion on the rights of indigenous peoples; and
- requested the Secretary General to prepare a detailed document on the ways and means of promoting participation at the United Nations of recognized indigenous peoples' representatives on issues affecting them, given that they are not always organized as non-governmental organizations, and on how such participation might be structured.

In addition, the Expert Mechanism has reached out to other human rights mechanisms, including the African Commission on Human and Peoples' Rights and the human rights treaty bodies. Over the last year, the Expert Mechanism's secretariat has, for example, briefed both the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination on its studies in relation to the rights of indigenous peoples. It is the hope that the human rights treaty bodies will find the Expert Mechanism's studies relevant when examining issues affecting indigenous peoples.

Members of Expert Mechanism have had opportunities to participate in meetings in different regions of the world and in various occasions, in some cases jointly with Permanent Forum representatives and the Special Rapporteur. These meetings have included the African Commission on Human and Peoples' Rights, the UN Minorities Forum, UNESCO consultations and meetings associated with the World Conference on Indigenous Peoples.

The Expert Mechanism is encouraged by the positive response from States and indigenous peoples alike to the work of Expert Mechanism.

### **III. Invitation to promote the work and sessions of the Expert Mechanism**

In conclusion Ms. Chairperson, I would like to thank the Permanent Forum for its ongoing contribution to the Expert Mechanism and appreciation for our continued collaboration

Thank you.

