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Annual Report of the Expert Mechanism on the Rights of Indigenous Peoples adopted at its tenth session (Geneva, 10- 14 July 2017)

(ADVANCE UNEDITED VERSION)

Chair-Rapporteur: Albert K. Barume

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I. Introduction

In its resolution 6/36, the Human Rights Council established the Expert Mechanism on the Rights of Indigenous Peoples as a subsidiary body to assist the Council in the implementation of its mandate by providing it with thematic expertise on the rights of indigenous peoples, as requested by the Council. In the resolution, the Council established that the thematic expertise would focus mainly on studies and research-based advice, and that the Expert Mechanism may suggest proposals to the Council for its consideration and approval.

In September 2016, the Human Rights Council adopted resolution 33/25, amending the Expert Mechanism's mandate to provide the Human Rights Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples. The specificities of the new mandate are set out in the resolution. This is the first Annual Report of the Expert Mechanism adopted in light of this expanded mandate.

The Expert Mechanism held its tenth session in Geneva from 10 to 14 July 2017.

II. Inter-sessional activities

Since its last annual session in July 2016, the Expert Mechanism undertook three inter-sessional activities. From 2 to 4 March 2017, the Expert Mechanism was hosted by the Government of Canada to discuss their new mandate under resolution 33/25, including the development of new methods of work. The members of the Expert Mechanism also held a half-day meeting with the full membership of the UN Permanent Forum on Indigenous Issues, which was also holding an inter-sessional meeting in Ottawa, in order to discuss cooperation and possible joint initiatives under the new mandate.

From 6 to 7 March 2017, the Expert Mechanism attended an expert seminar on Good Practices and Challenges for Indigenous Peoples' Entrepreneurship in Boulder, Colorado, jointly organized by OHCHR and the University of Colorado Law School. The objective of the seminar was to support the study on good practices and challenges in business and access to financial services by indigenous peoples. The seminar brought together approximately 30 participants from several regions, including the five members of the Expert Mechanism, indigenous human rights advocates, academics, and practitioners in this area. The topics addressed included state and regional practices on indigenous peoples' businesses, the role of indigenous-owned businesses in promoting respect for human rights, indigenous knowledge-based businesses, and strategies to promote non-discriminatory access to financial services by indigenous peoples.

From 17 to 21 March 2017, the Expert Mechanism held an inter-sessional meeting in the Khanti-Mansi Autonomous Okrug – Yugra, hosted by the Government of the Russian Federation. The purpose of this meeting was to draft specific methods of work for the various activities enshrined in the new mandate of the Expert Mechanism. The meeting enabled the Expert Mechanism to develop guidelines for its engagement in country situations, including responding to indigenous peoples' and states' requests for technical advice and dialogue facilitation.

III. Adoption of studies, reports and proposals

A. Adoption of studies and reports

During its session, the Expert Mechanism adopted the following:

A. A study and advice on good practices and challenges in business and in access to financial services by indigenous peoples, mandated by Human Rights Council resolution 33/13, paragraph 5; and

B. A report on ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned, and methods of work relating to its new mandate, mandated by Human Rights Council resolution 33/25, paragraph 2b.

The Expert Mechanism agreed that the Chair-Rapporteur, in consultation with the other members of the Expert Mechanism, may make revisions to these documents in light of discussions carried out at its tenth session, and agreed to submit them to the Human Rights Council at its thirty-sixth session.

B. Proposals

Proposal 1: Participation of indigenous peoples in the Human Rights Council

The Expert Mechanism proposes that the Human Rights Council makes further efforts to facilitate the participation of indigenous peoples' representatives, and their representative institutions, in contrast to non-governmental organisations, in its work, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples. This would include all meetings relevant to the rights of indigenous peoples, in particular the dialogue with the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples and the annual half-day discussion on the rights of indigenous peoples. The Expert Mechanism makes this proposal without prejudice to the ongoing General Assembly Consultative Process aimed at enhancing the participation of Indigenous Peoples' in UN meetings, enabling the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

Proposal 2: Theme of the Human Rights Council's annual half-day discussion on indigenous peoples

In light of the information set out in section VIII of report A/HRC/36/56, the Expert Mechanism on the Rights of Indigenous Peoples proposes to the Council that it hold a half-day discussion on the protection of indigenous human rights defenders at its thirty-ninth session.

Proposal 3: Increased engagement of Member States with the Expert Mechanism

The Expert Mechanism on the Rights of Indigenous Peoples proposes that the Human Rights Council urges states to engage more actively with this Mechanism's activities, in particular during its session, with a view to taking part in dialogue as a core element of the Expert Mechanism's amended mandate.

Proposal 4 Protection of human rights defenders

The Expert Mechanism on the Rights of Indigenous Peoples renews its earlier proposal to the Council that it call upon States to ensure indigenous human rights defenders, in particular indigenous women and communities, are guaranteed a safe working environment and security in compliance with the United Nations Declaration on the Rights of Indigenous Peoples and other international standards. In light of the information set out in section VIII of report A/HRC/36/56, it proposes that the Council requests States to ensure that all human rights violations against indigenous communities, and human rights defenders, including indigenous women, are investigated and brought to justice.

Proposal 5: Sustainable Development Goals

The Expert Mechanism proposes that the Human Rights Council urge States to support indigenous community-based monitoring towards the implementation of the Sustainable Development Goals and the collection of disaggregated data for the purposes of measuring progress towards these Goals.

Proposal 6: Reporting to the General Assembly

In light of its amended mandate, expanding its scope to technical advice to States, the Expert Mechanism on the Rights of Indigenous Peoples reiterates its previous proposal to the Human Rights Council that it request the Expert Mechanism to report to the General Assembly on a biennial basis, in addition to its annual reporting to the Council.

Proposal 7: National action plans to achieve ends of the Declaration

The Expert Mechanism on the Rights of Indigenous Peoples proposes to the Council that it remind States of the commitment undertaken in the outcome document of the World Conference on Indigenous Peoples to cooperate with indigenous peoples to develop and implement national action plans, strategies or other measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples. In this regard, it proposes that these action plans be used as a tool to implement the recommendations of international human rights mechanisms, including the universal periodic review, treaty bodies and special procedures, and that States consider seeking the collaboration and support of their National Human Rights Institutions and the Expert Mechanism on the Rights of Indigenous Peoples in the elaboration of these action plans.

Proposal 8: Contributions to the United Nations Voluntary Fund for Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples proposes that the Council urge States to contribute to the United Nations Voluntary Fund for Indigenous Peoples.

Proposal 9: Collaboration with the Universal Periodic Review Process

The Expert Mechanism on the Rights of Indigenous Peoples reiterates its proposal that the Council and Member States continue to draw increasingly on the United Nations Declaration on the Rights of Indigenous Peoples in the universal periodic review process. It also reiterates its proposal that, in future universal periodic review cycles, the Declaration be explicitly included in the list of standards on which the universal periodic review process is based.

Proposal 10: International year of indigenous languages

The Expert Mechanism on the Rights of Indigenous Peoples proposes that the Human Rights Council participates in the action plan lead by UNESCO to ensure a human rights based approach to the programmes and events which will be organised for the International year of indigenous languages in 2019.

IV. Organization of the session**A. Attendance**

The Expert Mechanism held its tenth session in Geneva, from 10 to 14 July 2017. The members, Albert Kwokwo Barume (Democratic Republic of the Congo), Megan Davis

(Australia), Edtami Mansayagan (Philippines), Alexey Tsykarev (Russian Federation), Laila Vars (Norway) and Erika M. Yamada (Brazil) took part in the session.^a

States, parliaments, indigenous peoples, United Nations programmes, bodies and specialized agencies, national and regional human rights institutions, non-governmental organizations and academic institutions participated in the session as observers (see annex I for a complete listing).

Also participating in the session were: Victoria Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples; Mariam Wallét Aboubakrine, Chair of the Permanent Forum on Indigenous Issues; Anne Nuorgam, member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples; Yuval Shany, vice-chair of the Human Rights Committee and Claire Charters, one of the advisers to the President of the General Assembly on the question of enhancing indigenous peoples' participation at the United Nations (via videolink).

B. Opening and adoption of the agenda

C. Election of officers

23. Mr. Baume invited the members of the Expert Mechanism to nominate a Chair-Rapporteur and Vice-Chair-Rapporteur for 2017-2018. Mr. Tsykarev nominated Mr. Barume for a second term as Chair-Rapporteur and Ms. Vars and Ms. Yamada as Vice-Chairs. All three were appointed by acclamation.

^a Kristen Carpenter (United States of America), was unable to attend the session but participated remotely.

- V. **New Mandate of the Expert Mechanism on the Rights of Indigenous Peoples: Activities and methods of work**
- VI. **Interactive dialogue with national human rights institutions, regional human rights institutions and similar mechanisms**
- VII. **Coordination meeting between EMRIP, UNPFII and the Special Rapporteur on the Rights of Indigenous Peoples**
- VIII. **Indigenous peoples' participation in the United Nations system**
- IX. **Ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned**
- X. **Inter-sessional activities and follow-up to thematic studies and advice on the rights to cultural heritage and health**
- XI. **Future work of the Expert Mechanism, including focus of next annual study**

The Expert Mechanism decided that its next annual study on the status of the rights of indigenous peoples worldwide in the achievement of the ends of the Declaration, mandated by resolution 33/25 paragraph 2a, will focus on the theme of free, prior and informed consent.

The Expert Mechanism also decided to prepare a report to the Human Rights Council on good practices and lessons learned regarding efforts to achieve the ends of the Declaration, as authorized by resolution 33/25, paragraph 2b.

FULL REPORT TO BE COMPLETED