



# General Assembly

Distr.: General  
1 May 2017

Original: English

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## Human Rights Council

### Expert Mechanism on the Rights of Indigenous Peoples

#### Tenth session

10-14 July 2017

Item 2 of the provisional agenda

#### Adoption of the agenda and organization of work

## Annotated provisional agenda

### Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. New mandate of the Expert Mechanism on the Rights of Indigenous Peoples: activities and methods of work.
4. Study and advice on on good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities.
5. Interactive dialogue with national human rights institutions, regional human rights institutions and similar mechanisms.
6. Ten years of implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned.
7. Indigenous peoples' participation in the United Nations system as follow-up to the World Conference on Indigenous Peoples.
8. Intersessional activities and follow-up to thematic studies and advice on the rights to cultural heritage and health.
9. Future work of the Expert Mechanism, including focus of next annual study.
10. Proposals to be submitted to the Human Rights Council for its consideration and approval.
11. Adoption of the report.

### 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, as applicable, unless subsequently otherwise decided by the Assembly or the Council (see



A/520/Rev.17). 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 provisional agenda of the tenth session (A/HRC/EMRIP/2017/1) and the annotations contained herein. The Expert Mechanism will adopt the agenda, including any revisions that it may wish to make.

At its thirty-third session, 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 (see Council resolution 33/25, para. 12). For its tenth session, the Expert Mechanism will meet for five days, from 10 to 14 July 2017.

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 tenth session.

**3. New mandate of the Expert Mechanism on the Rights of Indigenous Peoples: activities and methods of work**

In the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held on 22 and 23 September 2014, the Assembly invited the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism, with a view to modifying and improving it so that it could more effectively promote respect for the United Nations Declaration on the Rights of Indigenous Peoples, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration (see Assembly resolution 69/2, para. 28).

In September 2016, the Council adopted resolution 33/25, in which it amended the mandate of the Expert Mechanism. Under its new mandate, the Expert Mechanism is to provide the Council with expertise and advice on the rights of indigenous peoples as set out in the Declaration 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.

Under agenda item 3, the Expert Mechanism will include a presentation of its new mandate, as set out in Council resolution 33/25, including draft methods of work and a discussion with representatives of States of indigenous peoples and national human rights institutions on the implementation of the new mandate.

**4. Study and advice on good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities**

At its thirty-third session, the Human Rights Council requested the Expert Mechanism to prepare a study on good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities, and to present it to the Council at its thirty-sixth session (see Council resolution 33/13, para. 4).

Accordingly, the Expert Mechanism has prepared a draft study on the issue. To contribute to the study, and following the practice adopted for its previous studies, the Expert Mechanism sent out a call for submissions and examined the issue in greater detail at an expert seminar.

Under agenda item 4, the Expert Mechanism and observers will make comments and suggestions on the draft study. The item will also include a panel discussion on the rights of indigenous peoples in relation to business enterprises.

The Expert Mechanism will subsequently finalize the study and submit it to the Council at its thirty-sixth session.

**5. Interactive dialogue with national human rights institutions, regional human rights institutions and similar mechanisms**

When amending its mandate, the Human Rights Council encouraged the Expert Mechanism to enhance its engagement with national human rights institutions (see Council resolution 33/25, para. 11). The Expert Mechanism has therefore decided to devote part of its tenth session to an interactive dialogue with national and regional human rights institutions in order to examine the role that those institutions can play in achieving the ends of the Declaration and to explore how they can best collaborate with the Expert Mechanism under its new mandate.

**6. Ten years of implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned**

In its resolution 6/36, the Human Rights Council recalled that, at its sixty-first session, the General Assembly, in its resolution 61/295, had adopted the United Nations Declaration on the Rights of Indigenous Peoples. In its resolution 33/25, the Council reaffirmed its support for the Declaration.

The amended mandate of the Expert Mechanism is explicitly based on the Declaration, as set out in paragraph 1 of resolution 33/25. Under agenda item 4, the Expert Mechanism will mark the tenth anniversary of the Declaration through an interactive dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Permanent Forum on Indigenous Issues.

The Expert Mechanism will also present a draft report in response to paragraph 2 (b) of resolution 33/25, in which it will examine good practices and lessons learned regarding efforts to achieve the ends of the Declaration, with a view to finalizing it before presentation to the Council at its thirty-sixth session.

**7. Indigenous peoples' participation in the United Nations system as follow-up to the World Conference on Indigenous Peoples**

In its advice on indigenous peoples and the right to participate in decision-making, the Expert Mechanism stated that the United Nations should, in accordance with the Declaration, establish a permanent mechanism or system for consultations with indigenous peoples' governance bodies, including indigenous parliaments, assemblies, councils or other bodies representing the indigenous peoples concerned, to ensure effective participation at all levels of the United Nations (see A/HRC/18/42, annex, para. 36).

In the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, States committed themselves to considering ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (see Assembly resolution 69/2, para. 33).

Under agenda item 7, the Expert Mechanism will include a briefing and discussion on the consultation process that is being undertaken to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

**8. Intersessional activities and follow-up to thematic studies and advice on the rights to cultural heritage and health**

At its eighteenth session, the Human Rights 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 this practice on a permanent basis and encouraged States to continue to participate in and contribute to these discussions (see Council resolution 18/8, para. 5). Under agenda item 8, the Expert Mechanism will consider follow-up to its previous studies, notably its study on indigenous peoples' rights with respect to their cultural heritage (A/HRC/30/53) and on the right to health and indigenous peoples (A/HRC/33/57).

The item will also provide an opportunity to discuss inter-sessional activities of the Expert Mechanism.

**9. Future work of the Expert Mechanism, including focus of next annual study**

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 Declaration, focusing on one or more interrelated articles of the Declaration, decided by the Expert Mechanism, taking into consideration the suggestions received from Member States and indigenous peoples, including challenges, good practices and recommendations. The agenda item will include a discussion regarding the focus of the annual study of the Expert Mechanism on the status of the rights of indigenous peoples worldwide in the achievement of the ends of the Declaration.

**10. 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. This may include proposals on how the thematic expertise of the Expert Mechanism could assist in the implementation of the Council's mandate and mechanisms.

**11. Adoption of studies and reports**

The Expert Mechanism will adopt its study and advice on good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples; a report examining good practices and lessons learned regarding efforts to achieve the ends of the Declaration; and an annual report on its work, including its tenth session, with a view to submitting those documents to the Human Rights Council at its thirty-sixth session.

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