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1. EDITORIAL

As in the first edition in 2012, the Second Forum on Business and Human Rights, which took place from 2 to 4 December 2013 in Geneva, was an opportunity to recall the importance of indigenous peoples in the implementation of the UN Guiding Principles on Business and Human Rights. Several panel discussions and parallel events specific to indigenous peoples were held during the Forum, placing indigenous peoples at the same level as the entire civil society, and ensuring that they are taken into account in negotiations, including for processes occurring in all regions of the world. Nevertheless, it seems necessary to engage in a constructive and substantive dialogue with the business enterprises present at the Forum, as they remained very discreet when taking the floor during the different sessions. In addition, discussions aside revealed their ignorance of indigenous peoples in general and their specific rights in particular.

This issue of Update includes the summaries of the first year of the 2nd cycle of the Universal Periodic Review. The Human Rights Council has defined new modalities for the review process, which you will find in several resolutions adopted in 2011 and reproduced in this edition. The main changes concern the duration of the entire review cycle, increased to four and a half years (four years previously), and the fact that the follow up of the implementation of recommendations accepted during the 1st cycle is placed at the same level of importance as the situation of human rights in the State under review.

This Update also contains the summary of debates relating to indigenous peoples during the 24th session of the Human Rights Council, including the presentation of the last report by the Special Rapporteur James Anaya, addressing his visits to El Salvador and Namibia as well as the consequences of extractive industries for indigenous peoples. The next Special Rapporteur on the Rights of Indigenous Peoples will be appointed at the 25th session of the Council, in March 2014.

Finally, in this issue you will also find two resolutions of the Human Rights Council, one renewing the mandate of the Special Rapporteur on the Rights of Indigenous Peoples for three years and the other on the rights of indigenous peoples, stating in particular the topic of the next study of the Expert Mechanism on the Rights of Indigenous Peoples. This study will address the “rights of indigenous peoples in natural disaster risk reduction, prevention and preparedness initiatives”. It should be noted that this new theme was chosen by the States sitting at the Human Rights Council, without prior consultation with the Expert Mechanism's members or indigenous peoples in general.

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2. THE HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW

The first year of the second cycle of the Human Rights Council's Universal Periodic Review (UPR), in 2012, saw only two sessions of the Working Group on the Universal Periodic Review (WGUPR), whose outcomes were examined by the Council at its 21st and 22nd sessions, in September 2012 and March 2013. Here is a report on the inclusion of indigenous issues in the reviews of countries where indigenous peoples live, during the 13th and 14th of the WGUPR. A number of changes have been introduced for the second cycle of the UPR: we include the relevant resolution and decision of the Human Rights Council establishing those changes.

New modalities for the second cycle of the Universal Periodic Review

Following the review of its work and functioning, the Human Rights Council adopted, on 25 March 2011, its resolution A/HRC/RES/16/21 with the annexed "Outcome of the review of the work and functioning of the UN Human Rights Council". Changes to the UPR contained in this document would be applicable as of the second cycle of the review. Further, on 17 June 2011, the Human Rights Council adopted decision A/HRC/DEC/17/119, which clarifies the few issues left pending by resolution 16/21 in relation to the UPR.

Annex to HRC resolution 16/21 – Outcome of the review of the work and functioning of the UN Human Rights Council (highlights)

I. UNIVERSAL PERIODIC REVIEW

A. Basis, principles and objectives of the review

1. The basis, principles and objectives of the UPR as set forth in paragraphs 1, 2, 3 and 4 of the annex to HRC resolution 5/1 shall be reaffirmed.

B. Periodicity and order of the review

2. The second cycle of the review shall begin in June 2012.
3. The periodicity of the review for the second and subsequent cycles will be of four and a half years. This will imply the consideration of 42 States per year during three sessions of the WGUPR.
4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

C. Process and modalities of the review

1. FOCUS AND DOCUMENTATION

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Council resolution 5/1.
6. The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review.
7. The general guidelines for UPR reports adopted by the Council in its decision 6/102 shall be adjusted to the focus of the second and subsequent cycles before the 18th session of the Council.
8. Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review.
9. The summary of the information provided by other relevant stakeholders should contain, where appropriate, a separate section for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. Information provided by other accredited national human rights institutions will be reflected accordingly, as well as information provided by other stakeholders.

2. MODALITIES

10. The role of the troikas shall be maintained as set forth in the annex to Council resolution 5/1 and in President's statement PRST/8/1.
11. Following the extension of the review cycle to four and a half years and within existing resources and workload, the duration of the Working Group meeting for the review will be extended from the present three hours and the modalities will be agreed upon at the 17th session of the Council, including the list of speakers, which shall be based on the modalities as appear in the Appendix.
12. The final outcome of the review will be adopted by the plenary of the Council. The modalities for the organization of the one-hour consideration of the outcome shall be in accordance with President's statement PRST/9/2.

13. The national human rights institution of the State under review consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to GA resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.

14. The Universal Periodic Review Voluntary Trust Fund to facilitate the participation of States established by the Council in its resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review.

D. Outcome of the review

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.

16. The State under review should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1.

E. Follow-up to the review

17. While the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned, States are encouraged to conduct broad consultations with all relevant stakeholders in this regard.

18. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations.

19. The Voluntary Fund for Financial and Technical Assistance, established by the Council in its resolution 6/17, should be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. A board of trustees should be established in accordance with the rules of the UN.

20. States may request the UN representation at the national or regional level to assist them in the implementation of follow-up to their review, bearing in mind the provisions of paragraph 36 of the annex to Council resolution 5/1. OHCHR may act as a clearing house for such assistance.

21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

HRC Decision 17/119 – Follow-up to HRC resolution 16/21 with regard to the UPR

I. Order for the review in the WGUPR

1. The order of the review established for the first cycle of the review shall be maintained for the second and subsequent cycles, whereby 14 States are reviewed during each session of the Working Group.

II. General guidelines for the preparation of information under the UPR

2. Reaffirming the relevant provisions relating to the UPR of GA resolution 60/251 of 15 March 2006 and HRC resolution 5/1 of 18 June 2007, containing the institution-building package, and resolution 16/21 of 25 March 2011, containing the outcome of the review of the work and functioning of the HRC, Emphasizing that the second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of human rights situations in the State under review, The Council adopts the general guidelines below.

A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the UPR;

B. Developments since the previous review in background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: Constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex, section IA;

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms;

D. Presentation by the State concerned of the follow-up to the previous review;

E. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations in the State;

- F. Key national priorities, initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;
- G. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance and support received.

III. Duration of the review in the WGUPR

3. The duration of the review shall be extended to three hours and thirty minutes for each country in the Working Group, so as to be within existing resources and with no additional workload, during which the State under review shall be given up to 70 minutes to be used for initial presentation, replies and concluding comments in line with President's statement PRST/8/1 of 9 April 2008.
4. The allocation of time during the working group shall be in accordance with annex II.

IV. List of speakers in the WGUPR

5. The established procedures, which allow three minutes speaking time for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within three hours and thirty minutes available to Member and observer States.
6. Should it be impossible to accommodate all speakers within three hours and thirty minutes based on three minutes speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.
7. If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.
8. Steps for drawing up the list of speakers:
- (a) The list of speakers will open at 10 am on the Monday of the week preceding the beginning of the session of the Working Group and will remain open for a period of four days. It will close on the Thursday at 6 pm. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the Secretariat;
- (b) In all cases, regardless of speaking times, the delegations inscribed on the list of speakers will be arranged by alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations;
- (c) Speaking time limits during the review will be strictly enforced. Speakers who exceed speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements;
- (d) All speakers will retain the possibility of swapping places on the speaker's list under bilateral arrangement between speakers.

V. Voluntary funds

9. The Secretariat is requested to revise the terms of reference of the Voluntary Fund for participation in the UPR and to provide an annual written update to the HRC, starting from the 18th session, on the operations of the funds and the resources available to it.
10. The Secretariat is requested to revise the terms of reference of the Voluntary Fund for financial and technical assistance in the implementation of the UPR and to provide an annual written update to the HRC, starting from the 18th session, on the operations of the fund and the resources available to it. A board of trustees shall be established by the Secretary-General of the UN in accordance with the rules of the UN and taking into consideration equitable geographic representation.

Changes to the UPR modalities for the second and subsequent cycles

Cycles

The second and subsequent cycles will last 4.5 years, with 14 sessions per cycle and only 14 States reviewed per session. There were only two sessions in 2012. As of 2013, sessions are held in January, May and October. (A/HRC/RES/16/21, paras. 2, 3; A/HRC/DEC/17/119, part I)

Review

Each review will last 3.5 hours. The State under Review will be given 70 minutes and other States 140 minutes. The order of review will be exactly the same. As there will be only 14 States reviewed per session, the two last States of session 1 will be moved to the beginning of session 2, the last four of session 2 will be moved to the beginning of session 3, etc. (A/HRC/DEC/17/119, part I & III)

Nine States will be reviewed during the first week and five during the second week of the WGUPR sessions. The adoptions within the WGUPR will no longer be held at the end of each half day but clustered together at three different moments: Friday morning of the first week and Tuesday morning and Friday afternoon of the second week. (A/HRC/DEC/17/119, annex 2)

List of speakers

The list of speakers will open on the Monday of the week preceding the beginning of the WGUPR session. For each review, States will be arranged in English alphabetical order and the beginning of the list will be drawn by lot. States will be able to swap place. All States will be given the floor. If needed be, time per speakers will be reduced to two minutes each or the 140 minutes will be divided by the number of speakers. (A/HRC/DEC/17/119, part IV)

Focus and contents of the review

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under Review. (A/HRC/RES/16/21, para. 6)

The General Guidelines Decision A/HRC/DEC/6/102 for the drafting of the three reports that form the basis of the review were slightly modified to give greater emphasis on the need for States to report on the implementation of recommendations. (A/HRC/DEC/17/119, part II)

Responses and follow-up to recommendations

States should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations. (A/HRC/RES/16/21, paras. 16, 18)

Role of National human rights institutions and NGOs

National Human Rights Institutions with A status will have a dedicated section in the summary of other stakeholders' information. They will be given the floor directly after the State under review during the adoption at the HRC plenary session. (A/HRC/RES/16/21, paras. 9, 13)

States are encouraged to conduct broad consultations with all relevant stakeholders on the follow-up. Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review. (A/HRC/RES/16/21, paras. 8, 17)

Source: UPR-Info (http://www.upr-info.org/IMG/pdf/new_upr_modalities_second_cycle.pdf)

Indigenous peoples in the reports and outcomes of the WGUPR in 2012

Algeria

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/DZA/1] does not mention indigenous peoples (IPs).

The **Compilation of UN documents** [A/HRC/WG.6/13/DZA/2] notes that Algeria has not ratified ILO Convention 169. CESCR recommends (para. 49) that Algeria officially recognize the Amazigh language and ensure its teaching in all educational levels [E/C.12/DZA/CO/4, para. 22].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/DZA/3], CMA denounce restrictions to freedom of opinion and expression (also CFDA/CIHRS, MJIC); and that civil society organizations face persistent restrictions, including harassment of activists and a ban on cultural and scientific activities (paras. 12, 21, 26). CMA say official recognition of Amazigh language has brought no actual change as to the rights of the Amazigh IPs, including to self-determination and their own development; to revert socio-economic marginalization, the Amazigh IPs must have fair access to their natural resources, particularly water (para. 33).

None of the **advanced questions** mention IPs.

In the **recommendations** of the **WGUPR report** [A/HRC/21/13] that Algeria committed itself to examine (para. 129), Iraq recommends ratifying ILO Conventions 169 and 189 (8)¹.

In its **response** [A/HRC/21/13/Add.1], Algeria considers recommendation 8 as partially implemented, but makes no reference to ILO Convention 169.

In the **Report of the HRC on its 21st session** [A/HRC/21/2 (Advanced unedited version [AUV]), paras. 665-708], Algeria reiterates this response (para. 672).

Argentina

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/ARG/1] underscores, as regards recommendations 1 and 2 of the first UPR on countering discrimination, an indigenous-coordinated training programme on indigenous law, gender issues and non-discrimination (para. 34); and policy measures for birth registration in indigenous communities and for indigenous children's access to justice (paras. 40, 41).

On recommendations 15 and 16 on IPs' rights, Argentina emphasizes promotion of IPs' participation in policy making by raising their awareness of their rights (paras. 5, 117); enhancing appreciation of their cultures, and their inclusion in public bodies dealing with political participation, the educational system, and communal property (paras. 118, 119). Specific laws recognize IPs' rights as to intercultural bilingual education; audiovisual communication services; respect of their priorities in natural resource and land management processes; and demarcation and titling of lands (para. 120). The National Institute of Indigenous Affairs (INAI) provides legal services for IPs to access justice, including assistance and financial support for specific communities and organizations, and upon infringement of indigenous rights (paras. 121, 122).

The **Compilation of UN documents** [A/HRC/WG.6/14/ARG/2] reports that Argentina has ratified ILO Convention 169. The SRIP visited Argentina in 2011. OHCHR trained indigenous leaders on international human rights standards and mechanisms (para. 18).

Acknowledging the inclusion of indigenous self-identification in the 2010 population census (para. 24), CERD remains concerned (para. 66) that IPs remain among the most marginalized [CERD/C/ARG/CO/19-20, paras. 18, 29]. CRC is concerned and makes recommendations (paras. 24, 45) about persistent discrimination, social exclusion, and failure to register the birth, of indigenous children [CRC/C/ARG/CO/3-4, paras. 31, 32, 47]. The UN country team and the SRIP highlights the need to expand existing bilingual intercultural education programmes, with IPs' participation (para. 64).

CESCR and CERD express concern and make recommendations (paras. 40, 48, 59) about forced evictions of IPs, about disproportionate use of force against defenders of land rights, and the State's failure to punish perpetrators; and (para. 79) about negative impacts of chemical pesticides and transgenic seeds, and of deforestation, in regions traditionally occupied by IPs [E/C.12/ARG/CO/3, paras. 10, 12, 21; CERD/C/ARG/CO/19-20, para. 21].

The SRIP states (para. 67) that IPs' central concern is the lack of legal security for their traditional land rights, including evictions of indigenous people from traditional land claimed by them in the land surveying process

¹ We give between brackets the number that each recommendation bears in the corresponding WGUPR report.

(also UN country team, para. 69) and the existence of mining projects in IPs' territories without their effective prior consultation (also SR on adequate housing, CERD, CESCR, Human Rights Committee, ILO Committee of Experts) [Press release of the SRIP, 7 December 2011; A/HRC/19/53/Add.1, paras. 49, 71; CCPR/C/ARG/CO/4, para. 25]. CESCR recommends (para. 68) that Argentina finalize the land demarcation process, and grant communal land titles to indigenous communities; and CERD recommends that Argentina effectively ensure application of the law prohibiting forced evictions [E/C.12/ARG/CO/3, paras. 8, 9; CERD/C/ARG/CO/19-20, para. 26].

The **Summary of stakeholders' information** [A/HRC/WG.6/14/ARG/3] reports that the Ombudsman's Office acknowledges Argentina's progress in legislating on indigenous rights but notes lack of effective implementation (also FIC-Argentina/FUNDEPS for intercultural education, para. 76), including as regard communal land ownership and evictions (para. 6; also CELS, para. 25; UOCLIHRC, para. 86).

ODHPA/CELS/ANDHES and FOCO-INPADE warn that Argentina has made no progress since its first UPR in establishing effective mechanisms for IPs' right to consultation, particularly as to natural resources (paras. 84, 88). UOCLIHRC highlight persistent racial discrimination against indigenous communities (also IIMA/VIDES-International, para. 21), especially in land disputes – with perpetrators enjoying impunity and IPs lacking equal access to justice (para. 25). UOCLIHRC (also UNPO for the Mapuche IPs) underscores violations of IPs' rights to land and resources, consent and compensation by government-sanctioned business enterprises (para. 86). APDH/AAJ say the problems affecting IPs extend beyond land rights, and their marginalization reveals the public policies' shortcomings (para. 87). ODHPA/CELS/ANDHES express concern that INAI has no power over provincial authorities, which decide on local development, land and resource use (para. 88); and that the Government has failed to consult IPs on the reform of the Civil Code which proposes including indigenous communities' ownership rights under private law (para. 89); the State must cooperate with IPs to introduce national legislation on prior consultation, a land demarcation process, and measures to prevent violence against indigenous communities (para. 85).

None of the **advanced questions** mention IPs.

In the **WGUPR report** [A/HRC/22/4], Argentina informs on IPs' right to communication; on inclusion of indigenous self-identification in the 2010 national population census; on enactment of laws that implement ILO Convention 169 as regards education, housing, demarcation of indigenous land and prevention of evictions; and on the right to an indigenous name (paras. 8, 9, 20, 57-59).

Bolivia appreciates recognition of IPs' rights (also China, para. 31; Greece, para. 33) and legal services addressing discrimination in the justice system (para. 26). Belarus notes chronic discrimination against IPs (para. 33). South Africa note persistent challenges in ensuring IPs' effective consultation (para. 76).

Among the **recommendations** that Argentina committed itself to examine (para. 99), Bolivia recommends encouraging affirmative action policies for IPs (31). Germany recommends guaranteeing the right to an effective defence in evictions (70). Mexico recommends guaranteeing birth registration for indigenous children (74). Greece recommends further promoting IPs' rights (108); so does Peru for IPs' participation and consultation (109). South Africa recommends granting communal land titles to indigenous communities and considering appropriate compensation (110). Spain recommends improving IPs' rights to property, housing, participation and intercultural education (111).

In its **response** [A/HRC/22/4/Add.1], Argentina accepts recommendation 31 and 70 as already implemented (paras. 28, 36); takes note of recommendation 74, saying that birth registration is available free of charge to all (para. 9); accepts recommendations 108 and 109, underscoring its ongoing efforts regarding IPs' collective land and resource rights; rejects recommendations 110 and 111, saying that the obligation to compensate has no legal basis in Argentina (paras. 31, 32).

In the **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 346-378], AI note rejection of recommendations on IPs' rights to property, access to housing, education and participation (also IIMA/VIDES-International, para. 367; FI, para. 369; CELS, para. 372), and warn that indigenous communities continue to face eviction (para. 366). IIMA/VIDES-International express concern that indigenous children and young people suffer de facto discrimination in access to education and work (para. 367). FI welcomes acceptance of recommendation 109, warning however that the proposed reform process of the Civil Code ignores the current state of law on collective rights and has not included consultation and participation (para. 369). CELS emphasizes the need to align national legislation on forced evictions with the international standards (para. 372).

Documentation on the UPR

All the documentation used for this report is available on the UPR documentation website (<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>, select country and click on the “Go” button to access the documentation page for each country – the note references 1, 2 and 3 provide links to additional information by the State, UN system and stakeholders).

The submissions of stakeholders that address indigenous issues are also posted on doCip's website at www.docip.org (*Documentation – Online Documentation – Conferences – Human Rights Council – HRC Universal Periodic Review*). In addition, resource documents from training sessions on the UPR, organized by doCip from 2009 to 2011 and led by indigenous experts and OHCHR officers, are available from *Documentation – Training Database – Mechanisms – UPR-EPU*.

Update 85-86 contains highlights of HRC Resolution 5/1, on the Council's institution-building, first establishing the principles, objectives and functioning of the UPR. Updates 85-86, 92-93, 97-98 and 102-103 include summaries of the first cycle of the UPR, regarding States where IPs live.

Finally, the website of UPR Info (www.upr-info.org) is an important reference on the UPR. It provides numerous resources such as news, a database of recommendations, analyses of issues, webcasts, or press releases.

Brazil

13th session of the WGUPR, 21 May – 4 June 2012

In the **National report** [A/HRC/WG.6/13/BRA/1], regarding recommendation 1 of the first UPR, on promotion of diversity, Brazil mentions promotion of indigenous rights (para. 29). As to recommendations 3, 5 and 12 on IPs' rights, Brazil says that its Constitution grants IPs exclusive usufruct rights to natural resources on their lands, and the State is responsible for protecting these (para. 66). Recent progress in promoting IPs' rights, which has led to a rise of IPs' self-identification, include issuance of identity documents, reducing mortality and morbidity among indigenous infants, developing indigenous health networks, and promoting specific policies for indigenous women (paras. 13, 67, 71). Remaining challenges include approval by Parliament of the Statute on Indigenous Peoples, and securing full occupation of indigenous lands, as a number of disputes over IPs' lands persist, despite progress in demarcation (paras. 68, 69). To ensure that large-scale infrastructure projects safeguard IPs' rights, Brazil is promoting domestic discussions on consultation procedures for free, prior and informed consent, in line with the Constitution and ILO Convention 169 (para. 70).

The **Compilation of UN documents** [A/HRC/WG.6/13/BRA/2] reports that the SRIP recommends (para. 3) legislative measures, in consultation with IPs, to implement ILO Convention 169 and the Declaration [A/HRC/12/34/Add.2, para. 93]. The High Commissioner for Human Rights and ILO Committee of Experts warn that IPs are not benefiting from Brazil's economic progress (paras. 11, 69). CEDAW is concerned and makes recommendations (para. 42) about gender and race stereotypes contributing to the segregation of indigenous women at work [CEDAW/C/BRA/CO/7, paras.27, 27b].

CESCR recommends ensuring indigenous families' equal access to the poverty reduction programme (para. 48); and warns (para. 55) about higher rates of maternal mortality disproportionately affecting indigenous women [E/C.12/BRA/CO/2, para. 20a, 20b, 28]. UNICEF underscores health and malnutrition conditions specifically affecting children and women in indigenous communities (para. 57). The SRIP urges (para. 61) the Ministry of Health, in consultation with IPs, improve delivery of health services to IPs, particularly women and children [A/HRC/12/34/Add.2, para 86]. UNICEF underscores that indigenous children remain affected by educational inequalities, particularly at pre-school and secondary levels (paras. 64).

The SRIP recommends (paras. 71, 72) that Brazil enhance IPs' control over their territories and natural resources, and over state service delivery in their communities, in conformity with ILO Convention 169 and other applicable international instruments, whose protections should be strengthened by domestic legislation [A/HRC/12/34/Add.2, paras 78, 79, 85]. The ILO Committee of Experts also emphasizes governments' obligation to genuinely consult the peoples covered by ILO Convention 169 so as to achieve agreement on measures which may affect them (para. 73). CESCR is concerned and reiterates recommendations (para. 74) about the slow progress in the land reform and demarcation process, despite constitutional rights to property and self-determination; and about combating ongoing deforestation in order to ensure effective enjoyment of IPs' rights [E/C.12/BRA/CO/2, paras. 9, 26].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/BRA/3], CIVICUS, FLD, MNDH/PDB/PAD and CIMI/JG underscore enormous risks faced by defenders of IPs' rights (paras. 67, 69, 47). PDB (also FLD) warn that the Growth Acceleration Programme (PAC) comprises several large-scale infrastructure and energy projects involving destruction of IPs' territories and ways of life; STP add that protection of indigenous

territories and natural reserves has been weakened to facilitate resource exploitation (para. 69). CIMI criticize the short time frame allotted for institutions to give their views on development projects within the PAC (para. 72); and warn against proposed amendments to the Forestry Code, including amnesties for deforestation offences in protected areas (para. 77). CIMI/JG and STP warn that lack of indigenous land demarcation in Mato Grosso do Sul has undermined sustainability and IPs' access to adequate food, while internal violence has been sharply increasing (para. 73). JG call for the expansion of the National Development Bank policy about accountability of enterprises regarding IPs' rights (para. 75).

A Coalition of NGOs concerned about dams report that large hydroelectric dams construction generate systematic human rights violations by ignoring IPs' rights to consultation and consent, and by relying on incomplete environmental impact assessments (para. 70). MXVPS/SDDH/JG/AIDA and IDDH underscore precautionary measures ordered by IACHR to protect the indigenous communities of the Xingu Basin against the effects of the Belo Monte dam, and failure of Brazil to respond (para. 71).

Among the **advanced questions**, the United Kingdom enquires on protection of IPs' rights defenders. The Netherlands addresses IPs' land ownership.

In the **WGUPR report** [A/HRC/21/11], Brazil reiterates information on measures to protect indigenous rights, including recent landmark decisions by its Supreme Federal Court (paras. 12, 15).

Norway expresses concern about IPs' and human rights defenders' situation (para. 26; also United Kingdom, para. 58; Switzerland, para. 52). Cuba recognizes improvements on IPs' rights (para. 80; also Mozambique, para. 21; Angola, para. 65). Egypt urges guaranteeing IPs' rights (para. 90). Germany voices concern about IPs not benefiting from economic progress (para. 94; also Congo, para. 78). Guatemala enquires about the Statute on IPs, before Parliament since 2009 (para. 96). Honduras draws attention to the CEDAW observations on segregation of indigenous women at work (para. 98).

Responding, Brazil reports on its programme for the protection of human rights defenders; on IPs' land demarcation process; and on inclusion of indigenous families in the poverty reduction programme (paras. 44, 45). On ILO Convention 169, Brazil says it has initiated a participatory process to regulate prior consultation (para. 46); its national development policies, including production of clean energy and infrastructure building, promote human rights and IPs' rights (paras. 114, 115).

Among the **recommendations** that Brazil committed itself to examine (para. 119), Cape Verde recommends further promoting of IPs' rights and socio-economic situation (31; also Ecuador, 32; Thailand, 138). Turkey recommends following up on ILO recommendation to ensure equal opportunities and treatment for indigenous persons (50). Switzerland recommends ensuring the protection of indigenous leaders defending their communities' rights (82; also United Kingdom, 84). Egypt recommends ensuring indigenous families' access to poverty reduction programmes (144). The Holy See recommends guaranteeing IPs' right to education (158). Norway recommends ensuring IPs' rights, namely to land and resources, and to be consulted (164; also Poland, 168); and concluding pending demarcation processes (165). Peru recommends improving regulation of the consultation processes with IPs (166; also Netherlands, 163; Germany, 169). Slovakia recommends ensuring that IPs are able to defend their constitutional right to ancestral lands, and that their prior, informed consent is sought for projects potentially affecting them (167).

In its **response** [A/HRC/21/11/Add.1], Brazil supports recommendations 31, 32, 50, 82, 84, 138, 144, 158, and 163 to 169 (paras. 5, 7, 13, 19, 21, 22, 27). Brazil says its Federal Constitution already complies with recommendation 167, and ILO Convention 169, internalized in 2004, provides for IPs' previous consultation (para. 22).

In the **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 569-615], Brazil restates its position on recommendation 167 (para. 588); ICJ regret this partial support to IPs' right to consultation, while Brazil should align its legislation with ILO Convention 169 (para. 605). FIAN add that the worst rates of land demarcation are identified in Mato Grosso do Sul, which has the second largest indigenous population in the country; several Guarani leaders have warned that protection under the national program for human rights defenders is inadequate (para. 607). IIMA/VIDES-International note persisting difficulties as to the right to education for all, with indigenous children being particularly discriminated (para. 610).

Ecuador

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/ECU/1] underscores constitutional guarantee of the rights to equality and “good living”, IPs' rights, and the rights of nature (paras. 10, 16, 39). Ecuador emphasizes a decline of poverty among IPs (para. 23); quotas for the employment of indigenous persons (para. 42); less indigenous children and adolescents out of school for financial reasons and an increasing proportion of indigenous people with a university education (paras. 47, 76); and more indigenous homes connected to basic services (para. 50).

Spanish, Quechua and Shuar are recognized as official languages, and the preservation and use of indigenous languages are guaranteed (paras. 114-116). An intercultural approach is mainstreamed throughout education and the bilingual intercultural education system is being strengthened; several health centres have adapted to IPs' right to their ancestral knowledge (para. 117). The Constitution establishes inalienability of ancestral lands, and provides for indigenous territorial units with autonomous governments; titling of IPs' ancestral lands is under way in the Amazon region (para. 118). IPs' right to be consulted is recognized, without this impairing the State's sovereignty over their lands; the parliament has established pre-legislative consultation for laws that could affect IPs' rights (para. 119).

A government's plan to protect the area where the Tagaeri-Taromenane IPs live in voluntary isolation includes patrolling by a team of Waorani indigenous rangers to alert authorities about possible conflict points, and measures to prevent trafficking of wild flora and fauna (paras. 120, 121). Non-exploitation of fossil fuel in the Yasuni National Park area under the Yasuní ITT Initiative, will make it possible to protect biodiversity and respect self-determination of the Tagaeri and Taromenane peoples (paras. 122, 126).

In the **Compilation of UN documents** [A/HRC/WG.6/13/ECU/2], the ILO Committee of Experts notes that the new Constitution establishes rights laid down by ILO Convention 169 (para. 81). The SRIP, who visited Ecuador in 2006 and 2009, acknowledges (para. 82) efforts to establish mechanisms for consultations with IPs regarding natural resource extraction, although major difficulties remain as to realization of legitimate consultations [A/HRC/15/37/Add.7, p. 2; also CRC/C/ECU/CO/4, para. 30]. CERD urges Ecuador (para. 82) to obtain IPs' consent prior to resource extraction projects; and (para. 83) to ensure that IPs enjoy effective legal protection against forcible eviction from their ancestral lands [CERD/C/ECU/CO/19, paras. 16, 17]. The SRIP considers (para. 84) that the State should devote particular attention to the isolated Tagaeri and Taromenane IPs, preventing forced contact of any kind, including extractive activities [A/HRC/15/37/Add.7, para. 56].

The UN country team reports that, despite constitutional guarantees, IPs still suffer social exclusion and discrimination (also CERD, para. 20), and data lacks as to what extent the Government's anti-discrimination plans have benefited IPs (para. 19). CERD is concerned about obstacles to the adoption of laws for the realization of IPs' collective rights (para. 6); about alleged violence against IPs by the armed forces to secure interests of extractive companies (para. 30); and (para. 58) about IPs' low level of political participation [CERD/C/ECU/CO/19, paras. 8, 10, 14, 15; also CCPR/C/ECU/CO/5, para. 19 and CRC/C/ECU/CO/4, para. 34].

The SRIP calls (para. 42) for IPs' involvement in preparation of a bill on cooperation between the indigenous and ordinary courts [A/HRC/15/37/Add.7, para. 48a; also CERD/C/ECU/CO/19, para. 12; CAT/C/ECU/CO/4-6, paras. 19, 20; A/HRC/17/28/Add.2, paras. 53, 54, 106-108]. The UN country team underscores the complex patterns of gender violence affecting indigenous women; and higher malnutrition among rural indigenous communities (paras. 33, 73). CEDAW remains concerned (paras. 57, 60, 69) that indigenous women face strongly disadvantaged conditions as to poverty, permanence in school and access to higher education, maternal mortality and early pregnancies, employment and wages, and participation in public life (also CERD, para. 18); CEDAW also encourages Ecuador (para. 76) to strengthen its efforts to eradicate illiteracy among rural indigenous women [CEDAW/C/ECU/CO/7, paras. 24, 25, 31, 36, 42; CERD/C/ECU/CO/19, para. 13]. CERD is concerned and makes recommendations (para. 77) about the poor application of the intercultural bilingual education system [CERD/C/ECU/CO/19, para. 20].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/ECU/3], the Ombudsman's Office mentions alleged cases of labour exploitation of indigenous children (para. 11).

The 2008 Constitution establishes bilingual education and a culturally sensitive national health system, note UOCLIHRC (para. 14); it recognizes IPs' right to be consulted, note AI, but no mechanism exists for application (para. 13). While acknowledging constitutional recognition that nature has rights, AE-E warn about the Mining Act being passed without regard for IPs' constitutional right to be consulted (para. 18); AI add that despite IPs' protests, faced with violent repression, the Constitutional Court approved of this law (para. 69).

CIDES underscore systematic violations of IPs' collective rights, failure to apply provisions of international instruments in trials involving indigenous persons, and lack of norms safeguarding territorial rights (para. 67). About resource extraction in IPs' ancestral territories, the IACHR indicates that the Ecuadorian State has the double duty of preventing environmental contamination, and repairing the damages caused to natural resources (para. 68); Ecuador has yet to comply with the IACHR decision, say UOCLIHRC (para. 71). The Pachamama Foundation denounce ineffective protection of the Tagaeri and Taromenane IPs (para. 70).

UOCLIHRC highlight inequalities in access to education affecting indigenous populations (Plan International emphasize inadequate birth registration as one cause, para. 43); measures to promote native input in the education system and resources for bilingual education are inadequate (para. 63). IIMA/VIDES-International and UOCLIHRC draw attention to child labour seriously affecting indigenous children and keeping them away from school (paras. 33, 62). UOCLIHRC also warn about underemployment of indigenous women (para. 58); and the indigenous population's poor health status (paras. 61, 66).

Among **advanced questions**, Germany, Iceland and Slovenia enquire about persistent discrimination against indigenous women in accessing resources and education, about their enjoyment of constitutional rights, and of legal protections against exploitation. Slovenia enquires on IPs' opportunities for education. Norway and the United Kingdom enquire on safeguards for IPs' right to consultation.

In the **WGUPR report** [A/HRC/21/4], Ecuador mentions again the Andean IPs' comprehensive paradigm of "good living" (para. 6); incorporation of indigenous persons into the public sector and the diplomatic service (paras. 11, 126); its commitment to IPs' rights, including to bilingual intercultural education (paras. 30, 31, 130); and ratification of ILO Convention 169, as well as constitutional provisions on consultation, benefit sharing and compensation, and jurisprudence on modalities for prior consultation (para. 83).

Germany acknowledges constitutional recognition of IPs' rights (also Ethiopia, para. 51), but notes absence of a consultation mechanism (para. 62). The Holy See notes measures to protect the environment and indigenous rights (para. 64; also Bolivia, para. 35). Slovenia notes persistent discrimination faced by indigenous women in education (para. 103). Algeria underscores promotion of a culturally adapted health system, and of intercultural education (para. 118).

Among the **recommendations** that Ecuador supports and considers as implemented (para. 135), Mexico and Finland recommend ensuring IPs' access to universal birth registration (33). Canada recommends ensuring that indigenous activists can freely exercise their right to peaceful assembly and protest (37). Mexico and Slovenia recommend further strengthening intercultural education, including through disaggregated data collection (55). Hungary, Malaysia and Norway recommend effectively ensuring IPs' right to be consulted, in line with ILO Convention 169 (57). Paraguay recommends adopting legislation to guarantee IPs' collective rights, and promoting racial and gender equality (58; also Hungary and Morocco, 57).

Among the recommendations that Ecuador does not support (para. 136), Germany recommends establishing clear consultation procedures to implement IPs' constitutional right to free, prior and informed consent (3). Ecuador responds that its Constitution establishes IPs' right to consultation, not consent, which would be impossible to obtain from IPs in voluntary isolation.

In the **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 293-332], Ecuador reiterates its constitutional commitment as to free prior and informed consultations; reforms are under way to comply with the Inter-American Human Rights Court's decision regarding the Sarayaku IPs (para. 304).

ICJ regret non-acceptance of recommendations to implement IPs' right to free, prior and informed consent, and urge compliance with ILO Convention 169 (para. 322; also AI, para. 324). Noting accepted recommendations on IPs, AI urge full implementation of recommendation 135.37 (para. 324). Emphasizing persistent disparities in education affecting IPs, IIMA/VIDES-International call on Ecuador to further incorporate elements of indigenous cultures into teaching materials (para. 326; also Plan International, para. 330).

Finland

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/FIN/1] emphasizes IPs' rights as a priority area of Finland's international human rights policy (para. 14). Finland, Sweden and Norway initiated negotiations in March 2011 on a Nordic Saami Convention to improve the indigenous rights of the Saami (para. 51). The National Human Rights Institution has a representative of the Saami Parliament among its permanent members (para. 57). Regarding recommendation 5 of the first UPR, on ratification of ILO Convention 169, Finland emphasizes its efforts to strengthen IPs' status and rights at international and national levels (paras. 96, 97, 158). Finland reports on efforts to ratify ILO Convention 169 (paras. 98, 99); to establish a permanent programme to revitalise the Saami languages (para. 102); and to improve the Saami IPs' land and resource rights by clarifying legislation, including laws on mining and water resources, on participation in policy making (paras. 100, 101).

The **Compilation of UN documents** [A/HRC/WG.6/13/FIN/2 and Corr.1 & 2] reports (para. 2) that the SRIP, CRC and CERD urge Finland to ratify ILO Convention 169 [A/HRC/18/35/Add.2, paras. 31, 73; CRC/C/FIN/CO/4, para. 64e; CERD/C/FIN/CO/19, para.14]. The SRIP visited in 2010 the Saami regions of Sweden, Norway and Finland [A/HRC/18/35/Add.2]. CERD considers (para. 70) that Finland's criteria for identification of Saami people is too restrictive, and recommends giving more weight to self-identification [CERD/C/FIN/CO/19, para. 13]. CEDAW makes recommendations (paras. 15, 53) about multiple discrimination faced by Saami women, and their inadequate political representation at all levels [CEDAW/C/FIN/CO/6, in A/63/38, paras. 191, 192].

In 2011, the SRIP notes (para. 71; also CRC) that education in Saami language and culture is legally guaranteed, and increasingly subsidized, but only within the Saami Homeland; existing obstacles include remoteness, shortage of teachers and educational material, and inadequate funding for long-distance learning. The right to use the Saami language in administrative and legal procedures is not implemented, partly due to State authorities'

lack of Saami language skills (para. 72). Legislation does not grant to the Saami IPs any special rights to land or to their traditional livelihoods, while logging threatens Saami reindeer herding areas (para. 73): the SRIP (also CERD) recommends that Finland legally protect Saami rights to land, resources and livelihoods. Finally (para. 74), the Saami Parliament faces restrictions even in its limited mandated areas, and lacks specific decision-making powers in relation to lands, waters and natural resources [A/HRC/18/35/Add.2, paras. 29, 38, 59, 66, 70, 84; CRC/C/FIN/CO/4, para. 63; CERD/C/FIN/CO/19, para. 14].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/FIN/3 and Corr.1], SC and CoE-ACFC recommend that Finland ratify ILO Convention 169 (para. 1). SC recommend that Finland formulate, with the Saami, a national action plan to implement the Declaration (par. 53). CoE-ACFC recommend continuing an open dialogue with the Saami Parliament on who may be considered a Saami, and SC warn that the Saami Parliament needs that its decisions on its own electoral register and constituency be respected by Finland's authorities; they denounce that decisions in most matters, including lands and natural resources, are still made by Finland (para. 56, 57). SC also warn that while reindeer husbandry remains open to all, the reindeer pasture areas are threatened because of the failure to legally recognise Saami reindeer herders' land rights, and of resource extraction and development projects; Finland needs to enact legislation to recognize the Saami people's right to land and natural resources, and to require the extractive industry to obtain the free prior and informed consent of Saami reindeer herding communities for industrial activities in their areas (para. 55).

CUCW warn that legislation on use of Saami languages in education and in dealing with the authorities is not fully implemented throughout Finland, even though a majority of the Saami people live outside the Saami Homeland (paras. 46, 54). CoE-ACFC encourage Finland to address with the Saami Parliament comprehensive promotion of Saami language teaching, and to further support Saami culture and languages revitalization (para. 48); to increase Saami language skills among public service providers (para. 54); and to provide broader and appropriate funding to the Saami media (para. 58).

Among the **advanced questions**, Norway enquires on ratification of ILO Convention 169.

In the **WGUPR report**, Morocco enquires on negotiations on the Nordic Saami Convention (para. 21). Nicaragua encourages Finland to address persistent discrimination against the Saami communities (para. 26). Guatemala welcomes Finland's policy prioritizing IPs' rights (also Romania, para. 37), and enquires on ratification of ILO Convention 169 (para. 79).

Finland restates its intention to ratify ILO Convention 169 by 2015, and reiterates information on amendment of its Mining and Water Acts to ensure Saami rights to participate in decision-making, and on the drafting process of the Nordic Saami Convention (para. 30).

Among the **recommendations** that Finland supports (para. 89), Nicaragua, Mexico and Norway recommend ratification of ILO Convention 169 (8).

The **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 463-488] does not mention IPs.

Gabon

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/GAB/1] underscores recommendations 25 and 26 of the first UPR, on promoting social inclusion and human rights of the Pygmy population (para 64). Gabon responds (paras 65-67) that it promotes the linguistic and cultural identities, and development, of all its peoples, including the Pygmies, who are able to exercise their individual and collective rights. Gabon also reports on an integrated development project drawing on the Declaration, which includes birth registration and basic social services for Pygmy communities.

The **Compilation of UN documents** [A/HRC/WG.6/14/GAB/2] notes that Gabon has not ratified ILO Convention 169. The UN country team reports on the integrated development project by Gabon and UNICEF in Pygmies' areas (para. 54); however, there is no specific plan to protect IPs' rights (para. 55).

In the **Summary of stakeholders' information** [A/HRC/WG.6/14/GAB/3], STP express concern about the situation of the discriminated Baka, Babongo and Bakoya IPs, driven to exploitation and to culturally inadequate and unhealthy permanent settlements, due to loss of their hunting and gathering lands to commercial and conservation projects (paras. 1, 11, 14, 15). "Pygmies" – a pejorative term – are usually not properly consulted on development projects, lack meaningful political participation and representation, as well as knowledge of their rights, which no specific governmental program promotes (paras. 9, 16, 17). Mortality rate among them is high, due to malnutrition and inadequate access to public health services because of discrimination and marginalization (paras. 12, 13).

Among the **advanced questions**, the Czech Republic enquires on guarantees for IPs' rights, including access to public services.

In the **WGUPR report** [A/HRC/22/5], Hungary remains concerned about high mortality of the Pygmy IPs (para. 40). Gabon emphasizes its commitment to protect the Pygmies' rights and promote their integration, and their close connection to their environment (paras. 15, 56, 96).

Among the **recommendations** that Gabon supports (para. 101), Mexico recommends guaranteeing access of Pygmy children to free birth registration (45; also Hungary, 103). Argentina recommends further combating discrimination and protecting the rights of minority ethnic groups (97; also Iran, 96; Cape Verde, 99). Burundi recommends further ensuring IPs' integration in public institutions (98). Costa Rica recommends encouraging political, economic and social participation of the Pygmies (100; also Angola, 102). Slovenia recommends ensuring the Pygmy IPs' rights and access to basic services (101; ; also Hungary, 103; Iraq, 104).

The **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 379-412] does not mention IPs.

Guatemala

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/GTM/1] emphasizes parliamentary bills on IPs' rights, including indigenous jurisdiction, and consultations with IPs in line with ILO Convention 169 (paras. 19, 58, 96). Human rights training for public officials and awareness-raising activities include an education programme to spread knowledge of the Maya culture (para. 48); and a course on indigenous women's rights by the Office for the Defence of Indigenous Women, mandated to provide legal, psychological and social assistance (paras. 25, 45, 52).

The judiciary is training its indigenous language interpreters, has set up an indigenous affairs unit to advise judicial authorities and promote legal pluralism, and provides culturally appropriate defence services to indigenous defendants (paras. 26, 73, 90-92). The Presidential Commission on Discrimination and Racism against Indigenous Peoples combats institutional, economic and legal racism, through cooperation with indigenous organisations, monitoring application of anti-discrimination policies, and production of disaggregated statistics (para. 93). Other activities to promote IPs' inclusion comprise efforts to reduce illiteracy among indigenous women (para. 80); and to publish educational materials and train teachers in Maya languages (para. 83); awareness-raising campaigns on indigenous women's rights, and on cultural diversity, discrimination and racism in indigenous communities (para. 94). A bill on community media is currently before Parliament (para. 95).

The **Compilation of UN documents** [A/HRC/WG.6/14/GTM/2] reports that Guatemala has ratified to ILO Convention 169. The SRIP visited Guatemala in September 2002 and June 2010. The High Commissioner and Human Rights Committee express concern about the structural, segregative patterns of racism, discrimination, and (also UN country team) social, political and cultural exclusion against IPs (paras. 14, 15); CERD makes recommendations (para. 17) about absence of domestic legislation punishing incitement to racial discrimination and violence against IPs; and (para. 58) about poverty affecting mostly indigenous persons [A/HRC/19/21/Add.1, para. 12, 53; CCPR/C/GTM/CO/3, para. 10; CERD/C/GTM/CO/12-13, para. 5, 7, 12, 16]. CRC makes recommendations (para. 16) about the alarming discrimination suffered by indigenous children; about (para. 47) their high rate of birth under-registration; and (para. 6) about IPs' access to the Human Rights Ombudsman's services [CRC/C/GTM/CO/3-4, paras. 24, 40, 41, 51, 52]. The High Commissioner and CEDAW also notes (para. 57) that domestic workers, mainly indigenous women, are vulnerable to multiple forms of discrimination [A/HRC/19/21/Add.1, paras. 62, 70; CEDAW/C/GUA/CO/7, para. 30].

CERD recommends (paras. 65, 85) ensuring access to safe drinking water for all indigenous communities [CERD/C/GTM/CO/12-13, paras. 13, 14]. The SR on the right to health observes (para. 69) substantial inequalities in IPs' enjoyment of the right to health (also UN country team for indigenous women, para. 71); and recommends (also CRC, CEDAW) a comprehensive strategy and budget allocations to address this [A/HRC/17/25/Add.2, paras. 1, 88a; CRC/C/GTM/CO/3-4, para. 71; CEDAW/C/GUA/CO/7, paras. 35-40].

The Human Rights Committee is concerned (para. 41) at the centralization and monocultural vision of the judicial system: it recommends ensuring recognition of traditional systems of justice, in conformity with international human rights law; and guaranteeing a system of legal interpreters, and bilingual counsel and court officials; CERD encourages Guatemala (paras. 42, 54) to follow the recommendations in the EMRIP's study on IPs' access to justice, and to ensure IPs' full participation at all levels of public service [CCPR/C/GTM/CO/3, paras 26; CERD/C/GTM/CO/12-13, paras. 8, 10]. The SR on education expresses concern (para. 76) at limited education in indigenous languages, and recommends (also CRC, CEDAW, CERD) increasing the intercultural bilingual education budget in proportion to the population served [A/HRC/11/8/Add.3, para. 84p; CRC/C/GTM/CO/3-4, para. 81a; CEDAW/C/GUA/CO/7, para. 28; CERD/C/GTM/CO/12-13, para. 15].

The High Commissioner says (para. 67) the prevailing unequal system of land distribution hampers the right to food for parcel-owning IPs [A/HRC/19/21/Add.1, para. 66]. CRC (also CEDAW, OHCHR-Guatemala) is concerned (para. 66) that disputes over land ownership result in forced evictions of IPs, in disregard of human rights standards [CRC/C/GTM/CO/3-4, para. 77; CEDAW/C/GUA/CO/7, para. 33; A/HRC/19/21/Add.1, paras. 76, 95i]. The SRIP notes (para. 78) high instability and social conflict related to corporate activities in IPs' traditional lands; he recommends (paras. 79, 80) adopting a legal instrument aligned with international standards on a formal mechanism for consultations with IPs (also CERD, Human Rights Committee, High Commissioner), a review of the legislation on investment projects, as well as consultations of affected communities on impact-mitigation measures, reparations for damage caused, and profit-sharing, complaints and conciliation mechanisms [A/HRC/18/35/Add.3, paras. 69, 70, 73, 74, 78, 80; CERD/C/GTM/CO/12-13, paras. 10, 11.; CCPR/C/GTM/CO/3, para. 27; A/HRC/19/21/Add.1, para. 56].

In the **Summary of stakeholders' information** [A/HRC/WG.6/14/GTM/3], the Human Rights Ombudsman note the limited representation of indigenous people and women in public positions (para. 5; also "Convergence for Human Rights" Coalition, para. 68). IPs record the worst socio-economic indicators, and the Ombudsman continues to receive complaints of violations of their rights (para. 10).

The "Convergence for Human Rights" Coalition (CALDH/CIIDH/FSG/IECCPG/ODHAG/UEDEFEGUA/SEDEM/FAMDEGUA/CONAVIGUA) note that, in absence of legislation based on international standards, IPs continue to suffer discrimination (para. 25); and are denied access to the media (para. 70). MADRE/IWHR-CUNY/Muixil/BWWC/CoAr/WLW/GHRC say indigenous women continue to face multiple discrimination, including in political participation, as they lack identification documents and access to political information in indigenous languages (paras. 23, 69, 101). MMIT and the "Convergence for Human Rights" Coalition warn that the justice system does not reflect Guatemala's multicultural and multilingual circumstances; this particularly affects indigenous women (paras. 45, 46).

CEJIL report extremely high rates of malnutrition, poverty, and lack of access to health and education services among IPs (para. 76; also FMSI and UNICEF, para 77; MMIT; paras. 88, 98). MMIT say most domestic workers are indigenous women, who face low wages, inadequate working conditions and violence (para. 73); absence of protection for IPs' intellectual property, particularly for woven fabrics, deprives women of a source of income (para. 100).

AI say IPs are particularly vulnerable to land disputes and forced evictions, as policy and legal frameworks prioritize large landowners' interests; the 2011 Attorney General's guidelines on eviction procedures, if properly implemented, would result useful (paras. 80, 103). GIDHS/EdPAC/CUC say the Government has failed to carry out the precautionary measures ordered by the IACHR on evictions of Q'eqchi' communities in Polochic Valley (para. 81). ASIES and GIDHS/EdPAC/CUC say existing mechanisms and subsidies to promote IPs' access to land and production plans are inadequate (para. 104).

AI state that IPs' rights, particularly to free prior and informed consent, are also violated in extractive and infrastructure projects; ICJ note the State's failure to implement agreements reached with affected communities, and its repressive response to IPs' objections (para. 105). The "Convergence for Human Rights" Coalition say the worsening situation of human rights defenders is directly related to these conditions (para. 60); Guatemala has ignored 57 community consultations, and continues issuing licences on indigenous territories (para. 106). GIDHS/EdPAC/CUC recommend guaranteeing a consultation procedure consistent with international standards (para. 107).

Among **advanced questions**, Finland enquires on protecting the safety and rights of defenders of IPs' rights. Guatemala reports on the body in charge of addressing aggressions against human rights defenders and prevention thereof.

Norway enquires on possibilities for community radios to obtain radio frequencies. Guatemala reports on current legislative processes to enable IPs to legally access radio frequencies to promote their cultural expressions.

Slovenia enquires on a country-wide system of legal interpreters, and bilingual counsel and court officials; and on follow up to the CEDAW recommendations to ensure indigenous women's full access to bilingual education, health services, credit facilities, and decision-making processes. Guatemala reiterates information on the unit for indigenous affairs of the judiciary, and on availability of legal interpreters and bilingual counsel and court officials, including in regional offices. The inter-institutional forum on treaty bodies' recommendations has indigenous and women's representation.

Mexico enquires on the first court sentences handed down for racial discrimination. Guatemala reiterates information on building the institutional capacity of the judiciary, police forces, and birth registrars on IPs' rights and racial discrimination.

The United Kingdom enquires on implementing ILO Convention 169 and a formal consultation mechanism with IPs. Guatemala reports on steps taken to draft an instrument on consultation, including an initial meeting with the ILO country office and the Minister of Culture of Peru.

In the **WGUPR report** [A/HRC/22/8], Guatemala underscores a constitutional reform, derived from the Peace Agreements, aiming at recognition of IPs' identity and related rights (para. 8; the UK welcomes this, para. 95). Guatemala reiterates information on availability of indigenous language interpreters in the judiciary (para. 26); on efforts to extend indigenous people's and women's participation in social and development programmes (paras. 34, 35); and steps taken to legally regulate consultation with IPs according to ILO Convention 169 (98a). Venezuela welcomes the Presidential Committee against Racism and Discrimination of Indigenous Peoples (para. 43; also Brazil, para. 51; Paraguay, para. 78). Bangladesh enquires on addressing violence against IPs (para. 48; also Costa Rica, para. 55). Brazil notes the programme to defend indigenous women (para. 51; also Italy, para. 69). Greece recognizes positive efforts to protect IPs' rights (para. 62; also Cuba, para. 56; Malaysia, para. 72; Mexico, para. 73; Sri Lanka, para. 90; Thailand, para. 93). Ireland is concerned about eviction of indigenous populations from their land, with protesters being ill-treated (para. 68). Slovenia raises concerns about IPs' social, political and cultural exclusion and discrimination (para. 88; also Hungary, para. 62; Republic of Korea, para. 82; Switzerland, para. 92).

Among the **recommendations** that Guatemala supports (para. 99), Hungary recommends adopting legislation on IPs based on international standards (11; also Bolivia, 105). Slovenia recommends implementing a specific birth registration strategy for IPs (71; also Uruguay, 68); and ensuring indigenous communities' access to safe drinking water (94). Norway recommends ensuring IPs' access to radio frequencies (78); and reducing the alarming chronic malnutrition among indigenous children (89). Bolivia recommends further protecting indigenous women (104; also Liechtenstein for accessibility to medical services, 95). Greece recommends further protecting IPs' rights (107; also Trinidad and Tobago, 103; Holy See, 108). Norway recommends adopting national legislation to fully implement ILO Convention 169, particularly IPs' right to be consulted (109; also Costa Rica, 106; Paraguay, 110; Peru, 111).

Among the recommendations that Guatemala notes (para. 100), Canada recommends improving, namely, IPs' participation in decision making on rural development (19). Austria, Iraq, Slovakia and Ireland recommend implementing legislation and procedures for appropriate consultations, to ensure IPs' protection through their free prior and informed consent, especially in land disputes and against mining operations (20, 21, 22, 23). Norway recommends reforming legislation, including the Mining Law, to guarantee IPs' rights to their land, territories and natural resources (25; also Republic of Korea, 9). Switzerland recommends IPs' full participation in decision making concerning them, and consultation in the planning and implementation of major economic projects (26; also Slovenia, 24; the USA, 27).

In its **response** [A/HRC/22/8/Add.1], Guatemala says the recommendations on consultation with IPs (9, 24-27) correspond to its draft law on consultations (para. 4), but implementation needs to conform to its constitutional and legal frameworks (para. 5). For recommendation 19, the consultation procedure provided for in the future law on consultations under ILO Convention 169 will be the appropriate mechanisms for improved participation of IPs in decision making (para. 15). Guatemala will further analyse recommendations 20 to 23 (para. 16).

In the **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 470-517], as to recommendations on IPs (100.9, 100.19-100.27), Guatemala reiterates that its Constitution establishes that subterranean resources belong to the State, and does not recognize indigenous territories (paras. 481, 484); that it is taking measures to comply with ILO Convention 169 regarding consultation of IPs (para. 482); and to improve IPs' access to justice (para. 493). Evictions take place in full respect of domestic and international human rights instruments (para. 483).

Emphasizing social conflicts related to mining activities, the Human Rights Ombudsman notes that the regulation on consultations with IPs is still pending (para. 508; also AI, para. 509). Denouncing the Government's disregard of consultations led by IPs, and forced evictions, ICJ call on Guatemala to ensure that its legislation and practice conform to ILO Convention 169 (also LWF, para. 516) and that amnesties do not apply in cases of gross human rights violations (para. 511). Hivos say that reconciling the past also implies protecting IPs' rights; non-recognition of indigenous territories facilitates evictions (also LWF, para. 516); Guatemala has the duty to protect defenders of IPs' rights, who are particularly threatened (para. 515).

India

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/IND/1 and annexes] highlights the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, which rests forest rights and occupation with forest-dwelling people (paras. 10, 110). As regards scheduled tribes, India reports on provision of free legal services, and employment opportunities (paras. 32, 43-46); on guaranteed political representation, and social justice measures to combat exploitation (para. 105); on awareness raising and institutional law enforcement measures for implementation of legislation protection scheduled tribes (paras. 106, 107); on educational

development schemes and literacy programmes; and on loans to poor scheduled tribes members for income generating activities (paras. 108, 109, 111).

India points out that the constitutionality of the Armed Forces Special Powers Act (AFSPA) was upheld by the Supreme Court, which has laid down a set of guiding principles for army officials while working in disturbed areas (para. 24). India argues that the AFSPA continues to be necessary, but reports on measures to prevent human rights violations by the Armed Forces (paras. 25-27).

The **Compilation of UN documents** [A/HRC/WG.6/13/IND/2] reports that the ILO Committee of Experts invited India to consider ratifying ILO Convention 169 (para. 3), and to align its draft national tribal policy with the Convention (para. 67). In 2008, the SRIP requested a visit that was not agreed upon, and the response was due to CERD concluding observations regarding repeal of the AFSPA, scheduled tribes' land rights, and violence against them. The SR on freedom of religion recalls (para. 19) CERD's recommendation to restore the eligibility for affirmative action of scheduled tribes' members converted to another religion [A/62/18, para. 179; A/HRC/10/8/Add.3, para. 71].

CESCR makes recommendations (paras. 16, 29, 30) about persistent widespread discrimination and violence against IPs despite constitutional and legal guarantees, including discriminatory attitudes in law enforcement; the SR on human rights defenders says defenders working on such issues face particular risks [E/C.12/IND/CO/5, paras. 13, 14, 52, 53, 66; A/HRC/19/55/Add.1, paras. 103-132].

CESCR expresses concern (para. 61) about persisting wide disparity affecting scheduled tribes' children in school enrolment and drop-out rates [E/C.12/IND/CO/5, para. 40]. UNESCO draws attention to caste discrimination by teachers against Adivasi children, which parents have few ways to challenge (para. 62).

The High Commissioner notes increases in conflicts over land acquisition for development and mining projects, with Adivasi IPs defending their lands subject to threats and harassment, despite constitutional and judicial protections; in a positive development in 2010, the Ministry of Environment and Forests stopped the Orissa Government and Vedanta multinational company from mining in the Kalahandi district, as this would severely affect the region's IPs (para. 68).

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/IND/3 and Corr.1], the National Human Rights Commission emphasizes lack of disaggregated data on discrimination, while denial or abuse of their rights hit the most vulnerable the hardest – including scheduled tribes (paras. 6, 21); reports on complaints of harassment, including arbitrary detention, of defenders of scheduled tribes' rights (para. 18); and warns that the AFSPA confers impunity that often lead to human rights violations (para. 20).

FI/COLCGS recommend ratification of ILO Convention 169 (para. 32). ZIF say India must recognize its IPs (para. 93). LWF recommend amending laws that deprive members of scheduled tribes from rights and protections upon religious conversion (para. 49). IDMC-NRC underscore ethnic tensions between IPs and others in North-East India; and in Central India (also WGHR, para. 58), discrimination against IPs whose lands and livelihoods are threatened by industrial mining (paras. 94, 95). The Civil Society Coalition on Human Rights in Manipur (CORE/CCDD/CLAHRO/CLPF/COHR/EEVFAM/FIDAM/FREINDS/FIPA/HRA-India/HRLN-M/JPF/M-PRIM/NEDF/TIPS/UPF), IHRB, FI/COLCGS and ALRC denounce violations of IPs' land and subsistence rights; AI recommend passing legislation to guarantee free, prior and informed consent and prohibit forced evictions (para. 96).

AI and WGHR report that forced disappearances and extrajudicial killings persist in conflict areas, reinforced by security forces' extraordinary powers and immunity under the AFSPA (para. 53); UNM-M recommend effective investigation and prosecution of human rights violations committed in this context, and effective access to justice for victims (para. 66).

FI/COLCGS underscore the high proportion of scheduled tribes among the rural poor (also World Vision, para. 85), while ALRC urge India to address widespread corruption that denies these the benefits of development and welfare schemes (para. 80). FI/COLCGS say in North-East India, there are no official commitments to preserve indigenous languages (para. 97). IIMA/VIDES-International warn about discrimination against scheduled tribes children in education (para. 89).

Among **advanced questions**, Norway enquires about repealing the AFSPA.

In the **WGUPR report** [A/HRC/21/10], India restates its position on the AFSPA (para. 11), and reiterates information on scheduled tribes, including welfare and development measures targeting them, earmarked allocations for access to water, and settlement of land claims under the Scheduled Tribes and other Traditional Forest Dwellers Act 2006 (paras. 14, 15, 24, 89). Trinidad and Tobago welcomes this law (para. 43).

Among the **recommendations** that India committed itself to examine (para. 138), Iraq recommends ratifying ILO Convention 169 (5; also Ghana, 26). Slovakia recommends repealing or amending the AFSPA to align it with international human rights standards (44). France recommends gradually reducing the AFSPA scope (45). Norway recommends implementing the recommendations by the SR on human rights defenders, namely for

defenders of the rights of Adivasi (68; also Czech Republic, 43). The USA recommends full enforcement of laws protecting Adivasi (72; also Japan, 73). Ghana recommends monitoring achievement of policies on welfare and rights of, namely, scheduled tribes (75). The Holy See recommends preventing and prosecuting all violent acts against religious and tribal minorities (118). India's **response** [A/HRC/21/10/Add.1], which lists accepted recommendations, only mentions recommendation 75.

In the **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 528-568], FORUM-ASIA/WGHR regret non-acceptance of recommendations related to repealing the AFSPA (para. 556; also HRW, para. 555; AI, para. 561). FI demand immediate, concrete actions to effectively protect tribal communities' human rights (para. 557). AI regret India's non-acceptance of recommendation on ILO Convention 169 (para. 561).

Indonesia

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/IDN/1] does not mention IPs.

In the **Compilation of UN documents** [A/HRC/WG.6/13/IDN/2], the UN country team notes that despite recommendations of the first UPR, Indonesia has not acceded to ILO Convention 169 (para. 1); human rights organizations cannot enter Papua, and human rights defenders continue to be threatened (para. 44); and Indonesia needs to improve access to justice for IPs (para. 38). The SR on freedom of opinion expresses concern (para. 43) about detention of activists for displaying the Papua Morning Star flag; Indonesia responds that protesters are being tried for displaying separatist symbols [A/HRC/11/4/Add.1, paras. 1128, 1129, 1131, 1132]. CERD requests information (para. 8) about disregard of IPs' property rights over traditional lands in Reducing Emissions from Deforestation and Forest Degradation (REDD) schemes, and about measures taken to seek free prior and informed consent from IPs in Papua before carrying out the Marueke Integrated Food and Energy Estate Project (MIFEE) [CERD Letters of 13 March 2009, 28 September 2009, and 2 September 2011].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/IDN/3], the Indonesian National Human Rights Commission calls for a human rights-based development policy to restore the rights and freedoms of the people of Papua (para.9). HRW report on a pattern of arbitrary detention and ill-treatment in the Papua provinces (para. 27). IDMC-NRC report that violence continues to cause displacement in areas, such as East Kalimantan and Papua provinces, where reconciliation efforts have been insufficient (para. 60).

HuMa/PI/DTE/Pusaka/WAHLI/AMAN/FPP/RF-N recommend that Indonesia ratify ILO Convention 169, and invite UN special procedures on business enterprises, and on IPs (paras. 12, 20); Indonesia's reservation to article 1 of the International Human Rights Covenants contributes to neglect of IPs' rights to lands, territories and natural resources (para. 61); almost half of the people living below the poverty line are forest-dependent people living in communities affected by forest destruction, which have gained little from large-scale licensed operations or REDD+ schemes (para. 52).

Indonesia's NGO Coalition for Human Rights Advocacy report on persistent conflicts between IPs and palm oil plantation companies, with increasing criminalisation, resulting from the issuance of concessions to corporations that allow confiscation of IPs' lands (para. 23). AMAN refers to various cases of large-scale extractive operations affecting IPs, including the MIFEE Project in West Papua, the PT Perkebunan Nusantara II state-owned company in north Sumatera, the PT Inco nickel extraction company in south Sulawesi, and logging companies in Kalimantan; AMAN recommend advancing the bill on IPs' rights, and HuMa/PI/DTE/Pusaka/WAHLI/AMAN/FPP/RF-N highlight lack of respect for free prior and informed consent (para. 58).

FI report that in highly militarized Papua, the armed forces combating separatism are also engaged in economic activities in resource-rich regions, while CSW inform that the special autonomy status for West Papua has not delivered anything meaningful for Papuan people (para. 63). BUK/tapol and the Indonesian National Commission on Violence against Women urge the Government to: adopt dialogue instead of a security approach with the people of Papua, and a development plan that addresses their needs, focuses on solving injustice and violence, and is financed with benefits from the exploitation of natural resources in Papua (para. 64).

None of the **advanced questions** mention IPs.

In the **WGUPR report** [A/HRC/21/7], Switzerland, the United Kingdom, the USA, Germany and France express concerns about persistent and increasing cases of human rights abuses in the Papua provinces (paras. 36, 46, 47, 72, 73). Italy enquires on implementation of the 2001 special law granting autonomy to West Papua (para. 83). Norway emphasizes challenges faced by human rights defenders in the Papua provinces (para. 100).

Indonesia restates its commitments to implement the special autonomy of the two Papua provinces, to pursue a welfare and development approach for Papuan people (New Zealand welcomes this, para. 98), and address impunity (para. 102).

Among the **recommendations** that Indonesia supports (para. 108), Germany recommends holding officials of all ranks accountable for human rights violations in the Papua provinces (95; also New Zealand recommending human rights training, 42). France recommends ensuring free access for civil society and national journalists to Papua and West Papua (114). The Republic of Korea recommends improving the human rights situation in Papua (115).

Among recommendations that Indonesia committed itself to examine (para. 109), Norway recommends considering ratification of ILO Convention 169 (7); and ensuring the rights, namely to lands and resources, of IPs and forest-dependent peoples (36). Germany recommends granting access to the International Committee of the Red Cross to the Papua provinces (10). Mexico recommends extending an invitation to the SRIP to visit Indonesia, particularly West Papua (15). Japan recommends halting immediately human rights violations by military and police officers and a general climate of impunity in Papua (25). France recommends ensuring free access for foreign journalists to Papua and West Papua (30). Canada recommends increasing protection for human rights defenders and ensuring respect for freedom of expression, particularly in Papua (33).

In its **response** [A/HRC/21/7/Add.1], Indonesia accepts recommendation 109.10 and supports the presence of the International Committee of the Red Cross in the whole country (para. 5.3). Indonesia does not support: recommendations 109.7 and 109.36, as the concept of IPs as defined in the Declaration is not relevant to its national context (para. 6.3); recommendations 109.15 and 109.25 (para. 6.5); recommendation 109.30, as Indonesia regulates access to certain areas for foreign journalists to ensure their protection (para. 6.11); recommendation 109.33, as human rights defenders are sufficiently protected by the climate of openness and by press freedom (para. 6.13).

In the **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 420-462], FORUM-ASIA regret that Indonesia rejects the concept of IPs as defined in the Declaration, and the recommendation to tackle impunity in Papua (para. 456). ALRC urge addressing the human rights situation in Papua by granting full access to the region, inviting the SRIP, halting human rights violations and combating impunity, and increasing protection for human rights defenders (para. 457; also National Commission on Human Rights, para. 453; HRW, para. 454; International NGO Forum on Indonesian Development, para. 461).

Japan

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/JPN/1] emphasizes that public human rights counselling offices will increase efforts to address the Ainu people's human rights issues (para. 41). Regarding recommendation 19 of the first UPR, on ensuring the Ainu IPs' rights in line with the Declaration, Japan recalls that the Japanese Diet and Government recognized the Ainu as IPs, and a consultative policy-making process is under way, with Ainu representation (paras. 84-86).

The **Compilation of UN documents** [A/HRC/WG.6/14/JPN/2] reports that Japan has not ratified ILO Convention 169. The Human Rights Committee urges Japan (para. 67) to protect the Ainu and Ryukyu/Okinawa peoples' culture and land rights [CCPR/C/JPN/CO/5, para. 32]. CERD welcomes (paras. 2, 67) Japan's support to the Declaration and recognition of the Ainu IPs, but expresses concern about limited implementation and recommends increased Ainu participation in consultations for policy making. CERD also enquires (paras. 13, 67, 68) on measures taken to protect the rights of the Ryukyu IPs in view of the construction of a military base in Okinawa, which may seriously affect their environment and economic, social and cultural rights [CERD/C/JPN/CO/3-6, paras. 4, 5, 20, 21; CERD Letter to the Permanent Mission of Japan in Geneva, 9 March 2012].

CEDAW urges (para. 70) appointing minority women representatives to decision-making bodies, and conducting a comprehensive study on the situation of minority women, including indigenous Ainu and Ryukyu women [CEDAW/C/JPN/CO/6, paras. 51-52]. CRC makes recommendations (paras. 23, 71) about discrimination and socio-economic marginalization affecting Ainu children [CRC/C/JPN/CO/3, paras. 33, 34, 86, 87]. CERD and the Human Rights Committee express concern and make recommendations (para. 63) about access to mother-tongue, culturally relevant education for Ainu and Ryukyu/Okinawa children [CERD/C/JPN/CO/3-6, paras. 22, 25; CCPR/C/JPN/CO/5, para. 32].

In the **Summary of stakeholders' information** [A/HRC/WG.6/14/JPN/3], AI indicate that Ainu and Ryukyu/Okinawan peoples continue to face discrimination (also FI/COLCGS for their children, para. 78); JFBA acknowledge Japan's policy-making efforts on Ainu culture, but calls for more comprehensive measures (para. 22). IMADR-JC/AAH/BLLCWD/AWSP say the living standards of Ainu people are lagging behind; Ainu

women are subject to multiple forms of discrimination, while no legal means or policy plans exist to improve their situation, and Japan has not produced gender-disaggregated data or held consultations in this regard (also AJWRC, para. 78); Japan should take specific measures to address their concerns (paras. 77, 79).

None of the **advanced questions** mention IPs.

In the **WGUPR report** [A/HRC/22/14], Japan highlights ongoing efforts towards building a society that is inclusive of Ainu people, and reiterates information on recognition of the Ainu as IPs (para. 19; Burundi notes this, para. 107). Cape Verde notes awareness-raising measures for public officials on IPs' rights (para. 110). None of the **recommendations** mention IPs.

The **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 706-749] does not mention IPs.

Morocco

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/MAR/1] reports on activities of the Royal Institute of Amazigh Culture to introduce the Amazigh language in education, the social and cultural spheres, and the media (paras. 25, 63); it acknowledges the low rate of mother-tongue Amazigh primary education (para. 62); recognizes that some associations call for the mainstreaming of Amazigh across all areas (para. 64); and emphasizes the constitutional recognition of Amazigh as official language (para. 65).

The **Compilation of UN documents** [A/HRC/WG.6/13/MAR/2] notes that Morocco has not ratified to ILO Convention 169. CERD expresses concerns (paras. 15, 28, 29, 35) that the Amazigh IPs continue to suffer racist stereotypes, as well as discrimination in accessing health services, employment and justice, especially if they do not speak Arabic. CERD recommends that Morocco: continue promoting the Amazigh language and culture, and literacy for Amazigh people; ensure that they are not subject to racial discrimination; ensure that Amazigh litigants enjoy their right to equal treatment before the courts; and ensure that its civil registrar's offices conform to the right of all citizens to register the names of their choice, including Amazigh names [CERD/C/MAR/CO/17–18, paras. 11, 12, 19, 20]. The Independent Expert on cultural rights calls on Morocco to translate in legislation the constitutional recognition of Tamazight as an official language, and further promote its use at all levels of government and education (para. 34).

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/MAR/3], LMCDH report on violations suffered by organisations dealing with Amazigh issues (para. 47; also AZETTA, para. 63; CMA, para. 64). DBFHRD, AZETTA and CMA recommend that Morocco place Tamazight on equal footing with Arabic (para. 62). CMA denounce that the Amazigh people are still not recognized and call for an end to institutional racism against them, while AZETTA denounce the ban on Amazigh forenames, persistent weakness of Tamazight teaching programmes, limited use of Tamazight in the State's apparatus, and the permanent policy of deprivation of the Amazigh population's natural resources and development (para. 63). DBFHRD and AZETTA recommend that Morocco implement the 2010 recommendations by CERD, and those by CESCR in 2006 (para. 64). UOCLIHRC recommend protecting Amazigh IPs' land rights, and allow their political participation through their own parties (para. 65).

None of the **advanced questions** mention IPs.

In the **WGUPR report** [A/HRC/21/3], Morocco reiterates information on constitutional recognition of Tamazight (Australia commends Morocco for this, para. 47); and on its efforts to integrate the Amazigh culture in education, the media, and cultural creativity (paras. 23, 127). None of the **recommendations** mention IPs.

The **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 380-419] does not mention IPs.

Peru

14th session of the WGUPR, 22 October – 5 November 2012

In the **National report** [A/HRC/WG.6/14/PER/1], as regards recommendation 1 of the first UPR, on the human rights of vulnerable groups, Peru emphasizes adoption of a Law on Prior Consultation of Indigenous Peoples, following extensive consultations with representatives of IPs (paras. 5, 10). Steps for implementation include training of interpreters and public officials as to the prior consultation process, an official database on IPs, and safeguarding IPs' collective knowledge on biological resources (paras. 11, 12). Regarding environment, mining and human rights (recommendation 15), Peru reports on designation of forest areas in indigenous communities as nature reserves (para. 77). Regarding the right to identity (recommendation 18), Peru informs on measures to attend the large proportion of non-documented indigenous children and adults in forested rural areas (para. 90, 92).

Peru also highlights insurance coverage of indigenous women and girls for healthcare services (para. 107); and higher rates of maternal death in the regions where most IPs live (para. 111). IPs' great variety constitutes the greatest challenge facing the intercultural bilingual education system, whose efficiency is being improved (para. 127).

The **Compilation of UN documents** [A/HRC/WG.6/14/PER/2] reports that Peru has ratified ILO Convention 169. The SRIP visited Peru in June 2009. OHCHR trained staff of the national human rights institution and indigenous representatives on IPs' rights (para. 25). The SR on slavery recommends (para. 5) ensuring that the new bill on forestry complies with ILO Convention 169; and notes (para. 76) that IPs are particularly vulnerable to slavery-like practices [A/HRC/18/30/Add.2, paras. 31, 73c].

The SR on protection of human rights while countering terrorism expresses concern (para. 6) about legislation that appears to allow repression of IPs' social protests [A/HRC/16/51/Add.3 and Corr.1, para. 47]. CERD recommends (para. 14) strengthening the newly established National Institute for the Development of the Andean, Amazonian and Afro-Peruvian Peoples [CERD/C/PER/CO/14-17, paras. 4, 22]. UNICEF warns that the Amazonian IPs, and particularly their children, face significant poverty and socio-economic exclusion (paras. 19, 83).

CERD makes recommendations (para. 74) about IPs' limited enjoyment of rights related to housing, education, health and employment, and about the situation of communities not recognized as indigenous; and (para. 28) about structural racial discrimination against IPs, particularly in the media and government [CERD/C/PER/CO/14-17, paras. 10, 11, 16, 19]. CESCR makes recommendations (para. 58) about poverty in indigenous communities; and about (paras. 36, 46) domestic violence and the obstacles in accessing justice, particularly for indigenous and rural women [E/C.12/PER/CO/2-4, paras. 14, 17, 24].

CERD welcomes (para. 50) the participation laws governing local elections for indigenous persons; expresses concern (also CESCR) and makes recommendations (paras. 68, 82) about the high illiteracy rate among IPs, shortcomings of intercultural bilingual education, and declining use of indigenous languages [CERD/C/PER/CO/14-17, paras. 8, 13, 18; E/C.12/PER/CO/2-4, paras. 26, 27]. CRPD recommends (paras. 69, 73) developing policies and programmes for indigenous persons with disabilities, including literacy programmes for children [CRPD/C/PER/CO/1, paras. 12, 13, 36, 37].

CERD reiterates its concern (para. 77) at tensions caused by the exploitation of subsoil resources in IPs' territories, while CESCR and the UN country team welcomes the Prior Consultation Act, and both CERD and CESCR recommend that its implementation involve effective consultation and prior informed consent [E/C.12/PER/CO/2-4, paras. 4c; CERD/C/PER/CO/14-17, para. 14]. CESCR is concerned (para. 63) about the adverse effects of extractive industries' activities on IPs' health and access to safe drinking water: it recommends (para. 85) ensuring that the National Environmental Policy requests effective consultation and prior informed consent [E/C.12/PER/CO/2-4, paras. 22, 23]. Referring to violent confrontations occurred in June 2009 between Amazonian IPs and the police (also CERD), the SRIP recommends (para. 78) intensifying dialogue and effectively implementing a consultation procedure compatible with international standards [A/HRC/12/34/Add.8, p. 1, para. 38; CERD/C/PER/CO/14-17, para. 15].

CERD notes efforts and makes recommendations (para. 63) on the need for sustainable management of natural resources, particularly water resources, to take into account the needs and wishes of affected communities. Regarding the situations of various IPs as to extractive activities on their traditional territories (paras. 63, 79, 80, 81, 86), CERD also emphasizes IPs' worsening living conditions, escalating conflicts, some companies denying IPs' land ownership, as well as the Government's failures to respect IPs' free prior and informed consent, to take into account impacts on water, on biodiversity, on IPs' health and culture, to comply with existing agreements and to provide compensation for damage [A/64/18, para. 24; A/65/18, para. 18; A/66/18, para. 39; CERD/C/PER/CO/14-17, paras. 20, 21; CERD Letters of 13 March 2009, 12 March 2010, 11 March 2011 and 2 September 2011].

In the **Summary of stakeholders' information** [A/HRC/WG.6/14/PER/3], the Ombudsman's Office notes measures to facilitate birth registration within indigenous communities (para. 9); welcomes enactment of the Prior Consultation Act, but notes that several indigenous organizations oppose it as contravening ILO Convention 169, the Constitution and the rule of law – the passage of laws without due consultation of affected IPs is a persistent problem; implementation of the Prior Consultation Act continues to pose a challenge, including as to strengthening indigenous institutions and building stakeholders' capacity for dialogue (paras. 10, 11).

As public debates on indigenous rights mainly focus on Amazonian IPs, leaving aside *campesino* communities, STP recommend: fighting discrimination against IPs, recognizing the special vulnerability of IPs in voluntary isolation, ensuring that human rights defenders can work freely, implementing the Prior Consultation Act (CLADEM-Peru call for inclusion of indigenous women in consultations, para. 65), and prohibiting extractive industries with a high risk of pollution in headwater regions (para. 66). AGCM/CJCDs/MI-ATD recommend elaboration of a single general law for IPs (para. 65). CONFENADIP/PE recommend adoption of strategic

human rights-based plans for assistance to indigenous women with disabilities (para. 21). The joint submission of NGOs defending the rights of the child note numerous problems in ensuring access for indigenous children to intercultural bilingual education, despite a policy priority (para. 58).

None of the **advanced questions** mention IPs.

In the **WGUPR report** [A/HRC/22/15], Peru reiterates information on its Prior Consultation Act and related regulation, drafted with indigenous participation (paras. 11, 12).

Trinidad and Tobago acknowledges efforts to address racial discrimination against IPs (para. 46). The USA is concerned about high levels of exploitation of indigenous children (para. 49). Belarus notes systemic discrimination against IPs (para. 56). Bolivia congratulates Peru on measures to ensure IPs' rights (also Uruguay, para. 50; Romania, para. 101), not least their right to prior consultation (para. 58; also Greece, para. 80). Spain congratulates Peru on enacting the Prior Consultation Act (para. 63; also Holy See, para. 81; Hungary, para. 83; Norway, para. 95); and Italy enquires on its implementation (para. 86). Hungary urges addressing IPs' high drop-out and illiteracy rates, and enquires about adequate training of teachers to ensure bilingual education (para. 83). Kyrgyzstan encourages full implementation of the standards established by the Inter-American Human Rights system on IPs' rights to consultation and consent (para. 88; also Poland, para. 98).

Among the **recommendations** that Peru supports (para. 116), Slovakia recommends promoting indigenous women's access to education and healthcare without gender-based discrimination (31). Chile and Venezuela recommend pursuing the access to the identity documents' programme for indigenous forest communities (70, 71). Bangladesh recommends further combating poverty among IPs (87). Hungary recommends increasing budget allocations for quality intercultural bilingual education (101; also Costa Rica, 103). Greece recommends systematically promoting IPs' rights (108; also Trinidad and Tobago, 109; Bolivia, 110). Germany recommends ensuring effective implementation of the new legislation on prior consultation (111; also Hungary, 112; Mexico, 113).

In the **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 750-782], Peru refers to adoption of the Prior Consultation Act (acknowledged by Ecuador and Morocco, paras. 761 and 763) as part of efforts stemming from the first UPR; it will continue to report on implementation (paras. 754, 776). Warning against confusion in associating social protest with lack of consultation of IPs regarding extractive industries, Peru says its Constitution establishes that natural resources are the property of the State, and claims it has many examples of successful dialogue between the mining industry and local communities (para. 777). AI are concerned that the failure to consult with local communities on development projects has on occasions resulted in mass protests with reported repression, which the law seems to allow (para. 767).

Philippines

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/PHL/1] emphasizes that development programs conform to a human rights-based approach, and grant special attention, namely, to IPs (para. 11).

The **Compilation of UN documents** [A/HRC/WG.6/13/PHL/2 and Corr.1] notes that the Philippines has not ratified ILO Convention 169. The SRIP visited the Philippines in 2002. CERD enquires on follow-up to the SRIP's report (para. 11); and addresses violations of the Subanon IPs' rights due to mining operations at a sacred site (para. 9). CERD makes recommendations (para. 46) about persisting human rights violations against IPs, disproportionately affected by armed conflict; about extrajudicial executions and detention of indigenous leaders; and about occupation of indigenous territories by armed forces. CERD further recommends (para. 48) that the Philippines streamline the land rights certification process and effectively protect communities from retaliations; and ensure compliance of procedures to seek IPs' free, prior and informed consent with the Indigenous People's Rights Act (IPRA) [CERD/C/PHL/CO/20, paras. 12, 18, 23-25]. CESCR, the UN country team and UNICEF state (para. 47) that the Mining Act of 1995 contradicts the IPRA, which the Philippines needs to fully implement in the context of economic activities [E/C.12/PHL/CO/4, para. 16]. The ILO Committee of Experts enquires on measures to protect IPs against discrimination and ensure their access to land and resources for their traditional occupations (para. 51). CRC reiterates its concern (para. 50) at the widespread poverty among IPs and their limited access to social and health services and education; armed forces must refrain from recruiting indigenous children, and the Philippines strengthen efforts to implement the IPRA [CRC/C/PHL/CO/3-4, paras. 19, 83, 84].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/PHL/3], the Commission on Human Rights calls for a survey for indigenous communities to determine performance in implementation of policies intended to help them; with the mining expansion, vigilance must be exercised against violations of human and IPs' rights (paras. 9, 11).

UNPO recommend ratification of ILO Convention 169 (para. 18). FMSI/FI/ERI call for equal access to a culturally relevant education for indigenous children (paras. 48, 105). IIMA/VIDES-International recommend addressing discrimination suffered by IPs in accessing basic services and employment (para. 121).

UNPO state that the Philippines generates a large income from natural resource extraction that violate IPs' collective rights (para. 116). Regarding recommendation 2 of the first UPR, on protection of human rights defenders, ALG/AHRC-P/ELAC/IPRM/MUDL/PANLIPI/PIPlinks state that IPs fighting for their collective rights are victims of extrajudicial killings and enforced disappearances by the military under false accusations of terrorism (also UNPO, para. 123); they recommend an end to this, and enactment of a law on mining with a human rights-compliant framework guaranteeing protection of IPs' rights (para. 120; also KAMP, para. 118). As to recommendation 1, on protection of women in conflict, ALG/AHRC-P/ELAC/IPRM/MUDL/PANLIPI/PIPlinks state that sexual violence on indigenous women and girls by the military persist amidst counter insurgency campaigns; they recommend stronger protective complaints mechanisms, and effectively prosecutions and punishments (para. 119).

Among the **advanced questions**, Ireland enquires on protecting IPs' rights in mining areas.

In the **WGUPR report** [A/HRC/21/12], the Philippines says it promotes IPs' rights, observes the IPRA, and is applying a new mining policy that takes into account impacts on IPs and the environment (para. 29).

Among the **recommendations** that the Philippines supports (para. 129), Thailand recommends further protecting IPs' rights and access to basic services (11). Mexico recommends implementing the IPRA to ensure that mining, in particular, does not impair IPs' rights (44). Among the recommendations that the Philippines committed itself to examine (para. 131), Iraq recommend acceding to ILO Convention 169 (4). In its **response** [A/HRC/21/12/Add.1], the Philippines notes this recommendation (para. 3b).

In the **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 616-664], the Philippines says it will further study the recommendation to accede to ILO Convention 169 (para. 620). CCIA-WCC/UMC-GBCS/ICSA denounce extra-judicial killings of defenders of IPs' rights against mining and aggressive development projects (para. 661).

South Africa

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/ZAF/1] mentions legal and institutional measures to provide for recognition and protection, in accordance with constitutional imperatives and customary law, of Khoi-San communities and leadership, indigenous knowledge systems, traditional courts and indigenous law, indigenous languages and practices, as well as the participation of Khoi-San leadership in governance structures (paras. 5b, 17).

The **Compilation of UN documents** [A/HRC/WG.6/13/ZAF/2] says South Africa has not ratified ILO Convention 169; the SRIP visited the country in 2005.

The **Summary of stakeholders' information** [A/HRC/WG.6/13/ZAF/3] and **advanced questions** do not mention IPs.

In the **WGUPR report** [A/HRC/21/16], China commends endeavours to safeguard IPs' rights (para. 99). None of the **recommendations** mention IPs. In its **response** [A/HRC/21/16/Add.1], South Africa mentions promotion of indigenous culture, knowledge and intellectual property.

The **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 766-806] does not mention IPs.

Sri Lanka

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/LKA/1], **Summary of stakeholders' information** [A/HRC/WG.6/14/LKA/3] and **advanced questions** do not mention IPs.

The **Compilation of UN documents** [A/HRC/WG.6/14/LKA/2] notes that CESCR invites Sri Lanka (para. 1) to ratify ILO Convention 169; it expresses concern (para. 53) that the Veddah peoples have been prohibited access to their traditional hunting and gathering grounds [E/C.12/LKA/CO/2-4, para. 11]. CRC express concern (para. 18) at persistent discrimination against Veddah children [CRC/C/LKA/CO/3-4, para. 28].

The **WGUPR report** [A/HRC/22/16] and the **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 783-828] do not mention IPs.

Tunisia

13th session of the WGUPR, 21 May – 4 June 2012

The **National report** [A/HRC/WG.6/13/TUN/1] does not mention IPs.

The **Compilation of UN documents** [A/HRC/WG.6/13/TUN/2] notes that Tunisia has not ratified ILO Convention 169. CERD urges Tunisia (para. 76) to review the Amazigh IPs' situation in the light of international human rights agreements, and to guarantee enjoyment of their rights, notably to their culture and mother tongue [CERD/C/TUN/CO/19, paras. 11, 16].

In the **Summary of stakeholders' information** [A/HRC/WG.6/13/TUN/3], CMA report Tunisia's official position that the Amazigh IPs no longer exist and Amazigh language is a local Arabic dialect: this language is absent from State schools and the public press and media, and Amazigh first names are banned (para. 72). The draft new Constitution totally ignores Amazigh language and culture (para. 73). Tunisia needs to legally protect the Amazigh identity, introduce it in education and the media, and stop all discrimination against Amazigh IPs (para. 74).

None of the **advanced questions** mention IPs.

In the **recommendations** of the **WGUPR report** [A/HRC/21/5] that Tunisia supports (para. 114), Ghana recommends engaging in a participatory reforms inclusive of indigenous groups (76).

The **Report of the HRC on its 21st session** [A/HRC/21/2 (AUV), paras. 333-379] do not mention IPs.

Ukraine

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/UKR/1], in responding to recommendations of the first UPR on protecting the rights of ethnic minorities, underscores Ukraine's policy to combat discrimination, based on equality in enjoyment of fundamental human rights and freedoms (paras. 13-17).

The **Compilation of UN documents** [A/HRC/WG.6/14/UKR/2] notes that while encouraging Ukraine to ratify ILO Convention 169 (para. 2), CERD makes recommendations (paras. 57, 58, 62) about the almost extinct Krymchak and Karaites peoples (para. 57); and about difficulties experienced by Crimean Tatar people, including lack of access to land, employment, mother-tongue education, and justice, and lack of political representation, and of compensation for property lost upon deportation (para. 58) [CERD/C/UKR/CO/19-21, paras. 16, 17, 18, 23]. CRC is concerned (paras 57, 59) at the obstacles that Crimean Tatar children face in accessing education and healthcare [CRC/C/UKR/CO/3-4, para. 89].

In the **Summary of stakeholders' information** [A/HRC/WG.6/14/UKR/3], HRF note that the Crimean Tatar people face racially-motivated crimes (para. 15). UNPO recommend that Ukraine respect religious rights of the Crimean Tatars (para. 40); formally recognize the Crimean Tatar as IPs, and address preservation of their language, namely translation of official documents and appropriate support for local media (para. 61). The Council of Europe states (also UNPO) that Crimean Tatar peoples' access to land remains problematic, in the absence of legal norms on restitution of property to deported people (para. 62); notes insufficient measures to improve their substandard housing conditions (para. 51); and recommend that Ukraine improve the Crimean Tatar people's legal, social and economic situation, access to quality education, and political representation (para. 64).

Among the **advanced questions**, the United Kingdom enquires on ensuring that Crimean Tatar peoples, namely, enjoy equal opportunities in access to land, employment, justice, social services, education and the media. Norway asks how the international community can assist in addressing the challenges posed by Crimean Tatar people's reintegration.

In the **WGUPR report** [A/HRC/22/7], Turkey refers to the situation of the Crimean Tatar people (para. 46). Ukraine reports on governmental measures for the successful reintegration of Crimean Tatars returning from the 1944 deportation, including support for housing, provision of mother-tongue education, and return of religious buildings (para. 69).

Among the **recommendations** that Ukraine committed itself to examine (para. 97), Argentina recommends continuing efforts to combat ethnic discrimination (also Portugal, 30; Brazil, 59; Chile, 63; Malaysia, 64), and ensuring respect for the rights of ethnic minorities (61; also Armenia, 136). Turkey recommends further

improving the current status and living conditions of the Crimean Tatar people (140), and ensuring their political, economic, social and cultural rights (141).

In its **response** [A/HRC/22/7/Add.1], Ukraine accepts recommendation 30 as already implemented, and accepts recommendations 59, 61, 63, 64, 140 and 141.

The **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 444-469] does not mention IPs.

Zambia

14th session of the WGUPR, 22 October – 5 November 2012

The **National report** [A/HRC/WG.6/14/ZMB/1], **Summary of stakeholders' information** [A/HRC/WG.6/14/ZMB/3] and **advanced questions** do not mention IPs.

The **Compilation of UN documents** [A/HRC/WG.6/14/ZMB/2] notes that Zambia has not ratified ILO Convention 169.

The **WGUPR report** [A/HRC/22/13] and the **Report of the HRC on its 22nd session** [A/HRC/22/2, (AUV) paras. 672-705] do not mention IPs.

3. HUMAN RIGHTS COUNCIL

24th session, Geneva, 9 – 27 September 2013

The reports of the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples were discussed during a clustered interactive dialogue, on September 18, 2013. Just before that, an afternoon meeting was dedicated to a panel discussion on the 2014 World Conference on Indigenous Peoples. On September 26, the Human Rights Council adopted without a vote resolutions 24/9 and 24/10, respectively on the mandate of the Special Rapporteur and on human rights and indigenous peoples.

Clustered interactive dialogue on indigenous peoples ²

James Anaya, Special Rapporteur on the rights of indigenous peoples (SRIP) witnessed important advancements in IPs' rights during his advisory activities, communications procedures and country visits, but concludes these developments have not overcome the obstacles and systematic barriers IPs face. Following country visits, he says historical oppression against El Salvador's IPs diminished important aspects of their culture, and threats to their human rights continue despite significant steps to recognize and advance their rights; he emphasizes Namibia's achievements in undoing colonialism's and apartheid's destructive policies but notes that certain groups remain disadvantaged and desire greater inclusion in decision making. IPs have suffered negative consequences of extractive industries (also **VENEZUELA**). However it should not be assumed that interests of extractive industry and IPs are entirely at odds with each other (also **HONDURAS, PERU, PARAGUAY, CHILE**); in many cases IPs are open to discussing extraction from which they would benefit and that respects their rights (also **CUBA**).

Wilton Littlechild, Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), introduces the content of the EMRIP's Study on the access to justice in the promotion and protection of IPs' rights [A/HRC/EMRIP/2013/2] and details its activities in promoting IPs' rights. A survey of States and IPs, and the interactive dialogue at the 6th session, provide insight for creating strategies for applying the Declaration. Welcoming continued discussion by the General Assembly (GA) on IPs' participation at the UN, the EMRIP underscores that inclusive remodels advancing just outcomes of UN procedures are essential to obtaining equal participation (also **SIERRA LEONE**). To improve its visibility, the reach of its studies and international coordination on IPs' rights, the EMRIP provided human rights treaty bodies with briefings on its work and increased its meeting participation. The EMRIP is pleased that the HRC supports continued study on access to justice (also **CUBA, SOUTH AFRICA, EUROPEAN UNION [EU], NORWAY, ESTONIA, UNICEF, IITC**; the **USA** emphasizing access to justice for women, children and persons with disabilities); and highlights continued and constructive dialogue with States, such as establishing themes for study, which should be key human rights issues for IPs. The EMRIP thanks Mexico and Guatemala for their leadership in developing the resolution on human rights and IPs (**CUBA** calls for broad support).

The **Board of Trustees of the UN Voluntary Fund for Indigenous Peoples** agrees that the Declaration's success depends on IPs' continued participation, which the Fund supports through travel grants (**PALESTINE** commends this). Expanding its mandate to cover costs associated with the 2014 World Conference on Indigenous Peoples (also **John Henriksen**) has increased demand for financial support, which is difficult to meet since the Fund relies on voluntary contributions. Therefore it is imperative that the Fund receives sustained and increasing support from governments and others.

South and Central America

EL SALVADOR, speaking as a concerned country, recognizes its debt to IPs and appreciates the SRIP's report from his visit. Corresponding initiatives have led to new policy reforms based on IPs' consultations, consideration of international conventions and constitutional reforms. After four years, progress may seem slow, but El Salvador maintains it is on the right path towards reforms based on IPs' own institutions and identity.

CUBA, on behalf of the **Community of Latin American and Caribbean States (CELAC)**, observes that technological advances can mitigate consequences of extractive activity, and that states and corporations increasingly consider IPs' rights. CELAC supports information exchange regarding implementation of IPs' rights.

² This summary is based on written statements presented on the floor and compiled by doCip, as well as on the corresponding UN press releases.

As the SRIP's visit shows, **PANAMA** is committed to cooperation with UN special procedures, and once released the corresponding report will guide designs for policies and laws. A recent draft bill creates protections for IPs' land as well as a Ministry that coordinates IPs' and the State's strategies and program for the integral development of IPs.

HONDURAS supports wide-ranging good faith consultations with IPs on extractive industries (also **CHILE**, **USA**, **NORWAY**) that genuinely seek IPs' consent as essential to securing their benefits from operations. New protections for IPs are outlined in Honduras's first public policy and action plan on human rights, including anti-discrimination measures in the Criminal Code and human rights-oriented business regulations under the new Mining Act.

VENEZUELA supports international consensus on principles guiding respectful extractive industry and describes its own land demarcation and legal efforts. Policies should promote IPs-managed development (also **CHILE**) and their full participation.

PERU suggests an examination of elements common to successful agreements between IPs and industries; supports peaceful manifestations of IPs' opposition (also **CHILE**); and agrees that some extractive activities do not require IPs' consent when limitations on IPs' rights comply with standards of necessity and proportionality (also **CHILE**). Both States and enterprises must take measures to prevent violations of IPs' rights.

PARAGUAY notes that the SRIP links IPs' social, economic and political systems with their territories; stresses IPs' valuable understanding of environmental management; commits to the Declaration and ILO Convention 169; and underscores corporations' application of free, prior and informed consent (also **SWITZERLAND**).

CHILE supports a new extraction model that complies with IPs' rights (also **TOGO**) and is establishing procedures for consultations with affected IPs, which are also mandatory elements of environmental impact assessments.

North America

The **USA** notes that management of extractive operations by IPs mitigates their negative impacts (also **RUSSIAN FEDERATION**) and has supported conservation efforts that promote economic and cultural interests. The USA also details its expansion of tribal jurisdiction, settlements for the States' mismanagement of tribal assets and federal programs for handling crime on Indian land.

CANADA looks forward to the SRIP's upcoming visit. In 2013 five bills supporting IPs' communities received the Crown's assent, and national plans for responsible resource development in Canada and abroad emphasize IPs-government consultations, accordingly providing supports for IPs' engagement and public access to geological data. These extractive activities, important contributors to global economic development and job creation, stand to benefit IPs' communities due to their proximity.

The **Canadian Human Rights Commission** promotes IPs' access to justice by investigating cases of missing and murdered indigenous women. Because inequalities originate in legislation affecting IPs, the Commission proposes a review of the Indian Act, as well as reforms that respect indigenous rights, treaty obligations and traditional legal practices, and that mind the balance between collective and individual rights to the extent that they coincide with gender equality principles.

Africa

NAMIBIA, speaking as a concerned country, appreciates the SRIP's assessment of its efforts to alleviate poverty in indigenous communities and responds to specific concerns raised in the report. Programs integrating indigenous communities into mainstream socio-economic activities are decentralizing and recruiting regional development planners. Conservancies and resettlement projects secure access to natural resources. The Constitution prohibits discrimination and encourages inclusive decision-making processes. Laws establish criteria for recognized tribal authorities. The Division for San Development provides support for **San** students and facilitates employment opportunities. Responding to concerns about health services, Namibia cites its policy that hospitals not turn away patients unable to afford services, as well as its establishment of rural health centres manned by trained nurses from the community.

SIERRA LEONE asserts that IPs' full realization of rights requires their continued participation and engagement with the international community. Governments should prevent violations against IPs by acting as advisor to indigenous communities and as regulator on extractive industries.

TOGO reports that intensified extractive activity has negatively impacted IPs and therefore supports reform aimed at IPs' capacity to realize their mining interests. Togo's natural resource policy mandates studies and consultation of stakeholders. Various human rights-oriented principles will achieve sustainability of the mining sector.

The **REPUBLIC OF THE CONGO** says the Declaration prompted Government-IPs dialogue and the 2012 legislation for IPs' rights, whose implementation was fostered through UNIPP support. The Government expanded national and local action plans, participation in international meetings, healthcare services, birth registration for indigenous children, and supported creation of a national network of IPs.

SOUTH AFRICA advocates a binding international regulatory framework to hold corporations accountable and asks about IPs' support for the report's proposed model (**Wilton Littlechild** responds that IPs wholeheartedly endorse it, underscoring the value of free, prior and informed consent to both IPs and corporations); success rates of prosecution against offending transnational corporations; and recognition and impact of indigenous judicial systems.

Asia and the Pacific

CHINA recognizes IPs' contribution to society and that history and reality led to many groups' vulnerability. States and the international community have the responsibility to ensure IPs' rights, and China encourages further discussion around implementation of the Declaration.

Though **THAILAND** does not recognize "indigenous peoples," it accords equal rights to all ethnic groups, promotes their cultural identities and understands that the Declaration will be interpreted according to the Vienna Declaration and Programme of Action's principles of territorial integrity and political unity.

SRI LANKA recognizes its IPs as citizens with constitutional privileges and equal access to justice, and stresses that they are not isolated communities. A project establishing legal safeguards of IPs' rights includes legal facilities and measures to conserve their cultural identity.

AUSTRALIA's policies such as "right to negotiate" and crediting Aboriginal funds with extraction royalties account for IPs' interests in the State's prominent extractive industries. Remedies to IPs' over-representation in the criminal justice system include legal aid for IPs and evaluations of Aboriginal justice programs. Australia asks about successful mechanisms in reducing violence and incarceration rates among IPs (**Wilton Littlechild** notes culturally relevant practices like New Zealand's, the ILO's call for non-prison rehabilitation and sentencing principles in **CANADA** and in **PERU's** penal code, to compel courts to consider IPs' unique circumstances and rights).

NEW ZEALAND states that discussion around IPs' access to justice should address administration of criminal justice. Remedies to Maori over-representation in prisons address social circumstances underlying crime (also **AUSTRALIA**) and apply culturally relevant rehabilitation and conviction practices.

INDONESIA is currently drafting national protections for traditional communities and recognizes their customary rights in accordance with societal development, constitutional principles, and progressing times and civilizations.

MALAYSIA balances interests of extractive industries and IPs through initiatives to improve IPs' standard of living, a policy-review task force, publication of territorial perimeters and negotiations for IPs' use of protected forest areas. IPs participate in political decision making, hold administrative positions, and should also be afforded choice of entering mainstream society or otherwise.

SUHAKAM list elements ensuring protection of IPs' rights by States from unchecked resource development. Malaysia should act on land, development and administrative issues identified in SUHAKAM's first national inquiry.

Europe, Russia and the Circumpolar

The **RUSSIAN FEDERATION** welcomes IPs' involvement in extractive activities as entrepreneurs and consultants, especially when combined with appropriate government's support.

The **EUROPEAN UNION** notes the SRIP's call for broader understanding of IPs' rights and for compliance with the UN Guiding Principles on Business and Human Rights (also **SPAIN**). Citing a new European policy, the EU stresses corporate social responsibility (also **SWITZERLAND**) and asks the SRIP to elaborate on recommended business models.

NORWAY recently initiated consultations with Saami representatives to expand the geographical reach of the Saami's legal protections and closely follows mineral activities in areas with **Saami** interests. Norway asks the SRIP to elaborate on distinctions between consultation with the objective of achieving agreement, and free, prior and informed consent; and on considering the distinction, established in ILO Convention 169, between lands traditionally occupied by IPs and those to which they have traditionally had access, when determining the importance of IPs' consent in extractive industries' matters.

ESTONIA protects the special relationship between IPs and their homeland; as such, both governments and corporations must ensure extractive activities' compliance with international standards. Estonia asks for examples of cooperative relationships between IPs and extractive companies.

SWITZERLAND recognizes corporations' responsibility to respect IPs' rights as outlined in the UN Guiding Principles on Business and Human Rights (also **SPAIN**) and advocates wider adoption of the Voluntary Principles on Security and Human Rights, whose multilateral approach guarantees such rights as consent and vocal opposition to projects. Switzerland asks how to implement independent and effective consultations that respect IPs' rights and perspectives.

SPAIN contributed to various efforts concerning IPs' integration and cultural heritage as well as implementation of relevant international conventions. How can States help businesses identify human rights violations, and which entity should monitor corporations' impacts on IPs' rights?

Indigenous peoples' and support organizations

The **Caucus of Indigenous Persons with Disabilities** assert that participation should be available to IPs with disabilities; policy reforms regarding their protection must be based on self-determination.

IITC note Guatemala's historic 2013 conviction of General Efraín Ríos Montt for genocide, even though the sentence was cancelled by the Constitutional Court. However, injustices like Alberta's lack of investigation into violent clashes between IPs and law enforcement and the USA's imprisonment of Leonard Peltier continue. IITC call on States to enact measures holding perpetrators accountable, and ask the SRIP for his continued support in gaining Peltier's release.

FI/CIMI/ISA appreciate the SRIP's focus on IPs' rights with regard to extractive activities, which have a devastating impact on IPs in Brazil. Meanwhile, legislative reforms promote mining and agricultural industries at the expense of IPs' rights. They urge the UN to follow these conflicts, and Brazil to guarantee these reforms' adherence with international law, also offering suggestions for such measures.

APDH call on Argentina to address the non-application of the law suspending evictions of indigenous communities and the mismanagement of its territorial surveys; the proposed Civil Code reform that would hold indigenous communities' ownership rights to private law; and serious human rights violations, including the deaths of at least 13 indigenous activists officially classified as "accidents."

IHRAAM urges international bodies to promote IPs' self-determination through application of GA resolutions, and its discussion in further study on IPs' access to justice. Cases concerning self-determination of Alaska IPs must go directly to the UN Decolonization Committee, as the states of Alaska and Hawaii were created without IPs' consent.

AIPP fully support recommendations in the SRIP's report on the Asia Regional Consultation [A/HRC/24/41/Add.3]. Key issues identified in the report include IPs' lack of grievance mechanisms and exclusion from Asia's increasing economic integration, which will lead to further marginalization. The HRC must urgently consider the SRIP's report, which should also be discussed by governments and IPs.

FAIRA state that Australia especially should respond to the SRIP's report, and provide suggested actions. Noting the Australian High Courts' violation of anti-discrimination standards, FAIRA say that EMRIP's Advice No. 5 [A/HRC/EMRIP/2013/2] fails to address States' responsibility to review constitutions, laws and judicial practices. The Australian legislature and judiciary must reform approaches to human rights law with regards to IPs.

ALIRAN report unabated violations of IPs' rights, including forced displacement, loss of livelihood from extractive activity and harassment of protesters. The Malaysian Government must hold Chief Ministers responsible for environmental destruction and IPs' discrimination, allow the SRIP to visit Malaysia, listen to his recommendations and ratify ILO Convention 169.

SC concur with all the SRIP's conclusions, underscoring IPs' right to withhold consent to resource extraction and condemning commercial expropriation of indigenous land. SC denounce Nordic States' reliance on corporate social responsibility over state responsibility, and demand that they fulfil their international obligations and revise mining and extractive legislation so as to respect **Saami** IPs' land rights.

UNICEF appreciates the SRIP's attention to children's rights, which are particularly impacted by extractive industries and often overlooked in consultations. UNICEF helps extractive corporations integrate children's rights into their practices. Its study on violence against indigenous women considers underlying causes and culturally appropriate prevention efforts.

In concluding comments, **James Anaya** thanks Namibia, El Salvador and the Asian delegations for their informative comments. None of Namibia's comments go against his report's conclusions and recommendations – specifically those concerning IPs' access to traditional territories currently within conservation areas. The SRIP calls on Namibia to address that issue. Addressing El Salvador, he observes that IPs continue to face violations of their rights and urges the Government to concretize its consideration of ILO Convention 169 and constitutional recognition of IPs. He notes Thailand's statement that it doesn't recognize IPs, but recognizes rights for particular groups that share characteristics of IPs. Asian governments increasingly move towards recognition of IPs, which encourages implementation of the Declaration and important dialogue between UN indigenous-specific mechanisms and Asian governments. Comments by delegations on his report mostly concern distinctions between consultation and consent, grievance and monitoring mechanisms, and gender and children's issues.

Wilton Littlechild thanks States for their support to the EMRIP's work. Together with many delegations, he thanks James Anaya for his outstanding work as SRIP.

Half-day Panel Discussion on the World Conference on Indigenous Peoples

Flavia Pansieri, Deputy High Commissioner for Human Rights, urge exploring how the 2014 World Conference on Indigenous Peoples can yield concrete results for IPs, including women and children (also ACHPR Commissioner **Soyata Maiga**, BOLIVIA, PARAGUAY, EU, IRELAND, AUSTRALIA, IITC). She calls for true partnership of all stakeholders (also **John Henriksen**, GCG representative **Tania Pariona Tarqui**, FINLAND, NORWAY, AIPP). She commends the innovative decision of the GA President to appoint one co-facilitator from States and one from IPs for informal consultations. IPs from all regions have actively organized themselves, as exemplified in the Global Indigenous Preparatory Conference held in the Saami IPs' territory in Alta, Norway, in June 2013 (also **Wilton Littlechild**, NORWAY, NEW ZEALAND, FINLAND, AIPP). IPs, the EMRIP and the Permanent Forum on Indigenous Issues (PF) have already recommended themes to be addressed, closely linked to the Declaration and human rights treaties (also IRELAND).

The concise, action-oriented outcome document of the World Conference must prompt enhanced action towards implementation of IPs' rights (also **Tania Pariona Tarqui**, DENMARK, PERU, RUSSIAN FEDERATION, USA). The EMRIP's report on best practices and implementation strategies to attain the goals of the Declaration [A/HRC/EMRIP/2013/3] (acknowledged by PALESTINE) shows that only some States have introduced comprehensive strategies, with IPs in the lead, for the implementation of the interrelated rights contained in the Declaration (also **Soyata Maiga**). The World Conference is also an opportunity to engage the entire UN system to take its work with IPs to a new level, including in the Post-2015 Development Agenda (also **Raja Devasish Roy**, ESTONIA, DENMARK, FAIRA).

Speakers on the panel are **John Henriksen**, Indigenous International Representative of the Saami Parliament in Norway and indigenous co-facilitator for preparations of the World Conference; **Raja Devasish Roy**, Vice-chair of the UN Permanent Forum on Indigenous Issues; **Tania Pariona Tarqui**, representative of the Global Youth Indigenous Caucus to the Indigenous Global Coordinating Group for the World Conference (GCG); **Wilton Littlechild**, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples; and **Soyata Maiga**, Chairperson of the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights.

John Henriksen welcomes this serious commitment by the UN to meet the Declaration's fundamental requirement to promote respect for and full application of its provisions, and to follow-up its effectiveness (also **Flavia Pansieri**). One fundamental issue enjoying general agreement is the need to secure IPs' full and effective participation in the entire World Conference process – a prerequisite for its success and legitimacy (also **Flavia Pansieri**, **Wilton Littlechild**, EU, ESTONIA, IRELAND, FINLAND, NORWAY, PARAGUAY, CHILE, NEW ZEALAND, RUSSIAN FEDERATION, NSWALC). Resolution 66/296 of the GA provides an innovative framework for IPs' participation, inspired by the inclusive practice of the Declaration's negotiations (also FINLAND, NORWAY); and requires that the GA President also consult IPs, and take into account the views emerging from the preparatory process, when preparing the draft outcome document. The Declaration's minimum standards for IPs' participation in decision making should be respected throughout the process (also **Wilton Littlechild**, **Tania Pariona Tarqui**). Upcoming consultations need to be very practically accessible to IPs' representatives, through timely information and scheduling (also **Tania Pariona Tarqui**, IRELAND), and adequate financial assistance.

The Alta Outcome Document, adopted by consensus at the Alta preparatory conference, following IPs' inclusive preparatory processes in all seven regions, represents a collective statement by IPs on issues most relevant for them; it must be part of the foundation for the World Conference, including its outcome document (also **Raja Devasish Roy**, **Wilton Littlechild**, **Tania Pariona Tarqui**, NORWAY, NEW ZEALAND, IITC, AIPP). The Alta Outcome Document's four overarching themes are: IPs' lands, territories, resources, oceans and waters; UN system action for implementation of IPs' rights; Implementation of IPs' rights; and IPs' priorities for development with free, prior and informed consent. The issue of IPs' rights to lands, territories, resources and waters is of fundamental importance to IPs worldwide, because these are the foundation of their societies and cultures (also **Soyata Maiga**). The Declaration establishes IPs' right to determine development of their lands and territories. However, the most acute conflicts facing IPs regard lands and resources (also **Soyata Maiga** for IPs in Africa), due to the global competition for remaining reserves of minerals and fossil fuels, mostly located in IPs' lands.

Raja Devasish Roy remind participants that the Rio+5 Conference, in 1997, was the first event where IPs addressed Heads of States. IPs in many countries remain unrecognized and excluded from decision making. Yet, States and IPs who have learned to dialogue and forge good partnerships, should share these at the World Conference. The Alta Outcome Document contains very pertinent recommendations to the UN (also **Flavia Pansieri**, BOLIVIA, PERU), calling for a shift from individual action to institutionalized standards of engagement with IPs; and for the Secretary-General to prepare a system-wide action plan in consultation with IPs. The normative framework for the Conference must be the Declaration, which enjoys overwhelming support (also

Tania Pariona Tarqui, PALESTINE). The PF draws attention to participation, hoping for partnership between States and IPs, and for national delegations inclusive of IPs (**CHILE** commits itself to this).

Tania Pariona Tarqui says the GCG is promoting IPs' full and effective participation prior, during and after the Conference (also **IRELAND, NORWAY**). States are urged to provide increased funding and hold consultations with IPs at all levels (also **PERU**) to reach consensus on themes and recommendations (also **AIPP**). The Alta Outcome Document provides good guidance on indigenous young people's issues, with particularly significant recommendations for indigenous elders, women, youth, children and persons with disabilities, namely as regards collection of disaggregated data to inform public policies; measures to combat violence against indigenous women, young women, and girls, particularly sexual violence, domestic violence, trafficking, and violence related to the mining industry; an end to the militarization of IPs' lands, territories, and waters with specific protection measures; and strengthening indigenous youth's abilities as to language and transfer of traditional knowledge and practices.

Chief **Wilton Littlechild** says at its 6th session, the EMRIP suggested that: the Alta Outcome Document's four themes be adopted for the World Conference (also **Raja Devasish Roy, DENMARK**); the GA President continue appointing a State representative and an IPs' representative to conduct informal consultations (also **John Henriksen, Raja Devasish Roy, NORWAY**); States increase financial support for IPs' participation in the World Conference and IPs' preparatory activities (also **Tania Pariona Tarqui, NORWAY, FINLAND, ESTONIA, VENEZUELA, Caucus of Indigenous Persons with Disabilities, AIPP, NSWALC**); and IPs' full and effective participation be supported, including traditional indigenous governments and assemblies. One important reform to be advanced is IPs' full and effective participation on an equal basis throughout the UN system, consistent with article 3 of the Declaration (also **Raja Devasish Roy, ILRC**). To ensure that its studies and advice inform the preparatory process (also **NEW ZEALAND**), the EMRIP produced a Compilation of Recommendations, Conclusions and Advice from Studies Completed [A/HRC/EMRIP/2013/CRP.1], which identifies advice and recommendations relevant to the four themes of the Alta Outcome Document.

Soyata Maiga calls for increased involvement of regional human rights bodies in the World Conference's process; and of African States, to enable them to overcome the debate on legal recognition of IPs (also **Flavia Pansieri**). The World Conference should address absence of constitutional or legal recognition of IPs' rights to ownership of land and resources, usually considered as belonging to the state, although their life depends on them; promote consideration, in development policies, of African IPs' geographical remoteness and nomadic ways of life; and make very concrete recommendations to improve the situation of indigenous women.

On behalf of the **CELAC, CUBA** hopes the World Conference will count with the highest possible participation of States, UN mechanisms, and IPs, to agree on common objectives to advance IPs' rights (also **PERU**, including national human rights institutions).

In the World Conference, **VENEZUELA** will focus on developing policies and legislation to recognize all IPs' rights and their participation as a historic heritage.

Reporting on its own efforts in this regard, **ECUADOR** calls on the HRC to grant expert advice on clear and uniform parameters at international level to articulate the indigenous and ordinary administration of justice while avoiding discrepancies as to respect for IPs' traditions and the fight against impunity.

PERU sees the World Conference as a valuable opportunity to share perspectives on progress and challenges in the realisation of IPs' rights and the Declaration's objectives, and on good practices (also **Soyata Maiga, BOLIVIA, CHILE, VENEZUELA, PARAGUAY, REPUBLIC OF THE CONGO, AUSTRALIA, NEW ZEALAND, MALAYSIA, IRELAND, ESTONIA**).

Incorporating the Declaration into its Constitution has enabled **BOLIVIA's** important and rapid progress in legislative and administrative measures as regards IPs' rights.

Sharing its own experience, **PARAGUAY** says the World Conference needs to analyse possible measures to guarantee IPs' participation in all activities that may affect their rights, in order to ensure governmental policies' efficiency.

CHILE highlights a UN country team initiative to strengthen IPs' capacities on international human rights instruments and communication with monitoring bodies.

The **USA** says participants to the World Conference should include IPs-designated representatives, as well as civil society partners (also **AUSTRALIA**), particularly those representing indigenous women, youth, and persons with disabilities.

The **REPUBLIC OF THE CONGO** welcomes the decision of the African Court on Human and Peoples' Rights that IPs' issues fall under its jurisdiction.

MALAYSIA draws attention to legislative and institutional arrangements regarding protection of the rights of IPs, particularly the **Orang Asli** in peninsular Malaysia.

AUSTRALIA is committed to better engagement with IPs domestically to ensure that policies and programmes achieve real change.

The HRC must remain engaged in the World Conference's progress. **NEW ZEALAND** stresses the need to engage with and listen to IPs outside the GCG and the Alta preparatory conference (also the **USA, ILRC**).

PALESTINE, on behalf of the **Arab Group**, emphasizes that solidarity among all stakeholders would be needed to assist IPs in sensitizing the entire population to their issues.

The **RUSSIAN FEDERATION** says the World Conference could assess the results of the Second International Decade of the World's Indigenous Peoples (also **REPUBLIC OF THE CONGO**).

The **EUROPEAN UNION (EU)** asks how to ensure that the Conference can contribute to pursuing the objectives of the Declaration (**Wilton Littlechild** draws attention to the suggestion, in the Alta Outcome Document, for a new body to monitor implementation).

NORWAY has, with other States (including **DENMARK, NEW ZEALAND**), actively supported Mexico's initiative to request the Secretary-General to give the Alta Outcome Document an official UN document status (**John Henriksen** welcomes this).

Emphasizing IPs' self-determination (also **FAIRA**) and their free, prior and informed consent, **FINLAND** will consult the Saami Parliament on participation in the World Conference.

DENMARK hopes the High Commissioner will continue to focus on IPs' rights.

ESTONIA says IPs' rights constitute an integral part of the Council's agenda (also **PALESTINE**); and suggests a recommendation by the World Conference to join the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (**Wilton Littlechild** agrees with this, also for the Convention on the Rights of the Child).

IRELAND fully supports full and equal participation of indigenous elders, women, youth, children and persons with disabilities in the World Conference (also **Raja Devasish Roy, Soyata Maiga, EUROPEAN UNION, CHILE, PERU**).

The **International Labour Organization (ILO)** says the inter-agency UN Indigenous Peoples Partnership (UNIPP) aims to facilitate implementation of the Declaration and ILO Convention 169 at country level, mainly through capacity building in participation and consultation for governments and IPs (also **IRELAND**).

Emphasizing its strong interest in IPs' rights, the **International Development Law Organization (IDLO)** calls on States to recognize traditional justice systems, as essential and existing hand in hand with States' legal systems.

The **Caucus of Indigenous Persons with Disabilities** say recommendations regarding indigenous persons with disabilities in the Alta Outcome Document, and in the PF's Study on the situation of indigenous persons with disabilities [E/C.19/2013/6] should be included in the World Conference's outcome document.

IITC call upon the HRC to ensure that the World Conference will not be used to redefine the rights affirmed in the Declaration. The World Conference will provide an historic opportunity to implement the recommendation, included in the Alta Outcome Document, for an international mechanism to monitor implementation of Treaties, agreements and other constructive arrangements between IPs and States.

ILRC emphasize that proposed recommendations should be few and focused, reasonable, workable for the UN, lasting, and improve the living conditions of IPs (also **Wilton Littlechild**). They recommend that the UN establish a new body to promote and monitor implementation of the Declaration (also **IITC, NSWALC**); and that violence against indigenous women be addressed through a specific high-level conference, a special procedure, and particular attention by the proposed UN monitoring body for the Declaration.

AIPP call on States to use the Alta Outcome Document as the starting point for negotiations on the World Conference outcome document (also **IITC**; the **USA** disagrees with this).

NSWALC call on all States, in cooperation with IPs, to fully implement the Declaration through national legislative frameworks and policies; and to consider ratifying ILO Convention 169, and monitor its implementation.

In closing remarks, **Soyata Maiga** reiterates the importance of keeping States and international organizations informed and involved in the World Conference process. Dialogue needs to be improved between IPs and governments around IPs' priorities.

Tania Pariona Tarqui calls for IPs' effective participation in decision-making forums at the local level as well (also **Soyata Maiga, ESTONIA**). The report by the PF Expert Group Meeting on indigenous youth [E/C.19/2013/3] is an important input for the World Conference.

To a question by **ESTONIA** on the EMRIP's preference on the four themes of the World Conference, **Wilton Littlechild** answers that this will be considered during its next session.

Raja Devasish Roy says the UNIPP could help in bringing out case studies that could be used in the World Conference. Among issues of concern are impunity and violations of human rights, militarization of IPs' areas, and IPs' role in administration of justice and redress.

On how to ensure IPs' effective participation, **John Henriksen** notes that the accreditation procedure for IPs' representatives to the World Conference must be open and transparent (also the **USA**) and in accordance with established practice; States and others should provide financial assistance (also **Raja Devasish Roy**); and enough seats must be available for IPs' representatives.

Human Rights Council Resolution 24/9 – Mandate of the Special Rapporteur on the rights of indigenous peoples

The Human Rights Council,

Bearing in mind paragraph 6 of GA resolution 60/251 of 15 March 2006,

Recalling resolution 5/1 on institution-building of the HRC and resolution 5/2 on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues, and HRC resolutions 6/12 of 28 September 2007 and 15/14 of 30 September 2010 on the mandate of Special Rapporteur on the rights of indigenous peoples,

1. *Decides* to extend the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years on the same terms as provided by the HRC in its resolution 15/14;
2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his or her communications, and to react promptly to his or her urgent appeals;
3. *Encourages* the UN, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, IPs to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;
4. *Encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable him or her to fulfil the mandate effectively;
5. *Requests* the Secretary-General and the UN High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his or her mandate;
6. *Decides* to continue consideration of this question in conformity with its programme of work.

Human Rights Council Resolution 24/10 – Human rights and indigenous peoples

The Human Rights Council,

Recalling all Commission on Human Rights and HRC resolutions on human rights and IPs,

Bearing in mind that the GA, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

Recalling the adoption of the UN Declaration on the Rights of Indigenous Peoples by the GA in its resolution 61/295 of 13 September 2007,

Welcoming GA resolution 65/198 of 21 December 2010, in which the Assembly expanded the mandate of the UN Voluntary Fund for Indigenous Populations so that it could assist representatives of IPs' organizations and communities to participate in sessions of the HRC, the EMRIP, the PF and of the human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including ECOSOC resolution 1996/31 of 25 July 1996, and also welcoming Assembly resolution 66/296 of 17 September 2012, in which the Assembly further expanded the mandate of the Voluntary Fund so that it could assist, in an equitable manner, representatives of indigenous peoples, organizations and communities to participate in the World Conference on Indigenous Peoples, including in the preparatory process, in accordance with the relevant rules and regulations, and urged States to contribute to the Voluntary Fund,

Recognizing the importance to IPs of revitalizing, using, developing and transmitting their histories, languages, oral traditions, philosophies, writing systems and literatures to future generations, and designating and retaining their own names for communities, places and persons,

Welcoming the completion by the EMRIP of its study on access to justice in the promotion and protection of the rights of IPs submitted to the HRC at its 24th session [A/HRC/24/50], and encouraging all parties to consider the examples of good practices and recommendations included in that study as practical advice on how to attain the goals of the UN Declaration on the Rights of Indigenous Peoples.

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth and persons with disabilities, as set out in the UN Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting access to justice by IPs, indigenous women, children, youth and persons with disabilities,

Recognizing the need to find ways and means of promoting the participation of recognized IPs' representatives within the UN system on issues affecting them, as they are not always organized as non-governmental organizations,

Taking note of the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises [A/68/279], in which the Working Group addressed the impact of business-related activities on the rights of IPs through the lens of the Guiding Principles on Business and Human Rights [A/HRC/17/31, annex],

1. *Welcomes* the report of the UN High Commissioner for Human Rights on the rights of IPs [A/HRC/24/26], and requests the High Commissioner to continue to submit to the HRC an annual report on the rights of IPs containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples, and to the follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the SRIP and the official visits he has made in the past year, takes note with appreciation of his report [A/HRC/24/41], and encourages all Governments to respond favourably to his requests for visits;

3. *Requests* the Special Rapporteur to report on the implementation of his or her mandate to the GA at its 69th session;

4. *Welcomes* the work of the EMRIP, takes note with appreciation of the report on its 6th session [A/HRC/24/49], and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

5. *Requests* the Expert Mechanism to continue its study on access to justice in the promotion and protection of the rights of IPs, with a focus on restorative justice and indigenous juridical systems, particularly as they relate to achieving peace and reconciliation, including an examination of access to justice related to indigenous women, children and youth and persons with disabilities, and to present it to the HRC at its 27th session;

6. *Also requests* the Expert Mechanism to prepare a study on promotion and protection of the rights of IPs in natural disaster risk reduction, prevention and preparedness initiatives, including consultation and cooperation with the IPs concerned in elaboration of national plans for natural disaster risk reduction, and to present it to the HRC at its 27th session;

7. *Further requests* the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, the questionnaire survey to seek the views of States and IPs on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the UN Declaration on the Rights of Indigenous Peoples, with a view to completing a final summary of responses for presentation to the HRC at its 27th session, and encourages States which have not yet provided their responses to do so, as well as those States which have already responded to the questionnaire survey to update their responses as appropriate;

8. *Welcomes* the adoption by the GA of its resolutions 65/198 and 66/296 on the organization of the high-level plenary meeting of the GA, known as the World Conference on Indigenous Peoples, to be held on 22 and 23 September, 2014, and takes note of its inclusive preparatory process, including the meeting to be held in Mexico and, in this regard,

(a) Encourages States, in accordance with the provisions contained in GA resolution 66/296, to continue to promote the participation of IPs during the preparatory process of the World Conference and to support it, in particular by means of technical and financial contributions;

(b) Recommends that the studies and advice of the Expert Mechanism be considered in the formulation of the agendas of the preparatory process;

9. *Welcomes* the decision of the GA, in its resolution 67/153 of 20 December 2012, to continue, at its 69th session, its consideration of the ways and means of promoting the participation of representatives of IPs at meetings of relevant UN bodies and other relevant UN meetings and processes on issues affecting IPs, on the basis of the rules of procedure of such bodies and existing UN procedural rules and regulations, taking into

account the report of the Secretary-General [A/HRC/21/24], existing practices for the accreditation of representatives of IPs at the UN and the objectives of the UN Declaration on the Rights of Indigenous Peoples;

10. *Recommends* that the GA consider changing the title of the UN Voluntary Fund for Indigenous Populations to the UN Voluntary Fund for Indigenous Peoples;

11. *Decides* to hold, at its 27th session, a half-day panel discussion on promotion and protection of the rights of IPs in natural disaster risk reduction, prevention and preparedness initiatives, including consultation and cooperation with the IPs concerned in the elaboration of national plans for natural disaster risk reduction;

12. *Welcomes* the ongoing cooperation and coordination among the SRIP, the PF and the EMRIP, and requests them to continue to carry out their tasks in a coordinated manner, and welcomes in that regard their permanent effort to promote the UN Declaration on the Rights of Indigenous Peoples;

13. *Reaffirms* that the universal periodic review, together with the UN treaty bodies, are important mechanisms for the promotion and protection of human rights and, in that regard, encourages effective follow-up to accepted universal periodic review recommendations concerning IPs, as well as serious consideration to follow up on treaty body recommendations on the matter;

14. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the ILO to consider doing so, and to consider supporting the UN Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States for that Declaration;

15. *Welcomes* the 6th anniversary of the adoption of the UN Declaration on the Rights of Indigenous Peoples, and encourages States that have endorsed it to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with IPs, where appropriate;

16. *Encourages* States to consider the rights of IPs in the discussion of the UN development agenda beyond 2015;

17. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to fulfil that role effectively, including with the support of the Office of the High Commissioner;

18. *Takes note* of the outcome document of the Global Indigenous Preparatory Conference for the World Conference on Indigenous Peoples held in Alta, Norway, in June 2013, and other proposals made by IPs, and recommends that the four themes identified in the outcome document be taken into account when considering the specific themes for the round tables and interactive panel for the World Conference;

19. *Welcomes* the study on the situation of indigenous persons with disabilities presented to the PF at its 12th session [E/C.19/2013/6], stresses the need to focus on challenges to indigenous persons with disabilities regarding full enjoyment of their human rights and to include them in all aspects of development, including by enhancing their access to goods and services to improve their standard of living, and encourages all stakeholders to increase consultations on these topics with indigenous persons with disabilities;

20. *Takes note* of the activity of the UNIPP and invites States and other potential donors to support it;

21. *Decides* to continue the consideration of this question at a future session, in conformity with its annual programme of work.

Abbreviations

AAH:	Ainu Association of Hokkaido
AAJ:	American Association of Jurists
AE-E:	Acción Ecológica, Ecuador
AGCM:	Asociación Civil Gregorio Condori Mamani, Perú
AHRC-P:	Ateneo Human Rights Center, Philippines
AI:	Amnesty International
AIDA:	Asociación Interamericana para la Defensa del Ambiente
AIPP:	Asian Indigenous Peoples Pact
AJWRC:	Asia-Japan Women's Resource Center
ALG:	Alternative Law Groups, Philippines
ALIRAN:	Aliran Kesedaran Negara (National Consciousness Movement), Malaysia
ALRC:	Asian Legal Resource Centre
AMAN:	Aliansi Masyarakat Adat Nusantara
ANDHES:	Abogados y Abogadas del Noroeste en Derechos Humanos y Estudios Sociales, Argentina
APDH:	Asamblea Permanente por los Derechos Humanos, Argentina
ASIES:	Asociación de Investigación y Estudios Sociales, Guatemala
AWSP:	Apeuro Women's Survey Project
AZETTA:	Réseau Amazigh pour la Citoyenneté, Maroc
BLLCWD:	Buraku Liberation League Central Women's Division
BUK:	Bersatu untuk Kebenaran – United for Truth, Indonesia
BWWC:	Bárceñas Women Workers Committee, Guatemala
CALDH:	Centro para la Acción Legal en Derechos Humanos, Guatemala
CCDD:	Citizens Concerns for Dams and Development, India
CCIA-WCC:	Commission of the Churches on International Affairs of the World Council of Churches
CEDAW:	UN Committee on the Elimination of Discrimination against Women
CEJIL:	Centro por la Justicia y el Derecho Internacional
CELS:	Centro de Estudios Legales y Sociales
CERD:	UN Committee on the Elimination of Racial Discrimination
CESCR:	UN Committee on Economic, Social and Cultural Rights
CFDA:	Collectif des Familles de Disparus en Algérie
CIDES:	Centro sobre Derecho y Sociedad, Ecuador
CIHRS:	Cairo Institute for Human Rights Studies
CIIDH:	Centro Internacional para Investigaciones en Derechos Humanos
CIMI:	Conselho Indigenista Missionário, Brasil
CIVICUS:	World Alliance for Citizen Participation
CJCDS:	Comisión de Juristas contra la Corrupción y por la Defensa Social, Perú
CLADEM-Peru:	Comité Latinoamericano y del Caribe para la Defensa de los Derechos de la Mujer – sección Perú
CLAHRO:	Civil Liberties and Human Rights Organisation, India
CLPF:	Civil Liberties People Forum, India
CMA:	Congrès Mondial Amazigh
CoAr:	Colectivo Artesana, Guatemala
CoE-ACFC:	Council of Europe Advisory Committee on the Framework Convention for the Protection of national Minorities
COHR:	Committee on Human Rights, Manipur
COLCGS:	Congregation of Our Lady of Charity of the Good Shepherd
CONAVIGUA:	Coordinadora Nacional de Viudas de Guatemala
CONFENADIP	Confederación Nacional de Personas con Discapacidad del Perú
CORE:	Centre for Organisation Research and Education, India
CRC:	UN Committee on the Rights of the Child
CSW:	Christian Solidarity Worldwide
CUC:	Comité de Unidad Campesina, Guatemala
CUCW:	Central Union for Child Welfare. Finland
DBFHRD:	Driss Benzekri Foundation for Human Rights and Democracy
DTE:	Down to Earth, Indonesia
EdPAC:	Educación para la Acción Crítica, España

EEVFAM:	Extra-judicial Execution Victim Families' Association, Manipur
ELAC:	Environmental Legal Assistance, Philippines
EMRIP:	UN Expert Mechanism on the Rights of Indigenous Peoples
ERI:	Edmund Rice International
FAIRA:	Foundation for Aboriginal and Islander Research Action
FAMDEGUA:	Asociación de Familiares Desaparecidos en Guatemala
FI:	Franciscans International
FIAN:	Foodfirst Information and Action Network
FIC-Argentina:	Fundación Interamericana del Corazón – Argentina
FIDAM:	Families of the Involuntarily Disappeared's Association, Manipur
FIPA:	Forum for Indigenous Perspectives and Action, Manipur
FLD:	Front Line Defenders
FMSI:	Foundation for Marist Solidarity International
FOCO-INPADE:	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos – Instituto para la Participación y el Desarrollo, Argentina
FORUM-ASIA:	Asian Forum for Human Rights and Development
FPP:	Forest Peoples Programme
FREINDS:	Federation of Regional Indigenous Societies, India
FSG:	Fundación Sobrevivientes, Guatemala
FUNDEPS:	Fundación para el Desarrollo de Políticas Sustentables, Argentina
GHRC:	Guatemala Human Rights Commission
GIDHS:	Grupo de Investigación en Derechos Humanos y Sostenibilidad, Universidad Politécnica de Cataluña
Hivos:	Humanist Institute for Co-operation with Developing Countries
HRA-India:	Human Rights Alert, India
HRF:	Human Rights First
HRLN-M:	Human Rights Law Network Manipur
HRW:	Human Rights Watch
HuMa:	Perkumpulan untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis, Indonesia
IACHR:	Inter-American Commission on Human Rights
ICJ:	International Commission of Jurists
ICSA:	Indian Council of South America
IDDH:	Institute for Development and Human Rights
IDMC-NRC:	The Internal Displacement Monitoring Centre of the Norwegian Refugee Council
IECCPG:	Instituto de Estudios Comparados en Ciencias Penales en Guatemala
IHRAAM:	International Human Rights Association of American Minorities
IHRB:	Institute for Human Rights and Business, Kenya
IIMA:	Instituto Internazionale Maria Ausiliatrice
IITC:	International Indian Treaty Council
ILO:	International Labour Organization
ILRC:	Indian Law Resource Centre
IMADR-JC:	International Movement against Discrimination and All Forms of Racism – Japan Committee
IPRM:	Indigenous Peoples Rights Monitor, Philippines
ISA:	Instituto Socioambiental, Brasil
IWHR-CUNY:	The International Women's Human Rights Clinic at the City University of New York School of Law
JFBA:	Japan Federation of Bar Associations
JG:	Justiça Global, Brasil
JPF:	Just Peace Foundation, India (JPF),
KAMP:	Kalipunan ng mga Katutubong Mamamayan ng Pilipinas
LMCDH:	Ligue marocaine pour la citoyenneté et les droits de l'homme
LWF:	Lutheran World Federation
M-PRIM:	Movement for Peoples' Right to Information Manipur
MI-ATD:	Movimiento Internacional ATD Cuarto Mundo, Perú
MJIC:	Mouvement de la Jeunesse Indépendante pour le Changement, Algérie
MMIT:	Movimiento de Mujeres Indígenas Tz'ununija', Guatemala
MNDH:	Movimento Nacional de Direitos Humanos, Brasil
MUDL:	Middlesex University Department of Law

MXVPS:	Movimento Xingu Vivo Para Sempre
NEDF:	North East Dialogue Forum, India
NSWALC:	New South Wales Aboriginal Land Council
ODHAG:	Oficina de Derechos Humanos del Arzobispado de Guatemala
ODHPIA:	Observatorio de Derechos Humanos de los Pueblos Indígenas – Argentina
OHCHR:	Office of the UN High Commissioner for Human Rights
PAD:	Processo de Articulação e Diálogo, Brasil
PANLIPI:	Tanggapang Panligal NG Katutubong Pilipino (Legal Assistance Center for Indigenous Filipinos)
PDB:	Plataforma DHESCA Brasil - Brazilian Platform on Economic, Social, Cultural and Environmental Human Rights
PE:	Perú Equidad – Centro de Políticas Públicas y Derechos Humanos
PI:	Pontianak Institute, Indonesia
PIPlinks:	Philippine Indigenous Peoples Links
RF-N:	Rainforest Foundation – Norway
SC:	Saami Council
SDDH:	Sociedade Paraense de Defesa dos Direitos Humanos, Brasil
SEDEM:	Seguridad en Democracia, Guatemala
SRIP:	UN Special Rapporteur on the Rights of Indigenous Peoples
STP:	Society for Threatened Peoples
SUHAKAM:	Human Rights Commission of Malaysia
TIPS:	Threatened Indigenous Peoples Society, India
UDEFEGUA:	Unidad de Protección a Defensores y Defensoras de Derechos Humanos – Guatemala
UMC-GBCS:	General Board of Church and Society of the United Methodist Church
UNM-M:	United NGOs Mission-Manipur, India
UNPO:	Unrepresented Nations and Peoples Organisation
UOCLIHRC:	University of Oklahoma College of Law International Human Rights Clinic
UPF:	United Peoples Front, India
VIDES-International:	International Volunteerism Organization for Women, Education and Development
WAHLI:	Wahana Lingkungan Hidup, Indonesia
WGHR:	Working Group on Human Rights in India and the UN
WLW:	Women’s Link Worldwide
ZIF:	Zo Indigenous Forum

4. OTHERS

Upcoming Meetings and Events of interest for IPs

Our updated Agenda of upcoming meetings and events of interest for IPs is available on our website at the following address: http://bit.ly/agenda_en (or by choosing *Agenda* in the menu *doCip at the UN*). We mail hard copies of the updated Agenda twice a year to indigenous organizations and individuals – and to other interested organizations or individuals, upon request.

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If you have comments and suggestions about this Update, please do not hesitate to share them with us:

- by e-mail at: docip@docip.org (Subject: Update)
- by fax at: + 41 22 740 34 54
- by mail at: doCip, 14 avenue Trembley, CH-1209 Genève

Thanks!

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The Sámediggi (The Sámi Parliament) in Norway

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