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1. EDITORIAL

The First Forum on Business and Human Rights was held on 4 and 5 December 2012 in Geneva. This Forum is the most visible annual event of the Working Group on the issue of human rights and transnational corporations and other business enterprises. The objective of this new Working Group, established by the Human Rights Council (HRC) in 2011, is to promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights. Eighty-five countries, including 40 delegations of States, 150 enterprises and 170 civil society organisations, attended this first session. Although the voices of human rights NGOs were not much in evidence, the rights of indigenous peoples were emphasized in particular during a panel discussion dedicated to companies that have an impact on indigenous peoples, and during several parallel events dealing notably with the issue of extractive industries on indigenous peoples’ territories. The three UN mechanisms dedicated to indigenous peoples were also present: the Special Rapporteur, the Expert Mechanism on the Rights of Indigenous Peoples, and the Permanent Forum on Indigenous Peoples; this ensured that the rights of indigenous peoples are now established in this emerging topic in a more structured way at the international level.

This issue of Update includes the fourth and final year of the first cycle of the Universal Periodic Review (UPR). Thanks to the Update, all the summaries of the Universal Periodic Reviews which addressed the rights of indigenous peoples are now available as follows: the first year in issue 85-86, the second year in issue 92-93 and the third year in issue 97-98, covering, in all, the reviews of 88 States. Of course, doCip will continue to produce summaries of the UPR sessions for the second cycle, which started in 2012.

In addition, this issue contains the summary of the day dedicated to indigenous issues at the 21st session of the HRC, including the report of Special Rapporteur James Anaya addressing his visits to Argentina and the United States, the issue of violence against indigenous women and girls, and problems arising from extractive industries. This summary also presents the report of the Expert Mechanism’s 5th session and the panel discussion on access to justice for indigenous peoples.

Finally, you will also find inserted in this issue Resolution 66/296 of the General Assembly on the World Conference on Indigenous Peoples. This resolution defines the practical modalities of the World Conference, including dates (22-23 September 2014) and the participation of indigenous peoples (which will be on the same terms as for the Permanent Forum and the Expert Mechanism). While a strong presence of indigenous peoples during the conference is guaranteed, the involvement of indigenous peoples in setting the content and development of the World Conference is much less defined; much work remains to be done to achieve progress in line with the expectations of indigenous peoples.

* * *
2. THE HUMAN RIGHTS COUNCIL’S UNIVERSAL PERIODIC REVIEW

The fourth and last year of the first cycle of the Human Rights Council's Universal Periodic Review (UPR), in 2011, was completed with the Council examining at its 19th session, in March 2012, the outcomes of the 12th session of the Working Group on the Universal Periodic Review (WGUPR). Here is a report on the inclusion of indigenous issues in the reviews of countries where indigenous peoples live, during the 10th, 11th and 12th sessions of the WGUPR.

Indigenous peoples in the reports and outcomes of the WGUPR in 2011

Australia

10th session of the WGUPR, 24 January – 4 February 2011

The National Report [A/HRC/WG.6/10/AUS/1 & Corr.1] notes that Australia's estimated indigenous population is 2.5 percent (para. 7). The Government is committed to constitutionally recognize Aboriginal and Torres Strait Islander peoples, and has appointed an expert panel to consider options (para. 14). The Australian Human Rights Commission (AHRC) comprises the position of Aboriginal and Torres Strait Islander Social Justice Commissioner (paras. 22, 23). The National Congress of Australia’s First Peoples, based on a widely consulted model, will play a key role in re-setting the relationship with IPs (paras. 34, 59).

Australia recalls its 2008 formal Apology to its IPs, recognising the laws and policies that have inflicted profound grief on them (paras. 54-56). Acknowledging IPs’ multi-faceted disadvantage, Australia emphasizes its “Closing the Gap” initiative, aiming at reduction of gaps in IPs’ life expectancy and in mortality rates for indigenous children, and improving their access to and outcomes in education at all levels, as well as employment outcomes (paras. 57, 58). Australia further informs on legislation, programmes and measures to address: family violence and violence against women, through support to community responses and provision of integrated child and family services (paras. 60, 85, 87, 103); IPs' over-representation in the criminal justice system, through prevention of deaths in custody, and provision of full and equitable justice to indigenous communities (paras. 61, 120, 121). Other measures include social security and housing payments (paras. 124, 130).

The 2007 Northern Territory Emergency Response (NTER), designed to protect children and make indigenous communities safe in the Northern Territory, introduced various special measures excluded from prohibition of discrimination under the Racial Discrimination Act 1975 (para. 62). Following a review and extensive consultation, in 2010, the Parliament passed legislation to reinstate the Racial Discrimination Act 1975 and make necessary changes to the NTER laws (para. 64).

The Native Title Act 1993 establishes a legislative framework for recognition of indigenous native title to land, derived from traditional laws and customs (para. 66). Australia acknowledges the importance of culture to reconciliation and supports unconditional repatriation of all Australian indigenous human remains to their traditional lands (para. 65); Australia recalls its support to the Declaration in 2009 (paras. 59, 145).

The Compilation of UN documents [A/HRC/WG.6/10/AUS/2] notes (para. 6) CERD’s recommendation that Australia consider negotiating a treaty agreement with IPs [CERD/C/AUS/CO/15-17/CRP.1, para. 15]. Among achievements (paras. 53, 54), the SRIP considers the AHRC position of Aboriginal and Torres Strait Islander Social Justice Commissioner to be an exceptional model for advancing IPs’ rights [A/HRC/15/37/Add.4, para. 78].

Upon his visit in 2009, the SRIP emphasizes (para. 17) Aboriginal and Torres Strait Islander peoples' severe disadvantage, and welcomes the Government’s “Closing the Gap” campaign [A/HRC/15/37/Add.4, paras. 4, 5, 15, 32, 45, 50; also A/HRC/4/18/Add.2, paras. 80-99, 133-136; A/HRC/14/20/Add.4, paras. 18-27, 31-42, 74-81; CRC/C/15/Add.268, paras. 24, 31, 47, 48, 51, 55, 57, 59, 61, 75-77]. CESCR recommends (para. 34) addressing barriers to IPs' enjoyment of the right to work [E/C.12/AUS/CO/4, para. 18].

CEDAW expresses concern and makes recommendations (paras. 19, 24) about indigenous women's under-representation in decision-making bodies and public life, their persistently unequal access to education, employment and health care, and their exposure along with girls to high levels of violence, while CRC makes recommendations to address the over-representation of indigenous children in out-of-home care [CEDAW/C/AUS/CO/7, paras. 26, 34, 35, 40, 41; CRC/C/15/Add.268, paras. 37, 39, 40, 42, 43 (e); also E/C.12/AUS/CO/4, para. 22; CCPR/C/AUS/CO/5, para. 17; A/HRC/15/37/Add.4, paras. 45-49].

The SRIP, CESCR, CERD and Human Rights Committee express concerns (paras. 18, 58) about the 2007 NTER legislation, as the 2010 amendments continue to discriminate IPs on the basis of race and the use of so called “special measures”; Australia should fully reinstate the Racial Discrimination Act [A/HRC/9/9/Add.1, paras. 33-
Several human rights mechanisms express concern (paras. 23, 28, 29) about disproportionate incarceration rates and deaths in custody of indigenous Australians; CERD recommends that Australia address the underlying social and economic factors, review with IPs and adequately implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and increase the use of indigenous courts, conciliation and restorative justice; CRC and the UN Committee against Torture recommend abolishing mandatory sentencing, which disproportionately affects IPs; the Human Rights Committee recommends that Australia ensure IPs' equal access to justice and adequately fund IPs' legal aid and interpreter services [CERD/C/AUS/CO/15-17/CRP.1, paras. 19, 20; CAT/C/AUS/CO/3, para. 23(c); CRC/C/AUS/CO/5, paras. 25; A/HRC/15/37/Add.4, para. 102; A/HRC/4/18/Add.2, para. 123; A/HRC/10/44/Add.4, paras. 10-11; A/HRC/13/39/Add.1, paras. 10-11; A/HRC/14/20/Add.4, paras. 74-81]. CESCR and the Special Rapporteur (SR) on the right to health recommend (para. 37) addressing insufficient support for indigenous persons with mental health problems, as well as substance abuse and literacy problems, in relation to indigenous incarceration issues [E/C.12/AUS/CO/4, paras. 30; A/HRC/14/20/Add.4, paras. 74-81].

CERD is concerned and makes recommendations (para. 39) regarding lack of adequate opportunities for indigenous children to receive mother-tongue instruction [CERD/C/AUS/CO/15-17/CRP.1, para. 21; also A/HRC/15/37/Add.4, paras. 36, 95, 97]; further, CESCR emphasizes (para. 40) the deficient quality of education provided to IPs in remote areas, and their lack of access to preschool education [E/C.12/AUS/CO/4, paras. 31, 33].

Upon his 2009 visit, the SRIP notes (paras. 41, 42, 59) the Government's commitment to reconcile with IPs, and recommends revision of all legislation, policies, and programmes affecting them, in line with the Declaration; Australia should adopt a comprehensive national mechanism for reparation and compensation of Stolen Generations and victims of Stolen Wages [A/HRC/15/37/Add.4, paras. 19, 71, 74-106 and Appendix B, paras. 36-41; CCPR/C/AUS/CO/5, para. 15; CERD/C/AUS/CO/15-17/CRP.1, para. 26].

As to land rights (para. 43), recommendations are made by the Human Rights Committee, CERD, and CESCR, with the SRIP emphasizing that the native title process is complex, slow and in need of reform – of particular concern are the high standards of proof required for recognition of IPs' traditional lands [CCPR/C/AUS/CO/5, para. 16; E/C.12/AUS/CO/4, para. 32; CERD/C/AUS/CO/15-17/CRP.1, para. 18; A/HRC/15/37/Add.4, paras. 26, 28].

The SR on the right to health emphasizes (para. 44) obstacles to IPs' access to health services; the SRIP draws attention to indigenous good practices to address issues of alcoholism, domestic violence, health, education and others; he notes (also CERD) the need to incorporate an integrated approach into governmental programmes, by ensuring indigenous participation therein, encouraging indigenous self-government at the local level, and building on IPs’ initiatives [A/HRC/14/20/Add.4, para. 50; A/HRC/15/37/Add.4, paras. 62-65, 91-101; CERD/C/AUS/CO/15-17/CRP.1, para. 22]. The SRIP (also CESCR) makes recommendations (para. 45) regarding proposed national reforms to improve indigenous participation in decision-making over traditional sites and objects [A/HRC/15/37/Add.4, paras. 88, 89; E/C.12/AUS/CO/4, para. 33]. CESCR encourages Australia (para. 46) to tackle climate change and its impacts on IPs' rights to food and to water, while guaranteeing their right to free prior and informed consent [E/C.12/AUS/CO/4, para. 27]. CERD encourages Australia (para. 13) to prevent acts of Australian corporations which negatively impact IPs' rights overseas [CERD/C/AUS/CO/15-17/CRP.1, para. 13].

In the Summary of stakeholders' information [A/HRC/WG.6/10/AUS/3], AHRC recommend ratification of ILO Convention 169 (para. 1), and commend the Government's “Closing the Gap” commitments, while noting IPs' persistently poorer outcomes in education and income, higher rates of family violence and child abuse, and over-representation in prisons (para. 17).

Noting that the Constitution enables racial discrimination (also AHRC, para. 5), which facilitated suspension of the Racial Discrimination Act in the NTER Act 2007 (para. 6), AI and ACSJC warn that governmental proposals in the 2010 NTER legislation maintain measures that are racially discriminatory for IPs; AHRC (also ACSJC) recommend that the NTER be conducted in compliance with Australia’s human rights obligations (para. 18).

The Joint NGO Submission to Australia's UPR emphasizes violence against Aboriginal women and Aboriginal children's severe disadvantage, as major issues inadequately addressed; WVA, ATSILS, AHRC and FI/ERI/FMSI call for; a holistic approach to reduce over-representation of indigenous children in placement, addressing underlying causes of child abuse and neglect, increased attention to violence and harassment in relation to IPs, indigenous women's enjoyment of a level of maternal health commensurate to Australian standards, allocation of substantial funds to remote indigenous schools, and support to increasingly threatened languages, including through bilingual education (paras. 28-30, 49, 57).
While underscoring police targeting of Aboriginals, and mandatory sentencing that disproportionately affects IPs, the Joint NGO Submission recommends that Australia update and implement relevant domestic recommendations and provisions in this regard ( paras. 24-26). AHRC recommend reducing the disproportionate rates of IPs in care and custody, including through preventive measures; ATSILS recommend increased use of restorative justice that promotes community empowerment and the role of elders in the criminal justice system, and of non-custodial sentencing options (para. 35). ATSILS warn that indigenous women and children suffering domestic violence face barriers in communicating with the justice system; Australia must ensure the long-term and adequate funding of culturally appropriate legal services and interpreter services, and implement initiatives with indigenous communities to reduce family violence (para. 36).

ATSILS recommend constitutional recognition of Aboriginal and Torres Strait Islander peoples' rights (para. 50). AHRC recommend reforming the Native Title Act, and measures to protect and promote IPs' cultural and intellectual property, and their connection to traditional land (para. 51). ATSILS (also OCHR) recommend developing with IPs a framework to implement the Declaration (para. 55). FI/ERI/FMSI and the Joint NGO Submission recommend support for the National Congress of Australia’s First Peoples, and a formal reconciliation and reparation process leading to an agreement ( paras. 52-54).

IPA warn that the draft legislation on nuclear waste disposal undermines IPs' sovereignty over their lands; the huge increase in extractive industries irreversibly affects on IPs' sacred sites, while corporations are increasingly relied upon to provide services in place of the State, and the cost of living escalates, leading to IPs' exclusion (para. 58). ATSILS (also WVA) recommend that the Government commit to obtaining IPs' free prior and informed consent for policies affecting them, and to implementing a framework for self-determination, including increased indigenous participation in democratic governance (para. 56).

Among the advanced questions, the Czech Republic enquires about addressing IPs' over-representation within the criminal justice system. The Netherlands enquires on ratification of ILO Convention 169. The United Kingdom enquires on addressing IPs' disadvantages in access to health services, education, employment opportunities, and land rights (also Czech Republic, Netherlands, Norway, Sweden). Norway enquires on promoting indigenous women's legal protection against sexual abuse and violence (also Netherlands); and on strengthening IPs' civil rights, in view of the special measures under the NTER that remain discriminatory (also Denmark, Slovenia).

In the WGUPR report [A/HRC/17/10], Australia reiterates information on its “Closing the Gap” commitment, on its formal Apology to Indigenous Peoples and the National Congress of Australia’s First Peoples ( paras. 8, 10, 35).

The United Kingdom welcomes steps taken to improve relations with IPs (also Guatemala, para. 80), and hopes that they are fully consulted on programmes affecting them (para. 13). Singapore welcomes the National Congress of Australia’s First People and the Apology to the “Stolen Generations” (para. 14; also Algeria, para. 15; Canada, para. 20; Indonesia, para. 22; Morocco, para. 30; Botswana, para. 39; India, para. 44; Austria, para. 47; Belgium, para. 48; Republic of Korea, para. 58; Timor-Leste, para. 63; Ghana, para. 78). China enquires about protecting IPs against racial discrimination in the media (para. 16). Sweden notes that some current laws appear to racially discriminate against indigenous persons ( para. 18). Slovenia says the NTER contravenes Australia’s human rights obligations (para. 40). Austria refers to IPs' over-representation in prisons (also the Maldives, para. 62; Iran emphasizing deaths in custody, para. 26), and enquires on excessive use of force by police against IPs (para. 47). Germany welcomes the “Closing the Gap” campaign and asks about achievements and future plans (para. 50; also Malaysia, para. 17; Japan, para. 19; Nepal, para. 25; Hungary, para. 29; Slovenia, para. 40; Bolivia, para. 41; Brazil, para. 42; France, para. 45; Belgium, para. 48; Republic of Korea, para. 58; Colombia, para. 59; South Africa, para. 67). Turkey acknowledges Australia’s commitment to constitutionally recognize the Aboriginal and Torres Straits Islander peoples (also Timor-Leste, para. 63), and the AHRC position of Aboriginal and Torres Straits Islanders Social Justice Commissioner (para. 57). Mexico hopes that Australia will ratify ILO Convention 169 (para. 77). Norway welcomes the reinstatement of the Racial Discrimination Act and support for the Declaration (also Denmark, para. 81), but underscores IPs' discrimination and socio-economic disadvantage (para. 84; also Iran, para. 26; Pakistan, para. 28; Belgium, para. 48; USA, para. 64; Bosnia and Herzegovina, para. 75).

Australia emphasizes its support for the Declaration, upcoming consideration of ILO Convention 169, commitment to constitutional recognition of indigenous Australians, and “Closing the Gap” agenda; the Racial Discrimination Act 1975 has been fully reinstated in relation to the NTER ( paras. 34-37, 69).
Among the recommendations that Australia committed itself to examine (para. 86), Bolivia recommends ratifying ILO Convention 169 (11)\(^1\), and Norway considering this (12). The USA recommends enforcement of existing anti-discrimination law for indigenous persons (23). Norway recommends fully implementing the Racial Discrimination Act and revision of federal laws in line with the Declaration (24). Canada recommends fully reinstating the Racial Discrimination Act into the NTER and any subsequent arrangements (25; also Slovenia emphasizing consultation with IPs and the AHRC, 26). Jordan recommends implementing human rights treaty bodies' and special procedures' recommendations concerning IPs (36). Norway recommends implementing the SRIP's recommendations (37). South Africa recommends strengthening protection of indigenous women's rights (53). The USA recommends combating family violence against indigenous women and children (72; also Mexico, 80). Bolivia recommends increasing legal advice and interpreter services for IPs (92). Austria recommends addressing over-representation of IPs in prison (93; also Russian Federation for deaths in custody, 90); and enhancing communication between IPs and law enforcement officials (95). Slovenia recommends establishing a mechanism of compensation to those affected by assimilation policies (97); and a formal reconciliation process leading to an agreement with Aboriginal and Torres Strait Islander peoples (103). Malaysia recommends ensuring that IPs receive adequate support services on housing, health and education (101). The United Kingdom recommends reforming the **Native Title Act 1993**, to uphold the Aboriginal and Torres Strait Islander peoples' right to access to and control their traditional lands (102). France recommends continuing the process of constitutional reform to improve recognition of IPs' rights (104; also Colombia, 105; Guatemala, 107). Bolivia, Ghana, Hungary and Denmark recommend fully implementing the Declaration, while providing adequate support for the National Congress of Australia's First Peoples (106). Bolivia recommends adequately protecting IPs' culture and spiritual practices (108). Bosnia and Herzegovina recommends ensuring IPs' enjoyment of all rights (also Indonesia, 112), including participation in decision-making bodies (110; also Bolivia, 109; Mexico, 111). Austria recommends increasing IPs' participation in the “Closing the Gap” process (113; also Belgium emphasizing assessment of its effectiveness, 118). Singapore recommends continuing efforts to close the gap between indigenous and non-indigenous Australians (115; also France, 114; Thailand, 116; Jordan, 117). Iran recommends improving access of indigenous women and children to appropriate health and education services, and employment (119). Morocco recommends increasing indigenous women's representation in decision making (120).

In its response [A/HRC/17/10/Add.1], Australia accepts recommendations 12, 23, 36, 53, 112 to 117 and 120 as being implemented (para. 3). Australia states its position and comments on remaining recommendations (para. 4). Recommendations 25, 26, 72, 80, 90, 92, 93, 95, 101, 104, 105, 107 to 111, 118 and 119 are accepted. Australia's comments on the following recommendations, accepted in part, are as follows. Recommendation 11: Australia will formally consider ratifying ILO Convention 169; 24: the Racial Discrimination Act has been fully reinstated in relation to the NTER, and the Government supports promotion of the Declaration's principles and spirit, with which current federal laws are consistent; 37: the Government has implemented many of the SRIP's recommendations, and provided a statement to the Human Rights Council (HRC); 102: the Government continually reviews the operation of the Native Title system, and legislation provides for indigenous Australians to access their traditional lands; 103: the Government is committed to the process of reconciliation between indigenous and other Australians, but does not intend to enter into a formal agreement; 106: the Government supports promotion of the Declaration's principles. Recommendation 97 is rejected.

In the **Report of the HRC on its 17th session** [A/HRC/17/2, paras. 453-487], Australia highlights election of the co-chairs of the National Congress of Australia's First Peoples (para. 460). Iran remains concerned about indigenous women's and children's access to health and education (para. 473). New Zealand welcomes Australia's specific targets for advancing IPs' social and economic rights (para. 474; also Lao Peoples' Democratic Republic, para. 469). SE express concern at the fact that Australia rejected the recommendation concerning a compensation scheme for Aboriginal and Torres Strait Islander peoples (para. 480; also ICSA, para. 481). ICSA warn that partial acceptance of recommendation 24 might amount to the continuing denial of IPs' rights (para. 481). HRLC recommend that Australia implement the Declaration and all the SRIP's recommendations (para. 483; also ICSA, para. 481). AI express concern that the Racial Discrimination Act was only partially reinstated in relation to the NTER (para. 484; also FI/ERI/FMSI, para. 486).

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1 We give between brackets the number that each recommendation bears in the corresponding WGUPR report.
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 since 2009 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, establishing the principles, objectives and functioning of the UPR.

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.

Denmark
11th session of the WGUPR, 2 – 13 May 2011

The National Report [A/HRC/WG.6/11/DNK/1] notes that the Constitution of Denmark extends to Greenland, where a self-rule system has been established (para. 6). Greenland's Inuit people is the only IPs in Denmark, in the sense of ILO Convention 169, which Denmark has acceded to (paras. 8, 108). The Greenland Self-Government, a democratically elected public government whose members are currently all Inuit, reports on the 2009 Act which recognizes that the people of Greenland has the right to self-determination (paras. 95-97). Greenland reports on ensuring gender equality, including as regards equal wages and representation in public office (paras. 98, 99); on promotion and protection of human rights in accordance with international instruments, and establishment of a national human rights institution (paras 100-102); and on developments in the administration of justice (paras. 103, 104). Language legislation aims at strengthening the Greenlandic language; its use as legal language represents a significant challenge, as finding Greenlandic-speaking jurists and qualified interpreters remains difficult (paras. 105-107).

Greenland’s Government strives to effectively implement the Declaration (para. 109). It supports and regulates the traditional hunting and fisheries industry, with license regulations based on scientific advice and on consultation of advisory councils (para. 110). Greenland assumed responsibility for the oil- and mineral resource area; the Parliament has established the regulatory regime, and has decided, following civil society concerns, to bring the provision on consultation in line with the Declaration, with the Inuit Circumpolar Council’s expert advice (para. 111).

A comprehensive strategy on children is under preparation, based on the Convention on the Rights of the Child, while a nationwide campaign, in cooperation with UNICEF, promotes a change of attitude and a review of existing legislation (paras. 112-114). A historical report has been mandated on the legal status of children born out of wedlock before the entering into force of the Law for Greenland on children (para. 120). A reform of the healthcare sector aims at ensuring appropriate health care to all citizens, regardless of where they live, and a public health programme aims at tracking rapid epidemiological transition towards more chronic and lifestyle-related diseases (paras. 116-119).

The Compilation of UN documents [A/HRC/WG.6/11/DNK/2] reports CEDAW’s calls and recommendations (paras. 7, 23, 39, 58) that Denmark and Greenland: fully implement the Convention; accelerate the practical realization of women’s de facto equality with men; prevent and combat violence against women; increase the number of women in politics, particularly at the regional and local levels; and ensure reconciliation of family and professional responsibilities [CEDAW/C/DEN/CO/7, paras. 15, 20, 21, 23, 27, 31]. CRC recommend (para. 64) preventing suicide among adolescents in Greenland [CRC/C/DNK/CO/3, para. 43]. CERD note (para. 66) that mother tongue teaching is offered to Greenland’s children; and urge Denmark (para. 78) to address the problems faced by “legally fatherless” Greenlandic people [CERD/C/DNK/CO/18-19, paras. 16, 17]. As regards the Thule Tribe of Greenland (paras. 68, 69), CERD (also Human Rights Committee) restates its concern and recommends that Denmark ensure that the status of the Thule Tribe reflects established international norms on IPs’ identification [CERD/C/DNK/CO/18-19, para. 17; CCPR/C/DNK/CO/5, para. 13].
In the **Summary of stakeholders' information** [A/HRC/WG.6/11/DNK/3], ICC/AH-1953/KA report that Denmark refuses to recognize the Thule Tribe – left without an effective remedy after their expropriation in the 1950s for the US Thule Air Base – as a separate group capable of vindicating its traditional rights; the ILO Committee of Experts states that the consequences of relocation that persist following the entry into force of Convention 169 still need to be considered (para. 68). ICC/AH-1953/KA also address the discriminatory distinction that affects both the personal identity and inheritance rights of “legally fatherless” people (para. 81).

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

In the **WGUPR report** [A/HRC/18/4], Greenland says the Inuit IPs constitute 88 percent of its population, and reports on the 2009 Act on Greenland Self-Government (para. 17). Greenland reiterates information on implementation of human rights instruments; establishment of a human rights institution; emphasis on IPs' rights; strengthening the Greenlandic language; governance of the mineral resource area, based on a collective ownership principle; and improving the conditions of children and youth (paras. 18-27).

Canada notes resource constraints limiting the presence in Greenland of the Danish Institute for Human Rights (para. 37). The Republic of Moldova notes efforts needed to eliminate violence against women (also Slovenia, para. 47), and to increase their participation in decision-making (para. 38). Greece enquires on the status of the Thule tribe (para. 44). Morocco acknowledges efforts to improve living conditions in Greenland (para. 88; also Republic of Korea, para. 84). To a concern raised by Iran (para. 75), Greenland responds that the Optional Protocol on the sale of children has been approved by Parliament, but awaits adaptation of the legislation (para. 69). It reiterates information on promotion of gender equality and combating domestic violence (paras. 70, 71).

Among **recommendations** that Denmark committed itself to examine (para. 106), Hungary recommends extending applicability to Greenland of the Optional Protocol on the sale of children, and of the Trafficking Protocol (1; also Ecuador, 24). Iran recommends implementing effectively the Declaration (47). Poland recommends combating violence against women and domestic violence (81; also Spain, 44). The Republic of Korea recommends ensuring IPs' access to public facilities (113). In its **response** [A/HRC/18/4/Add.1], Denmark accepts and comments upon recommendations 1, 24, 44, 47 and 81. It rejects recommendation 113 as unclear.

In the **Report of the HRC 18th session** [A/HRC/18/2, paras. 252-273], Iran calls for continued efforts regarding violence against women in Greenland (para. 266). Romania commends the involvement of Greenland's authorities in the UPR (para. 267).

**Myanmar**

10th session of the WGUPR, 24 January – 4 February 2011

The **National Report** [A/HRC/WG.6/10/MMR/1] notes that the approximately 100 national races, living together harmoniously according to the Constitution, include major ethnic groups such as Kachin, Chin, Mon, Bamar and Shan, (paras. 7, 11). Their right to development is ensured through institutional mechanisms and implementation of various short- and long-term development plans (paras. 77-80).

The **Compilation of UN documents** [A/HRC/WG.6/10/MMR/2] reports (para. 56) the General Assembly's and HRC's concerns about persistent human rights violations affecting numerous ethnic minorities [A/RES/64/238, para. 14; A/HRC/RES/13/25, para. 12]. A 2008 Permanent Forum on Indigenous Issues (PF) desk review on MDG reports notes (para. 59) that poverty poses the greatest challenge in areas where most IPs live. The SR on the situation of human rights in Myanmar (paras. 42, 55) calls upon the Government to ensure ethnic minorities' fundamental rights, and non-discrimination in the practice of their culture, religion, and language; he expresses concerns (para. 68; also UN Secretary-General, para. 67) about armed conflicts between government forces and ethnic groups in several States, which severely affect the civilian population [A/HRC/13/48, paras. 60, 66, 67, 84; A/64/318, para. 81; A/64/334, para. 53; A/63/356, para. 42; S/PRTST/2007/37]. CEDAW expresses concerns (paras. 22, 32), about the generally disadvantaged position of rural ethnic women, and about sexual and other violence perpetrated by members of the armed forces against them, with apparent impunity [CEDAW/C/MMR/CO/3, paras. 20, 24, 44]. CRC is deeply concerned (para. 58) about the situation of indigenous children, particularly girls [CRC/C/15/Add.237, paras. 58, 59, 79].

In the **Summary of stakeholders' information** [A/HRC/WG.6/10/MMR/3], HRW recommend that Myanmar immediately end discrimination against ethnic minorities (para. 19). AI state that ethnic minority activists have faced harassment, religious discrimination, arbitrary arrest, torture, imprisonment and extra-judicial execution (para. 24; also CHRO for the Chin State, paras. 22, 31). HRW (also ACFID, BF-UPR; CHRO for Chin women; INDIG for Shan women) express concern about sexual violence perpetrated by army personnel against women and girls in ethnic conflict areas, including as a tool of terror (para. 28). CSW state that non-
Buddhist minorities – particularly Christians among IPs – face serious restrictions, discrimination and persecution (para. 63; also FN, para. 46; CHRO for the Chin IPs, para. 43). BF-UPR, along with UNPO and other joint submissions, emphasize serious restrictions and discrimination in the use and preservation of ethnic minorities' and IPs' traditional languages, customs and cultures (paras. 61, 66). According to FIDH/ALTSEAN-Burma (also CHRO, CSW, HRW, and BF-UPR), the Government has particularly targeted civilian populations in ethnic areas for forced labour (para. 54).

EarthRights International say indigenous communities do not enjoy the right of free prior and informed consent (para. 52). BF-UPR say the Government has appropriated resource-rich traditional land of ethnic communities; CHRO recommend that Myanmar constitutionally recognize IPs and their collective rights, and cooperate with the UN country team to ensure development projects' compliance with international standards (para. 65). FIDH/ALTSEAN-Burma say exploitation of natural resources have contributed to the forced displacement, without compensation, of tens of thousands civilians in ethnic areas (para. 70). KHRG recommend ending targeting, evictions, forced relocations, arbitrary arrest, torture, summary executions and movement restrictions of civilians, including to access humanitarian aid (para. 72). CHRO draw attention to underdevelopment, vulnerability to food crises and high child mortality in the Chin State, along with many human rights abuses committed by the army with impunity; Myanmar must cooperate with ILO to end forced labour (paras. 59, 73, 78).

Among advanced questions, Canada enquires on inclusive dialogue to resolve the current conflicts and ensure respect for human rights, including self determination and equity (also the Netherlands, Czech Republic). The United Kingdom asks about ensuring respect for human rights in ethnic conflict situations, particularly as to military violence towards civilians, including women and children (also Denmark, France, Ireland). Ireland enquires on ending discrimination and violence against ethnic minorities; and Switzerland, on ensuring their rights (also Norway).

In the WGUPR report [A/HRC/17/9], France expresses concern about ethnic minorities' situation (para. 40; also Malaysia, para. 18; Switzerland, para. 63). Ireland expresses concern and calls for immediate halting of human rights violations and discrimination against ethnic minorities (para. 59; also United Kingdom, para. 26; Austria, para. 60; Italy, para. 85; Poland, para. 75). Denmark is concerned about the use of torture, ill-treatment and arbitrary detention of ethnic minorities (para. 82).

Myanmar rejects allegations of sexual violence against ethnic women and children, and says it has reached ceasefire agreements with most major ethnic armed groups, and conflicts are now confined to a few localities in the border areas; the Government is committed to investigating any allegations of human rights violations and taking action against perpetrators (paras. 94-96). Myanmar is also committed to enhance the well-being of its ethnic nationalities, namely through training of ethnic young people as teachers, and preservation of ethnic languages (paras. 58, 100).

Among the recommendations that Myanmar supports (para. 104), Slovenia recommends ending discrimination against ethnic and religious minorities, and ensuring their fundamental rights (104.29; also Poland, 104.52); Thailand and the Czech Republic recommend pursuing peaceful engagement with ethnic groups to solve long-standing conflicts and address their humanitarian and socio-economic needs (104.51, 104.53).

Among the recommendations that Myanmar committed itself to examine (para. 106), the Czech Republic recommends fully protecting civilians in conflict areas and respecting human rights, including of ethnic minorities (106.31).

Among the recommendations that Myanmar does not support (para. 107), Austria, Italy, France, Uruguay, Sweden and the USA recommend ending discrimination, forced assimilation and persecution, including harassment, torture and forced disappearances, against ethnic and religious minorities (107.25, 107.27, 107.28, 107.30, 107.62, 107.67); the United Kingdom recommends allowing full participation by all ethnic and democratic groups in the country's political life (107.63; also Republic of Korea, 107.58; Czech Republic, 107.64); Norway recommends allowing access for international organizations to ethnic areas (107.68; also France, 107.28).

In its response [A/HRC/17/9/Add.1], Myanmar says recommendation 106.31 will be studied further (paras. 2, 12).

In the Report of the HRC on its 17th session [A/HRC/17/2, paras. 420-452], FORUM-ASIA express concern about ongoing conflicts in ethnic areas (para. 443). AI call for an international commission of inquiry to investigate crimes against humanity, namely those perpetrated by armed forces against ethnic minorities (para. 448; also FORUM-ASIA, para. 443; FIDH, para. 450).
Namibia

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The National Report [A/HRC/WG.6/10/NAM/1] says that Namibia, a signatory of the Declaration, counts large groups of Khoisan, with about 2,000 San, out of 27,000, still following a traditional way of life ( paras. 7, 10). The Ovatu and Ovahimba peoples are nomadic pastoralists (para. 12). The San Development Programme aims at fully integrating San people in mainstream society and economy, and has undertaken several projects including sedentary resettlement and farming, improving school attendance and literacy, employment, and nature conservancy (para. 11). Legislation recognizes indigenous groups’ traditional leaders, including from the five San ethnic groups (para. 65).

The Compilation of UN documents [A/HRC/WG.6/10/NAM/2] reports CERD's concerns (para. 35) on non-recognition of the indigenous communities' rights of traditional land ownership: Namibia should demarcate IPs' lands with their participation, and resolve their land claims while respecting customary laws; ensure that national parks established on IPs' ancestral lands allow for their sustainable development; and return territories taken without consent or provide adequate reparation [CERD/C/NAM/CO/12, paras. 18, 19]. CERD also expresses concerns and makes recommendations (para. 36) about the San IPs' rate of HIV/AIDS infection, lack of access to identity documents, low level of school attendance and low life expectancy; and (paras. 17, 43) about the high incidence of rape of San women by members of other communities; Namibia should ensure thorough and independent investigations into all allegations of rape against San women, and better combat prejudices against the San [CERD/C/NAM/CO/12, paras. 20, 21, 23, 33]. In 2010, the ILO Committee of Experts emphasizes (para. 37) the San and Himba people's lack of work prospects, of access to cash income and to education and basic services, and their vulnerability to unfair labour practices; CEDAW recommends ensuring that rural women of all ethnic groups have access to basic services, credit facilities and land, and participate fully in decision making [CEDAW/C/NAM/CO/3, paras. 26, 27].

In the Summary of stakeholders' information [A/HRC/WG.6/10/NAM/3], NSHR-Namibia indicate that in disregard of legal provisions, IPs still face systematic exclusion and exploitation; Namibia must put an end to this (para. 32).

Among the advanced questions, Germany enquires on follow-up of CERD's recommendations to investigate all allegations of rape against San women, and to combat prejudices against San IPs (also France).

In the WGUPR report [A/HRC/17/14], Namibia reports on support programmes to raise the living conditions of the San, Ovatu and Ovahimba; it is committed to ensuring their full economic and social integration, is acquiring land for their resettlement, and grants them free access to health facilities ( paras. 14-17).

Austria enquires about ending discrimination against indigenous groups (para. 63; also France, para. 75; Slovenia, para. 89). Norway comments on Namibia's efforts to protect IPs' rights (para. 64; also Malaysia, para. 65; Burkina Faso, para. 72; Canada, para. 78; Democratic Republic of the Congo, para. 93). Angola recognizes efforts towards economic and social inclusion of the Khoisan groups (para. 70; also Swaziland, para. 41).

Among the recommendations that Namibia supports (para. 96), Mexico recommends stimulating development of indigenous communities, involving them in decision making (96.65); Slovenia recommends ensuring IPs’ access to education, employment, and health care (96.67); France recommends eradicating discrimination against IPs (96.69; also Morocco, 96.14); Norway recommends formulating a white paper in accordance with the Declaration and recommendations from the CERD, ILO and ACHPR Working Group on Indigenous Populations/Communities (96.70). Among recommendations that Namibia committed itself to examine (para. 98), Austria recommends ending discrimination and marginalization of indigenous groups, in particular the San (98.26). In its response [A/HRC/17/14/Add.1], Namibia accepts this recommendation and informs on implementation (para. 22).


Nauru

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The National Report [A/HRC/WG.6/10/NRU/1] informs on life expectancy at birth for indigenous Nauruan males and females (para. 83), and reports that some indigenous Nauruans have become landless because of disinheritance, contrary to customary principles of succession (paras. 98, 106).


None of the advanced questions mentions IPs.

**Nepal**

10th session of the WGUPR, 24 January – 4 February 2011

The **National Report** [A/HRC/WG.6/10/NPL/1] notes that currently, 59 groups are recognized as indigenous/ethnic nationalities, accounting for 37.2% of the population (para. 4). The National Foundation for Development of Indigenous Nationalities (NFDIN) is mandated to ensure the overall welfare of the indigenous nationalities, based on constitutional protection of their rights (para. 24), including to basic mother tongue education, and to their language, culture and heritage (para. 56). Nepal has ratified ILO Convention 169 and is working out to adopt a national action plan to ensure IPs' participation in decision making (paras. 80, 104).

The **Compilation of UN documents** [A/HRC/WG.6/10/NPL/2] notes that in 2008 the SRIP (para. 59) is encouraged by Nepal's commitment towards IPs' rights, but recommends a comprehensive law and policy reform, in consultation with IPs [A/HRC/12/34/Add.3, paras. 77, 78; also A/HRC/10/53, para. 73; A/HRC/13/73, para. 7; E/2008/43-E/C.19/2008/13, para. 142]. The UN country team notes that Nepal has yet to implement ILO Convention 169, ratified in 2007; IPs are among those most affected by persistent food insecurity, and have so far been excluded from the political process (paras. 49, 60). CERD urges Nepal (para. 44) to ensure IPs' full participation in the Constitution-making process. The ILO Committee of Experts requests information on a national employment policy that adequately addresses IPs' situation (para. 46). CESCR regrets (para. 62) lack of clarity in criteria of the NFDIN to officially recognize indigenous nationalities [E/C.12/NPL/CO/2, para. 28]. The UN 2009 report on the State of the World’s Indigenous Peoples highlights life expectancy and education inequalities affecting IPs (para. 61). CRC expresses concern (para. 18; also UN country team, para. 21) about de facto discrimination against indigenous children [CRC/C/15/Add.261, paras. 35-37]; and CESCR (para. 56), about a great disparity in primary school enrolment affecting indigenous children [E/C.12/NPL/CO/2, para. 27].

In the **Summary of stakeholders' information** [A/HRC/WG.6/10/NPL/3], DFPPHRN say IPs are those most affected by inadequate living conditions (para. 59). NNC-UPR/NWC/HRTMCC/DRCFCN highlight widespread discrimination against IPs, who continue to be generally excluded from decision making (para. 12), do not all enjoy the Government's recognition, and have historically been deprived of land and natural resources due to discrimination, development projects or national parks: Nepal must protect all IPs' right to own, control, and develop their ancestral lands and natural resources, based on their free prior and informed consent (para. 73; also DFPPHRN, para. 62). NNC-UPR/NWC/HRTMCC/DRCFCN call for urgent implementation of ILO Convention 169, the Declaration, the SRIP’s recommendations and CERD’s concluding observations; ensuring IPs' participation in the constitution-making process, and their language and culture rights (paras. 74, 75).

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

In the **WGUPR report** [A/HRC/17/5], Nepal cites the NFDIN and emphasizes its commitment towards IPs' rights (paras. 12, 16, 49). One third of the Constituent Assembly Members are indigenous (para. 98; Bolivia welcomes this, para. 87). Australia asks about addressing ethnicity-related discrimination and exclusion (para. 37; also Finland, para. 33; Slovakia, para. 68; Poland, para. 71; Sweden, para. 83). Malaysia says more can be done to safeguard IPs' rights (para. 65).

Among the **recommendations** supported by Nepal (para. 106), Poland recommends ensuring ethnic groups' full participation in the Constitution-making process (106.1); Argentina recommends overcoming ethnicity-based discrimination and exclusion (106.21); Hungary recommends improving IPs' food security (106.49); Finland recommends ensuring equal access to quality education for ethnic minorities' children (106.53).

Among the recommendations that Nepal considers as being implemented (para. 107), Germany recommends criminalizing ethnicity-based discrimination (107.12); Malaysia recommends increasing IPs' involvement in the State apparatus (107.28).

Among the recommendations that Nepal committed itself to examine (para. 108), Norway recommends adopting legislation and policies fully complying with international human rights standards on IPs' rights (108.11); Finland recommends helping ethnic minorities' children to complete their education, and ensuring their ability to empower their communities (108.35; also Malaysia, 108.31). In its **response** [A/HRC/17/5/Add.1], Nepal accepts these recommendations.

Niger
10th session of the WGUPR, 24 January – 4 February 2011

The National Report [A/HRC/WG.6/10/NER/1] notes (para. 3) that Niger's population comprises the Tuareg, Peuhl, Kanuri and Tubu ethnic groups.

The Compilation of UN documents [A/HRC/WG.6/10/NER/2] reports that the ILO Committee of Experts urges combating an archaic form of slavery existing in nomadic communities (para. 14). CERD and several SRs request information from Niger (paras. 44, 45) on the situation of the Tuareg IPs, on impact of uranium extraction activities on their traditional lands and on measures taken to obtain their prior informed consent [A/64/18, para. 25; A/HRC/7/21/Add.1, paras. 41-44; A/HRC/7/5/Add.1, para. 81; A/HRC/7/11/Add.1, para. 37; A/HRC/9/9/Add.1, paras. 358-374; A/HRC/9/22/Add.1, paras. 16-27; A/HRC/11/2/Add.1, paras. 280-288; A/HRC/12/34/Add.1, paras. 296-329; A/HRC/12/26/Add.1, paras. 41-46]. CRC expresses concern (para. 50) at the continued military conflict in the North, likely to further impoverish the vulnerable nomadic populations [CRC/C/NER/CO/2, para. 68].

In the Summary of stakeholders' information [A/HRC/WG.6/10/NER/3], AI report on torture and extra judicial killing by security forces, since 2007, of people suspected of links with the Tuareg armed uprising, and call on Government to prosecute perpetrators, bring national legislation in line with international human rights standards, and enforce it; authorities have also imposed blackouts on media coverage of the Tuareg uprising (paras. 9, 10, 19).

TUNFA warn that Niger's IPs, the Tuareg, Peuhl and Tubu, are threatened by illegal occupation of their territories and plundering of their natural resources, leading to forced evictions without any right to speak out or to compensation (also IT, para. 27); the Tuareg and Peuhl IPs have been increasingly facing this violence for the past 40 years, with the presence of uranium mining corporations (para. 25). IT call for a moratorium on projects for which independent, open impact studies have not yet been carried out, particularly on quality and reduction of water resources; and for equality of rights between sedentary and nomadic groups – particularly the Tuareg – regarding access to land (paras. 27, 28). TUNFA recommend that the Government implement the Declaration (also A3T, IT), draft a law to recognize IPs' status, and encourage their participation in political life (para. 26). A3T recommend several measures to promote the Tamashes language in Niger, including allocation of funds to preserve it (para. 29).

None of the advanced questions mentions IPs.

In the WGUPR Report [A/HRC/17/15], Slovakia enquires about slavery in nomadic communities (para. 41).

Among the recommendations that Niger supports (para. 76), Norway recommends urgently addressing the violent conflicts between nomadic pastoralists and sedentary farmers (76.54). Among the recommendations that Niger committed itself to examine (para. 78), Norway recommends implementing the recommendations of the ACHPR Working Group on Indigenous Populations/Communities (78.13). In its response [A/HRC/17/15/Add.1], as to this recommendation, Niger explains that it does not recognise the existence on its territory of indigenous populations (para. 25).

In the Report of the HRC on its 17th session [A/HRC/17/2, paras. 581-600], Niger rejects recommendation 78.13, saying it does not discriminate against any ethnic group and ensures equal cultural promotion and development to all (para. 589).

Palau
11th session of the WGUPR, 2 – 13 May 2011

The National Report [A/HRC/WG.6/11/PLW/1] acknowledges three indigenous languages in Palau and their constitutional recognition as national or official languages (paras. 9, 85); as well as the high proportion of ethnic Palauan persons among its population (para. 21).


In the Summary of stakeholders' information [A/HRC/WG.6/11/PLW/3], OcHR call on Palau to translate international human rights instruments, including the Convention on the Rights of the Child, into the indigenous language (para. 7).

Among the advanced questions, Slovenia enquires on translation of relevant international human rights instruments into the indigenous language.

In the WGUPR Report [A/HRC/18/5 and Add.1], Palau responds that CEDAW has been translated into Palauan (para. 38). None of the report's recommendations refers to IPs.

**Papua New Guinea**  
11th session of the WGUPR, 2 – 13 May 2011


In the Compilation of UN documents [A/HRC/WG.6/11/PNG/2], a UN joint report underscores ongoing conflicts over land and resource rights between IPs, corporations and the Government, while its duty of due diligence, and corporate responsibility regarding environmental degradation, are inadequately implemented (para. 66). The 2006 PF desk review on MDG reports notes that Papua New Guinea needs to address its IPs specifically (para. 67).

In the Summary of stakeholders' information [A/HRC/WG.6/11/PNG/3], UOCLIHRC recommend Papua New Guinea's accession to ILO Convention 169 (para. 2). UOCLIHRC (also HRW) emphasize healthcare issues for IPs including maternal mortality, child mortality, HIV/AIDS, and access to services (para. 37). OCHR recommend human rights education trainings, and translating international instruments into indigenous languages (para. 52). HRW, CELCOR and STP address the Environment Act 2010, and call on the Government to repeal it, as its amendments will strip citizens of their right to challenge the legality of government-supported projects in court, and protect the interests of investors at the expense of the environment and resource owners (para. 53). UOCLIHRC note that deforestation threatens IPs' habitat and ecosystems, and contributes to climate change and rising sea levels that will lead to complete submersion of some islands (para. 54).

None of the advanced questions mentions IPs.

In the WGUPR report [A/HRC/18/18], Norway expresses concern over amendments to the Environment Act (para. 50). Mexico asks about IPs' vulnerability to natural disasters (para. 54).

Among the recommendations that Papua New Guinea committed itself to examine (para. 79), Norway recommends ratifying ILO Convention 169 and implementing the Declaration (15); working closely with IPs in promoting environmental protection (67); and reviewing the 2010 amendment to the Environment Act in order to ensure consistency with the Declaration (69). The Holy See recommends stopping deforestation and indiscriminate exploitation of minerals, as this limits IPs' land and subsistence rights (68).

In its response [A/HRC/18/18/Add.1 & Corr.1], Papua New Guinea accepts recommendation 67, as corresponding to its policy. It rejects recommendations 15 and 69, arguing that indigenous rights are not issues in the country. It rejects recommendation 68, given the country's economic dependence on extractive and mining projects.

The Report of the HRC 18th session [A/HRC/18/2, paras. 637-659], does not mention IPs.

**Paraguay**  
10th session of the WGUPR, 24 January – 4 February 2011

The National Report [A/HRC/WG.6/10/PRY/1] notes, as regards administration of justice, constitutional recognition of IPs' customary law, as well as a special procedure and institutional arrangements to ensure application of national and international provisions on IPs' rights whenever members of indigenous communities are involved in criminal cases (paras. 12, 13, 32, 33, 42, 43). Regarding the Inter-American Human Rights Court rulings, compensation payments were made to the Yakyé Axa and the Sawhoyamaxa indigenous communities (para. 20).

IPs make up some 2 percent of Paraguay’s population; indigenous communities' specific rights are recognized and the Institute for Indigenous Affairs is mandated to oversee indigenous policies (paras. 64, 65). IPs' participation in policy making is addressed through efforts to provide identity documents to all indigenous persons, and working out a protocol on consultation mechanisms (paras. 66-68). The State continues to purchase lands for indigenous communities and to provide them with deeds; and acknowledges the need to strengthen inter-institutional efforts to overcome their remoteness (paras. 69-70). Paraguay emphasizes several measures to improve the living conditions of indigenous communities, including on sustainable development, food security, sustainable access to safe drinking water and to sanitation (paras. 127, 128, 140, 143); adequate housing (paras. 167, 170); access to public healthcare services (para. 139); as well as prevention and control of IPs' forced labour and debt bondage (para. 159). Bilingual Spanish-Guaraní education is available for all pupils and mother-tongue literacy programmes to indigenous populations, in order to reduce a high illiteracy rate among them (paras. 144-145). Indigenous education is developed with IPs' participation, and an independent budget is provided to enable indigenous communities to manage their education policies autonomously; figures show a significant increase in enrolment (paras. 149, 150).
The Compilation of UN documents [A/HRC/WG.6/10/PRY/2 and Corr.1] reports (paras. 21, 43) CRC's concerns about discrimination facing IPs, and (also Human Rights Committee) about difficulties of accessing registering services for indigenous children; Paraguay must ensure that unregistered children are not deprived of their rights, notably to health and education [CRC/C/PRY/CO/3, paras. 24, 33, 34, CCPR/C/PRY/CO/2, para. 22]. The UN country team reports persisting discrimination against speakers of Guaraní and other indigenous languages (para. 68). The SR on the right to education deems (para. 69) that urgent action is essential to save and develop Guaraní, increasingly shunned by teachers and young people, despite its constitutional protection [A/HRC/14/25/Add.2, para. 60].

The ILO Committee of Experts (paras. 32, 33, 71) request information on IPs' consultation regarding implementation of Paraguay's decent work programme, and its impacts on the eradication of IPs' forced labour; and expects urgent action to stop bonded labour in indigenous communities [CRC/C/PRY/CO/3, para. 37]. In 2009, the PF underscores (paras. 48, 52, 59, 65) that most Guaraní people work in agriculture, while only a third are wage earners, and IPs' average monthly income is about half the minimum wage; allegations of repressive action against the indigenous workers' organization; IPs' massive lack of access to medical services; a 40 percent rate of illiteracy affecting them, and indigenous children's very limited school attendance (also SR on education, para. 64 [A/HRC/14/25/Add.2, p. 1 and para. 79]). CESCR notes with concern that some 45 percent of IPs do not hold legal title to their ancestral lands, and that a large number of indigenous families face forced evictions, with reports of police excessive use of force [E/C.12/PRY/CO/3, paras. 17, 18]; the PF recommends continued cooperation with IPs' organizations in order to find emergency solutions to the extremely serious situation of indigenous communities, to ensure reconstitution of their territory, and to protect indigenous children from forced labour (paras. 67, 70).

In the Summary of stakeholders' information [A/HRC/WG.6/10/PRY/3], CAI propose enactment of the parliamentary bill on discrimination, and adopting a legal instrument on prior consultations with IPs (para. 2). The Ombudsman's Office call for a comprehensive policy on IPs (para. 5). CODEHUPY draw attention to the dire living conditions of rural indigenous women, pushing them into urban centres, where their vulnerability increases; Paraguay has no policy to promote women's access to land ownership, and responds to unequal land distribution with repression and forced evictions (para. 12). IMA/VIDES-International emphasize discrimination against IPs (para. 31; also OPIT/GAT). The Ombudsman's Office highlights IPs' lack of access to education in their communities, and a need for technical assistance to address this (para. 41). OPIT/GAT say the Ayoreo Totobiegosode IPs, still fighting for legal recognition of their lands, are alarmed (also AI, para. 46) by deforestation threatening isolated forest-dwelling IPs (para. 43). While acknowledging progress in Paraguay's legal framework and support of international instruments, AI warn that the institutional framework continues to fail IPs in their struggle for their rights, and that widespread campaigns aim at discrediting indigenous leaders and organizations; a national participatory mechanism must be designed to address IPs' land claims (also CODEHUPY, para. 49); and an action plan tackle socio-economic disparities (paras. 44-46). AI urge that every effort be made to return traditional lands to the Yakye Axa and Sawhoyamaxa communities, as ordered by the Inter-American Court of Human Rights (also CODEHUPY, para. 49), while respecting their free prior and informed consent, and guaranteeing their health and survival (para. 47). CODEHUPY call for an institutional consultation mechanism, as required by ILO Convention 169, to ensure IPs' right to participate in decision making (para. 48).

Among advanced questions. Canada enquires on implementing the Inter-American Court of Human Rights rulings on IPs' land claims (also United Kingdom, Norway). The Netherlands enquires on combating discrimination against IPs, especially as to claims to traditional lands and territories (also United Kingdom, Czech Republic, Norway, Sweden; Slovenia for illiteracy). The United Kingdom enquires on compliance with international standards on IPs' rights (also Sweden).

In the WGUPR report [A/HRC/17/18], Paraguay reiterates information on bilingual education, on creation of its integral programme for IPs, and its consultation process complying with ILO Convention 169 (paras. 17, 23, 25).

Canada welcomes efforts to address IPs' rights and land settlement issues (para. 40; also Norway, para. 48; Mexico, para. 72). Poland encourages efforts to eliminate discrimination against them (para. 42; also Australia, para. 73). The United Kingdom enquires on implementing the judgements of the Inter-American Court of Human Rights on indigenous land claims (para. 45; also France, para. 58). Switzerland notes limitations to recognition of IPs' rights (para. 49; also Guatemala, para. 30; United Kingdom, para. 45). France emphasizes IPs' high rate of illiteracy, and lack of access to medical services (para. 58). The Republic of Korea observes IPs' marginalization as regards land opportunities and education (para. 62; also Cuba, para. 43). Peru notes efforts to implement Guaraní-Spanish bilingual education (para. 76).
Paraguay recalls its constitutional and legal recognition of IPs' rights and communities, and measures taken to uphold these rights (para. 55). Compliance with the rulings of the Inter-American Court on Human Rights will require reaching national consensus (para. 82).

Among the recommendations that Paraguay supports (para. 84), Cuba recommends further improving enjoyment of IPs' rights to education and health (84.16); Norway recommends inclusion of IPs' organizations in implementing UPR recommendations (84.20); Bolivia recommends pursuing literacy efforts, access to bilingual education and promotion of Guaraní (84.43; also Malaysia, 84.42); Switzerland recommends prioritizing support for the National Indigenous Institute (84.45); Hungary recommends protecting IPs' collective land property rights (84.46; also Republic of Korea, 84.44; Switzerland, 84.45).

Among recommendations that Paraguay supports as being implemented (para. 85), Bolivia recommends a comprehensive public policy to protect IPs' rights (85.64); the United Kingdom recommends a participatory mechanism to address IPs' land claims (85.65; also Holy See, 85.62; Spain, 85.63; Germany, recommending a comprehensive land registry, 85.67); Norway recommends ensuring compliance with ILO Convention 169 and the Declaration (85.66); Canada recommends fully implementing the rulings of the Inter-American Court on Human Rights on indigenous land claims (85.68; also Norway, 85.69; France, 85.70); Mexico recommends a consultation mechanism to include IPs in decision making (85.71; also Bolivia, 85.64); Slovakia recommends addressing IPs' access to employment, medical services, education and housing (85.72; also Costa Rica, 85.61).

Among recommendations that Paraguay committed itself to examine (para. 86), Sweden and France recommend addressing socio-economic disparities facing IPs (86.2, 86.5). In its response [A/HRC/17/18/Add.1], Paraguay accepts these recommendations, and reports on implementation (paras. 3-5, 15-17).

In the Report of the HRC on its 17th session [A/HRC/17/2, paras. 672-699], Paraguay reports on restitution of indigenous communities' ancestral lands, and reiterates its commitment to uphold the judgements of the Inter-American Court on Human Rights (para. 681; AI call for a clear plan of action, para. 697). Cuba and El Salvador note progress and remaining challenges as to IPs' rights and socio-economic status (paras. 691, 695). VIDES-International remain concerned by deficiencies in primary education for IPs and their limited access to secondary education (para. 696).

**Rwanda**

10th session of the WGUPR, 24 January – 4 February 2011


The Compilation of UN documents [A/HRC/WG.6/10/RWA/2] reports (paras. 22, 67) concerns and recommendations by the Human Rights Committee about non-recognition of IPs' existence and discrimination against Batwa IPs [CCPR/C/RWA/CO/3, para. 22]. The ILO Committee of Experts requests information on measures to improve access of the Batwa to education and employment (para. 67). CRC is concerned (para. 68) at the Batwa children's limited access to basic social services, and violation of their rights to development, to culture and to protection from discrimination [CRC/C/15/Add.234, para. 75].

In the Summary of stakeholders' information [A/HRC/WG.6/10/RWA/3], UNPO recommend that Rwanda ratify ILO Convention 169 (para. 1); and employ disaggregated data to develop policies to address high levels of violence and sexual abuse against Batwa women – a pre-requisite being that the Government recognize IPs (para. 3). UNPO (also LDGL) note that having no legal recognition, the Batwa are prevented from engaging in national political activities; are not recognized in governmental welfare and development programmes; and enjoy limited access to justice due to various factors (paras. 4, 15). Rwanda's land regime does not recognize the land rights of the Batwa IPs' semi-nomadic, forest-based lifestyle; UNPO underscore (also LDGL) that they have lost much of their land, without compensation, to the thousands of returnees (para. 37). Increased forest economic activity has been displacing many Batwa, often without compensation and resettlement; while Parliament has enormous autonomy to convert land use, the Batwa are not consulted and are unable to prevent degradation of their traditional forest lands and natural resources, which forces them into poverty and modern-day slavery – UNPO call on Rwanda to address this (paras. 38, 39).

Among the advanced questions, Belgium enquires on protection of the Batwa against discrimination.

In the WGUPR report [A/HRC/17/4], Rwanda states that its legislation outlaws discrimination, and emphasizes efforts to address disparities facing the Batwa (para. 20).

Among the recommendations that Rwanda supports (para. 79), Chile recommends reducing poverty and promoting integration of the Batwa community (79.20). Among the recommendations that Rwanda committed itself to examine (para. 80), Spain recommends avoiding discrimination and protecting the rights of the Batwa.
community, with UN technical assistance (80.15). Among the recommendations that Rwanda does not support (paras. 81, 82), Malaysia recommends improving IPs' access to basic social services (81.3).

In its response [A/HRC/17/4/Add.1], Rwanda states its commitment to fighting discrimination and says various social protection programs benefit all vulnerable groups, including the Batwa, whose situation will hopefully be better explained by the report of the SR on minorities on her 2011 visit (paras. 13, 14). Rwanda says it has vulnerable and marginalized groups but no IPs (para. 21).

In the Report of the HRC on its 17th session [A/HRC/17/2, paras. 266-294], Rwanda rejects recommendations 80.15 and 81.3, reiterating that there is no discrimination in the country, and no IPs (paras. 271, 272, 275). Uganda acknowledges measures to protect the Batwa community's rights (para. 286). STP express concern at non-ratification of ILO Convention 169, and at the refusal to legally recognize the Batwa as IPs, which excludes them from active engagement in national political activities and in decision making on policies affecting them; Rwanda should reconsider its decision not to support recommendations 80.15 and 81.3 (para. 289). Rwanda considers STP's statement as unfortunate (para. 294).

Saint Lucia
10th session of the WGUPR, 24 January – 4 February 2011


The Compilation of UN documents [A/HRC/WG.6/10/LCA/2] reports CERD's concerns and recommendations (paras. 15, 37, 52-54) regarding inclusion in school textbooks of racist passages concerning the Betechilokono people; IPs' exclusion from political elections and their very limited access to education and training, due to barriers facing Kweyol-speaking people; threats to IPs' cultural rights by the destruction of sacred and cultural sites and objects; and Saint Lucia's failure to recognize the Betechilokono IPs [A/59/18, paras. 443, 446, 447, 449, 450, 452].

Among the advanced questions, Slovenia enquires about the rights recognized to IPs and their participation in social and political affairs.

The WGUPR Report [A/HRC/17/6] only mentions IPs among the recommendations that Saint Lucia committed itself to examine (para. 89), where China recommends strengthening IPs' cultural rights (57); Spain recommends increasing inclusion of the Kweyol-speaking community (108).

In its response [A/HRC/17/6/Add.1], Saint Lucia accepts recommendation 108 on the understanding that it is not discriminatory. Saint Lucia does not accept recommendation 57, and denies that IPs exist in the country.


Samoa
11th session of the WGUPR, 2 – 13 May 2011


In the Summary of stakeholders' information [A/HRC/WG.6/11/WSM/3], SUNGO recommend that Samoa: ratify ILO Convention 169 (para. 2); and actively engage in a reforestation programme using native plants to retain indigenous knowledge and practices (para. 45).

None of the advanced questions mentions IPs.

The WGUPR report [A/HRC/18/14] only mentions IPs among the recommendations that Samoa does not support (para. 76), where Ecuador recommends ratifying ILO Convention 169 (1). Samoa’s response [A/HRC/18/14/Add.1] does not mention IPs.


Solomon Islands
11th session of the WGUPR, 2 – 13 May 2011

The National Report [A/HRC/WG.6/11/SLB/1] acknowledges approximately 120 indigenous languages (para. 9). Issues of migrants’ rights, land rights and indigenous rights have become contentious: although the Constitution provides for the freedom of movement, some IPs deem that it does not endorse the right to settle on customarily owned land (para. 49). In this regard, the Government calls for assistance in solving the situation...
of communities displaced from other Pacific islands and resettled on the Solomon Islands (para. 50). The climate change policy includes protection of IPs' rights (para. 58).

The **Compilation of UN documents** [A/HRC/WG.6/11/SLB/2] reports ( paras. 15, 58) CRC's concerns about discrimination against children of ethnic minorities, and from remote islands, regarding adequate healthcare and educational facilities [CRC/C/15/Add.208, para. 4, 21].

In the **Summary of stakeholders' information** [A/HRC/WG.6/11/SLB/3], STP indicate that IPs are suffering from unsustainable logging of the tropical rainforest (para. 45); they were not consulted on the Government's timber policy and there is no equal sharing of benefits, leading to disputes arising from jealousy and a lack of documentation of the traditional ownership of land (para. 43). The logging industry has also brought about a cash economy and commercial sexual exploitation of children, and changes in IPs' traditional values (para. 44).

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


**Somalia**

11th session of the WGUPR, 2 – 13 May 2011

The **National Report** [A/HRC/WG.6/11/SOM/1] acknowledges, among its population, the existence of ethnic minorities of undetermined size (para. 9).

The **Compilation of UN documents** [A/HRC/WG.6/11/SOM/2] contains no mention of IPs.

In the **Summary of stakeholders' information** [A/HRC/WG.6/11/SOM/3], IFOH-K-IIDA warn that women and girls engaging in pastoralism are at risk of attacks from armed groups (para. 23). SFS note that only 2 percent of the nomadic community obtains water from protected sources (para. 57).

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


**Sudan and Southern Sudan**

11th session of the WGUPR, 2 – 13 May 2011


The **Compilation of UN documents** [A/HRC/WG.6/11/SDN/2] reports (para. 11) CRC's concerns about ethnic discrimination [CRC/C/SDN/CO/3-4, paras. 29, 30].

In the **Summary of stakeholders' information** [A/HRC/WG.6/11/SDN/3 and Corr.1], MRG warn that in Southern Sudan, the Sudan People's Liberation Army has been accused of human rights abuses against specific ethnic groups; and that the Government has leased to a foreign company a vast tract of land inhabited by ethnic groups who exercise a collective, customary form of land ownership ( paras. 74, 75).

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

In the **WGUPR Report** [A/HRC/18/16], Finland and Iran address the protection of ethnic groups' rights ( paras. 65, 71).

The **Report of the HRC 18th session** [A/HRC/18/2, paras. 558-608] does not mention IPs.

**Suriname**

11th session of the WGUPR, 2 – 13 May 2011

In the **National Report** [A/HRC/WG.6/11/SUR/1], Suriname acknowledges Amerindians among its population, and their various languages ( paras. 22, 23). Public and private programmes support IPs in conserving their culture, including inter-generation transmission of traditional knowledge as part of primary school curriculum (para. 93). The interior, representing 90 percent of Suriname's territory, is populated mainly by IPs and Maroons, respectively about 3 and 10 percent of the population (para. 126). The Constitution and law afford them no special protection, and they face illegal and uncontrolled logging and mining activities; since 2010, progress has been made on demarcation of the lands of several Maroon communities and one indigenous tribe (para. 128).
2007 Suriname was judged by the Inter-American Court of Human Rights to recognize the collective land rights of the Saramaka people, a Maroon tribe; a similar petition by an indigenous people is pending at the IACHR (paras. 129-131).

In the Compilation of UN documents [A/HRC/WG.6/11/SUR/2], CERD welcomes (paras. 2, 47) Suriname’s consideration of ILO Convention 169, and support for the Declaration, while calling for increased awareness-raising efforts [CERD/C/SUR/CO/12, paras. 4, 17, 25]. In 2006, CERD (para. 10) recommends that Suriname extend an invitation to the SRIP, who receives in 2008 a request for technical assistance [CERD/C/DEC/SUR/5; A/HRC/12/34/Add.1, paras. 498-502]. The UN country team, CERD and CRC report (paras. 14, 15, 36, 40) that IPs and Maroons face discrimination in terms of socio-economic development, access to health care, water and sanitation, labour rights, vulnerability of women to poverty and of children to malnutrition [CERD/C/SUR/CO/12, paras. 15, 17; CRC/C/SUR/CO/2, paras. 26, 27, 51, 52, 61; CCPR/CO/80/SUR, para. 21]. CEDAW urges Suriname (paras. 35, 37) to accelerate full participation of indigenous women in decision-making bodies, and to ensure their access to vocational training [CEDAW/C/SUR/CO/3, paras. 26, 28]. CRC expresses concern and makes recommendations (para. 23) regarding reports of rape of indigenous girls in areas of mining and forestry operations [CRC/C/SUR/CO/2, paras. 67], while CEDAW urges Suriname to combat this through law and in practice [CEDAW/C/SUR/CO/3, para. 22]. CRC (also the ILO Committee of Experts) urges Suriname (para. 24) to tackle child labour, including through creating educational opportunities for indigenous children [CRC/C/SUR/CO/2, para. 66]. The UN country team emphasizes (para. 45) the lower quality of education and the absence of secondary schools in the interior, which impedes indigenous children to use their languages while also learning Dutch, and to have their need met within their families and communities; CERD urges Suriname to adequately recognize native languages and introduce bilingual education [CERD/C/SUR/CO/12, para. 16].

While acknowledging a national economy heavily depending on the extractive industry, CERD expresses concern and recommends (paras. 48, 49) ensuring legal acknowledgement of the IPs’ and Maroons’ collective rights to own, develop and control their lands, resources and territories according to customary laws and systems, and to participate in the management of associated natural resources; and establishing a comprehensive national land rights regime with IPs’ and Maroons’ full participation – without hampering Suriname’s compliance with the Inter-American Court of Human Rights rulings in the Saramaka People case [CERD/C/SUR/CO/12, paras. 12, 13, 18, 25]. Also (para. 50), mining licences continue to be granted to enterprises without IPs’ prior and informed consent: Suriname should update and approve its draft mining act in conformity with CERD’s recommendations [CERD/C/SUR/CO/12, para. 14; CERD/C/DEC/SUR/5]. Taking note of allegations of mercury contamination in the vicinity of Maroon and Amerindian communities, the Human Rights Committee (para. 51) recommends that Suriname prevent environmental mercury contamination [CCPR/CO/80/SUR, para. 21].

In the Summary of stakeholders’ information [A/HRC/WG.6/11/SUR/3], UOCLIHRC indicate that in the interior IPs and Maroons face inequalities regarding health and access to food; Suriname should remedy to this, including by regulating gold mining, ensuring cleaning up of waterways contaminated by mercury, and minimizing future impacts of contamination (paras. 9, 10). UOCLIHRC recommend increasing the quality of education in the interior to reach national standards, improving attendance rates, investigating issues of bilingual education for young children, improving data collection on indigenous education, and assisting indigenous children in pursuing higher education in the coastal regions (paras. 12-15). STP say most Amerindians have only limited ability to participate in decisions affecting them, due to remoteness; the 2007 Inter-American Court of Human Rights judgement in the Saramaka people case recognizes that IPs and Maroons suffer from illegal logging and mining – UOCLIHRC emphasize that Suriname should legally recognize IPs’ right to own land and resources collectively, as recommended by CERD, and institute a system of legal title documentation for IPs’ customary land rights (paras. 16-18). UOCLIHRC further recommend that Suriname properly demarcate IPs’ territories with their participation; acknowledge the right of IPs to develop resources on their lands; and grant no natural resources concessions without IPs’ free prior and informed consent, and without prior independent assessment of social, economic, and environmental impacts (paras. 19-21, 23).

Among the advanced questions, the Netherlands enquires on legal recognition of indigenous collective land rights. Norway enquires on ratification and implementation of ILO Convention 169; and on measures to ensure IPs’ right to land, following the 2007 judgement of the Inter-American Court of Human Rights.

In the WGUPR report [A/HRC/18/12], Suriname reports on implementation of the Inter-American Court of Human Rights’ 2007 judgement, noting that some aspects of it call for in-depth consultation, which is under way with Maroons’ and IPs’ authorities, and other relevant stakeholders (paras. 15, 16). Suriname has received the SRIP’s technical assistance in drafting legislation on IPs’ rights; and will convene a national conference on land rights (paras. 17, 18). Given this consultative process, Suriname is not yet able to ratify ILO Convention 169 (para. 21).
Canada welcomes efforts to give effect to IPs' and Maroons' rights, noting however that recognition is often only at the individual level (para. 40). Germany enquires on implementation of the 2007 ruling of the Inter-American Court of Human Rights (para. 50). The USA expresses concern that Surinamese laws do not afford any special protection for IPs and that they continue to be disadvantaged, including due to illegal mining on their lands (para. 55; also Hungary, para. 45; Germany, para. 50; Slovakia, para. 59; Ecuador, para. 60). Mexico emphasizes the drafting of a law on IPs' rights (para. 57).

Suriname explains that the Maroon population, larger than the indigenous population, has been living in the interior for more than three hundred years; the Inter-American Court of Human Rights' judgement states that they should have the same rights as IPs, but sometimes these rights are competing: defining a genuine solution will take some time (paras 63, 67). Migrant workers' issues are linked to this, as these are involved in gold-mining in the interior, inhabited by Maroons and IPs (para. 70).

Among the recommendations that Suriname supports (para. 72), the USA recommends continuing dialogue with indigenous persons (72.31); and work with the SRIP (72.8). Slovakia recommends improving access to free basic education for indigenous children (72.30).

Among the recommendations that Suriname committed itself to examine (para. 73), Norway and Ecuador recommend ratifying ILO Convention 169 (73.10, 73.11). Slovakia recommends eliminating discrimination against IPs (73.30; also Germany, 73.31). Trinidad and Tobago recommends recognizing IPs' collective rights (73.52). Hungary recommends legally acknowledging IPs' rights to own, and control their lands, resources and territories according to customary law (73.54; also Canada, 73.53). The United Kingdom recommends ensuring that indigenous communities benefit fully from public services (73.56). The Netherlands recommends fully executing the Inter-American Court of Human Rights' judgement in the Saramaka people case, and enshrining IPs' and Maroons' land rights in the legal framework (73.57; also Norway, 73.55; United Kingdom, 73.56).

In its response [A/HRC/18/12/Add.1], Suriname argues that a number of recommendations require broad social debate and a thorough study, including recommendations 73.30 and 73.31, which Suriname cannot accept (paras. 5, 6, 7). It does not support, but will continue to grant attention to recommendations 73.10 and 73.11, and to recommendations 73.52 to 73.57, arguing that the upcoming National Land Rights Conference will open a broad national effort for a balanced solution to the issue of land rights, including ratification of ILO Convention 169 (paras. 11, 13, 14).

In the Report of the HRC 18th session [A/HRC/18/2, paras. 481-506], Suriname reiterates that the issue of land rights needs broad national consensus, which the National Land Rights Conference (welcomed by the USA, para. 501) strives to build, to find a solution to the conflict between the Government, and the IPs and Maroons, whose claims on the lands which they have occupied for centuries compete with the Government's position that the country's entire territory belongs to the State (paras. 488-493, 496). UNICEF calls on Suriname to focus on indigenous children's rights in line with the accepted recommendations (para. 503).

Tanzania (United Republic of)

12th session of the WGUPR, 3 – 14 October 2011

The National Report [A/HRC/WG.6/12/TZA/1] states Tanzania's position that there are particular groups in the country that need special protection and the Government has taken measures to do so; Tanzania is working on the Human Rights Committee's recommendation regarding IPs' rights (para. 44).

The Compilation of UN documents [A/HRC/WG.6/12/TZA/2] reports (paras. 64, 65) that the Human Rights Committee (also the UN country team, CERD and SR on toxic waste) recommend adopting specific legislation and measures to protect IPs' cultural heritage and way of life, and consulting indigenous communities before establishing projects on ancestral or disputed lands [CCPR/C/TZA/CO/4, para. 26; CERD/C/TZA/CO/16, paras. 14, 16; A/HRC/9/22/Add.2, p. 2]; in 2007 the SRIP and two other SRs sent an allegation letter regarding a hunting license granted to a private company on traditional lands of the Hadzabe indigenous community (para. 66). CERD requests (para. 78) information on follow-up measures regarding alleged discrimination against Maasai pastoralists [A/64/18, para. 27].

In the Summary of stakeholders' information [A/HRC/WG.6/12/TZA/3], a civil society Joint Stakeholders Submission recommends that Tanzania adopt ILO Convention 169 and enact a law on IPs (paras. 2, 61). FI/FMSI say that lack of political representation in Parliament exacerbate IPs' exclusion (para. 46). The Joint Stakeholders Submission on Pastoralism and Hunter-Gatherers in Tanzania (PINGOs Forum/TAPHGO/IWGI/AORDA/UCRT/PWC/ALAPA/LCDO/TNRF/NGONET/HIMWA/MPDO/SDCTRUST/CORDS/MANYOITO/FRUCOS/HSCT/LADO/UWAKAMA/UWM/SHILDA) recommends that Tanzania adopt education and healthcare programmes meeting the specific needs of its pastoralists and hunter-gathering IPs, including the Maasai, Barbaig, Akie, Taturu and Hadzabe (paras. 52, 60, 62). This Joint Submission, along with MRG, STP and UNPO, report that Tanzania has been engineering forceful evictions of pastoralists with little regard to
traditional land tenure and customary practices (also FI/FMSI), in order to give way to other economic activities, thus leading to conflicts with other land users; Tanzania must ensure resettlement of all victims of evictions, punish perpetrators of human rights violations, and criminalize any future eviction; set up statutory consultation mechanisms with organizations working on IPs' rights; ensure legal recognition of IPs' identity and land ownership; and ensure that governmental and corporate projects benefit indigenous communities (paras. 18, 31, 63-66).

Among advanced questions, Denmark enquires on legislative measures to address IPs' rights.

In the WGUPR report [A/HRC/19/4], Tanzania reiterates its position on IPs (para. 24). Finland enquires about implementation of the SRIP's recommendations, and about legal protection of IPs' rights (para 36; also Mexico, para. 75). Denmark (also Finland) expresses concern about denial of IPs' rights to ancestral lands, leading to forced evictions (para. 61).

Among the recommendations that Tanzania committed itself to examine (para. 86), the Netherlands recommends aligning policies to ensure pastoralists' access to land and water with the African Union Framework on Pastoralism, and concluding regional agreements (46). Denmark recommends recognising IPs and effectively protect their rights (48); and protecting their cultural heritage and traditional way of life, while respecting their free, prior and informed consent (49; also Finland, 52). Finland recommends investigating forced evictions and land conflicts and drafting new legislation in this regard, fully taking IPs' rights into account (50; also Mexico, 51).

In its response [A/HRC/19/4/Add.1] Tanzania supports in part recommendation 46: pastoralists have the right to use available land and water resources; the issue of cross-border pastoralism requires consultations. Tanzania does not support recommendations 48 to 52, arguing that the term “indigenous peoples” is not applicable.

In the Report of the HRC 19th session [A/HRC/19/2 (Advance unedited version), paras. 369-403], Tanzania reiterates this position regarding IPs (para. 388).

Thailand

12th session of the WGUPR, 3 – 14 October 2011

The National Report [A/HRC/WG.6/12/THA/1 & Corr.1] acknowledges the existence of hill tribes (para. 6), and informs on the possibilities for their people to obtain personal status within Thailand as long-term migrants or Thai nationals (paras. 64, 90, 91). All ethnic groups enjoy equal protection under the law, while the Constitution informs on the possibilities for their people to obtain personal status within Thailand as long-term migrants or Thai nationals (paras. 64, 90, 91).

In its updated document [A/HRC/WG.6/12/THA/2] reports CRC's concerns about persistent discrimination against indigenous children, and recommendations about their equal access to culturally sensitive quality education [CRC/C/THA/CO/2, paras. 24, 63(c)], whereas the UN country team emphasizes serious violations of the rights of ethnic minorities' children (paras. 15, 46). A 2007 UNDP report indicates (para. 44) that child malnutrition persists among hill tribe people in remote northern areas. The Special Representative of the Secretary-General on human rights defenders refers (para. 17) to reports that land farmed by the hill tribes is being taken over, while many hill tribes people have no official proof of citizenship allowing them to claim their rights [E/CN.4/2004/94/Add.1, paras. 53-55, 64; A/HRC/9/9/Add.1, 464-472]. The Human Rights Committee expresses concern (para. 48) about structural discrimination against the Highlanders, and about their treatment by law enforcement officials, including forced evictions, extra-judicial killings, and harassment in the “war on drugs” campaign [CCPR/CO/84/THA, para. 24].

Three SRs (para. 50) raised allegations of forced repatriation of Lao Hmong, with Thailand denying difficulties or persecution faced by returnees [A/HRC/15/37/Add.1 paras. 386-389; A/HRC/14/30/Add.1, paras. 214-217; A/HRC/10/44/Add.4, paras. 345-349; A/HRC/16/52/Add.1, paras. 459-462].

In the Summary of stakeholders' information [A/HRC/WG.6/12/THA/3], CHRC state that IPs' invisible status invites discrimination, and they are seen as threats to national security and the environment; NHRC-Thailand sees little progress in naturalization of ethnic groups (para. 21). IIMA/VIDES-International call on Thailand to focus on non-birth registration and education as root causes of discrimination against workers from ethnic minorities who have no identity cards (para. 47); also, ethnic minorities’ children are being discriminated because of their distinct living habits, language, and geographical isolation (para. 57). HRW note that, despite strong protests, in 2009 the Thai army forcibly returned 4,689 Lao Hmong refugees (para. 61).
None of the **advanced questions** mentions IPs.

The **WGUPR report** [A/HRC/19/8] emphasizes Thailand's efforts to protect ethnic groups (para. 7). India acknowledges this (para. 52). Among the **recommendations** that Thailand supports (para.88), Vietnam recommends strengthening ethnic minorities' protection (23). Thailand's **response** [A/HRC/19/8/Add.1] does not mention IPs.

In the **Report of the HRC 19th session** [A/HRC/19/2 (Advance unedited version), paras. 492-539], IIMA/VIDES-International/FED/OIDEL express concerns about barriers to birth registration of children of ethnic minorities, and to indigenous children's access to quality education relevant to their needs (para. 525).

**Uganda**
12th session of the WGUPR, 3 – 14 October 2011

The **National Report** [A/HRC/WG.6/12/UGA/1] acknowledges the Batwa, Benet and Tepeth as indigenous communities; the Government pursues accommodative dialogue to improve their situation (para. 102).

The **Compilation of UN documents** [A/HRC/WG.6/12/UGA/2] refers to concerns of CRC (paras. 19, 76) at the Batwa children's overall situation of discrimination [CRC/C/UGA/CO/2, paras. 30, 81]; and of CEDAW (para. 68) at Batwa women's marginalization [CEDAW/C/UGA/CO/7, para. 39]. OHCHR and the UN country team draw attention (paras. 77, 85) at the pastoralist nomadic tribes in Karamoja facing insecurity, natural disasters, and limited access to basic services, further leading to their forced displacement [A/HRC/4/49/Add.2, p. 2].

In the **Summary of stakeholders’ information** [A/HRC/WG.6/12/UGA/3], HURINET-U, SSD/MADEFO/CKo/KADP/VSF-Belgium/ALU/TEDDO/KOTA and UOCLHRC call for urgent ratification of ILO Convention 169 (para. 3). UOCLHRC emphasize IPs' lack of political representation in the central Government (para. 59). UOCLHRC recommend ensuring indigenous communities’ access to safe water (para. 67); and warn that indigenous groups that hold land under customary tenure have no means of obtaining ownership documentation (para. 76). HURINET-U, UOCLHRC and SSD/MADEFO/CKo/KADP/VSF-Belgium/ALU/TEDDO/KOTA warn that, to give way to national parks, Benet, Batwa, Basongora, Bakonjo and Karimojong IPs have been forcibly evicted from their traditional lands and sacred sites, and deprived from their livelihoods without regard for their rights, including to participate in decision making and to compensation, even when a High Court order has recognized the right of a large Benet community to live on their traditional lands (paras. 87-89). SSD/MADEFO/CKo/KADP/VSF-Belgium/ALU/TEDDO/KOTA state that the Karamajong pastoralist peoples' limited access to education undermines their ability to take control of their own development (also IPACC); that underdevelopment and hunger in Karamoja are perpetuated by marginalisation, vulnerability to natural disasters, and ongoing conflicts; and that the Government is deliberately destroying the pastoralists’ cultural identity and customary institutions (paras. 69, 84, 90).

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

In the **WGUPR Report** [A/HRC/19/16], Nepal commends achievements on IPs’ rights (para. 40). Senegal acknowledges information on measures taken for indigenous populations (para. 50; also Congo, para 97).

Among the **recommendations** that Uganda supports (para. 111), Algeria recommends pursuing dialogue with indigenous communities (111.99); the Congo recommends improving enjoyment of the Batwa IPs' rights (111.100). Among the recommendations that Uganda committed itself to examine (para. 112), the Netherlands recommends aligning policies to ensure pastoralists’ access to land and water with the African Union Framework on Pastoralism, and concluding regional agreements (112.24). In its **response** [A/HRC/19/16/Add.1], Uganda accepts this recommendation (paras. 22, 23).

In the **Report of the HRC 19th session** [A/HRC/19/2 (Advance unedited version), paras. 731-798], Uganda highlights ongoing cooperation on pastoralism with Kenya (para. 774).

**Venezuela (Bolivarian Republic of)**
12th session of the WGUPR, 3 – 14 October 2011

The **National Report** [A/HRC/WG.6/12/VEN/1 & Corr.1] notes that the Constitution effectively protects IPs and their rights, the exercise of which is ensured through public policies and their participation (paras. 11, 123, 124). International obligations have been incorporated in legislation (para. 126). The Racial Discrimination Act, drafted by the National Assembly's Standing Committee on Indigenous Peoples, was passed in 2011 (para. 132). Specifically addressing IPs' rights are the national commission on demarcation, the Ministry of People’s Power for Indigenous Peoples, as well as specific departments in other ministries and state institutions; indigenous representatives serve as members of the National Assembly and public deliberative bodies (paras. 113, 125,
IPs' languages are recognized for official purposes, and the Government is promoting intercultural, multilingual education and training ( paras. 4, 88, 128, 129). Indigenous health professionals are being trained, while health policies recognize cultural diversity ( paras. 77, 130, 131).

The Compilation of UN documents [A/HRC/WG.6/12/VEN/2] reports that CERD welcomes the constitutional guarantee of IPs' rights, the existence of special courts to settle conflicts in accordance with IPs' customs, and their genuine representation in the National Assembly ( paras. 6, 40, 73); CERD reiterates its concern ( para. 56) at the persistence of profound structural inequalities affecting IPs; and recommends ( para. 68) that the identity documents issued to indigenous persons be based upon self-identification [CERD/C/VEN/CO/18, paras. 4, 7, 8, 15, 17]. CERD further comments and makes recommendations ( paras. 32, 67, 78) on evidence of worst forms of child labour affecting indigenous children in illegal gold prospecting areas; on violence related to land conflicts affecting IPs, and the need for an independent monitoring mechanism; and on ongoing threats to IPs' effective ownership of lands and resources, in spite of Venezuela's demarcation efforts [CERD/C/VEN/CO/18, paras. 18-20, 25; also A/HRC/12/34/Add.1, paras. 448-465; E/C.12/1/Add.56, para. 12]. The UN country team notes that implementation of legal and institutional progress is hindered by difficulties in framing intercultural policies and lack of ongoing dialogue between the State and IPs (also Human Rights Committee [CCPR/CO/71/VEN, para. 28]); intercultural bilingual education, and human rights education in indigenous languages must be consolidated, and adequate data production and monitoring mechanisms must be established ( paras. 65, 66, 80). CEDAW urges Venezuela ( paras. 31, 61) to enhance indigenous women's access to legal aid, and to sexual and reproductive health services and education [CEDAW/C/VEN/CO/6, paras. 25, 26, 32]. CRC is concerned ( paras. 48, 49) at indigenous children's lack of relevant information for their needs, and low school enrolment rates [CRC/C/VEN/CO/2, paras. 41, 42, 66].

In the Summary of stakeholders' information [A/HRC/WG.6/12/VEN/3], APIVEN/SHN/KUYUNU acknowledge political and legislative progress, and indigenous participation (also Ombudsman's Office); however, the extractive and industrial development model is creating conflict with communities settled on strategic territories ( para. 71). CMIB-Bolivia say indigenous women should play a greater role in decision-making ( para. 72). While several community organisations welcome the recognition of their rights and lands, UOCLIHRC note that by 2008, only 1.6 percent of the land to be demarcated had been granted title, and IACHR (also BPM) say that IPs have been harassed, sometimes with state forces' support, by people who want to drive them from recovered ancestral lands ( para. 73). APIVEN/SHN/KUYUNU recommend implementing the Declaration ( para. 74).

Among advanced questions, Canada enquires about consolidating IPs' rights. Referring to ILO Convention 169, Finland enquires on guaranteeing IPs' rights of possession over their traditional lands, and achieving the demarcation process.

In the WGUPR report [A/HRC/19/12], Venezuela emphasizes IPs' constitutional protection and political participation ( para. 17; Bolivia and Qatar acknowledge this, paras. 23, 56). China notes significant progress with regard to IPs' rights ( para. 31; also Belarus, para. 57, the Holy See, para. 67; Australia, para. 88), whereas Cambodia notes remaining challenges ( para. 84; also Malaysia, para. 54). Venezuela underscores provision of legal aid to indigenous persons ( para. 63); and reiterates information on achievements regarding IPs' rights, including prior consultation ( para. 91).

Among the recommendations that Venezuela supports as being implemented ( para. 94), Canada recommends consolidating IPs' rights, both legally and in practice (94.11; also Cuba, 94.65; Bolivia, 94.66); Sri Lanka recommends enhancing indigenous women's access to legal aid (94.25); Qatar recommends improving IPs' literacy (94.67); Ecuador recommends expediting demarcation of indigenous collective lands (94.68). Venezuela voluntarily commits to updating census data on IPs ( para. 98h; also Ecuador, 94.68). Venezuela's response [A/HRC/19/12/Add.1] does not mention IPs.

In the Report of the HRC 19th session [A/HRC/19/2 (Advance unedited version), paras. 640-674], Cuba notes progress in IPs' social inclusion ( para. 650). VIDES-International express concern regarding the Yanomami IPs' situation (also IIMA) and recommend that Venezuela: guarantee basic services to all IPs; continue efforts to register indigenous children and to address child malnutrition and mortality ( para. 666). CIVICUS draw attention to restrictions to IPs' rights ( para. 667). IIMA call on Venezuela to ensure quality education to indigenous children ( para. 669).
Zimbabwe
12th session of the WGUPR, 3 – 14 October 2011

The **National Report** [A/HRC/WG.6/12/ZWE/1] refers to the majority population as “black indigenous people” (para. 5), and emphasizes the Government's policy that seeks to facilitate access to and ownership of means of production by indigenous Zimbabweans (paras. 37, 42, 103).

In the **Compilation of UN documents** [A/HRC/WG.6/12/ZWE/2], the UN country team underscores limited benefit sharing from natural resource extraction between indigenous populations and transnational conglomerates, environmental degradation and displacement of local people (para. 51).

The **Summary of stakeholders’ information** [A/HRC/WG.6/12/ZWE/3] does not mention IPs.

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

The **WGUPR Report** [A/HRC/19/14] and the **Report of the HRC 19th session** [A/HRC/19/2 (Advance unedited version), paras. 701-734] do not mention IPs.
3. HUMAN RIGHTS COUNCIL

21\textsuperscript{th} session, Geneva, 10 – 28 September 2012

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, 2012. On that same day, the afternoon meeting was dedicated to a panel discussion on indigenous peoples’ access to justice. A few days before, on September 14, the report on the rights of indigenous peoples by the High Commissioner for Human Rights was presented along with the Secretary-General report regarding the participation of indigenous peoples at the UN. On September 28, the Human Rights Council adopted without a vote its resolution 21/24 on human rights and indigenous peoples.

Introduction of thematic reports\textsuperscript{2}

Welcoming the Secretary-General report on the ways and means of promoting participation at the UN of recognized IPs’ representatives on issues affecting them [A/HRC/21/24] (also EMRIP, NORWAY, SRI LANKA). DENMARK agrees on the establishment of a working group to provide guidance to the General Assembly (GA) on possible steps and selection criteria, and would prefer that the GA mandate the Human Rights Council (HRC) to establish this working group, in order to ensure IPs’ participation in its work.

Interactive Dialogue on indigenous peoples

James Anaya, Special Rapporteur on the rights of indigenous peoples (SRIP), underscores ongoing collaboration with UN agencies, States, IPs and others, focusing on modalities to implement the UN Declaration on the Rights of Indigenous Peoples (the Declaration); as well as communications to governments on alleged violations of IPs’ human rights [A/HRC/21/47/Add.3]. The SRIP presents reports of visits to Argentina [A/HRC/21/47/Add.2] and the USA [A/HRC/21/47/Add.1], and has recently visited El Salvador (EL SALVADOR is expecting the report). The Argentinian Government has taken important constitutional and legislative steps to recognize IPs’ rights (also ARGENTINA); however, an important implementation gap remains (also WILPF, APDH), and the Government must promote awareness of indigenous issues among all branches of the State (also National Ombudsman’s Office of Argentina). Areas of concern include protection of IPs’ land and resource rights; access to justice, particularly concerning evictions and criminalization of IPs’ protests (also APDH, WILPF calling for prosecution of all perpetrators of such human rights abuses); and IPs’ social and economic conditions (also National Ombudsman’s Office of Argentina, WILPF). In the USA, the SRIP emphasizes that indigenous communities continue to face consequences of widespread historical wrongs, including broken treaties and misguided government policies (also IITC, ICOSA/IPNC/ICHR). Significant federal legislation and programs developed recently (also the USA) need to be improved, while new measures are needed for reconciliation with IPs (also ICSA/IPNC/ICHR) and to address persistent systemic barriers to the full realization of their rights. The Declaration should be a benchmark for all relevant decisions by the State.

Turning to violence against indigenous women and girls (a focus welcomed by AUSTRIA, MEXICO), the SRIP underscores the need for a holistic approach that takes into account the interconnectedness of their rights as women and children, and IPs’ rights (also the EUROPEAN UNION [EU], FINLAND, AUSTRIA, MALAYSIA, NEPAL, CHILE, PERU, BOLIVIA, PARAGUAY, MEXICO, IITC, LRWC, WILPF; AUSTRALIA enquires about existing experiences). Implementation of the Declaration should be furthered concurrently with programmes that specifically target violence against indigenous women and girls (also VENEZUELA, PERU). As to extractive industries, the SRIP underscores the need to take into account, beyond the principles of consultation and free prior and informed consent, IPs’ substantive rights to property over land and natural resources; to culture, religion, and health; and to pursue their own priorities for development, as part of their fundamental right to self-determination. Consultation and free prior and informed consent should be conceptualized as safeguards against measures that may affect IPs’ rights (also PERU, MALAYSIA). Where the rights implicated are essential to IPs’ survival, their free prior and informed consent is required (also REPUBLIC OF THE CONGO, VENEZUELA, AUSTRIA, CCJ). In the current dominant model of natural resource extraction, the corporation is the one planning extractive operations, controlling them, and benefiting from them. The SRIP plans to examine, through dialogue with all stakeholders (CCJ emphasize IPs’ participation), models of natural resource extraction which

\textsuperscript{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.
are more conducive to IPs' self-determination (the EU, NORWAY, SWEDEN, PERU and the RUSSIAN FEDERATION encourage this).

Wilton Littlechild, Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), underscores the 5th anniversary of both the EMRIP and the adoption of the Declaration, two ground-breaking events for IPs and their rights (also OHCHR Officer Mona Rishmawi, GUATEMALA, CUBA for the Declaration). The study on the Role of languages and culture in the promotion and protection of the rights and identity of IPs [A/HRC/21/53] (welcomed by AUSTRALIA, SRI LANKA, VENEZUELA, MEXICO, PERU) addresses a topic that is indivisible from IPs' right to self-determination (also CUBA, ESTONIA, LIBERATION).

Ongoing challenges include assimilationist policies, while solutions are based on indigenous-led language and cultural revitalization efforts, and adequate state support and recognition of the importance of IPs’ economic, social, cultural and spiritual rights (also MEXICO; LIBERATION for IPs in North East India). The EMRIP also built on its previous study on decision making, with a focus on extractive industries [A/HRC/21/55] (AUSTRALIA and the RUSSIAN FEDERATION note this), hoping to contribute to the clarification of how the UN Guiding Principles on Business and Human Rights are to be interpreted in relation to IPs’ rights (also James Anaya for his own work on extractive industries, supported by AUSTRALIA, ITC and CCJ; NORWAY, BOLIVIA, VENEZUELA, MEXICO, and REPUBLIC OF THE CONGO appreciate this).

The EMRIP urges the Council to focus on remodelling the UN rules of admission to achieve just and inclusive results (also GUATEMALA; CHILE is open to this). This is of great importance in the preparatory process of the 2014 World Conference on Indigenous Peoples (World Conference), which has to be IPs-centred (also Board of Trustees of the UN Voluntary Fund, DENMARK, NORWAY, BOLIVIA). The survey on States’ measures and implementation strategies regarding the Declaration [A/HRC/21/54] (welcomed by SRI LANKA and MEXICO) shows a considerable potential. During its 5th session, the EMRIP conducted its first interactive dialogue on the Declaration, which has resulted extremely positive (also DENMARK). The EMRIP members have briefed several treaty bodies and represented the Mechanism in a number of forums, thus improving the reach of its studies. The Council’s annual resolution on human rights and IPs draws on a number of proposals by the EMRIP regarding: a study on access to justice (the EU, CHILE, DENMARK, AUSTRIA, MRG support this) – an international expert seminar on truth and reconciliation is a related proposal (also IITC); a survey of IPs on their strategies to implement the Declaration (also IITC); and support for IPs' participation and for the EMRIP's studies in the World Conference (also GUATEMALA, CHILE, RUSSIAN FEDERATION, IITC).

The Board of Trustees of the UN Voluntary Fund for Indigenous Populations underlines the contribution of the Fund to constructive dialogue among UN partners, and to enhancing IPs' overall capacity. Emphasizing the sharp decrease in donations received in 2012 as compared to their amount before the expansion of the Fund's mandate to include sessions of the HRC and treaty bodies, the Board of Trustees says that further expansion of this mandate regarding the World Conference can only be successfully managed if sufficient resources are provided (also NORWAY).

South and Central America

MEXICO reports on its constitutional recognition of IPs' right to preserve their habitat and lands, as well as to the preferential use of natural resources therein. Consultation is the mechanism enabling IPs to define their development (also VENEZUELA), while a strategy for development with identity allows for their participation in defining investments and in planning actions.

GUATEMALA is revitalizing and implementing its 1996 Peace Accords, including the Accord on IPs’ Identity and Rights, which establishes that IPs' identity is fundamental to build national unity based on the exercise of the rights of all.

EL SALVADOR reports on ensuring compliance with IPs' rights, ending their invisibility, and establishing dialogue between IPs and governmental institutions on mechanisms to tackle IPs' needs and aspirations.

CUBA says the thematic reports by the SRIP on violence against indigenous women and girls and on extractive industries must be taken into account in addressing these issues.

VENUEZUELA reports on its policies to prevent violence against indigenous women and girls; and its recognition of IPs' lands and habitats.

COLOMBIA reports on progress in implementing its legislation on IPs' rights, including the existence of indigenous reserves (resguardos) and the recognition of IPs' authorities. Colombia is ready to pursue dialogue with the indigenous communities of the Cauca (CCJ welcomes this).

ECUADOR recognizes, in its Constitution, its historical debt towards IPs (also VENEZUELA). Ecuador reports on concrete measures to promote and protect the rights of IPs, of indigenous women, and IPs living in voluntary isolation; on IPs' rights to free prior and informed consent and to redress for damage caused on indigenous populations; and its efforts to protect IPs from violence against them.
territories; and on IPs’ participation in public administration. However, a culture of respect for diversity needs to be further promoted within the national population.

Emphasizing its own constitutional arrangements, Brazil recognizes that States have a protective role in ensuring a framework recognizing IPs’ rights in relation to extractive operations, in line with ILO Convention 169 (also Mexico, Peru). In consultation with IPs, Brazil is developing such a legal mechanism for prior, good faith and informed consultation.

Peru agrees on the need of a holistic approach to violence against indigenous women and girls, as proposed by the SR on violence against women, based on the universal, interdependent and indivisible nature of human rights (also EU, Austria, Chile). Its Law on prior consultation of indigenous people, which complies with ILO Convention 169, is now regulated.

Bolivia supports the SRIP’s work regarding IPs’ participation in nomination and protection of World Heritage Sites. As to the SRIP’s communications, the Government is maintaining dialogue with all Bolivian IPs, through various forms of participation. Bolivia reiterates its request that all reports by the EMRIP be translated into Spanish.

Paraguay reports on a government-led programme to combat violence against indigenous women by strengthening indigenous women’s leadership within the internal processes of IPs’ own leadership systems.

Chile appreciates the assistance of the SRIP with regard to the issue of consultation, related to corporate social responsibility. The Council needs to continue addressing the rights of IPs in relation to extractive industries (also Denmark, Norway).

Argentina, speaking as a concerned country, comments on the SRIP’s recommendations: a bill on reform of the Civil Code is before Parliament, establishing legal recognition of indigenous communities’ right to communal land ownership (James Anaya asks how IPs are being consulted on this reform). The Council for Indigenous Participation is fully operating. The law on indigenous communal ownership provides for indigenous lands’ cadastral survey and suspends decisions on evictions until 2013: the survey has now been fully completed in two provinces, through a participatory methodology; evictions that were executed did not fall under the scope of this law. Financial support for legal aid is granted to indigenous communities that apply for it.

The National Ombudsman’s Office of Argentina warns that the law on indigenous communal ownership has yet to be implemented (also APDH and WILPF): coordination is lacking between provincial and national jurisdictions in the demarcation process, and indigenous communities are unable to participate in this process, while evictions continue. Argentina must promote IPs’ consultation and participation in public policies, in order to reduce their vulnerability to human rights abuses.

North America

The USA, speaking as a concerned country, underscores measures and budget allocations established to address – and support tribal governments in addressing – the unequal economic and social conditions experienced by Native Americans, and the disproportionate rates of violence that indigenous women suffer. (James Anaya asks about tackling root causes, historical conditions and acts of oppression that IPs continue to experience.)

Canada’s commitment for sustainable resource extraction, a sector that greatly contributes to global economic growth and job creation, includes a legal duty to consult Aboriginal people, and the expectation that Canadian companies working internationally respect all applicable law and international standards, and operate transparently in consultation with governments and local communities. Violence against indigenous women and girls is an issue of grave concern.

The USA says the recently adopted GA resolution on the modalities of the World Conference defines constructive ways for IPs’ participation (also Norway, Chile; the Russian Federation insists on strictly following these modalities; ICSA/IPNC/ICHR object that they reduce the application of IPs’ rights). The USA comments options for IPs’ involvement in the preparatory process; supports inclusive gathering of input to the World Conference, from people that cannot be present; and supports the organisation of concurrent roundtables, with indigenous representatives sitting alongside State’s representatives. There could be two outcome documents; the summaries of the roundtables, and a concise, action-oriented outcome document, which is to be negotiated by States taking into consideration the various inputs.

Africa

In the Republic of the Congo indigenous women enjoy the same protection from violence as non-indigenous women (also Malaysia). The 2011 Law on the promotion and protection of the rights of indigenous populations strikes a balance between economic development, environmental protection and that of the forest-dwelling populations, by providing for their culturally appropriate, prior consultation. Forest exploitation operations are subjected to a covenant between the Government and the corporation, which provides for the indigenous population’s participation in demarcation of areas for forest exploitation and protected areas.
Asia and the Pacific

**NEPAL** emphasizes its priority set on IPs' rights, including those of indigenous women and girls, through various legislative, policy and institutional measures.

The indigenous community of **SRI LANKA** retain their own worldview and traditional knowledge of their forest habitat, while enjoying all rights guaranteed to citizens. They participate in decision making through their own institutions, and through dialogue with political bodies.

**MALAYSIA** underscores the importance of striking a balance on all interests involved in extractive industries operations, including those of the State for development, while protecting the citizens' fundamental rights. Efforts are being made to provide IPs with a consultative platform.

**AUSTRALIA** enquires about conflicting views within indigenous communities regarding their participation in decision making over extractive industries operations, and over benefit sharing. Australia reports on its measures to support IPs' languages and cultures, and to address violence against indigenous women, including by empowering them as community leaders (also **ESTONIA**).

**Europe, Russia and the Circumpolar**

The **RUSSIAN FEDERATION** underscores its experience in achieving agreements between business and IPs, including a methodology for calculating losses caused to IPs by economic activities of corporations; and its protection of IPs' languages, cultures, and traditional knowledge.

The **EUROPEAN UNION** (EU) reports on its new policy on corporate social responsibility, aligned on the main global approaches, including the Guiding Principles on Businesses and Human Rights.

**NORWAY** pays tribute to the collaboration of the SRIP, EMRIP and PF in supporting the States' task to apply the Declaration (also **DENMARK**, **PARAGUAY**, **GUATEMALA**, **MEXICO**), as well as on issues of extractive industries, thus showing how due diligence is a key measure to fulfil human rights obligations and responsibility (also **SWEDEN**, **DENMARK**, **CHILE**).

The Laponia World Heritage Site is the result of a long and very challenging, but worthwhile process leading to an innovative management structure that includes Saami representatives. **SWEDEN** expects corporations to apply the Guiding Principles on Business and Human Rights in Saami territories, which entails meaningful dialogue with their representatives.

**FINLAND** calls for particular attention to the rights and special needs of indigenous women, as key actors in the protection and promotion of IPs' cultures and languages in line with the Declaration, and reports on its own efforts in this regard.

**DENMARK** enquires on the development of guidelines to implement IPs' rights in the context of extractive industries; and on ways to make the World Conference's preparatory process and results more inclusive.

IPs' rights are a top priority on the human rights agenda of **ESTONIA**, which welcomes establishment by the EMRIP of an informal academic friendship network on IPs' issues.

Violence against women remains a global unacceptable problem (also **ESTONIA**). **AUSTRIA** asks how the SRIP has planned to involve the Working Group on discrimination against women in law and practice, UN Women and the SR on violence against women in his future work (also **DENMARK**).

**Indigenous peoples' and support organisations**

The SRIP must continue to monitor implementation of his recommendations to Colombia regarding lack of compliance of extractive projects with constitutional jurisprudence on prior consultation; IPs' involvement in the drafting of a law on their rights; and harmonizing the economic development policies with IPs' human rights. **CCJ** warn that in spite of incipient dialogue, the presence of armed groups continues in indigenous communities.

**APDH** express satisfaction at the report of the SRIP on his visit to Argentina (also **WILPF**), and support his recommendation for the State to suspend all evictions of indigenous communities.

**WILPF** say the fundamental problem of IPs in Argentina is the lack of implementation of their rights to consultation and free prior and informed consent, which allows extractive industries to exploit IPs' resources and contaminate their land and waters with the endorsement of governments.

**FL** (also **WILPF**) denounce the failure of Argentina to consult IPs regarding the proposed draft reform of the Civil Code (also **APDH**), when this reform will have considerable impacts on their rights as recognized in the Constitution, and its application would bring about uncountable evictions of indigenous people. Argentina wrongly promotes this reform as complying with international standards on IPs' rights (**James Anaya** notes these concerns). Argentina must suspend this reform and regulate IPs' rights through a specific law drafted with their participation.

**IITC** submit that the important linkage between indigenous women's and girls' rights as women and children, and their rights as indigenous people, is also relevant to the issues of extractive industries, which significantly impact the rights of indigenous women and girls. Treaties can provide a tool to address both violence against
indigenous women and girls, and the violations of IPs' rights with regard to mining industries. UN treaty bodies, including the CERD, have emphasized the need for international accountability. LRWC explain how NWAC, along with other indigenous women's groups, were unfairly prevented by the State from meaningful participation in Canada's first inquiry into the disappearance and murder of Aboriginal women and girls. As NWAC has been a leader in documenting the disappearances and murders of indigenous women in Canada, this demonstrates the need for States to address persistent inequality in access to justice. ICJA/IPNC/ICHCR thank the SRIP for reflecting the position that the State of Alaska's creation was not in compliance with the international right to self-determination, as well as the overthrow of the Kingdom of Hawaii, and the need for reconciliation. Denouncing encroachment on IPs' historical territories, and misappropriation of their resources in the name of economic advancement, IBRO/WBO/Liberation call on the Government of India to invite the SRIP to visit the country.

The SRIP James Anaya will continue to focus on the issue of violence against indigenous women and girls in all his activities. Governments must undertake serious efforts to protect the rights of IPs in connection with extractive industries' activities. EMRIP Chairperson Wilton Littlechild emphasizes that IPs' meaningful participation in the UN can also be considered as an access to justice issue, highlighting a forthcoming handbook on the Declaration for the IPs' juridical systems (also ACHPR (also EMRIP Chairperson Wilton Littlechild)).

Half-day Panel Discussion on IPs: Access to Justice

Mona Rishmawi, Rule of Law, Equality and Non-Discrimination Branch of OHCHR, emphasizes that access to justice is a human rights concern for IPs in all States; obstacles include lack of access to legal advice and aid (also EU, GRULAC, NORWAY, MRG; Abraham Korir Sing'oie for IPs in Africa), cultural insensitivity (also Megan Davis, AUSTRALIA, MRG; FINLAND particularly for indigenous women), insufficient emphasis on restorative justice, and inadequate provision of interpretation (also GRULAC, GUATEMALA, AUSTRALIA; WILPF for Argentina). IPs' access to justice is closely related to poverty and poor education (also AUSTRALIA), recognition of their self-determination (also Ramy Bulan, Megan Davis, EU), and of their territories and resources, as recently established by both the Inter-American Court of Human Rights and the ACHPR (also Ramy Bulan, James Anaya). Access to justice also relates to gender equality, including under IPs' juridical systems (also Megan Davis, SWEDEN, ECUADOR). Article 8 of the Universal Declaration of Human Rights provides for the right of everyone to an effective remedy for acts violating their fundamental rights (also the USA, CHILE). Most UN human rights treaties protect this right, also enshrined in the Declaration (also EU). IPs' understanding of their rights often differ from mainstream approaches (also Vladimir Kryazhkov), including a collective rather than individual responsibility, as well as a historical connection between colonisation and their current issues (also BOLIVIA; Abraham Korir Sing'oie for Africa). Many IPs remain concerned about impunity for wrongdoing affecting them, including human rights impacts of industrial operations (also MRG; FL for Latin America; CCJ for Colombia; ICJ/CETIM for the Perenco corporation in Guatemala; the National Ombudsman's Office of Argentina). The UN human rights system has significant legal and practical experience in dealing with issues associated with IPs' access to justice.

Ramy Bulan, Associate Professor of Law at the University of Malaya, Malaysia, says that protecting IPs' traditional justice systems requires ensuring that the communities' traditional authorities are properly selected and empowered (also GUATEMALA). Malaysia constitutionally recognizes customary law, and has special courts dealing with breaches of native customs (also SUHAKAM). However, indigenous jurisdiction is limited (also James Anaya in general), particularly in dealing with non-indigenous parties, while global demand for natural resources increases interactions of IPs with outsiders in their territories, putting women especially at risk (also SWEDEN; WILPF for Argentina). In resorting to the national justice system, affected indigenous women face barriers such as remoteness and inadequacy of law enforcement (also FINLAND). Extractive industries' operations also lead to environmental degradation and loss of customary lands, with corporations usually taking advantage of tensions between IPs' customary land tenure rights, and state laws and policies. The Malaysian courts' recognition of IPs' customary rights (emphasized by MALAYSIA) has yet to be reflected in government policies. Access to justice for IPs should involve: strengthening traditional participatory decision-making systems; full recognition of customary practices by States; and mechanisms for consultation between IPs and other stakeholders to work out acceptable solutions – with the States protecting IPs against the systemic power imbalance between IPs and corporations (also ICJ/CETIM, MRG).

Megan Davis, Professor of Law at the University of New South Wales, Australia, emphasizes indigenous women's dual discrimination in their access to justice (also AUSTRIA, SWEDEN, FINLAND, PARAGUAY). During the January 2012 PF Expert Group Meeting, indigenous women raised access to justice as a serious obstacle to the enjoyment of their fundamental rights. Barriers include limited education in indigenous communities and a
lack of elementary knowledge about civics, law, and government services (also James Anaya, Ramy Bulan); conflicts between mainstream law and indigenous law; insufficient services, including lack of access to legal representation in the case of family law matters; and the need to address indigenous women’s access to and ownership of land and resources (also Ramy Bulan). Over-representation of indigenous women in prisons is rapidly rising (also Canadian Human Rights Commission), while domestic violence and violence against women are among the main reasons women find themselves involved in the criminal justice system, with cultural and social barriers hindering their access to justice (also Abraham Korir Sing’oei, SWEDEN). There is widespread mistrust of the authorities, including due to police brutality; to conflicting and overlapping levels of criminal jurisdiction that may undermine investigations, for instance in cases of missing or murdered indigenous women; and to failure to resolve women’s issues in a culturally appropriate way. As the SRIP stated, IPs themselves need to strengthen their own governance capacity, and to rebuild healthy relationships within their families and communities, in order to address social ills (also BOLIVIA); meanwhile, States should increase IPs' and women's participation in programmes relating to violence against women and girls (also LRWC, PERU, FINLAND; CANADA report on such programmes). IPs must consider the problem of violence against women and girls in their human rights advocacy. States must work with IPs to train the judiciary, and law enforcement personnel, on prevention of discrimination against indigenous women; and strengthen data collection, including data disaggregation on access to justice and on violence against indigenous women (also PARAGUAY).

Vladimir Kryazhkov, Professor of Law at Moscow State University, Russian Federation, says that the challenges in Russia are the application of customs and traditions, and comprehension of IPs' culture. Laws and regulations are generally understood and applied taking into account the interest of the public at large, not the interest of IPs. Russia is not developing non-State approaches to conflict settlement using traditional indigenous mechanisms. Russia has built up the required legal basis for IPs' access to the justice system, but application has not been very effective to date.

Casilda de Ovando Gómez Morín, National Commission for the Development of IPs, Mexico, says a reform of Mexico's Code on criminal procedures in the 1990s has established IPs' access to justice taking into account their own languages and customary law. The basic rights of IPs that are relevant to access to justice are upheld. Mexico has created an operational structure of specialized lawyers, as well as a service of interpreters in indigenous languages. Fundamental is the constitutional reform which has ensured constitutional incorporation and protection of human rights under international instruments ratified by Mexico. A new system of criminal justice is in place, eliminating discriminatory biases against IPs. However, much remains to be achieved. The National Commission for the Development of IPs is promoting IPs' access to legal aid and other support.

Abraham Korir Sing’oei, Human Rights Attorney, Kenya, emphasizes that in Africa IPs' dispute resolution systems, using customary norms and restorative mechanisms, are often undermined by lack of constitutional and statutory recognition. The promotion of unified legal systems based on foreign models, while providing investors with a familiar legal platform, further limits IPs' understanding of formal justice. Jurisdictional rules of formal courts often prevent indigenous communities from accessing judicial remedies, or lead to inefficient and costly prosecution. As shown by cases in Kenya, Uganda and Botswana, the States' refusal or failure to enforce judicial decisions relating to IPs' rights is a significant and growing obstacle (also MRG, James Anaya). Despite challenges, various models are emerging, including: pluralistic legal systems in Mozambique, Tanzania and Malawi – with the challenge to create a legal system that embraces the cultural diversity of customary law while reducing ethnic tensions; documentation of customary land transfer and inheritance practices in Uganda, contributing to securing land rights of Teso and Karamojong women; and use of public interest litigation by indigenous groups Kenya and Tanzania to set standards.

James Anaya underscores that IPs are trying to safeguard their customary and traditional systems, in the face of outside pressures. Externally, access to justice is hampered, namely, by discrimination (also IRAN, MRG), language barriers, and lack of respect for IPs' collective rights (also MRG: Abraham Korir Sing’oei for IPs in Africa; the EU mentions costs and remote location as additional barriers).

MEXICO, on behalf of GRULAC, says IPs' access to justice is essential both to strengthen the rule of law and to ensure their enjoyment of all their rights. The Latin American and Caribbean region registers important achievements, but significant challenges remain, such as the need to develop protocols for the judiciary and raise the awareness of all law enforcement personnel (also PERU).

GUATEMALA reports on progress in ensuring IPs' access to justice and the recognition of their own law, including creation of communal courts, appointment of interpreters and bilingual judges; training in multiculturalism for the judiciary, and introduction of cultural expertise, are being addressed.

VENEZUELA, ECUADOR and PERU recognize IPs’ right to the application, within their territories, of their own forms of justice when only involving their members (also BOLIVIA), as long as the State's Constitution and international human rights obligations are respected. VENEZUELA and ECUADOR have each established a specific indigenous jurisdiction. Both in ECUADOR and PERU, draft laws are pending in Parliament regarding
coordination and cooperation between the indigenous and ordinary jurisdictions. The Constitution of Ecuador further establishes that the State shall guarantee respect by its bodies of the decisions made under the indigenous jurisdiction, to ensure their implementation. In Peru, the ordinary judiciary shall abstain from addressing offences that the indigenous communal justice system can address, but the challenge remains to ensure that the ordinary justice system is promoting and protecting IPs' individual and collective rights.

Identifying IPs' law as customary reduces it to a lower level of ranking (also James Anaya). The Constitution of Bolivia recognizes IPs' rights to have their institutions be part of the general structure of the State, and to exercise their political, judicial and economic systems. The Jurisdiction Act allows for the recognition of IPs' own judicial norms, based on respect for the State's unity and integrity, the spiritual relationship between IPs and mother earth, intercultural interpretation, judicial pluralism based on equal ranking, and gender equity.

Chile reports that legal aid offices with specialized defense lawyers and intercultural mediators exist in regions where most Mapuche IPs live.

Canada reports on programmes promoting involvement of Aboriginal communities in local administration of justice services; and supporting community-based models restorative justice – which can reduce recidivism and promote sustainable human development.

The USA has recently settled long-standing Native American claims regarding federal management of tribal resources; is supporting tribal governments' and communities' efforts in prevention and response to violence against indigenous women; and is in the process of increasing the capacity of tribal judicial authorities to prevent and address criminal cases under their jurisdiction, as well as to address cases of domestic violence involving indigenous and non-indigenous persons.

Australia reports on its measures to combat discrimination in the justice system: allocation of resources for legal assistance and support services to IPs; and breaking down barriers to access mainstream justice. Australia enquires about measures that may assist in advancing IPs' access to justice, and about strengthening IPs' trust in the justice system.

The Russian Federation says that under its Federal Constitution and laws, all citizens have equal access to the administration of justice, and IPs are entitled to interpreter services and qualified legal aid (also Vladimir Kryazhkov).

IPs' rights are further infringed upon when seeking redress through judicial mechanisms (also Sweden, ICJ/CETIM). The European Union enquires on coordination between national versus indigenous justice systems, and on ways to reconcile cultural practices of restorative justice with international human rights obligations.

Norway says that cornerstones in IPs' right to justice are the Norwegian courts' knowledge of Saami culture and the right of Saami to use their languages before the courts within their administrative districts. Norway reports on the establishment of a district court in Finnmark County, where most Saami live, and of a recourse mechanism regarding the current investigation process of land rights in Finnmark.

Sweden says the more marginalized indigenous women are the bigger barriers they face in access to justice (also Finland). Collective rights of a people cannot prevail over individual rights. International standards impose obligations on States to ensure indigenous women's equal enjoyment of human rights.

Indigenous women and girls face significant barriers in accessing justice both within indigenous justice and formal state justice institutions (also Austria). In this regard Finland enquires on examples of good cooperation between the formal state justice system and indigenous justice institutions (also Chile).

Austria calls for increased cooperation between the Council's special procedures, and asks for the panelists' comments on the need for cooperation at all levels to face IPs' over-representation in the criminal justice system.

The Canadian Human Rights Commission has fostered dialogue on incorporation of IPs' unique context into human rights protection mechanisms, and report on evolutions of the Canadian law and judiciary (also Canada), in considering the background of indigenous persons before the criminal court, and in taking into account customary laws under the Canadian Human Rights Act.

SuhaKam calls on Malaysia to extend, in consultation with IPs, native courts that incorporate the indigenous legal systems and worldviews, similar to those already existing in Sabah and Sarawak.

MRG urge innovative ways of tackling the challenges facing IPs in accessing justice in the context of their relations with extractive industries, such as a UN scholarship programme to train indigenous people as lawyers, and the SRIP maintaining regular dialogue with the States that have yet to implement key regional or international court decisions.

Highlighting the human rights violations suffered by IPs in the Department of Petén, Guatemala, ICJ/CETIM recommend strengthening international observation there, with a permanent presence from OHCHR and the
International Commission on Impunity in Guatemala; and encouraging Guatemala to approve its land jurisdiction, protect human rights defenders, and abide by international human rights standards.

IPs in Canada face ongoing injustices entrenched in the conditions of inequality they face, exacerbated by inadequate access to justice. IITC underline the inclusion of the “principles of justice” in the Declaration as part of the foundation of the recognition of IPs' rights. Indigenous legal orders and systems of justice, along with treaties, agreements and other arrangements between States and IPs, can serve as solutions to many of the challenges highlighted here.

FL refer to the battle of the Ogoni IPs in Nigeria against the Rivers State, which has been attempting to seize thousand of hectares of farmland belonging to them, resulting in deaths and displacement of many Ogoni people (NIGERIA denies this). Nigeria must stop the forceful seizure of Ogoni lands without their free prior and informed consent; and ensure full implementation of the recommendations of the UNEP environmental assessment report on damage due to oil exploration and other operations in Ogoniland – with the establishment of a reparation and redress mechanism (NIGERIA replies that the Rivers State is addressing environmental fallout of oil exploration and production).

In concluding remarks, Ramy Bulan underscores that customary laws should be interpreted in their own context, and that States often emphasize positive laws to override customs to the detriment of IPs. Stringent positions should not be used to defeat the kind of oral evidence IPs use before the courts. There is a need to bridge the gap in understanding of the indigenous concepts of property among the bar and law students (also James Anaya). States must provide interpreter services so that IPs know what they are dealing with.

Megan Davis warns that good practices established at local level have limited results if issues are not tackled more broadly, and often face the problems of short funding cycles and lack of robust evaluation of programmes, based on criteria such as strong partnership between communities and the State, and a sense of ownership by the community.

Vladimir Kryazhkov says the question of existence of parallel legal systems is a complex one, together with how judiciaries deal with intercultural cases. Courses on indigenous law should be introduced in universities, in order to ensure that the judiciary is able to take into account the way in which traditional systems function (also Abraham Korir Sing’oei).

Casilda de Ovando Gómez Morín underscores the challenge of implementing, at local level, the international standards and principles recognized in Mexico's Federal Constitution. Interpreters' understanding of the legal process needs to be improved, and these support services must be extended nationally.

Abraham Korir Sing’oei emphasizes the lack of coordination mechanisms between indigenous and State systems of justice, and beyond this, the need for States – namely in Africa – to reverse their perception of indigenous justice systems as inferior, and to recognise the contribution of these systems to the stability of countries.

James Anaya concludes that indigenous justice systems can contribute to address IPs' concerns regarding protection of individual rights (also Ramy Bulan, EU, SUHAKAM), but indigenous individuals must also have access to the ordinary justice system (also PERU, in particular for indigenous women). IPs have the right to maintain their own judicial system as part of their right to self-determination: recognition of these systems is essential to their assertion of collective rights (also EU, PERU, SUHAKAM, Canadian Human Rights Commission, IITC). Decisive action to operationalize both IPs' individual and collective rights is needed at all levels of States, and this underlines once again the Declaration's importance (also SUHAKAM, IITC; EU and Canadian Human Rights Commission emphasizing the rights of indigenous women).

General Debate on the Promotion and Protection of all Human Rights

FL denounce drastic reduction of water resources of the indigenous community of Caimanes, in Chile, by a mining waste dumping site established near a geologic fault; and allotment of mining concessions in the lake Lleu Lleu area, home to 23 Mapuche communities, in complete disregard of their right to be previously consulted. Chile must comply with its international obligations on human rights, IPs' rights and environmental protection.

Due to their historical cultural, political and economic marginalisation, IPs in Nepal have been excluded from the Constitution-making process, leading to non-recognition by the State of the traditional role of indigenous women in decision making, which hinders the development of IPs' communities. NIWF-Nepal/WILPF call for a shift to a human-rights based development strategy that directly involve women and IPs.
General Debate on Human Rights Bodies and Mechanisms

Liberation say that in India, the biggest obstacle to the implementation of the Declaration is that the term “indigenous peoples” is not legally acknowledged. The HRC should strongly urge the Government of India to fully promote and implement the Declaration, as well as all recommendations of the human rights mechanisms (also WBO for the Human Rights Committee), including as regards repealing the Armed Forces Special Powers Act, which allows the military to operate with impunity in North East India.

WBO say population transfer policies in Tripura and Assam, in North East India, reduce IPs to a minority and dispossess them from their lands and means of subsistence, through large-scale infrastructure and resource extraction projects, and establishment of protected areas, without their consent, and without adequate compensation.

IBRO underscore that corruption undermines the opportunities of IPs in India for building secure livelihoods and economic development, while their persistent extreme poverty and political marginalisation make them more vulnerable to corruption (also Liberation). The Government must eliminate this menace, a potent source of violations of IPs’ rights.

Human Rights Council Resolution 21/24: Human rights and indigenous peoples

The Human Rights Council,

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

Bearing in mind that the General Assembly, 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 on 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 can assist representatives of IPs’ organizations and communities to participate in sessions of the HRC, the EMRIP, the PF and of 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 urging States to contribute to the 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,

Taking note of the study by the EMRIP on the role of languages and culture in the promotion and protection of the rights and identity of IPs, according to which cultural and language rights are indivisible and central to all the other rights [A/HRC/21/53, para. 8],

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,

Welcoming the completion by the Expert Mechanism of its follow-up study on the right to participate in decision-making, with a focus on extractive industries [A/HRC/EMRIP/2012/2], and encouraging all parties to consider the examples of good practices and recommendations included in the report as practical advice on how to attain the goals of the UN Declaration on the Rights of Indigenous Peoples,

1. Welcomes the report of the UN High Commissioner for Human Rights on the rights of IPs [A/HRC/21/23], 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 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/21/47 and Add.1-3], and encourages all Governments to respond favourably to his requests for visits;

3. Requests the Special Rapporteur to report on the implementation of his mandate to the GA at its 68th session;

4. Welcomes the work of the EMRIP, takes note with appreciation of the report on its fifth session [A/HRC/21/52], and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

5. Calls upon States to consider, in consultation and cooperation with IPs, initiating and strengthening, as appropriate, effective legislative and policy measures to protect, promote, respect and, where necessary,
revitalize IPs’ languages and culture, taking into account, as appropriate, the study on the role of languages and culture in the promotion and protection of the rights and identity of IPs [A/HRC/21/53];

6. Stresses the need to pay particular attention to the rights and special needs of indigenous women and girls, as set out in the UN Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting IPs’ languages and culture;

7. Requests the Expert Mechanism to prepare a study on access to justice in the promotion and protection of the rights of IPs, and to present it to the HRC at its 24th session [September 2013];

8. Also requests the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, a questionnaire survey to seek the views of States and of IPs on best practices with regard to possible appropriate measures and implementation strategies 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 24th session, and encourages those States which have not yet provided their responses to do so;

9. Welcomes the adoption by the GA of its resolution 65/198 and resolution 66/296 of 17 September 2012, on the organization of the High-level Plenary Meeting of the GA, to be known as the World Conference on Indigenous Peoples, to be held 22 and 23 September 2014, and takes note of its inclusive preparatory process, including the preparatory meeting to be held in Guatemala on 21 December 2012 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 agenda of the preparatory process;

10. Notes with appreciation the report of the Secretary-General on the ways and means of promoting participation at the UN of IPs’ representatives on issues affecting them [A/HRC/21/24], and invites the GA to consider and include in its agenda the issues based on the possible steps elaborated in the report and taking into account practical ways to enable IPs’ representatives to participate, existing procedural rules regulating such participation, and issues for consideration and conclusions contained in the report;

11. Decides to hold, from within existing resources, at its 24th session, a half-day panel discussion on the World Conference on Indigenous Peoples;

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 this regard, their permanent effort to promote the UN Declaration on the Rights of Indigenous Peoples;

13. Reaffirms that the universal periodic review, together with UN treaty bodies, are important mechanisms for the promotion and protection of human rights, and, in that regard, encourages effective follow-up on 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 International Labour Organization to consider doing so, to consider supporting the UN Declaration on the Rights of Indigenous Peoples, and welcomes the increased support of States for that Declaration;

15. Welcomes the fifth 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. Also 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 play that role effectively, including with the support of the Office of the High Commissioner;

17. Encourages relevant UN mechanisms, IPs and States to increase their attention to the human rights of indigenous persons with disabilities;

18. Decides to continue consideration of this question at a future session in conformity with its annual programme of work.

Abbreviations

A3T: Association 3 T, Niger
ACFID: Australian Council for International Development
ACHPR: African Commission on Human and Peoples Rights
ACSlC: Australian Catholic Social Justice Council
AH-1953: Association Hingitaq 1953, Greenland
AHRC: Australian Human Rights Commission
AI: Amnesty International
ALAPA: Association for Law and Advocacy for Pastoralists, Tanzania
ALTSEAN-Burma: Alternative Asean Network on Burma
ALU: Arid Lands Uganda
APDH: Asamblea Permanente por los Derechos Humanos, Argentina
APIVEN: Asociación de Pueblos Indígenas de Venezuela
ATSILS: Aboriginal and Torres Strait Islander Legal Services of Australia
BF-UPR: Burma Forum on Universal Periodic Review
BPM: Base de paix – Montreal, Canada
CAPI: Coordinadora de la Autodeterminación de los Pueblos Indígenas del Paraguay
CCJ: Comisión Colombiana de Juristas
CEDAW: UN Committee on the Elimination of Discrimination against Women
CELCOR: Centre for Environmental Rights, Papua New Guinea
CERD: UN Committee on the Elimination of Racial Discrimination
CESCR: UN Committee on Economic, Social and Cultural Rights
CETIM: Centre Europe-Tiers Monde
CHRC: Civil Society and Human Rights Coalition of Thailand
CHRO: Chin Human Rights Organisation
CIVICUS: World Alliance for Citizen Participation
CKo: Caritas Kotido, Uganda
CMIB-Bolivia: Central de Mujeres Indígenas del Beni, Bolivia
CODEHUYPY: Coordinadora de Derechos Humanos del Paraguay
CORDAID: Catholic Organization for Relief and Development Aid
CORDS: Community Research and Development Organization, Tanzania
CRC: UN Committee on the Rights of the Child
CSW: Christian Solidarity Worldwide
DFPPHRN: Dialogue-Forum for the Promotion of Peace and Human Rights in Nepal
DRCFCN: Durban Review Conference Follow-up Committee Nepal
ERI: Edmund Rice International
EU: European Union
FED: Foundation for Education and Development
FI: Franciscans International
FIDH: International Federation for Human Rights
FL: France Libertés – Fondation Danielle Mitterrand
FMSI: Foundation for Marist Solidarity International
FMUCO: Free Ministry for Mission to Unreached, Tanzania
FN: Freedom Now, USA
FORUM-ASIA: Asian Forum for Human Rights and Development
GAT: Gente Ambiente y Territorio, Paraguay
GRULAC: Group of Latin America and Caribbean Countries
HIMWA: Huduma ya Injili na Maendeleo ya Wafugaji, Tanzania
HRDC: Human Rights Law Centre, Australia
HRTMCC: Human Rights Treaty Monitoring Coordination Committee, Nepal
HRW: Human Rights Watch
HSCT: Hadzabe Survival Council of Tanzania
HURINNET-U: Human Rights Network – Uganda
IACHR: Inter-American Commission on Human Rights
IBRO: International Buddhist Relief Organisation
ICC: Inuit Circumpolar Council
ICHR: International Council for Human Rights
ICJ: International Commission of Jurists
ICSA: Indian Council of South America
IFOH-K: International Fountain of Hope – Kenya
IIDA: IIDA Women Development Organization, Somalia
IIMA: Instituto Internazionale Maria Ausiliatrice
IITC: International Indian Treaty Council
ILO: International Labour Organization
IPA: International Presentation Association
IPACC: Indigenous Peoples of Africa Co-ordinating Committee
IPNC: Indigenous Peoples and Nations Coalition
IT: Internationale Touraréguë
IWGIA: International Work Group for Indigenous Affairs
KA: Kattuffik Ataata (The Association Fathers), Greenland
KADP: Karamoja Agro-Pastoral Development Programme, Uganda
KHRG: Karen Human Rights Group, Myanmar
KOTA: Kotido Traders Association, Uganda
KUYUNU: Organización Ye’kuana del Alto Ventuari, Venezuela
LADO: Loliondo Development Organization, Tanzania
LCDOR: Longido Community Development Organization, Tanzania
LDGL: Ligue des droits de la personne humaine dans la région des Grands Lacs
Liberation: Liberation (formerly Movement for Colonial Freedom), United Kingdom
LRWC: Lawyers’ Rights Watch Canada
MADEFO: Matheniko Development Organization, Uganda
MANYITO: Enyoito Development Organization, Tanzania
MPDO: Monduli Pastoralists Development Organization, Tanzania
MRG: Minority Rights Group International
NGONET: Ngorongoro NGOs Network, Tanzania
NHRC-Thailand: National Human Rights Commission – Thailand
NIWF-Nepal: National Indigenous Women’s Federation of Nepal
NCC-UPR: Nepal NGO Coalition for UPR
NSHR-Namibia: National Society for Human Rights, Namibia
NWAC: Native Women’s Association of Canada
NWC: National Women Coalition, Nepal
OCHR: OceaniaHR
OIC: Office of the High Commissioner for Human Rights
OIDEL: International Organisation for the right to education and freedom of education
OPIT: Organización Payipie Ichadie Totobiegosode
PF: UN Permanent Forum on Indigenous Issues
PINGOs Forum: Pastoralist Indigenous NGOs Forum, Tanzania
PWCF: Pastoral Women Council, Tanzania
SDCTRUST: Simamnjiro Development Organization, Tanzania
SE: Südwind Entwicklungsplorik
SFS: Somali Family Services
SHILDA: Southern Highland Development Organization, Tanzania
SHN: Sociedad Homo Et Natura, Paraguay
SRIP: UN Special Rapporteur on the Rights of Indigenous Peoples
SSD: Social Services and Development – Caritas Moroto, Uganda
STP: Society for Threatened Peoples
SUHAKAM: Human Rights Commission of Malaysia
SUNGO: Samoan Umbrella for Non-Governmental Organisation
TAGHOGO: Tanzania Pastoralists, Hunter-Gatherers Organization
TEDDO: Teso Diocesan Development Organization, Uganda
TNRF: Tanzania Natural Resources Forum
TUFA: Association Tunfa, Niger
UCRT: Ujamaa Community Resource Team, Tanzania
UNHCR: The UN Refugee Agency
UNPO: Unrepresented Nations and Peoples Organisation
UOCLHRC: University of Oklahoma College of Law International Human Rights Clinic
UWAKAMA: Umoja wa Wafugaji Kanda ya Mashariki, Tanzania
UWM: Umoja wa Wafugaji Mpanda, Tanzania
VIDES-International: International Volunteerism Organization for Women, Education and Development
VSF-Belgium: Veterinarians Without Borders, Belgium
WBO: World Barua Organisation
WILPF: Women’s International League for Peace and Freedom
WVA: World Vision Australia
4. GENERAL ASSEMBLY RESOLUTION 66/296
17 September 2012

Organization of the high-level plenary meeting of the 69th session of the GA, to be known as the World Conference on Indigenous Peoples

The General Assembly,
Recalling the United Nations Declaration on the Rights of Indigenous Peoples [Resolution 61/295, annex], which addresses the individual and collective rights of IPs,
Recalling also all relevant resolutions of the GA, the HRC and the ECOSOC relating to the rights of IPs,
Reaffirming its resolution 65/198 of 21 December 2010, in which it decided to organize a high-level plenary meeting of the GA, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of IPs, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples,
Encouraging the participation of IPs in the World Conference,
Recalling its resolution 59/174 of 20 December 2004, by which it proclaimed the Second International Decade of the World’s Indigenous People (2005–2014), and recognizing that challenges remain in meeting the goals and objectives of the Second International Decade,
Inviting Governments and IPs to organize international or regional conferences and other thematic events to contribute to the preparations for the World Conference,
Taking note of the activities relating to the World Conference undertaken by the PF and the EMRIP, in addition to the engagement of the SRIP, in the preparatory process for the Conference,
Encouraging the continued active engagement of IPs in the preparations for the World Conference, including at the regional and global levels,

1. Decides that the high-level plenary meeting of the GA to be known as the World Conference on Indigenous Peoples shall be held on 22 September 2014 and on the afternoon of 23 September 2014 in New York;
2. Encourages all Member States to consider being represented at the World Conference at the level of Head of State or Government;
3. Decides that the organizational arrangements for the World Conference shall be as follows:
   (a) The World Conference will be composed of two plenary meetings in the form of an opening and a closing session, three interactive round-table discussions and one interactive panel discussion, with the opening meeting beginning at 9 a.m. on 22 September 2014, followed, in the afternoon, by two round-table discussions taking place simultaneously;
   (b) The speakers at the opening meeting will be the President of the GA, the Secretary-General, the United Nations High Commissioner for Human Rights, Heads of State or Government or high-level representatives of Member States from each regional group, the Chair of the PF and three representatives of IPs who will be proposed by IPs and subsequently designated by the President of the Assembly after consultations with Member States;
   (c) The round-table discussions and the interactive panel discussion will be co-chaired by one Member State and one representative of IPs who will be proposed by IPs and subsequently designated by the President of the GA after consultations with Member States;
   (d) The Chair of the PF, the Chair-Rapporteur of the EMRIP and the SRIP will be invited to participate in the interactive panel discussion;
   (e) The proceedings of the round-table discussions and interactive panel discussion will be webcast;
   (f) The co-chairs of the round-table discussions and the panel discussion will present summaries of the discussions at the closing plenary meeting;
   (g) To promote interactive and substantive dialogue, participation in the round-table and interactive panel discussions will include Member States, observers and representatives of entities of the United Nations system, IPs, civil society organizations and national human rights institutions;
   (h) Organizations and institutions of IPs interested in participating in the World Conference, and whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, should be invited to submit applications for accreditation to the Secretariat through an open and transparent procedure, in accordance with the established practice for the accreditation of representatives of organizations and...
institutions of IPs, which will provide for timely and comprehensive information on the participation of such organizations and institutions of IPs for consideration by Member States;

(i) The President of the GA shall draw up a list of representatives of non-governmental organizations in consultative status with the ECOSOC who may participate in the World Conference;

(j) The President of the GA shall draw up a list of representatives of other relevant non-governmental organizations, civil society organizations, academic institutions, national human rights institutions and the private sector who may participate in the World Conference, submit the proposed list to Member States for their consideration on a non-objection basis and bring the list to the attention of the Assembly;

4. Encourages Member States to consider including representatives of IPs in their delegations to the World Conference;

5. Encourages participation of indigenous women, young people, older persons and persons with disabilities in the World Conference;

6. Encourages United Nations agencies, funds and programmes, and regional commissions of the United Nations, in accordance with their mandates, actively to engage in the process leading to the World Conference;

7. Requests the President of the GA to organize, no later than June 2014, an informal interactive hearing with representatives of IPs and representatives of entities of the United Nations system, academic institutions, national human rights institutions, parliamentarians, civil society and non-governmental organizations, in accordance with the relevant provisions of the present resolution, to provide valuable input into the preparatory process for the World Conference;

8. Encourages Member States actively to participate in the interactive hearing to facilitate the best possible interaction and dialogue between Member States and representatives of IPs, non-governmental organizations and civil society organizations;

9. Decides that the World Conference shall result in a concise, action-oriented outcome document, and requests the President of the GA to prepare a draft text, on the basis of consultations with Member States and IPs and by taking into account the views emerging from the preparatory process and the interactive hearing referred to in paragraph 7 above, and to convene inclusive and open informal consultations at an appropriate date to enable sufficient consideration by Member States and agreement by the GA before its formal action at the high-level meeting;

10. Also decides that the action-oriented outcome document should contribute to the realization of the rights of IPs, pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples [Resolution 61/295, annex] and promote the achievement of all internationally agreed development goals;

11. Encourages Member States and IPs to disseminate the results of international, regional or thematic conferences organized by them as widely as possible in order to contribute to the preparations for the World Conference;

12. Requests the President of the GA, in consultation with Member States and representatives of IPs, to finalize the organizational arrangements for the World Conference, including the definition of the specific themes for the round-table discussions and the interactive panel discussion, the possible inclusion of an opening ceremony involving IPs, taking into account the relevant provisions of the present resolution and the inclusive process for the discussion of the outcome document, and the identification of the chairs of the round-table discussions and panel discussion, taking into account the level of representation and adequate geographical representation;

13. Decides to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it can assist, in an equitable manner, representatives of IPs, organizations, institutions and communities to participate in the World Conference, including in the preparatory process, in accordance with the relevant rules and regulations;

14. Urges Governments and intergovernmental and non-governmental organizations to continue to contribute to the Voluntary Fund, and invites indigenous organizations and private institutions and individuals to do likewise;

15. Encourages Member States, organizations and institutions of IPs, entities of the United Nations system, the private sector, non-governmental organizations and others to actively support activities and events of IPs in preparation for the World Conference and to organize side events and other relevant thematic and cultural activities in New York that would add to the value and visibility of the Conference.
5. OTHERS

**UN Voluntary Fund for Indigenous Populations**

To attend the September 2013 session of the Human Rights Council and all sessions of the treaty bodies between July and September 2013:

1 March 2013: **Call** for the submission of applications
15 April 2013: **Deadline** for the submission of applications
13-17 May 2013: Intersessional meeting of the Board of Trustees
21 May 2013: **Announcement** of the selection

The applications forms for all the meetings are available at: [http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/ApplicationsForms.aspx](http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/ApplicationsForms.aspx)

Please verify the criteria for selection established by the members of the Board regarding sessions of the Human Rights Council and treaty bodies. These criteria are available at: [http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/criteria.aspx](http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/criteria.aspx)

**Contact information:**

Secretariat of the UN Voluntary Fund for Indigenous Populations
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**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](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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Thanks!
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