TABLE OF CONTENTS

1. Editorial .............................................................................................................................................. 2

2. Expert Mechanism on the Rights of Indigenous Peoples................................................................. 3
   Item 1: Organisation of the session: Opening Session ........................................................................ 4
   Item 2: Implementation of HRC resolution 6/36 ................................................................................ 5
   Item 3: Lessons learned and challenges to achieve the implementation of Indigenous Peoples’ Right to Education ................................................................................................................................. 12
   Item 4: Review and recommendations on the outcome of the Durban Review Conference ............. 17
   Item 5: Proposals to the HRC for its consideration and approval ..................................................... 20

3. Upcoming Meetings and Deadlines for Indigenous Peoples, January to June 2009................ .. 22
1. EDITORIAL

The first session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) took place from 1 to 3 October 2008 in Geneva’s Palais des Nations. It was opened by the Deputy High Commissioner for Human Rights, Ms Kyung-wha Kang, and by the President of the Human Rights Council (HRC) His Excellency Ambassador Martin I. Uhomoibhi, from Nigeria.

Approximately 200 delegates, out of which a 100 indigenous representatives, participated in the session, together with members of the UN Permanent Forum on Indigenous Issues (UNPFII) and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (SRIP). The fact that four of the five EMRIP members, as well as the SRIP and half of UNPFII experts, are indigenous, suggested that a certain synergy was going to develop between these various instances.

Indeed, according to its president, the EMRIP’s mandate is to provide to the HRC thematical expertise based on its studies. As an outcome of the WGIP, the Mechanism will build its expertise and advice on the basis of studies performed by its predecessor. In his turn, the SRIP will focus on the examination of instances concerning human rights violations and will thus contribute to the EMRIP’s thematical studies, rather than draft studies himself. In order to achieve this goal, it is recommended that the SRIP’s team become stronger, given the importance of this task. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) constitutes the main reference document for all of the above.

Aside from the EMRIP and the SRIP, the HRC offers several possibilities in terms of defense and promotion of human rights. Other special rapporteurs can be solicited and various special complaint procedures may be used. During HRC sessions, NGOs can express themselves, namely during interactive dialogues. The Universal Periodic Review (UPR) constitutes another possibility, needing a relatively lengthy procedure. The first UPR sessions show that States do not integrate spontaneously indigenous peoples’ issues in their reports, which shows the importance of their participation. Finally, outside the ambit of the HRC, indigenous peoples can use the Treaty Bodies more.

This implies that indigenous representatives will be coming to Geneva more often and the EMRIP has asked the HRC to extend the mandate of the Voluntary Fund for Indigenous Peoples to apply equally to HRC and Treaty Bodies sessions (in addition to those held by the EMRIP and the UNPFII).

With this in mind, doCip has organised a training workshop before the EMRIP session. It was held in English, Spanish, French and Russian and given by three indigenous experts. This training included the presentation of the human rights mechanisms useful to indigenous peoples and the necessary procedure to follow within the UPR framework. The documents of the training can be found on the website www.docip.org. (Online documentation, Human Rights Council, and Training and support documents).

The EMRIP report and recommendations will be submitted for adoption during the 10th HRC ordinary session (probably on 17 March 2009) and we shall publish them when they will be adopted. The SRIP report will be on the agenda of the 12th HRC ordinary session (7-25 September 2009). It would be desirable to gather indigenous issues in one and the same HRC session, in order to ensure a more compact participation and easier access for the concerned right holders.

* * *
2. EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

1st session, Geneva, 1-3 October 2008

According to resolution A/HRC/9/7 of 24 September 2008, the agenda of this first session includes (I) the Organisation of the session, (II) the implementation of HRC resolution 6/36 entitled “Expert Mechanism on the Rights of Indigenous Peoples” including consideration of thematic expertise, (III) Study on lessons learned and challenges to achieve the implementation of the rights of IPs to education, (IV) Review and recommendations to the outcome to the Durban Review Conference and (V) Proposals to the HRC for its consideration and approval. Below, we publish resolution A/HRC/9/7 and a summary of the statements made during the three-day session1.

Human Rights Council’s Resolution A/HRC/9/7 of September 24, 2008

At its ninth session, under agenda item 3 “Promotion and Protection of all Human Rights”, the Human Rights Council adopted the following Resolution, co-sponsored by Argentina, Australia, Bolivia, Brazil, Chile, Caba, Cyprus, Denmark, Finland, Greece, Guatemala, Honduras, Hungary, Italy, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Peru, Russian Federation, Slovenia, Switzerland, Uruguay and Venezuela.

9/7. Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant resolutions of the Commission on Human Rights, the Economic and Social Council and the General Assembly related to indigenous issues,

Recalling also Human Rights Council resolutions 6/12 of 28 September 2007 and 6/36 of 14 December 2007,

Bearing in mind that the General Assembly proclaimed, in its resolution 59/174, the Second International Decade of the World’s Indigenous People,

Recalling that the Assembly adopted, in its resolution 61/295 of 13 September 2007, the United Nations Declaration on the Rights of Indigenous Peoples,

1. Welcomes the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/9/9);

2. Welcomes also the report of the United Nations High Commissioner for Human Rights on indigenous issues (A/HRC/9/11);

3. Requests the expert mechanism on the rights of indigenous peoples to identify proposals and to suggest them by consensus to the Council, for its consideration in 2009;

4. Also requests the expert mechanism and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to assist the Preparatory Committee by undertaking a review and submitting recommendations as contributions to the outcome of the Durban Review Conference;

5. Further requests the expert mechanism to prepare a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education and to conclude it in 2009;

6. Requests the expert mechanism to seek input from relevant stakeholders, including from indigenous peoples’ organisations, Member States, relevant international and regional organisations, the Office of the United Nations High Commissioner for Human Rights, national human rights institutions and civil society organisations, including non-governmental organisations, for the preparation of their work;

7. Requests the Special Rapporteur, the Permanent Forum on Indigenous Issues and the expert mechanism to continue to carry out their tasks in a coordinated manner;

8. Suggests that the General Assembly adjust the mandate of the United Nations Voluntary Fund for Indigenous Populations to take into account Council resolution 5/1, in particular the creation of the expert mechanism on the rights of indigenous peoples;

9. Encourages those States that have not yet done so to consider ratifying or acceding to the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organisation;

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

1This report is based on oral and written statements presented orally during the debates. The official report and the proposals on this session are to be found on doCip’s website, under Documentation centre-Online documentation-Conferences-Human Rights Council-Expert Mechanism -2008 - 1st session.
Item 1: Organisation of the session: Opening Session

Ms. Kyung-wha Kang, UN Deputy High Commissioner for Human Rights, opens the first meeting of the first session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). She welcomes all the participants to this session, and especially the 70 indigenous representatives whose attendance was supported by the UN Voluntary Fund for Indigenous Peoples. General Assembly (GA) resolution 60/251 has reformulated the UN human rights framework, by establishing a Human Rights Council (HRC) in charge of improving the human rights outlook worldwide. The Council has established the Special Procedure mandates, including that of the Special Rapporteur on the human rights and fundamental freedoms of IPs (SRIP) and that of the process of reporting on all Member States to the Universal Periodic Review (UPR). There are also four advisory bodies to the Council: the Advisory Committee, acting as a think-tank on human rights matters, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Forum on Minority Issues, and the Social Forum. The Expert Mechanism must provide the Council with thematic expertise on the rights of indigenous peoples (IPs) through studies and research-based advice.

The Council has formulated three concrete requests, which the Mechanism will have to undertake in coordination with the SRIP and the Permanent Forum. In addition, it will seek input from the relevant stakeholders.

The requests are:
1. identify and suggest by consensus proposals to the Human Rights Council for its consideration in 2009;
2. assist the Preparatory Committee by undertaking a review and submitting recommendations as contributions to the outcome of the Durban Review Conference;
3. prepare a study on lessons-learned and challenges to the implementation of IPs’ right to education and conclude it in 2009;

However, besides its research concerning the right to education, the EMRIP must bring proposals on how best to provide thematic expertise on indigenous rights to the Council in general.

The Working Group on Indigenous Populations (WGIP) was a significant predecessor of the current indigenous rights framework, and enabled the existence of the Declaration on the Rights of Indigenous Peoples (UNDRIP), proposed the International Year of the World’s Indigenous People, the establishment of the UN Voluntary Fund for Indigenous Populations, the Permanent Forum on Indigenous Issues (UNPFII), and the mandate of the SRIP. It also conducted and produced important studies on indigenous issues.

The EMRIP, in charge of carrying forward the work of the WGIP, functions in a changed normative and institutional environment, and has to envisage its contribution to the implementation of the UNDRIP through its research and studies. The SRIP proposes that the studies undertaken by the Mechanism become key in the operationalisation of the rights present in the UNDRIP, by mainstreaming them in the Council’s general activities.

It is important that the three mechanisms recently established - the EMRIP, the SRIP and the UNPFII - collaborate and coordinate their activities in order to avoid duplication.

The UNPFII is responsible for advising Economic and Social Council (ECOSOC) on the coordination of the UN system and mainstreaming indigenous issues into policies and programmes; the EMRIP provides thematic advice on indigenous rights to the Council; the SRIP examines human rights issues, including individual complaints, and makes country visits and recommendations to the Council.

The EMRIP must ensure a participatory research in its studies, by gathering information from all the relevant actors in the field. It must also garner enough interest and experience for the upcoming 12 months.

H.E. Ambassador Martin I. Uhomoibhi, President of the Human Rights Council, congratulates the members of the new EMRIP. The EMRIP is a new body with a specific mandate, different from that of the WGIP, complementary to the Special Procedures mandate. It can undertake thematical studies in order to assess the Council on indigenous issues and bring proposals to the Council within the scope of its mandate, and should avoid duplication with other human rights (HR) bodies. The challenge of this first session is defining a specific approach on how to implement EMRIP’s mandate. The President re-iterates the requests mentioned by the UN Deputy High Commissioner for Human Rights.

Ms. Jannie Lasimbang, expresses her thanks for being elected as a member of the EMRIP. She is confident regarding the Mechanism’s mandate. She encourages all the relevant actors to participate in sessions and debates, including donors, UN Agencies and Funds, and NGOs. Many of the strengths and solutions to the issues examined by the EMRIP can be found in the IPs themselves. The EMRIP should also apply the principle of non-discrimination in its work, and respect the HR normative framework in implementing its mandate.

Ms. Kyung-wha Kang, UN Deputy High Commissioner for Human Rights, calls for the election of officers in accordance with Rule 103 of the Rules of Procedure of the GA. There is agreement as to who will be the Chairperson Rapporteur and the Vice Chairperson Rapporteur for the EMRIP.
Ms. Jannie Lasimbang nominates Mr. John Henriksen as Chairperson Rapporteur and Mr. José Carlos Morales as Vice Chairperson-Rapporteur of the first EMRIP session. In the absence of any objections, they are declared elected in their respective functions.

Mr. John Henriksen, EMRIP Chairperson Rapporteur, expresses his thanks for the trust placed in him and is committed to assuming his responsibilities. The EMRIP complements existing UN mandates relevant to IPs and adds an important pillar to the entire human rights framework. It constitutes a unique forum for debate about the scope, advancement, and implementation of IPs’ rights. The EMRIP was set up through resolution 6/36 of the HRC and builds on the achievements of the Sub-Commission’s WGIP. The EMRIP, as a subsidiary body of the HRC, has a mandate that is different from the WGIP. The UNDRIP is the result of the WGIP’s work. The studies undertaken by this body were equally important for the advancement of the IPs’ rights, and are useful for the Mechanism, too.

The EMRIP has a thematic mandate; it does not develop new standards, does not address country situations, and does not offer a complaint procedure. It is mandated to provide thematic expertise on IPs’ rights to the HRC, in the manner and form requested by the latter. The EMRIP’s main focus is thematic studies and research-based advice. The UNDRIP can provide a good starting platform for discussions and can provide a good conceptual framework for the work of the Mechanism. In September 2008 the HRC adopted resolution 9/7, titled “Human Rights and IPs”, deciding on the topics for the EMRIP’s first session:

2. Preparing a study of lessons learnt and challenges to achieve the implementation of the IPs’ right to education, concluding the study in 2009.
3. Identifying proposals and presenting them to the HRC for its consideration in 2009.

It is equally necessary to examine the EMRIP’s work methods and the best ways it can contribute to the promotion of IPs’ rights. All relevant stakeholders are welcome during EMRIP’s annual meetings, as per resolution 6/36. It is crucial that IPs’ organisations and representatives without ECOSOC regular status participate, in order to ensure a broad indigenous participation in the work of the Mechanism, which is also held to develop methods of knowledge-capture from a wide base of interlocutors. IPs are encouraged to support the EMRIP’s work. Resolution 9/7 extends the mandate of the UN Voluntary Fund for Indigenous Populations to be able to fund indigenous participation in the EMRIP annual meeting and sessions. Member States and stakeholders must also engage with the Mechanism’s work and acknowledge it as an important instrument for the advancement of IPs’ rights. The normative framework for the EMRIP’s work includes all relevant international instruments related to IPs’ rights, including the UNDRIP. The EMRIP must help the HRC mainstream indigenous rights within the HR system in general. Therefore, it is equally important to ensure adequate funding for the completion of the EMRIP’s mandate.

Item 2: Implementation of HRC resolution 6/36

The Indigenous Peoples Caucus greets and congratulates the members of the EMRIP, and specifies the Caucus’ commitment to collaborate with the Mechanism towards the fulfilment of its mandate. The Caucus recognises the historic significance of this moment, when for the first time a UN body addressing IPs’ rights is composed mainly of indigenous experts. The Indigenous Peoples Caucus proposed the following recommendations:

1. The EMRIP should focus on proposing mechanisms and measures ensuring the implementation of the UNDRIP and other human rights standards at national, international and regional levels in order to protect IPs in relation to all themes considered.
2. The Caucus expresses commitment in supporting the EMRIP’s work towards fulfilling the requests of the HRC for 2009 (see above), advising the incorporation of IPs’ input in all studies undertaken.
3. The Indigenous Caucus emphasizes the importance of global and cross-cutting themes for IPs.
4. The EMRIP is advised to review the status of the recommendations and studies made by the WGIP, as well as the conclusions and recommendations of the Expert Seminars organised by the Office of the High Commissioner for Human Rights. These conclusions address important issues, such as sovereignty over natural resources and the relations between States and IPs, requiring further consideration.
5. The Indigenous Caucus stresses the importance of full participation of IPs in all its work, including oral contributions from traditional representatives, elders and knowledge holders.
6. The EMRIP should call on IPs, Nations and Representative organisations to assist its members with the studies to be performed.
7. The UN must allocate adequate funding for a well-functioning Mechanism. The EMRIP must include in all areas of its work indigenous women, youth, elders, children and persons with disabilities.
8. The Indigenous Caucus calls upon the EMRIP to recommend to the HRC that the UNDRIP becomes an evaluation standard for States in the UPR process.

9. The legal basis and framework of the EMRIP work must include the UNDRIP (as per A/res/61/295, and HRC resolution 6/36, and 9/7).

The **Asian Caucus** congratulates the new EMRIP members. The EMRIP will fill the existing gap in the HRC regarding IPs’ rights. The Asian Caucus expects concrete proposals from the EMRIP to the HRC that will enhance IPs’ rights, within the UNDRIP framework. EMRIP studies should consider global and cross-cutting issues without duplication with other UN bodies. They should focus on human rights violations, indigenous refugees and internally displaced persons, the issue of recognition of indigenous status, and resource extraction on indigenous territories, as well as its impact on indigenous culture. The Asian Caucus urges the EMRIP to keep its open sessions and its participatory research methods. It also requests adequate funding from the UN for EMRIP’s activities. The mandate of the Mechanism should be strengthened and indigenous organisations should have constant access to the EMRIP.

**NZCTU** greets the EMRIP members and endorses the Indigenous Caucus statement. There is hope that the EMRIP will become an important reporting and recognition channel. The Mechanism’s reports should participate in the growing body of indigenous rights jurisprudence and should be drafted in close cooperation with indigenous experts. Recommendations:

1. The EMRIP mandate is currently limited, but NZCTU reserves the right to review it after the Mechanism’s first report to the HRC, if need be.
2. The UNDRIP and other international indigenous jurisprudence should be the EMRIP’s research framework.
3. Assistance for the Mechanism should ensure its effective mandate fulfilment; support is needed from States; IPs will provide knowledge and expertise.
4. The EMRIP is expected to provide a space for indigenous voices against discrimination, who should be included in studies, as relevant.
5. There must be guidelines about the development of the research process and timeframes.

The EMRIP is in a legitimacy-building phase. Its studies should be considered, listened, and respected by the UN, States and the HRC.

**Jannie Lasimbang, EMRIP member**, welcomes its establishment. She advises that it is necessary to avoid duplication by keeping in close touch with the UNPFII and the SRIP. The Mechanism will focus on specific situations in which IPs’ rights are threatened or violated. It is necessary to have a good working relationship with the HRC and other bodies. The EMRIP is a good space for dialogue and promotion of IPs’ rights as enshrined in the UNDRIP and other HR instruments. IPs should be seen as right holders and not stakeholders. Themes under study should be global and cross-cutting, and inputs should be gathered from States, IPs, NGOs, in written form, as well as in the form of oral testimonies. There is a need for adequate funding, cooperation between all the UN human rights organisations and instruments, and appropriate timeframes for the submission of research proposals.

**KCLCDA, KYS**, affirm they are fighting for IPs’ rights, particularly the Chamling in Nepal, who are poor and uneducated. Furthermore, the situation of indigenous women in Nepal is difficult, since they are unable to protect and capitalise their traditional skills. Indigenous women should be integrated in the field of education, and scholarship programmes should enable their training. Nepal should initiate a law package for indigenous women; it should equally use more their knowledge of traditional health remedies.

**ANN** affirms that the EMRIP must emphasize the minimum HR norms and protect indigenous rights, as well as reflect on strategies regarding their implementation worldwide, without discrimination. IPs’ rights are included in the Millennium Development Goals (MDGs) and are the right to education, land, health and water. It is emphasized that certain countries do not recognise the existence of IPs within their boundaries.

**PROVEA** congratulates the EMRIP members on their nomination. Nation States have recognised IPs territorial rights thanks to progresses registered by the UN on the issue. However, in practice, these rights have been violated due to economic interests. The EMRIP should examine the situation of these territorial rights in countries where IPs have asked for their land.

**GUATEMALA** congratulates the EMRIP members. The EMRIP is a space for dialogue, discussion and support. Making the Mechanism successful is up to IPs. It is necessary to define the important themes for its agenda, as well as the proposals that are to be handed to the HRC in support of its mandate.

**CAPAJ** congratulates the EMRIP members upon their nomination. It stresses the necessity to establish a structured agenda such that indigenous representatives can bring to this forum any emergency concerns they have, to be included in the Mechanism’s studies, without, however, affecting the specific duties of the Mechanism, granted by the HRC resolution. The HRC created this instrument in order to further the WGIP’s
work, and does not forbid indigenous representatives to present the violation of their rights when it occurs. The SRIP position within the Mechanism stands proof of this intention.

**ARGENTINA** welcomes and supports the creation of the EMRIP, emphasising the activity of its predecessor, the WGIP. The Argentine delegation is interested in the exchange of opinions, experiences, and suggestions, with the experts and with the governmental delegations. It is important to define the first themes to be examined by the Mechanism, including the challenge of implementing IPs’ rights, such as required for the Durban Conference in 2009. Argentina reminds delegates that the Prepcom for Durban held between 6 and 17 October will initiate discussions on the follow-up document on the Durban Conference and on the regional working groups from Brasilia and Abuja. The Mechanism should invite a representative from the Prepcom in order to be informed on all antecedents, and draft the best document possible for the 2009 Review conference.

**CNI** congratulates the EMRIP members, considering the Mechanism a breakthrough within the new HR structure. The UNDRIIP should be the guiding framework for studies, since for Mexican IPs it constitutes the basis of their new relationship with the State. Therefore, the EMRIP should look into concrete ways of implementing the UNDRIP at all levels.

**AC, FRW, AISTE,** affirm that Ecuador has not guaranteed its IPs the right to health, which is connected to all other rights, such as the right to a health infrastructure, adequate education, social security, universal health insurance, food security, as well as a clean environment. Child and mother mortality is high. The factors contributing to this situation are the lack of alphabetisation, domestic violence, low income, and lack of medical care, especially in the rural areas. However, in 2008 the creation of a new Parliament that includes indigenous representatives and incorporates many of the demands of Ecuadorian society gives hope. It is important that the EMRIP seeks ways of implementing the UNDRIIP at an international level, thus favouring the establishment of a relationship between governments and IPs in order to guarantee the respect of all IPs’ human rights in a just and equitable fashion. There is hope in Ecuadorian society that the new Parliament, including indigenous representatives, will enhance the respect and implementation of indigenous rights.

**MEXICO** congratulates the EMRIP members, and remarks that its agenda was adapted according to HRC’s resolutions 6/36 and 9/7. Mexico has granted a lot of attention to indigenous issues, because indigenous people constitute the essence of the Mexican State. As a consequence, it trusts the solid international legal structure meant to promote and protect indigenous rights, and calls for clear mandates for all these instruments, in order to avoid duplication and enable the successful implementation of reforms.

**VENUEZUELA** welcomes the creation of the EMRIP, as a successor to the WGIP. The Republic of Venezuela grants particular importance to IPs’ rights at all levels, as is proven by its participation in various international institutions, and its donor status to the UN Voluntary Fund.

**FIPJL** congratulates the EMRIP members. Water is life, and there is a wish to protect it for future generations. Therefore, it is demanded that the right to water be guaranteed. The right to water must be connected to the right to health in order to reduce child mortality. There is the wish to end the savage exploitation of the land, and demand its protection, conservation, and the integral management of water resources. There is hope that the new Ecuadorian government will allow indigenous peoples to self govern and develop.

**CEPSAL** salutes the new EMRIP. The main challenges facing IPs are the right to education, territory, and resources, as specified by the UNDRIIP. The EMRIP is advised to examine the right to education in connection to other rights. Academic institutions can participate in the promotion of these rights and have to become a fundamental means of information on indigenous issues, for the international community. CEPSAL offers a report examining the right to land through the recognition of the right to self-determination, as preliminary rights necessary for the establishment of the right to education. The UNDRIIP can be promoted through such kind of analyses.

**BOLIVIA** emphasizes how important the issue of indigenous rights is for the country. Bolivia is the first State to have incorporated the UNDRIP in its national legislation. It has also introduced indigenous issues as crosscutting the public policies ensemble, and strives to enable the same outcome at an international level. This constitutes a best practices example to be shared with the EMRIP. Unfortunately, Bolivia is going through difficult times, when IPs are still attacked by armed civilian groups, in opposition to the central government. This situation is a new challenge for the SRIP and for the EMRIP, who should explore this particular type of violence, coming from local groups that are not related to the State.

**ECMIRS** congratulates the new EMRIP members. The uniform treatment of differences also constitutes a form of discrimination, due to which indigenous women worldwide suffer. Unfortunately, the Mechanism has not planned to examine during its first session the precarious situation of indigenous women rights, which should be treated as a cross-cutting issue. The following recommendations are given:

1. It is necessary to take into particular consideration the harmonisation and articulation of the texts of the Durban Declaration and Programme of Action of the World Conference against Racism, Racist
Expert Seminars on Free Prior and Informed Consent. It is necessary to strengthen the EMRIP’s mandate. It is necessary to review and update the UN Treaty Study in view of recent UN Expert Seminars, as well as the UN focus must be on the full implementation of the UNDRIP and its achievement in partnership between States and IOIRD, AFNC, AFNT6&8, IITC.

Discrimination, Xenophobia, and other forms of Intolerance, and of the UNDRIP, who treat different issues connected to indigenous women.

1. The Mechanism should develop an implementation framework for the UNDRIP, with a differential approach to indigenous women.

FEROCAFENOP congratulates the EMRIP. In Mexico, IPs’ rights are violated brutally and systematically. The EMRIP’s role is to draw attention towards such instances, in which there is talk about sustainability, but IPs are exterminated. The HRC should renegotiate the Technical Cooperation Agreement with Mexico in order to examine the IPs’ situation in the country. It must ask Mexico to provide IPs with education.

CNO, CATOOTI congratulate the new EMRIP. Resolution 6/36 must be a clear UN message towards building peace and dialogue with IPs. The EMRIP must establish a successful relationship with the HRC in order to implement successfully the UNDRIP. It is important to take into consideration the following:

1. The IPs’ right to self-determination.
2. The development of instruments for peaceful conflict resolution between States and IPs.
3. The respect and return of ceremonial centres and sacred places, including relics, codes, and sacred territories connected to indigenous spiritual practices; it is unacceptable that a country such as Mexico practices a form of cultural genocide by using such sites.

The development of instruments for peaceful conflict resolution between States and IPs.

The respect and return of ceremonial centres and sacred places, including relics, codes, and sacred territories connected to indigenous spiritual practices; it is unacceptable that a country such as Mexico practices a form of cultural genocide by using such sites.

The Mechanism should develop an implementation framework for the UNDRIP, with a differential approach to indigenous women.

FSA congratulates the EMRIP. In Mexico, IPs’ rights are violated brutally and systematically. The EMRIP’s role is to draw attention towards such instances, in which there is talk about sustainability, but IPs are exterminated. The HRC should renegotiate the Technical Cooperation Agreement with Mexico in order to examine the IPs’ situation in the country. It must ask Mexico to provide IPs with education.

CNO, CATOOTI congratulate the new EMRIP. Resolution 6/36 must be a clear UN message towards building peace and dialogue with IPs. The EMRIP must establish a successful relationship with the HRC in order to implement successfully the UNDRIP. It is important to take into consideration the following:

1. The IPs’ right to self-determination.
2. The development of instruments for peaceful conflict resolution between States and IPs.
3. The respect and return of ceremonial centres and sacred places, including relics, codes, and sacred territories connected to indigenous spiritual practices; it is unacceptable that a country such as Mexico practices a form of cultural genocide by using such sites.

Discrimination, Xenophobia, and other forms of Intolerance, and of the UNDRIP, who treat different issues connected to indigenous women.

1. The Mechanism should develop an implementation framework for the UNDRIP, with a differential approach to indigenous women.

CNO, CATOOTI congratulate the new EMRIP. Resolution 6/36 must be a clear UN message towards building peace and dialogue with IPs. The EMRIP must establish a successful relationship with the HRC in order to implement successfully the UNDRIP. It is important to take into consideration the following:

1. The IPs’ right to self-determination.
2. The development of instruments for peaceful conflict resolution between States and IPs.
3. The respect and return of ceremonial centres and sacred places, including relics, codes, and sacred territories connected to indigenous spiritual practices; it is unacceptable that a country such as Mexico practices a form of cultural genocide by using such sites.

Discrimination, Xenophobia, and other forms of Intolerance, and of the UNDRIP, who treat different issues connected to indigenous women.

1. The Mechanism should develop an implementation framework for the UNDRIP, with a differential approach to indigenous women.

CNO, CATOOTI congratulate the new EMRIP. Resolution 6/36 must be a clear UN message towards building peace and dialogue with IPs. The EMRIP must establish a successful relationship with the HRC in order to implement successfully the UNDRIP. It is important to take into consideration the following:

1. The IPs’ right to self-determination.
2. The development of instruments for peaceful conflict resolution between States and IPs.
3. The respect and return of ceremonial centres and sacred places, including relics, codes, and sacred territories connected to indigenous spiritual practices; it is unacceptable that a country such as Mexico practices a form of cultural genocide by using such sites.

Discrimination, Xenophobia, and other forms of Intolerance, and of the UNDRIP, who treat different issues connected to indigenous women.

1. The Mechanism should develop an implementation framework for the UNDRIP, with a differential approach to indigenous women.
land is taken over by interest groups or individuals. MBOSCUDA has tried to build its human rights advocacy capacities through coalitions at national, regional, and international levels, resulting in many studies on the Mbororo. Some point out to their disenfranchised situation or to the abuses they are subject to. The following are proposals to be given to the Cameroonian government through the EMRIP:

1. Set up a policy framework for enabling grazing, and land ownership by farmers.
2. Create grazing reserves allowing grazers to develop and implement grazing techniques.
3. Stop the eviction of the Mbororo people from their lands and provide compensation for injustices.
4. Apply the law against human rights abuses.
5. Publish the findings of a research on violence against the Mbororo people, performed in 2003.
6. Allow Mbororo people to manage their institutions according to their customs.

The PHILIPPINES affirms it is concerned with IPs’ rights, recognising and promoting them. The country has an Indigenous Peoples Rights Act and a National Commission on IPs, working for their empowerment. It is hoped that the EMRIP will follow the directions set by HRC resolutions 6/36 and 9/7. It should coordinate closely with the SRIP and the UNPFII in order to avoid duplication of work.

BAA greets the EMRIP. It is important to work towards the implementation of the UNDRIP. The Alifuru are fighting to survive as a People and as a Nation. They recommend to the EMRIP:

1. To uphold the UNDRIP themes: self-determination, land and territories, cultural identity, and indigenous values and beliefs.
2. To assess and monitor the IPs situation by keeping specific circumstances on the research agenda.
3. To work towards the release of young Alifuru from Indonesian jails, where they are imprisoned for affirming their identity.

CPNAB congratulates the new EMRIP members and recalls that the Indigenous Caucus advises the EMRIP to select for its study themes transversal and globally relevant issues in relation to IPs. One important theme would be the development of mechanisms for the implementation and monitoring of the UNDRIP. The issues of land and resource ownership, as well as the question of the right to consultation with free, prior and informed consent should remain a priority of study.

LACAICC affirms native peoples in the US face serious concerns and severe inequalities. Those relocated to urban areas are subject to poverty, and limited access to housing and services, as well as discrimination. They have difficulty in keeping their culture and identity alive, which, in turn, threatens the survival of Indians as a people. IPs worldwide tend to migrate towards urban areas due to land dispossession, poverty, militarization, natural disasters, unemployment and discrimination. As a consequence, the EMRIP should consider the situation of this particular population around the world.

ZORO greets the EMRIP’s members. Accelerated deforestation, and shifting cultivation on the hills affects the environment and lands of the Zo people, impoverishing them by affecting their crops. India disregards environmental conservation by stimulating monoculture crops. IPs’ traditional way of cultivating the land should be integrated into national policy, thus preserving their identity. The plantation of commercial trees should be stalled, and the land should be allowed to regenerate. The government should also restrict developmental activities in mining and dam construction, and prevent IPs’ dispossession. India should include the UNDRIP in its Acts and Regulations concerning indigenous territories and resources. The IPs must organise themselves in order to establish a dialogue with States, especially on the issue of free, prior, and informed consent regarding IPs’ lands, territories and resources.

The RUSSIAN FEDERATION outlines its concern with IPs in the country. The Russian Federation favours the international developments on indigenous issues. Great importance is attached to the UNPFII and the SRIP. The EMRIP experts need to start defining the working methods of the mechanism and coordinating their work with these two instruments so that they avoid the duplication of efforts. The first study to be conducted by the Mechanism as requested by the Council in its Resolution A/HRC/9/7 (co-authored by the Russian Federation) will be on indigenous education. Russia’s federal legislation contains the right to preserve and develop the native languages, traditions and cultures of numerically small IPs of Russia. The experts should identify further subjects of studies, by consensus of all stakeholders, particularly States. The experience of the former WGIP is crucial in this process. Some of the problems raised and addressed by the WGIP are still relevant today.

PIPLinks welcomes the establishment of the EMRIP. There is a need for specialist structures in order to treat the serious issues IPs face, such as the abuse and denial of their rights. PIPLinks endorses the statement made by the Caucus on this agenda item. The UNDRIP is a necessary framework and the EMRIP should undertake all necessary efforts in order to further its integration into other HR instruments and in general. Corporations must be aware and respect the UNDRIP principles. The following is encouraged:

1. An interactive study of Corporations in the oil and mining industry recording their response to the UNDRIP, and their current practices in relation to it. Prof. Anaya should equally be involved in this study.
2. A study regarding NGO’s (including churches) inclusion of the UNDRIP principles in their interaction with IPs.

3. Establishing in the future an agenda item where experts, delegates and observers report in a guided thematic matter on the UNDRIP implementation and its breaches, to be included in the EMRIP studies.

IPNC affirms it is essential for the EMRIP to clarify the scope of the proposals received by the HRC. The EMRIP is called to continue the work of the WGIP, by completing or following up its studies. IPs must be able to defend and promote their rights. The HRC is called upon to promote the full implementation of IPs HR obligations undertaken by States. The HRC should provide means and methods to address HR violations of IPs.

The NN stresses the importance of the UNDRIP. The Navajo Nation is disappointed with the fact that the USA voted against it. The EMRIP is invited to study crosscutting issues that affect Native Indians in the USA, acknowledging they are similar with challenges faced by other IPs. The themes to be addressed are lands and resources, racism, and education. The experts and the SRIP are invited to include in their studies the concrete situation of the Navajo Nation in the USA.

The Australian Human Rights Commission (AHRC) mentions that national institutions complying with the Paris principles related to the status and functions of national institutions for the promotion and protection of human rights, provide an important connection between the international system and domestic legal frameworks. Such institutions monitor the implementation of international norms and contribute to UN studies and research.

The Australian HR Commission informs the Australian federal Parliament on the Indigenous Australians human rights situation, undertakes awareness raising activities, and analyses proposed laws for their compliance with IPs’ human rights. There is a great opportunity for the EMRIP to construct partnerships with national organisations for its research, which would also encourage institutions to further the respect of IPs’ human rights. The Asian network of national institutions relevant to IPs’ rights, are committed to inform the Mechanism of the results of their research. In addition to that there are several objectives for the Second International Decade on IPs:

1. Promoting the non-discrimination and inclusion of IPs in all the stages of all the processes relevant to their situation.
2. Adopting targeted strategies for IPs’ development, including benchmarks.
3. Developing strong monitoring mechanisms, and enhancing accountability at national level regarding legal, policy and operational frameworks for the protection of IPs.
4. Governments should support and broaden the mandate of existing national instruments for the promotion of equality and non-discrimination.

DENMARK stresses the importance of cooperation between the EMRIP, the SRIP, and the UNPFII. The EMRIP’s mandate and function are limited, focused on enabling the implementation of the UNDRIP and other HR instruments.

WTLP speaks on behalf on the IPs of Kenya. Indigenous pastoral peoples here have a difficult situation, suffering from marginalisation and dispossession. As a result of a tense political situation, the pastoralists have been abused and their possessions destroyed or confiscated. Furthermore, there are laws specifically discriminating against them in favour of the Kenyan government. The general outcome of these circumstances is a state of underdevelopment, where central authorities exploit resources and biodiversity is destroyed. The IPs in the region have no grazing rights and their livelihood and survival is threatened by the diversion of resources away from their land. There is therefore need for affirmative action in the following areas: education - in the guise of school equipment and teaching standards, insecurity - in the form of regulation for grazing boundaries, the development of infrastructure, and the setting up of a development fund by changing the Banking act in order to allow pastoralists to use their livestock as collaterals for bank loans. The issue of water must also be resolved. The community equally intends to demand reparation for past injustices from the former colonial master and the Kenyan Government.

KKNIPCU brings information on the IPs in the Krasnoyarsk Territory of the Russian Federation. Being numerically small, they face a situation in which they are not able or allowed to use the natural resources on their territory for subsistence, largely due to the fact that the State has created natural reserves in these places. However, some progress is made in the process of redressing the situation.

LYS emphasizes that the Government has ratified various IPs’ rights instruments. However, they are at odds with certain national laws that still survive in the legislation, affecting particularly indigenous women. It is suggested that the EMRIP recommends Nepal to implement the laws it ratifies; that it recommends NGOs and international NGOs to implement HR programmes for indigenous women; that it recommends to the UN to provide full support for the inclusion of indigenous women in various programmes. Donor governments and agencies should implement the free, prior and informed consent principle for development activities affecting indigenous women. National organisations in charge of IPs’ issues have not adequately performed so far either, which means that most IPs are not aware of ILO Convention 169, for example. Indigenous representatives...
should be more active in Parliament and further the gradually improving situation of their people in Nepal. There are still instances in which IPs are forbidden to use their identity and have no self-determination. International support is needed for the movement in favour of self-determination for the IPs in Nepal.

MOSOP sees the EMRIP as an important progress in the field of IPs’ rights. Studies should concentrate on the UN efforts invested into mainstreaming the implementation of IPs’ rights, particularly in light of the UNDRIP. The working methods should stress collaboration with regional HR mechanisms, such as the African Commission on Human and Peoples Rights (ACHPR). It is also necessary sometimes to concentrate on specific situations reflecting regional concerns and experiences. The issue of free, prior and informed consent is crucial. The EMRIP needs to develop a concise practical follow-up framework for its studies.

Mongol-Voldu Community, Khabarovsk Region, Russian Federation, outlines the problems experienced by the community. Two main problems have a negative effect on the development of the community – imperfect legislation and an unfavourable ecological situation. The latter is exacerbated by the pollution of the cross-border river Amur that also affects the interests of two further countries – Mongolia and China. The incidence of oncological disease among IPs has risen sharply, and representatives of numerically small IPs are gradually dying out. It is necessary to pay greater attention to conducting studies on the negative effect of pollution of the environment on the health and IPs’ traditional way of life. Ecological well being is one of the main factors in preserving the traditional way of life and the health of IPs. The findings of these studies and recommendations must become an official UN document.

Tereshkina Association of Dolgan People of Republic of Sakha congratulates and welcomes the members of the EMRIP. Dolgan people face the same type of challenges as other IPs around the world. IPs worldwide need integration of existing norms of international law relating to IPs into national legislations, as well as further general development of the human rights of indigenous persons. Hence, the following is needed:

1. Cooperation with national governments in conducting studies, for example in the format of extended joint sessions and formal joint working groups on specific violations of the IPs’ rights.

2. Joint studies on indigenous issues in cooperation with other UN bodies, such as the SRIP, as well as UN treaty bodies, such as the Committee on the Elimination of Racial Discrimination (CERD).

The EMRIP should conduct studies on universally recognised principles and norms of international law that can be applied by IPs in their national legislations. The Russian Constitution refers to this in Articles 15.4 and 69. Resolution 5 of 10 October 2003 of the Plenum of the Supreme Court of the Russian Federation “On application by courts of general jurisdiction of the commonly recognised principles and norms of international law and international treaties of the Russian Federation” explains that human rights and freedoms according to universally recognised principles and norms of international law and international treaties of the Russian Federation, are already in force within its jurisdiction.

The EMRIP should conduct studies on universally recognised principles and norms of international law that can be applied by IPs in their national legislations. The Russian Constitution refers to this in Articles 15.4 and 69. Resolution 5 of 10 October 2003 of the Plenum of the Supreme Court of the Russian Federation “On application by courts of general jurisdiction of the commonly recognised principles and norms of international law and international treaties of the Russian Federation” explains that human rights and freedoms according to universally recognised principles and norms of international law and international treaties of the Russian Federation, are already in force within its jurisdiction. In partnership with the Peoples' Friendship University of Russia a joint workshop on this subject was organised in Moscow in May 2008. Experts in the field of international relations and government representatives participated and answered existent questions, including the issue of the status of the UNDRIP in Russia, but opinions on the matter were divided.

James Anaya, Special Rapporteur on the rights of Indigenous Peoples, presents the members of the EMRIP. Mr. John Henriksen, who has greatly contributed to the UNDRIP negotiation process, and has a long and distinguished career in the field. Mr. José Carlos Morales from Costa Rica is an advocate for IPs; Ms. Jannie Lasimbang from Malaysia has organised many trainings and has undertaken numerous researches on the respect of IPs’ rights in Asia; Mr. José Mencio Molintas from the Philippines has produced groundbreaking legal work advocating HR for IPs in Asia. Ms. Catherine Odimba Kombe, from the Democratic Republic of Congo (DRC) has developed notable research on gender issues and IPs. The EMRIP will provide the HRC with thematic expertise on the rights of IPs, through studies and research-based advice. It should coordinate with both the SRIP and the UNPFII. A meeting is planned in February 2009 for discussing the details of such coordination. The UNDRIP represents the global common understanding about the minimum content of IPs’ rights, based on an established body of human rights. It will constitute the focal point for the EMRIP research, and the framework for the SRIP’s work on human rights and IPs. The ultimate goal is to witness its practical implementation worldwide. The first thematic study of the EMRIP will be on the matter of education and IPs. The role of the SRIP is secondary with respect to research and studies, and will serve to bring input for such studies, stemming from the examination of specific situations in which IPs’ human rights are under threat or violated. The SRIP has a clear mandate to address and make recommendations on specific issues brought to its attention through complaints or otherwise. The working methods used seek to demonstrate responsiveness to IPs whose human rights allegedly are violated. They address existent root causes of abuse and not only their effects, and aim to enable dialogue between all the actors concerned. The EMRIP is the symbol of the recognition that IPs have received lately at the international level. It is a new institution to be shaped by its members and the input coming from all IPs.
IPACC congratulates the members of the EMRIP. IPACC will support its research activities and put at its disposal the body of knowledge accumulated on various subjects. It is recommended that the Mechanism develop a working relationship with the Working Group on Indigenous Peoples of the African Commission of Human and Peoples Rights (ACHPR). It is advised to include in the EMRIP’s activities regional seminars on topical issues, to be held preferably in Africa.

The Mbororo pastoralists community of Cameroon trusts that the EMRIP will take advancements on IPs issues further than the previous WGIP. One of the major challenges for the Mechanism is the UNDRIP implementation in partnership with IPs. The situation of the Mbororo continues to be difficult despite efforts on national and international levels. Traditional grazing rights are still a point of contention, illiteracy a widespread problem, and lack of infrastructure a debilitating circumstance. The Mbororo are excluded from the decision-making process. The youth migrates towards the rural areas. The EMRIP and other UN bodies can help bring change to this situation. They can also favour the financing of small grassroots indigenous organisations and micro-projects, which might have more impact on the ground than large NGO networks.

NEW ZEALAND affirms that it co-sponsored the HRC’s resolution on IPs’ rights, and that there is scope for cooperation between the various IPs’ rights bodies and instruments in terms of including an indigenous perspective in various procedures, including the UPR. The Mechanism’s thematic advice is welcome, as is the statement made by the SRIP, James Anaya. The EMRIP should be listened to and respected, and to this end focused contributions should be made, prepared in consultation with relevant stakeholders. New Zealand is interested in hearing diverse views, especially concerning the IPs’ right to education.

**Statements on doCip’s website**

All the written statements presented on the floor during the session and collected by doCip are available on our website at [www.docip.org](http://www.docip.org). Choose Documentation centre-Online documentation-Conferences-Human Rights Council-Expert Mechanism -2008 - 1st session: you will find the statements by agenda item. You can also use the Search mode if you look for a particular content and/or author (you can change your Search preferences, under Preferences, in order be able to use several key words in each query).

The statements are available in their original language. doCip may have unofficial translations for some of them.

If you are interested in a particular statement that is not in a language you understand, please ask doCip (giving the author’s name, agenda item and conference where the statement was delivered). We will check if translations are available.

**Item 3: Lessons learned and challenges to achieve the implementation of Indigenous Peoples’ Right to Education**

**Jannie Lasimbang, EMRIP member.** affirms that education is an important issue for IPs. Several studies and sessions have already been held on the topic, resulting in relevant recommendations. Article 14 of the UNDRIP establishes the rights of IPs to access and control their own education systems and institutions. Other articles from other instruments equally stipulate it, enabling the Mechanism to base its study of education and IPs on a human rights perspective. Such a study would encompass:

1. An elaboration on the HR based approach to Indigenous education.
2. Examples and lessons learnt in establishing and controlling indigenous education systems and institutions.
3. Challenges to achieve the implementation of the right of IPs to education.
4. Recommendations.

Opinions are invited on effective methods of research, possible funding and collaboration, and other issues. A collaborative effort is expected and welcome, as well as the design of initiatives promoting education for IPs.

**NNTC** mentions a briefing paper on IPs’ education in Australia (see textbox below). It addresses issues related to Aboriginal access to education, and the need for community education on human rights. It is recommended that the EMRIP study uses a human rights framework, particularly as specified in Article 14 of the UNDRIP. The recommendations made by the SRIP, the UNPFII and by the Programme of Action of the 2nd International Decade of the World’s Indigenous Peoples should equally be followed. The World IPs’ Conference on Education will take place in Melbourne, from 7 to 11 December 2008. Related to it and of great importance is the Coolangatta statement, emphasising the right to be Indigenous as a precursor to self-determination and to all other rights, all inextricably linked to mother earth. The MDGs include provisions about literacy and numeracy that should be applied to IPs. Education at the community level should constitute the focus of this study, too. The Mechanism should clearly articulate the scope of its study and should get information on indigenous educational needs from IPs, governments, the educational sector and others.
Australia and the Covenant on Economic, Social and Cultural Rights.

Briefing for the Human Rights Council

Access to education

In Australia there is no accurate data on children who have no access to schooling. It is only known that secondary school education is not readily available for people in remote areas, and many of them have to make extraordinary efforts in order to provide their children with education. There are studies outlining successful secondary school cases, however.

Urban education

In certain cases there have been attempts at revitalising indigenous languages and introducing them in school syllabuses. However, they remained on the margins of mainstream education, which is why, out of 400 indigenous languages, only 40 survive to this day. Most urban schools do not offer indigenous language programmes.

Remote education

In remote areas indigenous culture is endangered by the spread of television channels and the influx of non-indigenous inhabitants. There is also a lack of training facilities. Mentor programmes for training indigenous teachers were successful, but they were phased out. Bilingual education also yields good results, improving English literacy levels, but is threatened, since bilingual schools need about 30% more staff and material resources than other schools.

Some case studies suggest, nevertheless, that home schooling could be a solution for remote areas. In cases when this occurred students could successfully finish their secondary education and some even went to university.

Education that combines indigenous language and culture with mainstream programmes constitutes a solution to explore. Some junior ranger programmes combining indigenous and mainstream systems of knowledge have proven productive, as did programmes of education on public information and the law. As indigenous peoples often lack information about laws and do not always understand the state criminal system, some of their members find themselves in prison without even being aware that they trespassed the law. Community legal education seeks to address these issues.

At the primary school level, a six-year course on indigenous language and culture has been introduced in certain communities, where basic education, such as math and sciences, is also given in the indigenous language, thus seeking to harmonise the community’s culture with wider knowledge of the world.

ACPROD-BATWA emphasizes that the DRC has not yet recognised IPs’ rights. Therefore, the Pygmies are not seen as IPs and they are greatly discriminated in Congolese society. They have uneven access to education and health services, are extremely poor, subject to illness and lack of alphabetisation. Pygmies live primarily in forests, which are at the centre of their spiritual and material life. The CERD report on the DRC has failed to present the specific situation of the Pygmies, although the latter suffer important injustices: the rights of Pygmy women are violated and ignored, the Pygmies have no property rights, their right to free, prior and informed consent is ignored, and they are often expelled from the forests when the State creates a national park on the premises. As a consequence, the Pygmies have no assigned territory of their own.

PANAMA mentions that the IPs’ rights to education in the country are upheld by the Constitution. 30,000 children have benefited from educational support form the State. Equally, the nutritional care in schools has been improved in order to stimulate scholarly achievements. The study of education implies a complete analysis of the subject, according to the MDGs and a pluralistic approach to the matter.

CEALP, CODEI, CATN, FPCI, WIIB, RT, emphasize that the implementation of the right to education implies the existence of an array of other rights. Education administered from a state perspective discriminates, acculturates, and destroys the IPs cultural identity and vision. Indigenous education is about more than texts. It is a whole system of beliefs and ideas. Indigenous representatives in Panama have proposed laws that recognise the intercultural bilingual education, reforming the system towards the respect of the indigenous identity. However, education is connected with other rights that need to be respected and enhanced. There is also a need for material support granted to indigenous educational systems. Indigenous leaders and peoples must participate in their implementation.

COICAP stresses that IPs should cooperate with States in the process of implementation of the rights established through the Universal Declaration of Human Rights. Unfortunately, some States, including Peru, continue to violate IPs’ rights under the mask of development and conservation. Indigenous leaders have often been accused of terrorism, and tortured with little or no support provided through international HR instruments that are often slow and excessively bureaucratic. It is necessary to establish a monitoring mechanism for the
implementation of the UNDRIP in Peru, as well as of the Constitution. The UNDRIP should be implemented at regional level. Peru violates all the rights connected to education, making it difficult to have free education. IPs in Peru fight and have fought for an active participation in the formulation of Peruvian educational policy, promoting equality, equity and free education. Their experience can bring useful information to the EMRIP’s studies. International institutions should support educational programmes for IPs in their respective countries.

**CEA** points that education is of great importance for all IPs. In Mexico, the national education system has ignored indigenous realities, imposing a particular vision and perspective. IPs in Mexico believe education should reflect their multi faceted concerns and harmonise issues. The main focus is the achievement of bilingual education. In addition, efforts have been made in order to introduce new methodologies in secondary and high school teaching, namely the Intercultural Community Baccalaureate. There is also the Ayuuk University, focusing on indigenous studies, and seated in the Oaxaca region. The IPs’ right to education has a normative base in the UNDRIP, particularly articles 5, 11, 12, 13, 14, 15, 16, 17, 21, and 31. It is necessary to translate these articles in Mexican law, especially concerning the national education system. The following is recommended:

1. That the Mexican Constitution recognises the principle of diversity and inter-culturality as a pillar of the national education system.
2. The recognition of IPs’ rights to indigenous inter-cultural education at all levels of training.
3. The implementation of the above right.
4. The reform of all syllabuses at all teaching levels to reflect indigenous realities.
5. Consult IPs on how the education system should be re-articulated, in order to avoid biased approaches.
6. Address the multi-cultural aspect of Mexican society.

Stop discriminating and start supporting indigenous media, especially radio stations, and ensure the respect of indigenous issues throughout all Mexican media.

**Comité de Vigilancia del Municipio de Puerto Rico, Pando, Bolivia**, presents the community’s difficult situation. Whilst manifesting support for Evo Morales’ new government and Constitution, its members were attacked and shot by anti-governmental forces.

**CATOOTT** stresses the need for thematic workshops on specific themes- self-determination, treaties, sovereignty, autonomy, territory, culture, health and economy- which can gather indigenous experiences and classify proposals for the implementation of indigenous rights. The following themes should be examined:

1. The implementation of mechanisms enabling the enactment of indigenous self-determination and corollary rights.
2. The organisation of regional and international meetings examining the thematic knowledge specialised in indigenous rights.
3. The IPs’ contribution to a lasting peace between their people and States.
4. IPs’ culture.

**CIE** underscores that education is an element strongly influenced by Western values, which often seek to distort indigenous history. In August 2009 the Consejo Indio Exterior will inaugurate the “Casa Grande” in Spain, as a home for all IPs around the world. It has an indigenous documentation centre, including printed and visual media. This organisation is self-financed.

**MEXICO** points that the Mexican Constitution recognises IPs’ identity, and enables education for indigenous children at all levels, through a system of scholarships and through the development of regional educational systems. Bilingual education is introduced in indigenous regions, indigenous teachers are trained, and a sub-system of indigenous universities has been created. It is still necessary to take into account the inputs coming from the UNFPII, the SRIP, and other UN instruments. It is equally suggested that the experts develop a list of questions concerning the challenges and achievements related to the implementation of IPs’ right to education, for a more informed focus on the issue.

**Jannie Lasimbang, EMRIP member**, emphasizes the need for adequate resources supporting the Mechanism’s studies. According to operative paragraph nr. 6 of resolution 9/7, the EMRIP should seek inputs from all relevant national, regional and international HR institutions on the issue of the right to education. It is sad that such a right ranks so low on many States’ agenda, and that there are but a few instances in which IPs could gain control of their education system and institutions, despite the fact that this element is established under UNDRIP Article nr. 14. This should be the aim of the implementation of the right to education.

**TAFTILT** mentions that there is still a lot of work to be done at a local and national level for the IPs’ right to education. The EMRIP should be a place for prospective as well as retrospective reflection. It is important to think about regional study networks for the development of valid proposals internationally. Education should be seen as a crosscutting issue, reflecting each people’s specificity, which is why it would be useful to examine the education/identity nexus. It is also necessary to assess the impact of the disappearance of indigenous languages on the survival of traditional knowledge in medicine and agriculture. The Amazigh community requires the
EMRIP study to consider the need to integrate indigenous particularities into educational systems, based on the free, prior and informed consent of IPs.

**ATCD** notes the difficult situation of indigenous education in Morocco, due to several factors: lack of a sufficient number of schools, poor lodging conditions, teachers who do not know the indigenous language, poverty, discrimination, the fact that the study of the Amazigh language is only optional, lack of study manuals, and lack of specific training for teachers.

**IWA** shares information about the situation of indigenous language programmes in Hawai‘i. Although the Association of Hawaiian Language Nests has existed for 25 years, establishing immersion schools, only 11 of 205 schools in Hawai‘i are immersion schools, with an attendance of 2000 pupils. Although the feedback on the existence of such establishments is largely positive, they do not benefit from extensive funding from public sources. EMRIP members are strongly advised to attend the upcoming World Indigenous Peoples Conference on Education.

**RAIPON** explains that under the constitution of the Russian Federation all citizens have equal access to education in general but due to the fact that IPs in this country are numerically small and live in remote and isolated locations they are in an unequal position. The quality of their education lags behind the general standard. Schools are far away from communities and education is not universally offered in the native indigenous languages. There is no specific national policy relating to IPs and therefore no specific unified educational policy for them. The Dolgan of the Sakha Republic are only seven thousand in the world. They live in two of the federal subjects of the Russian Federation – in Taimyr and in Yakutia; although separated only by an administrative border, in Taimyr schools the Dolgan language is taught, while in Yakutia it is not. In Yakutia the Yakut language is taught, although it is a separate language. Five IPs live in Yakutia: the Even, the Evenk, the Yukaghir, the Chukchi and the Dolgan. Yakut State University has separate departments for three of these indigenous languages of the peoples of Yakutia, but the Dolgan language is not among them. There are nomadic schools supported by UNESCO. Yet, the language of instruction in these schools in Dolgan settlements is Yakut.

For the IPs of Russia, the following must be addressed:

1. The development and adoption of a general national policy of the Russian Federation relating to IPs, which will need to provide for schooling in their native languages as a mandatory educational component.
2. The establishment and development of nomadic schools for IPs in the territories of traditional indigenous habitation.
3. The improvement of the quality of school education.
4. The public mass media must provide information about Russia’s IPs as Russia’s general population is unaware of their existence.
5. The publishing of schoolbooks, fiction, children’s books and periodicals such as newspapers and magazines in indigenous languages.
6. Emphasize the urgent issue of disappearing indigenous languages.
7. The lack of federal state statistical reporting relating to IPs in general, making it impossible to develop various programmes at the national level, including educational programmes for numerically small IPs.
8. Stop the closures of un-graded schools.

**IICTTF, IPP** bring details about the Indigenous Portal project. The latter constitutes a focal point and an exchange platform for IPs around the world. During a two-day training session held in Geneva, indigenous representatives have learnt how to use it, and it is hoped the Portal will be used in educational projects, such as that developed by the Pacific Voices organisation. Its members have used different technologies to document traditional knowledge and have succeeded in drawing the attention of children on their people’s traditions and to the benefits of cultural exchanges. The Indigenous Portal offers its platform in support of EMRIP’s study on education.

**ITTC, UCTP** mention the following recommendations for EMRIP’s study on education:

1. Examine the ways in which historical truths about IPs have been distorted in education manuals.
2. Examine case studies in which reforms on such issues have been introduced in public education.
3. Examine the successful incorporation of human rights education into public education system as best practices to be followed.
4. Examine the effects of state education and other government policies on IPs’ identity and spiritual values transmission.
5. Invite IPs who have through their own efforts created successful alternative or complementary educational programs, such as the Maori, several Alaskan people, the Hawaiian, and the Guatemalan people.
6. Examine the role of the family in IPs, and the practice of forced removal of children as has been encouraged in Canada and the USA.
7. Implement the key relevant articles of the UNDRIP, as essential to providing a rights-based approach for the study of education. Articles 37 and 14 are vital to this framework.

**Asociación Maya Uku’x B’e’** provides details about the situation of indigenous youth in the country. Many indigenous young people are exploited and have little opportunity for personal development, given that public policy programmes do not take them into account. The Guatemalan government’s current policies are not better than its predecessors. The police and the army enable community dislocations, thus harming indigenous identity by uprooting the populations, and increasing the gap between the poor and the rich in the country. As a consequence, the following is demanded from the Guatemalan authorities:

1. The respect of ILO Convention 169, which Guatemala has ratified.
2. The inclusion of UNDRIP principles into national legislation, following the Bolivian and Ecuadorian examples.
3. The de-criminalisation of social protest and the release of political prisoners who defend indigenous rights.
4. Stop increasing the number of army recruits, which puts pressure on the national budget and invest these funds in education, health and youth projects.
5. Bilingual and inter-cultural education is rejected, since no effective changes have been brought to the former educational system, which has simply been translated into indigenous languages. In order to achieve a true reform, it is necessary to implement the principles of ILO Convention 169 and those of the UNDRIP into the national system of education.

**PCG** offers further information about the situation in Ecuador. The new Constitution of the Republic, which recognises the rights of the indigenous population and its language, is now in place. Education is bilingual and inter-cultural, but needs additional strengthening in terms of infrastructure and resources. EMRIP experts should examine this case in order to help IPs build stronger education systems, including scholarships for higher education, and achieve widespread respect for their culture and identity.

**ONA** emphasizes that for a long time States have ignored indigenous education. The bilingual education used in certain contexts serves in undermining the indigenous identity of children, and in the countries where the indigenous population constitutes the majority, the State is not interested in addressing the matter of inter-cultural education. These States do not teach indigenous history, but rather the coloniser’s story. It is demanded that the EMRIP convince these States to gather indigenous historians in order to publish and introduce their research in school syllabuses. Equally, EMRIP should press local governments to apply fully UNDRIP articles 12, 13, 14, 15 and 16, and should gather indigenous experts’ opinions for its different studies.

**AISWACS** speaks about indigenous education in India. Presently, the Indian education system excludes an indigenous perspective, alienating the IPs from their identity and culture. Tribal schools lack the infrastructure they require, the quality of teaching is extremely low, increasing the school dropout rates. In order to rectify this situation, it is necessary to co-opt indigenous people in the educational framework.

The **Asian Caucus** acknowledges the interest and commitment that Asian governments show towards EMRIP’s establishment and studies. For a long time, IPs have been subjected to educational systems that stifled their identities and cultures, and to this day, there are States that still do not recognise their existence. Hence, several areas of consideration arise, regarding the use of indigenous languages in education, free, prior and informed consent, the impact on education of demographic changes, as well as the importance of the implementation of international principles and instruments. It is hoped that the EMRIP recommendations to the HRC will eventually reach States and enable a change in their policies on education, including the incorporation of UNDRIP principles. Indigenous initiatives concerning education should be supported and expanded. EMRIP’s work should coordinate with the SR on Education’s work, in order to ensure that the latter reports on the indigenous aspect of the matter. Regional seminars on this theme are also welcome, as is the full involvement of IPs.

**PCG** affirms that States need to take special measures in relation to education programmes for IPs that will favour the preservation of their identity and language. The right to education is connected with other rights, which is why the focus should also be on human rights issues in States that do not even recognise the IPs’ status, such as Bangladesh.

**WIMSA** speaks on behalf of the San people of Southern Africa. These people are very poor and generally deprived of education. WIMSA has developed an education support programme addressing the problem, and offering many best practices in the field worthy of the EMRIP’s examination.

**New Zealand** suggests that coordination will be crucial in the preparation of EMRIP’s study on education, and reminds of Prof. Stavenhagen study on indigenous education as well as of the mandate of the SR on the Right to Education. It is important to identify lessons learnt on the matter, and to take into account the various
specificities in connection to IPs. The New Zealand government has adopted the Maori Education Strategy for 2008, implemented through the Ministry of Education. One of its main pillars is the acceptance of different definitions for success and its action and potential-oriented drive. It constitutes a good example of best practices and lessons learnt.

NUIFC speaks on the issue of urban American Indian youth. Textbooks in schools have traditionally been assimilative and Indian youth is often discriminated and mistreated. As a consequence, it is suggested that the EMRIP looks at best practices to improve this situation, includes urban youth in its studies, promotes integrative learning mindful of indigenous identities, and looks at the relationship between education and poverty.

**Item 4: Review and recommendations on the outcome of the Durban Review Conference**

AIPP stresses that Asia has the greatest number of IPs, amounting to approximately 200 million individuals. A majority is still discriminated, and its rights are being violated by States in numerous instances, ranging from the denial of recognition to social and political exclusion. Some States also abuse anti-terrorist legislation, incarcerating those who fight for IPs’ rights under false accusations of terrorism. The adoption of the UNDRIP is a welcome development, called for also by the Durban Declaration. At a regional level, it must be pointed that Asian countries have failed to organise a regional meeting on the Durban Declaration, but a regional human rights mechanism has been created, which is an important development. The UNDRIP should be used as a framework for the review of the Durban Declaration and its Programme of Action. EMRIP’s review process of the Durban Declaration should include the following issues:
1. The legal recognition of IPs as distinct peoples and the guarantee of the full exercise of their collective rights.
2. The right to participation in decision-making processes and to free, prior and informed consent applicable in relevant situations.
3. Equal access to nationality and citizenship as well as all other services and benefits.

All relevant UN bodies, States and other organisations should participate in the elaboration of EMRIP’s review by providing best practices examples, positive proposals and policy guidelines, as well as lessons learned and recommendations in line with the Durban Declaration and the UNDRIP.

CEALP, CODEI, stress that, although many States have adopted the Durban Declaration and the UNDRIP, they are lagging behind with the implementation of their principles at the national level. Discrimination continues at all levels, ethnic, social, economic and political. Relocations and displacements are still occurring in many contexts. It is important to demand the implementation of the UNDRIP at national, regional and international levels. Furthermore, it is worrisome that some mechanisms established by the CERD, such as the early warning system on human rights abuses, do not address new forms of discrimination, namely acculturation, displacement, and climate change, due to water diversion from indigenous lands. It is also necessary to include the Durban Declaration and its Programme of Action in the UPR process. Regional mechanisms must be created in order to monitor the implementation of the UNDRIP and Durban Declaration.

ECMIRS underscores the difficult situation faced by indigenous women in terms of gender discrimination and human rights abuse. Unfortunately, the EMRIP has not focused on this issue during its first session. The following recommendations seek to redress, somewhat, this problem:
1. It is important to take into consideration the need to harmonise the texts of the Durban Declaration and that of the UNDRIP, since they do not cover the same issues.
2. It is necessary to set up a permanent agenda for the implementation of the UNDRIP, with a particular focus on gender issues.

OAJ outlines the problems faced by indigenous people in Honduras. Their rights to health, education and to land are severely impaired, due to poverty and difficult access to a variety of services. It is important that IPs participate actively in the decision-making process concerning their development. The organisations working on the ground need funding in order to promote human rights.

FMW, JEPIRRA point out that most human rights violations are perpetrated by the State itself. Colombia has the second highest number of internally displaced people in the world, after Sudan. Since 2006, the national indigenous organisation has received multiple death threats, signed by paramilitary groups, with no echo from the State on the matter. The fact that the Colombian State has abstained from voting on the UNDRIP constitutes evidence of its refusal to acknowledge IPs, and the crimes that they suffer from. In this context, education is geared towards the elimination of IPs, by ignoring their rights. The EMRIP is therefore advised to review thematic missions and reports drafted by other UN bodies and survey the implementation of their recommendations in national contexts. It is necessary to elaborate a strategy of implementation for the UNDRIP application. It is also recommended that EMRIP choose conflict resolution as a future research and study theme.

MoN affirms that racism and discrimination have long since been institutionalised in most countries that have IPs within their borders, to the point that these acts are no longer noticed by the dominant population. The UN also presents similar problems, as Article 4 of the Durban Declaration shows, reinforced by the fact that IPs have
been “compartmentalised” within the UN system. Despite the adoption of the UNDRIP, many States still fail to recognise IPs’ existence and rights. The EMRIP should promote IPs’ rights in the Durban process, as part of the solution against racism, discrimination and xenophobia.

The African Caucus underscores that the Durban Conference represented a great hope against racism and discrimination. Despite it, IPs have witnessed in many cases a worsening of their situation due to the above injustices. The EMRIP should think about the most effective mechanisms for combining the Durban Declaration and UNDRIP principles. IPs should also think about the role they could play in the worldwide fight against racism at a national level.

AILA, NWAC refer to Article 24 of the Durban Declaration, affirming it has been overridden by the UNDRIP. Consequently, the term “Indigenous Peoples” can no longer be qualified as in the Durban Declaration, which needs to be reviewed. The Inter-Session Working Group published a draft report expressing concern for the fact that IPs are still targets of racism and discrimination. Hence, the need for the implementation of the principles outlined in articles 1, 2, 7, 9, 15(2), 21, and 22 of the UNDRIP. It is also necessary to integrate a gender perspective in relation to the Durban Declaration and its Programme of Action, especially concerning indigenous women.

AHRC, FAIRA, NNTC offer several observations on the Durban Declaration and Programme of Action. The outcomes of the Durban conference in 2001 were mixed, and some provisions regressive. IPs had a limited scope in the negotiation of the Durban Declaration and Programme of Action. However, they succeeded in linking the elimination of racism to the respect of their rights as peoples and as individuals. Unfortunately, the declarations made by States were not met by their commitments. The adoption of the UNDRIP has somewhat addressed this issue, by establishing the minimum human rights standards for IPs. In this context, the Sydney Declaration mediated by IPs from New Zealand, Australia, Hawaii, USA and Canada remains relevant. The root cause of discrimination is racism and the belief that IPs are inferior. Political leaders are slow in shedding the beliefs of the past, do not provide the material resources for the promotion of IPs’ rights, and often refuse to acknowledge their right to self-determination, or to equality of treatment. The principle of free, prior and informed consent is sometimes rejected. The Durban Review should reflect the principles adopted by the UNDRIP, in order to help redress the aforementioned situations.

IOIRD, AFNC, AFNT6&8, IITC formally associate with the opinions expressed by the International Indian Treaty Council and the Indigenous Peoples of Australia. This intervention is linked to the Inter-Sessional Working Group report A/CONF.211/PC.3/2, where there is very little specific reference to IPs, namely only in paragraphs 11, 24 and 73. On a more general note, it is necessary to set up national monitoring bodies for the implementation of objective nr. 3 of the Review Conference, concerning the provision of proper consideration to CERD recommendations. Recently, the CERD has urged Canada to adopt the UNDRIP, and SRIP Stavenhagen recommended that it ratify ILO Convention 169. Canada needs to establish in its Parliament a Committee on International Affairs of IPs. Sports and traditional games should be used in the fight against racism. There is also concern about Article 24 of the Durban Declaration, which must be updated to reflect new principles, as well as about the fact that Canada has withdrawn from the Durban Review Conference 2009 process. All HRC members should participate in it in order to ensure the best possible outcomes internationally.

COPORWA outlines the situation of IPs in Rwanda. The latter does not recognise the Batwa as IPs and forbids the use of this identity. The EMRIP should help the Batwa explain to the government of Rwanda that the use of the indigenous identity does not constitute a threat to the Rwandan State, but helps in the defence against discrimination in the country, by allowing political representation.

UNIPROBA emphasizes that, despite having signed and adopted all relevant instruments, Burundi still harbours discrimination against the Batwa indigenous peoples, even if the latter are represented in Parliament. The serf system still exists in this community, although it was abolished in Burundi in 1877, and there are assimilation tendencies encouraged by the State. The EMRIP should conduct studies on the situation of the Batwa in Burundi in order to enable the survival of their identity at national and regional levels.

IITC reviews some of the most important articles of the Durban Declaration, urging States to implement them. Thus provisions against racism and discriminations, as well as provisions for the respect of the agreements established between IPs and States are encouraged. Some States have regressed in this respect since 2001. A gender perspective should be introduced, since indigenous women bear the brunt of discrimination and racism. States should provide the financial means for the promotion of indigenous rights and the respect for cultural diversity. The Durban Declaration falls very short of indigenous human rights, especially due to Article 24.

PIPLinks offers an opinion on the UNDRIP significance and steps to be followed in view of the Durban Declaration Review. The UNDRIP constitutes presently the base for the recognition of IPs’ rights. The Durban Declaration is sometimes inconsistent regarding IPs. Some world financial institutions, by claiming commitment to the “Equator principles” weaken the principle of free, prior and informed consent and marginalise IPs. Therefore, UNDRIP principles must be implemented in the updated policies of financial institutions in order to
attain minimum indigenous rights standards. The creation of the EMRIP marks an important progress in this field. IPs have also started to use the available complaints mechanisms in order to better their situation. The EMRIP should examine ways and innovative methods by which the serious cases of discrimination against IPs can be addressed and the treaty body committees’ recommendations implemented.

**MOSOP** enumerates the Durban Declaration articles dealing with IPs. However, despite their existence, discrimination has been widespread against IPs and has often passed unacknowledged. Therefore, EMRIP should recommend to the Preparatory Committee to use the UNDRIP Declaration for reviewing States’ compliance to the Durban Declaration and Programme of Action in relation to IPs. Furthermore, there should be an assessment of how States have been implementing the concluding observations and recommendations of the CERD in their particular contexts. For example, Nigeria was examined in 2005 and a series of recommendations were developed for the country, but the government has not taken any measures to implement them. States should keep indigenous issues as a key theme to be addressed at the upcoming Review Conference. IPs should be involved in national-led review processes on the implementation of the Durban Declaration and its Programme of Action. The EMRIP should recommend increased funding assistance for indigenous participation in the review at all levels and in the main conference.

The African Caucus emphasizes the importance of the Durban Review process in Africa. It will take place in the aftermath of significant developments, such as the adoption by African Commission on Human and Peoples Rights of the first ever report on IPs in 2005, the creation by the same organisation of a Working Group on Indigenous Peoples and the adoption of the UNDRIP. Despite all of the above, no single African State has recognised IPs or protected their rights against discrimination. Hence, the importance of the Durban Review process, during which the EMRIP should request from African States a firm commitment towards domestic legal measures protecting IPs from discrimination. This process should include IPs and their opinions.
Item 5: Proposals to the HRC for its consideration and approval

The proposals concern the agenda of the 2nd session, the revision of the Durban Declaration and Programme of Action in such a way as to take into consideration the latest developments concerning IPs, the IPs rights to education, the encouragement of IPs participation in international processes, and the coordination with other UN subsidiary bodies.

They will be submitted to the HRC for approval and can be found on doCip’s website, under Documentation centre-Online documentation-Conferences-Human Rights Council-Expert Mechanism -2008 - 1st session, item 6 in English, Spanish, French and Russian.

The agenda proposed for the next session lists the following items:

1. Election of officers.
2. Adoption of agenda and organisation of work.
3. Possible thematic requests from the Council.
4. Study on lessons learned and challenges to achieve the implementation on the right of indigenous peoples to education (presentation of study).
5. The UN Declaration on the Rights of Indigenous Peoples on the following themes:
   a) Implementation of the Declaration at the regional and national levels.
   b) Adjudication, redresses, just and fair compensation, and repatriation.
6. Proposals to the Human Rights Council for its consideration and approval.
7. Adoption of the report.

The next session would need five (5) working days. Two (2) days of preparatory meetings are requested in view of its preparation.

Abbreviations

AC: Andes Chinchansuyo
ACPROD-BATWA: Action Communautaire pour la Promotion des Défavorisés Batwa
AFNC: Assembly of First Nations Canada
AFNT 6&8: Assembly of First Nations Treaty 6 and 8 (Alberta)
AILA: American Indian Law Alliance
AIPP: Asian Indigenous Peoples Pact
AISTE: Asociación Indígena Salvadoreña de la Tercera Edad
AISWACS: All India Santal Welfare and Cultural Society
ANN: Aren Nodde Nooto
AR: Arctic Region
ATCD: Association Tamount pour la Culture et le Développement
BAA: Bangsa Adat Alifuru
CAPAJ: Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos
CATN: Centro de Apoyo a las Tierras Nativas y Corporación de Abogados Indígenas de Panamá
CATOOTT: Consejo de Ancianos y Guardianes de la Tradición Otomi Olmeca Tolteca Teotihuacana
CEA: Centro de Estudios Ayuuk
CEALP: Centro de Asistencia Legal Popular
CEPSAL: Centro de Estudios Políticos y Sociales de América Latina
CIE: Consejo Indio Exterior
CNI: Congreso Nacional Indígena
CNO: Consejo de la Nación Otomi
CODEL: Centro de Desarrollo Ngabe Bugle
COIICAP: Coordinadora Agroforestal Indígena y Campesina del Perú
COPORWA: Communauté des Potiers du Rwanda
CPC: Congrès Populaire Coutumier, Nouvelle-Calédonie
CPNAB: Consejo de Pueblos Nahuas del Alto Balsas
ECMIRS: Enlace Continental de Mujeres Indígenas Región Sudamérica
FAIRA: Foundation for Aboriginal and Islander Research Action
FEROCAFENOP: Federación de Rondas Campesinas Femeninas del Norte del Perú
FIPJL: Fundación Indígena Paz Justicia y Libertad
FMW: Fuerza de Mujeres Wayuu
FPCI: Fundación para la Promoción del Conocimiento Indígena
FRW: Fundación Rumy Wara
FSA: Fundación Siempre Amigos
ICC: Inuit Circumpolar Conference
IHTTF: Indigenous ICT Task Force
ITC: International Indian Treaty Council
IPACC: Indigenous Peoples of Africa Co-ordinating Committee
IPNC: Indigenous Peoples and Nations Coalition
IPP: Indigenous Portal Project
IOIRD: International Organisation of Indigenous Resource Development
IWA: Indigenous World Association
KCLCDA: Kirat Chamling Language and Culture Development Association
KKNIPCU: Krasnoyarsk Krai Northern Indigenous Population People Union
KYS: Kirat Youth Society
LACAICC: Los Angeles County American Indian Children's Council
LYS: Lohorung Yakhkhaba Society
MBOSCUA: Mbororo Social and Cultural Development Association
MoN: Mohawk Nation
MOSOP: Movement for the Survival of the Ogoni People
NN: Navajo Nation
NNTC: National Native Title Council
NUIFC: National Urban Indian Family Coalition
NWAC: Native Women's Association of Canada
NZCTU: New Zealand Council of Trade Unions
OAJ: Organización Afrohondurena de la Juventud
ONA: Organización de la Nacion Aymara
PC: Pueblo Chibuleo
PCG: Peace Campaign Group
PIPlinks: Philippine Indigenous Peoples Links
PROVEA: Sociedad Homo et Natura Y Programa venezolano de educación acción en derechos humanos
RAIPON: Russian Association of Indigenous Peoples of the North
RT: Retorno a la Tierra, Costa Rica
UCPT: United Confederation of Taino Peoples
UNIPROBA: Unissons-nous pour la promotion des Batwa
WIIB: Wara Instituto Indigena Brasileiro
WIMSA: Working Group of Indigenous Minorities in Southern Africa
WTLP: Waso Trustland Project
ZORO: Zo Reunification Organisation
3. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES, JANUARY TO JUNE 2009

The dates for the sessions of the Human Rights Council are subject to changes. Please check with the Council’s website http://www.ohchr.org/english/bodies/hrcouncil/ (to access the Extranet, the username is “hrc extranet” and the password is “1session”).

JANUARY

12 – 30 January 2009 (Geneva, Switzerland)

50th session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Democratic People's Republic of Korea, Democratic Republic of the Congo, Malawi, Netherlands, Republic of Chad, Maldives, Republic of Moldova, Tunisia.
Office of the High Commissioner for Human Rights
Contact: Ms. Maja Andrijasevic-Boko, Secretary
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9276 Fax: +41 22 917 9022
E-mail: crc@ohchr.org Web: http://www2.ohchr.org/english/bodies/crc/crcs50.htm

14 – 16 January 2009 (New York, USA)

International Expert Group Meeting on the role of UNPFII on the implementation of article 42 of the UN Declaration on the Rights of Indigenous Peoples
Secretariat of the Permanent Forum on Indigenous Issues
United Nations, 2 UN Plaza, Room DC2-1772
New York, NY, 10017, USA
Phone: +1 917 367 5100 Fax: +1 917 367 5102
E-mail: IndigenousPermanentForum@un.org
Web: http://www2.un.org/esa/socdev/unpfii/en/EGM_A42.html

19 – 23 January 2009 (Geneva, Switzerland)

Inter-sessional open-ended working group on the Durban Preparatory Committee
Office of the High Commissioner for Human Rights
Contact: Anti-Discrimination Unit
48 Giuseppe Motta, 1202 Geneva, Switzerland
Phone: +41 22 928 9208 Fax: +41 22 928 90 50
E-mail: adusecretariat@ohchr.org

19 January – 6 February 2009 (Geneva, Switzerland)

43rd session of the Committee on the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)
Countries scheduled for consideration: Armenia, Cameroon, Dominica, Germany, Guatemala, Haiti, Libyan Arab Jamahiriya, Rwanda.
Office of the High Commissioner for Human Rights
United Nations, 1211 Geneva 10, Switzerland
Fax: +41 22 917 9022
E-mail: cedaw@ohchr.org Web: http://www2.ohchr.org/english/bodies/cedaw/cedaws43.htm

26 – 30 January 2009 (Geneva, Switzerland)

Second session of the Human Rights Council Advisory Committee
Office of the High Commissioner for Human Rights
Contact: Human Rights Council Advisory Committee
Human Rights Council Secretariat
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9401/9732 Fax: +41 22 917 9011
E-mail: hrcadvisorycommittee@ohchr.org
Web: http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee.htm
FEBRUARY

2 – 13 February 2009 (Geneva, Switzerland)

**Fourth session of the Human Rights Council Universal Periodic Review**

Countries scheduled for consideration (in this order): Cameroon, Djibouti, Mauritius, Nigeria, Senegal, Bangladesh, China, Jordan, Malaysia, Saudi Arabia, Cuba, Mexico, Canada, Germany, Russian Federation, Azerbaijan.

Office of the High Commissioner for Human Rights

Contact: OHCHR Civil Society Unit

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9656 Fax: +41 22 917 9011

E-mail: civilsocietyunit@ohchr.org

Web: [http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx)

16 – 20 February 2009 (Nairobi, Kenya)

**25th session of the UNEP Governing Council and Global Ministerial Environment Forum**

United Nations Environment Programme (UNEP)

Contact: Mr. Jamil Ahmad, Secretary of the Governing Bodies

United Nations Avenue, Gigiri

PO Box 30552, 00100 Nairobi, Kenya

Phone: +254 20 762 3431/3411 Fax: + 254 20 7623929/3748


16 February – 6 March 2009 (Geneva, Switzerland)

**74th session of the Committee on the Elimination of Racial Discrimination (CERD)**

Countries scheduled for consideration: Bulgaria, Congo, Croatia, Finland, Montenegro, Pakistan, Turkey, Tunisia, Suriname.

Office of the High Commissioner for Human Rights

Contact: Ms. N. Prouvez, Secretary

United Nations, CH-1211 Geneva 10, Switzerland

Phone: +41 22 917 9309 Fax: +41 22 917 9022

E-mail: nprouvez@ohchr.org Web: [http://www2.ohchr.org/english/bodies/cerd/cerds74.htm](http://www2.ohchr.org/english/bodies/cerd/cerds74.htm)

23 – 27 February 2009 (Geneva, Switzerland)

**22nd session of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations**

Office of the High Commissioner for Human Rights

Secretariat of the Voluntary Fund for Indigenous Populations

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9737 / 9164 Fax: +41 22 917 9066

E-mail: IndigenousFunds@ohchr.org

Web: [http://www2.ohchr.org/english/about/funds/indigenous/](http://www2.ohchr.org/english/about/funds/indigenous/)

MARCH

2 – 13 March 2009 (New York, USA)

**53rd session of the Commission on the Status of Women**

Department of Economic and Social Affairs

UN Division for the Advancement of Women (DAW)

2 UN Plaza, DC2-12th floor, New York, NY 10017, USA

E-mail: daw@un.org Fax: +1 212 963 3463


2 – 27 March 2009 (Geneva, Switzerland)

**10th session of the Human Rights Council**

Office of the High Commissioner on Human Rights

Contact: Ms. Laura Dolci-Kanaan, NGO Liaison Officer

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9656 Fax: +41 22 917 9004

E-mail: ldolci-kanaan@ohchr.org

Web: [http://www2.ohchr.org/english/bodies/hrcouncil/index.htm](http://www2.ohchr.org/english/bodies/hrcouncil/index.htm)
16 - 20 March 2009 (Rome, Italy)
**19th session of the FAO Committee on Forestry (COFO)**
UN Food and Agriculture Organisation - FAO
Contact: Mr. Douglas Kneeland, Chief, Forestry Information and Liaison Service
Forestry Department, FAO
Viale delle Terme di Caracalla, 00153 Rome, Italy
Phone: +39 06 5705 3925 Fax: +39 06 5705 5137
E-mail: douglas.kneeland@fao.org Web: http://www.fao.org

16 - 22 March 2009 (Istanbul, Turkey)
**Fifth World Water Forum**
Fifth World Water Forum Secretariat
Contact: Mr. Oktay Tabasaran, Secretary General
5. Dünya Su Forumu
DŚİ 14. Bölge Müdürlüğü, Libadiye Cad. No: 54
34696 Küçükçamlıca, Üsküdar/Istanbul
Phone: +90 216 325 4992 Fax: +90 216 428 0992
Email: info@worldwaterforum5.org Web: http://www.worldwaterforum5.org/

16 March – 3 April 2009 (New York, USA)
**95th session of the Human Rights Committee**
Countries scheduled for consideration: Australia, Chad, Rwanda, Sweden, Croatia, Republic of Moldova, Russian Federation, Switzerland, Tanzania.
Office of the High Commissioner for Human Rights
Contact: M. P. Gillibert
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9332 Fax: +41 22 917 9022
E-mail: pgillibert@ohchr.org Web: http://www2.ohchr.org/english/bodies/hrc/hrcs95.htm

23 – 27 March 2009 (Geneva, Switzerland)
**13th session of the Standing Committee on the Law of Patents**
World Intellectual Property Organisation (WIPO)
34, chemin des Colombettes
PO Box 18, CH-1211 Geneva 20, Switzerland
Phone: +41 22 338 9111 Fax: +41 22 733 5428
For e-mail go to: http://www.wipo.int/tools/en/contacts/index.jsp
Web: http://www.wipo.int/patent-law/en/scp.htm

29 March - 8 April 2009 (Bonn, Germany)
**Seventh session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP)**
**Fifth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)**
UN Framework Convention on Climate Change
Haus Carstanjen, Martin-Luther-King-Strasse 8
P.O. Box 260124, D-53153 Bonn, Germany
Phone: +49 228 815 1000 Fax: +49 228 815 1999
E-mail: secretariat@unfccc.int Web: http:// unfccc.int/meetings/items/2654.php

30 March - 3 April 2009 (Helsinki, Finland)
**Second meeting of the Ad Hoc Technical Expert Group on Biodiversity and Climate Change**
Secretariat of the Convention on Biological Diversity
Contact: Mr. Ahmed Djoghlaf, Executive Secretary
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +1 514 288 2220 Fax: +1 514 288 6588
E-mail: secretariat@cbd.int Web: http://www.cbd.int/meetings/default.shtml
APRIL

2 – 8 April 2009 (Paris, France)
**Seventh meeting of the Open-ended Working Group on Access and Benefit-sharing**
Secretariat of the Convention on Biological Diversity
Contact: Mr. Ahmed Djoghlaf, Executive Secretary
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +1 514 288 2220 Fax: +1 514 288 6588
E-mail: secretariat@cbd.int Web: http://www.cbd.int/meetings/default.shtml

6 – 9 April 2009 (Geneva, Switzerland)
**Inter-sessional open-ended working group on the Durban Preparatory Committee**
Office of the High Commissioner for Human Rights
Contact: Anti-Discrimination Unit
48 Giuseppe Motta, 1202 Geneva, Switzerland
Phone: +41 22 928 9208 Fax: +41 22 928 9050
E-mail: adusecretariat@ohchr.org

15 – 17 April 2009 (Geneva, Switzerland)
**Third session of the Preparatory Committee for the Review of the Durban Conference**
Office of the High Commissioner for Human Rights
Contact: Anti-Discrimination Unit
48 Giuseppe Motta, 1202 Geneva, Switzerland
Phone: +41 22 928 9208 Fax: +41 22 928 9050
E-mail: adusecretariat@ohchr.org

20 – 24 April 2009 (Geneva, Switzerland)
**Durban Review Conference 2009**
Office of the High Commissioner for Human Rights
Contact: Anti-Discrimination Unit
48 Giuseppe Motta, 1202 Geneva, Switzerland
Phone: +41 22 928 9208 Fax: +41 22 928 9050
E-mail: adusecretariat@ohchr.org

20 – 24 April 2009 (Anchorage, Alaska, USA)
**Indigenous Peoples' Global Summit on Climate Change**
Hosted by the Inuit Circumpolar Council in the Dena'ina Center, Anchorage
Contact: Patricia Cochran, Chair, Inuit Circumpolar Council
(See also webpage for contact information in the regions)
E-mail: info@indigenoussummit.com Web: www.indigenoussummit.com

20 – 24 April 2009 (Geneva, Switzerland)
**14th session of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression/Folklore**
World Intellectual Property Organisation (WIPO)
PO Box 18, CH-1211 Geneva 20, Switzerland
Phone: +41 22 338 9111 Fax: +41 22 733 54 28
For email go to: http://www.wipo.int/tools/en/contacts/index.jsp
Web: http://www.wipo.int/tk/en/

20 April – 2 May 2009 (New York, USA)
**Eighth session of the UN Forum on Forests**
Contact: United Nations Forum on Forests Secretariat
Department of Economic and Social Affairs
DC1-1245, One United Nations Plaza
New York, NY 10017 USA
Phone: +1 212 963 4244/3401 Fax: +1 212 367 3186
E-mail: unff@un.org Web: http://www.un.org/esa/forests
27 April – 15 May 2009 (Geneva, Switzerland)

**42nd session of the Committee Against Torture**
Countries scheduled for consideration: Chad, Chile, Honduras, Israel, New Zealand, Nicaragua, Philippines.
Office of the High Commissioner for Human Rights
Contact: Ms. M. Morales Fernandez, Secretary
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9139 Fax: +41 22 917 9022
Web: [http://www2.ohchr.org/english/bodies/cat/cats42.htm](http://www2.ohchr.org/english/bodies/cat/cats42.htm)

**MAY**

4 – 15 May 2009 (New York, USA)

**17th session of the UN Commission on Sustainable Development**
Department of Economic and Social Affairs
Division for Sustainable Development
2 UN Plaza, Room DC2-2220, New York, NY 10017, USA
Phone: +1 212 963 8102 Fax: +1 212 963 4260
E-mail: See website [Web: [http://www.un.org/esa/sustdev/csd/policy.htm](http://www.un.org/esa/sustdev/csd/policy.htm)]

4 – 15 May 2009 (Geneva, Switzerland)

**Fifth session of the Human Rights Council Universal Periodic Review**
Countries scheduled for consideration (in this order): Central African Republic, Chad, Comoros, Congo, Vanuatu, Viet Nam, Yemen, Afghanistan, Uruguay, Belize, Chile, Malta, Monaco, New Zealand, Slovakia, The Former Yugoslav Republic of Macedonia.
Office of the High Commissioner for Human Rights
Contact: OHCHR Civil Society Unit
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9011 Fax: +41 22 917 9011
E-mail: civilsocietyunit@ohchr.org
Web: [http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx)

4 – 22 May 2009 (Geneva, Switzerland)

**42nd session of the Committee on Economic, Social and Cultural Rights (CESCR)**
Countries scheduled for consideration: Brazil, Cyprus, United Kingdom, Australia, Cambodia.
Office of the High Commissioner for Human Rights
Contact: Ms. Wan-Hea Lee, Secretary
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9154 Fax: +41 22 917 9022
E-mail: wlee@ohchr.org Web: [http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm](http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm)

11 – 15 May 2009 (Batumi, Georgia)

**40th meeting of the Ramsar Standing Committee**
Ramsar Convention on Wetlands
Rue Mauverney 28, 1196 Gland, Switzerland
Phone: +41 22 999 0170 Fax: +41 22 999 0196
E-mail: ramsar@ramsar.org Web: [http://www.ramsar.org](http://www.ramsar.org)

18 – 29 May 2009 (New York, USA)

**Eighth session of the Permanent Forum on Indigenous Issues**
“Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges” (Review session)
Secretariat of the Permanent Forum on Indigenous Issues
United Nations, 2 UN Plaza, Room DC2-1772
New York, NY, 10017, USA
Phone: +1 917 367 5100 Fax: +1 917 367 5102
E-mail: IndigenousPermanentForum@un.org
18 – 27 May 2009 (Geneva, Switzerland)
62nd World Health Assembly
World Health Organisation
Avenue Appia 20
1211 Geneva 27, Switzerland
Phone: +41 22 791 2111 Fax: +41 22 791 3111
Web: http://www.who.int/mediacentre/events/governance/wha/en/index.html

25 May – 12 June 2009 (Geneva, Switzerland)
51st session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Bangladesh, France, Mauritania, Niger, Sweden, Romania, Oman, Slovenia
Office of the High Commissioner for Human Rights
Contact: Ms. Maja Andrijasevic-Boko, Secretary
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9276 Fax: +41 22 917 9022
E-mail: crc@ohchr.org Web: http://www2.ohchr.org/english/bodies/crc/crcs51.htm

JUNE
1 – 12 June 2009 (Bonn, Germany)
30th session of the Subsidiary Bodies for Scientific and Technological Advice (SBSTA) and for Implementation (SBI)
Eighth session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP)
Sixth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)
UN Framework Convention on Climate Change
Haus Carstanjen, Martin-Luther-King-Strasse 8
P.O. Box 260124, D-53153 Bonn, Germany
Phone: +49 228 815 1000 Fax: +49 228 815 1999
E-mail: secretariat@unfccc.int Web: http://unfccc.int/meetings/items/2654.php

2 – 19 June 2009 (Geneva, Switzerland)
11th session of the Human Rights Council
Office of the High Commissioner for Human Rights
Contact: Ms. Laura Dolci-Kanaan, NGO Liaison Officer
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9656 Fax: +41 22 917 9004
E-mail: ldolci-kanaan@ohchr.org Web: http://www2.ohchr.org/english/bodies/hr council/

3 – 19 June 2009 (Geneva, Switzerland)
98th International Labour Conference
International Labour Organisation
Contact: Official Relations Branch
Phone: +41 22 799 7732 Fax: +41 22 799 8944
Email: reloff@ilo.org Web: www.ilo.org/ilc

16 - 19 June 2009 (Tentative date – venue to be determined)
Access and Benefit-sharing: Expert Group on traditional knowledge associated with genetic resources
Secretariat of the Convention on Biological Diversity
Contact: Mr. Ahmed Djoghlaf, Executive Secretary
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +1 514 288 2220 Fax: +1 514 288 6588
E-mail: secretariat@cbd.int Web: http://www.cbd.int/meetings/default.shtml
Within the framework of the first session of the Expert Mechanism on the Rights of Indigenous peoples, doCip has organised an orientation session on the UN Human Rights mechanisms for the representatives of indigenous peoples. The orientation session took place in Geneva on the 29th and 30th of September, and was held by Joan Carling, Asia Indigenous Peoples Pact (AIPP) Secretary-General, Alberto Saldamando, International Indian Treaty Council (IITC) General Counsel, and Samia Slimane, from UN Office of the High Commissioner for Human Rights (OHCHR) - in personal quality. The written version of these presentations, together with other supporting and reference documents is available in our online database. From our home page, follow the path: Documentation Center -> Online documentation -> Conferences->Human Rights Council -> 0- Training & Support Documents on UN Human Rights Mechanisms.

If you have comments and suggestions about this Update, please do not hesitate to share them with us:
- by e-mail at: docip@docip.org (Subject: Update)
- by fax at: + 41 22 740 34 54
- by mail at: doCip, 14 avenue Trembley, CH-1209 Genève

Thanks!

INFORM US OF YOUR CHANGE OF ADDRESS
Please inform us each time you change your e-mail/postal address, or phone/fax number so that we may keep our address book up to date. Send an email to docip@docip.org, subject: Change of Address. Many thanks!
Contributors to this issue
Pierrette Birraux, Geneviève Herold, Ruxandra Stoicescu

Translation
Virginia Alimonda, Julie Graf, Inés Hidalgo, Nathalie Stützel.

The reproduction and dissemination of information contained in Update is welcome provided sources are cited.
This issue is available in English, Spanish, French and Russian.
Original version: printed and Internet (www.docip.org) English text.

Please note
Update is and will remain free for all indigenous organisations.
Rates for non-indigenous organisations or individuals help us defray part of our costs, and cover three to four issues per year:
- Individuals and small NGOs: US$ 30
- Support price (International Organisations, Administrations, Universities, Large NGOs and others): US$ 60

We recommended that you pay these amounts by Post-Cash or International Money Order from your local post office. Our giro account is: CCP 12-11429-8
Bank transfers charge high commissions; nevertheless payment may be made to:
Banque Cantonale de Genève
Account No. E 775.87.12

With the support of:

This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of doCip and can under no circumstances be regarded as reflecting the position of the European Union.
The Swiss Agency for Development and Cooperation
The Ford Foundation
The Canton of Geneva
City of Geneva