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1. EDITORIAL

The good news in this issue concerns the mandate of the Special Rapporteur, James Anaya, and the 
UN Voluntary Fund for Indigenous Peoples. The Special Rapporteur’s mandate was not only renewed 
– it was also given a new name: Special Rapporteur on the Rights of Indigenous Peoples, a title 
adopted by consensus after surprisingly intense discussion triggered by Canada, the United States, and 
the United Kingdom, during the 15th session of the Human Rights Council (HRC), in September 2010. 
As for the Voluntary Fund, from now on it can support travel and accommodation for indigenous 
delegates to participate in the HRC and the treaty bodies. Both these decisions by the HRC have then 
been approved by the United Nations General Assembly, in a resolution of its Third Committee.

Also in its September 2010 session, the HRC requested the High Commissioner on Human Rights to 
continue follow-up on the effectiveness of the Declaration. The HRC decided to hold an annual 
dialogue with the Expert Mechanism following the presentation of its report, and to organize, at its 
18th session in September 2011, a half-day panel on the role of languages and culture in the promotion 
and protection of the well-being and identity of indigenous peoples.

In addition to our report on the HRC’s work on indigenous peoples, this issue includes an exhaustive 
summary of the review of 27 countries where indigenous peoples live, conducted during the second 
year of the first cycle of the Universal Periodic Review (UPR).

The UPR’s mandate is to investigate, in four-year cycles, the human rights situation in all United 
Nations Member States. Each year, 48 countries are examined in the course of three sessions of the 
Working Group on the UPR; review is on the basis of three reports: national reports (by States), a 
compilation of UN documents, and a summary of information by stakeholders, including NGOs. In 
Update 85-86 we published an extract from HRC resolution 5/1 on institution-building concerning the 
UPR, and summarized the review – for the first year of the first cycle – of 22 countries where 
indigenous peoples live.

Among the national reports for the second year of the first cycle taken into account in this report, all 
except Chad, Senegal, Vanuatu, Equatorial Guinea and Mauritius mention indigenous peoples. The 
reports of Chile, New Zealand, Mexico, Vietnam and Canada received particular attention in the 
plenary – this was the incontrovertible result of intense efforts by the indigenous and NGO lobby, 
demonstrated in the original documents published on the websites of the OHCHR and doCip (see box 
on page 5).

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

The second year of the first cycle of the Human Rights Council's Universal Periodic Review (UPR), in 2009-2010, was completed with the Council examining at its 13th session, in March 2010, the outcomes of the 6th session of the Working Group on the Universal Periodic Review (WGUPR). Here is a report on the inclusion of indigenous issues, during this second year, in the reviews of countries where indigenous peoples (IPs) live.

IPs in the reports and outcomes of the Working Group on the UPR – fourth, fifth and sixth sessions

Bangladesh
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/4/BGD/1] highlights ethnic minorities quota in universities and public office (para. 31). The Ministry of Chittagong Hill Tracts (CHT) Affairs is mandated to uphold the CHT peoples' rights and accelerate socio-economic growth, while Hill District Councils are in charge of all development activities (para. 90). Budgetary allocations for the CHT target food relief, health, education, culture, sports, water and sanitation (para. 91). Access to justice and to communication is being improved (para. 92).

In the Compilation of UN documents [A/HRC/WG.6/4/BGD/2], the CRC and UNICEF express concerns (para. 12) about the situation of ethnic minorities and tribal children, and lack of respect for their rights [CRC/C/15/Add.221, para. 79]; the Special Rapporteur (SR) on religious intolerance recommends revision of school curricula to adequately reflect the country's religious and ethnic diversity and promote non-discrimination [A/55/280/Add.2, para. 105]. Human rights violations in the CHT, including attack and arrests, by security forces or with their acquiescence, against the indigenous population and leaders are underscored (para. 17) by the CERD, the SRIP and several special procedures mandate holders [CERD/C/304/Add.118, para. 9; A/HRC/6/15/Add.1, paras. 25, 33, 45 & 57; A/HRC/4/32/Add.1, para. 12]. The CERD expresses concern (para. 39) about slow implementation of the CHT Peace Accord [CERD/C/304/Add.118, para. 10]; the SR on religious intolerance underscores its importance [A/55/280/Add.2, para. 108 (d)]; and the SRIP highlights illegal seizure of indigenous communities' traditional lands in the CHT, expressing concern about systematic support to non-indigenous settlers in order to displace the IPs [A/HRC/9/9/Add.1, para. 50].

In the Summary of stakeholders' information [A/HRC/WG.6/4/BGD/3], AITPN call for ratification of ILO Convention 169 (para. 1) and denounce IPs' exclusion from decision making (para. 38). AIPP state that, despite constitutional prohibition, IPs face multi-faceted discrimination and indigenous women face widespread negligence and violence (para. 14). Military bases in the CHT contribute to the ongoing gross human rights violations (AITPN, para. 20). Indigenous human rights activists are harassed with impunity (AITPN, para. 29; ACHR, para. 35). AITPN and AIPP underscore lack of constitutional recognition for IPs, and historic deprivation of their rights, while the State supports systematic land grabbing and illegal installation of Bengali settlers in the CHT (para. 46). AIPP underline that the CHT Peace Accord Land Commission has yet to be established (para. 47). AITPN denounce that in the name of establishing an Eco-Park, governmental measures have led to destruction of the forest and massive displacement of IPs with harsh repression on opponents (para. 49). AITPN recommend technical cooperation for a National Commission for IPs' Rights (para. 55).

Among questions presented in advance to Bangladesh, the United Kingdom (UK) and Denmark enquire on full implementation of the CHT Peace Accord.

Outcome

The WGUPR report [A/HRC/11/18] recalls the special Ministry for the CHT (para. 19). Nepal underlines inclusion of tribal people (para. 56). The Holy See enquires on confronting IPs' plight (para. 75). Among the report's recommendations (para. 94), Mexico recommends ratifying ILO Convention 169 (21). Norway and Australia recommend full and rapid implementation of the CHT Accord (34). In its response [A/HRC/11/18/Add.1], Bangladesh states that most provisions of ILO Convention 169 are contained the CHT Peace Accord, which is being fully implemented.

In the Report of the HRC 11th session [A/HRC/11/37, paras. 273-301], FORUMASIA call for concrete and measurable commitments to address violence against IPs; adequate reparation; and full implementation of the...
CHT Peace Accord (para. 292). IWGIA call for: effective resolution of land disputes by having the Land Dispute Commission resume its work and by voluntary relocation of Bengali settlers from the CHT; withdrawal of military camps; transfer of all agreed administrative functions to the Hill District Councils; and full functioning of the CHT Regional Council (para. 295).

Documentation on the UPR

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


Finally, Update 85-86 contains highlights of HRC Resolution 5/1, on the Council’s institution-building, establishing the principles, objectives and functioning of the UPR.

Belize

Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/5/BLZ/1] acknowledges the country's Maya and Garifuna peoples (para. 7). It informs on the Maya communities' local government structure, with responsibilities in land and communal management, and disputes resolution (para. 14); and on intercultural bilingual education programmes (para. 53). Maya communities of the Toledo district have lodged complaints against the Government for failing to protect their rights; the Government acknowledges the recommendations of the Inter American Commission on Human Rights (IACHR) in the 2004 Report on the case Maya Indigenous Communities of the Toledo District of Belize, whose non-implementation led the Conejo and Santa Cruz Maya villages to turn to Belize Supreme Court, whose ruling in 2007 joined the IACHR's recommendations with respect to demarcating and protecting Maya communal property based on customary use and practice; an implementing mechanism of the Supreme Court's judgement is still being negotiated, while 38 other villages in the Toledo District have initiated a similar action (paras. 86-93).

In the Compilation of UN documents [A/HRC/WG.6/5/BLZ/2], the CEDAW expresses concerns (para. 10) about widespread poverty among Maya women, and calls for active promotion of gender equality and assessing the impact of poverty reduction strategies on women [CEDAW/C/BLZ/CO/4, paras. 15, 16]. The CRC and UNICEF raise concerns (paras. 11, 30, 40) regarding persistent discrimination against Maya children, their widespread poverty, and limited enjoyment of rights and access to basic services; the CRC recommends that Belize strengthen its efforts to address these issues [CRC/C/15/Add.252, paras. 25, 26, 58, 59, 72, 73]. The CRC and UNICEF also acknowledge growing socio-economic difficulties, especially for IPs, due to hurricanes (para. 47). A 2005 Common Country Assessment (CCA) report notes Maya people's extensive and persistent poverty (para. 29), while national averages occult serious disparities experienced by IPs (UNICEF, para. 39). The SRIP addresses (para. 41) oil concessions being issued by the Government on communal lands of the Toledo District Maya people without sufficient consultation, affecting their legitimate property rights and way of life [A/HRC/4/32/Add.1, paras. 18-37].

In the Summary of stakeholders' information [A/HRC/WG.6/5/BLZ/3], in paragraphs 19 to 23, CS and IPLPP-UA indicate that Government concessions to extractive companies threaten the Maya IPs' customary land use, in disregard of findings by the IACHR (2004), the SRIP (2007), and CERD. In 2007, Belize Supreme Court concluded that the rights of the Maya communities to their lands are protected under the Constitution, stating that the Government's failure to protect the Maya communities' lands violate the constitutional protection of property. The Supreme Court ruled that the Government cease any acts that may affect the property and land rights of the Maya people of Santa Cruz and Conejo without their informed consent. Since then there have been numerous infringements on Maya land rights. The Government continues to ignore Maya customary property rights and to issue leases and concessions for natural resource exploitation. A second lawsuit has been filed in the Supreme Court in 2008 with the aim to protect Maya lands while the Government fulfils its legal obligations.
Meanwhile, IPLPP-UA recommends that the Government abide by the ruling of the Supreme Court for all Maya lands in Toledo (also para. 4).

Among questions presented in advance to Belize, the Czech Republic enquires on addressing IPs' human rights situation. The UK enquires on implementation of the IACHR 2004 recommendations. Referring to Maya people's land issues, Argentina enquires on implementation of the Declaration's international standards.

Outcome
In the WGUPR report [A/HRC/12/4], Belize states its intention to invite the SRIP (para. 24) and highlights difficulties to agree on implementation of the IACHR 2004 recommendations, due to the current ownership of disputed land, and lack of consensus among the Maya themselves (paras. 25, 29). The UK urges Belize to recognize the social, cultural and property rights of Maya IPs, and to eliminate all discrimination (para. 33). Ukraine enquires on addressing widespread poverty affecting Maya women (para. 38). The USA recommends a national human rights institution, which would address the Maya people's property rights (para. 39). Canada notes concerns by UNICEF and the CERD about IPs' widespread poverty (para. 41). Argentina enquires on implementation of the Declaration's international standards (para. 42). Slovenia enquires on indigenous children's equal enjoyment of rights (para. 51). Germany enquires on plans to solve the situation regarding Maya land use rights, as this affects the Toledo District economically and socially (para. 53). Trinidad and Tobago underscores the local governance system that facilitates IPs' enfranchisement (para. 55). Among the report's recommendations that Belize supports (para. 67), Canada recommends reducing poverty among indigenous children (8). The Czech Republic recommends providing human rights training about protection of IPs to all State officials (12). Mexico recommends strengthening respect of IPs' rights, in line with the Declaration (35). Among recommendations that Belize pledges to examine (para. 68), Slovenia recommends protecting Maya customary property rights in consultation with affected Maya people (9). In its response [A/HRC/12/4/Add.1, para. 39], Belize reiterates that this issue is before the Supreme Court.


Cambodia
Sixth session of the WGUPR, 30 November-11 December 2009

Information submitted to the WGUPR
The National Report [A/HRC/WG.6/6/KHM/1] acknowledges a number of ethnic groups in the country, all enjoying fundamental freedoms (paras. 11, 12). Cambodia recognizes IPs' traditional land use rights, including to be consulted in demarcation of villages boundaries, and to monitor land and natural resources' sustainable use (paras. 44, 45). The National Council on Ethnic and Demographic Issues is a consultation and coordination body on policies regarding ethnic programs and interests (para. 63). The Government is committed to ensure equal access to a quality basic education for indigenous children (para. 110).

The Compilation of UN documents [A/HRC/WG.6/6/KHM/2] relates concerns (para. 21) by the CESCR and ILO about assassinations of and death threats to indigenous leaders [E/C.12/KHM/CO/1, para. 31]. The SRs on freedom of religion and of opinion, as well as the Special Representative of the Secretary-General (SRSG) on human rights defenders, highlight (para. 42) state prohibition for monks to participate in demonstrations, allegedly targeting Khmer Kampuchea Krom monks [A/HRC/7/10/Add.1, para. 11]. The CEDAW calls (paras. 62, 65) for reduction of illiteracy among ethnic minority women [CEDAW/C/KHM/CO/3, paras. 26, 35]. As primary education uses only the national language Khmer, the CESCR expresses concerns (para. 65) over access and the risk for indigenous communities to lose their culture [E/C.12/KHM/CO/1, para. 34]. The CESCR and OHCHR raise concerns (para. 67) about the rapid increase in economic concessions leading to degradation of natural resources and biodiversity, and displacement of IPs; the CESCR recommends equitable benefit-sharing and attention to sustainable development, noting failure to implement Land Law provisions on titling of indigenous communal land, and natural resources exploitation contravening IPs' lands and natural resources rights [E/C.12/KHM/CO/1, paras. 15, 16; A/HRC/4/95, para. 45]. Several special procedures mandate holders, OHCHR and a 2008 Secretary-General report express concerns (paras. 66, 68, 69) about illegal seizure of indigenous lands, delays in the collective titling process, the risk for most communities to lose their lands, livelihoods and cultural heritage, and harassment of Khmer Krom people activists [A/HRC/7/56, para. 37; A/HRC/7/42, para. 29; E/CH/4/2006/41/Add.3, para. 67; A/HRC/10/44/Add.4, p. 43; A/HRC/10/7/Add.1, paras. 25-32; A/HRC/12/41, para. 43].

In the Summary of stakeholders' information [A/HRC/WG.6/6/KHM/3], KKKHRA denounce repression against Khmer Krom Buddhist monks promoting their people's human rights (para. 35). COHRE/BABSEA/LICADHO and ADHOC/FORUMASIA underline inadequate application of the 2001 Land Law, which recognizes indigenous communities' collective land ownership rights: IPs face land seizures by powerful interests, and concessions by the Government, hindering their access to their traditional forests (para. 43).
KKKHRA denounce that in disregard of legal and constitutional provisions, the Government does not provide Khmer Krom people with documentation necessary to obtain citizenship, leading to statelessness and denial of rights; Khmer Krom people fleeing from other countries in Cambodia no longer receive refugee status from the UN HCR, due to Cambodia's claim to recognize them as citizens; UNPO recommend that Cambodia recognize the Khmer Krom and Montagnard peoples as IPs and stop repatriating them to neighbouring countries (paras. 57, 58).

Among questions presented in advance to Cambodia, Germany enquires on addressing illegal seizure of indigenous lands. The UK enquires on further safeguarding IPs' land rights. Denmark enquires on safeguarding the rights of IPs' human rights defenders.

Outcome


In the draft Report of the HRC 13th session [A/HRC/13/L.10, paras. 351-391], Cambodia refers to implementation of a policy plan on issues affecting indigenous communities (para. 367). II encourages systematic elimination of discrimination against indigenous groups; and adhering to international standards on asylum procedures regarding Khmer Krom people (para. 384).

Cameroon

Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR


In the Compilation of UN documents [A/HRC/WG.6/4/CMR/2] the SRIP and other two special procedures mandate holders (para. 36) underscore extensive land grabbing violating the rights of Mbororo pastoralists [A/HRC/8/4/Add.1, paras. 64-66]. A 2007 ILO report reveals that many “Pygmy” communities are considered the property of their Bantu neighbours, as the State does not recognize them, hindering their ability to own land and participate in decision making; because of seizure of most lands and forests traditionally used by “Pygmy” communities, these increasingly rely on wage labour, facing widespread bonded labour and underpayment (para. 37). An ILO Committee of Experts requires full information on measures taken to improve IPs' conditions of life and work (para. 38).

In the Summary of stakeholders' information [A/HRC/WG.6/4/CMR/3], CNDHL state that Pygmies, Mbororo and other IPs face under-enrolment in school, poverty, exploitation, land dispossession, and lack of access to health, sanitation, electrification, and road facilities (para. 36). CED report that Baka, Bakola and Bedzang peoples are not being recognized by State and private sector forest management, in spite of international recognition and constitutional protection; they are badly treated and discriminated through failure of legal and regulating provisions to take their specificities into account (para. 37). As Pygmies settle, they are simply "hosted" on territories of Bantu villages, leading to denial of their ancestral land rights and of legal status for their settlements; new protected areas lead to their expulsion without their consultation, and often without compensation (para. 38). IPs' political participation, access to justice and to education is hindered by lack of identity documents; forest IPs have limited access to healthcare and a very low educational level, due to extreme poverty, language barriers, and a hunter-gatherers' way of life (para. 39). Cameroon must comply with its international obligations on IPs' protection; take IPs' way of life into account; collect statistical data on IPs' situation; and ensure IPs' effective participation in decision making (para. 40).

Among questions presented in advance to Cameroon, Denmark enquires on barriers to implementation of international standards regarding IPs.

Outcome

In the WGUPR report [A/HRC/11/21], Cameroon recalls its participation to the Declaration's adoption (para. 9). The Holy See notes that non-recognition of “Pygmy” communities in Cameroon's administrative structures directly affects their economic and political rights (para. 21). The Philippines encourages further increasing indigenous children's enrolment in primary education (para 35). Niger enquires on the correlation between education of girls and status of women in indigenous communities (para. 66). Botswana enquires on treatment of IPs vis-à-vis other ethnic communities (para. 69). Among the report's recommendations that Cameroon supports (para. 76), the Philippines recommends focusing on IPs' access to health services (32). France, South Africa and Mexico recommend upholding international provisions in solving the situation of Pygmy and
Mbhoror IPs, particularly regarding land ownership rights, and compensation and resettlement in case of forced removal (37). Among recommendations examined by Cameroon (para. 77), Mexico recommends ratifying ILO Convention 169 (3); and the Holy See recommends a law addressing the land rights of the “Pygmy” communities (7). In its response [A/HRC/11/21/Add.1] Cameroon rejects both recommendations, arguing that most ILO Convention’s provisions are comprised in domestic legislation, while other conflict with national unity and territorial integrity; and that domestic legislation provides necessary guarantees on land rights.

In the Report of the HRC 11th session [A/HRC/11/37, paras. 374-400], the USA encourages passing a law on the “Pygmy” communities' land rights (para. 391).

Canada
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/4/CAN/1] acknowledges some 50 Aboriginal groups (para. 3). Indian reserves, their population and their children's instruction are under the Canadian Government's jurisdiction, while Aboriginal treaty governments and Indian Band Councils exercise various aspects of local governance ( paras. 6, 7, 24). The report informs on measures to enhance Aboriginal people's employment opportunities ( paras. 29, 30); on social assistance benefits and inclusion in poverty reduction strategies ( paras. 31, 53); on assistance to Aboriginal housing ( paras. 56, 59), and homelessness ( paras. 60, 61). Specific governmental initiatives related to Aboriginal issues, based on both recognition of historic obligations and the need to balance current competing interests, focus on economic development, education, citizen empowerment, resolution of land claims and reconciliation, and governance ( paras. 64, 65). Partnerships with First Nations organisations allow to deliver culturally appropriate welfare services for Aboriginal children and families, to confront the disproportionately high number of indigenous children in care; and to shift governmental child protection programmes to prevention and empowerment ( paras. 66-70). The Canadian Human Rights Act (CHRA) has been amended to include discrimination arising under the Indian Act (para. 70). The harmful legacy of Indian residential schools has been acknowledged in 2008 and is being addressed through a settlement agreement and a Truth and Reconciliation Commission ( paras. 72-74). The report underscores respect for existing treaties and negotiation of new ones in order to reconcile Aboriginal peoples’ traditional land and resources rights with Canadian territorial sovereignty; to resolve specific Treaty claims, Canada has created a tribunal to decide claims when negotiations fail; comprehensive claims negotiations, addressing a wide range of rights, aim at establishing new treaties, many of which include self-government provisions ( paras. 75-79). Violence against Aboriginal women is a priority issue, addressed through legislative reforms and specific, culturally adapted health and other services, while the Canadian Government supports the Sisters in Spirit Initiative, aimed at raising awareness about violence against Aboriginal women, often leading to their disappearance or death ( paras. 84-86). The report also notes high prevalence of racism against Aboriginal people (para. 97).

In the Compilation of UN documents [A/HRC/WG.6/4/CAN/2], the CERD recommends (para. 4) ensuring adequate application of CHRA to complaints under the Indian Act [CERD/C/CAN/CO/18, paras. 8, 25]. The CEDAW, CERD, CESCR and SRIP urge legislative solutions (para. 12) to discriminatory effects of the Indian Act on a wide range of rights for Aboriginal women and children, while CEDAW calls for elimination of all discrimination against Aboriginal women in employment, housing, education and healthcare, and for their participation in governance and legislative processes [CEDAW/C/CAN/CO/7, para. 18, 43, 44; CERD/C/CAN/CO/18, para. 15; E/C.12/CAN/CO/4 and 5, para. 45, 17; E/CN.4/2005/88/Add.3, paras. 90, 91, 93]. The Human Rights Committee, CERD and CEDAW underscore ( paras. 14, 66) violence against Aboriginal women, urging Canada to remedy its deficiencies in investigating cases of missing and murdered Aboriginal women [CERD/C/CAN/CO/18, para. 20; CCPR/C/CAN/CO/5, para. 23; CEDAW/C/CAN/CO/7, paras 31, 32, 53]. The Human Rights Committee, CEDAW, Working Group on Arbitrary Detention, SR on racism and CERD note ( paras. 16, 17) over-representation of Aboriginal people in prisons, and recommend increasing Aboriginal participation in law enforcement, sensitizing law enforcers, and enhancing social reintegration of Aboriginal offenders [CCPR/C/CAN/CO/5, para. 18; CEDAW/C/CAN/CO/7, paras. 33, 34; E/CN.4/2006/7/Add.2, paras. 51, 92(a); E/CN.4/2004/18/Add.2, para. 53; CERD/C/CAN/CO/18, para. 19]. The CERD calls for non-discrimination in Aboriginals' access to justice (para. 24, 61). The CERD, CEDAW and ILO Committee of Experts recommend (para. 27, 28, 58) full implementation of anti-discrimination legislation in the labour market [CEDAW/C/CAN/CO/18, para. 24; CEDAW/C/CAN/CO/7, para. 38]. The CERD, SR on adequate housing and CESCR highlight ( paras. 37, 38) the dramatic inequalities in Aboriginal peoples' living standards, including dire housing conditions that drive children into foster care; the CESCR recommends (para. 33) integrating economic, social and cultural rights in poverty reduction strategies [CEDAW/C/CAN/CO/18, para. 21; A/HRC/7/16/Add.4, paras. 8-11, 15; E/C.12/CAN/CO/4 and 5, paras. 15, 24, 44, 56].

The CERD urges Canada ( paras. 42, 44, 61) to ensure that new approaches in treaty negotiations do not restrict development of Aboriginal rights, to facilitate establishment of proofs of Aboriginal land titles, to provide for
periodic review in new treaties, and to ensure enjoyment of economic, social and cultural rights [CERD/C/CAN/CO/18, paras. 21, 22, 32]. The SRIP notes (para. 43) failure of new treaties to recognize IPs' property rights; comprehensive claim settlements' implementation require more political will, institutional responsiveness, effective dispute resolution, and stricter monitoring [E/CN.4/2005/88/Add.3, paras. 20, 90, 91, 93; A/HRC/4/32/Add.4, para. 46]. The SR on adequate housing, Human Rights Committee and CESCR note (para. 44) the negative impact of industrial activities on the Lubicon people, and recommend that Canada consult LLIN before granting licences for economic exploitation on disputed land [A/HRC/7/16/Add.4, para. 15; CCPR/C/CAN/CO/5, para. 9; E/C.12/CAN/CO/4 and 5, para. 38]. The CERD and SR on toxic waste encourage Canada (para. 45) to address acts of extractive transnational corporations registered in Canada that negatively impact IPs' rights outside Canada [CERD/C/CAN/CO/18, para. 17; E/CN.4/2003/56/Add.2, para. 126]. The Human Rights Committee and CESCR recommend (para. 46) protecting Aboriginal languages, cultures, ancestral rights and traditional knowledge [CCPR/C/CAN/CO/5, para. 10; E/C.12/CAN/CO/4 and 5, para. 67].

In the Summary of stakeholders' information [A/HRC/WG.6/4/CAN/3], FNS and GCC recall that Canada does not acknowledge the Declaration's effectiveness, while IITC/CTSFN, FI, LDL, AI, IOIRD/SCN/ECN/LBT/MoCN, NWAC and AFN call for Canada to support it and implement it; GCC, in a joint submission, warn that Canada seeks to prevent use of the Declaration as a minimum standard in the drafting of the American Declaration on IPs' Rights ( paras. 3, 5, 16, 58). NWAC recommend full partnership with Aboriginal women in consideration under CHRA of discrimination caused by the Indian Act, which CHRC call to replace with more modern and effective legislation (para. 8; also AFNQL, para. 56). IOIRD/SCN/ECN/LBT/MoCN recommend establishing parliamentary committees on IPs' International Affairs (para. 12), and a curriculum on indigenous treaties for all Canadian schools (para. 48). Canada's failure to provide disaggregated data on IPs can obscure critical human rights concerns (AI, para. 13; also FAFIA and NWAC for women, para. 22) FNS call for action regarding the Indian Residential Schools system, while ICTJ urge full respect of the Truth and Reconciliation Commission, which must uphold law enforcement (paras. 11, 70). AFN, CHRC, FAFIA and CCCR highlight systemic inequalities faced by IPs, women and children, with regard to employment, education, health, family services, disabilities, suicide, poverty, and incarceration (paras. 17, 18; also CPJ and AI, para. 40; WI for housing, para. 39). NWAC emphasize non-legislative measures recommended by Aboriginal women on violence against women, limited access to justice, poverty, housing and the Indian Act (para. 20). AI stress indigenous women's increased risk to die from violence, and the Federal Government's failure to address this through a consistent national strategy (para. 22). KAIROS denounce Canada's presentation of indigenous rights as a threat to rights of non-indigenous people (para. 50). AFN and FNS denounce Canada's denial of First Nations' title and rights, protected by its Constitution and legislation; Canada must stop requiring "modification" of such rights in treaty negotiations ( paras. 49, 51; also WWKN, para. 52). INET add that the Comprehensive Claim Policy does not meet the Declaration's minimum standards for the protection of IPs' land rights (para. 57). LCAC and IOIRD/SCN/ECN/LBT/MoCN stress Canada's failure to fully implement modern land agreements (para. 52). ACFN and IITC/CTSFN report on indigenous traditional territories dramatically affected by industrial developments, resulting in serious contamination, health damage and disappearance of traditional ways of life, while the Government fails to ensure community consultation; this could erode IPs' land rights before disputes are settled (AI, para. 54); the Government is unwilling to discuss benefit-sharing, and environmental consequences of extractive activities on IPs (FIACAT, para. 55; also LLIN for the Lubicon people, para. 53). AFNQL recommend ensuring First Nations members' right to quality education, improving social housing while reviewing jurisdiction about housing with First Nations, and applying the right to co-management of resources (para. 56).

Among questions presented in advance to Canada, Austria enquires on respect for development of Aboriginal rights in new approaches to settling IPs' land claims, and for consent about resource exploitation affecting Aboriginal territories or disputed lands. The Netherlands enquires on improving IPs' socio-economic position. Sweden enquires on combating violence against indigenous women. Denmark asks whether Canada considers supporting the Declaration.

Outcome

In the WGUPR report [A/HRC/11/17], Canada stresses its priority on reconciliation with Aboriginal peoples; recalls actions regarding the Indian Residential Schools, and amendment of the CHRA to cover the Indian Act (para. 10); and reiterates its motives for not supporting the Declaration (para. 13). Canada highlights its work with Aboriginal organisations on family violence prevention, and on the Sisters in Spirit campaign (para. 11). Canada seeks to balance land rights of all Canadians, while recognizing the Aboriginal peoples' collective interest in lands and resources (para. 12). Switzerland enquires on measures addressing poverty affecting IPs and on reported modification of inherent rights through treaty negotiations (para. 19). Austria stresses acceleration of efforts to settle land claims (para. 20; also Argentina, para. 65). Chile notes persistence of extreme poverty, violence and low levels of education among IPs (para. 22). Australia emphasizes cases of harassment of IPs...
Switzerland recommends settling territorial claims and improving conflict resolution (56). Austria recommends respect for all consultation duties, namely in claims negotiations (55). Denmark, Norway, Pakistan, Austria and Bolivia recommend endorsing and fully implementing the Declaration on the rights of indigenous peoples (46). Indonesia recommends improving indigenous children's general welfare (46). Norway and Austria recommend studying the scale and character of violence against women and ending discrimination against IPs by addressing root causes, protecting their rights and ensuring access to justice (24). Turkey, Finland, Belgium and Portugal, Mexico and Bolivia recommend ratifying and implementing ILO Convention 169 (6). Portugal and Mexico recommend a transparent and participatory mechanism to monitor implementation of Canada's international human rights obligations (14, also Jordan and Portugal, 15; Saudi Arabia, 51). The UK recommends ways to address inequalities affecting Aboriginal citizens (19; also Vietnam, 20; Cuba, 45; Netherlands, 54). Malaysia recommends strengthening action to punish perpetrators of violence against IPs (24; also Mexico for indigenous women, 33). Turkey, Finland, Belgium and the UK recommend further addressing discrimination against indigenous women and girls, and empowering them (27; also Czech Republic, 36; Syrian Arab Republic, 35; Bolivia, 34). Azerbaijan emphasizes cases of missing and murdered indigenous women (para. 43; also Iran, para. 54). Indonesia underscores IPs' concerns at inadequate protection of their rights (para. 42). India seeks Canada's response to Treaty Bodies' comments on discrimination against IPs, and protection of indigenous women (para. 44; also Saudi Arabia, para. 63; Belgium, para. 55; Bosnia and Herzegovina, para. 69; Republic of Korea, para. 73). The Philippines enquires on legislation covering conflicts between mining corporations and IPs (para. 46). Turkey stresses concerns that Aboriginal families' inadequate housing forces their children into foster care (para. 47). Finland regrets Canada's inability to support the Declaration, and enquires on the Sisters in Spirit campaign (para. 48). Bolivia notes the persistence of inequality (also China, para. 66), poverty, and high rate of suicide for IPs in Canada (para. 50; also Cuba, para. 23). Denmark asks for the Government's view on calls to endorse the Declaration (para. 76; also Mexico, para. 29).

Canada informs on research about violence against Aboriginal women (para. 36), and on progress in education, economic development, land claims, safe drinking water, training and skills development, housing, health and child service programmes (paras. 39, 77, 78). Land claims are addressed through negotiated treaties, both historic and modern, as negotiations, although long and complex, best allow to strike a balance between competing interests (para. 79). Canada also underscores establishment of a new independent body to adjudicate claims on Aboriginal rights and compensation to be paid (para. 80). Canada reports on experiences of Provinces in addressing violence against Aboriginal women, and Aboriginal housing issues ( paras. 81, 82, 84).

Among the report's recommendations (para. 86), Norway, Mexico and Bolivia recommend ratifying and implementing ILO Convention 169 (6). Portugal and Mexico recommend a transparent and participatory mechanism to monitor implementation of Canada's international human rights obligations (14, also Jordan and Portugal, 15; Saudi Arabia, 51). The UK recommends ways to address inequalities affecting Aboriginal citizens (19; also Vietnam, 20; Cuba, 45; Netherlands, 54). Malaysia recommends strengthening action to punish perpetrators of violence against IPs (24; also Mexico for indigenous women, 33). Turkey, Finland, Belgium and the UK recommend further addressing discrimination against indigenous women and girls, and empowering them (27; also Czech Republic, 36; Syrian Arab Republic, 35; Bolivia, 34). Azerbaijan and Iran recommend ending discrimination against IPs by addressing root causes, protecting their rights and ensuring access to justice (28). Norway and Austria recommend studying the scale and character of violence against women and addressing it with IPs (38). Indonesia recommends improving indigenous children's general welfare (46). Denmark, Norway, Pakistan, Austria and Bolivia recommend endorsing and fully implementing the Declaration (52; also Cuba, 45). Austria recommends respect for all consultation duties, namely in claims negotiations (55). Switzerland recommends settling territorial claims and improving conflict resolution (56).

In its response [A/HRC/11/17/Add.1], Canada informs on its full support to and implementation of recommendations 19 ( paras. 18-20), 20 and 51 (paras. 29, 31, 33), 24 (para. 39), 27 (para. 45), 28 ( para. 37), 46 (para. 21), 55 (para. 22), and 56 (paras. 23, 24). Canada rejects recommendations 6 – ratifying ILO Convention 169 – and 52 – supporting the Declaration (paras. 9, 11). Canada accepts in part recommendations 14 and 15 (para. 14); 45 and 54 (paras. 18-20); 33, 34, 35, 36 and 38 (paras. 46, 47, 49, 50).

In the Report of the HRC 11th session [A/HRC/11/37, paras. 241-272], Canada mentions consulting Aboriginal representatives in preparing its response (para. 245). Canada repeats information on addressing Aboriginal people's discrimination in employment; on-reserve housing; healthcare, child and family services; and Indian Residential Schools' legacy (para. 246). Canada commits to identifying the causes of violence against Aboriginal women, developing appropriate responses, and improving the criminal justice system's response (para. 247). Sweden welcomes this, para. 256. Cuba highlights recommendations on combating racial discrimination against First Nations (para. 253). The Russian Federation emphasizes IPs' serious situation (para. 254). Iran urges Canada to tackle growing discriminatory treatment of IPs and violence against Aboriginal women (para. 255). The USA appreciates efforts to accelerate settlement of Aboriginal land claims (para. 257). ICSA/IOIRD raise the need for an apology and a truth and reconciliation commission for all IPs, and to stop using counter-terrorism as a pretext for repressing peaceful demands (para. 263). IOIRD notes Canada's refusal to ratify ILO Convention 169, and to lift reservations to the Convention on the Rights of the Child regarding indigenous children, and call for a permanent domestic mechanism to monitor international human rights obligations (para. 265). EIP/ACPD/IOIRD welcome acknowledgement of the issue of missing and murdered Aboriginals; regret insufficient responses to several recommendations; and stress that absence of a national poverty reduction strategy contradicts Canada's promise to close the gap in IPs' living standards (para. 267). Cuba, Iran, CHRC, FIDH, AI, EIP, ACPD, IOIRD, and ICSA address Canada's refusal to endorse the Declaration ( paras. 253, 255, 259, 265, 267, 269, 270).
Central African Republic
Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR

The Compilation of UN documents [A/HRC/WG.6/5/CAF/2] reports concerns (para. 16) by the CRC about discrimination against Pygmies [CRC/C/15/Add.138, para. 28], and by the CERD about possible use of coercion so that Pygmies abandon their way of life [A/42/18, para. 65]. The Secretary-General notes (para. 31) reported enslavement of Pygmies [S/2006/1019, para. 50].

In the Summary of stakeholders' information [A/HRC/WG.6/5/CAF/3], IDMC stress discrimination of Peulh children due to ethnic stereotypes (para. 6).

None of the questions presented in advance to the Central African Republic referred to IPs.

Outcome

Chad
Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR
IPs are not mentioned in the National Report [A/HRC/WG.6/5/TCD/1], the Compilation of UN documents [A/HRC/WG.6/5/TCD/2], the Summary of stakeholders' information [A/HRC/WG.6/5/TCD/3] and the questions presented in advance to Chad.

Outcome

Chile
Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR
The National Report [A/HRC/WG.6/5/CHL/1] refers to the Presidential Commissioner for Indigenous Affairs and the National Indigenous Development Corporation (CONADI) (para. 13), responsible for the implementation of the 1993 Indigenous Act, and to human rights institutions protecting IPs' rights (paras. 48, 49, 50). Policies concerning IPs include: return of ancestral lands; promotion of development respecting IPs' identity; a health programme acknowledging IPs' practices; educational grants and the Bilingual Intercultural Education Programme; protection of IPs' historical heritage and art; and incorporation of an indigenous perspective in demographic instruments (paras. 51-57). Implementation of ILO Convention 169 is under way; an Act on the IPs’ Marine and Coastal Zone was promulgated (paras. 58, 15). Chile pledges to tackle IPs' land and development issues, political representation, and constitutional recognition (para. 59), and denies discrimination when enforcing the law in cases of violence in Mapuche towns (para. 60).

In the Compilation of UN documents [A/HRC/WG.6/5/CHL/2], the Human Rights Committee, CESC, CRC and SRIP recommend (para. 5) establishing a national human rights institution [CCPR/C/CHL/CO/5, para. 6; E/C.12/1/Add.105, para. 32; CRC/C/CHL/CO/3, para. 15; E/CN.4/2004/80/Add.3, para. 80]. The CESCR welcomes (para. 7) measures to improve IPs' situation [E/C.12/1/Add.105, para. 7]. The SRIP notes (para. 14) IPs' high level of poverty and low level of human development due to discrimination and social exclusion [E/CN.4/2004/80/Add.3, para. 16], while the CRC expresses concern about discrimination against indigenous children, and calls (paras. 37, 41) for enhancing IPs' access to health services, use of indigenous medicine, and the bilingual intercultural programme [CRC/C/CHL/CO/3, paras. 53, 54, 61, 62a, 62b, 73]. The ILO Committee of Experts notes indigenous children's vulnerability to the worst forms of child labour (para. 20). The Working Group on the Right to Development and the CESCR recommend (para. 35) to integrate economic, social and cultural rights in poverty alleviation programmes [E/CN.4/2004/WG.18/3, para. 26; E/C.12/1/Add.105, para. 50]. The SRIP and SR on freedom of opinion address (paras. 27, 28) excessive use of force by the police during IPs' peaceful protests, and penalization of their social demands [A/HRC/4/37/Add.1, paras. 125, 126, 136, 137; E/CN.4/2004/80/Add.3, para. 69]. The Human Rights Committee, CESCR, SRIP, SR on human rights and terrorism, and Working Group on mercenaries express concern (para. 48) about the Anti-Terrorism Act, allowing
for charge of terrorism against Mapuche individuals regarding demands for protection of their land rights [CCPR/C/CHL/CO/5, para. 7; E/C.12/1/Add.105, para. 14; A/HRC/6/17/Add.1, paras. 7-23; A/HRC/7/7/Add.4, para. 71; E/CN.4/2004/80/Add.3, para. 70]. In 2008, Chile informed (para. 50) on a presidential decision not to apply the Anti-Terrorism Act to cases of IPs' social demands [CCPR/C/CHL/CO/5/Add.1, pp. 6-7]. The ILO Committee of Expert, SRIP, CESCR and CRC urge (para. 43) for constitutional recognition of IPs and their rights [E/CN.4/2004/80/Add.3, para. 42; E/C.12/1/Add.105, para. 33; CRC/C/CHL/CO/3, para. 74 (a)]. The SRIP highlight (para. 44) long-standing problems affecting IPs' land ownership and territorial rights [E/CN.4/2004/80/Add.3, paras. 19, 64-68]; and the Human Rights Committee expresses concern, and issues recommendations, about the slow pace of indigenous lands' demarcation, while large-scale development continues to threaten ancestral lands. Chile recalls its efforts in solving IPs' land issues [CCPR/C/CHL/CO/5, para. 19(a), (b) and (c); CCPR/C/CHL/CO/5/Add.1, p. 5]. The CERD highlights threats to Mapuche communities by rubbish dumps and waste-water treatment plants (para. 45).

In the Summary of stakeholders' information [A/HRC/WG.6/5/CHL/3], CHS and AI call for implementation of ILO Convention 169 and the Declaration (paras. 4, 6). UNPO underscore socio-economic marginalisation of Mapuche (para. 20). OCT highlight persistent ill-treatment and brutality against IPs by the police (para. 21); also UNPO, CHS, OCT and CDHUDP stressing impunity of perpetrators, para. 51). CDHUDP relate arrests and expulsion of journalists wishing to report on the conflict with the Mapuche people, which UNPO consider an attempt at intimidation (para. 34). UNPO urge Chile to refrain from impeding the Mapuche people's active political participation and ensure their rights to freedom of movement and expression (para. 38). CHS stress delays and inadequate consultation in the process for IPs' constitutional recognition; adjustment of domestic law to ILO Convention 169 is urgently required (paras. 46, 47). UNPO stress that replacement of communal land rights by private ownership led to alienation of lands to non-indigenous entrepreneurs for commercial plantations, resulting in degradation of water, soil and forests; the Mapuche must become active partners in any business undertaken on their lands (para. 48). CHS underscore very slow implementation of policies on IPs' land and development, resulting in vulnerability to mega-investment projects, with inadequate consultation of IPs (para. 49). CHS, OCT, UNPO and CDHUDP report on frequent prosecution of indigenous individuals for alleged acts of violence during conflicts over land, often under the Anti-Terrorism Act, which broadly undermines due process guarantees, and leads to much harsher sentences (paras. 50, 52, 53, 54).

Among questions presented in advance to Chile, Germany enquires on implications of ILO Convention 169 on Chile's dealing with the conflict over IPs' land and territorial rights. Sweden enquires on legal protection of IPs' human rights and fundamental freedoms (also Hungary). The UK enquires on addressing discrimination against indigenous children in health and education, on expansion of the bilingual intercultural programme, and on improving IPs' standards of living and social inclusion. Denmark and Argentina enquire on constitutional recognition of IPs, and implementation of ILO Convention 169.

Outcome

In the WGUPR report [A/HRC/12/10], Chile recalls actions on constitutional recognition of IPs and their rights, socio-cultural inclusion, land restitution, IPs' rights in coastal areas, and implementation of ILO Convention 169 (paras. 10, 11, 12). Japan refers to inadequate educational access for indigenous children (para. 28; also Turkey, para. 39). Bolivia enquires on IPs' participation in the adoption of laws affecting them, and on implementation of ILO Convention 169 (para. 63; also Norway, para. 21). France enquires on addressing ongoing discrimination against IPs (para. 66). Pakistan notes civil society's concerns about constitutional non-recognition of IPs (para. 70). Canada expresses concerns about police intimidation and application of anti-terrorist law to respond to IPs' demands (para. 87). Chile answers with further details on its current constitutional reform to recognize IPs' collective and individual rights (para. 45). Chile also informs on planned mechanisms for IPs' political participation; on challenges of land restitution and promotion of development for IPs; on participatory implementation of ILO Convention 169 and of the Declaration; and on promotion of indigenous languages (paras. 46, 48-51).

Among the report's recommendations that Chile supports (para. 96), Uzbekistan, Brazil, Canada, Austria, Vietnam and Bolivia recommend improving the protection of indigenous peoples' and women's rights (16, 18, 40, 59, 65). The UK and Italy recommend further addressing discrimination against IPs and strengthening respect for their rights (19; also Uruguay, 64; Azerbaijan for indigenous children, 53). Norway and Malaysia recommend pursuing poverty alleviation to improve IPs' situation (54; also Bangladesh, 60; Algeria, 61). Slovenia recommends expansion of the bilingual intercultural programme for IPs (55). Algeria recommends indigenous children' effective access to education (56). Denmark recommends achieving constitutional recognition for IPs, with their adequate consultation (57; also Spain, 58). Spain recommends implementing the SRIP's recommendations (58). Bolivia, Bangladesh and New Zealand make recommendations on improving indigenous peoples' and women's participation in political decision making (62; also Finland, 63; Uruguay, 64). Canada recommends addressing IPs' land claims through effective negotiation (65). Denmark, Guatemala and
Mexico recommends completing implementation of ILO Convention 169 and the Declaration, ensuring IPs' political participation, and pursuing land transfer to indigenous communities (66; also Azerbaijan, 68). Denmark, Austria and Sweden recommend effective consultation with IPs before granting exploitation licenses on disputed land, while accelerating land transfer and protecting IPs' rights (67). Switzerland recommends non-application of the Anti-Terrorism Act to IPs' non-violent claims (69; also Azerbaijan, 68; Netherlands, 70; Czech Republic, para. 97(4); supported by ICSS). Among the recommendations that Chile pledges to examine (para. 97), Azerbaijan recommends investigating arrests of journalists and film-makers depicting Mapuche peoples' issues (3).

In the Report of the HRC 12th session [A/HRC/12/50, paras. 400-438], Chile refers to ILO Convention 169, to finalizing the procedure to regulate IPs' participation and consultation (para. 410), and to application of the anti-terrorist law (para. 413). Mexico welcomes progress in implementing ILO Convention 169 (para. 417). FL denounce criminalization of demonstrations by Mapuche peoples (also STP, para. 423), application of the anti-terrorist law (also AI, para. 421) and expulsion of journalists reporting on the conflict, while Mapuche lands are threatened by major extractive and energy projects (para. 422). STP underscore Chile's failure to recognize IPs' existence, culture and singularities (also IAAT, para. 425); lack of consultation of its constitutional reform bill with IPs; denial of Mapuche consultation and land rights (para. 423). IAAT denounce illegality of police raids of Mapuche communities and repression of peaceful protests, while police force enjoy impunity; law enforcers must receive human rights education (para. 425). Establishment of a national human rights institution would strengthen IPs' rights (ODVV, para. 427). ICSS underscores Chile's failure to recognize the Mapuche peoples' treaties with Spain; indigenous individuals are reportedly in prison since the Pinochet regime (para. 428). Chile responds (para. 435-438) by recalling its achievements, including approval by the Senate of IPs' constitutional recognition, while acknowledging increased conflict on land claims, and informning on trial of a police officer for the death of a Mapuche activist, as well as on several institutional measures to improve protection of IPs' rights.

China
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/4/CHN/1] underscores constitutional protection of ethnic minorities' rights (para. 9); ethnic policy based on equality (para. 73, see also para. 15), and implementation of areas of regional ethnic autonomy; China safeguards ethnic minorities' linguistic, cultural and religious rights (para. 74). Preferential policies aim at enhancing political representation of ethnic minorities and development of ethnic minorities areas (para. 75), resulting in improved health-care services, accessibility of education at all levels, elimination of illiteracy, and development of information and communication services (paras. 37, 60, 76). Noting that some ethnic minorities areas are lagging behind in their economic and social development (para. 85), China stresses the need to increase investment in poverty alleviation, basic education, promotion of traditional medicine and cultures, and to enhance self-development capacity (para. 96).

In the Compilation of UN documents [A/HRC/WG.6/4/CHN/2], the CESC and CEDAW raise concerns (para. 13) about discrimination of ethnic minorities, particularly women [E/C.12/1/Add.107, para. 38; CEDAW/C/CHN/CO/6, para. 27]. The CRC recommends (para. 15) that China strengthen efforts to eliminate discrimination against Tibetan, Uighur and Hui children, by ensuring their access to basic services; and expresses concerns (para. 35) about disparities in child health indicators for ethnic minorities [CRC/CHN/CO/2, paras. 32, 62]. The CAT expresses concerns (para. 18) about allegations of targeted torture, ill-treatment and disappearances of Tibetans and Uighurs [CAT/C/CHN/CO/4, para. 18]. A 2004 CCA report highlights the challenge of promoting ethnic minorities' rights (para. 43).

In the Summary of stakeholders' information [A/HRC/WG.6/4/CHN/3], WUC/UHRP stress the need for a national human rights institution with ethnic minorities' representation (para. 4). ITUC underscore poverty and rising inequality, and discrimination as source of deep resentment in areas such as the Xinjiang Uighur, Inner Mongolia, and Tibet Autonomous Regions (paras. 9, 40). Regarding the Tibet Autonomous Region, CAPDTU stress economic and social development lagging behind, and possibilities to improve the human rights situation; TUPRF report on forced eviction and land confiscation in pastoral areas inhabited primarily by Tibetans; UNPO urge preserving Tibetan culture and identity (para. 50). In the Xinjiang Uighur Autonomous Region, UNPO report on rural and urban migration policies targeting and intimidating young women, while government-supported settlement of Han Chinese migrants threatens Uighur culture (para. 51). UNPO urge the Government to ensure the Inner Mongolians' right to expression, and to halt its policy of forced relocation and land confiscation (para. 52).

Among questions presented in advance to China, Denmark enquires on addressing allegations of ill-treatment and disappearances against Tibetans and Uighurs.
Outcome

In the WGUPR report [A/HRC/11/25], China recalls its policy of equality, regional ethnic autonomy, and protection of ethnic minorities' linguistic and cultural heritage (para. 13). Australia and Canada highlight reported harassment and arbitrary detention of ethnic minorities' members (paras. 27, 28). The Netherlands notes China's position on protection of ethnic minority rights (para. 30). Switzerland recommends that China respects ethnic minorities' fundamental rights in Xinjiang and Tibet (para. 31; China rejects this recommendation). Austria notes constitutional guarantee of ethnic minorities' human rights, and preferential policies (para. 86; also Japan, 75). China states it would never allow use of torture on ethnic groups (para. 69), and reiterates the principles of its ethnic policy (para. 102). Among the report's recommendations supported by China (para. 114), South Africa recommends improving ethnic minorities' access to health services (20). Japan recommends ensuring ethnic minorities' human rights (37). Sri Lanka recommends disseminating experience on ethnic regional autonomy (38). Among recommendations that China considers as being implemented (para. 115), Australia and Austria recommend strengthening full exercise of ethnic minorities' religious, cultural, civil, socioeconomic and political rights (3).

In the Report of the HRC 11th session [A/HRC/11/37, paras. 517-556], AI urge China to regularly publish figures on repression of national ethnic minorities, including Tibetans and Uighurs (para. 543).

Congo

Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/5/Cوغ/1] underscores IPs' marginalization and general disregard of their rights, in spite of a policy to recognize them, and refers to multiple efforts by the Government – including a draft law – and civil society to defend, protect and promote IPs' rights and improve their living standards (paras. 101-107). The report highlights indigenous children's negligible access to primary school (para. 134).

The Compilation of UN documents [A/HRC/WG.6/5/Cوغ/2] relates that OHCHR supported initiatives for capacity building of IPs, and worked with the Government on the bill on IPs' rights (para. 7). The CRC expresses concerns (para. 2) that this bill does not mention indigenous children's rights [CRC/C/Cوغ/CO/1, para. 7]. The CESCRC and CRC raise concerns (para. 11) about severe marginalization and discrimination faced by the Pygmies, despite constitutional prohibition [E/C.12/Add.45, para. 18; CRC/C/Cوغ/CO/1, para. 88]. The Human Rights Committee regrets (para. 37) lack of specific information on the Pygmy peoples and on measures to guarantee their rights [CCPR/C/79/Add.118, para. 21]. The CRC expresses concerns (para. 14) about alleged torture of indigenous children in detention by state forces, recommending social reintegration and compensation; and about (para. 38) the alarming situation of indigenous children, victims of economic exploitation, systematic violence and discrimination, particularly regarding health services, education and birth registration; the CRC calls for a comprehensive action plan on this [CRC/C/Cوغ/CO/1, paras. 40-41, 88-89]. In 2007, several special procedures mandate holders, including the SRIP, were informed (para. 15) about systematic violence against Pygmies by the "Eco guards" employed to monitor forests [A/HRC/4/19/Add.1, para. 32; A/HRC/4/33/Add.1, para. 51]. The SRIP underscores (para. 39) social impact of protected forests in the Congo Basin, leading to IPs' massive displacement, landlessness, unemployment, loss of income, food insecurity, growing morbidity and mortality, and communal life disruption [A/HRC/4/32, para. 29]. The UN country team highlights a capacity-building partnership with the Government and other organisations, leading to a national strategy on indigenous issues implemented through decentralized and participatory planning (para. 40).

In the Summary of stakeholders' information [A/HRC/WG.6/5/Cوغ/3], FIDH/OCDH report on IPs' persistent exclusion, discrimination and exploitation, leading to lack of access to justice, education, health or employment; drafting of legislation on IPs' rights is slow (para. 28).

Among questions presented in advance to Congo, Sweden and the UK enquire on protection of Pygmy people.

Outcome

In the WGUPR report [A/HRC/12/6], France asks about preventing and punishing violence against Pygmy people (para. 20). Burkina Faso, Ghana and the Russian Federation enquire on the national action plan to improve IPs' living standards, and on the bill on IPs' rights and its adoption (paras. 28, 36, 64). Slovenia expresses concern about the high number of rapes, including among the Pygmy community (para. 54). Equatorial Guinea supports the efforts to protect IPs' rights (para. 69). The Congo reiterates that the bill on IPs' rights is under consideration, and informs that the SRIP is to visit the country in 2010 (paras. 48, 76).

Among the report's recommendations that Congo supports (para. 79), the UK recommends addressing discrimination against IPs (23; also Djibouti, 33). The USA recommends developing measures to identify trafficking victims among Pygmies (32). Italy and Côte d'Ivoire recommend speedy consideration and approval.
of the bill on IPs' rights; the Central African Republic and Angola recommend fine tuning policies on IPs' rights (49).

In the Report of the HRC 12th session [A/HRC/12/50, paras. 277-309], the USA welcomes the planned visit by the SRIP (para. 292). Reporting on contamination of communities' lands, wild life and health by multinational oil companies, II urges Congo to protect IPs' human rights (para. 305). The International Committee for the Respect and Application of the African Charter of Human and Peoples' Rights welcomes mechanisms improving IPs' legal protection (para. 306).

Costa Rica
Sixth session of the WGUPR, 30 November-11 December 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/6/CRI/1] highlights, among human rights bodies addressing IPs' rights, the Ombudsman's Office, the National Commission on Indigenous Affairs – CONAI, and the Commission on Indigenous Electoral Affairs ( paras. 15, 17, 20), New statistical and census tools allow for better assessment of ethnicity (para. 43). The Ministry of Housing is paying particular attention to IPs (para. 46). Development of healthcare and education services for IPs includes adaptation of specific strategies, as well as consultation and participations mechanisms (paras. 50, 58). Awareness-raising activities on discrimination faced by indigenous women have led to adoption of an Indigenous Women's Agenda, and an Institutional Labour Commission with Indigenous Women (para. 80). The Autonomous Development of Indigenous Peoples Bill, before the Parliament, has given rise to extensive discussion (para. 90).

In the Compilation of UN documents [A/HRC/WG.6/6/CRI/2], the UN country team stresses the absence of comprehensive policies regarding IPs in disregard of ILO Convention 169, higher incidence of poverty, and mother and child mortality, as well as alarming health, housing, education and food conditions faced by IPs (paras. 6, 35, 37, 46). The CRC expresses concerns and makes recommendations ( paras. 11, 42) about indigenous children's limited access to basic education and health services, and low standard of living [CRC/C/15/Add.266, paras. 18, 19, 58]. The CERD and Human Rights Committee welcome (para. 24) measures increasing IPs' access to justice, including the Office of the Attorney for Indigenous Affairs, a corps of indigenous-language translators, and guidelines about consultation with IPs [CERD/C/CO/18, para. 4; CCPR/C/CO/5, para. 5]. The CERD and CESCR ( paras. 32, 39, 42, 44) address, and make recommendations about, discrimination against IPs in employment; their poor housing conditions; disappearance of indigenous languages; and the failure by CONAI to represent IPs' interests and fulfil its function [CERD/C/CO/18, paras. 10, 13, 20; E/C.12/CRI/CO/4, paras. 34, 39, 47]. The CERD calls (para. 45) to guarantee IPs' right to land tenure, demarcate IPs' lands and work towards recovery of usurped indigenous lands [CERD/C/CO/18, para. 15]. In August 2009 ( paras. 46, 55), Costa Rica had yet to provide the CERD with information on adoption of the Autonomous Development of Indigenous Peoples Bill and on ensuring basic services in indigenous territories [CERD/C/CO/18 paras. 9, 12, 24].

In the Summary of stakeholders' information [A/HRC/WG.6/6/CRI/3], DHRCR stress the Parliament's failure to discuss the Declaration ( para. 1), and IPs' limitations in health, education, housing, access to water and communications, and poverty due to the State's failure to adequately address their needs, and consult them in programme design, in disregard of ILO Convention 169 (para. 36; also MNICR, paras. 44, 45). The State must assume a proactive position in recognizing, and sensitizing society about IPs' existence and rights (para. 45). MNICR denounce failure to take IPs' contributions into account in education and healthcare ( para. 42); absence of governmental strategies to support recovery of IPs' land, and the State's failure to recognize land ownership rights to traditional organisations (para. 46); and degradation of IPs' natural resources and biodiversity through encroachment by non-indigenous settlers, amendments of protective legislation and increased misappropriation of IPs' traditional knowledge (para. 47). MNICR and DHRCR also underscore the over-long discussion in Parliament of the Autonomous Development of Indigenous Peoples Bill, which would ensure integration of IPs in public decision making and policies (para. 48).

Among questions presented in advance to Costa Rica, Germany enquires on improving indigenous children's access to basic education and health services. The UK enquires on measures to combat discrimination against IPs. Denmark asks about ensuring compliance with IPs' rights. Hungary enquires about combating poverty among IPs.

Outcome
In the WGUPR report [A/HRC/13/15], Belarus stresses the need to better protect IPs' rights (para. 22; also Brazil, para. 26). Canada notes efforts to address IPs' social development challenges, and in the judicial system (para. 31). Panama acknowledges the Commission on Indigenous Electoral Affairs, and bilateral efforts on indigenous migration (para. 64). Peru enquires on the Autonomous Development of Indigenous Peoples Bill
(also Spain, para. 34) and the National Commission on Indigenous Affairs (para. 72). Ghana highlights indigenous children's low standard of living and limited access to education and health (also Ecuador, para. 75), and IPs' disadvantageous working and housing conditions (para. 73; also Turkey, para. 24). Guatemala enquires on policies to improve IPs' integration (para. 74). Costa Rica highlights promotion of indigenous languages, increased health and education coverage in indigenous communities, and recalls mentioned institutional and legislative progress (para. 40).

Among the report's recommendations that Costa Rica supports (para. 89), Brazil recommends pursuing efforts to combat impunity, human rights violations and discrimination against IPs (55). Ghana recommends increasing availability of social housing for IPs (67), and ensuring indigenous children's equitable access to education and health services (68 – Costa Rica considers this is being implemented). France recommends meeting IPs' basic needs and combating social exclusion (74). Peru recommends ensuring that enhancement of economic, social and cultural rights reach IPs. Among recommendations that Costa Rica pledges to examine (para. 91), Panama recommends including indigenous participation in the legislative review process (11). In its response [A/HRC/13/15/Add.1], Costa Rica stresses that as a party to ILO Convention 169, it consults IPs on decisions affecting them.


Democratic Republic of the Congo (DRC)
Sixth session of the WGUPR, 30 November-11 December 2009

Information submitted to the WGUPR


In the Compilation of UN documents [A/HRC/WG.6/6/COD/2], the CERD expresses concerns and recommends urgent action (paras. 6, 13, 42, 50, 51) about the State's reluctance to acknowledge IPs' existence; discrimination suffered by Bambuti, Batwa and Bacwa IPs in education, health and work; their subjection to forced labour; and lack of guarantee for their land, resources and territorial rights, as concessions are granted on their territories without prior consultation [CERD/C/COD/CO/15, paras. 14, 18, 19, 27; CERD/C/SR.1827, para. 10]. The Independent Expert on human rights in the DRC urges attention (para. 51) to IPs' rights, including to land and prior consultation [A/61/475, paras. 134-137].

In the Summary of stakeholders' information [A/HRC/WG.6/6/COD/3], MDH reports on threats by abusive forest exploitation to the way of life of “Pygmies”, further marginalized when they settle. MDH recommend IPs' legal recognition, protection and political participation (para. 58).

None of the questions presented in advance to the DRC referred to IPs.

Outcome

In the WGUPR report [A/HRC/13/8], the DRC mentions efforts to regulate management of natural resources in consultation with IPs. None of the report's recommendations refer to IPs.

In the draft Report of the HRC 13th session [A/HRC/13/L.10, paras. 449-481], II/RADDH/AHFD encourage the DRC to combat discrimination against Bambeto Pygmies (para. 476).

Dominica
Sixth session of the WGUPR, 30 November-11 December 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/6/DMA/1] acknowledges the Kalinago IPs (para. 7), and the Carib Council among local authorities (para. 69). It highlights protection of their rights, land tenure and traditional governance systems; Dominica's support to the Declaration; and initiatives by the Minister of Carib Affairs for Kalinago IPs' comprehensive development in housing, and access to tertiary education (paras. 70-72).

In the Compilation of UN documents [A/HRC/WG.6/6/DMA/2], the CRC voices concerns and makes recommendations (paras. 12, 33, 35) about persisting discrimination against Carib children, their limited enjoyment of their rights and access to education and health – including mental health – services [CRC/C/15/Add.238, paras. 21, 22, 40, 41, 49, 50]. In 2009, the CEDAW requested Dominica to inform on the situation of indigenous Carib women [CEDAW/C/DMA/CO/AR, para. 8]; the first report on ILO Convention 169 was overdue (para. 36).

Among questions presented in advance to Dominica, the Czech Republic enquires on fighting discrimination against Carib children (also Germany). The UK enquires on poverty reduction respecting human rights in the Carib community. Argentina enquires on ensuring IPs’ social, economic and cultural rights.

Outcome

In the WGUPR report [A/HRC/13/12], Dominica restates recognition of the Kalinago IPs’ rights, land tenure and governance systems; emphasis of policies on housing and education; and the Ministry of Carib Affairs drawing governmental attention to the Kalinago IPs, who are not discriminated against (paras. 23-25, 29, 30). Venezuela notes efforts to protect the IPs’ human rights (also Bolivia, para. 56; Trinidad and Tobago, para. 61), including ratification of ILO Convention 169 and support to the Declaration (para. 39). France enquires on combating discrimination against the Caribbean IPs (para. 43). China stresses the challenge of protecting IPs’ rights (para. 47; also Trinidad and Tobago, para. 61). Spain enquires on specific legislation recognizing the Kalinago particularities and on improving children’s access to education and health services (para. 55). Jamaica underscores Kalinago IPs’ cultural importance (para. 60). Among recommendations that Dominica supports (para. 70), Venezuela recommends enhancing social policies towards IPs, with international assistance (41).

In the draft Report of the HRC 13th session [A/HRC/13/L.10, paras. 570-598], Venezuela acknowledges improvement of IPs’ living conditions (para. 590).

Dominican Republic

Sixth session of the WGUPR, 30 November-11 December 2009

Information submitted to the WGUPR


In the Summary of stakeholders’ information [A/HRC/WG.6/6/DOM/3], REDH-JV denounce use of an indigenous past in national identity building while obliterating African origins, and persistent racial discrimination (paras. 11, 12).

The questions presented in advance to the Dominican Republic do not mention IPs

Outcome


Equatorial Guinea

Sixth session of the WGUPR, 30 November – 11 December 2009

Information submitted to the WGUPR


Outcome


Ethiopia

Sixth session of the WGUPR, 30 November – 11 December 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/6/ETH/1] underscores the rights of all Ethiopia’s peoples to maintain and develop their own culture, to self-administration, secession, political representation in Federal Parliament, and participation in government institutions (paras. 43, 58, 59). Affirmative measures target less developed regions, including Gambela and pastoral areas of Oromia and Southern Nations and Nationalities and People’s Regions (para. 44).

The Compilation of UN documents [A/HRC/WG.6/6/ETH/2] reports the CRC’s concerns (paras. 21, 26) about discrimination against ethnic minorities children and about their persecution, particularly the Oromo and Anuak, by the armed forces [CRC/C/ETH/CO/3, paras. 24, 25, 79]. The CERD expresses concerns (para. 54, 57) about human rights violations by members of the military against the Anuak population in December 2003, and recommends prevention and investigation of such human rights violations, as well as ensuring to ethnic minorities full exercise at all levels of the rights under ICERD [CERD/C/ETH/CO/7-16, paras. 15, 17, 19].
SRIP and SRs on the right to food and on adequate housing underscore (para. 56) the situation of the communities in and around the Omo, Mago and Nech Sar National Parks, following adoption of the Development Conservation and Utilization of Wildlife Proclamation, imposing restrictions on the use and enjoyment of indigenous communities’ ancestral lands [A/HRC/9/9/Add.1, paras. 199-206]. The Independent Expert on minority issues calls on the Government (paras. 47, 67) to adequately address the basic services and educational needs of marginalised ethnic groups in the least developed regions; to collect disaggregated data by ethnic group to inform targeted poverty reduction strategies; and to protect nomadic pastoralist communities [A/HRC/4/4/Add.3, paras. 74, 75, 98, 99].

In the Summary of stakeholders’ information [A/HRC/WG.6/6/ETH/3], EHRCO and OHRJC report on ethnic clashes in Oromia and South regions in 2007 and 2008, with the Government failing to address the cause of clashes (para. 11). AHR report on continuing arbitrary detention, and torture of Oromo people, as well as restriction on the use of the Oromo language, based on suspicion of association with the Oromo Liberation Front (paras. 66, 67).

None of the questions presented in advance to Ethiopia referred to IPs or ethnic groups.

Outcome

In the WGUPR report [A/HRC/13/17], Australia enquires on possible independent investigations on allegations of ill treatment of ethnic groups (para. 37). The Holy See asks about achieving more equitable power-sharing in Government to better reflect Ethiopia’s multiethnic character (para. 65). Among the recommendations that Ethiopia does not support (para. 99), the USA recommends diversifying the Government's composition to comply with Ethiopia's ethnic federalism policies (30). Brazil recommends depoliticizing ethnicity and promoting inclusion (31).

The draft Report of the HRC 13th session [A/HRC/13/L.10, paras. 730-767] does not mention IPs or ethnic groups.

Malaysia

Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/4/MYS/1] informs on measures to ensure IPs’ access to quality education and to health services, and on addressing poverty reduction among IPs (paras. 36, 46, 52). Malaysia's IPs, including the Orang Asli (in Peninsular Malaysia) and the natives of the Sabah and Sarawak States, enjoy the same rights as other ethnic groups (para. 96). Malaysia endeavours to assimilate IPs into mainstream society and uplift their socio-economic status, while preserving their cultural heritage (para. 97). IPs' rights are constitutionally and legally protected; their welfare is protected and their development managed by the Department of Orang Asli Affairs, while indigenous communities' traditional authorities have jurisdiction in custom-related matters (para. 98). The Government appoints minority leaders into the Senate (para 106).

Governmental measures regarding the traditionally nomadic Penan IPs include efforts to settle them; development policies and plans including education, health and agriculture extension programmes that have improved their lifestyle, general health condition and educational opportunities; allocation of lands both for commercial plantation and for hunting-gathering activities (paras. 99-104). An inter-agency committee is investigating reports of sexual harassment and abuse of Penan women by logging company workers, and will formulate intervention programmes and lead an awareness-raising campaign for the Penan women (para. 105).

In the Compilation of UN documents [A/HRC/WG.6/4/MYS/2], the CRC recommends (paras. 15, 40, 49) further combating discriminatory disparities against indigenous children, including in education, and the poverty that affect most IPs, [CRC/C/MYS/CO/1, paras. 32, 71, 72, 75]. The SRIP and SRSG on human rights defenders highlight (para. 33) the death of an indigenous leader involved in anti-logging campaigns and defending IPs' rights [A/HRC/9/9/Add.1, paras. 270-272].

In the Summary of stakeholders’ information [A/HRC/WG.6/4/MYS/3], JOAS report that IPs are among the poorest and most marginalised; SUHAKAM urge upholding IPs’ customary land rights; BCM denounce lack of adequate compensation for governmental concessions for third parties’ extractive activities in IPs' lands, and the Government's difficulty to implement IPs’ right to proper education and health services; COMANGO notes an 'Islamisation policy' targeting IPs (para. 48).

Among questions presented in advance to Malaysia, Denmark enquires on guaranteeing IPs’ rights to customary land, and to proper education and health services.

Outcome
In the WGUPR report [A/HRC/11/30], Malaysia underscores decline in poverty among IPs (para. 7). China welcomes this and highlights laws on IPs' rights (para. 26; also Singapore, para. 32; Bangladesh, para. 66). Sri Lanka highlights comprehensive policies for IPs' development (para. 69). Qatar enquires on measures to protect IPs' rights (para. 73). Mexico recommends ratifying ILO Convention 169, which Malaysia rejects, and issuing a standing invitation to all special procedures, which Malaysia agrees to (para. 89). Malaysia answers that IPs' land and compensation rights are adequately protected under existing laws (para. 49); recalls legal and constitutional protection of IPs' status, and their political representation (para. 96); stresses overall accessibility of basic health care services (para. 97); and informs on measures to enhance indigenous children's education, including introduction of culturally appropriate curriculum and pedagogy in Orang Asli and Penan primary schools (para. 100). Among the report's recommendations that Malaysia supports (para. 104), Sri Lanka recommends further combating disparities against indigenous children (22). China recommends further guaranteeing IPs' access to education, healthcare and judicial assistance (51). Ukraine recommends ensuring IPs' universal access to health services (17). In its response [A/HRC/11/30/Add.1], Malaysia informs on establishment of a Technical Committee to coordinate implementation of the CRC's recommendations. Malaysia's public primary health care facilities are accessible to all, while remote communities are provided with outreach services.

In the Report of the HRC 11th session [A/HRC/11/37, paras. 687-721], FORUMASIA urge Malaysia to implement all recommendations by the SR on education about indigenous communities; and to agree to the SRIP's request to visit (para. 715).

Mauritius
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR

In the Compilation of UN documents [A/HRC/WG.6/4/MUS/2], the Human Rights Committee notes (para. 21) the dispute regarding the legal status of the Chagos Archipelago, and recommends ensuring the displaced Chagos population's rights under the International Covenant on Civil and Political Rights [CCPR/CO/83/MUS, para. 5].

Outcome

Mexico
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR
The National Report [A/HRC/WG.6/4/MEX/1] stresses achievements and challenges in constitutional recognition of IPs' rights (paras. 8, 11). An OHCHR representation functions in Mexico since 2002, contributing to promotion of IPs' rights (para. 24). A 2001 constitutional reform recognizes IPs' individual and collective rights, including to recognition, self-classification, self-determination, internal legal systems, cultural identity, land, consultation and participation, and development (paras. 114, 115). Paragraphs 116 to 118 inform on programmes contributing to IPs' overall development, on increase in budget allocations targeted to IPs, and on particular challenges of IPs' poverty. The 2001 constitutional reform also establishes IPs' right to have their customs, specificities and languages taken into account in judicial proceedings; challenges remain in implementation of this, including encouraging State Governments to respect IPs' own forms of internal government and legal systems (paras. 119, 120). Indigenous languages are officially recognized; IPs' full access to compulsory bilingual intercultural education with qualified teachers is being implemented (paras. 80, 121, 122).

In the Compilation of UN documents [A/HRC/WG.6/4/MEX/2] the CERD and CEDAW welcome (paras. 5, 15) the establishment of the National Commission for the Development of IPs (CDI) [CED/C/MEX/CO/15, paras. 5, 7; CEDAW/C/MEX/CO/6, para. 34], while the CMW and SR on violence against women express particular concern for the situation of indigenous women [CMW/C/MEX/CO/1, para. 23; E/CN.4/2006/61/Add.4, para. 26]. Treaty bodies and special procedures, as well as OHCHR-Mexico, highlight (paras. 16, 26, 33, 36, 51, 61) IPs' deep-rooted societal discrimination, lack of access to justice, low wages, and poverty, affecting their human rights enjoyment [E/CN.4/2004/80/Add.2, p. 2; E/C.12/MEX/CO/4, paras. 30-31;
E/C.12/MEX/CO/4, para. 23]. The CRC expresses concerns and makes recommendations (paras. 17, 37, 39) about de facto discrimination against indigenous children, including alarmind mothers and children health, low school enrolment rates, and insufficient bilingual intercultural education [CRC/C/MEX/CO/3, paras. 48, 53(b), 56]. The CERD and SRIP highlight limitations (paras. 40-43) in the 2001 constitutional reform and recommend compliance with international legislation and the San Andrés Agreements [E/CN.4/2004/80/Add.2, pp. 2, 64; CERD/C/MEX/CO/15, para. 14]. The SRIP raises concerns on irregularities in trials involving IPs, and on the situation of indigenous inmates in prisons, while recommending (para. 58) thorough revision, with IPs, of the justice system. The CERD, SRIP and CESCR underscore IPs' lack of land tenure security, and the need to ensure their priority access to natural resources for subsistence, to seek their free prior and informed consent in decision making on large-scale projects, and to legally protect their intellectual property over traditional knowledge and cultural heritage [CERD/C/MEX/CO/15, para. 15; E/CN.4/2004/80/Add.2, paras. 30, 37, 82, 97; E/CN.4/2004/80/Add.2, para. 79; E/C.12/MEX/CO/4, paras. 28, 46]. The SRIP and SRSG on internally displaced persons stress (para. 48) that Mexico's indigenous population has suffered the greatest displacement [E/CN.4/2003/86/Add.3, para. 9; E/CN.4/2004/80/Add.2, paras. 40-41].

In the Summary of stakeholders' information [A/HRC/WG.6/4/MEX/3], NNHRCO-TDT report on illegal control IPs' freedom of movement by some police and army forces (para. 24). CSOUPR denounce recent reforms on telecommunications, and threats and disappearances of indigenous journalists, violating IPs' right to freedom of expression (paras. 25, 26). CSOUPR and OCRDESCA underscore growing limitations in IPs' access to health services, and alarming malnutrition and mortality rates among indigenous mothers and children (para. 34). CSOUPR highlight insufficient public investment and non-compliance with international human rights standards in public policies on education, while CNDH and OCRDESCA underscore lack of teachers in many indigenous areas with the highest illiteracy rates (paras. 40, 41). CNDH call for reforming legal and administrative instruments, as most proceedings where IPs are involved do not take their cultural specificities into account (paras. 42, 43). CAJAP denounce harassment of indigenous communities and gross human rights violations by army forces with impunity, under the pretext of combating drug trafficking, and in the State of Guerrero (para. 44). EDUCA/CNL/LIMEDDH/Barcadh/CDPEO denounce increased plundering of IPs' natural resources in Oaxaca and encroachment on their lands, due to planned so-called sustainable energy installations (para. 45). CSOUPR, NNHRCO-TDT, AI and OCRDESCA report that several state-promoted development projects do not respect rights to self-determination and to free prior and informed consent, resulting in human rights violations principally affecting IPs, through threats of displacement and criminalization of opponents (para. 46). IITC denounce that throughout the industrialised agricultural areas of Mexico, IPs are affected by officially allowed dangerous chemicals and pesticides (para. 47).

Among questions presented in advance to Mexico, Germany enquires on improving IPs' situation (also Czech Republic) regarding poverty, illiteracy, access to justice (also Denmark), and working conditions. The UK enquires on reducing disparity of services in education, housing, healthcare and fair law enforcement for IPs.

Outcome

In the WGUPR report [A/HRC/11/27], Mexico recalls constitutional recognition of IPs and their rights; programmes to overcome indigenous communities' poverty; legal recognition of indigenous languages; and challenges to achieve IPs' access to bilingual intercultural education, and to justice with defence counsel and interpreters (para. 19). Brazil, Algeria, Bolivia, India and Turkey underscore IPs' disproportionate poverty and efforts to remedy this (paras. 23, 24, 34, 47, 59). Bolivia enquires about legal implementation of the Declaration (para. 34). Indonesia, Pakistan and the Syrian Arab Republic commend promotion of IPs' rights through constitutional reform (paras. 36, 37, 76). Canada welcomes intensified cooperation to advance progress of indigenous communities (para. 43). New Zealand underscores limited understanding, at local level, of legislative requirements to take into account IPs' particular needs (para. 49). Finland welcomes promotion of reforms on IPs' access to justice (para. 53). Argentina notes reports of discrimination against IPs (also Japan, para. 70) and limited protection of their rights in the 2001 constitutional reform (para. 60). Denmark expresses concern at severe discrepancies in legal proceedings involving IPs (para. 66). Japan applauds progresses in promoting IPs' languages and cultures (para. 70). Mexico answer by recalling its achievements regarding IPs' rights and promotion of their development, and the Declaration (paras. 86-89). Among the report's recommendations that Mexico supports (para. 93), Brazil and Chile recommend harmonizing federal and States' legislations on IPs' rights (8). Finland recommends particular attention to IPs' human rights in addressing impunity (also Bolivia, 48), and improving IPs' access to justice (49). Algeria, Azerbaijan, Honduras and the Philippines recommend paying special attention to IPs in poverty reduction strategies (67). Honduras and the Holy See recommend extending and improving the quality of primary healthcare, including reproductive health, for indigenous women (69). Vietnam and Saudi Arabia recommend ensuring IPs' right to food, health and education (70). Algeria recommends ensuring indigenous children's effective access to education (73; also Japan, 64; Azerbaijan, 68). Azerbaijan, Panama and Bangladesh recommend improving recognition of IPs' rights and their social inclusion.
In the Report of the HRC 11th session [A/HRC/11/37, paras. 594-627], Mexico repeats information on measures to improve IPs' access to justice (para. 600). Algeria notes the programme for the development of IPs (para. 607). The Social Service Agency of the Protestant Church in Germany highlight recent disappearance, torture and execution of two indigenous human rights defenders from Guerrero (para. 621).

New Zealand
Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/5/NZL/1] acknowledges the 1840 Treaty of Waitangi, between Maori chiefs and the British Crown (para. 2). During the UPR preparation, stakeholders underscored concerns on the status of the Treaty of Waitangi, socio-economic inequalities affecting Maori, and involvement of the Maori in the UPR process (paras. 6, 7). New Zealand did not support the Declaration's adoption (para. 10). The Government pledges to examine the status of the Treaty of Waitangi through a working group on constitutional issues, with Maori representation (para. 13). Maori representation in Parliament is ensured through an established number of electorate seats, and is currently proportionate (para. 16). Since 1987 Maori is an official language (para. 17). The Maori population, growing and relatively young, still faces inequalities in education, health, employment and income (paras. 36, 37). Measures to address Maori development reflect their strengths and aspirations (paras. 38, 39). Maori women continue to work in low skilled occupations, associated with lower wages (para. 41), and experience a higher rate of stillbirths and neonatal deaths (para. 44). Maori are over-represented as victims and perpetrators of family violence (para. 54), and governmental programmes need to better address this, in support of community and voluntary groups (para. 61). Changes in legislation will increase access to justice for Maori, disproportionately represented in criminal justice statistics (paras. 69, 74). The Human Rights Act 1993 and the Bill of Rights Act 1990 (BORA) prohibit discrimination and allow for affirmative measures, but did not lead to Maori proportionate participation in local government and political decision-making positions (para. 77). Remaining challenges include high unemployment rates for Maori youth (para. 81), inadequate housing correlated with low income, lower educational achievement, and unacceptably high disparities in health outcomes, including suicide rate (paras. 87-89). Since 1975, the Waitangi Tribunal is a key avenue for resolving grievances from past injustices by the State to Maori people; it has registered over 1500 claims, and received some 1800 others before the 2008 cut-off date; claims are settled mostly through negotiation with the Government, which also oversees implementation of settlements, usually including a Government apology and redress; the settlement process tends to stretch claimants' capacity and resources and should not be the only mechanism of Treaty relationship in the future (paras. 98-100). The Foreshore and Seabed Act 2004 is being reviewed to determine whether it effectively provides for customary and public interests (paras. 101, 102). The Maori Language Strategy endeavours to enhance revitalisation of the Maori language, namely through inclusion in English-medium schools (para. 103). The report notes cases of inappropriate use of anti-terrorism measures against Maori communities (para. 113), and governmental priority on continuing support to the Maori and achieving fair and practical settlements of Maori historical claims (para. 116f).

In the Compilation of UN documents [A/HRC/WG.6/5/NZL/2] the SRIP and CERD observe (paras. 9, 10) that the Maori inherent rights and governance bodies are not constitutionally recognized; public debate should continue over the status of the Treaty of Waitangi, and the Constitution be reformed to recognize Maori rights based on the Treaty and the right to self-determination; the Waitangi Tribunal should receive legally binding powers [E/CN.4/2006/78/Add.3, paras. 78, 84, 85, 89, 90; CERD/C/NZL/CO/17, paras. 13, 18]. The SRIP expresses concern (para. 19) about unbalanced treatment of Maori people by the media, and reports (para. 20) ongoing inequalities facing Maori in employment, income, health, housing, education, and the criminal justice system, while self-governance mechanisms are lacking; hence the need to pursue ethnicity-based measures to strengthen Maori social, economic and cultural rights, and to ensure (para. 29) legal aid to Maori traditional groups [E/CN.4/2006/78/Add.3, paras. 66, 80, 88, 101]. The CERD recommends (para. 32) addressing over-representation of Maori in the criminal justice system [CERD/C/NZL/CO/17, para. 21]. The CEDAW expresses concern (paras. 27, 35, 38, 39) about persisting prevalence of violence against Maori women, with low rates of prosecution and conviction; about under-representation of Maori women in public and political life; and about discrimination of Maori women in employment, including in accessing childcare and parental leave [CEDAW/C/NZL/CO/6, paras. 7, 24, 34, 36, 37]. The SRIP notes (para. 42) that Maori women continue to experience poorer economic, health and social outcomes [E/CN.4/2006/78/Add.3, para. 70]. Concerns about
health inequalities affecting Maori (paras. 43, 44) are noted by a 2008 WHO report, the CESCR, CRC, and SRIP [E/C.12/1/Add.88, para. 18; CRC/C/15/Add.216, paras. 35, 37; E/CN.4/2006/78/Add.3, para. 71]. The SRIP recommends (para. 50) increasing resources for Maori education, including teachers training programmes, development of appropriate materials, and access to tertiary education [E/CN.4/2006/78/Add.3, paras. 64, 97, 98]. The SRIP underscores (para. 51) land issues as a most pressing concern for Maori, recommending that Treaty settlements acknowledge their right to participate, collectively, in the management of their assets and cultural sites [E/CN.4/2006/78/Add.3, paras. 79, 93, 94]. The CERD recommends (para. 53) ensuring that all legitimate claims are taken into account, and pursuing effort to assist claimant groups [CERD/C/NZL/CO/17, para. 17]. The SRIP and CERD note the crisis over the Foreshore and Seabed Act 2004 (para. 52), considered discriminatory against the Maori; the SRIP recommends amending or repealing the Act and the CERD, seeking ways to mitigate its discriminatory effects, close monitoring of its implementation, and minimizing negative effects by a flexible application and broad availability of redress [E/CN.4/2006/78/Add.3, paras. 79, 92; CERD/C/NZL/CO/17, para. 19, and Add.1, paras. 5-22]. In 2007, the SRIP, SR on terrorism and SRSG on human rights defenders raised concerns (para. 59) about planned amendments to the Terrorism Suppression Act that would breach human rights standards and guarantees of due process [A/HRC/7/28/Add.1, paras. 1519-1523]. The CERD welcomes (para. 61) self-identification in demographic data gathering, and the significant increase of speakers of Maori language [CERD/C/NZL/CO/17, para. 8].

In the Summary of stakeholders' information [A/HRC/WG.6/5/NZL/3], AIRT (in a joint submission), AIANZ and NZEI stress New Zealand's opposition to the Declaration, and to ratifying ILO Convention 169 (para. 2), while persistently belittling international bodies' criticisms (para. 16). CS underscore persistent discrimination against Maori in education and healthcare (also AIANZ, para. 20; MHFNZ, paras. 26, 47), housing and employment, while media stereotyping exacerbate this (para. 18). NZHRC highlight the disproportionally high rate of Maori in the criminal justice system, while noting a bias (also CS) and urging the Government to address this (para. 28). CS indicate that Maori parliamentarians are still too few to ensure protection of Maori rights (para. 35). NZHRC and AIRT note that the gender pay gap is worse for Maori women, and Maori unemployment remains disproportionally high (paras. 36-39). NZHRC recommend that New Zealand adopt a concrete national plan to combat Maori poverty (para. 46). CS note that discrimination and socio-economic disparity impair Maori access to affordable healthcare, while the most successful healthcare improvements have come from Maori initiatives, despite under-funding (para. 47); inadequate housing and prohibitive rental prices are another critical issue for Maori (para. 51). On education, NZHRC and CS highlight inequalities faced by Maori students in access, participation and achievement (paras. 52, 54); complicated requirements impair the right for Maori to use their language during legal proceedings (para. 55); while developing a protected trademark for Maori artwork, the Government is stalling Maori development by long delays in the settlement of a Maori cultural property claim before the Waitangi Tribunal (para. 56). NZHRC call for enhancing indigenous rights according to the Declaration; AIRT states that failure to recognize the Maori people's right to self-determination leads to all other human rights violations (paras. 58, 59). CS stress the very slow pace of the claim settlement process under the Waitangi Tribunal, miserly redress, the Government's refusal to address Maori self-determination and their interests in oil and gas, its determination of negotiating partners, and requirement for a clause in settlements that extinguishes the claims (paras. 60, 61). AIRT recall that during “anti-terrorism” raids in 2007, Maori were treated in a particularly rights-denying manner, without satisfactory explanation (para. 70).

Among questions presented in advance to New Zealand, Germany enquires on strengthening equality between Maori and non-Maori with regard to employment, income, health, housing, education and criminal justice (also Netherlands, UK, Argentina for children; Czech Republic and Sweden for criminal justice), and on breaches of the Treaty of Waitangi by the Foreshore and Seabed Act 2004. The Netherlands enquires on giving greater constitutional effect to the Treaty of Waitangi (also Denmark) and to international human rights standards, and on endorsing the Declaration (also Denmark). Sweden enquires on identifying the causes of violence against women, and combating domestic violence.

Outcome

In the WGUPR report [A/HRC/12/8], New Zealand stresses the possibility for Maori self-identification (para. 6); and recalls the significance of the 1840 Treaty of Waitangi (para. 7). Improvements needed include advancing the Treaty settlement process (para. 12), and reviewing the Foreshore and Seabed Act 2004, whose debate has prompted an agreement on consultation mechanisms with Maori at governmental level (para. 13). New Zealand is implementing initiatives on socio-economic inequalities affecting the Maori (para. 14). New Zealand would like to move to support the Declaration provided that it can protect its framework for the resolution of issues related to indigenous rights (para. 15). Governmental policy on crime reduction, namely for Maori, will include the outcomes of a recent national meeting on “drivers of crime” (para. 22). India underscores constitutional weaknesses on Maori rights and the Treaty of Waitangi, and persisting inequalities in education, employment, income, housing, health and criminal justice (also Iran, para. 33;
Bangladesh, para 59; Russian Federation, para. 60; Angola, para. 70) – India enquires on achievements of the Waitangi Tribunal and on the nature of its recommendations (para. 27). Norway welcomes enhanced protection of Maori rights and the priority on strengthening partnership (para. 28; also Algeria, para. 26; Azerbaijan, para. 35; Nepal, para. 42; China, para. 64; Japan, para. 68). Argentina enquires about reducing disparities faced by Maori children (para. 30). Ukraine enquires on addressing discrimination against Maori women in employment (para. 34). South Africa addresses progress regarding the Foreshore and Seabed Act 2004 (para. 40; also Turkey, para. 61). Germany enquires on priorities regarding enjoyment of Maori communities' human rights (para. 41). Canada recommends combating institutional bias in Maori over-representation in domestic violence, and the criminal justice system (para. 44; also Sweden, para. 51). Austria enquires about measures to raise the very low conviction rate in cases of violence against Maori women (para. 46; also Sweden, para. 51; Malaysia, para. 63). Australia welcomes New Zealand's consideration of supporting the Declaration (para. 50). Bangladesh notes the long-standing demand of the Maori to constitutionally entrench the Treaty of Waitangi; and the need for accelerating the settlement process (para. 59). Slovenia enquires on possible ethnicity-based measures to strengthen Maori rights (para. 62; also Austria, para. 46; Malaysia, para. 63). Maldives enquires on tackling stereotyping against Maori in the media (para. 65).

New Zealand has no plan to ratify ILO Convention 169 but the upcoming constitutional review is likely to address IPs' rights; the Waitangi Tribunal recommendations are not binding but very authoritative (paras. 37, 38). Persistent socio-economic inequalities faced by Maori are being addressed and Maori disproportionate representation in the criminal justice system is a key concern (paras. 39, 80). Many of the rights established in the Declaration have long been enjoyed in New Zealand (para. 56).

Among the report's recommendations (para. 81), Iran, Mexico, Norway and Argentina recommend ratifying and implementing ILO Convention 169 (5, 6, 7). Austria, Pakistan, Mexico and Iran recommend supporting and implementing the Declaration (8, 9, 10). Norway recommends constitutional protection of the Treaty of Waitangi (21). The Netherlands recommends further ensuring respect of the Maori peoples' rights, and their full inclusion in society (28; also Jordan, 24; Bangladesh, 29; Iran, 10; Russian Federation, 61). Turkey, Jordan, Japan and the UK recommend addressing socio-economic inequalities affecting Maori in employment, salary, healthcare and education (26, 30, 31, 32). Sweden recommends ensuring non-discrimination of Maori in the criminal justice system (34). Mexico recommends pursuing dialogue on the 2004 Foreshore and Seabed Act (58). Switzerland recommends comprehensively settling IPs' claims (59; also Angola, 60). In its response [A/HRC/12/8/Add.1], New Zealand rejects recommendations 5, 6 and 7 to ratify ILO Convention 169 (para. 5). It restates its possible support to the Declaration (para. 6); does not assume that entrenchment of the Treaty of Waitangi as constitutional norm is the only possible solution (para. 18); doubts that over-representation of the Maori in the criminal justice system is due to institutional bias (para. 23); and stresses that review of the Foreshore and Seabed Act 2004 is under way (paras. 38-40). New Zealand accepts recommendations 24, 26, 28, 29, 30, 31, 32, 59, 60 and 61 (paras. 20, 21, 22, 41-44).

In the Report of the HRC 12th session [A/HRC/12/50, paras. 326-359], New Zealand reiterates information about social disparities between Maori and non-Maori, the Treaty of Waitangi, over-representation of Maori in the criminal justice system, support to the Declaration, review of the Foreshore and Seabed Act 2004, and ILO Convention 169 (paras. 331, 333-335, 337, 338, 358). Sweden regrets that New Zealand does not acknowledge discrimination as a cause of Maori over-representation in the criminal justice system (para. 343). Iran, NZHRC, WILPF, Canadian HIV/AIDS Legal Network, IWA, and AI call on New Zealand to support and implement the Declaration (paras. 344, 346-350). NZHRC, WILPF, AI and IWA emphasize constitutional protection of the Treaty of Waitangi (paras. 346-350). The USA notes New Zealand's determination to protect IPs' rights (para. 345). NZHRC emphasizes addressing unlawful discrimination and socio-economic disparities (para. 346; also Iran, para. 344). WILPF urges New Zealand to ratify ILO Convention 169 (para. 347). IWA urge the HRC to require New Zealand to implement its treaty obligations and special procedures' recommendations related to Maori (para. 349; also ICSA, para. 352). AI recommend ensuring recognition of customary rights, due process, good faith and compensation (para. 350).

Nigeria
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/4/NGA/1] acknowledges that addressing both the political and environmental challenges, and economic and health implications, of the oil extraction, and water and land pollution, would improve the human rights situation in the Niger Delta (para. 80).

In the Compilation of UN documents [A/HRC/WG.6/4/NGA/2], a 2001 CCA report notes (para. 53) that the underdevelopment of oil-rich communities constitutes violation of the rights of ethnic groups, while the Working Group on Minorities stresses marginalisation of minority ethnic groups in the Niger Delta, and lack of protection.
leading to their loss of land, property and resources [E/CN.4/Sub.2/2005/27, paras. 25, 44; A/HRC/Sub.1/58/19, para. 10]. The CERD expresses concerns and makes recommendations ( paras. 57, 63) about the adverse effects on ethnic communities of large-scale exploitation of natural resources in the Niger Delta, in particular the Ogoni areas; about Nigeria's failure to effectively consult with concerned communities; and about reports of gross human rights violations by state and private armed forces [CERD/C/NGA/CO/18, paras. 19, 31].

In the Summary of stakeholders' information [A/HRC/WG.6/4/NGA/3], UNPO urge Nigeria to invite the SRSG on human rights and transnational corporations in the Niger Delta (para. 13). UNPO report ( paras. 55, 58, 61, 62) that through extensive exploitation of the Niger Delta, oil companies and Nigeria have deprived the Ogoni IPs of their right to self-management and to their natural resources, while failing to take them into account in the region's development; legislation on land use and oil extraction denies IPs' rights to land and resources ownership, and to consultation. Harsh disruption of wetlands by oil-extracting activities and infrastructure threaten the Ogoni IPs' livelihoods and access to safe drinking water, while burning wells producing gas flaring cause air pollution and acid rains. The Government must ensure appropriate environmental and social impact assessments in oil development, establish independent oversight bodies, and provide meaningful participation in regulatory and decision-making bodies to affected communities. UNPO further denounce the State's failure to acknowledge the Ogoni IPs in primary education and in the last national census ( paras. 57, 58).

Among the questions presented in advance to Nigeria, the UK enquires on the Government's strategy for security, governance, development and protection of human rights in the Niger Delta (also Netherlands). Denmark enquires on measures to eliminate discrimination against minority groups, such as IPs in the Rivers State.

Outcome

In the WGUPR report [A/HRC/11/26], Nigeria restates (para. 16) that the Ministry for the Niger Delta has started to address some of the people's political, social and economic demands, namely on benefit sharing and environmental pollution, while a military task force was deployed to counter the criminal activities led by the Movement for the Emancipation of the Niger Delta, which keeps getting arms from foreign sources; Nigeria calls for international assistance to counter this, while stressing (para. 95) that people in the Niger Delta are also unhappy because the companies do not satisfactorily carry out their community responsibilities. Turkey enquires on the role of the Ministry of Niger Delta in addressing human rights violations (para. 60). The Holy See asks about combating discrimination against ethnic groups (para. 85). Among the report's recommendations (para. 103), Germany recommends addressing ethnic minorities' cultural and economic situation, political participation, and loss of land, property and resources; Slovenia recommends regulating indigenous rights legally and through policy measures; the Netherlands recommends ensuring the political, socio-economic, and consultation rights of ethnic minorities in Niger Delta (30; supported by the USA).

In the Report of the HRC 11th session [A/HRC/11/37, paras. 342-373], Nigeria pledges to address the situation in the Niger Delta, in a logic of peace and dialogue (para. 348). The USA hopes that the Ministry for Niger Delta enjoys sufficient capacity and support (para 362). II/AHFD call for rehabilitation of the Ogoni victims (para. 368).

Norway

Sixth session of the WGUPR, 30 November – 11 December 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/6/NOR/1] was elaborated with the Saami Parliament's participation (para. 2). Norway is party to ILO Convention 169 and supported the Declaration's adoption (para. 11); and reports on an action plan to combat discrimination against Saami people (para. 41). Norway recognizes to both Norwegian and Saami peoples the right to develop their culture and language; and has acknowledged and apologised to the Saami IPs for past discrimination and assimilation; Saami rights have been gradually recognized in legislation and the Constitution; Norway's Saami Parliament is the Saami population's representative body, Norway's main dialogue partner on Saami policy, and has taken over some administrative responsibility; IPs' rights to co-determination and consultation are dealt with in a specific agreement ( paras. 79-82). The 2005 Finnmark Act aims at ensuring sustainable management of land and natural resources in Finnmark County, and acknowledges the land and resources rights acquired through prolonged use by the Saami (para. 83). Norway informs on overcoming challenges in practical implementation of the Saami language rights ( paras. 84, 85).

In the Compilation of UN documents [A/HRC/WG.6/6/NOR/2], the CERD expresses concern (para. 54) that the Finnmark Act does not address the special situation of the East Saami people and recommends that Norway ensure their adequate development and protection [CERD/C/NOR/CO/18, para. 17; and Add.1, para. 5].

In the Summary of stakeholders' information [A/HRC/WG.6/6/NOR/3], ECRI proposes several recommendations for the Norwegian authorities to address all forms of discrimination against Saami people

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NCHR stresses that the integration of the Saami IPs is a challenge needing continuous attention (paras. 48, 59). NOC recommend increasing expertise in Saami language and culture in all municipalities to ensure Saami children a proper support service (para. 48).

Among questions presented in advance to Norway, the Netherlands enquires on implementation of policies regarding the Saami population.

Outcome

In the WGUPR report [A/HRC/13/5], Norway reiterates acknowledgement of two peoples on its territory, the Norwegians and the Saami (para. 7); Norway seeks to maintain a close dialogue, namely through the Saami Parliament, to ensure participation and prevent discrimination (para. 8). The Saami Parliament (paras. 22-26) welcomes the action plan on the Saami language, while underscoring current threats in the education, health and justice systems. Despite established procedures for consultations, challenges remain regarding traditional Saami livelihoods and industrial developments, acceptance of their rights to marine resources, and in the areas south of Finnmark. IPs must be heard in climate change negotiations. Denmark enquires about the action plan for the Saami languages, and about the situation of the East Saami people (para. 39; also Finland, para. 73; Australia, para. 49). Australia recognizes challenges in ensuring respect for IPs' human rights (para. 49; also Iran, para. 43; China, para. 71). Finland asks about implementation of the Finnmark Act on management of land and natural resources (para. 73). Slovenia asks about effective protection of the Saami IPs' language, culture, way of life and self-organization (para. 76). Argentina notes measures to guarantee the Saami IPs' participation in decision making (para. 86). Norway answers that the Finnmark Act is working according to its purpose, namely to investigate and map existing rights in Finnmark; the East Saami language and culture issues must be addressed with Finland and the Russian Federation, the Saami Parliament and the East Saami people (para. 96). Norway also refers to availability of Saami teaching materials (para. 97). Among the report's recommendations that Norway supports (para. 105), Denmark recommends ensuring the Saami people's adequate development and protection (35).

In the draft Report of the HRC 13th session [A/HRC/13/L.10, paras. 392-420], Iran asks about implementation of the Declaration (para. 407).

Russian Federation

Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR


In the Compilation of UN documents [A/HRC/WG.6/4/RUS/2], the CERD welcomes (para. 4) an institutional framework to protect IPs' rights, and recommends (paras. 62, 63) ensuring IPs' representation in the legislative and executive powers and public service; legally re-introducing free-of-charge use of land for IPs; seeking IPs' free informed consent and consider their needs, and adequate compensation, prior to granting economic licenses on their territories [CERD/C/RUS/CO/19, paras. 7, 20, 24]. The CESCR expresses concerns (paras. 51, 62) about the precarious health situation of indigenous communities [E/C.12/1/Add.94, paras. 11, 33].

In the Summary of stakeholders' information [A/HRC/WG.6/4/RUS/3], RAIPON/IWGIA underscore Russia's failure to ratify ILO Convention 169 and to address recommendations by the CERD and CESCR about IPs' land rights, damage of their environment by extractive industries, poverty, and insufficient access to services, food and income (paras. 2, 13). RAIPON/IWGIA also highlight the alarming level of socio-economic indicators for IPs of the North, and denounce the disastrous effects that a new law on self-administration has on access of remote indigenous villages to basic services (para. 59). IPs' communities increasingly feel the negative impacts of encroachment of extractive companies on their territories, and current legislation denies their rights to land, to free prior and informed consent, and to compensation (paras. 60-62). The current Russian energy strategy involves mass resettlement of IPs without their prior consultation (para. 63). RAIPON/IWGIA regret non-application of the central Act on Territories of Traditional Nature Use (para. 75).

Among the questions presented in advance to the Russian Federation, Denmark enquires on ensuring full implementation of legislation protecting IPs' rights.

Outcome

In the WGUPR report [A/HRC/11/19], Nicaragua recommends completing a modern legislation regarding IPs' rights (para. 28). Brazil acknowledges legal protection of IPs' rights (also Indonesia, para. 49), while noting stereotyping and de facto discrimination (para. 30). Mexico urges ratifying ILO Convention 169 and accepting visits by special procedures (para. 81). In the report's recommendations that the Russian Federation agrees to examine (para. 85), Mexico recommends strengthening the legislative framework on IPs' non-discrimination
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(24). Sweden recommends ensuring full respect of indigenous persons; Denmark recommends implementing the CERD's recommendations to improve IPs' situation (ICSA echo this); and Mexico recommends complying with the Declaration (56). In its response [A/HRC/11/19/Add.1], the Russian Federation accepts recommendation 56 and informs on its implementation (para. 56). The Russian Federation does not consider ratifying ILO Convention 169 since its current legislation is more progressive and better adapted; a visit by the SRIP is planned in 2009 ( paras. 7, 12, 13).

In the Report of the HRC 11th session [A/HRC/11/37, paras. 302-341], ICSA note Russia's dialogue with IPs and enquire on its support to the Declaration (para. 329). Highlighting the situation of IPs whose territories are mostly targeted for extractive industrial activities, IWGIA call for application of the CERD's recommendations about primacy of traditional use of natural resources, and respect for IPs' special needs before granting licenses to private companies. IWGIA enquires on IPs' participation in the national plan to implement the UPR recommendations (para. 333). The Russian Federation reiterates it will not ratify ILO Convention 169 (para. 336).

Senegal
Fourth session of the WGUPR, 2-13 February 2009

Information submitted to the WGUPR


Outcome


Uruguay
Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR

The National Report [A/HRC/WG.6/5/URY/1] informs on recent initiatives to acknowledge the contribution to Uruguay's cultural identity of IPs, whose descendants demand recognition of their indigenous ancestry, cultural remains and burial places; ratification of ILO Convention 169 is pending (para. 81).

In the Compilation of UN documents [A/HRC/WG.6/5/URY/2], the CERD recommends (paras. 26, 40) facilitating equal access to the courts and administrative bodies for indigenous communities; and requests measures to guarantee to IPs enjoyment of all the rights under the ICERD [CERD/C/304/Add.78, paras. 11, 17]. The CEDAW (paras. 28, 40) regrets insufficient information on the situation of indigenous women, and urges Uruguay to effectively eliminate discrimination against them, recognize their economic contribution in rural production, ensure a gender perspective in development programmes, and strengthen their roles in leadership and decision making [CEDAW/C/URY/CO/7, paras. 30, 31, 44, 45; A/57/38, para. 201].

The Summary of stakeholders' information [A/HRC/WG.6/5/URY/3] and questions presented in advance to Uruguay do not mention IPs.

Outcome

In the WGUPR report [A/HRC/12/12], Guatemala asks about protection of, and information about, ethnic groups and indigenous women (para. 50). Ukraine notes achievements in ensuring IPs' rights (para. 53). Bolivia welcomes inclusion of IPs' representatives in Uruguay's commission against racism (para. 69). Among the report's recommendations that Uruguay supports (para. 78), Peru and Bolivia recommend ratifying ILO Convention 169 (3, 4). Algeria recommends a national plan to combat discrimination, namely against IPs (36). Djibouti recommends further attention to IPs' conditions (82).


Vanuatu
Fifth session of the WGUPR, 4-15 May 2009

Information submitted to the WGUPR

The **Compilation of UN documents** [A/HRC/WG.6/5/VUT/2], **Summary of stakeholders' information** [A/HRC/WG.6/5/VUT/3], and **questions presented in advance** do not mention IPs.

**Outcome**


**Vietnam**

Fifth session of the WGUPR, 4-15 May 2009

**Information submitted to the WGUPR**

The **National Report** [A/HRC/WG.6/5/VNM/1] acknowledges Vietnam's 54 ethnic groups living in harmony and enjoying equal human rights (para. 5), and informs on priority policies to increase social integration of ethnic minorities, promote their cultures and languages, and assist their children, while ensuring their enjoyment of fundamental rights in a context of a market economy ( paras. 6, 14, 37, 41, 52). Vietnam's ethnic policy aims at promoting equality, unity, mutual respect and cooperation for mutual development (para. 48). National agencies and organisations are responsible for ensuring ethnic minorities' rights (para. 49); and programmes and policies aim at improving the livelihood of ethnic minority households, infrastructure in remote areas, access to loans for production and settlement, and access to communication media, which have improved ethnic minorities' conditions ( paras. 50, 51). Vietnam underscores ethnic communities' lack of awareness of laws and policies, hindering governmental efforts to improve their living standards (para. 73). Vietnam pledges special attention for ethnic minorities in its human rights priorities ( paras. 79, 84, 85, 87, 88).

In the **Compilation of UN documents** [A/HRC/WG.6/5/VNM/2], the UN country team underscores high vulnerability of ethnic minority women and children to poverty, inequality, and mortality, and inadequate access to education ( paras. 19, 47, 56). The CRC underscores (para. 58) institutional discrimination against ethnic minorities, particularly in accessing healthcare and education [CRC/C/15/Add. 200, para. 22], and economic inclusion (UNDG 2006 report, para. 57). The CEDAW raises concerns ( paras. 46, 57) about ethnic minority women's lack of access to adequate health services, employment and credit facilities, and their vulnerability to economic restructuring, and calls for speedy adoption of the bill on ethnic minorities including provisions on gender equality [CEDAW/C/VNM/CO/6, paras. 23, 28, 29]. The CERD, SR on freedom of religion and Human Rights Committee highlight ( paras. 36, 37, 54) reports of violations of minority ethnic groups' religious freedom, including Khmer Krom and Degar/Montagnard people [A/56/18, para. 420; E/CN.4/2006/5/Add.1, paras. 473-478 and A/HRC/7/10/Add.1, paras. 314-319]; the Human Rights Committee requests Vietnam ( para. 65) to inform on ensuring respect for IPs' rights [CCPR/CO/75/VNM, paras. 19, 23; and Add.2].

In the **Summary of stakeholders' information** [A/HRC/WG.6/5/VNM/3], ECLJ, IRPP and CSW note religious discrimination and persecution faced by ethnic minorities ( paras. 20, 21, 25, 26). UNPO urge Vietnam to acknowledge the Khmer Kampuchea Krom and the Montagnard peoples as IPs, to settle their land claims according to the Declaration, and to ratify ILO Convention 169 ( paras. 44, 49). AI underscore ongoing restrictions on movement and freedom of religion against Montagnard IPs (also FIDH/VCHR), and prolonged incarceration following protests in 2001 and 2004 (para. 45). FIDH/VCHR and INDIG denounced social exclusion, and state-sponsored migration of settlers undermining the traditional culture, and exercise of self-determination, of the Montagnard and the Khmer-Krom peoples ( paras. 46, 47). KKF denounce the Government's failure to ensure healthcare for Khmer-Krom people, as well as adequate mother-tongue education and access to higher education for Khmer-Krom children and youth, while blocking outside support as politically motivated (para. 41, 43). Limitations on Khmer-Krom religious practices affect transmission of their language and cultural heritage (INDIG, para. 42; ATLP, para. 48). UNPO note that Khmer-Krom people asserting their rights disproportionately suffer from repression ( paras. 49, 50).

Among **questions presented in advance** to Vietnam, Sweden enquires on further preventing violence and discrimination against the Montagnard peoples.

**Outcome**

In the **WGUPR report** [A/HRC/12/11], Vietnam recalls long-term peaceful coexistence of its ethnic groups (para. 7); and underscores growing political representation and participation of ethnic minorities (para. 15), and improvements in poverty reduction, education and use of language in the media for ethnic minorities ( paras. 13, 18). Cuba highlights protection of ethnic minorities' rights (para. 34). Canada welcomes improvements in gender equality, education and religious freedom for ethnic minority groups (para. 35). The Republic of Korea expresses concern about economic marginalisation of ethnic minority women and children (para. 81). France enquires on combating discrimination and violence against ethnic minorities (para. 85). Pakistan enquires on enhancing socio-cultural harmony among ethnic minorities (para. 91). Vietnam answers by recalling principles and
achievements in favour of ethnic minorities, while acknowledging that ethnic minority areas still lag behind in terms of development (paras. 69, 72).

Among the report's recommendations that Vietnam supports (para. 99), the Russian Federation recommends publishing awareness-raising documents on women's rights in ethnic languages (27). Japan recommends advancing ethnic minorities' human rights (29). India recommends ensuring fuller socio-political participation of ethnic minorities (54; also China, 75). Cuba recommends pursuing participatory efforts to provide education and health care for ethnic minorities (68). Azerbaijan recommends continuing poverty reduction efforts for ethnic minorities (74). Nepal and India recommend protecting ethnic minorities' languages and culture (76; also the Philippines, 78). Among recommendations that Vietnam pledges to examine (para. 100), Mexico recommends ratifying ILO Convention 169 (1), which Vietnam rejects (para. 102). Among recommendations that Vietnam considers as being implemented (para. 101), Sweden recommends further preventing violence and discrimination against ethnic minorities (5). In its response [A/HRC/12/11/Add.1], Vietnam pledges to better ensure ethnic minorities' rights, namely through targeted programmes (para. 3). Vietnam restates solidarity and equality as principles of its ethnic policy, constitutional guarantee of non-discrimination, and development schemes tailored for ethnic minorities (para. 10).


**Abbreviations**

ACFN: Athabasca Chipewyan First Nation  
ACHR: Asian Centre for Human Rights  
ACPD: Action Canada for Population and Development  
ADHOC: Cambodian Human Rights and Development Association  
AFN: Assembly of First Nations  
AFNQL: Assembly of First Nations of Quebec and Labrador  
AHFD: Al-Hakim Foundation  
AHR: Advocates for Human Rights  
AI: Amnesty International  
AIANZ: Amnesty International Aoteaora New Zealand  
AIPP: Asian Indigenous Peoples Pact  
AIRT: Aoteaora Indigenous Rights Trust  
AIPPN: Asian Indigenous and Tribal Peoples Network  
ATLP: Association Turnier la page  
BABSEA: Bridges Across Borders South-East Asia  
BARCADH: Centro Regional de Derechos Humanos «Bartolomé Carrasco Briseño»  
BCM: Bar Council of Malaysia  
CAPAJ: Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos  
CAPDTC: China Association for Preservation and Development of Tibetan Culture  
CAT: The UN Committee against Torture  
CCRC: Canadian Coalition for the Rights of Children  
CDHUDP: Centro de Derechos Humanos de la Universidad Diego Portales, Chile  
CDPEO: Consorcio para el Diálogo Parlamentario y la Equidad, Oaxaca  
CED: Centre pour l'environnement et le développement, Cameroun  
CEDAW: The UN Committee on the Elimination of Discrimination against Women  
CERD: The UN Committee on the Elimination of Racial Discrimination  
CESCR: The UN Committee on Economic, Social and Cultural Rights  
CHRA: Canadian Human Rights Act  
CHRC: Canadian Human Rights Commission  
CHS: Corporación Humanas – Santiago, Chile  
CLN: Comité de Liberación 25 de Noviembre  
CMW: The UN Committee on Migrant Workers  
CNDH: Comisión Nacional de los Derechos Humanos, México  
CNDHL: Commission Nationale des Droits de l'Homme et des Libertés, Cameroun  
COHRE: The Centre on Housing Rights and Evictions  
COMANGO: Coalition of Malaysian NGOs in the UPR process
CPJ: Citizens for Public Justice, Canada
CRC: The UN Committee on the Rights of the Child
CS: Cultural Survival
CSOUPR: Civil Society Organizations for the UPR, Mexico
CSW: Christian Solidarity Worldwide
CTSFN: Confederacy of Treaty Six First Nations
DHRCR: Defensoría de los Habitantes de la República de Costa Rica
ECLJ: European Centre for Law and Justice
ECN: Ermineskin Cree Nation
ECRI: European Commission against Racism and Intolerance
EDUCA: Servicios para una educación alternativa, México
EHRCO: Ethiopian Human Rights Council
EIP: World Association for the School as an Instrument of Peace
FAFIA: Feminist Alliance for International Action
FI: Franciscans International
FIACAT: International Federation of Action by Christians for the Abolition of Torture
FIDH: International Federation for Human Rights
FL: France Libertés – Fondation Danielle Mitterrand
FNS: First Nations Summit, British Columbia
FORUMASIA: Asian Forum for Human Rights and Development
GCC: Grand Council of the Crees
IAAT: International Association against Torture
ICERD: The International Convention on the Elimination of Racial Discrimination
ICSA: Indian Council of South America
ICTJ: International Centre for Transitional Justice
IDMC: Internal Displacement Monitoring Centre
II: Interfaith International
IITC: International Indian Treaty Council
INET: Indigenous Network on Economics and Trade
IOIRD: International Organisation of Indigenous Resource Development
IPLPP-UA: Indigenous Peoples Law and Policy Program of the University of Arizona
IRPP: Institute on Religion and Public Policy
ITUC: International Trade Union Confederation
IWA: Indigenous World Association
IWGIA: International Work Group for Indigenous Affairs
JOAS: Jaringan Orang Asal SeMalaysia
KKF: Khmer Kampuchea-Krom Federation
KKKHRA: Khmer Kampuchea Krom Human Rights Association
LBT: Louis Bull Tribe, Canada
LCAC: Land Claims Agreements Coalition, Canada
LDL: Ligue des droits et libertés
LICADHO: Cambodian League for the Promotion and Defence of Human Rights
LIMEDDH: Liga Mexicana por la Defensa de los Derechos Humanos
LLIN: Lubicon Lake Indian Nation
MDH: Maison des droits de l'homme, RDC
MHF NZ: Mental Health Foundation New Zealand
MLA: Maya Leaders' Alliance, Belize
MNCR: Mesa Nacional Indigena de Costa Rica
MoCN: Montana Cree Nation
NCHR: Norwegian Centre for Human Rights
NNHRCO-TDT: National Network of Human Rights Civil Organizations «Todos los Derechos para Todas y Todos», México
NOC: Norwegian Ombudsman for Children
NWAC: Native Women’s Association of Canada
NZEI: NZEI Te Riu Roa, New Zealand
NZHRC: New Zealand Human Rights Commission
OCDH: Observatoire congolais des droits de l’homme
OCRDESCA: Organizaciones Civiles y Redes sobre la situación de los Derechos Económicos, Sociales, Culturales y Ambientales en México
OCT: Observatorio Ciudadano – Temuco
ODVV: Organization for Defending the Victims of Violence
OHRJC: Oromia Human Rights and Justice Council
RAIDH: Rencontre africaine pour la défense des droits de l'homme
RAIPON: Russian Association of Indigenous Peoples of the North
REDH-JV: Red de Encuentro Dominicó Haitiano Jacques Viau
SCN: Samson Cree Nation
SRIP: The UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
SRSG: UN Special Representative of the Secretary-General
STP: Society for Threatened Peoples
SUHAKAM: Human Rights Commission of Malaysia
TUPRF: Tibetan UPR Forum
UHRP: Uyghur Human Rights Project, Uyghur American Association
UN HCR: The UN Refugee Agency
UNPO: Unrepresented Nations and Peoples Organisation
VCHR: Vietnam Committee on Human Rights
WI: The Wellesley Institute, Canada
WILPF: Women's International League for Peace and Freedom
WUC: World Uyghur Congress
WWKN: Cape Mudge Band Council, Canada
3. HUMAN RIGHTS COUNCIL

15th session – Geneva, 13 September - 1 October 2010

During the 15th session of the Human Rights Council, held in Geneva last September, the reports of the Expert Mechanism on the Rights of Indigenous Peoples and of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people were discussed during the same meeting, together with reports by the High Commissioner for Human Rights regarding indigenous issues. Two resolutions were tabled and eventually adopted without a vote, in spite of an intense debate on the proposal that the mandate of the Special Rapporteur now refer to “indigenous peoples” instead of “indigenous people”, in line with the UN Declaration on the Rights of Indigenous Peoples.

The Indigenous Issues at the 15th Session of the Human Rights Council

At its 15th session, the Human Rights Council examined the indigenous issues during the presentation of the 3rd annual report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (SRIP) [A/HRC/15/37], and the interactive debate which followed, and again following the presentation of the report [A/HRC/15/36] on the 3rd session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) by its Chairperson (Mr. Jose Carlos Morales). This presentation was followed by a general debate on the situation of indigenous peoples (IPs), as the Council was also presented with reports by the High-Commissioner for Human Rights on the rights of IPs [A/HRC/15/34], and by the Office of the High-Commissioner on the practical implications of a change in the mandate the UN Voluntary Fund for Indigenous Populations [A/HRC/15/38].

In the presentation of his report, the SRIP Mr. James Anaya underlined that he had received, in the exercise of his mandate, a large number of complaints on violations of indigenous rights. These allegations concerned mainly the spoliation of resources owned by IPs, forced evictions from their lands, as well as the exclusion from decision-making processes concerning them or impacting their well being. The Special Rapporteur welcomed the responses given by Governments to the recommendations he issued following these complaints. He also expressed the wish to see the United States of America and Canada reconsider their opposition to the UN Declaration on the Rights of Indigenous Peoples.

Then, Mr. Anaya gave a brief overview of the outcomes of his recent country visits. Concerning Botswana, he recalled that the IPs were marginalized because of historic problems inherited from colonization and because of laws adopted after independence and benefiting certain dominant groups. Initiatives taken by the Government to remedy this situation are still very limited and do not respond to the needs of the concerned populations, in particular with regard to the enjoyment of land rights, exploitation of natural resources and participation in political processes.

In Australia, Mr. Anaya was pleased by the measures taken by the Government to improve the situation of the Aboriginal peoples, while wishing that such programs incorporate respect for their cultural integrity and for their right to self-determination.

Progress was also noted in the Russian Federation, in Colombia and in Ecuador, although more remains to be done, especially in order to better integrate IPs in decision-making processes concerning them.

Concerning the duties of States and private companies with regard to IPs, which is the theme that the SRIP addressed in the second part of his annual report, most of the States generally agreed that the responsibility to protect human rights against abuses of transnational companies belonged, first and foremost, to the States. Hence, many States welcomed the Rapporteur's efforts to clarify and highlight the responsibility of transnational companies as to the respect and promotion of IPs' rights. Many indigenous and civil society speakers emphasized the necessity to consult IPs before launching any project concerning them.

Meanwhile, Mr. José Carlos Morales, Chairperson of the EMRIP, emphasized in the presentation of his report the role that the Mechanism could play, in support of the Council, towards the protection of the rights of IPs, as well as by offering a space for dialogue which could improve the comprehension of IPs’ situation and the promotion of their rights. He suggested the Council to invite States to establish more appropriate follow-up mechanisms with regard to implementation of IPs’ rights. He proposed, for instance, that the Council held, during its next sessions, a discussion panel on the study realized by the EMRIP on IPs’ right to education. Even though this proposal aroused the enthusiasm of some delegations, including the United States of America's, the Russian Federation expressed its disagreement, under the pretext that the Council already had an overburdened
agenda and that the Permanent Forum on Indigenous Issues (PF) already organized panel events where indigenous issues were discussed. As for the report of the Expert Mechanism itself, it addressed the preliminary study on IPs and the right to participate in decision-making.

While presenting the reports prepared by the Office of the UN High Commissioner for Human Rights, Mrs. Marcia Kran (Director of the Right to Development Division) highlighted that the High-Commissioner recommended the expansion of the mandate of the Voluntary Fund in order to enhance the visibility of IPs related issues and to increase the participation of their representatives in the Council’s work. She also welcomed the growing support from all countries to the Declaration on the Rights of Indigenous Peoples, including from countries that were initially opposed to the Declaration.

Many delegates also commended the coordination of work between the three mechanisms dedicated to indigenous issues – the EMRIP, RSPA and PF – and encouraged the continuation of this consultation process.

At the end of the session, the Council decided, by a resolution adopted without a vote (A/HRC/RES/15/14), to extend the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years. He will be mandated to study and make proposals on adequate measures and actions to prevent and redress violations of the rights of IPs. One must note that the adoption of this resolution followed intense negotiations led by Mexico, during which Canada, the United Kingdom and the United States of America questioned the proposal to use the term “indigenous peoples” instead of “indigenous people” in the title of the mandate.

By another resolution (A/HRC/RES/15/7), also adopted without a vote, the Council decided to hold, every year, a dialogue with the EMRIP following the presentation of its report. It was also decided to organize, during the September 2011 session, a half-day discussion panel on the role of languages and culture in the promotion and protection of IPs' well being and identity. According to this resolution, the Council finally recommended to the UN General Assembly to approve the expansion of the mandate of the Voluntary Fund, in order to facilitate the participation of indigenous representatives at sessions of the Council and of human rights treaty bodies.

HRC Resolutions 15/7 and 15/14 are acknowledged in the preamble of draft Resolution A/C.3/65/L.22/Rev.1, adopted on November 16th by the General Assembly's Third Committee, by which the General Assembly namely decides to expand the mandate of the Voluntary Fund to sessions of the HRC and of treaty bodies, and to organize a World Conference on Indigenous Peoples in 2014.

HRC Resolution 15/7 – Human rights and IPs (highlights)

The Human Rights Council,

[...]

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

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

1. Welcomes the report of the UN High Commissioner for Human Rights on indigenous issues [A/HRC/15/34], and requests the High Commissioner to continue to submit to the Council an annual report on the rights of IPs containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. Also welcomes the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the official visits he has made during the last year, takes note with appreciation of his report [A/HRC/15/37], and encourages all Governments to respond favourably to his requests for visits;

3. Requests the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its 66th session [2011];

4. Welcomes the work of the Expert Mechanism on the Rights of Indigenous Peoples, and takes note with appreciation of the report on its third session [A/HRC/15/36];

5. Also welcomes the successful completion by the Expert Mechanism of its progress report on the study on IPs and the right to participate in decision making [A/HRC/15/35], encourages it to finalize the study in accordance
with Council resolution 12/13, taking into account the discussions held at its third session, and requests it to give examples of good practices at different levels of decision-making;

6. 

Further welcomes the practice adopted during the third session of the Expert Mechanism to devote specific time to discussion of past mandated thematic studies of the Mechanism, and encourages States to participate in and contribute to these discussions;

7. 

Decides, bearing in mind paragraph 7 of Council resolution 12/13, to hold, on an annual basis, and without prejudice to the outcome of the Council’s review of its work and functioning, an interactive dialogue with the Expert Mechanism following the presentation of its report, within existing resources;

8. 

Also decides to hold, within existing resources, at its 18th session [September 2011], a half-day panel on the role of languages and culture in the promotion and protection of the well-being and identity of IPs;

9. 

Further decides, bearing in mind the need to ensure continuity in the functioning of the Expert Mechanism and pursuant to paragraph 8 of resolution 12/13, that, while the regular mandate of the members of the Expert Mechanism shall continue to be three years in accordance with paragraph 6 of Council resolution 6/36, two out of five members to be elected in 2011 shall serve for two years, and that the staggering of the terms of membership shall be defined by the drawing of lots by the President of the Council after the election of the five members;

10. 

Welcomes the report of the Office of the UN High Commissioner for Human Rights on the practical implications of a change in the mandate of the Voluntary Fund for Indigenous Populations [A/HRC/15/38], and recommends that the General Assembly approve the expansion of the mandate of the Voluntary Fund so that it can also be used to assist representatives of indigenous communities and indigenous organizations to attend sessions of the Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996;

11. 

Recognizes the importance of the contributions of all relevant stakeholders, including the Expert Mechanism, to the process of the Council’s review of its work and functioning;

12. 

Welcomes the role of national human rights institutions established in accordance with the Paris Principles in advancing indigenous issues, and encourages national human rights institutions to develop and strengthen their capacities to fulfill that role effectively, including with the support of the Office of the High Commissioner;

13. 

Also welcomes the ongoing cooperation and coordination between the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner;

14. 

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

15. 

Encourages States that have endorsed the Declaration on the Rights of Indigenous Peoples to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with IPs, where appropriate;

16. 

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

HRC Resolution 15/14 – Human rights and IPs: mandate of the Special Rapporteur on the rights of indigenous peoples (highlights)

The Human Rights Council,

[...]

Recalling resolution 5/1 entitled “Institution-building of the UN Human Rights Council” and resolution 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

[...]

1. Decides to extend for a period of three years the mandate of the Special Rapporteur on the rights of indigenous peoples:
(a) To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of IPs, in conformity with his/her mandate, and to identify, exchange and promote best practices;

(b) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, IPs and their communities and organizations, on alleged violations of their rights;

(c) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the rights of IPs;

(d) To work in close cooperation and coordination with other special procedures and subsidiary organs of the Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant UN bodies, the treaty bodies and regional human rights organizations;

(e) To work in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session;

(f) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant UN bodies, specialized agencies and programmes, as well as IPs, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(g) To promote the UN Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of IPs, where appropriate;

(h) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of his/her mandate;

(i) To consider relevant recommendations of the world conferences, summits and other UN meetings, as well as the recommendations, observations and conclusions of the treaty bodies on matters regarding his/her mandate;

(j) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

2. Requests all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his/her communications, and to react promptly to his/her urgent appeals,

3. Encourages the UN, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, IPs to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

4. Encourages all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable him/her to fulfil the mandate effectively;

5. Requests the Secretary-General and the UN High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate;

6. Decides to continue consideration of this question in conformity with its programme of work.

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!
4. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES, JANUARY TO MARCH 2011

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

1 January – 31 December 2011 (celebrated throughout the world)
International Year of Forests

10 – 11 January 2011 (New York, USA)
First Intersessional Meeting for the UN Conference on Sustainable Development (Rio+20)
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: dsd@un.org
Web: http://www.unsd2012.org/

12 – 14 January 2011 (New York, USA)
International Expert Group Meeting on Indigenous Peoples and Forests
Secretariat of the Permanent Forum on Indigenous Issues
Contact: Ms. Sonia Smallacombe
United Nations, 2 UN Plaza, Room DC2-1456
New York, NY, 10017, USA
Phone: +1 917 367 5100 Fax: +1 917 367 5102
E-mail: smallacombe@un.org

13 – 14 January 2011 (Panama City, Panama)
Commission on Sustainable Development's Intersessional Meeting on Sustainable Consumption and Production
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 http://www.un.org/esa/dsd/dsd/dsd_contact.shtml

17 – 21 January 2011 (Geneva, Switzerland)
Sixth 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

17 January – 4 February 2011 (Geneva, Switzerland)
56th session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Denmark, Afghanistan, Belarus, Lao People's Democratic Republic, Mexico, New Zealand, Ukraine, Singapore.
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/crcs56.htm
17 January – 4 February 2011 (Geneva, Switzerland)

48th session of the Committee on the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)

Countries scheduled for consideration: Algeria, Bangladesh, Belarus, Israel, Kenya, Liechtenstein, Sri Lanka, South Africa.

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/cedaws48.htm

24 January – 4 February 2011 (Geneva, Switzerland)

Tenth session of the Human Rights Council Universal Periodic Review

Countries scheduled for consideration (in this order): Nauru, Rwanda, Nepal, Saint Lucia, Oman, Austria, Myanmar, Australia, Georgia, Saint Kitts and Nevis, Sao Tome and Principe, Namibia, Niger, Mozambique, Estonia, Paraguay.

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

24 January – 4 February 2011 (New York, USA)

Ninth Session of the UN Forum of Forests (UNFF 9)

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

FEBRUARY

7 – 11 February 2011 (Geneva, Switzerland)

Second session of the Open-ended Intergovernmental Working Group on the HRC Review

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://www2.ohchr.org/english/bodies/hrcouncil/HRC_review.htm

7 – 11 February 2011 (Geneva, Switzerland)

24th 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 22 928 9737 Fax: +41 22 928 9010
E-mail: indigenousfunds@ohchr.org
Web: http://www2.ohchr.org/english/about/funds/indigenous/

14 February – 11 March 2011 (Geneva, Switzerland)

78th session of the Committee on the Elimination of Racial Discrimination (CERD)

Countries scheduled for consideration: Armenia, Bolivia, Cuba, Ireland, Moldova, Norway, Rwanda, Serbia, Spain, Uruguay, Yemen.

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/cedrs78.htm

21 – 25 February 2011 (Nairobi, Kenya)
26th session of the UNEP Governing Council / Global Ministerial Environment Forum
United Nations Environment Programme (UNEP)
Contact: Secretariat 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
E-mail: sgc.sgb@unep.org Web: http://www.unep.org/resources/gov/overview.asp
22 February – 4 March 2011 (New York, USA)

55th 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
Web: http://www.un.org/womenwatch/daw/csw/55sess.htm
28 February – 25 March 2011 (Geneva, Switzerland)

16th session of the Human Rights Council
Office of the High Commissioner on 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/english/bodies/hrcouncil

MARCH

7 – 8 March 2011 (New York, USA)
Second PrepCom for the UN Conference on Sustainable Development (Rio+20)
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: dsd@un.org
Web: http://www.unccd2012.org/

14 March – 1 April 2011 (New York, USA)
101st session of the Human Rights Committee
Countries scheduled for consideration: Mongolia, Serbia, Slovakia, Togo, Dominican Republic, Iran, Norway, Yemen.
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/hrcouncil/en/hrcouncil

16 – 18 March 2011 (Georgetown, Guyana)
Latin American and Caribbean Indigenous and Local Community Capacity-building Workshop on the
CBD including issues relevant to Article 8(j), Traditional Knowledge and ABS
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/
5. OTHERS

2010 OHCHR Indigenous Fellowship Programme

French speaking fellows
25 October – 19 November 2010 (based in Geneva, Switzerland)
- Mr. Carlos Tchidopoane-Hamene, Kanak (New-Caledonia)
- Ms. Taous Nait Sid, Amazigh (Algeria)
- Mr. Aboubacar Albachir, Touareg (Niger)
- Mr. Ildephonse Niyomugabo, Batwa (Rwanda)
- Mr. Issa Diallo, Peul (Burkina Faso)

Russian speaking fellows
18 October – 12 November (Peoples’ Friendship University of Russia, Moscow)
and 15 November – 10 December (OHCHR, Geneva)
- Mr. Vladimir AYUSHEYEV, Soyot (Buryatia, Russian Federation)
- Ms. Natalia GAVRIVOVA, Saami (Murmansk, Russian Federation)
- Ms. Veronika MANIGA, Evenk (Magadan, Russian Federation)
- Mr. Nikolay RYAPOLCOV, Uel (Khabarovsk, Russian Federation)
- Ms. Kamila SHERMATOVA, Kumandin (Altai, Russian Federation)
- Mr. Alexey SHONKHOROV, Telengit (Altai, Russian Federation)
- Mr. Alexey TAPKIN, Nenets (Taymir, Russian Federation)
- Ms. Irina TYNVINA, Nivkh (Khabarovsk, Russian Federation)

A Guide to Free, Prior and Informed Consent

This guide, prepared by Christina Hill, Serena Lillywhite and Michael Simon, was published by OXFAM-Australia in June 2010. It is designed as a practical resource for peoples and their NGO supporters who are faced with imposed infrastructure or extractive industries on their lands, waters or territories. It provides basic information about the right to free, prior and informed consent, and how this right can help IPs, as well as other communities, to have a say about development projects that affect them in some way.


To obtain hard copies, contact:
Christina Hill, Mining Advocacy Officer
Oxfam Australia, 132 Leicester St, Carlton VIC 3053, Australia
E-mail: Go to http://www.oxfam.org.au/contact-us/send-email
Phone: +61 3 9289 9311 Fax: +61 3 9347 1495
Website: http://www.oxfam.org.au/

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The Swiss Agency for Development and Cooperation
The Canton of Geneva
City of Geneva

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