

doCip

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1. EDITORIAL

New impetus seems to have been given to indigenous peoples' participation at the United Nations. Adopted during the last session of the Human Rights Council (HRC) in September 2011 in Geneva, the resolution A/HRC/RES/18/8 particularly requests the Secretary-General to prepare a document presenting the different ways of promoting participation by recognized indigenous peoples' representatives in the work of the United Nations. It explicitly recognises that indigenous peoples are not systematically organised the way non-governmental organisations are, and that therefore an approach specific to their situation is needed. This would enable indigenous peoples' representatives to participate in all UN bodies without having to be constituted in the form of NGOs, and to request the sacrosanct ECOSOC status, thus guaranteeing indigenous peoples a more democratic access to the UN institution.

This issue of Update summarises the debates on indigenous issues at the 18th session of the HRC, including the new panel focusing this year on indigenous peoples' cultures and languages, which allowed a return to the first two studies done by the Expert Mechanism on the Rights of Indigenous Peoples, centring on the rights of indigenous peoples to education and participation in decision-making. The Special Rapporteur, in turn, presented his report stressing the need for national and international reforms in order to implement the Declaration at all levels – an exceptional challenge for all the States as well as the United Nations.

This issue also presents the summaries of the 7th, 8th and 9th sessions of the Working Group on the Universal Periodic Review. Throughout the sessions, indigenous issues are becoming increasingly present in the contributions addressed to the United Nations by civil society; this highlights the indigenous peoples' increased participation in this new mechanism. The UPR is also a tool for analysing the way various treaty bodies approach issues affecting indigenous peoples – the compilation of UN documents effectively contains all the recommendations specific to indigenous peoples made by all treaty bodies over the past four years; these recommendations are fully compiled in this Update.

Activities by international institutions concerning indigenous peoples continue at a rapid pace. First of all, following the failure of negotiations towards a convention, WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) had its mandate renewed until 2013 by the organisation's General Assembly, with three sessions planned for 2012. The 20th session will take place in Geneva on 14-22 February 2012.

Then, during the 11th session of the Permanent Forum on Indigenous Issues, 7-18 May 2012 in New York, the Secretary-General will convene a high-level event to commemorate the 5th anniversary of the adoption of the Declaration on the Rights of Indigenous Peoples. This will be an occasion to recall the commitments of all the States and to continue preparations for the World Conference on Indigenous Peoples in 2014.

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2. THE HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW

The third year of the first cycle of the Human Rights Council's Universal Periodic Review (UPR), in 2010, was completed with the Council examining at its 16th session, in March 2011, the outcomes of the 9th session of the Working Group on the Universal Periodic Review (WGUPR). Here is a report on the inclusion of indigenous issues in the reviews of countries where indigenous peoples live, during the 7th, 8th and 9th sessions of the WGUPR.

Indigenous peoples in the reports and outcomes of the Working Group on the UPR in 2010

Angola (7th session of the WGUPR, 8 – 19 February 2010)

The **National Report** [A/HRC/WG.6/7/AGO/1] mentions special community integration programmes to provide education access for the children of nomad populations, such as the Khoi-San people (para. 109).

The **Compilation of UN documents** [A/HRC/WG.6/7/AGO/2] reports (para. 8) the CRC's concern and recommendations regarding discrimination faced by San children [CRC/C/15/Add. 246, paras. 21, 22].

In the **Summary of stakeholders' information** [A/HRC/WG.6/7/AGO/3], a joint submission by 10 civil society organisations (para. 50) urgently call for a population census, in order to update data on the San indigenous peoples (IPs) and their right to land.

Among the **advanced questions** to Angola, Denmark enquires on measures to secure the San IPs' human rights and address poverty and multi-faceted discrimination.

The **WGUPR report** [A/HRC/14/11] does not mention IPs. Among **recommendations** (para. 87), the Czech Republic recommends legislative measures to prohibit discrimination against San children (46)¹.

In the **Draft Report of the HRC 14th session** [A/HRC/14/L.10 (Advance Unedited Version), paras. 467-491], Angola accepts this recommendation (para. 473).

Documentation on the UPR

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

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

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

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

Bolivia (7th session of the WGUPR, 8 – 19 February 2010)

The **National Report** [A/HRC/WG.6/7/BOL/1] underscores the election of Bolivia's first indigenous President and IPs' participation in the Constituent Assembly (paras. 5, 6). Indigenous territories' autonomy will be defined in the framework legislation on decentralization (para. 9). The indigenous jurisdiction is to be regulated by the Jurisdiction Act (paras. 12, 35). Racist acts and violence against indigenous persons and authorities are perpetrated by local officials opposed to the national Government (para. 47). Paragraphs 48 to 51 relate such violent events occurred in September 2008 in Pando. Paragraphs 52 to 55 report on Guaraní IPs living in servitude, and on measures by the Government to eliminate forced labour and to encourage social, cultural and economic development in the Chaco region. Bolivia reports on its efforts to implement IPs' right to health (para.

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

68) and to education, through literacy programmes with bilingual components, and establishment of indigenous intercultural universities, and of educational boards for IPs (paras. 85, 89). Bolivia emphasizes incorporation of the Declaration on the Rights of Indigenous Peoples (the Declaration) in its national legislation and Constitution (paras. 7, 24, 13, 108). Recent legislation guarantees IPs' rights of access to and tenure of land, and expeditious execution of land regularization and distribution (paras. 109, 110). The Constitution also establishes IPs' right to share in the benefits of exploitation of natural resources in their territories and the right to consultation, in accordance with ILO Convention 169 (paras. 111, 112). Bolivia's 36 indigenous languages have been recognized as official languages and are promoted in public administration, while 25 community radios were created to enhance IPs' freedom of expression; a bill currently before Parliament is addressing the challenges of discrimination and racism (paras. 113-115).

The **Compilation of UN documents** [A/HRC/WG.6/7/BOL/2] reports (para. 3) that the UN country team notes the recent incorporation in the Constitution of the traditional indigenous rural courts as equivalent to the ordinary jurisdiction; the CEDAW urges Bolivia to ensure indigenous practices' conformity with the Convention [CEDAW/C/BOL/CO/4, paras. 22, 23]. The SRIP notes (para. 33) that some social sectors have exploited incidents of lynching to defame indigenous justice [A/HRC/11/11, para. 27]. The UN country team and OHCHR-Bolivia commend Bolivia for enacting the Declaration (para. 57). The SRIP recommends (para. 4) that Bolivia regulate the exercise of IPs' rights; and (paras. 12, 18) make racial discrimination punishable by law [A/HRC/11/11, paras. 82, 93, 94]. OHCHR-Bolivia notes (para. 13) that indigenous communities, women and children are still under-served by social programmes [A/HRC/10/31/Add.2, paras. 60, 61]. The CEDAW expresses concern that a considerable number of indigenous women in rural areas do not have identity documents and lack access to public services [CEDAW/C/BOL/CO/4, para. 18]. The CESCR expresses concern (paras. 46, 49) at IPs' marginalization, particularly from education, adequate housing, food and health services; and at forced evictions of IPs to make way for extractive concessions [E/C.12/BOL/CO/2, paras. 14(h), 15]. The Special Rapporteur (SR) on the right to food draws attention (paras. 42, 43) to extreme poverty and serious food insecurity amongst IPs, recommending development of a national strategy to protect IPs' rights over their land, water and seeds [A/HRC/7/5/Add.2, paras. 8, 48, 59(d)]. The SRIP and CEDAW underscore (para. 44) IPs' lack of access to health facilities [A/HRC/11/11, para. 63; CEDAW/C/BOL/CO/4, para. 43]. The CRC expresses concerns and makes recommendations (para. 48) regarding indigenous children's enrolment in primary school [CRC/C/BOL/CO/4, paras. 67, 68].

The SRIP refers (para. 18) to racially tinged political violence linked to efforts towards recognition and recovery of IPs' territories; OHCHR-Bolivia indicates (para. 36) an increase in attacks against IPs' rights defenders in 2008, and the SRIP recommends investigation of and sanctions against such attacks, including the possible responsibility of public authorities [A/HRC/11/11, paras. 65, 68, 99]. The SRIP highlights (para. 50) that the main challenges to IPs' enjoyment of their rights are access to land and recognition of their traditional territories, and recommends (also SR on the right to food, CESCR, CERD) that special priority be accorded to the current agrarian land regularization process in this regard [A/HRC/11/11, paras. 77, 87; A/HRC/7/5/Add.2, para. 58 (f); E/C.12/BOL/CO/2, para. 36; CERD/C/63/CO/2, para. 13]. The SRIP underscores (para. 51) serious health problems and traditional economy disruptions due to environmental pollution by industrial extractive operations, and failure to provide redress and compensation by those responsible for the contamination; he recommends urgently carrying out a general study on indigenous territories' pollution and, in consultation with the communities affected, implementing necessary measures of inspection, redress, prevention and punishment [A/HRC/11/11, paras. 78, 90]; the UN country team underscores a failure to comply with obligations under ILO Convention 169, including IPs' right to consultation. OHCHR-Bolivia reports (para. 22) on the September 2008 armed attack and gross human rights violations against IPs in Pando, and recommends that light be urgently shed on these events, in strict compliance with procedural principles, in order to assess actions by law-enforcement officers [A/HRC/10/31/Add.2, paras. 10, 21, 22]. OHCHR-Bolivia also underscores (para. 29) the worsening situation of numerous Guaraní people still subjected to servitude, after the SRIP recommended strengthened measures to suppress all forms of forced labour and bondage [A/HRC/11/11, para. 97].

In the **Summary of stakeholders' information** [A/HRC/WG.6/7/BOL/3], COIDHB underscore the 2009 Constitution's recognition of IPs' rights (para. 2). DPB and FIDH underscore strong racism and discrimination against IPs, while AI recommend that Bolivia investigate and take appropriate action against State officials for discrimination against IPs (paras. 12, 13). COIDHB, UNASUR, FIDH and AI report on the 2008 Pando massacre; AI recommend that Bolivia expedite comprehensive investigations into all related events, so as to identify those responsible and bring them to justice; and that it clarifies the roles and responsibilities of the armed forces, police and judicial authorities (para. 17). COIDHB and AI express concern about the persistence of servitude of the Guaraní IPs, while the IACHR recommend that Bolivia eradicate forced labour and bondage (para. 24). FIDH, AI and COIDHB express concern at reports of racially-motivated attacks against IPs' rights defenders (para. 34). The IACHR also note obstacles faced by IPs in accessing the official justice system; and gaps in coordination of ordinary and community justice (para. 29). AI recommend that Bolivia remove barriers,

including lack of information, preventing indigenous women from accessing reproductive and maternal health care (para. 44). DPB highlight inadequate implementation of bilingual education (para. 49). COIDHB note delay in the process of titling IPs' agrarian lands while the IACHR recommend that Bolivia give priority to titling IPs' ancestral lands and territories, essential for their survival (para. 51). COIDHB draw attention to environmental pollution by extractive industries, affecting indigenous communities (para. 52). DPB draw attention to legal gaps in relation to IPs' right to consultation, particularly regarding extractive operations (para. 53), and to the need to develop regulations to effectively implement the Declaration (paras. 2, 57). AI recommend that Bolivia ensure full implementation of the recommendations of the SRIP, Permanent Forum on Indigenous Issues (PF), and IACHR (para. 60).

Among the **advanced questions** to Bolivia, Denmark enquires on investigating and punishing state officials suspected of discrimination against IPs. Norway enquires on fighting the Guaraní and other IPs' slavery. The Czech Republic enquires about the protection of IPs' rights defenders; about investigation and prosecution of those responsible for the 2008 Pando massacre; and about indigenous children's effective access to education. Argentina asks about access of indigenous communities to justice, and full enjoyment of their economic, social and cultural rights. The Netherlands enquires about compliance of traditional indigenous justice with international human rights law.

In the **WGUPR report** [A/HRC/14/7], Bolivia underscores accelerated delivery of land titles for indigenous farming families (para. 6); and constitutional recognition of IPs' traditional forms of organization and justice (para. 7). It reports on efforts to eradicate forced labour, release Guaraní families from bondage, and grant identity documents to indigenous persons (para. 11). Reporting on racist violence against IPs by radical groups opposed to the Government, Bolivia reaffirms its commitment to support all victims of racist attacks, and to punish those responsible according to the law (para. 12). Venezuela recalls that Bolivia ratified ILO Convention 169 and enshrined IPs' rights in its Constitution (para. 19). Cuba welcomes IPs' representation in Government (para. 21). The Russian Federation commends social reforms to improve IPs' position (para. 24). Pakistan notes measures to end servitude and the distribution of land to indigenous communities (para. 25). Brazil asks about guaranteeing the conformity of indigenous justice with international human rights obligations (para. 26; also Finland, para. 34; Austria, para. 36; France, para. 40; Switzerland, para. 76). Iran and Canada commend Bolivia for steps to protect IPs' rights (para. 31; also Lebanon for cultural rights, para. 90). Panama welcomes the adoption of the Declaration as a piece of domestic legislation (para. 32; also Libya, para. 20; Cuba, para. 21; Azerbaijan, para. 43; Norway, para. 44; Kyrgyzstan, para. 46; Colombia, para. 69; Argentina, para. 87; Nigeria, para. 89). India enquires about reduction of IPs' poverty (para. 33; also Syria, para. 67). Austria welcomes efforts to eradicate discrimination against IPs but expresses concern about persistent violence (para. 36). Spain enquires on the role of the armed forces in the Pando events (para. 41). Norway expresses concern about continued servitude of IPs (para. 44). Paraguay enquires about consolidating IPs' human rights, particularly to education, adequate housing, food and health (para. 80). Guatemala enquires on the status of the bill to combat discrimination against IPs (para. 82). Bolivia underscores progress in implementation of the Declaration and in IPs' political representation (para. 47); granting of lands and land titles to IPs (para. 49); legislation on IPs' right to consultation complying with ILO Convention 169 (para. 50); and steps taken towards eradicating bondage (para. 52). Underscoring the advantages of indigenous justice, Bolivia regrets misunderstandings as indigenous justice has wrongly been confused with practices that violate human rights and will be considered as crimes in the new Penal Code (para. 60). Bolivia then reiterates information of its National Report regarding health and education programmes (paras. 93, 94).

Among the **recommendations** that Bolivia supports (para. 98), Guatemala recommends criminalization of racial discrimination (4; also Venezuela, 74). Azerbaijan recommends continuing efforts to eliminate discrimination against IPs (21), and Kyrgyzstan, against indigenous women and children (22). Slovenia recommends pursuing implementation of the Constitution in order to ensure that IPs fully enjoy their rights (45). The Netherlands, Canada and Switzerland recommend ensuring that the traditional indigenous justice system complies with Bolivia's international human rights obligations (45, 46). Austria recommend ensuring that the separation of ordinary and indigenous courts promotes social stability (46). Austria and the UK recommend impartial investigation into the acts of violence in Pando, in order to bring those responsible to justice in a fair trial (51). Sweden recommends increasing access to health services in order to reduce maternal mortality among indigenous women (69). Norway recommends ensuring that IPs' rights are respected at the community level (74). Venezuela recommends consolidating IPs' rights by guaranteeing their participation and consultation (76). Germany recommends continuing to effectively address the Guaraní precarious situation (77; also Pakistan for all IPs, 75). Bolivia considers all these recommendations as being implemented (para. 99).

In its **response** [A/HRC/14/7/Add.1], Bolivia informs that the bill on elimination of discrimination was presented to Parliament in May 2010 (see recommendations 4, 21, 22, 74); notes ongoing work on constitutional provisions related to IPs' rights, namely through implementation of the indigenous jurisdiction within the new

judicial authority (recommendations 45, 46); underscores measures to eradicate impunity for human rights violations (recommendation 51); stresses its efforts to extend its programme to combat malnutrition but acknowledges challenges in the area of maternal and infant mortality (recommendation 69); and restates its commitment to achieve full respect of IPs' rights, in accordance with its international obligations (recommendations 75, 76, 77).

In the **Draft Report of the HRC 14th session** [A/HRC/14/L.10 (Advance Unedited Version), paras. 370-401], Bolivia underscores indigenous participation in the review of the 78 recommendations it received (para. 374). AI underscore the need to ensure IPs' participation in consultations for a parallel indigenous jurisdiction in the justice system, and to guarantee IPs' right to free prior and informed consent (para. 391). MRAP/FL/IED note that successes already achieved with regard to IPs' integration (also DPB, para. 390) must encourage Bolivia to pursue its efforts, which neighbour countries should accompany rather than undermine (para. 392). IMTA point to the persistent poverty among the rural and indigenous population in spite of significant economic growth, and to the servitude that the Guaraní IPs still experience (para. 393). Bolivia underscores its efforts to include IPs in political decision making (para. 399), and the interconnection between human rights and mother's earth rights (paras. 400, 401).

El Salvador (7th session of the WGUPR, 8 – 19 February 2010)

The **National Report** [A/HRC/WG.6/7/SLV/1], on the issue of IPs' rights (paras 74, 75), says El Salvador recognizes three indigenous groups. The Constitution contains no specific framework on IPs, but guarantees equality and enjoyment of civil rights without discrimination, and recognizes indigenous languages as part of national heritage. The Ministry of Education promotes the revival of the Nahuatl-Pipil language (also para. 43). El Salvador acknowledges IPs' cultural and historical heritage, and is committed to promote their development and their individual and collective rights, in accordance with relevant international instruments (paras. 44, 63, 76).

The **Compilation of UN documents** [A/HRC/WG.6/7/SLV/2] reports (para. 1) that treaty bodies invited El Salvador to ratify ILO Convention 169 [CERD/C/SLV/CO/13, para. 10]. The CESCR expresses concern (para. 16) that IPs' rights are not guaranteed in practice and the CERD encourages El Salvador to improve IPs' enjoyment of their rights, in particular land ownership and access to drinking water [E/C.12/SLV/CO/2, para. 18; CERD/C/SLV/CO/13, paras. 7, 11]. The CRC (para. 17) is concerned at indigenous children's persistent discrimination [CRC/C/15/Add.232, paras. 25, 26]. The CERD expresses concern and makes recommendations (para. 38) regarding IPs' difficulties in securing access to justice; and encourages El Salvador (paras. 43, 45) to facilitate IPs' unrestricted access to pre-Hispanic centres to hold their religious ceremonies, and expresses concern at their low level of participation in government and management of public affairs; it underscores (para. 57) IPs' reluctance from identifying as such, given the memory of the 1932 and 1983 massacres whose perpetrators were not even identified; El Salvador should therefore adopt (also para. 67), in line with the IACHR recommendations, a programme of redress and compensation for the victims, to help create a climate of trust and enable IPs to assume their identity [CERD/C/SLV/CO/13, paras. 13-16, 22].

In the **Summary of stakeholders' information** [A/HRC/WG.6/7/SLV/3], PDDH-ES recall that El Salvador has yet to ratify ILO Convention 169 (para. 1), and regret lack of political will to follow up on civil society organisations' proposal of constitutional reforms to recognize IPs' rights (para. 4). RIA inform that IPs mostly live in poverty or extreme poverty; hidden racism excludes them from national population statistics, leading to lack of information on their needs and the status of their rights; PDDH-ES call for a census of the indigenous population and to ensure constitutional recognition of their human rights.

Among the **advanced questions** to El Salvador, Denmark enquires on ratification of ILO Convention 169. The Czech Republic enquires on protecting the rights of indigenous children.

In the **WGUPR report** [A/HRC/14/5], El Salvador restates its recognition of IPs (para. 23), which Kazakhstan welcomes (para. 37). Panama asks about IPs' inclusion in national statistical data (para. 43). The USA appreciates El Salvador's recognition of its IPs' heritage and promotion of their development (para. 61). Guatemala asks about IPs' access to justice (para. 69). El Salvador repeats that its Secretariat for Social Inclusion is tasked with promoting IPs' human rights (para. 54).

Among the **recommendations** supported by El Salvador (para. 81), Malaysia recommends further fighting discrimination against indigenous children (23). Colombia recommends including anti-discrimination measures in favour of IPs in social policies (24). The USA recommends enforcing laws and implementing programmes to promote IPs' rights (25; also Kazakhstan, 73; Mexico, 74). Among the recommendations that El Salvador committed itself to examine, ratification of ILO Convention 169 is recommended by Guatemala (8) and Kyrgyzstan (19).

In its **Response** [A/HRC/14/5/Add.1], El Salvador accepts both these recommendations (para. 2) and informs on a proposed consultation process in this regard (paras. 3, 5).

In the **Draft Report of the HRC 14th session** [A/HRC/14/L.10 (Advance Unedited Version), paras. 448-466], the USA welcomes El Salvador's efforts to promote IPs' rights (para. 462).

Federated States of Micronesia (9th session of the WGUPR, 1 – 12 November 2010)

IPs are not mentioned in the **National Report** [A/HRC/WG.6/9/FSM/1/Rev.1], the **Compilation of UN documents** [A/HRC/WG.6/9/FSM/2], and the **advanced questions** to the Federated States of Micronesia.

In the **Summary of stakeholders' information** [A/HRC/WG.6/9/FSM/3], EJ/PWAC/MSW/HRA/GI note (para. 23) that climate change threatens Micronesia's nine indigenous languages.

The **WGUPR report** [A/HRC/16/16 and Add.1] and the **Draft Report of the HRC 16th session** [A/HRC/16/L.41 (Advance Unedited Version), paras. 663-686] do not mention IPs.

Fiji (7th session of the WGUPR, 8 – 19 February 2010)

The **National Report** [A/HRC/WG.6/7/FJI/1], in its section on IPs' rights (paras. 32-39), presents the mandate of the Ministry of Indigenous Affairs and of the Fijian Administration; the social structure of the Fijian IPs and the registration of customary land titles; formulation of intellectual property legislation on the protection of traditional knowledge; language and culture revitalization programmes; and measures to respond to increasing demand for tertiary education assistance for the indigenous Fijians. As to resources communally owned by clans or families, insufficient registration of native traditional fishing grounds poses a major obstacle to indigenous participation in economic and social development. The Government is facilitating negotiations on extension of land leases for cash-crop cultivation with indigenous Fijian landowners, and promoting their participation in business to improve livelihoods. Fiji expresses its support for the Declaration.

According to the **Compilation of UN documents** [A/HRC/WG.6/7/FJI/2], a UNICEF report and the ILO Committee of Experts acknowledge measures aiming at improving education opportunities for indigenous Fijian students, but such policies are not focused on areas of ethnic concentration of disadvantage (para. 15). The CERD (para. 42) calls for a speedy return to democracy, based on the Constitution which provides for power sharing between the ethnic communities while ensuring respect for indigenous governance; and recommends (para. 58) reviewing the current land regime to resolve land rights issues in a conciliatory manner, and prevent further deterioration of the economic situation of non-indigenous Fijians [CERD/C/FJI/CO/17, paras. 4, 10, 22].

In the **Summary of stakeholders' information** [A/HRC/WG.6/7/FJI/3], PCRC recommend that Fiji be requested to invite the SRIP (para. 16). CCF, IRPP and LF-SRI report that ethnic division between indigenous Fijians and Indo-Fijians is an ongoing and fundamental problem that affects both economic and governance structures (para. 17). CCF and LF-SRI say access to land remains an ongoing source of tension between indigenous Fijian landowners and Indo-Fijian tenant farmers, leading to uncertainty and hindering economic and social development (para. 52). PCRC express concern about governmental policies and initiatives which impact IPs, their governing structures and their access to land and resources, without their prior consultation and informed consent (para. 60).

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

The **WGUPR report** [A/HRC/14/8] does not mention IPs. Among the **recommendations** which Fiji committed itself to examine (para. 71), Malaysia recommends enhancing the implementation of the 2020 Plan for Indigenous Fijians (42). Fiji accepts this recommendation [A/HRC/14/8/Add.1].

The **Draft Report of the HRC 14th session** [A/HRC/14/L.10 (Advance Unedited Version), paras. 402-431] does not mention IPs.

Guyana (8th session of the WGUPR, 4 – 14 May 2010)

The **National Report** [A/HRC/WG.6/8/GUY/1] informs on constitutional provisions for an Indigenous Peoples' Commission (paras. 10, 29); on legislation that promotes and protects IPs' rights (para. 12); on participation of Amerindian organizations in national consultation processes (para. 16); on constitutional and legal provisions protecting Amerindian peoples (paras. 26, 43). Guyana acknowledges the historical injustices IPs' have suffered and underscores governmental interventions to protect their rights (paras. 115-120), including establishment of the Ministry of Amerindian Affairs; legal titling for communal lands granted by the State to the 134 Amerindian communities; the 2006 Amerindian Act regarding protection of IPs' collective land rights and promotion of their

good governance (also para. 152); and representation of Amerindian communities in national-level mechanisms. Governmental programmes to improve Amerindian communities' standard of living include financial grants for community projects (paras. 122, 123); a programme to promote their access to primary and secondary education (paras. 69, 124, 125); improvement in Amerindian peoples' access to health care (para. 126); and improved road, telecommunication, and water and electricity infrastructures (paras. 127, 128). Guyana adopted the Declaration (para. 170).

The **Compilation of UN documents** [A/HRC/WG.6/8/GUY/2] highlights (para. 8) delays in establishment of the Indigenous Peoples' Commission [A/HRC/10/11/Add.2, paras. 22, 29]. The CERD notes (para. 9) the absence of a national strategy to address IPs' unequal enjoyment of their rights; and urges Guyana (para. 53) to improve indigenous children and adolescents' access to quality education [CERD/C/GUY/CO/14, paras. 11, 20]. The CRC expresses concern (paras. 16, 34) at persistent societal discrimination against Amerindian children, with many of them not registered at birth [CRC/C/15/Add.224, paras. 22, 29]. The CEDAW urges Guyana (para. 44) to undertake gender equality promotion programmes directed at Amerindian women [A/60/38, p. 143, para. 308]. The Independent Expert on minority issues and ILO Committee of Experts underscore (para. 40) Amerindian women's weak participation to the labour market [A/HRC/10/11/Add.2, para. 38]. The CERD expresses concern (paras. 47, 63) about disparities disproportionately affecting IPs in life expectancy, diseases and environmental pollution, caused in particular by mining activities; and urges Guyana to ensure availability of adequate medical treatment to IPs; Guyana responds that healthcare facilities exist in almost every Amerindian Village [CERD/C/GUY/CO/14, paras. 19, 28; Add.1, paras 78-86]. The 2005 Common Country Assessment emphasizes addressing Amerindian people's access and control over their lands, whose titling process is slow and conflicting with other land uses, including private mining or forestry (para. 55). In 2006 the CERD (paras. 54, 56, 63) expresses concern and makes recommendations about the lack of legal recognition of indigenous communities' property rights over their traditional lands; about granting to indigenous communities land titles that exclude water and subsoil resources and are based on inadequate criteria; about the discriminatory distinction between titled and untitled indigenous communities; about the fact that some decisions taken by indigenous communities' Village Councils are subject to the State's approval; and about the need for Guyana to seek IPs' informed consent prior to authorizing any operation that may threaten their environment [CERD/C/GUY/CO/14, paras. 15, 16, 19, 28]. Guyana responds in 2008 (para. 56), that there is no limitation to the control that Amerindians have over the lands they own, although the subsoil rights remain with the State; the Amerindian Act and Constitution protect their collective rights to occupy and use the land they do not own [CERD/C/GUY/CO/14/Add.1, paras. 26, 48, 49].

In the **Summary of stakeholders' information** [A/HRC/WG.6/8/GUY/3], UOCLIHRC underscore that many Amerindian women are victims of trafficking, as prevention efforts do not reach Amerindian communities: Guyana must enforce laws against human trafficking by educating the police force and judicial bodies, and increasing employment opportunities for Amerindian women (para. 12). UOCLIHRC recommend that Guyana enhance data collection to measure the effectiveness of existing health and education programs; increase access to medical facilities for Amerindian communities; provide incentives to bring healthcare workers and educators to the interior; provide these with cultural and language education; and provide bilingual education in indigenous schools (paras. 18, 19). STP and UOCLIHRC underscore that Amerindians have received titles over only a small part of the lands they claim; legislation that protects indigenous lands remains unenforced, making way for mining operations to expand, resulting in Amerindians' degradation and loss of lands, resources and livelihoods; UOCLIHRC recommend enhancing enforcement of domestic mining laws, honouring legal title to indigenous land, strengthening court systems in Guyana's interior areas and providing counsel to indigenous persons in order to protect their land (para. 20). UOCLIHRC acknowledge provisions in the 2006 Amerindian Act that improve protection of indigenous lands against mining interests, but note that Guyana should revoke the veto power of the Minister of Mines over IPs' decisions (para. 21); and strengthen Amerindian land rights to facilitate their forest management (para. 22).

Among the **advanced questions** to Guyana, Denmark enquires on promotion of IPs' rights, including land rights. Norway enquires on operationalization of the National Indigenous Peoples' Commission (also Slovenia) and on fulfilling IPs' rights to consultation.

In the **WGUPR report** [A/HRC/15/14], Guyana emphasizes its Commission on IPs, the Amerindian Act of 2006 and Amerindian organisations' participation to national consensus-building processes (paras. 6-9). Guyana's climate change adaptation and mitigation strategy was consulted with its Amerindian communities (para. 10). Guyana reiterates and updates information on governmental measures to promote and protect IPs' rights (para. 11). The Minister of Mines has veto power only in relation to large-scale mining deemed to be in the national interest, whereas communities have veto power in relation to small- and medium-scale mining (para. 12). Brazil emphasizes the Commission on IPs' rights (para. 35; also Norway, para. 38). Norway notes Guyana's commitment to promoting IPs' rights (para. 38; also Cuba, para. 36; Jamaica, para. 62; Trinidad and Tobago,

para. 63). Bolivia encourages Guyana to amend the Amerindian Act of 2006 to include IPs' right to land (para. 48). Mexico acknowledges information on IPs' land rights (also Trinidad and Tobago, para. 63) and enquires on indigenous women's political participation (para. 50). The USA expresses concerns about ongoing discrimination, violence and exploitation against IPs (para. 61). Guyana responds that it is considering ratification of various human rights instruments; reiterates that protection of IPs' rights, included in the 2006 Amerindian Act, is paramount; reports on indigenous women occupying positions in Government and the State apparatus (para.52); and reiterates information on institutions and legislation specific to indigenous issues, while noting that adverse public opinion forces the Government to strike a balance in closing the gap suffered by IPs (para. 66).

Among the **recommendations** that Guyana supports (para. 68), Nicaragua recommend adapting the domestic legal framework to international human rights standards on IPs (10); Cuba recommends pursuing protection and promotion of IPs' human rights (23); Libya recommends further protecting Amerindians from discrimination (24); and Norway recommends including IPs in the implementation of UPR recommendations (26). Among the recommendations that Guyana committed itself to examine (para. 70), Bolivia, Germany and Norway recommend ratifying ILO Convention 169, while Norway also recommends implementing the Declaration (10, 11, 12).

In its **response** [A/HRC/15/14/Add.1], Guyana reports that the Indigenous Peoples Commission is operational since September 2010 (para. 2); commits itself to consider ratifying ILO Convention 169 (paras. 35, 36); underscores compliance with the recognition of IPs' land rights and effective political participation (para. 37); and refers to information on Amerindian issues in its National Report (para. 38).

In the **Draft Report of the HRC 15th session** [A/HRC/15/L.10 (Advance Unedited Version), paras. 565-595], Guyana reiterates information on ILO Convention 169 (para. 569). China notes Guyana's commitment to promote the human rights of its Amerindian communities (para. 588).

Honduras (9th session of the WGUPR, 1 – 12 November 2010)

The **National Report** [A/HRC/WG.6/9/HND/1] highlights IPs among those suffering higher rates of poverty and illiteracy, whereas the Constitution requests the promotion of native cultures (paras. 113, 131). Governmental measures aim to improve IPs' standard of living and to ensure their culturally appropriate access to benefits of social programmes (paras 114, 115; also paras. 56, 57, 68). Recent institutional changes aim at ensuring IPs' effective enjoyment of human rights, resolution of land issues, and participation in legislative processes (paras. 116-119, 122).

The **Compilation of UN documents** [A/HRC/WG.6/9/HND/2] relates (para. 20) the CRC's concerns at persistent discrimination against indigenous children [CRC/C/HND/CO/3, para. 31]; and (para. 39) the Human Rights Committee's observation of widespread child labour in indigenous communities [CCPR/C/HND/CO/1, para. 12]. The UN country office reports that Honduras still lacks specific policies, public institutions or legislation for IPs, who live in rural areas characterized by multi-faceted exclusion (para. 68). The Human Rights Committee expresses concerns (paras. 69, 74) at discrimination faced by IPs in the areas of health, employment, education, and land rights, and at Honduras's failure to legally recognize ancestral indigenous lands titles [CCPR/C/HND/CO/1, para. 19]. ILO's Committee of Experts notes that in order to comply fully with Convention 169, Honduras must ensure IPs' participation in governmental bodies it establishes to liaise with them (para. 70).

In the **Summary of stakeholders' information** [A/HRC/WG.6/9/HND/3], CS indicate that IPs risk losing their ancestral homelands and natural resources and face violence and intimidation; Honduras must take a stronger stand against the illegal logging industry; mitigate the negative effects of hydroelectric projects and tourism, and ensure consultation of the IPs affected; respond to indigenous concerns regarding privatization of communal lands; and provide a safe environment for IPs to enjoy their right to freedom of speech (para. 67). IIMA recommend providing bilingual education; promoting recognition of indigenous culture as a national heritage in mainstream education; and improving indigenous children's access to school (para. 68).

Among the **advanced questions** to Honduras, the Czech Republic enquires on specific measures to protect IPs' rights.

In the **WGUPR report** [A/HRC/16/10], Honduras recognizes the direct impact of racial discrimination on IPs' enjoyment of human rights (para. 17). The USA welcomes the creation of a governmental body for IPs' development (para. 50). Austria emphasizes discrimination against IPs and the need to protect indigenous communities' lands (para. 53). Ghana asks about programmes to address high poverty and illiteracy rates among IPs (para. 69). Angola enquires about effectiveness of food security and educational policies targeted to IPs

(para. 77). Honduras highlights legislative measures to recognize IPs' ancestral rights, institutions to regulate land tenure, and investigations of alleged usurpation and other offences against indigenous communities (63).

Among the **recommendations** that Honduras supports (para. 81), the Czech Republic recommends legally ensuring IPs' enjoyment of human rights (1). Among the recommendations that Honduras considers as being implemented (para. 82), the Holy See and Nigeria recommend pursuing promotion of human rights through assistance to IPs (11); Ghana recommends ensuring non-discriminatory and culturally relevant eligibility criteria for IPs to receive benefits of social programmes (107); Angola recommends efforts to integrate IPs in the labour market (108). Among the recommendations that Honduras committed itself to examine (para. 83), Ecuador recommends ensuring respect for indigenous children's rights (6); Austria recommends enacting legislation to protect indigenous persons' land and natural resource rights (12).

In the **Draft Report of the HRC 16th session** [A/HRC/16/L.41 (Advance Unedited Version), paras. 523-552], Honduras accepts both Ecuador's and Austria's recommendations (para. 528). It informs on measures to increase IPs' protection against discrimination and violence, and against misappropriation of their lands and waters (para. 529). Plan International state that Honduras needs to establish an institution to protect indigenous children's rights (para. 543).

Kenya (8th session of the WGUPR, 4 – 14 May 2010)

The **National Report** [A/HRC/WG.6/8/KEN/1] underscores that land and natural resources rights of minority groups will be protected, such groups being culturally dependant on specific habitats they have lost access to (paras. 105, 106). Kenya will undertake an inventory of existing minority communities, and provide a legal framework to facilitate their land tenure and resource management systems (para. 107). The SRIP visited Kenya in 2006 (para. 111).

The **Compilation of UN documents** [A/HRC/WG.6/8/KEN/2] reports that the CESCR recommends (para. 18) recognizing the Nubians and Ogiek as distinct ethnic communities, and their right to their culture and identity [E/C.12/KEN/CO/1, para. 35]. The CRC notes (para. 58) the low school enrolment and literacy rates among indigenous children [CRC/C/KEN/CO/2, para. 69]. The SRIP makes recommendations (para. 60) concerning the minority hunter-gatherers and pastoralists, Kenya's indigenous communities, who live mostly in the arid and semi-arid lands and face discrimination of their livelihoods and cultures; lack of legal recognition and empowerment; loss and degradation of their land and natural resources; inappropriate development and conservationist policies; and lack of basic services [A/HRC/4/32/Add.3, p. 2].

In the **Summary of stakeholders' information** [A/HRC/WG.6/8/KEN/3], MPIDO/EWC/PISP/OPDP/MCSF/NZCT/IDCT/PHGEMN/CMRD/IWGIA urge Kenya to ratify ILO Convention 169 (para. 1), and implement recommendations by the SRIP and ACHPR (para. 10); and underscore systematic injustices against indigenous women within their communities (para. 21). They emphasize, with KSC and UNPO, the need to guarantee IPs' fundamental rights and to further their political recognition and participation (para. 60). Regarding violence in pastoral indigenous areas (paras. 61-63), MPIDO/EWC/PISP/OPDP/MCSF/NZCT/IDCT/PHGEMN/CMRD/IWGIA underscore impunity and recommend that Kenya investigate cases of violent conflicts, bring perpetrators to justice, compensate victims and put in place effective conflict prevention and resolution measures; CS report on violence and threats against Samburu villages, while government oil leases were recently awarded to foreign companies on Samburu land.

With regard to IPs' land rights (paras. 64-66), MPIDO/EWC/PISP/OPDP/MCSF/NZCT/IDCT/PHGEMN/CMRD/IWGIA and KSC recommend that Kenya recognize the usefulness of pastoralist land, and of indigenous communities' activities on their ancestral lands. Together with UNPO, they warn about forced eviction of Ogiek and Maasai IPs from the Mau forest, which these peoples have long used in a sustainable manner; note the impact of environmental degradation and tourism on the situation of Maasai people and recommend that Kenya refrain from extending Nairobi into their traditional lands; call on Kenya to address the invisibility of numerically small IPs in censuses (para. 66); and underscore the increasing mortality rate in indigenous communities due to inadequate public health facilities, the State's limited attention to their development, and the need to initiate a poverty reduction strategy (para. 67).

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

In the **WGUPR report** [A/HRC/15/8], Bolivia emphasizes the SRIP's recommendations (para. 39). Among the **recommendations** that Kenya supports (para. 101), Bolivia recommends implementing decisions of national judicial institutions and the ACHPR on indigenous rights (114). Among the recommendations that Kenya committed itself to examine (para. 102), Denmark recommends implementing the SRIP's recommendations (5). Norway recommends implementing the Declaration, including through constitutional recognition of land and

resource rights and political participation (6); Denmark and Norway recommend ratifying ILO Convention 169. Among recommendations that Kenya does not support (para. 103), Mexico recommends supporting the Declaration and devoting attention to the SRIP's recommendations (6); Malaysia recommends further promoting the rights and development of indigenous communities (7). Kenya argues against the use of the term 'indigenous peoples' in its domestic context, but recognizes marginalized communities' vulnerability (para. 109).

In the **Draft Report of the HRC 15th session** [A/HRC/15/L.10 (Advance Unedited Version), paras. 413-442] Kenya indicates that it accepts recommendations on protection of IPs' rights, in the context of the recognition by its new Constitution of the existence of "marginalized communities, which include indigenous communities" (para. 420). Conectas welcome this and suggest that Kenya fully implement recommendations relating to IPs, including those of the SRIP, and consider ratifying ILO Convention 169 and adopting the Declaration (para. 441). Kenya will soon consider ratification of ILO Convention 169 (442).

Kiribati (8th session of the WGUPR, 4 – 14 May 2010)

IPs are mentioned neither in the documentation submitted to the WGUPR, nor in the UPR outcome.

Lao People's Democratic Republic (8th session of the WGUPR, 4 – 14 May 2010)

The **National Report** [A/HRC/WG.6/8/LAO/1] informs on celebration of the International Day of the World's Indigenous Peoples (para. 22) and on TV and radio broadcasting in such languages as Hmong and Khmu (para. 34). The Constitution stipulates that the State pursues a policy of promotion of unity and equality, as well as economic development, among all 49 ethnic groups of the Lao People's Democratic Republic (Laos), while ethnic discrimination is prohibited (paras. 47, 49). Governmental actions directed at ethnic groups include eliminating illiteracy, encouraging ethnic people to change their livelihoods based on prejudicial customs or a nomadic way of life, creating development villages, and expanding infrastructure as well as education and healthcare networks (paras. 48, 55).

The **Compilation of UN documents** [A/HRC/WG.6/8/LAO/2] reports (paras. 24, 26) that the SRIP and other special procedures express concern at alleged deaths of civilians in the struggle of Hmong groups repressed by the Government because of their involvement in cold-war conflicts [A/HRC/6/15/Add.3, paras. 30, 32; A/62/286, para. 55; A/HRC/7/5/Add.1, paras. 68, 69; A/HRC/7/23/Add.1, paras. 29, 30; A/HRC/4/20/Add.1, p. 194]. In 2005, the CERD expresses concern (para. 25) at serious acts of violence against the Hmong, and urges allowing UN human rights bodies to visit the areas where they have taken refuge, and quickly finding a political and humanitarian solution to this crisis; Laos denies conflicts with the Hmong, but emphasizes acts of banditry [CERD/C/LAO/CO/15, paras. 21, 22, 29; and Add.1, para. 7]. The SRIP notes reports of arbitrary arrests and threats against IPs who defend their rights [A/HRC/6/15/Add.3, para. 36]. The UN country team reports that in 2008 and 2009 about three thousand Lao Hmong individuals allegedly "returned voluntarily" to Laos, but the UN did not have meaningful access to them; in December 2009, the UN Secretary-General urged Laos to respect the rights of these returnees (paras. 59, 60).

The SRIP expresses concern (para. 30) at the increasing number of indigenous women victims of sexual trafficking and prostitution [A/HRC/6/15/Add.3, para. 46]. The CEDAW urges Laos (para. 35) to ensure that women from ethnic minorities have effective access to justice, and expresses concern (para. 55) at their high illiteracy rates [CEDAW/C/LAO/CO/7, paras. 14, 33]. The CERD notes (para. 56) that provision of education in Lao is a major obstacle to the education and vocational training of persons belonging to ethnic groups [CERD/C/LAO/CO/15, para. 19]. Paragraph 57 refers to concerns by the SRIP as to relocation of IPs due to governmental economic programmes [A/HRC/6/15/Add.3, paras. 26-28; A/62/286, para. 47; A/HRC/4/32, para. 18, and Add.1, paras. 272-297; A/HRC/9/9/Add.1, paras. 257-269; A/HRC/12/34/Add.1, paras. 192-206]; meanwhile, the CERD notes Laos' policy of resettling members of ethnic groups, recommending that the Government endeavour to obtain their free prior and informed consent, and pay particular attention to the close cultural ties binding IPs to their land [CERD/C/LAO/CO/15, para. 18].

In the **Summary of stakeholders' information** [A/HRC/WG.6/8/LAO/3], STP note that Laos does not recognize the concept of "indigenous peoples"; ethnic minorities have little opportunity to influence governmental decisions affecting their traditional lands and natural resources (paras. 42, 43). Paragraphs 18, 19, 44 and 45 focus on the Hmong IPs: FIDH/MLDH and WHPC note that Laos continues to repress them because of their participation in cold-war conflicts; the decimated Hmong try to survive in the jungle, since they cannot settle for fear of being detected and persecuted; WHPC add that the Government classifies Hmong as "bandits" so that they can be legally killed. STP and AI express concern at reports of repatriation of thousands of Hmong who fled to Thailand, as the resettlement sites do not have sufficient and adequate facilities and resources, independent observers have no unfettered access, and the situation of most returnees is unknown. FIDH/MLDH note that in spite of governmental promises of amnesty, several of the Hmong who have given themselves up to

the authorities since 2005 have disappeared. STP note that many Hmong are illegally detained and draw attention to ill-treatment suffered by Hmong children deported back to Laos in 2005. WHPC note that Laos continues to violate the Hmong IPs' economic, social and cultural rights.

Among the **advanced questions** to Laos, Denmark enquires on steps to ensure the rights of IPs such as the Hmong, irrespective of national definition (also the Czech Republic). Germany enquires about governmental measures to prevent humanitarian emergency and respect the status of the Hmong recently resettled from Thailand, including those with UNHCR-“persons of concern” status (also UK, Sweden, the Netherlands).

In the **WGUPR report** [A/HRC/15/5], Laos reiterates its statement on its ethnic groups and prohibition of ethnic discrimination (para. 12). The Netherlands expresses concerns about the situation of the Lao Hmong returnees, including refugees recognized by UNHCR and selected for third-country repatriation (para. 35; also France, para. 34; Canada, para. 71, Hungary, para. 76; Slovakia, para. 81; New Zealand, para. 82; Australia, para. 83). Laos responds that the Hmong repatriated from Thailand were illegal migrants now safely welcomed back and settled; those who had considered migrating to a third country have now decided to stay and the Government welcomes international goodwill visits to their sites; the Hmong considered as “persons of concern” under the UNHCR mandate should no longer be seen as such (paras. 12, 50-54).

Among the **recommendations** that Laos supports (para. 96), Australia recommends issuing identification documents to all Lao Hmong returnees (19). Among the recommendations that Laos committed itself to examine (para. 98), Mexico recommends a national action plan to combat trafficking in persons, particularly indigenous women (21). Hungary recommends recognizing IPs' rights as set out in international law (24). Denmark recommends considering greater participation of IPs in governmental decisions, and ensuring that the Hmong enjoy equal integration into society (27; also Slovakia, para. 28). France recommends resolving the situation of the repatriated Hmong by settling their legal status in full cooperation with UNHCR (also Brazil, 30) and allowing delivery of international assistance (29). New Zealand, Canada, the UK and Australia recommend allowing the international community, namely UNHCR, meaningful access to Lao Hmong returnees from Thailand, to assess their conditions against international law (31). The Netherlands recommends allowing the Lao Hmong refugees who have received third-country invitations to migrate there (32).

In its **response** [A/HRC/15/5/Add.1], Laos supports in part recommendations 21, 24, 27, 28, 29, 31 and 32 of paragraph 98 (see above). In recommendations 21, 24, 27 and 28 (paras. 8, 9, 10 and 11), Laos rejects the term “indigenous people”; reiterates that its Constitution, laws and policies ensure equality and non-discrimination among its 49 ethnic groups, including the Hmong; and welcomes international assistance in complying with its international obligations. About recommendations 29, 30 and 31 (paras. 12, 27), Laos denies that the Lao Hmong returnees can be recognized as refugees under international law: the UNHCR has no need to get involved with them; Laos will continue to organise visits by the international community to Hmong returnees' villages, and pursue international dialogue on this matter (para. 27). As to recommendation 32, Laos' Constitution and laws guarantee the right to freedom of movement to all its citizens, including the Hmong returnees (para. 13).

In the **Draft Report of the HRC 15th session** [A/HRC/15/L.10 (Advance Unedited Version), paras. 317-345], Laos reiterates that the Hmong returnees are not persons of concern under international law (para. 326). AITPN urge the international community and the Lao authorities to monitor and address the continued human rights violations against the Hmong people (para. 341). AI regret that Laos only partially accepted recommendations concerning the Lao Hmong, and urge the Government to ensure unhindered access by humanitarian agencies to all returnees (para. 342).

Marshall Islands (9th session of the WGUPR, 1 – 12 November 2010)

IPs are mentioned neither in the documentation submitted to the WGUPR, nor in the UPR outcome.

Mauritania (9th session of the WGUPR, 1 – 12 November 2010)

IPs are not mentioned in the **National Report** [A/HRC/WG.6/9/MRT/1/Rev.1], the **Summary of stakeholders' information** [A/HRC/WG.6/9/MRT/3], and the **advanced questions** to Mauritania.

The **Compilation of UN documents** [A/HRC/WG.6/9/MRT/2] reports (para. 78) the CERD's recommendation that the State take steps to preserve the Berber language [CERD/C/65/CO/5, para. 22].

The **WGUPR report** [A/HRC/16/17 and Add.1] and the **Draft Report of the HRC 16th session** [A/HRC/16/L.41 (Advance Unedited Version), paras. 687-720] do not mention IPs.

Mongolia (9th session of the WGUPR, 1 – 12 November 2010)

The **National Report** [A/HRC/WG.6/9/MNG/1] does not mention IPs.

The **Compilation of UN documents** [A/HRC/WG.6/9/MNG/2] reports the Tuva IPs' children limited access to education, according to the UN country team (para. 60). The CERD acknowledges (para. 66) the 2005 Tuva Language Study programme, but expresses concern about the lack of practical measures to support minority languages and calls on Mongolia to facilitate ethnic groups' participation in elaborating bilingual education policies [CERD/C/MNG/CO/18, paras. 11, 21].

In the **Summary of stakeholders' information** [A/HRC/WG.6/9/MNG/3] AAKW/Itgel/MLGBTC/NAIDSF state that the Dukha IPs do not participate in policy making and recommend that government bodies remedy to this (para. 44); state that ethnic minorities who qualify under international standards as indigenous receive no special protection, and recommend that Mongolia ratify ILO Convention 169 (para. 62); underscore the lack of special protection for the Dukha reindeer-herding IPs, whose livelihood is threatened by aggressive hunting laws, and recommend that Mongolia award them rights of privileged use of natural resources (para. 64). AAKW/Itgel/MLGBTC/NAIDSF and HRCSCM/CGEM/ZFM/CFCM recommend that Mongolia adopt land tenure policies in consultation with IPs to ensure their customary use of pasture land and natural resources, in view of threats to their traditional nomadic lifestyle by extractive operations (para. 63).

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

The **WGUPR report** [A/HRC/16/5] does not mention IPs. Among the **recommendations** that Mongolia supports (para. 84), Slovenia recommends providing adequate protection to indigenous groups (113). Among the recommendations that Mongolia committed itself to examine (para. 86), Hungary recommends mandating the Constitutional Court to act upon violations of constitutionally guaranteed individual rights, notably IPs' land and environmental rights (3).

In the **Draft Report of the HRC 16th session** [A/HRC/16/L.41 (Advance Unedited Version), paras. 409-430], Mongolia rejects recommendation 86.3 as impractical for the Constitutional Court (para. 415). FORUMASIA regret this, as the land and environmental rights of indigenous and herder communities do not receive due attention (para. 425).

Nicaragua (7th session of the WGUPR, 8 – 19 February 2010)

The **National Report** [A/HRC/WG.6/7/NIC/1] informs on constitutional recognition of IPs' and the Atlantic Coast communities' rights (paras. 2, 6, 75). Compliance with decisions of the Inter-American Court of Human Rights is highlighted through the *Awás Tingni* case (para. 14). Nicaragua co-sponsored and signed the Declaration (para. 15). Nicaragua claims its Constitution goes beyond the provisions of ILO Convention 169; the Government has legally recognized the land rights, and issued land titles to the indigenous communities of the Caribbean Coast, so as to ensure their demarcation (paras. 64, 76). An Atlantic Coast Development Secretariat was established to liaise between the Autonomous Regional Councils of the Caribbean Coast and the State's ministries (para. 77).

The **Compilation of UN documents** [A/HRC/WG.6/7/NIC/2] reports (paras. 6, 7) that the Human Rights Committee welcomes the introduction of a special procurator for IPs [CCPR/C/NIC/CO/3, para. 8]. The CERD (para. 59) urges Nicaragua to speed up adoption of the act concerning IPs of the Pacific, central and northern regions [CERD/C/NIC/CO/14, para. 15]. The CERD and Human Rights Committee recommend (paras. 43, 65) that Nicaragua ensure IPs' full participation in public affairs and in elections with due regard for their conventions and customs [CERD/C/NIC/CO/14, para. 20; CCPR/C/NIC/CO/3, para. 20]. The CERD recommends (para. 64) that Nicaragua implement IPs' right to use their languages in judicial proceedings [CERD/C/NIC/CO/14, para. 19]; the UN country team emphasizes that adjustment of ordinary and indigenous justice systems should avert distortion of communities' governance bodies (para. 39). The UN country team notes promotion of compliance, since 2007, with the legislation on ownership of indigenous territories on the Caribbean Coast (para. 63). The CESCR and Human Rights Committee (para. 60) recommend consultations with IPs before granting concessions of the lands where they live [E/C.12/NIC/CO/4, paras. 11 (a), (b), (c); CCPR/C/NIC/CO/3, para. 21 (c)]. The CESCR, Human Rights Committee and CERD urge Nicaragua (para. 60) to immediately delimit, demarcate and grant land to the *Awás Tingni* community, and to prevent, halt and punish unlawful activities by third parties in these lands [E/C.12/NIC/CO/4, para. 11 (d); CCPR/C/NIC/CO/3, para. 21 (d); CERD/C/NIC/CO/14, paras. 21, 34]. A 2005 urgent appeal by the SRIP and SR on racism underscores that the failure to demarcate or grant title to community lands in compliance with the Inter-American Court of Human Rights' judgement, threatens the survival of the *Awás Tingni* community (para. 62). The SRIP states (para. 61) that he will continue to monitor this situation [A/HRC/12/34, para. 21].

As to the right to health and social services (paras. 66, 73), the UN country team underscores monolingualism and lack of cultural sensitivity among staff as barriers affecting indigenous women's access to healthcare services; the Human Rights Committee recommends guaranteeing such access to IPs [CCPR/C/NIC/CO/3, para. 21 (b)], while the CERD urges Nicaragua to provide IPs with financial and institutional support for traditional indigenous medicine, and (para. 54) to combat high rates of maternal mortality in the Atlantic Coast [CERD/C/NIC/CO/14, paras. 22, 23, 34]. The UN country team welcomes the establishment of the Autonomous Regional Education System, recognizing the right of IPs on the Caribbean Coast to intercultural education in their own languages (para. 7). The CESCR, Human Rights Committee, CERD and CEDAW (para. 58) recommend effective guarantees for IPs' right to education, reduction of illiteracy, and ensuring indigenous women's access to appropriate education [E/C.12/NIC/CO/4, paras. 11 (a), 30; CCPR/C/NIC/CO/3, para. 21 (a); CERD/C/NIC/CO/14, para. 24; CEDAW/C/NIC/CO/6, para. 32].

In the **Summary of stakeholders' information** [A/HRC/WG.6/7/NIC/3], CENIDH/OMCT/FIDH state that Nicaragua has yet to ratify ILO Convention 169 (para. 1); underscoring the 2005 order of the Inter-American Court for Human Rights, they regret that despite constitutional recognition, Nicaragua continues to prevent IPs' organisations to participate in elections (para. 35). CODENI note dramatically higher rates of maternal mortality, infant mortality, and chronic malnutrition in the Atlantic Coast Autonomous Regions, as well as very limited access to health services for children and adolescents (para. 43); and IPs' inadequate housing conditions and access to potable water (paras. 48, 49). CODENI also recommend highest priority on educating children in the Atlantic Coast (para. 53). PDDH-N note legislative recognition of IPs' communal property regime in the Atlantic Coast since 2002, and the granting of land ownership titles to nine indigenous territories (para. 55). CENIDH/OMCT/FIDH report that delimitation of all the indigenous territories is completed, but if the ownership title of the Mayangna IPs of *Awás Tingni* has been awarded, other communities are still waiting; this process also involves non-indigenous settlers occupying land designated as indigenous (para. 56). CODENI denounce that closing down the Special Ombudsman's Office on Indigenous Rights in 2005 was a clear violation of IPs' rights (para. 57).

Among the **advanced questions** to Nicaragua, Norway enquires on plans to ratify ILO Convention 169. Sweden enquires on measures to ensure indigenous persons' equal rights to education, health services and land.

In the **WGUPR report** [A/HRC/14/3], Nicaragua reiterates information on constitutional recognition of IPs' existence and rights (Bolivia acknowledges this in para. 43); its communal property law for IPs of the Atlantic Coast; the Atlantic Coast Development Secretariat; and the process of restoration of land rights to indigenous communities of the Atlantic Coast (paras. 24, 25). Kyrgyzstan appreciates the establishment of the commission on IPs' rights (para. 47). Vietnam notes the legal and judicial reforms and plans of action to protect IPs' rights (para. 52). Panama welcomes the establishment of a special procurator for IPs (para. 57). Sweden refers to IPs' discrimination as to education, health services, electoral participation and land rights (para. 71; also Israel, para. 70). India acknowledges the recognition of IPs' right to education in their own languages (para. 87). Nicaragua emphasizes training activities that include indigenous populations, on gender equality, violence prevention and citizen participation (para. 60).

Among the **recommendations** that Nicaragua supports and considers as implemented (paras. 90, 91), Malaysia recommends continuing to protect human rights on the Caribbean Coast (47; also Sweden (65) emphasizing rights to education, health care, and land). Israel recommends ensuring full participation of indigenous communities in public affairs (64). Among the recommendations that Nicaragua commits itself to examine (para. 92), Norway and Chile recommend ratification of ILO Convention 169 (4). Finland recommends revising the electoral law for autonomous regions, to involve all citizens in decision making (35).

In the **Draft Report of the HRC 14th session** [A/HRC/14/L.10 (Advance Unedited Version), paras. 237-274], Nicaragua informs it ratified ILO Convention 169 (para. 242; Bolivia and PDDH-N welcome this, paras. 260, 267) and, responding to Finland's recommendation, argues that IPs' rights are already legally recognized, and even constitutionally recognized for communities living on the Atlantic Coast (para. 253).

Panama (9th session of the WGUPR, 1 – 12 November 2010)

The **National Report** [A/HRC/WG.6/9/PAN/1/Rev.1] presents Panama's institutional framework related to IPs (paras. 32-34). IPs enjoy free access to public healthcare services (para. 65). Paragraphs 104 to 107 detail the articulation between the indigenous justice system administered by IPs' traditional authorities, and the ordinary justice system, including provision of interpretation services in indigenous languages and of alternative dispute settlement methods; underscore Panama's territorially delimited areas for the exclusive use of IPs (the *comarcas*), and legislation protecting and awarding collective titles to the lands of IPs who are outside the *comarcas*; and informs on intercultural bilingual education programmes in indigenous communities, focusing on

mother-tongue literacy. Paragraph 129 highlights the challenge of addressing increased disparity and poverty levels affecting IPs.

The **Compilation of UN documents** [A/HRC/WG.6/9/PAN/2] report (para. 2) the CERD's call for Panama to ratify ILO Convention 169, and to gather (para. 16) census information on IPs [CERD/C/PAN/CO/15-20, paras. 7, 10, 22]. The CRC draws attention (para. 43) to barriers to birth registration for indigenous children [CRC/C/15/Add.233, para. 29]. The 2006 UN Development Assistance Framework (UNDAF) warns that IPs' poverty, ongoing food insecurity and exclusion are among the most pressing problems (para. 55). The CERD expresses concern (paras. 26, 46) at IPs' difficulties in exercising their rights and the discrimination they face; consultations must be organized with them to draw up development plans and special measures for their enjoyment of social and economic rights, and Panama must step up measures to ensure the safety of indigenous leaders and communities [CERD/C/PAN/CO/15-20, paras. 11, 20]. The ILO Committee of Experts emphasizes serious disadvantages faced by indigenous women in accessing income-generating activities, given their low level of education (para. 52). The CEDAW emphasizes (paras. 58, 64) high rates of illiteracy and maternal mortality among rural indigenous women (also UNDAF, para. 57), as appropriate medical care is lacking [CEDAW/C/PAN/CO/7, paras. 34, 42]. The CERD notes with concern (para. 61) the levels of HIV/AIDS infection among Kuna people and IPs' limited access to sexual and reproductive health services [CERD/C/PAN/CO/15-20, para. 19]. The CRC expresses concern and makes recommendations (paras. 65, 66) about identity preservation of indigenous children, as bilingual education remains a challenge in indigenous areas [CRC/C/15/Add.233, paras. 52, 63, 64]. The Human Rights Committee expresses concern (para. 68) at shortcomings in health and education services for indigenous communities and non-recognition of the special status of those outside *comarcas* [CCPR/C/PAN/CO/3, para. 21]. The CERD takes note (paras. 8, 67) of legislative provisions for land ownership by indigenous communities outside *comarcas* and recommends ensuring that all IPs secure a *comarca* [CERD/C/PAN/CO/15-20, paras. 8, 12]. As to consultation (paras. 69-71), the CERD (also UN country team) notes with concern that consultations on extraction or tourism projects have often been left in the hands of the private firms, and recommends that Panama institute appropriate consultations mechanisms with communities potentially affected by such projects so as to obtain their free prior and informed consent, and provide effective redress, compensation, and relocation for persons facing displacement [CERD/C/PAN/CO/15-20, paras. 14, 15]. After a visit in 2009, the SRIP issued a report (paras. 72, 73) on the human rights situation of communities affected by the Chan 75 hydroelectric project, pointing to the lack of proper consultation before the Government authorized the project [A/HRC/12/34/Add.5, para. 60]. Panama replied denying human rights violations and lack of prior consultation. The CERD urged Panama to pay careful attention to the statements and decisions of regional and international bodies, including the IACHR [CERD/C/PAN/CO/15-20, paras. 11, 16, 20].

In the **Summary of stakeholders' information** [A/HRC/WG.6/9/PAN/3], COPODEHUPA/CEASPA/CEMP recommend that Panama ratify ILO Convention 169 (para. 1); so do ASAMCHI/AIDA/CEASPA, also pointing out that the National Assembly has repealed the only laws providing for prior consultations on development projects that affect IPs' traditional lands (paras. 2, 53). CCSP state that absence of a policy on IPs and failure to respect their rights are eroding their culture, while they suffer from extreme poverty, illiteracy, and racial discrimination (para. 11, 17). UOCLIHRC draw attention to the hardship that indigenous detainees suffer in the prison system (para. 23), while ACPJ emphasize lack of articulation between the ordinary and indigenous justice systems in the *comarcas* (para. 30). AMUPA emphasize obstacles to indigenous women's access to land, credit, technology and social security coverage (para. 42). COPODEHUPA/CEASPA/CEMP and AMUPA mention the alarming level of maternal mortality among indigenous women (para. 46; also UOCLIHRC, para. 43). COPODEHUPA/CEASPA/CEMP and IIMA/VIDES underscore the disparities facing IPs in living standards, poverty and access to basic social services (paras. 44, 45). UOCLIHRC draw attention to IPs' worsening health situation, lack of access to culturally sensitive healthcare services, and the particular vulnerability of indigenous children (paras. 43, 45), as well as their inadequate access to intercultural bilingual education (para. 49, 50). CS highlight that in spite of strong protection offered by the system of *comarcas*, the Government fails to effectively protect IPs, in particular when national development and exploitation of natural resources are at stake (para. 52). Consequently, UOCLIHRC underscore inadequate food production and environmental degradation; numerous cases of forced eviction without compensation; and Panama's failure to grant territories to some IPs (para. 55). ASAMCHI/AIDA/CEASPA recommend that Panama adopt the recommendations of the SRIP, CERD and IACHR (para. 54), and incorporate the Declaration into domestic law (para. 53).

Among **advanced questions** to Panama, the Czech Republic enquires on combating maternal mortality among indigenous women. Referring to the report by the SRIP on the Chan 75 hydroelectric project, Germany enquires on better protecting the human rights of IPs affected by large industrial or mining projects, while the Netherlands enquires on guaranteeing the territorial integrity of traditional indigenous lands. Norway enquires about ratification of ILO Convention 169, and about further efforts to ensure IPs' rights to land, consultation, education and health services.

In the **WGUPR report** [A/HRC/16/6], Panama underscores legislation recognizing IPs' cultural heritage, and the recommendation by a governmental ad-hoc committee to ratify ILO Convention 169 (paras. 20, 72). Following the CERD's concern, France enquires on protecting the security of indigenous communities (para. 27). Germany asks about plans for bilingual and cultural education for indigenous children (para. 31). China states that IPs' human rights need to be further guaranteed, and emphasizes addressing poverty among IPs and ensuring their right to education (para. 33; also Guatemala, para. 42). Brazil asks about policy and legal framework for the promotion of IPs' rights (para. 35; also Hungary, para. 32). The UK emphasizes the high incidence of poverty in indigenous communities (para. 37). Italy asks about participation of indigenous communities in the country (para. 38). Argentina asks about guaranteeing indigenous communities' economic, social and cultural rights (para. 48). Peru welcomes IPs' free access to healthcare (para. 55). Ecuador emphasizes recognition of IPs' judicial system and right to their territories (para. 57; also Trinidad and Tobago, para. 58). Trinidad and Tobago encourages Panama to protect IPs' cultural identity (also China, para. 33) and traditional knowledge systems (para. 58). In responding, Panama underscores consultations on mining and hydroelectric projects with indigenous communities in the Ngobe Bugle area (para. 44); informs about specific education and healthcare indicators and programmes for the Kuna Yala, Embera and Ngobe Bugle regions (para. 45); and underscores several national forums addressing indigenous issues (para. 65).

Among the **recommendations** that Panama supports (para. 68), Chile recommends considering ratification of ILO Convention 169 (4). Norway recommends IPs' participation in the implementation of UPR recommendations (10). Brazil recommends particular attention towards IPs in combating human rights violations (26). Mexico, Nigeria and Haiti recommend guaranteeing birth registration for indigenous children (27, 28, 29). Peru recommends increasing efforts in promoting IPs' economic, social and cultural rights (31). Spain recommends making indigenous policies a cross-cutting pillar for all government policies (35). Uruguay recommends fully implementing existing standards regarding IPs' education (36). Among the recommendations that Panama considers as being implemented (para. 69), Argentina recommends eliminating discrimination against IPs (8). The Netherlands recommends addressing the root causes of child labour in indigenous communities (15). Norway recommends implementing the Declaration, including recognition of IPs' right to land and natural resources (31); and conducting prior consultations with indigenous communities, as required by international standards, in relation to all developments that might affect them (32; also the UK, 33). Among recommendations that Panama committed itself to examine (para. 70), Brazil, Norway and Ecuador recommend ratifying ILO Convention 169 (7, 8).

In its **response** [A/HRC/16/6/Add.1], Panama provides comments on accepted recommendations that it considers as already being implemented, referring in particular to the development of a national plan to combat discrimination, including against IPs; to efforts to reintegrate indigenous children in the educational system; to legislation creating the various indigenous *comarcas* and allowing for the titling of lands of indigenous communities outside *comarcas*; and to legal provisions on consultation with and compensation of IPs regarding the use of their resources. Regarding recommendations 70.7 and 70.8, Panama informs that a bill for ratification of ILO Convention 169 will soon be submitted to Parliament.

In the **Draft Report of the HRC 16th session** [A/HRC/16/L.41 (Advance Unedited Version), paras. 431-458], Panama reiterates information about ratification of ILO Convention 169 (para. 438), and underscores legislation recognizing IPs' right to land, the realization of consultations, and efforts to build dialogue with IPs on mining activities (para. 444). Uruguay welcomes information on efforts made to reintegrate indigenous children into the educational system (para. 451). VIDES note that the current educational system neither provides bilingual education for IPs nor recognizes the value of indigenous culture, and recommend that, in order to address this, Panama provide adequate remuneration and training for teachers (para. 455).

Sweden (8th session of the WGUPR, 4 – 14 May 2010)

The **National Report** [A/HRC/WG.6/8/SWE/1] notes persistent discrimination against Saami people as one obstacle to full realization of human rights (para. 34). Sweden's reformed policy on national minorities, including the Saami, aims to improve their situation with regard to language revitalisation, participation in decision-making, and health care (paras. 75-78). Sweden refers to its apology for the discrimination and assimilation policies imposed upon the Saami IPs (para. 79); the Parliament recognized the Saami as the country's only IPs in 1977, and in December 2009 the Government proposed explicit constitutional recognition of the Saami (para. 80). The Saami Parliament is an elected body of the Saami people in Sweden, and the central administrative agency for reindeer husbandry (para. 81). Following harsh criticism, the Government is further consulting with the Saami a bill on Swedish Saami Policy that address land and resources issues, and consultation processes (para. 82). Sweden says it needs to clarify all legal consequences before considering ratification of ILO Convention 169 (para. 83); refers to local unresolved conflicts between reindeer owners and land owners (para.

84); and to the review of an agreement with Norway on pastures of reindeer-herding communities (para. 85). Protection of the rights of Saami persons is among Sweden's human rights priorities (para. 116).

The **Compilation of UN documents** [A/HRC/WG.6/8/SWE/2] reports (para. 4) that the CERD and CESCR encourage Sweden to adopt a Nordic Saami Convention and to ratify ILO Convention 169 [CERD/C/SWE/CO/18, para. 21; E/C.12/SWE/CO/5, para. 15]. The CERD and CEDAW express concern and make recommendations (paras. 27, 67) about continuing discrimination against the Saami [CERD/C/SWE/CO/18, para. 22; CEDAW/C/SWE/CO/7, paras. 38, 39]. Regarding Saami land disputes (paras. 67, 68, 81), the Human Rights Committee remains concerned about limits to the Saami Parliament's participation in decision making on issues affecting the Saami, and about limited progress in respecting Saami rights and in studying their application; the Committee recommends that Sweden grant adequate legal aid to Saami villages in court disputes concerning land and grazing rights, provide for a flexible burden of proof, and consider other means of settling land disputes [CCPR/C/SWE/CO/6, paras. 20, 21] – so does the CERD, also recommending that Sweden further study methods by which Saami land and resource rights could be established, taking into account the Saami oral tradition [CERD/C/SWE/CO/18, paras. 19, 20, 28]. Sweden's response notes that a basic principle of its legal system is that the claimant of a certain right also had the burden of proof [CERD/C/SWE/CO/18/Add.1, paras. 30, 31]. In 2008, the SRIP draws attention (para. 69) to effects of a proposed relocation of mining operations on traditional activities of Saami communities, and to the inadequate circumstances of the consultation initiated by the Government in this case [A/HRC/12/34/Add.1, paras. 399-403].

In the **Summary of stakeholders' information** [A/HRC/WG.6/8/SWE/3], UNA-Sweden and SC recommend that Sweden ratify ILO Convention 169, and implement the Declaration in full cooperation with the Saami (para. 1). STP report that Sweden officially recognized Saami as a minority language in 2000, with provisions for bilingual education and for the use of Saami in public administration; however, implementation is limited by lack of officials proficient in Saami and, as underscored by CoE-ACFC, by a limited offer of bilingual education and shortage of teachers (para. 35). Regarding land rights (paras. 36-38), UNA-Sweden note that the Saami IPs do not have constitutional protection and their land and resource rights are systematically violated – increased resource exploitation leading to more conflicts; Sweden must transfer administration of land use and land rights in the reindeer husbandry area to the Saami Parliament, and ensure that Saami communities are involved earlier in decision making. STP report on various mining projects affecting Saami IPs. SC recommend that Sweden allow its Boundary Delimitation Committee to demarcate the Saami people's traditional land it has identified, and legally recognize them; reverse the burden of proof in Saami land rights cases, and provide Saami parties with legal aid; introduce legislation that effectively protects the Saami people's possibility to continuously preserve its traditional livelihoods in competition with industrial activities, and implement the CERD's concluding observations regarding the Saami people's right to land.

Among the **advanced questions** to Sweden, Denmark enquires on the Saami people's political rights (also Norway on civil rights) and access to local natural resources. The UK enquires on promotion of the rights of Saami persons, and on the proposed Swedish Saami bill. The Netherlands enquires on governmental initiatives vis-à-vis Saami communities.

In the **WGUPR report** [A/HRC/15/11], Sweden reiterates information on recognition of the Saami IPs, on the Saami Parliament and on ratification of ILO Convention 169 (paras. 7, 19). Greece notes systematic violation of Saami rights, namely to their traditional lands and natural resources (para. 26) ; China asks about measures to address this (para. 84). Canada underscores concerns and good practices it shares with Sweden (para. 29). Iran notes persistent discrimination against the Saami (para. 37; also Turkey, para. 70; Austria, para. 74; the Netherlands, para. 80; Cuba for Saami children, para. 43). New Zealand enquires on resolution of Saami land issues (para. 45). Bolivia expresses concern about Saami participation in political decisions affecting them, especially on land issues; and enquires on expropriation of indigenous lands to install windmills (para. 47). South Africa asks about addressing discrimination against the Saami (para. 50; also Germany, para. 51). Norway notes slow progress with regard to the Saami people (para. 78). Burkina Faso welcomes development of programmes for indigenous communities (para. 88). Sweden responds that the Saami Parliament participates in monitoring its new strategy on minorities (para. 56); and reiterates information on amending its Constitution to explicitly recognise the Saami IPs, and on the Saami Parliament's increased responsibilities about reindeer herding (paras. 59, 93).

Among the **recommendations** that Sweden supports (para. 95), Norway recommends completing clarification on consequences of ILO Convention 169 ratification and considering this ratification (1, 2). Greece recommends constitutional recognition of the Saami people (3). Bolivia recommends incorporating international norms protecting indigenous children into domestic legislation (6). Canada recommends pursuing efforts towards improved dialogue and consultation with the Saami on policy and legislation development (68). Iran

recommends effective implementation of the Declaration in full cooperation with the Saami people (69). South Africa recommends ensuring Saami people's rights and access to land, cultural life and basic services in education, employment and health (70). Austria recommends studying methods to establish Saami land and resource rights based on their culture (71); and ensuring that Saami communities can participate actively in consultations relating to their resources (72). The Netherlands recommends further combating discrimination against Saami (also Russian Federation, 44) and protecting their economic, social and cultural rights in consultation with them (73). Among the recommendations that Sweden committed itself to examine (para. 96), Greece recommends transferring the administration of their land-user rights and land use to the Saami people (36). Bolivia recommends ratifying ILO Convention 169 (6); including representatives of the Saami people in all decision making concerning them (37); and providing support to the Saami people to enable them using legal resources to defend their rights (38).

In its **response** [A/HRC/15/11/Add.1], Sweden rejects the above recommendations in paragraph 96, arguing that the Government must maintain a balance between the competing interests of all individuals living in the same areas as the Saami and clarify all relevant legal issues before considering ratification of ILO Convention; reporting on a parliamentary process to increase the influence of the Saami Parliament; reiterating information on negotiations and dialogue regarding the Swedish Saami Policy bill, which includes the issues of consultation and involvement of the Saami in decision-making processes that affect them; and underscoring international jurisprudence that states that Saami villages are afforded reasonable opportunity to present their cases before national courts.

In the **Draft Report of the HRC 15th session** [A/HRC/15/L.10 (Advance Unedited Version), paras. 471-499], Sweden underscores that Saami persons must enjoy the same respect for their human rights as all other persons, and reiterates information on their constitutional recognition (para. 482). ICSA/IPNC/ICHR stress that the Saami people must be consulted on ratification and application by Sweden of ILO Convention 169, and on recognition of their land and territory rights (para. 493). EIP reiterate the importance of the UPR for the human rights of the Saami people, who are looking forward to implementation of the Declaration, the legal clarification regarding ILO Convention 169 ratification, the Nordic Saami Convention, and would welcome a national human rights institution (para. 495).

United States of America (9th session of the WGUPR, 1 – 12 November 2010)

The **National Report** [A/HRC/WG.6/9/USA/1], to illustrate protection of freedom of religion, mentions a case related to a Native American student (para. 20); mentions Native Americans in the process leading to universal enfranchisement (para. 24); and refers to inequalities faced by Native Americans with regard to tertiary education (para. 31). The report refers to the status of the 564 federally recognized Indian tribes and the basis of the Federal Government's relationship with them – tribal self-governance over internal and local affairs – as well as to past wrongs and current challenges (para. 38). The need for regular and meaningful consultation with Native American tribal leaders is emphasized (para. 39). Measures to address violence against women and children on tribal lands include a reform to increase prosecution and cultural sensitivity of prosecutors and law enforcement officers; a tribal council to provide ongoing advice on issues critical to tribal communities; empowerment of tribal governments to prosecute and punish criminals, prevent domestic violence and sex crimes, and combat drug and alcohol abuse (paras. 40, 41). The Department of Education assists school districts in offering educational opportunities to Native Americans (para. 47); and the 2010 Affordable Care Act will reduce disparities and discrimination faced by Natives Americans in access to healthcare (para. 71). The USA recalls its April 2010 announcement on a review of its position on the Declaration (para. 42).

The **Compilation of UN documents** [A/HRC/WG.6/9/USA/2] reports the CERD's concerns and recommendations (para. 40) about the incidence of sexual violence experienced by Native American women [CERD/C/USA/CO/6, para. 26]. The CERD also recommends (para. 64) that the State recognize the right of Native Americans to participate in the making of decisions affecting them, and consult with them before implementing any activity in their lands, and that the Declaration be used as a guide to interpret relevant State obligations under the ICERD [CERD/C/USA/CO/6, para. 29].

In the **Summary of stakeholders' information** [A/HRC/WG.6/9/USA/3], FPHRC, USHRN and EDM (also NIYC, IPLPP-UA/WSDP/HRRF/FPHRC) recommend endorsing the Declaration without qualification and, in partnership with IPs, fully implementing it and using it as a guide to interpret legally binding obligations vis-à-vis IPs (para. 3). AI indicate that full enjoyment of human rights of those under US jurisdiction is affected by indigenous status (para. 26). IPLPP-UA/WSDP/HRRF/FPHRC indicate that IPs continue to be subjected to widespread discrimination (para. 28; also USHRN); the US courts provide little protection to IPs' traditional religious practices (para.53); and most indigenous communities suffer grave economic and social deprivation (para. 59; also USHRN). AI emphasize and make recommendations on wide disparities in access to health care based on indigenous status (para. 61). Nation of Hawai'i (also IPNC/KF) recommend securing IPs' rights under

the ICCPR, while FPHRC (also NN, NNHRC, NIYC, USHRN) note that, as a Member of the HRC, the USA should set a positive example in upholding IPs' human rights (para. 69). NN and NNHRC (also NIYC) say the USA continues to deprive IPs of their right to equal protection under law (para. 70). IITC (also IPNC/KF, SIPC, USHRN, NNHRC, STP, EDM) recommend questioning the USA about: compliance with the CERD's and IACHR's decisions regarding the Western Shoshone; destruction, desecration, and denial of access to indigenous sacred areas; failure to consult with IPs and obtain their free, prior and informed consent regarding matters that directly affect their interests; unilateral termination of treaties with IPs; and failure to address violations of these treaties (para. 71). SIPC (also USHRN, NNHRC, EDM) note that in disregard of constitutional provisions, the USA does not negotiate with IPs (para. 72). STP emphasize the struggle of the Havasupai and Hualapai tribes against mining and their concern at the risk of radioactive pollution (para. 73). AIRRO make reference to the impact of banishment of Indians from their tribes (para. 74). TCANC (also DHCA, HD) indicate that IPs are still devastated by the culture and traditions forcibly induced to them (para. 75). DHCA recommend prohibiting forced relocation of IPs in the Americas (para. 83). IPLPP-UA/WSDP/HRRF/FPHRC note US disregard of the recommendations of human rights bodies regarding IPs' rights (para. 97).

Among the **advanced questions** to the USA, Germany enquires on follow-up of the CERD's recommendations on IPs' right to participate in decision making (also Bolivia), and on using the Declaration to interpret obligations under the ICERD. Bolivia enquires on guaranteeing extractive industries' respect for indigenous ancestral lands. Japan enquires on abolishing disparities faced by Native Americans in employment, housing, education, and health care. Norway enquires about endorsement of the Declaration and ratification of ILO Convention 169, and whether a national human rights institution would help advance indigenous issues.

In the **WGUPR report** [A/HRC/16/11], China expresses concern at the high incidence of poverty among Native Americans (para. 21). Libya expresses concerns at the denial of IPs' rights (para. 39). Australia welcomes efforts to address the gap between Native and other Americans (para. 42). Finland enquires on the review of the US position on the Declaration (para. 60; also Holy See, para. 68). Responding to questions on indigenous issues (paras. 56-58), the USA notes the many challenges faced by Native Americans and the laws and programmes set in place regarding tribal self-determination, health care reform, settlement of certain claims, and criminal justice issues, while highlighting recent efforts to increase consultation with tribal leaders, namely on the US position on the Declaration.

Among the **recommendations** (para. 92), Venezuela recommends ratifying without reservations several conventions and protocols, including the Declaration (1). Bolivia recommends implementing concrete measures consistent with the ICCPR to ensure IPs' participation in making the decisions affecting them (83). Finland recommends formulating policy guidelines for the promotion of IPs' rights in cooperation with IPs (85). Cuba recommends ending the unjust incarceration of political prisoners, including Leonard Peltier (154); and ending the violation of IPs' rights (199). Iran recommends guaranteeing the rights of indigenous Americans, and fully implementing the Declaration (200). Bolivia recommends recognizing the Declaration without reservations, and implementing it at all levels (201). Libya and Nicaragua recommend implementation of the Declaration (202, 206). Finland and New Zealand recommend pursuing the forward movement on the Declaration (203, 205). Ghana recommends using the Declaration as a guide to interpret the State obligations relating to IPs (204).

In its **response** [A/HRC/16/11/Add.1], the USA states (paras. 10-12, 29) that it cannot support the "without reservations" part in recommendation 1; supports recommendation 85; supports recommendations 83, 200, 202, 203, 205, and 206, as well as the second part of recommendation 201, consistent with the "Announcement of US Support for the UN Declaration on the Rights of Indigenous Peoples". The USA supports only the proposed objective in recommendation 199 and does not support recommendations 154 and 204.

In the **Draft Report of the HRC 16th session** [A/HRC/16/L.41 (Advance Unedited Version), paras. 721-756], the USA commits itself to working with tribal leaders to address recommendations on consultation (para. 728). Bolivia acknowledges US recognition of the Declaration (para. 743). ICSA/IPNC/KF/ICHR emphasize violations of the US Constitution and international obligations with regard to self-determination of Alaska and Hawaii, and regret that the USA rejects recommendation 154 on the unjust incarceration of political prisoners, while accepting another recommendation on the prevention of racial bias in the criminal justice system (para. 747). EIP underscore the high percentage of Native Americans among prison population, and the inhumane conditions of some of them in special prisons (para. 748). IMADR express concern at high prevalence of poverty among Amerindian populations and their over-representation in the prison population (para. 749).

3. HUMAN RIGHTS COUNCIL

18th session, Geneva, 12 – 30 September 2011

During the 18th session of the Human Rights Council, the reports of the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples were discussed during a clustered interactive dialogue, on September 20, 2011. On this same day, the afternoon meeting was dedicated to a panel discussion on indigenous peoples' languages and cultures, which was an indirect result to a proposal by the Expert Mechanism in 2010, and provided an opportunity to discuss its first two studies, on indigenous peoples' right to education, and to participate in decision making. On September 29, the Human Rights Council adopted without a vote its resolution 18/8 on human rights and indigenous peoples.

Interactive dialogue on indigenous peoples ²

James Anaya, Special Rapporteur on the rights of indigenous peoples (SRIP), underscores a need for reforms at domestic and international levels to apply the Declaration and other international instruments, which remains an outstanding challenge (also **CUBA, FINLAND, RADDHO, ICSA**). He welcomes the support to the Declaration by Canada and the USA (which underscores this); and has assisted several States in developing laws or policies to advance IPs' rights (also **PERU**). The report on the **Saami** people examines their situation in their traditional territory across Norway, Sweden and Finland (**SC** welcomes this as a good practice that could serve elsewhere), paying particular attention to self-determination; rights to lands, territories and resources; and efforts to revitalize Saami languages and establish culturally appropriate education. The report on the **Maori** people acknowledges the process for settling IPs' historical claims under the Treaty of Waitangi, while issuing recommendations to address its shortcomings (**NEW ZEALAND** acknowledges this). The report on the Republic of Congo underscores challenges in the implementation of the new Law on the Promotion and Protection of the Rights of Indigenous Peoples. The report on New Caledonia, France, notes that the **Kanak** people continue to face challenges to develop their cultural identity, secure their customary land and resource rights, and fully participate in political processes. The SRIP highlights some communications on cases of alleged human rights violations, namely the unrecognized **Bedouin** villages in the Negev desert, Israel; native customary rights in Sarawak, Malaysia; mining concessions in a region sacred to the **Huichol** people, in Mexico. The SRIP is currently studying the theme of natural resources extraction on or near indigenous lands. He underscores the need to establish a common ground of understanding among IPs, governmental actors, business enterprises and other relevant actors (also **MEXICO, VENEZUELA, PERU, GERMANY, Human Rights Ombudsman of Guatemala**). He will collaborate with other human rights mechanisms in formulating, by 2013, concrete recommendations based on human rights standards, to assist stakeholders in facing difficulties arising from such operations (**AUSTRALIA, NORWAY, FINLAND, GERMANY, PERU, CHILE, DENMARK**, and the **EU** acknowledge this; **FL** call for a compliance mechanism).

Vital Bamanze, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), says the final study on IPs and the right to participate in decision making [A/HRC/18/42] complements the 2010 progress report [A/HRC/EMRIP/2010/2]. The progress report establishes that the right to participate in decision making is based on universally accepted human rights treaties, ILO Convention 169 and the Declaration (also **ICE**). IPs' right to participate in decision making is a component of their right to self-determination and of the States' obligation to seek their free prior and informed consent.³ The final study focuses on good practices at different levels of decision making, which will hopefully provide States with practical guidance (also **GUATEMALA, PARAGUAY, VENEZUELA, NORWAY, FINLAND, CANADA, ICE**). However, the final study does not reflect that many IPs have been excluded from participation in decision making; the EMRIP was not able to verify all information received about good practices, including that they are indeed uncontroversially good. The EMRIP also approved its Advice n° 2 on IPs and the Right to Participate in Decision Making (the **EU** welcomes this), seeking to provide authoritative jurisprudential interpretation, and specific guidance regarding free prior and informed consent (also **CHILE** emphasizing consultation). The EMRIP proposes that the Human Rights Council (HRC) request the EMRIP to continue its work on the right to participate in decision making, with a focus on extractive industries, and undertake cooperative work with the SRIP and the Working Group on human rights and transnational corporations. This reflects the suggestions made to the EMRIP during its fourth session.

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

³ See also in Update 96 discussion of the progress report during the third session of the EMRIP.

The **Board of Trustees of the UN Voluntary Fund for Indigenous Populations** recalls the broadening of its mandate to sessions of the HRC and human rights treaty bodies, which will ensure that IPs' human rights concerns are channelled in the appropriate bodies and help focus the PF and EMRIP on their mandates. The Board calls for further contributions in the coming year. A 70 per cent drop in contributions over the past four years presents an extraordinary challenge for the Fund, established to make sure that IPs' voice is heard at the international level (also **AUSTRALIA**).

Recalling that indigenous children everywhere face glaring disparities and a wide gap between legal commitments and the realization of their rights, **UNICEF** would welcome guidance by the SRIP in its work, and emphasizes the new UN Indigenous People's Partnership (UNIPP), an important opportunity to integrate IPs' rights in programming at country level (also **FINLAND**).

South and Central America

GUATEMALA, as a concerned country, acknowledges IPs' situation as critical for all its development efforts, hence the need for their direct participation in decision making that affects them. The Government prepared legislation on consultation, with the assistance of ILO and the SRIP, but the process was interrupted. The Government is committed to engage in all forms of dialogue, namely on better addressing indigenous issues at local level. Commenting on the EMRIP's study, Guatemala finds very useful the presentation of the UN system contribution, international jurisprudence, and efforts towards compliance with the Declaration. Guatemala draws attention to its indigenous parliaments, which represent instances of political articulation.

The **Human Rights Ombudsman of Guatemala** agrees that Guatemala is facing high pressure in relation to extractive activities in IPs' territories, with serious impacts on their rights. He emphasizes the SRIP's recommendations on the need to develop a formal mechanism on consultation of IPs, to review the legislation on extractive activities, to overhaul environmental standards to allow IPs to participate in impact assessment studies, and for corporations to establish permanent dialogue and complaints mechanisms, under the supervision of relevant state agencies, and avoid human rights violations. The international community should assist Guatemala in implementing the SRIP's recommendations, especially those related to dialogue and consultations on integrating IPs' human rights in national development.

COSTA RICA, as a concerned country, emphasizes its jurisprudence concerning IPs' rights and protection of indigenous territories. Concerning the El Diquis hydroelectric project, the Government and the electricity company have decided to rectify the consultation process in conformity with ILO Convention 169, based on the SRIP's proposal, which urges to facilitate consultation without imposing it on IPs, allowing them to decide on the modalities of representation, and having a facilitating independent expert team to ensure sustainable results.

The UN has important work to do in remedying the discriminatory and greedy treatment that IPs have faced for over five centuries and **CUBA** will continue to support IPs' just claims.

MEXICO informs on its draft law on IPs' consultation, extensively consulted with IPs. Proposals and reflections by the EMRIP will certainly strengthen elaboration of this legislation. Mexico also acknowledges the SRIP's annual report, and welcomes the information regarding cases of consultation of IPs with regard to the granting of mining concessions.

PANAMA recalls recent protests by IPs against its mining legislation, which the National Assembly repealed after a few weeks. Its strategic development plan was elaborated with the participation of IPs' leaders and focuses on education, health and poverty. Land ownership legislation and IPs' land rights outside indigenous territories are being reinforced. The **Naso Teribe** and the **Ngöbe Bugle** IPs recently elected their traditional authorities.

VENEZUELA informs on its progress in demarcating IPs' lands and habitats. Development projects in their territories are subjected to consultation processes, so as to guarantee their social, cultural and economic integrity.

COLOMBIA acknowledges challenges in implementing its advanced legislation on IPs' rights. Efforts in this regard prioritize the recognition of IPs' territories; security and protection of indigenous communities; IPs' access to health services; protecting indigenous languages and implementing educational programmes. Colombia is developing a regulation on IPs' prior consultation.

ECUADOR has taken strict measures with regard to extractive activities, making possible a major control over its natural resources and the benefit arising from their exploitation, which also benefits to indigenous communities located in areas of extraction activities. A specific proposal, the "Yasuni ITT" initiative, aims at avoiding environmental and social harms from oil extraction to indigenous communities, including communities living in isolation.

PERU says the SRIP's report on the effects of extractive operations on IPs' human rights shows a new awareness of negative impacts of extractive activities (also **URUGUAY**). Extractive activities can positively contribute to the development of IPs, who have the right to free prior and informed consultation, and should receive benefits from extractive activities in their territories, while enjoying full respect for their culture.

BOLIVIA recognizes the important efforts by the SRIP in the promotion of the Declaration, and recommends his participation in the 2014 World Conference on Indigenous Peoples. Bolivia provides information on the creation

of a development fund for indigenous and farming communities, and on IPs' participation in the Bolivian Parliament through customarily elected representatives.

CHILE acknowledges that work by the SRIP and EMRIP supports national efforts to strengthen IPs' rights. Regarding the SRIP's report on communications (A/HRC/18/35/Add.1), Chile says that, about the situation of the **Mapuche** hunger strikers, various legislative reforms have adapted the anti-terrorism legislation, and that there is now a situation of normalcy which provides an opportunity to engage in dialogue with the **Rapa Nui** people.

The Constitution of **BRAZIL** recognizes IPs' permanent possession of the land they have traditionally occupied and exclusive enjoyment of land and water resources therein. Extractive operations can only take place with authorization of the national congress, after hearing the affected communities. Consultation, which is constitutionally guaranteed, aims at allowing affected populations to influence decision making: IPs should therefore receive timely and objective information sensible to their cultural context. A number of infrastructure projects have been altered after consultation with affected indigenous communities, including the Belo Monte Hydroelectric Plant.

URUGUAY emphasizes that a common normative framework based on human rights and institutional safeguards is necessary in the extraction of natural resources (also **FINLAND, DENMARK**). This can be achieved through the establishment of concrete principles that assist actors in complying with international norms on IPs' rights (also **DENMARK, National Congress of Australia's First Peoples**). Continued dialogue among stakeholders, including IPs, governments and companies, will be crucial in this regard (also **PARAGUAY, RUSSIAN FEDERATION**).

PARAGUAY suggests that the SRIP further promote States' good practices.

The **Peruvian Ombudsman Office** presented a bill on IPs' right to consultation in 2008, opening a wide debate; a further proposal was tabled after consultation with IPs (**James Anaya** acknowledges this as a positive example). The bill was approved by Parliament in June 2010, but the Government suspended the process, causing much anger among IPs. Under the new Government, the Act on the Right to Consultation was finally promulgated in September 2011; it represents a new milestone in the relations between the State and IPs (also **PERU**), and the Ombudsman Office will monitor compliance with ILO Convention 169.

CCJ agree that natural resource extraction projects are among the major sources of abuses of IPs' rights (also **NORWAY, National Congress of Australia's First Peoples, IBRO, RADDHO** for African IPs). The legal recognition of the indigenous territories remains insufficient in Colombia, while the Government keeps granting concessions to mining corporations on indigenous lands, without protecting IPs' rights to consultation and to free prior and informed consent. The HRC must support the SRIP in monitoring the application of his recommendations and of the Declaration in the context of natural resources exploitation.

FL underscore that since 1980, the Chilean Government has failed to consult the **Mapuche** people before establishing major privately-administered tree plantations in their territory. Mapuche demands for land have been criminalized, and the UN must monitor this closely.

APDH express concerns about IPs' situation of persecution and discrimination in Argentina, about territorial conflicts due to soy cultivation and large-scale mining, and about reports of attacks against communities with local authorities' acquiescence, and of harassment of a defender of IPs' human rights. APDH call on the Argentinian Government to address these issues.

North America

The **USA** has invited the SRIP in 2012. It supports the sustainable development of energy and mineral resources. Generally, tribes are beneficial owners of surface and subsurface natural resources within Indian Country. Regarding indigenous rights in the context of extractive processes, the USA emphasizes its National Environmental Policy Act, a socially inclusive process that addresses historical and cultural concerns and provides protection to tribes.

IASSW assert that the USA must fulfil its obligations towards the peoples of Hawaii and Alaska, addressing their right to their territories under the UN Charter. Poverty among IPs stems from the historical exploitation of their land and resources. Alaska must be re-inscribed on the list of non self-governing territories.

IITC and **ILRC/NN** draw attention to the San Francisco Peaks, a most sacred site for the **Navajo** people, where the US Forest Service authorized the use of recycled sewage water to make artificial snow, despite many Indian tribes' strenuous objections. All local remedies have been exhausted, and the USA failed to respond to the communication by the SRIP (the **USA** argues administrative oversight). IITC and NN filed separate complaints with the CERD. IITC and ILRC/NN hope that the USA will have to respond to urgent and real human rights concerns and comply with the legally binding obligation to protect IPs' right to practice their religion. ILRC/NN say the USA must engage in a comprehensive review of its policies to ensure compliance with international standards in relation to Native American Sacred Sites; and revoke the permit issued by the US Forest Service.

Africa

The **REPUBLIC OF THE CONGO**, as a concerned country, says poverty affects people from all groups in Congo, even though IPs are somewhat more affected. The new Law on Promotion and Protection of the Rights of Indigenous Populations improves protection of IPs' security, languages and property. The Republic of the Congo asks for continuing support to implement this new law and the SRIP's recommendations.

ETHIOPIA notes that an impact assessment of the Gibe III dam project was made and that it confirmed with the SRIP that no IPs will be displaced in the country.

Incomindios warn that the Rivers State Government in Nigeria has been consistently violating the the Declaration, including by seizing **Ogoni** IPs' farmland without seeking their free prior and informed consent, and by violent repression. A UN Environment Programme (UNEP) multi-year assessment shows that oil extraction has led to large-scale degradation of the Ogoni IPs' ecosystems, with devastating effects on their health and subsistence, and profound violations of their human rights. Nigeria must stop the ongoing large-scale land grabbing in Ogoniland by the Rivers State Government and immediately implement the recommendations of the UNEP report.

Asia and the Pacific

NEW ZEALAND, as a concerned country, emphasizes the Treaty of Waitangi and an upcoming review of constitutional arrangements which will address **Maori** IPs' representation in Government. New legislation was enacted that repeals the much criticised Foreshore and Seabed Act 2004: the Marine and Coastal Areas Act 2011 was widely consulted and reflects relevant international human rights standards, while restoring customary interests. New Zealand also emphasizes Maori IPs' participation in decision-making processes, their over-representation in the criminal justice system, their lower socio-economic status and a culturally-anchored social services programme (also **New Zealand Human Rights Commission**).

The **New Zealand Human Rights Commission** emphasizes recommendations by the SRIP, including the need to overcome the shortage of teachers in **Maori** language, and its own priority of addressing entrenched economic and social inequalities.

FRANCE, as a concerned country, recalls its position that collective rights cannot prevail over individual rights, recognised equally to all its citizens, and underscores convergences between the Declaration and the Nouméa Accord, which recognises damage to indigenous rights as part of the legacy of colonization, and explicitly notes the legal identity of the **Kanak** clan. France highlights its efforts towards development of the Kanak.

AUSTRALIA's native title and land rights regimes give IPs the right to negotiate with mining companies on access to their lands. Australia enquires with the SRIP about ways to ensure that such negotiations provide sustainable benefits to traditional owners, and with the EMRIP about ensuring indigenous women's participation in decision making.

CHINA underscores IPs' discrimination, supports the UN in promoting the rights of ethnic minorities and stands ready to strengthen cooperation.

VIVAT-Int/CPC disagree with the SRIP's view that the Customary Senate of New Caledonia is an example of good practice. CPC are currently working on conflict resolution, based on the customary social organisation of the **Kanak** indigenous clans, through a participatory land mapping method, in order to legally formalize traditional ownership titles and allow the clans to assert their right to free prior and informed consent for any development planed on their territories. France must fund the future truth and reconciliation commissions that Kanak clans will establish once their ancestral territories are recognized.

FAIRA, on behalf to the **National Congress of Australia's First Peoples**, suggest that the HRC also address indigenous issues under its agenda item on self-determination. The Congress urges States to utilize the EMRIP's study on IPs and the right to participate in decision making to ensure that IPs' decision-making procedures are respected, and to assist in building their capacities. The Congress reports on IPs' human rights in Australia, including upcoming negotiations with the Australian Government on a formal agreement for engagement, based on the Declaration (in this regard, **AUSTRALIA** emphasizes usefulness of the EMRIP's study on decision making); and cooperation with all major political parties about the current review of the Constitution.

Europe, the Circumpolar and Russia

NORWAY, as a concerned country, says the report of the SRIP contributes significantly to the advancement of the Protect, Respect and Remedy framework (A/HRC/17/31), by focusing on the impact of corporate activities on indigenous communities (also **URUGUAY**, **DENMARK**, **James Anaya**). Norway emphasizes the need for States and IPs to agree on consultation mechanisms, because such negotiations give the various stakeholders time to articulate their interests. Turning to the SRIP's report on the **Saami**, Norway highlights where its 2005 consultations between the Government and the Saami have not reached an agreement, and asks the views of the SRIP and EMRIP Chairperson on the development of formalized consultation procedures and their usefulness, especially where the economic stakes are high; and on ensuring that IPs' voices are heard in the HRC. Discussion

towards direct participation of IPs' own governance bodies and institutions will hopefully take place at the Council's September 2012 session.

The **Norwegian Centre for Human Rights** underscores that new proposals have decreased the **Saami** peoples' participation in the regulation of reindeer herding, without their free prior and informed consent. Norway should pay close attention to securing fishing rights in coastal areas for the Saami; and establish a truth and reconciliation commission.

FINLAND, as a concerned country, says the **Saami** people's cultural autonomy is guaranteed through the Finnish Saami Parliament, with whom all levels of the administration are obliged to negotiate. Finland informs on Saami participation in the Saami Nordic Convention's negotiations. With regard to the extraction of natural resources, new legislation on mining and water enhances the status of the Saami as an indigenous people and the position of the Saami Parliament. The new Finnish Government aims to ratify ILO Convention 169 and is drafting its first action plan on human rights.

SWEDEN, as a concerned country, acknowledges the SRIP's emphasis on increasing the ability of the Saami IPs to participate in decision making. A bill on strengthening the Swedish Saami Parliament is still being negotiated. The Saami are now constitutionally recognised as a people. Responding to concerns by the SRIP, Sweden refers to a recent finding by the European Court of Human Rights that the Saami villages are afforded reasonable opportunity to present their case effectively before the national courts; and says its has made significant financial allocations to the Saami Parliament to address climate change impacts on reindeer herding.

DENMARK is pleased to see that the recommendations of the SRIP and the EMRIP exhibit constructive synergies (also **ECUADOR**, **AUSTRALIA**, **RUSSIAN FEDERATION**). Denmark supports the proposals made in the EMRIP's fourth session report, which address several important issues including IPs and their right to participate in decision making in relation to extractive industries (also **BOLIVIA**, the **EU**).

The German Development Cooperation is engaged in preserving IPs' traditional land and territories in contexts of extractive operations. **GERMANY** asks what role can development cooperation play to support the realization of IPs' rights, and what does the SRIP see as priority measures for the sustainable advancement of IPs' cause.

The **EUROPEAN UNION** (EU) continues to support the promotion of IPs' rights as set out in the Declaration through various tools to build their capacity and ensure their development. The EU enquires on the EMRIP's views regarding the preparatory process for the 2014 World Conference on Indigenous Peoples.

SC welcome the report on the **Saami** by the SRIP, which addresses their most pressing human rights issues, including recognition of property land rights; failure of the Norwegian, Finnish and Swedish law on extractive industries to meet international standards; damage to reindeer herding communities by predators; and the scope of the Saami peoples' right to self-determination. SC call for implementation an follow-up of the SRIP's recommendations.

FL underscore the need for States to establish mechanisms for IPs' participation in decision making related to large-scale development projects. They recommend work on a convention based on the Declaration (also **ICSA**) and request that documents in the UN system be translated in all UN official languages.

IMTA argue that the EMRIP needs a mandate to treat complaints on gross violations of IPs' rights and to present recommendations to the Council.

ICE say that IPs see decision making as a collective process as opposed to parliamentary participation. Effective participation is conditioned by the relationship between States and IPs, and by public awareness and acceptance of indigenous rights. Governments should provide means to ensure IPs' participation at national level: reserved seats in parliament appear as a good measure but IPs must also participate in other state institutions.

The **SRIP James Anaya** concludes that the issue of the extractive industry is one of utmost importance. It is important that States have in place appropriate procedures for consulting with IPs, as experience shows that outcomes are otherwise often uncertain.

EMRIP member Wilton Littlechild says formalized consultation processes for IPs should include free prior and informed consent. The way forward in extractive industries is to focus on IPs' participation. Concerning the 2014 World Conference on Indigenous Peoples, he stresses the need for IPs' participation in advance of the conference (the **National Congress of Australia's First Peoples** urges the HRC to support this).

Panel discussion on the role of languages and culture in the protection of the well-being and identity of IPs

Kyung-wha Kang, Deputy High Commissioner for Human Rights, welcomes this opportunity to enhance the visibility of indigenous issues and hopes this will continue (also **EMRIP Chairperson Vital Bamanze, National Congress of Australia's First Peoples, EU, GUATEMALA, DENMARK, SUHAKAM**). Indigenous languages deserve urgent attention from the international community, as they are endangered everywhere (also **Vital Bamanze, EMRIP member Wilton Littlechild, FINLAND, EBLUL, RADDHO, Incomindios** for

Nigeria). Loss of language and culture is a process that often involves violations of human rights, including of the right to self-determination. Languages of powerful groups have spread, either through laws or through the prestige they carry (also **NORWAY**). There is a heartening potential to promote the survival of IPs' languages, illustrated by a wealth of mechanisms implemented by IPs themselves (also **CANADA**). The UN human rights system can provide expert guidance to States and IPs. This discussion should be a place to find constructive solutions, as well as political will, to support indigenous languages (also **Vital Bامبانze, SUHAKAM**).

The **SRIP James Anaya** states that IPs themselves underscore language as one of their inalienable rights, an integral part of their heritage. The fulfilment of this right has suffered from colonization and assimilation, which still represent barriers to IPs' demands (also **Kyung-wha Kang, Vital Bامبانze, Lester Coyne**). Relevant provisions of the Declaration include IPs' rights to transmit their culture (art. 13), to education in their own language (art. 14.3), and to technical and financial assistance (art. 39). In some domestic policies, indigenous languages have been recognized, at least in the places where they are used (as in **CHILE, FINLAND** for the **Saami** people). However, pressures from the dominant society, particularly on the youth, hinders their continuation. In some contexts, the right to practice one's language is denied simply by a negative environment (also **Vital Bامبانze**). Positive steps for the creation of more favourable environments have been taken, such as in New Zealand, Norway, Finland and Sweden. Still, Governments need to give a high priority to supporting IPs' language while protecting their land, territories, natural resources, and self-determination (also **GUATEMALA, FINLAND, Incomindios** for the **Ogoni** in Nigeria). States also need to foster appreciation for indigenous languages within the society at large (also **Javier Lopez Sanchez**). Language and culture are central to IPs: language cannot be divorced from their people and spirituality, from transmission of knowledge which closely link with indigenous identity (also **Kyung-wha Kang, Javier Lopez Sanchez, Lester Coyne, Wilton Littlechild, EU, GUATEMALA, PERU, BOLIVIA, FINLAND, NORWAY** emphasizing **Saami** traditional knowledge, **EBLUL, IWGIA**).

Vital Bامبانze, Chairperson of the EMRIP, says both studies completed by the EMRIP, on the right to education and on the right to participate in decision making, are relevant to this discussion (also **Kyung-wha Kang, EU**). The EMRIP based much of its analysis on the Declaration, which applies binding human rights norms to IPs' context, as for IPs' rights to language and culture (also **Kyung-wha Kang**), set out in article 27 of the ICCPR (also **NORWAY**). The study on education states that IPs' education rights include education in their own languages, wherever they are settled, and following their cultural methods of teaching and learning (also **SUHAKAM**); necessary funding should be provided; IPs should control institutions providing education in indigenous languages. Indigenous languages need to be taught in mainstream education (also **James Anaya**). One recommendation of the study on education, is that in seeking IPs' free prior and informed consent, information should be provided in a manner and form understandable to them. In some African countries, such as Morocco, local African languages are recognized and there are efforts to protect them.

Lester Coyne, Senior Regional Aboriginal Health Coordinator and Chairperson of the Native Title Land Clearance, Australia, says the 25 government-funded Centres of Aboriginal Languages receive little funding, making it difficult for them to develop long-term projects. Aboriginal languages are revitalized and transmitted by elders through oral and see/do culture, stimulating ownership and creativity. Low levels of formal education means paper-based education in languages is not helpful. Cultural gatherings have been used to help transmit languages but they are not frequent. The Federation of Aboriginal and Torres Strait Islander Languages (FATSIL) was established in 1991 to promote revitalization of Aboriginal languages through the support of community-based programmes. There is no national policy on Aboriginal language. Its low profile, along with degraded social conditions of the speakers, is the main obstacle to its legal recognition and to its use. Aboriginal languages still remain outside the national education curriculum, restricting their growth and general acceptance.

Javier Lopez Sanchez, Director General of Mexico's National Institute for Indigenous Languages, stresses that efforts to study and understand indigenous languages have sometimes served as instruments of domination. Language have also been used as a tool for discrimination, through stereotyping among both indigenous and non-indigenous people (also **NORWAY, IWGIA; EBLUL** denounce this). In 1992 Mexico recognized its multicultural and multilingual character (also **MEXICO**) and indigenous languages were recognized as national languages. It is important for language rights to promote multilingualism and multiculturalism (also **MEXICO**), through such means as standardizing writing systems, promoting the prestige of indigenous languages, teaching them, and professional training of interpreters and translators (also **MRAP/USTKE** for teachers). Linguistic and cultural diversity is as important as biodiversity to humanity (also **MEXICO, FINLAND**). Interculturality represents an achievement for multicultural projects and approaches; however, it requires a broad effort by the entire society.

MEXICO has the constitutional obligation to guarantee IPs' right to preserve and develop all components of their cultures. The Act on Linguistic Rights of IPs promotes the rights of indigenous language speakers. Mexico

enquires about innovative public policies and about the use of indigenous languages in participation in decision making, education and administration of justice.

GUATEMALA underscores its constitutional protection of IPs' collective right to cultural identity, and international instruments, to which it is party, related to the promotion of indigenous languages. Specific legislation recognises IPs' right to their own culture and language, and the need to promote the use of indigenous languages. Guatemala further highlights its publication online of videos on the contents of the Declaration and ILO Convention 169 in **Maya** languages.

Following constitutional recognition of **BOLIVIA**'s 36 indigenous languages, all public servants must, and are trained to, be able to use at least one indigenous language, in addition to Spanish. Promotion of multiculturalism as a way of life has made possible to recover valuable indigenous knowledge that Bolivia now promotes at international level, such as the rights of mother earth.

CHILE enquires on measures for the promotion, validation, use and revitalization of indigenous languages (also **BOLIVIA**). Bilingual intercultural education is being developed in indigenous communities, but only few indigenous persons speak and understand their languages. Chile informs on actions to promote the use of the Aymara language and the Mapuzugun.

Ensuring preservation of indigenous languages requests both national and multilateral policies, as many indigenous communities live across borders. **PERU** informs on activities to meet the challenges that linguistic and cultural diversity poses to the national education system. Bilingual intercultural education focuses on rural primary schools, with the aim to preserve indigenous languages as the sources of valuable ancestral knowledge.

The Constitution of **BRAZIL** guarantees to its IPs the use of their languages, many of which have very few speakers left. Brazil informs on the tools it is developing to document and protect endangered languages, along with production of didactic material, creation of a network of indigenous cultural agencies to foster the use of different media in the promotion of indigenous cultures, and elaboration of a National Plan on Languages with the participation of indigenous representatives.

PARAGUAY has two national languages, Spanish and Guaraní, and has the obligation to promote and protect the Guaraní language. It also promotes the revitalization and diffusion of other indigenous languages.

HONDURAS' Constitution provides for the preservation and development of indigenous cultures. Honduras informs on its programmes and institutional developments to promote the use of indigenous languages in the classroom, to guarantee enjoyment of IPs' human rights and address the persistent disparities they suffer, and to promote their development with identity.

CANADA provides information on its programmes and projects related to Aboriginal languages, and enquires on strategies to encourage the learning and revitalization of indigenous languages, particularly among the youth.

AUSTRALIA says that only 145 of its original 250 indigenous languages are still spoken, albeit critically endangered (also **Kyung-wha Kang, Lester Coyne**). In 2009 the Government announced a national policy on indigenous languages aiming at reinforcing indigenous languages and a programme provides funding to support community-based projects. Australia enquires on experiences in supporting new media and technologies in promoting and protecting indigenous languages and culture.

NEPAL informs on its legislation, regulations, policies, and programmes to protect and develop IPs' languages, and asks how the least developed countries can cope with the need of enhanced resources to finance indigenous mother-tongue education; and about the balance between IPs' right to mother-tongue education and the need to have quality education and learn mainstream international languages (also the EU).

In **NEW ZEALAND**, revitalization of the endangered **Maori** language began in the 1970s, through education initiatives, followed by Maori broadcasting. In 1987 the Maori was made an official language. Subsequent developments include setting up the Maori television service in 2003. Now one third of Maori can speak their language at least fairly well, and around 40% are able to understand or read it. There is still work ahead towards the objective that Maori widely speak their language by 2030.

The **RUSSIAN FEDERATION** refers to constitutional, legal and policy measures that protect, preserve and promote IPs' languages. IPs themselves include the need to protect languages and to improve access to education as part of their conception of sustainable development.

The **EUROPEAN UNION** (EU) respects linguistic diversity as stated in article 22 of the European Charter, seeking to further constructive policies that promote multilingualism as a way to protect human rights without hindering development. The EU enquires on best practices regarding indigenous language and culture policies that address IPs' situation.

Most speakers of indigenous languages are bilingual and parents tend to pass to their children the dominant language (also **Javier Lopez Sanchez**), resulting in a severed link with the older family members and with cultural knowledge (also **Lester Coyne, MRAP/USTKE** for the **Kanak** in New Caledonia). **NORWAY** asks about the effects of the perceived status of an indigenous language on health and emotional well being, and about the role of language revitalization to strengthen an indigenous community. Norway informs on its Plan of Action for **Saami** languages, which focuses on language visibility (also **NEW ZEALAND, Javier Lopez Sanchez**),

practical use, and education in Saami at all levels. Norway enquires about useful practical measures in language revitalization and visibility.

FINLAND says the growing urbanization of IPs is a challenge for indigenous languages. A governmental working group in collaboration with the Finnish Saami Parliament is preparing a revitalization programme focusing on education and social welfare. Finland enquires on good practices in revitalizing indigenous languages, and how to meet the challenges brought by urbanization of IPs.

DENMARK suggests that the selection of topics for future panels be based on deliberations during the sessions of the EMRIP, to ensure IPs' full participation. The 2009 Act on Greenland Self-Government recognizes Greenlandic as the official language of Greenland. One of the first actions of Greenland's Government in 2009 was to introduce new legislation and policy aimed at strengthening the use of Greenlandic in schools, public administration, and companies.

EBLUL state that to defend endangered indigenous languages and related elements of IPs' identities, a Convention on IPs' rights should be elaborated, based on the Declaration. The EMRIP should launch this process with the support of the HRC and the collaboration of the Council's Advisory Committee, and with the participation on IPs in the drafting process.

IWGIA say in Canada, the educational system was used to "take the Indian out of the man" by prohibiting the students to speak their language and to practice their culture. The damage was devastating and it will take generations to recover (also **James Anaya** for IPs in general). The Residential Schools Truth and Reconciliation Commission is but one attempt to heal the wounds. More efforts are needed that will incur added expenses to indigenous educational systems, which States should pay for. However, Canada continues to chronically underfund indigenous education in spite of its statements in support of indigenous languages. The Province of Quebec is also undermining the Kahnawake **Mohawk** IPs' right to control their educational system and their culture and language. IWGIA call on Canada to reinstate the cuts made to funding of indigenous schools. IWGIA also argue that indigenous educational systems are about education in indigenous culture and language (also **SUHAKAM**), with the extra burden of preparing children to function in the dominant society (also **Kyung-wha Kang**). IPs' survival depend on their control over their education.

Underscoring massive seizure by the Rivers State Government upon **Ogoni** lands, contrary to its obligation to protect IPs' cultural rights and well being, and lack of support to indigenous languages, **Incomindios** request recommendations regarding land grabbing vis-à-vis the Ogoni people's cultural protection. They enquire on the role of UNESCO in promoting indigenous cultures and languages in their strong relationship with land; on existing indicators to monitor language development and survival; and on the role of new constitutional regimes for the protection of IPs' cultures and languages.

SUHAKAM call on States to ensure that IPs' values, languages and cultures are placed in the centre of national policies and programmes related to their sustainable development and the integral well-being (also **Incomindios**).

MRAP/USTKE underscore that social marginalisation begins, for **Kanak** children, in the educational system. Preservation of mother tongue is an asset. However, in spite of provisions in the Nouméa Accord on Kanak languages, schools lag well behind in teaching them in new Caledonia.

James Anaya is encouraged by overall agreement about the importance of indigenous languages. Regarding the best strategy to pursue, persistent discriminatory attitudes against indigenous languages need to be acknowledged, and concerted efforts are needed to combat direct and passive discrimination (also **Vital Bamanze**). Access to government services and education often disregard indigenous languages and hinder revitalization efforts (also **Vital Bamanze**). IPs' central role in such efforts should also be emphasized, while the governments' role should be of financial assistance and facilitation. The effective education of children is best done in their mother tongue, and this should not be seen as an obstacle to quality education. There are good practices about urbanization and mixture of cultures. Cooperation of States and international agencies is necessary, including making sure that language revitalization issues are truly grounded in the indigenous communities themselves.

Vital Bamanze underscores that specific methods should be sought to protect languages when borders get in the way of people who speak the same languages. On how to encourage the use of indigenous languages by youth, **EMRIP member Wilton Littlechild** gives an example of his own community, where the IPs have put together a dictionary online.

Lester Coyne comments that the best practices were suggested by people who speak indigenous languages. Constitutional recognition of IPs provides an important input to their health situation. Immersion and early intervention are the most effective ways for households to become deeply involved in learning indigenous languages. Bilingualism is critical because it is much easier for children to learn a third language if they already speak two languages. In Australia, there are many verbal acknowledgements of rights, but no legal recognition. IPs should ensure that the States they live in have enacted appropriate legislation guaranteeing and protecting their rights. Many IPs have to bow to the economic realities and abandon their indigenous languages and

cultures. If people do not feel like learning the language, the struggle is lost, so it is very important to find the ways to motivate them to do so. Protecting indigenous languages is up to IPs too, particularly the youth, who need to be convinced that they have a role to play. IPs need to be more mindful and take more responsibility for themselves.

Javier Lopez Sanchez underscores visibility of languages: in Mexico, IPs are very pleased to know they can hear their languages on television and on the radio. With regard to public policy it is important to promote a participatory approach and the active engagement of IPs, rather than the imposition of certain policies. It is also important to include an intercultural focus in the academic curricula since many school books lack cultural content relevant for IPs. There are important results: in Mexico's most recent population census, the number of people identifying themselves as indigenous has increased by more than one half. The HRC should promote multilingualism, which is about valuing the possibility of speaking more than one language, as there are adversaries of diversity, including among States.

General debate on human rights bodies and mechanisms

SE express concern about Brazil's plans to build the Belo Monte dam complex on the Xingu River in violation of IPs' human rights (also **EJ/CCIA-WCC**), in spite of the IACHR's request to immediately suspend the licensing process pending proper consultations with potentially affected IPs. Brazil must immediately stop the plans to build the Belo Monte dam complex; implement domestic legislation and international agreements on protecting human rights and the environment, with special attention to IPs; and invest in energy efficiency and alternative energy sources.

IPs in the Brazilian Amazon forest, including the **Paiteer Surui** people, live under constant threat due to illegal logging, which destroys the forest on which they depend; logging companies evict them from their territories and threaten or kill opponents; development of transport infrastructures brings along invaders that also destroy the forest. **EJ/CCIA-WCC** call for the UN to urgently assist in protecting the lives of IPs in Brazil, in particular those living in voluntary isolation.

CHRAPA, Liberation and **IBRO** draw the Council's attention to the plight of IPs in North-East India, facing non-recognition (also **NS** for IPs in Bangladesh); forced eviction and violations of their legally established rights over the forests from which they depend; obstacles to political representation; non-recognition of their rights to language, culture and identity; and militarization. The SRIP must seek information from the Indian Government and visit North-East India (also **Liberation, IBRO**).

Human Rights Council Resolution 18/8 – Human rights and indigenous peoples (highlights)

The Human Rights Council,

[...]

Welcoming General Assembly resolution 65/198 of 21 December 2010, in which the Assembly expanded the mandate of the UN Voluntary Fund for Indigenous Populations so that it can assist representatives of indigenous peoples' organizations and communities to participate in sessions of the HRC and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including ECOSOC resolution 1996/31 of 25 July 1996, and inviting States to contribute to the Fund,

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

Recognizing also that the study on education of the EMRIP [A/HRC/12/33] highlights the fact that education is an important way to contribute to the maintenance of indigenous cultures,

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

1. *Welcomes* the report of the UN High Commissioner for Human Rights on the rights of indigenous peoples [A/HRC/18/26], and requests the High Commissioner to continue to submit to the HRC an annual report on the rights of IPs containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the SRIP and the official visits he has made in the past year, takes note with appreciation of his report [A/HRC/18/35], 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 67th session [2012];
4. *Welcomes* the work of the EMRIP and takes note with appreciation of the report on its fourth session [A/HRC/18/43];
5. *Also welcomes* the practice adopted during the third and fourth sessions of the Expert Mechanism of devoting specific time to the discussion of updates relevant to past mandated thematic studies of the Expert Mechanism, recommends that the Expert Mechanism adopt this practice on a permanent basis, and encourages States to continue to participate in and contribute to these discussions;
6. *Encourages* States to consider, in cooperation with IPs and on the basis of past advice of the Expert Mechanism, initiating and strengthening, as appropriate, legislative and policy measures that prioritize education in the design and implementation of national development strategies affecting IPs, including measures that will strengthen the culture and languages of IPs;
7. *Welcomes* the completion by the Expert Mechanism of its final study on IPs and the right to participate in decision-making [A/HRC/18/42] and the inclusion of the examples of good practices at different levels of decision-making therein, including those in connection with the activities of extractive industries, and encourages all interested parties to consider them a practical guide on how to attain the goals of the UN Declaration on the Rights of Indigenous Peoples;
8. *Requests* the Expert Mechanism to continue to build on its previous studies, including its study on IPs and the right to participate in decision-making, as laid out in the Expert Mechanism's latest report;
9. *Also requests* the Expert Mechanism to prepare a study on the role of languages and culture in the promotion and protection of the rights and identity of IPs, and to present it to the HRC at its 21st session [September 2012];
10. *Further requests* the Expert Mechanism to undertake, with the assistance of the Office of the High Commissioner, a questionnaire to seek the views of States on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the UN Declaration on the Rights of Indigenous Peoples;
11. *Welcomes* the adoption of General Assembly resolution 65/198, in which the Assembly decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of IPs, including to pursue the objectives of the UN Declaration on the Rights of Indigenous Peoples, and stresses the importance of the open-ended consultations that will be conducted by the President of the Assembly with Member States and with representatives of IPs in order to determine the modalities for the meeting, including the participation of IPs in the Conference;
12. *Also welcomes*, in this regard, the preparatory process, and requests the Expert Mechanism, in accordance with General Assembly resolution 65/198, to discuss the upcoming World Conference and, together with other relevant mechanisms on IPs' issues, to contribute to the exploration of the modalities for the meeting, including IPs' participation in the World Conference and its preparatory process;
13. *Requests* the Secretary-General, in cooperation with the Office of the High Commissioner, the Office of Legal Affairs and other relevant parts of the Secretariat, to prepare a detailed document on the ways and means of promoting participation at the UN of recognized IPs' representatives on issues affecting them, given that they are not always organized as non-governmental organizations, and on how such participation might be structured, drawing from, inter alia, the rules governing the participation in various UN bodies by non-governmental organizations (including ECOSOC resolution 1996/31) and by national human rights institutions (including HRC resolution 5/1 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005), and to present it to the Council at its 21st session;
14. *Decides* to hold, on an annual basis and within existing resources, a half-day panel discussion on the rights of IPs and, in this regard, to hold, at its 21st session, a half-day panel discussion on access to justice by IPs;
15. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to fulfill that role effectively, including with the support of the Office of the High Commissioner and, in that regard, welcomes the initiative by the Office and national human rights institutions to develop an operational guide for such institutions with the objective of attaining the goals of the UN Declaration on the Rights of Indigenous Peoples, and encourages its widest dissemination upon its completion;
16. *Also welcomes* the ongoing cooperation and coordination among 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, and welcomes, in this regard, their permanent effort to promote the UN Declaration on the Rights of Indigenous Peoples;

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

18. *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 for that Declaration;

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

20. *Also welcomes* the establishment of the UN-Indigenous Peoples Partnership, and encourages the Partnership to carry out its mandate regarding the UN Declaration on the Rights of Indigenous Peoples through the mobilization of resources and in close cooperation and coordination with States, IPs, HRC mechanisms, UN bodies and agencies relating to IPs, national human rights institutions and other stakeholders;

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

Abbreviations

AAKW:	Arular Association of Kazakh Women
ACHPR:	African Commission on Human and Peoples Rights
ACPJ:	Alianza Ciudadana Pro Justicia, Panamá
AI:	Amnesty International
AIDA:	Asociación Interamericana para la Defensa del Ambiente
AIRRO:	American Indians Rights and Resources Organization
AITPN:	Asian Indigenous and Tribal Peoples Network
AMUPA:	Alianza de Mujeres de Panamá
APDH:	Asamblea Permanente por los Derechos Humanos
ASAMCHI:	Asociación Ambientalista de Chiriquí, Panamá
CCF:	Citizens' Constitutional Forum, Fiji
CCIA-WCC:	Commission of the Churches on International Affairs of the World Council of Churches
CCJ:	Comisión Colombiana de Juristas
CCSP:	Centro de Capacitación Social de Panamá
CEASPA:	Centro de Estudios y Acción Social Panameño
CEDAW:	UN Committee on the Elimination of Discrimination against Women
CEMP:	Centro de la Mujer Panameña
CENIDH:	Centro Nicaragüense de Derechos Humanos
CERD:	UN Committee on the Elimination of Racial Discrimination
CESCR:	UN Committee on Economic, Social and Cultural Rights
CFCM:	Child Protection Center, Mongolia
CGEM:	Center for Gender for Equality, Mongolia
CHRAPA:	Centre for Human Rights and Peace Advocacy
CMRD:	Centre for Minority Rights Development
CODENI:	Federación Coordinadora Nicaragüense de ONG que trabajan con la Niñez y la Adolescencia
CoE-ACFC:	Council of Europe Advisory Committee on the Framework Convention for the Protection of national Minorities
COIDHB:	Colectivo de Organizaciones e Instituciones de Derechos Humanos de Bolivia
Conectas:	Conectas Direitos Humanos – Conectas Human Rights
COPODEHUPA:	Coordinadora Popular de los Derechos Humanos de Panamá
CPC:	Congrès Populaire Coutumier, Nouvelle-Calédonie
CRC:	UN Committee on the Rights of the Child
CS:	Cultural Survival
DHCA:	Diné Homeowners & Communities Association
DPB:	Defensoría del Pueblo de Bolivia
EBLUL:	European Bureau for Lesser-Used Languages
EDM:	Episcopal Diocese of Maine
EIP:	World Association for the School as an Instrument of Peace
EJ:	Earth Justice
EWC:	Endorois Welfare Council
FAIRA:	Foundation for Aboriginal and Islander Research Action
FIDH:	International Federation for Human Rights
FL:	France Libertés – Fondation Danielle Mitterrand
FORUMASIA:	Asian Forum for Human Rights and Development
FPHRC:	First Peoples Human Rights Coalition
GI:	Greenpeace International
HRA:	Human Rights Advocates
HRCSCM:	Human Rights Center to Support Citizens, Mongolia
HRRF:	Human Rights Research Fund
IACHR:	Inter-American Commission on Human Rights
IASSW:	International Association of Schools of Social Work
IBRO:	International Buddhist Relief Organisation
ICCPR:	International Covenant on Civil and Political Rights
ICE:	Indian Council of Education
ICERD:	International Convention on the Elimination of Racial Discrimination
ICHR:	International Council for Human Rights
ICSA:	Indian Council of South America

IDCT:	Ilchamus Development Consortium Trust
IED:	International Education Development
IIMA:	Instituto Internazionale Maria Ausiliatrice
IITC:	International Indian Treaty Council
ILRC:	Indian Law Resource Centre
IMADR:	International Movement against Discrimination and All Forms of Racism
IMTA:	Indian Movement "Tupaj Amaru"
Incomindios:	International Committee for the Indigenous of the Americas
IPLPP-UA:	Indigenous Peoples Law and Policy Program of the University of Arizona
IPNC:	Indigenous Peoples and Nations Coalition
IRPP:	Institute on Religion and Public Policy
Itgel:	Itgel Foundation
IWGIA:	International Work Group for Indigenous Affairs
KF:	Koani Foundation
KSC:	Kenya Stakeholders' Coalition for the Universal Periodic Review
LF-SRI:	Lechuga Foundation Fiji – Sexual Rights Initiative
MCSF:	Maa Civil Society Forum
MLDH:	Mouvement laotien pour les droits de l'homme
MLGBTC:	Mongolian LGBT Center
MPIDO:	Mainyoito Pastoralist Integrated Development Organization
MRAP:	Movement Against Racism and for Friendship between Peoples
MSV:	Many Strong Voices
NAIDSF:	National AIDS Foundation
NIYC:	National Indian Youth Council
NN:	Navajo Nation
NNHRC:	Office of the Navajo Nation Human Rights Commission
NS:	Nord-Sud XXI
NZCT:	Ndugu Zangu Charitable Trust
OHCHR:	Office of the High Commissioner for Human Rights
OMCT:	World Organisation against Torture
OPDP:	Ogiek People Development Programme
PCRC:	Pacific Concerns Resource Centre, Fiji
PDDH-ES:	Procuraduría Para la Defensa de los Derechos Humanos, El Salvador
PDDH-N:	Procuraduría Para la Defensa de los Derechos Humanos, Nicaragua
PHGEMN:	Pastoralists' and Hunter Gatherers' Ethnic Minorities Network
PISP:	Pastoralist Integrated Support Programme
PWAC:	Pohnpei Women Advisory Council
RADDHO:	Rencontre africaine pour la défense des droits de l'homme
RIA:	Red para la Infancia y Adolescencia, El Salvador
SC:	Saami Council
SE:	Südwind Entwicklungspolitik
SIPC:	Southeast Indigenous Peoples' Centre
SRIP:	UN Special Rapporteur on the Rights of Indigenous Peoples
STP:	Society for Threatened Peoples
SUHAKAM:	Human Rights Commission of Malaysia
TCANC:	Tribal Council of the Akiak Native Community
UN HCR:	The UN Refugee Agency
UNA-Sweden:	United Nations Association of Sweden
UNASUR:	Unión de Naciones Suramericanas
UNPO:	Unrepresented Nations and Peoples Organisations
UOCLIHRC:	University of Oklahoma College of Law International Human Rights Clinic
USHRN:	United States Human Rights Network
USTKE:	Union syndicale des travailleurs kanaks et des exploités
VIDES:	International Volunteerism Organization for Women, Education and Development
VIVAT-Int:	VIVAT International
WHPC:	World Hmong Peoples' Congress
WSDP:	Western Shoshone Defense Project
ZFM:	Zorig Foundation, Mongolia

4. OTHERS

Upcoming Meetings and Events of interest for IPs

Due to a lack of space and to the importance of the contents included in this issue of the Update, we do not, exceptionally, include here our Agenda of upcoming meetings and events of interest for IPs. This agenda will soon be available on our website at the following address: <http://www.docip.org/Agenda.116.0.html> (or by choosing *Agenda* in the menu *doCip at the UN*).

Expert Mechanism on the Rights of Indigenous Peoples: Call for submissions on indigenous peoples' languages and culture

The EMRIP is calling for submissions on the role of languages and culture in the protection and promotion of the rights and identity of indigenous peoples, its current mandated study in accordance with Human Rights Council Resolution 18/8 (September 2011), from:

- indigenous individuals and peoples and/or their representatives
- non-state actors including non-governmental organisations
- national human rights institutions
- any other relevant stakeholders

Submissions will need to be submitted **by 17 February 2012** to be taken into account in the Expert Mechanism's study, a draft of which will be finalised in early April 2012 in preparation for the EMRIP's fifth session in July 2012.

Please email submissions to Claire Charters at the following email address: ccharters@ohchr.org.

For more information, please see the website of the Expert Mechanism on the Rights of Indigenous Peoples: <http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx>

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

Thanks!

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