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**Item 5**

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## **DRAFT RESOLUTION**

### **Expert Mechanism on the Rights of Indigenous Peoples**

The Human Rights Council,

PP1 - *Guided* by the purposes and principles of the Charter of the United Nations,

PP2 - *Reaffirming* its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in resolution 61/295 of 13 September of 2007,

PP2bis - *Recalling* all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples, in particular Council resolution 6/36 of 14 December 2007, in which the Council decided to establish the Expert Mechanism on the Rights of Indigenous Peoples,

PP3 - *Reaffirming* resolution 69/2 of 22 September 2014 of the General Assembly which adopted the outcome document of the World Conference on Indigenous Peoples, and taking note of the report of the Secretary-General on the progress made in the implementation of the outcome document,<sup>1</sup>

PP4 - *Bearing in mind* resolutions 30/11 of 1 October 2015 of the Human Rights Council, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to convene an expert workshop to review the Expert Mechanism's mandate; and welcoming the productive discussion held at the April 2016 workshop as reflected in the Office's report of 10 May 2006;

PP5 - *Mindful* of the work being undertaken on indigenous issues by other bodies in the United Nations system and regional human rights systems,

1. *Decides* to amend the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, which shall provide the Human Rights Council with expertise and advise on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist

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<sup>1</sup> A/70/84-E/2015/76.

Member States upon request, to achieve the ends of the Declaration through the promotion, protection and fulfillment of the rights of indigenous peoples;

2. *Decides* that the Expert Mechanism shall:

- a) Prepare an annual study on the status on the rights of indigenous peoples worldwide for the achievement of the ends of the Declaration focused on one or more interrelated articles of the Declaration, decided by the Expert Mechanism, taking into consideration suggestions received from Member States and indigenous peoples, including challenges, good practices and recommendations;
- b) Identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Council on this matter;
- c) Upon request, assist Member States and/or indigenous peoples, in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations Funds, Programs and specialized agencies;
- d) Provide Member States, upon their request, assistance and advice for the implementation of recommendations by the Universal Periodic Review, Treaty Bodies, Special Procedures and other relevant mechanisms;
- e) Upon request of Member States, indigenous peoples and/or the private sector, engage and assist them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration;

3. *Decides also* that the Expert Mechanism shall report at least annually to the Council on its work and keep the Council fully informed of developments on the rights of indigenous peoples,

4. *Further decides* that the Expert Mechanism shall consist of seven independent experts one from each of the seven indigenous socio-cultural regions,<sup>2</sup> the selection of which shall be carried out in accordance with the procedure and criteria for nominating, selecting and appointing mandate holders established in paragraphs 39 to 53 of the annex to Council resolution 5/1 of 18 June 2007;

5. *Also decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;

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<sup>2</sup> The regions are Africa; Asia; Central and South America and the Caribbean; the Arctic; Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific

6. *Strongly recommends* that, in the selection and appointment process, the Human Rights Council gives due regard to the recognized competence and experience on the rights of indigenous peoples, experts of indigenous origin, and gender balance;
7. *Decides* that the members of the Expert Mechanism shall serve for a three-year period and may be re-appointed for one additional period;
8. *Also decides* that, within its mandate, the Expert Mechanism shall determine its own methods of work, although the Expert Mechanism shall not adopt resolutions or decisions;
9. *Further decides* that, within its mandate, the Expert Mechanism may seek and receive information from all relevant sources, as necessary to fulfill its mandate;
10. *Decides* that, within its mandate, the Expert Mechanism shall coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with the United Nations Permanent Forum on Indigenous Issues, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Voluntary Fund for Indigenous Peoples and other United Nations bodies and processes;
11. *Encourages* that the Expert Mechanism shall enhance its engagement with National Human Rights Institutions and that such engagement should be in accordance with the mandates of each National Human Rights Institution;
12. *Decides* that the Expert Mechanism shall meet annually for up to five days, and that the sessions may be a combination of open and private meetings, as deemed required;
13. *Also decides* that the annual meeting of the Expert Mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programs, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, non-governmental organizations in consultative status with the Economic and Social Council; the meeting shall also be accessible to indigenous persons with disabilities and open to indigenous peoples' organizations and non-governmental organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the rules of procedure of the Human Rights Council, which will provide for the timely information on participation and consultation with States concerned;

14. *Decides* that the Expert Mechanism may also hold inter-sessional meetings and activities for five days per year, and invites the Expert Mechanism to use information and communication technologies to advance their work;

15. *Decides*, in order for the expert mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the rights of indigenous people and the Permanent Forum, that it shall participate in the activities of the Permanent Forum, invite the Special Rapporteur and a member of the Permanent Forum to attend and contribute to its annual meeting;

16. *Invites* the Special procedures of the Human Rights Council to explore concrete ways to coordinate its work with the Expert Mechanism with regard to the rights of indigenous peoples;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all necessary human, technical and financial assistance to the Expert Mechanism for the full and effective fulfilment of its mandate.

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