

**Human Rights Council****Twenty-fourth session**

Agenda item 5

Human rights bodies and mechanisms**Report of the Expert Mechanism on the Rights of Indigenous Peoples on its sixth session (Geneva, 8-12 July 2013)****Chairperson-Rapporteur:* International Chief Wilton Littlechild*Summary*

The Expert Mechanism on the Rights of Indigenous Peoples held its sixth session from 8 to 12 July 2013. In addition to members of the Expert Mechanism, the participants in the session included representatives of States, indigenous peoples, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions and academics.

The Expert Mechanism held a half-day session to discuss the World Conference on Indigenous Peoples, then went on to discuss the follow-up to thematic studies and advice.

The Expert Mechanism's study on access to justice in the promotion and protection of the rights of indigenous peoples was considered. This included examining the impact of truth and reconciliation processes. Discussions on the United Nations Declaration on the Rights of Indigenous Peoples were also held, including a panel discussion and interactive dialogue on the role of international, regional and national mechanisms in advancing the rights of indigenous peoples as contained in the Declaration.

The Expert Mechanism adopted the proposals to be submitted to the Human Rights Council at its twenty-fourth session. It also adopted the study and advice on access to justice in the promotion and protection of the rights of indigenous peoples and the report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

* Annex I is circulated as received, in the language of submission only.

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I. Introduction

1. In its resolution 6/36, the Human Rights Council established the Expert Mechanism on the Rights of Indigenous Peoples as a subsidiary body to assist the Council in the implementation of its mandate by providing it with thematic expertise on the rights of indigenous peoples, as requested by it. In the resolution, the Council decided that the thematic expertise would focus mainly on studies and research-based advice and the mechanism could suggest proposals to it for its consideration and approval.

II. Adoption of studies, advice, reports and proposals

2. The Expert Mechanism adopted its study and advice on access to justice in the promotion and protection of the rights of indigenous peoples (A/HRC/EMRIP/2013/2); its report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples (A/HRC/EMRIP/2013/3); and the proposals set out below.

A. Adoption of the study and advice on access to justice in the promotion and protection of the rights of indigenous peoples

3. The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to paragraph 7 of Human Rights Council resolution 21/24, in which the Council requested the Expert Mechanism to prepare a study on access to justice in the promotion and protection of the rights of indigenous peoples, and to present it to the Human Rights Council at its twenty-fourth session;

(b) Adopts the study and advice on access to justice in the promotion and protection of the rights of indigenous peoples (A/HRC/EMRIP/2013/2);

(c) Authorizes the Chairperson-Rapporteur, in consultation with the other members of the Expert Mechanism, to make the necessary revisions to the study in the light of discussions carried out at its sixth session and to submit the final study to the Human Rights Council at its twenty-fourth session.

B. Adoption of the report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices with regard to possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples

4. The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to paragraph 8 of Human Rights Council resolution 21/24, in which the Council requested the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Adopts the report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples (A/HRC/EMRIP/2013/3);

(c) Authorizes the Chairperson-Rapporteur, in consultation with the other members of the Expert Mechanism, to make the necessary revisions to the report in the light of discussions during its sixth session and to submit the report to the Human Rights Council at its twenty-fourth session.

C. Proposals

Proposal 1: Continuation of the access to justice study

5. The Expert Mechanism on the Rights of Indigenous Peoples proposes that Human Rights Council authorize the Expert Mechanism to continue its study on access to justice in the promotion and protection of the rights of indigenous peoples, with a focus on restorative justice and indigenous juridical systems, particularly as they relate to achieving peace and reconciliation. This would include an examination of access to justice related to indigenous women, children, youth and persons with disabilities.

Proposal 2: World Conference on Indigenous Peoples

6. The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to General Assembly resolution 65/198, wherein the General Assembly decided to organize a high-level plenary meeting in 2014, to be known as the World Conference on Indigenous Peoples, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including the objectives of the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Proposes that the Human Rights Council consider the themes identified in the Alta Outcome Document (A/HRC/EMRIP/2013/CRP.2) as the themes adopted for the World Conference;

(c) Proposes that the Human Rights Council support the consideration of the Alta Outcome Document in the drafting of the final outcome document of the World Conference;

(d) Proposes that the Human Rights Council recommend to the President of the sixty-eighth session of the General Assembly that the practice of appointing a State representative and an indigenous peoples' representative to conduct informal consultations be continued. The Expert Mechanism thanks the Government of Mexico and the Sami Parliament for their involvement to date as co-facilitators in this regard in the preparations for the World Conference;

(e) Proposes that the Human Rights Council support increased financial, technical and political support for the participation of indigenous peoples in the World Conference. This would include urging States that have not yet provided financial support for indigenous preparatory activities to do so as a matter of urgency. Such preparatory activities include local and national activities aimed at raising the understanding of the issues, rights and processes of indigenous peoples leading up to the World Conference, and diverse forms of participation by indigenous peoples, through video for example. Furthermore, related documentation should be made available in formats accessible to indigenous peoples with disabilities, as proposed in the Web Content Accessibility Guidelines (WCAG);

(f) Proposes that the Human Rights Council follow up on its recommendation that the studies and advice of the Expert Mechanism be considered in the process leading up to the World Conference on Indigenous Peoples. This would include drawing on the compilation of recommendations, conclusions and advice from studies completed by the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/EMRIP/2013/CRP.1);

(g) Proposes that the Human Rights Council support the equal participation of the three United Nations mechanisms on indigenous peoples¹ in the World Conference, as well as in its preparatory and follow-up processes;

(h) Proposes that the Human Rights Council support the full and effective participation of indigenous peoples, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, in the World Conference.

Proposal 3: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

7. The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Proposes that the Human Rights Council urge States and indigenous peoples to report on the measures taken to implement the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, through the continuation of the Expert Mechanism's questionnaire survey;

(b) Further proposes that the Human Rights Council request States to establish, with the full and effective participation of indigenous peoples, independent mechanisms to oversee and promote the implementation of the rights contained in the Declaration, and to ensure that these mechanisms are mandated to oversee the implementation of recommendations made by the human rights treaties bodies, the Human Rights Council's special procedures, the universal periodic review and other mechanisms related to the rights of indigenous peoples. Such mechanisms should cooperate closely with regional and national human rights institutions.

8. Referring to Proposal 3 on strengthening indigenous peoples' participatory rights at the United Nations, contained in the Expert Mechanism's report on its fourth session (A/HRC/18/43) and acknowledging the efforts taken to date in that regard, including the Secretary General's report on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24), as referenced in Human Rights Council resolution 21/24, the Expert Mechanism reiterates its proposal whereby it:

“recognizes that the United Nations consultative arrangements for non-State entities can prevent indigenous peoples' governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, from participating in decision-making processes at the United Nations, as they are not always organized as non-governmental organizations; [and] proposes that the Human Rights Council encourage the General Assembly to adopt, as a matter of urgency, appropriate permanent measures to ensure that indigenous peoples' governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, are able to participate at the United Nations as observers with, at a minimum, the same

¹ The Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum on Indigenous Issues.

participatory rights as non-governmental organizations in consultative status with the Economic and Social Council.”²

9. The Expert Mechanism proposes that the Human Rights Council review the language and terminology used in United Nations documents pertaining to the rights of indigenous peoples with a view to ensuring that they reflect the terminology contained in the United Nations Declaration on the Rights of Indigenous Peoples. In particular, the Expert Mechanism calls upon the Human Rights Council to propose that the General Assembly amend the title of the United Nations Voluntary Fund for Indigenous Populations and rename it the United Nations Voluntary Fund for Indigenous Peoples. It also calls upon the United Nations and other international organizations to review their spelling rules with a view to using capital letters in spelling the term “Indigenous Peoples.”

Proposal 4: Post-2015 Development Agenda

10. The Expert Mechanism on the Rights of Indigenous Peoples proposes that the Human Rights Council support the Expert Mechanism and representatives of indigenous peoples in their efforts to ensure that the rights of Indigenous peoples are firmly incorporated in the Post-2015 Development Agenda, including the participation of the Expert Mechanism in related activities.

Proposal 5: Universal periodic review (UPR)

11. The Expert Mechanism on the Rights of Indigenous Peoples proposes that the Human Rights Council and Member States draw increasingly on the United Nations Declaration on the Rights of Indigenous Peoples and the thematic work of the Expert Mechanism in the universal periodic review (UPR) process, including through references to the Declaration, studies and advice in recommendations. The Expert Mechanism also proposes that, in future UPR cycles, the Declaration be explicitly included in the list of standards on which the UPR process is based.

III. Organization of the session

A. Attendance

12. The Expert Mechanism on the Rights of Indigenous Peoples held its sixth session in Geneva from 8 to 12 July 2013. Members Jannie Lasimbang (Malaysia), International Chief Wilton Littlechild (Canada), Albert Deterville (Saint Lucia), Alexey Tsykarev (Russian Federation) and Danfred Titus (South Africa) participated in the sixth session of the Expert Mechanism.

13. The participants in the sixth session of the Expert Mechanism included representatives of Member States, indigenous peoples, United Nations organizations and programmes, national human rights institutions and non-governmental organizations (see annex I).

14. The Special Rapporteur on the rights of indigenous peoples, James Anaya, the Chairperson of the Permanent Forum on Indigenous Issues, Paul Kanyinke Sena, and member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, Joenia Batista de Carvalho, also participated in the session.

² See A/HRC/18/43, proposal 3.

15. In addition, a member of the Committee on the Elimination of Racial Discrimination, José Francisco Cali Tzay, and a member of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission for Human Rights, Rafendi Djamin, attended.

B. Documentation

16. The documents for the sixth session of the Expert Mechanism included the provisional agenda (A/HRC/EMRIP/2013/1); annotated provisional agenda (A/HRC/EMRIP/2013/1/Add.1); study and advice on access to justice in the promotion and protection of the rights of indigenous peoples (A/HRC/EMRIP/2013/2); and the report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples (A/HRC/EMRIP/2013/3).

17. Two conference room papers were introduced during the session: the compilation of recommendations, conclusions and advice from studies completed by the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/EMRIP/2013/CRP.1) and the Alta Outcome Document of the Global Indigenous Preparatory Conference for the United Nations high-level plenary to be known as the World Conference on Indigenous Peoples, held from 10 to 12 June (A/HRC/EMRIP/2013/CRP.2).

C. Opening of the session

18. The Chairperson of the Expert Mechanism, International Chief Wilton Littlechild, opened the sixth session of the Expert Mechanism and introduced the Director of the Research and Right to Development Division, Office of the United Nations High Commissioner for Human Rights (OHCHR), Marcia V. J. Kran, and the President of the Human Rights Council, Ambassador Remigiusz Achilles Henczel, who made the opening remarks.

19. Ms. Kran highlighted the importance of the thematic study on access to justice by indigenous peoples and noted the challenges faced by indigenous peoples. She also emphasized that the implementation of the United Nations Declaration on the Rights of Indigenous Peoples must be built on genuine and trusting partnerships between States and indigenous peoples. She underlined the importance of working together towards action-oriented results of the World Conference on Indigenous Peoples (to be held in 2014) in order to encourage concrete measures to improve the implementation of the Declaration, for example through increased implementation action plans and strategies at national level. Ms. Kran also commented on the ways in which OHCHR assists in the implementation of the rights of indigenous peoples.

20. In his opening statement, the President of the Human Rights Council, Ambassador Remigiusz Achilles Henczel, noted that the studies and advice of the Expert Mechanism were well received by the Human Rights Council and have positively contributed to the efforts to further the protection of the rights of indigenous peoples. He also noted that the Council attached high importance to the United Nations Declaration on the Rights of Indigenous Peoples. Ambassador Henczel emphasized that the Council has continuously called for the participation of indigenous peoples in the preparations for the World Conference and for the studies and advice of the Expert Mechanism to be considered in the preparatory process leading up to the World Conference.

21. The Special Rapporteur on the rights of indigenous peoples noted the key role the Expert Mechanism has played in helping to make the Declaration operational. He welcomed the ongoing collaboration between the United Nations mechanisms on indigenous peoples and called for continued coordination, especially in the development of proposed joint guidelines or principles on key issues affecting indigenous peoples. He emphasized the need to focus more attention on the issue of access to justice by indigenous peoples and encouraged States to recognize indigenous customary justice systems without rigid jurisdictional boundaries.

22. The Chairperson of the Permanent Forum on Indigenous Issues noted the coordination between the three United Nations mechanisms on indigenous peoples and emphasized the overarching goal of implementing the Declaration. He gave an overview of the recommendations and studies of the twelfth session of the Permanent Forum and welcomed the constructive dialogue with international financial institutions and multilateral development banks on the impact of their policies on the rights and livelihood of indigenous peoples. He reported on the recent creation of a caucus of indigenous persons with disabilities.

D. Election of officers

23. The Chairperson of the Expert Mechanism invited the members of the mechanism to nominate a Chairperson-Rapporteur and Vice-Chairperson for its sixth session. Ms. Lasimbang nominated International Chief Littlechild and Mr. Titus as Chairperson-Rapporteur and Vice-Chairperson respectively; they were then appointed by acclamation.

24. The Chairperson-Rapporteur, International Chief Littlechild, thanked the members of the Expert Mechanism for electing him, and welcomed the new members of the mechanism, Messrs. Deterville and Tsykarev.

25. The Chairperson-Rapporteur highlighted that the Declaration provides the foundational framework for the attainment of the human rights of indigenous peoples and informs every aspect of the mechanism's work. He noted the valuable contributions of the participants of the sixth session to the work of the mechanism. The Chairperson-Rapporteur emphasized the importance of sessions such as this one in providing collaborative and participatory space for dialogue between States, indigenous peoples and other stakeholders and in this way contributing to the full realization of the rights of indigenous peoples as enshrined in the Declaration.

E. Adoption of the agenda

26. The Expert Mechanism adopted the agenda and the programme of work of its sixth session.

IV. World Conference on Indigenous Peoples

27. The Chairperson-Rapporteur presented the compilation of recommendations, conclusions and advice from studies completed by the mechanism (A/HRC/EMRIP/2013/CRP.1) in preparation for the World Conference on Indigenous Peoples, and noted that it was a work in progress. The Alta Outcome Document (A/HRC/EMRIP/2013/CRP.2) was introduced for the first time as an official United Nations document, and was welcomed and encouraged by many participants.

28. Mr. Tsykarev thanked the Sami Parliament and the Government of Norway for hosting and providing financial support for the Global Indigenous Preparatory Conference, which was held in Alta, Norway. He highlighted that the sixth session of the Expert Mechanism provided the first opportunity to consider further the Alta Outcome Document, which outlines four themes proposed for discussion at the World Conference on Indigenous Peoples. He emphasized that the Expert Mechanism welcomed the opportunity to initiate global consultations on the formulation of the outcome of the World Conference. Mr. Tsykarev further noted that the seventh session of the Expert Mechanism might be the last opportunity for a global dialogue on the World Conference prior to September 2014.

29. Mr. Tsykarev noted that the Expert Mechanism is committed to participating in further preparatory meetings in Mexico and New York, as well as coordinating its work with other United Nations bodies and mechanisms, including the Human Rights Council. He underscored that the mechanism's studies and advice inform the Alta Outcome Document and the preparatory process provides an opportunity for greater analysis and monitoring of the use of such studies and advice by States, indigenous peoples and the United Nations system, including the opportunity to ensure national legislation is consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

30. Mr. Tsykarev noted that 2014 will also mark the end of the Second International Decade of the World's Indigenous Peoples and called for the establishment of a Third International Decade.

31. The Special Rapporteur on the rights of indigenous peoples, James Anaya, considered how the three United Nations mechanisms on indigenous peoples could contribute to the preparations for the World Conference and to the event itself. He recognized that the Alta Outcome Document is an important normative instrument and plan of action and further noted that the outcome document provides an important overview of the issues that are of central concern to indigenous peoples and adds to the understanding of the priorities of indigenous peoples, both in terms of the content of the rights and how those rights might be protected. He also encouraged other actors, including the United Nations system, indigenous peoples, civil society and the private sector, to apply the Alta Outcome Document.

32. The Chairperson of the Permanent Forum on Indigenous Issues, Paul Kanyinke Sena, outlined the forum's recommendations relating to the World Conference, contained in the report of its twelfth session. He noted the enhanced cooperation with the Special Rapporteur and the Expert Mechanism, especially in the preparatory process leading up to the World Conference, and considered ways of enhancing the United Nations mechanisms on indigenous peoples going forward as part of the World Conference.

33. The Co-Chair of the Indigenous Global Coordinating Group, Ghazali Ohorella, gave an overview of the participation of indigenous peoples leading up to the Global Indigenous Preparatory Conference held in Alta, Norway, and acknowledged the contributions of the members of the Expert Mechanism, whose expertise assisted in building consensus during the meeting. He highlighted key areas of the Alta Outcome Document, including the four proposed themes, and made recommendations to the Expert Mechanism. Mr. Ohorella recommended that the themes set out in the Alta Outcome Document be adopted as the themes for the World Conference; that the Alta Outcome Document be used as the basis for the final outcome document of the World Conference; that the Expert Mechanism recommend to the President of the sixty-eighth session of the General Assembly that a State representative and an indigenous peoples' representative be appointed to conduct informal consultations; and that the Expert Mechanism urge States which have not yet done so to financially support indigenous peoples' participation in the World Conference, including in the preparatory activities.

34. The Chairperson-Rapporteur referred to the work completed by the Expert Mechanism to date, in terms of how it supports the Alta Outcome Document, which, in turn, builds on the Declaration. He outlined, as an example, the way in which the Expert Mechanism and others can effectively contribute to the advancement of the human rights of indigenous peoples through collaboration leading up to the World Conference.

35. Participants expressed support for the Alta Outcome Document and the recommendations of the Indigenous Global Coordinating Group and called upon States to engage indigenous peoples in constructive dialogue at the national level. Several indigenous people's representatives made recommendations concerning the need for the full, effective and equal participation and consultation of indigenous peoples through all stages of the process, including in the development of the action-oriented outcome document of the World Conference. Participants also emphasized the need to ensure the equal participation of indigenous women, youth and persons with disabilities. Many participants voiced the importance of ensuring the availability of sufficient financial resources to enable such participation and recommended different forms of participation, including webcasting. Numerous States acknowledged the Alta Outcome Document, noting that it would be considered in the preparation for the World Conference.

36. Ms. Lasimbang emphasized the need to explore technical, financial and political support to facilitate the participation of indigenous peoples in the World Conference and urged that local and national activities to be undertaken with the aim of raising awareness and fostering understanding of the issues of indigenous peoples. Such activities should focus on the themes set out in the Alta Outcome Document. Mr. Deterville also highlighted that the Alta Outcome Document has been introduced as an official document of the sixth session of the Expert Mechanism.

V. Follow-up to thematic studies and advice

37. Mr. Titus introduced the agenda item on the follow-up to thematic studies and advice, underscoring that the mechanism's studies constitute an authoritative interpretation of the human rights of indigenous peoples. He added that the studies and advice are grounded in binding international human rights norms as applied to indigenous peoples, including the Declaration. He noted the direct relationship between the right of self-determination and the full enjoyment of the rights of indigenous peoples.

38. The Expert Mechanism heard how States, indigenous peoples, national human rights institutions and other stakeholders have used the mechanism's studies and advice to further the promotion and protection of the rights of indigenous peoples, more specifically under four thematic areas: indigenous peoples' right to education; languages and culture; the right to participate in decision-making; and the right to participate in decision-making with a focus on extractive industries. Participants shared good practices, lessons learned and challenges to achieving the rights of indigenous peoples in these thematic areas. Interventions highlighted, *inter alia*, the role of United Nations agencies in disseminating the mechanism's studies and advice at the country level and the importance of training government officials on the rights of indigenous peoples.

39. Participants referred to the Expert Mechanism's study on lessons learned and challenges to achieving the right to education of indigenous peoples and highlighted a range of concerns ranging from the importance of teaching indigenous histories and cultures in educational institutions and curricula to the protection of educational facilities in militarized indigenous territories. Some participants called for, *inter alia*, the establishment of adult educational institutions that focus on the maintenance, transmission and development of

indigenous knowledge and the ratification of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education.

40. Innovative ways were shared on how to ensure access to education for indigenous peoples with nomadic or semi-nomadic lifestyles. Participants also explained the work undertaken at the national level to develop a policy approach to indigenous education that is consistent with the guidance provided in the Expert Mechanism's advice No. 1 (2009) on the right of indigenous peoples to education.

41. Participants also provided updates to the study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, highlighting the importance of full and effective participation of indigenous peoples in programmes to preserve and revitalize indigenous cultures, and of overcoming challenges concerning language loss. Participants encouraged the media to cover indigenous issues based on the recognition of the rights of indigenous peoples, and welcomed the efforts of communities to increase their own access to information through the development of community-based media.

42. Some participants called for the ratification and implementation of international standards, including International Labour Office (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. Some participants also called for increased engagement of indigenous peoples and related mechanisms in the ongoing processes related to indigenous peoples in the World Intellectual Property Organization.

43. Concerning the mechanism's study and advice on indigenous peoples and the right to participate in decision-making, some participants drew attention to the lack of implementation of the rights of indigenous peoples in the context of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, specifically on issues such as free, prior and informed consent, and encouraged the United Nations mechanisms on indigenous peoples to take an active monitoring role in this process.

44. In relation to the Expert Mechanism's advice No. 2 (2011) on indigenous peoples and the right to participation in decision-making, some participants shared the good practice concerning participation of indigenous youth in decision-making through the establishment of Children and Youth Parliaments to support the development of future indigenous leaders and to promote electoral participation by indigenous youth.

45. Participants also referred to the mechanism's follow-up report on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries (A/HRC/21/55). Interventions highlighted the impact of extractive industries in the lives of indigenous peoples, including the negative effects on health, lands, the environment, cultures and livelihoods. Concerns were expressed more specifically about the negative effects on indigenous women and girls, and conflict between indigenous peoples and businesses.

46. Some participants reaffirmed the need for States and extractive industries to implement the Declaration on the Rights of Indigenous Peoples in all judicial, administrative, legislative and policy processes in order to genuinely respect indigenous peoples' decision-making authority and power over their lives. Participants discussed the importance of regional and national dialogue with States, business enterprises, civil society organizations and indigenous peoples in order to promote understanding of the rights of indigenous peoples in the context of extractive industries. For example, participants

recommended that impact assessments should consider cultural impacts in addition to economic, environmental and social impacts.

47. The Chairperson of the Permanent Forum referred positively to the World Bank's Open Contracting initiative, which aims to ensure effective disclosure and participation of indigenous peoples in all public investment concerning extractive industries. He also noted the importance of ongoing collaboration between the Working Group on the issue of human rights and transitional corporations and other business enterprises, the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues and the Expert Mechanism to promote the effective implementation of the Declaration on the Rights of Indigenous peoples in relation to the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex).³ He also highlighted the importance of indigenous peoples as entrepreneurs.

48. Ms. Lasimbang reported on the South-East Asia Sub-regional Meeting on Extractive Industries and Indigenous Peoples' Rights to Land and Natural Resources, organized by the United Nations Indigenous Peoples Partnership (UNIPP) in June 2013 in Thailand, where she had the opportunity to present the follow-up report and advice on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries (A/HRC/21/55). Ms. Lasimbang recommended that businesses ensure that their employees have an understanding of the rights of indigenous peoples, including the right to participate in decision-making. She called upon indigenous peoples to continue to play a positive role by asserting their human rights in relation to extractive industries, with an emphasis on forming equal partnerships with States and business enterprises in order to engage in sustainable development.

49. The Chairperson-Rapporteur referred to the study on the right to education and updated participants on a national development concerning the implementation of this right, whereby a task force was created and, as a result, work is currently under way on the development of an Education Act. He called for the implementation of article 19 of the Declaration, referred to by said task force, which requires States and indigenous peoples to work together as partners.

50. The Chairperson-Rapporteur emphasized that the right to culture is one of the fundamental pillars of the Declaration on the Rights of Indigenous Peoples and referred to a consultation organized by the Northern Ireland Human Rights Commission in association with the University of Ulster and in cooperation with the United Nations Special Rapporteur in the field of cultural rights, in June 2013. The consultation examined how cultures in divided and post-conflict societies are reflected in museums, memorials and in history textbooks. He welcomed the reference to the mechanism's advice No. 3 (2012) on indigenous peoples' languages and cultures for consideration in the outcome document.

51. The Chairperson-Rapporteur referred to the Global Compact work on guidelines focusing on free, prior and informed consent. He also complimented the United Nations Children Fund (UNICEF) and the Permanent Forum on Indigenous Issues on the publication of the adolescent-friendly version of the Declaration on the Rights of Indigenous Peoples.

³ See also, OHCHR, *Guiding principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (New York and Geneva, 2011).

VI. Study on access to justice in the promotion and protection of the rights of indigenous peoples

52. In its resolution 21/24, the Human Rights Council requested the Expert Mechanism to prepare a study on access to justice in the promotion and protection of the rights of indigenous peoples, and to present it to the Council at its twenty-fourth session. Accordingly, the Expert Mechanism prepared a study on this theme (A/HRC/EMRIP/2012/2). In order to inform the study, the Office of the High Commissioner for Human Rights (OHCHR), the Institute for the Study of Human Rights, Columbia University, and the International Centre for Transitional Justice co-organized an Expert Seminar on Access to Justice for Indigenous Peoples, including Truth and Reconciliation Processes. The seminar was held at Columbia University, New York, from 27 February to 1 March 2013.

53. Mr. Titus introduced the panel discussion on the recommendations of the Expert Seminar on Access to Justice for Indigenous Peoples, including Truth and Reconciliation Processes and welcomed the panellists: International Chief Wilton Littlechild, Chairperson of the Expert Mechanism; Celeste McKay, Technical Analyst for International Chief Wilton Littlechild; Ellen Walker, International Disability Alliance, and June Lorenzo, Indigenous World Association and Laguna Acoma Coalition for a Safe Environment.

54. International Chief Littlechild began by focusing on the recommendations related to the truth and reconciliation processes set out in the study, which were informed by the presentations at the Expert Seminar. This included the full and effective involvement of indigenous peoples at all stages and the requirement that the processes be reflective of the cultures and values of indigenous peoples. It was also recommended that the Declaration on the Right of Indigenous Peoples be applied to the work of truth commissions and that truth commissions address historical injustices experienced by indigenous peoples and the contemporary effects of continued human rights violations, including against the right to self-determination.

55. International Chief Littlechild outlined a national example, the Truth and Reconciliation Commission of Canada. He discussed the history of residential school systems in Canada, including the related policies and laws, as well as the impact on the lives of indigenous peoples, including thousands of deaths of children who attended the residential schools. He outlined the mandate of the Truth and Reconciliation Commission of Canada – a court-ordered mandate arising from the largest class-action lawsuit in Canadian legal history. The mandate includes statement gathering; conducting research; establishing a National Research Centre to create an accurate and public historical record of the residential schools; issuing a public report with recommendations; and guiding and inspiring a process of healing and reconciliation within indigenous families and communities and between indigenous and non-indigenous peoples in the country.

56. Ms. Walker discussed access to justice from the perspective of indigenous peoples with disabilities. She gave a brief overview of the study on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with regard to the full enjoyment of human rights and inclusion in development (E/C.19/2013/6), prepared by the Permanent Forum on Indigenous Issues. Ms. Walker referred to the recommendations in the Expert Mechanism's study on access to justice that relate specifically to indigenous persons with disabilities. These include methodologies to collect data on indigenous persons in detention, disaggregated by disability, and increasing the accessibility of the justice system.

57. Ms. Walker requested that the Expert Mechanism consider additional recommendations, including, inter alia, ensuring the sensitivity and accessibility of indigenous and State justice systems (i.e. the availability of sign language, accessible

premises and information in alternative formats), and requested that the Expert Mechanism and the Permanent Forum follow the Web Content Accessibility Guidelines (WCAG) and ensure that websites and reports are accessible, including by posting documents in Microsoft Word.

58. Ms. McKay informed participants about the discussion on women, youth and children during the Expert Seminar, highlighting this discussion within the context of the study and advice on access to justice. She welcomed further dialogue on the topic with participants in this session, noting statements related to sexual and reproductive rights of indigenous women in custody.

59. Ms. McKay highlighted the barriers to access to justice for indigenous women, youth and children, which include multiple discrimination, structural violence, high rates of incarceration and poverty, and the need to involve youth in truth and reconciliation commissions. Remedies highlighted included taking measures aimed at ensuring equality before the law. Concrete examples of this include gender-sensitization training of justice officers (in this case, with regard to indigenous women's issues in particular), increased appointment of women to the judiciary, and legal reforms in areas where access to legal mechanisms is formally prohibited for women. She urged States to work in partnership, especially with indigenous women, to achieve equality before the law, particularly in the context of State and indigenous judicial systems.

60. Ms. Lorenzo highlighted the importance of understanding that access to justice is not only about righting past wrongs, but rather remedying current wrongs and preventing future injustices. She highlighted that the peremptory norm of non-discrimination is key when addressing substantive and restorative justice.

61. Citing the Expert Mechanism's advice and study on access to justice, Ms. Lorenzo emphasized that indigenous peoples' understanding of access to justice is different from that of States, and stressed that this must, first of all, include business operations within indigenous territories. She noted that monetary settlements do not equate with justice for indigenous peoples and urged the Expert Mechanism to take note of the differences in defining "justice" by States, indigenous peoples and businesses.

62. Ms. Lorenzo stressed that access to justice for indigenous peoples involves access to their cultures, territories, children, languages and ceremonies. She called for policies and laws that address access to justice in the future.

63. Participants expressed concern about achieving access to justice from extractive industries, as well as country-specific concerns.

64. Ms. Lasimbang referred to commissions of inquiry and transitional justice processes as one modality for increasing access to justice, underscoring that these are particularly effective where indigenous peoples participate fully. She expressed the need for indigenous peoples' organizations to facilitate the participation of indigenous peoples.

65. Mr. Tsykarev highlighted the importance of recommendations of advice No. 5 to provide access to legal remedies for indigenous peoples and the continuing importance of access to justice in the work of the Expert Mechanism. An Ombudsman for the rights of indigenous peoples is a mechanism that could provide a powerful tool to increasing access to justice. He recommended that States and indigenous peoples encourage human rights organizations to advance the implementation of Human Rights Council resolution 22/6 on the protection of human rights defenders. Mr. Tsykarev recommended that continuing reference be made to the studies and advice of the Expert Mechanism and, in particular, that the studies and advice be referred to in the review and consideration of States under the universal periodic review and by the treaty bodies.

66. Mr. Deterville highlighted article 13 of the Declaration on the Rights of Indigenous Peoples, which recognizes the right of indigenous peoples to designate their own traditional names for communities and territories. The preamble of the Declaration highlights its purpose in addressing marginalization and abuse caused by colonialism. He recommended that the Human Rights Council permit indigenous peoples and nations to display their names during the Expert Mechanism's sessions.

67. Concern about respect for national and international laws, including free, prior and informed consent of indigenous peoples, by extractive industries operating outside of the country in which they are registered was raised by some participants.

68. Some States requested the panellists to provide more information about examples of good practices. Ms. McKay highlighted the efforts to utilize alternative justice systems to address the particular needs of indigenous women as one example and referred participants to the plans of the Expert Mechanism and Columbia University to publish the proceedings of the Expert Seminar.

69. Specific issues relating to access to justice were raised by participants, including concerns regarding violence against indigenous women; police violence and forced removal from land. Barriers to access to justice identified by participants included lack of legal knowledge, legal services, and courts; unaffordable legal fees; procedural discrimination and lack of participation by indigenous peoples in policy development.

70. Some participants identified the need for the Expert Mechanism to further examine ways to improve access to justice through increased culturally sensitive communications. It was noted that in many parts of the world, the media continues to portray indigenous peoples in a racist manner.

71. One participant outlined the connection between reconciliation and the guarantee of non-recurrence as an essential element of justice. Also, it was noted that indigenous peoples need to define what restorative justice means in relation to previous and current violations with continuing impacts, and what form the processes to achieve justice in these cases should take.

72. Some participants underlined the importance of recognition of the legal status of indigenous peoples. Without such status, indigenous peoples are more vulnerable to loss of territory and are less likely to have access to redress and reparations.

VII. United Nations Declaration on the Rights of Indigenous Peoples

73. Prior to opening the discussion on the United Nations Declaration on the Rights of Indigenous Peoples, the Chairperson-Rapporteur invited Joenia Batista de Carvalho, member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, to address the participants of the session.

74. Ms. de Carvalho welcomed the 20 beneficiaries of the Voluntary Fund and emphasized its role in ensuring the participation of indigenous peoples in United Nations meetings. She noted that since 2012, the Voluntary Fund has supported the participation of indigenous peoples in the sessions of the Permanent Forum, the Expert Mechanism, the Human Rights Council and the UPR process, as well as the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women.

75. Ms. de Carvalho noted the expansion of the fund's scope to support the participation of indigenous peoples in the World Conference, and expressed concern about the financial implications on the mandate of the Voluntary Fund without increased resources to support this addition. Ms. de Carvalho expressed gratitude to the contributors to the Voluntary Fund and called upon States to express their support and commitment to indigenous peoples worldwide by making contributions to the Voluntary Fund.

76. Ms. Lasimbang recalled that the Human Rights Council, in its resolution 21/24, had requested the Expert Mechanism to continue to undertake, with the assistance of OHCHR, a questionnaire to seek the views of States and indigenous peoples on best practices with regard to possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

77. Ms. Lasimbang welcomed the responses received from States and indigenous peoples to the questionnaire.⁴ She noted with concern that only 21 States and 17 indigenous peoples and indigenous peoples' organizations responded to the questionnaire. She recommended that alternative methods of data collection be considered to ensure the meaningful participation of indigenous peoples in future efforts.

78. Ms. Lasimbang reviewed the submissions received from States and indigenous peoples and organizations and shared many specific examples of laws, policies and programmes towards implementation of the Declaration. She further noted that overall the tenor of some responses underscores the ongoing tension between States and indigenous peoples on the best approaches to achieving the goals of the Declaration.

79. Ms. Lasimbang also noted that, according to the results of the questionnaire, no State has yet passed explicit laws requiring the Declaration to be considered when devising new laws, policies or other measures relating to indigenous peoples and that lack of awareness of the Declaration remains one of the biggest challenges to implementing the rights of indigenous peoples. She highlighted that there was evidence to suggest that States sometimes perceive a conflict between the recognition and implementation of the rights contained in the Declaration and the principle of equality. She emphasized that such a perception can be overcome by applying an analysis of substantive equality, which may require treating indigenous peoples as distinct groups facing unique circumstances.

80. Ms. Lasimbang explained that some of the best practices identified were partnerships between States and indigenous peoples, which facilitate the full and effective participation of indigenous peoples in decision-making. She noted that the responses to the questionnaire should provide inspiration to others in devising creative strategies to implement the Declaration.

81. Ms. Lasimbang noted that the responses from indigenous peoples and organizations were mainly focused on thematic issues and their activities were often limited due to financial resources and the lack of State willingness to cooperate. She also noted that only a few indigenous peoples who responded have strategies in place to implement the Declaration. She highlighted that indigenous peoples and organizations had identified good practices that could include the development of various initiatives targeting national policies, laws and regulations to make them consistent with the Declaration. This includes strengthening the links between United Nations mechanisms and indigenous peoples through proposing measures and implementation strategies to attain the goals of the Declaration.

⁴ See A/HRC/EMRIP/2013/3.

82. Ms. Lasimbang asked the participants to provide information on whether the Expert Mechanism should continue with the questionnaire. Some participants recommended that the Council encourage States to work with indigenous peoples in completing the mechanism's questionnaire in a substantive manner. The questionnaire survey seeks the view of States and indigenous peoples on best practices. Accessing a global scope of responses is useful in this regard.

83. Participants underlined the importance of the Declaration as an instrument for attaining the full realization of the human rights of indigenous peoples and acknowledged the role of the Expert Mechanism in helping to promote the effective implementation of the Declaration. Participants also noted that a wide gap continues to exist between the implementation of the Declaration and its application on the ground. Some participants expressed regret that some States continue to deny the presence of indigenous peoples within their borders, and called for the Declaration to be included as one of the bases of the UPR.

84. Specifically, participants highlighted challenges concerning the rights of indigenous peoples to access to justice; issues related to the protection of indigenous peoples' lands, territories and resources; the situation of human rights defenders and assassination of indigenous leaders; the impact of climate change; violence against indigenous women and their lack of representation in decision-making; and the marginalization of indigenous persons with disabilities. Some participants also stressed the importance of the role of the media in the promotion of the Declaration.

85. Numerous participants and experts raised concerns about the militarization of indigenous peoples' lands, territories and resources. Participants also highlighted the impact of extractive industries and mega development projects in indigenous lands and encouraged stronger collaboration between the Working Group on the issue of human rights and transnational corporations and other business enterprises and the three United Nations mechanisms on indigenous peoples to promote the effective implementation of the Declaration, including respecting the free, prior and informed consent of indigenous peoples and the provision of accessible grievance and redress mechanisms.

86. Participants emphasized that they continue to face challenges in exercising the right to self-determination and called for dialogue between States and indigenous peoples to identify and address the barriers to full implementation of the Declaration. Participants also encouraged the development of comprehensive national strategies that include constitutional, legislative and policy changes developed and implemented in partnership with indigenous peoples to attain the goals of the Declaration. Participants also encouraged States to apply a human rights-based approach with regard to the Declaration.

87. Participants noted that the Declaration is an essential tool in the protection and promotion of the rights of indigenous peoples and that implementation of the Declaration remains a challenge and may require new laws. They also recommended that follow-up to the implementation of the Declaration should be completed in coordination with the United Nations system. Participants also recommended that the three United Nations mechanisms on indigenous peoples work in close collaboration with the human rights treaty bodies to ensure that clarity with regard to the status of indigenous peoples is secured and clearly articulated.

88. States highlighted their efforts to find new ways of translating the rights set out in the Declaration on the Rights of Indigenous Peoples into concrete benefits for indigenous peoples. They shared many examples of the programmes and laws developed to implement the Declaration. States also highlighted public policies that promote the participation, consultation, self-governance, economic development and entrepreneurship of indigenous peoples; indigenous cultures; and the overall improvement of living standards of indigenous

peoples. States also highlighted the situation of indigenous women and girls and their efforts to ensure the effective participation of women and girls in decision-making processes. Some States noted the Expert Mechanism's role in providing technical advice in the creation of specialized mechanisms to realize the rights enshrined in the Declaration.

89. National human rights institutions (NHRIs) highlighted their efforts to increase awareness of the Declaration among indigenous communities, government agencies and indigenous peoples, especially through advocacy, complaint handling, educational activities, policy analysis and human rights' monitoring. NHRIs also noted their strategic role for forging better communication between the State and indigenous peoples, and advancing the standards contained in the Declaration. NHRIs highlighted their strategies to combat the increased marginalization of indigenous peoples with disabilities.

90. Mr. Tsykarev noted that the Declaration is widely acknowledged as containing a set of minimum standards for the rights of indigenous peoples and it should be used as an instrument to promote constructive dialogue between States and indigenous peoples, based on the recognition of indigenous peoples' right to self-determination. He also highlighted the importance attached to the legal recognition of indigenous peoples as indigenous peoples, and to the development of strategies to preserve and revitalize indigenous languages using internationally recognized standards and methods. Mr. Tsykarev emphasized the need for policies that recognize and promote cross-border rights of indigenous peoples and for parliamentary attention to the implementation of the Declaration. In particular, he mentioned States' bias in implementing cultural rights to the exclusion of other rights.

VIII. Interactive dialogue with the United Nations mandated mechanisms on indigenous peoples and international, regional and national mechanisms

91. Ms. Lasimbang, in her opening as the chairperson of the interactive dialogue, welcomed the panellists: International Chief Wilton Littlechild, Chairperson of the Expert Mechanism and Chairperson-Rapporteur of the session; James Anaya, Special Rapporteur on the rights of indigenous peoples; Paul Kanyinke Sena, Chairperson of the Permanent Forum on Indigenous Issues; Francisco Cali Tzay, member of the Committee on the Elimination of Racial Discrimination; Rafendi Djamin, ASEAN Intergovernmental Commission for Human Rights; and Michael Gooda, Australian Human Rights Commission. She expressed the hope that the interactive dialogue would prove useful to States, indigenous peoples and other participants, and that the discussion would highlight and inform the critical role of different actors in advancing the application of the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

92. International Chief Littlechild discussed the implementation of the Declaration at the international and national levels. He explained that the Declaration is the normative framework for the work of the Expert Mechanism, including its studies and advice and emphasized that the mechanism's studies are built on the foundational right of self-determination.

93. Mr. Anaya underscored that the full implementation of the Declaration is a complex process that requires sustained efforts by a myriad of State and other actors. He highlighted that the Declaration calls upon States to play a central role in operationalizing it, including by adopting specific affirmative measures in relation to the various rights. He reminded participants that greater efforts are required by States to implement the standards of the Declaration and to harmonize existing laws policies and programmes with those standards.

94. Mr. Anaya also emphasized that the Declaration specifically calls upon the United Nations system to promote respect for and the full application of the provisions of the Declaration, and welcomed initiatives within the various United Nations mechanisms and agencies to advance the rights of indigenous peoples. He also noted the importance of involvement by the private sector in implementing the Declaration. This is especially the case for business enterprises that develop or seek to develop natural resources on or affecting indigenous peoples' lands and territories. Mr. Anaya emphasized that the implementation of the Declaration should involve indigenous peoples and their authorities and organizations in a spirit of cooperation with States and other relevant actors.

95. Mr. Sena noted that the Permanent Forum on Indigenous Issues has taken great care to integrate the United Nations Declaration into its recommendations. He noted with concern that the implementation of these recommendations has been impeded by a lack of resources, capacity and the non-binding nature of the recommendations of the Permanent Forum.

96. Mr. Sena welcomed the work of the Inter-Agency Support Group on Indigenous Peoples' Issues and recognized the role of the Permanent Forum in mainstreaming indigenous peoples' issues within the United Nations system. Mr. Sena encouraged discussion on different approaches for promoting the implementation of the Declaration with the ultimate aim of promoting the rights of indigenous peoples.

97. Mr. Cali Tzay highlighted the participation of indigenous peoples in the making of the Declaration and recognized the need to promote its interpretation in harmony with other standards that concern the rights of indigenous peoples. He highlighted that the Committee on the Elimination of Racial Discrimination, when analysing a country report, pays attention to the implementation of the rights of indigenous peoples, particularly in relation to the scope of the Convention to combat racial discrimination. He also recalled the Committee's general recommendation No. 23 (1997) on indigenous peoples, noting that although it predates the adoption of the Declaration on the Rights of Indigenous Peoples, it contains many elements that are covered in the Declaration, such as the rights of indigenous peoples to education, health, culture, language and spirituality.

98. Mr. Djamin commented on the complementary role of regional mechanisms and highlighted the importance of promoting a regional approach to address the rights of indigenous peoples. Mr. Djamin welcomed the recent adoption of the ASEAN Human Rights Declaration, which, although it does not specifically mention indigenous peoples, recognizes the rights of vulnerable and marginalized groups. Regarding the work of the ASEAN Intergovernmental Commission for Human Rights, Mr. Djamin noted that it is looking forward to seeking a common understanding about the specific needs of indigenous peoples in that region. He also highlighted the efforts of ASEAN to close the gap of weak protection mechanisms and existing laws that have not been adequately implemented at the national level.

99. Mr. Gooda highlighted that NHRIs are an exceptional model for advancing the recognition and protection of the rights of indigenous peoples. He emphasized the positive example of the Australian Human Rights Commission, which reports directly to Parliament on an annual basis. This practice serves as a means to ensure that the exercise and enjoyment of the human rights of indigenous peoples is promoted, advocated and advanced at every opportunity. He also noted that the Australian Human Rights Commission, in partnership with the Asia Pacific Forum and OHCHR, is producing a training toolkit for NHRIs that focuses on the rights of indigenous peoples.

100. Several participants sought the advice of the panel on how indigenous peoples can collaborate with United Nations mechanisms on indigenous peoples to influence an increased level of participation of indigenous peoples in future sessions. Participants also

discussed strategies to disseminate information that profiles the achievement of promoting the rights of indigenous peoples, which may encourage their greater engagement with mechanisms on indigenous peoples and the human rights treaty bodies.

101. Participants highlighted the importance of engaging other actors in the session of the Expert Mechanism, such as academics and the Working Group on the issue of human rights and transnational corporations and other business enterprises. This was supported by the panellists. Mr. Anaya expressed his full support for the need to invite academics to participate in the sessions of the Expert Mechanism, and expressed appreciation for the support received from his academic unit, the University of Arizona Law School, in meeting the demands of his mandate. The Chairperson-Rapporteur expressed his support for inviting the Working Group to future sessions, and recommended that the members of the Expert Mechanism also attend the Forum on Business and Human Rights.

102. Several participants expressed concern for the lack of follow-up on the recommendations of human rights treaty bodies concerning indigenous peoples, and asked for advice on effective follow-up practices. The Chairperson-Rapporteur recalled that indigenous peoples have a responsibility to call for the implementation of recommendations issued by the human rights treaty bodies, especially when they concern indigenous peoples. He highlighted that the most important call of the Declaration on the Rights of Indigenous Peoples is for indigenous peoples and States to work together. This can, in turn, ensure follow-up and implementation of the recommendations of the human rights treaty bodies.

103. The Chairperson of the Permanent Forum addressed participants' concern regarding the dissemination of information at the local level, and acknowledged the specific challenges experienced in Africa, Latin America and Asia. He supported the view that the World Conference is an opportunity to address this gap.

104. In his concluding remarks on the dialogue, the Chairperson-Rapporteur recalled the Expert Mechanism's compilation of recommendations, conclusions and advice (A/HRC/EMRIP/2013/CRP.1) and supported the strong call for the implementation of the rights of indigenous peoples in the context of the World Conference. He noted that two themes of the Alta Outcome Document called for stronger implementation of the rights of indigenous peoples and referred to specific preambular and other paragraphs of the Alta Outcome Document.

IX. Proposals to be submitted to the Human Rights Council

105. The Chairperson-Rapporteur invited observers to share their recommendations regarding the Expert Mechanism's proposals to the Human Rights Council.

106. Participants recommended that the Expert Mechanism conduct studies on peace and security; violence against women and girls; the situation of indigenous human rights defenders; cultural heritage and sacred sites; climate change and the human rights of indigenous peoples; land, territories and resources; traditional livelihoods; the role of women as entrepreneurs; the preservation of indigenous cultures; indigenous governance; the rights of indigenous persons with disabilities; and the post-2015 development agenda.

107. Participants also recommended that the Expert Mechanism continue to undertake its study on access to justice in the promotion and protection of indigenous peoples with a focus on challenges and barriers for access to justice for indigenous women, children, youth and persons with disabilities; peace, including in peace and conflict resolution processes; lands, territories and resources; indigenous peoples' understanding of restorative justice; non-repetition and non-recurrence; justice for historic human rights violations including those which have inter-generational and ongoing impacts; the role of indigenous peoples' traditional justice systems, authorities and institutions; and the role of treaties, agreements and other constructive arrangements between States and indigenous peoples.

108. Participants also recommended further interactive dialogues, further involvement of the Expert Mechanism in the preparatory process for the World Conference on Indigenous Peoples, and engagement between the Expert Mechanism and the Working Group on the issue of human rights and transnational corporations and other business enterprises.

X. Adoption of reports, studies and proposals

109. At the last meeting of its sixth session, the Expert Mechanism adopted the study and advice on access to justice in the promotion and protection of indigenous peoples and the report on the summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices with regard to possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples. All the proposals were adopted by consensus by the members of the Expert Mechanism.

110. The members of the Expert Mechanism also adopted a provisional agenda for the seventh session of the mechanism (see annex II).

Annex I

[English only]

List of participants

States Members of the United Nations, represented by observers

Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Italy, Japan, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Poland, Russian Federation, South Africa, Spain, Sri Lanka, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Viet Nam.

Non-member States, represented by an observer

Holy See and the State of Palestine.

United Nations mandates, mechanisms, bodies, specialized agencies, funds and programmes, represented by observers

Special Rapporteur on the rights of indigenous peoples; United Nations Permanent Forum on Indigenous Issues; United Nations Voluntary Fund for Indigenous Populations; United Nations Development Programme; United Nations Children's Fund; and Office of the United Nations High Commissioner for Refugees.

Intergovernmental organizations, regional organizations and mechanisms in the field of human rights, represented by observers

European Union

National human rights institutions, represented by observers

Australian Human Rights Commission and New Zealand Human Rights Commission.

Academics and experts on indigenous issues, represented by observers from the following institutions

Arizona State University, United States of America, Hawaii Institute for Human Rights, United States of America; Leuphana University Lüneburg, Germany; Structural Analysis of Cultural Systems, Berlin; University of Manitoba, Canada; University of Deusto, Bilbao, Spain; and University of Arizona, United States of America.

Non-governmental organizations as well as indigenous nations, peoples and organizations, represented by observers

Adivasi Vikas Sanstha; Agencia Internacional de Prensa Indígena (AIPIN); Agenda Ciudadana por el Desarrollo y la Corresponsabilidad Social; Aktionsgruppe Indianer und Menschenrechte (AGIM); Aliansi Masyarakat Adat Nusantara; Aotearoa Indigenous Rights (AIR) Trust; Asia Indigenous Peoples Pact (AIPP); Asociación de Desarrollo Integral del Territorio Indígena de Cabagra; Assemblée des Arméniens d'Arménie Occidentale; Association Culturelle ATH KOUDHIA Amazigh Algérie; Association de femmes de Kabylie N Telawen n Tmurt N Lequbayel; Association des peuples de Kabylie; Association "Ere-Chuy"; Association Espoir pour les Jeunes Batwa – Burundi; Association of Indigenous Peoples in the Ryukyus (AIPR); Association of Russian Language Indigenous

People Inhabiting Territory of Present Latvia (RILP); Association of the Indigenous Peoples of the North, Yakoutia; Association TARTIT – Burkina Faso; Association Tunfa; Bangladesh Indigenous Peoples Forum (BIPF); Bangsa Adat Alifuru; Centre for Social Development; Centro de Orientación y Desarrollo Integral Ngäbe Buglé (CODEI); Chirapaq; Comisión de Juristas Indígenas en la República Argentina (CJIRA); Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ); Committee in Solidarity with Indigenous Peoples of the Americas (CSIA – Nitassinan, France); Communauté des Potiers du Rwanda (COPORWA); Comunicación y Diálogo con los Pueblos Indígenas en el Idioma Español; Comunidad Aborigen el Angosto Jujuy Argentina; Congrès Mondial Amazigh; Congrès Populaire Coutumier Kanak; Consejo de la Nación Charrúa (CONACHA); Consejo Municipal Indígena Lenca de Honduras; Consejo Municipal Indígena Lenca de Masaguara Intibucá; Consejo Territorial Mapuche Mallolafken; Convention pour la Promotion et le Développement des Peuples Autochtones; Coordinadora de Organizaciones del Pueblo Kichwa Saraguro; Council of Indigenous Peoples in Today's Vietnam; European Disability Forum; France Libertés – Fondation Danielle Mitterrand; Foundation for Gaia; Indigenous Global Coordinating Group; International Organization for Self-Determination and Equality (IOSDE); Grand Council of the Crees; Grupo Académico de la Dra. Blohm, Leuphana Universität Lüneburg; Haudenosaunee; INCOMINDIOS Switzerland; Indigenous Council of Roraima – Brazil; Indigenous Peoples and Nations Coalition; Indigenous Peoples' Center for Documentation, Research and Information (doCip); Indigenous Peoples of Africa Coordinating Committee (IPACC); Indigenous Peoples of the North – Cultural Center; Indigenous Peoples Organisation Network; Indigenous Peoples Organisation Network Australia; Indigenous World Association; Institute of Civil Activity; International Human Rights Association of American Minorities (IHRAAM); International Indian Treaty Council (IITC); International Work Group for Indigenous Affairs (IWGIA); Kalipunan ng Katutubong Mamamayan ng Pilipinas; Kaurareg Aboriginal Land Trust (KAMP); Khmers-Kampuchea Krom Federation (KKF); Leonard Peltier Defense Offense Committee (LPDOC); LookinginOntario; Mbororo Social Cultural and Development Association and Santa Mbororo Youth Association; Movimiento Indígena y Campesino de Cotopaxi (MICC); National Aboriginal and Torres Strait Islander Legal Services; National Congress of Australia's First Peoples; National Indian Youth Council; National Indigenous Women's Federation; National Native Title Council – Australia; Native Women's Association of Canada; Native Youth Sexual Health Network; Negev Coexistence Forum for Civil Equality; Newar National Indigenous Organisation of Nepal; New South Wales Aboriginal Land Council (NSWALC); North East Dialogue Forum (NEDF); Ogiek Peoples Development Program (OPDP); Organisation des Nations Autochtones de Guyane (ONAG); Organisation of Kaliña and Lokono Indigenous Peoples in Marowijne (KLIM); Papua New Guinea Mining Watch Group Association Inc; Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO); Partners of Community Organisations in Sabah (PACOS) Trust; Perm Regional Public Organisation “Wind Rose”; Programme d'Intégration et de Développement du Peuple Pygmée au Kivu “PIDP SHIRIKA LA BAMBUTI”; El Pueblo Indígena Bubi de la Isla de Bioko; Pueblo Indígena Cumanagota; Pueblo Indígena Cumanagoto de la República Bolivariana de Venezuela; Réseau des peuples autochtones d'Afrique; Saami Council; Sāmi Parliament of Norway; Siinak; Society for Development of Tribals; Southern First Nations Secretariat; Structural Analysis of Cultural Systems; Tamaynut; Tartir; Tasglat/Tin Hinan; Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education); ONG Tchichitt; Tin-Hinan, Association pour l'épanouissement des femmes nomades; Tomwo Integrated Pastoralist Development Initiative; Unidad Indígena del Pueblo Awa (UNIPA); Unissons-nous pour la Promotion des Batwa (UNIPROBA); Universal Esperanto Association (UEA) – Lausanne; West Papua Interest Association; Yakutia-Nashe Mnenie; Youth Organization of Finno-Ugric Peoples.

Annex II

Provisional agenda of the seventh session

1. Election of officers
 2. Adoption of the agenda and organization of work
 3. World Conference on Indigenous Peoples
 4. Post-2015 Development Agenda
 5. Follow-up on thematic studies and advice
 6. Thematic study and advice in accordance with the forthcoming resolution of the Human Rights Council
 7. United Nations Declaration on the Rights of Indigenous Peoples
 8. Proposals to be submitted to the Human Rights Council for consideration and approval
 9. Adoption of the report
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