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Report of the Expert Mechanism on the Rights of Indigenous Peoples on its ninth session, Geneva, 11-15 July 2016

Chair-Rapporteur: Albert Kwokwo Barume

Summary

The Expert Mechanism on the Rights of Indigenous Peoples held its ninth session from 11 to 15 July 2016. In addition to members of the Expert Mechanism, the participants in the session included representatives of States, parliaments, indigenous peoples, United Nations bodies, programmes and specialized agencies, non-governmental organizations, national human rights institutions and academics.

The Expert Mechanism discussed follow-up to the World Conference on Indigenous Peoples, including the review of the Expert Mechanism's mandate, and held a panel discussion on the promotion and protection of the rights of indigenous persons with disabilities. It also discussed the human rights of indigenous peoples in relation to business enterprises.

The Expert Mechanism's study on the right to health and indigenous peoples, with a focus on children and youth was considered. Discussions were also held on follow-up to previous studies, the United Nations Declaration on the Rights of Indigenous Peoples and the Sustainable Development Goals and the rights of indigenous peoples.

The Expert Mechanism adopted the proposals to be submitted to the Human Rights Council at its thirty-third session. In addition, it adopted the study on the right to health and indigenous peoples, with a focus on children and youth, and the report summarizing the responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

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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 the Council. In the resolution, the Council established that the thematic expertise would focus mainly on studies and research-based advice, and that the Expert Mechanism may suggest proposals to the Council for its consideration and approval.

II. Adoption of studies, reports and proposals

2. The Expert Mechanism adopted its study and advice on the right to health and indigenous peoples, with a focus on children and youth, and the report summarizing the responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

A. Adoption of the study and advice on the right to health and indigenous peoples

3. The Expert Mechanism:

(a) Refers to paragraph 5 of Human Rights Council resolution 30/4, in which the Council requested the Expert Mechanism to prepare a study on the right to health and indigenous peoples, with a focus on children and youth, and to present it to the Council at its thirty-third session;

(b) Adopts the study and advice on the right to health and indigenous peoples, with a focus on children and youth;

(c) Authorizes the Chair-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 ninth session and to submit the final version to the Human Rights Council at its thirty-third session.

B. Adoption of the report summarizing the responses to the questionnaire on best practices regarding 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:

(a) Refers to paragraph 6 of Human Rights Council resolution 30/4, in which the Council requested the Expert Mechanism to continue to undertake, with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the questionnaire on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Adopts the updated report;

(c) Authorizes the Chair-Rapporteur, in consultation with the other members of the Expert Mechanism, to make the necessary revisions in the light of discussions carried out at its ninth session and to submit the report to the Human Rights Council at its thirty-third session.

C. Proposals

Proposal 1: Theme of the Expert Mechanism's next study

5. In case the proposal made below to allow the Expert Mechanism to select independently the themes of its future studies has not yet been adopted by the Council at its thirty-third session (see proposal 3 (a) below), the Expert Mechanism proposes to the Human Rights Council that it authorize the Expert Mechanism to undertake a study on one of the following themes:

(a) The rights of indigenous peoples and individuals engaged with the promotion and protection of human rights and fundamental freedoms;

(b) Discrimination facing indigenous peoples in business and access to financial services, with specific reference to indigenous women entrepreneurs;

(c) Article 8 of the United Nations Declaration on the Rights of Indigenous Peoples, including the right of indigenous peoples and individuals not to be subjected to forced assimilation and destruction of culture.

Proposal 2: Theme of the half-day discussion at the thirty-sixth session of the Human Rights Council

6. The Expert Mechanism proposes to the Council that it hold at its thirty-sixth session a half-day discussion on the promotion and protection of the rights of indigenous persons with disabilities, and proposes that the Council make this panel discussion fully accessible to persons with disabilities.

Proposal 3: Review of the mandate of the Expert Mechanism

7. The Expert Mechanism proposes to the Human Rights Council that it incorporate the following suggestions when strengthening the mandate of the Expert Mechanism, in addition to other amendments aiming to strengthen the Mechanism:

(a) The Expert Mechanism should have greater independence and autonomy from the Human Rights Council, including authority to select independently the themes of its future studies, following consultations with indigenous peoples and Member States;

(b) The mandate of the Expert Mechanism should explicitly be based on the United Nations Declaration on the Rights of Indigenous Peoples, which should also be the Expert Mechanism's main normative framework;

(c) There should be enhanced cooperation and interaction between the Expert Mechanism and the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and other special procedure mandate holders involved in the protection and promotion of indigenous peoples' rights. In that regard, the coordination meetings between mandate holders on indigenous peoples' rights and the participation of the Expert Mechanism's Chair-Rapporteur at the annual sessions of the Permanent Forum and the annual meeting of the special procedures should be institutionalized;

(d) The Expert Mechanism should be given the mandate to pursue country engagement upon request, with a view to facilitating constructive dialogue between

indigenous peoples, States, the private sector and other stakeholders. This may include technical assistance, awareness-raising and capacity-building activities;

(e) The number of members of the Expert Mechanism should be increased to seven, with one expert coming from each of the seven indigenous sociocultural regions;

(f) The Expert Mechanism should be mandated to prepare an annual global report on developments regarding the implementation of the Declaration, focusing on emerging good practices;

(g) Cooperation and interaction should be enhanced between the Expert Mechanism and the Human Rights Council, including through meetings with the Bureau of the Council, its President and regional groups;

(h) The Expert Mechanism should contribute to the work of the Working Group on Business and Human Rights, including its global and regional forums, with a view to enabling constructive dialogue between businesses and indigenous peoples;

(i) Cooperation and interaction should be enhanced between the Expert Mechanism and the United Nations human rights system in general, including the treaty bodies and the universal periodic review process;

(j) The Expert Mechanism should enhance its collaboration with national human rights institutions, including through joint activities at national and regional levels;

(k) Adequate resources and secretariat support should be allocated for the expanded mandate of the Expert Mechanism, including for its increased intersessional activities.

8. The Expert Mechanism further proposes to the Human Rights Council that it complete the review of the Expert Mechanism's mandate and introduce the necessary changes at the Council's thirty-third session.

Proposal 4: Participation of indigenous peoples within the United Nations

9. The Expert Mechanism:

(a) Proposes to the Human Rights Council that it make further efforts to enhance the participation of indigenous peoples' representatives and institutions in its work, including in its meetings that are focused on the rights of indigenous peoples (in particular the dialogue with the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples and the annual half-day discussion on the rights of indigenous peoples);

(b) Proposes to the Human Rights Council that it urge the General Assembly to pursue decisively the ongoing process to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, building on the compilation prepared by the advisers to the President of the General Assembly on the question of enhancing indigenous peoples' participation at the United Nations;

(c) Proposes to the Council that it support the continuation of the work of the advisers to the President of the General Assembly, two of whom are from Member States and two of whom are from indigenous peoples;

(d) Encourages the Council to request the Expert Mechanism to report before the General Assembly at its seventy-first session, in its discussion of implementation of the paragraph 8 of the outcome document of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples (contained in Assembly resolution 69/2), on the Expert Mechanism's contributions and advice on the issue of indigenous peoples' participation.

Proposal 5: Indigenous persons with disabilities

10. The Expert Mechanism:

(a) Bearing in mind that the Expert Mechanism's sessions offer to indigenous persons with disabilities a unique opportunity to voice their concerns and engage in constructive dialogue with States, proposes that the Council allocate resources in order to make the Expert Mechanism's sessions fully accessible to persons with disabilities;

(b) Proposes to the Council that it encourage States to provide information and data regarding indigenous persons with disabilities in their reports under the universal periodic review process.

Proposal 6: Sustainable Development Goals

11. The Expert Mechanism proposes that the Council urge States to take measures to ensure the participation of indigenous peoples, and in particular indigenous youth, in national processes for the implementation of the Sustainable Development Goals.

Proposal 7: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

12. The Expert Mechanism:

(a) Bearing in mind the forthcoming tenth anniversary of the adoption of the Declaration, proposes that the Council authorize the Expert Mechanism to carry out a review and summary of good practices in the implementation of the Declaration over the last decade, and encourage Member States to contribute to this process;

(b) Proposes to the Council that it call upon States to ensure indigenous human rights defenders are guaranteed a safe working environment and security in compliance with international standards;

(c) Proposes that the Council urge States to contribute to the United Nations Voluntary Fund for Indigenous Peoples;

(d) Reiterates its proposal that the 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 process, including with regard to collective rights. The Expert Mechanism also proposes that, in future universal periodic review cycles, the Declaration be explicitly included in the list of standards on which the universal periodic review process is based.

Proposal 8: Indigenous peoples' rights, business enterprises, and international financial institutions

13. The Expert Mechanism proposes to the Council that it call upon States with stakes in major international development banks, including the World Bank, to engage in dialogue with these institutions with a view to ensuring that their safeguard standards and their application are in compliance with international human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Proposal 9: Webcasting of the sessions of the Expert Mechanism

14. The Expert Mechanism proposes to the Council that it provide the resources needed for the sessions of the Expert Mechanism to be webcast, thus allowing them to reach a broader audience.

III. Organization of the session

A. Attendance

15. The Expert Mechanism held its ninth session in Geneva, from 11 to 15 July 2016. The members, Albert Kwokwo Barume (Democratic Republic of the Congo), International Chief Wilton Littlechild (Canada), Edtami Mansayagan (Philippines), Alexey Tsykarev (Russian Federation) and Erika M. Yamada (Brazil) took part in the session.

16. The participants of the session also included representatives of States, parliaments, indigenous peoples, United Nations programmes, bodies and specialized agencies, national human rights institutions, non-governmental organizations and academic institutions (see annex I for a complete listing).

17. Also participating in the session were: Victoria Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples; Catalina Devandas Aguilar, Special Rapporteur on the rights of persons with disabilities; Alvaro Pop Ac, Chair of the Permanent Forum on Indigenous Issues; Binota Dhamai, member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples; and the advisers to the President of the General Assembly on the question of enhancing indigenous peoples' participation at the United Nations, Kai Sauer (Finland), Sammie Eddico (representing Martha Ama Akyaa Pobee, Ghana), Claire Charters and James Anaya.

B. Documentation

18. The Expert Mechanism had before it the provisional agenda with annotations (A/HRC/EMRIP/2016/1), the draft study on the right to health and indigenous peoples, with a focus on children and youth, and the report on the expert workshop on the review of the Expert Mechanism's mandate (A/HRC/32/26).

19. The Expert Mechanism also had before it the following: a draft summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples; a report entitled "The Finno-Ugric peoples and sustainable development: health of indigenous peoples"; a report of the monitoring mechanism on the implementation of the Declaration in Aotearoa/New Zealand; and a final compilation of views on enabling indigenous peoples' participation in the United Nations (8 July 2016) and the addendum thereto.

C. Opening

20. Mr. Tsykarev, outgoing Chair-Rapporteur of the Expert Mechanism, opened the session and introduced Ramón Alberto Morales Quijano, Vice-President of the Human Rights Council.

21. The Vice-President of the Council recognized the importance of the participation of indigenous peoples in United Nations processes and thanked the United Nations Voluntary Fund for Indigenous Peoples for supporting the participation of 20 indigenous representatives at the session. He noted the important work undertaken by the Expert Mechanism and expressed hope that the review of the Expert Mechanism would strengthen its mandate to promote implementation of the Declaration at both the international and national level. In addressing the right to health and indigenous peoples, he highlighted the

need to look at the broader picture of discrimination and the lack of understanding of the social and cultural situations that indigenous peoples faced when accessing health-care services.

22. In his opening remarks, the Director of the Human Rights Council and Treaty Mechanisms Division of OHCHR thanked the members of the Expert Mechanism for their commitment. He welcomed the 29 Fellows taking part in the Indigenous Fellowship Programme of OHCHR and acknowledged the essential nature of indigenous peoples' participation in ensuring that the work of the Expert Mechanism made relevant and targeted contributions to the advancement of their rights. The Director highlighted the multidimensional nature of indigenous peoples' right to health, particularly for indigenous women, children and persons with disabilities and noted that it is essential when addressing this right to seek participatory solutions with the indigenous peoples concerned.

D. Election of officers

23. Mr. Tsykarev invited the members of the Expert Mechanism to nominate a Chair-Rapporteur and Vice-Chair-Rapporteur for its ninth session. Chief Littlechild nominated Mr. Barume as Chair-Rapporteur and Ms. Yamada as Vice-Chair-Rapporteur. Both were appointed by acclamation.

24. In his opening statement, Mr. Barume thanked the members of the Expert Mechanism for his election and welcomed the newest member, Ms. Yamada. He also acknowledged the work of continuing members: Chief Littlechild, Mr. Mansayagan and Mr. Tsykarev.

25. The Chair-Rapporteur gave an update on the studies and intersessional activities carried out by the Expert Mechanism in the past year. They included the study on the right to health and indigenous peoples, with a focus on children and youth. The study was informed by an expert seminar co-organized by McGill University and OHCHR. The Chair-Rapporteur also discussed the Expert Mechanism's work on the questionnaire sent to 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.

26. The Chair-Rapporteur then provided an overview of the agenda for the upcoming ninth session. He closed by thanking the indigenous peoples, organizations and individuals who contributed to the work of the Expert Mechanism and emphasized that the ninth session was an opportunity to pursue the collective vision and purpose that united all participants of the Expert Mechanism: the full realization of the human rights of indigenous peoples.

E. Adoption of the agenda

27. The Expert Mechanism adopted the agenda and the programme of work of the ninth session.

IV. Follow-up to the World Conference on Indigenous Peoples, including the review of the mandate of the Expert Mechanism

A. Review of the mandate of the Expert Mechanism

28. The agenda item on follow-up to the World Conference on Indigenous Peoples, including the review of the mandate of the Expert Mechanism began with introductory remarks from Mr. Tsykarev, who recalled paragraph 28 of the outcome document of the World Conference on Indigenous Peoples, in which the General Assembly invited the Human Rights Council:

Taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples ... with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.

29. He presented some preliminary views regarding the review of the mandate, which included the following: that the Expert Mechanism should have stronger relationships with the Human Rights Council, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples; that the Expert Mechanism needs to be more readily accessible to indigenous peoples; that the Expert Mechanism has to be better funded and has to be more engaged with country-specific activities, including provision of technical assistance on request; and that the ultimate goal of the review should not be solely to strengthen the mandate of the Expert Mechanism, but rather to do so with a view to increasing the rights of indigenous peoples on the ground.

30. The Chief of the Indigenous Peoples and Minorities Section of OHCHR provided an overview of the background to the review of the mandate. He also gave an update on the workshop that had been held in Geneva on 4 and 5 April 2016 following Human Rights Council resolution 30/11. The dynamic and constructive discussions at the workshop resulted in a range of specific proposals, which had been, in some cases, also complemented by written submissions. He thanked the more than one hundred participants for their inputs, as well as Mr. Anaya for moderating the workshop in an inclusive and engaging manner. OHCHR looked forward to providing further support to the mandate review process.

31. Mr. Anaya introduced the main discussion points and recommendations made at the workshop. From those, three basic conclusions had become apparent: the need to strengthen coordination between the Expert Mechanism, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples; expanding the Expert Mechanism's mandate to allow it to address country-specific situations, in a way that avoided duplication with the work of the Special Rapporteur; and increasing the number of members of the Expert Mechanism, while maintaining gender and geographical balance.

32. Mr. Barume noted that the workshop had allowed consideration of a number of additional issues deemed important by the Expert Mechanism. They included the need for broader participation of indigenous peoples in the Expert Mechanism, the working relationship between the Expert Mechanism and national human rights institutions, and multi-stakeholder dialogues at the country level, including the private sector. Ms. Tauli-Corpus added that better coordination between the indigenous mechanisms was needed and

that the Expert Mechanism had a real potential to influence the Human Rights Council and its subsidiary bodies, as well as United Nations specialized agencies based in Geneva.

33. The ensuing discussion demonstrated continued support for the proposals put forward in the report on the expert workshop (A/HRC/32/26). In particular, there was support for greater communication between the Expert Mechanism, the Special Rapporteur, the Permanent Forum and other parts of the United Nations human rights system, and for the Expert Mechanism to be given the authority to select the themes of its studies and prepare an annual report on the implementation of the Declaration.

34. Participants expressed support for the number of experts to be increased from five to seven so as to represent all the indigenous sociocultural regions. Support was also expressed for the proposal that the Expert Mechanism provide technical advice and capacity-building to Member States when requested and for the secretariat to be better staffed and funded.

35. In closing, Chief Littlechild noted the proposal of the Expert Workshop for the Expert Mechanism to prepare an annual global report on the implementation of the Declaration (see A/HRC/32/26, annex I). He also noted the reference made by participants to the adoption by the Organization of American States of the American Declaration on the Rights of Indigenous Peoples, which had highlighted article 24 on “Treaty rights” and acknowledged the importance of that article in advancing the treaty rights of indigenous peoples in concert with article 37 of the United Nations Declaration on the Rights of Indigenous Peoples.

B. Briefing and discussion on the consultation process to enable the participation of indigenous peoples’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them

36. The briefing and discussion concerned commitments made in paragraph 33 of the outcome document of the World Conference on Indigenous Peoples, to enable the participation of indigenous peoples’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. Mr. Sauer, the Permanent Representative of Finland to the United Nations in New York, opened the discussion by outlining the phases of the relevant consultation process established under General Assembly resolution 70/232 in which the Assembly agreed that the consultation process should be timely, inclusive, representative and transparent. The first phase was the appointment of the four advisers: Mr. Sauer and Ms. Pobe, as well as the indigenous advisers, Ms. Charters and Mr. Anaya.

37. Mr. Sauer noted that a questionnaire had been developed and sent to States and indigenous peoples asking for contributions, following which two consultative meetings had been held. Several draft compilations of the contributions had been developed following advice from States and indigenous peoples and the final compilation had now been submitted to the President of the General Assembly. The compilation would form the basis of a draft text for consideration and adoption by the Assembly at its seventy-first session.

38. The indigenous advisers outlined the content of the compilation, stating that there was a clear consensus that indigenous peoples had the right to participate in the United Nations in matters affecting them and that this did not undermine States in any way. There was general agreement on indigenous participation at all levels of the United Nations, but it was unclear whether that could be achieved by enhancing the existing mechanisms. The question of how that could be achieved, and to whom a possible new category of representation could be extended, was further outlined.

39. A number of States supported a new category of representation for indigenous peoples. There were differing views about the possible membership requirements, such as whether it should include only indigenous governments or whether there should be more flexibility in the process. The need to further consult indigenous peoples while keeping up the momentum was identified. Indigenous participants generally supported the need to ensure greater indigenous participation in the United Nations and acknowledged the work of the advisors.

40. In closing, the advisors outlined the current challenges to the process, highlighting the need for a consensus outcome based on engagement, flexibility and a spirit of compromise. Chief Littlechild encouraged that leadership in his closing remark that now was the time to be bold.

V. Panel discussion on the promotion and protection of the rights of indigenous persons with disabilities

41. Mr. Mansayagan opened the panel discussion by welcoming the participants and introducing the panellists. He drew attention to the Expert Mechanism's work on the subject, including most recently in its draft study on indigenous peoples and the right to health. He acknowledged the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the rights of indigenous peoples for co-convening an expert meeting on that theme, with support from the International Labour Office and OHCHR.

42. Olga Montúfar, Director of Fundación Paso a Paso in Mexico, emphasized the importance of ensuring equality of conditions and opportunities for indigenous persons with disabilities. She underlined the importance of both the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples as a legal framework to guide States, indigenous peoples and other stakeholders in implementing the rights of indigenous persons with disabilities. She emphasized that the lack of data on that population was a serious challenge and called for harmonized approaches to capturing data on indigenous persons with disabilities, particularly in Latin America and the Caribbean. She also emphasized that indigenous persons with disabilities must participate in all decision-making on matters that affected them. She identified the following steps forward: the promotion of autonomy of that population group; the need for more research and data; and, most importantly, the development of a global plan to address the situation of indigenous persons with disabilities to ensure they could be fully included in the development of their communities and countries.

43. The Special Rapporteur on the rights of persons with disabilities highlighted the exclusion, marginalization and discrimination faced by indigenous persons with disabilities. She provided an overview of the expert meeting on indigenous persons with disabilities, which had addressed the international human rights framework, including individual and collective rights. She highlighted the need to apply an indigenous lens to the Convention on the Rights of Persons with Disabilities and a disability lens to the United Nations Declaration on the Rights of Indigenous Peoples. She highlighted the need for direct participation of indigenous persons with disabilities, through increased financial support from the United Nations system and appropriate, non-discriminatory services. Evidence, research and data must be participatory and human rights-based. The Expert Mechanism was called upon to take a leadership role in providing conceptual guidance on overcoming challenges, such as ensuring that the national action plans called for by the World Conference on Indigenous Peoples were inclusive of indigenous persons with disabilities and facilitating the development of a network on that issue.

44. Pratima Gurung, from the Nepal Indigenous Disabled Association, discussed the situation of indigenous persons with disabilities from a grassroots perspective. She highlighted several challenges, including: the fact that the diversity of their identities, as indigenous, disabled, women, created specific needs; discrimination and exclusion by States and non-State actors; the need for greater recognition of their collective and individual rights and for environmental problems to be addressed, such as natural disasters. Recommendations to the indigenous-specific mechanisms included: ensuring the participation and representation of indigenous persons with disabilities in their deliberations; taking effective measures to ensure greater awareness of the applicable international legal framework at the national level; follow-up in future sessions of the Expert Mechanism and conducting a study specifically on indigenous women with disabilities.

45. The Special Rapporteur on the rights of indigenous peoples provided an analysis of the nexus, similarities and differences between the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples. She proposed measures to ensure cultural sensitivities were respected. She also called for disability to be embraced as part of human diversity. Finally, she called on indigenous persons with disabilities to effectively utilize the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples.

46. Doreen Demas, an advocate for the rights of indigenous persons with disabilities from Canada, provided three specific recommendations to advance the realization of the spirit of ideal of “leave no one behind” under the Sustainable Development Goals. The first recommendation was that all indigenous-specific mechanisms take all measures possible to ensure accessibility to all indigenous persons with disabilities, including: the provision of alternate document formatting for written materials, such as in Braille, large print, and accessible Microsoft Word or PDF formats, as well as plain language documentation; sign language interpretation for the deaf and FM loop systems for people who were hard of hearing; and ensuring that the physical premises were barrier-free. She further recommended that the Expert Mechanism undertake a specific study in relation to the rights of indigenous persons with disabilities, with the full participation of indigenous persons with disabilities. Lastly, she recommended that, in the appointment of members of the Expert Mechanism, consideration be given to ensuring that indigenous persons with disabilities were represented, in a manner similar to consideration given to regional and gender representation.

47. Indigenous peoples’ organizations indicated that there was a significantly higher rate of disability among indigenous peoples and communities caused by multiple factors, including colonization. Indigenous persons with disability experienced multiple and intersecting forms of discrimination, such as stigmatization and marginalization, violence, lack of access to appropriate health care, vulnerability due to migration and the prevalence of the harmful practice of institutionalization. The situation was particularly dire in developing countries and countries impacted by armed conflict and militarization. Nevertheless, indigenous persons with disabilities in developed countries also experienced marginalization and significant levels of risk.

48. The particular vulnerabilities of women and children with disabilities was discussed, with Ms. Devandas Aguilar noting the higher prevalence of gender-based violence and sexual assault and the lack of remedies and protection from such violence. Indigenous peoples’ representatives submitted that indigenous children with disability were being removed from their families and communities, in violation of individual and collective

human rights, which jeopardized the well-being and identity of children, families and communities.

49. Furthermore, indigenous persons with disabilities could experience State-based violence, such as violence by police and other State actors. There was often a pathway of negative interaction with the criminal justice system, instead of justice and disability support being provided. Indigenous peoples' lands in some countries were being contaminated, with severe adverse consequences, including birth defects and child disability.

50. States provided examples of good practices, including national disability policies and services addressing indigenous peoples' needs and including the provision of culturally appropriate services. Indigenous representatives called for greater investment in family support and community-based services. Preventive approaches were identified as being of critical importance.

51. Ms. Yamada expressed concerns regarding disabilities caused by mining, particularly the uncontrolled use of mercury. She also emphasized the importance of taking an intercultural approach to disabilities. Mr. Tsykarev called upon States and corporations to safeguard the working conditions of indigenous peoples in order to prevent occupational diseases. He also invited States to revise the system of periodic confirmation of disability status for indigenous persons residing in remote and inaccessible areas in order to be able to obtain a disability pension.

52. The experts thanked the Special Rapporteurs for convening the expert meeting on indigenous persons with disabilities, and agreed that the Expert Mechanism and other United Nations bodies must be fully inclusive of indigenous persons with disabilities. Chief Littlechild recommended that the Committee on the Rights of Persons with Disabilities should consider developing a general comment on indigenous persons with disabilities.

VI. Study and advice on the right to health and indigenous peoples, with a focus on children and youth

53. Mr. Barume introduced the study on the right to health and indigenous peoples, with a focus on children and youth. He expressed his gratitude to the Institute for the Study of International Development at McGill University, which had jointly with OHCHR organized an expert seminar on the topic of the study in Montreal, Canada, in February 2016. He thanked all the experts who had participated in the seminar for their valuable contributions. He thanked all States, indigenous peoples' organizations, non-governmental organizations and national human rights institutions that provided submissions to the study. He then provided a detailed overview of the study, focusing on the advice issued by the Expert Mechanism to States, indigenous peoples and international organizations.

54. Ms. Yamada highlighted the need to strengthen traditional knowledge and practices on health and for intercultural approaches that were sensitive to the health needs of indigenous peoples. She also noted that environmental issues and displacement compound the health challenges of indigenous peoples and called on States to share positive examples of protection of indigenous peoples living in voluntary isolation. Mr. Tsykarev noted that the global strategy and targets for tuberculosis prevention, care and control after 2015, adopted by the World Health Organization (WHO), made no reference to indigenous peoples, despite tuberculosis being a significant challenge for them. He also highlighted the need to lift the taboo around sexual health and sexually transmitted diseases, and called on States and indigenous organizations to conduct joint initiatives in order to prevent HIV/AIDS in indigenous communities.

55. Mr. Tsykarev referred to the outcomes of an expert seminar on indigenous peoples and the right to health held on 26 and 27 of May 2016 in the Russian Federation to discuss regional challenges and best practices pertaining to health issues. Participants had, for example, outlined that States must create innovative models that would make it possible to increase access to public health services, including for those who live a nomadic life or live in remote and inaccessible areas. He also highlighted the need to consider the close interconnections between health, livelihoods and ecology. He called upon States to allocate adequate finances to health care, but underlined that many steps could be undertaken within existing resources, including developing paramedicine by involving indigenous health-care practitioners.

56. The ensuing interventions by participants demonstrated widespread support for the main issues raised in the draft study. A particular emphasis was placed on the following issues: the holistic nature of indigenous approaches to health; the need to address maternal and infant mortality; the participation of indigenous peoples in the design of health-care services so that those services incorporated intercultural approaches and were culturally sensitive; disaggregated data on the health of indigenous peoples; the need for Western medicine to recognize the value of indigenous approaches to medicine; and the strengthening and protection of traditional knowledge about health. A central theme among the statements of all participants was that self-determination could only be fully achieved if the right to health was protected.

57. Participants highlighted issues that they believed needed to be further emphasized in the study. They included the need for health professionals and indigenous health workers to be trained in the treatment of psychosocial diseases and mental illness. At present, many indigenous persons who suffered from those conditions due to exposure to violent crimes and conflict-related trauma (including intergenerational trauma) did not have access to treatment. Participants also emphasized the need to recognize the importance of collective well-being and the role of families in the realization of the right to health, particularly for indigenous children and adolescents.

58. Several participants noted that a greater emphasis needed to be placed on language as an important component of the right to health, both in relation to ensuring that health-care services were provided in indigenous languages and the role that language played in the healing process. Comments were also made on the relationship between poor health outcomes and environmental degradation caused by extractive industries and large-scale development, as well as the intersection between food, nutrition and the right to health. Finally, a significant number of participants and States called on the Expert Mechanism to provide support and advice on county-specific health issues, in conjunction with WHO, and noted the need for WHO to appoint a focal point on issues relating to the health of indigenous peoples.

59. Chief Littlechild supported the call made by Ms. Yamada to attend to the rights of indigenous peoples in voluntary isolation. He also highlighted the issue of uranium mining and its negative impact on indigenous peoples' health, and the inclusion of a reference to the "famine and pestilence clause" and the "medicine chest clause" of Treaty No. 6 in Canada.

60. In closing, Mr. Barume reiterated the link between self-determination and the right to health. He highlighted some of the key concerns that had come up during the discussion, including: the strong correlation between historical trauma and the current health conditions faced by indigenous peoples; the important role of indigenous languages in the right to health; the impact of environmental toxins and chemical contamination on not only air and water but entire food systems; the need to develop good practices in the funding models for indigenous health systems; the health challenges faced by indigenous peoples living in conflict and detention; the central role that consultation and free, prior and informed

consent had to play in the right to health; and the need to raise awareness regarding indigenous peoples living in voluntary isolation.

VII. Human rights of indigenous peoples in relation to business enterprises

61. Chief Littlechild chaired a discussion on the human rights of indigenous peoples in relation to business enterprises emphasizing that this was a critical issue for the realization of the human rights of indigenous peoples, including self-determination, rights related to lands, territories and resources and economic, social and cultural rights. The Expert Mechanism had addressed the issue in several of its studies, including in its follow-up report on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries (A/HRC/21/55). Furthermore, the Expert Mechanism had issued a comment on the Human Rights Council's Guiding Principles on Business and Human Rights at its fifth session in 2012.

62. Participants focused their interventions on four themes. Firstly, participants highlighted the applicable legal and policy frameworks, including the United Nations Declaration on the Rights of Indigenous Peoples, treaties, such as the International Convention on the Elimination of All Forms of Racial Discrimination, and related general comments, the United Nations Global Compact, the Guiding Principles on Business and Human Rights and the development of a new binding instrument under consideration by Human Rights Council. Participants frequently referenced land rights and permanent sovereignty over natural resources protected under the Declaration. Several speakers also referred to provisions in the Declaration on self-determination and to free, prior and informed consent, which could be characterized as a call for all to work together. The "Calls to Action" of the Truth and Reconciliation Commission of Canada for business to work towards reconciliation was mentioned as an example of how such partnerships could be approached.

63. Secondly, participants highlighted the role of various sectors of business, including investment, tourism and the media, as well as key areas of practice, such as resource revenue-sharing and procurement contracts, in implementing the rights of indigenous peoples in that area. Positive examples of enhancing economic empowerment of indigenous peoples were also highlighted by States and indigenous peoples.

64. Thirdly, participants highlighted ongoing human rights violations in the business sector, particularly violations of spiritual rights and rights related to lands, territories and resources, which caused disease and had an impact on access to potable water. Participants noted that there were examples of corporate violence, including land grabbing and violence against indigenous women and girls. Those interventions highlighted the need for States to ensure that the human rights of indigenous peoples were protected, by ensuring that both States and transnational corporations upheld their responsibilities.

65. Lastly, solutions aimed at self-determination in the area of economic development were outlined, including a strong call for advancement of indigenous-driven economies. National action plans, regulatory schemes for extraterritorial activities and traditional ways of mediation of indigenous peoples were also discussed.

66. Ms. Yamada expressed concern about the role of States vis-à-vis companies that conducted activities affecting indigenous peoples in countries other than the country in which they were headquartered, which often acted without respect for the principle of free, prior and informed consent. She also expressed concern about the violence against indigenous peoples related to land grabbing carried out by agribusiness enterprises, which could often result in evictions of indigenous peoples from their lands.

67. Mr. Tsykarev called upon States to implement national action plans on business and human rights, with specific reference to indigenous peoples' rights. He also referred to the law on ethnological expertise in traditional living and livelihood areas of small indigenous peoples in the Republic of Sakha (Yakutia), Russian Federation. The law, adopted in 2010, not only provided for an extractive industry impact assessment, but also contained recommendations on undertaking long-term programmes for the socioeconomic rehabilitation of indigenous peoples of the North, preservation of their cultural heritage and establishment of a foundation for future generations. Since 2015, not only companies, but also individuals had been able to apply for that ethnological expertise. He called for the establishment of such laws at the federal level as well.

68. Mr. Tsykarev also referred to the high-level dialogue on the proposed Environmental and Social Standard 7 on Indigenous Peoples, held by the World Bank in Addis Ababa in February 2016 with several African Governments. He expressed his concern about the unstable position of some governments, which reaffirmed their commitments toward international norms and standards on indigenous issues, but remained reluctant to endorse the principle of free, prior and informed consent, and concerns about the use of the term "indigenous peoples" in the World Bank's safeguards. He noted that the three United Nations indigenous-specific mechanisms, including the Expert Mechanism, had written a letter to the President of the World Bank arguing that free, prior and informed consent was not the same as broad community support and requesting that the World Bank continue a dialogue with indigenous peoples prior to final endorsement of the new safeguard policy.

69. The Members of the Expert Mechanism suggested that the Working Group on business and human rights should clarify the application of the Guiding Principles on Business and Human Rights to multilateral development banks, with a view to ensuring that they respect human rights in all their operations, and those affecting indigenous peoples in particular.

VIII. Sustainable Development Goals and the rights of indigenous peoples

70. Ms. Yamada, introducing this agenda item, stated that the Sustainable Development Goals, adopted in September 2015, constituted the international community's road map for development in the forthcoming years. She outlined some concerns regarding the degree to which the rights and concerns of indigenous peoples had been addressed in that document and suggested measures that should be taken so that indigenous voices were heard as governments developed and implemented action plans, policies and programmes at the national level to achieve the new goals.

71. She also drew connections between the Declaration and the Sustainable Development Goals, stressing that the Declaration should be the starting point for any consideration of indigenous peoples' individual and collective rights. Of particular relevance to the Goals were indigenous peoples' right to self-determination, the right to freely pursue their economic, social and cultural development and the right to determine and develop priorities and strategies for exercising the right to development. She then highlighted how the studies of the Expert Mechanism could be drawn upon in efforts to implement the Sustainable Development Goals in a manner that was respectful of the rights of indigenous peoples, including in the areas of health (Goal 3), education (Goal 4) and access to justice (Goal 14).

72. Mr. Pop Ac, Chair of the Permanent Forum on Indigenous Issues, discussed his recent participation at the high-level political forum on sustainable development, which

centred on the theme “ensuring that no one is left behind”. The Permanent Forum on Indigenous Issues was concerned that some of the Sustainable Development Goals could have a negative impact on indigenous peoples if their free, prior and informed consent was not respected, particularly with regard to clean energy projects. He emphasized the importance of disaggregated data as a means to properly monitor that no one, or no particular group, was left behind as States strove to achieve the goals. He encouraged States to ensure full participation of indigenous peoples in national plans to achieve the goals, in partnership with the United Nations system, and reminded participants that indigenous peoples had much to contribute to the Sustainable Development Goals through their traditional knowledge and food production systems.

73. In the ensuing discussion, representatives of States and indigenous peoples reported on both promising practices and challenges regarding the Sustainable Development Goals. Promising practices included: taking into consideration the specificity of indigenous peoples’ relationship with their lands in national development strategies; data collection initiatives that involved the participation of indigenous peoples themselves; and technical assistance for agriculture. Challenges included: insufficient attention being given to the causes and consequences of climate change; a lack of attention to indigenous peoples’ world views in relation to the concept of poverty; and the implications of large-scale development projects, often financed by multilateral banks, to indigenous peoples’ self-determined development and other rights.

IX. United Nations Declaration on the Rights of Indigenous Peoples

74. Chief Littlechild provided introductory comments to the discussion of the Declaration, including good practices and strategies for the implementation of the Declaration in the promotion and protection of the rights of indigenous peoples. He emphasized the importance of this agenda item, as the tenth anniversary of the Declaration’s adoption approached.

75. At its thirtieth session, the Human Rights Council had requested the Expert Mechanism to continue to undertake, with the assistance of OHCHR, the questionnaire survey to seek the views of States and indigenous peoples on best practices regarding possible appropriate implementation measures to attain the goals of the Declaration. Chief Littlechild introduced the draft report, highlighting that the responses from States tended to focus on positive steps taken in particular sectors, such as education, health and environmental policy, rather than reporting on areas that required improvement or on specific measures taken to evaluate progress in the overall implementation of the Declaration. Responses from indigenous peoples provided examples of advocacy, awareness-raising activities, training and capacity-building and translation of the Declaration into indigenous languages.

76. Chief Littlechild noted that, while progress was being made, more attention needed to be focused on action plans specifically aimed at implementation of the Declaration, where evaluation mechanisms could be put in place to measure advancements made over time. Concern was expressed about States’ reluctance to reference the Declaration in treaty settlement documents. He stressed the importance of tracking what progress had been achieved over the past decade, and what work remained, as the decade celebration of the adoption of the Declaration approached.

77. Ms. Tauli-Corpuz, the Special Rapporteur on the rights of indigenous peoples, provided a detailed report of her work over the past year, including country visits, thematic studies and good practices and participation in meetings of multinational global and

regional bodies. She had carried out official country visits to Honduras (November 2015) and Brazil (March 2016), as well as a visit to follow up to the situation of the Sami peoples in the Sápmi region of Finland, Norway and Sweden. As to thematic studies and good practices, she had devoted her second report to the situation of indigenous women and girls, who experienced a broad, multifaceted and complex spectrum of mutually reinforcing human rights abuses.

78. Mr. Pop Ac provided an update on the work of the Permanent Forum on Indigenous Issues, including its fifteenth session, which took place in May 2016. Several initiatives to implement the outcome document of the World Conference on Indigenous Peoples had been discussed during the session, including the development of national action plans, the establishment of interministerial working groups on indigenous peoples and other measures taken in partnership with indigenous peoples. The fifteenth session was also the setting for the presentation of the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples (see E/C.19/2016/5). With regard to the review of the mandate of the Expert Mechanism, he underlined that complementarity with the Permanent Forum must be one of the guiding elements of the mandate review and supported the idea of expanding membership to seven experts, one from each of the indigenous sociocultural regions.

79. Binota Dhamai provided a statement on the United Nations Voluntary Fund for Indigenous Peoples, noting that 2015 marked the thirtieth anniversary of the Fund, providing an opportunity to celebrate its accomplishments. In 2016, the Fund had selected 64 indigenous representatives to participate in many forums, including the ninth session of the Expert Mechanism, the fifteenth session of the Permanent Forum on Indigenous Issues, multiple sessions of the Human Rights Council and the Working Group on the Universal Periodic Review and sessions of several treaty bodies.

80. Some States informed the Expert Mechanism of current implementation activities, illustrating engagement with indigenous leaders, including tribal leaders and youth. Some States reported on examples of follow-up to the Declaration, such as legislative measures. Participants made proposals for the advancement of the Declaration in several areas, including: cross-border cooperation; research; legal and policy compliance with free, prior and informed consent; consistent application of international law; and the establishment of national action plans. Chief Littlechild noted the importance of States adopting effective legislative frameworks to implement the Declaration and of engaging in partnerships, rather than unilateral actions.

81. There was reference to the recently adopted American Declaration on the Rights of Indigenous Peoples. Chief Littlechild noted that, in countries belonging to the Organization of American States, the American Declaration and the United Nations Declaration must be read together in such a way that the instrument with the higher standard must be applied in any given situation.

82. Ms. Yamada stated that, in many countries, indigenous peoples were seen as a problem or an obstacle to development, which led to the perpetuation of violence against them. That was often the root cause of the gravest violations of their rights and an impediment to the Declaration not being reflected in national laws and policies. For that reason, efforts to bring reconciliation between indigenous peoples and States must be encouraged and pursued.

83. Members of the Expert Mechanism underlined the critical role that international financial institutions, such the World Bank, could play in the implementation of the Declaration and called upon international development banks and their States shareholders to ensure funded projects and safeguard standards were in compliance with international norms on indigenous peoples.

84. Several members of the Expert Mechanism emphasized the importance of ensuring that indigenous human rights defenders received adequate protection and that their freedom of expression, freedom of assembly and other rights were fully respected. In that regard, they expressed concerns about the situation of Jannie Lasimbang, a former Chair of the Expert Mechanism, who was currently being prosecuted for her role in organizing peaceful assemblies.

X. Follow-up to thematic studies and advice

85. Mr. Tsykarev introduced the agenda item on follow-up to thematic studies and advice by recalling the Expert Mechanism's mandate and listing the studies and advice previously issued by the Expert Mechanism. The studies and advice were meant to provide a better understanding of the provisions of the Declaration and to propose concrete actions that States, indigenous peoples, civil society, international organizations, national human rights institutions and others could take in order to further its implementation. The studies of the Expert Mechanism placed special emphasis on the participation of indigenous peoples themselves in decisions that affected them.

86. He also shared some examples of how the Expert Mechanism was moving forward on issues relating to previous studies. In the study on cultural heritage, the Expert Mechanism had underscored the need for Member States, museums and other collecting entities and international organizations to work together to enable repatriation of cultural items and ceremonial objects of indigenous peoples. The Permanent Forum at its fifteenth session had made two specific recommendations regarding repatriation. One recommendation was directed to United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Expert Mechanism, suggesting they co-host an expert seminar regarding the establishment of a mechanism or an instrument for repatriation of such objects.

87. He also called on States to ensure continued implementation of best practices that had been referenced in previous studies of the Expert Mechanism. As an example, he mentioned the Assembly of Indigenous Peoples of the North in the parliament of Khanty-Mansiysky autonomous region of the Russian Federation, referred to in the study on indigenous peoples and the right to participate in decision-making (A/HRC/18/42), noting that there had been developments that could weaken that good practice significantly.

88. The ensuing discussion focused mostly on the Expert Mechanism's studies on access to justice and cultural heritage. With regard to access to justice, participants highlighted that representation of indigenous peoples in prison systems remained high in several countries and conditions of imprisonment often violated human rights. Participants called for improved juridical systems and legal assistance as a prerequisite to ensuring access to justice. They also emphasized the need to decriminalize the work of indigenous human rights defenders. In terms of cultural heritage, several participants expressed concerns regarding the vitality of their languages and the importance of indigenous languages being taught in schools. Chief Littlechild expressed concerns over violations of spiritual rights when sacred ceremonies as part of cultural heritage were impacted. He also indicated that the Maskwacis Cree had recently declared Cree as the official language in their territories.

89. Participants discussed issues relating to participation, such as low representation in national and local governments, as well as education, including continued discrimination against indigenous peoples in public education systems. Although few good practices were discussed, indigenous representatives noted that the Expert Mechanism's recommendations were very useful, because they broadened understanding of the articles of the Declaration.

90. Summarizing the discussion Mr. Tsykarev highlighted the great number of statements on the issue of human rights defenders, catalysed by the murder of Berta Cáceres. He noted that deeper research had to be undertaken on that theme.

XI. Proposals to be submitted to the Human Rights Council

91. The Chair-Rapporteur invited observers to share their recommendations regarding the Expert Mechanism's proposals to the Council. The following is a non-exhaustive list of suggestions made for future studies to be undertaken by the Expert Mechanism:

- (a) The situation of indigenous human rights defenders;
- (b) Discrimination facing indigenous peoples in business and access to financial services;
- (c) Forced assimilation and destruction of culture;
- (d) Indigenous peoples and the right to food;
- (e) The implementation of the right to self-determination in accordance with article 3 of the Declaration;
- (f) The implementation of collective rights;
- (g) The promotion and protection of the rights of lesbian, gay, bisexual, transgender and intersex indigenous persons.

92. Ms. Yamada highlighted the important role that States and national human rights institutions could play in disseminating the Expert Mechanism's studies and applying its advice. She also expressed support for the theme of indigenous human rights defenders.

XII. Coordination meeting of United Nations mechanisms on indigenous peoples

93. The Members of the Expert Mechanism held a private meeting with the Chair of the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and a representative of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples. The agenda for that meeting included plans for the upcoming tenth anniversary of the adoption of the Declaration; joint communications; the review of the Expert Mechanism's mandate; and an update on ongoing discussion with UNESCO regarding the repatriation of cultural objects. The mechanisms agreed to collaborate on a number of issues, including in connection with the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples.

XIII. Adoption of the reports, studies and proposals

94. At the last meeting of its ninth session, the Expert Mechanism adopted its study and advice on the right to health and indigenous peoples, with a focus on children and youth, and the report summarizing the responses to the questionnaire seeking the views of States and of indigenous peoples on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, as well as the proposals listed in section II of the present report. All proposals were adopted by consensus. The members of the Expert Mechanism adopted a provisional agenda for the tenth session of the Expert Mechanism (see annex II).

95. At the final meeting of the ninth session, the members of the Expert Mechanism also acknowledged the significant contribution of Chief Littlechild to the advancement of the rights of indigenous peoples over the course of his six years as a member of the Expert Mechanism.

Annex I

List of participants

States Members of the United Nations represented by observers

Algeria, Argentina, Armenia, Australia, Belgium, Bolivia (Plurinational State of), Brazil, Burundi, Canada, Colombia, Chile, China, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Italy, Indonesia, Japan, Lao People's Democratic Republic, Lesotho, Libya, Luxembourg, Mexico, Morocco, Myanmar, Nepal, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United States of America, Ukraine, Uruguay, Venezuela (Bolivarian Republic of)

Non-member States represented by an observer

Holy See

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

Pan American Health Organization, United Nations Institute for Training and Research, World Intellectual Property Organization

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

European Union

National human rights institutions represented by observers

New Zealand Human Rights Commission

Academic and experts on indigenous issues represented by observers of the following institutions

James Cook University; Leuphana Universität Lüneburg; Structural Analysis of Cultural Systems; Faculty of Law of the Universidad Autónoma de Madrid ; Universidade de Brasília; University of Manitoba

Non-governmental organizations as well as indigenous nations, peoples, organizations and parliamentarians

Aboriginal Rights Coalition; Acal el Hajeb; Agencia Internacional para la Paz; Aktionsgruppe Indianer & Menschenrechte; Alifuru Council; Arafura Dance Association; Asia Indigenous Peoples Pact; Asociacion de Indigenas Saraguros; Assemblée des Arméniens d'Arménie occidentale; Association "Ellay" de Tombouctou du peuple autochtone Touareg; Association Culturelle Adrar Ath Koudhia Kabylie; Association culturelle et scientifique de Khenchelo; Association de femmes de Kabylie; Association Espoir pour les Jeunes Batwa; Association Tartit du Burkina Faso; Australian Indigenous Leadership Centre; Bharat Munda Samaj; Bureau d'études scientifiques et techniques; Comunidad Atacameña de Chunchuri; World Amazigh Congress; Congrès populaire coutumier Kanak; Congreso del Estado de Jalisco; Consejo de Todas las Tierras Mapuche; Consejo Regional Indígena del Tolima; Council of Indigenous Peoples in Today's Vietnam;

Cultural Survival; Derecho, Ambiente y Recursos Naturales; Drumbeat Media; East Arnhem Regional Council; Edfu Foundation; Elders Council of the Shor People; FIAN International; First Peoples Disability Network Australia; Foundation for Aboriginal and Islander Research Action; Friends World Committee on Consultation; Fundación Paso a Paso; Grand Council of the Crees; Harikar NGO; Haudenosaunee External Relations Committee; Human Rights and Development Organization for Poters; IMPECT Association; Indian Law Resource Centre; Indigenous Media Foundation; LAHURNIP; Indigenous Peoples' Centre for Documentation, Research and Information (DOCIP); Indigenous Peoples Development Services; Indigenous World Association; Inuit Circumpolar Council; International Committee for the Indigenous Peoples of the Americas; International Committee for the Indigenous Peoples of the Americas (Incomindios); International Indian Treaty Council; International Public Organization Foundation for Research and Support of Indigenous Peoples of Crimea; Indigenous Peoples and Nations Coalition; Indigenous Persons with Disabilities Global Network; Indian Council of South America; Khmers Kampuchea-Krom Federation; Kinal Antzetite Guerrero AC; Kvenland Association; Lipan Apache Women's Defense group; Maleya Foundation; Maloca Internationale; Maskwacis Cree; Monitoring Mechanism of the Iwi Chairs Forum; Moonfish Aboriginal Corporation; Movimiento Indígena de Nicaragua; Consejo Indígena de Centroamérica; Nación Originaria Yampara; National Congress of American Indians; Native American Rights Fund; Nepal Indigenous Disabled Association; National Indigenous Disabled Women Association; New South Wales Aboriginal Land Council; Northern Land Council; Ochapowace Nation; Ogiek Peoples' Development Program; Otomi People; Oxfam Australia; Pastoralist Information and Development Organization; Pueblo Bubi de la Isla de Bioko; Pueblo Guarani de Hipolito Yrigoyen; Pueblo Indígena Ette Ennaka; Red Nacional de Casas de la Mujer en México; Saami Council; Sami Parliament of Norway; Sengwer Indigenous Peoples Programme; Society for Threatened Peoples; Tartit du Burkina Faso; Ti Tlanizke; Toumast Union of Civil Society Organizations of Libyan Amazigh; Universal Esperanto Association; Wayuu Indigenous Women's Force; Wayunkerra Indigenous Women's Initiative

Annex II

Provisional agenda of the tenth session^a

1. Election of officers.
 2. Adoption of the agenda and organization of work.
 3. Panel discussion and interactive dialogue on indigenous human rights defenders.
 4. Human rights of indigenous peoples in relation to business enterprises.
 5. Thematic study and advice to be prepared in accordance with the forthcoming resolution of the Human Rights Council.
 6. Interactive dialogue with national human rights institutions and similar mechanisms.
 7. United Nations Declaration on the Rights of Indigenous Peoples.
 8. Follow-up to thematic studies and advice.
 9. Proposals to be submitted to the Human Rights Council for its consideration and approval.
 10. Adoption of the report.
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^a Subject to changes to the mandate of the Expert Mechanism.