

**Expert Mechanism on the Rights of Indigenous Peoples**  
***Methods of work for Reports to the Human Rights Council***  
***and country engagement***

## **I. Introduction**

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established by the Human Rights Council, the UN's main human rights body, in 2007 under resolution 6/36 as a subsidiary body of the Council.

In the Outcome Document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (General Assembly Resolution 69/2, September 2014), 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 United Nations Declaration on the Rights of Indigenous Peoples, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.

In September 2016, the Human Rights Council adopted resolution 33/25, which amended the mandate of the Expert Mechanism. EMRIP's new mandate is to provide the Human Rights Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples. Specific new elements of the mandate include:

- Upon request, assisting Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples;
- Providing Member States, upon their request, with assistance and advice for the implementation of recommendations made at the universal periodic review and by treaty bodies, special procedures or other relevant mechanisms;
- Upon the request of Member States, indigenous peoples and/or the private sector, engaging and assisting them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration;
- Identifying, disseminating and promoting good practices and lessons learned the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council;
- Seeking and receiving information from all relevant sources as necessary to fulfil its mandate;
- Expansion of the membership from five to seven experts, in order to reflect the seven indigenous sociocultural regions.

According to paragraph 8 of resolution 33/25, EMRIP shall determine its own methods of work. This document provides guidance on the implementation of different elements of the new mandate. It will be revisited and revised periodically, as appropriate, in light of the experience gained in the implementation of the new mandate.

## **II. Reports and studies to the Human Rights Council**

## Rationale

In resolution 33/25, the Human Rights Council decided that the Expert Mechanism shall:

- Prepare an annual study on the status of the rights of indigenous peoples worldwide in the achievement of the ends of the Declaration, focusing on one or more interrelated articles of the Declaration, decided by the Expert Mechanism, taking into consideration the suggestions received from Member States and indigenous peoples, including challenges, good practices and recommendations (paragraph 2a);
- Identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter (paragraph 2b);
- Report at least once a year to the Human Rights Council on its work, and keep the Council fully informed of developments on the rights of indigenous peoples (paragraph 3).

### Annual study on the status of the rights of indigenous peoples (thematic study)

The study on the status of the rights of indigenous peoples worldwide will fulfill the same purpose as EMRIP's thematic studies under its previous mandate. However, EMRIP will now be able to select the theme of its study, rather than receive a mandate from the Human Rights Council to pursue a particular theme.

**Selection of the theme:** The members of the Expert Mechanism will select the theme of their annual study, which should focus "on one or more interrelated articles of the Declaration". This should take into consideration suggestions received from Member States and indigenous peoples. EMRIP will receive suggestions from Member States and indigenous peoples formally during its annual session (under a "future work" agenda item) and during its annual interactive dialogues with the Human Rights Council and the UN Permanent Forum on Indigenous Issues, but may also consult informally with all stakeholders, including through the Indigenous Caucus. EMRIP will also consult with the Special Rapporteur on the Rights of Indigenous Peoples and the UNPFII to ensure there is no overlap in studies being carried out by the three mechanisms. EMRIP will decide on the theme of its study at the latest by mid-June of each year, and will announce the theme during its annual session in July.

### Report on good practices and lessons learned regarding the efforts to achieve the ends of the Declaration

Under paragraph 2b, the Expert Mechanism is mandated to identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter. While the annual study under paragraph 2a will have a thematic approach, the annual report under paragraph 2b will address trends in the implementation of the UN Declaration on the Rights of Indigenous Peoples. As set out in paragraph 9 of resolution 33/25, the Expert Mechanism may seek and receive information from all relevant sources.

The report will be drafted in time to be discussed and finalized at the annual session of the Expert Mechanism in July, for subsequent submission to the Council at its September session.

### Annual report to the Human Rights Council on the work of the Expert Mechanism

This report will be finalized following the annual session of EMRIP and presented to the Council annually during its September session. The Expert Mechanism will submit an annual report to the

Human Rights Council, including a summary of its annual session and its inter-sessional activities, as well as proposals to the Council.

### **III. Country engagement**

#### Rationale

Pursuant to paragraph 2 of Human Rights Council Resolution 33/25 the Expert Mechanism shall:

- Upon request, assist Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations agencies, funds and programmes;
- Provide Member States, upon their request, with assistance and advice for the implementation of recommendations made at the universal periodic review and by treaty bodies, special procedures or other relevant mechanisms;
- Upon the request of Member States, indigenous peoples and/or the private sector, engage and assist them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration”

#### Core principles of country engagement

In its country engagement, EMRIP will uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith. EMRIP will neither seek nor accept instructions from any Government, individual, governmental or non-governmental organization or pressure group whatsoever.

#### Purposes and modalities of EMRIP’s country engagement

The purposes of EMRIP’s country engagement may include: analysis of domestic legislation of policies and providing independent advice and recommendations to the requestor(s); facilitation of dialogue between requestor(s) and other stakeholders; independent observation of and advice on the implementation of laws and policies to implement the Declaration on the Rights of Indigenous Peoples; capacity building with requestor(s) and other stakeholders; and awareness raising.

The Expert Mechanism can work to bring stakeholders together to describe their activities and understandings and to share good practices and standards from around the globe, particularly in relation to relevant rights contained in the Declaration. Dialogue can be on a broad country-level engagement or on local issues, depending on the particular situation. In some cases, closed sessions might be particularly valuable. Dialogue with National Human Rights Institutions is also a positive area on which to focus.

The Expert Mechanism may also support States in the implementation of recommendations made by other human rights mechanisms with relation to the human rights of Indigenous peoples and provide a deeper analysis of these recommendations. This can be research based, policy oriented work.

Depending on the nature of the request, the modalities for country engagement may include inter alia: country missions; training activities for State institutions, indigenous peoples’ organizations, national human rights institutions and other stakeholders; video or audio calls; in-person meetings in Geneva or in other locations; e-mail exchanges; and formal communication through diplomatic channels.

## Invitations and requests for country engagement

States or Indigenous Peoples may request EMRIP to engage at country-level. Requests from States will be received through OHCHR/Secretariat of EMRIP via diplomatic channels. Requests from indigenous peoples will be submitted to OHCHR/Secretariat of EMRIP using a template made available on EMRIP's website. Requests should provide at least the following information:

- Requesting institution/organization
- Name of contact person(s)
- Description of the situation
- Steps have been taken to address the issue, including use of any domestic remedies
- Expected actions and technical advice to be undertaken by EMRIP
- Have State authorities or other stakeholders been consulted/informed of the request submitted to the EMRIP ?
- Proposed timeframe
- Any other relevant information

EMRIP will acknowledge the receipt of all requests, and may accept or decline requests as necessary or desired, taking into account existing capacity and resources, as well as geographic balance. EMRIP shall also give due attention to issues of current interest, bearing in mind the overall implementation of its mandate (including other elements, such as reports and studies), in order to prioritize requests. Requests that cannot be accepted immediately may be kept in a waiting list and addressed at a later stage.

EMRIP members will internally identify which specific members will be assigned to engage with each request, including potential country visits. The decision will be made in accordance with the expertise and portfolios of each expert. Regional expertise and knowledge of local languages should also be taken into account.

Terms of reference should be agreed for every country engagement activity taking into account the mandate of EMRIP. Modalities for engagement, timelines, and the types of activities envisioned, as well as the expected final products should be prepared by EMRIP in consultation with the requester(s) and other relevant stakeholders. The TORs should also include modalities for the disclosure of information, in agreement with the requester and other stakeholders.

Country engagement may include EMRIP members undertaking country missions at the request of States and/or Indigenous Peoples. The approval and cooperation of all parties should be sought. If the proposed country mission is triggered by a request from Indigenous Peoples, EMRIP shall duly inform the Member State concerned to make sure that the government is in agreement with a visit.

Country missions may be undertaken with the purposes outlined in paragraph 1 above. Specific activities may include:

- Collection of good practices, lessons learned, challenges and testimonies.
- Increasing awareness on the EMRIP's mandate, studies, reports, advice and goals of the UN Declaration on the Rights of Indigenous Peoples.
- Promoting understanding of the Declaration at the country level.
- Providing states and particular government officials with methods of implementing Expert Mechanism thematic advice.
- Dissemination of EMRIP's studies/advice and replication of best practices.

- Support with follow-up to UPR and treaty body recommendations
- Policy dialogue with stakeholders.
- Meetings and interviews with stakeholders.
- Dialogue facilitation and promotion through information, interpretation, technical legal advice, providing knowledge, and similar means.
- Site visits
- Training
- Public lectures

The actual agenda for the country mission is a matter to be determined by EMRIP, in consultation with the requester(s).

### Communication

A media advisory prior to and a press releases following country engagement missions will be issued, as well as following inter-sessional meetings when deemed appropriate.

**Annex 1 – Draft template for EMRIP country engagement request**

<b>Requesting institution/organization</b>	
<b>Name of contact person</b>	
<b>Address</b>	
<b>Country</b>	
<b>E-mail address</b>	
<b>Telephone number</b>	
<b>Description of the situation</b>	
<b>Steps that have already been taken to address the issue</b>	
<b>Expected actions and technical advice to be undertaken by EMRIP</b>	
<b>Have State authorities or other stakeholders been consulted/ informed of the request submitted to EMRIP? If so, please specify</b>	
<b>Proposed timeframe for EMRIP engagement</b>	
<b>Please provide any other relevant information</b>	