

FACT SHEET ON THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

Indigenous Peoples' Center for Documentation,
Research and Information

doCip

1. What the Expert Mechanism does

- ✓ It provides thematic expertise to the Human Rights Council (HRC) at the latter's request. The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) principally carries out research work and studies, which are based on information provided by all observers—representatives of Indigenous Peoples as well as those of States. **It is therefore very important that indigenous organizations respond to information requests from EMRIP experts.**
- ✓ It proposes study themes and recommendations for review and approval by the HRC.
- ✓ In accordance with Article 42 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), EMRIP also has the indirect mandate of "promoting and respecting UNDRIP".
- ✓ It is a **subsidiary body of the HRC**. The HRC is directly under the UN General Assembly and so constitutes a very high-level body within the UN hierarchy.
- ✓ It is composed of **5 independent experts**, of indigenous origin if possible, named for a period of three years, renewable once.

2. What the Expert Mechanism cannot do

- ✓ It cannot receive or pass on complaints or denunciations. These fall within the mandate of the Special Rapporteur on the rights of indigenous peoples (SRIP), of other Special Rapporteurs, of Treaty Organs or of the Universal Periodic Review.
- ✓ It cannot develop new standards, address situations by country, monitor the implementation of UNDRIP or adopt resolutions or decisions.

For more information on EMRIP:

<http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx>

3. Achievements of the Expert Mechanism

- ✓ Study on the right of indigenous peoples to education (2008-2009)
- ✓ Study on indigenous peoples and the right to participate in decision-making (2010 and 2011).

These reports may be found in all languages of the United Nations on the website of the High Commissioner for Human Rights:

<http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/ExpertMechanismDocumentation.aspx>

4. How to write an oral intervention

- ✓ **Contents of the intervention:** name, organization and agenda item relevant to your intervention, brief greetings, a brief introduction and brief statement of the situation. Above all, it is important that you get **straight to the point** and provide exact and verified information.
- ✓ **Practice in advance by slowly reading your intervention aloud** to make sure that you are within the time limit (**5 minutes**) and to allow the interpreters to simultaneously translate your presentation well. Plan which parts you should cut in case the time limit must be reduced.
- ✓ Be sure to use diplomatic and non-abusive language, for example, by using the official terminology of any country names cited in your intervention.

5. How to present your speech?

As soon as possible, have your name registered on the list of speakers by presenting your badge (as a representative of your organization) **at the desk of the Secretariat of EMRIP, which is located in the meeting room.** Indicate the agenda item on which you wish to make an intervention.

- ✓ The Chairperson usually sets a registration deadline for interventions on each agenda item. Find out what this deadline is.
- ✓ When the list of speakers for the chosen agenda item is posted in the meeting room, check that the name of your organization appears there, and note where on the list it appears in order to be prepared when you are given the floor.
- ✓ Make **15 copies of your intervention** and distribute them to the Secretariat, to the interpreters and to other organizations, as well as to the Technical Secretariat of doCip, which collects all of the interventions for posting online on its Internet site: www.docip.org.
- ✓ When your name is called by the Chairperson during the session, raise your hand, turn on the microphone, state the name of your organization and read your intervention, while scrupulously adhering to your time allotment (**5 minutes**). **Speak slowly** to allow for good interpretation.

Attention: If you are not in the room when the Chairperson calls on you, you lose your speaking time. Please be at your place well in advance of your allotted time, as prior speakers could forfeit their time, which would move up your turn.

6. doCip technical support throughout the sessions of the Expert Mechanism

doCip provides: computers and internet access; translation of texts **to and from English, Spanish, French and Russian**; interpretation of Caucus sessions, side events and informal conversations; photocopies; sending and receiving of faxes; collection of your interventions for publication on doCip's website; and information on the UN system.

7. Indigenous Caucus sessions: participation is strongly recommended

The Indigenous Caucus sessions bring together—and are open to—all indigenous delegations present at an international conference, in this case, EMRIP. They represent a unique opportunity for indigenous delegates to meet for exchange of information and experiences. During the Caucus sessions **joint statements, positions and recommendations** are developed that are often taken into consideration by EMRIP.

The Caucus sessions are held the weekend before EMRIP and often also in the evenings from 6:00-8:00 p.m. To learn when these sessions are held during the session, please contact the Technical Secretariat of doCip. The sessions are interpreted in English, Spanish, French and Russian by doCip, with support from IWGIA for English and Spanish.

The discussions held during the Caucus sessions are confidential.

8. Cultural and side events

- ✓ They take place between 1:00 and 3:00 p.m., and sometimes after 6:00 p.m. They may be organized by indigenous delegations, international organizations, NGOs, etc. A list of side events is distributed at the beginning of the session by the Secretariat of EMRIP and may also be found at the Technical Secretariat of doCip.
- ✓ To organize side events, it is necessary to register in advance of the session through the secretariat of EMRIP, by contacting Claire Charters at the following email address: ccharters@ohchr.org.

9. Meetings with other "key" actors on indigenous issues on the sidelines of EMRIP sessions

Opportunity to make an appointment with the Special Rapporteur on the rights of indigenous peoples (SRIP), whose mandate is to "*gather information and communications on violations of the human rights and fundamental freedoms of indigenous populations, to formulate recommendations and to work in close relation with other special rapporteurs, experts, etc. ...*"

To have an opportunity to meet with the SRIP, you must:

- ✓ be registered for the session
- ✓ request a meeting well in advance with him, providing your name
- ✓ send/bring him written information regarding matters that fall within his mandate, including allegations of human rights violations.

The Special Rapporteur is present for a few days during the session, but an appointment with him is arranged in advance. Priority will be given to delegates who have sent their request and their information to indigenous@ohchr.org during the timeframes indicated on the HCHR website, which information is also disseminated by doCip.

For more information on the Special Rapporteur and how to communicate information to him:

<http://www2.ohchr.org/english/issues/indigenous/rapporteur/index.htm>

<http://www2.ohchr.org/english/issues/indigenous/rapporteur/submit.htm>

Conclusion: a few reminders for effective and efficient participation at EMRIP

- ✓ **Allow for several weeks in advance** to handle all of the formalities (visas) and administrative procedures, registration and logistics required to participate in EMRIP sessions.
- ✓ **Study the agenda, the programme and the documents related to the session, all of which are available on the HCHR website.** The June issue of doCip's *Update/Informativo* newsletter contains a comprehensive and impartial summary of the interventions read during the previous EMRIP session: http://bit.ly/update_en
- ✓ **Prepare your oral intervention well:** choose an agenda item to which your intervention must relate directly; draft the text in a clear, direct and diplomatic manner; make 15 copies of the intervention for distribution; and practice reading it before giving the intervention aloud before the Expert Mechanism, **making sure to speak slowly and to stay within the allotted 5 minutes.**
- ✓ **Participate actively in the Indigenous Peoples' Caucus meetings** and also in as many as possible of the side events, sessions and networking opportunities with other representatives of indigenous peoples, NGOs and key actors on indigenous issues (experts, UN agencies, donors, representatives of States, etc.).
- ✓ **Finally, check the content of the session report to ensure that your point of view has been taken into account.**
- ✓ **The session report is presented during the following HRC session in September.** It is discussed there within the framework of an interactive dialogue including the SRIP.

This fact sheet is based on documents produced by Suikhar of Asian Indigenous Peoples Pact (AIPP) for doCip training sessions, by doCip and by the High Commissioner for Human Rights.

Annex: Specific information for the fifth session (2012)

Agenda

The agenda includes 8 items. Indigenous delegates may participate actively on the following items:

3. World Conference on Indigenous Peoples. This agenda item will involve discussion and establishment of modalities for the World Conference, particularly as regards the participation of indigenous peoples. The latter is not automatic since the Conference is arranged at the level of the UN GA. Indigenous peoples have clearly expressed their desire to organize the conference in partnership with the States.

4. Follow-up to thematic advice and studies. This involves updating and building on the studies already carried out. As well, this year EMRIP will present a new study on the right to participate in decision-making, with a focus on extractive industries (*cf.* A/HRC/EMRIP/2012/2).

5. Study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples. EMRIP will submit to observers the progress report of its third study (*cf.* A/HRC/EMRIP/2012/3), based not only on information sent by these observers, but also on the Seminar that was held on the subject on March 8-9, 2012. The final report will be presented for adoption at the HRC during its 24th Session, which will be in September 2013.

6. United Nations Declaration on the Rights of Indigenous Peoples

- ✓ EMRIP is not a body for monitoring the implementation of UNDRIP and does not accept complaints in this regard.
- ✓ Charged by the HRC with collecting good practices of States in relation to the implementation of UNDRIP, in collaboration with the HCHR, EMRIP sent a questionnaire on this subject to the States, whose responses are documented in the UN report A/HRC/EMRIP/2012/4. This report will be discussed during the current session, and its final version will be submitted to the HRC at its 21st session.
- ✓ Under this agenda item, observers will be able to have an exchange with the SRIP and a representative of the Permanent Forum on their activities in relation to the application of UNDRIP.

7. Proposals to be submitted to the HRC for review and approval

It is under this agenda item that EMRIP makes proposals for future study subjects. These subjects are usually chosen in consultation with the Global Indigenous Caucus (see information on the card).

doCip CD-Rom on the Expert Mechanism

doCip is publishing a new CD-Rom with the particular goal of making the documents in its documentation center accessible to those communities that have difficulty accessing the Internet. This CD-Rom contains documents on the genesis of EMRIP, as well as the collection of interventions read during the first four sessions.

One may find there in particular:

- ✓ Interventions from the last session of the Working Group on Indigenous Peoples, on the future of the Working Group, where a future mechanism is discussed
- ✓ Documents of the informal meeting held in 2007, from which came the draft resolution leading to the creation of EMRIP
- ✓ Draft resolutions and Human Rights Council Resolution 6/36
- ✓ Interventions from the first four sessions of EMRIP (2008-2011), including the session reports
- ✓ Interventions—those of indigenous organizations as well as those of NGOs and governments—presented during regular sessions of the HRC, under the item devoted to EMRIP reports

It is also possible on the CD-Rom to access training documents that explain the role and function of the Expert Mechanisms. A video on EMRIP, coproduced by OHCHR and IWGIA in 2009, is also included.

The CD-Rom is available to indigenous delegates at the technical secretariat of doCip, Room E-3009, during the entire duration of the Expert Mechanism.