

## ***Draft Resolution L.42/REV. 1***

### Expert Mechanism on the rights of Indigenous Peoples

*The Human Rights Council,*

PP1 Bearing in mind paragraph 6 of General Assembly resolution 6/251 of 15 March 2006 and paragraph 84 of the Human Rights Council resolution 5/1 of 18 June 2007,

PP2 Recalling that at its sixty-first session, the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples,

PP3 Bearing in mind also Human Rights Council Resolution 6/16 of 28 September 2007,

PP4 Recalling that the Human Rights Council should be cognizant of the work being undertaken on indigenous issues by other bodies in the United Nations System,

OP1 To assist the Human Rights Council in the implementation of its mandate, decides to establish a subsidiary expert mechanism to provide the Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council;

- a) The thematic expertise will focus mainly on studies and research-based advice;
- b) The mechanism may suggest proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council;

OP2 Decides further that this Mechanism shall report annually to the Council on its work.

OP3 Decides also that the Expert Mechanism shall consist of five independent experts, the selection of which shall be carried out in accordance with the procedure established in paragraphs 39 to 53 of Human Rights Council resolution 5/1 of 18 June 2007,

OP4 Strongly recommends that in the selection and appointment process, the Council give due regard to experts of indigenous origin,

OP5 In order for the Expert Mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous People and the Permanent Forum, it shall invite the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous People and a member of the Permanent Forum to attend and contribute to its annual meeting,

OP6 Decides also that the members of the Expert Mechanism shall serve for a three-year period. They may be re-elected for one additional period.

OP7 Specifies that within its mandate the Expert Mechanism on the Rights of Indigenous Peoples should determine its own methods of work, although the Expert Mechanism shall not adopt resolutions or decisions.

OP8 Decides further that the Expert Mechanism shall meet once annually, in its first year

for three days and thereafter for up to five days, and the meetings may be a combination of open and private meetings.

OP9 Decides further that the annual meeting of the Expert Mechanism shall be open to the participation as observers of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues and non-governmental organizations in consultative status with the Economic and Social Council; the meetings shall also be open to indigenous peoples' organizations and non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Human Rights Council, which will provide for the timely information on participation and consultation with States concerned;

OP10 *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Expert Mechanism for the effective fulfillment of its mandate (CHR 2005/51, op. 19, amended);

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