

## Questionnaire

### Reform of the Mandate of the Expert Mechanism on the Rights of Indigenous Peoples

Current EMRIP mandate:

The Expert Mechanism provides the Human Rights Council with thematic advice, in the form of studies and research, on the rights of indigenous peoples as directed by the Council. The Expert Mechanism may also propose specific studies to the Council for its consideration and approval.

#### **1. What are the most valuable aspects of the current mandate of the Expert Mechanism on the Rights of Indigenous Peoples?**

Australia appreciates the work of the Expert Mechanism. In particular, Australia values the research, analysis and potential for the development and dissemination of best practice that is at the core of their Mandate.

The ability of the Expert Mechanism to undertake independent, multi-national thematic research is of value to all Member States and indigenous peoples. In particular, the analysis of policy and programme approaches to addressing issues facing indigenous peoples and reducing disadvantage provides an important evidence base for the consideration of Member States and indigenous groups.

#### **2. How can the Expert Mechanism's role in assisting States to monitor, evaluate and improve the achievement of the ends of the Declaration be strengthened?**

The role of the Expert Mechanism in assisting States to monitor, evaluate and improve the achievement of the ends of the Declaration can be strengthened by:

- Ensuring the continuation of their independence;
- Undertaking study of progress towards the goals of the Declaration;
- Undertaking and providing independent, multi-national reviews (not of specific Member States) which provide thematic advice on shared issues relating to the achievement of the ends of the Declaration;
- Making recommendations to assist Member States working towards the ends of the Declaration; and
- Developing and disseminating best practice, arising out of the course of their studies.

The Expert Mechanism could provide advice on research undertaken by Member States so that they can assess their own progress. For example, this could include providing best practice advice on improving the collection of disaggregated data to measure outcomes. Improving the collection, analysis and use of data and research is important in assessing measures which aim to reduce indigenous disadvantage.

The sharing of knowledge and best practice is invaluable in improving progress towards the achievement of the ends of the Declaration.

**3. Do you have any suggestions to strengthen the Expert Mechanism's collaboration with other bodies and mechanisms working on the rights of indigenous peoples?**

The strength of the Expert Mechanism is in its independent and unique position, and this should be retained and protected. The Expert Mechanism should provide advice to other bodies and mechanisms working on the rights of indigenous people from this independent position.

In collaborating with other bodies and mechanisms, the Expert Mechanism should not duplicate the work of other bodies, but rather complement and support their work through their research.

**4. Do you envision a role for the Expert Mechanism in supporting States in the implementation of Universal Periodic Review, treaty body and special procedures recommendations relating to the rights of indigenous peoples?**

The Expert Mechanism has a role in supporting States implementing recommendations from the Universal Periodic Review, treaty bodies and special procedures relating to the rights of indigenous peoples through advice and findings, including best practice, from their thematic studies.

The Expert Mechanism should not be part of the Universal Periodic Review, treaty body or special procedures process, but rather complement their work and assist Member States.

**5. How could a new mandate for the Expert Mechanism contribute to greater engagement between States and indigenous peoples to overcome obstacles to the implementation of indigenous peoples' rights?**

The thematic studies, and related recommendations and best practice developed by the Expert Mechanism, could assist in the development of effective partnerships between Member States and indigenous peoples.

For example, advice could be provided on how indigenous communities and Member States can work together to address specific issues, including advice on consultation and respectful partnerships.

Advice from the Expert Mechanism would contribute to greater engagement between Member States and indigenous peoples due to their independence and expertise.

**6. Do you have any comments or suggestions concerning the compositions and working methods of the Expert Mechanism?**

The Expert Mechanism must comprise members who, apart from their knowledge and expertise, can represent the different situations of indigenous peoples, regions and genders.

The Expert Mechanism must continue to be independent, both of State politics and of other United Nations bodies.

Australia in its Statement to the Eighth Session of EMRIP in 2015 said that the Expert Mechanism should:

- Collect and disseminate information about good/best practices;
- Undertake thematic studies and make recommendations to support ongoing progress against achieving the goals of the Declaration;
- Issue observations regarding the provisions of the Declaration with a view to ongoing study of progress against the achievement of the Declaration's goals; and
- Provide practical information that contributes to capacity building by all stakeholders, including Member States, indigenous peoples, non-government organisations and others.

Australia continues to support the Expert Mechanism and the work that it can do to address indigenous disadvantage.