

Response of the Russian Federation to the OHCHR questionnaire on the Human Rights Council resolution 30/11 “Review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples”

1. What are the most valuable aspects of the current mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)?

The most valuable aspect of the existing EMRIP mandate is its “thematic” component – conducting studies on different aspects of the rights of indigenous peoples.

At present EMRIP has prepared 6 studies. Conclusions and recommendations of these studies are taken into account by States in their internal policies aimed at promotion and protection of the rights of indigenous peoples.

Moreover, another valuable aspect – the EMRIP continuous work on collecting data on appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

2. How can EMRIP role in assisting States to monitor, evaluate and improve the achievement of the ends of the Declaration be strengthened?

In our view EMRIP could dedicate more attention to collecting and disseminating States’ best practices in the achievement of the ends of the Declaration.

Furthermore, being the most competent subsidiary body of the UN HRC on the promotion and protection of rights of indigenous peoples, EMRIP could consult interested States on indigenous issues on their request. In particular, in case of a relevant State’s request EMRIP could take part in elaboration of strategies and legislation the promotion and protection of rights of indigenous peoples.

3. Do you have any suggestions to strengthen EMRIP collaboration with other bodies and mechanisms working on the rights of indigenous peoples?

The practice of holding coordination meetings between EMRIP, Special Rapporteur on Rights of Indigenous Peoples and Permanent Forum on Indigenous Issues (PFII) already exists and takes place during the PFII sessions in New York.

At the same time, indigenous issues are under consideration by the other UN bodies and mechanisms. In particular UN treaty bodies on human rights include this issue in their concluding observations on the national reports. States and NGOs draw attention to the violations of indigenous peoples’ rights during the UPR sessions. In this context it is possible to carry out where necessary coordination meetings between these mechanisms to harmonize its

approaches to the promotion and protection of indigenous peoples rights as well as to avoid duplication of work between them.

4. Do you envision a role for EMRIP in supporting States in the implementation of the Universal Periodic Review, Treaty Body And Special Procedures' recommendations relating to the rights of indigenous peoples?

EMRIP could provide advisory and other assistance to States, on their request, in implementing UPR, Treaty Bodies and Special Procedures' recommendations relating to the rights of indigenous peoples, including through the use of best practices in this area to States with similar historical, cultural and natural conditions.

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

It is important to save EMRIP potential to provide the HRC with thematic expertise on the right of indigenous peoples during consideration of any proposal to change its mandate.

It should be also noted that the existing format of EMRIP sessions provides wide opportunity for discussing current indigenous issues between their representatives and States. In this regard any changes in this component should be very cautious.

6. Do you have any comments or suggestions concerning the composition and working methods of EMRIP?

Possible changes in the EMRIP mandate may require a change of its composition by increasing the number of experts. In this way the selection of EMRIP members shall be carried out in accordance with the principle of equitable geographical representation and representation of the principal legal systems of the world, and taking into account the procedure established in paragraphs 39 and 53 of the annex to Human Rights Council resolution 5/1.

At the same time, according to the control theory for the effective functioning of the unit number of experts should not exceed 12 people.