**Office of the United Nations High Commissioner for Human Rights**

**February 2018**

Expert Mechanism on the rights of Indigenous Peoples

DISCUSSION PAPER ON THE INTERACTION BETWEEN NATIONAL HUMAN RIGHTS INSITUTIONS AND THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

The purpose of this paper is to identify areas for strengthening collaboration between national human rights institutions (NHRIs), which are compliant with the Paris Principles[[1]](#footnote-1) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), a subsidiary body of the Human Rights Council[[2]](#footnote-2).

This paper was discussed at an expert meeting of NHRIs, during the Annual General Meeting of the Global Alliance of National Human Rights Institutions (GANHRI) (21 to 23 February 2018). It is now being shared with all NHRIs for comments. **The deadline for comments is 13 April 2018**. Please send any comments to the following email: [expertmechanism@ohchr.org](mailto:expertmechanism@ohchr.org). The paper will then be considered for adoption at the 11th Annual Session (July 2018) of the EMRIP.

NHRIs and the EMRIP have much to gain from increased cooperation in performing their responsibilities, including in achieving the end of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

According to Resolution 33/25, the Human Rights Council, “11. Encourages the Expert Mechanism to enhance its engagement with national human rights institutions, which should be in accordance with the mandates of each national human rights institution…” and, “13. Also decides that the annual meeting of the Expert Mechanism shall be open to the participation … of national human rights institutions…”.

The EMRIP recognizes the important role that NHRIs have in, inter alia:

* bringing international human rights standards into domestic legal and policy frameworks;
* enhancing the equal access and enjoyment of rights by particularly vulnerable groups, including indigenous peoples; and
* promoting indigenous peoples’ participation in decision-making on issues that concern them (report EMRIP on indigenous peoples’ right to participate in decision making).

At its 10th session in 2017, the EMRIP held an interactive dialogue with NHRIs on the implementation of the UNDRIP. Following this session, the EMRIP and GANHRI recognized the value in increasing collaboration, in particular in light of EMRIP’s amended mandate including country engagement.

**Proposals for the collaboration between NHRIs and the EMRIP**

**Annual sessions of EMRIP**

EMRIP has established a standing agenda item of its annual sessions on “dialogue with NHRIs” for all its annual sessions that are held in July in Geneva. EMRIP seeks to provide NHRIs with a platform for exchange of good practices and challenges relating to their work on indigenous peoples’ rights at country level with Members States, indigenous peoples, UN agencies and other stakeholders.

EMRIP’s annual sessions also offer NHRIs opportunities for side events, making statements and taking part in panel discussions on various human rights themes relevant to indigenous peoples.

NHRIs can make oral statements during any other relevant agenda item of the EMRIP annual session, including providing follow-up information on the agenda item relating to EMRIP’s thematic studies.

**Reports and studies undertaken by EMRIP**

EMRIP’s core mandate includes annual reports on specific rights enshrined in the UNDRIP. So far, EMRIP has undertaken such studies on the rights to health, education, language and others. EMRIP has also undertaken studies on global human rights trends relating to indigenous peoples.

EMRIP also prepares an annual report on good practices and lessons learned regarding the efforts to achieve the ends of the Declaration.

NHRIs can make significant contributions to EMRIP’s studies including by:

* Making suggestions during EMRIP’s annual session on thematic studies to be undertaken by the EMRIP within its mandate;
* Providing inputs to studies and reports undertaken by the EMRIP, by written submission, including sharing their own reports on such studies, or orally during EMRIP’s annual sessions;
* Participating in expert technical meetings in preparation for the studies;
* Contributing to the dissemination and awareness raising of the EMRIP’s reports, studies and advice.

**Country engagement, including country missions**

The EMRIP’s new mandate provides for country engagement with the view to providing technical assistance and facilitating dialogue between States, indigenous peoples and other actors.

NHRIs, in particular those with a strong indigenous component, have the potential to facilitate the EMRIP’s country engagement missions, including through:

* Providing relevant, independent and evidence-based information on the country situation and the status of implementation of UNDRIP;
* Dialogue facilitation, facilitating contact with Indigenous Peoples and other relevant stakeholders, participating in meetings with Indigenous Peoples, or other forms of support, when deemed necessary and appropriate;
* Contributing to capacity building, training activities and similar technical assistance interventions that EMRIP may undertake as part of its country engagement;
* Supporting awareness-raising activities.

**Seminars/expert meeting**

NHRIs can take part in regional seminars and expert meetings held by the EMRIP for the purpose of contributing to its reports and studies.

**Joint activities by EMRIP and NHRIs**

The EMRIP and individual NHRIs, or through GANHRI, may organize joint activities including:

* Meetings, seminars, conferences, and trainings on the work of the EMRIP, including the implementation of the UNDRIP;
* Specific training and promotional activities with NHRIs at the national, regional or international level;
* Establishing an EMRIP-GANHRI network of NHRIs working on indigenous peoples’ rights;
* Undertaking joint fundraising activities for capacity building.

**NHRI country-based activities**

The EMRIP encourages NHRIs to:

* promote, create awareness and build capacity on the work, reports and studies of the EMRIP and the UNDRIP, including through advising Indigenous Peoples and states on EMRIP working methods and modalities of country engagement;
* provide advice, support and encourage States in achieving the ends of the UNDRIP;
* promote the translation of EMRIP’s documents into local languages; and
* support and remind States of their commitments undertaken in the outcome document of the high-level plenary meeting of the General Assembly (World Conference on Indigenous Peoples), in particular the commitment to develop and implement national action plans to achieve the ends of the UNDRIP.

**Intimidation and reprisals**

In light of General Assembly resolution 68/171[[3]](#footnote-3), 70/163, and 72/181, the EMRIP encourages NHRIs to inform it of situations where NHRIs, their members or staff, indigenous peoples, or civil society, who have sought to engage and/or cooperate with the EMRIP, or who have engaged and/or cooperated with the EMRIP, led to cases of intimidation, persecution or reprisal, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations of the NHRI.

OHCHR’s webpage on how to share information about cases of intimidation and reprisals can be found at this page:

<http://www.ohchr.org/EN/Issues/Reprisals/Pages/HowToShareInformationAboutCases.aspx>

**General information**

The modalities for taking part in all EMRIP activities, sessions and otherwise, can be found on the EMRIP webpage at this link:

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

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1. The Global Alliance of National Human Rights Institutions has an accreditation procedure through which NHRIs are examined on their compliance with the Principles relating to the Status of National Institutions (The Paris Principles), endorsed by the General Assembly resolution 48/134 of 20 December 1993, which set out the minimum standards required by national human rights institutions to be considered independent and to operate effectively. Those NHRIs deemed to be in full compliance with the Paris Principles receive an A-status accreditation. See A/RES/48/134. NHRIs in this document refer to those national institutions with a constitutional or legislative mandate to protect and/or promote human rights. [↑](#footnote-ref-1)
2. Mandate amended by Human Rights Council resolution 33/25 of 2016. [↑](#footnote-ref-2)
3. A/RES/68/171 [↑](#footnote-ref-3)