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HUMAN RIGHTS COUNCIL  
Sixth session  
Agenda item 5

### HUMAN RIGHTS BODIES AND MECHANISMS

#### Bolivia and Brazil: draft resolution

#### 6/... Expert mechanism on the human rights of indigenous peoples

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006, and paragraph 84 of the annex to Human Rights Council resolution 5/1 of 18 June 2007,

*Recalling* that, at its sixty-first session, the General Assembly adopted in its resolution 61/295 of 13 September 2007 the United Nations Declaration on the Rights of Indigenous Peoples, and recognizing that the rights therein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world,

*Bearing in mind also* Human Rights Council resolution 6/16 of 28 September 2007,

1. *Decides* to establish a mechanism to provide the Council with thematic expertise on the human rights of indigenous peoples in the manner and form requested by the Council, as follows:

- (a) Thematic expertise will focus mainly on studies and research-based advice;
  - (b) The mechanism will identify and recommend to the Council effective means to implement, develop and mainstream international standards that promote and protect the human rights and fundamental freedom of indigenous peoples;
  - (c) The mechanism may suggest proposals to the Council for its consideration and approval;
  - (d) The mechanism will also cooperate with other relevant United Nations regional and national mechanisms, bodies and agencies to review, elaborate and follow up on best practices as well as on obstacles to the promotion and protection of indigenous peoples' human rights;
2. *Also decides* that this mechanism shall report annually to the Council on its work;
  3. *Requests* the High Commissioner for Human Rights to transmit the report of the expert mechanism to other United Nations bodies, mechanisms and agencies to effectively complement their respective work;
  4. *Decides* that the expert mechanism shall consist of six independent members, at least three of whom will be representatives of indigenous peoples;
  5. *Requests* the Office of the United Nations High Commissioner for Human Rights to facilitate the presence of a member of the Human Rights Council Advisory Committee, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and a member of the Permanent Forum on Indigenous Issues in the mechanism's meetings;
  6. *Decides* that the selection and appointment of the above-mentioned experts shall be carried out in accordance with the special procedures of the Council, established in paragraphs 39 to 53 of the annex to its resolution 5/1;
  7. *Also decides*, in this context, that the Office of the High Commissioner for Human Rights shall receive the nominations of States and indigenous peoples and make two separate lists, and from the list with nominations from States, the President of the Council, in discussions

with those States, shall appoint three experts; from the second list, the President of the Council, in discussion with the indigenous peoples, will appoint three experts, and that, in these appointments, equitable geographic representation means five regions for States and seven for indigenous peoples;

8. *Also decides* that the members of the expert mechanism shall serve for one three-year period and may serve for one additional period;

9. *Decides* that the expert mechanism on the rights of indigenous peoples should draw up its own methods of work;

10. *Also decides* that the expert mechanism shall meet once annually for five working days to contribute to the work of the Council with regard to the human rights of indigenous peoples;

11. *Further decides* that the expert mechanism shall be open to the participation 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 bodies, academics and experts on indigenous issues, non-governmental organizations in consultative status with the Economic and Social Council and to all non governmental organizations, indigenous peoples and their 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;

12. *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 fulfilment of its mandate.

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