

Concept Note

Expert Mechanism on the rights of Indigenous Peoples

The focus of EMRIPS second report on efforts to achieve the ends of the Declaration on the Rights of Indigenous Peoples (UNDRIP) (for 2019)

Recognition, reparations and reconciliation

1. In accordance with resolution 33/25 (A/HRC/Res/33/25):

"2 (b) EMRIP shall identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter."

2. In preparing for this report, the EMRIP intends to draw from information received from a broad variety of stakeholders and sources including: states, indigenous peoples, civil society, academics, earlier EMRIP studies; the Special Rapporteurs on the Rights of Indigenous Peoples; the Permanent Forum on the Rights of Indigenous Peoples; the treaty bodies; jurisprudence from the Inter-American and African Systems; Universal Periodic Review procedure; UN agencies and other multilateral actors.

3. The EMRIP also intends to hold a panel discussion on the issue of recognition, reparation and reconciliation at its 11th session in July 2018.

4. To assist all parties in contributing to this report, the EMRIP sets out below the main focus of the report. Given the mandate to, "identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration..." and mindful of not wishing to repeat good practices already compiled in the report of 2017, the EMRIP intends to focus on **recognition, reparation and reconciliation** initiatives **in the last 10 years**.

5. Recognition, reparation and reconciliation initiatives would include, but are not limited to; truth and reconciliation commissions, and inquiries (established, commenced or finalized) in the last 10 years that dealt/deal with the rights of indigenous peoples, either as the focus of the commission/inquiry or within the context of the process or its outcome; peace agreements; special tribunals (national/international); constitutional review processes; post conflict situations; official apologies; national criminal proceedings; targeted legislation; official archives; and historical projects.

6. The overall objective in compiling the information for this report is to distill

knowledge from these measures/processes for the purposes of analysis from four perspectives: (1) how the different processes' approach indigenous peoples' rights, including in learning lessons from indigenous peoples effective participation; (2) identify the substantive rights of indigenous peoples covered by the concerned processes; (3) examine subsequent policies, programmes and specific initiatives taken or adopted by the state; and (4) look at implementation and monitoring of recommendations or decisions of these processes.

7. Thus, it would be helpful for the EMRIP, if contributions to this study would include:

1. Information on any measures/processes referred to in paras. 4 and 5 above;
2. Information on the participation of indigenous peoples in the adoption of these measures/processes;
3. The substantive rights of indigenous peoples covered by the measures/processes;
4. Any subsequent policies/programmes adopted by the state, where relevant, and;
5. Information on the implementation and monitoring of any recommendations or decisions made in the context of these measures/processes.

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