Subject: UN Expert Mechanism on the Rights of Indigenous Peoples: Questionnaire in relation to the Declaration on the Rights of Indigenous Peoples

The Office of the United Nations High Commissioner for Human Rights (OHCHR) presents its compliments to all Permanent Missions to the United Nations Office at Geneva and has the honour of drawing their attention to Human Rights Council resolution 27/13 entitled "Human rights and indigenous peoples".

In operative paragraph 6 of the resolution, the Human Rights Council requested the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner for Human Rights, the questionnaire survey to seek the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, with a view to completing a final summary of responses for presentation to the Human Rights Council at its thirtieth session and encouraged States to provide their responses. The questionnaire, which was revised by the Expert Mechanism in 2014, is attached. OHCHR invites you to submit your responses by 28 February 2015.

You are kindly requested to submit your responses to the questionnaire electronically to the Expert Mechanism at expertmechanism@ohchr.org, by fax to +41 22 917 9008 or by mail to the Office of the High Commissioner for Human Rights, CH-1211 Geneva 10, Switzerland. Please indicate if you would prefer for the information provided not to be made available on the OHCHR website.

The Office of the High Commissioner for Human Rights avails itself of this opportunity to renew the assurances of its highest consideration to all Permanent Missions to the United Nations at Geneva.
Questionnaire to States

United Nations Expert Mechanism on the Rights of Indigenous Peoples

December 2014

Introduction

In Resolution 27/13 of 24 September 2014 the Human Rights Council requested the Expert Mechanism on the Rights of Indigenous peoples to

...continue to undertake, with the assistance of the Office of the High Commissioner for Human Rights, the questionnaire survey to seek the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, with a view to completing a final summary of responses for presentation to the Human Rights Council at its thirtieth session.

The questionnaire is set out below and will also be made available on the website of the Expert Mechanism on the Rights of Indigenous Peoples (Expert Mechanism) at http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx.

State responses will be analysed and compiled in a report, which will be finalized during the 8th session of the Expert Mechanism in July 2015 for presentation to the Human Rights Council at its 30th session in September 2015. Unless otherwise requested, responses of States to the questionnaire will be made available on the website of the Expert Mechanism. Responses will also inform the ongoing review of the Expert Mechanism’s mandate, in accordance with the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2).

Please submit your responses by 28 February 2015.

The results of this questionnaire will provide the Expert Mechanism with an opportunity to survey States in relation to their measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, consistently with the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2):

7. We commit ourselves to taking, in consultation and cooperation with indigenous peoples, appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the Declaration and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service.

8. We commit ourselves to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the Declaration.
28. We invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.

Questionnaire to States

References to the Declaration are to the United Nations Declaration on the Rights of Indigenous Peoples.

1. Does the State have an overarching national action plan or strategy to achieve the ends of the Declaration? If yes, please provide details, including the involvement of State institutions and indigenous peoples. If not, are there any plans to develop one?

2. Have specific legislative, policy, or administrative measures relating to self-determination and autonomy been adopted? If yes, please provide details. If not, please outline any plans to develop legislative, policy or administrative measures in this area.

3. Have specific legislative, policy, or administrative measures been adopted to implement rights relating to participation in decision-making, including the obligation to obtain free, prior and informed consent? If yes, please provide details. If not, please outline any plans to develop legislative, policy or administrative measures in this area.

4. Have specific legislative, policy, or administrative measures been adopted to implement rights relating to cultures and languages? If yes, please provide details. If not, please outline any plans to develop legislative, policy or administrative measures in this area.

5. Have specific legislative, policy, or administrative measures relating to non-discrimination and equality been adopted? If yes, please provide details. If not, please outline any plans to develop legislative, policy or administrative measures in this area.

6. Have specific legislative, policy, or administrative measures been adopted to implement rights relating to lands, territories and resources? If yes, please provide details. If not, please outline any plans to develop legislative, policy or administrative measures in this area.

7. Have specific legislative, policy, or administrative measures been adopted to implement rights relating to treaties, agreements and other constructive arrangements with States? If yes, please provide details. If not, please outline any plans to develop legislative, policy or administrative measures in this area.

8. Has the State taken any particular measures to promote and protect the rights of Indigenous women, youth, children, elders, persons with disabilities and any other vulnerable groups
(such as LGBT persons)? If yes, please provide details. If not, please outline any plans to develop measures relating to these groups.

9. To what extent do Indigenous peoples themselves participate in the development and implementation of legislative, policy, or administrative measures that affect them? Is their free, prior and informed consent required by law?

10. Has the State taken measures to raise awareness about the Declaration among various sectors of society, including Parliamentarians, the judiciary, the civil service, and Indigenous peoples?

11. What are the main challenges encountered in adopting measures and implementing strategies to achieve the ends of the Declaration?

12. In the light of the information provided above, please provide examples of best practices regarding possible appropriate measures and implementation strategies to attain the goals of the Declaration.

13. In light of paragraph 28 of the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2), please provide feedback on how the Expert Mechanism can more effectively promote respect for the Declaration, and how it can better assist States to monitor, evaluate and improve the achievement of the ends of the Declaration.

Thank you very much for your contribution.