



HUMAN RIGHTS COUNCIL - 48th SESSION

Items 3 and 5: Interactive dialogue with the Expert Mechanism on the Rights of Indigenous Peoples

28 October 2021

Reports of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) presented during the Interactive dialogue:

- Annual report ([A/HRC/48/73](#));
- Study "Rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples" ([A/HRC/48/74](#));
- Report "Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination" ([A/HRC/48/75](#)).

Opening Remarks Ms. Megan Davis, Chair of the EMRIP: COVID-19 has continued to disrupt the lives of Indigenous Peoples globally. While some States have used this crisis to improve their engagement with Indigenous Peoples, others have used the crisis to undermine and roll back indigenous rights. **Study on the Rights of the Indigenous Child under the UN Declaration on the Rights of Indigenous Peoples** examines both the individual and collective rights of indigenous children, as well as the interplay between them and incorporates the principle of the best interests of the child in the context of indigenous children; it concludes with the EMRIP Advice No. 14. **Report on the Right to Self-Determination** explores how this right has developed since the adoption of the UNDRIP, sets out the legal framework and ways and means in which Indigenous Peoples express their right to self-determination; explores many challenges in the implementation of the right; the dangers of conflating self-determination with the requirement for free, prior, and informed consent; and the imposition of self-determination by the State rather than Indigenous Peoples themselves. **The annual report** details all the activities the EMRIP was engaged in this year. During this session EMRIP had an interactive dialogue with four treaty bodies on updates on their work on indigenous rights; contributed to the CEDAW's General Recommendation on the Rights of Indigenous Women and Girls and to the CESCR's draft General Comment on Land, and Economic, Social and Cultural rights; and welcomed the participation of children for the first time. Despite the constraints of the COVID-19 pandemic, EMRIP continued country engagement with Brazil, Sweden, Finland, Canada. **In 2022 the report will be on the militarization of indigenous lands and the study will focus on treaties and constructive arrangements. For 2023, the Study will be on the impact of development policies on indigenous heritage, focusing on indigenous women and the report will address the establishing of effective monitoring mechanisms at the national and regional level for the implementation of the UDRIP.**

Interactive dialogue

Delegations that took the floor during the Interactive Dialogue (21 statements):

Mexico (on behalf of Brazil, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Paraguay, Peru, Mexico), **European Union, Norway** (on behalf of Nordic-Baltic countries: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden), **Indonesia, FAO, Venezuela, United States, Russia, Peru, Brazil, Ukraine, Cuba, Algeria, Philippines, New Zealand, China, Panama, Colombia, Guatemala, Iran, Australia.**

Mexico on behalf of a group of countries: indigenous girls and boys should be able to express their opinion freely, it is important to empower them as agents of change. **EU:** what are the best practices in ensuring participation of indigenous children and youth in decision-making? **Norway on behalf of Nordic-Baltic countries:** support the call for protection of indigenous human rights defenders. **Indonesia:** elaborated more on EMRIP's report, in particular, on para 37 regarding Indonesia. **FAO:** recognized Wiphala Paper on Indigenous Peoples' food systems, work of the Global-Hub on Indigenous Peoples' Food Systems and of the Rome Group of Friend of Indigenous Peoples as examples of best practices. **Venezuela:** reaffirmed the commitment to pay off the historical debt with its native peoples. **USA:** the Biden-Harris Administration is addressing negative actions that American Indian, Alaskan Native, and Native Hawaiian children endured in federal boarding schools; have other nations identified best practices to address the traumatic legacy



caused by abusive residential schools? **Russia:** the recommendations in the reports should be made clear and precise, realistic, so that everyone understands what results should be expected; necessary to pay attention to facts of violations of the rights of IP in Canada. **Peru:** recognizes the importance of indigenous boys and girls accessing education in their native languages. **Brazil:** *how could we better promote awareness among indigenous children about their cultural rights?* **Ukraine:** on the temporarily occupied territory of CrimeaO Russia continues its policies of discrimination and repression against indigenous peoples. **Cuba:** supports a comprehensive approach to the vulnerability of indigenous women and girls. **Algeria:** astonished about mentioning Algeria in point 54 of the study, the information has no substantiated, verifiable reference. **Philippines:** *what measures can be done to safeguard the UN human rights space from non-state actors that misrepresent themselves as IP rights defenders but in reality are IP rights abusers?* **New Zealand:** approved a two-step process to develop a national plan to implement the DRIP - in partnership with Māori, the indigenous people of New Zealand. **China:** in the US, Canada, Australia IP human rights are deteriorating and are violated. **Panama:** was proud to be one of the few countries in the world where there is territorial delimitation for the exclusive use of indigenous peoples, and pleased that in paragraphs 22 and 46 of the report on indigenous peoples and the right to self-determination, the country is mentioned as an example of good practice. **Colombia:** did not share the generalized, ambiguous and dataless mention contained in the Study of the Group of Experts, according to which indigenous girls are often victims of sexual violence. **Guatemala:** considered actions to guarantee the development of the fundamental rights of indigenous children. **Iran:** atrocities against IP in Canada and responsibility of their perpetrators should never be forgotten, the role of colonial British should not be sidelined. **Australia:** National Agreement on Closing the Gap establishes shared decision-making between Australian governments and Indigenous representatives.

NGOs that took the floor during the Interactive Dialogue (7):

China Society for Human Rights Studies (CSHRS), Conselho Indigenista Missionário (CIMI), Lutheran World Federation (LWF), Associazione Comunita Papa Giovanni XXIII (APG23), International Fellowship of Reconciliation, China Foundation for Human Rights Development, Association pour la défense des droits de l'homme et des revendications démocratiques/culturelles du peuple Azerbaidjanais-Iran – "ARC".

CSHRS: the US and Canada infringed the indigenous people's rights to life and health. **CIMI (Joint Statement):** drew attention on the situation with the rights of indigenous communities in Brazil. **LWF:** concerned by the growing cases of land conflicts and illegal acquisition of rural community land in Moxico province in Angola. **APG23:** concerned over the condition of the Mapuche people in Chile. **International Fellowship of Reconciliation:** concerned of what is happening in Argentina (case of Andalgalá) and in Latin America with the extractive and polluting economic development model. **China Foundation for Human Rights Development:** called on the USA to formally recognize its genocide policy against Native Americans. **"ARC":** today in Iran, minorities are marginalized and Covid-19 is contributing to increasing discrimination.

Final Remarks of Ms. Megan Davis, Chair of the EMRIP: international community made significant efforts over past years to recognize indigenous peoples' rights and ensure their participation in the UN, however, it is important what indigenous peoples' voices look like domestically and whether there are appropriate mechanisms to ensure IP participation indigenous peoples' at the national level. Constitutional recognition of the rights of indigenous peoples is an example of best practice of domestic recognition. Regarding the case of Canada (mass graves) and other consequences of colonization: [EMRIP report on recognition reparation and reconciliation](#) shows number of examples and recommendations on how countries can deal with such cases. Language regarding the right to self-determination of indigenous peoples is often used non-consistently and this creates problems, particularly in child protection. Self-determination is not only about participation and consultation, it is the right of indigenous communities to make decisions through their own processes and carry them through to implementation. EMRIP noticed that there are many different words and concepts used in connection to the right to self-determination (e.g., co-design, principle of self-determination, etc.) which are not the right to self-determination.

Full video recording of the meeting is available on the UN Web TV: [PART 1](#) and [PART 2](#)