

HUMAN RIGHTS COUNCIL – 54th SESSION

Annual Panel on Rights of Indigenous Peoples

Theme: The impact of certain development projects on the rights of Indigenous Peoples, in particular the impact on Indigenous women.

27 September 2023

In her opening remarks, **Ms. Ilze Brands Kehris, Assistant Secretary-General for Human Rights**, presented the four key objectives of the discussion: 1. examining the impact of development projects on Indigenous Peoples' rights, especially Indigenous women; 2. sharing Indigenous Peoples' initiatives addressing these impacts; 3. identifying best practices and 4. discussing measures by States, private sector, financial institutions, Indigenous Peoples, and the UN to prevent and address the implications of development projects on Indigenous Peoples. The panel aims to shed light on the challenges, explore opportunities for positive change, and emphasize the importance of inclusive, sustainable development that fully respects the rights and dignity of Indigenous Peoples.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes Indigenous Peoples' right to determine and develop priorities and strategies for exercising their right to development, laying a solid foundation for our dialogue today. While development projects can offer substantial societal benefits, they can also pose significant challenges and disruptions to the lives of Indigenous Peoples, including land rights, environmental conservation, cultural preservation, and economic empowerment. Indigenous women serve as the backbone of their communities, playing pivotal roles in preserving cultural heritage, transmitting traditional knowledge, and ensuring the sustainability of their societies. However, they are often disproportionately affected by forced displacement, gender-based violence, including sexual violence and exploitation, loss of access to their lands, territories, and resources, and economic marginalization.

She also acknowledged the invaluable contributions of Indigenous women to sustainable development. However, while some initiatives yield positive outcomes, others culminate in devastation and displacement, often entailing violations of their human rights.

Mr. José Francisco Calí Tzay, Special Rapporteur on the rights of Indigenous Peoples, affirmed that Indigenous women are often the custodians of a collective accumulation of scientific knowledge and technical skills related to food and agriculture, health and medicine, natural resource management, weather patterns, language, textiles, arts and crafts. Women's knowledge is critical to maintaining cultural identity, managing the risks and impacts of climate change, protecting biodiversity, and achieving sustainable development. Climate change gives new urgency to the recovery and preservation of indigenous women's scientific knowledge. Indigenous women are creating environments conducive to the preservation, development, use, and transmission of their knowledge, when they have a voice in governance and when they are supported.

He concluded that for Indigenous Peoples there are as many challenges as opportunities ahead. The international community should give Indigenous Peoples a voice and leadership opportunities, as well as ensure that their scientific and technical knowledge is preserved, transmitted, and applied towards the sustainable development of our global village.

Ms. Adriana Quiñones, Head of Human Rights and Development at the United Nations Women Geneva Office, stated that in the "Strategy for inclusion and visibility of Indigenous Women", UN Women believes that Indigenous women are entitled to the basic rights afforded to all women under CEDAW and, they also enjoy the collective rights as expressed in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007 and ILO Convention No.169 on Indigenous and Tribal Peoples of 1989, which, together constitute a global charter of Indigenous Peoples' rights. The CEDAW adopted the General Recommendation N° 39 on the rights of Indigenous Women and Girls, the first

binding instrument to focus on their rights, offering guidelines to address the historical discrimination while considering their individual and collective rights.

She reported examples showing that development programs promoting the meaningful participation of Indigenous women lead to inclusive sustainable development. Ensuring that no Indigenous woman is left behind as a beneficiary and actor of development is therefore crucial for the achievement of the SDGs.

Ms. Anabela Carlón Flores, Lawyer for the Yaqui People, Mexico, affirmed that the impacts of development projects on the human rights of indigenous peoples, particularly women, affect the earth, bodies, spirit, or collective consciousness in various ways. She reported projects developed without any consultations with the local populations in Mexico. This created an increase in violence, disappearances, stigmatization, and criminalization, but also the lack of knowledge of the performance and women's leadership in the defence of their territory, natural resources, government and regulatory systems.

Ms. Sheryl Lightfoot, Chair of the Expert Mechanism on the Rights of Indigenous Peoples, expressed that in the Expert Mechanism's 2021 report on self-determination, there are many examples of Indigenous Peoples in all regions expressing their self-determination by dissenting or refusing to consent to development projects on their land, often availing themselves of the national courts. For many Indigenous Peoples, their right to self-determination has advanced little since the adoption of the Declaration. Mass evictions and the dispossession of land for use in conservation projects or infrastructural development or by extractive industries and the privatization of indigenous lands for investment negatively affect their livelihoods, economic resources, social and cultural identity, and their self-determination. Further, Indigenous Peoples have frequently identified a link between development projects and militarization. Violations related to militarization that are associated with foreign business have long been highlighted.

She stated that States should ensure that Indigenous women have access on an equal basis with Indigenous men to ownership and/or use of and control over their lands, territories, and resources, including by revoking or amending discriminatory laws, policies, and regulations. States should also ensure protection for them against discrimination and dispossession, and by supporting them, where necessary, in the management of their lands.

In conclusion, development projects implemented without the free, prior, and informed consent of the Indigenous Peoples concerned may disproportionately impact Indigenous women, in terms of loss of their traditional livelihoods, of the material spiritual relationship with their land, territories, and resources, as well as loss and appropriation of their traditional knowledge, spiritual practices, and cultural heritage.

In the conclusive remarks, panelists stressed that States still face big challenges in guaranteeing the rights of indigenous peoples, especially women. Women play a crucial role. Panelists also provided good practices and advice in order to include Indigenous Peoples in the decision-making processes of specific projects or programs that affect their interests. The gender perspective should be ensured by State funding, and the participation of women ensured both before and during development projects, guided by experts and part of the process of prior and informed consent.

Interactive dialogue

20 country delegations took the floor during the interactive dialogue. **The majority of the countries** underscored the crucial importance of enhancing consultation with Indigenous Peoples, particularly Indigenous women, to ensure their free, prior, and informed consent as well as their full and effective

participation in the development and implementation of projects and programs that may affect their rights and interests. Gender discrimination and lack of access to health services, including sexual and reproductive health and rights, education, and economic opportunities tend to worsen. **EU** raised deep concern the development projects ignoring the free, prior, and informed consent of Indigenous Peoples can disproportionately affect Indigenous women, who play vital roles as caregivers and environmental protectors. **Costa Rica** affirmed Indigenous women, in particular, face a series of multiple challenges. **Ecuador** recognized that traditional indigenous knowledge and practices contribute to sustainable development, therefore Indigenous Peoples must determine priorities and strategies for the exercise of their right to development. However, political decision-making for indigenous women still represents a challenge at the community, departmental, national, and international levels, **Guatemala** affirmed the need to recognize and promote its role in full and effective participation. **Mexico** highlighted that Indigenous Peoples have a unique perspective on development; They understand the delicate balance between progress and preservation, emphasizing sustainability and harmony with the environment. **Some countries, including Cuba**, recalled that indigenous peoples, those of African descent and the poorest had been most affected by the COVID-19 pandemic. Indigenous peoples suffered the worst average conditions of the people in the country where they lived, and indigenous women suffered the most.

IDLO stressed that the rule of law is a powerful tool for ensuring the full implementation of the Declaration. Laws play a critical role in promoting and protecting the rights of Indigenous Peoples; ensuring access to justice; and preventing adverse impacts of development projects. **UNDP** shared outcomes of the recent report written with UN Women and the Republic of Korea. The publication describes over 30 gender-responsive solutions by governments to prevent and respond to violence against women, support women's economic security, and reduce and redistribute unpaid care work. Over half of these solutions highlight the importance of civil society networks, including Indigenous Peoples, for their implementation. These need to be supported with increased funding for locally led actions, scaling out, replication, and policy mainstreaming.

NGOs recognized that throughout history, Indigenous women have played crucial leadership roles within their communities. They noted with concern that Indigenous women's well-being and cultural identity face serious challenges. Development projects can significantly affect their lives, leading to the displacement of communities, disruption of cultural practices, and changes in traditional roles and responsibilities. **VIDES International** reported violations and social disadvantages in Brazil and Venezuela against Indigenous Peoples, including women.

Delegations that took the floor during the Interactive dialogue (20 country delegations):

Costa Rica, Ecuador, European Union, Finland on behalf of Nordic-Baltic Countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden), Guatemala, Iran (Islamic Republic of), Malaysia, Mexico, Spain, Ukraine, United Republic of Tanzania, Vanuatu, Venezuela (Bolivarian Republic of), Bolivia (Plurinational State of), Armenia, Russian Federation, Cuba, Indonesia, China, South Africa.

NHRIs and NGOs that took the floor during the Interactive dialogue (7):

Franciscans International, International Indian Treaty Council, VIDES International, ALMASICA, Consultoria para la protection de los derechos humanos y el despaciamiento, Edmund Rice International, Women's Survivors of Violence.

International organizations: IDLO, UNDP.

To watch the full meeting refer to the [UN WEB TV](#).