

HUMAN RIGHTS COUNCIL – 57th SESSION

Interactive dialogue with the Special Rapporteur on the rights of Indigenous peoples

26-27 September 2024

Addressing for the last time the Council, **Mr. José Francisco Cali Tzay, Special Rapporteur on the rights of Indigenous Peoples**, focused on Indigenous persons with disabilities and the specific challenges they face on their Indigenous status and disabilities. An estimated 1.3 billion people or 16% of the world's population are persons with disabilities; Indigenous persons with disabilities, are more than 54 million. The disproportionately high number of persons with disabilities among indigenous peoples is driven by multiple factors including environmental pollution and systematic poverty. However, the lack of disaggregated data and culturally appropriated disability support services led to misdiagnosis in healthcare and adequate care perpetuating the cycle of disadvantage.

Indigenous persons with disabilities are overrepresented among persons living in poverty and are rarely consulted in matters affecting them. They face a greater risk of violence, systemic discrimination, and racism from states and other actors. **Climate change** also exacerbates existing difficulties for indigenous persons with disabilities in particular those in rural areas leading to health issues and violations of human rights including as a result of the loss of ecosystems and exposure to pollution from industrial operations.

Indigenous women are even more likely to have a disability than indigenous men. The marginalization experienced by Indigenous women with disabilities is gravely compounded because they experience the intersection of gender discrimination, racial discrimination, and discrimination against persons with disabilities. They also face a lack of access to sexual and reproductive health services or sexual and reproductive health services that inflict harm rather than improve health such as subjecting indigenous women in particular those with disabilities to forced sterilization. Girls with disabilities are far less likely to attend school than boys. Women with disabilities are far less likely to be employed than men with disabilities. Girls and women with disabilities are far more likely to encounter both sexual and non-sexual violence.

He stressed the paramount of **adopting a human rights-based approach** to support and care systems and to adapt them to Indigenous culture. Ensuring the right to consultation and free prior and informed consent of Indigenous persons with disability is one of the most important principles that can protect the right to full and effective participation in decisions affecting them. Creating policies that are holistic and inclusive of Indigenous peoples with disabilities is essential in foresting equality, justice, and societal progress.

Involving Indigenous peoples with disability in policy development is not only a matter of justice but also a crucial step towards building a society where everyone regardless of background or any other status has the opportunity to fully participate and succeed.

In conclusion, the Special Rapporteur presented the **report on the country visit to Colombia which took place from 5 to 15 March 2024**. He affirmed that there is still a lack of effectiveness in the implementation of plans against the consequences of the armed conflict against the advancement of the industry and racism and racial discrimination in accessing public services. The armed conflict in the Indigenous territory has not ceased despite the 2016 peace agreement indigenous people do not consider living in post-conflict but rather post agreement. In Colombia, the transition to a green economy is also becoming an adversary for the rights of indigenous peoples.

From wind fields to carbon credit, it is important to acknowledge that indigenous people are the traditional owners and custodians of the lands where most of those projects take place. Therefore, they should not be excluded from the design implementation and benefits of green transition projects. The failure to repair environmental damage seriously affects indigenous peoples since their territories are their sources of food, health, and spirituality.

He urged the government of Colombia to put emphasis on the seriousness of the issues presented and to enact effective measures to address the dire situation of indigenous people in the country.

Colombia (concerned country) was determined to do everything within its legitimate power to overcome the serious human rights situation that it has suffered for years, characterized by a high level of socio-political violence, social exclusion, and impunity, and to achieve a definitive end to the armed conflict affecting the country. One of the government's primary objectives is to fully repair the historical debt owed to Indigenous peoples who are victims of enslavement and structural racism.

The country recognized the multiple challenges faced by Indigenous women in Colombia arising from the armed conflict, gender violence, racism, and structural discrimination. These barriers need to be overcome. It recognized the importance of addressing indigenous law and justice, as well as the need to coordinate it with ordinary justice. There is a need for a national regulatory framework for the green economy that protects the rights of Indigenous peoples, including their right to free, prior and informed consent.

As for the challenges in health care, an ambitious reform of the system is being processed, which seeks to recognize health as a right and which includes concrete actions for prevention and presence in the most remote territories of our country's geography, including indigenous ones. There is also an educational reform in progress, which values and reaffirms the knowledge, fabrics and know-how of ethnic communities that are developed within the framework of the Indigenous Education System (SEIP).

Interactive dialogue

During the interactive dialogue, **27 country delegations took the floor, the vast majority of which** agreed with the Special Rapporteur's conclusions that indicate that disabilities within Indigenous peoples' groups are deeply determined by the colonial past and internal barriers rather than by individual shortcomings. They also agreed with the rapporteurs on the importance of providing accessible and affordable healthcare for Indigenous people with disabilities, including mental health and rehabilitation services. **Guatemala**, additionally, expressed concern that there is a disproportionately large number of people with disabilities within indigenous communities and one of the multiple factors that determines this is the environmental pollution and systemic poverty. The adverse impacts of climate change and environmental pollution have exacerbated already existing difficulties faced by Indigenous persons with disabilities.

The majority of the delegations shared national action plans, policies, laws, and provisions to address health disparities, and to combat all forms of discrimination facing persons with disabilities regardless of their origin, with specific attention to multiple and intersecting forms of discrimination in accordance with its human rights guidelines on non-discrimination in external action. Governments need to ensure the right to self-determination for persons with disabilities and public services sensitive to culture and preferences. Efforts must be deployed to respect their right to effective participation in political and public life, the right to land, territory and resources.

The Russian Federation shared the broad national plan of measures to support Indigenous languages, strengthen the skills of users, and ensure access to the mother tongue and use in a number of areas. However, there is an increasing politicization of the steering bodies for the decade and the violation of the mandate as well as low effectiveness of implementation by UNESCO and Western states. **China** added that the Indigenous group is also vulnerable to the impact of racial discrimination, conflict and turbulence, climate change, digital gap, imbalance, development, and debt crisis. Attaching importance to using AI, digital technology and other new emerging technologies to empower Indigenous peoples help them adapt to the level of social development and enjoy its benefits on an equal footing.

UNICEF focused on Indigenous children with disabilities who face significant barriers in accessing essential services such as healthcare, education, and social protection. They are less likely to receive early intervention services and inclusive education and are more susceptible to malnutrition and illness. Indigenous girls are particularly affected by intersecting layers of discrimination and are especially vulnerable to gender-based violence and abuse.

UN Women affirmed that in addition to significant ethnic, racial, cultural, linguistic, environmental, and accessibility barriers, Indigenous women and girls with disabilities face barriers associated with gender and age among others. Climate change, humanitarian, and context to mention some have distinct impacts on Indigenous peoples such as those living with disabilities, those living in rural areas, and women and girls.

UNFPA emphasized that all people regardless of their identity must have the opportunity to fully realize their sexual and reproductive health and rights and the right to live freedom from gender-based violence. Indigenous women and girls with disabilities experience multiple layers of intersectional discrimination. They often lack access to comprehensive sex education and are subject to misinformation contributing to widespread stigma.

Indigenous people representatives focused on the importance of **Indigenous people's participation in the UN discussions and decisions**. They reported that unilateral coercive measures have an impact on our rights and the health of the environment as well as on sustainable development. Although there are numerous international legal instruments to protect persons with disabilities, the majority of states continue to neglect their needs. The consequences of racism and structural racial discrimination as well as social and psychological discrimination prevent indigenous peoples from fully flourishing. **NGOs** welcomed this important report on Indigenous peoples with disabilities. It tackles systemic discrimination and social prejudice against Indigenous and all other people with disabilities. However, they **were concerned that in Brazil the negotiations of one of the fundamental rights were being taken place without the presence of the indigenous peoples**. They shared their concern about the intergenerational trauma inflicted upon Indigenous peoples and its correlation with a higher incidence of psychosocial disability among them. They also stressed the particular vulnerability of Indigenous women and girls with disabilities in relation to sexual and reproductive health and rights with a lack of awareness about their health and rights and of access to adequate health care resulting in higher rates of early marriages, higher incidence of uterus prolapses and of maternal mortality.

Delegations that took the floor during the Interactive dialogue (27 country delegations):

Ghana, Russian Federation, Malaysia, Venezuela, China, Burundi, Armenia, Namibia, Cambodia, Vanuatu, Canada, Iran, Australia, Bolivia, United States of America, European Union, Guatemala (on behalf of Bolivia, Brazil, Colombia, Costa Rica, Honduras, Mexico, Panama, Paraguay and Guatemala.), Iceland (on behalf of a group of countries), New Zealand (on behalf of a group of countries), Ireland, Brazil, Honduras, Panama, Chile, Peru, Ecuador, Togo.

NHRIs and NGOs that took the floor during the Interactive dialogue (17):

Commission of Human Rights of Philippines, Ontario Native Women's Association, Association of Indigenous Small-Numbered Peoples of The North, Sami Parliament in Norway, Global Naga Forum, Maya Kiche, Regional Association of Indigenous Small-Numbered Peoples of The North Krasnoyarsk Region, Women Winter Tribe, Conectas Direitos Humanos, Genève pour les droits de l'homme: formation internationale, Minority Rights Group, Edmund Rice International Limited, International Organization for the Right to Education and Freedom of Education (OIDE), Indian Law Resource Centre, International Disability Alliance, Colombian Commission of Jurists, Alsalam Foundation, Legal Analysis and Research Public Union.

International organizations: UNFPA, UN Women, UNICEF.

To watch the full meeting refer to UN WEB TV: [Part 1](#) and [Part 2](#)