

## HUMAN RIGHTS COUNCIL – 57th SESSION

### Interactive Dialogue with the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

26 September 2024

**Ms. Valmaine Toki, Chair of the EMRIP**, presented the Mechanism’s annual report to the HRC, detailing its activities and progress over the past year. The Mechanism, which operates under the mandate of HRC resolution 33/25, completed a study on how national constitutions, laws, and policies are implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), enriched by input from Indigenous peoples, States, NGOs, and academics. This study emphasized the **legal significance of the Declaration in international law, highlighting how States are morally and legally obligated to respect Indigenous rights**. Key recommendations from the study include constitutional reforms and legal measures to ensure that Indigenous rights are respected and enforced at the national and local levels. The Mechanism also called for the establishment of monitoring bodies and urged Indigenous communities to strengthen their institutional capacity to protect and advance their rights. The report outlined several key initiatives, including participation in international conferences and collaborations with other UN bodies. **The Mechanism conducted two country missions in 2023 and 2024**: one to **Australia**, focusing on the removal of Aboriginal and Torres Strait Islander children, and one to **Norway**, examining Sami land rights and the right to free, prior, and informed consent. These missions resulted in technical advisory notes to support reforms. The Mechanism engaged in dialogue with other UN bodies on advancing Indigenous rights, including the UN Human Rights Committee, which is increasingly incorporating UNDRIP into its interpretation of human rights treaties. It also held a panel on the rights of Indigenous peoples in post-conflict situations, emphasizing their right to live in peace and security as distinct groups. Looking to the future, the Mechanism plans to focus on Indigenous data collection and disaggregation, as well as traditional economies, as part of its next annual study. The Chair acknowledged the support of the HRC and the contributions of states like Guatemala and Mexico, Indigenous organizations, NGOs, and other stakeholders. Ms. Toki concluded her statement by underlining a **historic milestone: for the first time, Indigenous peoples participated as recognized peoples in the interactive dialogue**, a significant achievement in ensuring their voices are heard in global decision-making processes that affect their lives and rights.

**Mr. Dev Kumar Sonowar, Member of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations**, highlighted the significant role of the UN Voluntary Fund for Indigenous Populations in supporting Indigenous peoples' participation in key UN meetings and processes over the past 39 years. The fund has expanded its mandate and supported approximately 4,000 Indigenous representatives to participate in UN human rights mechanisms. In 2023, the fund enabled 126 Indigenous representatives from 47 countries to attend 14 UN meetings, including 69 Indigenous women, 52 Indigenous youth, and individuals from the LGBTQ+ and disabled communities. In 2024, this number rose to 201 grantees from 55 countries across 20 meetings, with gender and diversity inclusivity. The fund not only provides financial travel grants but also prioritizes capacity-building, offering training sessions both online and in-person. In 2023, over 2,000 Indigenous individuals participated in online human rights training, while 150 representatives attended in-person sessions in New York, Geneva, and Dubai. Since January 2024, 1,500 more participants have engaged in training on human rights, climate change, and other relevant UN mechanisms. The fund offers courses in five languages, making it the largest training provider to Indigenous peoples within the UN system. Despite the fund’s broad impact, demand far exceeds available resources, with only 3% of requests supported each year. Mr. Sonowar appealed to governments to continue supporting the fund as it approaches its 40th

anniversary in 2025, acknowledging the financial contributions from countries like Australia, Canada, Norway, and Mexico, among others. He concluded by emphasizing the need for sustainable financial support to continue the fund's vital work of empowering Indigenous peoples and advocating for their human rights.

### Interactive dialogue

26 country delegations took the floor during the interactive dialogue. **Many delegations highlighted the importance of Indigenous participation in decision-making processes that affect their rights**, as outlined in Article 18 of UNDRIP. These delegations called for the removal of barriers to participation, such as language and accreditation issues, and stressed the role of inclusive processes.

Several countries expressed concern over increasing reprisals against Indigenous human rights defenders and called for a stronger protections for these groups, particularly women and Indigenous organizations. Specifically, **Australia** condemned all forms of reprisals against Indigenous leaders, including harassment, surveillance, and labelling of Indigenous groups as terrorists.

Some delegations discussed the importance of legal frameworks that recognize and protect Indigenous rights, as well as ongoing reforms to align national laws with UNDRIP. In this regard, **Mexico** highlighted the need for constitutional and legislative reforms; **Brazil** discussed how its constitution recognizes Indigenous land rights and efforts to address outstanding challenges; and **Malaysia** mentioned ongoing policy reviews to advance the rights of Indigenous peoples in Peninsular Malaysia, Sarawak, and Sabah.

Other countries sought to integrate Indigenous knowledge into national policies, particularly those related to climate change, biodiversity, and sustainable development. **Germany** acknowledged the crucial role of Indigenous peoples in maintaining biodiversity and emphasized their inclusion in biodiversity strategies. **Peru** emphasized the protection of Amazon forests as part of Indigenous land rights.

Some delegations brought attention to the plight of Indigenous peoples in regions affected by war, occupation, or systemic marginalization. **Ukraine** highlighted human rights violations against Crimean Tatars due to Russia's occupation of Crimea, expressing concern about the imprisonment and harassment of Indigenous leaders. **Armenia** raised concerns about the ethnic cleansing of Armenians in Azerbaijan, emphasizing the erasure of cultural heritage in Nagorno-Karabakh. **Azerbaijan** criticized Armenia for using the session to spread misinformation and discussed the displacement of ethnic Azerbaijanis from Armenia.

**UN Women** emphasized the importance of gender justice and transformative reparations for Indigenous women, particularly referencing the Sepur Zarco case in Guatemala.

**Indigenous representatives** from various regions highlighted common themes related to their rights, participation, and ongoing challenges, emphasizing the need for recognition, inclusion, and support in addressing their unique issues. Many speakers emphasized the **necessity for States to recognize Indigenous peoples formally within their legal frameworks and constitutions**. Similarly, the importance of using inclusive terminology, such as "Indigenous peoples", in governmental and legal contexts was a recurring theme, especially regarding initiatives aimed at enhancing Indigenous rights. Several representatives stressed the need for active Indigenous participation, including Indigenous women participation, in discussions and negotiations that affect their rights and communities. They called for the removal of barriers to participation, including financial, legal, and logistical constraints, to ensure that Indigenous voices are adequately heard in legislative processes. Many statements referenced **historical injustices and ongoing violations of Indigenous rights**, drawing parallels to past

colonial practices. Speakers criticized current government policies that prioritize development over Indigenous land rights and environmental protections, viewing these actions as part of a continued colonial agenda. The impact of external factors, such as climate change and industrial development, on traditional ways of life, including reindeer herding, hunting, and fishing, was underscored, particularly for nomadic and small-numbered Indigenous communities. Representatives called for **support and recognition of traditional economies, emphasizing their importance for cultural preservation and sustainable development**. They urged the finalization of reports and research related to traditional livelihoods and customary laws. The value of Indigenous knowledge systems was frequently mentioned as a crucial component in addressing both Indigenous rights issues and broader human rights challenges, with examples cited of successful initiatives driven by Indigenous perspectives.

**NGOs** underlined ongoing struggles faced by Indigenous communities across different regions. Key issues raised included the need for constitutional recognition and right protections, the importance of upholding international standards, the impact of systemic violence and impunity against Indigenous leaders, and the call for accountability and justice for affected communities. **International Service for Human Rights** highlighted the recent constitutional reform in Mexico that recognizes Indigenous rights but raises concerns about the insufficient regulation of the right to consultation and the lack of recognition of plurinationalism. **APG23** addressed the struggles of the Mapuche people in Chile, who are subjected to militarization, discriminatory policies, and unjust imprisonment, and called for political and legal reforms to ensure their rights and access to justice. **World Organisation Against Torture** and **International Committee for the Indigenous Peoples of the Americas** both shared personal stories of the killings of community leaders, highlighting the lack of progress in investigations and the resultant impunity. They stressed the critical situation facing Indigenous human rights defenders and called for accountability and protection mechanisms to safeguard their communities.

Delegations that took the floor during the Interactive dialogue (26 country delegations):

*Finland (on behalf of the Nordic-Baltic countries), Australia (on behalf of a group of countries), European Union, Mexico (on behalf of a group of countries), Germany, Peru, Nepal, Brazil, Colombia, Honduras, United States of America, Australia, Panama, Indonesia, Paraguay, Cuba, Russian Federation, Venezuela, China, Guatemala, Bolivia, Malaysia, India, Armenia, Ukraine, Azerbaijan.*

Indigenous Peoples' delegations that took the floor during the Interactive dialogue (10)

*Ontario Native Women's Association, Association of Indigenous Small-Numbered Peoples of the North of the Kamchatka region, The Sámi Parliament in Norway (Sámediggi), Regional Association of Indigenous Small-Numbered Peoples of the North of the Krasnoyarsk region, Winnemem Wintu Tribe, Dewran, Misión Pueblo Nación Mapuche, Confederacy of Treaty Six First Nations, Ngati Rehua Ngatwai Ki Aotea Freda Pene Reweti Whanau Trust, Haudenosaunee External Relations Committee.*

NGOs that took the floor during the Interactive dialogue (10):

*Oidhaco Bureau International des Droits Humains – Action Colombie, Les Caribous Libérés, International Committee for the Indigenous Peoples of the Americas, World Organisation Against Torture, APG23, Edmund Rice International Limited, International Service for Human Rights, Tamil-Style, Stichting Global Human Rights Defence, Rajasthan Samgrah Kalyan Sansthan.*

International organizations: UN Women.

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