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## Human Rights Council

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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Panel discussion on the rights of indigenous peoples**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### *Summary*

The present report contains a summary of the proceedings of the annual half-day panel discussion on the rights of indigenous peoples, held at the forty-second session of the Human Rights Council, including summaries of the opening statements and of the presentations made by panellists and highlights from the interactive discussion that followed. Pursuant to Council resolution 39/13, the panel discussion was focused on the promotion and preservation of indigenous languages.



## I. Introduction

1. As mandated in resolution 18/8, the Human Rights Council held its annual half-day panel discussion on the rights of indigenous peoples, on 18 September 2019. Pursuant to Council resolution 39/13, the discussion was focused on the promotion and preservation of indigenous languages.
2. The panel discussion was aimed at identifying good practices and challenges in the promotion and preservation of indigenous languages, proposing measures to ensure the promotion and preservation of indigenous languages, examining the links between the rights of indigenous peoples relating to languages and cultures and other rights, including the right to education, and taking stock of the progress made in implementation of the goals of the International Year of Indigenous Languages.
3. The panel was moderated by the Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples and member of the steering committee for the International Year of Indigenous Languages, Kristen Carpenter, and comprised the following panellists: Minister for Indigenous Australians, Ken Wyatt; researcher, Royal Institute of Amazigh Culture, Lahoucine Amouzay; and Programme Specialist, Knowledge Societies Division, United Nations Educational, Scientific and Cultural Organization (UNESCO), Irmgarda Kasinskaite.
4. The panel discussion was accessible to persons with disabilities and was webcast and recorded.<sup>1</sup>

## II. Opening of the panel discussion

5. The Vice-President of the Human Rights Council opened the panel discussion.
6. The Chief of the Rule of Law, Equality and Non-Discrimination Branch of the Office of the United Nations High Commissioner for Human Rights, Mona Rishmawi, acknowledged that indigenous peoples were the custodians of some of the oldest and most diverse languages on the planet. She noted that, despite that fact, an estimated 40 per cent of the approximately 6,700 languages spoken around the world, most of which were indigenous languages, were in danger of disappearing, which represented a loss of our human heritage. Indigenous peoples around the world were fighting to exercise their right to preserve and transmit their languages, directly facing the challenge posed by centuries of assimilation and discrimination. She further underlined the crucial role of indigenous women as holders and transmitters of language and culture.
7. Recalling the United Nations Declaration on the Rights of Indigenous Peoples and the interconnectedness of human rights, Ms. Rishmawi stated that language was a necessary, central element of the enjoyment of a number of rights, such as the right to education, the right to health, the right to access to justice, the right to freedom of expression and the right to freedom from discrimination. She called for the support of efforts towards the preservation of indigenous languages as a means of realizing the rights of indigenous peoples. She further called for State action towards, among other things, the recognition, preservation and promotion of indigenous languages, to ensure the realization of the rights of indigenous peoples to their languages and to enrich the diversity of languages around the world.
8. Ms. Rishmawi concluded by advocating for an international decade of indigenous languages to celebrate and continue the achievements of the International Year of Indigenous Languages. She introduced the panellists and gave the floor to Ms. Carpenter for her opening statement.
9. Ms. Carpenter thanked the Human Rights Council for devoting the annual panel discussion to the situation of indigenous languages. She underlined that language was intrinsically connected to the hearts, souls and minds of peoples and thereby to their self-

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<sup>1</sup> See <http://webtv.un.org/search/panel-discussion-on-indigenous-languages-21st-meeting-42nd-regular-session-human-rights-council/6087633031001/?term=&lan=english&cat=Human%20Rights%20Council&page=11>.

determination. She noted that indigenous languages were the means through which indigenous peoples' cultural information, as well as their laws and customs, traditional knowledge and science, governance and diplomatic traditions, could be expressed.

10. She denounced the reality that indigenous peoples had been losing their lives in their efforts to protect their languages or because they could not be understood when expressing themselves in those languages. She highlighted the critical importance of supporting indigenous peoples in their use of indigenous languages to express themselves and endorsed building on the lessons learned in the context of the International Year of Indigenous Languages, expressing the hope for and promise of an international decade.

11. Ms. Carpenter concluded by stating that language rights were human rights and therefore required protection.

### **III. Summary of the proceedings**

#### **A. Contributions of the panellists**

12. Mr. Wyatt welcomed the International Year of Indigenous Languages on behalf of Australia and presented some crucial statistics about indigenous languages, namely, that 96 per cent of the world's 6,700 languages were spoken by just 3 per cent of the global population and that indigenous peoples spoke more than 4,000 of those languages, despite comprising less than 6 per cent of the world's population. He underlined that language was not only a communication tool, but also a means of connecting, teaching, exchanging ideals and expressing unique perspectives, with that being especially true of indigenous languages. Languages further allowed for invaluable insight into various cultures and into the values held by diverse peoples. He recalled the fundamental nature of the right to speak one's own language and to use it to express one's identity, culture and history and to communicate philosophies and rights.

13. He proceeded to discuss the situation of indigenous languages in Australia. Currently, only half of the approximately 250 Aboriginal and Torres Strait Islander languages were still spoken, with only 13 considered prominent, placing Australia among the countries with the most endangered languages. In that context, he addressed the State's actions towards maintaining the knowledge of languages spoken currently and the preservation of those resources for younger generations to ensure their connection with their identity, culture and heritage.

14. He noted a number of partnerships between the Government of Australia and indigenous peoples aimed at the revitalization of their languages, notably through recognition of the cultural authority, community control and engagement with indigenous communities. He listed the following initiatives for the promotion and protection of indigenous languages: comprehensive survey on the current state of the proficiency and frequency of the use of indigenous languages; indigenous, community-led language and arts centres contributing to strong cultural identities and community-driven activities promoting well-being; provision of a range of content, from children's stories to news articles, in indigenous languages available on modern streaming platforms and through community radio stations; provision of interpretation services; and identification of qualitative links between language and indicators of well-being, such as resilience, prosperity and health.

15. He emphasized the importance of the collection of information and underlined that increased accuracy in data on languages was crucial for understanding the links towards improving life outcomes, grasping the imperatives of incorporating language into government services and prioritizing efforts to preserve and revitalize languages. He concluded by asserting that indigenous languages must be heard and preserved and that, those profound losses notwithstanding, it was not too late to revitalize indigenous languages.

16. Mr. Amouzay stressed that linguistic rights were fundamental human rights and, in that context, echoed calls for the revitalization, preservation and promotion of indigenous languages. He began by discussing the international normative structure of the linguistic rights applicable to indigenous languages and noted the duality of the principles of personality and territoriality, with States generally opting for the former for multilingual

policymaking. The implementation of such a principle was typically seen as a possible driver, if a language had been officially recognized, towards guaranteeing to indigenous peoples the right to use their languages and to have access to public services provided in their languages.

17. Regardless of the approach, he asserted that constitutional frameworks were the preeminent avenue for entrenching linguistic and cultural rights as integral parts of human rights as a whole. Institutional bilingualism reached in that way was exigent and prescribed for the legal recognition of indigenous languages, their generalized implementation within public institutions and the autonomous exercise of linguistic rights. Constitutional recognition of indigenous languages provided unique opportunities for protection, revitalization, promotion and ownership, illustrating the role of linguistic diversity as an indicator of good governance and its impact on human development.

18. He identified the roles played by various actors, asserting that States must guarantee the implementation of a strategic plan for the promotion of indigenous languages, that scholars must resolve questions regarding the planning and development of the indigenous languages corpus, that support structures must ensure monitoring and follow-up measures within all institutions and that indigenous communities must continue to monitor linguistic situations. Beyond those tasks, the constitutional status of indigenous languages was a *sine qua non* of successful revitalization policies. As a last resort, linguistic survival might rest on the will of indigenous communities, social proximity and conscientious self-determination.

19. He addressed the specific case of the Amazigh language in Morocco, acknowledging the constitutionally afforded official status of the language in the country and identifying the legal and political foundations protecting it at the international and national levels. The Amazigh language was to be integrated into education, the justice system, public signage, administration and services, cultural and artistic productions, the media, legislation and parliamentary proceedings, in close partnership with the Royal Institute of Amazigh Culture. Based on that example, he added that a prerequisite for the official recognition of indigenous languages was the appropriation of the language and civic engagement by indigenous communities.

20. He concluded by recommending the following measures: State implementation of measures for the development and application of indigenous languages curricula; formalization and institutionalization of indigenous languages; adoption of laws and policies aimed at protecting and revitalizing indigenous languages; monitoring of protection and revitalization processes; and generalization of mandatory and equal use of indigenous languages within the public sphere.

21. Ms. Kasinskaite, recalled the statistics introduced by Ms. Rishmawi about endangered languages. She noted that the main foci of various efforts related to indigenous languages had centred on endangerment, safeguarding and the need to record dying languages before their disappearance, a perspective rooted in academia, society at large and other domains, in certain countries with a predominant culture. She underlined, however, that there was not a one size fits all approach to strategies for language preservation and promotion and encouraged instead the consideration of a broader spectrum of human rights when examining language issues and the current realities at the national, regional and local levels.

22. Recalling the United Nations Declaration on the Rights of Indigenous Peoples, she reasserted that linguistic rights were an integral component of human rights and fundamental freedoms, notably as a prerequisite for freedom of thought, freedom of opinion and expression, access to education and information, employment and participation in society at large. On that basis, UNESCO aimed to promote a more human rights-oriented approach to languages, insisting on the need to safeguard, protect, support and promote them, in order to ensure the full realization of the rights and fundamental freedoms of their speakers.

23. She highlighted the growing awareness that indigenous languages did not simply serve as cultural artefacts, but rather equipped their users with an invaluable skillset and expertise in various fields, from the environment to education, the economy, social and political life and family relations; there were many lessons to be learned from indigenous languages and their speakers. Furthermore, languages mattered for peacebuilding,

sustainable development and reconciliation in all societies, key elements emphasized during the International Year of Indigenous Languages. Indigenous languages could provide solutions to contemporary challenges, including climate change, which implied that the critical situation of indigenous languages carried a special and wider significance for humankind.

24. Illustrating the vital nature of indigenous languages, she provided examples in which lives were saved – and lost – due to the provision or lack of information in languages that communities could understand. Importantly, that issue remained poorly mainstreamed into policy agendas around the world, including the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Indigenous peoples continued to face a widespread denial of their rights, catalysing negative, isolating and even deadly impacts on communities. She cautioned that, if immediate action was not taken, there would be a gradual loss of indigenous languages and the rich knowledge systems associated with them.

25. She expressed support for an international decade of indigenous languages and building on the best practices identified with regard to the International Year. She concluded by calling for policy collaboration and continuity of action, a capitalization of the full range of international, regional and national normative instruments and existing tools and the sharing of strategies for, with and by indigenous peoples, in order to protect the use of indigenous languages and their revitalization.

## **B. Interactive discussion**

26. Representatives of several Member States, national human rights institutions and non-governmental organizations took the floor to make comments or ask questions. There was a collective expression of commendation for the International Year of Indigenous Languages and its being a step towards raising awareness of the crucial role that languages played in indigenous people's daily lives. It was widely noted that the International Year had provided ripe opportunities for reaffirming the rights of indigenous peoples, especially as they related to linguistic elements, the renewed practical commitments of States towards the promotion and protection of indigenous languages and the development of practical steps forward through the identification of central issues related to the question. There was extensive support for the continuation of the progress made during the International Year through the proclamation of an international decade of indigenous languages.

27. Many participants expressed concern over the critical loss of indigenous languages worldwide and its impact on the very survival of indigenous peoples, due to the intrinsic role of language in conveying history, knowledge, culture and values. They emphasized the crucial link between language and identity, inclusion, the enjoyment of fundamental rights and participation and underlined the need to promote, protect and revitalize those languages locally, nationally and internationally. Some of the challenges linked to the disappearance of indigenous languages included the following: cultural harm and extinction; loss of traditional and ancestral knowledge; exclusion with regard to access to and enjoyment of a number of basic rights and freedoms; multiple and intersecting forms of discrimination; lack of effective participation in public and private life; lack of implementation of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples; lack of multicultural and multilingual education; lack of adequate monitoring; and lack of inclusion of the issue within the development and peacebuilding agendas.

28. Indigenous representatives and representatives of State delegations, human rights institutions and non-governmental organizations highlighted ongoing initiatives to address the situation of indigenous peoples' languages and rights in their respective countries. It was asserted that the promotion and preservation of indigenous languages fit into the broader ambitions to better promote and protect the rights of indigenous peoples. Notwithstanding expressions of hope, many participants underlined the need to ensure the use, survival and revitalization of indigenous languages. They made the following recommendations: implement effective multicultural, multilingual and immersion education programmes; if an international decade of indigenous languages was declared, develop a concrete thematic action plan focused on peace, sustainable development and reconciliation; ensure the full and effective participation of indigenous peoples on any issue relating to them; review the United Nations civil society accreditation process to allow more grass-roots organizations to voice their concerns; establish close partnerships between States and

UNESCO and other international agencies; include indigenous peoples as partners in the implementation of the 2030 Agenda; and implement the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and those of other relevant instruments.

#### **IV. Concluding comments from the panellists and the moderator**

29. Mr. Wyatt reiterated the commitment of the Government of Australia to the promotion and protection of indigenous languages, illustrating that fact by mentioning the ongoing efforts in State institutions to safeguard recordings of various indigenous languages. Revitalization was also being driven by indigenous communities, with a number of projects organized by and with elders and young people in a variety of spaces, notably in schools. Efforts to enhance the visibility of indigenous languages, such as signage and cartographic information displaying the indigenous names of cities, would continue. He echoed concerns related to the loss of identity and connection to the world and one's own community when the knowledge of a language withered, giving the example of the rift that could occur within families when persons experience dementia and revert to their mother tongue. There was a need to ensure the perpetuity of language in order to support a broader, more diverse vision of the world. He asserted that the Government of Australia would continue to support indigenous languages and communities and their growth.

30. Mr. Amouzay pointed to the important challenge facing the international community in creating binding mechanisms, both institutional and legal, which would be able to revitalize indigenous languages and guarantee linguistic rights. He responded to questions regarding the scope of international legal frameworks in enabling the revitalization of indigenous languages, noting that such structures were important to implementing collective cultural rights, but that stakeholders at all levels within that multidimensional field also played a crucial role as advocates.

31. Ms. Kasinskaite highlighted the need to address the full spectrum of rights and fundamental freedoms related to the question of indigenous languages, which must be mainstreamed across different institutional mechanisms at all levels. Indigenous peoples faced demographic transitions, limited political participation, poor living conditions and limited access to a number of rights, namely, the right to education, the right to access to justice, the right to public services provided in their languages and the right to stable economic situations. Those circumstances limited indigenous peoples in the use of their own languages, and that situation could be addressed through crosscutting, broad solutions. She underlined the successes of the International Year of Indigenous Languages and called for the continuation of similar efforts in the coming years, especially with 10 years left for the fulfilment of the Sustainable Development Goals.

32. Ms. Carpenter concluded the panel discussion by recalling that indigenous peoples' languages were living languages, even if they and their speakers had suffered and required remedies in the present. She underlined that indigenous peoples' languages were critical to the present and future of the rights of indigenous peoples and expressed the hope for the establishment of an international decade of indigenous languages.

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