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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

## Rights of Indigenous Peoples

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

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 51/18. It contains information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. It also contains information on the implementation of the provisions of the relevant international human rights treaties. The report covers the period from 1 June 2022 to 31 May 2023.

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\* The present report was submitted after the deadline in order to reflect recent developments.



## I. Introduction

1. In its resolution 51/18 concerning human rights and Indigenous Peoples, the Human Rights Council requested the High Commissioner for Human Rights to continue to submit to the Council an annual report on the rights of Indigenous Peoples, containing information on relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.
2. The present report contains an account of recent developments in human rights bodies and mechanisms and some examples of activities undertaken by OHCHR and initiatives taken at the country, regional and global levels that illustrate the contributions made to the realization of the rights of Indigenous Peoples.

## II. Recent developments in human rights bodies and mechanisms and activities relating to Indigenous Peoples

### A. Economic, social and cultural rights of Indigenous Peoples, including the right to health and the right to development

3. Among other standards, the United Nations Declaration on the Rights of Indigenous Peoples affirms that Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (art. 3). Many other provisions of the Declaration relate to the economic, social and cultural rights of Indigenous Peoples including their right to health and development.<sup>1</sup>
4. In a report published in June 2022, the Special Rapporteur on the human rights to safe drinking water and sanitation praised the ancestral water systems of Indigenous Peoples, but expressed deep concern about the rapid decline in access to safe drinking water and sanitation, given increasing pressure over natural resources in their territories.<sup>2</sup>
5. In August 2022, the Independent Expert on the enjoyment of all human rights by older persons addressed five recommendations to Finland to improve the enjoyment of economic, social and cultural rights by senior Samis.<sup>3</sup>
6. The Committee on Economic, Social and Cultural Rights has expressed concern about the continued discrimination against Indigenous Peoples, which hampers the equal enjoyment of rights, such as the right to work, an adequate standard of living, education and cultural life. The Committee has recommended measures (a) to address the persistently high rates of poverty and extreme poverty; (b) to address food insecurity and the high rate of chronic child malnutrition; (c) to address the high level of school dropout rates; and (d) to improve access to the Internet and technological and digital resources for students, particularly in the context of the coronavirus disease (COVID-19) pandemic.<sup>4</sup>
7. In June 2022 in Burundi, the OHCHR Indigenous Peoples and Minorities Section participated in a joint scoping mission, together with the Department of Economic and Social Affairs and the International Fund for Agricultural Development, to identify priorities for advancing the rights of the Batwa people in the country. The mission, organized by the Ministry of National Solidarity, Social Affairs, Human Rights and Gender, in close collaboration with the Office of the Resident Coordinator, provided an opportunity to engage with relevant stakeholders, including the Batwa people. A follow-up event took place in

<sup>1</sup> Articles 17 (2), 20–21, 23–24, 29 (3), 32 and 36.

<sup>2</sup> A/HRC/51/24, para. 78.

<sup>3</sup> A/HRC/51/27/Add.1, paras. 78–80 and 100.

<sup>4</sup> E/C.12/KHM/CO/2, paras. 48–49, 51; E/C.12/COD/CO/6 para. 46–49; E/C.12/SLV/CO/6, paras. 44–45, 60–61 and 64–65; and E/C.12/GTM/CO/4 paras. 34, 38–39 and 50–53.

Bujumbura in November 2022 to further build the capacity of the Batwa people to discuss with the staff of key ministries actions for the realization of their rights concerning access to land, justice, education, health, employment, adequate housing and economic and social inclusion.

8. Between June and September 2022, the OHCHR office in Honduras documented the impact of heavy rainfalls affecting the Misquito peoples' access to drinking water, food and adequate housing. The Office advocated for a government response by addressing concerns with the Ministry of Development and Social Inclusion and its unit dedicated to Indigenous Peoples (Coordinación Nacional de Pueblos Originarios y Afrohondureños) and advocated for a humanitarian response from the organizations present in the region.

9. In November 2022, during its sixth session, the Expert Mechanism on the Right to Development held an interactive dialogue with the Expert Mechanism on the Rights of Indigenous Peoples.<sup>5</sup> The two mechanisms discussed interlinkages between the Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development and coordination between them.

10. In February 2023 in Kenya, the Senior Human Rights Adviser to the Resident Coordinator supported Indigenous Peoples' civil society organizations to identify and submit key issues in relation to the economic, social and cultural rights of Indigenous Peoples for inclusion in the list of issues to guide the Committee on Economic, Social and Cultural Rights in its review of the progress made under the Convention on Economic, Social and Cultural Rights in Kenya.

11. In March 2023, in the margins of the sixty-sixth session of the Commission on Narcotic Drugs, OHCHR and partners organized a side event on the theme of "Indigenous-led harm reduction interventions that align with Indigenous knowledge and practice".<sup>6</sup> At the event, in a video presentation OHCHR highlighted the rights of Indigenous Peoples to their traditional medicines and to maintaining their health practices, referring to the international guidelines on human rights and drug policy.<sup>7</sup>

12. During the reporting period, the OHCHR office in Mexico continued to monitor the impact of COVID-19 on Indigenous Peoples and documented calls from Indigenous human rights defenders regarding limitations on access to essential health and education services. Since the beginning of 2023, it appears that the impact of the pandemic on Indigenous Peoples is diminishing and educational and health services are slowly beginning to be provided again on a regular basis.

## **B. Free, prior, and informed consent and consultative laws, protocols and mechanisms, including in the context of business and the extractive industries**

13. Free, prior and informed consent is a fundamental right affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration requires States to consult and cooperate in good faith with the Indigenous Peoples concerned through their representative institutions to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (art. 19). Other articles in the Declaration also refer to the free, prior and informed consent of Indigenous Peoples.<sup>8</sup>

14. In July 2022, the Special Rapporteur on the rights of Indigenous Peoples presented a report to the General Assembly on protected areas and the rights of Indigenous Peoples, highlighting the need to obtain the free, prior and informed consent of Indigenous Peoples

<sup>5</sup> See <https://www.ohchr.org/en/events/sessions/2022/sixth-session-expert-mechanism-right-development>.

<sup>6</sup> See <https://cndblog.org/2023/03/side-event/>.

<sup>7</sup> <https://www.undp.org/publications/international-guidelines-human-rights-and-drug-policy>.

<sup>8</sup> Articles 10, 11 (2), 19, 28 and 29 (2).

concerning the designation of protected areas.<sup>9</sup> After his visit to Costa Rica, the Special Rapporteur observed inadequate protection measures and made specific recommendations regarding free, prior and informed consent.<sup>10</sup>

15. In February 2023, four special procedure mandate holders addressed a communication to the Government of the Bolivarian Republic of Venezuela on the human rights situation in mining areas in the country, noting that multiple and permanent violations of fundamental rights had been committed against Indigenous Peoples.<sup>11</sup>

16. The Human Rights Committee recommended that the Philippines ensure that full and meaningful consultations be held with Indigenous Peoples to obtain their free, prior and informed consent before the adoption or application of any measure that might affect their rights, including when granting permission for development projects. The Committee also recommended that the Philippines ensure that Indigenous Peoples were consulted prior to the adoption of any regulatory instrument relating to such consultations.<sup>12</sup>

17. In the reporting period, the Committee on Economic, Social and Cultural Rights also expressed concern regarding the lack, and in some instances the inadequate application, of consultative laws, protocols and mechanisms aimed at obtaining the free, prior and informed consent of Indigenous Peoples in the context of the decision-making processes related to the exploitation of natural resources in their ancestral territories. In that regard, the Committee recommended developing guidelines for applying free, prior and informed consent, implementing national action plans on business and human rights and the necessity of conducting environmental impact assessments to guarantee the rights of Indigenous Peoples and the communities affected.<sup>13</sup>

18. Between June 2022 and October 2022 in Colombia, the OHCHR office strengthened the capacities of Indigenous Peoples in relation to free, prior and informed consent processes. The Office provided technical assistance to address issues relating to extractive megaprojects and administrative matters in relation to five Indigenous Peoples, the Embera Dóvida in Chocó, the Camëntsá and Inga in Nariño, the Barí in Norte de Santander and the Pijao in Tolima.

19. In Argentina, the Human Rights Adviser to the Resident Coordinator, together with partners, provided technical support for developing a protocol on free, prior and informed consent in relation to water infrastructure. The protocol was approved in August 2022 and adopted by resolution No. 635/22 on the “Free, prior and informed consultation protocol” of the Ministry of Infrastructure in Salta province.<sup>14</sup>

20. In October and November 2022, through the project entitled “Responsible business conduct in Latin America”, OHCHR, in collaboration with Indigenous Peoples’ organizations,<sup>15</sup> developed a business and human rights programme for Indigenous Peoples.<sup>16</sup> A total of 176 people participated in the three-session regional programme to promote the region’s Indigenous Peoples’ knowledge of business and human rights standards. The participants proposed to continue these training sessions and to establish a training network for Indigenous Peoples. Activities on this project will continue in 2024.

<sup>9</sup> See [A/77/238](#).

<sup>10</sup> [A/HRC/51/28/Add.1](#), para. 97.

<sup>11</sup> VEN 5/2022 (in Spanish).

<sup>12</sup> [CCPR/PHL/CO/5](#), para. 52 (c).

<sup>13</sup> [E/C.12/KHM/CO/2](#), paras. 10–11; [E/C.12/CHN/CO/3](#), paras. 17–18; [E/C.12/COD/CO/6](#), paras. 16–17; [E/C.12/SLV/CO/6](#), paras. 16–17; [E/C.12/GTM/CO/4](#), paras. 12–13; and [E/C.12/PAN/CO/3](#), paras. 10–11 (in Spanish).

<sup>14</sup> See

[https://boletinoficialsalta.gob.ar/Imprimir\\_doc.php?cXdlcnR5dGFibGE9Unw2MzUvMjJCSVNd2VydHk=](https://boletinoficialsalta.gob.ar/Imprimir_doc.php?cXdlcnR5dGFibGE9Unw2MzUvMjJCSVNd2VydHk=) (in Spanish).

<sup>15</sup> Foro Indígena del Abya Yala; the Coordinadora Andina de Organizaciones Indígenas; Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe; International Work Group for Indigenous Affairs; Derecho, Ambiente y Recursos Naturales; Indigenous Peoples Rights International; Observatorio Ciudadano and Pawanqa Fund.

<sup>16</sup> See <https://empresasyderechoshumanos.org/actividad/fortaleciendo-capacidades-de-los-pueblos-indigenas-de-la-region-sobre-empresas-y-derechos-humanos/> (in Spanish).

21. In February 2023, the OHCHR office in Mexico conducted a mission to the municipalities of Matias Romero, San Juan Guichicovi, San Blas Atempa and Salina Cruz in Oaxaca, to assess possible human rights violations affecting Indigenous Peoples in the implementation of the interoceanic corridor of the isthmus of Tehantepec project in the States of Oaxaca and Veracruz. Furthermore, in relation to the Mayan train project, developed in the States of Campeche, Chiapas, Quintana Roo, Tabasco and Yucatan, OHCHR addressed two communications to government institutions requesting that dialogue with Indigenous Peoples always comply with international standards.

22. In Honduras, the OHCHR office provided technical assistance to a review of a mining project affecting the Maya-Chortí peoples in Azacualpa by engaging with the Ministry of Environment and the Institute of Mining to assess the human rights impacts of the mining operation on the community. The Office also provided technical assistance to Mayan peoples seeking the implementation of a judgment by the sectional court of appeals of Santa Rosa de Copan, which had ordered the suspension of mining operations affecting a community cemetery.

23. In the Bolivarian Republic of Venezuela, the OHCHR presence raised concerns about the rights of Indigenous Peoples in mining areas in Amazonas, Bolívar, Delta Amacuro and Zulia States, as many mining sites were within the territories of Indigenous Peoples. While OHCHR welcomes the commitment of the authorities to strengthening mining and environmental regulations, it also recalls that they need to be compliant with international human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples, and that military operations targeting illegal mining, such as Roraima 2022 and Autana 1-2022, must be complemented by civilian efforts to improve the living conditions of those affected.<sup>17</sup>

### C. Indigenous human rights defenders and reprisals for their work

24. The United Nations Declaration on the Rights of Indigenous Peoples affirms the right of Indigenous individuals to life, physical and mental integrity, liberty and security of person. Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and not be subjected to any act of genocide or any other act of violence, including forcibly removing children of one group to another group (art. 7).

25. In November 2022, during the eleventh session of the Forum on Business and Human Rights, the Special Rapporteur on the rights of Indigenous Peoples moderated a meeting on the criminalization of human rights defenders. During the meeting, the Special Rapporteur noted that he saw a continuing trend towards attacks on and killings of Indigenous leaders defending their rights, as well as the continued practice of charging Indigenous rights defenders with criminal offences to hamper their lawful activities and silence their voices. The criminal charges were multiple, broad and ill-defined and sometimes aggravated by states of emergency that had suspended judicial guarantees.

26. In 2022, the Human Rights Committee recommended that the Philippines ensure that harassment, intimidation and killing of Indigenous Peoples and Indigenous rights defenders be promptly, thoroughly, independently and impartially investigated, that the perpetrators be brought to justice and that victims have access to full reparations.<sup>18</sup>

27. The Committee on Economic, Social and Cultural Rights has also expressed concern about assaults, threats and reprisals committed against human rights defenders, Indigenous Peoples' leaders and activists. In that context, the Committee has recommended that States parties develop and implement legislative and policy frameworks to combat violence against human rights defenders, including the arbitrary use of the law for criminalizing peaceful acts and conducting impartial and effective investigations against alleged perpetrators.<sup>19</sup>

<sup>17</sup> A/HRC/50/59, para. 8.

<sup>18</sup> CCPR/PHL/CO/5, para. 52 (e).

<sup>19</sup> E/C.12/SLV/CO/6, paras. 4–5, and E/C.12/GTM/CO/4, paras. 10–11.

28. Between June 2022 and May 2023, the OHCHR presence in the Bolivarian Republic of Venezuela documented threats against and intimidation of five Indigenous human rights defenders and the forced displacement of two Indigenous defenders and their families, including women and children, allegedly by non-State armed actors. OHCHR also received allegations of threats by non-State armed actors against the Uwottüja peoples concerning the protection of their ancestral territory in Autana, Amazonas State. In June 2022, Virgilio Trujillo, an Indigenous human rights defender and coordinator of the Uwottüja Indigenous territorial guardians in Autana, was murdered in the capital of Amazonas State, allegedly by members of non-State armed groups. Investigations are ongoing and the perpetrators have not yet been brought to justice.

29. Between June and December 2022, the OHCHR office in Colombia received 64 allegations of killings, 14 of which (2 women and 12 men) related to Indigenous Peoples. The Office supported activities for self-protection and risk reduction, including promoting protection measures for Indigenous human rights defenders. For example, in Nariño it supported the “life plan” of the Pasto people, which is an organizational and political commitment that seeks the good living of the Indigenous communities of the large territory of Los Pastos. In Norte de Santander, OHCHR supported the promotion of collective protection measures for the Barí people.

30. In July 2022, the OHCHR Regional Office for South America published a joint press release with the Inter-American Commission on Human Rights regarding attacks on the Guaraní and Kaiowá Indigenous Peoples in Mato Grosso do Sul, Brazil.<sup>20</sup> In December 2022, the Regional Office for South America denounced the killing of two Pataxó Indigenous youth in Bahia, Brazil.<sup>21</sup>

31. In July 2022, during the fifteenth session of the Expert Mechanism on the Rights of Indigenous Peoples, there were incidents of harassment and intimidation of Indigenous Peoples’ representatives during the official meetings in Geneva. An Indigenous activist who took the floor was intimidated by a State delegate, including by him allegedly taking unauthorized pictures in the room.<sup>22</sup>

32. After the fifteenth session of the Expert Mechanism, an expert from Nicaragua was prevented by the airline from boarding her return flight to her own country, without due justification. The President of the Human Rights Council, OHCHR and the Office of Legal Affairs raised the matter with the Government of Nicaragua, without a satisfactory resolution being reached.

33. In August 2022 in Peru, the OHCHR technical mission received information about the killing of an Awajún leader in Loreto. An Indigenous defender of the Catacaos *campesino* community was also killed in February 2023 and a recognized Asháninka leader was killed in Junín in April 2023. The technical mission identified Ucayali and Madre de Dios as the two most high-risk regions for Indigenous human rights defenders, with reports of constant threats and intimidation, forced displacement, attacks, criminalization and attempted murder by non-State actors. Numerous cases are under investigation. OHCHR has coordinated follow-up actions with the Intersectoral Mechanism for the Protection of Human Rights Defenders, which was established in April 2021.

34. In February 2023, the OHCHR office in Honduras organized the second national meeting of human rights defenders in Tegucigalpa, attended by around 150 human rights defenders from 15 of the 18 departments in the country. The meeting was divided into thematic tables, including one on Indigenous Peoples and lands, which included the participation of Indigenous defenders of the Garifuna, Lenca, Misquito and Nahua peoples.

35. In Libya, the Human Rights, Transitional Justice and Rule of Law Service of the United Nations Support Mission in Libya supported the Tuareg people in their asylum claims

<sup>20</sup> See <https://acnudh.org/cidh-y-onu-derechos-humanos-piden-protger-de-la-violencia-a-los-pueblos-indigenas-en-brasil/> (in Spanish).

<sup>21</sup> See <https://acnudh.org/pt-br/brasil-sobre-assassinatos-de-indigenas-pataxos-na-bahia/> (in Portuguese).

<sup>22</sup> See special procedures communication RUS 15/2022.

and helped Tuareg and Tebu human rights defenders with protection and relocation measures in southern Libya when they faced challenges.

#### **D. Prevention mechanisms and monitoring of human rights violations**

36. Under the United Nations Declaration on the Rights of Indigenous Peoples, States shall provide effective mechanisms for the prevention of and redress for any action that has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; any action that has the aim or effect of dispossessing them of their lands, territories or resources; any form of forced population transfer that has the aim or effect of violating or undermining any of their rights; any form of forced assimilation or integration; and any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them (art. 8).

37. In June 2022, following protests by Indigenous Peoples in Ecuador requesting economic and social reforms, the Human Rights Adviser to the Resident Coordinator, in collaboration with the OHCHR Regional Office for South America and partners, monitored 10 online round tables between Indigenous Peoples' organizations and the Government. The objective of the round tables was to address the main demands of Indigenous Peoples. Participants in the round tables also included representatives of private enterprise, trade unions and civil society organizations and human rights defenders, among others. Since the conclusion of the round tables in October 2022, when the parties signed a document setting out agreements and divergences, OHCHR has monitored progress in the fulfilment of those agreements.

38. The Human Rights Adviser to the Resident Coordinator in Ecuador has also monitored the detention of Leonidas Iza, President of the Confederation of Indigenous Nationalities of Ecuador;<sup>23</sup> the conflict situation of the Waorani people of Dicaró;<sup>24</sup> the eviction of the Kichwa Tzawate Ila Chukapi people;<sup>25</sup> and the killing of Eduardo Mendua, Indigenous leader of the Ai Kofán de Dureno peoples.<sup>26</sup> In relation to the cases on Indigenous Peoples that have been monitored, seven press releases and statements were issued.

39. In September 2022, following OHCHR policy advice and technical support, the Government of the Plurinational State of Bolivia adopted a regulatory framework to provide concrete measures for protecting Indigenous Peoples in voluntary isolation or initial contact. Decree No. 4793 created an institutional coordination mechanism to ensure consistency in State action and provided the basis for developing the measures set out in Law No. 450 on the protection of Indigenous nations and peoples in situations of high vulnerability, including Indigenous Peoples in voluntary isolation or initial contact.<sup>27</sup>

40. The OHCHR office in Colombia provided technical assistance in 21 processes in 12 areas of the country to contribute to the dialogue between Indigenous authorities and government entities regarding protection mechanisms. The Office provided technical support to Indigenous Peoples to develop and implement actions to address mass displacement, confinement, the recruitment of children and adolescents and anti-personnel mines.

41. In Costa Rica, under the leadership of the Resident Coordinator and with the technical support of the Human Rights Adviser and the senior Indigenous fellow, the United Nations implemented an early warning response system and protection measures in the territories of Indigenous Peoples, where there is a high degree of social tension due to the lack of restitution of Indigenous lands. The system includes rapid and adequate coordination between local authorities and the leaders of the Indigenous Peoples affected.

<sup>23</sup> See <https://www.frontlinedefenders.org/en/case/arbitrary-detention-and-criminalization-indigenous-defender-leonidas-iza-salazar>.

<sup>24</sup> See <https://acnudh.org/ecuador-onu-derechos-humanos-se-reunio-con-autoridades-para-abordar-la-situacion-de-la-comunidad-waorani-en-dicaro/>.

<sup>25</sup> See <https://acnudh.org/ecuador-desalojo-comunidad-indigena/>.

<sup>26</sup> See <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/ecuador-asesinato-del-lider-indigena-miembro-de-conaie-eduardo-mendua>.

<sup>27</sup> See <https://www.lexivox.org/norms/BO-DS-N4793.html>.

## **E. Racial discrimination, including structural racial discrimination, racial justice and patterns of violence against Indigenous Peoples**

42. The United Nations Declaration on the Rights of Indigenous Peoples states that Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination in exercising their rights, particularly based on their Indigenous origin or identity (art. 2). Other articles of the Declaration also address discrimination.<sup>28</sup>

43. The Human Rights Committee has expressed concern over hate speech, hate crimes and racist discourse in Japan, including against Indigenous groups, by organizations, political groups and media platforms, inciting discrimination through demonstrations, street protests and political speeches, some of which have been carried out during election campaigns.<sup>29</sup>

44. The Human Rights Committee has recommended that Nicaragua take all measures necessary to eliminate all forms of discrimination concerning the appointment and representation of Indigenous persons and guarantee their participation in public and political life.<sup>30</sup>

45. The Committee on Economic, Social and Cultural Rights has raised concerns about discrimination against Indigenous Peoples, including multiple and intersectional discrimination, and the inadequate reporting, investigation and prosecution of discrimination in some instances. Accordingly, the Committee has recommended developing and implementing comprehensive anti-discrimination legislation that provides sufficient protection against direct, indirect, intersectional and multiple forms of discrimination against Indigenous Peoples.<sup>31</sup>

46. In December 2022 in the Plurinational State of Bolivia, OHCHR supported the National Committee against Racism and All Forms of Discrimination in organizing the first national summit against racism and all forms of discrimination. The meeting was attended by more than 1,100 persons, resulting in a list of recommendations to strengthen the implementation of Law No. 045/2010 to prevent racism and discrimination, including against Indigenous Peoples, in the country.<sup>32</sup>

47. The OHCHR office in Mexico observed increased violence by non-State actors in territorial, social and environmental conflicts affecting Indigenous Peoples throughout the country, in a context of structural racial discrimination and poverty. As a result, the Office carried out several activities to address this situation, including documenting cases of enforced disappearances of Indigenous persons in the States of Campeche, Chiapas, Chihuahua, Guerrero, Nayarit, Oaxaca and Sinaloa.

48. In Iraq, the United Nations Assistance Mission for Iraq (UNAMI), in consultation with the minority members of the Council of Representatives and partners, promoted institutional measures and protection mechanisms for Indigenous Peoples and minorities. Steps were taken to consolidate two draft bills, one on the protection of diversity and non-discrimination and one on hate speech, for consideration by all stakeholders and for presentation to the Council of Representatives for formal consideration.

## **F. Access to justice**

49. The United Nations Declaration on the Rights of Indigenous Peoples affirms that Indigenous Peoples have the right to access to and prompt decisions through just and fair procedures for resolving conflicts and disputes with States or other parties and to effective

<sup>28</sup> Articles 8 (2) (e), 9, 14, 15 (2), 16, 21, 22 (2), 24, 29 and 46 (3).

<sup>29</sup> *CCPR/JPN/CO/7*, para. 12.

<sup>30</sup> *CCPR/C/NIC/CO/4*, para. 42 (d).

<sup>31</sup> *E/C.12/COD/CO/6*, paras. 14–15 and 26–27; *E/C.12/SLV/CO/6*, paras. 24–25; and *E/C.12/GTM/CO/4*, paras. 18–19.

<sup>32</sup> See <https://www.minculturas.gob.bo/cumbre-nacional-contra-el-racismo-y-discriminacion-emite-una-declaracion-de-34-puntos/> (in Spanish).



remedies for all infringements of their individual and collective rights. Such decisions shall consider the customs, traditions, rules and legal systems of the Indigenous Peoples concerned and international human rights (art. 40).

50. In September 2022 in the Plurinational State of Bolivia, the OHCHR technical mission promoted recognition of Indigenous jurisdiction at a high-level event co-organized with the Vice-Presidency. With the support of OHCHR, the Tribunal of Indigenous Justice built an advocacy agenda to facilitate coordination and cooperation with the ordinary justice system. In addition, OHCHR revitalized and strengthened a network of 28 Indigenous human rights experts, 13 women and 15 men, to facilitate coordination between the justice systems.

51. Between December 2022 and March 2023 in Peru, in the context of nationwide demonstrations, the OHCHR technical mission carried out several missions in Apurímac, Ayacucho, Cusco, Ica, Lima and Puno. Most of the victims and witnesses interviewed by OHCHR in this period self-identified as Indigenous Peoples, belonging predominantly to the Aymara and Quechua peoples.

52. The OHCHR office in Colombia supported the strengthening of the technical mechanisms of the Special Jurisdiction for Peace for the participation of Indigenous representatives and authorities of the Wiwa and Kankuamo peoples.<sup>33</sup> The Office assisted 20 traditional authorities and members of the Wiwa and Kankuamo peoples to prepare for the hearing on the acknowledgment of responsibility in case No. 3 of the Special Jurisdiction for Peace, related to extrajudicial killings and enforced disappearances by the military, also known as “false positives”.<sup>34</sup> The hearing gave visibility to Indigenous Peoples who had been victims of extrajudicial executions and other human rights violations.

53. In Costa Rica, the Human Rights Adviser to the Resident Coordinator supported the judiciary with a comprehensive assessment on access to justice across 24 Indigenous territories by addressing the specific needs of Indigenous Peoples related to justice in a culturally relevant manner. That has contributed to building trust between the judiciary and Indigenous Peoples and has helped to improve their access to justice. It has also had a beneficial impact on security conditions, as early warning of potential trouble and an adequate response by the State were activated more readily when needed.

## G. Land rights

54. The United Nations Declaration on the Rights of Indigenous Peoples recognizes the collective rights of Indigenous Peoples to lands or territories.<sup>35</sup> Accordingly, Indigenous Peoples have the right to the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired.

55. The Human Rights Committee has recommended that Nicaragua uphold the right of Indigenous Peoples to the lands and territories they have traditionally owned or occupied through such legal recognition and protection as may be necessary and the regularization of territories that have already been demarcated and titled.<sup>36</sup>

56. In December 2022, the Committee on Economic, Social and Cultural Rights adopted general comment No. 26 (2022). In it, the Committee addressed the obligations of States parties to respect and protect Indigenous Peoples’ relationship with their lands, territories and resources, which require States to demarcate them, protect those lands from encroachment and respect their right to manage the lands according to their internal modes of organization. The Committee also recognized that land constituted the basis for social, cultural and religious practices and the enjoyment of the right to participate in cultural life.<sup>37</sup>

57. From January to April 2023 in Kenya, the Senior Human Rights Adviser to the Resident Coordinator supported the national human rights institution and Indigenous Peoples

<sup>33</sup> See <https://www.jep.gov.co/JEP/Paginas/Jurisdiccion-Especial-para-la-Paz.aspx> (in Spanish).

<sup>34</sup> See <https://www.jep.gov.co/macrocasos/caso03.html> (in Spanish).

<sup>35</sup> Articles 8, 10, 25–27, 30 and 32.

<sup>36</sup> [CCPR/C/NIC/CO/4](#), para. 42 (b).

<sup>37</sup> Para. 1.

in developing an advisory body to work with the Government to establish an inclusive implementation committee linked to the recommendations of human rights mechanisms. The body will also support the implementation of the ruling on reparations by the African Court on Human and People's Rights of June 2022 and the decision to protect ancestral land rights in the Mau Forest.<sup>38</sup>

58. In Honduras, the OHCHR office provided technical assistance to the Ministry of Human Rights to strengthen the inter-institutional round table for the prevention and management of social conflict. The Office supported inter-institutional coordination to prevent and manage social conflicts related to Indigenous lands with a human rights-based approach.

## H. Indigenous women and girls

59. The United Nations Declaration on the Rights of Indigenous Peoples specifically refers to Indigenous women, youth and children. It affirms that particular attention shall be paid to the rights and unique needs of Indigenous women in the implementation of the Declaration (arts. 21 (2) and 22).

60. In September 2022, the Special Rapporteur on the rights of Indigenous Peoples submitted a thematic report to the Human Rights Council on Indigenous women and the development, application, preservation and transmission of scientific and technical knowledge.<sup>39</sup>

61. In October 2022, the Committee on the Elimination of Discrimination against Women adopted general recommendation No. 39 (2022) on the rights of Indigenous women and girls. The general recommendation is meant to guide States parties on legislative, policy and other relevant measures to ensure the implementation of their obligations concerning the rights of Indigenous women and girls under the Convention on the Elimination of All Forms of Discrimination against Women.

62. The Human Rights Committee has recommended that the States parties under review intensify their efforts to ensure effective equality between men and women in all spheres of society and life and, in particular, take tangible steps to increase the representation of women, including minority and Indigenous women, in decision-making positions at all levels of the executive and judicial branches and in the private sector.<sup>40</sup>

63. Between June 2022 and May 2023, the OHCHR presence in the Bolivarian Republic of Venezuela received allegations of sexual violence against Indigenous women and girls, particularly in Amazonas, Bolívar and Zulia States, where non-State armed and criminal organizations reportedly engage in drug trafficking and mining activities. Further allegations indicated that Indigenous women and girls were being trafficked for sexual exploitation in mining areas or by members of armed groups. The OHCHR presence followed up on this situation with the authorities.

64. In June 2022, in the State of Jalisco, Mexico, the judicial authorities decided that the husband of L.C.G., an Indigenous Wixárika young woman who was a victim of femicide, was guilty of her murder. The OHCHR Office in Mexico provided technical assistance on the right of access to justice for Indigenous women in this landmark case. The decision was appealed.

65. In July 2022, during the fifteenth session of the Expert Mechanism on the Rights of Indigenous Peoples, a panel discussion was held on the impact of development projects on Indigenous women and a thematic debate on violence against Indigenous women took place. During the discussions, the Special Rapporteur on violence against women and girls, its

<sup>38</sup> See *African Court on Human and People's Rights v. Republic of Kenya*, application No. 006/2012, Judgment, 23 June 2022.

<sup>39</sup> [A/HRC/51/28](#).

<sup>40</sup> [CCPR/JPN/CO/7](#), para. 15 (a), and [CCPR/C/URY/CO/6](#), para. 13 (a).

causes and consequences introduced her report on violence against Indigenous women and girls.<sup>41</sup>

66. During the same session, former and current senior Indigenous fellows and partners organized a side event on the draft general recommendation on Indigenous women and girls of the Committee on the Elimination of Discrimination against Women. The event attracted over 60 participants, including Indigenous women, representatives of Member States and members of the Committee.

67. In July 2022 in Ecuador, the Human Rights Adviser to the Resident Coordinator, the United Nations Entity for Gender Equality and the Empowerment of Women and partners, including Indigenous Peoples' organizations from the Amazon region, collaborated in the design of a participatory methodology to build an agenda for the Indigenous women of the Amazon region. The agenda includes priorities, demands and strategies, which will serve as a management and advocacy tool for Indigenous women at different levels.

68. In Cameroon, after implementing a project on the rights to the sexual and reproductive health and education of Indigenous Peoples, internally displaced persons and young women in the East, Littoral and West regions of the country, the OHCHR Regional Office for Central Africa produced a report identifying the main obstacles to the full enjoyment of the rights of internally displaced persons and Indigenous young women and girls to education and to sexual and reproductive health in Cameroon. The report contained a series of recommendations, including on improving infrastructure to increase physical access to education and sexual and reproductive health, and on strengthening multi-actor coordination in providing access to the full enjoyment of those rights. To follow up on the recommendations, the OHCHR Regional Office for Central Africa formulated a set of activities to be implemented.

69. The OHCHR office in Colombia received information on cases of sexual and gender-based violence against Indigenous women and girls in the departments of Chocó, Córdoba and Nariño and registered seven cases of sexual violence against Indigenous girls by non-State armed groups. The Office raised these issues with the Colombian Institute of Family Welfare and is following up through quarterly meetings.

## **I. Indigenous Peoples and the 2030 Agenda for Sustainable Development**

70. The 2030 Agenda for Sustainable Development refers to Indigenous Peoples six times, three times in the political declaration, two in the targets, under Goal 2 on zero hunger, target 2.3, and Goal 4 on education, target 4.5, and once in the follow-up and review section that calls for the participation of Indigenous Peoples.

71. In July 2022, the General Assembly adopted its landmark resolution 76/300 on the right to a clean, healthy and sustainable environment. OHCHR worked with Indigenous Peoples and their representative organizations to advocate for universal recognition of that right and to advance rights-based environmental action, including in climate and biodiversity negotiations, such as the twenty-seventh Conference of the Parties to the United Nations Framework Convention on Climate Change and the fifteenth Conference of the Parties to the Convention on Biological Diversity.

72. In September 2022, the United Nations system and the Government of the Bolivarian Republic of Venezuela agreed on a three-year cooperation framework for sustainable development for the period 2023–2026, in which Indigenous Peoples are identified as one of the priority groups in line with the leave no one behind framework.<sup>42</sup>

73. In December 2022, the High Commissioner for Human Rights sent an open letter on the post-2020 global biodiversity framework in the lead-up to the fifteenth Conference of the

<sup>41</sup> [A/HRC/50/26](#).

<sup>42</sup> See [https://unsdg.un.org/sites/default/files/2022-11/UNSDCF\\_Venezuela\\_2023-2026.pdf](https://unsdg.un.org/sites/default/files/2022-11/UNSDCF_Venezuela_2023-2026.pdf) (in Spanish).

Parties to the Convention on Biological Diversity, calling for the framework to guarantee the rights of Indigenous Peoples to their knowledge, lands, resources and territories.<sup>43</sup>

74. In March 2023, OHCHR participated in an information session on Indigenous Peoples and plastic pollution in Latin America and the Caribbean. OHCHR advocated for a new instrument on plastics to recognize the rights of Indigenous Peoples, including their traditional knowledge practices and innovations, and their actions to restore landscapes and ecosystems and address marine litter and plastic pollution.

75. OHCHR supported direct engagement by and capacity-building for Indigenous Peoples' representatives in the climate negotiations through the United Nations Voluntary Fund for Indigenous Peoples. In addition, the Office collaborated with Indigenous Peoples to effectively advocate for the integration of their rights in the Kunming-Montreal Global Biodiversity Framework.

76. In April 2023 in Kenya, the Senior Human Rights Adviser to the Resident Coordinator convened civil society organizations working on the rights of Indigenous Peoples in two counties, Nakuru and Baringo, to support Indigenous participation in the development and budgeting processes in the counties. OHCHR also facilitated dialogue between Indigenous Peoples and members of county assemblies.

## J. Promotion of Indigenous languages

77. Indigenous language rights are affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. Accordingly, Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories and languages; to establish and control their educational systems and institutions providing education in their own languages; and to establish their own media in their own languages (arts. 13, 14 and 16).

78. In July 2022, during its fifteenth session, the Expert Mechanism on the Rights of Indigenous Peoples invited the Human Rights Council to encourage States to take concrete measures to implement the Global Action Plan of the International Decade of Indigenous Languages (2022–2032) at local and national levels in a culturally appropriate manner and in close consultation and cooperation with Indigenous Peoples. To that effect, States should allocate the proper funding, including for ensuring the full and meaningful participation of Indigenous Peoples in designing and implementing strategies, initiatives, policies and legislation.<sup>44</sup> OHCHR has supported the development of the Global Action Plan which has been coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO).<sup>45</sup>

79. In December 2022, OHCHR participated in the launch of the International Decade of Indigenous Languages, organized by UNESCO in Paris, and contributed to the meetings of the Global Task Force for Making a Decade of Action for Indigenous Languages to support the implementation of the Global Action Plan.

80. In the framework of the activities marking the seventy-fifth anniversary of the Universal Declaration of Human Rights, UNAMI coordinated the efforts of linguistic experts from across component groups in Iraq to translate the Declaration into eight Iraqi Indigenous and minority languages (Avestan, Bahdinan, Faili Kurd, Macho, Mandaic, Shabaki, Sumerian and Turkmen). In December 2022, Arabic, Kurdish and Kurmanji translations were published online.<sup>46</sup>

81. In February 2023 in Guyana, the Human Rights Adviser to the Resident Coordinator supported the Resident Coordinator and UNESCO Kingston in strengthening the Indigenous knowledge system by bringing stakeholders together to leverage Indigenous knowledge to

<sup>43</sup> See [https://www.ohchr.org/sites/default/files/2022-12/HC-Open-Letter-Post-20-Global-Biodiversity-Framework\\_0.pdf](https://www.ohchr.org/sites/default/files/2022-12/HC-Open-Letter-Post-20-Global-Biodiversity-Framework_0.pdf).

<sup>44</sup> [A/HRC/51/49](https://www.ohchr.org/sites/default/files/2022-12/HC-Open-Letter-Post-20-Global-Biodiversity-Framework_0.pdf), para. 29.

<sup>45</sup> See <https://unesdoc.unesco.org/ark:/48223/pf0000379853>.

<sup>46</sup> See <https://www.ohchr.org/en/human-rights/universal-declaration/universal-declaration-human-rights/about-universal-declaration-human-rights-translation-project>.

protect the environment and Indigenous Peoples' cultures and languages. This resulted in a road map for all stakeholders and the commitment of the authorities to developing a national language policy seeking to preserve Indigenous languages.

82. In May 2023, OHCHR promoted the translation into Indigenous languages of general recommendation No. 39 (2022) of the Committee on the Elimination of Discrimination against Women, in partnership with the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas.

## **K. Participation of Indigenous Peoples in United Nations processes**

83. The right of Indigenous Peoples to participate is affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. Accordingly, Indigenous Peoples have the right to participate in decision-making on matters which would affect their rights, through representatives chosen by them under their own procedures, and to maintain and develop their own Indigenous decision-making institutions. Concerning the United Nations system, the Declaration affirms that ways and means of ensuring the participation of Indigenous Peoples on issues affecting them shall be established (art. 41).

84. Furthermore, in the outcome document of the 2014 high-level plenary meeting of the General Assembly, known as the World Conference on Indigenous Peoples, Member States committed to considering ways to enable the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.<sup>47</sup>

85. In June 2022 in Argentina, the Human Rights Adviser to the Resident Coordinator supported the United Nations country team on its first joint mission to the Gran Chaco region to assess the situation of Indigenous Peoples there. The Human Rights Adviser also led efforts to establish a dialogue with the Guaraní, Wichi and other Indigenous Peoples in the region to identify their human rights challenges.

86. Between June and August 2022 in the Philippines, the Human Rights Adviser to the Resident Coordinator, the Commission on Human Rights and civil society organizations held a series of consultations in the framework of the fourth universal periodic review of the Philippines. Indigenous Peoples contributed to raising their issues with Member States during the sessions. The Government supported four recommendations specifically focused on the rights of Indigenous Peoples, including one on implementing the Indigenous Peoples' Rights Act. In September 2022, the Human Rights Adviser also organized a meeting between the United Nations country team and representatives of Indigenous Peoples, in order to increase their engagement with international human rights mechanisms.

87. In 2022 in Costa Rica, the Human Rights Adviser to the Resident Coordinator supported the Inter-institutional Working Group to build the current Government's road map to address Indigenous Peoples' issues for the period 2022–2026, based on the recommendations of the Special Rapporteur on the rights of Indigenous Peoples.<sup>48</sup>

88. In 2022, the United Nations Voluntary Fund for Indigenous Peoples supported the participation of 145 Indigenous representatives, 80 women and 65 men, from 47 countries globally in 13 United Nations mechanisms and processes.

89. In 2022, OHCHR placed 18 senior Indigenous fellows (9 female and 9 male) from 15 nationalities in the OHCHR Regional Office for Central Africa in Cameroon; in OHCHR country offices (Guatemala, Mexico and Uganda); in the OHCHR technical mission in the Plurinational State of Bolivia; in United Nations country teams (Argentina, Burundi, Costa Rica, Dominican Republic, Guyana, Kenya, Nepal, Peru and the Philippines); and in Geneva to support the mandate of the Special Rapporteur on Indigenous Peoples and the secretariat of the United Nations Voluntary Fund for Indigenous Peoples.

<sup>47</sup> See General Assembly resolution 69/2.

<sup>48</sup> A/HRC/51/28/Add.1, paras. 93–103.

90. Five of those senior fellows were recruited under a new intersectionality component aimed at former fellows who self-identified as persons of African descent, as persons with disabilities, or as persons belonging to LGBTIQ+ communities.

91. In July 2022, two preparatory training programmes for the upcoming 2023 English and French-speaking Indigenous Fellowship Programmes were conducted online, in collaboration with the Centre interuniversitaire d'études et de recherches autochtones, Laval University in Montreal and the University of Quebec in Outaouais, all in Canada.

92. In July 2022, during its fifteenth session, the Expert Mechanism on the Rights of Indigenous Peoples held an interactive dialogue to follow up on the process to enhance the participation of representative institutions of Indigenous Peoples in United Nations meetings on issues affecting them. At the meeting, the President of the Human Rights Council emphasized that the participation of Indigenous Peoples in United Nations processes affecting them, especially in the Human Rights Council, was fundamental to advancing the rights of Indigenous Peoples.

93. In December 2022, the OHCHR Regional Office for Central Africa and the Senior Human Rights Adviser in the Congo supported the Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples of the Congo in organizing a workshop on the plan of action for Indigenous Peoples adopted in March 2020.

94. In March 2023, the secretariat of the United Nations Voluntary Fund for Indigenous Peoples launched, in collaboration with partners, a series of 12 online training sessions in English, French, Spanish and Russian on a number of United Nations mechanisms to strengthen the capacity of grantees of the Voluntary Fund and Indigenous Peoples across the globe to participate effectively in United Nations meetings.

95. In March 2023, OHCHR co-organized two informal special events at the UN 2023 Water Conference. As co-organizer of the "Water leadership - uniting for a sustainable world" event, OHCHR promoted a debate on the barriers to the inclusion of Indigenous Peoples in water leadership and governance, and facilitated the participation of an Indigenous woman leader in the debate.<sup>49</sup> OHCHR also co-organized a side event, "Hearing the unheard: the human rights to water and sanitation", a space for discussion among government representatives, grassroots communities and human rights defenders, including Indigenous water rights defenders as panellists.<sup>50</sup>

96. In April 2023, OHCHR published the report on the expert workshop, held in November 2022, on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council. The report concluded that all measures taken to enhance the participation of Indigenous Peoples in the work of the Human Rights Council must be rooted in the principles affirmed in the Charter of the United Nations, the United Nations Declaration on the Rights of Indigenous Peoples and in relevant provisions of international law, in particular those relating to the right of self-identification, the right of self-determination and the right to free prior and informed consent.<sup>51</sup>

97. In April 2023, the OHCHR technical mission in the Plurinational State of Bolivia supported the participation of five Indigenous persons in the twenty-second session of the Permanent Forum on Indigenous Issues at United Nations Headquarters in New York. Similarly, the OHCHR office in Guatemala supported representatives of the Indigenous organization National Movement of Nim Alaxik Midwives to participate in the Permanent Forum. The Indigenous representatives conducted advocacy meetings and delivered a statement calling on Guatemala to advance the defence and promotion of the rights of midwives.

98. In January 2023 in Guyana, the Human Rights Adviser to the Resident Coordinator conducted research and an assessment of the situation of Indigenous Peoples. As a result, a paper was drafted on the governance structure of Indigenous Peoples, which will be used to

<sup>49</sup> See <https://sdgs.un.org/conferences/water2023/events/informal-special-event-water-leadership>.

<sup>50</sup> See <https://endwaterpoverty.org/un-2023-water-conference-side-event-hearing-the-unheard-to-amplify-marginalised-voices/>.

<sup>51</sup> A/HRC/53/44, para. 50.

coordinate programmes with United Nations entities, the authorities and the National Toshias Council.

99. In April 2023, OHCHR conducted a technical mission to Cameroon. During the mission, two workshops were organized to receive feedback from former Indigenous fellows about the Indigenous Fellowship Programme. In addition, the mission established partnerships with the Government, academia and civil society to launch a preparatory training course for francophone Indigenous fellows in Yaoundé, planned for 2024.

100. OHCHR supported the implementation of the call to action on building an inclusive, sustainable and resilient future with Indigenous Peoples, endorsed by the United Nations System Chief Executives Board for Coordination in November 2020, to strengthen collective and coherent United Nations system efforts at country level, in line with the system-wide action plan on the rights of Indigenous Peoples.<sup>52</sup> Since its approval, the Inter-Agency Support Group on Indigenous Peoples' Issues, which includes OHCHR, has focused on three specific areas of action: Indigenous human rights defenders; engagement with the Resident Coordinators and United Nations country teams; and the participation of Indigenous Peoples in United Nations processes.

101. In Ecuador, the Human Rights Adviser to the Resident Coordinator and the United Nations country team strengthened consultative mechanisms on national development processes with Indigenous Peoples and conducted other high-level awareness-raising initiatives on the situation of Indigenous Peoples, with a focus on conflict prevention.

102. In Guyana, the Human Rights Adviser to the Resident Coordinator promoted the participation of Indigenous Peoples in United Nations processes, including consultations on the cooperation framework, the annual results report, activities in relation to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement) and global and regional events. The Human Rights Adviser also engaged with the country team, Indigenous Peoples and Toshias Chiefs, opening spaces for collaboration and discussion.

### III. Conclusions and recommendations

103. **Attacks on the human rights of Indigenous Peoples and reprisals taken against them continue to be of serious concern. There have been incidents of individuals being harassed or surveilled, or whose movements and statements have been recorded without their consent at United Nations meetings. OHCHR has prioritized the protection of Indigenous human rights defenders. Establishing effective early warning systems and protocols to deal with these cases can help prevent violations of the rights of Indigenous Peoples.**

104. **Indigenous Peoples continue to suffer violations of their lands and territories. Respect for their right to free, prior and informed consent remains crucial to guaranteeing their participation in decision-making processes affecting them. OHCHR has supported dialogue mechanisms to solve land disputes, promoted the legal recognition, demarcation and registration of Indigenous lands, provided technical assistance and advocated for the right to land of Indigenous Peoples and the need for their free, prior and informed consent.**

105. **Indigenous women and girls have continued to suffer from multiple forms of intersecting discrimination, both as women and as Indigenous individuals. OHCHR has mainstreamed gender in all its activities related to Indigenous Peoples. It has worked on cases of sexual and gender-based violence against Indigenous women and girls, supporting their rights to sexual and reproductive health and building agendas for the empowerment of women. General recommendation No. 39 (2022) of the Committee on the Elimination of Discrimination against Women is an important tool for strengthened protection of the rights of Indigenous women and girls.**

<sup>52</sup> [E/C.19/2016/5](#).

106. OHCHR has supported the full and effective participation of Indigenous Peoples in United Nations processes and forums, including the process to enhance the participation of Indigenous Peoples in the work of the Human Rights Council.<sup>53</sup> Increased participation of Indigenous Peoples in United Nations meetings requires a long-term commitment, continuing political will and a shift in mindset by all actors concerned, to allow their greater inclusion and effective participation in decision-making on matters that would affect their rights. Innovative solutions will be needed, which should be accompanied by adequate resources.

107. The High Commissioner makes the following recommendations to Member States:

(a) Continue developing and implementing national action plans, strategies or other measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples under the outcome document of the World Conference on Indigenous Peoples. OHCHR stands ready to provide support and the Expert Mechanism on the Rights of Indigenous Peoples is also prepared to provide technical advice through its country engagement mandate;<sup>54</sup>

(b) Prevent, refrain from committing and expeditiously address acts of reprisal against and attacks on Indigenous human rights defenders for their legitimate work, including for their cooperation or attempted cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Establish effective early warning mechanisms that are culturally appropriate for Indigenous Peoples and provide those who are subjected to reprisals and attacks with effective remedies;

(c) Support the legal systems of Indigenous Peoples, work with Indigenous Peoples to ensure harmonious and cooperative relations between legal systems, facilitate access for them to State justice systems and take into account the customs, traditions, rules and legal systems of Indigenous Peoples, including Indigenous languages, in State justice systems;

(d) Mainstream the rights of Indigenous women and adopt specific policies, plans or legislation for their implementation, with the effective participation of Indigenous women. Support the translation into Indigenous languages of general recommendation No. 39 (2022) of the Committee on the Elimination of Discrimination against Women and disseminate it widely in a culturally appropriate manner;

(e) Consider and acknowledge Indigenous Peoples, on whose territories 80 per cent of the world's biodiversity remains, as core, indispensable partners in conservation, preservation and remediation initiatives, and recognize their traditional and scientific knowledge for protecting and restoring ecosystems;

(f) Consider establishing national mechanisms with adequate funding for the successful implementation of the International Decade of Indigenous Languages in partnership with Indigenous Peoples;<sup>55</sup>

(g) Demonstrate commitment to enhancing the participation of Indigenous Peoples' representative institutions in the United Nations at all levels, including in the Human Rights Council, and commit meaningful resources to follow up on recommendations emanating from the process of enhancing the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies affecting them. OHCHR stands ready to continue providing support;

(h) Consider contributing or enhance contributions to the United Nations Voluntary Fund for Indigenous Peoples and to the Indigenous Fellowship Programme

<sup>53</sup> Human Rights Council resolutions 39/13, para. 11, and 48/11, para. 15.

<sup>54</sup> See <https://www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-on-indigenous-peoples/country-engagement>.

<sup>55</sup> A/74/396, para. 25.



**to build the capacity of Indigenous Peoples and enhance their participation in United Nations forums.**

**108. In this seventy-fifth anniversary year of the Universal Declaration of Human Rights, Member States should reaffirm their commitment to respect, protect and fulfil the rights of Indigenous Peoples under international law and redouble efforts to implement them at all levels, with the full and effective participation of Indigenous Peoples.**

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