



Economic and Social Council

Distr.: Limited
1 May 2025

Original: English

Permanent Forum on Indigenous Issues

Twenty-fourth session

New York, 21 April–2 May 2025

Draft report

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Dialogues: human rights dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples; annual review of progress on the implementation of general recommendation No. 39 (2022) (item 5 (d))

1. The dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples highlighted recent developments and challenges related to Indigenous Peoples' rights. The Permanent Forum welcomes the two mechanisms' thematic focus on the right of Indigenous Peoples to determine their identity, the need for a clear distinction between Indigenous Peoples and local communities, the criminalization of Indigenous Peoples and the encroachment upon their territories by criminal gangs and extractive industries.

2. Collaboration between the Indigenous Peoples' mechanisms, the United Nations treaty bodies and the Human Rights Council special procedures can be mutually reinforcing to advance the recognition and protection of Indigenous Peoples' rights. Such engagements should be not mere procedural exercises (so-called "rights ritualism") but aimed at concrete outcomes.

3. The Permanent Forum looks forward to the finalization of the study of the Expert Mechanism on the Rights of Indigenous Peoples on "Indigenous People's right to data, including data collection and disaggregation". In addition, the Forum is concerned that the underfunding of the United Nations human rights system seriously limits the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples in discharging their mandates.



4. The Permanent Forum welcomes the preparation of the forthcoming study on Indigenous justice systems by the Special Rapporteur on the independence of judges and lawyers and invites her to present it to the Forum at its twenty-fifth session.

Recommendations for Member States

5. The Permanent Forum commends the progress of numerous States in recognizing Indigenous Peoples and their rights in constitutional reforms to implement the United Nations Declaration on the Rights of Indigenous Peoples, including on free, prior and informed consent legislation. Several countries spoke with pride of their policies of non-discrimination and equal access to public services. Still, some countries stopped short of engaging in meaningful discussions on the right to self-identification. The Forum recommends that States initiate dialogues on identity and non-discrimination with Indigenous Peoples concerned.

6. Truth-telling is a prerequisite for reconciliation; it helps to build new constructive arrangements and treaties between Indigenous Peoples and States. States and Indigenous Peoples are invited to initiate and support studies to document internal colonialism cases predating, coinciding with and surviving external colonialism. Those studies can offer policy guidance for dismantling such structures and restoring Indigenous Peoples' self-governance. States and Indigenous Peoples are encouraged to contribute to debates on ways in which the United Nations system can redress and mediate the situations of internal colonialism at the Permanent Forum's future sessions.

7. The lack of disaggregated data hides the realities confronting Indigenous Peoples and prohibits efforts to redress the inequalities and discrimination suffered and devise effective targeted measures. This problem can be exacerbated when Indigenous Peoples are not recognized. States should develop and operationalize comprehensive, rights-based disaggregated data frameworks in collaboration with Indigenous Peoples.

8. Several speakers emphasized the role of Indigenous women in peacebuilding. States are called upon to ensure Indigenous women's participation in peace negotiations and peacebuilding. Although adversely affected by armed conflict and violence, the role of Indigenous Peoples in conflict resolution and peacebuilding is largely ignored. States are encouraged to ensure the inclusion and participation of Indigenous Peoples in ongoing peacemaking processes and to fulfil the agreements achieved with the participation of Indigenous Peoples. The Permanent Forum reiterates previous calls upon Bangladesh to ensure effective progress on implementing the Chittagong Hill Tracts Peace Accord of 1997.

9. The Permanent Forum heard testimonies on the many barriers in access to justice for Indigenous Peoples. It is deeply concerned about the disproportionate incarceration rates of Indigenous Peoples, especially children. States are urged to implement the internationally recommended age of criminal responsibility of at least 14 years. States must uphold the Convention on the Rights of the Child, under which incarceration must be a measure of last resort. The Forum condemns States' violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Forum calls upon States to remove existing barriers, ensure culturally appropriate access to justice and prevent the overcriminalization of Indigenous Peoples.

10. The Permanent Forum takes note of the efforts of Chile to promote the rights of Indigenous Peoples through the Presidential Commission for Peace and Understanding. The Forum invites Chile to implement general recommendation No. 39 (2022) by adopting the necessary legislation and public policies. It also urges Chile to replicate

these positive developments with other Indigenous Peoples in its territory and to present progress to the Forum at its twenty-fifth session.

11. The Permanent Forum calls upon Burkina Faso, the Democratic Republic of the Congo, South Sudan and the Sudan to promptly end violence against Indigenous Peoples, particularly Indigenous women and children, in the context of armed conflict, counter-terrorism and mining activities. Any peace process must involve Indigenous Peoples, in line with General Assembly resolution [79/159](#).

12. The Permanent Forum heard about the retreat of New Zealand/Aotearoa from honouring Te Tiriti o Waitangi (The Treaty of Waitangi), which sparked the country's largest-ever protest. The Forum calls upon New Zealand to recommit to the Treaty.

13. The disproportionate impact of Russian aggression against Ukraine on Indigenous Peoples in the region includes conscription, mass displacement and attacks on identity, violating their individual and collective rights. In occupied Crimea, Indigenous women are persecuted and detained for defending human rights. The Permanent Forum calls upon the Russian Federation to engage in constructive negotiations to achieve just and durable peace.

14. Following the recent coup in Myanmar, political instability persists, with planned military-led elections widely seen as a means to entrench power rather than restore democracy. Ongoing air strikes, even amid a 7.7 magnitude earthquake, highlight the crisis. The Human Rights Council and relevant mechanisms are urged to strengthen protection measures and establish more robust, locally grounded human rights monitoring for Indigenous Peoples facing violence and displacement.
