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

Human rights bodies and mechanisms

Annual report of the Expert Mechanism on the Rights of Indigenous Peoples*

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* The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.



I. Introduction

1. In its resolution 6/36, the Human Rights Council established the Expert Mechanism on the Rights of Indigenous Peoples as a subsidiary body to assist the Council in the implementation of its mandate by providing it with thematic expertise on the rights of Indigenous Peoples, as requested by the Council. In the resolution, the Council established that the thematic expertise would focus mainly on studies and research-based advice, and that the Expert Mechanism might put forward proposals to the Council for its consideration and approval.
2. In September 2016, the Human Rights Council adopted resolution 33/25 amending the mandate of the Expert Mechanism to provide the Council with expertise and advice on the rights of Indigenous Peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples and to assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of Indigenous Peoples. The elements of the new mandate are set out in the resolution.
3. The Expert Mechanism held its seventeenth session in Geneva from 8 to 12 July 2024. The summary of the discussions set out in sections V through XII below is not intended to be a verbatim record, but rather an overview of the main points raised by expert members and other participants. The contributions of all participants can be viewed on the webcast of the session.¹

II. Intersessional activities

4. Since its sixteenth session, held in July 2023, the Expert Mechanism has undertaken several official intersessional activities. On 28 September 2023, it held an interactive dialogue with the Human Rights Council at its fifty-fourth session on the annual report of the Expert Mechanism,² its study on the impact of militarization on the rights of Indigenous Peoples³ and its report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: establishing effective monitoring mechanisms at the national and regional levels for the implementation of the Declaration.⁴ On 27 September 2023, the Chair of the Expert Mechanism served as a panellist for the annual half-day discussion on the impact of certain development projects on the rights of Indigenous Peoples, in particular the impact on Indigenous women.⁵
5. The Expert Mechanism held its intersessional meeting from 6 to 10 November 2023 at the University for Peace in Costa Rica. The meeting comprised a three-day expert seminar on the analysis of constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration,⁶ and a two-day private working meeting of the Expert Mechanism. The objective of the expert seminar was to obtain substantive inputs for the annual study of the Expert Mechanism. The seminar brought together approximately 22 participants, including members of the Expert Mechanism, practitioners from several regions, Indigenous human rights advocates, academics and staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁷
6. In February 2024, the University of British Columbia held a seminar on Indigenous Peoples' right to traditional economies, sustainable development and food security in an age

¹ See <https://webtv.un.org/en/asset/k16/k166upr5ve>.

² [A/HRC/54/64](https://www.unhcr.org/refugees-and-asylum-seekers/54/64).

³ [A/HRC/54/52](https://www.unhcr.org/refugees-and-asylum-seekers/54/52).

⁴ [A/HRC/EMRIP/2023/3](https://www.unhcr.org/refugees-and-asylum-seekers/emrip/2023/3).

⁵ See [A/HRC/56/33](https://www.unhcr.org/refugees-and-asylum-seekers/56/33).

⁶ See <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-study-laws-legislation-policies-constitutions-judicial-decisions>.

⁷ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/stm-expert-seminar-and-inter-sessional-meeting-en.docx>.

of climate change, in support of the Expert Mechanism's ongoing work and its forthcoming report on the topic.

7. The Expert Mechanism took part in the twenty-third session of the Permanent Forum on Indigenous Issues from 15 to 26 April 2024. The Chair also participated in the high-level event commemorating the tenth anniversary of the adoption of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples. In addition, several members of the Expert Mechanism engaged with United Nations agencies, regional human rights mechanisms, Member States and civil society organizations at the country level.

8. In December 2023 and in March and July 2024, several members of the Expert Mechanism attended meetings of the Global Task Force for Making a Decade of Action for Indigenous Languages, which were coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

9. The Expert Mechanism undertook two country engagement missions during the reporting period. The mission to Australia, in October 2023, was aimed at providing advice on the contemporary removal of Aboriginal and Torres Strait Islander children from their families and communities. The mission to Norway, in March 2024, was aimed at providing technical advice on the rights of the Saami people, with a focus on their land, territories and resources and their right to free, prior and informed consent.

III. Adoption of studies, reports and proposals

A. Studies and reports

10. At its seventeenth session, the Expert Mechanism adopted its study on constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration,⁸ which was prepared pursuant to paragraph 2 (a) of Human Rights Council resolution 33/25.

11. The Expert Mechanism agreed that, in consultation with its members, the Chair-Rapporteur could revise the study mentioned above in the light of the discussions held at its seventeenth session and also agreed to submit it to the Council at its fifty-seventh session.

B. Proposals

Proposal 1: Human Rights Council panel discussion

12. In accordance with its decision taken at its seventeenth session, the Expert Mechanism proposes that the Human Rights Council hold a panel discussion on the rights of Indigenous Peoples in relation to critical energy transition minerals. A just transition to sustainable economies, societies and energy systems is urgently needed and must be managed carefully to avoid infringing on Indigenous Peoples' human rights. It is imperative to ensure that the energy transition is just and in compliance with Indigenous Peoples' human rights and the fundamental rights articulated in the Declaration. The Expert Mechanism proposes that the panel discussion be organized for the sixtieth session of the Council, to be held in September 2025.

13. During its seventeenth session, the Expert Mechanism decided that its next annual study would be on Indigenous Peoples, data collection and disaggregation. The study will be complemented by an expert seminar, organized by the Expert Mechanism with the participation of an academic institution and OHCHR, to be held late 2024, and will be informed and enriched by inputs from rights holders and stakeholders solicited through an open call.

⁸ [A/HRC/EMRIP/2024/2](#).

14. The Expert Mechanism invites the Council to take into account the recommendations put forward during the half-day panel discussion held during its fifty-fourth session, in September 2023, on the impact of certain development projects on the rights of Indigenous Peoples and, in particular, the rights of Indigenous women.

Proposal 2: Development of national action plans, effective national and regional monitoring mechanisms and legislation for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

15. The Expert Mechanism welcomes the positive developments in several States that have developed or are developing national and subnational action plans, policies and legislation for the implementation of the Declaration in consultation and cooperation with Indigenous Peoples. The Expert Mechanism also welcomes the implementation of the measures set out in national action plans and legislative measures and the establishment of effective mechanisms for monitoring and adequately funding those measures.

16. The Expert Mechanism calls upon the Human Rights Council to continue to encourage more States to take proactive measures to develop national action plans, policies and legislation for the implementation of the Declaration, in consultation and cooperation with Indigenous Peoples, including by mainstreaming the Declaration in national action plans on business and human rights and other human rights national action plans.

17. The Expert Mechanism also calls upon the Council to encourage States to facilitate the development of the capacity of Indigenous Peoples' institutions and monitoring mechanisms to oversee the implementation of the Declaration in an ongoing manner.

18. The Expert Mechanism proposes that the Council encourage States to consult and cooperate with Indigenous Peoples and engage in fruitful and sustained dialogue with civil society, academia, United Nations bodies and all levels and departments of government to advance the implementation of the Declaration.

19. The Expert Mechanism remains concerned by reports of instances in which collaborative efforts between Indigenous Peoples and States have stalled or cannot be established. It also remains concerned about the urgent need for Member States to accelerate the preparation and comprehensive implementation of national action plans, policies and legislation in consultation and cooperation with Indigenous Peoples and calls upon the Council to continue to encourage States to take specific measures to develop and finalize such initiatives.

Proposal 3: Rights of Indigenous Peoples in peace negotiations, peace agreements and post-conflict situations

20. Taking into consideration the emphasis, in the twelfth preambular paragraph of the Declaration, on the contribution of the demilitarization of the lands and territories of Indigenous Peoples to peace, economic and social progress and development and understanding and friendly relations among nations and peoples of the world, and recalling article 7 (2) of the Declaration, in which it was established that Indigenous Peoples have a collective right to live in freedom, peace and security as distinct peoples, the Expert Mechanism held, at its seventeenth session, during the panel discussion on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements and accords, that peace agreements and other constructive arrangements were pivotal in resolving conflicts.

21. Indigenous Peoples have engaged actively in conflict resolution processes, including negotiations for peace agreements. Article 30 of the Declaration contains the affirmation that military activities shall not take place in the lands or territories of Indigenous Peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the Indigenous Peoples concerned. It also requires States to undertake effective consultations with the Indigenous Peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

22. Indigenous Peoples, according to article 40, have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights.

23. Taking into consideration that accountability, truth-finding, reparations, institutional reform and reconciliation are seen as the five pillars of transitional justice processes necessary to address the legacies of massive and serious human rights violations and to achieve sustainable peace, the Expert Mechanism suggests that the Council urge States to include representatives of Indigenous Peoples fully in all pillars of transitional justice processes.

24. The Expert Mechanism also suggests that the Council strongly urge and encourage States to fully implement existing peace agreements, accords and other agreements that Indigenous Peoples and Member States have signed.

25. The Expert Mechanism further suggests that the Council invite States to engage Indigenous Peoples meaningfully as partners rather than beneficiaries in peace agreements and negotiations and any constructive arrangement processes. Together they should define the negotiation framework and terms of the agreement, including implementation and monitoring, with mutual consent and equal participation.

26. The Expert Mechanism proposes that the Council encourage United Nations bodies, specialized agencies and programmes to monitor conflict areas and provide capacity-building for Indigenous institutions and representatives on effective participation in national dialogues, transitional justice processes, peace negotiations and agreements.

27. The Expert Mechanism also proposes that the Council urge States to end conflicts in Indigenous Peoples' land and territories, establish appropriate arbitration mechanisms in partnership with Indigenous Peoples and address claims regarding violations of agreements. The methods of conflict resolution should incorporate Indigenous approaches and laws and the Declaration and other international human rights law must serve as guides for conflict resolution mechanisms.

Proposal 4: Constitutions, laws, policies, judicial decisions and other mechanisms through which States have taken measures to implement the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration

28. The Expert Mechanism appreciates the recognition expressed by the participants during its seventeenth session of its study on constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration. It also appreciates the large number of written submissions received.

29. The Expert Mechanism calls upon the Human Rights Council to encourage States to engage with the advice contained in the study. It reaffirms that the Declaration has legal effect, as confirmed by the growing examples of its application and positive jurisprudence by the human rights treaty bodies. The Declaration has contributed to the development of international law or customary international law and reflects the general principles thereof. Noting that the Declaration is increasingly being interpreted in national, regional and international jurisprudence and judicial decisions on Indigenous Peoples' rights, the Expert Mechanism recommends that the Council encourage States to take into account the norms of customary law when training civil servants and judges and to appoint more Indigenous judges.

30. The Expert Mechanism calls upon the Human Rights Council to encourage States to refer formally to the Declaration as a universal international human rights instrument in domestic law to provide clarity to courts that it should be used in the interpretation of domestic law.

31. The Expert Mechanism recommends that the Council request States to apply positive practices for the inclusion of Indigenous Peoples in legislative reform, including mechanisms for their direct participation in legislatures.

Proposal 5: Participation of Indigenous Peoples in the Human Rights Council

32. The Expert Mechanism welcomes the steps taken by the Human Rights Council to continue to facilitate the participation of Indigenous Peoples, in consultation with them, in the work of the Council, in accordance with the Declaration and in reinforcement of the Council's decisions in relation to that endeavor, and to further commit to reducing barriers, such as language and visa barriers, and to promote the remote and in-person attendance of Indigenous Peoples.

33. The Expert Mechanism appreciates the Council's decision to convene two intersessional meetings to address the issues of venues of participation, participation modalities, accreditation criteria and an accreditation mechanism, to be concluded before February 2025. The Expert Mechanism appreciates the appointment of the State and Indigenous co-facilitators to provide assistance during the intersessional meetings on concrete ways to enhance the participation of Indigenous Peoples in the work of the Council. The Expert Mechanism encourages the Council, based on the intersessional deliverables, to draft and adopt a resolution on enhancing the participation of Indigenous Peoples in the Council's work.

34. The Expert Mechanism proposes that the Council continue to advance Indigenous Peoples' participation in the interactive dialogues with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism and the half-day panel discussions of the Council.

35. The Expert Mechanism proposes that the Council invite the United Nations Voluntary Fund for Indigenous Peoples to facilitate participation in the meetings on the enhanced participation of Indigenous Peoples' representatives from each of the seven sociocultural regions, as recommended by the Council in paragraph 14 of its resolution 51/18, to ensure balanced regional and gender representation and to assist in the acceleration of resourcing, facilitating, ensuring and maximizing the participation of Indigenous Peoples' political institutions and organizations in the forthcoming intersessional meetings.

Proposal 6: Protection of Indigenous human rights defenders and leaders

36. Considering the critical situation that Indigenous human rights defenders and leaders face daily worldwide, especially in relation to their rights regarding lands, territories and natural resources, the Expert Mechanism urges the Human Rights Council to call upon States to address corporate and State violations and to ensure that Indigenous human rights defenders and leaders, without discrimination, are guaranteed a safe living and working environment, security and due protection. These include the public recognition of the key role played by Indigenous human rights defenders and leaders, the revision of laws that restrict or criminalize their work, abstention from any act aimed at inhibiting their activities or putting at risk their integrity and the adoption of appropriate measures to protect them from any form of threat, intimidation, harassment or attack, including online harassment and intimidation.

37. The Expert Mechanism proposes that the Council request Member States to ensure accountability by promptly and effectively investigating any violations of the rights of Indigenous Peoples and Indigenous human rights defenders and leaders, including Indigenous women, to ensure effective remedies and guarantee the principle of non-repetition regarding the violation of their rights.

Proposal 7: Reprisals against Indigenous human rights defenders, special procedure mandate holders and Indigenous leaders

38. The Expert Mechanism recalls and emphasizes that the United Nations system has committed to ensuring events in which everyone can participate in an inclusive, respectful and safe environment, without fear of intimidation, harassment or reprisal of any sort, as clearly established in the Code of Conduct to Prevent Harassment, Including Sexual Harassment, at United Nations System Events. The Expert Mechanism urges the Human Rights Council to call upon States to behave with integrity and respect towards all participants attending or involved in any of its meetings and to ensure the highest ethical and professional standards. The Expert Mechanism also urges the Council to strongly reaffirm

that any act of intimidation or reprisal is inadmissible and will be dealt with promptly. It recommends that the Council condemn acts of intimidation or reprisals against Indigenous human rights defenders, special procedure mandate holders and Indigenous leaders for their participation in or collaboration with the United Nations, including transnational reprisals.

39. The Expert Mechanism calls upon the Council to reiterate the concerns and proposed actions set out in paragraphs 27 and 28 of its resolution 51/18 and paragraphs 32 and 33 of its resolution 54/12, including the concern regarding the increase in cases of reprisal against Indigenous human rights defenders. It also calls upon the Council to urge States to adopt emergency responses to ensure due protection for Indigenous leaders and their communities, to condemn all reprisals against Indigenous human rights defenders and to address all allegations of such reprisals, including against current and former special procedure mandate holders working on the rights of Indigenous Peoples and representatives of Indigenous Peoples attending the sessions of the Expert Mechanism. The Expert Mechanism requests the Council to urge the host countries of the United Nations and the host countries of United Nations events to ensure that all Indigenous individuals who seek to participate in United Nations meetings are granted visas without any discrimination or delay.

Proposal 8: Increased engagement of Member States with the Expert Mechanism

40. The Expert Mechanism proposes that the Human Rights Council continue to encourage Member States to engage with the Expert Mechanism's activities, including by submitting contributions to its studies and reports, attending and participating in its annual sessions and providing input and oral comments on its reports and studies. The Expert Mechanism urges the Council to address and remove any financial limitations in the context of the present or a future liquidity crisis that would have an impact on the full and effective exercise of the mandate of the Expert Mechanism, including on its intersessional activities, such as country engagement missions, intersessional meetings and expert seminars.

41. The Expert Mechanism proposes that the Council strongly encourage States and Indigenous Peoples to increase their engagement with it under its mandate, pursuant to Council resolution 33/25, by submitting requests for technical assistance and the facilitation of dialogue, including for the implementation of the recommendations pertaining to Indigenous Peoples arising from the universal periodic review and those made by human rights treaty bodies and special procedure mandate holders. States should also be encouraged to respond positively to requests made by Indigenous Peoples under paragraph 2 (c) and (e) of resolution 33/25, seize the opportunity for dialogue provided by such requests and facilitate country engagement mission arrangements to enable the Expert Mechanism to comprehensively implement its mandate.

Proposal 9: Rights of Indigenous Peoples in the Non-Self-Governing Territories

42. The Expert Mechanism welcomes the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, established in 1961 by the General Assembly, to review the list of Non-Self-Governing Territories.

43. With this in mind, the Expert Mechanism urges the Human Rights Council to call upon Member States to ensure that the rights of Indigenous Peoples within Non-Self-Governing Territories or within those waiting to be added to the list are fully recognized and respected in relation to the right to self-determination and self-government, as affirmed in the Declaration.

Proposal 10: International Decade of Indigenous Languages

44. The Expert Mechanism reiterates its proposal that the Human Rights Council encourage States to engage in fruitful and sustained dialogue with Indigenous Peoples, scholars, civil society and other public and private actors to adopt and implement the Global Action Plan of the International Decade of Indigenous Languages, taking into account the broad spectrum of human rights implicated in the promotion and fulfillment of Indigenous Peoples' language rights. Following some concerning examples mentioned in the Expert Mechanism's study on constitutions, laws, legislation, policies, judicial decisions and other

mechanisms, special focus should be given to the synchronization of those mechanisms with the aim of converting the constitutional recognition of Indigenous Peoples' languages into practical support to language communities, including language planning, appropriate funding for community-led activities, documentation, revitalization and education.

45. Given the continuing low number of action plans adopted at the local and national levels, the Expert Mechanism also reiterates its recommendation to the Council to encourage States to take specific, effective, prompt and adequately financed measures to implement the Global Action Plan at the local and national levels in a culturally appropriate manner and in close consultation and cooperation with Indigenous Peoples. The Expert Mechanism encourages the Council to contribute to the evaluation and monitoring of the implementation of national action plans. To that effect, States and UNESCO should allocate funding. The Expert Mechanism proposes that UNESCO establish an internal mechanism tailored for and composed by and of Indigenous Peoples and organize an annual session on the achievement of the International Decade of Indigenous Languages, ensuring the full and meaningful participation of Indigenous Peoples in the design and subsequent implementation of strategies, initiatives, policies and legislation.

46. The Expert Mechanism proposes that the Council consider advancing a convention on Indigenous Peoples' languages.

Proposal 11: Indigenous Peoples' right to sustainable development

47. Echoing the considerations and concerns expressed by Indigenous Peoples during its fifteenth annual session with regard to the specific impact on Indigenous women of development projects on Indigenous territories, the Expert Mechanism proposes that the Human Rights Council urge States to respect and guarantee the fulfillment of the right of Indigenous Peoples to be consulted, with a view to obtaining their free, prior and informed consent and ensuring respect for and the full implementation of agreements resulting from fair and equitable negotiations. States should take all appropriate measures, including by means of legislation, to ensure that business enterprises operating or originating in their jurisdiction act with due diligence and comply with international human rights instruments and the Guiding Principles on Business and Human Rights and satisfy all reporting obligations from States.

48. Having conducted its seminar on Indigenous Peoples' right to traditional economies, sustainable development and food security in an age of climate change, the Expert Mechanism proposes that the Council urge States to contribute to recognizing, enhancing and strengthening Indigenous Peoples' traditional economies and building the capacity of Indigenous Peoples' institutions to be directly engaged in the management and decision-making bodies involved in all dialogues regarding traditional economies and related rights. It also proposes that States contribute to recognizing, enhancing and strengthening approaches to land and marine management led by Indigenous Peoples.

49. The Expert Mechanism urges the Council to consider the negative impact of barriers and measures that impinge upon the enjoyment of Indigenous Peoples' human rights, including the rights to health, a clean environment and international cooperation, as well as upon the sustainable development conditions and opportunities of Indigenous Peoples. The Expert Mechanism asks the Council to work with States to eliminate, minimize or mitigate that negative impact.

Proposal 12: Indigenous Peoples' health and well-being

50. The Expert Mechanism proposes that the Human Rights Council urge States to acknowledge, recognize and take specific actions pursuant to World Health Assembly resolution 76.16 of 30 May 2023 on the health of Indigenous Peoples,⁹ in particular the paragraphs urging States members of the World Health Organization to develop, fund and implement national health plans and strategies in addition to all other paragraphs, in order to

⁹ See https://apps.who.int/gb/ebwha/pdf_files/WHA76/A76_R16-en.pdf.

be explicitly responsive to Indigenous Peoples, who face dramatic disparities in health and well-being across many indicators.

Proposal 13: Indigenous Peoples and local communities

51. In alignment with the outcome document of the meeting of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of Indigenous Peoples,¹⁰ held in Rome in February 2024, the Expert Mechanism proposes that the Human Rights Council encourage States to adopt and implement distinctions-based policies that respect and enhance the status and rights of Indigenous Peoples. Such policies should be based on the acknowledgement of Indigenous Peoples as separate from categories or terms that differ from their own denomination, such as “local communities,” especially where their rights are concerned.

52. Together with the Special Rapporteur and the Permanent Forum, the Expert Mechanism has observed that, in many conventions and processes, the term “Indigenous Peoples” has been used in conjunction with such ambiguous terms as “local communities” when, in fact, the characteristics, nature and origins of the rights of Indigenous Peoples are very different from those of other groups. The Declaration is the clearest indication that the international community is committed to protecting the individual and collective rights of Indigenous Peoples. Those rights and the participation of Indigenous Peoples were reinforced and reiterated in 2014 during the World Conference on Indigenous Peoples.

Proposal 14: Indigenous child welfare

53. Reflecting on its country engagement mission to Australia in October 2023,¹¹ the Expert Mechanism proposes that the Human Rights Council encourage States to recognize that the pivotal and fundamental right of self-determination should influence, direct and underscore any plan, policy or organization affecting Indigenous Peoples, particularly when considering the well-being of Indigenous children. The recognition of the right of self-determination is critical for Indigenous Peoples in addressing child welfare. Government departments responsible for child welfare should support and meaningfully facilitate the right of self-determination of Indigenous Peoples.

Proposal 15: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

54. The Expert Mechanism proposes that the Human Rights Council take note of the need for progress on the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.

55. The Expert Mechanism proposes that the Council encourage the continued and increased use of the Declaration as an interpretive lens in the work of the human rights treaty bodies and the universal periodic review.

Proposal 16: Capitalization of the term Indigenous Peoples

56. The Expert Mechanism on the Rights of Indigenous Peoples calls upon the Human Rights Council to acknowledge, affirm and apply capitalization to the term “Indigenous Peoples” in all official documents and in all official United Nations languages.¹²

¹⁰ See <https://www.ohchr.org/en/hrc-subidiaries/expert-mechanism-on-indigenous-peoples/activities>.

¹¹ See <https://www.ohchr.org/en/hrc-subidiaries/expert-mechanism-on-indigenous-peoples/country-engagement>.

¹² See [A/77/460](#), which contains a draft resolution in which the term “Indigenous Peoples” is capitalized for the first time. Capitalization of the term “Indigenous” was subsequently extended to other terms, including Indigenous persons, Indigenous children and Indigenous women.

IV. Organization of the session

A. Attendance

57. The Expert Mechanism held its seventeenth session in Geneva from 8 to 12 July 2024. All seven experts, Anexa Brendalee Alfred Cunningham (Nicaragua), Binota Moy Dhamai (Bangladesh), Dalee Sambo Dorrough (United States of America), Antonina Gorbunova (Russian Federation), Sheryl Lightfoot (Canada), Ojot Miru Ojulu (Ethiopia) and Valmaine Toki (New Zealand), attended the session.

58. Representatives of States, parliaments, national bodies, Indigenous Peoples and Indigenous Peoples' organizations, United Nations programmes, bodies and specialized agencies, national and regional human rights institutions, non-governmental organizations and academic institutions took part in the session as observers.

59. Also taking part in the session were a member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples, Marjolaine Étienne, the Special Rapporteur on the rights of Indigenous Peoples, Francisco Cali Tzay, the Chair of the Permanent Forum on Indigenous Issues, Hindou Oumarou Ibrahim, and a member of the Human Rights Committee, Yvonne Donders.

60. A total of 32 side events were held during the session on a broad array of themes relating to the rights of Indigenous Peoples. A full list of events is available on the web page of the Expert Mechanism.¹³

B. Opening of the session and adoption of the agenda

61. Chief Deskahéh Steve Jacobs conducted a ceremonial opening prayer, after which Ms. Lightfoot, the outgoing Chair of the Expert Mechanism, opened the seventeenth session and welcomed the President of the Human Rights Council. The provisional agenda of the session was adopted.¹⁴

62. The President of the Human Rights Council highlighted Council resolution 54/12, adopted in October 2023, welcoming the work of the Expert Mechanism. He noted that the Council had decided to continue to discuss and develop further the steps and measures necessary to enable and facilitate the participation of Indigenous Peoples' representatives and institutions in its work, in particular by organizing a two-day intersessional meeting before the fifty-seventh session of the Council and another two-day intersessional meeting before its fifty-eighth session in order to hold a dialogue on concrete ways to enhance the participation of Indigenous Peoples in its work. The President addressed the issue of acts of reprisal and intimidation against Indigenous human rights defenders and called upon all States to respect and protect persons cooperating with and representing the United Nations system.

63. In his opening statement,¹⁵ the United Nations High Commissioner for Human Rights highlighted the critical importance of valuing and honouring the knowledge and perspectives of Indigenous Peoples, noting that their traditional knowledge and their right to their territories and resources were often disregarded. The High Commissioner noted the increasing threats and violence against Indigenous human rights defenders and urged States to establish stronger protection mechanisms and to ensure full accountability for crimes committed or attempted against Indigenous human rights defenders to silence their voices. He recognized the progress in the implementation of the Declaration while also noting the ongoing challenges, including the lack of necessary adaptations to domestic law in some regions, and stressed that the implementation of reforms remained inadequate and incomplete.

¹³ See <https://www.ohchr.org/en/events/sessions/2024/17th-session-expert-mechanism-rights-indigenous-peoples>.

¹⁴ [A/HRC/EMRIP/2024/1](https://www.ohchr.org/en/press-communications/2024/17th-session-expert-mechanism-rights-indigenous-peoples).

¹⁵ See <https://www.ohchr.org/en/statements-and-speeches/2024/07/hc-turk-it-crucial-value-and-honour-knowledge-and-perspectives>.

He emphasized the need for measures to ensure the increased and meaningful participation of Indigenous Peoples in public and political life. Lastly, the High Commissioner called for the implementation of the 22 pledges in the context of Human Rights 75, which represented tangible commitments to improving the rights of Indigenous Peoples.

C. Election of officers

64. The outgoing Chair of the Expert Mechanism invited its members to nominate a Chair-Rapporteur and Vice-Chairs for the period 2024–2025. Mr. Dhamai nominated Ms. Toki as Chair-Rapporteur and Ms. Dorough and Ms. Alfred Cunningham as Vice-Chairs. All three were appointed by acclamation.

V. Study and advice on constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration

65. In opening agenda item 3, the Chair-Rapporteur introduced the draft study on constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration. The Expert Mechanism had received around 50 submissions from different stakeholders for the completion of the study.

66. The Chair-Rapporteur noted that the Declaration synthesized the spectrum of fundamental human rights already enshrined in various treaties and international jurisprudence in the context of Indigenous Peoples. While the primary focus of the present study was article 38 of the Declaration, it should also be analysed in conjunction with the interrelated provisions.

67. The Declaration was legally significant in several ways. First, it was an expression of Member States' obligations to promote and respect human rights under the Charter of the United Nations. Second, the Declaration placed a moral obligation on States to act in accordance with fundamental human rights. Third, the Declaration was a mandatory and relevant consideration in judicial review and an aid to statutory interpretation. Fourth, the Declaration had influenced the development of general principles of international law and customary international law. The study included examples of recent initiatives demonstrating how the Declaration could be implemented by Member States in conjunction with Indigenous Peoples.

68. The study concluded with advice No. 17 of the Expert Mechanism putting forward measures that States, Indigenous Peoples and other stakeholders could take, including constitutional and other legal reforms and judicial actions to recognize and operationalize the rights of Indigenous Peoples under the Declaration at the local level, transforming broader legal structures in key areas and establishing monitoring bodies that could build political momentum towards the advancement of the rights of Indigenous Peoples across society.

69. Participants made recommendations and expressed concerns, mostly regarding the need for the Expert Mechanism to encourage States to meet their obligations and consult with and heed the words of Indigenous Peoples calling for the Declaration's implementation. Other recommendations and concerns were focused on the impact of legislative processes and constitutional reforms and the tangible implications of such changes in the daily lives of Indigenous Peoples.

VI. Coordination meeting of United Nations Indigenous rights mechanisms

70. Under agenda item 4, the Expert Mechanism held a private meeting with the Chair of the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of Indigenous Peoples and the representative of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples. The participants considered the following issues: updates on planned joint activities for the period 2024–2025; the selection and coordination of thematic studies; the coordination of country engagements; the importance of distinguishing Indigenous Peoples from local communities; Indigenous Peoples in voluntary isolation and initial contact; reprisals against and intimidation of Indigenous Peoples' representatives; the impact of environmental changes on Indigenous Peoples' lands and territories; and collaboration among the mechanisms.

VII. United Nations Declaration on the Rights of Indigenous Peoples

71. Under agenda item 5, Expert Mechanism member Ms. Gorbunova opened the interactive dialogue with the Special Rapporteur on the rights of Indigenous Peoples, the Chair of the Permanent Forum on Indigenous Issues, the member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples and the member of the Human Rights Committee. The dialogue was focused on the implementation of the Declaration on the Rights of Indigenous Peoples.

72. The Special Rapporteur drew attention to his report on his official country visit to Colombia in March 2024, to be submitted to the Human Rights Council in September 2024. He noted that his thematic report would address the challenges facing pastoralists, hunters and gatherers, nomadic and transborder Indigenous Peoples and Indigenous Peoples living in voluntary isolation, and would be submitted to the General Assembly in October 2024. He also echoed the call for enhanced coordination and complementarity among the Indigenous rights mechanisms to ensure the protection of Indigenous Peoples' rights.

73. The Chair of the Permanent Forum on Indigenous Issues provided an overview of the work of the Permanent Forum at its most recent session, which had been focused on the right of self-determination and Indigenous youth. She reiterated the need to distinguish between Indigenous Peoples and local communities, highlighted the upcoming International Day of Indigenous Peoples, to be celebrated on 9 August, and emphasized the importance of collaborative efforts among all United Nations entities.

74. The member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples described the ways in which the Fund had supported Indigenous representatives in various United Nations events. In 2023, it had supported the participation of 126 Indigenous representatives from over 47 countries in 14 United Nations events. A priority for the Fund was effective participation and it had collaborated with several stakeholders on capacity-building through year-long online and in-person training opportunities.

75. The member of the Human Rights Committee described the Committee's work on monitoring and implementing the International Covenant on Civil and Political Rights using two main tools: State reporting procedures and confidential communications with individuals. Sharing examples, she highlighted the fact that the Committee had been making increasing use of the Declaration, which contained norms used to interpret the Covenant.

76. The participants expressed concerns about terminology and distinguishing between Indigenous Peoples and local communities, State recognition of Indigenous identity and the need for Indigenous Peoples to be at the forefront of policymaking. They also expressed the desire to undertake a study on the connection between Indigenous Peoples' land ownership and environmental protection and conservation.

VIII. Country engagement

77. Expert Mechanism member Ms. Lightfoot opened agenda item 6 by highlighting the purpose of the Expert Mechanism's country engagement mandate, which included analysing domestic legislation and policies, facilitating dialogue between requesters and stakeholders, independently observing and advising on the implementation of laws and policies relating to the Declaration and supporting States to implement recommendations made by other human rights mechanisms concerning the rights of Indigenous Peoples. She reported on the two country engagement missions undertaken since the previous annual session: to Australia in October 2023 and to Norway in March 2024.

78. A representative of the Noongar Family Safety and Wellbeing Council acknowledged the positive impact of the country engagement mission on efforts to address the contemporary removal of Aboriginal children from their families and communities. She noted the increased State investment in Aboriginal community organizations for out-of-home care services but stressed the ongoing need to address systematic discrimination through structural changes, Aboriginal-led policy reforms and Indigenous self-determination in the child protection system. The representative of the government of Western Australia emphasized the commitment of Australia under the National Agreement on Closing the Gap and outlined specific actions being taken to implement the Declaration, including a 10-year road map developed in consultation with Aboriginal communities and aimed at reducing the number of Aboriginal children placed in out-of-home care and supporting child protection strategies. The representative reaffirmed the commitment of the government of Western Australia to working closely with the First Nations to address concerns regarding the protection of Indigenous children.

79. The representative of the Saami Council acknowledged the Expert Mechanism's role in facilitating dialogue between the Saami Council, the Sami Parliament of Norway and the Government regarding the rights of the Saami people to lands, livelihood practices and culture. The representative noted the Saami Council's expectation of an outcome that would contribute to upholding and implementing the right of free, prior and informed consent, as outlined in the Declaration and other international instruments. The President of the Sami Parliament highlighted the ongoing violations of the Saami peoples' right to their lands and resources and the lack of specific measures for legal interpretation to implement the provisions of the Declaration. She stressed the responsibility of Norway to recognize and strengthen Indigenous human rights both domestically and internationally and in accordance with international law. The representative of the Government of Norway acknowledged that consultation and free, prior and informed consent were integral aspects of the country's legal system and that Norway had the obligation to consult with the Saami people, facilitated through such institutions as the Sami Parliament and supported by such legal frameworks as the Saami Act and article 27 of the International Covenant on Civil and Political Rights.

80. Several Indigenous Peoples' representatives endorsed the country engagement mandate of the Expert Mechanism and called upon Member States and Indigenous Peoples' organizations to engage in that process to advance the rights of Indigenous Peoples.

IX. International Decade of Indigenous Languages

81. Under agenda item 7, Expert Mechanism member Mr. Ojulu noted that the International Decade had entered the end of its third year and emphasized the importance of taking stock of both the progress made and the challenges faced in implementing the Global Action Plan. He noted the 2023 proposal of the Expert Mechanism to the Human Rights Council, in which the Expert Mechanism called upon States to engage in sustained dialogue with Indigenous Peoples and upon other key stakeholders to adopt and implement the Global Action Plan with a human rights-based approach, in alignment with the Declaration.

82. The representative of UNESCO noted that, as of July 2024, 17 national action plans had been completed and 18 were in development. The plans addressed such thematic areas as education, biodiversity, culture and digital empowerment. She also noted the need for increased involvement from the African, Arab and Asian States. The ongoing collaborative

efforts of UNESCO included initiatives for the revitalization of Indigenous languages and technologies and the Joint Programme of Work on the Links between Biological and Cultural Diversity. Future initiatives included education reform and developing Indigenous media and a multilingual education guide.

83. Indigenous youth representative Nechey Serotetto stressed the need for increased efforts to support the development of Indigenous Peoples' media in Indigenous languages, including the use of digital technologies, that would help to consolidate and strengthen the capacities of Indigenous communities, ensure access to information, preserve and transmit cultural knowledge and languages among Indigenous young people and contribute to the achievement of the goals of the Decade.

84. Indigenous representative Mariam Wallet Aboubakrine also referred to the Joint Programme of Work, which was aimed at supporting the Convention on Biological Diversity. She emphasized the interdependence of biological and cultural diversity and the importance of living in harmony with nature as integral to the Kunming-Montreal Global Biodiversity Framework. She also emphasized that such an approach was aligned with the notion that preserving Indigenous languages was crucial for conserving biodiversity. She encouraged the active participation of Indigenous Peoples as rights holders in the Joint Programme of Work to strengthen the linkages between Indigenous languages and cultural and biodiversity conservation.

85. The participants expressed concern about the growing endangerment of Indigenous languages and urged the Expert Mechanism to recommend to the Human Rights Council that all States take concrete measures to address the loss of Indigenous languages and promote their revitalization.

X. Panel discussion on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements and accords

86. Under agenda item 8, the Expert Mechanism held a panel discussion focused on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements and accords. The theme was firmly grounded in the Declaration and international human rights, norms and standards.

87. Expert Mechanism member Mr. Dhamai opened the discussion by emphasizing the collective right of Indigenous Peoples to live in freedom, peace and security as distinct entities, as outlined in article 7 (2) of the Declaration. He stressed the importance of peace agreements and other constructive arrangements in resolving conflicts and highlighted the crucial role of Indigenous Peoples in bringing hostilities to an end through their active engagement in peace negotiations with States.

88. The panellists shared experiences from the field concerning Indigenous Peoples in conflict situations and the challenges they faced in exercising their rights. The Chair of the Permanent Forum on Indigenous Issues emphasized the need for the inclusion of Indigenous Peoples in peace negotiations and stressed that the Declaration should be central to all negotiations, peace agreements and accords in order to protect the rights of Indigenous Peoples and achieve a framework based on justice, reconciliation and respect. The Special Rapporteur on the rights of Indigenous Peoples mentioned that Indigenous Peoples had participated in many peace processes but that, despite their meaningful participation, they had found the implementation process for peace accords to be disappointing, adding to the historical debt with regard to their rights. He called for the inclusion of Indigenous Peoples at all levels of peace processes, including the implementation of agreements. A representative of the Asia Indigenous Peoples Pact, Gam Shimray, shared experiences and initiatives taken by States, Indigenous Peoples and other stakeholders in pursuit of articles 3, 4, 5, 6 and 7 (2) of the Declaration. He recommended the development of a system-wide action plan, responsive to the needs of women and young people, for the implementation of the Declaration, including peacebuilding efforts. A judge with the Special Jurisdiction for Peace in Colombia, Belkis Izquierdo, discussed Indigenous Peoples' participation in the peace

negotiations and post-agreement processes in Colombia from a legal perspective. She noted that the success and legitimacy of those efforts depended upon the participation of Indigenous Peoples and the recognition of their capacities in the process of addressing and transforming the structural causes of the conflict and securing Indigenous Peoples' rights within their territories. A representative of the Association Tinhinan-Canada, Aminata Diallo, pointed out that the ongoing conflict situations in many parts of the world resulted from the non-implementation of peace agreements, which often failed because they did not accurately reflect the needs and realities of all stakeholders, including Indigenous Peoples.

89. The participants urged Member States and stakeholders to include Indigenous Peoples in peace negotiation processes and to ensure that their voices and rights were respected at all levels. Other recommendations included the establishment of mechanisms to monitor the implementation of peace agreements and to conduct further studies on the impact of the non-implementation of peace accords.

XI. Enhancing the participation of Indigenous Peoples in the United Nations

90. Under agenda item 9, Expert Mechanism Vice-Chair Ms. Dorough opened the discussion by referring to the Declaration. She also referred to the decision of the Human Rights Council in its resolution 54/12 to continue its discussions and to develop further steps to facilitate the participation of Indigenous Peoples' representatives and institutions in its work, including the two-day intersessional meeting before its fifty-eighth session. The discussion was focused on the accreditation criteria and the modalities for Indigenous Peoples' participation in the activities of the Council.

91. The Permanent Representative of Guatemala to the United Nations Office and other international organizations in Geneva, Ángela Chávez Bietti, expressed support for the establishment of a status that would allow Indigenous Peoples to participate in the work of the Council. She urged the Expert Mechanism, representatives of Indigenous Peoples and Member States to participate constructively in the Council's intersessional meetings and to contribute specific recommendations that would lead to actionable proposals and tangible results. She reiterated the support of Guatemala for strengthening the participation of Indigenous Peoples.

92. A member of the Haudenosaunee External Relations Committee, Kenneth Deer, described the long-standing struggle of Indigenous Peoples to engage with the United Nations. He underscored the importance of recognizing the inherent right of Indigenous Peoples to self-determination, emphasizing the urgent need for the United Nations to acknowledge and facilitate Indigenous Peoples' full participation and voice within the United Nations system.

93. The Permanent Representative of Canada to the United Nations and other international organizations in Geneva, Leslie E. Norton, reaffirmed the commitment of Canada to enhancing the participation of Indigenous Peoples in the United Nations. She underscored the importance of collaboration between Member States and Indigenous Peoples to co-develop principles for participation modalities and accreditation mechanisms and criteria. She noted that Canada was in favour of an independent accreditation mechanism led by representatives of Indigenous Peoples from the seven sociocultural regions. She emphasized that the participation process at the Council should uphold the rights affirmed in the Declaration.

94. The President of the Sami Parliament of Finland and representative of the Indigenous Coordinating Body for Enhanced Participation in the United Nations, Pirita Nakkalajarvi, acknowledged the progress made in the enhanced participation process, noting specifically the intersessional meetings scheduled for 18 and 19 July and 17 and 18 October 2024. In emphasizing the ongoing effort to enhance participation, she underscored the need for inclusive consultations, including regional dialogues, collaborative efforts and sustained interactions between Member States and Indigenous Peoples. She said that the status accorded Indigenous Peoples should reflect their right to self-determination and called for alignment with key human rights instruments, including the Declaration and other international laws.

95. Other members of the Expert Mechanism and several Member States encouraged the removal of barriers to the participation of Indigenous Peoples in the United Nations system and expressed support for a new status for their participation.

XII. Future work of the Expert Mechanism and follow-up to thematic studies and advice

96. Expert Mechanism Vice-Chair Ms. Alfred Cunningham opened the discussion on agenda item 10, explaining that the studies and advice of the Expert Mechanism were intended to provide a better understanding of the provisions of the Declaration and to propose specific actions that States, Indigenous Peoples, civil society, international organizations, national human rights institutions and others could take to promote its implementation.

97. Several States, representatives of Indigenous Peoples and other participants commented on the previous studies and reports of the Expert Mechanism, including its study on the impact of militarization on the rights of Indigenous Peoples.

98. The participants proposed various thematic studies that the Expert Mechanism could carry out, including on the barriers to Indigenous women's full, effective and meaningful participation, the negative impact of unilateral coercive measures on the implementation of the rights of Indigenous Peoples, conservation funding and the rights of Indigenous Peoples based, inter alia, on articles 26 and 32 of the Declaration, peace agreements and accords and a follow-up study on the rights of Indigenous Peoples with regard to health, including Indigenous determinants of health. The Expert Mechanism took note of the proposals.

99. The Expert Mechanism decided that its next annual study on the status of the rights of Indigenous Peoples worldwide in the achievement of the ends of the Declaration, which was mandated by the Council in paragraph 2 (a) of its resolution 33/25, would focus on Indigenous Peoples, data collection and disaggregation. The Expert Mechanism would hold an expert seminar later in 2024 to inform the study. In addition, in accordance with the mandate set out in paragraph 2 (b) to identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Council, the Expert Mechanism decided to prepare a report on Indigenous Peoples' right to traditional economies.
