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Permanent Forum on Indigenous Issues

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Draft report

Rapporteur: Ms. Tove Søvndahl Gant

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

Recommendations of the Permanent Forum

Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples (item 5 (d))

1. The Permanent Forum welcomes the progress made towards developing plans to realize the United Nations Declaration on the Rights of Indigenous Peoples in Canada and New Zealand. The Forum invites Canada and New Zealand to present their final plans on constructive cooperation at the twenty-second session of the Forum, to be held in 2023.
2. The Forum notes the Australian government's formal acceptance of a country visit by EMRIP under their country engagement mandate, as requested by the Noongar Family Safety and Wellbeing Council in Western Australia.
3. The Permanent Forum reiterates the importance of the legal recognition of indigenous peoples within national constitutions. The Permanent Forum takes note of the position expressed by the Government of Chile on the recognition of indigenous peoples. The Permanent Forum invites Chile to provide an update on progress at the twenty-second session of the Forum, to be held in 2023. Furthermore, the Forum supports the call from Indigenous Peoples of Australia in the 2017 meeting in Uluru on a process for 'Voice, Treaty, Truth' and constitutional recognition of Indigenous rights consistent with UNDRIP.



4. The Permanent Forum decided to create a virtual working group on truth, reconciliation, transitional justice including in post-conflict areas for lasting peace that respects the rights of Indigenous Peoples, promoting the full and effective inclusion of Indigenous Peoples, including Indigenous women. The Expert Working Group is comprised of members of three UN Indigenous mechanisms, Indigenous Peoples, Academia, and civil society as well as representatives of transitional justice and reconciliation mechanisms.

3. The Permanent Forum welcomes the first meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). The Escazú Agreement is the first instrument that includes provisions on the protection of human rights defenders in environmental matters. The Permanent Forum urges States parties to ensure implementation of the Agreement and invites them to establish mechanisms for the full and effective participation of indigenous peoples in the work thereof. The Permanent Forum reiterates its invitation to countries that have not yet signed or ratified the Agreement to do so. The Forum also urges States Parties to the Escazú Agreement to ensure its implementation.

4. The Permanent Forum regrets the continuous killings, violence and harassment targeted at indigenous human rights defenders, including Indigenous women, in the context of resisting mining and infrastructure projects and other such developments. The Permanent Forum therefore invites Member States to honour their human rights obligations. In this regard, the Permanent Forum welcomes General Assembly resolution [76/148](#) on the rights of indigenous peoples, in which States are urged to take necessary measures to ensure the rights, protection and safety of indigenous peoples, including indigenous leaders and indigenous human rights defenders, and to ensure that perpetrators are held accountable and that access to justice and remedy is guaranteed.

5. The Permanent Forum regrets the very high incarceration rates of indigenous peoples globally, which contributes to poor health, poverty and untimely death, including in indigenous families and communities. States are reminded of their obligations under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and should therefore address this issue urgently by reducing the incarceration and eliminating the cruel, inhuman and degrading treatment or punishment of indigenous peoples by justice systems.

6. The Permanent Forum recommends that the United States of America grant clemency to Leonard Peltier, who has been imprisoned since 1977 and is now an elderly person.

7. The Permanent Forum reiterates its position, as stated in the report on its twentieth session ([E/2021/43](#), para. 10), urging Colombia to promote and guarantee the rights of indigenous peoples, in particular by achieving the goals and indicators set out in the “ethnic chapter” of the peace agreement. In this regard, the Permanent Forum wishes to offer its support, within the terms of its mandate, to facilitate dialogues between the Government of Colombia and indigenous peoples.

[8. The Permanent Forum remains concerned about continuing human rights violations, including arbitrary killings and extrajudicial executions, throughout north-eastern India. It echoes the call of indigenous peoples (Scheduled Tribes) of the region and urges India to repeal the Armed Forces Special Powers Act of 1958, investigate alleged human rights abuses in the region and hold those responsible to account.]

9. The Permanent Forum welcomes that the Government of Bangladesh is working with UN country offices to support peace in the Chittagong Hill Tracts (CHT). The Forum further welcomes the ongoing study on the status of implementation of the CHT Peace Accord of 1997 and invites the Government of Bangladesh, with the full and effective participation of Indigenous Peoples, to report on the results of the study to its 22nd session, setting a timeframe for its full implementation. The Permanent Forum also calls upon the Government to continue to address all forms of violence, including enforced disappearances, and sexual violence against women in the CHT committed by law enforcement agencies.

10. The Forum recommends that the Department of Economic and Social Affairs in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) facilitate a series of online regional meetings in 2023 to discuss the development of standards and redress mechanisms for conservation programmes that affect indigenous peoples' lands, territories and waters. The dialogue should include the Special Rapporteur of the United Nations Human Rights Council on the rights of indigenous peoples, the Permanent Forum, indigenous peoples' representatives, non-governmental organizations, the private sector and other stakeholders. The Permanent Forum would welcome a presentation of the outcomes of such a meeting at its twenty-third session, to be held in 2024.

11. The Permanent Forum continues to be deeply disturbed by the threats that the extractive industries, infrastructure megaprojects, such as roads and dams, legal and illegal logging, and the expansion of large-scale agriculture pose to the indigenous peoples living in voluntary isolation and initial contact. While recognizing the guidelines for the protection of indigenous peoples in voluntary isolation and initial contact in the Americas, and the corresponding guidelines elaborated by OHCHR, the Permanent Forum recommends that OHCHR, in cooperation with the Inter-American Commission on Human Rights and with the participation of indigenous peoples' organizations, evaluate the progress made, identify implementation gaps and make recommendations to advance the protection of indigenous peoples living in voluntary isolation and initial contact and to guarantee their rights.

12. The Permanent Forum welcomes the adoption by the United Nations Environment Assembly of the United Nations Environment Programme of a resolution entitled "End plastic pollution: towards an international legally binding instrument" (document [UNEP/EA.5/Res.14](#)). The negotiation of a legally binding agreement should provide an opportunity to ensure a human rights-based approach is applied to global plastics management, taking into account the most vulnerable ecosystems and the peoples who depend thereon, such as in the Arctic.

13. The year 2022 is the International Year of Artisanal Fisheries and Aquaculture. The Permanent Forum therefore recommends that the Food and Agriculture Organization of the United Nations prepare a study on the impacts of industrial fishing on the rights of Indigenous Peoples in regard to traditional fishing traditional fishers. The Permanent Forum invites the organization to share the findings of said study at its twenty-third session, to be held in 2024.

14. The Permanent Forum welcomes the draft general recommendation on the rights of indigenous women and girls of the Committee on the Elimination of Discrimination against Women. The Permanent Forum reiterates its recommendation, contained in the report on its twentieth session ([E/2021/43](#), para. 32), that the general recommendation be adopted at the earliest opportunity. The Forum invites the Committee to share its plans for implementation of the general recommendation at the twenty-third session, to be held in 2024.

15. The Permanent Forum is deeply concerned about the particular vulnerabilities of indigenous children. In this regard, it notes the study of the Expert Mechanism on

the Rights of Indigenous Peoples on the rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples (A/HRC/48/74) and the note by the Secretariat entitled “Update on the promotion and application of the United Nations Declaration on the Rights of Indigenous Peoples: violence against children” (E/C.19/2022/4), prepared in collaboration with the Special Representative of the Secretary-General on Violence against Children. The Permanent Forum calls upon Member States to prioritize the human rights of indigenous children and young people, in cooperation with indigenous peoples. The Permanent Forum further calls upon those States that have not yet ratified the Convention on the Rights of the Child, including its two Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, to do so as soon as possible.

17. The Permanent Forum urges the government of Kenya to implement the recommendations of the African Commission on Human and Peoples Rights (ACHPR) on the rights of Endorois' to the ownership of their ancestral lands, and restitution and compensation with regard to their traditional lands.

18. The Permanent Forum calls on the government of Tanzania to immediately cease efforts to evict the Maasai people from the Ngorongoro Conservation Area.
