

SUMMARY OF THE 14TH SESSION/REGIONAL MEETINGS OF THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

12 – 16 July 2021

The summary notes are reports of the most important UN meetings on indigenous rights and are issued twice a year. They are only available in an electronic version and sent by email.



Preliminary notice to this Summary:

This summary is based on the notes taken during the conference, the statements collected by Docip services and the rolling speakers' list of the conference. However, those notes reflect only the statements that have been delivered. The sessions that dealt with the agenda items of the [program of work](#) of the fourteenth session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) are detailed herein.

This document uses abbreviations, the index of which is available in Annex I.

1. Executive Summary

This fourteenth session of the EMRIP was the fifth such session to take place since the adoption of Human Rights Council (HRC) [resolution 33/25](#), which revised EMRIP's mandate. This new mandate provides EMRIP Members with new capacities, including the ability to engage with the private sector, to advise States on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) upon request, to engage with the Universal Periodic Review (UPR) and the Treaty Bodies process, and to establish an enhanced cooperation with the National Human Rights Institutions (NHRIs), to name a few. The EMRIP is composed of seven Expert Members, who represent the seven socio-cultural regions, as decided by Indigenous Peoples: Ms. Margaret Lokawua from Uganda for Africa (2024), Mr. Binota Moy Dhamai from Bangladesh for Asia (2023), Ms. Erika Yamada from Brazil for Latin America and the Caribbean (2022), Ms. Laila Vars from Norway for the Arctic (2023), Mr. Rodion Sulyandziga from the Russian Federation for Russia, Eastern Europe and Transcaucasia (2022), Ms. Sheryl Lightfoot from Canada for North America (2024) and Ms. Megan Davis from Australia for the Pacific (2022).

The format of this year's session was modified due to the COVID-19 pandemic. Members of the EMRIP and the Secretariat decided to opt for a virtual session, with 4 regional meetings of 3 hours each, which focused on the two EMRIP draft studies: the *"Draft Study and Advice on the Rights of the Indigenous Child under the United Nations"* and the *"Draft Report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: Indigenous Peoples and the Right to Self-Determination"*. They also decided to have a discussion on the EMRIP country engagement, an interactive dialogue with the Treaty Bodies, as well as an intersessional roundtable with the Human Rights Council.

The greatest participation of indigenous representatives occurred in regional meetings, which, as mentioned previously, focused on the two EMRIP studies. Regarding the study on the rights of the indigenous child, it was pointed out that indigenous children have difficulties in accessing basic rights such as healthcare and education, including classes in their mother tongue. In addition, indigenous girls face

other forms of discrimination such as forced marriage and sexual violence. One of the main reasons is that in several regions they are at the centre of armed conflicts. Regarding the study on the right to self-determination of Indigenous Peoples, it was stressed that this right is one of the major rights of the UNDRIP and that it is linked to other rights, such as land, water and access to resources. Indeed, many statements denounced the extractive or industrial projects underway on their lands, activities that are carried out without their consent.

2. Details

Monday, 12 July

- *Opening of the session, election of officers, adoption of the agenda and organisation of work*

Ms. Laila Vars, EMRIP Member, welcomed all participants to the fourteenth session. She then invited everyone to listen to **three Amazigh women**, who each performed a traditional song in Tamazight. The song highlighted the precious relationship that Indigenous Peoples have with nature.

Ms. Nazhat Shameem Khan, President of the Human Rights Council for 2021, welcomed the two newest members of the EMRIP, Ms. Margaret Lokawua and Ms. Sheryl Lightfoot, and thanked the two retiring members, Ms. Kristen Carpenter and Mr. Belkacem Lounes. She reiterated the importance for the Council that Indigenous Peoples are included in decision-making processes. She then made a link with the International Decade of Indigenous Languages (2022-2032), as many indigenous languages are disappearing, which also puts their culture at risk. **Ms. Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division of the UN Human Rights Office (OHCHR)**, welcomed the two new experts and thanked the two retiring members. She then emphasized the right to self-determination of Indigenous Peoples in Article 3 of the UNDRIP and explained that it is one of the most controversial rights in international law. She added that their right to self-determination can be expressed in many ways, giving the example of indigenous communities who self-quarantined during the COVID-19 pandemic. She also explained that this right is intrinsically linked to other ones, including land, cultural and linguistic rights.

All members of the EMRIP then elected **Ms. Megan Davis as Chair and Mr. Binota Moy Dhamai and Mr. Rodion Sulyandziga as Vice Chairs** of the fourteenth session by acclamation.

Ms. Megan Davis, Chair of the EMRIP, thanked all the EMRIP members for her election. She continued by presenting the work carried out by the EMRIP, such as the two new reports on the rights of the indigenous child and the right to self-determination, for which participants are invited to give their opinion before their submission. She went on to explain that the EMRIP finalized the country visit requested by the Indigenous Peoples of Brazil as well as the country's engagement with Sweden, following the repatriation request of the Yaqui People. She also mentioned that the country visit to Canada is in the preparation stage, as well as the country engagement with Mexico regarding the repatriation of sacred objects.

- *Regional Meeting: Africa and North America*

Ms. Margaret Lokawua, EMRIP Member, welcomed all participants to the regional meeting. She also presented the ["Draft Study and Advice on the Rights of the Indigenous Child under the United Nations Declaration on the Rights of Indigenous Peoples"](#) and the ["Draft Report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: Indigenous Peoples and the Right to Self-](#)

[Determination](#)". The first study aims to give an opportunity to integrate a human and child rights-based approach into the interpretation of the rights of indigenous children under the UNDRIP. The second study focuses on the development of the right to self-determination since the adoption of the UNDRIP, and is linked to the previous EMRIP reports on the right to participate in decision-making processes; recognition, reparation and reconciliation; land rights and Free, Prior and Informed Consent (FPIC), in which the right to self-determination is articulated as the fundamental norm upon which indigenous rights are founded. After this, she invited speakers to share their statement regarding the study on the rights of the indigenous child.

Canada expressed its commitment to improving the rights of its First Nations, especially after the horrific discovery of unmarked graves at former residential schools. The representative mentioned measures that have already been taken by the Government, such as the "*Child First Initiative*", which was launched in 2019 to ensure that Inuit children have access to the health, social and education products, services and supports they need.

The Indigenous Peoples of Africa Co-ordinating Committee (IPACC) stressed that indigenous children do not have access to basic rights to assets such as healthy food, clean water, healthcare and an appropriate education system. The representative added that educational programs do not take into account the culture, languages and identity of Indigenous Peoples. **Association de femmes de Kabylie (Kabylie Women's Association)** denounced the fact that Amazigh children do not have access to courses in Tamazight at school and so are losing their language and culture. **African Indigenous Women's Association** explained that Sub-Saharan Africa is one of the poorest regions in the world and one where indigenous girls do not have sufficient access to education and appropriate health services, and are more likely to face sexual violence and forced marriage than in other regions. Thus, Member States were urged to ensure that girls have the same opportunities and rights as boys do in order to improve their situation. **Assemblée Mondiale Amazighe (Amazigh World Assembly)** condemned the fact that in Morocco numerous Amazigh children drop out of school due to the absence of courses in their native languages. However, the representative shared his wish that the International Decade of Indigenous Languages (2022-2032), adopted by the United Nations, would allow for significant change. **The Assembly of First Nations** urged Canada to support First Nations after the discovery of unmarked graves in former residential schools and asked the Government and the Catholic Church to apologize for the residential schools. The organisation also expressed its wish that this episode in Canadian history be taught in schools. The representative added that the C-15 Bill must be fully implemented in order to improve the rights of First Nations in Canada.¹ **The Gwich'in Steering Committee's Youth Council** denounced the extraction of resources from and in the Gwich'in territories of the Arctic Circle, which is being done without the FPIC of Gwich'in People. **The Indigenous World Organization** spoke about the residential schools in North America, highlighting the intergenerational trauma still present in survivors' communities. The representative recommended that immediate measures be taken to reduce and eradicate the continual removal of indigenous children, adding that Indigenous Peoples must be in charge of their own children, as it is fundamental for self-determination. **Endorois Indigenous Women Empowerment Network** pointed out the lack of access to education for Endorois children, which leads to increased child marriage, teenage pregnancies and discrimination. They explained that indigenous children with disabilities face even more discrimination. For this reason, it was recommended that Kenya consider reviewing the educational system to ensure the inclusion of all children. **IPACC** stressed that indigenous children are left behind in the education system in the African region, a situation that has been exacerbated during the COVID-19 pandemic. The African Governments were therefore recommended to prioritize the health and education of indigenous children. **Congrès Mondial Amazigh (The Amazigh World Congress)** explained that, without a national ID number in Libya, Amazigh children cannot have access to school, so they continue to face discrimination.

1 <https://parl.ca/DocumentViewer/en/43-2/bill/C-15/first-reading>

Ms. Margaret Lokawua, EMRIP Member, opened the floor for questions or comments. **The Assembly of First Nations** commented on missionaries going to indigenous territories and teaching indigenous children, saying that the children should learn their own indigenous religion rather than the missionaries' one, as otherwise it could be seen as a form of indoctrination. **The Coalition for Human Rights of Indigenous Peoples** stressed that when States adhere to compliance with prioritizing the rights of the children, they must report to indigenous children, in particular. **IPACC** explained that the ongoing conflicts in the Sub-Saharan region have a profound impact on indigenous children. **Ms. Erika Yamada, EMRIP Member**, said that it is important to add in the study a paragraph on how to deliver results in a traditional way for indigenous women. **HAI//OM Bushmen Community Development Organisation** shared that the right to self-determination is important, but that the Namibian Government does not respect the Indigenous Peoples when it comes to self-determination.

Ms. Sheryl Lightfoot, EMRIP Member, welcomed all the participants to the second part of the regional meeting, which focused on the study of the self-determination of Indigenous Peoples.

The USA welcomed the report and added that, with regard to the fact that indigenous communities in the country have suffered deeply from COVID-19, the Government has put in place health and education programs and released funds to help Indigenous Peoples during this time.

Association de femmes de Kabylie (Kabylie Women's Association) denounced the repressive policies in Algeria, because indigenous organisations are targeted as terrorist organisations and Indigenous Peoples are being arrested without reason by the Government. **The Coalition for the Human Rights of Indigenous Peoples** shared that in June 2021 Canada adopted the "*United Nations Declaration on the Rights of Indigenous Peoples Act*"². This legislation advanced the implementation of the UNDRIP as a key step renewing the Government's relationship with its First Nations. **Assemblée Mondiale Amazighe (The Amazigh World Assembly)** stressed the importance of the right to self-determination for the Amazigh People and added that, if Indigenous Peoples were granted this right, they could stop many conflicts in the African region. **B.C. Treaty Commission** explained that there are 31 self-determined indigenous nations in active negotiations of treaties and agreements. The representative also asked the EMRIP to add in paragraph 48 of the report the "*United Nations Declaration on the Rights of Indigenous Peoples Act*" previously mentioned by the Coalition for the Human Rights of Indigenous Peoples. **The Namibia Community Affairs and Human Rights Advocacy** acknowledged the efforts made by the Namibian Government to improve the rights and livelihoods of its indigenous communities, although issues remain. **Acal-AZUL** condemned the fact that self-determination is seen as an act of separatism in Morocco. The representative then mentioned the constant discrimination faced by the Amazigh People and urged the Government to respect the UNDRIP. **Congrès Mondial Amazigh (The Amazigh World Congress)** highlighted the constant criminalization faced by Amazigh People in Northern Africa. The representative then called on Member States in the region to respect the UNDRIP and the right of the Amazigh People to self-determination.

Ms. Sheryl Lightfoot, EMRIP Member, opened the floor for questions or comments. **HAI//OM Bushmen Community Development Organisation** has refuted the statement made by the **Namibia Community Affairs and Human Rights Advocacy**, and said that indigenous communities in Namibia are discriminated and oppressed by the Government. **The Assembly of First Nations** asked the US Government what the representative meant by calling the UNDRIP "aspirational". **The Namibia Community Affairs and Human Rights Advocacy** responded to the remark by saying that improvements have been made but challenges are still present and that indigenous communities have to work with the Government.

² <https://www.justice.gc.ca/eng/declaration/about-apropos.html>

Ms. Sheryl Lightfoot, EMRIP Member, made concluding remarks. She underlined the link between the two studies. She said that EMRIP should encourage the dialogue between Member States and Indigenous Peoples. She also added that positive improvements had been mentioned, although challenges are still present. **Ms. Margaret Lokawua, EMRIP Member**, commented on the situation in the African region. She said that, although most African countries recognize the rights of Indigenous Peoples, in practice their rights are not respected, especially with regard to land, security and education. She added that Indigenous Peoples lack their right to self-determination.

Tuesday, 13 July

- *Regional Meeting: Pacific and Asia*

Mr. Binota Moy Dhamai, EMRIP Member, welcomed all participants to the session. He thanked the EMRIP members for his election as Vice Chair. He then invited speakers to share their statement regarding the study on the rights of the indigenous child.

Australia reaffirmed its support to the UNDRIP and the Aboriginal and Torres Strait Islander Peoples' right to self-determination. The Government also shared its will to protect indigenous children, which is why Australia is keen to fully implement "Closing the Gap", a strategy that aims to reduce discrimination faced by Aboriginal and Torres Strait Islander Peoples in the country. **New Zealand** reiterated its commitment to improving the rights of Māori children, since they still represent the largest number of children incarcerated. Therefore, the Government established the Oranga Tamariki – Ministry for Children in 2017, which has the mission of supporting Māori children through different programs.

The Group of Indigenous Children of Bangladesh has denounced the fact that the school programme is discriminatory, as indigenous children in Bangladesh do not have adequate access to a proper internet connection, lessons in their native tongue and sometimes even teachers. The **Khmers Kampuchea-Krom Federation** asked the EMRIP for help to create a study to understand why children in the Mekong Delta region are so behind the other children in Vietnam when it comes to education. **An Aboriginal Youth from Australia** called on the Australian Government to add Aboriginal People to history books, to allow education in native languages and to stop the constant criminalization of Aboriginal People, especially children. **The Maleya Youth Group, Bangladesh Indigenous Peoples Network on Climate Change and Biodiversity (BIPNet) and Maleya Foundation** recommended that, as indigenous children are not recognized in Bangladesh, the Government recognize their rights and ensure that the customs, health and lands of Indigenous Peoples are recognized. **The New Zealand Human Rights Commission** explained that Māori children continue to face discrimination; for example, they represent 68% of children in State Care and 80% of those incarcerated. Thus, the representative recommended that the Government work with the Māori People to respect their right to self-determination and improve the rights of their children. **The Bangladesh Indigenous Youth Forum** denounced the fact that Indigenous Peoples are constantly being evicted from their lands and that the women are victims of violence. All of this has a profound impact on the country's indigenous children, who are losing their culture, so the representative requested the EMRIP to undertake a country visit to Bangladesh. **Ton Kla Indigenous Children and Youth Network** called on the Thai Government to stop hindering the fundamental rights of indigenous children and to facilitate their access to the educational system. **The Asia Indigenous Peoples Caucus** emphasized that indigenous children are the most vulnerable and that the violation of land rights affects the intellectual, emotional and spiritual aspects of their health and development. The Caucus urged the EMRIP to call on Member States to recognize their rights to self-determination, land and resources, as well as to provide urgent protection to those suffering from human rights violations in the region. **Whareroa marae, and the Ngāti Kuku Māori Peoples**

condemned the fact that industries pollute Māori land with chemical waste, which has a profound impact on the health of Māori children in the long term, as well as on the elders. The representative consequently asked the New Zealand Government to cease the activities of these industries. **The Bangladesh Jatiya Hajong Sangathan** called for equitable access to education and health for indigenous children.

Ms. Hannah McGlade, Member of the Permanent Forum, denounced the failure of the Australian Government to properly give reparations to the Aboriginal People, who were the victims of the Stolen Generations. She added that Aboriginal children still represent 56% of children placed in State Care and that they are victims of numerous abuses. She went on to say that the age of incarceration should be moved from 10 to 14 years old. For these reasons, she recommended the EMRIP to make a country visit in Australia, and the Australian Government to respond to the report of the Australian Law Reform Commission report entitled, “Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples”³, published in March 2018.

UNICEF, East Asia and Pacific Region, congratulated the EMRIP for its study on indigenous children. The representative added that, by defending their rights, many indigenous children are discriminated against as human rights defenders, which is why UNICEF defends their right to freedom of expression.

Ms. Megan Davis, Chair of the EMRIP, welcomed all the participants for the second part of the regional meeting, which focused on the study on the right to self-determination of Indigenous Peoples.

Indonesia requested the EMRIP to delete the information relating to the country and the self-determination of Indigenous Peoples in West Papua in paragraph 37 of the report as it no longer reflects the reality of the situation. Second, the representative added that the EMRIP should not undermine the territorial integrity of Indonesia in its report. **New Zealand** expressed its support to the Treaty of Waitangi and explained that the relationship between the Māori People and the State must be rethought. The Te Puni Kokiri – Ministry of Māori Development is thus taking actions such as promoting the Māori language and encouraging Māori people to participate in local and national politics.

The Inter State Adivasi Coordination Committee denounced the fact that the Indian Government does not protect indigenous lands, but instead evicts its owners. The representative recommended that India recognize the autonomy of Indigenous Peoples, respect their land rights, release “under-trials” and retract repressive laws. **The Seventh Generation Fund for Indigenous Peoples/Aotearoa Independent Monitoring Mechanism** called on the EMRIP to guide New Zealand in fully protecting the human rights of Māori People, as several have been killed and harassed online due to the rise of white supremacists. The EMRIP was also called on to provide guidance to New Zealand to work with experts and indigenous representatives to develop a National Action Plan, which reflects the UNDRIP. **The Indigenous Peoples Organisation Australia** recommended that the EMRIP undertake a study on the use of historical and contemporary treaties and agreements to implement the UNDRIP with specific reference to self-determination and the right to political, legal, economic, social and cultural institutions, as well as to lands, territories and resources, as outlined in the UNDRIP. **NSWALC** pointed out that the “Uluru Statement from the Heart”⁴ has not been implemented by the Australian Government, although it would allow Aboriginal People to have a voice in the laws and policies that are made about them. **The Khmers Kampuchea-Krom Federation** denounced the fact that Vietnam does not respect the right to self-determination of Khmer People, especially with regard to their land rights. **The National Native Title Council-Australia** explained that the Juukan Gorge in Western Australia was destroyed by an extractive industry, which has impacted Aboriginal People as it was one of

3 <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>

4 <https://ulurustatement.org/the-statement>

their sacred sites. The representative therefore recommended the protection of these sites. Another member of the **Indigenous Peoples Organisation of Australia** stressed that Aboriginal People have a right to FPIC, especially since they are directly confronted with the effects of climate change. The Australian Government should therefore include Aboriginal People in their decision-making processes. **The New Zealand Human Rights Commission** stated that for Indigenous Peoples the enjoyment of self-determination is part of human rights. For this reason, the State was urged to ensure the Māori People's right to self-determination in all areas, including: the justice sector; child protection and education; natural resource management; actions related to addressing climate change; and COVID-19 responses. **The Asia Indigenous Peoples Caucus** emphasized that autonomy and self-determination are crucial for the survival and continuity of Indigenous Peoples, which is why States must recognize the right to self-determination of Indigenous Peoples and their systems of governance. **Whareroa marae, and the Ngāti Kuku Māori Peoples** denounced the historical crimes and ongoing violence against Ngāti Kuku Māori People and called for an end to chemical pollution on Māori lands as it has a negative impact on their health. **The Lawyers' Association for Human Rights of Nepalese Indigenous Peoples** explained that the Nepalese Government has not recognized the right to self-determination and autonomy of its Indigenous Peoples and called on Nepal to do so in order to comply with the UNDRIP. **The Global Naga Forum** called for the resolution of the ethnic conflict between India and Myanmar in Nagaland, as the Naga People are at the centre of it, and for the EMRIP to conduct a country visit to India, as its army has inflicted human rights violations on the Naga People.

Ms. Hannah McGlade, Member of the Permanent Forum, explained that the Australian Government is not giving sufficient effort to supporting the important principle of Aboriginal self-determination or other relevant UNDRIP principles. She added that Aboriginal People should have the right to participate in decision-making processes, especially those regarding their cultural heritage; she gave the example of the destruction of Jukaan Gorge by a mining company.

Ms. Megan Davis, Chair of the EMRIP, opened the floor for questions or comments on the study. **The Seventh Generation Fund for Indigenous Peoples/Aotearoa Independent Monitoring Mechanism** asked what the EMRIP can do about the rise of white supremacy in New Zealand.

Ms. Megan Davis, Chair of the EMRIP, made concluding remarks. She spoke about her experience with regard to child protection of Aboriginal children and explained that many were taken from their families on the basis of a misleading statement in the Court. For this reason, Indigenous Peoples' voice and rights to self-determination should be listened to and respected. She also spoke about the "Uluru Statement from the Heart", which she said would allow Aboriginal people to have a voice in the laws and policies of the Government. **Mr. Binota Moy Dhamai, EMRIP Member**, summarized the regional meeting and highlighted some of the main issues faced by indigenous children, such as a lack of access to the education system in several countries as well as being at the centre of conflicts.

- *Regional Meeting: The Arctic; Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia*

Mr. Rodion Sulyandziga, EMRIP Member, welcomed all the participants to the regional meeting. He then invited speakers to share their statement regarding the study on the rights of the indigenous child.

Ukraine explained that the State will provide better opportunities to study indigenous languages, and that Indigenous Peoples will be able to create their own state support needs while being guaranteed their right to protection from discrimination, deprivation of cultural awareness, deprivation of property and forced

assimilations. **The EU** stressed the importance of Indigenous Peoples fully participating in relevant human rights and development processes, in particular since human rights defenders protecting their lands are under attack. Finally, Member States were recommended to ensure access to quality education with a special focus on indigenous languages as they are a transmitter of culture and heritage.

The Sámi Parliament in Finland expressed its concern that colonial policies still affect the Sámi People in Finland to this day; indeed, Sámi children do not receive education in Sámi languages and therefore are losing their culture. **The Aborigin-Forum Network** explained that indigenous children in remote areas do not have sufficient access to education in their region; as a result, many have to go to boarding schools, causing them to lose their native tongue. For this reason, the Russian Federation should improve their access to the education system. **The Sámi Parliament in Norway** denounced the fact that Sámi children cannot have access to education in their native language, which endangers the language as well as their culture. Therefore, Norway was called upon to protect the rights of Sámi children. **The Inuit Circumpolar Council and Human Rights Council of Greenland** shared the high number of issues faced by the Inuit children, such as suicide, domestic violence and sexual violence, and added that data should be collected in a better way as it often consists only of what States are willing to share. Thus, States and the UN, including UNICEF, were recommended to disaggregate data that reflects the conditions of indigenous children. **The Saami Council** indicated that Sámi children do not have the same rights as other children in Finland, Sweden, Norway and Russia, in particular with regard to their right to study in their Sámi languages. The representative recommended that these States provide the same opportunities to all children. **RAIPON** spoke about education conducted in indigenous languages in the Russian Federation and described how, although there are now more indigenous children studying in their mother tongue, the material is not sufficient as those in remote areas do not have a good internet connection. **The Sámi Parliament of Sweden** said that the report should include a more in-depth analysis of indigenous children's exposure to racism and hate crimes. The representative also denounced the land grabbing of the Sámi territories in the name of green climate solutions. **The Union of Indigenous Peoples "Soyuz"** explained that indigenous children in remote areas of the Russian Federation do not have access to a good internet connection, which has impacted their education in general.

UNICEF Denmark's Greenland office shared concern about the higher risk for Inuit children of witnessing domestic violence, especially as studies have shown that children with trauma will have more problems with regards to education and mental health. Consequently, the Government of Greenland must pay attention to the growing inequalities in relation to poverty, housing, education, etc., in the society in general.

Mr. Rodion Sulyandziga, EMRIP Member, made some remarks before opening the floor for questions or comments on the study. He expressed his condolences to the families of the victims of residential schools in Canada and added that, unfortunately, in all the indigenous regions, there is always a dramatic event happening to indigenous communities. **Ms. Sheryl Lightfoot, EMRIP Member**, asked if there was an update on the truth and reconciliation process. **The Sámi Parliament in Finland** responded to Ms. Lightfoot's question by explaining that they are discussing technical details of how the Commission and the mandate should be implemented with sufficient resources in Finland. **The Human Rights Council of Greenland** explained that there is a reconciliation commission; however, no commission was established at the same time in Denmark, which makes the reconciliation process difficult. **The Sámi Parliament in Norway** also responded to the question and said that the Commission had received an extension of its mandate due to the COVID-19 pandemic and added that the process should be seen as a national process, not only as a Sámi process. **UNICEF Denmark's Greenland office** added an element on the ongoing traumas and said that the residential schools case in Canada is not unique, as indigenous children still face violence today.

Ms. Laila Vars, EMRIP Member, acknowledged the trauma suffered by the families of the victims of unmarked graves in residential schools, adding that true healing and reconciliation will require a long journey of generations and a lot of work to heal that harm. She then welcomed the participants to the second part of the regional meeting, which focused on the study on the right to self-determination of Indigenous Peoples.

The Russian Federation explained that the State has a non-discriminatory approach to children's rights, which includes education in indigenous languages, access to digital technologies and the establishment of schools even in remote areas. Moreover, the State shared its support to a certain form of autonomy for Indigenous Peoples. **Denmark (on behalf of Canada, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden and Denmark)** stated that self-governance and autonomy are the core of Indigenous Peoples' right to self-determination and can facilitate their significant political, economic, social and cultural gains. The example of Greenland was given, as the right to self-determination has been facilitated there at the request of the Inuit People.

The Sámi Parliament of Sweden shared that the Sámi Parliament, the highest representative institution of the Sámi People, is subject to the State's directives and instructions, and the dependence is becoming particularly problematic in times of political turmoil. Thus, Sweden was recommended to accept an act of consultation with the Sámi People, which will improve their right to participate in decision-making processes affecting them. **The Inuit Circumpolar Council** explained that Inuit People's sovereignty does not lie in a territorially bound State, but instead invests in the Inuit relationships and physical ties to their native lands. Moreover, with the increasing geostrategic nature of the region, they demand respect for their right to self-determination, as well as their rights to land, territories and resources, including the coastal seas of the Arctic Ocean. **The Saami Council** explained that the Sámi Parliament had little influence in the decision taken regarding the Sámi languages, culture and status as Indigenous Peoples in Finland. It was added that the draft bill proposed by Sweden on matters of consultation with Sámi People is incomplete, as it does not meet the requirements of national and international law on their rights. **The Aborigin-Forum Network** condemned the lack of self-determination and self-governance for small-numbered indigenous communities in the Russian Federation. The representative also denounced the fact that they do not have free access to resources, land and water and that they are not allowed to choose their own economic activities. **The Sámi Parliament in Finland** explained that the Sámi Parliament is funded by Finland; however, although the Government has recognized the right to self-determination of Sámi People, the implementation of the right is difficult and does not respect the rights of the Sámi People as expressed in national and international law. **The Union of Indigenous Peoples "Soyuz"** spoke about a program that supports the traditional economy of Indigenous Peoples in the Taimyr, Krasnoyarsk region. **The Sámi Women's Forum** talked about an unconstitutional law in the Russian Federation, which has passed and which requires registration as Sámi People before being allowed to access natural resources and receive support from the Government. **The Unrepresented Nations and Peoples Organization** said that self-determination should be seen as a human right and as a powerful tool of peace; this includes providing a roadmap with justice. **L'Assemblée des Arméniens Occidentale (The Western Armenian Assembly)** denounced the ongoing attacks in Western Armenia by the armed forces of Turkey and Azerbaijan. The representative requested the Special Rapporteur to hold a meeting to address this situation. The **NGO, "Yakutia – Our Opinion"** condemned the environmental crisis occurring in the Ural region of the Russian Federation as nuclear waste poisons indigenous lands and, consequently, Indigenous Peoples.

Ms. Laila Vars, EMRIP Member, opened the floor for questions or comments on this study. **Ms. Sheryl Lightfoot, EMRIP Member**, asked two questions. The first concerned the accuracy of the paragraph

regarding the Nordic Sámi Convention. The second was to know whether self-developed protocols for consultation, cooperation and consent were implemented in the Arctic, Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia. **Mr. Binota Moy Dhamai, EMRIP Member**, asked whether the report of the Human Rights Committee concerning the case of the electoral role of the Sámi Parliament in Finland addressed the question of self-determination in practice. **The Sámi Parliament in Finland** responded to the question of Mr. Dhamai by saying that the report does highlight the right to self-determination of Sámi People, but that it could go more in depth regarding the functions of self-governance and autonomy. **The Human Rights Council of Greenland** added an element regarding the statement of the Nordic countries, stressing that their organisation seeks self-determination as the people of Greenland, including non-indigenous peoples. **The Saami Council** indicated that they are preparing a country visit request for Norway to the EMRIP, due to the increase in industrial projects, which have negative effects on Sámi lands. **The Union of Indigenous Peoples “Soyuz”** spoke about the program for economic activities in the North Russian Federation, which was mentioned by the Aborigin-Forum Network, and expressed its regret, as experts among Indigenous Peoples took part in the development of this programme.

Mr. Rodion Sulyandziga, EMRIP Member, made concluding remarks. Regarding self-determination, he said that, in many countries that are home to Indigenous Peoples, the very term, “self-determination”, is complicated as it refers to land rights. He added that Indigenous Peoples rely on land where there is another dominant population living, and this means that they encounter difficult situations where the dominant part of the population sees minority groups as a threat and thus often denies them their self-determination, despite their prior historical rights. **Ms. Laila Vars, EMRIP Member**, also shared some thoughts about the session. She said that the right to self-determination is one of the fundamental rights of the UNDRIP and noted that this right is linked to other important ones, such as the right to land, water, resources, etc. Regarding the draft report on indigenous children, she added that the EMRIP should focus on racism and hate crimes towards indigenous children and youth.

Wednesday, 14 July

- *Regional Meeting: Central and South America and the Caribbean*

Ms. Margaret Lokawua, EMRIP Member, welcomed all the participants to the session. She then invited speakers to share their statement regarding the study on the rights of the indigenous child.

Mexico shared that the Constitution recognized the right to self-determination and autonomy of Indigenous Peoples in 2001, and that, currently, the State is discussing a new reform aimed at strengthening the effective enforcement of these rights. **Guatemala** explained that there are two key aspects to strengthen the development of Indigenous Peoples, which the Government follows, namely political participation and other actions to promote their self-determination, such as the right to consultation on matters affecting them. **Brazil** spoke of indigenous communities who decided to isolate and self-govern during COVID-19 as an example of the use of the right of self-determination. The representative added that Indigenous Peoples in Brazil have the power to decide on the use of their lands, in accordance with their customs and traditions, and with ILO Convention 169.

La declaración conjunta de organizaciones de mujeres y jóvenes indígenas de América Latina y el Caribe (Joint statement of indigenous women and youth organisations of Latin America and the Caribbean) explained that indigenous children in the region are facing problems, such as forced displacement, the influence of organized crime, and the forced disappearance and ongoing militarization of indigenous areas. All of this makes it difficult for them to exercise their rights, autonomy, free development and access to

opportunities. Indigenous girls are also the victims of forced marriages, and sexual and domestic violence. Member States were thus called on to recognize indigenous children's rights and indigenous girls as rights-holders. La **Red de Jóvenes Indígenas de América Latina (Indigenous Youth Network of Latin America)** shared that indigenous girls and women face more discrimination in the region than indigenous boys and men, especially when it comes to education and land rights. This is why the representative encouraged the EMRIP to consider gender in its study. **Cultivarte** highlighted how difficult it is for indigenous children to obtain information in their indigenous languages in Mexico. The representative recommended to the State that the teaching and use of indigenous languages at the government level be compulsory. **The International Disability Alliance** spoke about the discrimination that Indigenous people with disabilities, especially women and girls, face, even in their own indigenous communities. Thus, the EMRIP was recommended to conduct a study on indigenous women with disabilities to understand, accept and guarantee their rights. La **Defensoría del Pueblo de Ecuador (The Defense of the People of Ecuador)** pointed out two environmental cases that occurred in Ecuador: the first was the pollution of the Amazon region by the oil industry, and the second was the spilling of oil in nature. Both of these cases have deeply affected the health of indigenous children in the region and should be prohibited from recurring through policies. **An Indigenous Wayuu Child from Venezuela** spoke out against the impact of the COVID-19 pandemic on the Wayuu People and called for priority care because indigenous children are the future. **A representative of the Mayangna People in Nicaragua** explained how the State does not sufficiently recognize the Mayangna People's rights to their lands, in particular, as their lands are invaded and their defenders attacked. Nicaragua was recommended to ensure effective participation of Mayangna People so that they may fully enjoy their land rights. El **Movimiento de Mujeres Indígenas Tz'ununija (The Tz'ununija Indigenous Women's Movement)** condemned the discrimination faced by indigenous girls and women, including exploitation, and sexual and domestic violence, and they recommended that the EMRIP contribute to the promotion of indigenous women's rights. **La Defensoría del Pueblo del Perú (the Peruvian Ombudsman Office)** talked about the discrimination faced by indigenous women in Peru, especially the sexual violence, and recommended that the State implement comprehensive strategies with an intercultural approach.

UNICEF's regional office for Latin American and the Caribbean recalled that, when indigenous children stand up to defend their rights, they face high levels of risk as human rights defenders. The representative also underlined the gap with regards to education between indigenous and non-indigenous children and asked Member States to work on this issue by, for example, incorporating the use of indigenous languages.

Ms. Sheryl Lightfoot, EMRIP Member, welcomed all the participants for the second part of the regional meeting, which focused on the study on the right to self-determination of Indigenous Peoples. Before inviting the speakers to read their intervention, she gave the floor to **Ms. Erika Yamada, EMRIP Member**. The latter acknowledged some of the issues, which were mentioned during the first part of the meeting, in particular with regards to land rights, indigenous languages and Indigenous Peoples with disabilities. She also thanked the participants for their proposals.

Bolivia shared the country's strategic plan for the International Decade of Indigenous Languages (2022-2032), which is linked to the establishment of the "Instituto Iberoamericano de Lenguas Indígenas" (Iberoamerican Institute of Indigenous Languages), which aims to promote, preserve and revitalize indigenous languages. **The Bolivarian Republic of Venezuela** declared that Indigenous Peoples in the country have the right to participate in the Constitution, which guarantees their representation in the National Assembly, in Parliament, and in the decision-making bodies that have an indigenous component. **Spain** reiterated the importance of the right to FPIC, as enshrined in ILO Convention 169, as well as the right to self-determination of Indigenous Peoples. The State also shared its support for indigenous women and

girls, who are discriminated against twice for being both women and indigenous. **Panama** explained how the country has worked with Indigenous Peoples in the country to make sure that their rights are respected in agreement with the UNDRIP.

Ka' Kuxtal Much Meyaj A.C./México denounced the ongoing projects on Maya People's lands, quoting Trin Maya project, which result in the pollution and overexploitation of their lands' water resources. These projects were done without their FPIC, despite the latter being enshrined in ILO Convention 169, which is why Mexico was called on to respect their right to self-determination. The **Yamasi People** called on the EMRIP to study the practice of title deeds in order to counter policies and practices which, without the consent of Indigenous Peoples, transfer ownership of indigenous territories and resources to non-indigenous economic entities created by and for the States. **FILAC** underlined the importance for Indigenous Peoples to exercise their right to self-determination, as it improves other outcomes in all areas of their lives. For this reason, Member States were encouraged to fully implement the UNDRIP by recognizing Indigenous Peoples' right to self-determination. **Foro Penal Venezuela** explained that, although the rights of Indigenous Peoples were recognized in the Constitution of Venezuela in 1999, the State is the main violator of their collective and individual rights, naming as examples the creation of the mining area of the Orinoco Region and the elimination of their rights to vote in the Parliament. **Indigenous Peoples Rights International** shared how the exercise of Indigenous Peoples' right to self-determination has been hampered by actions and omissions on the part of the Colombian State in defending their right to lands, territories and resources, as well as the life of human rights defenders. Colombia was recommended to take the necessary measures to investigate and sanction perpetrators of attacks against human rights defenders. **ANIPA/Red Indígena** said the rights to self-determination and FPIC do not exist by themselves per se in Mexico. Consequently, the representative stressed the need to establish community centres, as this would allow Indigenous Peoples to be aware of their rights, especially in remote areas. **Conselho Indigenista Misionario (The Indigenous Missionary Council)** condemned the actions taken by the Brazilian Government and explained that more than 30 bills are currently passing through the Congress that violate the recommendations that were made. **Asociación de Pueblos y Ayllus Indígenas Qhana Pukara Kurmi** denounced activities affecting indigenous communities in Bolivia, such as the mining activity in the Amazon and in the high Sierras, which took place without the FPIC of Indigenous Peoples. The representative recommended that the EMRIP conduct studies on the violations of Indigenous Peoples' FPIC. **The Kayambi People's Confederation** explained that the Kayambi People in Ecuador should enjoy 21 collective rights according to the Ecuadorian Constitution, such as self-governance. However, during the COVID-19 pandemic, decisions were made by the State and imposed without their FPIC. **The lawyer** for Professor Bernardo Caal Xol spoke about his client's wrongful imprisonment for defending the right to self-determination of Indigenous Peoples in Guatemala. The representative thus called on the EMRIP to ensure a public declaration on his plight.

Ms. Sheryl Lightfoot, EMRIP Member, opened the floor to the EMRIP experts to allow them to share their comments. **Mr. Binota Moy Dhamai, EMRIP Member**, highlighted the fact that many multinational companies or organisations do not really follow the FPIC of Indigenous Peoples as enshrined in international human rights law.

Ms. Margaret Lokawua, EMRIP Member, made concluding remarks. She stressed that the rights of Indigenous Peoples are continuously violated, which is why she encouraged them to keep fighting to ensure that their rights are upheld. **Ms. Sheryl Lightfoot, EMRIP Member**, stressed that the increased recognition of Indigenous Peoples' rights to self-determination inevitably leads to better implementation of that right and can lead to the improvement of their lives. She also expressed concern regarding the attacks against human rights defenders, especially when they are children.

Thursday, 15 July

- Discussion on the “Country Engagement”

Ms. Laila Vars, EMRIP Member, welcomed all participants to the meeting. She explained that the aim of the session was for the EMRIP to share experiences and lessons from the country engagements that they have conducted with Indigenous Peoples and the States of New Zealand, Sweden, Mexico, and Brazil, as well as the future country engagement with Japan. She also mentioned that the EMRIP is currently discussing a visit to Canada, and it has received several other requests for country visits, including to countries such as the Democratic Republic of Congo, Kenya, the Russian Federation and Australia, to name a few.

The representative of **New Zealand** explained that the country was visited by the EMRIP in April 2019, in response to a request from the Aotearoa Independent Monitoring Mechanism on behalf of the National Kiwi Chair Forum and the New Zealand Human Rights Commission. The objective was to provide advice on the development of a National Action Plan to achieve the ends of the UNDRIP. Following the visit, a technical working group was established to share its advice on the next steps for in developing a National Action Plan. Unfortunately, the COVID-19 pandemic has significantly slowed down the process. However, the Government is committed to making real progress and to undertake more public consultation in 2022 with the Māori People. **The Aotearoa Independent Monitoring Mechanism and the New Zealand Human Rights Commission** added that the visit could not have taken place without the help and support of Dr. Claire Charters, as Chair of the Declaration Working Group. The latter explained that the Working Group was made up of nine experts on indigenous rights who prepared a report naming concrete actions that would require a broader commitment from the State. Then the representative of the Aotearoa Independent Monitoring Mechanism added that the National Action Plan will be released in February 2023.

The representative of the **National Museum of World Culture in Sweden** explained that they received a request from the Yaqui People for the repatriation of one of their sacred objects, the Maaso Kova. As the Yaqui People claimed that the acquisition had happened without their consent, but nothing seemed to justify this hypothesis, the museum had to initiate an investigation process. This included visits on Yaqui territories and a discussion with the Maaso Kova Committee. Subsequently, at the request of the Yaqui People, the EMRIP was invited to provide guidance. The solution, adopted by all parties, was that a return could be effected on the basis of Article 15 of the 1970 UNESCO Convention and Article 12 of the UNDRIP. The representative of **Mexico** also took part in the discussion, as the Yaqui People live at the border between Mexico and the U.S. The National Institute of Indigenous Peoples met in 2019 with the Yaqui People and local organisations to discuss the repatriation of the Maaso Kova. In addition, the Government has also started a request for the repatriation of 23 other sacred objects, but they have been informed by the Swedish Government that it could take time due to COVID-19. Finally, the representative said that a ceremony to be shared between the U.S. and Mexico is being planned to welcome back the Maaso Kova. Then the **Chairman from the Yaqui People** expressed his gratitude to all representatives of the Yaqui People and Governments who participated in the repatriation process. **The President of the International Indian Treaty Council (IITC)** reviewed the history of the repatriation process. She explained that in 2003 she was invited by the Sámi Parliament to participate in an event to commemorate Indigenous Peoples at the National Museum of World Culture in Stockholm, and she soon discovered that the sacred Maaso Kova was there in the museum. After having researched its acquisition, she understood that the sacred object had been taken by two Danish anthropologists in 1939. Finally, she said that the repatriation process took 18 years, and she thanked the EMRIP and the Sámi People for their support during this complicated process.

The representative of **Brazil** explained that a country visit with the EMRIP was held virtually at the request

of several agencies, including SESAI, FUNAI and AIPB, to discuss the situation of its indigenous communities since the start of the COVID-19 pandemic. As explained by the representative, Brazil has worked with indigenous representatives and the previously-mentioned agencies to develop a vaccination plan, adding that they have been given priority with regard to the vaccine. Brazil added that the State takes the ongoing violation of indigenous territories very seriously and that official surveillance is ongoing. Then **the lawyer representing COIAB** said that, despite the language barrier, as the UN system does not include Portuguese, the country engagement process is very helpful for Indigenous Peoples. However, she denounced the fact that, since the visit, the Government has drafted Bill PL490, which will allow mining activity in indigenous territories. For this reason, she requested the EMRIP to urge Brazil to implement the recommendations of Indigenous Peoples.

The representative of **Japan** briefly indicated that, at the request of the Hokkaido Ainu Association, the Government will receive the EMRIP for a country engagement as soon as COVID-19 allows. The aim is to discuss how Japan can improve the rights of the Ainu People.

Ms. Laila Vars, EMRIP Member, gave the floor to the EMRIP experts to allow them to share their comments or questions. **Mr. Rodion Sulyandziga** thanked all the representatives of States and Indigenous Peoples for their presentations. He asked a question about post-pandemic development involving whether there are any long-term programs geared towards Indigenous Peoples who reside on places where mining activities are taking place. **Ms. Margaret Lokawua** thanked States for their involvement and expressed her wish that Indigenous Peoples' rights improve. **Ms. Sheryl Lightfoot** thanked everyone for the updates as a new member of the EMRIP. She added that she took part in the expert seminar concerning the repatriation of the Maaso Kova. She then asked if there were any specific follow-ups by the EMRIP that would be helpful in advancing these issues. **Ms. Laila Vars** answered her question. She said that the EMRIP not only gives technical advice to parties, but parties also provide information to the EMRIP on how they could further develop the mandate and how they can help and ensure that parties find solutions.

- *Discussion on the "Interactive dialogue with the Treaty Bodies"*

Mr. Rodion Sulyandziga, EMRIP Member, welcomed all participants to the meeting on Treaty Bodies. He added that the EMRIP has always appreciated the sharing of experiences, practices and jurisprudence on the work of Treaty Bodies, and that the forum has never before had the opportunity for an exchange with so many people.

Ms. Gladys Acosta Vargas, Chair of the Committee on the Elimination of Discrimination Against Women (CEDAW), explained that they received 70 written proposals from States and indigenous women for their General Recommendation on the Rights of Indigenous Women and Girls, which will be adopted by CEDAW in 2022. She added that, throughout the process, they witnessed the crucial role that indigenous women and girls play in their communities as healers, human rights defenders, etc., as well as the discriminations they face. This is why the recommendation would provide guidance to States on the measures they should adopt to ensure full compliance with their obligation to respect their rights. **Ms. Chinsung Chung, member of the Committee on the Elimination of Racial Discrimination (CERD)**, shared that for the years 2020 and 2021 they have considered 13 situations regarding Indigenous Peoples that need to be addressed. These include 1) land and territories affected by development projects without their FPIC; 2) violence against indigenous communities and human rights defenders; and 3) effect of the COVID-19 pandemic on Indigenous Peoples. In light of this, she called on Member States to use General Recommendation No. 23 on the Rights of Indigenous Peoples, which was adopted in 1997, as a guidance tool. **Ms. Hynd Ayoubi Idrissi, Vice Chair of the Committee on the Rights of the Child (CRC)**, welcomed and thanked the EMRIP for

its “Draft Study and Advice on the Rights of the Indigenous Child under the United Nations”. She then referred to two major concerns of the CRC. The first is the impact of the COVID-19 pandemic on indigenous children in the long term, especially as they have had difficulty accessing health care, including mental health care. The second is the need to improve data collection and aggregation, as indigenous children should be more visible in the policies adopted. She gave the example of the high number of indigenous children in the justice system. **Ms. Photini Pazartzis, Chair of the Human Rights Committee**, said that the Committee’s task is to ensure that Indigenous Peoples’ rights are protected in the civil and political rights of Member States. She gave the example of the State of Finland having been recommended by the Committee to speed up the process of revising the “Sámi Parliament Act”. She also explained the work and recommendations that have been made to Kenya, especially regarding the right of Indigenous Peoples to land, as they are often evicted from it. Lastly, she noted that the Committee in July 2020 adopted General Comment No. 37 on the right of peaceful assembly.

Mr. Rodion Sulyandziga, EMRIP Member, gave the floor to the EMRIP experts to allow them to share their comments or questions. **Ms. Sheryl Lightfoot** shared her appreciation for the increased focus over the past decade on the human rights of Indigenous Peoples across all of the Treaty Bodies. However, she expressed her concern about the rise of the activities of extractive industries. **Ms. Margaret Lokawua** asked the panellists about the level at which the agencies monitor the UNDRIP with regard to the activities of Member States. **Mr. Binota Moy Dhamai** asked how the EMRIP and these agencies could work together to address the challenges mentioned and collectively promote human rights. **Ms. Photini Pazartzis** stressed that the Human Rights Committee tries to include concerns as follow-up issues so that progress can be seen even before States return to evaluate it in their subsequent reports. **Ms. Gladys Acosta Vargas** said that, when it comes to the attacks on human rights defenders, all the UN Agencies should speak up to denounce such human rights violations.

Friday, 16 July

- *Human Rights Council Intersessional Roundtable*

Ms. Nazhat Shameem Khan, President of the Human Rights Council for 2021, welcomed all participants to the session. She explained that the virtual intersessional roundtable had been mandated by the HRC by resolution 45/12 of 2020 and resolution 42/19 of 2019 on human rights and Indigenous Peoples, with the full and effective participation of Indigenous Peoples’ representatives and institutions of the seven indigenous sociocultural regions represented at the EMRIP session. The Council resolution 42/19 called on participating Indigenous Peoples to nominate a Co-Chair for the round table. Sadly, Mr. Estebancio Castro-Diaz, who had been nominated, passed away following his appointment. She therefore introduced the new Co-Chair for the meeting, Mr. Kenneth Deer, who was nominated to replace Mr. Diaz by the Temporary Committee, which was established during the Second Dialogue Meeting on Enhanced Indigenous Peoples’ Participation in Quito, Ecuador, in January 2020. **Ms. Mona Rishmawi, Chief of the Rule of Law, Equality and Non-Discrimination Branch, Office of the United Nations High Commissioner for Human Rights**, stressed the importance of establishing ways and means of ensuring the full participation of Indigenous Peoples in matters affecting them. She encouraged all the UN mechanisms to enable Indigenous Peoples to make their voices heard, as the EMRIP, the Treaty Bodies and the WIPO have. **Mr. Kenneth Deer, Co-Chair for the Human Rights Council Roundtable**, welcomed all participants and shared his condolences, saying that Mr. Estebancio Castro-Diaz should have been the one in his place.

Cameroon shared its wish to include Indigenous Peoples in various mechanisms to ensure respect for their rights, particularly in view of the current debate on environmental and land issues. The representative

added that the State is working to put in place legislation for dialogue with Indigenous Peoples to prevent discrimination and silence by promoting the application of FPIC. **Canada** underscored its belief that Indigenous Peoples should be able to participate and be heard in decisions affecting them at all levels with regard to the WCIP Outcome Document. The representative went on to say that an expanded process is needed when providing a mechanism or procedure for Indigenous Peoples' accreditation based on self-determination and self-identification. **Ecuador** stressed the importance of enhancing the participation of Indigenous Peoples in decision-making processes and gave an example of what has been done in the country, namely the creation of a committee in 2019 for the International Year of Indigenous Languages. **New Zealand** pointed out that the UNDRIP guarantees Indigenous Peoples' right of self-determination, to be free from discrimination and to participate in decisions that affect them. The representative went on to say that the State strongly believes that they should be able to participate and be heard in the decision-making processes affecting them at all levels, both nationally and internationally. **The Philippines** explained that the State has established a National Commission on Indigenous Peoples to promote, protect and advance their rights. The representative added that they are encouraged in the country to participate in local decision-making bodies. **The Russian Federation** shared the importance of the participation of Indigenous Peoples, but the State also understands how difficult it can be to increase their participation in existing realities with full respect for the rules of procedure of the various bodies and the UN Charter. Then questions on the technical aspect of their participation were raised, for example, how would they be considered as representative bodies, given that they currently have the same status as NGOs, and what will happen if Member States do not recognize their representative bodies. Finally, Member States were called upon to assess the existing realities, study the details and avoid trying to put pressure on one another. **Denmark** said that enhancing the participation of Indigenous Peoples is going too slowly in the UN system. However, the State recognizes that it might take a long time before the General Assembly really revisits the process in a satisfactory manner; thus, as much progress as possible should be maintained at the HRC.

Mr. Tuomas Aslak Juuso, Representative of Indigenous Peoples from the Arctic region, recommended that the HRC and Member States pay careful attention to the Quito Outcome Document, and in particular to the recommendations relating to the HRC, including those requesting the President of the HRC to conduct timely representative and transparent consultations in negotiations with Member States and representing Indigenous Peoples on enhanced participation. **Mr. Gam A. Shimray, Representative of Indigenous Peoples from the Asia region**, highlighted the progress made in strengthening the participation of Indigenous Peoples. However, he said that the systematic violation of their human rights is linked to their exclusion from decision-making processes on matters that concern them. Therefore, the HRC was invited to continue the discussion on improving their participation with the aim of creating opportunities, as well as providing recommendations. Member States, in particular those in Asia, as well as the Temporary Committee and UN bodies, were called on to engage in dialogues on enhanced participation at the regional level with full and effective contributions from Indigenous Peoples. **Ms. Daria Egerev, Representative of Indigenous Peoples, Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia**, stressed the importance of enhancing the participation of indigenous representatives in decision-making processes, especially during the current challenges they face, such as the COVID-19 pandemic and climate change. She added that the right of Indigenous Peoples to self-determination must be taken into account in accordance with the UN Charter, the ICCPR and the WCIP Outcome Document. Lastly, she shared the idea of organizing workshops to ensure cooperation between different communities with regard to the HRC and the General Assembly. **Mr. Johnson Cerda, Representative of Indigenous Peoples from Central and South America and the Caribbean**, explained that it has been difficult for Indigenous Peoples to participate in the UN system, although improvements have been made. He also said that indigenous representatives in the region wish to ratify the Quito Outcome Document of January 2020, which would allow them to advance their vision and to strengthen their participation in the UN system. **Ms. Heather White Man Runs Him, Representative of**

Indigenous Peoples from the North America region, denounced the fact that, in many UN bodies, Indigenous Peoples still have to use NGO status to participate. She urged Member States and the HRC to implement a process aimed at ensuring the active participation of Indigenous Peoples from the 7 regions and establishing their legitimate status within the human rights system. **Mr. Ghazali Ohorella, Representative of Indigenous Peoples from the Pacific region**, explained that, first, the time has come to ensure the participation of Indigenous Peoples at the UN, in accordance with their right to self-determination as enshrined in the UNDRIP. Second, he said, funding for participation must be made available, and consultations and negotiations must take place in face-to-face meetings, where possible. Third, the President of the HRC should appoint co-facilitators, one nominated by Member States and one by Indigenous Peoples, to conduct these consultations. Fourth, Indigenous Peoples should have that accreditation facilitated as well as a special status. **Ms. Miriam Wallet Med Aboubakrine, Representative of Indigenous Peoples from the Africa region**, explained that the Temporary Committee was born out of a process of dialogue on capacity building, in January 2020 in Ecuador, with the aim of strengthening the participation of Indigenous Peoples in the UN system. She went on to say that, although improvements have been made, there are still barriers and issues to resolve. She also recommended that there be workshops in 2023 on Indigenous Peoples' participation, as well as a special status for them.

Ms. Megan Davis, Chair of the EMRIP, recalled that Articles 5 and 18 of the UNDRIP explicitly define the right of Indigenous Peoples to participate in decision-making on issues that affect them, and that Articles 3 and 4 govern their right to self-determination. She also underlined the importance for Indigenous Peoples to have a formal status in the UN system, as they are not NGOs. Finally, she said that the EMRIP encourages the members of the HRC to think about how to facilitate Indigenous Peoples' participation in discussions affecting them, as the EMRIP and the Special Rapporteur obviously require their inclusion.

Mr. Kenneth Deer, Co-Chair for the Human Rights Council Roundtable, opened the floor to discussion for members of the roundtable. **Mr. Tuomas Aslak Juuso, Representative of Indigenous Peoples from the Arctic region**, stated that the Sámi Parliament in Finland, as a representative institution, cannot be accredited to the HRC, which concerns its members as the HRC makes decisions annually on resolutions concerning Indigenous Peoples. On the point raised by the Russian Federation on enhancing Indigenous Peoples' participation, he said that holding a workshop would allow them to engage in in-depth discussions. **Canada** explained that the State has organized several meetings to discuss this issue during its annual engagement sessions with indigenous representatives on international indigenous issues at the national level. The representative also shared the State's interest in knowing what other Member States are doing as lessons can be learned from each other. Regarding the idea of workshops, the State wishes to know more about how such workshops could be implemented. **Denmark** also asked what form the workshops would take. The representative also raised the issue of procedural aspects and called on Member States to remain open-minded. **Cameroon** said that there are two main concerns. The first concerns the procedures for selecting Indigenous Peoples' representatives. For the Government the procedures must be legitimate. Secondly, the concerns regarding the modalities should be raised and inscribed in the HRC's agenda of work. **New Zealand** asked what could be done to try to improve Indigenous Peoples' participation in the short term. **Mr. Ghazali Ohorella, Representative of Indigenous Peoples from the Pacific region**, stressed that Indigenous Peoples are not there to complain but to contribute, and that they should have a specific status as they are not NGOs. He went on to say that they seek to participate in decision-making processes. Finally, he expresses its wish that workshops will start as soon as 2022. **Mr. Gam A. Shimray, Representative of Indigenous Peoples from the Asia region**, stressed the importance of having systematic consultation, for example, by organizing workshops. **The Philippines** recommended gathering information on Indigenous Peoples around the world in order to fully promote and protect their rights.

For the second part of the meeting, Ms. Nazhat Shameem Khan, President of the Human Rights Council for 2021, opened the floor to representatives of Member States and Indigenous Peoples who had registered.

Finland (on behalf of Estonia, Denmark, Greenland, Iceland, Latvia, Lithuania, Norway, Sweden and Finland) shared its commitment to further develop a process to ensure the participation of Indigenous Peoples' representatives and institutions at the HRC on issues affecting them. **The EU** asked how Member States address the issue of accreditation, to ensure the participation of Indigenous Peoples' representatives and institutions in HRC meetings. **Peru** encouraged Member States to identify ways and means to ensure that HRC bodies and agencies can listen to Indigenous Peoples. **Mexico** underscored the importance of increased participation of indigenous women, girls, youth and persons with disabilities. **Australia**, as one of the major financial contributors to the UN Voluntary Fund, encouraged other Member States to do the same. The representative also expressed his support for enhancing Indigenous Peoples' participation. **Indonesia** said that improving the participation of Indigenous Peoples' representatives in HRC meetings should continue to be facilitated. At the same time, the absolute requirement for all parties to observe the principles and purposes of the UN Charter and all relevant UN resolutions must continue to be preserved. **The Bolivarian Republic of Venezuela** reiterated the Government's commitment to settle the historical debt they owe to Indigenous Peoples by moving towards the enjoyment of their rights. **The U.S.** suggested initially considering new participation procedures for certain UN bodies such as the HRC and allowing indigenous representatives to attend selected sessions, including submitting written input and making oral statements.

IITC called for enhancing the participation of indigenous governments, parliament, traditional and elected councils, as well as NGOs, in UN meetings. **An indigenous representative from Brazil** urged the Council to promote efforts to strengthen and increase indigenous participation through consultations, in accordance with FPIC, with the idea of drafting a first report that includes their recommendations. The **NGO, "Yakutia – Our Opinion"** underlined the difficulty for many Indigenous Peoples of getting to the UN, despite the fact that the UN represents the only hope for solving their problems. **The Indigenous Peoples Organisation Australia** recommended that regional meetings be organized in order to have a greater contribution in the processes and new opportunities that are developed for Indigenous Peoples. **The Center for Support of Indigenous Peoples and Civic Diplomacy "Nuori Karjala" ("Young Karelia")** recommended conducting a more-in-depth study to raise awareness about Indigenous Peoples' organisations. **The Saami Council** called on the HRC to establish an intergovernmental negotiation process, in which Indigenous Peoples would participate fully and effectively, with the aim of adopting a resolution that would officially enable their participation in the HRC meetings.

Mr. Kenneth Deer, Co-Chair for the Human Rights Council Roundtable, delivered his conclusions. He noted that some Member States have indicated a support for enhancing the participation of Indigenous Peoples, while others raised questions about its viability and necessity. He went on to point out that, on the indigenous side, it was clearly expressed that Indigenous Peoples should have a specific status, as the NGO status is inappropriate. He also said that States have asked very good and legitimate questions about who gets status and who decides status. Lastly, he expressed his gratitude for the roundtable, even if it would have been better to hold it in person.

- *Closing of the session*

Ms. Megan Davis, Chair of the EMRIP, welcomed all participants for the closing of the fourteenth session. The EMRIP, as she said, was impressed by the participation of indigenous youth and children in the regional

meetings. The two reports on the rights of the indigenous child and on the implementation of the UNDRIP, focusing on the right to self-determination, will be finalized in relation to what was said during the regional meetings and will be submitted to the HRC in September. Regarding the discussion on Treaty Bodies, the EMRIP welcomed the work done, as Indigenous Peoples' rights are increasing exponentially. On the discussion on the EMRIP country visits, the Chair welcomed the updates shared by the Member States. Finally, next year's report for 2022 will focus on the militarization of indigenous lands. Regarding the study for 2022, the EMRIP had decided to postpone the follow-up study on land, with a focus on the impact of COVID, until a clear review of the recovery process is made. Instead, a study on treaties and constructive arrangements, including ongoing processes to find a constitutional basis for treaties' implementation, will be prepared in 2022. The proposed study for 2023 would focus on the impact of development policies on indigenous heritage, focusing on indigenous women, and this 2023 report would further focus on establishing effective monitoring mechanisms on the national and regional levels for the implementation of the UNDRIP.

ANNEX I – LIST OF ABBREVIATIONS

AIPB	Articulation of Indigenous Peoples of Brazil
CRC	Committee on the Rights of the Child
CERD	Committee on the Elimination of Racial Discrimination
COIAB	Coordination of the Indigenous Organizations of the Brazilian Amazon
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FILAC	Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe
FPIC	Free, Prior and Informed Consent
FUNAI	Fundação Nacional do Índio (National Indian Foundation)
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
IITC	International Indian Treaty Council
ILO	International Labour Organization
NSWALC	New South Wales Aboriginal Land Council
SESAI	Secretaria Especial de Saúde Indígena (Special Secretariat of Indigenous Health)
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNVFIP	United Nations Voluntary Fund for Indigenous Peoples
WCIP	World Conference on Indigenous Peoples

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