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57th session of the Human Rights Council

Interactive Dialogue with the Expert Mechanism on the Rights of Indigenous Peoples

Palais des Nations, Geneva, Switzerland

24 September 2024

Opening Remarks by Valmaine Toki

Chair-Rapporteur

United Nations Expert Mechanism on the Rights of Indigenous Peoples

President of the Human Rights Council,
Excellencies,
Indigenous Peoples' representatives and institutions present in this room,

It is my pleasure to present to you the work of the Expert Mechanism on the Rights of Indigenous Peoples for which I acknowledge the contribution of my fellow experts. It is an honour to lead this body, and I am grateful for the trust my colleagues have placed in me as Chair-Rapporteur of the Expert Mechanism for this year.

Pursuant to Human Rights Council resolution 33/25, the Expert Mechanism on the Rights of Indigenous Peoples is presenting its work from the past year to this session of the Council. As decided during our sixteenth session, the Expert Mechanism has undertaken *a 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*.

In November of last year, the Expert Mechanism held an expert seminar hosted by the University for Peace in Costa Rica, to obtain substantive input to our study on this theme that was further enriched by more than 50 submissions from Indigenous Peoples, States, National Human Rights Institutions, NGOs and academics. The Expert Mechanism adopted the study during its seventeenth session, held at Palais des Nations from 8 to 12 July this year.[1]

The Expert Mechanism perceives its study as an opportunity to identify and understand how the Declaration synthesizes a spectrum of fundamental human rights already enshrined in various treaties and international jurisprudence in the context of Indigenous Peoples.

The study highlighted the legal significance of the Declaration in several key areas such as the expression of Member States' obligations to promote and respect human rights under the United Nations Charter where compliance is expected; the Declaration places a moral obligation on States to act in accordance with fundamental human rights; its role as a mandatory and relevant consideration in judicial review and an aid to statutory interpretation; and its influence on the development of general principles of international laws and customary international law. The study also provided examples of recent initiatives demonstrating how

[1] A/HRC/67/62

Member States, in collaboration with Indigenous Peoples, could achieve the ends of the Declaration.

The study concludes with the Expert Mechanism Advice No. 17, where the Expert Mechanism proposes several actions and measures for States, Indigenous Peoples and other key stakeholders. These actions include implementing constitutional and other legal reforms, as well as judicial actions to recognise and enforce the rights of Indigenous Peoples as outlined in the Declaration at the local level. We also recommend transforming boarder legal structures in key areas and establishing monitoring bodies that can help build political momentum to advance the rights of Indigenous Peoples across society. Additionally, we called on Indigenous Peoples to continue strengthening their own institutional capacity and expertise regarding their rights as affirmed in the Declaration and focus on how to enforce these rights at the national, regional and international levels, including through participation in lawmaking and legislative initiatives.

The Expert Mechanism has adopted its annual report for this year detailing all the activities we undertook throughout the year, including several intersessional activities. [2]

The Expert Mechanism participated during the year in several international conferences, forums, consultations and meetings. In December 2023, the Chair of the Expert Mechanism attended the Human Rights 75 high-level event held in Geneva, commemorating the 75th anniversary of the Universal Declaration of Human Rights[3].

We took part in the twenty-third session of the Permanent Forum on Indigenous Issues in April 2024 and engaged in the human rights dialogue with the Special Rapporteur on the rights of Indigenous Peoples, and the Assistant Secretary-General for Human Rights on intimidation and reprisals for cooperation with the United Nations as well as an annual review of progress on the implementation of CEDAW's general recommendation No 39. The Expert Mechanism also participated in the high-level event commemorating the tenth anniversary of the adoption of the outcome document of the World Conference on Indigenous Peoples[4].

The Expert Mechanism participated in meetings of the Global Task Force for Making a Decade of Action for Indigenous Languages held in December 2023, and in March and

[2] A/HRC/57/64
[3] Human Rights 75 high-level event | OHCHR
[4] See https://www.un.org/pga/78/high-level-plenary-meeting-of-the-general-assembly-known-as-the-world-conference-on-indigenous-peoples/

July 2024, coordinated by UNESCO. We contributed to the work of FAO by participating at the High-level panel of the United Nations Global Indigenous Youth Forum in October last year. Furthermore, the Expert Mechanism engaged with the United Nations Secretary General's Panel on Critical Energy Transition Minerals to explore synergies in their work. In addition, we contributed to the WHO's research plan for the development of a situation analysis on the health of Indigenous Peoples, as one of the inputs into the development of the Global Plan of Action for the Health of Indigenous Peoples. The Expert Mechanism jointly with the other United Nations Indigenous rights' mechanisms issued an outcome document on Indigenous Peoples and local communities[5].

The Expert Mechanism continued with its important country engagement work. It undertook two country engagement missions. 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. A technical advisory note was issued in May this year, focusing on four main themes; self-determination; forced assimilation; discrimination and the removal of Indigenous children.

The mission to Norway, in March 2024 was aimed at providing technical advice on the rights of the Saami people, with a particular focus on their land, territories and resources, and their right to free, prior and informed consent. We assessed the enforcement of relevant domestic legislation, administrative measures, policies, and judicial functions, as well as the implementation of domestic court and Treaty Bodies' decisions related to the Saami people's cultural rights.

During our 17th session, we engaged in an interactive dialogue with other United Nations Indigenous rights mechanisms and the United Nations Human Rights Committee, who updated us on their work on Indigenous Peoples rights, regarding the implementation of the United Nations Declaration on the rights of Indigenous Peoples. The Expert Mechanism was happy to learn that the United Nations Human Rights Committee is increasingly incorporating the Declaration into their work particularly when interpreting the International Covenant on Civil and Political Rights.

[5] **OUTCOME DOCUMENT - UN Human Rights Office**

The Expert Mechanism, under Item 8 of its official agenda, held a panel discussion on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreement and accords. The focus was on the collective rights of Indigenous Peoples to live together in freedom, peace and security as distinct entities, as outlined in article 7 (2) of the Declaration.

The Expert Mechanism continues to advocate for enhancing Indigenous Peoples' participation in the work of the Human Rights Council. In this context, the Expert Mechanism facilitated dialogue during the 17th session by holding a discussion on enhancing the participation of Indigenous Peoples' representatives and institutions in the meetings of relevant United Nations bodies on issues affecting them.

As to future work, we have decided that our next annual Study will focus on the status of the rights of Indigenous Peoples worldwide in the achievement of the ends of the Declaration, as mandated by the Council in paragraph 2(a) of its resolution 33/25, in relation to *Indigenous Peoples, data collection and disaggregation*. Additionally, the Expert Mechanism has decided to prepare a report *on Indigenous Peoples' rights to traditional economies,* 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.

I would like to thank the Human Rights Council for its efforts in advancing the rights of Indigenous Peoples. In particular, the delegations of Guatemala and Mexico, who have demonstrated excellent cooperation and inclusiveness in pursuing the resolutions on Indigenous Peoples. I thank all those States, Indigenous Peoples' organizations, NGOs, national human rights institutions, and academic institutions that contributed to our work and who attended our 17th session in impressive numbers.

Finally, let me conclude by celebrating this historic moment - the presence of Indigenous Peoples in this interactive dialogue as Peoples for the first time. This marks a significant step forward in ensuring that the voices of Indigenous Peoples are heard and respected in the spaces where decisions affecting their lives are made.

Thank you.