Check against delivery

Twenty-fourth Session of the UN Permanent Forum on Indigenous Issues

New York, 21 April – 2 May 2025

Agenda Item 5 (d)

Human Rights Dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples; annual review of progress on the implementation of general recommendation No. 39 (2022)

Monday, 28 April 2025

Statement by Valmaine Toki,
Chair-Rapporteur
United Nations Expert Mechanism on the Rights of Indigenous Peoples

Thank you, Madam Chair.

Excellencies, Permanent Forum members, Special Rapporteur on the rights of Indigenous Peoples, Chair of the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples, Indigenous Peoples' representatives, distinguished delegates, ladies and gentlemen, good morning and thank you for this opportunity to address you.

Madam Chair, allow me to briefly present the key activities of the Expert Mechanism in the past year. The Expert Mechanism held its seventeenth session in Geneva in-person from **08 to 12 July 2024.** During the session, the Expert Mechanism finalized and adopted:

- a Study and Advice entitled "Constitutions, laws, legislation, policies, judicial decisions and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration".
- the EMRIP's seventeenth annual report to the Human Rights Council.

Our 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", synthesized the spectrum of fundamental human rights already enshrined in various treaties and international jurisprudence in the context of Indigenous Peoples. While the primary focus of the study was article 38 of the Declaration, it should also be analysed in conjunction with the interrelated provisions. 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 law and customary international law.

The study included examples of recent initiatives demonstrating how the Declaration could be implemented by Member States in conjunction with Indigenous Peoples. It also explored existing mechanisms for monitoring implementation at the national and regional levels, as well as in international forums.

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

Madam Chair, let me now refer to official Intersessional activities of the Expert Mechanism.

On 25 September 2024, I, in my capacity as the Chair of the Expert Mechanism, participated in the annual half-day panel discussion on the rights of Indigenous Peoples. The theme in particular focussed on *Laws, policies, judicial decisions and other measures taken by States to achieve the ends of the United Nations Declaration on the rights of Indigenous Peoples*. I had the pleasure of being joined by the then Special Rapporteur on the rights of Indigenous Peoples, Mr. José Francisco Calí Tzay, among other fantastic panellists. On 24 September 2024, the Expert Mechanism held its annual interactive dialogue with the Human Rights Council with the participation of Indigenous Peoples for the first time as Peoples, not through an NGO in consultative status with ECOSOC. This was a historic and long-awaited moment for Indigenous Peoples. Several Member States

expressed their commitment in promoting and protecting the human rights of Indigenous Peoples, including support for enhancing the participation of Indigenous Peoples in the work of the Human Rights Council. They also seek advice of the Expert Mechanism on the necessary steps for the effective implementation of the Declaration.

In October, the Expert Mechanism participated at the UN Biodiversity Summit in Cali, Colombia, including in the OHCHR press conference on the need for human rights solutions to the biodiversity crisis.[1] Also in October, the Expert Mechanism participated in the FAO Science and Innovation Forum 2024 Opening as became a member of the UN FAO Global Indigenous Hub.

In December 2024, hosted by the Asia Indigenous Peoples Pact (AIPP), the Expert Mechanism organised a working meeting and 3-day expert seminar focusing on "Indigenous Peoples' right to data, including data collection and disaggregation".

The Expert Mechanism continues to actively participate in the meetings of the Global Task Force for Making a Decade of Action for Indigenous Languages, including at the most recent meetings in January and March 2025, as coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Madam Chair, I am happy to advise that the Expert Mechanism has continued its country engagement missions. In my speech last year, I had provided an overview of the EMRIP's mission to Norway in March 2024. We have since released our technical advisory note on implementing and strengthening the rights of the Indigenous Sámi People, in March 2025. Representatives from Member States and Indigenous Peoples from Norway will be invited to participate in the EMRIP eighteenth session in July, in a dedicated panel discussion under Item 6: Country Engagement. Looking forward, the Expert Mechanism will be undertaking a country engagement mission to Brazil in September 2025 – we are in the process of developing the agenda, in consultation with the Brazilian Government, the requestors, and other key stakeholders.

Madam Chair, let me now turn to EMRIP's upcoming eighteenth session, which will take place in Geneva from 14 to 18 July 2025. The agenda will include a panel discussion on the role of national and regional human rights institutions in achieving the ends of the Declaration.

The eighteenth session will also include a three-hour interactive dialogue on the United Nations Declaration on the Rights of Indigenous Peoples between the Special Rapporteur on

[1] Press Conference: Human Rights at CBD COP16 – United Nations Biodiversity Conference 2024 | UN Web TV

Indigenous Peoples, yourself, Madam Chair, the Chair of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples, and members of the United Nations Treaty Bodies.

The Expert Mechanism will be devoting a two-hour discussion on the International Decade of Indigenous Languages, to raise awareness of the relevance of the topic and of the opportunities offered by this initiative.

Furthermore, there will be a two-hour discussion dedicated to enhancing the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies, on issues affecting them, which is a follow-up on the process started during the World Conference on Indigenous Peoples in 2014. This work has become recurrent, as outlined in the October 2024 resolution adopted by the Human Rights Council (A/HRC/RES/57/15).

At its seventeenth session, the Expert Mechanism had conducted its 2025 annual study on Indigenous Peoples' right to data, including data collection and disaggregation (A/HRC/EMRIP/2025/2). It also decided to prepare a report on Indigenous Peoples' right to traditional economies (A/HRC/EMRIP/2025/3).

The Expert Mechanism will present its study and report during its July session, and observers will be invited to make comments and suggestions on the drafts. Subsequently, the Expert mechanism will finalize them and submit both the study and the report, together with its annual report, to the Human Rights Council at its sixtieth session.

To conclude, I would like to thank the Permanent Forum for its ongoing contribution to the work of the Expert Mechanism and, on behalf of my fellow Experts, some of whom are in the room today, express my commitment to our continued collaboration. Despite the challenges we are facing with the budgetary constraints and global uncertainty, we remain positive and steadfast about the solidity of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples. We appreciate and look forward to the support of all stakeholders as we continue to implement this mandate.

Thank you. END