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***To:*** United Nations Office of the Human Rights Commissioner

***Subject:*** Contribution to the expert workshop on how to enhance the participation of Indigenous Peoples in the work of the Human Rights Council

***Date:*** October 30, 2022.

Following the mandate of the Human Rights Council Resolution [48/11](https://digitallibrary.un.org/record/3945634?ln=en) on human rights and Indigenous Peoples,

After consultation with Indigenous peoples organizations through my scholarly work, and their corresponding consent to share the concerns implied in sections 2 and 4 below, [[1]](#footnote-1)

I am writing to make the following recommendations to the expert workshop on how to enhance the participation of Indigenous Peoples in the work of the Human Rights Council:

1. **Venues of participation.**
2. As the United Nations body overseeing human rights, the Human Rights Council must ensure the paced adoption of the enhanced participation of Indigenous peoples to other UN bodies and agencies through the System-Wide Action Plan (SWAP) for all matters concerning them, first and foremost through dialogue between the Special Rapporteur on the Rights of Indigenous Peoples and the Under-Secretary-General for Economic and Social Affairs. The creation of the SWAP was requested to the Secretary-General in [A/RES/69/2](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F69%2F2&Language=E&DeviceType=Desktop&LangRequested=False), para. 31. The request was accompanied by an invitation to appoint an existing senior official of the United Nations system to coordinate the action plan, raise awareness on the rights of Indigenous Peoples, and increase the coherence of activities across the United Nations system. The requests were addressed on 18 December 2015, with the Under-Secretary-General for Economic and Social Affairs being designated to oversee such coordination ([E/C.19/2016/5](https://digitallibrary.un.org/record/3923907?ln=en), para. 1). The SWAP focuses, among others, on achieving “the ultimate goal of implementing, with the effective participation of Indigenous peoples, the Declaration on the Rights of Indigenous Peoples at all levels” ([E/C.19/2016/5](https://digitallibrary.un.org/record/3923907?ln=en), para. 4), and “particular attention is paid to the United Nations system” to promote the participation of Indigenous Peoples in global processes that affect them ([E/C.19/2016/5](https://digitallibrary.un.org/record/3923907?ln=en), para. 5). Therefore, the Human Rights Council shall coordinate the adoption of the enhanced participation of Indigenous Peoples with the Special Rapporteur on the Rights of Indigenous Peoples and the Under-Secretary-General for Economic and Social Affairs. At the Human Rights Council, such coordination may go through the Expert Mechanism on the Rights of Indigenous Peoples to ensure that states support and adopt a coherent approach to the SWAP, as mentioned in [A/HRC/RES/48/11](https://digitallibrary.un.org/record/3945634?ln=en), para. 33.
3. **Participation modalities.**
4. The Human Rights Council must adopt a multilingual approach to enhance the participation of Indigenous Peoples in the work of the Human Rights Council. Enhanced participation of Indigenous Peoples at the United Nations must allow Indigenous Peoples to express themselves in at least the United Nations official language that they know best. In its preamble, the resolution on multilingualism adopted by the General Assembly on 10 June 2022 ([A/RES/76/268](https://digitallibrary.un.org/record/3978263)) recalls the linguistic rights of persons belonging to linguistic minorities, as well as the centrality of the International Year of Indigenous Languages in 2019 and the International Decade of Indigenous Languages (IDIL) in 2022-2032 in promoting the use of Indigenous languages. In paragraph 4, the same resolution on multilingualism expresses the need for “the full implementation of all resolutions establishing language arrangements for the official languages of the United Nations and the working languages of the Secretariat”.[[2]](#footnote-2) To ensure coherence across the United Nations system, the Human Rights Council may consider adopting similar guidelines on multilingualism as those resolved by the General Assembly for the enhanced participation of Indigenous Peoples. Indigenous Peoples representatives must be able to express themselves in the official languages of the Human Rights Council in the work of the Human Rights Council, in coordination with the SWAP. States will also benefit from enhanced communication with Indigenous Peoples through this approach.
5. **Selection mechanism.**

No recommendations for this section.

1. **Selection criteria.**
2. The Human Rights Council must adopt an intercultural gender perspective to enhance the participation of Indigenous Peoples in the work of the Human Rights Council. As CEDAW’s General Recommendation 39 [CEDAW/C/GC/39](https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigeneous) explains in paragraph 4, a gender perspective considers “the discriminatory norms, harmful social practices, stereotypes, and inferior treatment that have affected Indigenous Women and Girls historically, and still affect them in the present”. Recommendation 39 specifically recommends State parties to “develop comprehensive policies to eliminate discrimination against Indigenous Women and Girls, centered around the effective participation of Indigenous Women and Girls living in and outside of indigenous territories, and collaboration with Indigenous Peoples more broadly” (para. 23(a)). Moreover, the [United Nations Declaration on the Rights of Indigenous Peoples](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf), in Article 22(1), calls for particular attention to the rights of Indigenous Women and Girls. Beyond any discriminatory treatment by non-Indigenous societies, Indigenous justice systems are often dominated by men, limiting in this way Indigenous Women and Girls’ access to justice and participation in justice-related decision making processes ([CEDAW/C/GC/39](https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigeneous), para. 31), including the fulfilment of their human rights. Based on the above circumstances, the Human Rights Council must 1) adopt a gender perspective to ensure a place for Indigenous Women representatives to participate in the Human Rights Council, and 2) adopt an intercultural perspective to ensure that Indigenous Women and Girls are able to express, individually and collectively, their unique issues and concerns at the Human Rights Council in their language and according to their culture. This recommendation is in line with para. 30 of [A/HRC/RES/48/11](https://digitallibrary.un.org/record/3945634?ln=en).

1. Recommendations are the author’s. [↑](#footnote-ref-1)
2. For a list of the official languages and working languages of the General Assembly, the Security Council, the Economic and Social Council and the Secretariat, see the preamble of [A/RES/76/268](https://digitallibrary.un.org/record/3978263). [↑](#footnote-ref-2)