

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

New York, 17-28 April, 2023

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

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Statement by Binota Moy Dhamai,

Chair-Rapporteur

United Nations Expert Mechanism on the Rights of Indigenous Peoples

Mister 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.

Mister Chair, I take this opportunity to acknowledge the contributions of my fellow Members of the Expert Mechanism to advancing the rights of Indigenous Peoples, in particular Ms. Laila Vars, who after 6 years of service, is ending her mandate at the end of this month. I also take this opportunity to congratulate and welcome Ms Dalee Sambo Dorough on her appointment as member of the Expert Mechanism on the Rights of Indigenous Peoples, whose mandate will start from the 1st of May 2023.

We thank all the members and secretariat staff of the Permanent Forum for the excellent organization of this session, as well as all indigenous representatives present here today, many of whom have travelled long distances to participate in this session.

Mister Chair, allow me to briefly present the key activities of the Expert Mechanism in the past year. The Expert Mechanism held its 15th session in Geneva on hybrid format from **4 -8 July 2022**. During the session, the Expert Mechanism finalized and adopted:

- a Study and Advice on treaties, agreements, and other constructive arrangements, between Indigenous Peoples, States, including peace accords and reconciliation initiatives and their constitutional recognition.
- the EMRIP's 15th annual report to the Human Rights Council.

Our study on “Treaties, agreements, and other constructive arrangements, between Indigenous Peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition”, identified the principles and conditions, as well as the gaps and challenges, in the realization and exercise of Indigenous Peoples` rights to conclude treaties, agreements and other constructive arrangements with States and have them respected and enforced. In addition, the study introduced the relation of article 37 of UNDRIP with other rights, such as the right to self-determination, to participation and the principle of free, prior, and informed consent.

The study concluded with Advice No. 15, in which we put forward some measures that States, Indigenous Peoples and other stakeholders can take to ensure the full enjoyment of article 37 as contained in the United Nations Declaration on the rights of Indigenous Peoples.

Mister Chair, let me now refer to official Intersessional activities of the Expert Mechanism. On 28 September 2022, EMRIP held an interactive dialogue with the Human Rights Council on the above-mentioned report and study

On the same day, as Chair of the Expert Mechanism, I was a panellist at the annual half-day discussion on the rights of Indigenous Peoples held by the Human Rights Council, which focused on the impact of social and economic recovery plans in the COVID-19 context on Indigenous Peoples, with special focus on food security.

The Expert Mechanism attended the meetings of the Global Task Force for Making a Decade of Action for Indigenous Languages in September and December 2022 and in March 2023, coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Unfortunately, due to the slowdown in travel caused by the pandemic, the Expert Mechanism could not undertake country engagement missions during 2022. However, the Mechanism has kept sustained dialogues with several stakeholders to prepare for country

visit in the coming months. There is an ongoing dialogue and preparation for country engagement with Australia, Norway, and Canada, with a visit to Australia later this year.

Mister Chair, let me now turn to EMRIP's upcoming 16th session, which will take place in Geneva **from 17 to 21 July 2023, fully in person**. The agenda will include two consecutive panel discussions; (i) the impact of the legacies of colonialism on the rights of LGBTQIA+ Indigenous Peoples with a focus to address the ongoing challenges and discuss on preventive measures that States and Indigenous Peoples can take, in line with the United Nations Declaration on the Rights of Indigenous Peoples; and on (ii) the rights of Indigenous Peoples to engage freely in all their traditional and other economic activities with a focus on fishing practices.

The 16th session will also include (i) a three-hour interactive dialogue between the Special Rapporteur on Indigenous Peoples, yourself, Mister Chair, the Chair of the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples and an (ii) interactive dialogue with the Expert Mechanism on the Right to Development.

The Expert Mechanism will be devoting a two-hour high-level panel 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, we will discuss EMRIP's country engagement work, including follow-up, and an interactive dialogue on 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 interactive dialogue will focus on a follow-up to recent interactive discussions held in July 2021, September 2021 and the OHCHR four-day expert workshop on the possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council, held in November 2022.

In terms of studies, we will discuss a study on the impact of militarisation on the rights of Indigenous Peoples (A/HRC/EMRIP/2023/2), which was informed by , an expert seminar held in Geneva in December 2022.

Mister Chair, the Expert Mechanism also decided to undertake a report on establishing effective monitoring mechanisms for the implementation of the UNDRIP (A/HRC/EMRIP/2023/3). To this end an expert seminar was organized by University of British Columbia in Vancouver, in February 2023. The report will contribute to further understanding of the United Nations Declaration on the rights of Indigenous Peoples and the corresponding State obligations.

The Expert Mechanism will present the study and the report during its July session, and observers will be invited to make comments and suggestions on the drafts. Subsequently, the Expert mechanism will finalize and submit the study and the report to the Human Rights Council at its fifty-fourth session.

To close, 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, express my commitment to our continued collaboration. The Expert Mechanism, the Permanent Forum, the Special Rapporteur, and the Voluntary Fund must continue to work together collaboratively as we carry out our respective mandates. We look forward to the support of all stakeholders as we continue to implement our mandate.

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