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**United Nations Special Rapporteur on the Rights of Indigenous Peoples**

**51st session of the Human Rights Council**

**Panel discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights**

**28 September 2022**

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It is a pleasure to join this panel discussion during the 51st session of the Human Rights Council and to address this distinguished audience.

As the UN Special Rapporteur on the rights of Indigenous Peoples, I have witnessed how the implementation of the international human rights standards and mechanisms are essential tools to redress the negative impact of the legacies of colonialism on Indigenous Peoples.

Under international human rights law, Indigenous Peoples enjoy a specialstatus that uniquely entitles them to a vast range of collective rights, such as the right to self-determination, land, territory, and resources and free, prior and informed consent. Recognizing these rights requires the need to redress past wrongdoing due to colonial history and assimilation policies and to accommodate indigenous political, cultural, and social specificities within democratic societies. These rights are enshrined in several international instruments, including the ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007, which constitutes the minimum standard of protection for the rights of Indigenous Peoples. Also, as EMRIP has stated: “the Declaration itself is an instrument to pursue recognition, reparations and reconciliation”. [[1]](#footnote-1)

To address the root causes of the negative impact of the legacies of colonialism on the enjoyment of the human rights of Indigenous Peoples, I emphasize the need to recognize Indigenous Peoples’ right to self-determination, enshrined in common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and in Article 3 of the UN Declaration on the Rights of Indigenous Peoples.

On several occasions, my mandate has clarified that the recognition of self-determination of Indigenous Peoples does not pose a danger to the unity and integrity of the State and cannot lead to secession within the territory of an already established State. On the contrary, in line with the position of the Inter-American Commission on Human Rights, I reiterate that the right to self-determination is a central element for collective redress for the historical and systematic violations of the human rights of Indigenous Peoples and must be understood as the basis for dialogue for the construction of a new relationship between Indigenous Peoples and States.

It is paramount that States implement the rights established in the UN Declaration, including Indigenous Peoples’ right to maintain their distinct political, legal, economic, social and cultural institutions while retaining their right to participate fully in the life of the State; their right to lands, territories and natural resources; and the States’ duty to obtain their free, prior and informed consent before adopting measures that may affect them.

Also, as the EMRIP explained, the UN Declaration makes several references to “remedies” and measures of “redress” and “restitution”. These include the right not to be subjected to forced assimilation or destruction of their culture, along with the States’ duty to provide effective mechanisms for the prevention of and redress for such situations.[[2]](#footnote-2)

The negative impact of colonialism on Indigenous Peoples has resulted in systemic racism, cyclical poverty, economic inequity, violence, over-incarceration, poor health outcomes, invisibility, dispossession of traditional lands and territories, criminalization of indigenous human rights defenders, loss of language and culture, forced assimilation disproportionate exploitation in the sex trade, and an enormous amount of missing and murdered Indigenous women and girls.

I would like to conclude by noting the crucial importance of taking concrete steps to address the negative legacies of colonialism, in all of its manifestations, in order to protect and support Indigenous Peoples. States can do so by upholding their commitments under the UN Declaration on the Rights of Indigenous Peoples, by creating effective means of redress for Indigenous Peoples, and by eliminating violence and discrimination against Indigenous women and girls. International organizations can further assist Indigenous Peoples by ensuring the meaningful participation of Indigenous Peoples in technical panels, platforms, and forums that address, among others, climate change solutions, biodiversity , language , and health policy, while also recognizing the value of Indigenous Peoples, in particular, Indigenous women as holders and transmitters of knowledge and languages.

Working together, the negative legacies of colonialism can be addressed so that Indigenous Peoples’ rights are secured for generations to come.

Thank you for your attention.

1. [A/HRC/EMRIP/2019/3/Rev.1](https://www.undocs.org/Home/Mobile?FinalSymbol=a%2Fhrc%2Femrip%2F2019%2F3%2Frev.1&Language=E&DeviceType=Desktop&LangRequested=False) , para 71 [↑](#footnote-ref-1)
2. [A/HRC/EMRIP/2019/3/Rev.1](https://www.undocs.org/Home/Mobile?FinalSymbol=a%2Fhrc%2Femrip%2F2019%2F3%2Frev.1&Language=E&DeviceType=Desktop&LangRequested=False), para. 9 [↑](#footnote-ref-2)