

# RIGHTS OF INDIGENOUS PEOPLES INTEREST GROUP NEWSLETTER

## Interest Group Highlights

RIPIG welcomes Yuri Mantilla as incoming Co-Chair, and extends its thanks to Shea Esterling as outgoing Co-Chair. Yuri's term commenced from the end of the ASIL Annual Meeting 2024 and runs for 3 years. We are grateful to Shea for her dedication and work over the past 3 years of her term. Please send thanks to Shea, and please welcome Yuri.

## Indigenous Rights Developments

January 9, 2024: Brazil will bolster security and aid efforts for the Yanomami territory, officials said. The government will spend 1.2 billion reais (\$245 million) this year in security and assistance efforts.

January 11, 2024: Striking workers at Brazil's environmental protection agencies said they will pull out of the Yanomami indigenous land. Agents of the environmental agency Ibama have been the main enforcers fighting wildcat miners who resist expulsion in inaccessible jungle areas.

January 14, 2024: The Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs' report examined how the *United Nations Declaration on the Rights of Indigenous Peoples* could be implemented in Australia and whether it should be through legislation, under policy, or both.

January 15, 2024: Indigenous leaders from around the world are attending World Economic Forum's 2024 Annual Meeting in Davos, Switzerland to share their unique perspectives in charting a way forward. From speaking on the balance of nature and economies to reconciling cutting-edge technologies with Indigenous knowledge, this year's intergenerational cohort of Indigenous leaders will join a range of sessions reflecting the perspectives of long-standing and next-generation leadership.

January 16, 2024: More than 200 ancient pre-Hispanic artifacts have been successfully reclaimed by Peru from collectors and institutions around the world, its foreign ministry said. Some of the objects are more than 2,000 years old.

January 18, 2024: Brazil is losing the upper hand in its battle to save the Yanomami Indigenous people, who are dying from flu, malaria and malnutrition brought into their vast, isolated Amazon rainforest reservation by resurgent illegal miners. Environmental enforcers warn that Brazil is jeopardizing last year's

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hard-won progress, when about 80% of roughly 20,000 wild-catters were ousted from the Portugal-sized reservation.

**January 23, 2024:** Brazil's President Lula da Silva vowed a federal response after a conflict between Indigenous people and farmers over land in southern Bahia led to the shooting death of a tribal leader. The incident underlines years of tensions between Brazil's Indigenous peoples and agricultural settlers over land rights.

**January 24, 2024:** Brazil's agricultural research agency Embrapa opened an online learning program called "Sowing forests on Indigenous lands" to help Amazon communities reforest degraded land in the rainforest and beyond. The purpose is to recover degraded forest lands destroyed by illegal loggers and gold miners, land-grabbing invaders who cleared trees to make way for cattle pastures, and forest fires.

**January 25, 2024:** "Environmentalists and Indigenous groups in Ecuador said that President Daniel Noboa risks being removed from office if he does not comply with a referendum that called for the closure of an oil block in the country's Amazon. Last year, a majority of Ecuadoreans voted to shutdown the 43-ITT block to protect the Yasuni reserve in the Amazon."

**January 26, 2024:** The Brazilian government's effort to evict illegal gold miners from the Yanomami Indigenous reservation in the northern Amazon has stalled with outsiders increasingly invading the vast territory, Yanomami leaders said.

**January 30, 2024:** Brazil intercepts illegal flight over Indigenous Yanomami land invaded by gold miners.

**February 8, 2024:** Members of the Ogiek and Endorois Indigenous communities marched through the streets of the Kenyan capital chanting protest songs. The group headed towards the Attorney General's office to deliver a letter which challenged the government's failure to implement court rulings that would compensate both communities and give them back their stolen ancestral land.

**February 12, 2024:** The Australian government has announced a \$707 million Remote Jobs program aimed at creating 3,000 jobs for Indigenous people in remote com-

munities over the next three years. This initiative will allow communities to decide on the types of jobs created, such as in community services, hospitality, and retail. The program emphasizes self-determination, with local and community-owned businesses able to access funding for equipment and capital needs through a new \$185 million Community Jobs and Business Fund.

**February 20, 2024:** Indigenous tribes in India are facing displacement due to development projects such as mining and industrial developments. Activists argue that these communities are often not adequately consulted or compensated.

**February 22, 2024:** The International Chamber of Commerce, the International Trade Centre, and the World Trade Organization's Informal Working Group on Micro, Small and Medium-Sized Enterprises, with the support of the World Intellectual Property Organization, are calling for innovative ideas that support international trade by indigenous peoples.

**February 22, 2024:** Colombian electricity generator Celsia considers pulling out of its wind power projects in the northern province of La Guajira because of opposition by local communities.

**February 29, 2024:** A Guatemalan court convicted seven soldiers for their roles in the killing of six Indigenous protesters in 2012, while a colonel and another soldier were acquitted. More than a decade later, Wednesday's ruling was seen as partial justice by family members of the victims of what Guatemalans describe as the first state massacre to occur since the nation's bloody civil war ended in the '90s.

**March 03, 2024:** In Australia, the Universities Accord final report calls for meaningful steps to increase the numbers of Indigenous graduates and Indigenous leaders in higher education.

**March 07, 2024:** Norway reached an agreement with the Sami people, ending a nearly three-year dispute over Europe's largest onshore wind farm and the Indigenous right to raise reindeer. The agreement includes the conservation of 151 turbines, compensation through part of the

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energy produced, 5 million kroner, and the allocation of a new area for winter grazing.

**March 7, 2024:** Conservation leaders from more than 25 African countries have gathered in Victoria Falls, Zimbabwe, for the second Africa Protected Areas Directors conference. Stakeholders representing Protected and Conserved Areas, youth conservation experts, indigenous peoples, and local communities, and development partners emphasized the importance of partnerships in climate change adaptation and mitigation on the African continent.

**13 March, 2024:** The European Parliament's Committee on Development will hold a workshop on "Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa." With the input of experts, the workshop will explore best practices to ensure that green transition projects are implemented to the benefit to pastoralist and indigenous people in Africa.

**March 20, 2024:** Ukraine's Ministry of Education held a round table discussing a roadmap for improving education in state and indigenous languages. Emphasizing equal access and quality, the event highlighted bilingual education, teacher training, and inclusive consultations with indigenous and national minority representatives.

**May 21, 2024:** In Australia, federal budget committed A\$12.5 million over four years to deliver tampons, pads, and other period care products to people who menstruate in rural and remote Indigenous communities.

**March 22, 2024:** The Constitution Hill Human Rights Festival in Johannesburg brought together hundreds of people to commemorate Human Rights Day, marking 30 years of democracy in South Africa. While the nation celebrates its progress, indigenous communities, particularly the /Xam people, remain marginalized and continue to fight for recognition and self-determination. The panel discussion at the festival highlighted the historical oppression faced by the /Xam, dating back to the arrival of colonial settlers in the 17th century. They pointed out the detrimental impact of the "coloured" classification imposed during apartheid, which stripped away their indigenous identity and hindered their access to land rights. This classification, coupled with the government's land restitution policies that allegedly prioritize Black

people, has left indigenous communities struggling for rightful ownership of their ancestral lands. The panel called for the government to recognize all indigenous languages as official languages, formally acknowledge the Khoi and /Xam as the First Nation, and engage in dialogue to address the lasting effects of colonization and genocide on their culture and identity.

**March 27, 2024:** Indigenous activists urge Indonesia's incoming president to prioritize the ratification of the Indigenous Peoples Bill. Developed through extensive consultation with indigenous groups, the Bill addresses historical injustices and ensures their autonomy over ancestral lands. Despite Indonesia's diversity, indigenous communities continue to face marginalization and land disputes, activists claim.

**March 28, 2024:** Indigenous communities in the Philippines, particularly in the Mindoro region, are actively resisting mining operations that threaten the biodiversity of their mountainous homelands. These communities argue that the mining projects not only endanger the rich environmental heritage of the area but also their cultural traditions and livelihoods.

**April 2, 2024:** Canada's First Nations are eyeing their biggest opportunities yet to invest in multi-billion-dollar energy projects from pipelines to power lines, hinging on Prime Minister Justin Trudeau keeping a promise this spring to make the deals easier to finance.

**April 3 2024:** Brazil has issued its first-ever apology for the torture and persecution of Indigenous people during the military dictatorship, including the incarceration of victims in an infamous detention center known as an "Indigenous concentration camp".

**April 4, 2024:** Indigenous people from nine villages in Brazil's Yanomami territory were found to be contaminated by mercury, with those living closer to illegal gold mining sites presenting higher levels of contamination, a study found. The study by Brazil's state-run Fiocruz institute collected hair samples from about 287 Indigenous people in October 2022. They all tested positive for contamination by mercury, with around 11% of the samples presenting high levels of the heavy metal, which is used by wildcat miners in Brazil to separate gold from ore and earth.

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**April 5, 2024:** Indigenous survivors pursue justice at genocide trial in Guatemala. Former army chief Manuel Benedicto Lucas Garcia is being tried for genocide and crimes against humanity.

**April 7, 2024:** The Liberian government has agreed to sell about 10% of Liberia's land to Dubai-based company Blue Carbon to preserve forests. The company plans to make money from this conservation by selling carbon credits to polluters to offset their emissions as they burn fossil fuels. Some experts argue that the model offers little climate benefit, while activists label it "carbon colonialism." Activists say the government has no legal right over the land and that Liberian law acknowledges Indigenous land ownership. The government and Blue Carbon reached an agreement in March 2023 — months after the company's launch — without consulting local communities, which are concerned about a lack of protections.

**April 18, 2024:** Brazilian President Lula da Silva officially recognized two more Indigenous territories, but said he decided not to sign off on four others because they still need to be cleared by people currently occupying them. The recognition grants the territories legal protection as reservations to be defended against invasions by illegal loggers, gold miners and cattle ranchers.

**April 26, 2024:** Several thousand Indigenous demonstrators marched chanting to drum beats to the seat of power in Brazil's capital to protest against the government's failure to protect their ancestral lands. The annual event this year focused Indigenous anger over plans to build a railway to transport grain from farm states to Amazon ports for export that they fear will destroy the environment of tribal communities near the Tapajos river.

**May 10, 2024:** Members of three South American indigenous communities have asked Spain and UNESCO to declare a Spanish galleon that sank 300 years ago with a bountiful cargo as "common and shared heritage" from which they too should benefit. The San Jose galleon, thought by historians to be carrying one of the largest known unsalvaged collections of maritime treasures, sank in 1708 near the port of Cartagena on Colombia's Caribbean coast.

**May 14, 2024:** A Native American group said on it will take its fight against Rio Tinto's proposed Arizona copper mine to the U.S. Supreme Court, after a federal appeals court refused to reconsider whether the U.S. government may have improperly transferred land to the developer.

**May 14, 2024:** Brazil's state-run oil firm Petrobras is resisting regulatory demands requiring it to assess the impact on Indigenous groups of drilling in an offshore basin near the mouth of the Amazon River.

**May 15, 2024:** A Greenpeace Sweden report reveals that major e-commerce companies, including Amazon and Zalando, contribute to the destruction of old-growth forests in Sweden, harming the Sámi indigenous people.

**May 16, 2024:** South Africa will implement new indigenous knowledge-protection laws by establishing a regulatory authority this year, according to government documents.

**May 20, 2024:** Canada ordered some petrochemical plants in Ontario to take strict measures to control pollution from cancer-causing chemical benzene after release from a facility forced a First Nation community to declare a state of emergency.

**May 22, 2024:** Stranded for nearly three weeks by record flooding in southern Brazil, one tiny Indigenous community is determined not to evacuate what they consider sacred ancestral lands that are in dispute with real estate developers. The Mbya Guarani people have been living since 2018 on a peninsula in far southern Porto Alegre, the state capital of Rio Grande do Sul. The community has long been at odds with Arado Empreendimentos Imobiliarios, the firm that has been planning a residential development on nearly 426 hectares (1,053 acres) in the area for over a decade, part of which is in dispute.

**May 24, 2024:** The Australian mining industry was promised billions of dollars in federal budget to boost critical minerals such as lithium, copper, and rare earth metals. This includes tax incentives, an innovation fund and money for Geoscience Australia to map these resources. Research shows Australia's most disadvantaged areas have the highest number of critical minerals mines and mineral deposits. People in these areas live in smaller

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communities. They also have poorer school completion rates and lower levels of qualifications than their counterparts in capital cities. These areas are also home to a higher proportion of Indigenous people than elsewhere in the same states.

**May 27, 2024:** The Temuan Orang Asli community in Malaysia is engaged in a legal battle to protect their ancestral land from being developed into a luxury resort and golf course. Despite having lived on the land for generations, they face eviction due to unclear land titles and government policies that prioritize economic development over indigenous rights.

**May 28, 2024:** A First Nations lawmaker in Ontario, Sol Mamakwa, has addressed the province's legislature in native language Anishiniimowin. The historic moment follows a decision by Ontario's government house leader, Paul Calandra, to amend a standing order that previously required lawmakers to use either English or French. Members are now allowed to use an "Indigenous language spoken in Canada" when addressing the speaker or chamber. Although nearly 2 million Canadians identify as Indigenous, only 260,000 can speak an Indigenous language. Decades of hostile government policies, including the forcible removal of Indigenous children from their families and a system of residential schools, stripped many peoples of their culture and, by extension, their language.

**May 29, 2024:** The European Union announced a collaboration with PACOS Trust to promote socioeconomic and cultural rights among indigenous peoples in Sabah, Malaysia, through the "Empowering Indigenous Communities: Strengthening Capacities, Networks, Advocacy, and Cultural Resilience for the Realization of their Rights" project."

**May 29, 2024:** The 1997 "Bringing Them Home" report into the removal of Aboriginal children from their families was a turning point in Australia's history. The inquiry rejected past government policies of assimilation and endorsed the importance of keeping Aboriginal and Torres Strait Islander children with their families. Reducing the overrepresentation of Aboriginal children in out-of-home care is now a target of the federal government's "Closing the Gap" policy. Yet the rate of Aboriginal and Torres Strait Islander children in out-of-home care is increasing.

Between 2021–2022 around 4,100 Indigenous children were placed in out-of-home care nationally. The highest rates were among children under one year old. Across all age groups, Indigenous children are placed in out-of-home care at almost 12 times the rate of non-Indigenous children. In Western Australia, Indigenous children are placed in out-of-home care at 20 times the rate of non-Indigenous children. Alongside the Closing the Gap target, the Aboriginal and Torres Strait Islander Child Placement Principle recognizes the rights of Indigenous children in maintaining connections with their culture, family and community. Yet until recently, fewer than half of Indigenous children removed from their families were placed with kin or in their community. National efforts to better meet best-practice standards has led to a small increase in Indigenous children placed in kinship arrangements from 50% in 2017 to 54% in 2022.

**May 30, 2024:** Rising sea levels due to climate change have forced an Indigenous Guna community to leave their homes on an island off Panama's coast that is fast disappearing. Some 300 families - 1,351 people - based in Gardi Subdug, a small Caribbean island a couple of kilometers off the Central American coastline, received keys on Wednesday to their new houses in a small woodland settlement on the mainland.

**June 02, 2024:** Authorities in southern Vietnam have stepped-up harassment of activists from the ethnic Cambodian Khmer Krom community who are trying to promote the rights of the indigenous people, according to representatives. Activists report restrictions on freedoms of expression, assembly, movement, and religion.

**June 5, 2024:** Ecuadorean Indigenous organizations and environmental advocacy groups protested state-run oil company Petroecuador, saying it is failing to comply with a court order to shut gas flares in the Amazon, though the government said it was closing them.

**June 02, 2024:** In May, 2024, at a conference in Geneva, the World Intellectual Property Organization agreed on a new treaty aimed at preventing the for-profit piracy of traditional knowledge. In Australia, patents relating to Kakadu plum, emu oil and native tobacco include claims that seem to be based on traditional knowledge and uses.

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## Recommendations from UN and Treaty Bodies

January 16, 2024: The UN Committee on the Rights of the Child reviewed the Republic of the Congo's report. State representatives highlighted nationwide birth registration services and support for late declarations, particularly for illiterate indigenous families.

January 23, 2024: Russia's government, in dialogue with the UN Committee on the Rights of the Child, detailed expanded education opportunities for indigenous children in 2023. They emphasized efforts to protect indigenous and Roma rights, including the "House of Peoples" body, funding for indigenous languages, and nomadic schools.

February 21, 2024: The UN Committee on Economic, Social and Cultural Rights reviewed Indonesia's report, focusing on the omnibus law's impact on indigenous Papuans, particularly concerning their land rights. Experts sought clarification on the measures taken to recognize and protect the land rights of indigenous and local communities more broadly. They also inquired about the omnibus law's impact on food security programs for indigenous and peasant communities and the legal and procedural measures in place to guarantee the free, prior, and informed consent of indigenous peoples. The Committee also inquired whether the new law on

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## Indigenous Rights Developments —continued from page 5

Australia's government agency for intellectual property rights, IP Australia, has created an Indigenous Knowledge Initiative to improve the handling of Indigenous knowledge in our intellectual property system.

June 09, 2024: A First Nations child born in Australia today can expect to live eight to nine years less than a non-Indigenous child born on the same day. During their life, they are more likely to have a heart attack, and would be on average 20 years younger than the non-Indigenous patient in the hospital bed next to them when they do. Acute rheumatic fever, a disease virtually non-existent among non-Indigenous Australians, may damage their heart valves. They are more likely to develop and die from cancer, diabetes, kidney failure and lung disease. A First Nations Australian is also more likely to have a low household income, live in overcrowded housing, and is 14 times more likely to be imprisoned. We know socioeconomic inequalities like these create health inequalities. There's also evidence that cultural factors and experiences of racism compound the problem. Closing the health gap between First Nations peoples and non-Indigenous Australians is a national priority. One of the ways to reduce health disparities is by improving the care Aboriginal and Torres Strait Islander people receive when they're admitted to hospital.

June 10, 2024: Exiled journalist Valera Ilinov, founder of Komi Daily, strives to amplify indigenous Komi voices. Fined for anti-war statements, Ilinov highlights the Komi identity and culture.

June 14, 2024: U.S. Catholic bishops offered an apology to Native Americans for the church's role in inflicting trauma on their communities and adopted new guidelines for ministering to indigenous Catholics. The new policies, approved by the U.S. Conference of Catholic Bishops, call on church leaders to set up listening sessions with local Native leaders, incorporate tribal customs into sacred rites and improve access to Catholic universities and other educational opportunities for Native Americans, among other directives.

June 15, 2024: Young Orang Asli women in Malaysia are using social films to voice their struggles and advocate for change. These films highlight issues such as land rights, cultural preservation, and social discrimination, aiming to raise awareness and inspire action within and beyond their communities.

June 22, 2024: Kuki-Zo tribal bodies from across several Hill districts in Manipur, India, issued a joint statement on June 21 opposing elections to the Autonomous District Council. The tribal bodies urged members of the public not to participate in the elections "unless political demands are met." ■

## Recommendations from UN and Treaty Bodies —continued from page 6

indigenous peoples adequately addressed the rights to preservation, land, and cultural identity.

**February 22, 2024:** The UN Committee on Economic, Social and Cultural Rights reviewed Sweden's report, with Committee Experts commending the State for aiming to become carbon neutral by 2045, while raising questions on the land rights of the Sami people and discrimination in the housing sector. The government of Sweden informed that it was determined to secure the rights of the national minorities, which in Sweden were the Jews, Roma, Sami, Sweden Finns and Tornedalians. The government informed that the Sami are recognized as an indigenous people with special rights.

**February 27, 2024:** The UN Committee on Enforced Disappearances reviewed Honduras's report. Committee Experts asked questions, *inter alia*, about whether the State adopted differentiated approaches for searching for members of different vulnerable groups, including women, children, and indigenous peoples, and which barriers were in place for the appropriate investigation of enforced disappearance of indigenous peoples.

**March 6, 2024:** The UN Human Rights Committee reviewed Chile's report highlighting, *inter alia*, the need for constitutional recognition of indigenous peoples. Both proposals for Constitutional reforms were rejected by citizens, meaning indigenous peoples were not officially recognised and thus did not have sufficient State protections. The Committee also noted reports that indigenous peoples were not being sufficiently consulted in matters concerning them, and that regulations on consultation were not in line with international standards; environmental projects were often excluded from indigenous consultation, there were short timelines for many consultation processes, and certain indigenous peoples were excluded from consultations due to a lack of legal recognition.

**March 12, 2024:** The UN Human Rights Committee reviewed Indonesia's report, commending progress on women's political participation while raising concerns about environmental pollution, extrajudicial killings of indigenous Papuans, and the government's response to these issues. The Committee noted Indonesia's high levels of air and water pollution and questioned the effec-

tiveness of its mitigation measures. It also expressed concern over the lack of transparency in investigations into the deaths of Papuan civilians, despite the government's assertion of accountability.

**March 14, 2024:** The UN Committee on the Rights of Persons with Disabilities reviewed Costa Rica's report, with Committee Experts commending the new employment mechanism for persons with disabilities and inquiring about the national strategy to raise awareness about persons with disabilities and stereotype elimination, particularly for indigenous peoples.

**March 15, 2024:** The UN Committee on the Rights of Persons with Disabilities reviewed Nicaragua's initial, second, and third periodic reports in the absence of a delegation. Committee Experts expressed concern over attacks against indigenous communities, resulting in deaths and violations of their land rights and right to survival. They sought clarification on whether Nicaragua had taken steps to support indigenous persons with disabilities affected by these attacks. They also inquired about measures to protect internally displaced persons and stateless individuals with disabilities.

**March 20, 2024:** The UN Human Rights Committee reviewed Guyana's report. Concerns were raised about the carbon credit trading scheme and a low carbon development strategy being implemented without consultation with indigenous peoples. Questions were posed about ExxonMobil's involvement in the country and the extent to which they consulted with local communities. Guyana's delegation stated that any business operating in an Amerindian community was required to engage with the community council and that the Environmental Protection Agency imposed strict environmental standards on all actors. The delegation also refuted allegations that there was no consultation with villagers regarding the carbon credit scheme.

**March 27, 2024:** The UN Human Rights Committee asked Finland to review existing legislation, policies and practices regulating activities that could have an impact on the rights and interests of the Sami people; and consider ratifying the ILO Convention 169 protecting the rights of indigenous and tribal peoples.



## Recommendations from UN and Treaty Bodies —continued from page 7

**March 28, 2024:** The UN Human Rights Committee expressed concern over indigenous rights in Guyana and Namibia. They urged Guyana to revise the Amerindian Act and expedite land titling and called for Namibia to recognize the San, Himba, Ovatue, Ovatjimba, and Ovazemba indigenous communities and to implement meaningful consultation processes prior to any resource extraction on their lands.

**April 11, 2024:** The UN Committee on the Elimination of Racial Discrimination reviewed Mexico's report, commending the State on implementing their previous recommendations, and asking about the implications of environmental projects, including the Mayan train project, on indigenous populations. While Mexico highlighted its consultations with indigenous communities, the Committee sought further clarification on the implementation of free, prior, and informed consent regarding the Mayan Train project.

**May 17, 2024:** The UN Committee on the Rights of the Child reviewed Paraguay's report, questioning low birth registration rates and discriminatory laws preventing the registration of Guarani names. Experts also queried support for indigenous children's education and disability services and efforts to protect indigenous water rights and demarcate ancestral lands. Paraguay highlighted efforts to improve registration, support indigenous education, and address water and land rights.

**May 20, 2024:** The UN Committee on the Elimination of Discrimination against Women heard civil society speakers on indigenous women in Malaysia and Brazil. Concerns included, with regards to Malaysia, lack of data about the land owned by indigenous women in Malaysia;

and, with regards to Brazil, high maternal death rates due to illegal abortions particularly affecting Afro-descendant and indigenous women who lack access to quality prenatal care; alarming rates of rape against girls under 14 and the invasion of indigenous lands by illegal gold miners; and indigenous communities in the Amazon lacking culturally appropriate healthcare and suffering from preventable deaths as a consequence, such as deaths from cervical cancer due to cultural resistance to male doctors.

**May 22, 2024:** The UN Committee on the Elimination of Discrimination against Women reviewed Malaysia's report. The Malaysian delegation reported that the country acknowledged the unique challenges faced by rural women. They noted the existence of 95 primary schools dedicated to indigenous children and specific scholarships established for them. Several programs, including skills training, were aimed at improving the livelihoods of rural women. The government also emphasized that land ownership among indigenous people was recognized under Malaysia's laws. However, Committee Experts voiced concerns over reports of river contamination in indigenous areas, which disproportionately affected women and girls. They also questioned how the needs of rural and indigenous women were included in disaster management risk reduction programs.

**May 23, 2024:** The UN Committee on the Elimination of Discrimination against Women reviewed Brazil's report. Committee Experts questioned the measures to promote indigenous and Quilombola women's land rights, emphasizing the lack of titles to ancestral lands for indigenous peoples and the barriers Quilombola women face in terms of land ownership, including the risk of expulsion from their land. ■



## UN Statements and Reports

**January 11, 2024:** UN report details the Office of the High Commissioner for Human Rights' efforts to promote and uphold the UN Declaration on the Rights of Indigenous Peoples.

**January 31, 2024:** Warning by the UN Special Rapporteur on the rights of indigenous peoples, Mr. Francisco Calí Tzay: amendments to Peru's forestry and wildlife law could legalize and encourage the dispossession of indigenous peoples from their lands and threaten their physical and cultural survival.

**February 26, 2024:** This report by the Independent Expert on human rights for persons with albinism details findings from her visit to Panama in August/September 2023. It highlights the challenges faced by persons with albinism, particularly within the Guna Indigenous communities, including limited access to healthcare, education, employment, and discrimination.

**March 15, 2024:** The UN Special Rapporteur on the rights of indigenous peoples, Mr. Francisco Calí Tzay, acknowledged positive legal advances and Government intentions to strengthen Indigenous Peoples' rights in Colombia, but deplored persistent challenges that threaten the very existence of many of them, putting them at imminent risk of physical and cultural extermination. Colombia's Indigenous Peoples are at a critical juncture as the country grapples with decades of armed conflict. "It is extremely urgent for Colombia to address historic grievances, especially as the country embarks on new negotiations aimed at achieving 'total peace'," said the UN Special Rapporteur.

**April 19, 2024:** The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor, has called on Brazil to prioritize land demarcation and titling to address the root cause of attacks against human rights defenders. During her visit to Brazil, Lawlor witnessed firsthand the threats faced by defenders, particularly indigenous and quilombola communities, who often face violence and impunity. She emphasized the need for a comprehensive protection program, condemning the conflation of human rights defenders with criminals and urging authorities to

end this practice. While acknowledging the government's efforts to engage with civil society, Lawlor stressed the urgent need for concrete action to ensure the safety and protection of human rights defenders.

**April 19, 2024:** The UN Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Pedro Arrojo-Agudo, has urged Canada to intensify efforts to eliminate discrimination and marginalization, particularly against Indigenous Peoples, and ensure full access to safe water and sanitation for all. While acknowledging progress made in recognizing historical injustices and enacting the UN Declaration on the Rights of Indigenous Peoples Act, the expert highlighted ongoing challenges, including water advisories, contamination, criminalization of water defenders, and the need for a human rights-based approach to water management. He expressed concern over the disproportionate impact of extractive activities on Indigenous communities and the criminalization of peaceful protests against harmful projects. The expert emphasized the need for Canada to legally recognize the human rights to water and sanitation at the federal level and for provinces to follow suit, urging a shift in power over water resources to Indigenous communities.

**June 18, 2024:** The UN Human Rights Council morning opened its fifty-sixth regular session hearing Volker Türk, United Nations High Commissioner for Human Rights, present his global update on the situation of human rights around the world. The High Commissioner stressed, inter alia, that at least 42 indigenous human rights defenders were killed in 2023 in 11 countries.

**June 21, 2024:** The Office of the High Commissioner had documented 11 virtual trials held without appropriate procedural guarantees in Nicaragua since the last update to the Council in March 2024. Detained political opponents, indigenous and religious leaders, academics and intellectuals were held in inhumane prison conditions, adding to the suffering of victims and their families. In some cases, the authorities had even refused to acknowledge the fact of detention, as in the case of National Assembly deputy and indigenous leader Brooklyn Rivera.

## Recommendations, Statements and Reports from Regional Bodies

### AFRICA

March 13, 2024: The African Commission on Human and Peoples' Rights announced that it would host a follow-up meeting in Freetown, Sierra Leone, from March 14 to 15, 2024, to validate the Study on the Impact of COVID-19 on Indigenous Peoples in Africa. The meeting aimed to enhance the Study with feedback from participants and formulate evidence-based policy recommendations to bolster the resilience of indigenous communities against future public health emergencies.

May 15, 2024: The African Commission on Human and Peoples' Rights presented an intersession activity report at the 79th Ordinary Session. The report covers the Working Group on Indigenous Populations/Communities and Minorities in Africa, including panel discussions, validation meetings, and urgent appeals, as well as activities of the Committee on the Protection of the Rights of People Living with HIV. It details country monitoring efforts, such as appeals to The Gambia, Lesotho, Sierra Leone, Egypt, Eritrea, and Eswatini, addressing issues like FGM, death sentences, and harassment. In addition, intersession activities included participation in various meetings and conferences. The report concludes with recommendations for states to protect indigenous rights, improve HIV-related healthcare, respond to urgent appeals, maintain anti-FGM laws, and work towards abolishing the death penalty.

### AMERICAS

#### *Inter-American Court of Human Rights:*

February 1, 2024: The Inter-American Court of Human Rights issued a resolution for provisional measures concerning Brooklyn Rivera Bryan, Nancy Elizabeth Henríquez James, and their families in relation to Nicaragua. The resolution was based on a request from the Inter-American Commission on Human Rights on December 19, 2023, which sought the Court's intervention under articles 63.2 of the American Convention on Human Rights and 27 of the Court's Rules. The Commission requested that Nicaragua implement provisional measures to protect the rights to life, integrity, health, and personal freedom of Rivera Bryan and Henríquez James, who are indigenous Miskitu leaders and regional deputies in Nicaragua's National Assembly, as

well as prominent members of the YATAMA organization, which advocates for the rights of indigenous and tribal peoples on Nicaragua's Caribbean Coast. The resolution highlighted the urgent need for these measures due to the extreme gravity and urgency of the situation, aiming to prevent irreparable harm to the individuals involved.

March 5, 2024: From March 7 to 22, 2024, the Inter-American Court of Human Rights (Inter-Am. Court) conducted its 165th Ordinary Session. During this period, the Court deliberated on the case of the *Rama and Kriol Peoples, Monkey Point Community, and the Black Creole Indigenous Community of Bluefields and its members vs. Nicaragua*. This case concerns the alleged international responsibility of the State for violating the rights of these indigenous and Afro-descendant communities, including their traditional territories. The issues at hand involve the unauthorized approval and implementation of the "Gran Canal Interoceánico de Nicaragua" project, which threatens their territory, integrity, and rights to property, political participation, and a healthy environment.

March 5, 2024: The Inter-American Court of Human Rights promoted several academic activities with the support of the Faculty of Legal and Social Sciences of Rafael Landívar University in Guatemala, including a course on Women's Rights and the Rights of Indigenous and Tribal Peoples.

March 25, 2024: The Inter-American Court of Human Rights announced the publication of the book "Jurisprudencia de la Corte IDH y buenas prácticas sobre derechos de los pueblos indígenas y tribales, derecho a un medio ambiente sano y personas defensoras de derechos humanos" ("Jurisprudence of the Inter-American Court of Human Rights and Good Practices Regarding the Rights of Indigenous and Tribal Peoples, Right to a Healthy Environment and Human Rights Defenders."). The publication is a culmination of the insights and experiences shared during the 2022 "First Conference on Good Practices Regarding the Rights of Indigenous and Tribal Peoples, Right to a Healthy Environment and Human Rights Defenders" held in El Salvador, Honduras, and Guatemala. The book offers an exploration of the jurisprudence of the Inter-American Court on the rights of indigenous and tribal peoples, the right to a healthy environment, and the protection of human rights defenders.

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### *Inter-American Commission on Human Rights:*

**January 2, 2024:** The Inter-American Commission on Human Rights (IACHR) adopted on December 27, 2023, Follow-Up, Extension, and Partial Lift Resolution 83/2023. This resolution concerns precautionary measure 416-13, which had been granted in favor of Tolupan indigenous persons who are members of the Broad Movement for Justice and Dignity in Honduras. The IACHR assessed the impact of these precautionary measures and decided to extend them in favor of 61 further identified members of the MADJ who live in the San Francisco Locomapa tribe, given the serious risks faced by defenders of the environment and of land and territory in Honduras.

**March 8, 2024:** The IACHR issued Resolution 11/2024 to address the serious and urgent situation faced by J. Santos Rosales Contreras and twelve other members of the Nahua indigenous community of Ayotitlán, Mexico, due to their defense of ancestral lands against illegal mining activities. The Commission has requested the Mexican state to adopt necessary and culturally appropriate measures to ensure the protection of their lives and personal integrity, consult with the beneficiaries regarding these measures, and investigate the events that led to this situation to prevent further harm.

**March 22, 2024:** The IACHR issued Resolution 12/2024 to address the serious and urgent situation of Cindy Vanessa Arenas Fernández and her family in Colombia. Arenas Fernández, an indigenous leader who survived an attempted femicide, continues to face threats and persecution by her aggressor and his associates. Despite the severity of the situation, state authorities have allegedly failed to provide effective protection measures. The Commission has requested Colombia to adopt necessary and culturally appropriate measures to protect the lives and personal integrity of Arenas Fernández and her family, to consult with the beneficiaries on these measures, and to investigate the events that led to the threats to prevent recurrence.

**March 25, 2024:** The IACHR issued Resolution 13/2024, addressing a request from various organizations for precautionary measures to protect the native Kichwa community Santa Rosillo de Yanayacu and their leaders in Peru. The community faces severe threats from illegal

logging, land trafficking, and drug trafficking. Despite being officially recognized, the community lacks a collective land title, leading to invasions and violent conflicts. The community's leader was recently murdered, prompting the displacement of several members. The Commission found that the community's situation is serious and urgent, requiring Peru to implement culturally appropriate protection measures, ensure the safe return of displaced members, and investigate the threats and violence to prevent further harm.

**May 9, 2024:** The IACHR issued Resolution 28/2024 on May 9, 2024, regarding precautionary measures for the Tapeba Indigenous People of Caucaia in Brazil. The request, filed by the Federal Public Defender's Office of Brazil, highlighted threats to the Tapeba's life and integrity due to violence and expulsion by organized crime and police, compounded by incomplete land demarcation. The IACHR determined that the Tapeba are in a serious and urgent situation, requiring Brazil to take culturally appropriate measures to protect them, allow their safe return to their villages, and investigate the threats to prevent recurrence. The resolution calls for coordinated efforts with the beneficiaries and periodic updates on the actions taken.

**May 28, 2024:** The IACHR declared that Chile is in full compliance with the friendly settlement report 138/18 regarding Petition P-687-11 – Gabriela Blas Blas and her daughter C.B.B, Chile. This case involved Chile's responsibility for the arbitrary detention and mistreatment of Gabriela Blas Blas, an Aymara indigenous woman, following her attempt to report her son's disappearance, leading to her wrongful conviction and her daughter's irregular international adoption. In June 2016, a friendly settlement agreement was reached between the conflicting parties and approved by the IACHR in November 2018. The IACHR noted the State's compliance, including acknowledging responsibility and granting Gabriela Blas Blas a lifetime pension.

**June 3, 2024:** The IACHR extended precautionary measures to protect the Pataxó Hã-Hã-Hãe indigenous people in Brazil, following a request by various human rights organizations due to escalating violence and threats related to territorial disputes and organized crime. The

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IACHR recognized the serious, urgent, and irreparable harm faced by the community, noting instances of murder, torture, and intimidation by both state and non-state actors. The Commission instructed Brazil to adopt culturally appropriate protective measures, consult with the community, and report on investigative actions to prevent recurrence of these threats. The IACHR emphasized the importance of these measures and requested regular updates on their implementation.

### EUROPE

January 12, 2024: The Framework Convention for the Protection of National Minorities is a treaty of the Council of Europe aimed at protecting the rights of national minorities. The treaty's monitoring body, the Advisory Committee on the Framework Convention, expressed deep regret over the Russian Federation's withdrawal from the treaty. This decision coincides with the Committee's concerns about the treatment of these minorities, including indigenous peoples, who face overrepresentation in military casualties, declining language and education rights, and significant human rights abuses. The 2021 census highlighted a sharp decline in minority language speakers, risking the extinction of many small languages. Human rights defenders advocating for minority rights face severe violations, including restrictions on freedom of expression. Additionally, reports from Ukraine's national minorities in Crimea and

other occupied territories indicate ongoing human rights abuses and forced assimilation by Russian forces.

January 20, 2024: The Ministry of Education and Science of Ukraine, in collaboration with the European Union and the Council of Europe, held a round table event to address education in the state language and the languages of indigenous people and national minorities. The event, attended by over 130 representatives from schools, educational institutions, national minorities, and embassies, focused on the "Roadmap for Creating Conditions for Improving the Quality of Education in the State Language and Indigenous Peoples' Languages in General Secondary Education Institutions of Ukraine for 2023-2027." The roadmap aims to enhance language education for indigenous peoples and national minorities, emphasizing equal access and quality education for all Ukrainian children.

March 27, 2024: The European Congress' Chamber of Regions convened a round-table discussion on "Intercultural regions: embracing diversity," moderated by Vice-President Gunn Marit Helgesen. Eunice Romero, Director General for Migration, Asylum, and Anti-racism of Catalonia, presented an anti-racial integration model, emphasizing individual needs and human rights. Daniel Sjögren from Västerbotten, Sweden, discussed the influx of international workers due to industrial investments, noting the challenge of cultural cohesion and preservation of Sami heritage. ■



## Selected Publications and Reports —continued from page 12

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- Ruiz, Juan Carlos. Judiciary recognizes rights to the Marañón River in Peru. *DPLF Blog*, 17 April 2024.

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- Agama, Ferdinand Onwe. *Environmental Justice and the Rights of Indigenous Peoples Under International Human Rights Law*. *International Review of Law and Jurisprudence*, 2024.
- Anaya, James S. *The Significance of the UN Declaration on the Rights of Indigenous Peoples*. Cambridge University Press, 2024.
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