

RIGHTS OF INDIGENOUS PEOPLES INTEREST GROUP NEWSLETTER

Interest Group Highlights

Welcome to this bumper issue of the Rights of Indigenous Peoples Interest Group Newsletter! It covers developments pertinent to the rights of Indigenous Peoples from June 2022- June 2023. It is the product of new collaboration between the [Facts and Norms Institute](#), an academic organization dedicated to human rights and humanitarian values, and the ASIL Rights of Indigenous Peoples Interest Group.

The Co-Chairs would like to begin by recognizing those who prepared this bumper issue of the newsletter. It was prepared by assistant editors Ana Elisa Barbosa Mourão, Gabriela Cavalieri Maia, Laura Esteves Teixeira and Luísa Lobato Oliveira, under editor Henrique Napoleão Alves, from the Facts and Norms Institute; as well as by assistant editors Ella Dodson, Justin Loveland, Dr. Sophia Murashkovsky Romma and Dr. Elizabeth Zechenter, under editor Catherine van Kampen from the North American ASIL RIPG Newsletter editorial team. Many thanks for your hard work!

In addition to the newsletter, RIPIG have a number of updates. After our elections earlier this year, RIPIG would like to welcome our newest Co-Chair, Jonathan Liljeblad. Jonathan is an Associate Professor at The Australian National University (ANU) in Canberra where he specializes in indigenous rights, human rights and environmental law. Jonathan joins Shea Esterling who will continue in her role as Co-Chair.

Preparations for our first event this year are well under way. We hope that you will join us for the webinar *Righting Wrongs: The Repatriation of the Maaso Kova*, which will take place August 31st from 5-6pm EST. It will feature speakers Andrea Carmen (Executive Director, International Indian Treaty Council) and Kristen Carpenter (Council Tree Professor of Law, University of Colorado) in discussion with Shea Esterling (Senior Lecturer, University of Canterbury, New Zealand) regarding recent developments surrounding the repatriation of indigenous cultural property under international law. You can find more information about this event and register here: <https://www.asil.org/event/righting-wrongs-repatriation-maaso-kova>

We also have a number of other projects and webinars under development for later this year and early next year. We will keep you posted as the details are finalized. In the meantime, if you have any suggestions for events please don't hesitate to reach out to us. We hope you find this newsletter helpful for your teaching and practice.

Best wishes,

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Rights of Indigenous Peoples Interest Group Co-Chairs

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Rights of Indigenous Peoples Interest Group

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Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.



Call For Papers

The co-editors, Jonathan Liljeblad and Shea Esterling, invite contributions to an edited volume entitled “Indigenous Theories of International Law.” The volume seeks to present Indigenous conceptions regarding “inter-nations” legal orders that are separate from dominant state-centric international law. “Nation” refers to a group of people with a shared identity, such that “inter-nations” refers to the interactions between different peoples. Inter-nations can be transnational in terms of encompassing multiple peoples, such that they cross the borders of state sovereignty held by current international law. The goal of the volume is to demonstrate the existence of transnational Indigenous legal orders outside the state-centric international legal system and provoke discussion for the significance of such Indigenous legal orders for international law discourses.

The volume wants to demonstrate the diversity of Indigenous peoples, including the variety and uniqueness in ontology (in terms of the topics and purpose of legal orders that are inter-nations and transnational) and epistemology (in terms of the different approaches and knowledge systems used to describe and analyze inter-nations relations). The volume welcomes contributions that reflect Indigenous voices from different disciplines and different geographies. The editors invite interested authors to submit expressions of interest (EOIs). To submit EOIs or inquiries for further information, please contact Jonathan Liljeblad (jonathanliljeblad@gmail.com or jonathan.liljeblad@anu.edu.au). Interested authors are asked to send an abstract of 200-250 words summarizing their plans for their chapter by December 31, 2023.

Indigenous Rights Developments

- Crime and human rights abuses: The dark truth behind Europe’s cheap chicken (July 5, 2022). According to a report produced by NGO Earthsight, a number of European food brands utilize chicken which is produced in a controversial farm in Brazil, which is involved in multiple human rights violations of indigenous peoples.
“The Guarani Kaiowá people have attempted to regain access to their ancestral land for the last 23 or 24 years. They have faced brutal violence which culminated in 2003 when Kaiowá leader Marcos Veron was beaten to death when armed Brasília do Sul workers and hired gunmen attacked the camp the Indigenous people had set up on the disputed territory.”
More information available here: <https://www.euronews.com/green/2022/07/05/crime-and-human-rights-abuse-the-dark-truth-behind-europes-cheap-chicken>
- Indigenous Indonesians want EU support on land rights (July 11, 2022). Indigenous peoples from the Aru Islands in Indonesia seek help from the European Union in light of threats of deforestation and seizure of their native land for military and agricultural purposes. This plea for helps comes following negotiations between the EU and Indonesia for a free trade agreement. More information available here: <https://www.dw.com/en/indigenous-indonesians-want-eu-support-on-land-rights/a-63693960>
- Indigenous Peoples’ message gets through in EU corridors of power (July 15, 2022). The European Parliament’s ENVI Committee voted for a proposal to amplify regulations on imported products, establishing that companies should respect international standards on customary tenure rights and the right to free, informed consent. The voting came about after an open letter from 22 indigenous organizations calling for the change.
“The EU is on the threshold of achieving a huge milestone in the fight against deforestation. Making businesses abide by international standards and upholding Indigenous Peoples’ land and tenure rights will help it succeed”
More information available here: <https://www.euractiv.com/section/climate-environment/opinion/indigenous-peoples-message-gets-through-in-eu-corridors-of-power/>
- Repressive authorities block Indigenous Russia site (July 18, 2022). The Russian Government has blocked a website that shares information and news regarding indigenous peoples in Russia. The reason for the blocking, according to authorities, is a violation of law. The website is no longer available in Russia, however its administrators have stated that they would seek new means to keep publishing.

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“A lighthouse for information about violations of indigenous peoples’ rights in northern Russia has been blocked by censorship agency Roskomnadzor.”

More information available here: <https://thebarentsobserver.com/en/indigenous-peoples/2022/07/repressive-authorities-block-indigenous-russia-site>

- The Indigenous Peoples of Uganda: Moving from Research Priorities to Implementing Development Solutions (July 28, 2022). Consortium, Makerere University- Resilient Africa Network (RAN) is leading efforts in Uganda to engage the Indigenous peoples so that their rights and voices are heard and upheld. The primary research has identified several priorities that ought to be addressed through development programming and last mile interventions to uplift the plight of the Indigenous peoples and further advance their resilience and self-reliance. More information available here: <https://laserpulse.org/2022/07/the-indigenous-peoples-of-uganda-moving-from-research-priorities-to-implementing-development-solutions/>
- Dana Declaration+20: Mobile Indigenous Peoples as Custodians for Conservation and Eco-Preservation of their Territories (July 31, 2022). After 20 years of the Dana Declaration, the first document of its kind endeavoring to recognizing mobile indigenous peoples’ rights, the Dana+20 meeting took place in Jordan, in September 2022. This assembly set out to discuss the mobile indigenous peoples’ rights cause considering climate change and sustainable development. *“In September 2022, mobile Indigenous peoples representing a sweep of diverse global regions, will be revisiting the goals of the [Dana Declaration](#) of 2002. The delegates at the Dana+20 meeting will represent their mobile Indigenous communities who engage in nomadic livelihoods such as pastoralism, hunting-gathering, and swidden agriculture. They will critically challenge issues such as displacement from ancestral lands leading to tenure insecurity, and state violence and criminalisation of mobile Indigenous peoples related to evictions. In addition to environmental degradation, these issues affect nomadic livelihoods.”* More information available here: <https://www.iucn.org/story/202207/dana-declaration20-mobile-indigenous-peoples-custodians-conservation-and-eco>

- Ten indigenous peoples and local communities from 9 countries bag 2022 Equator Prize (August 8, 2022) - The UN Development Programme (UNDP) and partners announce the winners of the 13th Equator Prize, recognizing ten Indigenous peoples and local communities from nine countries. The winners, selected from a pool of over 500 nominations from 109 countries, hail from Brazil, Democratic Republic of the Congo, Ecuador, Gabon, Ghana, Panama, Papua New Guinea, Mozambique and Argentina. This year’s winners highlight the theme of the [International Day of the World’s Indigenous Peoples](#): “The Role of Indigenous Women in the Preservation and Transmission of Traditional Knowledge.” More information available here: <https://www.undp.org/press-releases/ten-indigenous-peoples-and-local-communities-9-countries-bag-2022-equator-prize>
- EU boosts support to indigenous peoples’ rights around the world. (August 9, 2022). The European Union announced that it would invest €7 million to protect and promote indigenous people’s rights, in honor of the International Day of the World’s Indigenous Peoples 2022. *“On the occasion of the **International Day of the World’s Indigenous Peoples**, the EU announced it is investing a further €7 million to promote and protect indigenous peoples’ rights worldwide. These funds are part of a wider €27 million Global Gateway investment package into fair, accountable and inclusive trade and business to boost sustainability in global supply chains.”* More information available here: https://international-partnerships.ec.europa.eu/news-and-events/news/eu-boosts-support-indigenous-peoples-rights-around-world-2022-08-09_en
- European bill passes to ban imports of deforestation-linked commodities (September 15, 2022). The European Parliament has passed a bill which prohibits the circulation of products whose companies don’t comply with international human rights provisions on indigenous peoples. This new legislation is expected to have an impact on the protection of indigenous peoples’ rights and on deforestation. *“Another part of the bill obliges companies to verify whether the products they’re buying were produced in compliance with international human rights provisions and respects for the rights of*



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Indigenous peoples. In the context of Brazil, this is expected to help curb the advance of ranches and farms into Indigenous territories, especially in the Amazon."

More information available here: <https://news.mongabay.com/2022/09/european-bill-passes-to-ban-imports-of-deforestation-linked-commodities/>

- U.S. Congress reaches a milestone in Indigenous representation (September 20, 2022). After Rep. Mary Peltola's election to the U.S. House of Representatives, it has a Native American, an Alaska Native and a Native Hawaiian as member — fully representing the United States' Indigenous people for the first time in 2030 years. More information available here: [https://www.npr.org/2022/09/20/1123295313/congress-indigenous-representation-mary-peltola?](https://www.npr.org/2022/09/20/1123295313/congress-indigenous-representation-mary-peltola?hpid=hp-top-stories%3Aindigenous-representation-mary-peltola%3Ahomepage%2Fstory)
- Astra Agro Lestari in Indonesia: Ongoing criminalisation, human rights abuses and land grabbing (September 21, 2022). Indonesia's second largest Palm oil producing company, Astra Agro Lestaria (AAL) is linked to land grabbing, human rights violations and environmental harm. The company has specially negatively affected the indigenous Kairi Tado people, who have lost access to productive land.
"Representatives from Indigenous Peoples, civil society, and community-based organisations around the world sent an open letter to household consumer goods companies demanding they immediately suspend Indonesia's second largest palm oil company, Astra Agro Lestari from their supply chains and work to redress the grievances of impacted communities. The letter is directed at the "Forest Positive Coalition" of the Consumer Goods Forum – a consortium of the world's top consumer brands – ahead of its meeting during NYC Climate Week 2022." More information available here: <https://www.fidh.org/en/region/asia/indonesia/indonesia-criminalisation-human-rights-land-grabbing>
- Africa Research Centre, agric stakeholders partner to promote indigenous food (September 21, 2022). The Africa Centre of Excellence for Food Technology and Research (CEFTER), in partnership with stakeholders in the agricultural sector, is working towards promoting African Indigenous Food, which has been poorly preserved in spite of its importance. More information available here: [https://businessday.ng/agriculture/arti-](https://businessday.ng/agriculture/article/africa-research-centre-agric-stakeholders-partner-to-promote-indigenous-food/)
- Canada-funded project launched to strengthen justice access for women, girls, Indigenous peoples (September 21, 2022). With funding from Canada, a new project spearheaded by the Justice Education Society was launched in Kingston, Georgetown, with the aim of strengthening access to justice for women, girls and Indigenous peoples. The four-year project will focus on training and assisting justice actors, as well as remote Indigenous populations, where lack of access to justice is a principal concern, on their capability to respond to sexual and gender-based violence targeting women and girls. More information available here: <https://www.starbroeknews.com/2022/09/21/news/guyana/canada-funded-project-launched-to-strengthen-justice-access-for-women-girls-indigenous-peoples/>
- 'Abolish monarchy': Australia's indigenous groups protest on day of mourning for Queen (September 22, 2022). Australian indigenous groups protest against the monarchy on the national day of mourning for Queen Elizabeth II. Groups of people, mainly indigenous peoples, protest in the streets in major parts of Australia, Brisbane, Sydney, Melbourne and Canberra, for the "abolish monarchy" protest. The movement was called by the Warriors of the Aboriginal Resistance (WAR) and Fighting In Solidarity Towards Treaties to denounce and criticize the negative impacts of British colonization in Australia and the past atrocities committed by the empire. The protesters focused on themes related to the protection of indigenous rights, claiming that there is unfinished business with the monarchy in Australia. More information available here: <https://www.wionews.com/world/australias-indigenous-groups-hold-abolish-monarchy-protests-on-day-of-mourning-for-queen-518655>
- Radio stations unite to improve usage of indigenous languages (September 24, 2022). Radio stations unite to improve usage of indigenous languages in French Polynesia and New Caledonia in line with the United Nations declaring the next decade as the decade of vernacular languages. The two radio stations "Radio Tefana and Radio Djiido" are linked to the decoloniza-

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tion movements of the French Pacific's and aim at cooperating in the increase of the use of indigenous traditional languages, daily honoring a variety of local languages on the radio. The two stations plan to expand their influence in the region, seeking cooperation with stations in Wallis and Futuna, Solomon Islands, Vanuatu and Fiji.

More information available here: <https://amp.rnz.co.nz/article/c6bbb20e-55d8-4237-90ef-2cc8dd94b4c0>

- PH remains worst place for land, environmental defenders in Asia — watchdog — (September 30, 2022).

According to a report from Global Witness, the Philippines ranked first in Asia and fourth globally for the country that kills environmental activists the most. Out of 270 killed last decade, 40% were indigenous peoples aiming to protect their ancestral lands.

“Over 40% (114) of the defenders murdered were indigenous peoples campaigning to protect their land and the environment with nearly 80% of attacks against Indigenous defenders taking place on the island of Mindanao,” the organization noted.” More information available here:

<http://www.cnnphilippines.com/news/2022/9/30/PH-remains-worst-place-for-land-and-environmental-defenders-in-Asia.html>

- UNESCO trains 100 Ogun students to protect African culture (October 2, 2022). To promote and protect the diversity of cultural expressions in Africa, the United Nations Educational, Scientific and Cultural

Organisation (UNESCO) through its Institute for African Culture and International Understanding, has trained 100 students in Ogun state to embrace and protect African culture in the digital environment. More information available here: <https://www.blueprint.ng/unesco-trains-100-ogun-students-to-protect-african-culture/>

- Austria Returns Indigenous Remains to New Zealand.

(October 2, 2022). After 130 years, Austria returns stolen remains of indigenous people to New Zealand which were received by the repatriation “powhiri,” or welcoming ceremony. The remains of dozens of indigenous Maori and Moriori people, including craniums, were mostly stolen by an Austrian grave-robber in the 19th century. After 77 years of negotiations between the countries, the remains left from the Natural History Museum in Vienna and were received 6 days later at Te

Papa, the national museum of New Zealand in Wellington, where they were placed at the museum's Rongomaraeroa Marae, a sacred resting area.

More information available here: <https://www.voanews.com/a/austria-returns-indigenous-remains-to-new-zealand-/6772834.html#:~:text=The%20event%20completed%20a%20six,in%20New%20Zealand%20until%201889>

- World Indigenous Peoples' Conference in Education: Unions come together to advance the rights of Indigenous Peoples (October 4, 2022). The World Indigenous Peoples' Conference in Education (WIPCE), a triennial event held in different places, was held from 26 - 30 September 2022 in the traditional lands of the Kaurna Nation at Tarndanya, Adelaide, Australia. The WIPCE, the World's largest forum on indigenous education, was first established in 1987 and, since then, reunites delegations composed of indigenous leaders, teachers and academics who celebrate their cultures and engage in the elaboration of strategies for Indigenous People's education. In 2022, the delegations were presented with programs, workshops and discussion forums on indigenous access to equitable and quality education, including discussions on the guarantee of decent work opportunities and social protection. More information available here: <https://www.ei-ie.org/en/item/26913:world-indigenous-peoples-conference-in-education-unions-come-together-to-advance-the-rights-of-indigenous-peoples>

- 'Shocking blow to Indigenous land rights' as court dismisses Maasai herder claim (October 5, 2022). Lawyers for Maasai herders who say the Tanzanian government is trying to violently evict them from their ancestral land to make way for a luxury game reserve have lodged an appeal against a court ruling that dismissed their case. The legal battle dates back to 2017, when residents of four Maasai villages in northern Tanzania went to court to try to stop the authorities evicting them from 580 sq miles (1,500 sq km) of land. If carried out, more than 70,000 Maasai would be affected by the move. More information available here: <https://amp.theguardian.com/cdn.ampproject.org/c/s/amp.theguardian.com/global-development/2022/oct/05/shocking-blow-to-indigenous-land-rights-as-court-dismisses-maasai-herder-claim>

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- Botswana's first indigenous bank to launch in early 2023 (October 11, 2022). Botswana's BBS Limited will launch as the country's first indigenous commercial bank early next year after the central bank issued it a full banking license. More information available here: <https://www.nasdaq.com/articles/botswanas-first-indigenous-bank-to-launch-in-early-2023>
- Sweden's Indigenous Sami community complain of human rights abuses. (October 13, 2022). Sweden's Sami population's cultural identity is being threatened by the government's attempts on assimilation, which have already been condemned multiple times by the UN. "According to the United Nations, to this day the Sami are still subjected to human rights abuses, violations, and racism. It has also issued criticisms of the country's policies that forcibly aim to assimilate the Indigenous group." More information available here: <https://www.aa.com.tr/en/europe/sweden-s-indigenous-sami-community-complain-of-human-rights-abuses/2710836>
- Ecuador's government, indigenous groups reach agreements following talks (October 14, 2022). On October 14, Ecuador's government and indigenous community leaders reached a deal on Friday, ending months-long talks that lead to dozens of agreements for implementing economic and environmental concessions, which President Guillermo Lasso made to end deadly protests in June. More information available here: <https://www.reuters.com/world/americas/ecuadors-government-indigenous-groups-reach-agreements-following-talks-2022-10-15/>
- New guidance on legislation supports Indigenous rights (October 24, 2022) - The Canadian province of British Columbia release new guidance for the B.C. government from the Declaration Act Secretariat provides best practices for working with Indigenous Peoples on the development of provincial laws and policies, which advance Indigenous rights. More information available here: <https://news.gov.bc.ca/releases/2022IRR0061-001581>
- Biodiscovery bill to give Indigenous people rights over traditional knowledge (November 6, 2022). In Australia, a new biodiscovery bill is being developed which regulates the use of genetic material sourced from plants and animals in order to ensure that indigenous peoples are able to claim property rights over their own products. In 2015, after a major US cosmetic company gained property rights and put a patent on the compounds extracted from the native fruit "Gubinge", which instigated the debate on the matter of property rights and patents related to traditional peoples. The bill is based on the Nagoya Protocol, an international agreement which rules over the fair and equitable access to and profit from the use of genetic resources, aiming at including the indigenous people in the sharing of natural resources. The bill could represent a significant step towards the guarantee of indigenous' rights. More information available here: <https://amp-abc-net.au.cdn.ampproject.org/c/s/amp.abc.net.au/article/101613740>
- USAID Announces Progress On Support For Indigenous Peoples, Conserving Global Forests (November 16, 2022) On November 16, 2022, USAID announces progress on support for Indigenous peoples with investments of a total of \$92 million to support the development needs of Indigenous Peoples and Local Communities (IPLC). More information available here: <https://www.usaid.gov/news-information/press-releases/nov-16-2022-usaid-announces-progress-support-indigenous-peoples-conserving>
- Congo's Indigenous Rights Bill Stalls (November 16, 2022). In November 2023, Congolese President Felix Tshisekedi signed the new law on the Protection and Promotion of the Rights of Indigenous Pygmy Peoples. The bill acknowledges the discrimination and other abuse that have led to the political, administrative, economic, social, and cultural marginalization of Indigenous peoples. It recognizes their "traditions, customs and legal pharmacopeia," and guarantees them "easier access to justice and basic social services" as well as "the right to lands and natural resources they own, occupy or use, in accordance with the law in force." More information available here: <https://www.hrw.org/news/2022/10/28/congos-indigenous-rights-bill-stalls>
- Ending the Criminalization of Indigenous Human Rights Defenders: The Way Forward - Forum on

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Business and Human Rights 2022 (November 30, 2022) - The 11th session of the UN Annual Forum on Business and Human Rights took place between 28 and 30 November 2022. In the panel “Ending the Criminalization of Indigenous Human Rights Defenders: The Way Forward”, panelists discussed how indigenous populations and indigenous human rights defenders are being impacted by harassment, Strategic Lawsuits Against Public Participation (SLAPPs), business-related social and environmental impacts, and climate change. More information available here: <https://media.un.org/en/asset/k11/k1184o1ref>

- In first for Indonesia, government recognizes Indigenous Papuans’ ancestral forests – (December 01, 2022). The Ministry of Environment and Forestry of Indonesia has recognized customary forests which represent a total of 39,911 hectares of are to seven Papuan Indigenous groups. This recognition comes a decade after the highest Indonesian court’s 2013 decision that customary forests are not state forests. *“The Indonesian government has recognized community claims to ancestral forests in the country’s eastern Papua region for the first time in history, a move that environmentalists say could help preserving one of most biodiverse regions on the planet.”* More information available here: <https://news.mongabay.com/2022/12/in-first-for-indonesia-government-recognizes-indigenous-papuans-ancestral-forests/>
- EU agrees new law to kick deforestation out of supply chains (December 6, 2022). The European Council has passed a bill which prohibits products linked with deforestation and indigenous peoples’ rights of being sold in the EU. Companies will have to make sure the production of the products complies with international human rights standards. *“MEPs also succeeded in adding human rights protections. Companies will have to verify compliance with the country of production’s laws, including human rights and the rights of Indigenous Peoples.”* More information available here: <https://www.euractiv.com/section/climate-environment/news/eu-agrees-new-law-to-kick-deforestation-out-of-supply-chains/>
- Indigenous Peoples and Local Communities must be included in agreement to protect biodiversity

(December 7, 2022). In their opening statement to COP15 of UN Convention on Biological Diversity, the International Indigenous Forum on Biodiversity (IIFB) enforced the message that a successful Post-2020 Global Biodiversity Framework (GBF) must respect, promote, and support the rights of Indigenous Peoples and Local Communities to save nature. More information available here: <https://www.oneearth.org/indigenous-peoples-and-local-communities-must-be-included-in-agreement-to-protect-biodiversity/>

- Brazilian and U.S. indigenous peoples exchange experiences on territorial protection (December 7, 2022) Between November 8 and 13, 2022, the meeting “Indigenous Dialogues for Territorial Protection” took place at the Timbira Center for Teaching and Research Penxwyj Hempejxà, in Carolina, Maranhão. The objective of the event was to exchange experiences between representatives of Indigenous Peoples from 12 regions in Maranhão and northern Tocantins and the United States about challenges and strategies for the management and protection of Indigenous Lands. More information available here: <https://br.usembassy.gov/brazilian-and-u-s-indigenous-peoples-exchange-experiences-on-territorial-protection/>
- Calls for action as Brazil Yanomami Indigenous people face crisis (24 January, 2023) Brazilian Yanomami Indigenous people are living in dire conditions in the Amazon, The indigenous community have come under siege as business interests violently expand their operations and block the delivery of goods such as food and medicine to their embattled region. More information available here: <https://www.aljazeera.com/news/2023/1/24/calls-for-action-as-brazil-yanomami-indigenous-people-face-crisis>
- Women create ‘Blakprint’ for Indigenous gender justice (15 May, 2023) Kuku Yalanji woman Michelle Deshong, alongside other collaborators, creates the Institute for First Nations Gender Justice and Equality, to be homed at the Australian National University in Canberra. The Institute will be a place where First Nations women will create the research agenda, design the models to support thriving societies for Indigenous women and fami-



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lies and put forward evidence-based and innovative policy. More information available here: <https://nit.com.au/15-05-2023/5971/women-create-blakprint-for-indigenous-gender-justice>

- How Chile's progressive new plan to mine lithium faces Indigenous hurdles (20 July, 2023) In April 2023 Chile's president Gabriel Boric released a progressive plan to promote lithium mining while securing environmental protection and assuring indigenous groups participation in the whole process. However, in interviews with Reuters, some community leaders presented strong resistance to any new lithium mining at all. More information available here: <https://www.reuters.com/world/americas/how-chiles-progressive-new-plan-mine-lithium-faces-indigenous-hurdles-2023-07-20/>
- Explainer: Indigenous people opposing Australia's Voice referendum (11 May, 2023) Australia is going to hold a federal referendum later this year to constitutionally recognize its Indigenous Aboriginal and Torres Island people through the establishment of a representative Voice that will provide non-binding advice to the parliament. The news above presents the matter and explains why some prominent Indigenous people and groups that are opposing the referendum. More information available here: <https://www.reuters.com/world/asia-pacific/indigenous-people-opposing-australias-voice-referendum-2023-05-11/>
- Brazil's lower house approves curtailing environment, indigenous ministries (1st June, 2023) Brazil's lower house of Congress approved a bill that curtails the powers of the ministries of the environment and Indigenous affairs. The approval marks a setback for president Lula's environmental agenda, which had already been endangered when lawmakers passed a bill that limited the recognition of new Indigenous reservations. More information available here: <https://www.reuters.com/world/americas/brazils-lower-house-approves-curtailing-environment-indigenous-ministries-2023-06-01/>
- Brazil's Lula recognizes Indigenous territories halted by Bolsonaro (27 April, 2023) President Luiz Inacio (Lula) da Silva legally recognized six Indigenous territories earlier in April, fulfilling a campaign promise to reverse the policy of his far-right predecessor Jair Bolsonaro said Brazil's original people had too much land. More information available here: <https://www.reuters.com/world/americas/brazils-lula-resumes-creation-indigenous-reservations-halted-by-bolsonaro-2023-04-28/>
- 'Like we don't exist': Indigenous fear Indonesia new capital plan (15 March, 2023) As Indonesia scales up construction of its new capital city, Indigenous people say they fear being displaced by the ambitious project. More information available here: <https://www.aljazeera.com/news/2023/3/15/like-we-dont-exist-indigenous-fear-indonesia-new-capital-plan>
- Killing of Indigenous Ecuador anti-oil activist spurs questions (22 May, 2023) In Ecuador, the death of the indigenous right defender and member of the Indigenous Cofán people, Eduardo Mendúa, lead some to wonder about the role of the oil industry in his death. More information available here: <https://www.aljazeera.com/news/2023/5/22/killing-of-indigenous-ecuador-anti-oil-activist-spurs-questions>
- EU-Mercosur trade deal threatens Indigenous lands, activist says (29 June, 2023) – The biggest umbrella indigenous coalition in Brazil (the Articulation of Indigenous Peoples of Brazil -APIB) is against the free trade deal between Mercosur and the EU, fearing that the increased demand for Brazilian produce would result on more deforestation and indigenous people's rights abuse. More information available here: <https://www.reuters.com/world/europe/eu-mercosur-trade-deal-threatens-indigenous-lands-activist-says-2023-06-29/>
- Commission exposes injustices against Norway's Indigenous people (1 June 2023) The truth and reconciliation commission set up by the Norwegian Parliament in 2018 published a report on Norway's treatment of the Sámi and Kvens peoples, revealing historical injustices. More information available here: <https://www.theguardian.com/world/2023/jun/01/commission-exposes-injustices-norway-indigenous-people-sami-kvens>



Recommendations from UN and Treaty Bodies

Human Rights Committee (HRC)

In its 135th session (June 27 – July 27, 2022), the Human Rights Committee (HRC), referring to the implementation of the International Covenant on Civil and Political Rights (ICCPR), issued its concluding observations on the sixth periodic report of Uruguay (CCPR/C/URY/CO/6), where it recognized the efforts of Uruguay for combatting discrimination, including the establishment of the National Advisory Council for Ethnic and Racial Equity and People of African Descent. However, it expressed its concern regarding, specifically, the vulnerability and discrimination against Afrodescendent and indigenous people, particularly women and girls, in the spheres of education, work, health and public life, which is manifested in poverty and social exclusion, recommending that the country allocate resources to combat this and all kinds of discrimination.

The Committee was also concerned about the fact that women, specially of Afrodescendent and indigenous, are underrepresented in managerial and decision-making positions in both the public and private sectors. The Committee suggests that Uruguay intensify its efforts to ensure effective gender equality, taking steps to increase representation of women in decision-making positions, including Afrodescendent and indigenous women.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FURY%2FCO%2F6&Lang=en

In its 136th session (October 10 – November 04, 2022), the Human Rights Committee (HRC) issued a ground-breaking decision (CCPR/C/135/D/3624/2019) after examining a joint complaint filed by eight Australian nationals and six of

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Indigenous Rights Developments —continued from page 8

- Lost for words: fears of ‘catastrophic’ language loss due to rising seas (16 January 2023) - Rising sea levels are putting indigenous peoples who live on islands and coastlines in danger of displacement, leading to an increased chance of extinction of the languages spoken by them. More information available here: <https://www.theguardian.com/environment/2023/jan/16/linguists-language-culture-loss-end-of-century-sea-levels-rise>
- THE OGIEK WON REPARATIONS, NOW THEY WANT RESULTS (20 June 2023) - After the Ogiek people’s victory in the 2022 African Court on Human and People’s Rights case against Kenya, reparations and collective land rights are still due one year later. More information available here: <https://newint.org/features/2023/06/05/long-read-now-implementation-mau-forest-kenya-indigenous-decolonizehow>
- Indigenous Australians file human rights complaint with pension funds over Santos gas projects (26 April 2023) - A group of Indigenous Australians filed a complaint against 20 pension funds who invest in Santos Ltd, a gas company who is planning on building two gas projects (Barossa and Narrabri) which would bring serious threats to the livelihood and culture of their communities. More information available here: <https://www.reuters.com/world/asia-pacific/indigenous-australians-file-human-rights-complaint-with-pension-funds-over-2023-04-26/>
- Glacial Melt is Dispossessioning Nepal’s Indigenous Communities (4 April 2023) - In Nepal, glaciers melting due to climate change are forcing the displacement of several upper Himalayas’ indigenous communities. More information available here: <https://thedi diplomat.com/2023/04/glacial-melt-is-dispossessioning-nepals-indigenous-communities/>
- As Tiger Count Grows, India’s Indigenous Demand Land Rights (April 10 2023) - Tiger conservation project “Project Tiger” in India is leading to the eviction of indigenous communities from their ancestral lands, sparking protests from Nagarhole Adivasi Forest Rights Establishment Committee, an entity set up by members of several indigenous groups. More information available here: <https://thedi diplomat.com/2023/04/as-tiger-count-grows-indias-indigenous-demand-land-rights/> ■

Recommendations from UN and Treaty Bodies —continued from page 9

their children. The Committee also issued its concluding observations on the eighth periodic report of the Russian Federation (CCPR/C/RUS/CO/8), the fifth periodic report of the Philippines (CCPR/C/PHL/CO/5), the fourth periodic report of Nicaragua (CCPR/C/NIC/CO/4), the seventh periodic report of Japan (CCPR/C/JPN/CO/7) and the second periodic report of Ethiopia (CCPR/C/ETH/CO/2).

Firstly, referring to its decision on Australia, the HRC found that the country failed to adequately protect indigenous Torres Islanders against adverse impacts of climate change which violated their rights to enjoy their culture and be free from arbitrary interferences with their private life, family and home.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f135%2fd%2f3624%2f2019&Lang=en

On its concluding observations on the Russian Federation, the Committee expressed its grave concern on the allegations of forced mobilization and conscription of thousands of Crimean inhabitants, many of whom are Indigenous people, urging the Country to respect and ensure the rights of persons belonging to minorities and Indigenous Peoples, and ensure in particular that Crimean Tatars and Ukrainians are not subject to discrimination, including with respect to education in their language and political participation, in particular by reinstating the Mejlis.

It was also concerned about reports of infringements on the rights of Indigenous Peoples, in particular with the lack of participation in the decision-making process concerning their lands and resources, in the context of extractive industry operations and other development projects. In this context, the Committee also manifested its concern about the dissolution of the Centre for Support of Indigenous Peoples of the North, reiterating its previous concerns about unanswered allegations of harassment of Indigenous human rights defenders, claiming that further allegations have been received, including in relation to participation of Indigenous representatives in international forums. The Committee recommended that the country would ensure the participation of Indigenous Peoples in the decision-making process concerning their lands and resources, guarantee freedom of association for Indigenous people, including by reconsid-

ering the dissolution of the Centre for Support of Indigenous Peoples of the North and protect Indigenous human rights defenders from all harassment.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fRUS%2fCO%2f8&Lang=en

Referring to the Philippines, despite noting the State party's efforts to recognize and promote the rights of Indigenous Peoples, including through the Indigenous Peoples Rights Act of 1997, the Committee expressed its concern about the issues with the implementation of existing legal framework and safeguards, particularly regarding the reports of low rates of legal recognition of lands as Indigenous domains, the redistribution by the Department of Agrarian Reform of Indigenous lands to settlers who are not Indigenous without consent. It was also concerned about the killing of Indigenous Peoples who live in conflict-affected areas on the basis of their perceived affiliation with the army or the New People's Army and also about attacks on land and environmental defenders. Those include the killing of nine Tumandok Indigenous Peoples' rights activists in a joint police and military operation in December 2020, of tribal leader Datu Victor Danyan in December 2017 and of land reform advocate Nora Apique by unidentified assailants in March 2020.

The Committee also noted with concern reports of the militarization of Indigenous schools, harassment and attacks against teachers, and the closure of 54 Indigenous schools in Mindanao for allegedly teaching violent extremism.

In this context, the Committee recommended that the Country fully implement the Indigenous Peoples' Rights Act of 1997, in particular its provisions on the principle of free, prior and informed consent, facilitate the legal process of granting title to ancestral lands, including by developing and implementing a simplified procedure therefor and investigate all cases of harassment, intimidation and violence against and the killing of Indigenous Peoples and Indigenous rights defenders, ensuring that the victims have access to full reparations.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPHL%2fCO%2f5&Lang=en

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Referring to Nicaragua's positive measure of legal recognition of collective right of Indigenous Peoples and Afrodescendent peoples to their lands and their right to consultation _ with the titles that had been granted to communal territories covering the equivalent of 31.16 per cent of the national territory _ the Committee expressed its ongoing concern about reports of situations in which the principle of free, prior and informed consultation was not fully upheld, also being concerned about the lack of progress made in regularizing territories that have already been demarcated with reports of Indigenous Peoples have been subjected to violence following the invasion and colonization of territories by mestizo settlers.

In this sense, the Committee that the State should take steps to ensure full and meaningful consultation with Indigenous Peoples on matters concerning their rights to land and consultation, including in relation to the granting of permits for development projects that may affect their land rights, step up its efforts to prevent conflicts over land use, including by providing guarantees in relation to land traditionally owned or occupied by Indigenous Peoples and also take all measures necessary to eliminate all forms of discrimination in relation to the appointment and representation of Indigenous persons and persons of African descent.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FNIC%2FCO%2F4&Lang=en

Regarding Japan, in spite of noting the adoption in 2019 of the Ainu Policy Promotion Act, the Committee expressed its concern at reports of discrimination against the Ainu people, the Indigenous Ryukyu community and the Okinawa communities, in face of the violations and denial of their rights, the lack of recognition of the Indigenous Ryukyu community, and the denial of the rights of the Okinawa communities to participate freely in decision-making on policies that affect them, their rights to their traditional land and natural resources, and their rights to educate their children in their native languages. The Committee thus recommended that the State would take measures to guarantee the rights of Ainu and Ryukyu and other Okinawa communities to their traditional land and resources, ensure respect for their right to participation on any policies that affect them, and facilitate the education of their children in their native languages.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FJPN%2FCO%2F7&Lang=en

On its concluding observations on Ethiopia, the Committee manifested its concern at the absence of legislation recognizing and promoting the rights of Indigenous Peoples in the State. It also expressed its concern regarding the lack of adequate consultation with Indigenous Peoples, specially referring to the construction of the Gibe III hydroelectric dam.

The Committee was also concerned about the reports on the deficient management of the Lega Dembi gold mine and the lack of official oversight, which resulted in toxic contamination of water and soil, leading to grave health, environmental and socioeconomic impacts on adjacent Indigenous communities. There are reports that the mine is still operating even without appropriate consultation and without guarantees of safety and health lacking the due implementation of necessary safeguards.

In this context, the Committee recommended that the State would commit to develop and adopt a legal framework to recognize and protect the rights of Indigenous Peoples, including the right to their traditional lands and to meaningful consultations and put in place a regulatory oversight mechanism to effectively monitor extractive and any other activities that discharge toxic wastes and tailings in Indigenous lands, protecting the Indigenous communities against contamination. Referring to the Lega Dembi gold mine, the Committee requested the State to conduct and make public and accessible independent health, environmental and socioeconomic impact assessments of the gold mine, and provide victims of toxic contamination with full reparations, adequate compensation and rehabilitation.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FETH%2FCO%2F2&Lang=en

Committee on the Elimination of Discrimination against Women (CEDAW)

During its 83rd session (October 10 – 28, 2022), on 26 October 2022, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted

Recommendations from UN and Treaty Bodies —continued from page 11

General recommendation No. 39 on the rights of indigenous women and girls ([CEDAW/C/GC/39](#)) by consensus (Decision 83/1).

The General Recommendation took into account the voices of Indigenous Women and Girls as driving actors and leaders in and outside of their communities. The document provides guidance to States parties on legislative, policy, and other relevant measures to ensure the implementation of their obligations in relation to the rights of Indigenous Women and Girls under CEDAW, both within and outside indigenous territories.

The recommendation identifies and addresses different forms of intersectional discrimination faced by Indigenous Women and Girls, and their key role as leaders, knowledge-bearers, and culture transmitters within their peoples, communities, families, and society as a whole, taking into consideration, through a *gender perspective*, the discriminatory norms, harmful social practices, stereotypes, and inferior treatment that have historically affected and still affect Indigenous Women and Girls. The document refers to access to justice, to the prevention and protection from gender-based violence against Indigenous women and girls, the right to effective participation in political and public life, the right to education, work, health, culture, land, territories and national resources, food, water and seeds, and the right to a clean healthy and sustainable environment

More information available here: https://www.ohchr.org/sites/default/files/2022-10/CEDAW_GR_C_39_AUV.docx
In the same occasion, the Committee issued its concluding observations on the ninth periodic report of Honduras (CEDAW/C/HND/CO/9) where it expressed its concern regarding the limited access of rural and Indigenous women to education, employment and health care, also point out the underrepresentation of rural and Indigenous women in decision-making and leadership positions. The Committee was also concerned about forced eviction and displacement of Indigenous women and girls, labour exploitation, serious health consequences, and sexual violence and trafficking related to business and development projects on Indigenous lands.

In this sense, the Committee recommended that the Country ensure that economic activities, adaptation programmes and conservation projects are implemented in

Indigenous territories only following the effective participation of Indigenous women. It also recommended that country would take measures to tackle all forms of gender-based violence against rural and Indigenous women and girls, including environmental, spiritual, political, structural, institutional and cultural violence that are attributable to extractive industries, ensuring that Indigenous women and girls have access to justice systems, protection orders, prevention and investigative mechanisms of cases of missing and murdered Indigenous women and girls free from all forms of discrimination.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FHND%2FCO%2F9&Lang=en

Committee on the Elimination of Racial Discrimination (CERD)

In its 107th session (August 08 – 30, 2022), the Committee on the Elimination of Racial Discrimination (CERD) issued its concluding observations on the combined 15th to 21st periodic reports concerning Nicaragua (CERD/C/NIC/CO/15-21) and on the combined sixteenth to eighteenth periodic reports of Suriname (CERD/C/SUR/CO/16-18).

Referring to Nicaragua the Committee deeply regretted the State party's absence during the review. It also expressed its concern towards the reports of assaults on indigenous peoples, including attacks in the Mayangna Sauni As territory in the Bosawás Biosphere Reserve, calling for urgent action to prevent violence and to investigate and prosecute those responsible for the attacks. The Committee also requested the Country to perform impact studies on the exploitation of natural resources in indigenous territories, before granting licenses for exploitation projects.

The Committee was also concerned about the lack of explicit protection and legal recognition of the Indigenous Peoples in the Pacific, Center and North regions, claiming that the reports demonstrate alarming setbacks on the guarantees of indigenous rights in the country.

More information available in Spanish here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FNIC%2FCO%2F15-21&Lang=en



Recommendations from UN and Treaty Bodies —continued from page 12

Referring to Suriname, the Committee expressed its concern about reports of the negative impacts to the environment and to the health of indigenous peoples caused by the ongoing mercury and other toxic pollution of land and rivers by gold mining, deforestation, road construction, and illegal airstrips, recommending that Suriname prohibit the use of mercury.

The Committee was also concerned about the lack of a legislative framework on the rights of indigenous peoples in Suriname, recommending that its elaboration includes effective and meaningful participation of indigenous peoples.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSUR%2FCO%2F16-18&Lang=en

Later, in its 108th session (November 14 – December 02, 2022), the Committee on the Elimination of Racial Discrimination (CERD) issued its concluding observations on the combined seventeenth to twenty-second reports of Botswana (CERD/C/BWA/CO/17-22), on the combined eighteenth to twentieth periodic reports of Brazil (CERD/C/BRA/CO/18-20) and on the combined twenty-first to twenty-fourth periodic reports of Jamaica (CERD/C/JAM/CO/21-24).

Referring to Botswana, despite recognizing the importance of the amendment of the Tribal Land Act and of the fact that, according to Botswana's delegation, any citizen of Botswana is eligible, without distinction on the basis of ethnic origin, to acquire land anywhere in the country, the Committee expressed its ongoing concern about the different statuses of lands belonging to different groups and the lack of collective demarcation and complaints procedures for indigenous peoples, recommending that the country ensure equal ownership of lands to all groups, including equal legal and judicial procedures.

Furthermore, the Committee manifested its concern regarding the initiation of several long-term major mining exploration projects, especially in the Okavango Delta and the Central Kalahari Game Reserve, highlighting that, although the country states that the populations affected by these projects had been consulted, the Committee is still alarmed by the possible impact of these projects on the way of life and traditional structures of such ethnic groups.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBWA%2FCO%2F17-22&Lang=en

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On its observations about Brazil, the Committee manifested its concern about the fact that the prevalence of chronic malnutrition among Indigenous children under 5 years old is 28.6 per cent. It also expressed its concern about the reports of ongoing invasions of Indigenous and Quilombola lands, by multiple actors, including businesses, taking part in legal and illegal activities such as mining, deforestation and logging, which could also lead to significant health hazards of Indigenous Communities such as the ones caused by mercury poisoning and exposure to infectious diseases, also undermining their right to access a clean, healthy and sustainable environment.

The Committee was also concerned by reports of retrogression in national environmental regulations, including the abandonment of the Action Plan to Prevent and Control Deforestation in the Amazon, urging that the country takes all necessary measures to protect the land of Indigenous and Quilombola communities. The Committee manifested its concern about the stalled progress on land demarcation of Indigenous and Quilombola territories, with no new land demarcations having taken place since 2016, with reports suggesting that the budget for the demarcation process was subject to presidential veto in 2022.

The Committee also manifested its concern about the violence against Indigenous and Quilombola communities, including killings, often targeting Indigenous human rights defenders. Among other issues addressed, the Committee highlighted the endemic levels of violence against Indigenous and Quilombola women, including threats, harassment, sexual violence and femicide; the impunity for serious violence against Indigenous and Quilombola communities; and the significant institutional weakening and budget cuts of the National Indian Foundation in recent years. In this sense, the Committee recommended that Brazil would take measures to reinforce its protection institutions to prevent all violence against Indigenous and Quilombola People, including investigating the attacks and invasions, ensuring accountability among perpetrators and the provision of remedies to the victims.

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Referring specifically to the Munduruku and Yanomami communities, the Committee expressed its concern about the impact of the lack of effective legal protection on their rights, informing that the communities have been subjected to grave violations of their human rights, resulting in the Inter-American Commission on Human Rights issuing precautionary measures, also referring to the case submitted to the Inter-American Court of Human Rights on the violations of rights of Quilombola communities of Alcântara, recommending that the Country recommence and expedite the process of demarcating Indigenous and Quilombola lands and that it act in full compliance with relevant precautionary measures issued by the Inter-American Commission on Human Rights referring to the above-mentioned cases.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBRA%2FCO%2F18-20&Lang=en

Regarding Jamaica, despite noting the country's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, the Committee manifested its concern regarding the fact that Jamaica considers that there are no Indigenous Peoples in the Country, while it recognizes Maroon and Taino as cultures that are indigenous to Jamaica, claiming that this approach could marginalized communities that self-identify as indigenous peoples, intensifying situations of discrimination faced by them. In this sense, the Committee recommends that the Country reconsider its approach, giving due account to the principle of self-identification and engage in open and inclusive discussions with Maroon and Taino communities on this matter.

The Committee also recommended that the Country considers ratifying international human rights treaties that are directly relevant to communities that may be subjected to racial discrimination, including the Indigenous and Tribal Peoples Convention 1989 (No. 169).

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FJAM%2FCO%2F21-24&Lang=en

Committee on Economic, Social and Cultural Rights (CESCR)

In its 72nd session (September 26 – October 14, 2022) the Committee on Economic, Social and Cultural Rights

(CESCR) adopted concluding observations on the sixth periodic report of El Salvador (E/C.12/SLV/CO/6), on the fourth periodic report of Guatemala (E/C.12/GTM/CO/4) and on the sixth periodic report of Norway (E/C.12/NOR/CO/6).

Referring to El Salvador, the Committee reported that it did not receive detailed information on the country's implementation and results of the National Action Plan for Indigenous Peoples. The Committee also manifested its concern regarding the lack of legal mechanisms that recognize the right of Indigenous Peoples to collective land acquisition, also being concerned with the lack of adequate, informed consultation with Indigenous Peoples relating to the exploitation of natural resources in their ancestral territories. Furthermore, the Committee was concerned about the high illiteracy rate among Indigenous communities, in particular among women and girls and about the limited access to the Internet by Indigenous Communities.

Another particular concern expressed by the Committee is the fact that El Salvador has not yet ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FSLV%2FCO%2F6&Lang=en

In its concluding observations on Guatemala, the Committee referred to issues similar to the ones present in El Salvador, such as the lack of internet access, the high illiteracy rates among Indigenous Peoples and the lack of free, prior and informed consultation with Indigenous Communities regarding any measures that are likely to affect them.

The Committee also manifested particular concern with the serious social conflict that undermines the right of Indigenous Peoples to their traditional lands, territories and resources, including forced eviction, as a result of the lack of secure land tenure, infringing international human rights standards. Another concern is the continuous persecution of community-based Indigenous radio stations in Guatemala, violating Indigenous Peoples' enjoyment of freedom of expression and cultural rights.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGTM%2FCO%2F4&Lang=en



Recommendations from UN and Treaty Bodies —continued from page 14

Lastly, in its concluding observations on Norway, referring to data collection, the Committee expressed its concern about the absence of data disaggregated by indigenous origin in the State party, hindering the assessment of the enjoyment of Covenant rights by the Sami and persons belonging to ethnic minority groups. More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FNOR%2FCO%2F6&Lang=en

Committee Against Torture

In its 75th Session (October 31 – November 25, 2022), the Committee Against Torture released its concluding observations on the sixth periodic report of Australia (CAT/C/AUS/CO/6). The Committee expressed its concern regarding indigenous peoples in the criminal justice system, including the juvenile system, in face of the disproportionality of indigenous men, women and children affected by incarceration, reportedly representing approximately 30 per cent of the total prisoner population, while constituting 3.8 per cent of the total population. The Committee is also concerned about the “reports that mandatory sentencing and imprisonment for petty crimes, such as fine defaults, still in force in several jurisdictions continue to contribute to such disproportionately high rates of incarceration of indigenous peoples” (CAT/C/AUS/CO/6, para 33). It also manifested concern about the insufficient accessibility of legal assistance services, including interpretation and translation services, for Indigenous Peoples such as Aboriginal and Torres Strait Islander peoples. In this sense, the Committee recommended that the Country would increase its efforts to address the overrepresentation of indigenous peoples in prisons, including through the identification of the causes of such overrepresentation, “also revising regulations and policies leading to their high rates of incarceration” (CAT/C/AUS/CO/6, para 34).

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FAUS%2FCO%2F6&Lang=en

Committee on Migrant Workers (CMW)

In its 496th and 497th sessions (September 20-21, 2022) the Committee on Migrant Workers (CMW) reviewed the initial report on the Bolivarian Republic of Venezuela and on its 512nd session (September 30, 2022) released its

concluding observations on the report (CMW/C/VEN/CO/1). The Committee manifested its concern on the vulnerability of indigenous peoples that displace across the borders of Brazil, Colombia and Venezuela to work, stating that those workers are abused with forced labor, human trafficking and debt bondage, particularly workers in the mining and agricultural sectors. The Committee is especially concerned with the indigenous groups Barí, Pemón, Warao, Wayuu, Yanomami and Yukpa. In this sense, the Committee recommends that the Country take the necessary measures to protect the rights of those workers in cooperation with the neighboring countries. More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2FC%2FVEN%2FCO%2F1&Lang=en

Committee on the Rights of the Child (CRC)

In its 90th session (May 03-June 03, 2022), the Committee on the Rights of the Child (CRC) adopted concluding observations on the combined fifth and sixth periodic reports of Canada (CRC/C/CAN/CO/5-6) where it expressed grave concern on reports of unmarked graves found on the sites of former residential schools for Indigenous children across the country. The Committee urged the Country to put in practice investigation measures to clarify information on the death and disappearance of thousands of indigenous girls, providing justice to their families through the implementation of the National Inquiry’s calls for justice. The Committee found that Canada’s child welfare system is failing to protect indigenous children and adolescents, urging the country to implement national mechanisms to prevent violence against all children.

Referring to Indigenous children from the Anishinaabe community of the Grassy Narrows First Nation in north-western Ontario, the Committee expressed its concern regarding their ongoing suffering caused by mercury contamination of water in the region which causes chronic and severe physical and mental health problems. The Committee requested that the Country implement specialized healthcare necessary to treat mercury poisoning in the region. The Committee also referred to other issues referring to indigenous peoples such as those related to the issuance of birth certificates for indigenous children and the implementation of the 94 calls to action of the Truth and Reconciliation Commission concerning

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abuses, including sexual violence, suffered by Indigenous children in residential boarding schools.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCAN%2FCO%2F5-6&Lang=en

In its 91st session (August 29-September 23, 2022), the Committee on the Rights of the Child (CRC) adopted concluding observations on the combined fifth and sixth periodic reports of the Philippines (CRC/C/PHL/CO/5-6) and on the combined fifth and sixth periodic reports of Viet Nam (CRC/C/VNM/CO/5-6).

In its concluding observations on the Philippines, the Committee expressed its concern regarding the lack of registration of a large number of children belonging to minority groups, including indigenous children, worried that it may lead to statelessness and deprivation of fundamental rights, urging the Country to establish a free and accessible birth registration system.

The Committee also expressed its concern regarding the large number of indigenous children displaced as a result of the conflicts in Mindanao and in Marawi in particular, recommending that the Country allocate resources to the implementation of the Indigenous Peoples' Rights Act of 1997 (Republic Act No. 8371), ensure the protection of children belonging to indigenous groups and combat children's displacement, the recruitment of children by armed forces and armed groups and child marriage.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FVNM%2FCO%2F5-6&Lang=en

Referring to Viet Nam, the Committee requested that the country address the disparity in the enjoyment of rights by children belonging to minority groups, including indigenous children, by implementing mechanisms to combat discrimination and violence, to ensure full and equal access to birth and household registration, health care and education.

More information available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FVNM%2FCO%2F5-6&Lang=en

Committee on the Rights of Persons with Disabilities (CRPD)

In its 27th session (August 15 – September 09, 2022), the Committee on the Rights of Persons with Disabilities (CRPD) has issued its country reviews on Bangladesh, China, Indonesia, Japan, the Republic of Korea, Lao People's Democratic Republic, New Zealand, Singapore and Ukraine. On its concluding observations concerning Bangladesh (CRPD/C/BGD/CO/1), the Committee expressed its concern towards the deprivation suffered by people with disabilities, especially women and members of religious and indigenous groups, in the denial of their legal capacity to enter into contracts or inherit property in the Country. The Committee recommended that Bangladesh introduced a more inclusive legislation that guarantees the autonomy of these groups.

The Committee requested Bangladesh to provide information on measures being taken in the Country to combat stereotypes, prejudices and harmful practices relating to persons with disabilities in all areas of life, including those belonging to indigenous groups. Bangladesh's reply did not specifically mention indigenous peoples.

More information available here:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FBGD%2FCO%2F1&Lang=en

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https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FBGD%2FCO%2F1&Lang=en

<https://www.ohchr.org/en/press-releases/2022/09/un-disability-rights-committee-publishes-findings-bangladesh-china-indonesia> ■

UN Statements and Reports

The Independent Expert on the enjoyment of all human rights by older persons issues the report on her country visit to Finland from 26 October to 4 November 2021. The report analyzes the challenges faced in the realization of all human rights by older persons, paying particular attention to marginalized persons and groups in vulnerable situations, such as indigenous peoples, and assesses the implementation of existing international instruments, laws and policies pertaining to the enjoyment of all human rights by older persons in Finland. (UN Doc A/HRC/51/27/ADD.1, 24 August 2022). Report available here: <https://uhri.ohchr.org/Document/File/51c10893-5ce3-4746-aca7-ee6991e62af6/E8A18F2C-8791-4712-9BB2-96F0B31FC5AA>

The Working Group of Experts on People of African Descent issues its report on its visit to Portugal from 29 November to 6 December 2021. The report describes the current legal, institutional and policy framework, and the measures taken to prevent the racism, racial discrimination, xenophobia, and related intolerance that people of African descent face in Portugal, emphasizing positive developments and gaps in implementation. The Working Group also highlights good practices and the main challenges it identified, and makes concrete recommendations. (UN Doc A/HRC/51/54/Add.2, 16 August 2022). Report available here: <https://uhri.ohchr.org/en/document/722dbbb2-be55-4b7d-87af-5844eca5af1a>

Special Rapporteur on the rights of indigenous peoples issues the report on his visit to Costa Rica from 6 to 17 December 2021. He takes note of the openness to dialogue between the Government and the indigenous peoples and of the various legislative developments. Nevertheless, it is imperative that the Government give priority to addressing structural problems, in particular by guaranteeing the indigenous peoples' rights to their lands, territories and natural resources, to respect for their own authorities, to proper operationalization of consultations and to realization of their economic, social and cultural rights. The report expresses concern about the structural racism that pervades the judiciary, especially at the local level, the lack of effective measures to protect human rights defenders and the impunity for crimes committed against land defenders. (UN Doc A/

HRC/51/28/Add.1, 13 July 2022). Report available here: <https://uhri.ohchr.org/en/document/354ca032-fb22-47c7-8097-7e8069973715>

The Secretary-General transmits to the General Assembly the report of the Special Rapporteur on the rights of indigenous peoples, in accordance with Human Rights Council resolution 42/20. The Special Rapporteur provides a brief summary of his activities since his previous report to the General Assembly (A/76/202/Rev.1) and considers the implications of protected areas for the rights of indigenous peoples. He considers it urgent and timely to revisit the issue of protected areas and the rights of indigenous peoples, which was addressed by the previous mandate holder in 2016, and assess recent developments with a focus on the obligations of States and international organizations to respect, protect and promote indigenous peoples' rights. (UN Doc A/77/238, 19 July 2022). Report available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/431/62/PDF/N2243162.pdf?OpenElement>

The United Nations High Commissioner for Human Rights issues its annual report on the rights of indigenous peoples, covering the period from 1 June 2021 to 31 May 2022. It contains information on relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. It also contains information on the implementation of the provisions in relevant international human rights treaties. (UN Doc A/HRC/51/18, 6 July 2022). Report available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/400/53/PDF/G2240053.pdf?OpenElement>

The Special Rapporteur on the human rights to safe drinking water and sanitation presented a report on indigenous peoples' rights to safe drinking water and sanitation to the Human Rights Council. The Rapporteur stated that indigenous peoples' deep-seated care for water and water bodies was a genuine expression of sus-



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tainability and an eco-system approach, such as the world was now trying to implement, considering water as a common good and not as a merchandise. Press release available here: <https://www.ohchr.org/en/press-releases/2022/09/indigenous-peoples-deep-seated-care-water-and-water-bodies-genuine>

The report concluded by the UN Special Rapporteur on freedom of religion or belief and presented to the General Assembly explored “indigenous spirituality” as a typically nature-based “way of life,” documented experiences of affected rights-holders—from forced displacement to environmental destruction—and proposed recommendations to protect and promote the freedom of religion or belief of indigenous peoples, consistent with international law. Press release available here: <https://www.ohchr.org/en/press-releases/2022/10/historical-and-ongoing-discrimination-threatens-spiritual-cultural-and>

The UN Special Rapporteur on toxics and human rights, in his report to the UN General Assembly, stated that indigenous peoples exposed to hazardous substances are suffering a form of environmental violence that has caused deaths and endangered lives through loss of food sources and medicinal plants, forced displacement, birth defects and cancers. The report addresses the range of human rights violations and abuses that indigenous peoples suffer due to industrial expansion, extractive industries, hazardous pesticides, military activities, waste dumping, and exposure to hazardous substances and wastes. Press release available here: <https://www.ohchr.org/en/press-releases/2022/10/exposure-toxic-substances-form-environmental-violence-against-indigenous>

A UN expert hailed a decision by the African Court on Human and People’s Rights to award reparations to the Ogiek indigenous peoples for harms suffered from injustices and discrimination, accordingly to the judgment delivered by the Court on 26 May 2017, finding that the Government of Kenya had violated the right to life, property, natural resources, development, religion and culture of the Ogiek, under the African Charter on Human and Peoples’ Rights. Press release available here: <https://www.ohchr.org/en/press-releases/2022/07/kenya-un-expert-hails-historic-ruling-awarding-reparations-ogiek-indigenous>

The UN Special Rapporteur on the Rights of Indigenous Peoples states that Bangladesh’s non implementation of Chittagong Hill Tracts (CHT) Accord has severely threatened the culture and identity of the region’s Indigenous population, and violated their human rights. Press release available here: <https://www.ohchr.org/en/press-releases/2022/12/bangladesh-un-expert-concerned-about-non-implementation-chittagong-hill>

UN experts express concern that the 1,500-kilometre Train Maya project on Mexico’s Yucatan peninsula is endangering the rights of indigenous peoples and other communities to land and natural resources, cultural rights and the right to a healthy and sustainable environment. Press release available here: <https://www.ohchr.org/en/press-releases/2022/12/mexico-government-and-business-must-address-negative-impacts-train-maya>.

The UN Special Rapporteur on toxics and human rights presented a report to the Human Rights Council and urged States to address human rights violations related to the use of mercury in small-scale gold mining and protect the environment by prohibiting its trade and use in such mining. The expert said indigenous peoples are particularly affected by the destruction and pollution of their territories, deforestation, loss of biodiversity and contamination of their food sources. Press release available here: <https://www.ohchr.org/en/press-releases/2022/09/un-expert-calls-global-ban-mercury-trade-and-use-small-scale-gold-mining>

A UN expert stated that Paraguayan society’s inclusive and generous attitudes towards minorities must be bolstered by stronger and more effective government action to protect human rights and strengthen the rule of law. The UN Special Rapporteur on minority issues, at the end of a 12-day visit, stated Paraguay’s sometimes tragic history, and the central place of the indigenous language Guaraní, have resulted in a society tolerant of ethnic, religious and linguistic diversity. Press release available here: <https://www.ohchr.org/en/press-releases/2022/11/un-expert-commends-efforts-paraguay-calls-stronger-measures-enhance> ■

Recommendations, Statements and Reports from Regional Bodies

AFRICA

African Commission on Human and People's Rights

- **50th and 51st Combines Activity Reports of the African Commission on Human and People's Rights – African Commission on Human and People's Rights**

The report notes positive developments in terms of indigenous rights in the period between December 2020 and December 2021, such as the adoption of legislation protecting the rights of Pygmy peoples in the Democratic Republic of Congo; the judgment of the Constitutional Court of Uganda ordering the compensation by the State of Batwa indigenous people for unlawful eviction; and the production of a draft document on indigenous rights development in Cameroon. The report also lists adopted resolutions by the Commission, such as the Resolution on Extractive Industries and the Protection of Land Rights of Indigenous Populations/Communities in Africa.

<https://archives.au.int/handle/123456789/10394>

- **Working Group on Indigenous Populations/Communities and Minorities in Africa – 7IOS – African Commission on Human and People's Rights**

Report highlighting the activities of the Working Group in the period after the 69th Ordinary Session of the Commission (December 2021).

<https://achpr.au.int/en/intersession-activity-reports/working-group-indigenous-populationscommunities-and-minorities-africa>

- **Concluding Observations and Recommendations – Namibia: 7th Periodic Report, 2015-2019 – African Commission on Human and People's Rights (ACHPR)**

The Commission recommends that Namibia ratify the ILO Convention 169 on Indigenous and Tribal Peoples. It also issues a series of recommendations, such as including a reference to indigenous peoples in the Namibian Constitution, ensuring that indigenous communities are granted birth certificates and other identification documents, and addressing the problems relating to land as far as indigenous communities are concerned. In terms of developments, the report recognizes that Namibia has

established in 2019 a Commission of Enquiry on the claims of ancestral land rights.

<https://achpr.au.int/en/state-reports/concluding-observations-and-recommendations-namibia-7th-periodic-report-2015>

- **Second High Level Continental Seminar On The Right To Health And Social Protection In Africa 27 To 29 June 2022 Windhoek, Namibia - Key Conclusions And Recommendations – African Commission on Human and People's Rights**

The Commission recommended, inter alia, that States: "18. Consider establishing units that offer traditional medicine in the hospitals and having officialized indigenous solutions, e.g. herbal medicines etc".

<https://achpr.au.int/en/news/statements/2022-08-01/second-high-level-continental-seminar-right-health-and-social-protecti>

- **73rd Ordinary Session of the African Commission on Human and People's Rights Intersection Activity Report of the Working Group on Indigenous Populations/Communities and Minorities in Africa**

Report highlighting the activities of the Working Group in the period after the 71st Ordinary Session of the Commission.

The activities include press releases on the Maasai evictions in Tanzania and on the multiple rights violations against the Benet Mosopisyek Community in Uganda; signing of a partnership with Minority Rights Group International; a brief overview of the situation of indigenous communities and minorities in Africa; and a series of recommendations for a number of African countries.

<https://achpr.au.int/en/intersession-activity-reports/working-group-indigenous-populations-communities-minorities-africa>

- **Urgent call for the cessation of multiple rights violations against the Benet Mosopisyek Community in the Republic of Uganda – African Commission on Human and People's Rights**

The Commission calls for the end of forceful evictions of the indigenous Benet Peoples by the government of

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Uganda to establish a national park. It has also received multiple reports of acts of violence and intimidation by the Uganda Wildlife Authority in connection to the goal of establishing the park. In light of such violations, the Commission urges the Government of Uganda to comply with a series of resolutions, such as taking measures to cease the violence and harassment and initiate investigations in this matter.

<https://achpr.au.int/index.php/en/news/press-releases/2022-10-04/urgent-call-cessation-multiple-rights-violations-benet-mosopisyek>

- **Resolution on the Renewal of Mandate, appointment of the Chairperson and Reconstitution of the Working Group on Indigenous Populations/Communities and Minorities in Africa - ACHPR/Res.533 (LXXIII) 2022 – African Commission on Human and People’s Rights**

Resolution appointing Commissioner Litha Musyimi-Ogana, as Chairperson of the Working Group for two years, as well as renewing the mandate of Commissioner Marie Louise Abomo, as the Vice-Chairperson of the Working Group for the same period.

<https://achpr.au.int/index.php/en/adopted-resolutions/533-resolution-renewal-mandate-appointment-chairperson>

- **52nd and 53rd Combined Activity Reports of the ACHPR.**

On 8 June 2023, the African Commission on Human and Peoples’ Rights (the Commission or the ACHPR) released its 52nd and 53rd Combined Activity Reports. The Report is presented to the Heads of State and Government of the African Union (AU), in accordance with Article 54 of the African Charter on Human and Peoples’ Rights (the African Charter) and covers the period from 6 December 2021 to 9 November 2022. The report covers numerous of the Commission initiatives regarding Indigenous Populations/Communities and Minorities in Africa (WGIP). <https://achpr.au.int/index.php/en/documents/2023-06-08/52nd-and-53rd-combined-activity-reports>

- **Resolution on the appointment of Expert Members of the Working Group on Indigenous Populations/**

Communities and Minorities in Africa - ACHPR/RES.553 (LXXV) 2023

In its 75th Ordinary Session, held in Banjul, The Gambia from 3 to 23 May 2023, the African Commission on Human and People’s Rights Intersection issued a Resolution on the appointment of Expert Members of the Working Group on Indigenous Populations/Communities and Minorities in Africa - ACHPR/RES.553 (LXXV) 2023 <https://achpr.au.int/en/adopted-resolutions/553-resolution-appointment-expert-members-working-group>

- **Working Group on Indigenous Populations/Communities and Minorities in Africa - 75OS**

Report highlighting the activities carried out in the period between and after the 73rd Ordinary Session of the Commission (held from 20 October to 9 November 2022) and reporting on the general human rights situation of indigenous people. The Report was released in 20 May, 2023. <https://achpr.au.int/en/intersession-activity-reports/working-group-indigenous-populations-communities-and-minorities>

African Court on Human and People’s Rights

- **Case “African Commission on Human and People’s Rights v. Kenya” (Application No. 006/2012)**

This case concerns an eviction notice issued to the Ogiek indigenous minority group from the Mau Forest by the Republic of Kenya. A judgement on the Merits of the case was delivered in 2017, recognizing that the Respondent State had violated Article 1, 2, 8, 14, 17(2) and (3), 21 and 22 of the African Charter on Human and Peoples’ Rights. On this installment of the judgement, the Court issued a series of reparations both of pecuniary and non-pecuniary nature to the Respondent, such as the payment of 57850000,000 Kenya Shillings for the material prejudice suffered by the Ogiek and 100000000,00 Kenya Shillings for the moral prejudice suffered.

<https://www.african-court.org/cpmt/storage/app/uploads/public/62b/aba/fd8/62babafd8d467689318212.pdf>

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• Various statements and resolutions

Dec 12, 2022 - Resolution on the Renewal of Mandate, appointment of the Chairperson and Reconstitution of the Working Group on Indigenous Populations/Communities and Minorities in Africa - ACHPR/Res.533 (LXXIII) 2022.

Between November 20 and November 25 the Industrialising Africa: Renewed commitment towards an Inclusive and Sustainable Industrialization and Economic Diversification took place at Niamey, Niger. Among others, the summit covered important topics related to indigenous knowledge and Africa's Industrialization.

On December 15, 2022, the African Court of Human Rights released the Annual Procurement Plan for 2023 <https://www.african-court.org/wpafc/annual-procurement-plan-2023/>

On 28 November 2022 the African Union and European Union Commissions engaged on their strategic partnership and reviewed progress in the implementation of the joint commitments taken at the 6th EU-AU Summit in February 2022: renewed and enhanced cooperation for development, peace and security, enhanced and reciprocal partnership for migration and mobility and multilateralism and the Global Gateway Africa-Europe Investment Package in support of our common ambition for 2030 and the Africa Union's Agenda 2063. See the link for key announcements and statements:

https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7247

On 27 March 2023 the African Court released its annual Activity Report of the African Court on Human and Peoples Rights released the (AfCHPR). The Report describes the activities undertaken by the Court from 1 January to 31 December 2022, in particular, the judicial, administrative and outreach activities, as well as measures taken to implement decisions of the Executive Council relating to the functioning of the Court. <https://www.african-court.org/wpafc/report-of-the-african-court-on-human-and-peoples-rights-afchpr-2022/>

ASIA

Asian Human Rights Commission

• Statements

December 10, 2022 - The Asian Human Rights Commission issued a statement, on the occasion of International Human Rights Day, condemning, *inter alia*, incidents among in Nepal where journalists, civil society members, social justice advocates, Dalits, and poor indigenous and ethnic citizens have been threatened, beaten, shamed, arrested, and such for carrying out their work.

<http://www.humanrights.asia/news/AHRC-STM-018-2022>

September 23, 2022 - The Asian Human Rights Commission issued a statement affirming its support to Indonesian civil society organisations under the Coalition of the Civil Society for Security Sector Reform, including the Civil Society Coalition for Security Sector Reform strongly condemning all forms of violence against indigenous Papuans carried out by the security forces.

<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-015-2022/>

June 14, 2023 - The Asian Human Rights Commission issued a statement condemning the steps taken by the East Jakarta District Court which restricted access to the courtroom to the prosecutor of the indigenous and human rights defenders Ms. Fatia Maulidiyanti (Coordinator of KontraS) and Mr. Haris Azhar (Founder of Lokataru), in Indonesia. <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-011-2023/>

EUROPE

Council of Europe

• Human Rights and the Environment

The Council made a new publication available containing (a) *Recommendation CM/Rec(2022)20 of the Committee of*

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Ministers to member States on human rights and the protection of the environment and (b) the *Manual on Human Rights and the Environment, Steering Committee for Human Rights (CDDH), 3rd edition*. The content encompasses questions of indigenous concern, including recommendations related to protecting and consulting indigenous peoples.

<https://rm.coe.int/0900001680a977f9>

European Court of Human Rights

• Case “Ecodefence and others v. Russia”

This judgement concerns the labelling of several Russian NGOs as “foreign agents” funded by “foreign sources” and exercising “political activity” under the country’s 2016 Foreign Agents Act, as well as the subsequent liquidation of some of them in a Supreme Court decision. One of these NGOs was the Indigenous Peoples’ Centre. The Court found that former presidents, founders, directors and members of applicants that ceased to exist have the right to continue to pursue proceedings previously initiated in their name; that there has been a violation of Articles 11 and 34 of the European Convention on Human Rights. The NGO has been awarded 10.000,00 euros in non-pecuniary damage, 4.290,00 euros in pecuniary damage, and 1,050 euros in costs and expenses.

<https://hudoc.echr.coe.int/eng#%7B%22tabview%22:%5B%22document%22%5D,%22itemid%22:%5B%22001-217751%22%5D%7D>

• Various statements

In a joint statement, release by the Prime Minister of Australia, Anthony Albanese, the President of the European Council, Charles Michel, and the President of the European Commission, Ursula von der Leyen, the representatives agreed on the importance of ensuring that the voices of Indigenous Peoples are heard at the international level, and on the need to learn from and embody their knowledge and experience. https://ec.europa.eu/commission/presscorner/detail/en/statement_22_6947

Vice-President Suica delivers opening remarks for the High Level Opening of the EU Sámi Week in Brussels. https://ec.europa.eu/commission/presscorner/detail/en/speech_22_8179

3 October 2022 - The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 75th meeting in Strasbourg from 16 to 20 May 2022 in a hybrid format. The following report was approved on 3 October 2022. <http://rm.coe.int/0900001680a85738>

25/11/2022 - In its first (baseline) evaluation report on Norway, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) <https://rm.coe.int/grevio-inf-2022-30-report-norway-eng-pour-publication/1680a923f8>

“The report also highlighted that despite the availability of a large variety of social and specialist services for victims of domestic violence, they fall short of addressing the increased vulnerability of certain groups of women exposed to intersectional discrimination, in particular those belonging to an indigenous population such as the Sami, women with addiction issues and women with disabilities.” <https://rm.coe.int/0900001680a925e3>

Meeting report of the 75th meeting of the Advisory Committee on the Framework Convention for the Protection of National Minorities held in Strasbourg from 16 to 20 May 2022 in a hybrid format. The present report was approved by the Advisory Committee on 3 October 2022 and provides some insights on indigenous issues <http://rm.coe.int/0900001680a85738>

AMERICAS

Inter-American Commission on Human Rights

• Human Rights Situation in Chile

The Report of the IACHR concerning the situation of human rights in Chile contains a detailed analysis of indigenous people’s rights.

https://www.oas.org/es/cidh/informes/pdfs/2022_Chile.pdf

• IACHR Concludes Visit to Follow-Up on Precautionary Measures to Indigenous Communities in Chiapas, Mexico - July 2022

From July 11 to July 15, the IACHR visited three cities in Chiapas, Mexico, to verify the implementation of precautionary measures issued in 2017 and 2018 in favor of several tsotsiles indigenous communities. The

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indigenous peoples had been victims of violence in the context of land ownership conflicts.

<https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/165.asp>

- **IACHR and OHCHR Demand Protection from Violence for Brazil's Indigenous Peoples - July 2022**

The IACHR and the UN call attention to rampant violations of human rights and violence against indigenous communities in Brazil. According to reports received by the organizations, the numbers of deaths and threats against indigenous populations have increased in relation to the same time period in the year before. Police involvement in the violations is also brought up, which are associated most significantly with land disputes.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/161.asp

- **On the International Day of the World's Indigenous Peoples, the IACHR Calls on States to Build New Relationships with Indigenous Peoples Based on Respect for their Self-Determination— August 2022**

The Commission points out the existence of express provisions regarding indigenous peoples' right to self-determination both in the United Nations and American Declarations on the Rights of Indigenous Peoples, and calls upon States to honor their obligations in this matter.

<https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/177.asp>

- **IACHR Grants Precautionary Measures in Favor of the Guapoy Community of the Kaiowá Guaraní Indigenous People in Brazil - October 2022**

Resolution 50/2022 issued by the IACHR grants precautionary measures to members of the Guapoy community in Brazil, who are receiving threats of violence as a result of conflicts concerning land ownership.

<https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/227.asp>

- **The IACHR extends precautionary measures in favor of 11 members of the União dos Povos Indígenas do Vale de Javari in Brazil - November 2022**

The IACHR issued Resolution 59/22 on 27 October 2022, expanding precautionary measures to 11 of the Vale do Javari's Indigenous Peoples' Union's members, in Brazil. The group's activists have received death threats because of their work in the protection of indigenous peoples. The group's involvement on both the search for Bruno Araújo Pereira and Dom Phillips (who went missing the 5th of June 2021) and the fight for justice in light of the murders are also associated with the death threats received.

<https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/251.asp>

- **Informe Anual de la Comisión Interamericana de Derechos Humanos 2022 - Capítulo III: Actividades de las Relatorías Temáticas y de País y Actividades de Promoción y Capacitación/ 2022 Annual Report of the Inter-American Commission of Human Rights - Chapter III: Thematic Rapporteurships on Countries and Promotion and Capacitation Activities.**

The IACHR's Annual Report includes remarks about the situation of the human rights of indigenous peoples in several countries of the region.

https://www.oas.org/es/cidh/docs/anual/2022/capitulos/5-IA2022_Cap_3_ES.pdf

- **Admissibility Report N° 307/22 Petition 1784-13— Indigenous Communities of the Maya Ixil Village, Guatemala**

The Applicants are several Human Rights associations in Guatemala (Asociación Justicia y Reconciliación ("AJR"), Bufete de Derechos Humanos de Guatemala ("BDH"), el Centro Para la Acción Legal en Derechos Humanos ("CALDH") y el Centro por la Justicia y el Derecho Internacional ("CEJIL")), who have posited that between 1982 and 1983, the Guatemalan army systematically attacked the Maya people in the Ixil region, in what amounted to ethnic genocide. The Commission declared the application admissible in regards to articles 1.1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 17, 18, 19, 21, 22, 24, 25, 26 of the American Convention on Human Rights; article 1, 6 and 8 of the Convention Against Torture; article 1.b) of the Inter-American Convention on Forced Disappearance of Persons; and

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article 7 of the Belem do Pará Convention.
[chrome-://www.oas.org/es/cidh/decisiones/2022/GTAD_1784-13_ES.PDF](https://www.oas.org/es/cidh/decisiones/2022/GTAD_1784-13_ES.PDF)

- **Admissibility Report N° 249/22 Petition 1766-14 – Tuichán Village and Villa Nueva Settlement inhabitants, Guatemala**

The Applicants argue that Guatemala is responsible for the lack of territorial delimitation between the Santa Isabel Tajumulco and Ixchiguán towns, which has led to violence against the indigenous communities of Tuichán Village and Villa Nueva Settlement. The Commission declared that the application is admissible regarding articles 1.1, 2, 4, 5, 8, 21, 25 and 26 of the Inter-American Convention.

https://www.oas.org/es/cidh/decisiones/2022/GTAD_1766-14_ES.PDF

- **Admissibility Report N° 355/22 Petition 1918-11 – Sesajal Village's Neighbors, Guatemala**

The Sesajal Village Victims Committee argues as the Applicant that there was no effective access to an investigation and to reparations following the killing, sexual assault, violence and forced displacement of the Sesajal Village members in 1982. The Commission found that the applicant is admissible regarding article 1.1, 2, 5, 8, 24 and 25 of the Inter-American Convention.

https://www.oas.org/es/cidh/decisiones/2022/GTAD_1918-11_ES.docx

- **Admissibility Report N° 202/22 Petition 1145-15 – Manuela Lavinás Picq, Ecuador**

The Applicant, Manuela Lavinás Picq, claims that she was violently imprisoned by the Equatorian Police, because of her work as an indigenous peoples' rights defender. The Commission found the application admissible regarding articles 1.2, 2, 5, 7, 8, 13, 15, 17, 22, 24 and 25 of the Inter-American Convention; and article 7 of the Belém do Pará Convention.

https://www.oas.org/es/cidh/decisiones/2022/ECAD_1145-15_ES.PDF

- **Admissibility Report N° 213/22 Petition 79-15 – Sagla Ernesto Ayala and Others, Panama**

The Applicant (Corporación de Abogados Indígenas de Panamá) argues Panama's responsibility for the killings of four members of the Kunas de Paya and Púrcuro Communities, as well as for the injuries sustained by another Community member. The Commission found the application admissible regarding articles 1.1, 2, 4, 5, 7, 8, 12, 17, 19, 22, 24, 25, and 26 of the Inter-American Convention.

https://www.oas.org/es/cidh/decisiones/2022/PAAD_79-15_ES.docx

- **Admissibility Report N°242/22 Petition 1468-14 – Yasunidos Collective Members, Ecuador.**

The Applicant states that there was a violation of the right to political participation, access to information and due process of a group of Ecuatorian citizens, in the context of the extraction of oil in the Yasuní National Park, which would negatively affect three indigenous communities in the area. The Commission found the Application admissible in regard to articles 8, 23, 24 and 25 of the American Convention.

https://www.oas.org/es/cidh/decisiones/2022/ECAD_1468-14_ES.docx

- **Admissibility Report N° 214/22 Petition 867-09 – Abelardo Arévalo Choque and Others, Bolivia**

The Applicant (Derechos en Acción, Instituto de Terapia e Investigación sobre las secuelas de la tortura y la violencia estatal (ITEI), Ángel Ballejo Ramos y Rielma Mencías) claims that the victims were killed by civilians, who were in turn rallied by political organizations, because of their condition as indigenous people. The Commission found that the Application was admissible based on articles 5, 7, 8, 11, 13, 15, 22, 24, and 25 of the American Convention; articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture; and article 7 of the Belém do Pará Convention.

https://www.oas.org/es/cidh/decisiones/2022/BOAD_867-09_ES.PDF

Recommendations, Statements and Reports from Regional Bodies *—continued from page 24*

- **Resolution to Lift Precautionary Measure 69/2022 – Precautionary Measure N° 452-13 Laura Baumea Mora and Others in relation to Mexico**

The Inter-American Commission on Human Rights has partially lifted the precautionary measures in favor of Lauro Baumea Mora, Miguel Ángel Cota Tórtola, Aurelia Butimania, Librado Valenzuela Valencia, Esteban Cecilio Valenzuela Buitimea, Arturo Matas Gonzáles, Gilberto Gálvez Palma y Gregorio Valdez Molina, members of the indigenous Yaqui People. The measures had been put in place in response to the existence of threats against them, as a result of their opposition to a project in the Yaqui river. The Commission found that, because of the actions adopted by Mexico as well as the absence of risk events recently, there is no need to maintain the protective measures.

https://www.oas.org/es/cidh/decisiones/mc/2022/res_69-22_mc_452-13_mx_levantamientoparcial_es.pdf

- **Resolution 70/2022 – Precautionary Measures N°822-22 Jhon Anderson Ipia Bubu in relation to Colombia**

The Commission has granted precautionary measures to Jhon Anderson Ipia Bubu, who had been receiving threats and underwent an assassination attempt because of his work as leader of the Nasa People, in Colombia.

https://www.oas.org/es/cidh/decisiones/mc/2022/res_70-22_mc_822-22_co_es.pdf

- **Resolution 50/2022 - Precautionary Measures N° 517-22 Guapoy Community of the Guarani Kaiowá People in relation to Brazil**

The Commission has granted precautionary measures to members of the Guapoy Community of the Guarani Kaiowá People in Mato Grosso, Brazil. They had been receiving death threats and threats of violence from the police and armed third parties, in the context of land disputes.

http://www.oas.org/es/cidh/decisiones/mc/2022/res_50-22_mc_517-22_br_es.pdf

- **Resolution 20/23 Precautionary Measure No. 738-22 D.R.Z., D.A.B.A., A.C.L. and I.C.L. regarding Nicaragua**

On 13 April, 2023, the Inter-American Commission on Human Rights (IACHR) issued [Resolution 20/23](https://www.oas.org/en/iachr/decisions/mc/2023/res_20-23_mc_738-22_ni_en.pdf) to grant precautionary measures in favour of D.R.Z., D.A.B.A., A.C.L., and I.C.L., of the Mayangna indigenous people, in Nicaragua, in the belief that they face a serious, urgent risk of suffering irreparable harm to their rights. https://www.oas.org/en/iachr/decisions/mc/2023/res_20-23_mc_738-22_ni_en.pdf

- **Resolution 25/2023 Precautionary Measure No 61-23 Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil**

On April 24, 2023, the Inter-American Commission on Human Rights (IACHR) issued [Resolution 25/2023](https://www.oas.org/en/iachr/decisions/mc/2023/res_25-23_mc_61-23_br_en.pdf), through which it granted precautionary protection measures in favor of members of the Pataxó indigenous people of the Barra Velha and Comexatibá Indigenous Lands in Bahia, Brazil, after identifying them to be at serious, urgent risk of suffering irreparable harm to their human rights. https://www.oas.org/en/iachr/decisions/mc/2023/res_25-23_mc_61-23_br_en.pdf

- **The Economic, Social, Cultural, and Environmental Rights of Indigenous Peoples and Tribal People of African Descent in El Salvador, Guatemala, Honduras, and Nicaragua.**

On 25 April 2023, the Inter-American Commission on Human Rights (IACHR) launched a new thematic report entitled: [The Economic, Social, Cultural, and Environmental Rights of Indigenous Peoples and Tribal People of African Descent in El Salvador, Guatemala, Honduras, and Nicaragua](#). The Report aims to analyse the current status of the rights of indigenous peoples and people of African descent to collective property, a healthy environment, food and water, healthcare, and education in El Salvador, Guatemala, Honduras, and Nicaragua, in light of inter-

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American standards. https://www.oas.org/es/cidh/informes/pdfs/2023/NorteCentroamerica_DESCA_ES.pdf

- **IACHR requests the Inter-American Court of Human Rights to extend provisional measures in the Matter of “Members of the Miskitu Indigenous People of the Northern Caribbean Coast Region in Nicaragua”**

On April 26, 2023, the Inter-American Commission on Human Rights (IACHR) requested that the Inter-American Court of Human Rights (I/A Court H.R.) extend provisional measures in the Matter of “Members of the Miskitu Indigenous People of the Northern Caribbean Coast Region in Nicaragua” to include the inhabitants of the Musawas and Wilú indigenous communities of the Mayangna Sauni As Territory of the North Caribbean Coast Region in Nicaragua. The Commission considered that the inhabitants of the identified communities are in a serious and urgent situation placing them at risk of irreparable harm to their rights. https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/078.asp

- **Resolution 41/2023 - Precautionary Measures No. 196-23 Indigenous Carib Community of Chinese Landing in Guyana**

On July 21, 2023, the Inter-American Commission on Human Rights (IACHR) issued [Resolution 41/2023](#), through which it granted precautionary measures in favour of members of the Indigenous Carib Community of Chinese Landing, who are currently at serious, urgent risk of suffering irreparable harm to their human rights. https://www.oas.org/en/iachr/decisions/mc/2023/res_41-23_mc_196-23_gy_en.pdf

- **IACHR requests provisional measures to I/A Court H.R. in favor of four members of the Mayanga indigenous people deprived of liberty in Nicaragua**

On June 22, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights to grant provisional measures in favour of D.R.Z., D.A.B.A., A.C.L., and I.C.L., members of the Mayagna indigenous people, who are deprived of their liberty in Nicaragua, and are facing

an extremely serious and urgent risk of irreparable harm to their rights. https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/132.asp

- **IACHR Condemns Murders of Indigenous Adolescents of the Murui-Muina People By An Illegal Armed Group in Colombia**

On 15 June, 2023 the Inter-American Commission on Human Rights (IACHR) condemned the murders of indigenous adolescents of the Murui-Muina people by an illegal armed group in Caquetá, Colombia. The IACHR calls on the State to diligently investigate these events, provide comprehensive reparations to the families of the victims, and take action to prevent the forced recruitment of children and adolescents.

- **IACHR expressed its concern that Brazil’s “Temporary Framework” Legal Argument Would Jeopardize Indigenous Peoples’ Rights**

On 31 May 2023, the Inter-American Commission on Human Rights (IACHR) reinforced its concern regarding the possible legal acknowledgement of the argument known as “temporary framework” by the Brazilian Supreme Court. The Commission reaffirms that the application of such argument is contrary to inter-American standards of human rights, putting at risk the very existence of indigenous peoples and tribes in the country. <https://www.oas.org/pt/cidh/jsForm/?File=/pt/cidh/prensa/notas/2023/103.asp>

- **Resolution 27/2023 - Precautionary Measures No. 53-23 Álvaro Alcides Crespo Hernández and his daughter regarding Colombia**

On May 3, 2023, the Inter-American Commission on Human Rights (IACHR) issued [Resolution 27/2023](#), through which it granted precautionary protection measures in favour of Álvaro Alcides Crespo Hernández and his immediate family in Colombia, after deeming them to be at serious, urgent risk of suffering irreparable harm to their human rights. https://www.oas.org/en/iachr/decisions/mc/2023/Res-27-2023-MC-53-23-CO_EN.pdf

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Inter-American Court of Human Rights

- **Indigenous Peoples Maya Kaqchikel de Sumpango and other v. Guatemala – Interpretation of the Judgement on the Merits, Reparations and Costs**

This judgment concerns an interpretation request by Guatemala of the Judgment on the Merits of the Indigenous Peoples Maya Kaqchikel de Sumpango and other v. Guatemala case (October 2021), specifically in relation to points two, four, six, seven and eight of the Sentence. The Court decided to dismiss the interpretation request of points two, four, six and eight (partially), finding them inadmissible. The Court also, however, found the request admissible when it comes to the seventh point of the original Sentence.

https://www.corteidh.or.cr/docs/casos/articulos/seriec_457_esp.pdf

- **Resolution on the adoption of Precautionary Measures – Yanomami, Ye'kwana and Munduruku Peoples in relation to Brazil**

The Inter-American Court of Human Rights has granted the adoption of Precautionary Measures to the Yanomami, Ye'kwana and Munduruku Peoples in Brazil, who had been suffering attacks and threats from illegal miners exploring the region, which is an Indigenous territory.

https://www.corteidh.or.cr/docs/medidas/yanomami_se_01_por.pdf

- **Tagaeri and Taromenane Indigenous Peoples v. Ecuador Precautionary measures request**

The Inter-American Court of Human Rights rejected the request of Precautionary Measures in favor of Tewa Dayuma Michela Conta, an indigenous woman, as previously requested by the Applicant because of alleged threats to her safety. This decision is based on the Court's finding that there was no extreme gravity and urgency, with the possibility of irreparable damages as required by Article 63.2 of the American Convention.

https://www.corteidh.or.cr/docs/medidas/pueblos_indigenas_tagaeri_y_taromenane_01.pdf

- **Maya Kaqchikel de Sumpango Indigenous Peoples and Others v. Guatemala – Interpretation of the Judgement on the Merits, Reparations and Costs**

The Respondent State requested an interpretation of points two, four, six, seven and eight of the original Sentence. The Court found the request partially inadmissible in relation to points two, four, six and eight (partially). As such, the interpretation Sentence expanded on the reach and meaning of point eight, which determines the duty of Guatemala to eliminate every punishment and every consequence to the indigenous peoples who were sentenced for utilizing a specific radio spectrum while operating an indigenous commentary radio network.

https://www.corteidh.or.cr/docs/casos/articulos/seriec_457_esp.pdf

- **Inter-American Court – Visit to Argentina to oversee the compliance with the Court's sentences**

The Court's delegation held a meeting with a group of Argentinian Senators to discuss the implementation of seven guarantees of non-repetition, including those ordered in the Indigenous Community Members of the Lhaka Honhat case. The guarantees apply to, inter alia, the right to a communal form of collective indigenous property.

https://www.corteidh.or.cr/docs/comunicados/cp_78_2022.pdf

- **The Inter-American Court concludes its third course in Guatemala on the Rights of Indigenous and Tribal Peoples, the Right to a Healthy Environment and Human Rights Defenders**

https://www.corteidh.or.cr/docs/comunicados/cp_58_2022_eng.pdf

- **Inter-American Court held the first Seminar in El Salvador on Best Practice on the Rights of Indigenous and Tribal Peoples, the Right to a Healthy Environment and Human Rights Defenders**

https://www.corteidh.or.cr/comunicados_prensa.cfm?lang=en&n=1833

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- **The Inter-American Court holds its first seminar in Honduras on Best Practice on Indigenous and Tribal Peoples' Rights, the Right to a Healthy Environment and Human Rights Defenders**
https://www.corteidh.or.cr/comunicados_prensa.cfm?lang=en&n=1838
- **The Inter-American Court closes its first seminar in Guatemala on Best Practice in Human Rights**
https://www.corteidh.or.cr/comunicados_prensa.cfm?lang=en&n=1846
- **Inter-American Court adopts provisional measure ordering the State of Nicaragua to release immediately four members of the Mayangna indigenous people incarcerated in the “La Modelo” Prison (June 30, 2023)**
https://www.corteidh.or.cr/docs/comunicados/cp_42_2023_eng.pdf ■

Selected Publications and Reports

Books

- **Katherine Becerra Valdivia, *Indigenous Collective Rights in Latin America: The Role of Coalitions, Constitutions, and Party Systems* (Lexington Books, 2022)**

Latin America is a region with high levels of recognition for Indigenous collective rights. Still, legal protections differ considerably among countries. Why do some countries in Latin America have a strong recognition of collective rights for Indigenous people while others do not? What are the factors that help enhance the presence of collective rights? The author argues that while Indigenous social movements are crucial to the protection of Indigenous rights, they are not enough. The recognition of these rights is influenced by organizational factors (such as coalitions between Indigenous peoples and non-Indigenous allies) as well as institutional conditions (including constitutional replacement and party systems). By employing qualitative comparative analysis (QCA) and case studies from Bolivia, Chile, Colombia, Ecuador, Guatemala, Mexico, and Peru, this book explores the ways various elements combine to create conditions for a variety of collective rights.

- **Julian Aguon, Arundhati Roy, *No Country for Eight-Spot Butterflies: A Lyric Essay* (Astra House, 2022)**

Part memoir, part manifesto, Chamorro climate activist Julian Aguon's *No Country for Eight-Spot Butterflies* is a collection of essays on resistance, resil-

ience, and collective power in the age of climate disaster; and a call for justice—for everyone, but in particular, for Indigenous peoples.

- **Kyle T Mays, *An Afro-Indigenous History of the United States* (Beacon Press, 2022)**

Beginning with pre-Revolutionary America and moving into the movement for Black lives and contemporary Indigenous activism, Afro-Indigenous historian Kyle T. Mays argues that the foundations of the US are rooted in antiblackness and settler colonialism, and that these parallel oppressions continue into the present. He explores how Black and Indigenous peoples have always resisted and struggled for freedom, sometimes together, and sometimes apart. Whether to end African enslavement and Indigenous removal or eradicate capitalism and colonialism, Mays show how the fervor of Black and Indigenous peoples calls for justice have consistently sought to uproot white supremacy.

Mays uses a wide-array of historical activists and pop culture icons, “sacred” texts, and foundational texts like the Declaration of Independence and Democracy in America. He covers the civil rights movement and freedom struggles of the 1960s and 1970s, and explores current debates around the use of Native American imagery and the cultural appropriation of Black culture. Mays compels us to rethink both our history as well as contemporary debates and to imagine the powerful possibilities of Afro-Indigenous solidarity.

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Includes an 8-page photo insert featuring Kwame Ture with Dennis Banks and Russell Means at the Wounded Knee Trials; Angela Davis walking with Oren Lyons after he leaves Wounded Knee, SD; former South African president Nelson Mandela with Clyde Bellecourt; and more.

- **Jonathan Liljeblad, *Indigenous Identity, Human Rights, and the Environment in Myanmar: Local Engagement with Global Rights Discourses (Routledge Focus on Environment and Sustainability) (Routledge, 2022)***

This book draws on the experiences of the indigenous movement in Myanmar to explore how the local construction of indigenous identities connects communities to global mechanisms for addressing human rights and environmental issues.

Various communities in Myanmar have increasingly adapted international discourses of indigenous identity as a vehicle to access international legal mechanisms to address their human rights and environmental grievances against the Myanmar state. Such exercise of global discourses overlays historical endemic struggles of diverse peoples involving intersectional issues of self-determination, cultural survival, and control over natural resources. This book draws implications for the intersectionality of local and global theoretical discourses of indigeneity, human rights, and environment. It uses such implications to identify attendant issues for the aspirations of international human rights and environmental efforts and the practice of their associated international legal mechanisms. This book informs readers of the agency and capabilities of communities in underdeveloped countries to engage different global mechanisms to address local grievances against their states. Readers will develop a more critical understanding of the issues posed by the local construction of indigeneity for the ideals and practice of international efforts regarding human rights and the environment.

This book will be of great interest to students and scholars of indigenous studies, human rights, international law, Asian studies, development studies, and the environment.

- **Giada Giacomini, *Indigenous Peoples and Climate Justice: A Critical Analysis of International Human Rights Law and Governance (Energy, Climate and the Environment) (Palgrave Macmillan, 2022)***

This book provides a new interpretation of international law specifically dedicated to Indigenous peoples in the context of a climate justice approach. The book presents a critical analysis of past and current developments at the intersection of human rights and international environmental law and governance. The book suggests new ways forward and demonstrates the need for a paradigmatic shift that would enhance the meaningful participation of Indigenous peoples as fundamental actors in the conservation of biodiversity and in the fight against climate change. The book offers guidance on a number of critical intersecting and interdependent issues at the forefront of climate change law and policy – inside and outside of the UN climate change regime. The author suggests that the adoption of a critical perspective on international law is needed in order to highlight inherent structural and systemic issues of the international law regime which are all issues that ultimately impede the pursue of climate justice for Indigenous peoples.

- **Ranjan Datta, *Indigenous Reconciliation and Decolonization: Narratives of Social Justice and Community Engagement (Routledge, 2022)***

This book addresses the ethical and practical issues at stake in the reconciliation of Indigenous and non-Indigenous communities.

An increasing number of researchers, educators, and social and environmental activists are eager to find ways to effectively support ongoing attempts to recognize, integrate and promote Indigenous perspectives and communities. Taking Canada as its focus, this book offers a multidisciplinary consideration of a range of reconciliation policies, practices and initiatives that are relevant in all settler states. Set against its increasing neoliberal appropriation, the book resituates reconciliation in the everyday contexts of community interaction and engagement, as well as in the important areas of Indigenous knowledge, resource management and social and environmental justice.

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Reconciliation is not just the responsibility of law and government. And, attuned to the different perspectives of settlers, migrants and refugee communities, the book examines areas of opportunity, as well as obstacles to progress, in the forging of a truly decolonizing framework for reconciliation.

As the challenges of reconciliation cross numerous academic and substantial areas, this book will appeal to a range of scholars and practitioners working in law, politics, education, environmental studies, anthropology and Indigenous studies.

- **John Borrows, Kent McNeil, *Voicing Identity: Cultural Appropriation and Indigenous Issues* (University of Toronto Press, 2022)**

In this unique collection, Indigenous and non-Indigenous authors relate their own experiences with teaching and conducting research involving Indigenous peoples and their rights.

- **Lawrence A. Dwyer, Judi M. gaiashkibos, *Standing Bear's Quest for Freedom: The First Civil Rights Victory for Native Americans* (Editora Bison Books, 2022)**

Chief Standing Bear of the Ponca Nation faced arrest for leaving the U.S. government's reservation, without its permission, for the love of his son and his people. Standing Bear fought for his freedom not through armed resistance but with bold action, strong testimony, and heartfelt eloquence. He knew he and his people had suffered a great injustice.

Standing Bear wanted the right to live and die with his family on the beloved land of his Ponca ancestors, located within the Great Plains of Nebraska. In telling his story, *Standing Bear's Quest for Freedom* relates an unprecedented civil rights victory for Native Americans: for the first time, in 1879, a federal court declared a Native American to be a "person"—a human being with the right to file an action for a redress of grievances in a federal court, like every other person in the United States.

Standing Bear's victory in *Standing Bear v. Crook* began a national movement of reforming Native American rights—albeit a slow one. Because of the courage and leadership of Chief Standing Bear, the pervasive spirit of indifference of most Americans toward Native Americans was disrupted by this historic decision. America would never be the same.

- **Brendan Hokowhitu, Aileen Moreton-Robinson, *Routledge Handbook of Critical Indigenous Studies* (Routledge, 2022)**

The *Routledge Handbook of Critical Indigenous Studies* is the first comprehensive overview of the rapidly expanding field of Indigenous scholarship. The book is ambitious in scope, ranging across disciplines and national boundaries, with particular reference to the lived conditions of Indigenous peoples in the first world. The contributors are all themselves Indigenous scholars who provide critical understandings of indigeneity in relation to ontology (ways of being), epistemology (ways of knowing), and axiology (ways of doing) with a view to providing insights into how Indigenous peoples and communities engage and examine the worlds in which they are immersed. Sections include:

- Indigenous Sovereignty
- Indigeneity in the 21st Century
- Indigenous Epistemologies
- The Field of Indigenous Studies
- Global Indigeneity

This handbook contributes to the re-centring of Indigenous knowledges, providing material and ideational analyses of social, political, and cultural institutions and critiquing and considering how Indigenous peoples situate themselves within, outside, and in relation to dominant discourses, dominant postcolonial cultures and prevailing Western thought.

This book will be of interest to scholars with an interest in Indigenous peoples across Literature, History, Sociology, Critical Geographies, Philosophy, Cultural Studies, Postcolonial Studies, Native Studies, Māori Studies, Hawaiian Studies, Native American Studies, Indigenous Studies, Race Studies, Queer Studies, Politics, Law, and Feminism.



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- **Melissa Nursey-Bray, Robert Palmer, Ann Marie Chischilly, Phil Rist, Lun Yin, *Old Ways for New Days: Indigenous Survival and Agency in Climate Changed Times* (Springer, 2022)**

Documents for the first time how some of the world's oldest living indigenous cultures are attempting to adapt to climate change

Summarizes key issues facing indigenous peoples in the context of adaptation to climate change impacts
Offers critical reflection on specific governance challenges faced by indigenous peoples.

- **Sebastian Jones, *Minority Cultures and Indigenous People: Human Rights* (States Academic Press, 2022)**

Minorities and indigenous people are often among the most discriminated, marginalised and excluded communities across the world. They are often debarred from partaking in socio-economic life, hardly have access to political power and regularly encounter hurdles in expressing their identity. Minorities and indigenous cultures have been critical in strengthening communities and providing activists with a platform to fight for their rights. ghettoization, discrimination and a lack of legal identification hamper their access to social security. Addressing the structural basis of disadvantage and promoting social inclusion requires a wider set of economic and social policies, including efforts to address discrimination. The topics included in this book on the rights of minorities and indigenous people are of utmost significance and bound to provide incredible insights to readers. Different approaches, evaluations, methodologies and advanced studies on this field have been included herein. Those with an interest in minority and indigenous rights would find this book helpful.

- **Christopher Loperena, *The Ends of Paradise: Race, Extraction, and the Struggle for Black Life in Honduras* (Stanford University Press, 2022)**

The future of Honduras begins and ends on the white sand beaches of Tela Bay on the country's northeastern coast where Garifuna, a Black Indigenous people, have resided for over two hundred years. In *The Ends of Paradise*, Christopher A. Loperena examines the

Garifuna struggle for life and collective autonomy, and demonstrates how this struggle challenges concerted efforts by the state and multilateral institutions, such as the World Bank, to render both their lands and their culture into fungible tourism products. Using a combination of participant observation, courtroom ethnography, and archival research, Loperena reveals how purportedly inclusive tourism projects form part of a larger neoliberal, extractivist development regime, which remakes Black and Indigenous territories into frontiers of progress for the mestizo majority. The book offers a trenchant analysis of the ways Black dispossession and displacement are carried forth through the conferral of individual rights and freedoms, a prerequisite for resource exploitation under contemporary capitalism. By demanding to be accounted for on their terms, Garifuna anchor Blackness to Central America—a place where Black peoples are presumed to be nonnative inhabitants—and to collective land rights. Steeped in Loperena's long-term activist engagement with Garifuna land defenders, this book is a testament to their struggle and to the promise of “another world” in which Black and Indigenous peoples thrive.

- **Teresa A Velásquez, *Pachamama Politics: Campesino Water Defenders and the Anti-Mining Movement in Andean Ecuador* (University of Arizona Press, 2022)**

Ecuador became the first country in the world to grant the Pachamama, or Mother Earth, constitutional rights in 2008. This landmark achievement represented a shift to incorporate Indigenous philosophies of Sumak Kawsay or Buen Vivir (to live well) as a framework for social and political change. The extraordinary move coincided with the rise of neoextractivism, where the self-described socialist President Rafael Correa contended that Buen Vivir could be achieved through controversial mining projects on Indigenous and campesino territories, including their watersheds. *Pachamama Politics* provides a rich ethnographic account of the tensions that follow from neoextractivism in the southern Ecuadorian Andes, where campesinos mobilized to defend their community-managed watershed from a proposed gold mine. Positioned as an activist-scholar, Teresa A. Velásquez takes the reader inside the movement—alongside



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marches, road blockades, and river and high-altitude wetlands—to expose the rifts between social movements and the “pink tide” government. When the promise of social change turns to state criminalization of water defenders, Velásquez argues that the contradictions of neoextractivism created the political conditions for campesinos to reconsider their relationship to indigeneity.

The book takes an intersectional approach to the study of anti-mining struggles and explains how campesino communities and their allies identified with and redeployed Indigenous cosmologies to defend their water as a life-sustaining entity. Pachamama Politics shows why progressive change requires a shift away from the extractive model of national development to a plurinational defense of community water systems and Indigenous peoples and their autonomy.

- **Sophia Chirongoma, Molly Manyonganise, Ezra Chitando, *Religion, Women's Health Rights, and Sustainable Development in Zimbabwe: Volume 1 (Sustainable Development Goals Series)* (Palgrave Macmillan, 2022)**

This volume brings to the fore the interface of religion, women's sexual reproductive health and rights (SRHR), and the sustainable development goals (SDGs) in Zimbabwe. It emphasizes that empowering African women is a pivotal pillar for attaining sustainable development. Contributors discuss the need for implementing structural changes as a prerequisite for social progress and development to occur in Southern Africa. They interrogate the extent to which religious beliefs and practices either promote or impede women's SRHR. The contributors also proffer several ways in which addressing the themes of health for all and equality for all women and girls can make a meaningful contribution towards the fulfillment of the goals set for Agenda 2030.

- **Sophia Chirongoma, Molly Manyonganise, Ezra Chitando, *Religion, Women's Health Rights, and Sustainable Development in Zimbabwe: Volume 2 (Sustainable Development Goals Series)* (Palgrave Macmillan, 2022)**

This volume brings to the fore the interface of religion, women's sexual reproductive health and rights (SRHR),

and the sustainable development goals (SDGs) in Zimbabwe. It emphasizes that empowering African women is a pivotal pillar for attaining sustainable development. Contributors discuss the need for implementing structural changes as a prerequisite for social progress and development to occur in Southern Africa. They interrogate the extent to which religious beliefs and practices either promote or impede women's SRHR. The contributors also proffer several ways in which addressing the themes of health for all and equality for all women and girls can make a meaningful contribution towards the fulfillment of the goals set for Agenda 2030.

- **Peter d'Errico, *Federal Anti-Indian Law: The Legal Entrapment of Indigenous Peoples* (Praeger, 2022)**

In this wide-ranging historical study of federal Indian law—the field of U.S. law related to Native peoples—attorney and educator Peter P. d'Errico argues that the U.S. government's assertion of absolute prerogative and unlimited authority over Native peoples and their lands is actually a suspension of law.

Combining a deep theoretical analysis of the law with a historical examination of its roots in Christian civilization, d'Errico presents a close reading of foundational legal cases and raises the possibility of revoking the doctrine of domination. The book's larger context is the increasing frequency of Indigenous conflicts with nation-states around the world as ecological crises caused by industrial extraction impinge drastically on Indigenous peoples' existences. D'Errico's goal is to rethink the role of law in the global order—to imagine an Indigenous nomos of the earth, an order arising from peoples and places rather than the existing hegemony of states.

- **Inala Cooper, Marrul: *Aboriginal Identity & the Fight for Rights* (Monash University Publishing, 2022)**

Inala Cooper is a Yawuru woman with German and Irish heritage, from Rubibi/Broome in the Kimberley in Western Australia. She grew up on Gunditjmara land in south-western Victoria and has lived on the land of the Kulin nation in Melbourne for over twenty-five years. She has a Bachelor of Arts (Drama/Contemporary

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Dance) and a Masters in Human Rights Law, and has long been an advocate for Indigenous rights, access to education, and social justice. Inala is a regular contributor on ABC News Breakfast and The Drum, and is also a director on a number of not-for-profit boards, including Culture Is Life, Jesuit Social Services, Munarra Ltd, State Library Victoria and the Adam Briggs Foundation. Inala is currently the Director of Murrup Barak, the Melbourne Institute for Indigenous Development at the University of Melbourne.

- **Colin Luoma, *Fortress Conservation and International Accountability for Human Rights Violations against Batwa in Kahuzi-Biega National Park* (Minority Rights Group International, 2022)**

This report situates the serious human rights violations suffered by Batwa in the PNKB within the broader global phenomenon of ‘fortress conservation’ and analyses the respective roles and accountability of the park’s core international partners. Ongoing violence against Batwa in the PNKB is a stark reminder of the immense human and environmental costs associated with pursuing conservation policies that prevent indigenous peoples from owning, governing, accessing and benefiting from their territories and resources. These policies are bolstered by donors, global NGOs and international organizations which enable and tacitly uphold a violent and anti-indigenous status quo in the PNKB and other protected areas.

- **Ronald Niezen, *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools (Teaching Culture: UTP Ethnographies for the Classroom)* (University of Toronto Press, 2022)**

Truth and Indignation offers the first close and critical assessment of a Truth and Reconciliation Commission as it is unfolding. Niezen uses interviews with survivors and oblate priests and nuns, as well as testimonies, texts, and visual materials produced by the Commission to raise important questions: What makes Canada’s TRC different from others around the world? What kinds of narratives are emerging and what does that mean for reconciliation, transitional justice, and conceptions of traumatic memory? What happens to the ultimate goal of reconciliation when a large part

of the testimony—that of nuns, priests, and government officials—is scarcely evident in the Commission’s proceedings? Thoughtful, provocative, and uncompromising in the need to tell the “truth” as he sees it, Niezen offers an important contribution to our understanding of TRC processes in general, and the Canadian experience in particular.

- **Shirley A. Heying, Andre J. Holten, *Child Survivors of Genocide: Trauma, Resilience, and Identity in Guatemala* (Lexington Books, 2022)**

Child Survivors of Genocide: Trauma, Resilience, and Identity in Guatemala presents mixed-method, comparative ethnographic research conducted with orphaned child survivors who are now adults. These survivors were orphaned during Guatemala’s thirty-six-year internal armed conflict and particularly during the heightened period of genocide from 1978 to 1983, referred to as *la violencia*. Raised for the majority of their childhoods in a family-style permanent residential home in the highlands region, the author examines the long-term consequences that these individuals have faced not only from grieving the loss of their parents and family members but also because of their orphan status. While they suffer from lasting trauma, these child survivors have become resilient, well-adapted adults with a strong internalized sense of ethnic identity. They also engage in creative and transformative practices regarding ethnic identity and belonging that have contributed to their abilities to adapt to their life circumstances in positive, constructive ways, and have expanded what it means to be Maya Indigenous Guatemalans today. Child survivors’ experiences offer inspiration, justify expanded research with child survivors as their own distinct survivor group, and warrant reconsideration of in-country residential care when other forms of loving, nurturing in-country care are unavailable.

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Canada's Indigenous Communities

Canada's indigenous communities have been disproportionately affected by wildfires in 2023. Speaking at a news conference on June 1, 2023, Canada's Emergency Preparedness Minister Bill Blair declared that to date, there had been 1,826 fires in the country in 2023, burning 2.7 million hectares (6.7 million acres) of land — equivalent to more than 5 million football fields. "These conditions, this early in the season, are unprecedented," he said. "Due to climate change, similar extreme weather events may continue to increase in both frequency and severity across our country." On June 5, 2023, Natural Resources Canada issued a news release (<https://www.canada.ca/en/natural-resources-canada/news/2023/06/the-government-of-canada-provides-update-on-wildfire-seasonal-outlook-and-outlines-response.html>) announcing federal assistance for the affected provinces and territories to acquire specialised equipment and funding to train 300 Indigenous firefighters and 125 Indigenous fire guardians for the wildfire season. The Honorable Patty Hajdu, Minister of Indigenous Services, stated, "With the impacts of climate change, wildfires have increased in frequency, severity and intensity. Across the country, Indigenous communities are on the front lines of wildfires and have witnessed devastating outcomes already this wildfire season. As we look ahead toward a challenging summer, we will continue to work with Chiefs and Councils on wildfire mitigation and preparation, and we will continue to support affected First Nations throughout this challenging season."

Following an official visit to Canada, the United Nations Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, presented a preliminary report to the Canadian government. (The 10 page report is here <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>) While recognizing that Canada had made some progress, Mr. Calí Tzay noted that the overall situation of Indigenous People in Canada has not significantly improved since the last UN Special Rapporteur's report in 2013. The preliminary report criticized the "appalling legacy of residential schools", disturbing reports of residential school denialism, of

forced sterilizations and violence against Indigenous women and girls and the large percentage of Indigenous persons trapped in the "poverty to prison pipeline". Mr. Calí Tzay also noted, "During my visit, I was informed that a large number of megaprojects in Indigenous territories proceed without good faith consultation and in the absence of obtaining Indigenous Peoples' free, prior and informed consent as, in the case of Trans Mountain Pipeline. I am also concerned about the ongoing militarization of Indigenous lands and the criminalization of Indigenous human rights defenders resisting the Trans Mountain and Coastal GasLink pipelines in British Columbia. I urge the Government of Canada to end these violations and to adopt adequate measures to guarantee Indigenous Peoples' right to consultation and free, prior and informed consent, and their rights to lands, territories and resources."

This last statement reiterates the concerns of the UN Committee for the Elimination of all forms of Racial Justice ("CERD") which has repeatedly called upon Canada to halt construction on the Coastal GasLink fracked gas pipeline on Wet'suwet'en territory, the Trans Mountain tar sands pipeline on Secwepemc territory, and the Site C hydroelectric dam on the Peace River on Treaty 8 territory. The first CERD resolution, dated December 13, 2019, <https://yellowheadinstitute.org/wp-content/uploads/2021/03/canada-cerd-decision-dec-2019.pdf> urged Canada to: "guarantee that no force will be used against Secwepemc and Wet'suwet'en peoples and that the Royal Canadian Mounted Police and associated security and policing services will be withdrawn from their traditional lands; [and] to prohibit the use of lethal weapons, notably by the Royal Canadian Mounted Police, against indigenous peoples." CERD's letter dated April 29, 2022 <https://twitter.com/Gidimten/status/1523198130438610944> rebuked the governments of Canada and British Columbia for the escalation of "their use of force, surveillance, and criminalization of land defenders and peaceful protestors to intimidate, remove and forcibly evict Secwepemc and Wet'suwet'en Nations from their traditional lands, in particular. By the Royal Canadian Mounted Police (RCMP), the Community-Industry Response Group (CIRG) and private security firms."

Amnesty International Report 2022/23: The State of the World's Human Rights, March 27, 2023, Index Number: POL10/5670/2023 denounced Canada's record on Indigenous rights. According to the Amnesty International Report Indigenous people in Canada continue to face territorial expropriation, resource extraction



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without consent, inequality, racism, systemic discrimination in access to education and health care and repression by the state. In the accompanying news release, Ketty Nivyabandi, Secretary General of Amnesty International Canadian Section (English-Speaking), said, “The state of Indigenous Peoples’ rights in Canada is a national disgrace. Despite numerous promises to address ongoing injustices, governments in Canada have failed to uphold the rights of Indigenous Peoples and respect their lands and resources. The climate crisis is exacerbating these injustices and demands urgent and decisive action from the government.” <https://amnesty.ca/human-rights-news/annual-report-2022-2023-canada/>

On May 9, 2023, the Honourable Mélanie Joly, Minister of Foreign Affairs, today announced Canada’s candidacy for a seat on the United Nations Human Rights Council (HRC) for the 2028 to 2030 term. In her announcement, she stated “Canada was instrumental in the establishment of the Council under the leadership of Louise Arbour, a great Canadian. It is time that we return there as a member, and continue to demonstrate our support for the multilateral system, and the values that underpin it. We approach this goal with ambition, but also humility. And, while we continue to work to address our own challenges, we will remain a champion for human rights around the world.” The Honourable Marc Miller, Minister of Crown Indigenous Relations added in support, “Canada continues to work with Indigenous Peoples to advance reconciliation and address colonial legacies that impact Indigenous communities to this day. Work remains, but we have learned and - with humility - accomplished a significant amount. It’s this dedication and understanding that I know Canada would represent the rights and perspective of Indigenous Peoples on the Council. For far too long, Indigenous Peoples have been denied the most basic of rights and have been ignored - it is high time to make their voices heard in Canada and internationally.”

In anticipation of the inaugural June 2023 meeting of the Forum of Ministers on Human Rights, the Institute for Research on Public Policy (IRPP) released a report, “Closing the Implementation Gap: Federalism and Respect for International Human Rights in Canada,” authored by Alex Neve, a University of Ottawa law professor and formerly the Secretary General of Amnesty International Canada. The report calls for the development of a coordinated, clear and accountable human rights governance framework. <https://centre.irpp.org/research-studies/closing-the-implementation-gap/#tab-summary> Professor Neve observes that although Canada has an excellent international reputation for protecting human rights, in practice Canada’s federal system with its rigid interpretation of constitutional jurisdiction and diffuse political responsibility has left gaps in Canada’s compliance with its international human rights obligations. Apart from the structural impediments, various levels of governments and agencies have resisted interpretations of laws that ensure access to economic, social and cultural rights, such as the rights to health housing and adequate standard of living and have resisted substantial guidance from Indigenous groups and leaders with respect to self governance in favor of cursory consultation. The Report suggests that Canada adopt a national framework the implementation of international human rights and establish a permanent and well funded secretariat whose members include Indigenous Peoples’ organizations and civil society groups for the purpose of supporting the national framework. ■

U.S. Supreme Court and the Rights of Native Americans 2023 Term

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Two recent U.S. Supreme Court decisions dealt with the fundamental issues affecting Native Americans: *Haaland v. Brackeen* and *Arizona v. Navajo Nation*.¹ In *Haaland*, the U.S. Supreme Court dealt with a federal statute aimed at stopping the forceful removal of Indian children from the Native American tribes, while in the *Arizona v. Navajo Nation*, the Court addressed the water rights, or lack thereof, of the Navajo Nation.

1. Haaland v Brackeen

Forceful Removal of Native Children - Historical Background

The history of mistreatment of the Native Americans by the U.S. federal and state governments is long and tragic, especially so for a nation that claims to stand for life and liberty for all and for a nation that claims to observe the human rights of all of its citizens.²

One of many egregious practices perpetrated upon the Native peoples was the forceful removal of Indian children from their families and tribes by the U.S. government. Even after slavery was abolished, many states and religious organizations, aided by for-profit adoption agencies, continued to forcefully remove American Indian children from their homes and families on tribal reservations under various pretexts such as poverty of parents or lack of “proper” nuclear family consisting of married mother and father. Most Native American parents, lacking funds, knowledge of the American court system, and connections, were unsuccessful in overcoming the legal challenges involved, and many were intimidated into losing their children for what most lawyers would not recognize as valid reasons (e.g., child abuse or neglect). For over 100 years (roughly from the 1860s until the 1960s), massive numbers of Native American children were also removed from their homes and placed in boarding schools operated by the federal government and various

aligned churches under the guise of “acculturation” adding to the trauma and exploitation of Native peoples. These boarding schools were often abusive, and the Native children were mistreated with impunity.³ In light of the public disclosures that over a third of all Native children were forcefully removed from their parents and adopted by white families against the wishes of their parents and their tribes, Congress finally took notice in the late 1970s.⁴ It was clear that if continued, such removal practices would undermine the future of Native peoples and almost assure their eventual extinction. To remedy this ongoing abuse (or, as some argued, a *de facto* genocide), Congress passed in 1978 the Indian Child Welfare Act (ICWA) with the goal “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.”⁵ ICWA established that tribal governments, as sovereign entities, would have the authority to decide the final placement of native children who are tribal citizens. More specifically, ICWA established specific minimum standards and procedures that need to be used by state courts and agencies handling the adoption of Native children, aiming to protect these children’s best interests and promote the stability and security of Indian families.⁶ Right from the start, the ICWA was unpopular with conservative groups, adoption agencies, and potential adoptive white parents who wanted no barriers or legal scrutiny of their business practices, financial interests, and the resulting adoptions.⁷

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1 https://www.supremecourt.gov/opinions/22pdf/21-376_7148.pdf, *Arizona v. Navajo Nation*, 599 U.S. (2023), https://www.supremecourt.gov/opinions/22pdf/21-1484_aplc.pdf

2 Heather E. Schwartz, *Forced Removal: Causes and Effects of the Trail of Tears*, Capstone Press, 2015

3 <https://time.com/6177069/american-indian-boarding-schools-history/>;

Glaser, Gabrielle (May 16, 2023). “[The Brutal Past and Uncertain Future of Native Adoptions.](#)” *The New York Times*

4 <https://www.nicwa.org/about-icwa/>; <https://www.vox.com/2019/10/14/20913408/us-stole-thousands-of-native-american-children>

5 25 U.S.C. § 1902

6 <https://www.law.cornell.edu/uscode/text/25/1911>; <https://www.washingtonpost.com/news/magazine/wp/2019/04/03/feature/who-should-get-to-adopt-native-american-children/>

7 <https://www.politifact.com/article/2021/nov/01/understanding-battle-over-indian-child-welfare-act/>

U.S. Supreme Court and the Rights of Native Americans 2023 Term —continued from page 39

The conservative Goldwater Institute tried for several years to overturn the ICWA via various lawsuits (see, for example, *Carter v. Washburn*), mostly unsuccessfully.⁸ Over time, however, the rights granted to the Native people under ICWA began slowly to erode.⁹

In 2013, in the *Adoptive Couple v. Baby Girl*, the Supreme Court began to restrict tribal rights granted by ICWA when it decided that some sections of ICWA apply only to biological fathers with custodial rights to an Indian child.¹⁰ In this case, a baby girl whose father was a registered member of the Cherokee Nation but who had no formal custody of the child (because he was not formally married to the child's mother) objected to her adoption outside of his Tribe by a white couple, as per wishes of the baby girl's mother. He asserted his rights under the ICWA. The lower state courts awarded him custody of the little girl, and the white adoptive parents had to turn over the baby girl to her father, who raised her while fighting a continued legal battle. The white adoptive parents continued the legal fight over the girl and appealed to the United States Supreme Court, which reversed the lower court decisions and placed the child with the white couple again. That decision weakened the ICWA while at the same time creating an inhumane situation for the child, as the girl was again removed from the custody of her biological father with whom she had lived since 2011 and given back to the original adoptive couple in late 2013, another significant disruption in that girl's life, consequences of which are essentially unknowable. Nevertheless, it is hard to imagine that any parent or psychologist would recommend such a treatment for any child.

The *Haaland v. Brackeen* case is yet the latest attempt to restrict ICWA or overturn it. Most observers expected that the Supreme Court would further strike or restrict the ICWA. That did not happen, however, and it was a sur-

prise to most commentators and tribal leaders who expected the worst from the current conservative yet activist Court.¹¹

Legal analysis

Plaintiffs in *Haaland* challenged the constitutionality of the Indian Child Welfare Act, a federal statute protecting the rights and interests of Indian children and tribes during child in-custody proceedings. The case was filed by white Americans who wanted to adopt Indian children protected by the ICWA and who challenged ICWA constitutionality on several grounds, among them the Tenth Amendment's anticommandeering doctrine, the nondelegation doctrine, Congress's limited authority under the Indian Commerce Clause, and the equal protection component of the Fifth Amendment.

The U.S. District Court for the Northern District of Texas trial court ruled in favor of the plaintiffs and declared ICWA unconstitutional in 2018.¹² That decision was decried in a joint statement of several native groups who wrote, "this egregious decision ignores the direct federal government-to-government relationship and decades upon decades of precedent that have upheld tribal sovereignty and the rights of Indian children and families. Through 40 years of implementation, ICWA's goal is to promote family stability and integrity. It continues to be the gold standard in child welfare policy."¹³

The U.S. Court of Appeals for the Fifth Circuit reversed that decision and upheld ICWA's constitutionality in 2019. Subsequently, the Fifth Circuit granted rehearing *en banc*, issuing a split decision in 2021, partially affirming and partially reversing the decision.¹⁴ They held that ICWA does not

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8 https://gallupsun.com/index.php?option=com_content&view=article&id=10083:dismissal-in-carter-v-washburn-staves-off-challenge-to-icwa&catid=175:public-safety-&Itemid=602

9 <https://www.goldwaterinstitute.org/case/in-re-alexandria-p/>; <https://www.courtlistener.com/docket/4134338/carter-v-washburn/>;

10 *Adoptive Couple v. Baby Girl*, 570 U.S. 637, 643 (2013)

11 <https://coloradosun.com/2023/07/03/supreme-court-navajo-ute-mountain-colorado-river-opinion-southern-ute/>

12 *Brackeen v. Zinke*, https://turtletalk.files.wordpress.com/2018/10/166_order.pdf

13 <https://www.ncai.org/news/articles/2018/10/08/official-statement-joint-statement-on-indian-child-welfare-case-brackeen-v-zinke-ruling>

14 <https://www.ncai.org/news/articles/2021/04/07/fifth-circuit-court-of-appeals-issues-en-banc-decision-in-brackeen-v-haaland-formerly-brackeen-v-bernhardt>

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violate the anticommandeering doctrine or Congress's authority under the Indian Commerce Clause but struck down some of ICWA's provisions as violating the nondelegation doctrine and equal protection principles.

The case was then appealed to the U.S. Supreme Court by four different parties: Deb Haaland, the Secretary of the Interior, the Cherokee Nation, the State of Texas, Chad Brackeen, and others. The Supreme Court consolidated these petitions, oral arguments were held on November 9, 2022, and the final decision was issued on June 15, 2023.¹⁵

The U.S. Supreme Court rejected the argument that the statute exceeded the scope of Congress's powers under Article I of the Constitution. The Court stated that Congress's power to legislate Indian affairs is well-established and broad. Hence, they concluded that the enactment of ICWA was within the powers of Congress to legislate Indian affairs. They also rejected the argument that the Indian Child Welfare Act was "commandeering" of state governments in violation of the 10th Amendment. They stated that legislation that applies "evenhandedly" to state and private actors does not typically implicate the 10th Amendment.

However, the Court sidestepped two key legal challenges to ICWA, dismissing them on standing grounds, e.g., the claim that ICWA invokes impermissible racial preferences and that ICWA violates the equal protection clause. The Court will likely address these issues in the future. In fact, the Court signaled as much. Justice Kavanaugh, who wrote a concurring opinion, clearly stated that "the equal protection issue is serious," which also seems to be the view of other dissenters, Justices Thomas and Alito. Justice Gorsuch wrote a concurring opinion, highlighting the sordid history behind the enactment of ICWA, stressing the history of the U.S.'s federal government deliberate efforts to destroy native tribes and to force their assimilation through the forced removal of native children to boarding schools as well as the government support for various adoption schemes of Native American children by non-Native families.¹⁶

¹⁵ https://www.americanbar.org/groups/public_education/publications/preview_home/haaland-v-brackeen-choerokee-nation/

¹⁶ <https://time.com/6177069/american-indian-boarding-schools-history/>

Many observers see this ruling as a significant victory for Native tribes.¹⁷ However, that optimism must be tempered by the views expressed in the opinions of Justices Kavanaugh, Thomas, and Alito, who will likely either curtail or abolish ICWA under the equal protection excuse.

2. Navajo v Arizona

Indian Water Rights - Historical background

In another case involving the rights of Native Americans, the U.S. Supreme Court ruled against the Navajo Nation, dismissing their lawsuit asking whether the federal government has the legal duty under treaties to develop a plan to provide the Tribe with an adequate water supply. The ruling was 5-4 against the Navajo Nation, with Justice Kavanaugh delivering the opinion of the Court.¹⁸ The history of the American treaties with Indian nations is sordid and riddled with injustices as most other federal engagements with the Native peoples. Continuing brutal tactics employed by U.S. officials aimed at exterminating and removing the Native peoples from their lands, the U.S. government issued an order in 1862 forcing Navajos to relocate to the Bosque Redondo Reservation in the Four Corners area. That order resulted in the so-called "Long Walk of 1864," wherein thousands of Navajo and Apache, including women and children, were forced to march over 350 miles from the Eastern United States to the Four Corners area. The Treaty of Bosque Redondo promised to create a "permanent home" for the Navajo nation, even though the land allotted for the Bosque Redondo reservation was barely a fraction of the size of their original lands of Navajos and did not include the best lands and best resources in the area already claimed by the white settlers.¹⁹

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¹⁷ <https://www.theguardian.com/us-news/2023/jun/15/supreme-court-native-american-adoption-haaland-brackeen>

¹⁸ https://www.supremecourt.gov/opinions/22pdf/21-376_7148.pdf

¹⁹ https://en.wikipedia.org/wiki/Treaty_of_Bosque_Redondo; "The Navajo Nation Treaty of 1868 Lives On at the American Indian Museum". *Smithsonian Magazine*, <https://www.smithsonian-mag.com/smithsonian-institution/old-paper-navajo-nation-treaty-1868-lives-american-indian-museum-180968235/>

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The modern Navajo Nation reservation covers 27,000 square miles in Arizona, Utah, and New Mexico, yet more than 30% of the 170,000 Navajo people living there need proper drinking water access. The Navajos have been fighting for access to water from the Colorado River, which flows alongside the Reservation border, for several decades.²⁰

Several other states and groups rely on the water from the Colorado River. The fighting over water access is intense and deeply politicized in light of intensifying water shortages due to global warming.²¹ The Navajo Nation felt that they could not represent their interests effectively in these disputes over water rights because the U.S. federal government, which had a fiduciary duty to represent tribal interests in ongoing water disputes, has not been doing its share.

Legal analysis

The Navajo Nation argued that the Bosque Redondo Treaty, which established the Reservation as the Navajo's final and "permanent home," must be defined as including a supply of water to make such a permanent home simply viable. As early as 1908, the U.S. Supreme Court ruled that Indian reservations have an inherent right to water.²²

Facing water shortages and the continued lack of actions by the federal government to represent them, the Navajo Nation asked for a court order requiring the federal government to determine the Nation's water needs and to devise a proper plan to meet those needs. Frederick Liu, an assistant to the Solicitor General, described the case as a dispute about "whether the United States owes the Navajo Nation a judicially enforceable affirmative duty to assess the tribe's water needs, develop a plan to meet them and then carry out that plan by building water supply infrastructure on the reservation." The current U.S.

Supreme Court replied with a resounding "no."²³ Arguably, the U.S. Supreme Court went beyond what the Navajo Nation asked for, and by a 5-4 decision, and held that under the 1868 Treaty of Bosque Redondo, the United States owes no "affirmative duty" to the Navajo Nation to secure water rights.²⁴

Conservative Justice Gorsuch joined the three liberal justices in dissent. He outlined the historical context of the Bosque Redondo treaty, emphasizing that the majority of the Supreme Court disregards the reality of the Navajo's situation and the facts surrounding the Treaty. According to Justice Gorsuch, the Navajos sought to identify the water rights that the U.S. government holds in trust on the Tribe's behalf. "The government owes the Tribe at least that much," Gorsuch wrote. As tribal members have had to do throughout their tragic history, "they must fight again for themselves to secure their homeland and all that must necessarily come with it," he observed.

"Where do the Navajo go from here?" he asked. "To date, their efforts to find out what water rights the United States holds for them have produced an experience familiar to any American who has spent time at the Department of Motor Vehicles. The Navajo have waited patiently for someone, anyone, to help them, only to be told (repeatedly) that they have been standing in the wrong line and must try another," wrote Justice Gorsuch.²⁵ By its ruling, the Supreme Court reversed a decision of the 9th U.S. Circuit Court of Appeals that allowed the Navajo Nation's lawsuit to proceed against the U.S. Interior Department and others seeking to force the government to develop a plan to secure water for the Navajo nation. The 9th Circuit said the government had a "duty

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20 <https://www.britannica.com/topic/Navajo-people>; https://en.wikipedia.org/wiki/Navajo_Nation; <https://censusreporter.org/profiles/25200US2430R-navajo-nation-reservation/>

21 <https://nnwrc.navajo-nsn.gov/>

22 <https://supreme.justia.com/cases/federal/us/207/564/>

23 <https://www.cnn.com/2023/06/22/politics/supreme-court-navajo-nation-water/index.html>; <https://www.propublica.org/series/waiting-for-water>

24 <https://www.law.cornell.edu/supremecourt/text/21-1484>

25 <https://www.nytimes.com/2023/06/22/us/politics/supreme-court-navajo-nation-colorado-river-water.html>; <https://www.businessinsider.com/neil-gorsuch-supreme-court-navajo-water-rights-americans-dmv-experience-2023-6?op=1>

Roma Live Outside of Time –A Policy Call to Erase Racism in the Face of Health Inequities

By: Dr. Sophia Murashkovsky Romma

Prelude

One may call the Roma people indigenous, however, one may face the consequences for labeling them so. Since “indigenous” signifies “native to a region,” and many Roma were born in the regions where they are now inhabitants, like their ancestors before them, the Roma and the Traveler Communities are native to their environment, hence indigenous, to those regions in which they make their homes; albeit inherently exhibiting a nomadic disposition. The term indigenous has no strict definition and may be used to describe an array of differing people and cultures, hence this would be an apropos manner in which to describe the Romany. On the other hand, one would be hard-pressed to refer to the descendants of African slaves or white settlers in the United States as “native Americans” or “Indigenous peoples” because those terms would properly refer to the descendants of cultures that lived in the Americas prior to European settlement. The Roma originated in northern India in historical times, and their culture is not “indigenous” to the regions where they are now settled, per say. Nevertheless, working with the irrefutable premise that settled confederations who

live among settled peoples emerge as convenient scapegoats, there are a myriad of misconceptions regarding the ethnic Romani population *and the traveler communities which pave the path to the rationale that the Roma have earned their right to be called indigenous and stand to benefit from such a recognition. The Roma people face a myriad of plaguing issues in common with the Indigenous communities setting them on equal footing and on the same teetering platform prone to intolerance and marginalization. The Romani people, almost as if by the process of association with the indigenous or via existential osmosis, may in fact lay claim to being called indigenous due to the inherited fundamental lack of respect bestowed upon this shunned community. It may be time to rethink the vulnerability and susceptibility of those cultures who still teeter on the periphery, almost as if outside of time, such as the Roma. A population is normatively described as “Indigenous” when it maintains traditions or other aspects of an early culture that is associated with the first inhabitants of a given region. Not all Indigenous peoples share this characteristic, as many have adopted substantial elements of a colonizing culture, such as dress, religion or language—as have the Romani People of Eastern and Western Europe.*

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to protect and preserve the Nation’s right to water.”²⁶ The Supreme Court, however, chose to rule otherwise. As Justice Brown-Jackson observed in another case, the conservative justices and this Supreme Court acts with “let-them-eat-cake” obliviousness” to many inconvenient problems, including racism.²⁷ Now we can add to that observation of Justice Brown-Jackson, the Supreme

Court’s disregard and near total obliviousness of the tragic history of Native Americans and the continued discrimination and mistreatment of the Tribal people who still lack the most basic of resources needed for life.²⁸ “Deeming race irrelevant in law does not make it so in life,” Brown-Jackson observed in her dissent. Neither does pretending that a “permanent homeland,” which the United States federal government promised in the Bosque Redondo Treaty to establish for the Navajo Nation, can exist without water access. ■

26 <https://www.reuters.com/legal/government/9th-circuit-revives-navajo-nations-water-rights-claim-against-doi-2021-05-28/>

27 <https://www.cbsnews.com/news/read-text-dissent-supreme-court-affirmative-action-ruling-opinions-justices-soto-mayor-jackson/>

28 <https://www.kevinmd.com/2019/05/the-systemic-poverty-in-navajo-nation-is-a-national-travesty.html>



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Roma Traveler Communities Should Be Treated as Indigenous for Identification as Such Would Better Address Their Public Health Needs

Across Europe, large numbers of Gypsy Roma traveler communities experience significant health inequities such as higher morbidity, mortality and infant mortality. This health inequity is perpetuated by wider determinants such as a lower social status, lower educational attainment and substandard accommodation. This is not dissimilar to other indigenous peoples, even though many Gypsy Roma traveler communities are not usually identified as indigenous. Research alongside the internationally agreed principles of indigenous peoples, examining similarities between Gypsy Roma traveler communities and other indigenous peoples clearly portray distinct similarities of deep-rooted and systemic inequities. There is thus a strong argument that Roma traveler communities should be recognized as indigenous in terms of the internationally agreed principles of indigeneity and shared experiences of health inequity, colonization and cultural genocide. This vital recognition would enable a more robust public health strategy and development of public health guidelines that would take into serious account their distinct cultural views and practices. Recognizing Gypsy Roma traveler communities in this way is important, especially concerning public health, as formal recognition of indigeneity provides certain rights and protection that can be used to develop appropriate public health strategies. (See: Heaslip V, Wilson D, Jackson D. *Are Gypsy Roma traveler communities indigenous and would identification as such better address their public health needs?* *Public Health*. 2019 Nov; 176:43-49. doi: 10.1016/j.puhe.2019.02.020. Epub 2019 May 10. PMID: 31079879.) See <https://pubmed.ncbi.nlm.nih.gov/31079879/>.

There is a plethora of misconceptions regarding the Roma community: firstly, they are not from Egypt nor from Romania. Secondly, the Roma people are inherently globe trotters and it has been hard to account for Romani souls since they strive to evade an official body count—in the historical pursuit of avoiding ostracization and persecution. The Roma have even been located living in North and South Africa. While they have been renowned for practicing in the art of divination, black magic and for-

tune-telling, yet those who do are akin to street performers—it is a way to practice the art of incantation which is entertaining and profitable; it is not their vocation. Furthermore, it is a commonly floating damaging rumor in some European countries that the Roma have a penchant for stealing children, but in reality, the Romani people shared a similar past to that of Native Americans and Australian aboriginals in which their children were often snatched from them and forced into assimilation schools where they were given new colonial names and penalized for speaking in the Romani language. Hence, many Roma perished before the assimilation programs were ceased. Romani women were also sexualized and sterilized, even though Romani women abide by strict rules dictated by their culture regarding modesty and honor, so that the concocted “Esmeralda fetish” is absurdly baffling. Romani people are not thieves and they are not beggars. A huge number of the Roma were enslaved and after the abolishment of slavery in the late 1800s there remained a vast number of uneducated, impoverished and poorly skilled Roma who were released back into the mass population but were refused employment. Those who hired people of Romani descent failed to pay fair wages and forced the Roma to beg for food and for money as a means to survive, fueling that stereotype.

A [2020 study by the Friends, Families and Travellers organisation](#) found 44% of UK adults ‘openly express negative attitudes towards the community’. Adding to this they also found some startling inequalities: Roma and Traveler people are estimated to have a life expectancy between 10 to 25 years shorter than the general population; the pupils from the Roma and Traveler ethnic groups also have the lowest average score in GCSEs; Roma and Travelers are more likely to experience housing deprivation than any other ethnic group. For these reasons of blatant prima facie inequities, academics have argued that Roma and Traveler communities could fit the UN definition for Indigenous communities. The Irish government recognized Irish Travelers as an Indigenous ethnic minority in 2017. Other Traveler communities do not identify as Indigenous, but policy frameworks and approaches developed with and for Indigenous communities could prove beneficial in terms of shaping services such as public health. As the world comes to right wrongs

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and tackle discrimination against different communities that defy conventional expectations, there is surely a conversation to be had surrounding the rights and policy protections Roma and Traveler communities need to feel secure in their way of living as well. See <https://lgiu.org/could-indigenous-policy-relate-to-roma-and-traveller-communities/>. Roma have faced generations of discrimination and persecution and tend to experience higher levels of poverty and lower access to education and employment than majority populations (Sigona and Vermeersch, 2012; Tanner, 2005). Roma women can additionally face various forms of gender-based discrimination and violence across the life course (including forced sterilization) that compound the effects of ethnic and class-based disadvantages (Zampas and Lamačková, 2011; Bollini et al., 2009; European Union Agency for Fundamental Rights, 2013). Like many “excluded” or “minority” groups, Roma populations had been hit particularly hard by the 2008 economic recession that had affected much of the European region (Ghosh, 2011). More attention should be focused on the social, political and economic structures and power differentials that shape the health-defining experiences of Roma populations. Future studies should analyze the way the health of Roma populations has been constructed and acted upon in the health system and in policy, and how this has been shaped by representations in research and the media (Greenfields et al., 2015). Researchers should work directly with policy-makers, helping them to critically reflect on their role in shaping “Roma health” and exploring why key policies (such as the Decade of Roma Inclusion and the EU Framework for Roma Integration) have so far failed to make a difference to the health and wellbeing of European Roma populations. Sharing of best practices across different country settings could help identify promising future strategies for Roma as for the Indigenous peoples. Research should also pay attention to the role that health professionals and interventions can play in alleviating or perpetuating Roma disadvantage through challenging or reinforcing traditional misconceptions, cultural stereotypes and stigma (European Union Agency for Fundamental Rights, 2013). Identification of positive and negative practices could help direct actions that have the potential to narrow, rather than widen, the social and health inequalities

between Roma and majority populations, drawing on the experience of other stigmatized and marginalized groups. (See: Orton L, de Cuevas RA, Stojanovski K, Gamella JF, Greenfields M, La Parra D, Marcu O, Matras Y, Donert C, Frost D, Robinson J, Rosenhaft E, Salway S, Sheard S, Such E, Taylor-Robinson D, Whitehead M. *Roma populations and health inequalities: a new perspective*. *Int J Hum Rights Healthc*. 2019 Nov 28;12(5):319-327. doi: 10.1108/IJHRH-01-2019-0004. PMID: 32082612; PMCID: PMC7032950). See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7032950/>

Reconstructing Methods for Achieving Health and Well-being of European Roma

There is a lack of “cultural continuity” (the integration of people within their culture and the transmission of traditional knowledge – i.e., the ability to “be who we are”) has been found to contribute to high suicide rates among indigenous youth (Chandler and Lalonde, 2008). Where possible, careful comparison of data specific to Roma populations with data relating to other identified indigenous population groups could inform an analysis of how different exclusionary processes impact on the health status of diverse Roma populations and help identify specific areas of focus to improve the health outcomes of Roma (and other) populations (see e.g. Powell and Lever, 2017). Included within this approach would be more nuanced methods to promoting health, which focus on strengths and assets rather than deficit constructs that can perpetuate problematizing of these communities. Roma and traveler people represent the most disadvantaged minority groups in Europe, having the poorest health outcomes. Searches were conducted in 21 electronic databases complemented by a focused Google search. Studies were included if they had sufficient focus on Roma or traveler populations; reported data pertinent to healthcare service use or engagement and were published in English from 2000 to 2015. Study findings were analyzed thematically and a narrative synthesis reported. Ninety-nine studies from 32 countries were included, covering a range of health services. Nearly one-half of the presented findings related to primary healthcare services. Reported barriers to health service usage related to organization of health systems, discrimination, culture and language, health literacy, service-user attributes and eco-

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conomic barriers. Promising engagement strategies included specialist roles, outreach services, dedicated services, raising health awareness, handheld records, training for staff and collaborative work. This review provided evidence that Roma and traveler populations across Europe struggled to exercise their right to health-care on account of multiple barriers; and related to other determinants of disadvantage such as low literacy levels and experiences of discrimination. Some promising strategies to overcome barriers were reported but the evidence was weak; therefore, rigorous evaluations of interventions to improve access to and engagement with health services for Roma and traveler people are needed. (McFadden A, Siebelt L, Gavine A, Atkin K, Bell K, Innes N, Jones H, Jackson C, Haggi H, MacGillivray S. *Gypsy, Roma and Traveller access to and engagement with health services: a systematic review*. *Eur J Public Health*. 2018 Feb 1;28(1):74-81. doi: 10.1093/eurpub/ckx226. PMID: 29346666.) See <https://pubmed.ncbi.nlm.nih.gov/29346666/>.

Indigenous Groups and Nomadic Races Exhibit Unmet Medical Needs (Ireland/Europe)

It is estimated that the Roma are the largest ethnic minority population in Europe (HSE in Roma Intercultural Guide, 2020). There is a dearth of information in the Irish medical literature on the Roma in Ireland. Yet, it still poses quite a challenge to identify Roma-specific culture, family structure, pediatric illness, and health equality within the context of the Irish population and the population world-wide. A review was completed of the English language literature on Roma available from 2010 to 2021 using the web of science databases. Relevant clinicians and organizations were contacted to compile data on the Irish Roma to inform appropriate action in Roma child health. Up until 2021, the national census in Ireland did not include Roma as a category in ethnicity (HSE in Roma Intercultural Guide, 2020). As such, it was difficult to obtain an accurate number of the population in Ireland. The majority of the Roma in Ireland are Romanian (National travelled and Roma Inclusion Strategy in Justice, 2017). There is limited understanding of their culture in Ireland (National traveler and Roma Inclusion Strategy in Justice, 2017). Often overlooked, small indigenous groups or nomadic races

have unmet medical needs (National traveler and Roma Inclusion Strategy in Justice.ie, 2017). Across Europe, they have a lesser life expectancy and a higher burden of illness due to lower socioeconomic status, discrimination, and poor access to health services (National traveler and Roma Inclusion Strategy in Justice, 2017). Cultural competence is necessary to provide effective healthcare but in order to achieve the identification of Roma children and to gauge the health inequalities hounding the Roma ethnic population it would be fitting and apropos to examine the nomadic races of the globe not in separateness and solitude but via an encompassing method of taking stock of an all-inclusive communal kaleidoscope of indigenous peoples which would significantly deflate the exclusionary practices of rejecting the Roma Community and negating their plight for equal rights as an underserved marginalized ethnic group. (See: O'Sullivan A, Rooney D, O'Gorman CS, Murphy AM. Irish Roma: a literature review. *Ir J Med Sci*. 2023 Apr;192(2):713-720. doi: 10.1007/s11845-022-03054-2. Epub 2022 Jun 18. PMID: 35717428; PMCID: PMC9206508.) See <https://pubmed.ncbi.nlm.nih.gov/35717428/>.

The Swooping Pandemic and its Aftermath Monsoon of Health-Care Discrepancies Documented Throughout Europe

The Roma communities in Europe face a much higher risk of death from COVID-19, as their situation, already marked by extreme racism and poverty, has been worsening in the last decade. In the richest continent on Earth, 80 percent of Roma surveyed live below their country's threshold for being at risk of poverty. On average across the European Union, 30 percent live in housing without access to tap water, and every third Roma child lives in a household where someone retired to bed hungry at least once in the previous month. In only five years, between 2011 and 2016, the number of Roma children in segregated, substandard education increased by half, from 10 percent to 15 percent. The COVID-19 crisis is accelerating the worsening trend toward more catastrophic figures. It is increasingly hard to attain a quantitative grasp of the situation, both generally, without systems for ethnic data collection in place, and specifically, with the current state of lockdown, the fast-changing government responses and levels of virus spread. Preventive measures such as

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hand washing and physical distancing are much more challenging for Roma than other populations, as many of them live in conditions of extreme poverty. Up to 80 percent of Roma live in dense neighborhoods and overcrowded housing. Although national governments are aware of these conditions, they have not prioritized Roma neighborhoods when distributing supplies of disinfectants and implementing disinfection measures for the Roma are not distinguished as Indigenous. Because testing for COVID-19 in Bulgaria, Hungary, and Spain is conditioned on health insurance coverage, a significant proportion of the Roma population is excluded. For example, only 45 percent of Roma in Bulgaria and 54 percent of Roma in Romania have health insurance. A positive example, however, is the city of Milan, which has implemented large-scale COVID-19 and oxygen saturation testing in the Roma camps on its territory, regardless of insurance coverage. Restrictions on public transport in Bulgaria, Hungary, Romania, and Spain provide access to essential medical care only for Roma with chronic illnesses or special circumstances (e.g., pregnancy), as Roma rely on public transport for visits to doctors and pharmacies. Discriminatory medical treatment has been reported in Slovakia (i.e., mandatory testing for Roma communities only) and in some Roma neighborhoods in Bulgaria. A Gallup survey commissioned by the Open Society Foundations in 2017 found that doctors are most likely to discriminate against Roma in Bulgaria, Italy, and Romania. With health systems overwhelmed in these countries, the Roma are at even greater risk of mistreatment. See <https://www.opensocietyfoundations.org/publications/roma-in-the-covid-19-crisis#:~:text=Roma%20communities%20in%20Europe%20face,worsening%20in%20the%20last%20decade>.

In Ukraine and in Bulgaria, as in Many Other Countries of the World, Roma People Face Heightened Discrimination and Scapegoating

In the Ukraine, as in other European countries, the persistent practices of discrimination and exclusion render many Roma families particularly vulnerable in the current crisis, without adequate access to healthcare, water, livelihoods, food and education as they suffer from century-old stereotypes and social exclusion. Many Roma have no opportu-

nity to sign agreements with family doctors, mainly due to their lack of an identity document, which also impedes their access to social security. Ambulances often refuse to take cases from Roma settlements which significantly exacerbates their already insufficient access to healthcare. Segregation in specific 'Roma' wards in maternity houses risks additional discrimination and exclusion.

While Roma women and men often work in seasonal or temporary jobs, or deliver services in local markets or small enterprises, now their work places have been closed down and their income reduced. Roma women face intersecting forms of discrimination, including gender-based violence, which deepens their vulnerability to the crisis situation. With the closure of schools, many Roma children have been left without education, due to a lack of access to computers and internet. The Far-Right Radicals rearing their white supremacist heads in Kyiv, such as the Ukrainian right-wing paramilitary group C14, have targeted Roma caravan camping sites, torching villages and spray-painting hate speech comments on the fences of Roma family settlements—with no end in sight to the impunity of these hate crimes. See <https://www.hrw.org/news/2021/11/29/radicals-target-roma-people-ukraine>.

In Bulgaria, Roma communities were sprayed with disinfectant from crop dusters this spring as coronavirus cases surged in the country. In Slovakia, their villages were the only ones where the army conducted testing. And across Central and Eastern Europe, reports of police using excessive force against Roma spiked as officers were deployed to enforce lockdowns in their towns. Human rights activists and experts say local officials in several countries with significant Roma populations have used the pandemic to unlawfully target the minority group, which is Europe's largest and has faced centuries of severe discrimination. With COVID-19 cases now resurging across the continent, some experts fear the repression will return, too. To make matters worse, activists say such discrimination often draws little opposition from other Europeans and the Roma are reluctant to speak about it, fearing repercussions. See <https://apnews.com/article/virus-outbreak-pandemics-police-discrimination-eastern-europe-2cbcdb5ee070578b73b1bc35ebdb426e>

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“Let us take this day to remember: while the pandemic affects us all as human beings, for some segments of Ukrainian society, including Roma women, men and children, the threat to life and survival are excessively high;” says Osnat Lubrani, United Nations Resident Coordinator. Ensuring equal rights for all has always been one of the core UN priorities –

“All human beings are born free and equal in dignity and rights” reads Article 1 of the Universal Declaration of Human Rights;” Osnat Lubrani concludes. See <https://www.unhcr.org/ua/en/21189-many-roma-families-are-particularly-vulnerable-in-the-current-crisis-of-covid-19.html>.

Antigypsyism

Public policies concerning health and economic recovery have ignored the specific experiences of Roma families and communities during the pandemic. Scientific evidence warns that the health of ethnic minorities is exposed to greater risks than the rest of the population because of socio-political determinants. Specifically, Roma communities are especially vulnerable because of *antigypsyism*, which leads to policies that deprive the Roma of resources and opportunities for a healthy life. Several Spanish organizations and institutions developed urgent recommendations to reduce the impact of health and economic crisis on the Roma population. Despite these efforts, the Roma population has reported worsening of their physical and mental health, increased discrimination, severe difficulties for the continuation of their children’s studies, a significant income reduction, and harder access to basic food. Under this scenario, international organizations such as EUPHA8 called for action to involve the entire population and carry out advocacy actions in order to grant the same rights and responsibilities to all citizens and ensure that the measures established for majority populations also reached disadvantaged groups. See <https://epha.org/wp-content/uploads/2021/12/hi-casestudy-romaadvocacy.pdf>.

Fake News Blaming Minority Groups for the Pandemic’s Spread

In the context of the social and healthcare crisis caused by the COVID-19 pandemic and the declaration of a State of Alarm in Spain, the Fundación Secretariado Gitano

(FSG) notes and deplors a large number of cases of stigmatization perpetrated by the communications media and on occasion by political figures. These cases involve rumors and fake news stories which blame minority groups for the pandemic and its spread, or for violating the rules of quarantine, in alarmist language which links such minorities with “infection” and “danger”. These messages have generated various kinds of hate speech against such groups. The Roma community has been one of the groups most badly affected, to the point where the FSG decided to bring some of these cases to public prosecution. This kind of hate speech tends to focus on identifying scapegoats for the cause of the pandemic, and it affords a valuable opportunity for qualitative analysis to reveal the processes involved in hate speech. These include the processes by which it is generated and spread, and the real-life impact of hate speech in terms of human rights at any given moment. It has been suggested that the Roma community is far more vulnerable primarily because it sits outside of the safeguard protective nets cast in fishing for accountability that is a remedial measure so often sought for those members of the community who are rendered to be a part of the indigenous peoples.

See https://www.inach.net/wp-content/uploads/Covid19_crisis_and_antiroma_speech-1.pdf.

A Homogenous European Minority Seeks Safeguards Comparable to The Indigenous

From the 1990s onwards, the Roma have been increasingly ethnicized and represented as a homogeneous European minority by European institutions, Romani groups and associations, governmental and nongovernmental organizations, scholars and various media. Moreover, they have been framed as a European minority par excellence. Having no established connection with a kin state which will lobby and advocate on their behalf, it is claimed that the Roma are obliged to rely on European institutions and agreements to have their rights acknowledged. Consequently, the Council of Europe and the EU have gradually set up inclusive measures and projects for the Roma (Sigona & Vermeersch, 2012). European forums have been mobilized and European institutions and civil society have become increasingly alert to human rights

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violations for Roma. However, the Roma are still continuously confronted with such human rights violations across multiple European countries (Bancroft, 2005; Pogany, 2012; Sigona & Vermeersch, 2012). Ideas about the Roma are submerged in incessant negative stereotypes and exclusionary logics. Apparently, these constructions are not overcome by the trends towards inclusion. Therefore, there is a need for analysis of the meanings that are created in inclusionary discourses in order to find clues about the limiting factors that stall these inclusion protections. An interesting and innovative way to accomplish this task is by observing human rights practices. Although human rights are often perceived as universally accepted standards of inclusion, increasingly more sociologists recognize that it is necessary to understand how and in which contexts human rights cultures are created. Human rights are then perceived as originating, existing and being applied in targeted contexts, which can be framed as social struggles with the goal of achieving inalienable rights. (Nash, 2009; Waters, 1996; Woodiwiss, 2005) Thus, by observing the human rights practice for Roma, we can gain insight into the inclusionary discourses for this special group. The violations of Roma Human Rights may be far more apparent and carefully traced should the Roma be acknowledged as a salvageable community sheltered by the same protective mechanism as Indigenous Peoples.

In an effort to understand the paradox between the expansion of inclusion projects for the Roma and their persisting exclusion, one may examine the violations of human rights against the Roma through the lens of international human rights practice in order to grasp the complexity of meanings of inclusion negotiated in this practice. In this way, we scrutinize whether those limiting factors may be eradicated within the inclusionary discourse itself. Specifically, we analyze the discourse in transnational judicial, political and civil society actors' reports on violations of human rights against Roma. The opinion is then formulated, gleaned from the gathered evidence, that a strong shared tendency to frame the violations in terms of discrimination should not be discerned from similarly situated violations against the fundamental rights of Indigenous peoples. (See: Delcour, Chloe, and Lesley Hustinx. "Discourses of Roma Anti-

Discrimination in Reports on Human Rights Violations." *Social Inclusion*, vol. 3, no. 5, Sept. 2015, pp. 90+. Gale OneFile: *Diversity Studies*.) See <https://go.gale.com/ps/i.do?p=PPDS&u=pwlopacplus&id=GALE|A554287864&v=2.1&it=r&sid=bookmark-PPDS&asid=1228b68>.

The Roma—An “Insider Foreigner” and The Hurdles of Post-Return Migration

Roma people are perhaps Europe's most discriminated and marginalized minority. The Roma and their community quilted together by kinship appears to be, against all odds, inseparable from regional geography and history. Traditional Roma should thus be considered native inhabitants albeit natives of a unique kind granted their ancient local integration. When it is stated that the Roma are from India, the conception is clear: they are culturally foreign and socially marginal—and thus exists the aversion of many European communities regarding the Roma. The Roma have garnered a migratory collective identity and have dominated the European landscape for centuries. Each population is now tied to the identity of a specific geographical origin, with a recognizable spoken language native to the inhabited region. The Romany people have for ages been considered as “insider foreigners.” The Roma have been excluded by social constructs which deny them their right to history and their respective right to belonging to a land as the Indigenous peoples claim to native land. In the past years, increasing attention has been paid to the migration of the Roma to Western Europe and their limited social mobility in their countries of destination. The “post-return” experiences of Roma and the changes generated by return migration in their communities of origin, has been a topic largely neglected so far. Focusing on Roma returnees, there develops an understanding of migration not just as a means of generating resources, but also as a learning process where the Roma population acquires new ideas and a sense of agency and dignity. Migration results in a weakening of the economic dependency of the Roma on the non-Roma. In this new context, which is still marred by ethnic prejudice and inequality, local interethnic relations are reshaped by the returned Roma's novel consumption practices, newly developed modes of communication, and contemporary claims for equality.

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While adult Roma tend to demand equality and decent treatment, setting in motion a process of ethnic change, older returned Roma tend to maintain more submissive practices as they still feel very much under the pressure to assimilate to local societal practices and are seldom treated as entities to be revered under the human rights principles abided by nation states in an effort to preserve Indigenous and native culture as well as safeguarding the Roma from the burden of prejudice. (See: Anghel, Remus Gabriel, and Laszlo Foszto. “A Generational Divide? Coping With Ethnic Prejudice and Inequality Among Romanian Roma Transnational Returnees.” *Social Inclusion*, vol. 10, no. 4S1, Dec. 2022, pp. 105+. *Gale OneFile: Diversity Studies*) See <https://go.gale.com/ps/i.do?p=PPDS&u=pwlopacplus&id=GALEIA729930719&v=2.1&it=r&sid=bookmark-PPDS&asid=b32fdff8>.

The Roma—Globally Plagued by Persistent Ideas of Illegality and Irregularity

Roma people first arrived in Europe in the early 15th century, originating from the northern Indian subcontinent, from the Rajasthan, Haryana, and Punjab regions of modern-day India. They have often been negligently referred to as “gypsies,” which in recent years has been correctly recognized as a pejorative, as it is linked to ideas of illegality and irregularity. Romani scholar Ian Hancock, a Romani raised in Great Britain, says the term falsely implies that the Roma are not a race—that they are simply a group choosing a lifestyle. Beginning in the 20th century, the Roma were stigmatized and criminalized. By the end of the 1920s, fingerprints were taken from all Roma 16 and over in attempts to improve registration and monitoring of the Romany people to solve the “Gypsy Problem.” Even today, the Roma suffer from high levels of discrimination and racism. One in three Roma in Europe are unemployed and 90% live below the poverty line, as reported by the EU Agency for Fundamental Human Rights. Many European governments actively discriminate against Roma in policy-making and legislative statutes. The French government, ignoring court rulings, evict Roma people from their settlements with inadequate provisions for other housing. In Slovakia, Romani children are often segregated and offered lower standards of education. This occurs in Greece as well, where non-

Roma parents in 2005, ignobly blockaded an elementary school to demonstrate against access for Roma children. In the 21st Century, the Roma people remain prone to systemic injustice and lack opportunities for secure housing, employment and proper education such as in Ukraine, the Balkans and in the former Soviet Union, where there inhabits a numerous Roma population. (“Romani Genocide.” Combat Genocide Association, combatgenocide.org/?pageid=81. Simpson, David. “The Roma: A Thousand Years of Discrimination Continues, Advocates Say.” CNN, Cable News Network, 25 Oct. 2013). See www.cnn.com/2013/10/21/world/europe/roma-discrimination/index.html.) <https://crgreview.com/a-history-of-romani-discrimination-and-genocide/>.

Drawing from the Experience of Other Stigmatized/Ostracized Groups to Usher Inclusion and Call for Remedial Action in the Future

Opportunities exist to explore the potential for learning from successful strategies to improve the health of selected groups living in broadly similar social, economic and environmental conditions. These might include, the indigenous populations of Canada and Australia, Irish traveler populations and lower caste groups in South Asia, among many others. There is a need to pay close attention when describing the Roma populations, though. There is sparse available evidence on the health outcomes and experiences of Roma populations which distinctly describes the characteristics of the population(s) concerned or the every-day contexts in which they live. Inappropriately generalized group characteristics are all too often implicated in the marginalization of Roma and the singular “they” mentality which comprises much research and policy. This contributes to an overall notion of “Roma health” that ignores the heterogeneity of experiences among diverse Roma populations (from the Gitano’s of Spain to the Romani of Kosovo). When coupled with an over-emphasis on individual-and community-level factors, such approaches reinforce cultural stereotypes and pathologize Roma as a “problem” while failing to assess the intricate social, cultural and institutional factors that foster vulnerable circumstances for many Roma communities ([Howard and Vadjia, 2016](#)). Future research should pay close attention

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to describing the varied characteristics of Roma populations, for example, whether the population is settled, travelling, migrant with a long-term settlement project, seasonally mobile, segregated or integrated, remotely located and living in urban or rural areas and sources of income and work practices. Descriptions of Roma populations should be complex and nuanced, based on self-identification whilst recognizing that some Roma populations prefer to conceal their identity owing to fears of persecution ([Ringold et al., 2005](#)). They should acknowledge the ever-changing nature of individual and group characteristics within Roma communities, the fluidity of such labels and their spatial and temporal specificity ([Mir et al., 2012](#)). It is well accepted that health inequalities are determined by complex multi-dimensional and interacting processes across the life-course from birth to old age ([Graham, 2007](#)); with the accumulation of either advantage or disadvantage across progressive life stages leading to the social distribution of health ([Marmot and Wilkinson, 2005](#)). We further realize that many of these factors tend to cluster (and interact with one another) leaving some groups, such as Roma, with limited opportunity to evade underprivileged living conditions ([Solar and Irwin, 2010](#)). Future analyses should reveal the complexity of interacting processes at the governmental, societal, community and individual levels that compound one another to shape health and wellbeing ([WHO, 2014](#)). These case studies should draw on theory and develop conceptual models to help make sense of complexity. Researchers could learn from case studies that successfully demonstrate how theory-driven approaches can be applied within other excluded populations, including indigenous populations; lesbian, gay, bisexual, trans and queer persons; or forced migrants. There is a multitude of theories that have proved fruitful for understanding the health of other populations in similar social positions. These include systems theory, intergenerational trauma and the minority stress model. Intersectionality theory ([Crenshaw, 1991](#)), for example, has emerged from feminist and critical race studies to depict how interlocking systems of power related to class, race, gender and other social factors impact those who are most marginalized within society. Intersectionality theory is now being employed to bring closer attention to the multiple and overlapping nature of social factors that shape identities

and underpin the discrimination, power imbalances and health experienced by European Roma populations ([Kocze, 2009-2020](#)).

Transparency in Health Practice Public Policies as Applicable to the Romany People

More attention should be focused on the social, political and economic structures and power differentials that shape the health-defining experiences of Roma populations. Future studies should analyze the way the health of Roma populations has been constructed and acted upon in the health system and in policy, and how this has been shaped by representations in research and in the media ([Greenfields et al., 2015](#)). Researchers should work directly with policy-makers, helping them to critically reflect on their role in shaping “Roma health” and exploring why key policies (such as the Decade of Roma Inclusion and the EU Framework for Roma Integration) have so far failed to make a difference to the health and wellbeing of European Roma populations. Sharing of best practices across different country settings could help identify promising future strategies. Research should also pay attention to the role that health professionals and interventions can play in alleviating or perpetuating Roma disadvantage through challenging or reinforcing traditional misconceptions, cultural stereotypes and stigma ([European Union Agency for Fundamental Rights, 2013](#)). Where possible, scrupulous comparison of data specific to Roma populations with data relating to other identified population groups could inform an analysis of how different exclusionary processes impact on the health status of diverse Roma populations and help identify specific areas of focus to improve the health outcomes of Roma (and other) populations (see e.g. [Powell and Lever, 2017](#).)

The Roma and Future Health-Care Challenges Through the Prism of Ancient Gross Intolerance

In summation and as mentioned above, the Roma population faces significant inequities in healthcare, experiencing poorer health outcomes and limited access to healthcare services compared to the majority population. These disparities can be attributed to various factors as

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the Roma individuals contend with discrimination and stigmatization within healthcare systems, leading to unequal treatment. Age-old prejudice and negative stereotypes can result in healthcare professionals providing substandard care or even denying Roma individuals access to healthcare services altogether. Many Roma communities tackle with socioeconomic challenges, including poverty, low education levels, and unemployment. These factors contribute to a limited access to adequate healthcare, as Roma may struggle to afford healthcare expenses or lack of health insurance coverage. Language barriers can hinder effective communication between Roma patients and healthcare providers, making it difficult to convey symptoms, understand medical instructions, or to participate fully in healthcare decision-making. Cultural differences may also lead to misunderstandings or conflicts between healthcare professionals and Roma patients. Roma Communities systemically confront the poison of residential segregation and reside in marginalized areas marred by inadequate infrastructure, including limited access to healthcare facilities. Geographic barriers, combined with transportation hardships and a lack of healthcare services in these areas, further serve as roadblocks in impeding the Romany people's ability to seek appropriate medical care. Limited access to health education and information result in lower literacy levels among Roma populations. This leads to a lack of awareness about preventive measures, proper disease management, and available healthcare services, ultimately elevating health disparities to a crescendo.

Addressing Blatant Inequities on the Front-Lines/Enacting Anti-discrimination Measures

Addressing these blatant inequities in healthcare for the Roma population requires a comprehensive approach involving several key steps such as taking active Anti-discrimination Measures. Healthcare systems should implement anti-discrimination policies and training programs to combat bias and stigmatization within healthcare spheres. Healthcare providers ought to receive cultural competence training to comprehend and respect the cultural practices, beliefs, and values of the Roma population. See https://health.ec.europa.eu/system/files/2016-11/2014_roma_health_report_en_0.pdf.

Additionally, interpreters or bilingual healthcare should be implemented in the Romany language. Efforts should be made to ensure equitable access to healthcare services by reducing geographic barriers, improving transportation options, and expanding healthcare facilities in marginalized Roma communities. Providing targeted health education programs, outreach initiatives, and preventive services within the Roma communities can significantly help improve health literacy and empower individuals to make informed decisions about their health. Collaboration between healthcare providers, policy makers, community leaders, and Roma organizations is essential to identify and address specific healthcare needs of the Roma population. This collaboration can lead to the development of culturally sensitive healthcare programs and policies. By acknowledging and addressing these inequities faced by the Roma population in healthcare, societies can work toward a brighter future in achieving equitable access to healthcare services for all individuals, regardless of their ethnic or cultural background. See <https://epha.org/wp-content/uploads/2019/02/closing-the-life-expectancy-gap-of-roma-in-europe-study.pdf>

Promoting The Roma to Indigenous Status to Ameliorate Underinclusive Practices

The DNA of Roma people has long been misused and misappropriated as a marginalized group living in Europe. For decades, geneticists have collected the blood of thousands of Roma people, and deposited their DNA in public databases. The ostensible purpose of some of these studies was to learn more about the history and genetics of the Roma people. Now, a group of scientists has argued this research, which has made the Roma the most intensely studied population in Europe of the past 30 years in forensic genetic journals, is rife with ethical issues and may harm the Romani people. See: <https://www.nytimes.com/2021/11/17/science/genetics-ethics-roma.html>. In order to salvage the sacred lives of the Roma community, to safeguard their lifestyles, to harbor the beacon of their ethnic identity and to improve their health-care, it would be greatly beneficial for the Roma to be categorized as definitively Indigenous as a population inhabiting Europe and around the world, especially because of their marginalization and persecution. The safeguards provided

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to harness and preserve the delicate Roma Community would be more readily accessible should we officially designate the Romany people as indigenous.

Will There Be a Promising Rosy Future in the Cards for the Roma?

Exclusion, deprivation, discrimination and racism – this remains the reality for too many of Europe’s Roma in their daily lives. The Covid-19 pandemic threw our world off balance. Its deprivations have affected many people across Europe. But it is only now that we can assess and feel its long-term impact. It is increasingly obvious that the primary victims of the pandemic are the most vulnerable in our societies, especially Roma communities. Think of the Roma child whose education stalled as she could not join her classmates online for remote schooling. Or think of the Roma worker who could not provide for his family, as earnings dwindled as he was no longer employed. For them, and millions like them, the cycle of poverty and exclusion continues to turn. And today’s cost-of-living crisis will undoubtedly cause further suffering. Fortunately, there are also green shoots of hope. Recent findings identify some areas where there are improvements overall, in the lives of the Roma population. There is the European Union’s 10-year plan to support Roma: the EU Roma Strategic Framework for equality, inclusion and participation. It sets out clear

minimum targets for Member States in terms of fighting antigypsyism and discrimination, reducing poverty and exclusion, and promoting Roma participation through empowerment. EU countries are obliged to achieve these targets by 2030. To ensure progress, Member States are tasked to develop national strategies and report on how they are progressing every two years. With this report, the EU Agency for Fundamental Rights (FRA) provides the baseline data that allow the EU and its Member States to assess the effectiveness of the 10-year plan. It is in this spirit that Member States are called to action to search for meaningful ways to deliver on the protection of fundamental rights of the Roma community, by regularly collecting such data to take stock of their progress. Therefore, Roma rights not to be discriminated against, not to be subjected to acts of violence in any case, including because of their identity, these fundamental rights and all the others – the right to decent housing, right to water, and the right to acceptable levels of healthcare, access to education – if we cannot enforce those, then they are empty rights. See https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results_en.pdf

*(Submitted by Dr. Sophia Murashkovsky Romma for publication in the Rights of Indigenous Peoples Interest Group Editorial Newsletter/July 2023) ■