

RIGHTS OF INDIGENOUS PEOPLES INTEREST GROUP NEWSLETTER

Interest Group Highlights

Welcome to the Winter 2023 issue of the Rights of Indigenous Peoples Interest Group Newsletter! It covers developments pertinent to the rights of Indigenous Peoples from July- December 2023.

The Co-Chairs would like to begin by recognizing those who prepared this issue of the newsletter including editor Henrique Napoleão Alves and his team at the Facts and Norms Institute and Catherine van Kampen and her New York based team. Many thanks for your hard work!

In addition to the newsletter, RIPIG have a number of updates. We have had quite a busy last half of the year. In September we co-hosted with the Latin American Interest Group the webinar *Indigenous Rights in Relation to the Lithium Triangle: Human Rights and Sustainable Development Challenges* on the harms experienced by Indigenous peoples from lithium mining operations in Argentina, Bolivia, and Chile. The speakers included Alejandra Gonza (Director and President, Global Rights Advocacy), Yuri Mantilla (Liberty University), and Felipe Guerra-Schleef (Lawyer, Observatorio Ciudadano), with moderators Jonathan Liljeblad (Associate Professor, Australian National University) and Cecilia Marcela Bailliet (Professor, University of Oslo). In October, we hosted the webinar *Righting Wrongs: The Repatriation of the Maaso Kova* featuring 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 view the event here: <https://www.youtube.com/watch?v=bEKqi0WmeKg&t=5s>.

For our next newsletter, please let us know if you have any professional achievements and accomplishments that you would like to highlight. You can submit an announcement highlighting your achievement or professional update, whether it be a new book/article, a promotion, a new job, an award, or something else that we can celebrate (around 100 words). You can send your submission to the RIPIG Newsletter editors and put "RIPIG MEMBER SPOTLIGHT" in the subject line. Be sure to provide your full name, a high-resolution photo, title, and organization or affiliation."

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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.

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We are continually developing ideas for projects and webinars. We will keep you posted as the details are finalized. In the meantime, if you have any suggestions for RIPIG events please don't hesitate to reach out to the Co-Chairs. We hope you find this newsletter helpful for your teaching and practice. Please feel free to share with friends and colleagues and spread the word about RIPIG!

Best wishes,

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Rights of Indigenous Peoples Interest Group Co-Chairs

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

"Divided by mining: Vale's new rail track fractures an Amazon Indigenous group":

<https://news.mongabay.com/2023/07/divided-by-mining-vales-new-rail-track-fractures-an-amazon-indigenous-group/>

Indigenous leaders say that not only will the railroad extension cause greater environmental damage, but also that the company reached the agreement by using "divide and conquer" tactics over the years and by applying other maneuvers they consider unethical.

"A global study to strengthen media with Indigenous peoples' voices":

<https://www.unesco.org/en/articles/global-study-strengthen-media-indigenous-peoples-voices>

On 19 July 2023, a study analysing the factors and challenges affecting Indigenous peoples and the media has been launched at the Palais de Nations in Geneva by UNESCO, in the margins of the 16th session Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and key stakeholders.

"Plan to close digital gap for Indigenous Australians":

<https://nit.com.au/23-07-2023/6908/plan-to-close-digital-gap-for-indigenous-australians>

The Government's First Nations Digital Inclusion Plan aims to improve digital literacy, access and affordability for Indigenous Australians by delivering reliable and affordable telecommunications services alongside appropriate training.

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Indigenous Rights Developments —continued from page 2

“Norway’s largest wind farm violates Indigenous rights. Why won’t authorities take action?”:
<https://grist.org/global-indigenous-affairs-desk/norways-largest-wind-farm-violates-indigenous-rights-why-wont-authorities-take-action/>

The nation’s largest wind farm has been deemed illegal, but it’s still producing energy.

“Brazilian constitution translated into Indigenous language for first time”:
<https://amp-theguardian-com.cdn.ampproject.org/c/s/amp.theguardian.com/world/2023/jul/20/brazil-constitution-translated-indigenous-language-first-time>

The Lancet, “Indigenous determinants of health: a unified call for progress”:
[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)01183-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)01183-2/fulltext)

Despite critical advancements, significant challenges persist for Indigenous Peoples on a global scale.

“How the Sami’s fight against a dam was a turning point for Indigenous rights in Norway”:
<https://www.abc.net.au/listen/programs/latenightlive/the-sami-s-fight-to-stop-a-dam-and-save-their-heritage/102642296>

“Research highlights importance of including Indigenous cultural perspectives in coastal restoration plans”:
<https://phys-org.cdn.ampproject.org/c/s/phys.org/news/2023-07-highlights-importance-indigenous-cultural-perspectives.amp>

Earthen and shell mounds built hundreds of years ago by Indigenous people in the Mississippi River Delta contribute to biodiversity and the area’s resiliency to erosion today, research by a Florida State University archaeologist has found.

“Study confirms surge in deforestation in Indigenous lands under Bolsonaro”:
<https://news.mongabay.com/2023/07/study-confirms-surge-in-deforestation-in-indigenous-lands-under-bolsonaro/>
Despite being among the best safeguards against deforestation in Brazil’s Amazon Rainforest, Indigenous lands saw a sharp increase in deforestation.

“Peru’s cocaine trade overruns remote Indigenous territory”:
<https://www-aljazeera-com.cdn.ampproject.org/c/s/www.aljazeera.com/amp/news/2023/7/25/perus-cocaine-trade-overruns-remote-indigenous-territory>

“[Australian] Governments are failing to share decision-making with Indigenous people, Productivity Commission finds”:
<https://theconversation.com/governments-are-failing-to-share-decision-making-with-indigenous-people-productivity-commission-finds-210392>

“In Peru’s Amazon, Indigenous women lead the way on conservation”:
<https://dialogochino.net/en/extractive-industries/375029-in-perus-amazon-indigenous-women-lead-the-way-on-conservation/>

“In Indonesia’s Aceh, Indigenous communities seek recognition of their forest rights”:
<https://news.mongabay.com/2023/07/in-indonesias-aceh-indigenous-communities-seek-recognition-of-their-forest-rights/>

“Climate displacement threatens Indigenous Guna people in Panama”:
<https://www-aljazeera-com.cdn.ampproject.org/c/s/www.aljazeera.com/amp/news/2023/7/31/climate-displacement-threatens-indigenous-guna-people-in-panama-hrw>

“Argentina indigenous people cross country to protest provincial constitutional reform allowing increased lithium mining”:
<https://www.jurist.org/news/2023/08/argentina-indigenous-people-cross-country-to-protest-provincial-constitutional-reform-allowing-increased-lithium-mining/>

The Lancet, “Indigenous health: self-determination is key”:
[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)01238-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)01238-2/fulltext)

Nature, “Indigenous youth must be at the forefront of climate diplomacy”:
<https://www.nature.com/articles/d41586-023-02480-1>

Indigenous Rights Developments —continued from page 3

“Indigenous leader inspires an Amazon city to grant personhood to an endangered river”:

<https://apnews.com/article/brazil-amazon-wari-indigenous-nature-rights-deforestation-68af65663fb7bd1b-9d2051ce10c17a46>

“As climate crisis alters their lands, Indigenous Peoples turn to the courts”:

<https://www.unep.org/news-and-stories/story/climate-crisis-alters-their-lands-indigenous-peoples-turn-courts>

“The murders of Indigenous activists mark the death of the planet”:

<https://www.aljazeera.com.cdn.ampproject.org/c/s/www.aljazeera.com/amp/opinions/2023/8/9/the-murders-of-indigenous-activists-mark-the-death-of-the-planet>

“How indigenous conservation protects Canada’s environment”:

<https://www.bbc.com/future/article/20230809-how-indigenous-guardians-are-protecting-canadas-environment>

“Five Tembé Indigenous activists shot in Amazonian ‘palm oil war’”:

<https://news-mongabay.com.cdn.ampproject.org/c/s/news.mongabay.com/2023/08/video-five-tembe-indigenous-activists-shot-in-amazonian-palm-oil-war/amp/>

“Ecuador’s oil referendum polarises Indigenous groups”:

<https://dialogochino.net/en/extractive-industries/377246-ecuadors-oil-referendum-polarises-indigenous-groups/>

“Mine battle in Guatemala became a playbook for polluters”:

<https://amp-theguardian.com.cdn.ampproject.org/c/s/amp.theguardian.com/environment/2023/aug/18/fighting-huge-monster-mine-battle-guatemala-playbook-polluters>

“Indigenous youth train to save the earth by sharing knowledge”:

<https://www.worldbank.org/en/news/feature/2023/08/07/j-venes-ind-genas-se-capacitan-para-salvar-la-tierra-conectando-saberes>

Indigenous peoples make up 8 percent of the Latin American population but safeguard 22 percent of the territory. Most of the areas where indigenous people live are critical from the standpoint of resistance to climate change. Young indigenous people are the first line of defense against climate change, given that their communities, despite contributing least to the problem, are among the most affected by it.

“Ceremony marks start of journey home for Indigenous totem pole taken to Scotland a century ago”:

<https://abcnews-go-com.cdn.ampproject.org/c/s/abcnews.go.com/amp/Entertainment/wireStory/ceremony-marks-start-journey-home-indigenous-totem-pole-102617335>

“The indigenous groups fighting against the quest for ‘white gold’”:

<https://www-bbc-com.cdn.ampproject.org/c/s/www.bbc.com/news/world-latin-america-66520097.amp>

“Our land is drying up and our water is polluted,” says Nati Machaca, one of the protesters manning a roadblock in the village of Purmamarca, high in the Andes mountains. Ms Machaca is a spokeswoman for the indigenous groups living in Jujuy, a province in northern Argentina. Jujuy is located in what has become known as the “lithium triangle”, a stretch of the Andes straddling the tri-border area between Argentina, Bolivia and Chile, which holds the world’s biggest reserves of lithium.

“Climate scientists are working with indigenous tribes”:

<https://www.bbc.com/future/article/20231102-climate-scientists-are-working-with-indigenous-tribes>

Native peoples have long collected environmental data. Now scientists are cataloguing these observations and learning how they’re affecting indigenous communities globally. ■

Recommendations from UN and Treaty Bodies

Committee on Economic, Social and Cultural Rights

• UN Doc. E/C.12/BRA/CO/3 (CESCR 2023)

In relation to the country of Brazil, the Committee expressed its concern about the lack of effective legal mechanisms in line with international standards to guarantee that Indigenous Peoples, Quilombolas and other traditional communities are consulted regarding legislative or administrative measures likely to affect them; as well as about the fact that the State party continues to grant licenses for large-scale investment and natural resource exploitation projects without systematically engaging in consultations aimed at obtaining the free, prior and informed consent of those communities. The Committee recommended that the State party ensures full respect for the traditional communities' right to be consulted and to obtain their free, prior, and informed consent in relation to decisions likely to affect them; and takes the administrative measures necessary to guarantee that prior consultations are conducted in a systematic and transparent manner in order to obtain their free, prior and informed consent.

Committee on the Elimination of Racial Discrimination

• CERD/C/URY/CO/24-26 (CERD 2023)

The Committee acknowledges Uruguay's efforts to include ethno-racial variables in official data. However, it expresses concern over the inconsistent application of this practice across institutions and the lack of complete statistics on Indigenous Peoples and other minority groups. This absence of comprehensive data is seen as limiting Uruguay's ability to address racial disparities and discrimination effectively. The Committee thus presents recommendations for enhanced data collection and policy implementation. The Committee also expresses its concern about the invisibility of Indigenous Peoples in Uruguay and the racial discrimination manifested through stereotypes and prejudices. It recommends measures to increase the visibility of Indigenous Peoples, combat stereotypes, and ensure their full enjoyment of rights recognized in the Convention. The Committee also suggests

considering ratification of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Committee raises concerns about the limited availability of public defenders, leading to inadequate legal safeguards for persons deprived of liberty, particularly among racial and ethnic minorities. Moreover, the Committee expresses concerns about the persistence of structural racism and racial stereotypes in the country. It recommends the development of guidelines to combat racism, the establishment of dialogue mechanisms with Indigenous Peoples and Afrodescendent communities, and the inclusion of the history and contributions of these groups in school curricula.

• CERD/C/NAM/CO/16-18 (CERD 2023)

The Committee expresses concern regarding the country of Namibia's underrepresentation of specific ethnic groups, particularly the San, Ovatie, and Ovatjimba, in public and political affairs. The lack of updated information on the representation of various ethnic groups is regretted. Concerns include the non-representation of self-identified Indigenous communities by traditional authorities, barriers to participation in decision-making processes, prejudices and stereotypes affecting political participation, intimidation by politicians and public officials, and the absence of consultations with communities on development projects. The Committee recommends consolidating and continuing the collection of statistics related to the enjoyment of economic and social rights, disaggregated by ethnic group or language, including Indigenous communities. It encourages the Namibia Statistics Agency to continue providing data on multidimensional poverty, disaggregated by ethnic or language groups. The Committee emphasizes adopting a gender-sensitive approach in combating intersecting forms of discrimination and taking additional measures to address persistent inequalities. The Committee also acknowledges the efforts of Namibia's Ministry of International Relations and Cooperation in establishing a committee on treaty ratification. It encourages Namibia to ratify international human rights treaties relevant to communities subjected to racial discrimination, including conventions on migrant workers, torture, and Indigenous and Tribal Peoples.

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Human Rights Committee

• CCPR/C/COL/CO/8 (CCPR 2023)

The Committee's report on Colombia acknowledges the State's efforts to combat discrimination, including establishing the Ministry of Equality and Equity and departments for various minority groups. However, concerns persist regarding discrimination and violence, especially against persons of African descent, Indigenous persons, LGBTI persons, and migrants. The Committee notes the structural discrimination faced by Indigenous and African descent communities, reflected in high poverty rates and social exclusion. The Committee recommends Colombia intensify efforts to prevent and combat discrimination and violence, urging the adoption of a public policy to combat structural discrimination and allocating sufficient resources for anti-discrimination plans. It emphasizes the need for public education, awareness campaigns, thorough investigation of discrimination and violence cases, protection against discrimination by State agencies, and promotion of social inclusion for marginalized communities.

• CCPR/C/BRA/CO/3 (CCPR 2023)

Regarding Brazil, the Committee expresses concern about high levels of femicide and violence against women, particularly those of African descent and Quilombola women, and the use of the Parental Alienation Law to remove mothers' custody of children. It notes high homicide rates and hate crimes against African descent individuals, Indigenous Peoples, and LGBTI persons. The Committee is worried about the impact of climate change on Indigenous Peoples and Quilombola communities and the increasing deforestation in the Amazon. It calls for the promotion and protection of the rights of Indigenous Peoples and people of African descent, including land rights and protection against land conflicts and illegal activities. The Committee also highlights the need to ensure the participation of these communities in decision-making processes and to improve the National Indigenous People Foundation's capacity. The Committee requests Brazil to provide information by July 2026 on the implementation of key recommendations, particularly those related to excessive use of force, conditions of detention, and the rights of Indigenous Peoples and people of African descent.

Committee against Torture

• CAT/C/NZL/CO/7 (CAT 2023)

The Committee's report on New Zealand raises serious concerns and provides recommendations regarding gender-based violence, especially against indigenous Maori and Pasifika women and girls. While acknowledging New Zealand's efforts, the Committee is concerned about the high level of violence, particularly affecting Maori women, women from ethnic minorities, and women with disabilities. The increase in violence during the COVID-19 pandemic, underreporting, high recidivism rates, especially in the Maori community, and the lack of specialized training for legal and law enforcement personnel are noted as significant issues.

The Committee recommends New Zealand adopt comprehensive legislation to criminalize all forms of gender-based violence, ensuring thorough investigation, prosecution, and punishment of perpetrators, and providing redress to victims. It emphasizes the need for capacity-building on gender-sensitive responses, public awareness programmes, support for survivors, and adequate resources for the implementation of national strategies against violence.

The report also addresses concerns about conditions of detention, including overcrowding, poor conditions, inadequate healthcare, especially mental health services, and the use of solitary confinement and restraint methods. It notes the disproportionate impact of these issues on Maori and Pasifika inmates and those with disabilities. Regarding the criminal justice system, the Committee highlights the overrepresentation of Maori in prisons, noting their marginalization and insufficient access to culturally sensitive legal services. It urges New Zealand to intensify efforts to reduce the incarceration of Maori, address discrimination in the justice system, and ensure accessible legal services.

Finally, the Committee requests New Zealand to provide information by July 2024 on follow-up actions regarding these concerns, particularly focusing on detention conditions, the treatment of Indigenous Peoples in the criminal justice system, juvenile justice, and historical abuse in State and faith-based care. ■



UN Statements and Reports

In Dialogue with Colombia, Experts of the Human Rights Committee Welcome Reparations for Indigenous and Afro-Descendant Victims of Conflict, Raise Issues Concerning Abortion and Reproductive Rights, and Protections for Human Rights Defenders:

<https://www.ohchr.org/en/news/2023/07/dialogue-colombia-experts-human-rights-committee-welcome-reparations-indigenous-and>

The Special Rapporteur on the rights of Indigenous Peoples adopts a Report on Tourism and the rights of Indigenous Peoples:

<https://www.ohchr.org/en/documents/thematic-reports/a78162-tourism-and-rights-indigenous-peoples-report-special-rapporteur>

Indigenous Peoples can lead us all through the turbulence and risks of our era, Türk says:

<https://www.ohchr.org/en/statements/2023/07/indigenous-peoples-can-lead-us-all-through-turbulence-and-risks-our-era-turk>

Ecuador: UN Human Rights Chief concerned at spike in violence and backward step on Indigenous Peoples' rights:

<https://www.ohchr.org/en/press-releases/2023/07/ecuador-un-human-rights-chief-concerned-spike-violence-and-backward-step>

The Special Rapporteur on the rights of Indigenous Peoples adopts a Report on his Visit to Canada:

<https://www.ohchr.org/en/documents/country-reports/ahr-c5431add2-visit-canada-report-special-rapporteur-rights-indigenous>

The Special Rapporteur on the rights of Indigenous Peoples adopts a Report on Green financing – a just transition to protect the rights of Indigenous Peoples:

<https://www.ohchr.org/en/documents/thematic-reports/ahrc5431-green-financing-just-transition-protect-rights-indigenous>

States must support leadership roles of Indigenous Youth, a UN expert said:

<https://www.ohchr.org/en/statements-and-speeches/2023/08/states-must-support-leadership-roles-indigenous-youth-un-expert>

The Expert Mechanism on the Rights of Indigenous Peoples concludes a Study on the Impact of militarization on the rights of Indigenous Peoples:

<https://www.ohchr.org/en/documents/studies/ahrc5452-impact-militarization-rights-indigenous-peoples-study-expert-mechanism>

Indigenous leaders meet in Geneva for a human rights training program designed to assist their search for more participation and more rights:

<https://www.ohchr.org/en/stories/2023/08/advancing-rights-indigenous-peoples>

The Expert Mechanism on the Rights of Indigenous Peoples adopts its Annual Report:

<https://www.ohchr.org/en/documents/thematic-reports/ahrc5464-annual-report-expert-mechanism-rights-indigenous-peoples>

The Expert Mechanism on the Rights of Indigenous Peoples adopts a Report on good practices and lessons learned regarding efforts to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples:

<https://www.ohchr.org/en/documents/thematic-reports/ahrc5463-efforts-implement-united-nations-declaration-rights-indigenous>

UN Human Rights is supporting Paraguay's efforts to adopt a social protection system to benefit the indigenous and people living in poverty:

<https://www.ohchr.org/en/stories/2023/09/paraguay-social-security-creates-safety-net-and-builds-rights-all>

UN Office of the High Commissioner notes recent Brazilian Supreme Court's ruling in favor of ancestral land rights:

<https://www.ohchr.org/en/press-briefing-notes/2023/09/brazil-supreme-court-ruling-favour-ancestral-land-rights>

The Special Rapporteur on the rights of Indigenous Peoples adopts a Report on his Visit to Denmark and Greenland:

<https://www.ohchr.org/en/documents/country-reports/ahr-c5431add1-visit-denmark-and-greenland-report-special-rapporteur-rights>

UN Statements and Reports —continued from page 7

Expert Mechanism on the Rights of Indigenous Peoples to Visit Australia:

<https://www.ohchr.org/en/media-advisories/2023/09/expert-mechanism-rights-indigenous-peoples-visit-australia>

High Commissioner Türk calls urgently for Indigenous Peoples to have full access to justice:

<https://www.ohchr.org/en/statements-and-speeches/2023/10/turk-calls-urgently-indigenous-peoples-have-full-access-justice>

High Commissioner Türk regrets Australia No vote as missed opportunity, urges inclusion & participation:

<https://www.ohchr.org/en/press-releases/2023/10/turk-regrets-australia-no-vote-missed-opportunity-urges-inclusion>

Australia: UN experts urge support for Indigenous 'Voice' vote:

<https://www.ohchr.org/en/press-releases/2023/10/australia-un-experts-urge-support-indigenous-voice-vote> ■

Recommendations, Statements and Reports from Regional Bodies

AFRICA

African Commission on Human and People's Rights (ACHPR)

- **Press Statement on the International Day of the World's Indigenous Peoples**

The ACHPR adopted a Statement standing in solidarity with indigenous communities in Africa and all over the world on this occasion of the International Day of the World's Indigenous Peoples:

<https://achpr.au.int/en/news/press-releases/2023-08-09/press-statement-international-day-worlds-indigenous-peoples>

- **ACHPR organizes Continental Workshop on the Status of Indigenous Populations in Africa**

The African Commission on Human and Peoples' Rights (ACHPR) held a two-day Continental Workshop on the Status of Indigenous Populations/Communities in Africa under the mandate of the Working Group on Indigenous People and Minorities in Africa (WGIPM). The workshop was convened by Hon. Commissioner Dr Litha Musymi-Ogana, the chairperson of the Working Group, from 25th to 26th August 2023.

<https://achpr.au.int/en/news/press-releases/2023-08-14/public-notice-continental-workshop-status-indigenous-populations>

<https://achpr.au.int/en/news/press-releases/2023-08-29/press-statementcontinental-workshop-status-indigenous-populations>

- **Meeting for Validation of Study on the Impact of COVID-19 on Indigenous Peoples in Africa 20-21 November 2023, Windhoek, Namibia**

The Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa, and the Working Group itself, have organized a validation meeting for consideration of the study on the Impact of COVID-19 on Indigenous Peoples in Africa.

<https://achpr.au.int/en/news/press-releases/2023-11-16/press-release-meeting-validation-study-impact-covid-19>

The overall objective of the meeting was to consider whether the study provides a complete and nuanced understanding of how the COVID-19 pandemic has affected the lives of indigenous Populations/Communities in Africa and whether it informs targeted interventions and policies to support their welfare and resilience for likely challenges in the future. The Honourable Commissioners of the ACHPR attended the meeting, as well as Expert Members of the Working Group, various human rights stakeholders from across the African continent, and members of the Secretariat who served it. The Validation Meeting provided an opportunity to precisely assess the extent to which the study provided the basis for evidence-based recommendations to enhance the resilience of indigenous Populations/Communities.

<https://achpr.au.int/en/news/press-releases/2023-11-23/press-statement-outcome-meeting-validate>

Recommendations, Statements and Reports from Regional Bodies —continued from page 8

- **Press Release on World AIDS Day 2023 includes concern over indigenous communities**

On the occasion of the World AIDS Day, the ACHPR, through its Committee on The Protection of the Rights Of People Living With HIV (PLHIV) And Those At Risk, Vulnerable To and Affected by HIV (the Committee), joined the rest of the world in commemorating the World AIDS Day. The Committee strongly recommended that the design and implementation of programs to tackle HIV/AIDS be attentive to the communities and recognize their unique insights and experiences across the continent, including indigenous communities.

<https://achpr.au.int/en/news/press-releases/2023-12-02/press-release-world-aids-day-2023>

- **ACHPR held its 77th Ordinary Session with a Panel on the Indigenous of Africa**

The Commission held its 77th Ordinary Session (Session), from 20 October to 9 November 2023 in Arusha, Tanzania. The Session included the “Panel on Indigenous Peoples in Africa: Sharing Experiences”.

<https://achpr.au.int/en/news/press-releases/2023-11-09/final-communique-77th-ordinary-session-african-commission-human>

<https://achpr.au.int/en/news/press-releases/2023-10-20/media-advisory-77th-ordinary-session-african-commission-human>

African Court on Human and People's Rights

- **Indigenous Ogiek face ‘humanitarian crisis’ as Kenyan government evicts them from their ancestral lands in direct violation of African Court**

On Thursday, November 2, 2023, the Kenyan government began to evict Ogiek communities from the Mau Forest - allegedly on environmental grounds – destroying their homes and schools. Around 700 members of the Ogiek Indigenous community in Sasimwani, Mau Forest, Kenya are facing an impending humanitarian crisis. The community woke up on November 2nd to find that – in direct contravention of two rulings from the African Court – Kenyan authorities had arrived to evict them from their lands. “The Ogiek of Sasimwani are living in despair and feeling like aliens in their own country,” said Daniel Kobei, Director of the Ogiek Peoples Development

Programme. “Their homes were destroyed while they watched with no resistance. They are saying they won the African Court case but nobody cared.”

<https://www.forestpeoples.org/en/2023/press-release/Ogiek-face-humanitarian-crisis-as-Kenyan-government-evicts-them-in-direct-violation>

ASIA

Asian Human Rights Commission (AHRC)

- **The AHRC asks Indonesia to stop the violence and protect Rempang residents’ rights**

The AHRC supports 130 Indonesian civil society organisations from the Aceh Province to the Papua Province to put pressure on the Indonesian Government, especially President **Joko Widodo (Jokowi)**, to stop the Rempang Eco City project, stop blockades and evictions, and urge troops to unconditionally release residents of the Rempang Island of Riau Islands who were arrested and detained because of involvement in the peaceful protest against forced eviction between 7 and 11 September 2023.

<http://www.humanrights.asia/news/ahrc-news/AHRC-PRL-003-2023/>

EUROPE

Council of Europe

- **Council Of Europe calls for recognizing Healthy Environment as a Human Right**

The Committee of Ministers of the Council of Europe has recently adopted a “*Recommendation on human rights and the protection of the environment*”. Recalling the primary responsibility of the States for protecting the environment and human rights, the Council of Europe’s recommendation calls on national governments to ensure compliance with a number of general principles of international environmental law. The Resolution also highlights the importance of indigenous peoples, local communities, cities and regions.

<https://www.age-platform.eu/council-of-europe-calls-for-recognising-healthy-environment-as-a-human-right/>

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European Court of Human Rights

- **Case of Valiullina and Others Vs. Latvia (Applications Nos. 56928/19 and 2 others)**

On 14 September 2023, the European Court of Human Rights adopted its judgment about the Case of Valiullina and Others Vs. Latvia. In the ruling, the Court refers to, *inter alia*, the importance of legislative guarantees for the protection and promotion of minority languages in formal and informal education, with special attention must be paid to the languages of numerically smaller minorities, such as those of indigenous groups, as their languages are often particularly threatened.

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-226485%22%5D%7D>

AMERICAS

Inter-American Commission on Human Rights (IACHR)

- **IACHR Grants Precautionary Measures to Indigenous Carib Community of Chinese Landing in Guyana**

The IACHR issued [Resolution 41/2023](#), through which it granted precautionary measures in favor 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. The petition indicates that the members of the Indigenous Carib Community of Chinese Landing are facing threats, harassment and acts of violence in the context of their opposition to mining activities in their lands.

https://www.oas.org/es/CIDH/jsForm/?File=/en/iachr/media_center/PReleases/2023/165.asp

- **REDESCA's Visit to Louisiana and Alaska, USA: It is urgent to address the impact of climate emergency on indigenous peoples' human rights**

The Office of the Special Rapporteur for Economic, Social, Cultural, and Environmental Rights (REDESCA) of the IACHR conducted a working visit from May 22nd to May 27th of 2023 to the states of Louisiana and Alaska to observe the human rights situation of indigenous communities who have been deeply impacted and forcibly displaced due to climate change. During the working visit, REDESCA witnessed firsthand the lasting effects of climate induced displacement and the conse-

quent impact on the quality of life of these populations.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/196.asp

- **IACHR Files Case Concerning Mexico with IA Court on Rape of an Elderly Indigenous Woman by Members of the Army**

The IACHR submitted Case 13.425 to the Inter-American Court (IA Court) regarding the rape of Ernestina Ascencio Rosario by members of the army in 2007 and her subsequent death due to lack of medical attention, as well as the impunity over these events. Ernestina Ascencio Rosario was a 73-year-old indigenous Nahuatl woman who resided in the community of Tetlalzinga in the Sierra Zongolica, Veracruz. In 2007, she was raped by soldiers from the army base operating in her community and died as a result of the injuries she sustained during the attack and the lack of timely access to adequate medical care.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/195.asp

- **IACHR Concerned About Violence in Colombia's Pacific Region and About the Impact It Has on Indigenous Peoples and on Afro-Descendant and Peasant Communities**

The IACHR is concerned about high levels of violence in Colombia's Pacific region, and about the impact this violence has on the rights of indigenous peoples and of Afro-descendant and peasant communities. The Commission urges the State to step up its efforts to address the relevant structural factors and to tackle with determination all violence in Colombia and the discrimination these groups have historically suffered in the country.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/208.asp

- **IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Ecuador Over Violations of the Salango Indigenous Community's Right to Property**

The IACHR filed on July 7, 2023, an application before the Inter-American Court of Human Rights (I/A Court H.R.) in Case 13,198, with regard to Ecuador. This case

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concerns the failure to protect the Salango indigenous community's ancestral property in the context of the sale of land to a foreign businessman.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/254.asp

- **IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Peru Over the Arrest of an Indigenous Adolescent Woman Subjected to Torture and Sexual Violence While in Police Custody**

The Inter-American Commission on Human Rights (IACHR) filed on July 5, 2023, an application before the Inter-American Court of Human Rights (I/A Court H.R.) in Case 12,964, with regard to Peru. This case concerns the international responsibility of the Peruvian State for the arrest in 1980 of 17-year-old Georgina Gamboa García and for the acts of torture and sexual violence committed against this indigenous Quechua girl while in the custody of Peru's Police. This case concerns the international responsibility of the Peruvian State for failing to adequately investigate these events and to punish their perpetrators. These events happened in a context of widespread and systematic torture and sexual violence against women, during the armed conflict in Peru in the 1980s.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/252.asp

- **IACHR Grants Precautionary Measures in Favor of Indigenous Legislator Nancy Henríquez James in Nicaragua**

The IACHR issued Resolution 60/2023 on October 11, 2023, to grant precautionary measures in favor of regional legislator Nancy Elizabeth Henríquez James in Nicaragua, in the belief that she faces a serious, urgent risk of suffering irreparable harm to her rights.

According to the party who requested these precautionary measures, Nancy Elizabeth Henríquez James is a Miskitu indigenous person, the chair of the YATAMA (Yapti Tasba Masraka Nanih Aslatakanka, "Children of Mother Earth United") organization, and a regional legislator representing Nicaragua's Northern Caribbean Coast Autonomous Region. Her fate and whereabouts have been unknown since she was arrested on October 1, 2023, after being approached in Managua by under-

cover officers of the National Police. She was arrested without being told the reasons and she was not taken before a judge.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/246.asp

- **IACHR and Its Special Rapporteurship for Freedom of Expression Urge Nicaragua to End Repression Against Indigenous Communities in Its Caribbean Coast**

The IACHR and its Special Rapporteurship for Freedom of Expression are concerned about recent repression and violence against members of the Yapti Tasba Masraka Nanih Asla Takanka (YATAMA) indigenous party and about constant attacks, criminalization, and harassment against indigenous communities in Nicaragua's Caribbean Coast.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/243.asp

- **IACHR Welcomes the Fact That Brazil's Temporal Landmark Judicial Doctrine on the Demarcation of Indigenous Territories Has Been Declared Unconstitutional**

The IACHR welcomes the decision made by Brazil's Federal Supreme Court (STF) to declare unconstitutional the Temporal Landmark judicial doctrine concerning the demarcation of indigenous territories. On September 21, in extraordinary decision RE1017365, the STF said that the date when Brazil's Federal Constitution was signed into law may not be taken as the time reference to establish the ancestral possession of land by indigenous peoples. This decision applies to the 226 cases concerning the demarcation of indigenous territories that are currently being addressed in various courts in the country.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/240.asp

- **IACHR Grants Precautionary Measures in Favor of Displaced Triqui Indigenous Families in Mexico**

The Inter-American Commission on Human Rights (IACHR) issued [Resolution 62/2023](#) on October 27, 2023, to grant precautionary measures in favor of families of

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the Triqui indigenous people in the Tierra Blanca Copala community in Mexico who have been displaced to the neighboring Yosoyuxi Copala community, in the belief that they face a risk of suffering irreparable harm to their rights. According to the party who requested these precautionary measures, on December 26, 2020, a group of approximately 100 people allegedly belonging to the organization Movement for a Unified Triqui Struggle (MULT) violently raided the Tierra Blanca Copala community, allegedly causing the forced displacement of 144 families to various areas around Mexico. Many further acts of violence have allegedly been perpetrated since then, especially against the families who were displaced to the Yosoyuxi Copala community.

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/258.asp

Inter-American Court of Human Rights

- **The Inter-American Court of Human Rights visited Brazil: On-site Diligence in Yanomami Indigenous Land and Compliance Supervision Hearings in Brasília**

On October 23 to 27, 2023, a delegation from the Inter-American Court of Human Rights and its Secretariat conducted a visit to Brazil. From October 23 to 25, 2023, a visit was made to Yanomami Land with the aim

of supervising the implementation of the Provisional Measures ordered by the Resolution of July 1, 2022. Similarly, on October 26 and 27, a delegation from the IACHR Court visited Brasília for the holding of 3 Compliance Supervision Hearings and held several meetings with authorities of Brazil.

https://www.corteidh.or.cr/docs/comunicados/cp_81_2023_port.pdf

- **The Inter-American Court of Human Rights held in-person public hearings for the Case of Huilcaman Paillama and others Vs. Chile**

Between October 9 and 13, 2023, the Inter-American Court of Human Rights held its 162nd Ordinary Session Period in Colombia. The Court held in-person public hearings regarding various Contentious Cases, including the Case of Huilcaman Paillama and others Vs. Chile. The latter is related to the alleged responsibility of the State for human rights violations in the context of a criminal proceeding against 140 people belonging to the indigenous Mapuche ethnicity who were protesting colonization.

https://www.corteidh.or.cr/docs/comunicados/cp_74_2023_port.pdf

https://www.corteidh.or.cr/docs/comunicados/cp_78_2023.pdf ■

Selected Publications and Reports

Featured Reports

- **The Indigenous World Report 2023**

The Indigenous World 2023 is out now! It was launched on 17 April 2023 at the 22nd Session of the UN Permanent Forum on Indigenous Issues in New York. The Indigenous World is the unique result of a collaborative effort between Indigenous and non-Indigenous activists and scholars who voluntarily document and report on the situation of Indigenous Peoples' rights. This yearly overview serves to document and report on the developments Indigenous Peoples have experienced throughout 2022. *The Indigenous World 2023 also includes a special focus on conservation and Indigenous Peoples' rights.* Currently, 15% of the world's surface is made of protected

areas and that number is expected to double by 2030. While there is work being done to adopt conservation measures that respect the human rights of Indigenous Peoples, considerable implementation gaps remain, and conservation measures have caused and continue to cause human rights violations of Indigenous Peoples worldwide. Indigenous Peoples' lands and territories constitute at least 28% of the global land surface including unique ecosystems and vital biodiversity. Over the years, Indigenous Peoples have consistently emphasised that conservation should be regarded as their responsibility as their land management practices have repeatedly been found to be some of the best strategies for biodiversity conservation. Over the years, In-

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Indigenous Peoples have consistently emphasised that conservation should be regarded as their responsibility as their land management practices have repeatedly been found to be some of the best strategies for biodiversity conservation. Thus, the environment can best be protected by recognising Indigenous Peoples' rights to territory, self-determination, legal representation and cultural freedom. However, one main tenet of conservationists is that preservation, alongside close regulations and restrictions, can best be achieved when people are removed from the protected areas, meaning that Indigenous Peoples are often forcibly evicted. This becomes increasingly dangerous for Indigenous Peoples as more countries move to conserve the remaining planet's biodiversity by creating more protected areas, disregarding their rights to land, territories and resources and often without their free, prior and informed consent. The 56 regional and country reports and 17 reports on international processes and initiatives covered in this edition underscore these trends. IWGIA publishes this volume with the intent that it is used as a documentation tool and as an inspiration to promote and defend the rights of Indigenous Peoples, their struggles, worldview and resilience. [Visit: The Indigenous World - IWGIA - International Work Group for Indigenous Affairs](#)

• **Minority and Indigenous Trends Report 2023 – Focus on water**

The past year saw some of the worst cyclones recorded in the Pacific, some of the costliest and worst ever recorded floods in Australia, Pakistan and across the African continent, coupled with major droughts affecting parts of Central, East and Southern Africa, the Americas, Central Asia, Europe and the Middle East, prompting many experts to declare that the planet's water cycle has been **severely disrupted** due to human activity. For members of minorities, indigenous peoples and other marginalized groups, **the water crisis is often an existential threat** affecting numerous rights such as to life, health, self-governance, sanitation and culture. **Water justice** cannot be attained unless the communities that protect water systems from the threats of extractivism, overuse and pollution are prioritized in the international arena. **Community-led solutions**, drawing on traditional knowledge systems, are **the key to solving the water crisis**. This year's **Minority and Indigenous Trends** report brings together three thematic chapters and over thirty case studies written by members of communities on the frontline of the water crisis, as well as leading water activists, researchers and policymakers. **These first-hand accounts cover a range of issues**, from conflict in water-stressed parts of the world to cultural forms of water conservancy and peaceful governance. The **ways in which water issues affect the lives of minority and indigenous women, children and people with disabilities**, to mention a few intersectional aspects of the water crisis, are highlighted in this volume. Resolving the difficulties they face is an inextricable aspect of planetary water justice. [Visit: Minority and Indigenous Trends 2023 - Focus on water - Minority Rights Group](#)

Minority and Indigenous Trends report brings together three thematic chapters and over thirty case studies written by members of communities on the frontline of the water crisis, as well as leading water activists, researchers and policymakers. **These first-hand accounts cover a range of issues**, from conflict in water-stressed parts of the world to cultural forms of water conservancy and peaceful governance. The **ways in which water issues affect the lives of minority and indigenous women, children and people with disabilities**, to mention a few intersectional aspects of the water crisis, are highlighted in this volume. Resolving the difficulties they face is an inextricable aspect of planetary water justice. [Visit: Minority and Indigenous Trends 2023 - Focus on water - Minority Rights Group](#)

• **Peoples under Threat Report 2021: Authoritarianism**

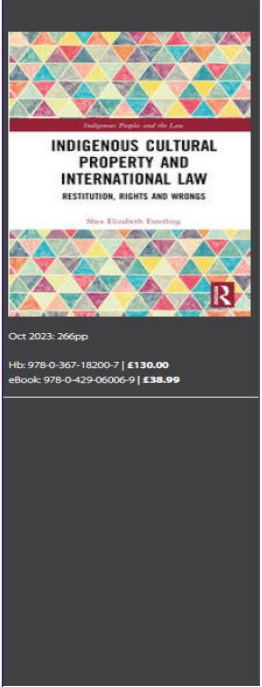
In many parts of the world, **wide-ranging atrocities and other human rights abuses** continue to occur, threatening especially those who are considered political opponents, members of minority groups and indigenous peoples. The **rise of authoritarianism** across the globe in recent years has direct impacts in contexts where genocide, mass killing or systematic violent repression have occurred or there is a risk of such actions taking place. The countries at the top and ascending the 2021 *Peoples under Threat* index illustrate how, in various ways and to different degrees, **authoritarian politics is playing a detrimental role** in societies struggling with division, conflict and violence. *Peoples under Threat* identifies those **country situations around the world** where communities face the greatest risk of genocide, mass killing, or systematic violent repression. Based on current indicators from authoritative sources *Peoples under Threat* has been compiled [every year since 2005](#) to provide **early warning of potential future mass atrocities**. [Visit: Peoples under Threat 2021: Authoritarianism - Minority Rights Group](#)

['Equality for Roma through Enhanced Legal Access'](#) (ERELA) is the result of a 2-year collaboration between Minority Rights Group, Amalipe Centre for Interethnic Dialogue, Information Legal Centre and local Roma

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communities. Funded by the European Union, this report details the many areas of discrimination and obstacles faced by Roma people in [Bulgaria](#) and [Croatia](#), especially when seeking access to justice. Lessons learned from the fieldwork are summarized here based on real-life cases. The experience of discrimination is widespread and routinely felt by Roma people in Bulgaria and Croatia, and it is usually underpinned by negative attitudes and prejudices. The identified cases of discrimination discussed in this report concern various areas of daily life including employment, education, social welfare, health care and access to various services. Despite the high number of well-documented occurrences, discrimination typically goes unreported in these countries, not least because discriminated Roma are often unaware of the available legal remedies or are afraid of the negative consequences. This report shows feasible ways in which the efficiency of the system established for the protection of Roma equality can be enhanced. In an effort to improve Roma access to social justice, the ERELA project supported a bespoke training programme on national anti-discrimination legislation for Roma civil society organizations (CSOs), legal practitioners and other Roma activists. The initial training provided participants with the necessary skills and knowledge to support people experiencing discrimination. By conducting regular field visits, trained Roma mediators were able to share this knowledge with members of local Roma communities and raise awareness of discrimination as well as available legal remedies. In addition, training helped participants better navigate legal challenges and develop potential solutions in discrimination cases. This report is an invaluable tool for activists, campaigners and action researchers seeking to raise awareness among, and about, Roma rights and access to justice. Furthermore, the outcomes and recommendations offered by the authors could potentially be applied and implemented in other European contexts where Roma face similar difficulties in their access to justice. Visit: [Combating discrimination through enhanced access to justice in Croatia and Bulgaria - Minority Rights Group](#)

Featured Book



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