



Economic and Social Council

Distr.: Limited
24 April 2023

Original: English

Permanent Forum on Indigenous Issues

Twenty-second session

New York, 17–28 April 2023

Draft report

Rapporteur: Ms. Tove Søvndahl Gant

Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

[*To be completed*]

B. Matters brought to the attention of the Council

Decision of the Permanent Forum

2. The following oral decision adopted by the Forum at its 1st meeting, on 17 April, is brought to the attention of the Council.

The Forum decides to enlarge its Bureau to seven members for its twenty-second session to better represent each of its seven regional groups.

Recommendations of the Permanent Forum

3. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, entities of the United Nations system, intergovernmental organizations, Indigenous Peoples, the private sector and non-governmental organizations assist in their realization.



4. It is the understanding of the Permanent Forum that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations as set out below will be implemented to the extent possible within the context of the approved programme of work of the relevant entities.

Rapporteur: Ms. Tove Søvndahl **Gant**

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Dialogues: thematic dialogues (item 5 (g))

International Decade of Indigenous Languages (2022–2032)

1. The Permanent Forum commends the United Nations Educational, Scientific and Cultural Organization and the Global Task Force for Making a Decade of Action for Indigenous Languages for developing the Global Action Plan of the International Decade of Indigenous Languages.
2. The Permanent Forum recommends that Member States support, financially and in every other way, Indigenous Peoples' development of their own strategies in revitalizing, strengthening, and developing their languages parallel to other efforts under the Global Action Plan.
3. The Permanent Forum recalls the relevance of article 13 (1) of the United Nations Declaration on the Rights of Indigenous Peoples and encourages States to step up efforts, in collaboration with Indigenous Peoples, to advance the realization of the linguistic and cultural rights of Indigenous Peoples, including through the right to education in Indigenous Peoples' languages in the context of the International Decade.
4. The importance of Indigenous Peoples' languages is clear given that they embody and convey ancestral and millennial Indigenous Peoples' knowledge, culture, history, traditions and values, including the critical knowledge of nature and the environment that is so crucial in addressing the climate crisis. Indigenous Peoples individually and collectively carry their rich cultural knowledge across generations. The Permanent Forum shares the vision that Indigenous Peoples will continue to be able to articulate in Indigenous Peoples' languages the concepts that the future of the planet depends on us.
5. Indigenous Peoples' languages are an integral part of Indigenous Peoples and there is a recognition that they have the right to learn and use Indigenous Peoples' languages. To further strengthen Indigenous Peoples' languages, there is a need to use public policy to popularize them so that they are part of the mainstream and visible and available in every aspect of life. In that regard, it is important that Indigenous Peoples' languages be made a part of the arts through the development, creation and sharing of songs, literature and the media as well as in the formal education system and in the provision of basic services.
6. The Permanent Forum underlines the need for the examination of national policies, practices and funding programmes on Indigenous media, including capacity-building and content production in Indigenous languages by Indigenous media professionals, including Indigenous women, and for the promotion of international cooperation, knowledge-sharing and cooperation among Indigenous media and other

partners, including mainstream media and Governments. The Permanent Forum recommends that the United Nations Educational, Scientific and Cultural Organization, in partnership with relevant United Nations entities and Indigenous Peoples, conduct a study on Indigenous media and present their findings at the annual session of the Permanent Forum in 2025.

7. The Permanent Forum acknowledges the commitments and support of the Member States that have established action plans, in parallel with the Global Action Plan, that include support for transformative initiatives that strengthen and protect Indigenous languages, such as the establishment of universities of Indigenous Peoples' languages in Mexico and Morocco and the efforts of Nordic and other countries in committing to engaging in digital communication and information technologies for Indigenous Peoples' languages. For those Member States that have yet to develop an action plan, the Permanent Forum reiterates the call for Member States to initiate such plans, in full cooperation with Indigenous Peoples.

8. Importantly, and in parallel with action plans, the Permanent Forum calls on Member States to urgently provide adequate and appropriate support and resources for Indigenous Peoples' languages, with a focus on Indigenous-led initiatives. That is especially crucial in circumstances in which the languages are critically endangered. When an Indigenous Peoples' language becomes extinct, the richness of the ways of life and world views of Indigenous Peoples is lost, which is detrimental both to Indigenous Peoples and to the world.

9. The Permanent Forum acknowledges the importance of collaboration across all sectors to ensure that Indigenous Peoples' languages continue to thrive for generations. In that regard, the Permanent Forum calls upon large technological companies to support the development and accessibility of digital tools for the expansion and increased use of Indigenous Peoples' languages with the full and effective participation of Indigenous Peoples.

10. The Permanent Forum acknowledges the crucial role that Indigenous women play in the transmittal of Indigenous Peoples' languages and emphasizes the significance of providing educational opportunities for them.

11. The Permanent Forum urges Member States, international organizations and the United Nations system to support, financially and by other means, the strengthening of the Ibero-American Institute of Indigenous Languages, which aims to guarantee the exercise of the cultural and linguistic rights recognized in, inter alia, the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Indigenous Women and Girls

12. The Permanent Forum is alarmed by the widespread reports of criminalization and killings of Indigenous women as a direct result of these women defending their rights and their lands and resources.

13. The Permanent Forum welcomes and endorses general recommendation No. 39 (2022) on the rights of Indigenous women and girls of the Committee on the Elimination of Discrimination against Women. Recommendation No. 39 provides critical guidance to States parties on legislative, policy and other relevant measures to ensure the implementation of their obligations under the Convention on the Elimination of All Forms of Discrimination against Women, while taking into account the rights of Indigenous women and girls derived from specific instruments for the protection of Indigenous Peoples, such as the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169. The Permanent Forum calls upon Member States that have not yet done so to ratify without delay the

Convention on the Elimination of All Forms of Discrimination against Women and ILO Convention No. 169.

14. Discrimination and violence disproportionately affect Indigenous women and girls worldwide and are intersectional based on factors including sex, gender, Indigenous origin, status or identity, race, ethnicity, disability, age, language, socioeconomic status, HIV/AIDS status and other factors. General recommendation No. 39 reflects and recognizes that Indigenous women and girls are inextricably linked to their peoples, lands, territories, natural resources and culture. Their leadership is critical to the realization of their rights and must be respected and upheld by Member States at all times.

15. The accessibility of general recommendation No. 39 to Indigenous Peoples is crucial to ensure its effective implementation and impact on the ground. The Permanent Forum Recommends the translation into Indigenous languages spoken by Indigenous Peoples in their States before the end of 2032.

17. Indigenous women's collective rights and the decolonization of State structures are essential to implementing general recommendation No. 39. The Permanent Forum recommends that the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) conduct and present a study by 2025 on the impacts of colonization on the rights of Indigenous women and girls, including within the context of the UN-Women strategy for the inclusion and visibility of Indigenous women, in collaboration with other United Nations entities. The study should identify critical action areas and strategies to advance the implementation of general recommendation No. 39.

18. The Permanent Forum also recommends that the Commission on the Status of Women include in its agenda a specific focus on Indigenous women and girls to identify best practices and guide Member States in implementing general recommendation No. 39.

19. The Permanent Forum has also decided to include an annual discussion on General Recommendation No. 39 within its agenda.

Indigenous platforms established within United Nations entities (item 5 (f))

20. The Permanent Forum appreciates the updates provided on platforms for Indigenous Peoples established by the secretariat of the Convention on Biological Diversity, the International Fund for Agricultural Development (IFAD), the Conference of the Parties to the United Nations Framework Convention on Climate Change, the Green Climate Fund, the Food and Agriculture Organization of the United Nations, the Indigenous Peoples Major Group for Sustainable Development and the Global-Hub on Indigenous Peoples' Food Systems.

21. The Permanent Forum urges Member States and UN entities to ensure the implementation of FPIC in all actions and measures, especially in the context of environment, biodiversity, climate change, food systems and sustainable development.

22. The Permanent Forum reiterates its call at its twenty-first session for a clear distinction between Indigenous Peoples and local communities. All United Nations entities and States parties to treaties concerning the environment, biodiversity and climate are encouraged to eliminate the use of the term "local communities" in conjunction with Indigenous Peoples, so that the term "Indigenous Peoples and local communities" would be abolished.

24. Urgent transformational actions by States and other development actors for Indigenous Peoples must be based on a human rights framework enabling the

identification of the root causes of inequality and providing mechanisms to tackle systemic discrimination and racism and must contribute to reforming discriminatory laws and policies and strengthening the accountability of States, including ensuring democratic space for all.

23. The Permanent Forum encourages United Nations entities, the World Bank, the Green Climate Fund, the African Commission on Human and Peoples' Rights and other relevant international and regional bodies to align their policies with the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous Peoples should be employed within those entities as part of diversity and inclusion policies and to ensure Indigenous perspectives.

25. The Permanent Forum reiterates its recommendation to adopt a programme of work on article 8 (j) and other provisions of the Convention on Biological Diversity and strengthened institutional arrangements through a permanent subsidiary body to take forward the Kunming-Montreal Global Biodiversity Framework (GBF) and to ensure a human rights-based approach, and full and effective participation of Indigenous Peoples, by the 16th meeting of the Conference of Parties to the Convention. The Permanent Forum recommends ensuring direct access to financial resources for Indigenous Peoples, inclusive of all landscapes and seascapes, more efficient financial mechanisms managed by Indigenous Peoples and the inclusion of Indigenous Peoples representatives in the governance of the GBF to better design and implement grants. In that respect, the modus operandi and methods of work for enhanced Indigenous participation under article 8 (j) and related provisions must be the minimum standard and be prioritized as an essential prerequisite for the full implementation of target 3¹ of the GBF.

26. The Permanent Forum welcomes the updated IFAD Policy on Engagement with Indigenous Peoples, developed in consultation with the Steering Committee of the Indigenous Peoples' Forum at IFAD, and recommends that IFAD further strengthen its policies on consultations and Indigenous Peoples' food systems. These should include, inter alia, a focus on climate change, food security, and strengthening country-level partnerships, and resource mobilization.

27. The Permanent Forum recommends that the Intergovernmental Panel on Climate Change prepare a special report within its seventh assessment cycle, led by Indigenous academics, scientists and traditional knowledge holders, to assess the opportunities for and threats against Indigenous Peoples in the areas of adaptation, mitigation, and loss and damage.

28. The Permanent Forum notes that targeted programmes and measures and the allocation of resources for the implementation of the Sustainable Development Goals at local levels are needed to adequately address the situation of Indigenous Peoples.

[Ref. E/C.19/2023/L.5/Rev.1 with rapporteur's edits as read out during adoption of report]

Special theme of the session: "Indigenous Peoples, human health, planetary and territorial health and climate change: a rights-based approach" (item 3)

1. Indigenous Peoples view health as an equilibrium of all that exists. The health of the land and the health of Indigenous Peoples are synonymous, nurtured through balanced relationships with the physical, spiritual and social environments.

¹ Target 3 of the Global Biodiversity Framework: to ensure that at least 30 per cent of terrestrial, inland water and of coastal and marine areas are effectively conserved and managed.

2. The destruction of the Earth is driving a global health and humanitarian crisis. Colonization and colonialism and market forces beyond democratic control have driven both the inequities and injustices in health outcomes facing Indigenous Peoples and the destruction of the planet. Indigenous Peoples suffer the most immediate and drastic impacts of this crisis. The unique cosmovision and world views of Indigenous Peoples are essential to protecting the health of humans and of Mother Earth.

3. The Permanent Forum urges Member States and United Nations entities, particularly the World Health Organization (WHO), to recognize that Indigenous views of human and planetary health must be central to the 2030 Agenda for Sustainable Development, emphasizing the central need to stabilize and regenerate the biosphere as essential to protecting humanity. The right to a clean, healthy and sustainable environment, the right to health and development and the rights of Indigenous Peoples must be seen as interconnected and essential to an integrated planetary health governance framework.

4. The Permanent Forum welcomes the study on Indigenous determinants of health in the 2030 Agenda for Sustainable Development (E/C.19/2023/5) presented at its twenty-second session. The Permanent Forum calls upon Member States and United Nations entities, particularly WHO, to adopt indigeneity as an overarching determinant of health, including in relation to the relevant Sustainable Development Goals and in policies and practices across the United Nations system.

5. Along with the rights of Indigenous Peoples to their traditional medicine and health practices as guaranteed in article 24 of the United Nations Declaration on the Rights of Indigenous Peoples, the recognition of the Indigenous determinants of health is foundational to achieving equitable social determinants of health for Indigenous Peoples.

6. The Permanent Forum recommends that WHO establish a high-level consultative body with representatives of Indigenous Peoples to guide its work on human and planetary health. In line with the Geneva Declaration on the Health and Survival of Indigenous Peoples² and the recommendations of the Forum over the past 20 years, the Permanent Forum calls upon WHO to adopt an Indigenous Peoples policy and mandate to approach the health of Indigenous Peoples in all its regions.

7. The Permanent Forum calls upon Member States to put in place specific plans for improving the health of Indigenous Peoples, including the sexual and reproductive health of Indigenous women, with particular attention to the health of Indigenous two-spirit persons, and children, Indigenous nomadic and semi-nomadic peoples, and Indigenous Peoples in voluntary isolation and initial contact in remote areas and in other vulnerable situations. The Forum also recommends that States provide adequate funding to Indigenous Peoples to support and ensure access to Indigenous health care, education and mental health and well-being resources.

8. The Permanent Forum encourages the Food and Agriculture Organization of the United Nations to support the recognition and protection of Indigenous Peoples' food and knowledge systems, including food production and food generation systems that include, inter alia, forestry, shifting cultivation, fisheries, whaling, livestock, pastoralism and hunting-gathering systems.

9. The Permanent Forum welcomes the adoption of the Kunming-Montreal Global Biodiversity Framework at the 15th meeting of the Conference of Parties to the

² Committee on Indigenous Health, "Indigenous Peoples and Health: a Briefing Paper for the Permanent Forum on Indigenous Issues", 2002. Available at <https://dialoguebetweennations.com/N2N/PFII/English/HealthAnnex1.htm>.

Convention on Biological Diversity. The Forum urges the Conference of Parties to establish a commission, as early as possible, to monitor and evaluate the implementation of the Framework, especially its target 3 including on protecting 30 per cent of the planet's land and water by 2030, with the full and equitable participation of Indigenous Peoples and respecting their rights to Free, Prior and Informed Consent. The establishment of robust grievance mechanisms is vital.

10. The Permanent Forum calls upon the United Nations entities that constitute UN-Water for the full and effective participation of Indigenous Peoples in the realization of the outcomes of the United Nations 2023 Water Conference to ensure engagement in water policy, governance and rights, including in capacity-building, access to clean water, sanitation and water for nature. The Permanent Forum invites UNESCO to report on progress on implementation at the 23rd session of the Forum and calls upon concerned UN entities to build coherence among the four international and United Nations decades on water, oceans, ecosystem restoration and Indigenous Peoples' languages, respectively for Indigenous Peoples participations.

11. The Permanent Forum recommends that the World Intellectual Property Organization, in collaboration with WHO, the secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations and the United Nations Institute for Training and Research prepare and implement a series of collaborative global and regional training sessions and seminars for Indigenous Peoples concerning their traditional knowledge, traditional cultural expression, genetic resources and folklore, medicinal plants and traditional medicine, their own food, beverage and medical products businesses by 2025.

12. The Permanent Forum calls upon the Conference of the Parties and the secretariat of the United Nations Framework Convention on Climate Change to ensure that all reducing emissions from deforestation and degradation mechanism (REDD and REDD+) programmes and projects go through a full review, with the full and effective participation of Indigenous Peoples to assess their validity. The parties to the Convention should adopt a grievance mechanism that allows Indigenous Peoples to identify and name non-State actors, corporations, United Nations entities, States and other organizations involved in setting up REDD programmes and projects for violating their rights.

13. The Permanent Forum again urges Member States to ensure that Indigenous Peoples are afforded full and effective participation in all planning and policy development to address climate change. Indigenous-led climate change policies incorporate vital Indigenous Peoples' knowledge for land management and stewardship of natural resources while protecting health, equity, justice and sustainability. Principles of FPIC must be followed in the development of all climate change policies and actions.

14. The Permanent Forum recognizes the development of renewable energy sources but remains alarmed that irresponsible development related to green technology and green transition, has led, at times, to violations of Indigenous Peoples' rights including mineral extraction, the building of hydroelectric dams and other large-scale infrastructure. The Permanent Forum recommends that Member States provide the resources necessary to develop and implement Indigenous Peoples' own free, prior and informed consent protocols in such contexts.

15. The Permanent Forum is equally alarmed at the many testimonies from Indigenous Peoples on the establishment of protected areas and conservation measures without the free, prior and informed consent of Indigenous Peoples and the

persistent violations of their human rights in the context of conservation. The Permanent Forum underlines that the responsibility of Member States and other actors is to acquire free, prior and informed consent directly from Indigenous Peoples when developing policies and legislation pertaining to conservation measures and protected areas.

Human rights dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples (item 5 (d))

1. The Permanent Forum is saddened to learn from the Special Rapporteur on the rights of Indigenous Peoples, Francisco Calí Tzay, that threats to Indigenous Peoples' rights have not become less severe over the previous year. The main areas of concern reported by the Special Rapporteur include the violation of the right to self-determination and self-government through a State practice of not recognizing the existence of Indigenous Peoples; the escalation of conflicts and the continued militarization of Indigenous Peoples' ancestral lands; the development of mega-projects in Indigenous territories, including conservation projects and green economy projects, without their consent, leading to displacement, dispossession and violence; and systematic discrimination against Indigenous Peoples.

2. The Permanent Forum looks forward to reading the reports of his official country visits to Denmark and Greenland, in February 2023, and Canada, in March 2023. The Permanent Forum commends the Special Rapporteur for his activities in relation to cases on Indigenous Peoples at the inter-American human rights system through the presentation of amicus curiae briefs. The Permanent Forum welcomes forthcoming reports of the Special Rapporteur to the General Assembly on tourism and the rights of Indigenous Peoples and to the Human Rights Council on green financing, a just transition to protect Indigenous Peoples' rights.

3. The Permanent Forum is encouraged by the ongoing focus that the Expert Mechanism on the Rights of Indigenous Peoples dedicates to treaties, agreements, and other constructive arrangements between Indigenous Peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition, including through studies and interactive dialogues. The Permanent Forum supports the invitation extended by the Chairperson of the Expert Mechanism, Binota Moi Dhamai to Member States in collaboration with Indigenous Peoples to make use of the country mandate of the Expert Mechanism.

4. The Permanent Forum heard many testimonies about the violation of Indigenous Peoples' right to free, prior and informed consent in the context of climate change mitigation, adaptation, conservation efforts, the establishment of protected areas and extractive industries. Such violations result in dispossession of ancestral lands, the desecration of sacred sites, forced displacement and the destruction of traditional economies and livelihoods, including through abolition of hunting and fishing rights.

5. Those violations also take place in countries that have ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Permanent Forum recommends that countries that have ratified that Convention update their legislation and legal systems to conform with the Convention and its provisions. The Permanent Forum welcomes the landmark ruling in October 2021 by the Supreme Court of Norway protecting Indigenous Peoples from the establishment of a windmill park that would interfere with their traditional reindeer grazing areas. The Permanent Forum urges the Government of Norway to implement the decision of the Supreme Court without delay. It also recommends that Norway urgently address the allegations of increased incidents of hate speech online and offline against the Saami peoples following the Supreme Court ruling.

6. The Forum notes with alarm situations in many countries in Latin America and the Caribbean, Asia, and Africa in which Indigenous Peoples are subjected to intimidation, hate speech, vexatious litigation, arbitrary arrest, interrogation, torture, inhuman and degrading treatment, enforced disappearances and killings.

7. The Permanent Forum underscores the serious impact on the human rights of Indigenous Peoples, by Russian aggression against Ukraine, including through illegal conscription, which leads to forced displacement and the disruption and traumatization of Indigenous families and their communities.

8. The Permanent Forum is deeply concerned with armed aggression and conflicts in other regions and countries, such as in Latin America and the Caribbean, the Sahel, the Congo Basin and in Asia, either by States or non-State actors, including criminal organizations, or both. Those are situations that underscore the relevance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967.

The Permanent Forum welcomes the intent of Nicaragua in drafting legislation on territorial regulation of Indigenous territories. The Permanent Forum urges the State of Nicaragua to establish dialogue with the legitimate Indigenous authorities to initiate and conclude drafting the legislation as soon as possible, to prevent repetition of the recent gross human rights violations against the Mayangna Indigenous community of Sauni and Wilu community, allegedly committed by armed settlers. It further urges Nicaragua to ensure that perpetrators be held to account through the justice system for the murders committed and for the destruction of property. Impunity is not an option.

The Permanent Forum invites the United Nations Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination to conduct a study on the human rights abuses against Indigenous Peoples of the Sahel region by mercenaries and other non-state armed actors.

9. Indigenous Peoples are affected also by the legacy of forced evictions and relocations owing to the establishment by colonial powers of military bases and installations on their traditional lands and territories. The Permanent Forum recommends that colonial States, past and present, ensure remedy and reparations for the affected Indigenous Peoples.

10. Transnational and national extractive industries, at best, consistently disregard their responsibility to respect Indigenous Peoples' rights and engage in free, prior and informed consent processes. At worst, their practices and behaviours contribute to serious human rights abuses. The Permanent Forum recommends that Member States, as duty bearers, ensure that private sector entities respect Indigenous Peoples' rights through safeguard and due diligence policies. It further recommends that Member States ensure the application of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework and the Guidelines for Multinational Enterprises of the Organisation for Economic Co-operation and Development. The Permanent Forum welcomes the ongoing international efforts to develop legally binding instruments that ensure accountability and due diligence by transnational companies. The reflection of the United Nations Declaration on the Rights of Indigenous Peoples in such instruments is essential.

11. The Permanent Forum is dismayed at the criminalization of the linguistic freedom of Indigenous Peoples. Criminalization jeopardizes the preservation of

Indigenous languages and customs and the integrity of Indigenous Peoples' culture and traditions.

12. The Permanent Forum heard from many Indigenous women's organizations and networks, including the national movement of midwives, Nim Alaxik, of Guatemala, on its work for the rights of Indigenous women and girls and their contributions to ensuring access to comprehensive and culturally appropriate health care, including sexual and reproductive health. The Permanent Forum welcomes the 2019 ruling by the Constitutional Court of Guatemala on the promotion of actions that guarantee access to culturally appropriate sexual and reproductive health for women and the rights of midwives as guardians of ancestral knowledge and practices and recommends that the ruling be implemented by the State.

13. The Permanent Forum reiterates the regrets that it expressed at its twenty-first session regarding the very high and inhumane incarceration rates of Indigenous Peoples globally, which contribute to poor health, poverty and early and preventable deaths. The Permanent Forum repeats its previous recommendation to the United States of America on the grating of clemency to Leonard Peltier. Owing to his age and poor health, his release is a humanitarian imperative.

14. The Permanent Forum was presented with horrific testimonies of Indigenous children incarcerated in prisons and other holding facilities. The Permanent Forum reminds Member States to fulfil their obligations under the Convention on the Rights of the Child in relation to the arrest, detention, or imprisonment of a child. No child should be in prison. In that regard, the Permanent Forum notes the finding in 2022 of the Supreme Court of Western Australia that the extensive solitary confinement and significant reduction in liberty of children, primarily Aboriginal children, was unlawful. The Permanent Forum calls on Australia to respect the Court decision and remove its reservation to article 37 of the Convention on the Rights of the Child. The Permanent Forum recommends that Member States review and reform their child protection policies and systems to prevent undue removal of Indigenous children from their families and communities.

15. The Permanent Forum encourages National Human Rights Institutions to include the promotion of the UNDRIP at national and international levels in collaboration with Indigenous Peoples.

16. The Permanent Forum reminds the Secretary-General, through the Assistant Secretary-General for Human Rights, on the continuing relevance of monitoring and reporting on trends related to intimidation and reprisals against Indigenous Peoples who seek to engage with the United Nations. Indigenous Peoples' representatives have a right to be protected from reprisals for their participation in meetings at the United Nations, including the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

17. The Permanent Forum calls on Canada to re-examine its support for Embridge Line 5 oil pipeline that jeopardizes the Great Lakes in the United States. The pipeline presents a real and credible threat to the treaty-protected fishing rights of Indigenous Peoples in the United States and Canada. The Permanent Forum recommends that Canada and the United States decommission Line 5.

Future work of the Permanent Forum, including issues considered by the Economic and Social Council, the outcome document of the World Conference on Indigenous Peoples and emerging issues (item 6)

1. The Permanent Forum recalls that the Outcome Documents for the World Conference on Indigenous Peoples and its annex, the Alta Outcome Document, in 2014 expressly called on Member States to consider means and modalities to enhance participation of Indigenous Peoples' representatives and institutions in the United Nations system. Further recalling General Assembly its resolution A/RES/71/321 and recognizing that further work is needed to fulfil the decisions of the Resolution. It welcomes the consultations held in New York by the President of the General Assembly but notes that regional consultations encouraged by the resolution never occurred.
2. The Permanent Forum welcomes the work of the Indigenous Coordinating Body in furthering the objectives of the resolution A/RES/71/321 and agrees on the need to establish a new and distinct status for Indigenous Peoples' participation at the UN General Assembly. It further welcomes the organization of the November 2022 OHCHR Expert Workshop on Enhanced Participation in the Human Rights Council. The Permanent Forum looks forward to reading the report and recommendations from the workshop when submitted to the Human Rights Council prior to its June 2023 session. The Permanent Forum calls on the Human Rights Council and the General Assembly to ensure further progress on this vital matter. The Permanent Forum encourages Member States to financially support the work of the Indigenous Coordinating Body.
3. The Permanent Forum recognizes that there are certain aspects of enhanced participation that can only be accomplished by Member States, however, the Forum will consider ways to enhance participation at the Forum, such as appropriate ways to recognize Indigenous Peoples' decision-making bodies in its own modalities.
4. The Permanent Forum recommends that the General Assembly convene a high-level plenary meeting, known as the World Conference on Indigenous Peoples Plus 10 (WCIP+10), to be held in 2025, to evaluate the progress of the commitments made in the Outcome Document of the World Conference on Indigenous Peoples, as contained in General Assembly resolution A/RES/69/2. The Permanent Forum further recommends that the General Assembly requests the Secretary-General submit a constructive and comprehensive report developed with the full and effective participation of Indigenous Peoples to the General Assembly, prior to the WCIP+10, on the progress made in the implementation of the Outcome Document and its annex, as well as challenges and opportunities for further action. It further calls on the General Assembly to support Indigenous Peoples preparatory efforts.
5. The Permanent Forum welcomes the invitation of Mexico to organise an international seminar on implementation of the UNDRIP, including identifying progress, challenges and recommendations for concrete actions to be taken at the local and international level, in Autumn 2023 and appreciates that invitations will be extended to the SRIP, EMRIP and the Permanent Forum.
6. Indigenous Peoples noted the absence of disaggregated data to better discern the situation of Indigenous Peoples and design appropriate actions. In this regard, the Permanent Forum commends the work taking place in the context of the Indigenous Navigator, which is a framework and set of tools for and by Indigenous Peoples to systematically monitor the level of recognition and implementation of their rights.
7. The Permanent Forum heard the concerns of Indigenous Peoples on the need to implement its recommendation. The Permanent Forum underlines that the implementation of its recommendations rest firstly with Member States, UN entities and the UN System, the private sector, and other stakeholders, while underscoring the role Indigenous Peoples can play through their advocacy. Regardless, the Permanent Forum intend to analyse how to better ensure the implementation of its recommendations and report back during its 23rd session. The Permanent Forum

wishes to draw attention to the Permanent Forum recommendations database which is available at <https://unpfii.desa.un.org/recommendations>.

8. The Permanent Forum will also consider its programme of work for future sessions to maximise the time allocated for Indigenous Peoples to have their voices heard. The Permanent Forum further recognizes the critical importance of Indigenous youth in the Forum's work and the need to enhance opportunities for full and effective participation.

The Permanent Forum notes the forthcoming Summit of the Future and recommends the Secretary-General ensures the full and effective participation of Indigenous Peoples.

9. The Permanent Forum welcomes that the term "Indigenous Peoples" has been capitalized in the UN Editorial Manual dated 3 November 2022. This update has been made in accordance with agreements made by Member States when negotiating A/RES/77/203. The Permanent Forum urges that translation in all UN official languages respect the update in the UN Editorial Manual so that it is applied in all UN languages.

Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development (Item 4)

1. The Permanent Forum welcomes the report of the international expert group meeting on "Truth, transitional justice and reconciliation process" (E/C.19/2023/3). The Permanent Forum endorses the recommendation of the report in urging Member States to include Indigenous representatives and leaders in all transitional justice institutions and conflict prevention initiatives and develop training programs on human rights and Indigenous Peoples' rights for concerned government agencies. It further recommends that the Human Rights Council request that OHCHR, in cooperation with relevant UN entities prepare a companion report by 2025 related to the Guidance note of the Secretary-General: UN approach to transitional justice.

2. The Permanent Forum urges Member States and relevant UN entities to ensure the right and access to media by and for Indigenous Peoples, as enshrined by Article 16 of the UNDRIP. It further calls on Member States to cooperate with Indigenous journalists, including with the OHCHR and other relevant UN entities, for the effective protection of Indigenous journalists from criminalization and violence.

3. The Permanent Forum is concerned that HIV acquisition rates are higher in Indigenous Peoples communities than in the general population. The Permanent Forum encourages UN AIDS to continue its focus on Indigenous Peoples.

4. The Permanent Forum recognizes the efforts of the World Intellectual Property Organization to support Indigenous Peoples to take part in its processes, including through training programs and support from its voluntary fund for Indigenous Peoples. It urges WIPO and its Member States to ensure the full and effective participation of Indigenous Peoples in the meetings, including the Diplomatic Conference in 2024 and its related preparatory meetings, on one or more International Legal Instruments relating to traditional knowledge, traditional cultural expression, genetic resources and folklore.

5. The inclusion and full and effective participation of Indigenous Peoples as beneficiaries and partners in achieving the Sustainable Development Goals while

avoiding negative impacts on their rights is essential. The Permanent Forum recommends States and relevant UN entities to cooperate with Indigenous Peoples to fully consider their situations in the mid-point review at the SDG Summit in 2023 including in the preparations at the High-Level Political Forum.

6. The Permanent Forum acknowledges the progress made on its recommendation to the FAO and the WHO to revise the International Code of Conduct on Pesticide Management and the International Code of Conduct on Seed Security to include Indigenous Peoples views. The Permanent Forum urges FAO and WHO to develop guidance notes about the risk of pesticide use in Indigenous Peoples' territories, in consultation with Indigenous Peoples.

7. The Permanent Forum welcomes the study on Implementing FPIC in the context of Indigenous Peoples (E/C.19/2023/6) presented at its 22nd session by former member of the Permanent Forum, Alexey Tsykarev. The Permanent Forum agrees with the study that Members States and businesses should treat Indigenous Peoples as rightsholders and work collaboratively with indigenous Peoples to design effective models for ensuring FPIC is honored. It urges States, with the full and effective participation of Indigenous Peoples, to develop national standards to ensure free, prior and informed consent for all development activities by private and public companies.

8. The Permanent Forum reiterates its previous recommendations on the ongoing plastic crisis and the importance of effective participation of Indigenous Peoples in the UN Environment Assembly negotiations on an international treaty to tackle the crisis. The Permanent Forum further welcomes the discussions at the 52nd session of the UN Human Rights Council on the matter.

9. The Permanent Forum urges that the discussions at the forthcoming Summit to Renew the Amazon Cooperation Treaty Organization scheduled for August 2023 in Brazil fully involve Indigenous Peoples from the Amazon region in determining a roadmap that addresses their situation including cross border illegal activities and organized crime.

10. The Permanent Forum welcomes information from the Government of Bangladesh about the progress in the implementation of the Chittagong Hill Tracts Peace Accord. It calls on Bangladesh to make further efforts for full implementation of the Accord in constructive dialogues and cooperation with Chittagong Hill Tracts Regional Council and three Hill District Councils and the Chittagong Hill Tracts Land Commission.

11. The constitution of Nepal has provisions for special, protected, and autonomous regions for Indigenous Peoples. The Permanent Forum welcomes further progress in realising the provisions of its constitution including by considering the recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women to Nepal in 2018 on the respect of Indigenous Peoples' rights to their traditional lands and resources and to self-determination.

Dialogue with the United Nations agencies, funds and programmes (Item 5(c))

1. The Permanent Forum welcomes the work of the Inter-Agency Support Group on Indigenous Issues on promoting the UNDRIP through the SWAP at the national and international levels.

2. The Forum encourages all UN entities to actively engage with UN Resident Coordinators and Country Teams to ensure Indigenous Peoples' issues are integrated

into country-level initiatives and joint work planning, including through a reflection of their concerns in the Common Country Analysis in line with the SWAP and Secretary General's Call to Action.

3. The Permanent Forum welcomes that UN entities and bodies, including mandate holders, and notably OHCHR and UNEP, take their share of responsibility to ensure a safe space for Indigenous Peoples participating in UN meetings. The Forum requests UN bodies and entities create an urgent response mechanism to acts of intimidation and reprisals against Indigenous human rights defenders cooperating with the UN, in line with existing UN guidance on Protection and Promotion of Civic Space and the Secretary General's Call to Action for Human Rights. The Permanent Forum will consider how to strengthen its own response mechanisms and its cooperation with the Assistant Secretary-General for Human Rights, in line with General Assembly resolution A/RES/77/203, on this pressing matter, including through the appointment of focal points.

4. The Permanent Forum commends PAHO on its work on Indigenous maternal and child health and encourages WHO to replicate this work in other regions. The Permanent Forum recommends WHO include Indigenous Peoples' organizations and Permanent Forum Members in developing and implementing health strategies in the negotiations on a global accord on pandemic prevention, preparedness, and response.

The Permanent Forum welcomes Brazil's sponsorship of a resolution on Indigenous Peoples health at the World Health Assembly in May 2023 and underscores the crucial importance of Indigenous Peoples' participation.

5. The Permanent Forum calls on UNESCO, including its World Heritage Committee to step up its policies, safeguards, and actions on the protection of Indigenous Peoples tangible and intangible cultural heritage. UNESCO safeguards that reflect robust FPIC protocols as prescribed by the UNDRIP could contribute to the prevention of the destruction and desecration of Indigenous Peoples lands and sites by public and private enterprises. Examples include mining activities of the company Rio Tinto on the ancient Aboriginal site Juukan Gorge in Western Australia and the sacred Oak Flat of the San Carlos Apache Tribe in Arizona, USA.

6. The Forum underscores that direct access to financing for Indigenous Peoples is essential and requires changing strategies and methodologies to effectively enable the agency of Indigenous Peoples in pursuing their own development aspirations and as guardians of ecosystems. The Permanent Forum recommends all donors to increase direct funding, eliminating intermediaries where possible. To enhance accountability in financing for Indigenous Peoples, the Permanent Forum recommends the Development Aid Committee of the Organization for Economic Cooperation and Development (OECD/DAC) include a policy marker in its statistical system for reporting of development aid to facilitate tracking of funding allocated for Indigenous Peoples across all sectors.

7. The Permanent forum clarifies its call in the 22nd session report regarding elevating the discussion on Indigenous Peoples within UN entities to ensure system-wide ownership and support. It further encourages Member States ensure that UN entity leads appoint Indigenous Peoples focal points that directly report to their senior member staff on Indigenous Peoples. The Permanent Forum recommends the UN entities employ Indigenous Peoples for these positions.

[

Dialogue with Member States, item 5(b)

1. The Permanent Forum welcomed progress they heard from Member States in actions to implement UNDRIP. A discussion followed on how Member States can support the integrity, independence and work of the Forum and in furthering its recommendations. The cross-cutting nature of Indigenous issues was noted by the Permanent Forum, and they requested Member States to mainstream Indigenous issues into multilateral processes of the UN. The importance of financing Indigenous Peoples' participation in these processes as well as in the participation of the implementation of policies and measures decided by the multilateral processes was underlined.

2. The Permanent Forum expresses its thanks to the Governments of Bolivia (Plurinational State of), Canada, China, Colombia, the Democratic Republic of Congo, Denmark, Finland, Guatemala, Mexico, Nicaragua, Norway, the Russian Federation, Spain and the United States, as well as the government of Greenland, for hosting previous pre-sessional and intersessional meetings of the Forum. The Forum stresses the importance of organizing such pre-sessional and intersessional meetings and reiterates its recommendation that States that have not yet done so consider hosting such meetings in the future. It also requests that the secretariat of the Forum organize pre-sessional meetings for future sessions of the Forum.

Regional Dialogues between Indigenous Peoples and Member States (item 5(e))

1. The Permanent Forum held seven dialogues, Africa; the Arctic; Asia; Central and South America and the Caribbean; Eastern Europe; Russian Federation; Central Asia and Transcaucasia; North America; and the Pacific, aimed at engaging participants in deeper dialogue on relevant issues and on challenges faced by indigenous peoples in the various regions. Summaries of the dialogues can be found online here: <https://social.desa.un.org/issues/indigenous-peoples/unpfii/unpfii-twenty-second-session-17-28-april-2023>.

2. The Permanent Forum requests the host country to promptly issue entry visas for its members, Indigenous Peoples, and civil society observers, in accordance with the UN Agreement regarding the Headquarters of the United Nations³ for attending sessions. Additionally, the Permanent Forum encourages other Member States hosting UN meetings with Indigenous Peoples' Organizations to expedite visa processing. The Permanent Forum also suggests that host countries consider waiving visa fees for participants involved in the Forum's work and associated events. Addressing these issues is essential for promoting accountability, responsibility, and inclusiveness in Indigenous Peoples' decision-making processes.

Chapter II

Venue, dates and proceedings of the session

5. By its decision 2022/353, the Economic and Social Council decided that the twenty-second session of the Permanent Forum would be held at United Nations Headquarters from 17–28 April 2023.

6. At its 3rd and 4th meetings, on 18 April, the Permanent Forum considered agenda item 3, entitled "Discussion on the theme, 'Indigenous Peoples, human health,

³ Article IV, Section 11, <https://treaties.un.org/doc/Publication/UNTS/Volume%2011/volume-11-I-147-English.pdf>

planetary and territorial health and climate change: a rights-based approach”. For its consideration of the item, the Forum had before it a note by the Secretariat transmitting the findings of a study, commissioned by the Forum, on Indigenous determinants of health in the 2030 Agenda for Sustainable Development (E/C.19/2023/5). At its 13th meeting, on 28 April, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

7. At its 7th and 9th meetings, on 20 and 24 April, the Forum considered agenda item 4, entitled “Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development”. For its consideration of the item, the Forum had before it three notes by the Secretariat, entitled “System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, including in the 2030 Agenda: implementation by the United Nations system” (E/C.19/2023/2); “Indigenous determinants of health in the 2030 Agenda” (E/C.19/2023/5); and “Implementing free, prior and informed consent in the context of Indigenous Peoples” (E/C.19/2023/6). At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

8. At its 9th meeting, the Forum considered agenda item 5 (a), entitled “Dialogue with Indigenous Peoples”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

9. At its 12th meeting, on 27 April, the Forum considered agenda item 5 (b), entitled “Dialogue with Member States”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

10. At its 10th meeting, on 25 April, the Forum considered agenda item 5 (c), entitled “Dialogue with the United Nations agencies, funds and programmes”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

11. At its 5th and 6th meetings, on 19 April, the Forum considered agenda item 5 (d), entitled “Human rights dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

12. At seven informal meetings, including two sets of two meetings held in parallel, on 26 and 27 April, the Forum considered agenda item 5 (e), entitled “Regional dialogues”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

13. At its 2nd meeting, on 17 April, the Forum considered item 5 (f), entitled “Dialogue on Indigenous platforms established within United Nations entities”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

14. Also at its 2nd meeting, on 17 April, the Forum considered agenda item 5 (g), entitled “Thematic dialogues”. At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

15. At its 8th meeting, on 24 April, the Forum considered agenda item 6, entitled “Future work of the Permanent Forum, including issues considered by the Economic and Social Council, the outcome document of the World Conference on Indigenous Peoples and emerging issues”. For its consideration of the item, the Forum had before it a note by the Secretariat transmitting the report of the international expert group

meeting on the theme “Truth, transitional justice and reconciliation processes” (E/C.19/2023/3). At its 13th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

16. At its 13th meeting, the Forum considered agenda item 7, entitled “Provisional agenda of the twenty-third session”, and agenda item 8, entitled “Adoption of the report of the Permanent Forum on its twenty-second session”. At the same meeting, the Forum considered and adopted a draft decision submitted under that item (see chap. I, sect. A).

17. At three informal closed meetings, on 20, 26 and 28 April, the Permanent Forum met to hold discussions.

Chapter III

Adoption of the report of the Forum on its twenty-second session

18. At the 13th meeting, the Rapporteur introduced the draft decisions and recommendations and the draft report of the Permanent Forum on its twenty-second session.

19. At the same meeting, the Permanent Forum adopted its draft report.

Chapter IV

Organization of the session

A. Opening and duration of the session

20. The Permanent Forum held its twenty-second session at United Nations Headquarters from 17 to 28 April 2023. It held 13 formal meetings, including 3 closed meetings, and 10 informal meetings, including 3 closed meetings and 2 meetings in parallel, twice, to consider the items on its agenda.

21. At the 1st meeting, on 17 April, the session was opened by the temporary Chair, the Under-Secretary-General for Economic and Social Affairs. At the opening ceremony, the traditional Chief of the Onondaga Nation, Tadodaho Sid Hill, delivered a welcoming address. At the same meeting, the Forum adopted an oral draft decision (see chap. I, sect. B).

22. At the same meeting, statements were made by the Secretary-General of the United Nations, the President of the General Assembly, the President of Colombia, the President of the Economic and Social Council, the Under-Secretary-General for Economic and Social Affairs and the United States Secretary of the Interior.

B. Attendance

23. Members of the Forum and representatives of Governments, intergovernmental organizations and bodies, United Nations entities and non-governmental and Indigenous organizations attended the session. The list of participants will be published at a later date.

C. Election of officers

24. At its 1st meeting, the Forum elected the following members of the Bureau by acclamation:

Chair:

Darío José Mejía Montalvo

Vice-Chairs:

Geoffrey Scott Roth

Suleiman Mamutov

Hindou Oumarou Ibrahim

Hannah McGlade

Hanieh Moghani

Rapporteur:

Tove Søvndahl Gant

D. Agenda

25. At its 1st meeting, the Forum adopted the provisional agenda contained in document [E/C.19/2023/1](#).

E. Documentation

26. The list of the documents before the Forum at its twenty-second session will be published at a later date.