**Check against delivery**



**Statement of**

**Mr. José Francisco Calí Tzay**

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

**United Nations Permanent Forum on Indigenous Issues**

**​**

**Agenda Item 5(d)**

**New York**

**22 April 2024**

Chairperson of the Permanent Forum

Chairperson of the Expert Mechanisms

Distinguished Members of the Permanent Forum,

Assistant-Secretary-General for Human Rights,

Indigenous Peoples’ representatives,

Excellencies, ladies and gentlemen,

It is an honour for me to address the Permanent Forum and all those attending the interactive dialogue on the human rights situation of Indigenous Peoples today.

As the UN Special Rapporteur on the Rights of Indigenous Peoples, I continually receive reports detailing serious human rights violations against Indigenous Peoples worldwide. Key areas of concern within this mandate persist, including violations of the right to self-determination and self-government, dispossession of lands, territories, and resources, forced evictions, escalating conflicts, and the ongoing militarization of Indigenous Peoples’ territories. Significant issues include the impacts of extractive industries and green energy projects on Indigenous Peoples’ lands and territories, including the increased risk that women face of sexual assault, gender-based killings and trafficking, and the intimidation, harassment, and the criminalization of Indigenous human rights defenders opposing these projects. Indigenous Peoples in voluntary isolation and initial contact and mobile indigenous peoples are particulary vulnerable. I urge States and UN agencies to prioritize their protection to prevent their physical and cultural extinction.

I continued raising the above-mentioned issues and concerns, as well as others, at different international and regional events and meetings, as well as in press statements. I also transmitted more than 100 communications to States and non-state actors. Most of these communications were sent jointly with at least one other mandate holder.

 In order to tackle some of the most pressing human rights issues faced by Indigenous Peoples, last year I dedicated my annual thematic report to the Human Rights Council to the topic of green finance and its impact on the rights of Indigenous Peoples.

In my report, I stressed that a shift to green energy is necessary and urgent, and if done using a human rights-based approach, can be a source of opportunity for Indigenous Peoples, to obtain funding to preserve their lands, knowledge and distinct ways of life, and to create economic opportunities that may help them to maintain and strengthen their indigenous identity. However, the financing of green energy projects must not contribute to the human rights violations that currently plague extractive and other fossil-fuel-related projects. I continue to be concerned by increasing reports that conservation and climate-oriented projects and programs rarely include protections for the fundamental rights of Indigenous Peoples.

States, international financial institutions, and the private sector play critical roles in shaping policy beyond their financial investments and must take steps to ensure that Indigenous Peoples are consulted, consent to, and meaningfully participate in the development and implementation of projects and programmes that may affect their rights and interests.

Last year, I presented to the Human Rights Council my two country visit reports: to Denmark and Greenland, and Canada.

In the report of the country visit to Denmark and Greenland that took place from 1st to 10th February 2023, I considered it a priority for the Governments of Denmark and Greenland to embrace a process to achieve truth and reconciliation, with the full participation of Inuit people in Denmark and Greenland in the design of effective remedies and policies.

The country visit to Canada occurred from the 1st to the 10th of March 2023. The report, inter alia, stated that the Government must address the deep-set, systemic, and structural racism affecting Indigenous Peoples and, without further delay, put into practice the calls issued by the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls. Theimplementation of these recommendations is vital to gain the trust of Indigenous Peoples in Canada and to maintain constructive and collaborative dialogues.

Madam Chairperson,

The thematic report of my mandate to the General Assembly in October 2023 addressed the issue of tourism and its impact on the rights of Indigenous Peoples.

In recent decades, community-based approaches to tourism, such as ecotourism and ethnocultural tourism, have become increasingly popular as a sustainable development approach. Nevertheless, there are still many negative impacts of tourism activities on Indigenous Peoples which have led to the expropriation of their lands, territories and resources, militarization of their territory, violence towards human rights defenders, commodification, loss and misuse of Indigenous culture, unfair distribution of benefits, and inequitable working conditions for Indigenous workers. Indigenous women and girls are among the most marginalized groups in the tourism industry, owing to multiple and intersecting forms of discrimination based on gender, Indigenous identity, and socioeconomic status. I received reports of tourism fostering violence against women, including rape by tourists, with perpetrators rarely held accountable. Indigenous women are also likely to be subjected to sexual violence when forcibly evicted from their lands because of tourism projects.

The report called upon States to adopt adequate legal frameworks that recognize and protect the rights of Indigenous Peoples in the context of the tourism industry and to meaningfully consult with Indigenous Peoples when adopting tourism legislation and policy, and approving projects. The private sector working in this industry also must respect the human rights of Indigenous Peoples as outlined in the UN Guiding Principles on Business and Human Rights.

 In 2023 I continued strong cooperation with the UN Indigenous Peoples’ mechanisms, as well as other UN agencies, funds and programms, including WHO, ILO, FAO, UNESCO and I would like to thank everyone for their cooperation with my mandate in the promotion and protection of the rights of Indigenous Peoples. I also submitted Amicus Curiae briefs to the Inter-American Commission and Court of Human Rights. My mandate also provided technical advice and capacity-building to the Permanent Missions of Bolivia and Malaysia to strengthen efforts in the advancement of the rights of Indigenous Peoples in these countries. I stand ready to support any other State that may need such technical assistance.

Since the last Permanent Forum, I have conducted several academic visits to Nepal, Chile, Mexico, and New Zealand. From 5-15 March, I travelled to Colombia to conduct an official visit, the report of which will be presented to the Human Rights Council in September. I regret that, due to the UN's financial situation, the second country visit of 2024 has been canceled for all Special Procedure mandate holders. I urge Member States to take urgent action to ensure the continuation of the regular work of the Special Procedures.

I would like to express my gratitude to all States, Indigenous Peoples, UN agencies and civil society for contributing to my thematic reports to be presented to the Human Rights Council and General Assembly this year on the topics of Indigenous Persons with Disabilities and Mobile Indigenous Peoples, that aim to address the existing challenges in these thematic areas.

Madam Chairperson,

Let me conclude by expressing concern over the intimidation by States of Indigenous Peoples' human rights defenders participating in this year’s session of the Permanent Forum. Establishing a reprisal mechanism or procedure within the Secretariat to monitor instances of State intimidation is recommended. On the same note, I am very worried about the obstacles Indigenous Peoples face in accessing media, so I will dedicate my 2025 report to the Human Rights Council to Indigenous Peoples and access to media. My report will be complementary to the report that UNESCO will prepare on the same matter, and I hope that the Permanent Forum can include a dedicated Item in its 2025 work program to discuss the findings of this report.

Finally, I am deeply concerned about the current draft of the 'Pact of the Future,' as it neglects to include any mention of Indigenous Peoples across its 148 paragraphs. It's imperative to address this oversight by integrating language that not only acknowledges their fundamental contributions to sustainable development but also guarantees their active and amplified involvement in relevant UN meetings, as stipulated in agreements such as the outcome document of the World Conference on Indigenous Peoples. Acknowledging and reinforcing the role of Indigenous Peoples is indispensable for realizing a future that is both equitable and sustainable for all.

Thank you for your attention, and I look forward to continued dialogue and cooperation.