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**Statement of**

**Mr. Francisco Cali-Tzay**

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

**Human Rights Council 54th Session**

**Geneva, 28 September 2023**

Mr. President,

Distinguished delegates,

Indigenous Peoples’ representatives,

Ladies and gentlemen,

It is an honour for me to address the Human Rights Council and present my annual thematic report. This year my report focuses on the issue of green finance and its impact on the rights of Indigenous Peoples.

In recent years, the international finance sector has increasingly invested in programs and initiatives that promote clean energy, environmental sustainability and climate action. Green financing is critical to achieving the Sustainable Development Goals and the targets set by agreements under the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity Kunming-Montreal Global Biodiversity Framework. However, I would like to emphasize that green financing has an important human rights dimension.[[1]](#footnote-2)

I would like to stress that a shift to green finance is necessary and urgent, and if done using a human rights-based approach, it 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.[[2]](#footnote-3) However, green finance investments must not contribute to the ongoing human rights violations that currently plague extractive and other fossil-fuel related projects. As documented by my mandate, such violations disproportionately affect Indigenous Peoples. I am concerned by increasing reports that conservation and climate-oriented projects and programs rarely include protections for the fundamental rights of Indigenous Peoples. In my report, I reiterate that financial decision makers have a crucial role in preventing this, by demanding social and environmental safeguards and effective due diligence protocols to ensure Indigenous Peoples’ participation before approving investments for green projects or programs.

The most biodiverse and best-preserved lands, forests and shores on this planet are those that have been stewarded by Indigenous Peoples. Indigenous Peoples’ scientific knowledge is critical to solving the biodiversity loss and climate change crises. Moreover, ensuring their participation and consent for projects affecting their lands is the obligation of States under international law. Business corporations and financial actors have similar responsibilities and obligations under international standards and national laws.

In accordance with the UN Guiding Principles on Business and Human Rights and the interpretative guidance of the UN Working Group on Business and Human Rights, States, businesses, philanthropic and conservation organizations must exercise human rights due diligence throughout the design, funding and implementation of green projects. Stronger governance and accountability structures are urgently needed to reduce negative impacts on Indigenous Peoples’ rights, and to facilitate direct funding to Indigenous Peoples to support their longstanding efforts to protect biodiversity, healthy forests and produce clean energy. A just green transition will require that States and other financial actors break down the power asymmetries that continue to characterize aid and development financing and involve Indigenous Peoples, Indigenous women in particular, as equal stakeholders in the finance process, and foster true cooperation and solidarity.

I would like to reiterate that States, international financial institutions and the private sector play a critical role in shaping policy beyond their financial investments and must take steps to ensure that Indigenous Peoples are consulted on, consent to and meaningfully participate in the development and implementation of projects and programmes that may affect their rights and interests. This may require allocating resources to secure Indigenous Peoples’ land tenure and/or ensuring their direct access to funding. At the same time, investors should make every effort, through continuing meaningful consultations, to adapt their financing approach to be culturally appropriate for Indigenous Peoples.

I have provided a number of recommendations to resolve the challenges faced in the area of green finance and the rights of Indigenous Peoples, and I encourage States and other stakeholders to give due consideration to the implementation of these recommendations.

Mr. President,

Today I also present my two country visit reports: to Denmark and Greenland, and Canada.

The country visit to Denmark and Greenland took place from 1st to 10th February 2023. I would like to thank the Governments of Denmark and Greenland, the Inuit people and civil society for their excellent cooperation and support.

Greenland is an inspiring example of the implementation of Indigenous self-determination for Indigenous Peoples worldwide. I also recognize the leading role of Denmark in promoting Indigenous Peoples’ rights internationally and encourage the Government to continue this important commitment.

I consider 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. In this regard, I welcome that Denmark and Greenland have agreed to initiate an impartial investigation into the historical relationship between Denmark and Greenland since the Second World War.[[3]](#footnote-4) This investigation will be a first step in shedding light on historical political decisions, events and policies to uncover their adverse effects on Inuit people. I hope the investigation becomes operational as soon as possible and that it will be based on extensive public participation.

I welcome that on 30 September 2022, Denmark and Greenland agreed on a two-year independent investigation to scrutinize the so-called “coil campaign” that the Government of Denmark allegedly carried out starting in the 1960s to control the population growth of Greenland. During that time, it is estimated that approximately half the fertile women in Greenland received intrauterine devices (IUDs) without their consent or of their parents in case of minors. The women affected by the Coil campaign continue to be traumatized and seek justice for the pain and suffering imposed on them. During my visit, I heard directly from victims about the devastating consequences IUDs had on their bodies. I urge Denmark and Greenland, *inter alia*, to provide adequate financial and human resources to carry out the investigation without further delay.

During my visit to Denmark, I was concerned to learn that Inuit children in Denmark are seven times more likely than Danish born children to be placed in out-of-home care away from their parents. The tests used by authorities to assess parenting skills are reportedly biased and fail to consider Inuit culture and identity. I am pleased to learn that since my visit, the Government of Denmark has committed to fully revise and develop new tests for parenting skills that are culturally appropriate and has allocated funds for this purpose.

The country visit to Canada took place from the 1st to the 10th of March 2023. I would like to extend my gratitude to the Government of Canada, Indigenous Peoples and civil society for their cooperation and support to the visit.

The Government of Canada has made significant progress over the 10 years since the previous visit of the Special Rapporteur, through the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act and other important measures. I commend the Government for its proactiveness on Indigenous People’s rights in international forums, its constructive collaboration during the visit and its open acknowledgment of remaining challenges. Canada can serve as an example for other countries with regard to acknowledging the historical and ongoing harms against Indigenous Peoples and advancing reconciliation. It is laudable that Canada has taken many important steps to advance Indigenous Peoples’ rights. Regrettably, the most significant achievements are often acquired through court decisions or case settlements rather than the implementation of governmental policies, and these advances are ultimately the result of Indigenous Peoples’ strong determination and unabated courage to defend their rights.

Indigenous Peoples are often victims of racial profiling, arbitrary and discriminatory arrests, and excessive use of force by law enforcement in Canada. Indigenous women represent about 50 per cent of federally incarcerated women in Canada, even though they make up less than 4 per cent of the country’s population.

The Government must address, as a priority, 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, as well as develop a comprehensive and coordinated national violence prevention strategy for 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. Indigenous Peoples are asking Canada to respect their Nation-to-Nation relationships, treaties and self-government agreements and to ensure their full and equal participation in decisions that affect their rights, title and interests. Canada has embarked on an important journey towards reconciliation, and I urge the Government to take steps to dismantle the foundation of structural racial discrimination against Indigenous Peoples throughout the country.

According to the information received during the visit, Canada is home to almost half of the world’s publicly listed mining and mineral exploration companies, and 200 Canadian companies are present in 97 foreign countries. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. I urge Canada to recognize the extraterritorial human rights obligations of Canadian companies operating abroad and ensure that they are held accountable for human rights violations committed in Canada and in other countries, including against Indigenous Peoples.

1. See recent communications related to fossil fuels and other extractive energy projects: AUS 3/2022, CAN 2/2022, BRA 4/2022, SWE 2/2022, BWA 3/2021 and NAM 2/2021, available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments. [↑](#footnote-ref-2)
2. ILO, “La creación de empleos verdes para los jóvenes indígenas en Colombia” (2023) (in Spanish). [↑](#footnote-ref-3)
3. See [www.stm.dk/presse/pressemeddelelser/danmark-og-groenland-beslutter-historisk-udredning-af-de-to-landes-forhold](http://www.stm.dk/presse/pressemeddelelser/danmark-og-groenland-beslutter-historisk-udredning-af-de-to-landes-forhold) (in Danish). [↑](#footnote-ref-4)