

THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

TOGETHER WE ACHIEVE

International Expert Group Meeting

Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16

University of Chiang Mai, Thailand – 19-21 November 2019

Background

Every year, the Indigenous Peoples and Development Branch within the Division for Inclusive Social Development of the Department of Economic and Social Affairs organizes an international expert group meeting (EGM) on a theme recommended by the Permanent Forum on Indigenous Issues and endorsed by the Economic and Social Council.

The Permanent Forum at its 2019 annual session decided that the theme for the 2020 session of the Forum will be “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”. The Permanent Forum also decided that the EGM should be held on the same theme to inform the work of the 19th Session.

Sustainable Development Goal 16 – Peace, justice and strong institutions

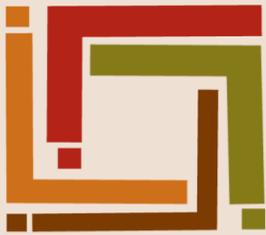
SDG 16 aims to promote peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable and inclusive institutions at all levels. Despite the UN Declaration on the Rights of Indigenous Peoples (2007) and its forerunner, ILO convention 169 on Indigenous and Tribal Peoples, they still suffer grave human rights violations from the aftermaths of historical injustices, without redress or reconciliation, and in some instances, the lack recognition of their existence and respect for their fundamental human rights and institutions.

I. Promoting peaceful and inclusive societies for sustainable development

To achieve truly lasting peace, marginalization and discrimination of indigenous peoples as well as the expropriation of their lands must end; their own conflict resolution systems must be recognized and applied to their specific situations; and national laws as well as peace accords must guarantee their rights as laid out in the United Nations Declaration on the Rights of Indigenous Peoples.

Nevertheless, indigenous peoples suffer disproportionately from conflicts and violence. Approximately 83 per cent of indigenous adults in the United States have experienced some form of violence in their





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lifetime.¹ The number of indigenous human rights defenders killed for defending indigenous peoples' rights, especially those defending ancestral lands and resources, has been rising, as is the number of involuntary disappearances of indigenous peoples. In 2018 alone, around 100 indigenous human rights defenders were killed. Among indigenous peoples, women and girls are the ones most at risk of suffering from violations of their basic human rights and of being victims to abuse, assault and trafficking.

II. Providing access to justice for all

In adhering to the rule of law and their international agreements, Member States must implement the United Nations Declaration on the Rights of Indigenous Peoples, which is a guide to the interpretation of human rights treaties. Equal and fair access to justice forms the basis to begin to correct and reconcile past and current human rights violations that have often caused intergenerational trauma. In many cases, reconciliation on a national level is necessary to ensure indigenous peoples receive adequate support and redress. Several States have already established reconciliation and truth commissions or national inquiries into historical rights violations against indigenous peoples, yet many atrocities remain unresolved and continue to cause trauma, misery and animosity.

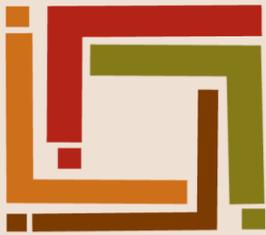
Access to national and international justice systems is also crucial for fighting the numerous current threats and rights violations indigenous peoples are facing worldwide. Such violations are committed at all levels. Issues include, for example, human rights violations committed by various actors; breaches of treaties and agreements with indigenous communities by governments; illegal activities on indigenous peoples' lands such as illegal logging, mining or hunting; as well as misappropriation of their culture, their practices, knowledge and genetic resources. Crimes committed against indigenous peoples are often downplayed or have penalties reduced.²

While some States actively ignore indigenous peoples' claims and hinder their access to justice, numerous indigenous communities also face other obstacles to asserting their rights, including economic and social barriers. These include, for example, physical and language barriers as indigenous peoples often live in remote areas and speak their own languages. Legal counseling, special measures and innovative approaches are essential to guarantee that all people, including indigenous peoples, benefit from the States' justice systems and their guaranteed rights.

¹ <https://www.ncjrs.gov/pdffiles1/nij/249815.pdf>

² See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/064/72/pdf/G1406472.pdf>





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III. Building effective, accountable and inclusive institutions at all levels

For a State to have institutions that are effective, accountable and inclusive, it must a) give indigenous peoples the opportunity to be included in them and participate in decision making, especially on matters affecting them; and b) recognize indigenous peoples' own institutions and systems. While most States guarantee political participation rights to all their citizens, these rights are usually bound to well-documented citizenship—documents and certificates indigenous peoples are often lacking. Since its inception, the Permanent Forum repeatedly stressed the importance of birth registration of indigenous peoples, since the lack of civil documentation exposes indigenous peoples to abuse and violation of their rights.³

Meeting objectives

- Take stock of the impacts of conflicts on indigenous peoples and of challenges regarding their participation in peacebuilding as well as in conflict resolution processes;
- Evaluate the recognition of their institutions and their participation in local/national decision-making mechanisms;
- Share good practices in the various areas: cooperation with indigenous peoples in peacebuilding and conflict resolution, protection of indigenous human rights defenders, providing access to justice to remote communities, establishment of truth and reconciliation commissions, inclusion of indigenous peoples' representatives and institutions at different levels, etc.;
- Assess the situation of indigenous women in the context of conflicts and participation in decision-making;
- Identify further areas and targets of SDG 16 in which's implementation indigenous peoples can contribute;
- Analyze gaps in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
- Propose recommendations and next steps to ensure the recognition of indigenous peoples' rights and institutions.

³ See the Permanent Forum's recommendation in its 2nd (para 5b), 4th (para 48h), 6th (para 66), 11th (para 19) sessions.

