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Permanent Forum on Indigenous Issues

Twenty-fourth session

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Draft report

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Chapter I

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

B. Matters brought to the attention of the Council

Dialogues: human rights dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples; annual review of progress on the implementation of general recommendation No. 39 (2022) (item 5 (d))

1. The dialogue with SRIP and the Chairperson of the EMRIP highlighted recent developments and challenges related to Indigenous Peoples' rights. The Permanent Forum welcomes the two mechanisms' thematic focus on Indigenous Peoples' right to determine their identity, the need for a clear distinction between Indigenous Peoples and local communities, the criminalisation of Indigenous Peoples and the encroachment of their territories by criminal gangs and extractive industries.
2. Collaboration between the Indigenous Peoples' mechanisms, the UN Treaty bodies, and the Human Rights Council Special procedures can be mutually reinforcing to advance recognition and protection of Indigenous Peoples' rights. Such engagements should not be mere procedural exercises (the so-called "Rights ritualism") but aim for concrete outcomes.
3. The Permanent Forum looks forward to the finalisation of EMRIP's study on "Indigenous Peoples right to data, including data collection and disaggregation". In addition, the Forum is concerned that the underfunding of the UN Human Rights system seriously limits the SRIP and EMRIP from discharging their mandates.



4. The Permanent Forum welcomes the preparation of the forthcoming study on Indigenous Justice Systems by the Special Rapporteur on the Independence of Judges and Lawyers and invites her to present it at its 25th session.

Recommendations for Member States

5. The Permanent Forum commends the progress of numerous States in recognising Indigenous Peoples and their rights in their constitutional reforms in implementing UNDRIP, including on FPIC legislation. Several countries spoke with pride of their policies of non-discrimination and equal access to public services. Still, some countries stopped short of engaging in meaningful discussions on the right to self-identification. The Permanent Forum recommends that States initiate dialogues on identity and non-discrimination with Peoples concerned.
6. Truth-telling is a prerequisite for reconciliation; it helps build new constructive arrangements and treaties between Indigenous Peoples and States. States and Indigenous Peoples are invited to initiate and support studies to document internal colonialism cases predating, coinciding with, and surviving external colonialism. Such studies can offer policy guidance for dismantling such structures and restoring Indigenous Peoples' self-governance. States and Indigenous Peoples are encouraged to contribute to debates on ways the UN system can redress and mediate the situations of internal colonialism at the Permanent Forum's future sessions.
7. The lack of disaggregated data hides the realities confronting Indigenous Peoples and prohibits efforts to redress the inequalities and discrimination suffered and devise effective targeted measures. This problem can be exacerbated when Indigenous Peoples are not recognized. States should develop and operationalize comprehensive, rights-based disaggregated data frameworks in collaboration with Indigenous Peoples.
8. Several speakers emphasized the role of Indigenous women in peacebuilding. States are called to ensure Indigenous women's participation in peace negotiations and peacebuilding. Although adversely affected by armed conflict and violence, Indigenous Peoples' role in conflict resolution and peacebuilding is largely ignored. States are encouraged to ensure the inclusion and participation of Indigenous Peoples' in ongoing peace-making processes, and to fulfil the agreements achieved with the participation of Indigenous Peoples. The Permanent Forum reiterates previous calls for Bangladesh to ensure effective progress on implementing the 1997 CHT Peace Accord.
9. The Permanent Forum heard testimonies on the many barriers in access to justice for Indigenous Peoples. It is deeply concerned about the disproportionate incarceration rates of Indigenous Peoples, especially children. States are urged to implement the internationally recommended age of criminal responsibility of at least 14 years. States must uphold the Convention on the Rights of the Child, which requires incarceration only as a measure of last resort. The Permanent Forum condemns States' violations of the Convention against torture, and other cruel, inhuman and degrading punishment and treatment. The Forum calls on States to remove existing barriers, ensure culturally appropriate access to justice, and prevent the over-criminalization of Indigenous Peoples.
10. The Permanent Forum takes note of Chile's efforts to promote the rights of Indigenous Peoples through the Commission for Peace and Understanding. The Forum invites Chile to implement the recently reached agreement by adopting the necessary legislation and public policies. It also urges Chile to replicate

these positive developments with other Indigenous Peoples in its territory and to present progress at the 25th session of the Forum.

11. The Permanent Forum calls on Burkina Faso, the Democratic Republic of Congo, and Sudan and South Sudan to promptly end violence against Indigenous Peoples, particularly Indigenous women and children, in the context of armed conflict, counter-terrorism and mining activities. Any peace process must involve Indigenous Peoples, in line with UN General Assembly Resolution A/RES/79/159.
12. The Permanent Forum heard about New Zealand Aotearoas' retreat from honouring Te Tiriti o Waitangi (The Treaty of Waitangi), which sparked the country's largest-ever protest. The Permanent Forum calls on New Zealand to recommit to the Treaty.
13. The disproportionate impact of Russian aggression against Ukraine on Indigenous Peoples in the region includes conscription, mass displacement, and attacks on identity, violating their individual and collective rights. In occupied Crimea, Indigenous women are persecuted and detained for defending human rights. The Permanent Forum calls on the Russian Federation to engage in constructive negotiations to achieve just and durable peace.
14. Following the recent coup in Myanmar political instability persists, with planned military-led elections widely seen as a means to entrench power rather than restore democracy. Ongoing airstrikes, even amid a 7.7 magnitude earthquake, highlight the crisis. The UN Human Rights Council and relevant mechanisms are urged to strengthen protection measures and establish more robust, locally grounded human rights monitoring for Indigenous Peoples facing violence and displacement.