UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII) SIDE EVENT

"Access to justice for Indigenous peoples and communities around self-determination, and the role of youth"

Date: Friday April 19th, 2024

Time: 4:30 PM– 5:45 PM

Format: In person

Organizers: United Nations Development Programme (UNDP) – Mexico, the Electoral Tribunal of the Federal Judiciary (TEPJF) and the Public Defender’s Office of the TEPJF.

Audience:

- **Speakers**: Justices of the Electoral Tribunal of the Federal Judiciary, Public Defender’s Office, UN representative in Mexico, electoral bodies, UNPFII experts, youths and scholars.
- **Target audience**: nonprofit organizations, public electoral defenders, youths, experts, and specialized audience

Languages: English and Spanish (simultaneous translation)

Objective: To assess justice mechanisms and electoral tribunal resolutions aimed at enhancing the right to self-determination of indigenous peoples in different countries, with an emphasis on indigenous youth participation.

Speakers: Seven experts in total, including representatives of the United Nations Permanent Forum on Indigenous Issues (UNPFII), indigenous youths and experts on indigenous peoples’ political-electoral rights.

Methodology: Panelists will make short interventions (7 to 10 minutes) followed by an exchange of ideas between speakers in which they will answer comments and questions of the audience.

Background:


Since 2011, the Electoral Tribunal of the Federal Judiciary of Mexico (TEPJF) organizes side events within the framework of UNPFII to highlight the importance of effective access to electoral-political rights for Mexican indigenous peoples and communities.
Indigenous peoples and communities, particularly indigenous youth, face several challenges in democratic systems, this is partially due to a history of exclusion and discrimination. Their main demands have thus focused on the right of self-determination and assuring their participation in the political and electoral sphere.

In Mexico, since 2016, the Public Defender’s Office for Indigenous Communities of the Electoral Tribunal (DPEPCI for its acronym in Spanish), has contributed to indigenous people’s access to justice regarding their political and electoral rights, and to ensure their full participation in the electoral process. Recently, it has included other vulnerable groups, such as indigenous youths.

Judicial case SDF-JDC-2165/2016¹ showcases a good example of the Defender’s Office efforts on the aforementioned issues. In this matter, the local electoral authority, and the municipality of Tlalpan were instructed by the regional court of Mexico City of the TEPJF to conduct a public referendum so that the people of San Andrés Totolpetec could decide, by a communitarian assembly, the method of electing the “Vice Major” figure (subdelegado). This is a paradigmatic case, since it addresses the guarantee of self-determination and autonomy for indigenous towns and neighborhoods (known in Mexico as pueblos y barrios originarios or first peoples’ towns and neighborhoods) in electing their representatives, as well as the role of the Public Defender’s Office and the TEPJF to ensure these rights.

Another prominent example is the case SUP-JDC-9167/2011², in which the Electoral Tribunal recognized, among other issues, the right of members of the indigenous community of Cherán municipality³, to elect their political authorities by using their customs and traditions. This decision and its relevance rely on the fact that it nullified the organization of elections under the political party system in favor of indigenous regulatory systems. Additionally, the Congress of Michoacán was instructed to harmonize internal legislation in accordance with the federal Constitution and international agreements on indigenous rights.

This side event seeks to showcase paradigmatic rulings from different countries, as well as actions taken by various electoral tribunals to ensure the rights of indigenous populations in each nation from an intercultural perspective, based on international standards.

Furthermore, this event provides an opportunity to learn firsthand about the experiences and challenges faced by indigenous youths in accessing electoral justice and practice active political engagement. It will also explore how their rights are exercised in different jurisdictions, as well as the strategies and policies

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³ Situated in the state of Michoacan, México.
that other authorities and countries have implemented to ensure the protection of these rights.

Participants are encouraged to reflect on the common challenges that judicial bodies face in this field. Partakers will also acquire information that, from an international comparative perspective, will contribute to improving the administration of electoral justice and the assistance to vulnerable groups, thus contributing to strengthen inclusive democracy.