



A woman votes during general elections in Sumpango, Guatemala, in 2023.

Engaging Indigenous Peoples in Elections

Identifying International Good Practices through Case Studies in
Guatemala, Kenya, and Nepal



International Foundation
for Electoral Systems



SWEDISH INTERNATIONAL
DEVELOPMENT COOPERATION AGENCY



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Guatemala, Kenya, and Nepal

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About the Contributing Organizations

The **International Foundation for Electoral Systems (IFES)** is a nonpartisan, nonprofit organization based in Arlington, Virginia, USA, with country offices in Africa and the Asia-Pacific, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa regions. IFES partners with Indigenous Peoples organizations (IPOs), organizations of persons with disabilities (OPDs), youth-led organizations, women's organizations, civil society organizations (CSOs), and electoral management bodies (EMBs). IFES works to strengthen political inclusion by providing technical assistance to EMBs, human rights commissions, and other national and government stakeholders to enable them to implement international standards such as the United Nations (UN) Declaration on the Rights of Indigenous Peoples (UNDRIP),¹ UN Convention for the Elimination of Racial Discrimination (CERD), UN Convention on the Rights of Persons with Disabilities (CRPD), UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and UN Convention on the Rights of the Child. IFES supports citizen-led efforts to define best practices through global development toolkits and resources.

Endorois Indigenous Women Empowerment Network (EIWEN) is an Indigenous community-based organization registered in Kenya. EIWEN is a women-led organization whose key mandate is to amplify the voices and the status of local marginalized women, persons with disabilities, and young girls in the Endorois community. EIWEN was founded in 2016 and registered in 2019 by Endorois women who were committed to improving living standards by building the capacity of Indigenous and marginalized women and girls in Kenya. EIWEN's goal is to enable those women and girls to make informed choices and grow women's leadership in their community.

Fundación Guillermo Toriello (FGT) was established in 1997 as a civil society instrument to implement the Peace Accords in Guatemala following decades of conflict and civil war. Its mission is to promote local development processes in Guatemala within the framework of the Peace Accords. FGT is committed to local and regional development, including enhancing capacity for decision-making that contributes to the social and democratic transformation of Guatemala.

The **National Indigenous Disabled Women Association Nepal (NIDWAN)** promotes the civil, political, social, economic, cultural, and environmental rights of Indigenous women and girls with disabilities in Nepal through an intersectional approach that respects their identities. NIDWAN aims to improve the socio-economic status of Indigenous women and girls with disabilities through awareness-raising, economic empowerment, policy advocacy, and access to services that create an enabling environment for all. Its core values include equality and non-discriminatory practices, collective rights and cultural diversity, and transparency and accountability through cross-movement collaboration between the disability rights movement, Indigenous Peoples' movement, and women's movement.

¹ Many Indigenous Peoples do not use the acronym UNDRIP because it eliminates the word *Indigenous*. In this paper, the authors use the preferred term Indigenous Peoples Declaration.

Abbreviations

AEC	Australian Electoral Commission
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CERD	United Nations Convention on the Elimination of Racial Discrimination
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
EIWEN	Endorois Indigenous Women Empowerment Network (Kenya)
EMB	Electoral Management Body
FGD	Focus Group Discussion
FGT	Fundación Guillermo Toriello (Guatemala)
FPIC	Free, Prior, and Informed Consent
ICCPR	International Covenant on Civil and Political Rights
IFES	International Foundation for Electoral Systems
ILO 169	International Labor Organization Indigenous and Tribal Peoples Convention No. 169
INGO	International Nongovernmental Organization
IPO	Indigenous Peoples' Organization
IWGIA	International Work Group on Indigenous Affairs
KII	Key Informant Interview
NIDWAN	National Indigenous Disabled Women Association-Nepal
OSCE/ODHIR	Organization for Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights
Sida	Swedish International Development and Cooperation Agency
UN	United Nations
UNPFII	United Nations Permanent Forum on Indigenous Issues

Glossary

Electoral cycle	An approach that recognizes electoral activities as a continuous process, not a one-time activity. ²
Free, prior, and informed consent	FPIC is the right to collective decision-making on activities that impact Indigenous Peoples and their lands. ³ This process “allows [Indigenous Peoples] to give or withhold consent” at any stage of development projects. ⁴
Indigenous Peoples	Nations or groups that identify as Indigenous (a collective noun).
Indigenous persons	Individuals who identify as Indigenous (a plural noun).
Indigenous Peoples’ Declaration	The Indigenous Peoples’ Declaration is the most widely accepted, international framework that protects the individual and collective rights of Indigenous Peoples.
Intersectionality	The interconnected nature of social categorizations, such as race, gender identity, age, and disability, which create overlapping systems of discrimination and result in unique experiences and barriers for each individual.
Maputo Protocol	Guarantees the rights of women under the African Charter on Human and Peoples’ Rights.
United Nations Convention for the Elimination of All Forms of Discrimination Against Women	CEDAW is an international human rights treaty that protects the rights of women, including the political rights of Indigenous women.
United Nations Convention for the Elimination of Racial Discrimination	An international human rights treaty that protects the rights of persons of all races and ethnicities. CERD reporting has been used to identify protection gaps for the rights of Indigenous Peoples.
United Nations Convention on the Rights of Persons with Disabilities	An international human rights treaty that protects the rights of persons with disabilities, including Indigenous persons with disabilities.

² [Electoral Cycle](#). (n.d.). Aceproject.org.

³ UN-REDD Programme. (January 2013). [Guidelines on Free, Prior, and Informed Consent](#). UN-REDD.

⁴ FAO. (2022). [Free, Prior and Informed Consent](#) | *Indigenous Peoples* | *Food and Agriculture Organization of the United Nations*. www.fao.org.

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Introduction

About 5 percent of the world's population identify as Indigenous, including more than 5,000 cultures that speak over 4,000 languages.⁵ Globally, Indigenous Peoples face the continuing impacts of centuries of historic injustice and oppression. Poverty and health conditions such as diabetes are more common among Indigenous than non-Indigenous persons.⁶ Indigenous persons who identify with additional marginalized groups – such as Indigenous women, Indigenous persons with disabilities, young Indigenous persons, and Indigenous elders – encounter both compounded and unique forms of oppression. On average, the life expectancy of Indigenous persons is up to 20 years lower than non-Indigenous persons. High poverty rates, coupled with poor health, especially affect Indigenous women. Maternal and infant mortality, malnutrition, and infectious diseases disproportionately impact Indigenous women and infants as a result of denial of crucial health resources, natural disasters, armed conflicts, and environmental factors such as irresponsible disposal of harmful waste and toxins.⁷ Although climate change affects the entire world, Indigenous Peoples already experience additional challenges, such as participation in decisions about water use.⁸ Indeed, with regard to climate change, development organizations often group Indigenous Peoples with local communities, which has reduced support for Indigenous Peoples' collective rights on this issue.⁹

Throughout history, those in power have suppressed the voices of Indigenous Peoples. Sarah Olaveg, counselor for the Inuit Circumpolar Council, observed, “The ... United Nations [UN] was supporting democratic institutions for peoples who were colonized. That did not happen for Indigenous Peoples.”¹⁰ The president of Colombia stated that including Indigenous Peoples is a key principle of global democratization and human diversity.¹¹

Events organized by sovereign states, such as elections, may be viewed as legitimizing settlers and thus undermining Indigenous Peoples. However, it is not only the right of all Indigenous Peoples to participate in sovereign state governance; elections can provide essential opportunities to increase the visibility of issues that are important to them, such as land rights, health care, and inclusive decision-making. Special Rapporteur for Rights of Indigenous Peoples José Francisco Cali Tzay noted during the opening of the United Nations Permanent Forum on Indigenous Issues (UNPFII) in 2023 that it is critical that Indigenous Peoples participate in political life through representatives whom they elect – not representatives selected for them.¹² Promoting the rights of Indigenous Peoples in policy and programming at all levels is vital.¹³

The barriers that Indigenous Peoples encounter in exercising the right to vote are numerous.

⁵ Guterres, A. (2023, 17 April). [Opening Statement]. United Nations Secretary General United Nations Permanent Forum on Indigenous Issues, New York, New York. <https://www.youtube.com/watch?v=4dgSOTIb-JM>

⁶ United Nations. (2021). [Health | United Nations For Indigenous Peoples](https://www.un.org/development/desa/indigenouspeoples/news/2023/02/unpfii-twenty-second-session-17-28-april-2023/). www.un.org.

⁷ Ibid.

⁸ Calí, F. (2023, 17 April). Speech [Intervention]. Aportes De Los Pueblos Indígenas De América Latina Y El Caribe Para El Uso Y Manejo Sostenible Del Agua, New York, New York. https://social.desa.un.org/sites/default/files/External%20side%20events_UNPFII22_26Apr2023.pdf

⁹ Interview with Kathrin Wessendorf, International Work Group on Indigenous Affairs. April 2023.

¹⁰ Olaveg, S. (2023, 18 April). Multi-panelist Speech [Intervention]. Indigenous Peoples and Legislation, New York, New York. https://social.desa.un.org/sites/default/files/External%20side%20events_UNPFII22_26Apr2023.pdf

¹¹ Petro, G. (2023, 17 April). Opening Remarks [Speech]. United Nations Permanent Forum on Indigenous Issues. New York, New York. [UN / INDIGENOUS PERMANENT FORUM | United Nations UN Audiovisual Library \(unmultimedia.org\)](https://www.un.org/development/desa/indigenouspeoples/news/2023/02/unpfii-twenty-second-session-17-28-april-2023/)

¹² Calí, F. (n.d.-a). Opening Remarks [Speech]. UNPFII. New York, New York. <https://www.un.org/development/desa/indigenouspeoples/news/2023/02/unpfii-twenty-second-session-17-28-april-2023/>

¹³ Op.cit

Methodology

This research was conducted in Kenya, Guatemala, and Nepal by Endorois Indigenous Women Empowerment Network (EIWEN, Kenya), Fundacion Guillermo Toriello (FGT, Guatemala), and the National Indigenous Disabled Women Association – Nepal (NIDWAN), respectively, from September 2022 to June 2023. The International Foundation for Electoral Systems (IFES) provided technical support. This research preceded the 2023 elections in Guatemala. Each country partner carried out desk reviews of national legal frameworks and relevant literature. IFES conducted a global analysis of international human rights frameworks. The research partners analyzed the desk review findings collaboratively.

The partners led focus group discussions (FGDs) with diverse Indigenous persons in Guatemala, Kenya, and Nepal. Using a participatory FGD framework developed with IFES, the partners held discussions from December 2022 through March 2023. As appropriate to the context, the partners adjusted the questions and activities in FGD framework during implementation.

In Guatemala, FGT focused on the impacts of barriers to the electoral participation of Indigenous women, including young women, holding four FGDs with Indigenous women in Guatemala City, Izabal, Quiché, and Sololá.

In Kenya, the Endorois, Sengwer, and Ogiek Indigenous communities participated in FGDs and key informant interviews (KIIs). The 12 FGDs included 101 Indigenous participants (56 men and 45 women). Seven of the men and seven of the women were people with disabilities. The study also conducted 19 KIIs with 12 men and seven women, two of whom had disabilities.

In Nepal, NIDWAN held 10 FGDs covering Surdhrpaschim, Koshi, Karnali, Gandaki, Bagmati, Madhesh and Lumbini provinces. The 128 participants included 92 women with disabilities and 19 men with disabilities. Seventeen sign language interpreters and personal assistants were also present. Indigenous persons from the Chaudhary, Rana, Magar, Tharu, Gurung, Newar, Rai, Bhote, Tamang, Chhantyal, Majhi, Bhujel, and Youghang Indigenous communities participated in the FGDs.

KIIs conducted in Guatemala, Kenya, and Nepal with national stakeholders were complemented by additional KIIs with global stakeholders, including international NGOs and donor agencies. The table below lists KII participants in each country.¹⁴

Country	Institutions
Guatemala	<ul style="list-style-type: none"> State Institution to Promote and Defend Rights of Indigenous Peoples Presidential Commission against Discrimination against Indigenous Peoples in Guatemala
Kenya	<ul style="list-style-type: none"> Independent Electoral Boundaries Commission National Gender and Equality Commission Ministry of Gender, Youth, Sports, and Social Services Centre for Enhancing Democracy and Good Governance

¹⁴ Some KII participants wished to be anonymous and thus are not included in this table.

Nepal	<ul style="list-style-type: none"> ● Election Commission ● National Human Rights Commission ● Women Commission ● Ministry of Women, Children, and Older People ● Indigenous Nationalities Commission ● National Federation of the Disabled – Nepal ● National Indigenous Women Federation ● Independent Electoral Observer ● National Election Observation Committee Lawyers Association of Legal Human Rights Defenders ● Indigenous Television ● Other civil society organizations (CSOs)
Global	<ul style="list-style-type: none"> ● Danish International Development Agency ● International Work Group on Indigenous Affairs ● Pawanka Fund ● Swedish International Development Agency

Data analysis for this report takes an intersectional approach, recognizing that barriers encountered by, for example, Indigenous women with disabilities may require tailored solutions. These solutions can enable access for all Indigenous voters, candidates, election officials, observers, and other electoral participants. When possible, the collected data have been disaggregated by age, disability, gender identity, and geographic location. However, because of the specific context of each FGD, the findings were not necessarily directly comparable. Even so, they revealed trends in the experiences of Indigenous Peoples in the research countries.

This report is not intended as a comprehensive analysis of the experiences of Indigenous Peoples in elections. As a collection of case studies, its findings cannot replace the individual or collective experiences of Indigenous Peoples in elections. The findings of this research are limited to the three countries in which case studies took place, with supplementary data from an election assessment that IFES and Elections Saskatchewan conducted. That assessment included interviews with members of First Nations in and around Saskatoon, Saskatchewan, Canada, in June 2023; events during the UNPFII in April 2023; mapping of Indigenous youth with disabilities in Guyana; and global KIIs. Additionally, this research focuses on the electoral process and does not thoroughly discuss other areas of involvement in political life, such as participation in drafting a constitution (although it touches on the issue as an element of electoral participation).

Unless otherwise noted, all attributions in this case study are to the original research conducted by EIWEN, FGT, NIDWAN, and IFES.

Background

Indigenous persons participate in elections at lower rates than non-Indigenous persons.¹⁵ In general, Indigenous Peoples lack environments that enable their participation.¹⁶ Many Indigenous persons first identify as part of their nation or people and second as participants in a sovereign state. According to the UN Expert Mechanism on the Rights of Indigenous Peoples, this can result in low engagement in elections.¹⁷

This paper adds to the body of evidence documenting the experiences of Indigenous Peoples, including the 2001 report by International Work Group on Indigenous Affairs (IWGIA).¹⁸ In 2006, the adoption of the Indigenous Peoples' Declaration codified access to collective and individual rights. This paper identifies some key opportunities to ensure the principles of the Indigenous Peoples' Declaration are upheld when organizing and implementing elections. It is intended to inform the decision-making of electoral management bodies (EMBs), civil society, donors, and other duty-bearers around electoral processes.

Several bilateral donors have policies that promote the inclusion of Indigenous Peoples in decision-making and elections. In “The World We Share: Denmark’s Strategy for Cooperation and Development,” the Danish International Development Agency’s development policy, the agency recognizes the rights of Indigenous Peoples in democracies.¹⁹ The European Union Action Plan on Human Rights and Democracy 2020–2024 Action Point 2.2f calls for the promotion of citizenship and active participation of Indigenous Peoples in political life, including through civic education.²⁰ The Swedish International Development and Cooperation Agency (Sida) supports democratic participation, including of Indigenous Peoples.²¹ Objective 3 of the United States Agency for International Development’s Policy on Promoting the Rights of Indigenous Peoples supports capacity development to ensure inclusive democratic practices.²² Other donors promote the rights of Indigenous Peoples but do not explicitly mention political participation.²³

Discrimination continues to impact the participation of Indigenous Peoples in Guatemala, Kenya, and Nepal. Discriminatory practices against Indigenous Peoples in Guatemala and Kenya have persisted since colonization. Spain and Britain, as colonial powers, asserted their dominance, undermining the power and agency of Indigenous Peoples. These actions denied Indigenous Peoples autonomy and, in the context of the sovereign state, their human rights, including the right to participate in decision-making processes of their homelands. In Nepal, the dominant caste has historically oppressed Indigenous Peoples, classifying them as persons whose duty was to serve

“At the community level, there are patriarchal pacts between male leaders that make it difficult for women to participate in decision-making processes.”

Lin Valenzuela Méndez
and María Velásquez
Xón, FGT

¹⁵ OHCHR | A/HRC/48/75: [Efforts to Implement the United Nations Declaration on the Rights of Indigenous Peoples](#). Report A/HRC/48/75. (2021). UN.

¹⁶ [Final Report of the Study on Indigenous Peoples and the Right to Participate in Decision-Making](#): Report of the Expert Mechanism on the Rights of Indigenous Peoples. (2011). Report A/HRC/18/48. United Nations, 2011. Digitallibrary.un.org

¹⁷ Op. cit.

¹⁸ Wessendorf, K. (Ed.). (2001). *Challenging Politics: Indigenous Peoples' Experiences with Political Parties and Elections*. International Work Group on Indigenous Affairs.

¹⁹ [Strategies and priorities](#). (n.d.). UM-ENEN.

²⁰ European Union. (n.d.). [EU Action Plan on Human Rights and Democracy 2020-2024](#).

²¹ Cybercom. (n.d.). [Democracy, human rights and freedom of expression](#). Sida.

²² United States Agency for International Development. (2020). *Policy on Promoting the Rights of Indigenous Peoples*.

²³ Australia’s Department of Foreign Affairs and Trade (DFAT) released its Indigenous Diplomacy Agenda in 2021. Pillar 3 of the agenda promotes international good practices and prioritizes gender equality and disability inclusion of Indigenous Peoples. It does not explicitly promote political participation but recognizes inclusive decision-making in development. Global Affairs Canada’s Action Plan on Reconciliation with Indigenous Peoples 2021-2025, Actions 14 and 15 promote Indigenous-led initiatives, and Action 16 supports human rights defenders, but the document does not explicitly mention political participation.

the ruling class. Centuries-old hierarchies persist: A small elite consisting primarily of high-caste Hindus continues to dominate the country's political life.²⁴ Thus, a significant gap exists between the membership of Indigenous Peoples and non-Indigenous peoples in Nepal's executive body, the Council of Ministers.²⁵

State institutions in Guatemala lack the resources to confront structural racism. Emigration exacerbates inequalities among Indigenous Peoples and has reduced the political space in which they can participate; access to economic resources is critical to take part in political life, and many people with financial resources have left Indigenous communities. An impoverished person or family lacks sufficient food and thus expends much effort in seeking economic or in-kind resources. Indigenous women spend 15 to 17 hours per day at work or in self-employed activities (home and/or community care). These conditions motivate some Indigenous persons in Guatemala to emigrate. When men emigrate, the women who remain take on additional work. This burden of responsibility reduces Indigenous women's available time to participate in political life.

Systematic human rights violations against Indigenous Peoples in Guatemala and Kenya have resulted in extrajudicial killings and displacement.^{26,27} Historically, marginalization, structural and systemic barriers, and exclusion in Nepal have increased distrust of electoral processes among Indigenous Peoples, including those with disabilities, according to FGD participants.²⁸

While Guatemala, Kenya, and Nepal share some experiences, the interactions of Indigenous Peoples with the sovereign state in each country have unique characteristics. In Guatemala, Indigenous Peoples experience the ongoing impacts of political violence that dominated the 1980s, when 600 Indigenous communities were "disappeared" during conflict. Indigenous women in particular experienced systematic human rights violations and violence. In this setting, the political participation of Indigenous Peoples remains limited, despite the majority of the population identifying as members of 22 Indigenous communities.²⁹

"These Indigenous women don't benefit from government affirmative action that is geared toward empowering women, so they're left behind."

Christine Kandie,
EIWEN

Kenya is home to both pastoralist and forest-dwelling Indigenous Peoples. Since the country's independence in 1963, Indigenous Peoples have been marginalized from the state-building process. Additionally, they often live far from the national and provincial capitals, making it more difficult to participate in sovereign state-led development activities.

While the Indigenous Peoples in Nepal are encouraged to exercise political rights through sovereign state mechanisms, including constitutional provisions for representation, NIDWAN reports that this practice has resulted in assimilation. As a result, the engagement and participation of Indigenous Peoples in traditional customary institutions has decreased. At the same time, they are less familiar and engaged with sovereign state-led political activities than their non-Indigenous peers.³⁰

Literacy is low among Indigenous Peoples globally. In Guatemala, most Indigenous women do not attend school, averaging just two years of education. Only two in three (67 percent) of Indigenous women can read and write

²⁴ Nilsson, C., & Stidsen, S. (2014). [Constitutional Politics and Indigenous Peoples in Nepal: Briefing from a monitoring visit to assess IWGIA's support to promoting and defending Indigenous Peoples' rights in the new constitution and beyond.](#)

²⁵ Nepal Multidimensional Social Inclusion Index of Tribhuvan University. (2014).

²⁶ Martin, M. (2019, January 22). [Killings Of Guatemala's Indigenous Activists Raise Specter of Human Rights Crisis.](#) NPR.org.

²⁷ Watts, J. (2018, January 19). Kenya Forest Death: Activists Blame EU for Ignoring Human Rights Warnings. The Guardian.

²⁸ [Nepal: Indigenous Peoples the Silent Victims of Country's Conservation "Success Story."](#) (2021, August 9). Amnesty International.

²⁹ FGT puts the number at 43.75 percent according to Jaouen, M. (2023). [The Indigenous World 2023: Guatemala - IWGIA - International Work Group for Indigenous Affairs.](#) (2023, 28 March). International Work Group for Indigenous Affairs.

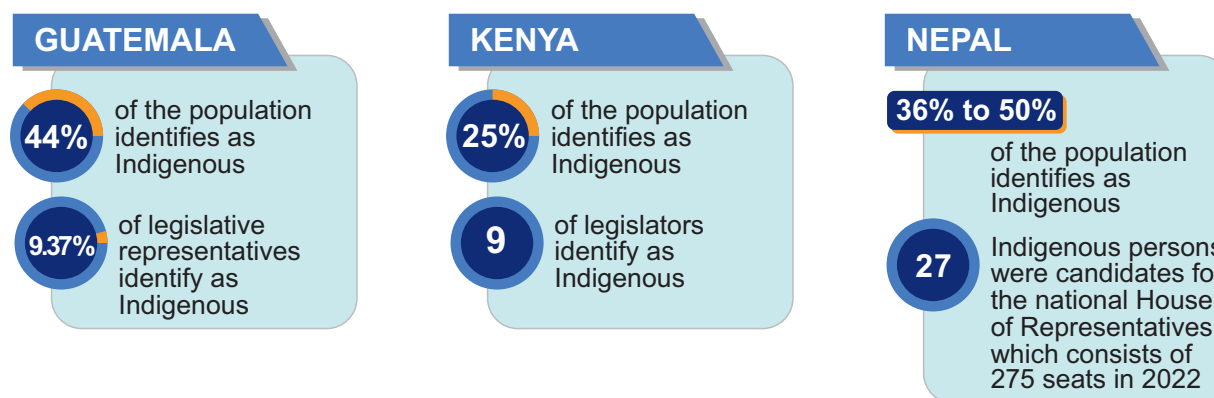
³⁰ IFES Interview with NIDWAN, July 2023.

Spanish (the country’s predominant language) compared to 78 percent of Indigenous men. Among older Indigenous women, the rates are even lower: 22 percent of Mayan women and 40 percent of Xinka women over age 65 can read Spanish, compared to 65 percent of Afro-descendant and 64 percent Ladino women in the same age range. In Nepal, only 53.2 percent of Janajati people from the Tarai (the lowlands at the foot of the Himalayas) and 65.6 percent of Hill Janajatis are proficient in Nepali. Indigenous Peoples ranked lowest in reporting their knowledge of current political issues, compared to other social groups.³¹

Indigenous persons globally (especially elders), including in Guatemala, Kenya, and Nepal, are more likely to have disabilities than their non-Indigenous peers.³² The lack of accessible formats, buildings, and processes further marginalizes Indigenous persons (including Indigenous women with disabilities) from political life. Additionally, cultural beliefs about disability, such as disability as a punishment, perpetuate discrimination against persons with disabilities in some Indigenous communities, as noted in research from Kenya and Nepal. In other Indigenous communities, however, disability is considered a part of human diversity.³³ The legacy of colonization has also been linked to psychosocial disabilities and intergenerational trauma.³⁴

As a result of barriers including ableism, ageism, racism, and sexism, Indigenous persons who identify with additional marginalized groups are less likely to be represented in elected bodies than their non-Indigenous peers. Colonial attitudes toward Indigenous Peoples have compounded these barriers.³⁵

Indigenous Representation Snapshot ³⁶



³¹ [The Nepal Multidimensional Social Inclusion Index: Diversity and Agenda for Inclusive Development](#). Tribuvan University Central Department of Sociology/Anthropology. (2014).

³² United Nations Economic and Social Council. (2013, February 5). [Study on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with regard to the full enjoyment of human rights and inclusion in development](#).

³³ [Disability in Aboriginal and Torres Strait Islander cultures | Child Safety Practice Manual](#). (2019, September 16). Cspm.csyw.qld.gov.au.

³⁴ Whitley, R. (2015). [Global Mental Health: concepts, conflicts and controversies](#). *Epidemiology and Psychiatric Sciences*, 24(4).

³⁵ Hiller, S., & Al-Shammaa, H. [Indigenous Peoples Experience with Aging: A Systematic Literature Review](#). *Canadian Journal of Disability Studies*, 9(4), 146–17. School of Health and Policy Management and School of Kinesiology and Health Science, York University.

³⁶ [Building the Evidence Base on Participation of Indigenous Peoples in Elections](#) | IFES - The International Foundation for Electoral Systems. (n.d.).

International Human Rights Frameworks³⁷

Indigenous Peoples' rights are recognized globally through international frameworks. Some are legally binding; others, although not binding, provide standards by which to measure sovereign states' inclusion of Indigenous Peoples in political life and elections. The Universal Declaration on Human Rights and International Covenant on Civil and Political Rights (ICCPR) recognize that all persons have the right to participate in sovereign state decision-making, including through elections. A state's organization of elections is often a decision-making process with direct and downstream impacts on Indigenous Peoples. Therefore, Indigenous Peoples should be consulted and participate in the process.

United Nations Declaration on the Rights of Indigenous Peoples

The Indigenous Peoples' declaration is the most widely accepted international framework that protects the rights of Indigenous Peoples.³⁸ However, because it is not a treaty, there is little recourse for rights-holders when duty-bearers are negligent. Still, the Indigenous Peoples' declaration is a visible recognition of the value of Indigenous Peoples in society. During its adoption, 143 sovereign states agreed to the declaration, 11 abstained, and only four voted "no" – an astonishing demonstration of broad support for a declaration on this topic.³⁹ UN treaty bodies increasingly reference the Indigenous Peoples' declaration in their reporting, adding force to the declaration.⁴⁰ The Committee for the Elimination of Racial Discrimination, which oversees implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), was the first body to cite the Indigenous Peoples' declaration in its findings.⁴¹

Articles 18 and 19 of the Indigenous Peoples' declaration promote participation in all decisions. A central idea in both articles is that Indigenous Peoples, as collective groups, must be consulted and have access to the right to take part in decisions. Elections could be considered one form of decision-making to select representatives under Article 18. Indigenous forms of governance, recognized under Article 19, could include elected Indigenous governments. Additionally, Article 5 recognizes that Indigenous Peoples have the right to determine whether they will participate in the sovereign state. Taken together, these articles make clear that Indigenous Peoples have both collective and individual rights to influence policies, procedures, and other events that affect them.

Indigenous Peoples' declaration Article 21 calls on parties to ensure the rights of "Indigenous elders, women, youth, children and persons with disabilities."⁴² When read in conjunction with the rest of the declaration, Article 21 makes clear that Indigenous persons who identify with these other groups must be able to exercise their right to participate in political life. Article 21 adds that the "special needs" of these groups should be addressed, clarifying that government bodies, including EMBs, must take an intersectional approach to ensuring access for marginalized

³⁷ Findings, including text, from this section were originally published in *Elections and Inclusive Decision-making of Indigenous Peoples in Sovereign States* by R. and Atkinson, V. in *The Resolution Journal* from the Jersey Law Commission.

³⁸ General Assembly Resolution 61/295, United Nations Declaration on the Rights of Indigenous Peoples, [A/RES/61/295](https://undocs.org/A/RES/61/295) (2023). Undocs.org.

³⁸ Mackay, F. (2023, 19 April). Intervention [Multi-Panelist Speech]. Launch of the Treaty Body Compilation of Decisions and Recommendations of UN Bodies on the Rights of Indigenous Peoples & XANHARU, New York, New York. <https://iprights.org/index.php/en/all-events/treaty-body-Compilation-of-decisions-recommendations-of-un-bodies-on-the-rights-of-indigenous-peoples-volume-ix>

³⁹ General Assembly Resolution 61/295, Op. cit.

⁴⁰ Mackay, F., Op. cit.

⁴¹ Calí, F. (2023, 19 April) Intervention [Multi-Panelist Speech]. Launch of the Treaty Body Compilation of Decisions and Recommendations of UN Bodies on the Rights of Indigenous Peoples & XANHARU. New York, New York. <https://iprights.org/index.php/en/all-events/treaty-body-Compilation-of-decisions-recommendations-of-un-bodies-on-the-rights-of-indigenous-peoples-volume-ix>

⁴² United Nations Declaration on the Rights of Indigenous Peoples. (United Nations, 2008).

Indigenous persons. Since the adoption of the Indigenous Peoples' declaration in 2006, much of political life has moved online, exposing Indigenous voters to new barriers and magnifying hate speech and misinformation. Politicians have employed discriminatory rhetoric that is linked to increased violence against minority groups, including Indigenous Peoples.⁴³

International Labor Organization Convention No. 169

The International Labor Organization Indigenous and Tribal Peoples Convention No. 169 (ILO 169) is the only global treaty that ensures the rights of Indigenous Peoples. It has been ratified by 24 sovereign states. Unlike the UN declaration, ILO 169 obliges all signatories to implement the treaty and imposes repercussions for those that have not done so. Article 6 explicitly protects the political right of Indigenous Peoples to participate in decision-making in elective institutions. As does the Indigenous Peoples' declaration, ILO 169 Article 6(a) promotes the inclusion of Indigenous institutions in policy development. Indeed, the promotion of "peoples" as the unit that can participate freely is a critical distinction; ILO 169 ensures the collective rights of Indigenous Peoples as a group, not just as individuals. However, given the recent positive trend of UN treaty bodies to cite the Indigenous Peoples' declaration in their decisions, some Indigenous advocates are reducing their reliance on ILO 169.⁴⁴

Congress of Nations and States Political Commission Resolution

The Congress of Nations and States is an international organization that serves as a forum through which Indigenous nations and sovereign states can collaborate on issues of mutual interest. The congress convenes commissions on issues including economics, culture and society, environment, politics, justice, and security.⁴⁵ In 2022, the Political Commission adopted a resolution on the participation of Indigenous Peoples in elections. This resolution promotes the representation of Indigenous Peoples in sovereign state governing structures through voting.⁴⁶

Regional Frameworks

Support for the political rights of Indigenous Peoples remains low in most regional frameworks. Although several frameworks support broad political participation, Indigenous Peoples are rarely named explicitly as rights-holders. The table below summarizes relevant regional frameworks.

⁴³ Medeiros, L. (n.d.) [Hate Speech on Social Media: Global Comparisons](#). Conectas. and Laub, Z. (2019, June 7). [Hate Speech on Social Media: Global Comparisons](#). Council on Foreign Relations,

⁴⁴ Mackay, F., Op. cit.

⁴⁵ [Our charter – Congress of Nations and States](#). Congress of Nations and States (2023, February 5).

⁴⁶ [Commissions – Congress of Nations and States](#). (2023, February 4). Congress of Nations and States.

Region	Framework	Explicit Mention of Indigenous Peoples?	Description
Africa	African Charter on Human and Peoples' Rights	No	The right to participate in decision-making and to select representatives for all individuals regardless of ethnicity.
	African Union Charter on Democracy, Elections, and Governance	No	The right to non-discrimination, participation in elections, and "harnessing the democratic values of traditional institutions."
	Guidelines on Access to Information and Elections in Africa	No	The right to information about elections.
Americas	American Convention on Human Rights	No	The right to participate in elections.
	Inter-American Democratic Charter	Yes	"[T]hat "[t]he elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of Indigenous Peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation."
	Inter-American Convention Against Racism, Discrimination, and Related Forms of Intolerance	Yes	The collective and individual rights of Indigenous People.
	Consensus of Brasilia	Yes	"Amplify the participation of women in decision-making ... to secure equity, inclusion and racial and ethnic inclusion in all State powers."
Asia-Pacific	ASEAN Human Rights Declaration	No	The right to participate in government and elections.
Europe	European Convention on Human Rights	No	The right to participate in elections.
Middle East and North Africa	Arab Charter on Human Rights	No	The right to political participation; Elimination of racism.

Key Findings⁴⁷

This section presents key findings from the desk reviews, FGDs, and KIs regarding the barriers that Indigenous Peoples experience in elections and recommendations for addressing them. The research identified unique impacts on Indigenous women, Indigenous persons with disabilities (including Indigenous women with disabilities), young Indigenous persons (including young Indigenous women), and Indigenous elders. Regardless of the electoral activity, Indigenous Peoples face barriers to meaningful participation.

This section is divided into six parts: legal framework; voter registration; voter education; polling; representation, candidacy, and leadership; and intersectionality and indigeneity.

Legal Framework

Elections are guided by the laws and regulations that govern the selection of representatives and peaceful transitions of power. A country's constitution, electoral law, political party law, citizenship laws, laws about persons with marginalized identities (such as those pertaining to Indigenous Peoples, disability rights, and gender equality), and regulations and policies to implement those laws all inform the electoral legal framework.

Summary of Global Barriers

- Absence of quotas in legislatures and on party lists explicitly for Indigenous Peoples, including Indigenous women and Indigenous persons with disabilities, including ensuring the inclusion of Indigenous women in gender quotas and quotas for Indigenous Peoples
- Lack of recognition of Indigenous Peoples in legislation to protect the rights of women, persons with disabilities, young people, and other marginalized groups
- Historical deprivation of Indigenous Peoples' right to self-determination and collective rights
- Exclusion of traditional and customary Indigenous institutions from state decision-making

Guatemala

Legislation in Guatemala does not explicitly protect the right of Indigenous Peoples to participate in elections. Article 212 of the Law on Political Parties obliges parties to promote the participation of "distinct sectors" of citizens and encourages them to engage women as candidates. Women and men are to hold alternate positions on party lists. No such provision exists to promote the participation of Indigenous candidates. The Supreme Electoral Tribunal organizes and implements elections in Guatemala. Other entities responsible for ensuring the rights of Indigenous Peoples in Guatemala include the Ministry of Public Health, Public Ministry of Social Welfare, and Ministry of Culture and Sport, as well as relevant judicial branches that address protocols pertaining to Indigenous women's access to justice.

"Constitutional equality exists, but when we want to materialize it, it doesn't exist."

Indigenous woman from Guatemala

⁴⁷ Unless otherwise noted, all findings in this section are from original research conducted in Guatemala, Kenya, and Nepal.

Kenya

Kenya's Constitution includes several articles that promote, obligate, or guarantee the rights of Indigenous Peoples. Article 10(2) of the 2010 Constitution protects the rights of Indigenous Peoples, and Article 174 calls on the state to ensure community participation in development. Article 100 promotes the representation of marginalized groups. Article 54 supports affirmative action to promote these rights. Provisions in the Elections Act specify reserved seats for minority groups. This quota does not explicitly include Indigenous Peoples, although it is intended to capture their representation.

While these *de jure* protections recognize the right of all Kenyans to participate in elections, whether they are implemented in practice remains a point of concern. Bodies such as the Independent Elections and Boundaries Commission, Kenyan National Human Rights Commission, Office of the Attorney General, and Office of the Registrar of Political Parties are responsible for ensuring the realization of political rights. Beginning in 2024, the Independent Elections and Boundaries Commission will be required to consult with communities when determining boundary delimitation.⁴⁸

Nepal⁴⁹

In Nepal, historically discriminatory frameworks have caused the loss of Indigenous Peoples' lands and systems of autonomous governance, which were replaced by central governance systems. The Muluki Ain Act of 1884 essentially established both caste hierarchy and the political supremacy of other Hindu castes over Indigenous Peoples. Indigenous Peoples did not receive official recognition until 1990; the National Foundation of the Indigenous Nationalities Act that recognizes Indigenous Peoples was established in 2002.

The 2015 Constitution of Nepal recognizes the Madhesi and Tharu Indigenous Peoples and promotes their protection to achieve social justice. The Constitution also provides for their proportional inclusion in state bodies under articles 42, 84, and 176 (28.7 percent of seats).⁵⁰ No such measures protect participation in the first-past-the-post system. Article 51(j)(8) calls for policies that promote the participation of Indigenous Peoples in decisions concerning their communities, including through special provisions. This article protects the right to live with dignity and to protect and promote traditional knowledge, skills, cultures, and social traditions. However, the Constitution does not recognize collective rights, including the right to customary practices. Article 18 on the Right to Equality recognizes fundamental rights of Indigenous Peoples. Nepal has an employment quota for Indigenous persons but not for Indigenous women (or, specifically, for Indigenous women with disabilities). The Election Code of Conduct prohibits hate speech and disinformation that affects Indigenous Peoples.⁵¹

Multiple Nepali government agencies support the rights of Indigenous Peoples. The National Human Rights Commission has a unit on rights of Indigenous Peoples. The Indigenous Nationalities Commission monitors the realization of the rights of Indigenous Peoples as outlined in the Constitution. Although the commission claimed that it monitored the 2022 provincial elections for inclusion of Indigenous Peoples, it did not make a report available. A new commission policy, not yet approved by government officials, is expected to strengthen traditional customary institutions. The commission has also called for a policy on Indigenous Peoples and the provision of inclusive facilities. However, the policy does not explicitly mention Indigenous persons with disabilities, who would be the

⁴⁸ Nyonje, J. (n.d.). Engaging Indigenous Peoples in Elections: The Kenyan Experience [Workshop presentation]. Engaging Indigenous Peoples in Elections, Stockholm, Sweden.

⁴⁹ Nepal uses a mixed electoral system: 60 percent of seats in the House of Representative and Provincial Assemblies are filled by the first-past-the-post system, and the remaining 40 percent are filled through a proportional representation closed list system. For more information on elections in Nepal, see [Election FAQs: Nepal 2022 House of Representatives and Provincial Assembly Elections](#) (2022, November 20)

⁵⁰ Government of Nepal. The Constitution of Nepal. (2015, 20 September).

⁵¹ Thapaliya, D. (n.d.). Untitled [Workshop presentation]. Engaging Indigenous Peoples in Elections, Stockholm, Sweden.

primary users of accessible facilities. Recognizing Indigenous persons with disabilities is important to ensure that the policy recognizes their rights under the UN Convention on the Rights of Persons with Disabilities (CRPD).

Despite Nepal's positive legal environment, Indigenous persons may not be aware of provisions that protect their rights, and an enabling environment is lacking. For example, an Indigenous leader with a disability who represents one of the country's largest political parties explained in an interview with NIDWAN that he knew about disability rights but not about Indigenous Peoples' political and customary rights and policies.⁵²

“The political issues that Indigenous Peoples and persons with disabilities care about are policy and systems gaps, lack of commitment of international mandates and its implementation at all levels...”

Pratima Gurung,
NIDWAN

Global examples

Legislative change can be challenging. Indigenous Peoples and their experiences are diverse, and it can be difficult to build consensus.⁵³ Yasso Kanti Bhattachan, an advocate from Nepal, noted that dialogue and consultation with government is critical to policy change, even where ministries act as colonizers and divide or surveil Indigenous Peoples.⁵⁴

Positive examples also exist, however. A new draft constitution in Greenland written by Indigenous Peoples as part of the Inuit Circumpolar Council, includes the right to referenda on topics such as sovereignty and independence.⁵⁵ Indigenous Peoples in British Columbia, Canada, co-developed legislation to implement the Indigenous Peoples' declaration in the province.⁵⁶ The government of Canada adopted a state-wide act to recognize and implement the declaration in 2021, recognizing that the act does not supersede Canadian law but can be used in its interpretation,⁵⁷ including of laws on elections and political participation. The Indigenous Voice to Parliament referendum in Australia, which was rejected in October 2023, was an attempt to create a body to represent Indigenous Peoples to provide non-binding recommendations to Parliament.⁵⁸ The Indonesian government upheld the use of the noken customary voting practice in 2009 (described in the Polling section, below).⁵⁹

Analysis

Many countries' legal frameworks include provisions to protect the rights of Indigenous Peoples. These *de jure* rights are a critical first step to ensure Indigenous Peoples can access their rights under the Indigenous Peoples' declaration. However, examples of explicit protection of political rights of Indigenous Peoples are limited.

⁵² Email correspondence with Pratima Gurung.

⁵³ Wood, J. (2023, 18 April). Speech [Intervention]. Indigenous Peoples and Legislation. New York, New York. https://social.desa.un.org/sites/default/files/External%20side%20events_UNPFII22_26Apr2023.pdf

⁵⁴ Bhattachan, Y. (2023, 20 April). Speech [Intervention]. Reflections on Climate Justice from Indigenous Feminist Peacebuilders. New York, New York. https://social.desa.un.org/sites/default/files/External%20side%20events_UNPFII22_26Apr2023.pdf

⁵⁵ Olaveg, S., Op. cit.

⁵⁶ Caron, C. (2023, 18 April). Speech [Intervention]. Indigenous Peoples and Legislation. New York, New York. https://social.desa.un.org/sites/default/files/External%20side%20events_UNPFII22_26Apr2023.pdf

⁵⁷ Government of Canada, Department of Justice. (2021, November 18). *About the Act*. www.justice.gc.ca.

⁵⁸ Menon, P. (2023, October 12). *Explainer: What is Australia's Indigenous Voice to Parliament referendum?* *Reuters*.://www.reuters.com/world/what-is-australias-indigenous-voice-parliament-referendum-2023-10-1

⁵⁹ Perkumpulan untuk Pemilu dan Demokrasi. (2017). *Tambal Sulam Sistem Noken*.

Recommendations

- **Align the country’s electoral legal framework to the Indigenous Peoples’ declaration and other international treaties, such as the ICCPR, International Covenant on Economic, Social, and Cultural Rights; CRPD; UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and UN Convention for the Elimination of Racial Discrimination (CERD), and the Concluding Observations provided to member states on CEDAW and CRPD.** All UN Member States that have ratified international treaties are required to harmonize them to their national legal frameworks. Ensuring that Indigenous Peoples have access to their electoral rights demonstrates the sovereign state’s commitment to realizing all human rights.
- **Report on electoral rights under the Indigenous Peoples’ declaration as part of CERD and universal periodic review reporting and the Concluding Observations provided by CEDAW, UN Convention on the Rights of the Child, and CRPD committees.** UN Member States are required to report periodically on progress toward all ratified treaties and human rights. Integrating Indigenous Peoples’ right to participate in elections into this reporting has multiple benefits: 1) documenting ongoing barriers to political rights and a body of good practice, 2) providing a more comprehensive picture of how a historically marginalized group accesses its political human rights, 3) solidifying the rights outlined in the Indigenous Peoples’ declaration, and 4) promoting the visibility of Indigenous Peoples at the international level.
- **Consider establishing an outreach office to ensure the engagement of Indigenous Peoples in elections.** Commitments to international treaties include raising awareness of the rights outlined in each treaty. Increased awareness can support rights-holders to access these rights and working directly with Indigenous communities can provide duty-bearers the necessary information to realize obligations. Indigenous Peoples can also serve as cultural facilitators, representing the values of different Peoples.

Voter Registration

Before taking part in an election, each voter provides information to the EMB, such as a current address. This enables the EMB to assign voters to polling stations and to update the electoral roll.

Global Barriers

- Lack of identification
- The need to travel long distances or through difficult terrain to register
- Inability to update and/or verify registration
- Lack of awareness of the voter registration process
- Men’s traditional role as gatekeepers for identification
- Among some Indigenous EMBs, a failure to maintain voter rolls

Indigenous Peoples experience barriers in registering, changing their registration, and obtaining accurate information about where they are registered. Many Indigenous voters do not have access to required forms of identification. For example, First Nations voters in Saskatchewan, Canada, are likely to have treaty cards – identification related to their band membership – that are not valid for voter identification.⁶⁰ In northern Sweden, Sámi people may not know that they are eligible to participate in Sámi elections, especially those who live outside their traditional

⁶⁰ Interview with Elections Saskatchewan staff, June 2023.

territory, Sápmi. They may also be concerned that their names are included on a register and therefore reveal their ethnicity.⁶¹ Ogiek respondents in Kenya and respondents in Nepal noted inadequate mobilization for or information provided on voter registration, so many simply do not participate.

Verifying registration and going to the correct polling location are necessary for voting, yet many Indigenous Peoples are disenfranchised at this step in the electoral process. In Kenya, many respondents considered registration processes tedious and unclear; as a result, many potential voters went to the wrong polling stations. One FGD participant stated that almost 80 Sengwer voters were assigned a polling station about 10 kilometers farther from the station closest to their lands. In Nepal, an Indigenous non-voter with a disability pointed out that his registration did not change when he moved to a different part of the country (voters must inform ECN of address changes), and he was too far from his hometown to cast a ballot. Similar issues are prevalent outside the target research countries: Indigenous voters in Saskatchewan experience barriers updating their voter registration, which can be an issue if they lack a permanent address or have moved to a new location.⁶²

Indigenous women and Indigenous persons with disabilities experience additional barriers to registering, including accessing identity documents. A FGD participant in Nepal noted that she wanted to vote, but she was separated from her husband. Electoral authorities insisted that she provide a marriage or divorce certificate (not required under the law), to which she did not have access. Without political affiliations or direct access to government officials, she was unable to obtain a voter identification card.

Voter registration can be a highly contentious process. For example, Indigenous election organizers do not control voter rolls. Sámi voters in Finland repeatedly express concern that the sovereign state determines who can vote in Sámi Parliament elections.⁶³ According to Perita Nakaharvo, a member of Smi Parliament, over 150 non-Smi persons are listed on the electoral roll, including one who was elected to Parliament.⁶⁴

The Australian Electoral Commission (AEC) expanded Indigenous voter enrollment⁶⁵ from 74.7 percent in 2017 to 94.1 percent in June 2023. The AEC partnered with other government agencies to provide services to people living in remote locations. These included registering voters and issuing birth certificates and driving licenses. The AEC and other government agencies travelled together to remote Indigenous communities across the Northern Territory. Collaborating with other government agencies helped streamline access to services and better service delivery to remote Indigenous communities and increased enrollment in these areas.⁶⁶

“I am a Nepali citizen and I have my voting rights, why was I not given a voter ID card as an individual who holds citizenship of Nepal?”

Indigenous woman
from Karnali Province,
Nepal

Good Practices in Australia

- Expanded list of types of identification accepted for voter registration
- Establishment of a remote voter registration program
- Work with Indigenous partners to support voter registration
- A Federal direct enrollment and update service

⁶¹ Persson, S., & Nordström, M. (n.d.). Electoral Participation of the Sami People [Workshop presentation]. Engaging Indigenous Peoples in Elections, Stockholm, Sweden.

⁶² Interviews with Indigenous Peoples in Saskatchewan, Canada, June 2023.

⁶³ Sámi Org from Finland, (n.d.). Special Rapporteur Session on Human Rights of Indigenous Peoples [Speech]. UNFPII. New York, New York. The Sámi Parliament is a body constituted of representatives from Finland, Norway, and Sweden.

⁶⁴ Nakaharvo, P. (19, April 2023). Intervention [Multi-Panelist Speech]. Launch of the Treaty Body Compilation of Decisions and Recommendations of UN Bodies on the Rights of Indigenous Peoples & XANHARU, New York, New York. <https://iprights.org/index.php/en/all-events/treaty-body-Compilation-of-decisions-recommendations-of-un-bodies-on-the-rights-of-indigenous-peoples-volume-ix>

⁶⁵ Although Australia has a compulsory voting system, a gap still existed between Indigenous enrollment and the enrollment of other Australians.

⁶⁶ Email communication from Rachel Allen, Australian Electoral Commission.

Analysis

Indigenous Peoples, especially Indigenous women, may lack access to voter identification. EMBs can support access by working with Indigenous Peoples to identify the kinds of identification to which they do have access (and that meet the legal requirements outlined in the electoral legal framework). They can share information on how to obtain necessary documents as part of voter education campaigns.

Recommendations

- **Ensure Indigenous voters have access to required documentation or identification for registration.**
- **Share information on how to register as part of voter education campaigns.** The voter registration process can be confusing for people who have not registered before, and it can intimidate Indigenous voters who distrust the sovereign state. Providing information to Indigenous voters about how their data will be collected and stored can mitigate concerns.
- **Collaborate with agencies that work with Indigenous Peoples and traditional leadership structures to reach unregistered voters.** Historic oppression by sovereign states may reduce Indigenous Peoples' trust in government authorities. Working with traditional leaders can provide opportunities to build or restore trust. These relationships can also promote the value of participating in the electoral process as a way to have a voice in decisions that impact communities.

Voter Education

Voters need information about how and why to participate in electoral processes. Voter education also supports voters to make informed choices.

Global Barriers

- Lack of information about elections in Indigenous languages, including Indigenous sign languages
- Limited or nonexistent civic and voter education programs run by EMBs, Indigenous Peoples' organizations (IPOs), and CSOs that promote Indigenous Peoples' rights
- Lack of EMB expertise on strategies to reach all Indigenous Peoples
- Little or no funding of IPOs and Indigenous communities for large-scale and tailored voter participation campaigns

Indigenous Peoples often lack access to critical information about voting rights and the electoral process. For instance, they may not be aware of their right to participate in elections organized by a sovereign state. FGD discussants in Kenya said that the community did not understand their voting rights, including the right to a secret ballot. In Nepal, knowledge of voting rights varied by province. Band leaders interviewed in Saskatchewan, Canada, noted that, while participation could be quite high for band elections (for leaders of a specific band), few members voted in provincial elections. Among some elders in Saskatchewan, concerns about diluting Indigenous sovereignty and losing Indigenous status by engaging with subnational governments complicates participation in provincial voting: “[T]he stigma is out there still.”⁶⁷

⁶⁷ Interview with Chief Larry Ahenakew, Aktahkakoop, Saskatchewan, Canada. June 2023.

Indigenous Peoples are less likely to use their country's primary language. Elders in particular are less likely to speak the majority language of the sovereign state. Additionally, because fewer reputable resources are available in Indigenous languages, Indigenous Peoples are at higher risk of encountering misinformation about the electoral process. In Nepal, two Indigenous television channels produce programs in 17 languages. The *Jana Sawal* program has covered issues such as the political participation of Indigenous Peoples. It is not known how widely Indigenous Peoples in Nepal view these programs. Madhesi participants in Nepal commented that electoral materials were not available in the Magar language. Often, political parties in Nepal produce limited electoral information in Indigenous languages. As a result, Indigenous voters in Madhesi province feel parties used them as “vote banks”; their issues are raised during the election to attract votes but are not addressed once a candidate is elected. The Election Commission of Nepal provided some information in at least 17 Indigenous languages, as well as sign language interpretation, in the recent provincial elections. While this is a good first step, it is insufficient to reach the 60 Indigenous Peoples recognized by the state.

Information on elections can be withheld from marginalized persons to promote a particular result in an election. In Kenya, voter education often reaches only persons in positions of power – often men – in Indigenous communities. In Rupandehi, Nepal, representatives of political parties told Indigenous voters that they could only vote for a representative's party. In fact, Indigenous voters did not know whether they were voting in a local or provincial election. At the same time, EMBs can play an important role in promoting access; the Election Commission of Nepal provides voter education in 17 languages, and the Supreme Electoral Tribunal in Guatemala provides information in 22 Mayan languages.⁶⁸ In Australia, the AEC translates information into 25 of 145 Indigenous languages, many of which do not have written forms.⁶⁹

Working with Indigenous Peoples can increase access to voter education. In Australia, the AEC partnered with the Ngaanyatjarra Pitjantatjara Yankunytjatjara Women's Council, an IPO. The council engaged local staff with appropriate language skills to assist people to register to vote, travel to difficult-to-reach remote communities, and engage with local elders, reducing language barriers. AEC also delivered 250 voter education sessions to Indigenous Peoples on the Indigenous Voice to Parliament referendum in 2023.⁷⁰ In Sápmi, northern Sweden, the Sámi Parliament collaborates with youth councils to increase young Indigenous persons' access to information about Sámi elections.⁷¹

Analysis

The unavailability information in Indigenous languages creates the potential for coercion and fraud. Without reliable sources of information, Indigenous voters, particularly Indigenous women, may be disenfranchised or manipulated by persons in positions of power. Voter education is the antidote to these undemocratic outcomes. Indigenous language centers, such as the Academy of Mayan Languages in Guatemala, can help ensure that all voters receive accurate information about elections. Often, the value proposition – the reason Indigenous persons should vote in elections – is not widely discussed within Indigenous communities. Addressing stigma around voting in sovereign state elections could open opportunities for Indigenous Peoples to use elections as a way to raise their voices regarding the impact of elections on Indigenous communities.

⁶⁸ Lopez Perez, G.A. (n.d.). Buenas Prácticas Sobre Cómo Enrolar A Los Pueblos Indígenas En Los Procesos Electorales [Workshop presentation]. Engaging Indigenous Peoples in Elections, Stockholm, Sweden.

⁶⁹ Allen, R. (n.d.). Indigenous Electoral Participation Program [Workshop presentation]. Engaging Indigenous Peoples in Elections, Stockholm, Sweden.

⁷⁰ Email communication from Rachel Allen, Australian Electoral Commission.

⁷¹ Persson, S., & Nordström, M. Op. Cit.

Recommendations

- **Make voter education information available in Indigenous languages, including sign languages, and use accessible and pictorial formats.** Accessing information in one's own language can reduce confusion about electoral processes. Accessible and pictorial formats can reduce the information barriers experienced by Indigenous voters with disabilities or low literacy.
- **Promote awareness of the provisions of international standards and the collective and individual rights of Indigenous Peoples.** When voters know their rights, they can feel empowered to exercise them. Connecting the electoral process to all rights of Indigenous Peoples can provide voters the opportunity to use elections as a way to advocate for those rights.
- **Hire Indigenous persons, especially young Indigenous persons, as civic and voter educators.** Seeing oneself represented is important, and hiring young Indigenous persons as voter educators can encourage other Indigenous youth to take part in elections.
- **Use radio and community campaigns to reach Indigenous Peoples in remote areas on topics such as democratic rights.** In rural and remote areas, radio is often the channel for disseminating news over long distances and difficult terrain. Radio can reach geographically isolated voters who might not otherwise have access to reliable electoral information. However, it is important to complement radio with other formats, such as print and in-person voter education, to avoid excluding Deaf Indigenous communities from information sharing.
- **Encourage governments to utilize resources from the UN's Decade of Indigenous Languages to advance the protection of Indigenous languages in elections.**

Polling

Elections are often the most widespread peacetime event in a sovereign state. The opportunity to mark and cast a ballot on Election Day is foundational to the process of selecting a country's leaders.

Global Barriers

- Polling stations remote from Indigenous Peoples' lands
- Difficult terrain around or on the way to polling stations
- Polling stations often inaccessible to Indigenous persons with disabilities and lack assistive devices for voting, reducing access to secret balloting
- Assistants may not reliably mark ballots for Indigenous persons with disabilities or low literacy
- Men may pressure Indigenous women to vote for a particular party or candidate
- Elders may encourage communities to vote in certain ways

"There was a confusion or mix of the polling station name and a Centre within Embobut Ward. There is a centre called Marichor hosting Kapkirwok polling station and a different centre called Marichor polling station [where] some Sengwer voters were registered instead of ... in Kapkirwok polling station."

Sengwer voter in Kenya,
FGD participantI

Polling stations in Indigenous areas are often difficult to access. In Kenya, the Sengwer and Ogiek peoples travel to vote across mountainous areas and roads that are impassable during rain, respectively. A television station in Nepal produced a story about rural polling stations and their inaccessibility to Indigenous voters with disabilities. Such infrastructural barriers have significant effects on the voting patterns of Indigenous persons with disabilities and Indigenous women.

Many Indigenous voters face difficulty getting to polling stations. A political party in Nepal promised transportation to an Indigenous woman with a disability; when it did not arrive she rode a bicycle to the polling station. In Saskatchewan, where half of the members of Ahtahkakoop First Nation do not have vehicles,⁷² a voting option for provincial elections allowed voters throughout the province to vote at any advance polling station for a five-day period. Although this increased opportunities for voters who live far from their assigned polling stations to cast ballots, few Indigenous voters in the province were aware of the advance voting option.⁷³ In Australia, the AEC organizes mobile polling teams that travel to remote areas by planes and helicopters, boats, and four-wheel drive vehicles to deliver voting services.⁷⁴ ECN is allowed to provide transportation to voters with disabilities.

In the five provinces now comprising Indonesia's Papua region, noken voting is practiced primarily in the central highland areas. In use since Indonesian elections in 1971, there is not a uniform process of noken voting but rather the term encompasses a variety of observed practices where Indigenous communities forego the right to secrecy of their individual ballots and either decide openly on whom to elect or cede this decision to traditional community leaders. In these forms of collective voting, where community leaders or elders may cast votes on behalf of their community members, there is purportedly the use of customary practices of intra-community consensus building. However, the concentration of voting power in the hands of a few individuals can also make the system a high-yield target for vote buying, opening possibilities for abuse.⁷⁵ A traditional bag woven from plant fibers (generally woven by Papuan women), the noken is used as a literal vessel for collecting and carrying the community's marked or unmarked ballots, but it also carries symbolic value for a voting practice that maintains the community's customary forms of governance and decision making. Upheld by Indonesia's Constitutional Court as a legitimate method of voting in Papua, noken bags must be provided by the community if the noken system is to be used; the Indonesian Election Commission will only provide the approved, standard ballot boxes to polling stations.⁷⁶

Poll workers can affect the experience of Indigenous voters. In Guatemala, the coordinator of each of the polling centers for 20,000 rural communities must speak the local (Indigenous) language.⁷⁷

Indigenous voters may experience intimidation at polling stations. In Guatemala, for example, Indigenous persons may be threatened and surveilled in polling stations. In Kenya, to avoid profiling and threats of eviction from their homes, women are often pressured to vote for the proposed candidate of mainstream elites. In Nepal, political parties sometimes provide transportation to polls with the understanding that voters will choose their candidates in return. An Indigenous woman in Karnali Province noted that she did not want to vote because she did not understand the process, but political party members coerced her to do so. In the Tharu community, Indigenous persons fear exploitation of their lands and people, which persists despite legal protections.

In Kenya, forced evictions have caused Indigenous communities to move with little notice. Polling stations in Sengwer communities were moved without their free, prior, and informed consent (FPIC) in 2014. As a result, potential voters who went to their previously assigned polling stations were not able to cast ballots. The new polling stations, used in 2017 and 2022, were in remote areas, further limiting access.

In northern Sweden, voter turnout for Sámi Parliament elections is lower than for the country's general elections. Sámi voters may be uninterested in the issues that the Sámi Parliament addresses or may not want to travel or take the time to vote.⁷⁸

⁷² Interview with Chief Larry Ahenakew, Ahtahkakoop, Saskatchewan, Canada. June 2023.

⁷³ Interview with Sturgeon Lake leadership, Saskatchewan, Canada. June 2023.

⁷⁴ Email communication from Rachel Allen, Australian Electoral Commission.

⁷⁵ Renaldi, A. (2019, April 5). Tribal Leaders, Not Individuals, Will Shape the Election in Papua. Vice. <https://www.vice.com/en/article/d3ngjw/tribal-leaders-not-individuals-will-shape-the-election-in-papua>

⁷⁶ Perkumpulan untuk Pemilu dan Demokrasi. (2017). Tambal Sulam Sistem Noken.

⁷⁷ Lopez Perez, G.A. Op. Cit.

⁷⁸ Persson, S., & Nordström, M., Op. cit.

Assistive devices are often unavailable for voting in Indigenous areas, reducing access to a secret ballot for Indigenous voters with disabilities. Among FGD participants with disabilities in Kenya, 80 percent said that they had not received assistance to vote in previous elections because they were unaware of the process and because assistive devices for independent voting, such as tactile ballot guides, were unavailable. This limited voters' autonomy and privacy. When other voters commented on the length of time an Indigenous woman with a physical disability in Nepal needed to cast her ballot, she felt uncomfortable. Some poll workers in Indigenous areas may not be trained to provide support to voters with disabilities; an Indigenous woman in Nepal said that she was not permitted to vote because of her physical disability. However, experiences among Indigenous voters with disabilities varies. An Indigenous Deaf woman said she appreciated being able to skip the line because of her disability. The Swedish Election Authority made braille ballots available but stopped using them after voters criticized this effort. The authority has stated that it is focusing on connecting with organizations of people with disabilities (OPDs) to address such concerns in the future.⁷⁹

While interest in online voting has trended up globally, including among First Nations in Saskatchewan, no FGD participants in Guatemala, Kenya, or Nepal suggested online voting as an option to increase engagement among Indigenous Peoples. Indigenous persons in these countries are less likely than other social groups in the sovereign state to have internet access. While FGD participants in Guatemala, Kenya, or Nepal did not mention postal voting, members of First Nations in Saskatchewan identified a number of ongoing challenges, including the lack of postal addresses on some First Nations lands.⁸⁰

Analysis

Getting to a polling station and casting a ballot remain challenges for many Indigenous voters. As climate change impacts continue to alter Earth's landscape, terrain that is currently difficult may become treacherous. Therefore, it is of the utmost importance to identify and implement alternative options, not only to ensure that Indigenous Peoples realize their right to participate but to help guard against threats to the participation of the population at large. Alternative measures, such as extended voting periods and postal voting, can be discussed with Indigenous leaders to help identify the methods that best engage each group. Election organizers should ensure that Indigenous women and Indigenous persons with disabilities are part of those conversations to avoid further marginalizing them from electoral processes.

Recommendations

- **Create FPIC mechanisms and guides for incorporating strong consultative processes to ensure adequate consultation with Indigenous communities before relocating polling stations.** Indigenous voters, like all voters, are more likely to participate in elections if they can access polling stations easily. Consultation with Indigenous leaders and communities not only ensures that voters are not unintentionally disenfranchised; it can help to build trust.
- **Build poll workers' capacity to promote a safe and enabling environment for Indigenous voters, including Indigenous women.** Poll workers can have substantial impacts on voters' experiences during elections. Ensuring poll workers are trained to provide support can increase Indigenous voters' confidence in the electoral process.
- **Recruit Indigenous poll workers.**

⁷⁹ Ibid.

⁸⁰ Interviews with First Nations leaders, Saskatchewan, Canada. June 2023.

- **Ensure the provision of reasonable accommodations for voting, including in remote areas.** Indigenous voters with disabilities may require accommodations to vote independently and in secret.
- **Inform Indigenous leadership about the right to the secrecy of the ballot.** Messages from Indigenous leaders on the secrecy of the ballot could help reduce gatekeeping by Indigenous men, thereby promoting the participation of Indigenous women in elections.

Representation, Candidacy, and Leadership

Participating in an election not only as a voter but as a candidate, election official, or election observer can be a powerful way to demonstrate leadership.

Global Barriers

- Discrimination against Indigenous candidates
- Internalized racism and lack of inclusion of marginalized Indigenous persons
- Failure of parties to prioritize Indigenous Peoples' issues

Globally, the representation of Indigenous Peoples remains low. In Kenya, voting often occurs along ethnic lines.⁸¹ This further marginalizes the Endorois, Ogiek, and Sengwer peoples from decision-making. In Kenya, the representation of Indigenous Peoples has been realized primarily at the provincial level, including one man as permanent secretary, one man as an elected member of the county assembly, one Indigenous man with a disability nominated as a member of the National Assembly, and one Indigenous woman nominated as the county sub-country administrator. No Ogiek persons have been nominated for or elected to national or county government positions. Representation in Nepal during the 2017 local elections was close to, but did not reach, parity with the population. Indigenous candidates won 29.3 percent of seats under the first-past-the-post system.⁸² It should be noted that having a representative who is Indigenous does not eliminate marginalization from decision-making; in Nicaragua, the Miskito people cited a lack of political will to protect Indigenous Peoples' rights despite the presence of a representative in the national assembly.⁸³ A survey of members of the Congress of Nations and States in 2021 found that

“The answers provided in the survey indicate that many Peoples and Nations may or may not select the leaders in their communities and majority of issues in the community are decided by elders. Some participants indicated that their own leaders do not get to decide any issue and it is decided for them by a larger entity.”⁸⁴

⁸¹ “In Kenya, ethnic identity has been used to grant privileges – sometimes it is the only qualification considered for a job, a vote in the election, or even in accessing favours from someone in a position of authority.” BBC News. (2022, July 20). [Kenya elections 2022: Why the ethnic factor may be losing its power.](#)

⁸² Paswan, B. [Adibasi Janajatis' local election representation close to share of population, but with variations within.](#) (2017, December 4). *The Record*.

⁸³ Miskito Peoples Organization from Nicaragua, (n.d.). Special Rapporteur Session on Human Rights of Indigenous Peoples [Speech]. United Nations Permanent Forum on Indigenous Issues, New York, New York. It should be noted that the political participation of Indigenous Peoples in Nicaragua is highly politicized, and political intervention on Indigenous leadership is high.

⁸⁴ [Commissions – Congress of Nations and States.](#) (2023, February 4). Congress of Nations and States.

Indigenous persons with disabilities and Indigenous women are represented even less than non-Indigenous persons with disabilities and non-Indigenous women. Only three of the 160 representatives in Guatemala's Congress are Indigenous women, and only one of the country's 340 municipalities has as a mayor a woman who identifies as Maya Kaqchikel. In Kenya, women are expected to choose between their families and running for political office. Women who seek office still must manage household responsibilities and often face discrimination for their choice. In Nepal in 2022, of 27 Indigenous candidates for the national House of Representatives, only nine women were elected. A study by the National Indigenous Women's Federation, National Indigenous Women Forum, and Center for Indigenous Peoples' Research and Development found that, of the 187 members of the decision-making bodies of the ministries selected for the research, only 18 were Indigenous persons, including eight Indigenous women – a total of under 10 percent of Indigenous persons and about 4 percent of Indigenous women. No Indigenous women with disabilities held these posts. A FGD participant reported that two Indigenous aspirants with disabilities were discouraged from running in the Madhesi province election because of their disabilities. When an Indigenous woman with a disability told her family she wanted to run for office, they asked her, "What would society say?". In Saskatchewan, band leaders shared that Indigenous persons are not interested in elections because candidates do not visit them.⁸⁵ Even outside of national elections, Indigenous persons with disabilities may not be represented, including by Indigenous councils.⁸⁶

Young Indigenous persons encounter additional barriers to leadership. In Kenya, communities consider life experience (such as that of an elder) more valuable than taking part in political life, including running as a member of the County Assembly. As a result, Indigenous youth receive little support if they opt to engage in politics. Endorois FGD participants explained that community elders dictate which families can hold leadership positions, limiting Endorois women's political involvement. These barriers also impact young First Nations leaders in Saskatchewan, where young people often do not know about elections. Even so, encouraging young Indigenous persons to run for office can encourage broader participation. In Wahpeton, an 18-year-old ran for a seat on the tribal council and won 90 percent of the vote because many young people who did not usually participate cast votes in the election.⁸⁷

Running for office is not the only way to help lead a community. Serving as a poll worker can bring visibility to people who identify with marginalized groups. However, FGD participants in Guatemala, Kenya, and Nepal did not provide information about serving as poll workers or election staff; it is unlikely that any FGD participants had ever participated in these leadership roles. Guatemala's Supreme Electoral Tribunal organized capacity strengthening programs for Indigenous women.⁸⁸ In Saskatchewan, Indigenous persons rarely apply to serve as poll workers for provincial elections. One First Nations leader suggested that support and mentorship might encourage Indigenous voters to seek such positions. In Australia, the AEC employs Aboriginal and Torres Strait Islander people as Indigenous engagement officers and community electoral participation officers in remote locations to support ongoing voter registration and electoral awareness; the AEC also engages dedicated Indigenous polling assistants. The AEC aims for at least 3 percent of the temporary election workforce to be Indigenous.⁸⁹

In Nepal, Indigenous customary practices can enhance participation, although they do not include all community members. The selection of a *Bhalmansa* (a community leader who supports justice) through *Baad Ghar* in the Chaudhary community is highly participatory and sustainable for men but excludes Indigenous persons with disabilities.

⁸⁵ Interviews conducted with Indigenous Peoples in Saskatchewan, Canada. June 2023.

⁸⁶ Soderberg, C. (n.d.). [Intervention]. Engaging Indigenous Peoples in Elections, Stockholm, Sweden.

⁸⁷ Interview with Chief Wanatanka, Saskatchewan, Canada. June 2023.

⁸⁸ Lopez Perez, G.A. Op. Cit.

⁸⁹ Email communication with Rachel Allen, Australian Electoral Commission.

Analysis

The right to run for office is essential to a flourishing democratic system. Indigenous persons, including those who identify with additional marginalized groups, must have equal opportunities to serve as leaders. Discrimination against Indigenous persons, especially Indigenous women and Indigenous persons with disabilities, as candidates is perpetuated by political party leaders, elites, and other electoral stakeholders – and even CSOs, as most of the mainstream OPDs and women’s organizations interviewed for this research were not inclusive of Indigenous Peoples. Additional research could clarify how boundary delimitation impacts Indigenous Peoples, including how the creation of majority Indigenous districts might have the potential incentivize the selection of Indigenous candidates by political parties and the impacts on participation when redrawn districts divide Indigenous communities.

Recommendations

- **Develop and enforce codes of conduct for candidates and elected officials that protect against racist and misogynist language.** Words matter. Indigenous Peoples have the right to take part in electoral processes without being retraumatized by unacceptable behavior. Voters are less likely to participate if they are the targets of discriminatory and derogatory language. A code of conduct demonstrates support for the rights of all voters to a safe, inclusive process.
- **Include Indigenous candidates on party lists and Indigenous issues in party platforms.** When voters see that their peers and issues are represented, they are more likely to take part in elections. Indigenous persons strongly indicated in FGDs that political parties can address their issues meaningfully.
- **Promote inclusion through voluntary party quotas and voter education that represents diverse candidates, workers, and voters.**
- **Prioritize the hiring of Indigenous poll workers, particularly for polling stations on Indigenous lands.**

Intersectionality and Indigeneity

Indigenous persons who identify with additional marginalized groups experience unique intersectional barriers to their meaningful participation in elections. Without their effective engagement, an election cannot be considered free, fair, or credible.

Global Barriers

- Patriarchal norms in some Indigenous communities do not engage or support women, especially women with disabilities
- Lack of leadership programs for Indigenous Peoples, in particular for Indigenous women with disabilities
- Scant representation of Indigenous Peoples, including Indigenous persons with disabilities, Indigenous women, and young Indigenous persons, in local and national legislative offices

Indigenous women often have family duties that limit their availability to participate in political life. Male family members also act to bar their political participation. The participation of Indigenous women is also more likely to be limited by economic challenges. At the same time, however, as the guardians of history and culture, Indigenous women often have important roles in influencing and passing down community engagement habits such as voting.

Patriarchal practices continue to affect the political participation of Indigenous women. In all contexts, Indigenous women are more likely to experience both violence and economic barriers to participation. In Guatemala and Kenya, men tell women how to vote, and they perpetuate a culture of violence. Women in all three countries, especially women with disabilities, are perceived as dependent upon men, unable to make their own decisions and thus considered “unfit” for political office. Husbands may direct their wives to vote for specific candidates. Endorois, Ogiek, and Sengwer women in Kenya also are subjected to cultural practices such as female genital mutilation that can limit their engagement in public life. In Nepal, Indigenous women, especially those with disabilities, are discouraged from engaging in political participation and running for office because of the cost of running a campaign. In the Tharu community, Indigenous women with disabilities are barred from any community gatherings, events or programs, decision-making roles, or political participation.

In Guatemala, Indigenous women are likely to support women candidates actively. However, regardless of the support they receive from Indigenous women, women’s organizations are not active in Indigenous communities. Furthermore, parties rarely favor Indigenous women candidates over Indigenous men. In Kenya, over 90 percent of women FGD participants said they are not members of any political party, do not participate in any political party activities, and have not benefited from political party processes. Political parties in Nepal also discriminate against Indigenous women, expressing a belief that they cannot be successful candidates. An Indigenous aspirant with a disability in Nepal was encouraged by other persons with disabilities to run, but the party did not acknowledge receipt of the documentation she submitted.

Despite the barriers they experience, Indigenous women support others to take part in electoral processes. In Nepal, an Indigenous woman from Karnali Province who could not exercise her right to vote because of issues obtaining identity documents nonetheless supported her mother and other older persons in voting. Another woman from the province said that, after she learned how to vote, she taught others in her community. In Lumbini Province, an Indigenous woman with a disability trained other voters with disabilities, especially visual disabilities, on the voting process.

Analysis

Indigenous women, in their common roles passing on cultural practices, can help instill democratic practices such as voting. Removing the barriers they experience will promote the participation not only of women but of their communities. Voter education regarding the right to the secrecy of the ballot – targeting both Indigenous women and Indigenous men – is necessary to ensure that Indigenous women, especially those with disabilities, have access to this important decision-making event.

Recommendations

- **Strengthen networks of Indigenous women and Indigenous persons with disabilities to promote solidarity and share good practices for participation.** Marginalized Indigenous persons can share their experiences to promote inclusive participation.
- **Promote storytelling about the leadership of Indigenous women in customary practices, such as healing.**
- **Prioritize intersectional support and CSO coalition building for Indigenous women and Indigenous persons with disabilities.** The international community can support the rights of Indigenous women and Indigenous persons with disabilities by promoting activities that both mainstream and target these groups.
- **Promote the identification of Indigenous women, Indigenous persons with disabilities, and young Indigenous persons as candidates by training political parties on the benefits of inclusion.** Countering stigma and discrimination begins by increasing knowledge and raising consciousness. Party members who are aware of the benefits of developing party platforms and selecting candidates that appeal to marginalized Indigenous persons may be encouraged to increase opportunities for those groups to seek open positions.

- **Consider providing funding incentives for costs that non-Indigenous candidates would not incur (e.g., childcare, reasonable accommodations) for Indigenous women, Indigenous persons with disabilities, and young Indigenous persons who run for office.** To address gaps in resources, access to campaign funds could boost the participation of marginalized Indigenous aspirants.
- **Promote the leadership of Indigenous women, Indigenous persons with disabilities, and young Indigenous persons at EMBs.** Seeing leaders who reflect people’s identities can encourage those who experience marginalization to take part in political life.

The Way Forward

Recommendations for an Inclusive Electoral Cycle



Building a Global Community of Practice

Few opportunities exist for EMBs, IPOs, and other stakeholders, such as donors and international nongovernmental organizations (INGOs) to share good practices and discuss challenges related to elections and Indigenous Peoples. Building a global community of practice could provide a forum for partners to collaborate on this topic and discuss issues such as policy changes and their alignment to Indigenous community values. During the Engaging Indigenous Peoples in Elections workshop in Stockholm, Sweden, in September 2023, representatives of EMBs, IPOs, and development partners discussed considerations for building such a group.

Inviting rights-holders and duty-bearers to take part in any global community of practice is critical. Non-elected, customary Indigenous leaders, such as hereditary leaders, can play roles in promoting inclusive processes. Umbrella organizations of IPOs, persons with disabilities, women, young people, and other marginalized groups must consider the different challenges to inclusive participation that their Indigenous members experience. Young people and elders can contribute important views, and outreach should be used to make older Indigenous persons with disabilities part of any discussions. Indeed, elders can press for policy change at the local level and may have useful connections with national leadership networks. Indigenous communities often trust human rights defenders and the leaders of faith-based organizations, who can be allies. National councils and government agencies can be effective partners in this work, and engaging media practitioners can ensure that stories about Indigenous Peoples in elections are disseminated to the public. Global actors can also support networks of EMBs and IPOs. Workshop participants identified UN bodies, the Inter-parliamentary Union, Congress of Nations and States, Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights, and International IDEA as potential stakeholders.

Additional data are needed to support the establishment of a global community of practice. Electoral observation can generate one set of data. Comparative investigation and documentation of national experiences can support more systematic, global practices. Networks among sovereign states and Indigenous Peoples do not exist in all countries; these could be established or strengthened as part of the process of building a community of practice.

A global community of practice could also promote the inclusion of Indigenous Peoples in national bodies. Not all sovereign states recognize Indigenous Peoples or include them in discussions on electoral processes. Few IPOs have access to international workshops. Capacity support remains critical for those interested in engaging at the regional, national, and global levels. International partnerships and periodic gathering could increase the visibility of these issues. Regional networks that feed up to a global community of practice could also be useful to connect countries that share similar experiences and challenges.

Recommendations

- **Create a global community of practice on Indigenous Peoples and elections.** A community of practice can support the sharing of experiences and collection of data on how Indigenous Peoples engage in electoral processes. This can inform international standards and good practices.
- **Build IPOs' capacity to engage on political participation and policy development.** Providing opportunities for IPOs to learn about political life can support EMBs in promoting participation in elections.
- **Build EMBs' capacity on Indigenous Peoples' rights.** Greater knowledge of the legal frameworks, experiences, and customary practices of Indigenous Peoples can help EMBs develop policies that align to the Indigenous Peoples' declaration and help them build more sustainable relationships with Indigenous communities.

Summary of Barriers and Recommendations

Electoral Activity	Barriers	Recommendations	Stakeholders
Legal framework	<ul style="list-style-type: none"> • Absence of quotas in legislatures and on party lists explicitly for Indigenous Peoples, including Indigenous women and Indigenous persons with disabilities, including ensuring the inclusion of Indigenous women in gender quotas. • Lack of recognition of Indigenous Peoples in legislation to protect the rights of women, persons with disabilities, young people, and other marginalized groups. • Historical deprivation of Indigenous Peoples' right to self-determination and collective rights. • Exclusion of traditional and customary Indigenous institutions from state decision-making. 	Align the country's electoral legal framework to Indigenous Peoples' declaration and other international treaties, such as the ICCPR; International Covenant on Economic, Social, and Cultural Rights; CRPD; CEDAW; CERD; and the Concluding Observation provided to member states on CEDAW and CRPD.	IPOs, civil society, ministries, Parliament
		Report on electoral rights under the Indigenous Peoples' declaration as part of the CERD and universal periodic Review and the Concluding Observation provided by CEDAW, UN Convention on the Rights of the Child, and CRPD.	EMBs, Parliament
		Consider establishing an outreach office to support the engagement of Indigenous Peoples in elections.	EMBs, Parliament
Voter registration	<ul style="list-style-type: none"> • Lack of identification • The need to travel long distances or through difficult terrain to register. • Inability to update and/or verify registration, • Lack of awareness of the voter registration process • Men's traditional role as gatekeepers for identification. • Among some Indigenous EMBs a failure to maintain voter rolls. 	Ensure Indigenous voters have access to required documentation or identification for registration.	EMBs, government agencies
		As part of voter education campaigns, governments should share information on how to register, as part of voter education campaigns. They should collaborate with agencies that work with Indigenous Peoples and traditional leadership structures to reach unregistered voters.	Civil society, EMBs, INGOs, IPOs
		Enable safe spaces for Indigenous persons with disabilities.	Civil society, EMBs, INGOs, IPOs
		Collaborate with agencies that work with Indigenous Peoples and traditional leadership structures to reach unregistered voters.	EMBs, IPOs

Electoral Activity	Barriers	Recommendations	Stakeholders
Voter education	<ul style="list-style-type: none"> ● Lack of information about elections in Indigenous languages, including Indigenous sign languages. ● Limited or nonexistent civic and voter education programs run by EMBs, IPOs, and CSOs that promote Indigenous Peoples' rights. ● Lack of civic and political participation by Indigenous young persons ● Lack of EMB expertise on strategies to reach all Indigenous Peoples. ● Little or no funding of IPOs and Indigenous communities for large-scale voter participation campaigns. 	Make voter education information available in Indigenous languages, including sign languages, and use accessible and pictorial formats.	Civil society, OPDs, IPOs, EMBs, INGOs, political parties
		Promote awareness of the provisions of international standards and collective and individual rights of Indigenous Peoples.	Civil society, donors, EMBs, INGOs, IPOs
		Hire Indigenous persons, especially young Indigenous persons, as civic and voter educators.	Civil society, EMBs, INGOs
		Use radio and community campaigns to reach Indigenous persons in remote areas on topics such as democratic rights.	Civil society, EMBs, IPOs, OPDs
		Encourage governments to utilize resources from the UN's Decade of Indigenous Languages to advance the protection of Indigenous languages in elections.	EMBs, government agencies
Polling	<ul style="list-style-type: none"> ● Polling stations remote from Indigenous Peoples' lands. ● Difficult terrain at or on the way to polling stations. ● Polling stations often inaccessible to Indigenous persons with disabilities and lack assistive devices for voting, reducing access to secret balloting. ● Assistants may not reliably mark ballots for Indigenous persons with disabilities or low literacy. ● Men may pressure Indigenous women to vote for a particular party or candidate. ● Elders may encourage communities to vote in certain ways. 	Create FPIC mechanisms and guides for incorporating strong consultative processes to ensure adequate consultation with Indigenous communities prior to relocating polling stations.	EMBs, IPOs, OPDs
		Build poll workers' capacity to promote a safe environment for Indigenous voters, including Indigenous women.	Civil society, EMBs, IPOs
		Recruit Indigenous poll workers.	EMBs
		Ensure the provision of reasonable accommodations for voting, including in remote areas.	EMBs
		Inform Indigenous leadership about the right to the secrecy of the ballot.	EMBs, IPOs, civil society

Electoral Activity	Barriers	Recommendations	Stakeholders
Representation, candidacy, and leadership	<ul style="list-style-type: none"> • Discrimination against Indigenous candidates. • Internalized racism and lack of inclusion of marginalized Indigenous persons. • Failure of parties to prioritize Indigenous Peoples' issues. 	Develop and enforce codes of conduct for candidates and elected officials that protect against racist and misogynist language.	EMBs, Parliament, political parties
		Include Indigenous candidates on party lists and Indigenous issues in party platforms.	Political parties
		Promote inclusion through voluntary party quotas and voter education that represents diverse candidates, workers, and voters.	EMBs, political parties
		Prioritize the hiring of Indigenous poll workers, particularly for polling stations on Indigenous lands.	EMBs
Intersectionality and indigeneity	<ul style="list-style-type: none"> • Patriarchal norms in some Indigenous communities do not engage or support women, especially women with disabilities. • Lack of leadership programs for Indigenous Peoples, in particular for Indigenous women with disabilities • Scant representation of Indigenous Peoples, including Indigenous persons with disabilities, Indigenous women, and young Indigenous persons, in local and national legislative offices. 	Strengthen networks of Indigenous women and Indigenous persons with disabilities to promote solidarity and share good practices for participation.	Civil society, IPOs
		Promote storytelling about the leadership of Indigenous women in customary practices, such as healing.	EMBs, IPOs
		Prioritize intersectional support and CSO coalition building for Indigenous women, Indigenous young persons, and Indigenous persons with disabilities.	Donors
		Promote the identification of Indigenous women, Indigenous persons with disabilities, and young Indigenous persons as candidates by training political parties on the benefits of inclusion.	EMBs, political parties, IPOs
		Consider providing funding incentives for costs that non-Indigenous candidates would not incur (e.g., childcare, reasonable accommodations) for Indigenous women, Indigenous persons with disabilities, and young Indigenous persons who run for office.	EMBs, Parliament, political parties

Electoral Activity	Barriers	Recommendations	Stakeholders
		Promote the leadership of Indigenous women, Indigenous persons with disabilities, and young Indigenous persons at EMBs.	EMBs, government agencies
The way forward	<ul style="list-style-type: none"> • Few opportunities for IPOs and EMBs to collaborate • Good practices not widely shared 	Create a global community of practice on Indigenous Peoples and elections.	Donors, EMBs, INGOs, IPOs, government agencies
		Build IPOs' capacity to engage on political participation and policy development.	Donors, EMBs, INGOs, IPOs, government agencies
		Build EMBs' capacity on Indigenous Peoples' rights.	Donors, EMBs, INGOs, IPOs, government agencies



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