

45th session of the Human Rights Council

Annual half-day panel discussion on the rights of indigenous peoples

Theme: The protection of indigenous human rights defenders

Concept note (draft as of 9 September 2020)

Date and venue:	23 September 2020, 4 to 6 p.m., Assembly Hall, Palais des Nations, Geneva <i>(will be broadcast live and archived on http://webtv.un.org)</i>
Objectives:	The panel discussion aims: <ul style="list-style-type: none">• To assess the global trends in threats and violence against indigenous human rights defenders, including in conflict and post conflict areas• To consider the reasons behind the use of threats and violence against indigenous human rights defenders, which some experts believe has increased in recent years• To assess the impact of such violence on indigenous communities• To identify good practices and current challenges in the prevention from violence and protection of indigenous human rights defenders, including indigenous led protection mechanisms, as well as in their empowerment
Chair:	H.E. Mr. Juraj Podhorský , Vice-President of the Human Rights Council
Opening statement:	Ms. Nada Al-Nashif , United Nations Deputy High Commissioner for Human Rights
Panellists:	<ul style="list-style-type: none">• Ms. Aida Quilcue Vivas, indigenous woman from the Nasa peoples of Colombia and Human Rights Counselor of the National Indigenous Organization of Colombia• Mr. Andrew Anderson, Executive Director of Frontline Defenders• Ms. Victoria Tauli-Corpuz, indigenous woman from the Kankanaey Igorot peoples of the Cordillera Region of the Philippines and former Special Rapporteur on the rights of indigenous peoples
Outcome:	A summary report on the discussion will be prepared by OHCHR and submitted to the Council prior to its 47th session.
Mandate:	The Human Rights Council decided to hold an annual half-day panel discussion on the rights of indigenous peoples in its resolution 18/8 of 29 September 2011. The theme of this year's discussion is mandated by Council resolutions 39/13 of 28 September 2018 and 42/19 of 26 September 2019.
Format:	<p>The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by an interactive discussion divided into two slots and chaired by the President of the Human Rights Council. A maximum of one hour will be set aside for the podium, including the opening statement and panellists' presentations, their responses to questions and concluding remarks. The remaining hour will be reserved for two slots of interventions from the floor, for States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2).</p> <p>The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet.</p>
Accessibility for persons with disabilities (to	In an effort to render the Human Rights Council more accessible to persons with disabilities and to promote their full participation in the work of the Council on an equal basis with others, this panel discussion will be made accessible to persons with disabilities. During the debate, international sign interpretation and real-time captioning will be provided and webcasted. The

be confirmed): accessibility guide to the Human Rights Council for persons with disabilities is available for further information (available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Accessibility.aspx>).

Background: Threats and violence against indigenous human rights defenders is a global concern recognized by the High Commissioner for Human Rights inter alia in her 2019 report on indigenous peoples and by the Secretary-General in his 2019 and 2020 reports on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. In his 2016 report, the Special Rapporteur on the situation of human rights defenders referred to a disturbing trend of increasing violence, intimidation and harassment of those who strive to defend and promote environmental and land rights. Many of these defenders are indigenous peoples, such that in 2018, the Special Rapporteur on the rights of indigenous peoples reported on the marked increase in attacks and acts of violence against, criminalization of and threats aimed at indigenous peoples, particularly those arising in the context of large-scale projects involving extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. In 2019, the Special Rapporteur on the situation of human rights defenders highlighted the persisting impunity for human rights violations committed against human rights defenders, including indigenous, and the challenges that exist in combating it. He also reflected on the persistence of protection gaps and impunity, in his report presented in 2020, on the situation of human rights defenders operating in conflict and post-conflict areas.

In its resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, the Human Rights Council deeply regretted the assassination, following death threats, of persons addressing human rights in the context of land and environmental issues, including indigenous leaders, and welcomed the fact that indigenous human rights defenders are organizing themselves for political, economic, social and cultural enhancement, and in order to bring to an end all forms of discrimination and oppression. The Council also condemned the reprisals and violence for reporting on human rights violations or for cooperating with national, regional and international mechanisms.

Many articles of the United Nations Declaration on the Rights of Indigenous Peoples (hereafter “the Declaration”), which sets out the minimum standards for the rights of indigenous peoples, are relevant for the protection of indigenous human rights defenders including the rights to life, liberty and security of person enshrined in article 7 of the Declaration (as well as articles 6 (1) and 9 (1) of the International Covenant on Civil and Political Rights). Articles 25, 26, 27, and 28 of the Declaration affirm the right of indigenous peoples to own and control their lands and territories and ILO Convention No. 169 enshrines territorial rights for indigenous peoples in articles 14 to 19. Despite these rights, as referred to above, the failure to ensure land rights constitutes the core underlying cause of violations of indigenous peoples’ rights. The rights to freedom of expression, peaceful assembly and freedom of association as set out in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights are also relevant for the protection of indigenous human rights defenders.

The right to participate in decision-making, a right that goes beyond mere consultation, is recognized in articles 10, 11, 19, 28, 29 and 32 of the Declaration, and in certain circumstances the free, prior and informed consent of indigenous peoples will be required prior to taking measures that will affect them. Article 30 of the Declaration affirms that military activities shall not take place in the lands or territories of indigenous peoples except under specific circumstances. Self-determination, as expressed in article 3 of the Declaration (and common article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights), is an overarching right of utmost importance for indigenous peoples, as it affirms their right to freely pursue their economic, social and cultural development and the right to development itself is affirmed in several provisions of the Declaration, notably in article 32.

States have the primary obligation to ensure the rights and the protection of indigenous human rights defenders and many also raise the role and responsibilities of businesses in this regard

(see the web page of the [Working Group on Business and Human Rights](#) and High Commissioner's report [A/HRC/44/32](#)).

This panel presents an opportunity to develop a more profound understanding of the reasons behind the violence against indigenous human rights defenders, to consider how to tackle the root causes of this problem, and identify ways to ensure the prevention of such acts as well as the empowerment, security and protection of indigenous human rights defenders.

Background documents:

- Human Rights Council resolutions [18/8](#) of 29 September 2011, [39/13](#) of 28 September 2018 and [42/19](#) of 26 September 2019 on human rights and indigenous peoples
- Human Rights Council resolution [31/32](#) of 24 March 2016 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights
- [United Nations Declaration on the Rights of Indigenous Peoples](#), annex to General Assembly resolution [61/295](#) of 13 September 2007
- [International Covenant on Civil and Political Rights](#)
- General Assembly resolution [71/178](#) of 19 December 2016 on the rights of indigenous peoples
- Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples ([A/HRC/42/19](#), 2019)
- Report of the Special Rapporteur on the rights of indigenous peoples focussing on attacks against and the criminalization of indigenous human rights defenders ([A/HRC/39/17](#), 2018), and following up on cases of indigenous human rights defenders ([A/HRC/45/34](#), 2020) and the Report of the Special Rapporteur on the rights of indigenous peoples on regional consultations in Asia, focusing on human rights defenders ([A/HRC/45/34/Add.3](#), 2020 forthcoming)
- Reports of the Special Rapporteur on the situation of human rights defenders:
 - Report on the situation of human rights defenders ([A/71/281](#), 2016)
 - Report on the situation of human rights defenders ([A/74/159](#), 2019)
 - Report on human rights defenders operating in conflict and post-conflict situations ([A/HRC/43/51](#), 2020).
- Study of the Expert Mechanism on the Rights of Indigenous Peoples on free, prior and informed consent: a human rights-based approach ([A/HRC/39/62](#), 2018)
- Reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights ([A/HRC/42/30](#), 2019) and ([A/HRC/45/36](#), 2020 forthcoming).