



## Reports on the 45<sup>th</sup> session of the UN Human Rights Council

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

#### *Theme: The protection of indigenous human rights defenders*

23 September 2020

The panel is held pursuant to the Human Rights Council resolution [18/8](#) of 29 September 2011. The theme of the discussion is mandated by Council resolutions [39/13](#) of 28 September 2018 and [42/19](#) of 26 September 2019.

The panel discussion aimed to assess the global trends in threats and violence against indigenous human rights defenders, including in conflict and post conflict areas, as well as to consider the reasons behind the use of threats and violence, to assess their impact, and to identify good practices and current challenges in the prevention from violence and protection of indigenous human rights defenders.

The Panel Chair: *H.E. Mr Yackoley Kokou Johnson, Vice-President of the Human Rights Council.*

#### Opening Statement:

##### *Ms Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights:*

**Agenda 2030:** Indigenous peoples are specifically referred to in the in targets on hunger, education and participation. Other goals, such as those relating to **land**, have a particular importance for them, since land represents the defining element of indigenous identity and culture as well as their relationship to their ancestors and future generations. Sustainable development approaches can respect indigenous rights, in particular the **collective nature** of their rights and respect for **free, prior and informed consent**.

The global challenge of **COVID-19** is disproportionately affecting indigenous peoples, i.e. in terms of their health and access to quality health care, and increased conflict and encroachment over indigenous land.

**Indigenous human rights defenders** are agents of change, and guardians of their land, natural resources, culture, knowledge, livelihoods. Reports of increased harassment, attacks, acts of violence and killings of defenders are worrying and reflect the **impunity** that often follows these crimes. **More data** should be collected on the injurious treatment of indigenous human rights defenders. States should ensure the protection of indigenous human rights defenders and to hold aggressors and violators to account.

#### Video Statements by the Panellists:

##### *Ms Aida Quilcue Vivas, Indigenous woman from the Nasa peoples of Colombia and Human Rights Counselor of the National Indigenous Organization of Colombia:*

In Colombia, there are **115 indigenous peoples**, that are at risk of physical and cultural extermination and on the brink of a genocide. **10,700 violations and cases of victimization** have been recorded. Among the **most affected regions** is Chocó, with a high number of displacements, anti-personnel mines, murders, and forced recruitments, as well as Antioquia, Valle del Cauca, El Cauca and Nariño. In Antioquia, Cauca and Nariño selective killings of young people, leaders and communities as a whole took place. There were also killings of many **leaders**, including indigenous guards, authorities, ancestral wisemen, and the liberators of Mother Earth, as was recently the case in Corinto and Totoró.

One of the factors that has led to an increase in murders of the indigenous peoples is the **land**, which is exploited through drug trafficking, mining, and government policies. The indigenous people have been **criminalized**, because they had to use the resistance tactics, and by doing so they are treated as terrorists and criminals. Students and civil society supporting indigenous people face the same treatment.

Security bodies have used **excessive action** and abused their authority. The Colombian government has not taken measures to restrict the activities of security bodies and to protect the rights of the people. Governments should put a break on the genocide of indigenous peoples; **special rapporteurs** should visit Colombia, particularly the regions of Chocó, Cauca and Nariño, as soon as the Covid pandemic is over.

##### *Mr Andrew Anderson, Executive Director of Front Line Defenders:*

In the last two and half years, Front Line Defenders has **worked on 130 cases** involving human rights



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defenders who were at risk as a result of their work to protect the rights of indigenous peoples. They face a **huge range of attacks**: from threats, to smear campaigns deeply rooted in racism, to physical attacks and killings. The most common tactic reported is **criminalisation**. The **remote location** of many Indigenous Peoples, and the lack of access to State authorities, resources and infrastructure leave these communities particularly vulnerable to attacks.

In the past 3 years Front Line Defenders documented the **killing of 240 indigenous peoples' rights defenders**, over a quarter of the global total of human rights defenders killed. A shockingly high statistic, given that Indigenous Peoples make up only an estimated 5% of the global population.

One of the reasons why attacks on and killings of indigenous human rights defenders are so prevalent is almost total **impunity**, like in the case of **Sergio Rivera Hernández**, a human rights defender of indigenous Nahua origin (Mexico), and member of the Movimiento Agrario Indígena Zapatista.

Many indigenous communities live in territories that are rich in **natural resources**. In resisting large scale land grabs, deforestation, mega projects and the extraction of natural resources indigenous defenders play a key role in **combatting climate change**. The **recognition of indigenous rights** by States is essential for protecting indigenous defenders, in particular, respect for their collective rights to self-determination and to their lands, territories and resources. **Companies** also have a responsibility to respect their rights under the UN Guiding Principles on Business & Human Rights. This includes the right to give or withhold their **free, prior and informed consent** to projects impacting their community.

Confining defenders to their homes under national COVID-19 lockdowns has put them at a higher risk of attacks and several indigenous defenders have been killed including **Zeziro Rodrigues Guajajara** (Brazil) assassinated in March. A crackdown on civic space also has a great impact the work of 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***

According to the **Global Witness's report**, 84 indigenous activists were killed in 2019. Over half of this killed are found in the Philippines and in Colombia. Two-thirds of the killings took place in Latin America. **Key sectors** linked with the killings: the mining industry and the agri-business sector.

According to **the data collected** by **Indigenous Peoples Rights International**, in the first 7 months of 2020, 101 indigenous rights defenders were murdered. This data came from only 23 countries. Colombia again has the highest number of murders which is 60 indigenous human rights defenders.

The key reason for this situation is the intensification of competition over the **extraction of natural resources** which are led by private corporations and sometimes with the complicity of governments.

Root causes of intensified attacks against the indigenous peoples is the **lack of respect for indigenous people's collective land rights** and the failure to provide indigenous peoples with secure land tenure.

**Recommendations:** Impartial and prompt investigation measures; Zero-tolerance approach to killings and violence; Revised legislation that creates due diligence obligations for businesses; Training of law enforcement officials and prosecutors; Ensuring free, prior and informed consent; More constructive dialogues between indigenous peoples and the states as well as the private sector at all levels.

***Mr Joseph Itongwa, Président du conseil d'administration du Réseau des Peuples autochtones pour la gestion durable des écosystèmes forestiers en République démocratique du Congo, Directeur de l'Alliance Nationale d'Appui et de Promotion des Aires et territoires conservés par les peuples autochtones et communautés locales en République démocratique du Congo***

Threats associated with protection of lands and territories at the DRC: confiscation of land, accompanied by **violence**, expropriation, forced displacement, land conflicts, expulsions of the indigenous Pigmy people from their land without their consent. Armed conflicts at the **east of DRC**: indigenous peoples are forgotten victims in the province of North-Kivu, where they are often victims of **foreign armed groups**, particularly in Beni. **Agricultural producers and farmers** exploit the social status and sociocultural vulnerability of Pigmy people, who are also often subject to arrest.

DRC has accepted the recommendations related to protection of the indigenous peoples in **two cycles of UPR** (in 2014 and 2019), the recommendations should be implemented.





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### Oral Interventions from States, Group of States and Observers:

**States:** Sweden on behalf of Nordic-Baltic countries, Mexico on behalf of Group of Latin American countries (Guatemala, Honduras, Costa Rica, Peru, Paraguay, Colombia and Mexico), European Union, Ecuador, Canada (on behalf of Australia, New Zealand and Canada), Brazil, Pakistan, Ukraine, Colombia, Ireland, Philippines, Costa Rica, Nepal, Armenia, Morocco, Spain, Venezuela (Bolivarian Republic of), Senegal, Indonesia.

**Observers:** United Nations Children's Fund, UN Women. **NHRIs and NGOs:** La Defensoría del Pueblo de Ecuador (Ecuadorian Ombudsman Office), International Movement Against All Forms of Discrimination and Racism (IMADR), Franciscans International (Joint Statement), Minority Rights Group, Ordem dos Advogados do Brasil Conselho Federal (Joint Statement), Conectas Direitos Humanos.

**States:** Speakers pointed out that **impunity** in relation to extrajudicial killings, torture and enforced disappearances as well as **reprisals** against indigenous representatives participating in UN mechanisms were unacceptable. Flexible, adapted and sustainable methods, such as **urgent support mechanisms**, should be established. States carry the primary responsibility to **protect** Indigenous defenders. **Accountability** must be ensured. Some delegations, including **Sweden** and **Ireland**, specifically referred to indigenous **women human rights defenders** who often experience complex, multidimensional and mutually reinforcing human rights violations and abuses. Many delegations mentioned the severe impact of the **COVID-19** pandemic which has exacerbated the historical inequalities indigenous peoples face and has led to the shrinking civic space. Several speakers underlined that it was necessary to adopt specific measures to guarantee the **self-determination** and **autonomy** of the indigenous peoples, and respect for their cultures and identities. A number of delegations referred to **national mechanisms** they have in place to guarantee the full exercise of the rights of indigenous peoples. The delegation of **Brazil** expressed their hope that future panels will be more diverse. Several delegations, including **Pakistan** and **Ukraine**, drew attention to the situation of indigenous human rights defenders working in the situation of **foreign occupation** and conflict-affected areas. **Philippines** warned about the pernicious influence of non-state actors who might be misrepresenting the true interests of the indigenous peoples communities in the UN system. **Armenia** emphasized the need to protect the endangered indigenous languages.

**Observers:** **United Nations Children's Fund** said that many indigenous children **witness** the intimidation, harassment, and other forms of violence that their family members, leaders or peers are subjected to when attempting to defend their rights, including environmental rights. The **trauma** of oppression, discrimination, and the difficulties their communities face can force them into **self-harming behaviours**, including suicide. Some of the **children take the lead** in protecting their land, territories, resources, as well as their traditional knowledge and cultural expressions. But in doing so, they face **high levels of risks**, as children, and as human rights defenders. **UN Women** used the occasion to remember **Indigenous women human rights defenders killed** *Máxima Acuña Atalaya, Berta Cáceres Flores, Macarena Valdés Muñoz and Cristiana Bautista Taquinás* in their defence of water, land, territories, spiritual practices, traditional health systems, food sovereignty, rights to self-determination and self-government.

**NGOs:** The representatives of civil society underlined the Importance of the **Voluntary Fund for Indigenous Peoples** and **OHCHR Indigenous Fellowship Program**. NGOs also spoke about the attacks and crimes committed against human rights defenders in **Guatemala, Kenya** and **Brazil**.

### **Questions to the Panellists:**

**Sweden:** How can we best address the heightened level of risk that indigenous human rights defenders experience? **European Union:** Do the panellists see any further steps that could be taken by the Human Rights Council in order to better protect indigenous human rights defenders from attacks and reprisals?

**Canada (on behalf of Australia, New Zealand and Canada):** Do the panellists have any recommendations for states to more effectively support women, two-spirit, *takatāpui*, or LGBTI Indigenous human rights defenders? Do they also have any comments on the advice from the Expert Mechanism's report on the persecution of defenders of Indigenous land? **Ireland:** How can Ireland and other states work together to ensure that women indigenous rights defenders have equal access to protection from threats of violence and intimidation in the future? **Philippines:** Seeks the views of the panellists on how the UN system, the Council and the international community can better listen to the IPs and communities



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themselves on issues that concern them. **Senegal**: Can you share with us successful practice in combatting violence against indigenous human rights defenders? **Indonesia**: Seeks the Panel's views on how to better ensure that the narrative regarding the protection of indigenous human rights defenders can also extend to local/traditional communities not covered by the UNDRIP or other UN resolutions. **IMADR**: What further actions can be taken by the HRC to ensure State's accountability for reprisals against indigenous human rights defenders?

### Concluding Remarks by the Panellists:

**Ms Quilcue Vivas** noted that an appeal must be made to Colombian government for them not just to recognize the violence, but also to give the indigenous peoples full guarantees. The States should urgently help in observation, monitoring and follow-up of human rights in Colombia. The Council should appeal to the Government to implement the Peace Accord.

**Mr Anderson** said the Special Rapporteur on the rights of indigenous peoples needed more resources to be able to follow-up on more cases. OHCHR field presences do great work on the ground, so does the OHCHR fellowship. The Council should push for more access of the indigenous peoples to international mechanisms. In addressing the issues discussed today, an intersectional approach was critical, and so was ensuring protections for women human rights defenders. Protection was the responsibility of the State, while corruption was key to impunity. There was a need to recognize the community-led protection mechanisms established by the indigenous human rights defenders themselves.

**Ms Tauli-Corpuz** said that after having heard the commitments made by delegates who had spoken, it would be interesting to see how they would address the issues discussed in their own countries. There should be more investigating of the cases, more reports, so that States can report back to the Council the good results of the actions they have taken, and so that the Council has more examples of how to protect the indigenous defenders from this kind of attacks. She stressed that indigenous women and children were more vulnerable to attacks. She reiterated the words by Mr Anderson about the need to respect the indigenous peoples' own protection measures.

**Mr Itongwa** said that Human Rights Council mechanisms should help indigenous peoples by ensuring accountability from States, e.g. through the UPR mechanisms. There was a need to establish mechanisms of supervision and assessment that go beyond the regular rights of the indigenous peoples but also in the framework of reports on progress and the level of protection of the indigenous peoples' rights by States.

*To watch full Panel Discussion on the right to development, refer to [UN Web TV](#).*