

48th session of the Human Rights Council
Annual half-day panel discussion on the rights of indigenous peoples
Theme: The situation of human rights of indigenous peoples facing the COVID-19 pandemic,
with a special focus on the right to participation

Concept note (draft as of 8 September 2021)

- Date and venue:** **Tuesday, 28 September 2021, 10 to 12 a.m.**
Room XX, Palais des Nations, Geneva and online platform (Zoom)
(will be broadcast live and archived on <http://webtv.un.org>)
- Objectives:** The panel discussion aims:
- To foster a deeper understanding and assess the impact of the COVID-19 pandemic on indigenous peoples
 - To identify good practices, lessons learned so far, and current challenges in the response to and recovery from COVID-19
 - To focus specifically on indigenous peoples' right to participation in the COVID context, including in developing and implementing COVID-19 measures, the protection of indigenous peoples and their lands and resources during and in the aftermath of the pandemic, and in the provision of vaccines
- Chair:** **H.E. Ms. Ebyan Mahamed Salah**, Vice-President of the Human Rights Council
- Opening statement:** **Ms. Ilze Brands Kehris**, Assistant Secretary-General for Human Rights
- Panellists:**
- **Ms. Megan Davis**, Chair of the Expert Mechanism on the Rights of Indigenous Peoples *(video message)*
 - **Mr. José Francisco Cali Tzay**, Special Rapporteur on the rights of indigenous peoples
 - **Ms. Anne Nuorgam**, Chair of the Permanent Forum on Indigenous Issues *(TBC, video message)*
- Outcome:** A summary report of the discussion will be prepared by OHCHR and submitted to the Council prior to its 50th 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 resolution 45/12 of 6 October 2020.
- Format:** The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by a two-part interactive discussion and conclusions from the panellists. A maximum of one hour will be set aside for the podium, which will cover the opening statement, panellists' presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor, with each segment consisting of interventions from 12 States and observers, 1 national human rights institution and 2 non-governmental organizations.
- 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.
- Accessibility:** 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, the panel will be webcast and made accessible. International sign interpretation and real-time captioning in English will be provided. During the event itself, participants can access live English captioning on the StreamText web page (<https://www.streamtext.net/player?event=CFI-UNOG>). In Room XX, four seats are reserved for participants using wheelchairs, in the seventh (last) row. Hearing loops are available for collection from the Secretariat desk. Oral statements may be embossed in Braille from any of the six official languages of the United Nations, upon request and following the procedure described in *The accessibility guide to the Human Rights Council for persons with disabilities* (available on <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Accessibility.aspx>).

Background:

Since the outbreak of the COVID-19 pandemic, numerous reports, including the annual report of the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/46/72) and the report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly (A/75/185) and to the Human Rights Council (A/HRC/48/54) as well as many statements and guidance notes have attested to the disproportionate impact of COVID-19 on indigenous peoples globally, in terms of both the spread of the virus and the application of containment measures. In his report, the Special Rapporteur noted that the pandemic had exposed weaknesses and exacerbated disparities in public health and social security systems, leaving indigenous peoples behind in national responses and compounding the wider range of systemic violations they already faced. The Expert Mechanism, in its report, inter alia, cited good practices by indigenous communities, including self-isolation and other self-reliance measures, and a resurgence of traditional practices in exercise of the right to self-determination. The Expert Mechanism also noted the impact of COVID-19 on indigenous peoples' right to participate in decision-making, citing a frequent (or recurrent?) lack of inclusion of indigenous peoples in the adoption of COVID-19 measures contributed to by a trend towards holding consultations online, as well as examples of government support, including cooperation between States and indigenous peoples.

Apart from article 12 of the International Covenant on Economic, Social and Cultural Rights which accords all, including indigenous peoples, the right to the enjoyment of the highest attainable standard of physical and mental health without discrimination, the United Nations Declaration on the Rights of Indigenous Peoples specifically provides for the right of indigenous peoples to be actively involved in developing, determining and administering health programmes through their own institutions (article 23) and the right to their traditional medicines and health practices (article 24). The United Nations treaty bodies also support the right to participation in decision-making, a right that according to the United Nations Declaration on the Rights of Indigenous Peoples goes beyond mere consultation, as recognized in articles 10, 11, 19, 28, 29 and 32 (see A/HRC/39/62).

Background documents:

- Human Rights Council resolutions [18/8](#) of 29 September 2011 and [45/12](#) of 6 October 2020 on human rights and indigenous peoples
- Annual report of the Expert Mechanism on the Rights of Indigenous Peoples, 26 January 2021 ([A/HRC/46/72](#))
- Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly, 20 July 2020 ([A/75/185](#))
- Report of the Special Rapporteur on the rights of indigenous peoples on indigenous peoples and coronavirus disease (COVID-19) recovery, 6 August 2021 ([A/HRC/48/54](#))
- [United Nations Declaration on the Rights of Indigenous Peoples](#), annex to General Assembly resolution [61/295](#) of 13 September 2007
- [International Covenant on Economic, Social and Cultural Rights](#)
- Study of the Expert Mechanism on the Rights of Indigenous Peoples on free, prior and informed consent: a human rights-based approach, 10 August 2018 ([A/HRC/39/62](#))
