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48th session of the Human Rights Council

Annual panel discussion on the rights of indigenous peoples

***The situation of human rights of indigenous peoples facing the COVID-19
pandemic, with a special focus on the right to participation***

Address by Ms. Ilze Brands Kehris

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Room XX, Palais des Nations

Madam Vice-President,

Members of the Human Rights Council, distinguished panellists,

Excellencies, colleagues and friends,

It is my pleasure to open this panel on the situation of human rights of Indigenous Peoples facing the COVID-19 pandemic, with a special focus on the right to participation.

Indigenous Peoples have been disproportionately affected by COVID-19, and many have lost their lives. The pandemic has exposed and exacerbated pre-existing structural inequalities and systemic racism. It has deepened the impact of unequal access to quality health care and other social services.

Groups at particular risk, such as indigenous children and persons with disabilities, have been hit particularly hard. So have indigenous women and elders. The pandemic has also impacted the transmission of indigenous languages and traditional knowledge, affecting their unique cultures. This is of particular concern, including in light of the paramount objective of “Leave no-one behind” defined by the Sustainable Development Goals.

Since the outbreak of COVID-19, numerous reports have attested to this disproportionate negative impact on Indigenous Peoples globally, in terms of both the spread of the virus and effective containment measures. These reports and statements, including the Secretary-General’s Policy Brief on COVID-19 and Human Rights and OHCHR’s Guidance Note on COVID-19 and Indigenous Peoples’ Rights¹, provide recommendations to States to place human rights at the centre of their response and to systematically and adequately include and consult Indigenous Peoples therein, and ensure that they are

¹ https://www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenouspeoplesRights.pdf

informed about, and protected from, the disease in a culturally appropriate manner.

It is imperative that States implement this crucial advice, which reflects their human rights obligations, guided by the United Nations Declaration on the Rights of Indigenous Peoples and other relevant instruments.

Madam Vice-President,

This topic brings together several of the principles found in the Secretary-General's Call to Action for Human Rights, including his calls regarding protection of rights in times of crisis and the need to strengthen civic space and public participation.

We are reminded, by the guiding principles of the Call to Action, that everyone, particularly Indigenous Peoples, must be able to participate in society as a whole. Today's discussion will be focused on the participation of Indigenous Peoples in the COVID-19 responses and recovery.

However, at the same time, I would like to emphasize the importance of the participation of Indigenous Peoples in UN fora, particularly on issues that affect them. In this regard, I acknowledge the ongoing progress regarding the enhanced participation of Indigenous Peoples at the UN. This includes the process before the General Assembly, as well as discussions here at the Human Rights Council, including an Intersessional Roundtable on the Participation of Indigenous Peoples at the Council that took place this summer, and the recommendations of which will be included in a report to be presented to the 49th session of the Council.

Given the disproportionate impact that COVID-19 has had on Indigenous Peoples, their participation is more critical than ever – particularly in recovery efforts and to effectively reverse the trend of growing inequalities.

To guide us towards realizing this objective, we have with us today an impressive panel that will identify good practices and lessons learned as well as challenges experienced in responses and recovery from COVID-19 to date.

This includes challenges related to the participation of Indigenous Peoples in the development and implementation of COVID-19 containment measures, the protection of Indigenous Peoples and their lands and resources during the pandemic and its aftermath, as well as the provision of vaccines to Indigenous Peoples.

We are privileged to have with us three of the foremost global experts on the topic: Anne Nuorgam, Chair of the UN Permanent Forum on Indigenous Issues; Megan Davis, Chair of the UN Expert Mechanism on the Rights of Indigenous Peoples; and José Francisco Cali Tzay, UN Special Rapporteur on the Rights of Indigenous Peoples.

Over the past year, they have all focused on the impact of COVID-19 on Indigenous Peoples.

In their 2020 reports, the Expert Mechanism and the Special Rapporteur shed light on pre-existing disparities in public health and social security systems, leaving Indigenous Peoples particularly vulnerable to the disease.² The Permanent Forum has highlighted the particular vulnerabilities of indigenous elders and those living in voluntary isolation.³ The Expert Mechanism dedicated its session last year to the impact of COVID-19 on Indigenous Peoples, and in its subsequent report emphasized good practices, as well as the critical link

2 A/HRC/46/72, A/75/185.

3 https://www.un.org/development/desa/indigenous-peoples-es/wp-content/uploads/sites/34/2020/04/UNPFII-Chair-statement_COVID19.pdf

between self-determination and how Indigenous Peoples fared during the pandemic.⁴

During this session of the Council, the Special Rapporteur is presenting a follow-up report to his 2020 report, focusing on the impact of States' COVID-19 recovery laws and policies on Indigenous Peoples. He recommends greater participation and inclusion of Indigenous Peoples in the recovery phase, as well as increased support for indigenous-led initiatives during this phase.⁵

I would like to extend our thanks to the panellists for their hard work and dedication. We look forward to your remarks as we explore this important issue.

Thank you, and I wish you a fruitful discussion.

4 A/HRC/46/72.
5 A/HRC/48/54.