

Ms. Photini Pazartzis, Chair, of the Human Rights Committee, talking points for meeting with EMRIP

- The work of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is very important to the protection and promotion of indigenous people's rights worldwide, so I am very pleased to be involved in this exchange of views today and would like to thank all those involved in the convening of this meeting.
- I know that my predecessors have met with EMRIP in the past. I am honoured to be continuing this cooperation and discussing opportunities for deepening the coordination between EMRIP and the Treaty Bodies.
- I see much scope for deepening this coordination between EMRIP and the Treaty Bodies and look forward to today's conversations.
- I am sure that you are all aware that the Human Rights Committee has focussed on indigenous rights in many ways within its evolving interpretation of the International Covenant on Civil and Political Rights. I will therefore focus my intervention today on giving an overview of the most recent work of the Committee on the civil and political rights of indigenous peoples.
- The Committee has continued to systematically address the vulnerabilities of indigenous peoples to civil and political rights abuses in their State review process. Many questions on indigenous peoples' civil and political rights have been raised within the Committee's recent lists of issues and lists of issues prior to reporting.
- Given the developments of the last year or so, I think that it is pertinent to highlight that the Committee has been mindful of the vulnerability of indigenous populations to the effects of the COVID-19 pandemic. It has integrated related human rights concerns into their recent lists of issues and lists of issues prior to reporting. For example, the Committee asked countries, such as Cambodia and Nepal, about the measures that have been taken that have been taken to protect indigenous peoples from COVID-19.
- The Committee adopted two concluding observations, following online, interactive dialogues with Finland and Kenya, in March 2021. The concluding observations for both countries addressed issues affecting indigenous peoples.
- The first concluding observations adopted were for Finland, which I am aware is under the country engagement mandate of EMRIP. The Committee's concluding observations raised the lack of implementation of the Committee's Views on the rights of Sami peoples, including on the lack of amendment the Sami Parliament Act. Within its concluding observations, the Committee recommended that the State party speed up the process of revising the Sami Parliament Act, strengthen the application of free, informed and prior consent, consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and step up training of public officials on the rights of indigenous peoples. The recommendation on indigenous rights was selected for review under the Committee's follow up procedure. Therefore, the State party will be required to report on its implementation of the recommendation in 2023.
- The concluding observations for Kenya also addressed the civil and political rights of indigenous peoples. The Committee expressed concern and make recommendations on a range of relevant issues, including a lack of the consistent application of free, informed

and prior consent for sustainable development and climate change projects that impact indigenous peoples, the absence of dedicated legislation to protect indigenous rights, the impact of forced evictions on indigenous peoples and a number of barriers to indigenous land rights. The recommendation on forced evictions was selected for review under the Committee's follow-up procedure. The State party will also be required to report of the implementation of this recommendation in 2023, thereby presenting another juncture at which indigenous rights issues can be raised.

- I would also like to highlight the Committee's individual views on indigenous peoples. Recent jurisprudence of the Committee has found violations of the Covenant in relation to issues including violence against indigenous women, the political participation of indigenous peoples, access to justice, the impact of environment degradation on the right to life and the arbitrary arrest and detention of an indigenous women.
- For example, in *Portillo Cáceres and others v. Paraguay* the Committee received information about the use of pesticides and insecticides by large-scale agribusinesses in a region where land was used extensively for the mechanized cultivation of genetically modified soybeans. Colonia Yerutí (Canindeyú Department, Curuguaty District), a settlement which was established in 1991 on State-owned land that had been distributed to campesinos under the agrarian reform programme, was within this region, and was inhabited by the authors of the communication. The information presented to the Committee alleged breaches in legal provisions in place to regulate the use of pesticides and insecticides and that the resulting contamination in Colonia Yerutí resulted in the death of Mr. Portillo Cáceres and the poisoning of the authors. In 2019, the Committee found a violation by the State party of articles 6 and 17 of the Covenant, read alone, and in conjunction with article 2 (3).
- Finally, I would like to draw your attention to the most recent General Comment of the Human Rights Committee. General Comment number 37 on the right of peaceful assembly was adopted by the Committee during its online session in July 2020. The General Comment elaborates on the responsibilities of State parties to the ICCPR under article 21. Paragraph 25 of the General Comment makes clear that laws and their interpretation and application should not result in discrimination in the enjoyment of the right of peaceful assembly on any basis, including indigenous status.
- As the work of the Committee on the rights of indigenous peoples continues to evolve, I think we can greatly benefit from the expertise of EMRIP, including through learning from the findings of your thematic studies. I think that there is scope for cooperation and mutual reinforcement of the key recommendations made within our respective engagement with Member States.