

18TH SESSION OF THE UN PERMANENT FORUM ON INDIGENOUS PEOPLES

Statement by ASG Andrew Gilmour

24 April 2019

Madame Chair,

Representatives,

I'm greatly honoured to be invited to brief this session of the Permanent Forum on the key concerns of the UN Human Rights Office regarding the challenges facing indigenous peoples around the world. This year's theme, protecting "Traditional Knowledge" is a crucial one.

Despite indigenous peoples' important contribution to sustainable development and the environment, there is still limited recognition of the special relationship they hold with their traditional lands and territories, and wide disrespect of their collective land rights. Disregard for indigenous peoples' right to ownership of their traditional lands has sometimes resulted in forcible eviction from the lands they rely upon for their livelihoods, social and cultural cohesion. And has seriously affected their subsistence and ways of life. The participation of indigenous peoples in implementing the 2030 Agenda has to be strengthened.

We are gravely concerned about the escalation of threats and attacks against, as well as criminalization of, indigenous peoples who defend their lands and resources. Most cases arise when indigenous leaders and community members oppose the negative impacts of large-scale projects relating to extractive industries, agrobusiness, infrastructure and hydroelectric dams.

Such projects are frequently undertaken without consulting the indigenous peoples concerned, and without seeking their free, prior and informed consent. When consultation has

taken place, it has often been culturally inappropriate, lacking in good faith, and has led to genuine participation. Indigenous peoples have also been excluded from the design and implementation of laws and policies that affect them.

At the same time, indigenous peoples have been accused of obstructing development, making them targets of persecution, victims of racist defamation and smear campaigns, labelled as criminals or terrorists. We know that this is part of structural discrimination which persists against indigenous peoples – in society, in law, in policies and in practice.

Of utmost concern, indigenous peoples and individuals who defend them are increasingly risking their lives. Hundreds of environmental defenders, indigenous peoples, community and labour leaders, minority rights advocates, reporters and bloggers have been killed.

Globally, our office has received much information our office has received much information concerning new legislation contrary to international human rights standards, and on the increasing numbers of acts of violence, harassment, threats and criminalisation of indigenous peoples. Especially in Brazil, Colombia, Ecuador, Guatemala, Honduras, Mexico, and the Philippines. In Colombia, for instance, 18 indigenous human rights defenders were killed last year, and another 5 since January.

I am particularly pleased to be here today to report, at the request of the members of the Permanent Forum, on a related issue: intimidation and reprisals against indigenous peoples who cooperate or seek to engage with the UN. Since 2016, one of my roles has been to serve as the UN focal point for reprisals and intimidation carried out against people cooperating, or seeking to cooperate, with the UN on human rights issues. I appreciate this Forum's acknowledgement of the importance of this issue last year, and its inclusion on the agenda today.

While attacks against indigenous defenders represent a widespread global pattern, we know that many cases go unreported. When attempting to make these cases known to the UN, many indigenous peoples and members of civil society defending indigenous rights have faced intimidation and reprisals. This includes cooperation with the Special Rapporteur on the Rights of Indigenous Peoples, Vicky Tauli-Corpuz, and with the Expert Mechanism on the Rights of Indigenous Peoples, chaired by Erika Yamada, both of whom you heard from this morning.

I note with profound regret the continued harassment of Vicky by her own Government, presumably in retaliation for her important work in defending indigenous rights in the Philippines.

The result of these trends is diminished engagement with the UN, and an unwillingness to document human rights abuses. Indeed, fear of retribution leads to self-censorship and a reluctance to file complaints at the national level and to speak out at international events. And indeed this is usually the point of intimidation and reprisals: to deter and to silence.

Concerns about these trends were highlighted by the Secretary-General in his most recent annual report on reprisals, where he noted that indigenous peoples in particular continue to face reprisals as they seek to participate in development processes. It is not only community members that are being targeted, but also their legal representatives, advocates, witnesses and interpreters.

Some who engage with us have been scrutinized or had their operations suspended for attending UN meetings or trainings, or for sharing information, while others have been targeted because they seek foreign funding which they use for research, advocacy and travel purposes. Indeed, the Secretary-General notes that the range of intimidation and reprisals continues to be broad and often disguised in legal, political and administrative obstacles. We see patterns of

intimidation and reprisals perpetrated by both State and non-State actors. These could be private security companies and members of the media, for example.

The 2018 annual report on reprisals included cases from 38 countries, with several cases of reprisals against indigenous peoples and those who defend them reported – for example, in Honduras, India, the Philippines, Russia and Thailand. We believe this is merely the tip of the iceberg due to under-reporting.

This pattern is completely unacceptable, and, as the Secretary-General has stated, runs contrary to the very principles of the United Nations and must end. He also affirmed that while the UN system is making progress to address the issue, more must be done. We need to better understand these issues. I therefore encourage you to not only report cases to OHCHR when those involved have consented, but to also document incidents of intimidation and harassment online, as well as to share analysis on how laws and policies at the national level may be affecting engaging with the UN – both nationally and internationally.

We are currently receiving submissions for the 2019 report of the Secretary-General, to be presented to the Human Rights Council in September. It is important that the perspective of indigenous peoples and the dimensions of indigenous rights are included. We have a confidential mailbox (reprisals@un.org). Please use it if you have information on reprisals or intimidation carried out against indigenous defenders who have cooperated – or tried to cooperate – with the UN. I repeat it.

Protecting indigenous rights defenders is a major priority for our Office – and we want to do all we can to enable them to work with us without fear of harassment and violence.

Thank you so much for giving me this opportunity.