

DESA input for the UNSG's report (GA res 72/247)

Indigenous Human Rights Defenders

Indigenous human rights defenders are one of the most vulnerable groups within human rights defenders, as noted in the reports of the UN Special Rapporteur on the situation of human rights defenders.ⁱ Documented evidences also indicate that indigenous human rights defenders make up disproportionately high proportion – around 40 per cent – of human rights defenders, who are killed or face other type of threats every year in response to their legitimate actions to promote and protect their rights and those of their communities.ⁱⁱ

Indigenous women human rights defenders, often in the frontlines for defending rights, face multiple forms of violence because their gender and entrenched discrimination against them and with close nexus with wider violations of indigenous rights. For example, violence against indigenous women and their defenders is usually used as a tool for land dispossession of indigenous peoples while at the same time, such violence has increased because of abuse of rights of indigenous peoples to lands and resources, cultures, education, etc.

Progress in relation to indigenous human rights defenders

- The Permanent Forum on Indigenous Issues has given due attention to the rights and challenges of indigenous human rights defenders, with number of recommendations made for the rights and protections of indigenous human rights defenders.ⁱⁱⁱ
 - o The Permanent Forum has expressed concern on violence against indigenous human rights defenders and recommended that the Special Rapporteur on the situation of human rights defenders prepare a dedicated report on the alarming conditions of the defenders.
 - o The Forum has recommended States to establish monitoring mechanism to address intimidation and persecution against indigenous human rights defenders and encouraged NHRIs to develop strategies to protect and support indigenous defenders.
 - o The Forum has recommended that national and transnational corporations adhere to the UN Guiding Principles on Business and Human Rights to ensure protection of indigenous defenders and that EU and other international funding agencies to provide long-term funding, legal aid and other resources to assist indigenous defenders, their families, networks and communities.
 - o In its recently concluded 17th session, the Forum has requested the Secretary General, through Assistant Secretary-General on Human Rights in coordination with the Office of the High Commission for Human Rights, Special Rapporteur on Human Rights Defenders and other relevant UN mechanisms, to collect information on acts of intimidation and reprisals against indigenous human rights defenders, including women defenders, for cooperation with the UN through regular reporting from all parts of the UN system and inputs from indigenous peoples and submit a report to the Forum in its eighteenth session, including on measures taken and suggested to prevent such abuses.
 - o The Forum has also made specific recommendations in cases of violence or reprisals against particular indigenous defenders such as the killing of Berta Caceras in Honduras

and the ongoing terrorist tagging of Special Rapporteur on the rights of indigenous peoples Victoria-Tauli Corpuz and other indigenous defenders in the Philippines.

- In its various session, particularly the recent 16th and 17th sessions, the Permanent Forum has raised the issues of indigenous human rights defenders in dialogue with Member States, including in regional dialogues. Good practices (such as setting up independent national human rights mechanisms – Ombudsman office or human rights commissions with mandate in line with the UN Declaration on human rights defenders) and challenges (resources and coordination) were shared in those dialogues

Recommendations

As rightly noted in the reports of the Special Rapporteur on the situation of human rights defenders, the biggest challenge to environmental human rights defenders, including indigenous human rights defenders, is the root causes underlying violations. This is more prominent in the case of indigenous human rights defenders as they are often standing up against States or other powerful actors that do not recognize the rights of their communities as indigenous peoples, including to consultation and consent, lands and resources and self-determination. At the same time, there is lack of awareness among various State actors on those indigenous rights. Thus, in line with the 2014 World Conference on Indigenous Peoples Outcome Document, States should take appropriate measures at the national level, including legislative, policy and administrative measures, to ensure indigenous rights and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service.

While addressing such root causes would be the main recommendation to ensure rights and protection of indigenous human rights defenders, below are more specific recommendations in line with the Permanent Forum recommendations above:

- Empowering indigenous human rights defenders in holistic (physical, psychosocial, organizational and digital) security measures
- Supporting revealing and redressing human rights violations against indigenous communities and not only protection and prevention measures for defenders
- Establishing monitoring and support mechanisms for rights and protection of human rights defenders, including indigenous defenders, at national human rights institutions and at regional human rights mechanisms
- Dedicated mechanisms for support to indigenous human rights defenders at the levels of international agencies such as the EU in line with their Guidelines on Human Rights Defenders
- Increasing accountability of State and non-State actors (businesses, private financiers and multilateral banks) involved in cases for reprisals against defenders, including through necessary safeguards and grievance mechanisms and penalties

Human rights and disaggregated data

In committing to the realization of the 2030 Agenda for Sustainable Development, Member States recognized that the dignity of the individual is fundamental and that the Agenda's Goals and targets should be met for all nations and people and for all segments of society. Furthermore, they endeavoured to reach first those who are furthest behind. The pledge to leave no one behind reflects the fundamental human rights principles of non-discrimination and equality.

Ensuring that these commitments are translated into effective action requires a precise understanding of target populations. However, the disaggregated data needed to address all vulnerable groups – including children, youth, persons with disabilities, people living with HIV, older persons, indigenous peoples, refugees, internally displaced persons and migrants – as specified in the 2030 Agenda, are sparse. Few of the current SDG indicators, for example, are able to shed light on the particular situations of migrants, refugees, older persons, persons with disabilities, minorities and indigenous peoples.

Even from the limited data currently available, it is clear that the benefits of development are not equally shared. In 2016, for instance, 15 per cent of young workers and their families lived in extreme poverty, compared to 9 per cent of adult workers. Moreover, youth were nearly three times more likely than adults to be unemployed. In 2015, 85 per cent of urban population used safely managed drinking water services, compared to only 55 per cent of rural population.

A global effort to improve data availability and use, including through improvements in the integration of data sources, has already begun. But much work lies ahead. National statistical systems need to invest in the technology and skills necessary to collect and integrate data from multiple sources, including integration of geospatial information with statistics and other data. This means making better use of traditional statistical surveys, censuses and administrative records. It also means harnessing the power of technology to leverage new sources of data, such as from cell phone records, Earth observations, other sensors and social media. More citizen-generated data is also being used to monitor the needs and progress of vulnerable groups. However, new methodologies need to be developed to ensure the quality and reliability of such data.

ⁱ A/71/281, A/HRC/34/52

ⁱⁱ See <https://www.theguardian.com/environment/2018/feb/02/almost-four-environmental-defenders-a-week-killed-in-2017>; <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017>; or <https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/>

ⁱⁱⁱ See attached matrix with description of implementation