

Statement on outcome of virtual pre-session meeting (22-24 June 2020)

Expert Mechanism on the Rights of Indigenous Peoples¹

The Expert Mechanism held a virtual pre-session for two hours a day from 22-24 June following the postponement of its 13th session because of the COVID-19 crisis. Its 13th session will now take place from 30 November to 4 December 2020.

The purpose of the pre-session was to finalize reports and proposals for submission to the Human Rights Council's 45th Session in September 2020, taking on board any comments received in writing.

The pre-session opened with the election of officers: Laila Susanne Vars was elected Chair of the Expert Mechanism and Lounes Belkacem and Megan Davis as vice-Chairs.

The following two reports were adopted: A study on the Right to Land under the UN Declaration on the Rights of Indigenous Peoples; and a Report on the Repatriation of ceremonial objects, human remains and intangible resources, under the UN Declaration on the Rights of Indigenous Peoples.

Proposals for the Human Rights Council's session in September of this year were also adopted, relating to the impact of the COVID-19 crisis on indigenous peoples, support for the International Decade of Indigenous Languages, and support to the continuing dialogue on the participation of indigenous peoples in the UN system, among others. These proposals have been transmitted to the Human Rights Council and may be viewed on our webpage. They will be reproduced in our annual report after our 13th session.

The Expert Mechanism also discussed updates on its country engagement mandate, preparations for its session in November, its seminar and intersessional meeting in November and its Study for 2022. The seminar, which will take place in Greenland in November 2020, will inform the Mechanism's Study for 2021 on the rights of the child under the UN Declaration on the Rights of Indigenous Peoples. The Expert Mechanism decided its Study in 2022 would be a follow-up Study on Land Rights, to include responses to and the aftermath of pandemics, as they relate to the protection of indigenous peoples' rights. The Expert Mechanism nominated Kristen Carpenter to continue her role, and Lounes Belkacem to take up the role, of representatives of the Expert Mechanism in the preparation and pursuit of activities during the International Decade of Indigenous Languages.

During the pre-session, Francisco Cali Tzay, the Special Rapporteur on the Rights of Indigenous Peoples and Diel Mochire, the Chair of the UN Voluntary Fund for Indigenous Peoples, participated in a coordination meeting to share updates on the work of the mechanisms. On Friday 26 June, after the pre-session, the Expert Mechanism had a virtual meeting with the

¹ The pre-session was a closed meeting: Members and Secretariat only.

Permanent Forum on Indigenous Issues for a conversation on coordination and activity updates.

The Expert Mechanism would like to thank all those indigenous peoples, States, NHRIs and individuals who provided comments on its Study and report and proposals for the Human Rights Council. The provision of contributions to these reports outside of the normal process is much appreciated and has enriched their content. The Expert Mechanism would also like to thank the University of Colorado for the use of its virtual platform that enabled interpretation during this pre-session.

The Expert Mechanism takes this opportunity to remind the indigenous community that the Human Rights Council will hold its annual half-day panel discussion on the rights of indigenous peoples during its 45th session in September this year, on the theme of the protection of indigenous human rights defenders (Resolution 39/13).

The Expert Mechanism also takes this opportunity to express its concern at the recent financial crisis in the OHCHR, which has resulted in a temporary freeze on posts. For this reason, the departure of a staff member, for a well-deserved promotion, leaves the EMRIP secretariat with only one staff member supporting it in its work. This will inevitably have an impact on our capacity to implement our mandate. While we understand that the COVID crisis challenges everyone, it is well recognised that indigenous peoples are disproportionately affected, and thus require, and deserve the full force of our mandate. The Expert Mechanism intends to raise this issue with the President of the Human Rights Council.

As indicated, the Expert Mechanism is aware of the challenging situation many indigenous peoples are facing, and that many do not have the capacity to engage and participate in the work of the UN mechanisms that promote indigenous peoples' rights. Our hearts go out to all of you who have lost your loved ones during the pandemic. We commemorate our indigenous leaders, elders, families and community members.

We agree with the High Commissioner for Human Rights, Michelle Bachelet, who recently highlighted the particular vulnerability of indigenous peoples: they are more likely to die of COVID-19, are hit the hardest by its socio-economic consequences, and inadequate access to health-care and other key facilities exacerbates the possibility of indigenous peoples catching the disease.² We also observe discriminatory actions taken by certain States against indigenous peoples. Some are grasping the crisis as an opportunity to undermine rather than protect their rights. We will endeavour to address the human rights impacts of COVID-19 on indigenous peoples within the scope of our mandate, jointly with other relevant UN mechanisms.

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² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26015&LangID=E>