

Covid-19 & Indigenous peoples



Human Rights Defenders

Indigenous peoples increasingly fear for their and their families' lives while they seek to defend their lands and environments, particularly where States have lessened legal protections of rights and freedoms through declarations of states of emergency during lockdown. In some cases, states of emergency have been utilized to target **indigenous peoples and human right defenders**.¹ In 2019, Front Line Defenders found that “land, environmental and indigenous peoples' rights remained **the most dangerous** sector of human rights defense.”²

Recommendation

States should provide **additional protection** for human rights defenders in the form of legislation, policies and institutional structures. The reporting by defenders of human rights violations and abuses are **essential** during the pandemic. States **must protect human rights defenders from harassment and intimidation**, as well as hold perpetrators (state and non-state actors) accountable and ensure access to justice, remedy and reparation.

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”

Article 1
UN Declaration on human rights defenders



Franciscans International
A voice at the United Nations

Specific Recommendations:

Report of the Special Rapporteur on the rights of indigenous peoples³

- “States should provide additional protection to indigenous and other human rights defenders who may be at additional risk due to confinement or other measures. States should recognize the monitoring and reporting of human rights violations and abuses by defenders as an essential service that should be permitted to continue.”
- “Emergency powers must not be abused to quash, dissent or silence indigenous leaders and rights defenders. States should urgently remove or reduce the presence of State militaries in indigenous territories and communities. Attacks on indigenous, land, environmental and women human rights defenders must be stopped, perpetrators held accountable and access to justice and remedy and reparation guaranteed.”

Report of the Special Rapporteur on human rights defenders⁴

- “Businesses, while responsible for protecting human rights defenders, are often complicit in attacks on them, including on those working on land rights, indigenous rights and environmental rights. Many such defenders are among those working in remote rural areas. The responsibilities of businesses and financial institutions will be a focus of the work of the Special Rapporteur.”
- “Pay particular attention to the most exposed groups, in particular those working in remote or isolated areas, environmental defenders, defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons, women human rights defenders and those who work for women’s rights, defenders who are children, defenders working on the climate crisis, defenders working in the area of business and human rights, defenders working on migrant rights and related issues and defenders working on the rights of persons with disabilities.”

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guatemala⁵

- “Strengthen legislation, policies and institutional structures for the protection, including from criminalization, of human rights defenders, including journalists, judges and prosecutors, and ensure implementation of the recommendations contained in the report of OHCHR and the Office of the Ombudsperson on the situation of human rights defenders in Guatemala.”

UN Women: Response to COVID-19⁶

- “Enhance collaboration and partnerships with human rights defenders who are at the frontline in the defense of indigenous peoples’ ancestral lands, natural resources and livelihoods.”

Guidance Note on CEDAW and COVID-19⁷

- “Consider alternatives to detention for women deprived of liberty, such as judicial supervision or suspended sentences with probation, in particular for women detained on grounds of administrative or other non-severe offences, low-risk offenders and those who can safely be reintegrated into society, women nearing the end of their sentences, pregnant or sick women, older women and women with disabilities. Women political prisoners, including women human rights defenders detained without sufficient legal basis should be released.”

The rights of human right defenders are expressly recognized in the:

Escazú Agreement⁸

- *Article 9: Human rights defenders in environmental matters*
 1. Each Party shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity.
 2. Each Party shall take adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights, taking into account its international obligations in the field of human rights, its constitutional principles and the basic concepts of its legal system.
 3. Each Party shall also take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement.

Declaration on Human Rights Defenders⁹

- *Article 1:*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

References

1. United Nations General Assembly 75th session: Report of the Special Rapporteur on the rights of indigenous peoples (A/75/185), para. 79, at <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F185&Language=E&DeviceType=Desktop>
2. Front Line Defenders Global Analysis 2019, p. 7, at https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf
3. United Nations General Assembly 75th session (A/75/185), para. 109 and 110
4. United Nations General Assembly 75th session (A/75/165), para. 35 and 91(f)
5. United Nations Human Rights Council 46th session (A/HRC/46/74), para. 93(g)
6. UN Women: "Making Indigenous Women and Girls Visible in the Implementation of the UN Framework for the Immediate Socio-Economic Response to COVID-19 Accessing Funds Through Multi-Partner Trust Fund, section "Recommended Actions"
7. Committee on the Elimination of Discrimination against Women, para. 7
8. See p. 29
9. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, p. 3