**54th session of the Human Rights Council**

**Annual half-day panel discussion on the rights of Indigenous Peoples**

***Theme: The impact of certain development projects on the rights of Indigenous Peoples,
in particular the impact on Indigenous women***

*Concept note (as of 27 September 2023)*

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| **Date and venue:** | **Wednesday, 27 September 2023, 4 to 6 p.m. (UTC+2)****Room XX, Palais des Nations, Geneva, and online platform (Zoom)** *(will be broadcast live and archived on* [*https://media.un.org/en/webtv*](https://media.un.org/en/webtv)*)* |
| **Objectives:** | The panel discussion aims: * To examine the impact of development projects on the human rights of Indigenous Peoples, un particular Indigenous women, focusing on issues related to land rights, access to natural resources, cultural preservation, and socio-economic opportunities;
* To facilitate the sharing of experiences and initiatives undertaken by Indigenous women to address existing or potential impacts of development projects;
* To identify best practices and lessons learned from development projects that have integrated a human rights-based approach, respecting the rights of Indigenous Peoples;
* To discuss the measures that States, the private sector, financial institutions and Indigenous Peoples can adopt to prevent and address the impacts of development projects on the rights of Indigenous Peoples, in particular their impact on Indigenous women, and explore how the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), can provide support in implementing these measures.
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| **Chair:** | **H.E. Mr. Marc Bichler**, Vice-President of the Human Rights Council |
| **Opening statement:** | **Ms. Ilze Brands Kehris**, United Nations Assistant Secretary-General for Human Rights |
| **Panellists:** | * **Ms. Sheryl Lightfoot**, Chair of the Expert Mechanism on the Rights of Indigenous Peoples
* **Ms. Anabela Carlón Flores**,Lawyer for the Yaqui People, Mexico
* **Mr. José Francisco Calí Tzay**, Special Rapporteur on the rights of Indigenous Peoples
* **Ms. Adriana Quiñones**, Head of Human Rights and Development at the UN Women Geneva Office
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| **Outcome:** | A summary report of the discussion will be prepared by OHCHR and submitted to the Council prior to its fifty-sixth session. |
| **Mandate:** | The Human Rights Council decided to hold an annual half-day panel discussion on the rights of Indigenous Peoples in its resolution 18/8 of 29 September 2011. The theme of this year’s discussion is mandated by Council resolution [51/18](https://www.undocs.org/A/HRC/RES/51/18) of 12 October 2022.  |
| **Format:** | The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by a two-part interactive discussion and conclusions from the panellists. A maximum of one hour will be set aside for the podium, which will cover the opening statement, panellists’ presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor, with each segment consisting of interventions from 12 States and observers, 1 national human rights institution and 2 non-governmental organizations. Each speaker will have two minutes to raise issues and to ask panellists questions. Panellists will respond to questions and comments during the remaining time available.The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). |
| **Accessibility:** | In an effort to render the Human Rights Council more accessible to persons with disabilities and to promote their full participation in the work of the Council on an equal basis with others, the panel discussion will be webcast and made accessible. International sign interpretation and real-time captioning in English will be provided and webcast during the debate. During the event itself, participants can access live English captioning on the StreamText web page (<https://www.streamtext.net/player?event=CFI-UNOG>). Hearing loops are available for collection from the Secretariat desk. Oral statements may be embossed in Braille from any of the six official languages of the United Nations, upon request and following the procedure described in *Accessibility guide to the Human Rights Council for persons with disabilities* (available on <https://www.ohchr.org/en/hr-bodies/hrc/accessibility>). |
| **Background:** | As enshrined in article 23 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. While development projects can have positive impacts in societies, they can also pose challenges and impact the lives of Indigenous Peoples, affecting their way of living.Throughout history, Indigenous women have played crucial leadership roles within their communities, serving as essential educators and custodians of invaluable traditional knowledge. However, development projects can significantly affect their lives, leading to the displacement of communities, disruption of cultural practices and changes in traditional roles and responsibilities. As a result, Indigenous women's well-being and cultural identity may face challenges when their customary leadership roles and knowledge transmission mechanisms are disrupted ([A/HRC/51/28](https://www.undocs.org/A/HRC/51/28), para. 56).The Committee on the Elimination of Discrimination against Women (CEDAW) highlighted in its general recommendation No. 39 that the lack of legal title to Indigenous Peoples' territories leaves them susceptible to the adverse impact of development projects without their free, prior and informed consent. As a consequence, they face numerous barriers in accessing land, leading to the loss of livelihoods, threatening their cultural heritage, intrinsic connection to their environment, and jeopardizing their food and water security, as well as overall health. Moreover, in advocating for their land and territorial rights and opposing non-consensual development projects, Indigenous women human rights defenders are subject to severe threats, violence, killings, harassment, arbitrary detentions and the criminalization of their work ([CEDAW/C/GC/39](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGC%2f39&Lang=en), para. 5).In a recent report, the Special Rapporteur on violence against women, its causes, and consequences, Reem Alsalem, recommended that Governments, financial institutions, the private sector, and other non-State actors strictly adhere to the United Nations Declaration on the Rights of Indigenous Peoples when undertaking significant infrastructure, development and natural resource extraction projects. These entities must fully respect the right to self-determination and ensure the principle of full, free, prior and informed consent of the Indigenous Peoples impacted by the projects, especially those whose lands and territories would be affected or who hold claims to cultural sites potentially impacted by such endeavors ([A/HRC/50/26](https://www.undocs.org/A/HRC/50/26), para. 78).The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) noted there are many examples of Indigenous Peoples in all regions expressing their self-determination by dissenting or refusing to consent to development projects on their land, often availing themselves of the national courts ([A/HRC/48/75](https://www.undocs.org/A/HRC/48/75), para. 65). The EMRIP emphasized that States should recognize the land, participation, and consultation rights of Indigenous Peoples ([A/HRC/48/75](https://www.undocs.org/A/HRC/48/75), para. 69) and that they should harmonize legislation to make it consistent with the right to self-determination of Indigenous Peoples and their right to their land, territory, and resources, including laws on development projects.The EMRIP further noted that particular attention should be paid to the rights and special needs of Indigenous women, as they are disproportionately affected by the failure to implement land rights ([A/HRC/45/38](https://www.undocs.org/A/45/38)). As the Special Rapporteur on the rights of Indigenous Peoples has noted, land appropriation is not gender-neutral ([A/HRC/30/41](https://undocs.org/A/HRC/30/41), para. 16). During its fifteenth session, the EMRIP recalled that Indigenous women are agents of change and peacemakers ([A/HRC/51/49](https://www.undocs.org/A/HRC/51/49), para. 70). |
| **Background documents:** | Human Rights Council resolutions [18/8](https://www.undocs.org/A/HRC/RES/18/8) of 29 September 2011 and [51/18](https://www.undocs.org/A/HRC/RES/51/18) of 12 October 2023 on human rights and Indigenous PeoplesReport of the Special Rapporteur on the rights of Indigenous Peoples to the General Assembly, 20 July 2020 ([A/75/185](https://www.undocs.org/A/75/185))Report of the Expert Mechanism on the Rights of Indigenous Peoples, on the right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus, 15 July 2020 ([A/HRC/45/38](https://www.undocs.org/A/HRC/45/38))Report of the Expert Mechanism on the Rights of Indigenous Peoples, on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to selfdetermination, 4 August 2021 ([A/HRC/48/75](https://www.undocs.org/A/HRC/48/75))Annual report of the Expert Mechanism on the Rights of Indigenous Peoples, 28 July 2022 ([A/HRC/51/49](https://www.undocs.org/A/HRC/51/49))Report of the Special Rapporteur on the rights of Indigenous Peoples on Indigenous women and the development, application, preservation and transmission of scientific and technical knowledge, 9 August 2022 ([A/HRC/51/28](https://www.undocs.org/A/HRC/51/28))Report of the Special Rapporteur on violence against women, its causes and consequences, Reem Alsalem on violence against Indigenous women and girls, 21 April 2022 ([A/HRC/50/26](https://www.undocs.org/A/HRC/50/26))[United Nations Declaration on the Rights of Indigenous Peoples](http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx), annex to General Assembly resolution [61/295](https://undocs.org/A/RES/61/295) of 13 September 2007Committee on the Elimination of Discrimination against Women, [General recommendation No. 39 (2022) on the rights of indigenous women and girls](https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigeneous) |

**Suggested guiding questions:**

1. *How have development projects affected the land rights of Indigenous Peoples, particularly Indigenous women and what measures can be taken to protect and uphold their land ownership and control over natural resources?*
2. *What are specific experiences and initiatives undertaken by Indigenous Peoples, including Indigenous women in response to the consequences of development project on the enjoyment of their human rights, including in relation to cultural preservation and socio-economic opportunities?*
3. *What are some existing practices and lessons learned that have promoted and protected the rights of Indigenous Peoples, particularly Indigenous women in the context of development projects?*
4. *In the context of development projects impacting the human rights of Indigenous women, what measures can States and Indigenous Peoples adopt to prevent and address these impacts, and how can the United Nations offer support in implementing these measures effectively?*