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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **Report of the United Nations High Commissioner for Human Rights on indigenous issues\***

##### **Summary**

The present report updates the earlier report of the High Commissioner (E/CN.4/2006/77) and provides information on the principal developments relating to indigenous peoples in 2006 under the aegis of the Office of the High Commissioner for Human Rights (OHCHR), including activities at the country level. The report notes that indigenous peoples remain among the poorest sectors of society in the countries in which they live, notwithstanding progress in legal protection and recognition through national legislation and international norms. The implementation gap - the disparity between established rights and their practical application - constitutes a significant challenge for Governments and the international community, and is further analysed by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in his present and previous reports (A/HRC/4/32 and E/CN.4/2006/78 respectively). The report concludes by noting that indigenous issues are increasingly mainstreamed into the work of the human rights mechanisms and the technical cooperation activities of OHCHR. It also acknowledges the ongoing discussions to develop universal standards on the rights of indigenous peoples.

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\* This document is submitted late so as to include the most up-to-date information possible.

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## Introduction

1. Indigenous peoples are among the poorest groups in the countries in which they live. Numbering some 370 million, they constitute 5 per cent of the population of the world but 15 per cent of the poor. Indigenous peoples have lower incomes than other communities, less access to health care, education, adequate housing and social services and generally face political and social exclusion. A report by the International Labour Office (ILO), drawing on information provided by the Poverty Reduction Strategy Papers (PRSPs) of 14 countries, concludes that poverty is widespread and persistent among indigenous peoples.<sup>1</sup> A World Bank study on indigenous peoples in Latin America finds that being indigenous increases the probability of an individual being poor and notes that few gains were made in poverty reduction among indigenous peoples during the International Decade of the World's Indigenous People (1995-2004). It asserts that, in certain countries, the poverty gap between indigenous peoples and the larger population has widened.<sup>2</sup>

2. The question of poverty and indigenous peoples was the focus of the Permanent Forum on Indigenous Issues at its fourth session and the subject of a paper by the Inter-agency Support Group on Indigenous Issues (IASG) that warned that the Millennium Development Goals (MDGs) were not bringing the expected benefits to indigenous communities.<sup>3</sup> The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has underlined in both his thematic and country reports the disadvantaged condition of the majority of indigenous peoples in terms of income and access to basic services. The Treaty Bodies, as noted in the present report, have repeatedly called upon Governments to develop programmes that address the disadvantages experienced by indigenous peoples. All of the above-mentioned human rights mechanisms have underlined the need for reliable and culturally appropriate disaggregated data to determine the extent of poverty among indigenous peoples.

3. The information provided in the present report identifies some of the activities undertaken under the aegis of OHCHR aimed at addressing the disadvantages of indigenous peoples and assisting Governments in strengthening their policies and programmes for these groups.

## I. TREATY BODIES

4. In 2006, a number of the treaty bodies, namely the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Protection of

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<sup>1</sup> Manuela Tomei, *Indigenous and Tribal Peoples: an Ethnic Audit of Selected Poverty Reduction Strategy Papers*, ILO 2005.

<sup>2</sup> Gillette Hall and Harry Anthony Patrinos, *Indigenous Peoples, Poverty and Human Development in Latin America: 1994-2004*, World Bank 2005.

<sup>3</sup> See report of the fifth session of the Permanent Forum on Indigenous Issues (E/2006/43, E/C.19/2006/11).

the Rights of All Migrant Workers and Members of Their Families and the Committee on the Elimination of Discrimination against Women, specifically referred to human rights issues relating to indigenous peoples.

5. The Committee on the Elimination of Racial Discrimination (CERD) addressed indigenous rights in its concluding observations to Botswana, Denmark, El Salvador, Guatemala, Guyana, Mexico, Norway and South Africa and in various decisions relating to Australia, Brazil, Democratic Republic of the Congo, Lao People's Democratic Republic, Nicaragua, Peru, Suriname and the United States of America. CERD highlighted persistently high rates of illiteracy, cases of domestic violence, low average life expectancy, low levels of schooling and acts of violence committed against indigenous persons in certain countries. It identified other human rights issues, including the development of extractive industry projects without consultation with indigenous communities; the lack of legal recognition of the right of indigenous communities to ownership and possession of lands; the practice of granting land titles to indigenous communities excluding water and subsoil resources; the lack of access to their traditional lands for indigenous peoples; forced displacement; obstruction in the use of traditional sacred sites; and the lack of bilingual education.

6. CERD noted the progress that had been made in preventing racial discrimination in respect to indigenous rights in certain countries and welcomed specific national developments aimed at promoting and protecting the rights of indigenous peoples. These included: the establishment of the Presidential Commission on Discrimination and Racism against Indigenous Peoples and the promulgation of the Agreement on Identity and Rights of Indigenous People in Guatemala, as well as the intention of Guatemala to recognize indigenous legal systems; and the establishment of the General Act on the Linguistic Rights of Indigenous Peoples and the National Commission for the Development of Indigenous Peoples in Mexico. It also welcomed efforts made by certain States parties to ensure greater participation of indigenous peoples in political life and to improve their employment, housing and education. CERD particularly expressed concern at the extent to which racism and racial discrimination are entrenched within the territory of certain States parties. It also noted with concern the inadequacy of public policies in eliminating racial discrimination against indigenous peoples in the media, in developing national strategies or plans of action to combat racial discrimination, and in addressing inequalities faced by members of indigenous communities in the enjoyment of their rights. It also drew attention to the issue of access to justice for indigenous peoples and their difficulties in accessing common law courts.

7. CERD recommended that States parties adopt policies to eliminate racism against indigenous peoples; undertake special measures to recognize and protect the rights of indigenous peoples to own, develop control and use their communal lands and territories; and compensate indigenous peoples affected by development projects on their lands. The Committee also underlined the necessity of undertaking impact assessments prior to authorizing projects on lands occupied by indigenous peoples and commented on the rights of indigenous peoples to carry out their traditional economic activities.

8. The Human Rights Committee addressed indigenous issues in its concluding observations to Australia, Canada, Democratic Republic of the Congo, Honduras, Norway, Paraguay and the United States of America under the Optional Protocol to the International Covenant on Civil and Political Rights. Among its concerns, the Committee raised the issues of

high rates of domestic violence committed against indigenous women; discrimination in health, employment and education; the decline of indigenous languages; as well as the persistent marginalization and persecution of indigenous peoples and the possible negative impacts of extractive industry projects taking place on lands occupied by indigenous peoples. The Committee recommended to certain States parties that they review their policies with regard to indigenous peoples, in order to preserve their cultural identity and give them greater influence in decisions affecting their natural environment and means of subsistence. It also stressed the obligation of States parties to seek the informed consent of indigenous communities before adopting decisions affecting them, and to provide an effective restitution of ancestral lands.

9. The Committee on Economic, Social and Cultural Rights addressed indigenous rights in its concluding observations to Canada and Mexico. The Committee noted the progress made in Canada with regard to reducing disparities between indigenous peoples and the rest of the population, including decreasing rates of infant mortality and better access to secondary education, but remained concerned about persisting disparities, especially in the areas of poverty, access to water, health, literacy, housing and education.

10. The Committee on the Rights of the Child (CRC) addressed indigenous rights in its concluding observations to Colombia, Congo, Mexico, Peru and Thailand. CRC raised the concern of stigmatization of and discrimination against indigenous children and noted that indigenous children continue to confront serious challenges and threats to the enjoyment of their rights. It considered that rights-based policies to protect indigenous children were insufficiently applied. It identified as concerns: high infant and maternal mortality rates; low quality of life; malnutrition; low birth registration; physical and sexual abuse of children within and outside the family; occurrences of sexual exploitation and trafficking; child labour; regional disparities in access to health-care and education services, including insufficient bilingual intercultural education in indigenous areas; displacement of indigenous children; and environmental health problems mainly affecting indigenous children and arising from contamination by extractive industries.

11. CRC noted the efforts undertaken by some States parties to recognize the collective land rights of indigenous peoples and to increase their quality of education and notably welcomed in the Congo the establishment of the Inter-Ministerial Committee to coordinate actions on issues related to indigenous people. CRC recommended to States parties that they increase their efforts and take affirmative action to prevent discrimination against indigenous children. It also recommended that they provide indigenous children with special protection, including measures to address the gap in life opportunities; protect the rights of indigenous peoples to preserve their historical and cultural identity and customs, traditions and language; secure the physical integrity of indigenous peoples including children; disseminate information on legal policies in indigenous languages; and promote bilingual education.

12. In 2006, CRC adopted general comment No. 7 on implementing child rights in early childhood, which includes a reference to indigenous children and calls upon States parties to ensure that children, and particularly indigenous children, are granted full access to health-care and education services. During the year, the Committee continued its consultations with indigenous representatives and other experts regarding a general comment on indigenous children.

13. The Committee on the Elimination of Discrimination against Women made reference to indigenous peoples in its concluding observations to Australia, Guatemala, Guyana, Mexico, the Philippines, Thailand and Venezuela (Bolivarian Republic of). The Committee expressed concerns about discrimination against indigenous women and pointed out the particular prevalence of domestic violence and sexual assaults against indigenous women, high rates of poverty, lack of access to adequate health services and education, and problems of access to justice. The Committee stressed the need to adopt measures to accelerate the improvement of the conditions of indigenous women in all spheres of life. It further recommended that priority attention be accorded to the effective enforcement and monitoring of legislation on domestic violence and to ensuring that women, including indigenous women, have access to immediate means of protection. The Committee stressed the underrepresentation of indigenous women in political and public life and recommended that the number of indigenous women in decision-making positions in society be increased.

14. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in its comments to Mexico noted the particular situation of indigenous migrants and women migrants, who suffer from dual discrimination in the enjoyment of their economic, social and cultural rights, and are more vulnerable to violations and abuse than other groups.

## **II. SPECIAL PROCEDURES**

15. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people will present to the Council a thematic report reviewing and evaluating the principal developments affecting indigenous peoples in the course of his six-year mandate. He will also present reports of country missions to Ecuador and Kenya and a study on good practice in relation to the follow-up to his recommendations. The reports of the Special Rapporteur are contained in documents A/HRC/4/32 and Add.1-4. As is pointed out by the Special Rapporteur in his report, one of the impacts of establishing a special procedure on indigenous peoples has been to stimulate awareness of indigenous issues among other human rights mechanisms and consequently increased attention in their thematic and country reports.

16. Indigenous issues have been taken up by other special procedure mandate holders including the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Representative of the Secretary-General on the situation of human rights defenders; the Representative of the

Secretary-General on human rights of internally displaced persons; and the Special Representative on the issue of human rights and transnational corporations and other business enterprises.

17. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has linked the issue of adequate housing to the right to land and access to natural resources and recommended that States provide legal recognition of collective-based property rights. The Special Rapporteur on the sale of children, child prostitution and child pornography has noted that indigenous children are among the groups more exposed to trafficking and sexual exploitation, mainly because of social exclusion and discrimination. The Special Rapporteur on the right to food has given extensive attention to indigenous perspectives, noting that indigenous peoples often see their subsistence activities such as hunting, fishing and gathering as essential to nurturing their culture and identity. He also observes that levels of hunger and malnutrition among indigenous peoples are often disproportionately higher than among non-indigenous populations. Among the recommendations he addresses to Governments is the need to recognize rights to land, resources and traditional subsistence activities, as well as intellectual property rights over genetic and knowledge resources. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance draws attention to the disadvantages and exclusion faced by indigenous peoples in several of his country reports, linking the phenomenon to prevailing levels of poverty, the legacy of colonialism and weak protection of land rights.

18. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism notes that some States are applying definitions of terrorism that are designed in bad faith to outlaw political opposition, religious entities, or minority, indigenous or autonomy movements that have never resorted to violence against persons. The Special Rapporteur on violence against women, its causes and consequences in one of her country reports calls for funding for vocational training, adult literacy, credit schemes and provision of incentives for the employment of indigenous women to combat gender discrimination and violence emanating from it.

19. The Special Representative of the Secretary-General on the situation of human rights defenders has, over the period of the mandate, sent 80 communications on human rights defenders working to promote and protect the rights of indigenous peoples and minorities. Several of these communications have been sent jointly with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. The majority of these cases are concerned with indigenous peoples involved in struggles over land rights and rights to use and freely dispose of their natural wealth and resources. The majority of such cases are reported from countries in Latin America (39 cases) and Asia (19 cases). She has also expressed concern about human rights defenders being prosecuted under anti-terrorism legislation.

20. The independent expert for the study on violence against children has also acknowledged the special vulnerability of indigenous children and has called upon States to ensure that these children and their families are provided with culturally based support and care services, and that social workers have adequate training to work effectively with them.

### **III. DRAFT UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

21. The eleventh session of the intersessional working group on the draft United Nations declaration on the rights of indigenous peoples was held from 5 to 16 December 2005 and 30 January to 3 February 2006. During the session 16 preambular paragraphs and 21 articles of the declaration were provisionally adopted by consensus; the remaining provisions did not enjoy support from all delegations. The Chairperson-Rapporteur undertook to present his own proposals to the Commission on Human Rights, drawing on the different suggestions made by delegations, as a compromise text. On 29 June 2006 in resolution 2006/2, the Human Rights Council adopted the declaration as elaborated by the Chairperson-Rapporteur with 30 votes in favour, 2 against and 12 abstentions. On 28 November 2006, the Third Committee of the General Assembly adopted the amendments proposed by Namibia, on behalf of the Group of African States, to the draft resolution on the United Nations declaration on the rights of indigenous peoples by a vote of 82 in favour, 67 against and 25 abstentions. By adopting the amendments, the Third Committee decided to defer consideration and action on the declaration and conclude its considerations before the end of the sixty-first session of the General Assembly.

### **IV. WORKING GROUP ON INDIGENOUS POPULATIONS**

22. The twenty-fourth session of the Working Group on Indigenous Populations was held from 31 July to 4 August 2006 with a focus on the utilization for military purposes of the lands of indigenous people by non-indigenous authorities, groups or individuals. It also reviewed a set of draft principles and guidelines on the protection of the heritage of indigenous peoples and requested that OHCHR hold consultations and produce a final draft of the guidelines. The Working Group also analysed the paper “Legal commentary on the concept of free, prior and informed consent” and recommended that OHCHR organize a technical workshop on the issue. The report of the Working Group (A/HRC/Sub.1/58/22) contains proposals to the Human Rights Council on a possible future mechanism to protect and promote the human rights of indigenous peoples which, together with its other recommendations, are for the consideration of the Council. A total of 583 participants were accredited to the twenty-fourth session of the Working Group. Documentation relating to the Working Group is contained on the OHCHR website (<http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm>).

### **V. SEMINARS**

23. OHCHR organized three seminars on indigenous themes during 2006. The expert seminar on indigenous peoples’ permanent sovereignty over natural resources and their relationship to land, organized at the request of the Economic and Social Council, was held in Geneva from 25-27 January 2006. In its report (E/CN.4/Sub.2/AC.4/2006/3) the expert seminar recommends that States take legislative and administrative measures to ensure that indigenous peoples enjoy ownership of and benefit from their natural resources and manage and conserve those resources in accordance with their own laws and institutions. Documentation relating to the seminar is available on the OHCHR website (<http://www.ohchr.org/english/issues/indigenous/sovereignty.htm>).

24. On 14 to 17 November 2006, OHCHR organized an expert seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples on

Maskwacis Cree Territory, Alberta. More than 470 participants attended the meeting, including a large number of community-based indigenous representatives that live in treaty areas in the country. Among the conclusions and recommendations made by the participants was the proposal to research and preserve oral histories, traditional knowledge and cultural understanding of treaties; a suggestion that the Human Rights Council include a consideration of treaties, agreements and other constructive arrangements between States and indigenous peoples in its universal periodic review process; and a recommendation that further information be gathered on treaties, agreements and other constructive arrangements in Asia and Africa.

25. The question of indigenous peoples living in isolation or voluntary isolation has been raised in various forums, including the Working Group on Indigenous Populations and the Permanent Forum on Indigenous Issues, as well as by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. In response to a recommendation made by the Permanent Forum, OHCHR in cooperation with the Government of Bolivia, the Bolivian Confederacy of Indigenous Peoples and the International Working Group for Indigenous Affairs organized a regional seminar on indigenous peoples in voluntary isolation and in initial contact of the Amazonian Basin and El Chaco, in Santa Cruz, Bolivia, from 20 to 22 November 2006. Participants reached an agreement and approved by consensus the "Llamamiento de Santa Cruz", a nine-page document with more than 50 specific recommendations for States, international organizations and civil society. The document reflects the high level of vulnerability of these isolated peoples and the need for urgent action. Participants made recommendations in relation to the principle of non-contact, the importance of protecting their lands and territories from trespass, the prohibition of damaging economic activities in the lands and territories of those peoples, and the importance of international and regional cooperation for their protection. The report and the Llamamiento de Santa Cruz will be submitted to the sixth session of the Permanent Forum on Indigenous Issues.

## **VI. TECHNICAL COOPERATION/COUNTRY ENGAGEMENT**

26. Regional consultations held by OHCHR in preparation for its 2006-2007 programme identified indigenous peoples as an important, and in some regions, critical issue for inclusion in technical cooperation activities. Hence, over the period, country offices and human rights advisers have incorporated projects addressing the human rights situation of indigenous peoples. Activities related to indigenous peoples have been or are being undertaken by OHCHR staff in a number of countries including Bolivia, Cambodia, Chile, Colombia, Congo, Ecuador, Guatemala, Kenya, Mexico and Nepal. In two countries, specific programmes to follow up on the recommendations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples are in place. OHCHR provides a thematic unit to support mainstreaming of indigenous issues to both the human rights mechanisms and country programmes.

27. In Mexico, a programme for indigenous peoples is being implemented as a follow-up to the official visit of the Special Rapporteur to the country in 2003. Activities include training of civil servants from the executive and judicial branches on human rights instruments and protection mechanisms relating to indigenous people, cooperation with the National Commission on the Development of Indigenous People, and informational programmes in human rights through a nationwide radio campaign on the mandate of the Special Rapporteur and other international protection mechanisms in more than 20 different indigenous languages. OHCHR is

also implementing training activities to enhance the capacity of indigenous community organizations and local leaders to claim their rights and to monitor the implementation of international recommendations on indigenous people, with a special focus on the rights of indigenous women. In this context, OHCHR has engaged in comprehensive research on the specific situation of the rights of indigenous women, and the results of this work are expected in 2007.

28. A project on access to justice for indigenous peoples has just been completed. It provides an analysis, among other matters, of how indigenous customs and norms are taken into account in cases in the State justice system, the availability of interpreters or translators in indigenous languages and practices regarding the right to physical security and integrity. The study also interviewed over 1,000 prisoners, of whom two thirds were indigenous, reviewed court files and interviewed judges, defence and prosecution attorneys, as well as indigenous authorities. The study, which will soon be made public, makes various practical recommendations for action to implement human rights for indigenous peoples in the Mexican context.

29. Training workshops have been conducted with state and federal public defenders and judges in the states of Guerrero and Queretaro, and a study on litigation strategies to implement indigenous rights in Mexico is being prepared. OHCHR has organized training activities for lawyers and anthropologists to strengthen multidisciplinary approaches for the implementation of indigenous rights in the criminal justice context. It is likely that the report findings will form part of the mandatory training programme for staff of the office of the federal Public Defender in 2007.

30. In Guatemala, the visit of the Special Rapporteur from 15 to 17 May 2006 made a major impact. The visit created opportunities for renewing contacts with key actors, officials, and representatives of civil society and indigenous communities, and contributed to a constructive dialogue, allowing for an analysis of the progress made and of the continuing challenges in relation to implementation of the recommendations made by the Special Rapporteur following his mission in 2002. As part of the follow up to his visit, OHCHR has undertaken activities with the Presidential Commission to Combat Discrimination and Racism against the Indigenous Peoples in Guatemala and provided assistance to the Office of the Ombudsperson for Indigenous Women to elaborate a report on "Access by indigenous women to administration of justice in Guatemala". OHCHR will be involved in disseminating the report and its recommendations. The project also includes a strategy to promote affirmative action for the education of indigenous women.

31. OHCHR in Colombia notes that indigenous peoples, in particular indigenous women, face serious human rights violations and breaches of international humanitarian law, as a result of the continuing internal armed conflict, the insecurity and the impact of massive projects in their territories. During the year, OHCHR continued monitoring the human rights situation of indigenous communities and particularly communities which are facing a serious risk of extinction, such as the Nukak Makú of the department of Guaviare. In collaboration with other agencies of the United Nations system, OHCHR assisted the National Indigenous Organization of Colombia (ONIC), which organized an international verification mission to five regions of the country. The objective of the mission was to look into the humanitarian and human rights situation of the indigenous population and in particular to follow up on the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of

indigenous people. OHCHR is currently increasing its focus on discrimination issues through support to NGOs by providing them with monitoring tools. OHCHR has also advised the Office of the Ombudsman on drafting legislation and on creating a national action plan against discrimination. A module on the rights of indigenous peoples has been included in the training provided to United Nations human rights country teams. Given the importance of land issues, and especially in areas which are rich in natural resources, OHCHR in Colombia is preparing a technical cooperation project documenting cases of disputes and seeking, through the relevant governmental ministries, respect for the principle of informed consent prior to development projects affecting the community.

32. The technical cooperation programme for indigenous peoples and Afro-descendants in Bolivia, Ecuador and Peru (the Andean programme) has realized a number of activities in Ecuador including human rights training and preparations for the visit of the Special Rapporteur (from 25 April to 5 May 2006), through publications and the organization of meetings as well as cooperation with the office of the human rights Ombudsman and civil society partners. The Andean programme has ensured a human rights approach to indigenous issues in the United Nations Development Programme (UNDP) office, where OHCHR was instrumental in establishing an inter-agency group on indigenous peoples and afro-descendants, initiating a paid internship for an indigenous person, and bringing to a successful conclusion the participatory mechanism for indigenous organizations with UNDP/United Nations Country Team (UNCT). The Ecuador office also recruited a former member of the OHCHR Indigenous Fellowship Programme as a consultant, in line with OHCHR policy of employing indigenous experts whenever possible, and in particular former Fellowship Programme members. During 2007, the focus of the Andean programme will be in Bolivia where OHCHR is finalizing the opening of an office. OHCHR has also initiated, in cooperation with the United Nations Children's Fund (UNICEF) regional office, and the United Nations Development Fund for Women (UNIFEM), a study on best practices and obstacles regarding the implementation of the thematic recommendations of the Special Rapporteur in Ecuador, Bolivia, and Peru. The study will also pay particular attention to the recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women concerning indigenous women and children in these countries. The study, which is expected to be concluded in 2007, aims at promoting the mainstreaming of the recommendations of human rights mechanisms in policymaking and United Nations programming, including the Millennium Development Goals.

33. During 2006, the Regional Office for Latin America and the Caribbean strengthened contacts with several indigenous peoples' organizations and supported the seminar "Globalization, human rights and indigenous peoples", held in Santiago on 28-29 November 2006. Moreover, the Regional Office included the follow-up of the recommendations of the Special Rapporteur in the Action 2 inter-agency project which is to be implemented during 2007 by the United Nations Country Team in Chile (Strengthening the capacity of UNCT Chile to promote and protect human rights).

34. OHCHR assisted the Government of the Republic of the Congo jointly with ILO to organize consultations to draft a new law on indigenous peoples. The draft law draws on ILO Convention 169 on indigenous and tribal peoples and the draft United Nations declaration on the rights of indigenous peoples and is scheduled to be presented to the Parliament at its next session.

35. In response to a request for technical assistance support from OHCHR Nepal, a needs assessment mission was undertaken in Nepal from 21 to 25 August 2005 to identify protection and empowerment gaps in support of Dalits and other national minorities, as well as indigenous peoples. The main objectives of the mission were to contribute to the development of an integrated OHCHR Nepal policy and of strategies on issues of long-standing discrimination; to build the capacity of OHCHR staff in the regions on Dalit and ethnic issues; to carry out discussions and assess with affected communities their experience of State responses to problems of discrimination at the community level, and to explore and contribute to practical remedies for discrimination at the grass-roots level. The mission paid particular attention to the situation of women and in this context a specific workshop to hear the voices of the Tharu women was organized in Nepalganj in the Bardiya Banke District.

36. OHCHR also funded and participated in a training workshop for indigenous representatives of Cambodia held from 8 to 10 July 2006 in Phnom Penh in cooperation with the Asia Indigenous Peoples Pact Foundation. Thirteen participants from various organizations and regions, including Ratanikiri, were given the opportunity to exchange experiences on issues such as land concessions and natural resource management. Issues were discussed in light of the provisions of the draft United Nations declaration of the rights of indigenous peoples, the jurisprudence of the United Nations Treaty Bodies but also national laws and regulations which were not being enforced. The training was conceived for local trainers who in turn provided another human rights training session in the region in November 2006. OHCHR Cambodia also conducted a field visit to Ratanikiri with the objective of gathering general information about land issues, in particular issues affecting indigenous populations, economic land concessions and mining concessions.

37. Human Rights Strengthening (HURIST) is a joint programme of UNDP and OHCHR aimed at integrating human rights in development by building the capacity of UNDP country offices, preparing methodologies and toolkits on human rights and commenting on and disseminating good practices in the application of human rights in development. HURIST also includes an indigenous component whose objectives are to contribute to the implementation of the UNDP policy of engagement with indigenous peoples and to create forums for dialogue at the national level to ensure participation of indigenous peoples in UNDP (and eventually UNCT) activities at both the policy and programme levels. The underlying purpose of the programme is to promote the full participation of indigenous peoples in the planning, implementation and evaluation of projects that affect them. The pilot programme component on indigenous peoples was concluded in December 2006, having established participatory consultative mechanisms in Bolivia, Ecuador and Kenya.

## **VII. INDIGENOUS FELLOWSHIP PROGRAMME**

38. The Indigenous Fellowship Programme (IFP) remains an important means of strengthening civil society. In 2006, a total of 20 indigenous representatives (including 11 women and 9 men) participated in the four linguistic components of the Indigenous Fellowship Programme (English, Spanish, French and Russian). Communities and countries represented were: Khomani San (South Africa), Chamling (Nepal), Arrente Clan (Aboriginal of Australia), Wayuu and Arhuaco (Colombia), Ogiek (Kenya), Miskitu (Nicaragua), Shuar (Ecuador), Maya (Guatemala), Amazigh (Morocco), Batwa (Burundi), Touareg (Algeria),

Pygmy (Republic of the Congo), Udege, Dolgan, Shor and Veps (Russian Federation). In December 2006, an evaluation of the Indigenous Fellowship Programme was carried out by OHCHR. The evaluation underlined the importance of the programme to indigenous peoples and its multiplier effect. All those responding had undertaken training with their own communities and many had subsequently made use of the human rights mechanisms. Some have subsequently taken up leadership positions, others have participated in expert seminars or were involved in negotiating with legislative bodies, and some had worked with UNCTs.

### **VIII. VOLUNTARY FUND**

39. The Voluntary Fund for Indigenous Populations assisted 46 indigenous representatives to attend the fifth session of the Permanent Forum on Indigenous Issues in New York (for a sum of US\$ 244,000) and 50 representatives to attend the twenty-fourth session of the Working Group on Indigenous Populations (for a sum of US\$ 148,900). Further information is available in the report of the United Nations High Commissioner for Human Rights to the General Assembly on the status of the United Nations Voluntary Fund for Indigenous Populations (A/61/376).

### **IX. PARTNERSHIP AND COOPERATION**

40. Over the past years, inter-agency cooperation on indigenous peoples has grown, stimulated by the Permanent Forum on Indigenous Issues which is mandated to contribute to coordination of the United Nations system on indigenous issues. The broadening of the membership of the Inter-Agency Support Group on Indigenous Issues (IASG) to some 30 United Nations agencies signifies an institutional commitment to promote greater integration of indigenous questions into country programmes. In the course of the year, OHCHR undertook several activities with United Nations partners. These activities included participation in the Inter-Agency Support Group on Indigenous Issues, which in 2006 was organized by the International Fund for Agricultural Development and focused on a review of policies and programmes relating to indigenous lands and resources. The decision by the United Nations Development Group to invite the IASG to develop guidelines for integrating indigenous issues into country programmes gives an opportunity to OHCHR and its partners to raise the visibility of indigenous questions, including the concern that efforts to implement the Millennium Development Goals are largely bypassing indigenous communities. OHCHR and ILO were invited by IASG to elaborate the first outline for the guidelines.

41. OHCHR participated in the fifth session of the Permanent Forum on Indigenous Issues held from 15 to 26 May 2006 with a principal theme of the Millennium Development Goals and indigenous peoples and a discussion day on indigenous peoples in Africa. Both the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the Chairperson/Rapporteur of the Working Group on Indigenous Populations took part and 10 members of the Indigenous Fellowship Programme were also present.

42. Prior to the session of the Permanent Forum, OHCHR contributed to an expert workshop on indigenous peoples organized by the International Organization for Migration and the secretariat of the Permanent Forum in Geneva from 6 to 7 April 2006. The meeting brought together over 30 participants who agreed on a number of recommendations covering three main

areas: State responsibility; information sharing; and the role of international organizations and United Nations agencies in addressing the nexus between indigenous peoples and migration. The recommendations addressed the need to recognize the broad impact on society of the migration of indigenous peoples, including positive as well as negative effects, and the urgency of strengthening the implementation of existing laws to protect indigenous migrants.

43. On 15 May 2006, the Programme of Action of the Second International Decade of the World's Indigenous People was launched in New York. The objectives of the Decade include the promotion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects, as well as their full and effective participation in decisions which directly or indirectly affect their lifestyles, traditional lands and territories and their cultural integrity, considering the principle of free, prior and informed consent. Among the recommendations of the Programme of Action relating to human rights, it is proposed that a global mechanism be established to monitor the situation of indigenous peoples in voluntary isolation or in danger of extinction; that human rights treaty monitoring bodies and thematic and country-specific mechanisms continue to address indigenous issues within their mandates; that educational programmes on the human rights of indigenous peoples be developed and strengthened, including the current Indigenous Fellowship Programme of OHCHR, in indigenous languages where possible, including relevant training materials that are culturally appropriate and should advocate against stereotypes and ethnic stigmatization; and that cooperation be developed with the Working Group on the Rights of Indigenous Populations/Communities in Africa of the African Commission on Human and Peoples' Rights, with a view to enhancing the understanding of indigenous issues in Africa.

## X. CONCLUSIONS

44. A review of the Treaty Bodies and special procedures suggests that indigenous issues are largely integrated into their work. This may be attributed to a number of factors that include the greater visibility, sensitivity and interest of these mechanisms brought about by the discussions on the draft United Nations declaration on the rights of indigenous peoples, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the presence throughout much of the year of indigenous persons within the Office of the High Commissioner for Human Rights (OHCHR) through the Indigenous Fellowship Programme, and the building of human rights capacity over many years that have stimulated interest by indigenous organizations in using human rights mechanisms. As indicated in the report, activities relating to indigenous peoples are increasingly included in OHCHR country programmes.

45. OHCHR is active in inter-agency cooperation to mainstream indigenous issues into programmes and projects. The invitation by the United Nations Development Group to the Inter-Agency Support Group on Indigenous Issues to prepare guidelines on indigenous peoples, as well as a workplan for country-level activities will signal further integration of indigenous issues into the work of the United Nations. The pilot indigenous component of the joint OHCHR/UNDP Human Rights Strengthening programme was successfully

**concluded in December 2006, having established forums for consultation between indigenous peoples and United Nations country teams in three countries. It is expected that these forums will provide opportunities for indigenous representatives to contribute to the programming cycle.**

**46. States have increasingly taken an interest in indigenous issues and have acknowledged the need for universal standards on the rights of indigenous peoples, as witnessed by the discussions around the draft United Nations declaration on the rights of indigenous peoples. The violations and exclusion faced by indigenous peoples justify the continuing concern of the international community and Human Rights Council.**

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