

Economic, Social and Cultural Rights

Background

Each year, the Permanent Forum devotes attention during its annual session to the issue of human rights. For its 14th session in 2015, the Permanent Forum has decided to focus special attention on the consideration of economic, social and cultural rights. This issue is of special importance in 2014-2015 given that the international community is in the process of formulating the post-2015 development agenda.

Economic and social rights cover a range of issues relevant to the rights of indigenous peoples. They relate to various socio-economic issues, including development, health, education, poverty reduction, employment, food, housing, and water and sanitation, among others. Given the complexities and financial implications involved in securing these rights for all peoples in all countries, both developed and developing, States are expected to move towards the “progressive realization” of economic and social rights.

Cultural rights are of particular relevance for indigenous peoples given that indigenous peoples are culturally distinct from the majority societies in which they live. Cultural rights involve protection for traditional and religious practices, languages, sacred sites, cultural heritage, intellectual property, oral and traditional history, etc. And, economic, social and cultural rights are deeply rooted in the lands, territories and resources as well as the life ways of Indigenous peoples.

The rights of indigenous peoples to a range of economic, social and cultural rights are guaranteed in various international instruments. The principal legal instrument articulating these rights in broad terms is the International Covenant on Economic, Social and Cultural Rights (ICESR). Other international instruments also include references to economic, social and cultural rights, especially for specific groups (e.g. The Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities).

The UN Declaration on the Rights of Indigenous Peoples is the foremost instrument on indigenous peoples’ rights. It articulates how economic, social and cultural rights apply in the specific context of indigenous peoples. As reflected throughout relevant provisions of the Declaration, it is necessary to consider economic, social and cultural rights for indigenous peoples in light of the overarching principles of self-determination and non-discrimination¹.

Indigenous peoples continue to live in situations of extreme disadvantage in social and economic terms as compared to other segments of society. In this connection, there are numerous ongoing barriers to the full exercise of their economic, social and cultural rights, including in the following areas: (1) the existence of disaggregated data and other information concerning the specific social and economic situation and needs of indigenous peoples; (2) access to culturally appropriate social and economic programmes and services, including in rural and isolated areas, where indigenous peoples often live; (3) the participation of indigenous peoples in the design and delivery of social and economic programmes and services, at both the national and international levels, and the strengthening indigenous peoples’ self-determined development; (4) respect for and recognition of Indigenous traditional economies as legitimate economies, including “subsistence” and other harvesting practices; and (5) the recognition and protection of indigenous peoples’ lands, territories and resources, which form the basis for their cultures, livelihoods and economic development.

¹ See A/69/267, *Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz, to the United Nations General Assembly* (2014).

Previous work of the Permanent Forum

Since its establishment, the Permanent Forum on Indigenous Issues has made numerous recommendations concerning the economic, social and cultural rights of indigenous peoples. These recommendations have been directed at UN agencies, as well as at Member States and indigenous peoples' themselves. Recommendations relate to the following broad categories: access to culturally appropriate services in areas of education and health, as well as poverty reduction; increasing indigenous peoples self-determined development and development with cultural and identity, with a goal of increasing indigenous peoples' participation in and control over services in programmes related to their economic, social and cultural situations; the need for increased information, especially through the disaggregation of data, concerning the situation of indigenous peoples; and finally, the particular social, economic and cultural situations of indigenous women, youth, elderly and persons with disabilities.

The themes of the annual sessions of the Permanent Forum have also related to economic, social and cultural rights: indigenous children and youth (2nd session); indigenous women (3rd session); the Millennium Development Goals, with a focus on goal 1 to eradicate extreme poverty and hunger and goal 2 to achieve universal primary education (4th session); the Millennium Development Goals and indigenous peoples: redefining the Millennium Development Goals (5th session); climate change, bio-cultural diversity and livelihoods (7th session); and indigenous peoples development with culture and identity (9th session).

The Permanent Forum members have also prepared several substantive reports relevant to economic, social and cultural rights. These include: Report on the living conditions of indigenous children and adolescents in Mesoamerica and compliance with their rights (E/C.19/2-14/5); Study on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with respect to the full enjoyment of human rights and inclusion in development (E/C.19/2013/6); Study on how the knowledge, history and contemporary social circumstances of indigenous peoples are embedded in the curricula of education systems (E/C.19/2013/17); Report on indigenous fishing rights in the seas with case studies from Australia and Norway (E/C.19/2010/2); Indigenous peoples and boarding schools: a comparative study (E/C.19/2010/11); Study on the impact of climate change adaptation and mitigation measures on reindeer herding (E/C.19/2010/15); The Human Development Framework and indigenous peoples self-determined development with culture and identity (E/C.19/2010/CPR.4); Impact of climate change mitigation measures on indigenous peoples and their territories and lands (E/C.19/2008/10); Indicators of well-being, poverty and sustainability relevant to indigenous peoples (E/C.19/2008/9); and Report on Indigenous Traditional Knowledge (E/C.10/2007/10), among others.

Questions to consider

- Are there any examples of good practices in implementing the economic, social and cultural rights of indigenous peoples? How can we share and build upon these experiences?
- What are the economic, social and cultural rights that present the most difficulties for States and indigenous peoples in terms of implementation? Why do these rights present a particular challenge and what can be done to improve this?
- What are the main obstacles to the implementation of economic, social and cultural rights of indigenous peoples? How can States overcome these obstacles? What initiatives are being taken by indigenous peoples to address these gaps?
- What can be done to help ensure that indigenous peoples' own initiatives related to their social, economic and cultural rights are recognized and protected, and are able to function effectively? How should indigenous peoples institutions coordinate with State institutions?
- Can the collection of information and data about indigenous peoples assist in advancing the economic, social and cultural rights of indigenous peoples?
- How can the international system, including the UN, help implement economic, social and cultural rights of indigenous peoples? Are there any existing initiatives that can be shared or replicated in other countries and regions?
- How can the UN enhance its work with indigenous peoples living in both developing and developed countries?

- Can the role of the Committee on Economic, Social and Cultural Rights be strengthened in the context of the interpretation of the human rights standards affirmed in the UN Declaration on the Rights of Indigenous Peoples?