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Permanent Forum on Indigenous Issues

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Draft report

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

1. The Permanent Forum on Indigenous Issues welcomes the endorsement by Canada of the United Nations Declaration on the Rights of Indigenous Peoples, without qualification. We look forward to its immediate implementation, with full and effective participation of indigenous peoples, as a critical step in the reconciliation process between indigenous peoples and the State.

[NEW PARAGRAPH]

The United Nations Permanent Forum on Indigenous Issues expresses its appreciation to the Government of Guatemala and organizations of indigenous peoples, especially the Organismo Naleb', for the support provided to celebrate the preparatory meeting for the 15th session of the Permanent Forum in Guatemala, from 10 to 16 April, 2016. The Forum appreciates the country's openness and dialogue with indigenous organizations, women's and youth organizations, the private sector, media and the UN Country Team, as well as the legislative, executive and judicial branches of the Government of Guatemala. The Permanent Forum also calls upon States to propose and host of the preliminary sessions of the Permanent Forum in the future.

2. In accordance with international law, the Permanent Forum recommends that all member States of the Organization of American States recognize and respect that



the United Nations Declaration on the Rights of Indigenous Peoples affirms constitute the minimum standards for the survival, dignity and well-being of indigenous peoples of the world, and requests the OAS member states to ensure that the American declaration on the rights of indigenous peoples is consistent with or exceeds the standards affirmed in the UN Declaration.

3. The Permanent Forum welcomes the initiation of a national dialogue to discuss and to achieve key constitutional reforms in the field of justice in Guatemala, and encourages the recognition of indigenous justice systems. We urge Guatemala and the private sector, as well as the World Bank and other international economic institutions, to acknowledge that serious efforts require structural economic and social reforms rather than rapid growth of gross domestic product in order to reverse widespread and growing poverty among the indigenous peoples of Guatemala. Such crucial reforms must ensure more equitable distribution and access to traditional lands for the indigenous peoples of Guatemala, consistent with the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, and based on respect for and legal recognition of their collective rights, including their self-determined development. The Permanent Forum calls upon the State of Guatemala to reinforce the effective and full implementation of its Peace Accords.

4. Mauna Kea, the sacred mountain for native Hawaiians, is currently targeted for the placement of an international observatory featuring a 30-metre telescope. Such an activity inhibits and is contrary to the rights articulated in articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples. In addition, the Permanent Forum strongly recommends that the free, prior and informed consent of native Hawaiians be recognized.

[DELETE PARA 5 and replace with the following]

5. The Permanent Forum appreciates the desire Secretary-General's Envoy on Youth to make visible the situation of indigenous youth in his advocacy, in particular on suicide and self-harm. The Permanent Forum calls upon Member States to implement the recommendations of the international expert group meeting on indigenous youth held in 2013 (see E/C.19/2013/3) in collaboration with the Inter Agency Network on Youth Development (IANYD) with the full participation of indigenous youth. The Permanent Forum invites the IANYD to report on progress in this regard at the sixteenth session of the Forum. The Permanent Forum invites the IANYD, including the Envoy on to increase indigenous youth participation at the sessions of the Permanent Forum and all relevant United Nations fora, and to report progress in this regard at the sixteenth session of the Permanent Forum.

6. The Permanent Forum ~~urges~~ invites /the UN General Assembly to consider ~~the consideration of~~ a distinct United Nations voluntary fund for indigenous youth or the earmarking of existing and future funds to increase and enhance the direct participation of indigenous youth at the United Nations. Furthermore, ~~when such a fund is created,~~ we encourage every United Nations Member State to make multi-year voluntary contributions **to existing and future funds.**

7. The Permanent Forum urges States to take necessary measures at the national level for the prevention of self-harm and suicide among indigenous children and youth, in particular by promoting the training of experts in the field of psychology

who focus on issues specific to indigenous peoples. Such special training should take into account economic, historical, social, ecological and other factors, such as the loss of indigenous languages, cultures and lands.

8. The Permanent Forum calls upon States to support the activities of representative institutions of indigenous peoples and to avoid any practice of limitation of such activities ~~that are inconsistent with international law~~. The Permanent Forum urges all States to enable the functioning of indigenous peoples' institutions, in accordance with articles 5, 18 and 19 of the Declaration, as well as its spirit and intent.

9. Taking into account the challenges faced by States in the implementation of their international obligation to consult and obtain the free, prior and informed consent of indigenous peoples, the Permanent Forum commits to developing an international guide to facilitate the implementation of these principles in accordance with the standards established in the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum invites the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples to collaborate on this initiative.

10. In accordance with the right to food security and food sovereignty, the Permanent Forum takes note of the holding of the Indigenous Terra Madre 2015 in Shillong, Meghalaya, in north-east India, from 3 to 7 November 2015, convened by the Indigenous Partnership for Agrobiodiversity and Food Sovereignty with the support of the International Fund for Agricultural Development, the Food and Agriculture Organization of the United Nations, the government of Meghalaya and a number of non-governmental organizations and funding agencies. The event, including a food festival, was attended by delegates from 62 countries and 170 indigenous communities, who adopted the Shillong Declaration of Indigenous Terra Madre 2015. The Permanent Forum likewise commends the initiative to form the Indigenous Food Communities Alliance as an indigenous platform for promoting good, clean and fair food based on agroecological initiatives that respect Mother Earth, are culturally sensitive, value traditional practices and are based on indigenous traditional scientific knowledge.

11. In relation to food security and food sovereignty of indigenous peoples, the Permanent Forum acknowledges indigenous peoples' traditional knowledge, in particular that of indigenous women, and recognizes their cultural, social and environmental practices, which contribute to global efforts and initiatives such as the Sustainable Development Goals.

12. The Permanent Forum calls upon indigenous peoples to share with the world their cultural, social and environmental practices relating to the production and consumption of food, which are part of the solution to the global search for agricultural systems that are just, healthy, peaceful and sustainable.

13. Building upon past work of the Permanent Forum with regard to indigenous women, in particular the study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples (see [E/C.19/2013/9](#)) and the report of the international expert group meeting on combating violence against indigenous women and girls in terms of article 22 of the United Nations Declaration on the Rights of Indigenous Peoples (see [E/2012/43-E/C.19/2012/13](#)) the Permanent Forum recommends that States

adopt measures aimed at addressing the specific problems of police brutality, systemic police violence and discrimination against indigenous women, as experienced, for instance, by the indigenous women in Val-D'or, Canada, Sapur Zarco, Guatemala, and north-east India.

14. The Permanent Forum recognizes the recent formation of an ad hoc working group on international repatriation with the participation of States, indigenous peoples and United Nations agencies, including the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Special Rapporteur in the field of cultural rights, which was reported at this session as another positive step forward in the implementation of recommendation No. 8 of the fourteenth session of the Permanent Forum.

15. The Permanent Forum requests that UNESCO host a joint seminar with the Expert Mechanism on the Rights of Indigenous Peoples and other relevant United Nations mechanisms for the purpose of exploring the development of a new international mechanism on the repatriation of ceremonial objects and human remains. The Permanent Forum further calls upon all States with national repositories of indigenous cultural items and ancestral remains, including museums and universities, to work with UNESCO to create an international database and inventory of these items accessible to indigenous peoples as a basis for initiating dialogue.

[NEW PARAGRAPHS]

16. The Permanent Forum welcomes the intention of the Commission on the Status of Women to place the issue of the empowerment of indigenous women as a focus area of its sixty-first session in 2017. The Permanent Forum invites the Bureau of the Commission to consider organizing a half-day session on the empowerment of indigenous women. The Permanent Forum calls upon the Commission to consider the empowerment of indigenous women as a theme in future sessions as stated in paragraph 19 of General Assembly resolution 69/2 of 22 September, 2014.

17. The Permanent Forum recommends to UN Women to prepare a specific report on the situation of indigenous women's empowerment in collaboration with the Forum and indigenous women's organizations for the 17th session of the Forum.

18. Consistent with the commitments in the World Conference on Indigenous Peoples Outcome Document and standards for Indigenous Peoples survival, dignity and well-being contained in the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum recommends to States to fully engage Indigenous Peoples in good faith negotiations of treaties, agreements and other constructive arrangements based on unequivocal recognition of Indigenous Peoples rights to lands, territories and resources and to fully reject extinguishment of Indigenous Rights in form or result. Further, the Permanent Forum recommends to States to address the call for full and effective redress for the loss of lands, territories and resources and State breaches of treaties, agreements and other constructive arrangements. The Permanent Forum reiterates the urgent need for States to institute, in conjunction with Indigenous Peoples, high-level oversight bodies to guide and

oversee conduct of negotiations and implementation of treaties, agreements and other constructive arrangements in light of ongoing negotiation and implementation issues. Building on previous recommendations advanced at the 11th session of the Permanent Forum, States are encouraged to support inter-Indigenous Peoples dispute resolution by providing State financial and other methods of support to achieve peaceful resolution.

19. The Permanent Forum urges Member States and the agencies, funds and programs of the United Nations to implement actions to reduce maternal mortality among indigenous women. The Forum recommends that UNFPA, UNICEF and UN Women publish a factsheet in collaboration with the Forum on Indigenous women's maternal mortality and maternal health, to reduce maternal mortality and promote sexual and reproductive health.

20. The Permanent Forum urges Member States and the agencies, funds and programs of the United Nations implement actions to strengthen leadership and political participation of indigenous women.

21. The Permanent Forum recommends that Member States, due to the threat of biopiracy and the pharmaceutical industry, elaborate legislative measures, with the full and effective participation of indigenous peoples, to protect traditional medicine and knowledge, and to secure rights of indigenous peoples to intellectual property.

22. The Permanent Forum acknowledges the contributions of National Human Rights Institutions (NHRIs) in the promotion and protection of human rights, including the rights of indigenous peoples, and welcomes their participation at the sessions of the Forum.

23. While recognizing that land and environmental degradation are factors of global concern, they have caused severe and stressful negative impacts among indigenous peoples as a result of land mismanagement such as over-exploitation of natural resources through factors like mining, over-utilization of forest wood (timber) and other products. This has led to soil and water degradation leading to the acceleration of effects of climate change, low food production and uncertain livelihoods for communities. The Permanent Forum recommends to States to stop development projects without environmental impact assessments and FPIC certificates in indigenous peoples' lands.

24. The Permanent Forum welcomes the Alternative Communication and Information Caucus of Indigenous Peoples, and its work on public education through dissemination of information on UNDRIP and System-Wide Action Plan (SWAP), especially through community radio.

25. The Permanent Forum remains concerned about the many Indigenous peoples across the world and in particular, in Africa and Asia, who lack legal and political recognition as Indigenous peoples or even denial of their existence as Indigenous peoples. Such denial of status and existence as Indigenous peoples results in violation of their human rights, as affirmed in the UN Declaration on Rights of Indigenous Peoples, ILO C169 and other international human rights instruments, including inter alia the right to self-determination; the right to culture; rights to lands, territories and resources; traditional economies; the right to free, prior and informed consent; and the rights to redress, reparations and recourse.

26. Considering the calls by the Sami of Finland, the indigenous peoples of Canada, among others, the Permanent Forum respectfully requests that all member states, that have not done so, to take action to ratify ILO Convention No 169.

27. The first World Indigenous Peoples Games held in Palmas, Brazil last November illustrate and highlight implementation of the 6 mandated areas of the Permanent Forum, as contained, inter alia, in articles 3, 31 and 43. The leadership of the Inter-Tribal Committee and the Peoples and Government of Brazil is commended for this endeavour to uphold the survival, dignity and well-being of Indigenous peoples of the World and the Permanent Forum welcomes the organization of the Second World Indigenous Peoples Games, planned for Canada in 2017.

28. The Permanent Forum acknowledges those states that have developed national action plans on indigenous peoples, and it commends the government of the Plurinational State of Bolivia on the enactment of the Law on Socio-Economic Development incorporating the rights set forth in the UN Declaration of the Rights of Indigenous Peoples.

29. Consistent with Articles 18 and 19 of UNDRIP and in line with the implementation of the development Agenda 2030 with the call of “leaving no one behind”, we strongly recommend states, UN agencies, funds and programmes to ensure data dis-aggregation based on indigenous identifiers/ethnicity and the full and effective participation of indigenous peoples in developing and monitoring national action plans and in all process relating to the follow up and review of the implementation of the SDGs including in the High Level Political Forum.

30. Considering the statements of Brazil at the 15th session, the Permanent Forum welcomes the willingness of the government of Brazil to engage in dialogue concerning the status, conditions and rights of the indigenous peoples of Brazil, where many have faced suspension of the land demarcation process. We respectfully request that Brazil uphold its national and international obligations to recognize and respect the human rights of indigenous peoples, as affirmed in the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169. Further, Permanent Forum urges the interim government of Brazil to safeguard the status of The National Indian Foundation (FUNAI) and its mandate in favour of the indigenous peoples of Brazil.