



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

OHCHR's submission to the Secretariat of the Permanent Forum on Indigenous Issues' Questionnaire to the UN System

15 January 2018

Summary

The present submission has been prepared in the context of the seventeenth session of the United Nations Permanent Forum on Indigenous Issues in response to the Permanent Forum Secretariat's questionnaire to the UN system. The questions relate to a number of recommendations addressed to UN system agencies, funds and programmes¹ including on the implementation of the System Wide Action Plan on Indigenous Peoples. The recent annual report of the United Nations High Commissioner for Human Rights (OHCHR) on the rights of indigenous peoples (A/HRC/36/22) equally provides an overview of relevant developments relating to human rights bodies and mechanisms as relevant to the rights of indigenous peoples and outlines activities undertaken by OHCHR which contributed to the promotion of the United Nations Declaration on the Rights of Indigenous Peoples and to its effective implementation. The annual report of the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/36/57) provides information on its recent work undertaken and it also takes stock of ten years of implementation of the UNDRIP, reflecting on good practices and on lessons learned. In the same vein, the annual report of the Special Rapporteur on the Rights of Indigenous Peoples (A/HRC/36/46) may likewise be of interest to the members of the Permanent Forum on Indigenous Issues.

¹ <https://undocs.org/en/E/2017/43> , paras 15, 38, 61, 68, 70 & 71.

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1. Raising awareness of the UN Declaration on the Rights of Indigenous Peoples

Since the adoption of the Declaration on the Rights of Indigenous Peoples ten years ago, various important measures have been taken to advance the rights of indigenous peoples. Such progress remains, however, limited. Reports by human rights mechanisms demonstrate that the implementation of the Declaration is often lacking, with rights of indigenous women particularly often at risk. The shrinking of democratic spaces for indigenous human rights defenders is a continuing challenge, along with a lack of consultation in relation to development priorities and strategies, extractive industries and the use of lands, territories and other resources impacting on indigenous peoples' rights. In order to address these and other human rights concerns, OHCHR continued to work in a wide range of contexts for the promotion and full application of the UN Declaration on the Rights of Indigenous Peoples, including through awareness raising activities involving Member States, indigenous peoples, national human rights institutions and parliamentarians.

During the year under review, a number of field presences continued to promote a better understanding of the provisions contained in the UNDRIP and its full application. The OHCHR Office in Mexico co-organized and participated in public events, to raise awareness on the importance of prior consultation processes relating to mining projects and legislative measures that could impact indigenous peoples' rights. The Office further its collaboration with UNDP and FAO on a range of issues pertaining to indigenous peoples. OHCHR Regional Office for South America coordinated several activities in celebration of the 10th anniversary of the UNDRIP. These included: capacity building activities for indigenous peoples in Argentina, Brazil and Chile, as well as an event, jointly organized with the Special Rapporteur and the IACHR focusing on indigenous peoples on voluntary isolation and initial contact. OHCHR also participated in the *International Forum on Consultation and Prior and Informed Consent* held in Bogota, Colombia on 23 February 2017. The forum serves as a platform to discuss good practices on the issue including from Colombia, Norway, Mexico and Peru.

Furthermore, the Regional Office held a series of regional consultations on the Draft Guidelines on the Effective Implementation of the Right to Participate in Public Affairs' pursuant to Resolution 33/22 which requested the Office 'to facilitate open, transparent and inclusive elaboration of the draft guidelines through consultations with States and with the participation of relevant United Nations agencies, funds and programmes, intergovernmental

organizations, the Human Rights Committee and other treaty bodies, special procedures, regional human rights mechanisms, national human rights institutions, civil society organizations, academia and other relevant stakeholders, including through informal consultations with States and other stakeholders at the regional level.”² Meetings were held in Santiago de Chile, Addis-Ababa, Bangkok and Beirut during 2017³. A number of indigenous representatives attended the consultations.

OHCHR field presences also celebrated the International Day of the World Indigenous People as a mean to raise awareness to a broader audience. For instance, OHCHR in Honduras together with the Vice-ministry of Human Rights and indigenous representatives participated in a national TV programme to discuss about the UNDRIP and its relevance to the country and further its awareness raising campaign through community radio programmes. In collaboration with the Constitutional Court, the OHCHR Guatemala office drafted a study on jurisprudential trends on indigenous peoples’ rights which aims at increasing clerks’ awareness of relevant human rights standards. Furthermore, the Office translated the Political Constitution (children's version) in three Mayan languages (Q'eqchi, Kaqchikel and Mam) and the K'iche' version was also made available.

In the Democratic Republic of Congo, a series of activities were undertaken by the UN Joint Human Rights Office in Kinshasa to sensitize parliamentarians and the National Human Rights Commission on specific recommendations issues by human rights mechanism and the Universal Periodic Review Process relating to the indigenous Pygmy peoples in the country.

2. Supporting the implementation of the UNDRIP, particularly at country level

The rights of indigenous peoples constituted a theme during one of the interactive dialogues at the 36th session of the Human Rights Council, which took place on 20 September 2017. During the event, panellists discussed progress made in the implementation of the UNDRIP, the lack of adequate data and of indicators to measure progress and major obstacles faced by indigenous communities such as climate change. In addition, States, National Human Rights Institutions and NGOs were given an opportunity to provide examples of best practices as well as to share

² A/HRC/RES/33/22.

³A meeting for the Western European, Eastern European and Other States will be held in 2018.

common challenges.⁴ In addition, a number of OHCHR country offices provided technical assistance to national partners seeking to align their legal frameworks with the rights under the UNDRIP and on specific issues pertaining to, *inter alia*, consultation, participation in public affairs, access to justice, and right to lands and natural resources.

General legislative framework

Knowledge was enhanced through a series of activities in the Democratic Republic of Congo, where OHCHR enhanced policy dialogue among local authorities, indigenous representatives and other stakeholders. The UN joint Human Rights Office in the DRC continued to support legislative developments in the country in cooperation with a Parliamentary Commission devoted to indigenous Pygmy peoples. In particular, it organized a one day dialogue in October 2017 with parliamentarians and key ministries, including the Ministry for Human Rights, to advocate for the adoption of a national law to protect the rights of the indigenous Pygmy peoples in the country. The Office also supported the development of a specific legislation in the province of Main Ndombe and organized a technical meeting from 11 to 13 December which brought together 11 parliamentarians from the Province as well as the provincial Minister for Human Rights and indigenous Pygmy representatives from the region to draft and validate the draft legislation to protect the rights of the indigenous Pygmy peoples.

In May 2017, OHCHR Bolivia provided technical assistance for the organisation of a meeting of authorities of indigenous jurisdictions, during which a *Protocol for the coordination and cooperation between ordinary and indigenous jurisdictions* was validated with the participation of more than 600 indigenous peoples' representatives. This event is a continuation of the assistance provided by OHCHR to the authorities of the Supreme Court and the Plurinational Constitution Court of Bolivia in the elaboration of this Protocol, which takes into account international and national standards on indigenous peoples' rights and the Plurinational Constitution Court's jurisprudence. In addition, OHCHR provided technical assistance to the Foreign Ministry for the development of an Indigenous Peoples' National Action Plan 2017 - 2020, which has been incorporated into the sectorial plans of the executive body. Several indigenous peoples' organizations participated in the process of developing a national action plan.⁵

⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22118&LangID=E>

⁵ A/HRC/36/22, paras 42 and 84.

OHCHR Mexico engaged in a dialogue with the Secretariat of the Interior about the participation of indigenous communities in the elaboration of the National Action Plan on Business and Human Rights and about the methodology required for the creation thereof. Similarly, as part of the technical secretariat of the National Dialogue on Justice Reform, the Office in Guatemala provided guidance on relevant human rights standards in order to include the recognition of indigenous jurisdictions within the Constitution of Guatemala, among other proposed reforms to strengthen the justice system⁶.

In the same vein, OHCHR Colombia supported the recognition of indigenous communities as authorities within the special indigenous jurisdictions, including by the *Directorate for Indigenous, Roma and Minority Affairs* of the Ministry of the Interior and the Ombudsman's Office in the Cauca Department. As a result of OHCHR's advocacy, both entities committed to recognizing and including indigenous communities in local decision-making processes. In addition, OHCHR supported the establishment of the *Ethnic Commission for Peace and the Defence of Territorial Rights* which is an alliance of indigenous and Afro-Colombian organizations. The Office also contributed to ensuring that this Commission was represented in the Havana peace dialogues between the Government and the Revolutionary Armed Forces of Colombia (FARC). OHCHR also participated in a seminar with all traditional indigenous authorities which constitute the Regional Indigenous Council of Cauca (CRIC). The seminar focused on the development of the legislative procedure, and issued technical advice for the preparation of a proposal to promote effective participation and recognition of national and international standards about indigenous justice systems and mechanisms to establish the competence of the *Special Jurisdiction for Peace* in cases processed or decided by indigenous authorities. This proposal was presented by indigenous peoples through their representatives in Congress and it was finally approved.

From April 2016 until May 2017, within the framework of discussions about a new Constitution in Chile, the OHCHR Regional Office for South America, jointly with UNDP, ILO and UNICEF and indigenous representatives, was invited by the Chilean *Ministry of Social Development* to be part of a Consultative Council. The latter was tasked to provide technical advice on how the national government can conduct a participatory process with indigenous peoples in line with international standards. In addition to the 605 participatory meetings which took place between August and December 2016, these consultations brought together a record

⁶ A/HRC/36/22, paras 52

number of indigenous participants (17,016 indigenous peoples from all regions of the country). President Bachelet was informed about the outcome of this process during a ceremony on 4 May 2017. From August until October 2017, the Government of Chile undertook a consultation with indigenous peoples on the measures the President will introduce to Congress that will serve as the basis of a new Constitution in the country. Consultations took place at the local, regional and national levels. The Regional Office for South America, together with other agencies of the UN System in Chile, provided technical assistance and served as an observer during the national consultation.

Furthermore, OHCHR Cambodia continued to contribute to the development of the legal and policy framework regulating the land sector and the management of natural resources. It participated in consultations on the draft environmental code led by the Ministry of the Environment, as well as on the draft law on agricultural land, led by the Ministry of Agriculture, Forestry and Fisheries, and provided advice on harmonizing both drafts in accordance with international human rights standards. A number of inputs from OHCHR were reflected to some extent in the latest version of the draft environmental code as at May 2017, in particular on free, prior and informed consent, and on resettlement, public participation and access to information. OHCHR Cambodia also supported a subnational consultation on the draft guidelines on public participation in the environmental impact assessment process, facilitating the participation of indigenous peoples' representatives in particular.

Free, prior and informed consent

During its 10th session in July 2017, EMRIP decided to focus its next thematic study on free, prior and informed consent. The study will be finalized during EMRIP's 11th session in July 2018 before being presented to the Human Rights Council at its 39th session (September 2018). In its role as secretariat of EMRIP, OHCHR is supporting the preparation of the study. This has so far included an expert seminar on this theme, held in Santiago, Chile on 4 and 5 December 2017.

In addition, several OHCHR country offices continued to actively provide guidance on the application of the free, prior and informed consent principle, including the right to consultation. OHCHR Mexico explored different strategies and actions which could ensure the adoption of human rights standards on prior consultation processes. To this end, the Office organized and participated in a number of events and in bilateral meetings with representatives from the

executive, legislative and judicial authorities. Furthermore, the Office also formally established contact with members of Parliament with the aim of developing a new law on free, prior and informed consent. The Office also provided technical assistance for a human rights assessment and programme in San Luis Potosi which includes a section on the rights of indigenous peoples, including the right to consultation. The Office also facilitated a visit of the Special Rapporteur on the Rights of Indigenous peoples which took place from 8-17 November 2017. At the end of her visit, the Special Rapporteur expressed her concern about “a serious pattern of exclusion and discrimination, which in turn reflects in indigenous peoples’ lack of access to justice, among other human rights violations.” She also noted that indigenous peoples are not being properly consulted, according to international standards, on projects and other decisions that affect their rights, including their right to life⁷.

Furthermore, OHCHR Paraguay, jointly with partners from the *inter-agency thematic group on human rights and indigenous peoples’ rights* developed guidelines to promote the integration of a gender perspective into all issues related to the right to participation and consultation and the right to lands. This contributed to the empowerment of indigenous women to increasingly contribute to public policies on issues affecting them.⁸

OHCHR Colombia participated in the Mesa Permanente de Concertación, a national forum in which indigenous peoples’ representatives dialogue with representatives of the national government on the adoption and implementation of relevant legislative or administrative measures. The Office played a key role in ensuring effective participation of indigenous peoples in the process of drafting protocols on the establishment of relations with third parties, including within the framework of consultation and free, prior and informed consent processes. For example, the Office held meetings with the technical teams and authorities in the Kankawaraw region to define the decision-making mechanisms in the presence of third parties in the territory, namely the Arhuaco indigenous peoples. The drafting of the protocol for communities in the Tolima Department was also facilitated and completed in March 2017. The protocol became the reference document for regulating the conduct of third parties in terms of land use and management. In following up to the recommendations of the Committee for the Elimination of Racial Discrimination (CERD), the Office also facilitated dialogues with delegates of the Alta Consejería Presidencial para el Posconflicto and with 15 representatives

⁷ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22417&LangID=E>
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22417&LangID=E>.

⁸ A/HRC/36/32, para 68.

of indigenous communities in the Putumayo Department (14 of them at a risk of extinction). The purpose of the platform was to address the implementation of an “oil policy” and issues regarding the substitution of illicit crops which have a direct impact on the respective indigenous communities. Furthermore, OHCHR supported indigenous organizations in maintaining a dialogue with the national government regarding the implementation of the peace agreements through the Ethnic Commission for Peace.

OHCHR Guatemala further provided technical assistance to the Office of the Attorney General in developing a policy on access to justice for indigenous peoples, taking into account social, cultural, linguistic and economic barriers which impede access to justice for indigenous peoples in the country. The policy was launched on 24 May 2017. The establishment of a secretariat on indigenous peoples within the Office of the Attorney General is planned within this framework and Based on an agreement between OHCHR and the Attorney General’s Office, a capacity building programme for indigenous peoples was implemented during the second half of the year.

Land rights

State actors and civil society have gained increased knowledge to advance the rights of indigenous peoples, including to prevent violence and insecurity related to land tenure. This has been achieved through global level work, such as studies of the Expert Mechanism touching on land issues, and country level action related to land tenure, carried out by OHCHR with governments and other local partners in Cambodia, DRC and other countries.

For instance, OHCHR in Bolivia monitored two consultation processes for mining projects and urged the Mining Administrative Jurisdictional Authority (AJAM) to engage in a genuine dialogue with indigenous communities in order to protect and promote their collective rights. In addition, the Office supported the establishment of the first autonomous indigenous community of Charagua Yimbae and the election of the first Guarani autonomous government. The office monitored the process, including the referendum for the adoption of the autonomous status, the elections and the entry into function of the indigenous authorities in 2017.

In Asia, OHCHR Cambodia continued to work with the Ministry of Land Management, Urban Construction and Planning, local governments and civil society organizations to support indigenous peoples’ efforts to apply for collective land titles, as well as providing legal aid to

communities that have suffered from land rights violations. The Office also collaborated with the Ministry of Rural Development and the local authorities of Koh Kong Province on the registration of the identity of eight indigenous communities of the Areng valley. Four of them finally received their indigenous peoples' identity registration from the Ministry of Rural Development in October 2017. OHCHR facilitated the building of trust between indigenous peoples and the authorities and raised awareness of indigenous peoples' rights among all stakeholders. In Kampong Speu, the Office held meetings with the provincial cadastral office to support the process of preliminary mapping of the communal land of the Oral indigenous community. In addition, 140 local authorities and representatives of indigenous communities were jointly trained on the communal land title (CLT) process, through regional workshops held with the Ministry of Rural Development (MRD), the Ministry of Interior (MoI) and the Ministry of Land Management, Urban Planning and Construction from October through November 2017.

Indigenous communities in 7 provinces (Koh Kong, Battambang, Pursat, Banteay Meachey, Preah Vihear, Kampong Thom and Oddar Meanchey) were further directly supported in their respective CLT process, including through several joint OHCHR-MRD missions. As a result, 4 Jorng communities in Koh Kong, threatened with eviction due to a planned hydropower dam in the area, obtained their indigenous identity (1st of the 3 steps towards securing CLTs); 1 Bunong community in Mondulkiri province obtained its registration as legal entity with MoI (2nd of the 3 CLT steps); and in Battambang province, there was progress in the CLT process of 1 Por community, following OHCHR support in advocating with authorities for the demining of their land, which was a precondition to its demarcation as part of the 3rd step.

Furthermore, the Office continued to support a Bunong CBO in Mondulkiri to better assert indigenous peoples' rights in the context of negotiations with private companies that were granted economic land concessions encroaching on their land. OHCHR's role as third-party broker helped the parties to engage in good faith discussions to seek solutions to outstanding land disputes. OHCHR furthered its support through a partnership with the 'Independent Mediation Group' and the provision of training on legal rights to land, mediation rules, representation skills, negotiation skills, and options weighting.

In March 2017, the OHCHR Colombia Office supported seven regional consultations with land claimants, called for by the Government Land Restitution Unit, to obtain input for the adjustment of the land restitution policies, as established in the peace agreement between the Government and the FARC-EP. With the support of the Office regarding the preparation,

management and elaboration of legal procedures, the request of precautionary measures to protect the territory of the indigenous groups *Kogui, Arhuaco, Wiwa and Kankuamo* in the Colombian region Sierra Nevada de Santa Marta was approved by the Land Restitution Unit. OHCHR called for a meeting with government entities accountable for the precautionary measure ruled by a land restitution judge in favour of the Association of the Indigenous Captains of Mirití and the Association of Indigenous Authorities of La Pedrera in order to promote a swift implementation of orders issued by the judge to protect the territory of these communities in the department of Amazonas.

The OHCHR field office in Quibdó continues to monitor the government's compliance with judicial orders issued by the Magistrate of the Claims Court in the Superior Court of Antioquia, in the case of the Emberá Indigenous Community of Alto Andágueda, municipality of Bagadó, department of Chocó. By creating spaces for dialogue between indigenous, peasant communities and governmental authorities such as the Ministries of the Environment and of the Interior, the OHCHR Barranquilla field office supported the resolution of territorial conflicts between peasant communities and the indigenous Arhuaco population in the Magdalena department, as an outcome of this process peasants relocated to alternative territories. In the department of Norte de Santander, OHCHR Colombia facilitated dialogues between peasant organizations and the Barí indigenous population with the aim of resolving territorial conflicts in the Colombian region of Catatumbo. This process is in line with OHCHR Colombia's work to strengthen tools for participation and dialogue.

In Honduras, OHCHR held several meetings in March 2017 with several national private and industrial associations to promote the United Nations Guiding Principles on Business and Human Rights and the Protect, Respect and Remedy framework. In addition, the Office joined the Interinstitutional Commission for the implementation of the ruling issued by Inter-American Court of Human Rights *Triunfo de la Cruz y Punta Piedra* (November 2015). As an observer the Office provided technical guidance to state authorities in matters related to land and territories indigenous lands and the principle of free prior and informed consent.

Other specific issues

Member States increased their awareness and knowledge on discrimination against indigenous peoples in business and in access to financial services, notably through engagement with the Expert Mechanism on the Rights of Indigenous Peoples on this topic. OHCHR organised an

expert seminar in March 2017 in Boulder, USA, jointly with the University of Colorado Law School, to collect substantive information for EMRIP's study on good practices and challenges in business and in access to financial services by indigenous peoples and this study was subsequently presented to the Human Rights Council in September 2017, where Member States provided comments on the study and related human rights developments.

OHCHR also participated in a range of projects with aiming at promoting specific rights of indigenous peoples, such as access to justice, rights affected by business activities and the protection of indigenous human rights defenders. OHCHR Colombia contributed to strengthening the indigenous jurisdiction and its relationship with the ordinary justice system and with the Special Jurisdiction for Peace. Additionally, the Office participated in the extraordinary session of the National Commission of Indigenous Human Rights with the Permanent Roundtable for Consensus Building, on the basis of which consensus was reached about activities to promote the action of the entities in charge of investigating human rights issues that affect the indigenous population.

In Honduras, OHCHR organised a 2 day workshop on the protection of the human rights of indigenous peoples which brought together members of the UNCT, the private sector and governmental authorities in February 2017.⁹ In addition, the Office organized a series of workshops in the Lenca region of Intibucá, La Paz and Lempira, in partnership with the Mechanism for the Protection of Human Rights Defenders, Journalists, Lawyers and Social Communicators to further dialogues with local authorities on the right to access to justice of indigenous peoples to prevent criminalization of the activities of indigenous human rights defenders in relation to their lands and natural resources.

In the same vein, OHCHR Guatemala provided technical assistance to the government in the development of a public policy on the protection of human rights defenders. In addition, the Office worked with the Attorney General's Office (Secretary for Criminal Policy, Secretary for Indigenous Peoples and the Human Rights section), on the elaboration of an internal protocol which aimed at avoiding the criminalization and prosecution of human rights defenders. It is hoped that the protocol will constitute a helpful instrument for local prosecutors and that it will raise awareness regarding the crucial activities carried out by human rights defenders.

In Cambodia, OHCHR supported the participation of indigenous representatives in the ongoing consultations on three law and policy documents related to intellectual property rights: a draft

⁹ A/HRC/36/32, para 15.

law on agricultural land, a draft environmental code and draft guidelines on public participation in environmental impact assessments. In addition, OHCHR observed and facilitated the meetings of a tripartite committee in Busra, Mondulkiri province, which was comprised of representatives from the company, the Bunong communities affected by the land concession granted to the company and local authorities. As a follow-up to this project, OHCHR partnered with an independent mediation group and provided technical support to the affected indigenous communities during the pre-mediation period. The mediation will formally start in January 2018.¹⁰

3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

OHCHR participated in several consultations and meetings related to data collection and the global indicators framework: In September 2017, a multi-stakeholder consultation was held in Geneva to validate the definitional, methodological and data collection framework for the SDG indicators including on killings and other forms of violence against human rights defenders, journalists and trade unionists (indicator number 16.10.1); 2); prevalence of discrimination and harassment (indicators number 10.3.1 & 16.b.1); and conflict-related deaths (16.1.2) and the Human Rights-Based Approach (HRBA) to Data. The meeting brought together experts and representatives of National Statistical Offices, National Human Rights Institutions, civil society organisations, international human rights mechanisms, the United Nations and other international organisations. The approach suggested by OHCHR for the three indicators and the Human Rights-Based Approach to Data were all validated. For SDG indicators 16.10.1 and 16.b.1/10.3.1, the endorsed methodologies include minority, ethnic and indigenous status as a desirable data category and it was agreed that ongoing data compilation efforts consider this information to the extent available. The Human Rights-Based Approach to data stresses the importance of ensuring that indigenous peoples participate in the collection and disaggregation of data.

In addition, OHCHR attended the regular meetings of the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) composed of Member States and including regional and international agencies as observers in March and November 2017. The IAEG-SDGs was tasked to develop and implement the global indicator framework for the goals and targets of the 2030

¹⁰ A/HRC/36/32, para 61.

Agenda and OHCHR included a human rights perspective in this process. OHCHR also advocated for the prevention of discrimination based on indigenous status and on other grounds through data disaggregation.

OHCHR has also supported national partners in developing indicators relevant to indigenous rights and to the disaggregation of data. For example, The Human Rights Adviser's Office in Kenya held a workshop with the Kenya National Bureau of Statistics (KNBS) and the Kenyan National Human Rights Commission (KNCHR) in April 2017. It brought together representatives of KNCHR and KNBS, as well as other stakeholders from civil society and the UN. The event helped to clarify the operationalization of a human rights-based approach to data and to the measurement of the 2030 Agenda. As a result, KNBS and KNCHR identified 26 groups, including indigenous peoples, who are commonly marginalised. The workshop also contributed to identifying and filling gaps in the SDG indicators and data disaggregation framework of Kenya. KNBS and KNCHR reaffirmed their willingness to continue the initiated dialogue and further collaboration on statistical data disaggregation, collection and dissemination matters. In July 2017, the two entities signed a joint Memorandum of Understanding (MoU) that will support the operationalisation of a human rights-based approach to data and the use of human rights indicators in Kenya. The MoU was based on a model shared by OHCHR which was also shared with institutions in other countries who have expressed their interest in such collaboration.

The OHCHR Regional Office for South America has been working in Paraguay, jointly with the PHO, WHO, FAO and the Technical Planning Secretariat for Social and Economic Development, on strengthening State capacities in the construction of human rights indicators linked to the SDGs, particularly those related to indigenous peoples' right to food.

In Mexico, OHCHR supported the development of a system of quantitative and qualitative indicators for the follow-up of consultation processes. These indicators were presented to the Centro de Colaboración Cívica, an NGO working on the protection and promotion of the rights of indigenous peoples. A collaboration between the Office and this NGO was established in the context of monitoring the implementation of the SDG Agenda.

In Colombia, OHCHR supported the Social Prosperity Department in identifying Wayúu indigenous communities of La Guajira department to implement a joint monitoring tool of policies and programmes which benefit the Wayúu people. This mechanism will be based on the definition and follow-up of human rights indicators adapted to the reality of the department

of La Guajira, with the involvement of indigenous right holders, including the Sichichon (municipality of Manaure), and Jurará, Nazareth, Winpechi, Kasutalain (municipality of Uribia). For this purpose, OHCHR developed several tools for the consideration of the Social Prosperity Department, including a guidance document about applicable standards to the right to an adequate standard of living. Upon request of the Administrative Department for Social Prosperity made in January 2017, OHCHR also monitors the implementation of food security programs, many of them impacting indigenous communities, in the department of Amazonas. In addition, a joint briefing produced by OHCHR and the Secretariat of the Permanent Forum on Indigenous Issues was released in July 2017¹¹. *'Indigenous Peoples' Rights and the 2030 Agenda'*.

4. Developing the capacities of States, indigenous peoples, civil society and UN personnel

OHCHR field presences have provided technical assistance to indigenous groups and their representatives on a range of human rights issues as relevant to them. In Guatemala, The Office organized training activities focusing on international standards and comparative regional experiences related to indigenous rights. The Office developed a FAQ for indigenous authorities and lawyers on international standards relating the indigenous judicial system. Within this framework, the OHCHR Guatemala Office developed a social media strategy.

Additionally, the Office provided technical assistance to indigenous peoples and to the Government in relation to strategic litigation cases related to access to land and resources, the protection of traditional knowledge in textile weaving, the legal recognition of indigenous communities' radios and the provision of adequate and culturally appropriate health services, achieving important legal and policy advances in these areas. The Office, jointly with the training unit and the Indigenous Affairs Unit of the Judiciary delivered a set of training modules on indigenous peoples' rights through a diploma programme with the judges of different sections in Quetzaltenango. Based on these successful experiences, the Office was requested to implement the diploma programme involving also other institutions of the judicial system. On this basis, an inter-institutional diploma for the Judicial Branch, the Attorney General's Office and the Public Defence Institution will be delivered. The diploma is aimed at

¹¹ OHCHR and UNDESA, "Briefing note: Indigenous Peoples' Rights and the 2030 Agenda (July 2017): <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/10/Briefing-Paper-on-Indigenous-Peoples-Rights-and-the-2030-Agenda.pdf>.

strengthening the capacity of the three institutions to guarantee indigenous peoples' rights from a holistic perspective.

In Chile, the OHCHR Regional Office for South America organized jointly with the Special Rapporteur on the Rights of Indigenous Peoples, the Inter-American Court for Human Rights and the International Work Group for Indigenous Affairs (IWGIA) a regional meeting on indigenous peoples in voluntary isolation and in initial contact in June 2017. The meeting brought together approximately 70 participants from Brazil, Bolivia, Colombia, Ecuador, Paraguay, Peru and Venezuela to assess the implementation of the 2012 OHCHR guidelines on this topic. Participants included representatives of indigenous organizations, of the national government, civil society organizations, National Human Rights Institutions, academia, the UN and inter-governmental organizations (OTCA). Representatives of the Expert Mechanism on the Rights of Indigenous Peoples and of the Permanent Forum on Indigenous Issues also participated in the event. The OHCHR Regional Office for South America continued its efforts to build the capacity of indigenous organizations in advocating for their rights at the regional and international level.

In Myanmar, OHCHR contributed to a 'National Policy Dialogue on the Rights of Indigenous Peoples in Myanmar' co-organised by the Ministry of Ethnic Affairs, the UNDESA and the Chin Human Rights Organisation in February 2017. The event brought together over a hundred indigenous peoples' representatives from different parts of the country, strengthening ties among indigenous peoples and with interlocutors in government and the indigenous communities.¹²

In the Democratic Republic of the Congo, a series of activities aimed at strengthening the capacity of protection networks in various provinces were undertaken by the UN Joint Human Rights Office during the reporting period. Among the beneficiaries were three such networks in Bas Congo; 3 in North Kivu; 1 in Mongala, 1 in South Kivu and 1 in Gbadolite province. Support was also provided to enhance dialogue among local authorities, indigenous representatives and other stakeholders with the aim of increasing the protection of the rights of indigenous peoples.

¹² A/HRC/36/22, para 67

5. Advancing the participation of indigenous peoples in UN processes

Participation of indigenous peoples in human rights mechanisms has been significant over the reporting period, and OHCHR has supported this goal notably through its fellowship programme and the Voluntary Fund.

In 2017, the indigenous Fellowship Programme was held from June to July 2017, comprising four linguistic components (English, Spanish, French and Russian) with the participation of 33 indigenous representatives (20 women and 13 men). The fellows were introduced to the UN human rights mechanisms and issues of particular relevance to indigenous peoples, such as the human rights of indigenous peoples in the context of climate change and business and extractive agencies, international financial institutions and women's rights. In addition several institutional visits were conducted at various UN agencies and permanent missions and the fellows received training on lobbying, campaigning and report writing. The fellowship concluded with the fellows attending the 10th session of the Expert Mechanism on the Rights of Indigenous Peoples, at which they organized their own side event on the topic of the 20th anniversary of the fellowship which brought together current and past fellows, program and human rights experts, civil society, indigenous peoples and government representatives to discuss and reflect on the fellowship. Each fellow also had the opportunity to make recommendations to the floor during the Expert Mechanism on the Rights of Indigenous Peoples. To mark the 20 year anniversary of the indigenous fellowship programme, OHCHR published a booklet which details the activities of 20 former indigenous fellows from each of the components and their achievements in promoting indigenous rights since the establishment of the programme. "1997-2017: 20 years, 20 stories" is available at <http://www.ohchr.org/Documents/Issues/IPeoples/IFP/Fellowship20thAnniversary.pdf>

OHCHR also welcomed a Senior Indigenous Fellow from Nicaragua from May to September 2017 who received in-depth training on the international human rights system and mechanisms, especially those dealing with indigenous issues. The fellow also gained practical knowledge and working level experience by directly contributing to the programmes and activities of the OHCHR Indigenous Peoples and Minorities Section.

Indigenous peoples' rights have gained increasing visibility in the concluding observations and general comments of human rights treaty bodies, and several of them are now making explicit reference to the implementation of the UN Declaration on the Rights of Indigenous Peoples. OHCHR has supported this trend inter alia by facilitating the participation of indigenous

experts and advocates in the sessions of treaty bodies, including through increased allocation of funding by the Voluntary Fund for Indigenous Peoples, the mandate of which has been expanded to support the participation of indigenous peoples in an increasing number of human rights mechanisms. In 2017, the Fund for Indigenous Peoples continued to play a crucial role in facilitating the participation of 94 indigenous representatives in human rights mechanisms, including in the UPR process and meetings of human rights treaty bodies. The beneficiaries of the Fund also played a key role in launching the new mandate of the Expert Mechanism on the rights of indigenous peoples. A new booklet on the fund was released to show its impact at the country level to donors, indigenous representatives and other stakeholders.

6. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

OHCHR developed several resources which aim at promoting the effective implementation of UNDRIP, including the following:

1. *Video marking the 10th anniversary of the UNDRIP*: A 10 minute video to mark the 10th anniversary of the UN Declaration on the Rights of Indigenous Peoples, funded by the European Union, was issued. It features interviews with indigenous representatives who provided their views on the progress achieved since the adoption of the UNDRIP, on good practices and on ongoing and persistent challenges and obstacles. The video's objective is to raise awareness of the UNDRIP and to encourage States, indigenous peoples and other stakeholders to increase their efforts to effectively implement the UNDRIP. A shorter social media video (1:20 minutes) was also prepared. Both videos were launched on the OHCHR Facebook page on 28 November 2017.
2. *'UN Voluntary Fund for Indigenous Peoples: 30 years of empowering indigenous peoples to claim their rights'*: The UN Voluntary Fund for Indigenous Peoples issued a booklet in 2017 which looks back on its achievements since its establishment in 1985 and it informs potential donors on the fund's activities. It includes an overview of the history of indigenous peoples' participation in the UN, the current UN mechanisms in place to facilitate the participation of indigenous representatives and the role and impact of the UN Voluntary Fund in helping indigenous communities access and participate in

these mechanisms. It also details which individuals are eligible to apply for the fund and provides statistics on grants awarded, disaggregated by region. In addition, the booklet contains personal statements from 7 former grantees. This publication reflects the key role which the fund plays in ensuring that indigenous peoples are able to meaningfully engage with and participate in UN mechanisms so as to avail themselves of the rights enshrined within the UNDRIP and develop international human rights jurisprudence on the rights of indigenous peoples.¹³

3. *'Indigenous Peoples' Rights and the 2030 Agenda'* - a joint briefing produced by OHCHR and the Secretariat of the Permanent Forum on Indigenous Issues was released in July 2017¹⁴. The publication highlights indigenous peoples' key priorities regarding the 2030 Agenda such as land rights, poverty and hunger; social security, health and education; environmental sustainability; the promotion of inclusive and peaceful societies and reducing inequalities as well as overcoming discrimination through special measures. The briefing note also provides an overview of goals, targets and global indicators which are of particular relevance for indigenous groups. The briefing note also reflects on existing gaps within the 2030 Agenda which might negatively affect Member State's recognition and adherence to the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. Finally, the brief makes some specific recommendations on how indigenous peoples can participate effectively in the implementation and review of the 2030 Agenda at the national, regional and international level. These recommendations are largely addressed to Member States but also to indigenous peoples themselves and civil society.

¹³ <http://www.ohchr.org/Documents/Issues/IPeoples/Fund/BookletVoluntaryFund.pdf>.

¹⁴ OHCHR and UNDESA, "Briefing note: Indigenous Peoples' Rights and the 2030 Agenda (July 2017): <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/10/Briefing-Paper-on-Indigenous-Peoples-Rights-and-the-2030-Agenda.pdf>.