



Economic and Social Council

Distr.: Limited
24 April 2018

Original: English

Permanent Forum on Indigenous Issues

Seventeenth session

New York, 16-27 April 2018

Draft report

Rapporteur: Mr. Brian Keane

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 (item 4)

2019 International year of indigenous languages

1. The Permanent Forum welcomes with appreciation the work carried out by UNESCO in preparation of the action plan for the International Year of Indigenous Languages in 2019 and welcomes and supports this plan which was developed in cooperation with Member States, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues as well as Indigenous Peoples and Member States, as well as indigenous peoples and a range of different stakeholders. The Permanent Forum calls upon Member States to make efforts to implement the Action plan in partnership with indigenous peoples, respecting the principle of “Nothing About Us Without Us”, including the establishment of national steering committees and national action plans for the International Year. Further, States should allocate adequate funding for the successful implementation of the Year.

2. The Permanent Forum recommends that indigenous peoples, as the rightful owners and custodians of their own languages, initiate and develop their own action



plans **and appropriate measures** for the International Year as well as awareness-raising campaigns to draw attention to the situation of Indigenous Languages.

3. The Permanent Forum invites the General Assembly to request that UNESCO report on activities carried out during the International year, their impacts and follow-up activities after 2019, at its seventy-fifth session.

4. Bearing in mind that Member States have recognized the importance of the preservation and revitalization of indigenous languages by proclaiming 2019 the International Year of Indigenous Languages, the Permanent Forum, recommends that UNESCO, in active collaboration with other relevant United Nations entities, organize a conference **which would endorse outcomes of regional conferences** or high-level event, dedicated to indigenous languages, as a major event of the International Year, **if financial resources are made available, and encourages Member States to support its organization.** The Forum emphasizes that all events organized to mark the Year must include the full and effective participation of indigenous peoples.

5. The Permanent Forum recommends that United Nations entities, including the Inter-Agency Support Group on Indigenous Issues take effective measures to support the promotion of indigenous languages and the successful implementation of the goals and objectives of the International Year, including activities related to the implementation of the 2030 Agenda on Sustainable Development, the system-wide action plan on the rights of indigenous peoples, **and celebration of international days** as well as other processes.

6. Permanent Forum urges United Nations Secretary-General to appoint a Special Envoy on Indigenous languages, in consultation with Indigenous Peoples.

7. The Permanent Forum urges Member States to establish permanent financing structures for ensuring the protection of Indigenous Peoples' language initiatives, such as Giellagáldu in Finland, Norway and Sweden.

Women, youth, children

8. The Permanent Forum recommends that the Commission on the Status of Women organize a high-level interactive dialogue on the rights of indigenous women during the twenty-fifth anniversary of the Fourth World Conference on Women in 2020, to review progress made towards the Sustainable Development Goals with a focus on linkages with the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum invites Member States, in cooperation with indigenous peoples' organizations and with the support of the UN system, to conduct preparatory processes, with the full and effective participation of indigenous women of all ages.

9. The Permanent Forum expresses considerable concern with the disparity of indigenous maternal mortality compared to national levels in many countries and encourages Member States to lower indigenous maternal mortality rates by incorporating an intercultural approach to sexual and reproductive health services and inclusion of indigenous health workers to guarantee culturally appropriate health services and medical staff. ~~The Permanent Forum also encourages Member States allocate appropriate budgets to identify and address socio-cultural and other barriers and monitor the impact of measures taken.~~ **The Permanent Forum invites Member States to seek support of UNFPA and other relevant UN agencies, funds and programmes in taking forward this recommendation and in strengthening the disaggregation of data by ethnicity, in the area of sexual and reproductive health and**

reproductive rights, in the 2020 census round to strengthen the implementation of the 2030 Agenda on Sustainable Development.

~~10. The Permanent Forum commends FAO for its work on indigenous women and youth. Specifically congratulates FAO for the issuance of a global campaign on indigenous women and for the of a Forum on Indigenous Youth.~~

11. The Permanent Forum recalls the outcome of the international expert group meeting of 18 - 20 January 2012 on "Combating Violence Against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples". The Permanent Forum recommends that UN agencies, funds and programmes, in collaboration with Indigenous Peoples organizations, monitor the high levels of global violence and threats directed at indigenous women human rights defenders. The Permanent Forum calls for an immediate halt to the criminalization, incarceration, intimidation, coercion, death threats and assassination of all indigenous human and environmental rights defenders.

12. Permanent Forum recommends that Member States fully involve indigenous women in the design and conduct of national health surveys and ensure that these are carried out in ways appropriate to the indigenous communities being surveyed.

~~13. The Permanent Forum acknowledges the advances towards the implementation of the Health Plan for Indigenous Youth in Latin America and invites PAHO/WHO to continue working with indigenous youth and Member States towards the implementation of the Plan and to report on progress achieved at its eighteenth session.~~

14. The Permanent Forum calls for the implementation on the Convention on the Rights of the Child, which gives clear guidance to the States that they must minimize childhood exposure to toxic chemicals through water, food, air and other sources of exposure. It is critical that environmental regulators are educated specifically about the Article 24 of the Convention. (This rec could be merged with the ones that are related to the intervention of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes).

Health

15. The Permanent Forum welcomes the preliminary report of the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, that was presented at this year's session, in accordance with recommendation 46 of the 16th session of the UNPFII, and the Forum invites the Rapporteur to present his final report at the 18th session.

16. Existing conventions governing the use and disposal of toxic chemicals and wastes do not adequately protect the rights of the world's most vulnerable, including indigenous peoples, who disproportionately suffer from their indiscriminate and irresponsible use.

17. The Forum recommends that the International Conference on Chemicals Management establish an advisory committee of indigenous peoples in its intersessional process for considering the Strategic Approach and the sound management of chemicals and waste beyond 2020.

18. The Forum recommends the creation of a global, legally binding regime for toxic industrial chemicals and hazardous pesticides, the vast majority of which are

currently unregulated under existing Conventions, to protect the rights of everyone, including indigenous peoples, from the grave threats to human rights presented by the ongoing chemical intensification of the global economy. Such a regime should have strong accountability and compliance mechanisms, and be in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on the Rights of Persons with Disabilities, and the Convention on the Rights of the Child, among others.

19. The Permanent Forum welcomes the adoption, in 2017, of the first Policy on Ethnicity and Health by the Member States of the Pan American Health Organization (PAHO/WHO) and invites the World Health Organization to follow this initiative and expand this work at the global level. The Permanent Forum also notes the initiative of PAHO/WHO to develop a Strategy and Plan of Action on Ethnicity and Health for the Americas and invites PAHO/WHO to report on progress achieved at its eighteenth session.

20. The Permanent Forum acknowledges the advances towards the implementation of the Health Plan for Indigenous Youth in Latin America and invites PAHO/WHO to continue working with indigenous youth and Member States towards the implementation of the Plan and to report on progress achieved at its eighteenth session.

21. The Permanent Forum takes note of the launch of the Virtual Health Library on Traditional, Complementary and Integrative Medicine for the Americas by PAHO/WHO. Bearing in mind the importance of Traditional Medicine and Indigenous Peoples, the Permanent Forum invites Member States, other inter-agency entities as well as indigenous peoples to contribute to this initiative for its sustainability and invites PAHO/WHO to report on its advances at its eighteenth session.

22. Traditional Indigenous midwives' cultural and clinical knowledge and their contributions to the well-being and positive health outcomes of Indigenous peoples, are largely unacknowledged in State health systems. Indigenous midwives work tirelessly to improve maternal and infant health, throughout a person's reproductive life cycle most especially during pregnancy, birth and post-partum. ~~They respond to the specific needs of their communities and by doing so nurture the social and cultural reproduction of Indigenous life~~

23. Despite this critical role, community regulated Indigenous midwifery is often undermined and actively criminalized to the detriment of indigenous peoples' health. To close the gap between Indigenous and non-Indigenous health outcomes, the practice of Indigenous midwifery needs to be supported by state health policy and integration. Indigenous peoples' right to self determination applies to reproductive health and states should eliminate the criminalization of Indigenous midwives and make the necessary legislative and regulatory amendments that legitimize Indigenous midwives, recognized by their community as health care providers. States should also support the education of new traditional Indigenous midwives, by multiple routes of education including apprenticeship and oral transmission of knowledge.

24. The Permanent Forum reiterates its recommendations made at its 3rd 5th and 9th sessions on indigenous midwives, where the Forum recommended that WHO, the United Nations Children's Fund (UNICEF) and UNFPA, as well as regional health organizations and Government fully incorporate a cultural perspective into health policies, programmes and reproductive health services aimed at providing indigenous women with quality health care, including emergency obstetric care, voluntary family planning and skilled attendance at birth. In the latter context, the roles of traditional midwives should be re-evaluated and expanded so that they may

assist indigenous women during their reproductive health processes and act as cultural brokers between health systems and the indigenous communities' values and world views.

25. The Permanent Forum recommends that the World Health Organization (WHO) End TB Strategy, and the Stop TB Partnership Global Plan to End TB 2016-2020, in collaboration with the United Nations Population Fund and the Inter-Agency Support Group on Indigenous Peoples' Issues, sponsor an expert group meeting on TB by 2020 to analyse the sociocultural and economic determinants of health for TB prevention, care and treatment in indigenous communities, with the Forum's collaboration, in order to ensure the realization of target 3.3 of the Sustainable Development Goals.

The Permanent Forum also recommends the review of the Moscow Declaration to End TB, which considers Indigenous Peoples as disproportionately affected by TB.

26. The permanent forum appreciates steps taken by UNAIDS, UNFPA and the Interagency Support Group on Indigenous Issues for the organization of an International workshop on HIV/AIDS as recommended in paragraph 46 of UNFPII's Sixteenth Session and call on Member States and other UN entities to contribute to the workshop.

27. The Permanent Forum is concerned that across the globe, indigenous women and adolescents face persistent inequalities and stigma, especially in relation to maternal health and maternal mortality. Yet the lack of data in this area renders them invisible and presents a major barrier to efforts to address the issue. According to UNPFPA indigenous women are overwhelmingly less likely to have received health care services. Indigenous women are three times more likely to have had no antenatal care; twice as likely to give birth without a skilled birth attendant and have a significantly higher adolescent birth rate. This is directly related to poverty, discrimination and marginalization that indigenous women frequently face.

28. The Permanent Forum welcomes the study presented by UNFPA in collaboration with, Chirapaq, entitled "Progress and Challenges with the Recommendations of the Permanent Forum on Sexual and Reproductive Health and Rights & Gender Based Violence". The Study aims to better understand the achievements, limits, barriers and scope of the recommendations of the Permanent Forum with the overall objective of generating actions to achieve progress in the exercise of indigenous women's sexual and reproductive health rights and protection from gender based violence. [Move to agencies]

29. The Study found that:

a) In its 16 sessions, only 16 per cent of the recommendations made by the Permanent Forum explicitly focus on the situation of indigenous women, girls and gender equality. Only 3 per cent relate to sexual and reproductive health and 6 per cent to gender based violence. the right to a life free from violence.

b) The Forum has issued 170 recommendations specifically aimed at improving the situation of indigenous women; however, only 10 have been reported as "completed"

c) The Study identifies the key inhibiting and enabling factors for the Permanent Forum to take action. These include such issues as the limited budget and low priority given to indigenous women's issues at the country level; lack of disaggregated data; and a lack of mechanisms and processes to follow up on recommendations.

The Permanent Forum appreciates the analysis on the progress and challenges with the implementation of the recommendations of the Permanent Forum on sexual and reproductive health and rights and gender-based violence against indigenous women, which was conducted by UNFPA in collaboration with indigenous organizations. The Permanent Forum invites UNFPA to make efforts to disseminate the findings of the study at global, regional and country levels among Member States, UN mechanism and indigenous organizations. The Permanent Forum also invites UNFPA to engage in concerted dialogue with the 9 UN Member States that were part of the study, on next steps to put into action the recommendations of the study, and report on progress made during its 18th session

Social and Economic Development

30. The Permanent Forum welcomes the Ibero-American Plan of Action for the Implementation of the Rights of Indigenous Peoples, adopted in April 2018 by indigenous peoples and States as members of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean FILAC. We Acknowledge the leadership of FILAC in this process and encourage FILAC to share its experience similar efforts in other regions of the world. The Permanent Forum invites FILAC to provide information on the Fund's progress in implementation of the Plan of Action at its 19th session.

31. The Permanent Forum welcomes FAO's efforts in applying Free, Prior and Informed Consent (FPIC) to all its field initiatives involving indigenous peoples and encourages other UN entities to do the same.

Culture

32. The Forum encourages UNESCO, States, EMRIP and indigenous peoples to continue to engage in active dialogue aimed at achieving recognition of the rights of indigenous peoples to repatriation of their human remains and sacred items, in accordance with the WCIP Outcome Document and Articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples, and the establishment of a new UN mechanism for International Repatriation, as called for in UNPFII recommendations from 2015, 2016, and 2017.

The Permanent Forum is concerned that the WIPO Voluntary Fund is depleted, and emphasizes the critical importance of the full and effective participation of Indigenous Peoples and local communities in the negotiations of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in accordance with Article 41 of the Declaration. To this end, the Permanent Forum strongly encourages the WIPO Member States to contribute to the WIPO Voluntary Fund and invites them to explore and identify innovative ways of raising funds for the Fund, including through use of WIPO's regular budget. The Forum also recommends the WIPO to increase the number of Indigenous participants through the regular budget and allow their full and effective participation in the negotiations.

Environment

33. At its seventeenth session the Permanent Forum heard from many indigenous peoples who expressed their concern with states granting concessions for extractive industries, infrastructure projects, large scale agriculture or hydro-electric dams without the free, prior and informed consent of indigenous peoples. In all States this

has led to inevitable social, economic and cultural conflicts between Member States and Indigenous Peoples. Examples brought before the Forum ~~include in countries such as Finland (the Arctic Railway (Finland)), Bolivia, Brazil and Peru (and the Trans-Amazonian Highway (Bolivia, Brazil and Peru))~~. The Forum reiterates that the Member States act in compliance with international human rights standards, including through adequate consultations with affected indigenous peoples, respecting the right to their free, prior and informed consent at all stages while also ensuring mitigation measures, compensation and fair and equitable benefit-sharing.

34. The Permanent Forum reiterates its concern over environmental violence and especially its pervasive impacts on indigenous women and girls. The Permanent Forum takes note with appreciation the recommendations from the third International Indigenous Women's Symposium on Environmental and Reproductive Health held at Columbia University April 14- 15 2018. The Permanent Forum recommends that members of the Inter-Agency Support Group on Indigenous Issues and relevant Special Procedures of the Human Rights Council consider ways to address and incorporate the recommendations from this Symposium.

Advance unedited draft