



INTERNATIONAL LABOUR ORGANIZATION

Permanent Forum on Indigenous Issues
13th Session, May 2014

ILO Contribution

Summary

The ILO's submission to the United Nations Permanent Forum on Indigenous Issues (UNPFII) at its thirteenth session (May 2014) covers the Recommendations of the UNPFII addressed to the ILO and other UN agencies and outlines main aspects of a number of ILO activities and projects relating to indigenous issues in 2013.

Part 1: Follow up to recommendations by the Permanent Forum (12th session)

Recommendation 48: The Permanent Forum reiterates its recommendation to ILO to accommodate and guarantee the direct participation of indigenous peoples' organizations in ILO procedures, in particular those relating to compliance with the ILO Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations and in Independent Countries (Convention No. 107) and the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169) and their corresponding supervisory mechanisms. The Forum reiterates its call upon Member States to accede to the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169).

At its 83rd Session (21 November-7 December 2012), the Committee of Experts on the Application of Conventions and Recommendations (CEACR) examined submissions from indigenous peoples' organizations in its comments on the application of Convention No. 169 in Argentina, Bolivia, Brazil, Chile, Guatemala and Peru. At its most recent session (84th Session, 27 November-14 December 2013), other submissions from indigenous peoples' organizations from Colombia, Honduras and the Bolivarian Republic of Venezuela were also examined by the CEACR.

In its observation adopted in 2012 on the application of Convention No. 169 in Argentina, the CEACR referred to the contribution provided by the Observatory for the Human Rights of Indigenous Peoples (ODHPI), forwarded by the Confederation of Workers of Argentina. The CEACR also referred to the Coordinating Committee of the Mapuche People's Parliament (Province of Rio Negro).

In its 2012 and 2013 observations for Bolivia, the CEACR examined the concerns raised by the *Ayllus y Markas del Qullasuyu* National Council (CONAMAQ), forwarded by the Bolivian Workers' Federation (COB).

In its 2012 and 2013 observations for Brazil, the CEACR noted the situation of the Guaraní M'bayá community in the municipality of Eldorado do Sol (Rio Grande do Sul State) referred to in the observations transmitted by the Workers' Union of the Federal University of Santa Catarina (SINTUFSC).

In its 2012 observation for Chile, the CEACR examined the alternative reports from the Aymará people communicated by the National Confederation of Artisanal Fishers of Chile (CONAPACH) and the National Confederation of Unions of Bakery Workers (CONAPAN). An alternative report prepared by indigenous peoples' organizations in the Araucanía region, as well as documentation prepared by the Coordinating Unit of Mapuche Organizations and Communities from the Araucanía region and the Pelón Xaru Mapuche Nation Peoples Culture Centre was communicated by the Single Central Organization of Workers (CUT). The CUT also forwarded specific information from the Kawésqar indigenous community located in Puerto Edén, the Rapa Nui people and representatives of urban Mapuche organizations. The submissions by the indigenous peoples' organizations were also examined in the 2013 observation for Chile.

In its 2013 observation for Colombia, the CEACR examined the concerns of the Raizal Small-Scale Fishers' Associations and Groups of the Department of San Andrés, Providencia and Santa Catalina, forwarded by the Single Confederation of Workers (CUT).

In its 2012 and 2013 observations for Guatemala, the CEACR noted the alternative report prepared by the Council of Mayan Organizations of Guatemala (COMG), received in December 2012. The CEACR also noted the observations provided by the Indigenous and Rural Workers Trade Union Movement of Guatemala (MSICG). The Coordinating Committee of Agricultural, Commercial, Industrial and Financial Association (CACIF) referred in its observations received in 2013 to the Association of Indigenous Employers.

With the support of the ILO, the Government of Honduras convened a meeting in 2013 to prepare a report to submit to the CEACR on the application of Convention No. 169, also collecting and including comments of indigenous peoples' organizations in the report. In its 2013 observation for Honduras, the CEACR noted the concerns formulated by the Lenca Indigenous Movement of Honduras (MILH) included in the detailed Government's report.

In its 2012 and 2013 observations for Peru, the CEACR noted the Alternative Reports prepared by five national and regional indigenous organizations and the Indigenous Peoples Working Group of the National Coordinating for Human Rights, submitted by the General Confederation of Workers of Peru (CGTP). The 2012 observation for Peru also looked into the situation of some Aymará peasant communities through comments communicated by the General Union of Wholesalers and Retailers of the Grau Tacna Commercial Centre (SIGECOMGT).

In its 2013 observation for the Bolivarian Republic of Venezuela, the CEACR noted the concerns of the Coordinating Committee for Indigenous Organizations of Amazonas (COIAM), forwarded by the Independent Trade Union Alliance. In this regard, the CEACR referred to the work done by the Regional Demarcation Committee of the State of Amazonas. The ASI also referred to the situation of the Pemón community in the State of Bolívar, the Yanomami indigenous community in the State of Amazonas and the Yukpa communities in the State of Zulia.

In 2013, the ILO published a first ever Handbook for ILO Tripartite Constituents on the Indigenous and Tribal Peoples Convention, 1989 (No.169). The publication discusses among others the participation of indigenous peoples in ILO procedures. It has been widely distributed among workers' and employers' organisations and translated into a number of national languages. Indigenous peoples have participated in all dissemination activities organised for this handbook.

Recommendation 87: The Permanent Forum recommends that the United Nations system strengthen existing coordination mechanisms at the country level and in partnership with indigenous peoples and other relevant entities and national partners, in order to implement the outcomes of the World Conference. The Forum offers its support in this regard.

In 2013, the ILO continued to host the Technical Secretariat of the United Nations Indigenous Peoples Partnership (UNIPP) and was elected as Co-Chair of its Policy Board. UNIPP is comprised of OHCHR, UNDP, ILO, UNICEF and UNFPA. The ILO leads two of the six UNIPP-funded projects being implemented in Nicaragua, Bolivia, Cameroon, the Republic of Congo, Central African Republic and Nepal.

Recommendation 109: The Permanent Forum recommends the development and inclusion of clear indicators and monitoring tools relating to indigenous peoples in the sustainable development goals and post-2015 development process, to be developed jointly with indigenous peoples.

The ILO has drafted a funding proposal in collaboration with the Asian Indigenous Peoples Pact (AIPP), Tebtebba, Forest Peoples Programme (FPP), International Work Group on Indigenous Affairs (IWGIA) and the Office of the High Commissioner for Human Rights (OHCHR) that seeks to finalise the process of developing a flexible and community-based assessment framework, with key indicators and monitoring mechanisms that would, among others, contribute to an enhanced attention to indigenous peoples' issues through the post-2015 Development Agenda.

Recommendation 116: The Permanent Forum recommends that relevant United Nations agencies dealing with indigenous peoples' issues should take action on the inclusion of indigenous persons with disabilities in all their activities, make their websites accessible to persons with disabilities, promote the increased participation of indigenous persons with disabilities in their annual sessions and consider having expert sessions on indigenous persons with disabilities.

In 2013, the ILO underwent a reform, including an integrated approach to discrimination faced by social groups at high risks, among which are indigenous peoples and persons with disabilities. The issues of indigenous peoples and persons with disabilities are now dealt with by one multidisciplinary unit, namely the Gender, Equality and Diversity Branch (GED) which is a part of the Conditions of Work and Equality Department (WORKQUALITY). Moreover, in the International Labour Standards Department (NORMES), it is the Employment, Tripartite Consultation and Indigenous Peoples Unit (EMPIP), part of the Freedom of Association Branch that deals with the instruments relating to indigenous peoples as well as those relating persons with disabilities.

Recommendation 117: The Permanent Forum reiterates the call, made at its fifth and eleventh sessions, upon United Nations agencies and funds to conduct and support regional and international human rights training programmes aimed at building the capacity and advocacy skills of indigenous youth. The Forum further recommends the use of youth forums, social media and other popular cultural forms of communication to disseminate information and training material on the rights of indigenous youth and to facilitate consultation processes at the national and international levels.

The ILO's work with respect to indigenous peoples in various countries includes indigenous youth as a key target group. In Bangladesh, Cambodia, Nepal, Namibia, Cameroon, Philippines and Peru, indigenous young persons are systematically included as participants in all training activities. For example, in September 2013 the

ILO supported the training of indigenous youth on Conventions Nos. 107 and 169 and the UNDRIP in partnership with a local indigenous organisation in **Bangladesh**. In November, the ILO project in **Cambodia** organized a national training workshop for indigenous youth on Conventions Nos. 111 and 169 and relevant national legislation and policies.

An on-going European Union (European Instrument for Democracy and Human Rights, EIDHR)-funded ILO project on indigenous peoples has a built-in fellowship programme for at least 10 young indigenous peoples from Latin America, Asia and Africa that will work in ILO country offices for at least six months each.

Moreover, the ILO regularly participates in the annual Indigenous Fellowship Programme organized by the OHCHR.

Recommendation 118: The Permanent Forum recommends that Governments and United Nations agencies assign resources for communication activities, strengthen access to information and draw greater attention to the issues of indigenous peoples in the media, using various forms of media outreach, in order to complement the activities of the Department of Public Information.

ILO works actively with different kinds of communication channels and media, including the production of posters, publications and videos on indigenous peoples' issues.

The **International Day of the Worlds Indigenous Peoples** in August 2013 was celebrated through a number of communication channels that included a video and live webcam dialogue hosted by Hollywood actress and indigenous rights activist, Ms Q'Orianka Kilcher, and key international experts on the issue including the UN Special Rapporteur on the rights of indigenous peoples, Professor James Anaya. Ms Kilcher was also interviewed by Huffington Post on the issue.

Several other ILO country projects on indigenous peoples in 2013, including in Bangladesh and the Central African Republic, have produced a number of live radio talk shows on indigenous peoples' rights, ILO Convention No. 169 and culture and literature of indigenous peoples. The purpose of the partnerships with radio stations is to bring indigenous peoples' issues to a broader audience.

Recommendation 120: The Permanent Forum urges UN Women, UNDP and other relevant United Nations agencies and Governments to support the political participation of indigenous women by assigning resources to training and exchange programmes and strengthening organization and networks of indigenous women.

In the **Republic of Congo**, the UNIPP-funded project, to which the ILO contributes, supports the participation of indigenous peoples, particularly women, in local and national governance processes. In 2013, the project supported a multimedia campaign aimed at encouraging indigenous women to participate in the national elections. This led to an increase in the number of indigenous women who participated in the

election. In total, 2,773 indigenous women voted, which is around four times the number that voted in the last elections in 2007.

In **Guatemala**, the ILO organized two capacity-building workshops on Convention No. 169 aimed at strengthening indigenous women's organizations convening around 80 participants.

Indigenous women are one of the main target groups for the ILO project in **Bangladesh** that has organized several training seminars for indigenous women leaders on key UN mechanisms on women's rights, ILO Conventions Nos. 107 and 169, as well as on human rights.

Part 2: Update on the work of the ILO on indigenous peoples' rights

ILO Reform

Indigenous peoples' issues continue to be placed high on the agenda of the ILO, which has recently undergone an internal reform with a view to, among others, taking an integrated approach to discrimination against a number of social groups at high risks, including indigenous peoples. To that end, a new Gender, Equality and Diversity Branch (GED) situated in the Conditions of Work and Equality Department is now spearheading the ILO's work on equality and non-discrimination. Main areas of work of the new Branch include gender equality, indigenous peoples and workers with disabilities. In the International Labour Standards Department (NORMES), it is the Employment, Tripartite Consultation and Indigenous Peoples Unit (EMPIP), part of the Freedom of Association Branch, which deals with the standards relating to indigenous peoples.

With regards to its wider mandate, the ILO also seeks to focus its work on eight Areas of Critical Importance (ACIs). These are:

- Promoting more and better jobs for inclusive growth
- Jobs and skills for youth
- Creating and extending social protection floors
- Productivity and working conditions in SMEs
- Decent work in the rural economy
- Formalization of the informal economy
- Strengthening workplace compliance through labour inspection
- Protection of workers from unacceptable forms of work

The ACIs, particularly those on the rural economy, the informal economy and unacceptable forms of work, offer an opportunity to address decent work deficits as they affect indigenous peoples.

ILO Technical cooperation on indigenous peoples

Africa

The ILO Technical Cooperation portfolio on indigenous peoples continues to be developed in Africa, with continuing support to the Government of **Namibia**'s on-going discussions on a White Paper on indigenous peoples that it undertook to develop in the context of the for adoption at the Human Rights Council's Universal Periodic Review.

The ILO organised a five-day advanced course on indigenous peoples in Africa in collaboration with the University of Pretoria Centre for Human Rights. The course took place in Pretoria, South Africa and the participants and lecturers included representatives of indigenous peoples' organisations, government officials, UNPFII representatives and the UN Special Rapporteur on the rights of indigenous peoples, Professor James Anaya.

The UNIPP-funded ILO projects on indigenous peoples in **Cameroon** and **Central African Republic** continue to be operational. However, the project activities in Central African Republic are currently on hold because of on-going political unrest. The key achievements of the projects include a draft policy on indigenous peoples by two Cameroonian municipalities with a large population of indigenous peoples.

Central African Republic, the first African country to ratify ILO Convention No. 169, continued to face challenges related to political instability.

Asia

The ILO's work on indigenous peoples in Asia continues in several key countries. In **Bangladesh**, the ILO seeks to build the capacity of key national stakeholders in the implementation of relevant ILO Conventions, notably Conventions Nos. 107 and 111. The main ILO partners include the Ministry of Chittagong Hill Tracts Affairs, UNDP Chittagong Hill Tracts Development Facility, the National Human Rights Commission of Bangladesh, the Parliamentary Caucus on Indigenous Peoples and the Bangladesh Indigenous Peoples' Forum. There have been a number of ground-breaking activities by the ILO in Bangladesh, which include the training of police and border guards in Chittagong Hill Tracts on indigenous peoples' rights, training that was conducted for the first time. The project has also conducted extensive training for traditional indigenous leaders in Chittagong Hill Tracts with a special focus on land rights as well as the first ever tripartite meeting on employment and indigenous peoples in the country. The project has also provided internships to a handful of young indigenous graduates with a view to enhancing their understanding of issues pertaining to indigenous peoples' rights and the UN system. In 2013, the ILO's work on indigenous peoples in Bangladesh was supported by the Danish Government and UNDP.

Moreover, the ILO's work on indigenous peoples in **Bangladesh** included raising awareness among ILO constituents (Government, workers and employers' organisations) of the employment situation of indigenous peoples in the country. This activity aimed at providing the constituents with an opportunity to take an active part in the implementation of ILO Conventions Nos. 111, 107 and 144, taking into consideration the specific situation of indigenous peoples in Bangladesh. The technical assistance also enabled the constituents to assess and discuss the added values that the ratification of Conventions Nos. 122 and 169 by Bangladesh could bring to the overall situation of indigenous peoples in the country. Activities included a specific study on indigenous peoples, employment and social dialogue in Bangladesh and a first ever national tripartite workshop on the employment situation of indigenous peoples in the country in collaboration with the Government of Bangladesh, the

Bangladesh Federation of Trade Unions as well as the Bangladesh Employers' Federation. The participants agreed upon a roadmap and targeted activities to be undertaken with a view to enhancing social dialogue on the issue of indigenous peoples' employment in Bangladesh.

In 2013, the ILO continued to support the application of the Land Law and relevant regulations to indigenous peoples in **Cambodia**. To date, it has supported 148 indigenous communities through the different stages of the process leading to land titling. More particularly, it has supported the identification of 103 communities and the registration of 77 communities as legal entities, 8 of which have received collective land titles in Ratanakiri and Moldulkiri. In addition, 30 of these communities have been assisted in developing the Internal Rule on Collective Land Use and Management and 18 have developed their unofficial maps. Out of these 18 communities, 7 have already applied for land titling to the district cadastral office. At the same time, a number of awareness-raising and capacity-building activities for government officials and indigenous peoples and supporting organizations have been undertaken both in connection with the field activities involved in the steps of the land titling process mentioned above and as ad-hoc workshops. The work of the ILO on indigenous peoples in Cambodia was supported by the Government of Germany.

The UNIPP-funded ILO project in **Nepal** continues to support the state reform process, including through capacity-building and awareness-raising. In 2013, the project focussed specifically on outreach or communication materials on indigenous peoples' rights, with a view to deepen the understanding of Convention No. 169 ratified by Nepal in 2007. Among other outreach materials that were recently developed is a set of Frequently Asked Questions (FAQ) and answers on indigenous peoples and the Convention based on an extensive countrywide consultation process with representatives from indigenous communities, civil society organizations, government officials and local level authorities.

Latin America

In 2013, the ILO responded to requests for technical assistance to implement Convention No. 169, particularly its provision on consultation and participation, and continued to provide capacity-building and training to government officials, human rights institutions, parliamentarians, employers' and workers' organizations, indigenous peoples' organizations and indigenous women and youth in Chile, Bolivia, Guatemala, Honduras, Nicaragua, and Peru.

In particular, at the request of the Government of **Honduras**, two tripartite workshops on Convention No. 169 with the participation of indigenous and afro-descendant peoples were convened in Tegucigalpa. The workshops had a special focus on consultation and participation. A number of training activities were also organized on Convention No. 169 for public officials from the *Secretaría del Trabajo y Seguridad Social*, the *Secretaría de Recursos Naturales y Ambiente* and the *Secretaría de Pueblos Indígenas y Afrohondureños*. Furthermore, in collaboration with the OHCHR, a cycle of capacity-building workshops on human rights and Convention No. 169 was organized for approximately 240 indigenous participants.

The Programme also continued to support the national implementation of Convention No. 169 in **Peru** through capacity-building of public officials, indigenous leaders and interpreters in indigenous languages as well as training to the private sector in connection with the implementation of the legislation on consultation.

Similarly, in the Plurinational State of **Bolivia**, capacity-building workshops were organized with public officials and indigenous peoples' organizations in collaboration with the UN system in the context of the inter-agency support to develop a national legal framework on prior consultation with indigenous peoples. Furthermore, a training workshop on Convention No. 169 for the Bolivian *Confederación de Empresarios Privados* was realized.

At the regional level, the ILO participated in the regional seminar on "Indigenous peoples' right to prior consultation: The role of ombudspersons in Latin America" organized in Lima by the Ibero-American Federation of Ombudspersons on 25 and 26 April 2013. Additionally, the ILO developed an online distance training course on the rights of indigenous peoples for Latin American trade unions.

Part 3: ILO staff members working on indigenous issues

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Part 4: Meetings and publications on indigenous issues

Conferences and meetings

- The importance of decent work for indigenous women, side event at the 56th session of the Commission on the Status of Women, March 2012.
- Celebration of the International Day for the World's Indigenous Peoples at ILO Headquarters, August 2013.

Publications

- ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), 2014.
- UNIPP, UNIPP Success Stories: Cooperating to promote and protect indigenous peoples' rights, UNIPP 2014.
- ILO, Handbook for ILO Tripartite Constituents. Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169), ILO 2013.
- UNICEF, UN Women, UNFPA, ILO and OSRSG/VAC, Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women. A call to action based on an overview of existing evidence from Africa, Asia Pacific and Latin America, May 2013
- ILO, Indigenous women workers: with case studies from Bangladesh, Nepal and the Americas, ILO working paper, January 2012.

Upcoming publications

- ILO, Frequently Asked Questions on Indigenous Peoples in Nepal and ILO Convention 169, ILO Nepal 2014.