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**Office of the United Nations Commissioner for Human Rights**  
**Contribution of the Indigenous Peoples and Minorities to the 15<sup>th</sup> Session of**  
**the Permanent Forum on Indigenous Issues**

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## Contents

- I. Introduction
- II. Special Theme: “Indigenous peoples: conflict, peace and resolution”
- III. Programs, projects or other activities aimed at promoting the UN Declaration on the Rights of Indigenous Peoples
- IV. The 2030 Agenda for Sustainable Development
- V. The participation of indigenous peoples in decision-making processes
- VI. Conclusions

## **I. Introduction**

The present submission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been prepared in the context of the fifteenth session of the United Nations Permanent Forum on Indigenous Issues. This contribution should be read alongside the report submitted to the Human Rights Council on the relevant developments in human rights bodies and mechanisms and activities undertaken by the OHCHR to contribute to the full and effective realization of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples<sup>1</sup>. The recent reports of the United Nations Special Rapporteur on the Rights of Indigenous Peoples<sup>2</sup> and the Expert Mechanism on the Rights of Indigenous Peoples<sup>3</sup>, both supported by the OHCHR, also hold relevance. This report is not an exhaustive overview of all OHCHR activities to promote the rights of indigenous peoples but rather an illustration of selected actions taken at country and regional levels and at headquarters in the focus areas to be reviewed by the Permanent Forum during its fifteenth session in 2016. This submission provides, in particular, information on the activities that the OHCHR has undertaken to follow up the Outcome document of the World Conference on Indigenous Peoples and in connection with the 2030 Sustainable Development Agenda.

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<sup>1</sup> A/HRC/30/25 (Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples)

<sup>2</sup> A/70/301 (Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly, August 7, 2015. The impact of international investment and free trade on the human rights of indigenous peoples); A/HRC/30/41 (Report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council. Rights of indigenous women and girls); A/HRC/30/41/Add.1 (Addendum - The situation of indigenous peoples in Paraguay).

<sup>3</sup> A/HRC/30/52 (Report of the Expert Mechanism on the Rights of Indigenous Peoples on its eighth session); A/HRC/30/53 (Study on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage); A/HRC/30/54 (Summary of responses from the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples - Draft report of the Expert Mechanism on the Rights of Indigenous Peoples).

## **II. Special Theme: “Indigenous peoples: conflict, peace and resolution”**

OHCHR has continued to provide support to governments in fighting poverty and addressing discrimination and inequality in its efforts to prevent conflicts and promote peace on the ground, as illustrated in the following examples.

In Colombia, OHCHR has advocated for space for social dialogue on public policy issues of participation, consultation and representation of indigenous communities. It continued its work with rights holders to strengthen their organizations and the design of protocols in dealing with authorities, as well as business enterprises. Social protests in 2014, such as the National Agrarian Strike and the Mining Strike, were addressed by the Government through dialogue and negotiation. The agrarian negotiating platform (Mesa Única Nacional de la Cumbre Agraria, Étnica, Campesina y Popular) brought together different rural movements in a national dialogue with the Government. OHCHR-Colombia was asked to facilitate, moderate and provide technical verification for the platform’s sub-commission on human rights and guarantees. The office also played a role in local and regional negotiating platforms. It facilitated agreements in Cauca between the National Indigenous Organization of Colombia and the Government, and promoted international standards in the Mesa de Putumayo, Mesa Minera Nacional and Mesa Minera del Chocó negotiating platforms. Those processes have created a positive change in the relations of social movements with the Government, although progress in obtaining and implementing agreements has been mixed.

Housing and land disputes continued to be a root cause of protests and human rights violations in Cambodia, including in respect of rights to freedom of expression, association, peaceful assembly and movement as well as economic, social and cultural rights, including of indigenous peoples. In partnership with the Ministry of Interior and with the participation of local authorities, security forces, communities and civil society organizations, OHCHR organized a series of dialogues at sub-national level in localities registering high levels of social tensions, with the aim of improving communication on the causes of conflict and finding solutions. In particular, OHCHR and the Ministry of Interior co-organized the first Provincial Dialogue in Mondulhiri in December 2014. In Mondulhiri, some Phnong indigenous communities, some of whom have been involved in long-standing land disputes, and there have also been complaints regarding the allocation of social land concessions. A second Provincial Dialogue took place in

Oddar Meanchey province in March 2015. Oddar Meanchey is another province with a high number of land as well as forestry disputes. Both Dialogues allowed extensive discussions on a number of grievances, mostly relating to land issues.

OHCHR also recorded adverse impacts of the land titling process on indigenous communities, who claim to have lost their lands as a result of inconsistent implementation of government policies. OHCHR activities in this area included field visits, the facilitation of dialogue among parties in dispute, trial monitoring, and provision of legal and procedural advice to communities and civil society organizations. In addition, OHCHR continued to work with the Ministry of Land Management, Urban Construction and Planning, local governments and civil society organizations to support efforts by indigenous peoples to apply for collective land titles, and to provide legal aid to communities who have suffered from land rights violations.

In the Democratic Republic of Congo, competition over extractive and forest-based activities as well as land disputes originating from the extension of national parks impeded indigenous peoples' access to land and natural resources. Similarly, indigenous peoples living in remote areas had limited access to health and education. Their participation in political life remained extremely low. The United Joint Human Rights Office has been following the security and human rights situation of indigenous peoples in some parts of Katanga province where disputes resulted in killings and other serious human rights violations.

The Office in Guatemala held a dialogue with indigenous authorities of Totonicapán, Sololá, Chichicastenango, Nebaj and Quiché to assess the situation of the rights of indigenous peoples. As a follow-up to the dialogue, the office undertook observation missions to identify best practices for the prevention of violence in indigenous communities. The office in Guatemala also maintained regular meetings with the conflict analysis unit of the national human rights institution in order to exchange information on a set of six priority conflicts and to build a common strategy, including on a process to remedy the human rights violations that had occurred in the 1980s in connection to the Chixoy Dam and on a conflict that emerged in the municipality of San Juan Sacatepequez following the construction of a factory. The office in Guatemala and the national human rights institution were designated as “honour witnesses” in the dialogue established by the State authorities to address both conflicts.

### **III. Programs, projects or other activities aimed at promoting the UN Declaration on the Rights of Indigenous Peoples**

The Office continued to promote the full application of the UN Declaration on the Rights of Indigenous Peoples in intergovernmental and other processes. In the lead up to the 2015 United Nations Climate Change Conference COP 21, OHCHR advocated for a human right-based approach to guide global policies and measures designed to address climate change and consistently stressed the importance of ensuring meaningful and informed participation with affected groups, including indigenous peoples. In its submission to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change entitled “Understanding Human Rights and Climate Change” on 27 November 2015, OHCHR highlighted the essential obligations and responsibilities of States and other duty-bearers (including businesses) and their implications for climate change-related agreements, policies, and actions. In particular, the report stressed that efforts to address climate change should not exacerbate inequalities within or between States and that indigenous peoples’ rights should be fully reflected in line with the United Nations Declaration on the Rights of Indigenous Peoples.

Under the UNDG framework, OHCHR led the development of the new Guidance Note on Human Rights for Resident Coordinators and UN Country Teams<sup>4</sup> which was adopted in June 2015. It aims to give practical guidance on supporting human rights at the country level and to provide RCs and UNCTs with the tools and resources they need to fulfil their responsibilities. The Guidance Note includes an Annex on specific issues including on indigenous peoples and sets out how the UN can advance indigenous peoples rights at the country level through specific actions. These include technical assistance to States with respect to the implementation of the provisions of the UN Declaration on the Rights of Indigenous Peoples; support of indigenous peoples in their efforts to claim their rights including in legal proceedings; and establishment of mechanisms to facilitate dialogue between the UN Country Team and indigenous peoples.

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<sup>4</sup> The Guidance Note can be downloaded from the following link: <https://undg.org/wp-content/uploads/2015/12/UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf>

In addition, the OHCHR Indigenous Peoples and Minorities Section carried out a number of training and briefing sessions for key stakeholders that included United Nations country teams, OHCHR staff, members of human rights treaty bodies, indigenous peoples' organizations, government officials, parliamentarians and staff of national human rights institutions, in an effort to promote the full application of the Declaration, including the first ever regional workshop in the Pacific region held in Vanuatu in August 2015 with a focus on the follow-up to the Outcome Document of the World Conference on Indigenous Peoples.

OHCHR regional and country offices have also run capacity-building programmes on indigenous peoples' rights. For example, the human rights adviser in Bangladesh served as a resource for a regional training programme on indigenous peoples' rights organized on April 2015 in Dhaka by the Asia-Pacific Forum of National Human Rights Institutions, together with the Bangladesh Human Rights Commission. A similar training workshop was also conducted for the staff and Members of the Commission of Human Rights and Good Governance (CHRAGG) in Tanzania in July 2015.

The OHCHR country office in the Plurinational State of Bolivia organized training activities for several indigenous peoples' organizations that focused on collective rights and the use of national and international protection mechanisms, and sought to develop their understanding of the right to consultation. In coordination with the indigenous university of "Apiaguaiki Tupa", the office developed the first version of a course entitled "Rights of indigenous peoples in the universal human rights system and introduction to cultural expertise". A second version of the course was developed for leaders representing indigenous peoples from the East, Chaco and Amazon regions.

In Columbia, the Office held a workshop on the basic concepts of economic, social and cultural rights with an emphasis on the rights of indigenous peoples and Afro-Colombian communities. In June 2014, the OHCHR regional office for Central America in Panama organized a training activity for indigenous youth organizations on the use of human rights mechanisms, with a view to developing their capacity to submit reports to the special procedures of the Human Rights Council and the second cycle of the universal periodic review.

Through the Maya Programme, the office in Guatemala developed several training courses specifically on the administration of justice, lands and territory and the right to consultation. The target audience for the courses included the Public Prosecutor's Office, the Institute of Public Defence, the Supreme Court and the Constitutional Court. The Office also supported the Attorney General's Office in developing a diagnosis tool on access to justice for indigenous peoples. As a result, the Indigenous Peoples Unit in the Attorney General's Office developed an action plan that provided for internal policy reforms and specialized trainings for interpreters, and designed an institutional policy focusing on victims.

In addition, OHCHR continued to build the capacity and expertise of representatives of indigenous peoples through its annual training programme on international human rights instruments and mechanisms. A total of 31 indigenous representatives, including 18 women and one person with disabilities, originating from Algeria, Botswana, Brazil, Cambodia, Cameroon, Canada, Chile, Colombia, the Democratic Republic of Congo, Guatemala, Honduras, India, Mexico, Namibia, Nepal, Nicaragua, Norway, Peru, Philippines, Russian Federation and the Solomon Islands participated in the 2015 Indigenous Fellowship Programme that took place in Geneva in June and July. These fellows attended theoretical and practical training sessions on how to use international human rights instruments and mechanisms to more effectively advocate for and promote the rights of their respective communities at the international level. In addition, three indigenous fellows who had participated in the training in Geneva were given the opportunity to enhance their knowledge and experience by taking part in national or regional fellowships with OHCHR country offices in Cambodia, Tanzania and Columbia. Their active involvement and input to the activities of OHCHR were much appreciated, as was their first-hand knowledge of indigenous issues, which was an asset for the work of OHCHR on indigenous peoples' issues. In order to give indigenous people the opportunity to learn through direct and practical engagement in the activities of OHCHR, the Indigenous Peoples and Minorities Section continues to organize a Senior Indigenous Fellowship over a period of four months to provide on-the-job training. Two videos (a long version of around 11 minutes and a shorter one of less than 5 minutes) featuring testimonies of former indigenous fellows was launched in November 2015 in an effort to raise further awareness about the programme. These videos show how their participation in OHCHR Indigenous Fellowship Programme contributed to strengthen the work they have been carrying out to advocate for the rights of their communities and the rights of

indigenous peoples in general, as well as the impact it had on their personal and professional lives. Both the long and shorter versions are available in English, French and Spanish<sup>5</sup>.

Further to Permanent Forum recommendation issued at its twelfth session that the World Bank “include the rights of indigenous peoples in its knowledge and learning activities for staff and management”, OHCHR will be collaborating with the World Bank in 2016-2017 in a series of country-level activities to operationalize the human rights of indigenous peoples. The project will be implemented in Colombia with a focus on community-driven peace building processes in indigenous areas and in the Democratic Republic of Congo in relation to the current land tenure reform. The project, supported by the World Bank’s Nordic Trust Fund, also includes a global component to enhance knowledge and learning program for World Bank staff on international standards, frameworks and best practices related to the human rights of indigenous peoples.

#### **IV. The 2030 Agenda for Sustainable Development**

OHCHR has made a strong contribution to the integration of human rights throughout the process to define the SDGs, and it will seek to ensure that strategies and policies to implement the 2030 Agenda are human rights-based. OHCHR also provided support to Special Rapporteurs, Independent Experts and the chairs of the Human Rights treaty bodies whose statements and engagement in the 2030 intergovernmental process was instrumental in anchoring human rights in the 2030 Agenda.

The Office further worked with National Human Rights Institutions to advocate for the inclusion of human rights in the new Agenda and provided substantive support in its capacity as Secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) to the 12th International Conference of National Human Rights Institutions (NHRIs). The conference held in Merida, Mexico from 8 to 10 October 2015, focused on the role of NHRIs in the implementation of the 2030 Agenda. The

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<sup>5</sup> Long video (English): [https://www.youtube.com/watch?v=xZP\\_tfbGTM0](https://www.youtube.com/watch?v=xZP_tfbGTM0); Short video (English): <https://youtu.be/q2k8Z5SW2hQ>; Long video (French): <https://youtu.be/dzPHxMWdwTk>; Long video (Spanish): <https://youtu.be/7PYz4PvFZA4>; Short video (French): [https://youtu.be/ulgXld\\_Zulc](https://youtu.be/ulgXld_Zulc); Short video (Spanish): <https://youtu.be/XBsQkd4ZCmw>

Conference adopted the Merida Declaration which made explicit references to indigenous peoples and set out NHRIs' position, role, strategy and actions in the implementation and follow-up and review process of the 2030 Agenda.

In line with the promise of the 2030 Agenda to 'leave no one behind', monitoring efforts should assess progress in achieving results for all people. This will require disaggregated data that clearly reveals the situation of the most disadvantaged groups and those groups affected by discrimination, including indigenous peoples. In this regard, OHCHR organized an expert meeting in October 2015 on human rights-based approaches to data and statistics (HRBADS) to develop practical guidance to respond to the call for 'leaving no one behind' in the new agenda with due respect for human rights norms and principles, including in respect of self-identification, data disaggregation, participation, data protection and accountability. In addition to ensuring a process of full, active and meaningful participation of relevant stakeholders including marginalized groups in all stage of data collection, the workshop also highlighted the need to make the data collection meaningful for the relevant stakeholders. A HRBADS also requires that data collection respond to the priorities and aims of the groups themselves. For instance, in the context of indigenous peoples, community-based data collection was discussed as a means to ensure meaningful and qualitative data on specific groups. The OHCHR guidance note on "A Human Rights-Based Approach to Data: Guidance Note to Data Collection and Disaggregation to Leave No One Behind in the 2030 Development Agenda"<sup>6</sup> highlights the essential element of participation and involvement of the indigenous community in the data development and data-collection processes.

OHCHR is also contributing to the work of the Inter-Agency Task Force on the follow-up to the Financing for Development outcomes and means of implementation of the 2030 Agenda for Sustainable Development (IATF on FtD), supporting integration of a human rights based approach and indigenous peoples' perspectives in the forthcoming Report on Financing for Development, to be launched at the Inaugural FfD Forum in April 2016.

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<sup>6</sup> A draft working document of the note A Human Rights-Based Approach to Data: Guidance Note to Data Collection and Disaggregation to Leave No One Behind in the 2030 Development Agenda is available from: <http://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>

## **V. The participation of indigenous peoples in decision-making processes**

OHCHR has played an active role in the efforts to advance the participation of indigenous peoples in decision-making processes, including in the context of the Human Rights Council. It organized, in September 2015, a Human Rights Council panel on the Follow-up to the World Conference on Indigenous Peoples, which included discussions on the participation of indigenous peoples in United Nations processes. The Office further contributed to the Secretary General's Report on Progress made in the implementation of the outcome document of the World Conference on Indigenous Peoples (A/70/84), including specific proposals to enable the participation of indigenous peoples' representatives and institutions based on input received from indigenous peoples' organizations. At the request of the Human Rights Council in resolution 30/11, the Office will organize a workshop in April 2006 in Geneva to review the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and will support participation of indigenous experts in the meeting.

Robust indigenous participation in processes that affect them is essential not only as a reflection of the rights contained in the UN Declaration on the Rights of Indigenous Peoples and other human rights texts, but also to ensure that UN meetings relevant to indigenous peoples address those themes, issues and challenges that are truly priorities for indigenous peoples. In that regard, the role of the United Nations Voluntary Fund for Indigenous Peoples – managed by OHCHR on the basis of advice from a Board of Trustees – is particularly important, as was highlighted in events marking the 30<sup>th</sup> anniversary of the Fund in 2015. In 2015, the Fund provided 99 grants for indigenous peoples' representatives to participate in sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council and the human rights treaty bodies. In December 2015, the General Assembly extended the mandate of the Fund in resolution 70/486 to assist representatives of indigenous peoples organizations and institutions to participate in the consultation process on the procedural and institutional steps to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them during the 70th and 71st session of the General Assembly. In 2015, the Fund also organized four human rights training modules, in Geneva and New York. Moreover, in cooperation with NGO partners, the Fund provided assistance to indigenous peoples' representatives in targeting their advocacy,

making constructive interventions tailored to each session and contributing to the implementation of the recommendations made by human rights mechanisms and the implementation of the Declaration on the Rights of Indigenous Peoples at the national level.

## **VI. Conclusions**

During the period under review, OHCHR further strengthened its work to advance the rights of indigenous peoples at the country level and increased its efforts to give practical guidance on the content of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. The High Commissioner himself consistently invoked the standards of the Declaration in his dialogue with authorities. Many of the specific initiatives implemented by OHCHR reflected recommendations made by the Permanent Forum on Indigenous Issues on issues ranging from capacity building to the protection of the rights of participation of indigenous peoples in decision-making.