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**INDIGENOUS ISSUES**

**Report of the High Commissioner for Human Rights  
on indigenous issues\***

**Summary**

The present report, submitted in accordance with Commission on Human Rights resolution 2005/49, provides an overview of some of the activities that were undertaken in 2005 under the aegis of the Office of the High Commissioner for Human Rights (OHCHR) to promote and protect the rights of indigenous peoples. Information is provided on current efforts of the Office to strengthen the protection of the human rights of indigenous peoples through standard-setting and the human rights mechanisms including the treaty bodies and special procedures; to promote the rights of these peoples through participation in and organization of inter-agency meetings, workshops and seminars; to build the capacities of indigenous organizations through focused human rights training; and to implement activities at the country level to assist States in addressing indigenous rights issues. The report concludes by noting the continuing disadvantaged situation of indigenous peoples and the urgency of adopting the draft declaration on the rights of indigenous peoples as soon as possible as recommended in the September 2005 statement by Heads of State. It also notes the need to improve the human rights situation of indigenous peoples at the community level through national programmes and inter-agency cooperation.

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\* The present document was presented after the deadline established by the Documents Control Section in order to include additional information.

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## **Introduction**

1. The present report, submitted in accordance with Commission on Human Rights resolution 2005/49, presents details of the work of OHCHR during 2005 in promoting and protecting the individual and collective human rights and fundamental freedoms of indigenous peoples as well as in developing and contributing to the work of the United Nations to this end.
2. Indigenous peoples are discriminated against within society, have generally weak political participation and lack equal access to economic, social and cultural rights. They may be harmed by or excluded from development projects and do not benefit fully from strategies to meet the Millennium Development Goals (MDGs) and to reduce poverty. They have less access to justice and security and are often implicated in conflict. They are also victims of serious human rights violations. National legislation may result in direct or indirect discrimination against them. Where laws to protect and promote their rights do exist, these are often not implemented in practice. Marginalized groups within indigenous communities, in particular women, face additional barriers to overcoming exclusion.
3. Numerous resolutions and recommendations of the Commission on Human Rights, the outcome document of the 2005 World Summit of Heads of State and Government and statements by the Permanent Forum on Indigenous Issues, inter alia, express concern at the precarious levels of economic and social development that indigenous peoples endure. These declarations reaffirm the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples; recognize the value and diversity of indigenous cultures and affirm that their development contributes to the socio-economic, cultural and environmental advancement of all countries; and underline the importance of consultation and collaboration with indigenous peoples.
4. Protecting and empowering indigenous peoples is essential to supporting the High Commissioner's Plan of Action to address poverty, discrimination, conflict and democratic deficits. The strengthening and consolidation of human rights expertise concerning indigenous peoples is crucial to supporting effective country engagement, as well as action at the global level, on this issue.

## **I. PROTECTION AND STANDARD-SETTING**

5. Ending or preventing human rights violations, including against indigenous peoples, is central to the mandate of OHCHR. Through the secretariat in Geneva and regional and country offices, OHCHR monitors and reports on violations of the rights of indigenous peoples. This work involves ongoing research and analysis to support the work of Special Procedures and treaty bodies along with the preparation of comments, reports and public statements and other activities. In 2005, for example, OHCHR participated in a trial observation concerning indigenous peoples.

## **A. Special Procedures**

6. In particular, OHCHR supports the activities of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, who during 2005 made official visits to South Africa and New Zealand. OHCHR coordinates these visits with the Government, other United Nations agencies and civil society in the country concerned. Special efforts are made during each of these visits to ensure that the Special Rapporteur is able to consult fully with civil society and in particular with indigenous women. The reports of the Special Rapporteur are contained in documents E/CN.4/2005/78 and Add.1-5.

7. OHCHR has also supported the work of other Special Procedures during the year, including conducting research for the work of the Special Representative of the Secretary-General for human rights in Cambodia for his report on economic land concessions from a human rights perspective and helping to organize a round table on indigenous peoples land and housing rights during the visit to Cambodia of the Special Rapporteur that was focused on the right to adequate housing.

8. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance met with indigenous peoples during his official visits to Japan and Brazil and received testimony on violations of their rights along with evidence of discrimination.

9. The Special Rapporteur on the right to food visited indigenous communities during his visit to Guatemala in January 2005, a visit supported by the OHCHR office in Guatemala. His report to the sixtieth session of the General Assembly in September 2005 addressed the issue of indigenous peoples' right to food. In his report he noted that hunger and malnutrition were disproportionately higher among indigenous than non-indigenous populations and called for improved protection of indigenous peoples' lands and resources.

10. Issues of concern relating to indigenous peoples were also raised by other Special Procedures including the Special Representative of the Secretary-General on the situation of human rights defenders; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living; the Working Group on Arbitrary Detention; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; the Representative of the Secretary-General on the human rights of internally displaced persons and the Special Rapporteur on the causes and consequences of violence against women.

## **B. Treaty bodies**

11. In 2005 the Human Rights Committee continued to pay attention to indigenous peoples, in particular in its concluding observations under articles 1 (right to self-determination), 2 (non-discrimination and effective remedies), 3 (equality of men and women), 6 (right to life), 7 (prohibition of torture), 25 (right to political participation), 26 (prohibition of discrimination) and 27 (rights of minorities) of the International Covenant on Civil and Political Rights. The Committee made recommendations concerning indigenous peoples in their concluding observations to 3 of the 15 reports submitted by States parties it considered during 2005.

12. In its thirty-fifth session, in November 2005 the Committee on Economic, Social and Cultural Rights adopted general comment No. 17 on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic protection of which he or she is the author. Importantly, it includes the protection of the moral and material interests of indigenous peoples, including their knowledge, innovation and practices.

13. The Committee on the Elimination of Racial Discrimination made recommendations concerning indigenous peoples in their concluding observations to 6 of the 16 reports submitted by States parties considered by the Committee during 2005. They expressed concern at the wide gap between indigenous peoples and others in the areas of employment, health, housing, education and income and raised the issues of, inter alia, the ownership and use of indigenous lands, effective participation in decision-making, consultation and informed consent as well as State recognition of indigenous peoples.

14. In its declaration on the prevention of genocide adopted in 2005, the Committee urged the international community to look at the need for a comprehensive understanding of the dimensions of genocide, including in the context of situations of economic globalization adversely affecting disadvantaged communities and in particular indigenous peoples. In its general recommendation 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, adopted by the Committee in August 2005, the Committee drew attention to the particular needs of indigenous people and recommended that States ensure respect for, and recognition of, the traditional systems of justice of indigenous peoples in conformity with international human rights law.

15. The Committee on the Rights of the Child made recommendations concerning indigenous children in their concluding observations to 9 of the 27 reports that were submitted by States parties and considered by the Committee during 2005. They expressed concern at, inter alia, persistent discrimination, lack of access to education and health services including mental health services, high levels of poverty, limited enjoyment of rights, child labour, exploitation of natural resources in indigenous areas, lack of accurate data concerning indigenous children and the high percentage of indigenous children in juvenile justice systems. The Committee continued to discuss the drafting of a proposed general comment on indigenous children.

16. To support effective engagement with and contribution to the work of the treaty bodies as well as to follow-up and enhance the implementation of the recommendations emerging from the consideration of State party reports, OHCHR has organized an on-going process of training and engagement with civil society, including indigenous peoples along with other national actors. During 2005 indigenous representatives from Kenya involved in this process participated in the work of the Committee on the Elimination of Discrimination Against Women.

### **C. National human rights institutions**

17. Through the National Institutions Unit, OHCHR supports the work of national human rights institutions (NHRIs) worldwide along with their regional networks. These NHRIs have developed different activities to promote and protect the rights of indigenous peoples such as the international workshop on “Indigenous women and domestic violence: from private silence to public agendas”, organized by the Network of National Institutions of the Americas in Chiapas, Mexico, in August 2005. The objective of the workshop was to design a model to prevent and eradicate domestic violence in indigenous communities in the American continent.

### **D. Working Group on Indigenous Populations and Working Group on the draft declaration on the rights of indigenous peoples**

18. OHCHR supports the standard-setting activities of the Working Group on Indigenous Populations, the Working Group on the draft declaration on the rights of indigenous peoples (WGDD) and the thematic research of the Special Rapporteur on the human rights and fundamental freedoms of indigenous people. In this work OHCHR seeks to ensure the contribution of indigenous experts to the discussion through their participation and through their submission of joint papers with Working Group experts.

19. The Working Group on Indigenous Populations of the Sub-Commission held its twenty-third session from 18 to 23 July 2005. Representatives of indigenous peoples and organizations, including participants supported by the Voluntary Fund for Indigenous Populations, States, United Nations bodies and specialized agencies along with academics and non-governmental organizations attended the session as well as did two members of the Permanent Forum on Indigenous Issues and the Special Rapporteur on indigenous issues. The Working Group reviewed developments pertaining to the promotion and protection of the rights of indigenous peoples, with a focus on the principal theme of “indigenous peoples and the international and domestic protection of traditional knowledge”. In the field of standard-setting it held discussions on: (a) a legal commentary on the concept of free, prior and informed consent, (b) a review of the draft principles and guidelines on the protection of the heritage of indigenous peoples and (c) future priorities for standard-setting activities. A list of activities recommended for inclusion in the Programme of Action for the Second International Decade of the World’s Indigenous People was also elaborated.

20. The report of the tenth session of the WGDD, held from 13 to 24 September and 29 November to 3 December 2004, was presented to the Commission on Human Rights in

March 2005. Concerns were expressed that progress in finalizing the declaration was very slow. At its meeting in April 2005, the Commission agreed to an additional meeting to provide an opportunity to States and indigenous peoples to reach consensus. The eleventh session was held in December 2005 and January 2006. The report of the session is contained in document E/CN.4/2006/79.

## **II. THEMATIC EXPERTISE, LEADERSHIP AND PROMOTING PARTNERSHIPS WITHIN THE UNITED NATIONS**

21. The development of thematic expertise on human rights and indigenous peoples, the dissemination of information on indigenous peoples' rights and the organization of or participation in workshops and seminars that provide spaces for dialogue on critical issues allow the Office to contribute to the strengthening of overall United Nations capacity in this field.

### **A. Seminars and workshops**

22. During 2005 OHCHR organized and participated in a number of workshops, round tables and seminars to develop and extend expertise in the area of indigenous peoples. Some of these activities are referred to below and further information can be obtained on the OHCHR website:

- A workshop of the Permanent Forum on Indigenous Issues on the principle of free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources was held in New York in January 2005. Discussions on this topic are being developed with a view to facilitating the application of this concept in the work of the United Nations. OHCHR is also supporting the drafting of a legal commentary by the Working Group on Indigenous Populations (WGIP) on this concept;
- An international seminar on the implementation of legislation with regard to indigenous peoples rights was organized jointly by OHCHR and the Inter-Parliamentary Union and held in Geneva in July 2005. The seminar included Governments, United Nations bodies, Parliamentarians (including indigenous Parliamentarians), researchers and scholars. The seminar was organized in support of the annual thematic report of the Special Rapporteur on indigenous people. The main issues discussed were: the participation of indigenous peoples in political life; the role of indigenous Parliamentarians to advance indigenous issues in the political agenda and their role in establishing and/or overseeing Parliamentary committees;
- An international expert seminar on the implementation of national legislation and jurisprudence concerning indigenous peoples rights called experiences from the Americas was organized by OHCHR and the University of Arizona was held in Tucson, United States of America, in October 2005. The seminar analysed the current state of domestic legislation and jurisprudence in various countries on the subject of indigenous peoples' rights by identifying and evaluating common national and international trends. Discussions focused on obstacles to implementation;

- A technical workshop on traditional knowledge and indigenous peoples was organized by the Inter-Agency Support Group on Indigenous Issues (IASG) in Panama in September 2005 to address traditional knowledge-related activities being undertaken by the United Nations system and to seek methods of better integrating indigenous peoples' perspectives in these activities;
- The V Congress of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation, held in Moscow in April 2005, focused on national legislation. The Congress was preceded by a round table on "Indigenous Peoples and the United Nations", organized by the Ministry of Regional Development of the Russian Federation and the Russian Association of Indigenous People of the North (RAIPON), a non-governmental organization (NGO) that works to protect the interests of Russia's northern indigenous and minority peoples. The United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Labour Organization (ILO), the Secretariat of the Permanent Forum on Indigenous Issues and the World Intellectual Property Organization (WIPO) were also present at this meeting;
- The 2nd International Conference on Arctic research planning was held in Copenhagen in November 2005, at which time OHCHR presented a paper on indigenous peoples and change in the Arctic;
- The sixth annual session of the Workshop on Indigenous Children and Adolescents was held in Geneva in July 2005 and focused on recent developments and projects conducted by United Nations specialized agencies in partnership with indigenous peoples;
- An international symposium on the world's indigenous languages was hosted by the Government of Canada at Expo 2005 in Japan in August. The symposium highlighted the importance of language for the identity, survival and future development of indigenous peoples. OHCHR raised the issue of international human rights standards as a framework for the protection of linguistic diversity;
- A human rights gender seminar for indigenous peoples of Kenya was held in Nanyuki, Kenya, in September 2005. Discussion focused on proposed Kenyan laws that can protect women from human rights violations and the draft constitution. OHCHR gave a presentation and training session on international human rights instruments and United Nations bodies working on indigenous issues;
- A round table on mining and indigenous peoples organized by the World Conservation Union (IUCN) was held in Gland, Switzerland in November 2005. Issues of free, prior and informed consent and the development of an international legal framework were explored. The Office contributed a background paper on the issue;



- At the request of the International Finance Corporation (IFIC), OHCHR facilitated a discussion with indigenous peoples on the draft guidelines on indigenous peoples being developed by that organization. The session was held in Geneva during the annual meeting of the Commission on Human Rights;
- The consultation on Human Rights and the Extractive Industry was arranged in accordance with CHR resolution 2005/69 and held in Geneva in November 2005. A background paper on indigenous peoples and the extractive industry was prepared for this consultation;
- A five-day workshop to consider aspects of the Draft Declaration on the rights of indigenous peoples was organized by the Government of Mexico and held in Patzcuaro, Mexico in September 2005. OHCHR supported the participation of indigenous experts in the workshop and assisted the Mexican Government in servicing the meeting;
- The High Commissioner for Human Rights participated in a panel on indigenous peoples during the Commission on Human Rights in which she focused her remarks on the future of the draft declaration.

### **B. Inter-agency activities**

23. OHCHR is an active participant in a number of inter-agency processes relating to indigenous peoples, in particular the Inter-Agency Support Group on Indigenous Issues. In 2005 the IASG met in Panama to discuss regional and country-level cooperation to address indigenous issues. Representatives of the Permanent Forum on Indigenous Issues were invited to attend. The focus of the meeting was on regional cooperation to support indigenous peoples and was particularly relevant to the Office in light of country programmes being carried out in Bolivia, Ecuador, Peru, Guatemala and Mexico.

24. In May, 2005 the Office launched a joint publication in partnership with United Nations-Habitat entitled *Indigenous Peoples' Right to Adequate Housing: A Global Overview*. The publication includes seven case studies on the status of housing for indigenous peoples - in practice and in law - and reviews policies and programmes aimed at addressing their disadvantage. It calls for further attention to be given to this critical human rights concern.

### **C. Permanent Forum on Indigenous Issues**

25. OHCHR plays an active role in contributing to the work of the Permanent Forum on Indigenous Issues. The High Commissioner for Human Rights participated in the meeting of the Forum in 2005 and spoke of the need to ensure that indigenous peoples be involved in the development, implementation and evaluation of programmes designed to address poverty.

26. OHCHR facilitated the participation of the Chairperson-Rapporteur of the Working Group on Indigenous Populations, the Special Rapporteur on indigenous issues and a member of the Board of Trustees of the Voluntary Fund for Indigenous Populations in the fourth session of

the Permanent Forum held in New York in May 2005. During the Forum OHCHR facilitated meetings between indigenous representatives and the Special Rapporteur on indigenous peoples in order that they might bring their particular concerns and reports of violations to his attention. The participation of 26 indigenous representatives was funded through the Voluntary Fund for Indigenous Populations.

27. OHCHR also met with indigenous representatives from all regions attending the Forum to hear their concerns and to identify areas for future action. These included issues such as the lack of legal recognition of indigenous peoples, the participation of indigenous women in United Nations processes and of indigenous peoples in public life, the impact of conflict and militarization on indigenous peoples, lack of awareness about indigenous issues among United Nations staff, serious human rights violations, impunity, the role of national human rights institutions and capacity-building for indigenous peoples to contribute to United Nations human rights mechanisms. Meetings were also held with Forum members and with the Friends of the Forum.

#### **D. Regional forums**

28. Prior to the thirty-seventh session of the African Commission on Human and Peoples' Rights held in 2005, informal consultations arranged by OHCHR brought together the Special Rapporteur on indigenous peoples, an expert member of the United Nations Working Group on Indigenous Populations, indigenous representatives from the African region and NGOs involved in indigenous issues. Participants raised issues of concern and made proposals for action by the WGIP and OHCHR to address their needs and enhance protection of their rights. Ways of improving the sharing of information and cooperation between regional and international mechanisms on indigenous questions were also discussed. The Special Rapporteur also met with members of the African Commission's working group on indigenous populations/communities to explore future collaboration, to strengthen links to the African Commission and to further the development of work with indigenous peoples in this region.

### **III. EMPOWERMENT AND PARTICIPATION OF INDIGENOUS PEOPLES IN FELLOWSHIP PROGRAMMES**

29. The Indigenous Fellowship Programme is now a well-established part of the Office's work and aims to build the capacity of indigenous peoples and empower them and their communities to claim their rights. The Programme was established in 1997 and has since trained nearly 90 young indigenous representatives, almost all of whom belong to different indigenous communities. In 2005 a Russian-language programme was added to the English, French and Spanish programmes already taking place, bringing the total number of Fellows attending the programme during 2005 to 19. Since 2001 the programme has been largely funded under the regular budget of the United Nations.

30. Through the programme, Fellows receive comprehensive training in the mechanisms and instruments that protect human rights within the United Nations, work with and receive training from other United Nations agencies and actively participate in mechanisms dealing with the promotion and protection of the human rights of indigenous peoples. The programme includes

study visits of up to two weeks at UNESCO, Paris and the ILO as well as shorter briefings with other agencies. The five 2005 English-language Fellows participated in the Permanent Forum on Indigenous Issues as part of the OHCHR secretariat, where their work focused on better understanding the implications of the MDGs for indigenous peoples and developing appropriate strategies to achieve them.

31. The programme has been organized in close collaboration with other departments of OHCHR and with other United Nations programmes and agencies, including ILO, UNESCO, the United Nations Institute for Training and Development (UNITAR), WIPO, UNDP and IUCN. This collaboration is coordinated and advanced by OHCHR. It promotes the exchange of experiences and information between agencies, within OHCHR and with the Fellows as well as providing the basis for ongoing cooperation to enhance the work of the United Nations on indigenous issues at both international and national levels.

32. The Spanish programme is organized in partnership with the Institute of Human Rights of the University of Deusto and is partially funded by the Basque government. The French programme is organized in partnership with the University of Bourgogne, Dijon, and is partially funded by the municipality of Dijon. The Russian programme is organized in partnership with RAIPON, an NGO that works to protect the interests of Russia's northern indigenous and minority peoples. During 2005 OHCHR met with all the partner organizations to discuss the schedule of work, practical issues and opportunities for expanding and improving the Fellowship Programme.

33. On their return to their communities, the Fellows commit to disseminating the information they have received through seminars and trainings. Evaluations of the programme show that former Fellows have gone on to work on human rights of indigenous peoples in the area of conflict prevention, displacement, peace, education and cultural rights, women's and youth rights, land rights, discrimination, administration of justice, biodiversity and economic and social rights. Over 60 per cent have participated in further United Nations meetings and many more in meetings at the regional and national level. In 2005, more than 10 previous Fellows participated in the Permanent Forum on Indigenous Issues. The programme enables the national NGOs with whom the Fellows work to promote the international dimension of their work and to initiate activities in their own countries. As a result of contacts made during her Fellowship, a former Fellow organized a "Human rights gender seminar for indigenous peoples of Kenya" in collaboration with UNESCO in September 2005. Another former Fellow assisted in preparations for the visit of the Special Rapporteur to New Zealand in November 2005, while a 2004 Fellow was hired by OHCHR in 2005 to assist with the newly-established Russian-language programme.

34. During 2005 the Fellows developed a "tool box" of training material designed to provide accessible and appropriate materials and activities to be used at the local level to help communities build understanding and awareness of their rights, identify how they can best work with the United Nations and develop advocacy and networking skills and strategies. The need for such a training tool had been identified in previous evaluations of the Fellowship Programme. OHCHR will continue to develop this resource to be used in conjunction with a programme of small grants for follow-up training activities by Fellows with their communities.

35. The Indigenous Fellowship Programme is a means for empowering indigenous individuals and communities to work towards significant changes to improve the human rights situation and status of indigenous peoples. It acts as a forum for the exchange of information and experiences, for the development of networks between indigenous peoples and the identification of common issues and for the exchange of best practices. Through follow-up activities the human rights knowledge gained by the Fellows is disseminated and multiplied, thereby benefiting other indigenous communities. Experience has shown that bringing indigenous representatives to Geneva under the Fellowship Programme forms the basis for long-term partnerships with individuals and communities. OHCHR is committed to continuing its promotion and coordination of the programme and will seek to establish formal working agreements with other United Nations agencies involved in order to ensure its full integration into their activities and their on-going commitment to its aims.

#### **A. Community-led training programmes**

36. OHCHR has also piloted a series of community-initiated and community-led training activities with indigenous groups in which over 100 individuals have been trained. During 2005 trainings took place in Mali and New Caledonia. OHCHR provides small grants, advice and a resource person to train on international human rights mechanisms. However, it is the community that is the implementing partner and determines the methodology as well as whom the training should reach. In Mali the training focused on elders within the community. In New Caledonia it brought together minority and indigenous groups. Previous trainings have focused on training leaders from indigenous communities. These trainings educate and empower indigenous groups but also serve as a neutral venue for groups to come together, overcome differences, identify common issues and establish dialogue. Most of the indigenous peoples attending these trainings will never participate in formal United Nations meetings. Through its participation, OHCHR is able to identify realities at the grass roots, expand its understanding of the situation of indigenous peoples and identify gaps in its work.

37. The Secretary-General has highlighted the importance of increasing the participation of civil society in the work of the United Nations, an objective the High Commissioner also identifies in the OHCHR Plan of Action as crucial to the successful implementation and protection of human rights. The community-led human rights training initiative is considered a practical way of directly involving indigenous peoples in the formulation, methodology, programme, implementation and evaluation of human rights training for their own communities.

#### **B. The Voluntary Fund**

38. The Voluntary Fund for Indigenous Populations, which is administered by OHCHR, celebrated its twentieth anniversary in 2005. The Fund assists representatives of indigenous communities and organizations to participate in the sessions of the Permanent Forum for Indigenous Issues, the Working Group on Indigenous Populations and the Working Group on the Draft Declaration. The participation of indigenous peoples at these forums is considered vital to ensuring that their voices are heard at the international level. Over the years the Fund has

supported 1,080 participants to these forums. In 2005 the Fund made a total of 60 grants out of 464 applications. The five members of the Board of Trustees, who are appointed by the Secretary-General, are themselves indigenous people. Unfortunately, although demand for support is increasing the level of contributions received from States, non-governmental organizations and individuals has dropped over recent years.

39. Two projects benefiting indigenous peoples were supported through the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery during 2005. The first piloted a project to establish a return, resettlement and shelter programme for the sea-nomadic Sama Dilaut people in the Philippines who are working as bonded labourers in the fishing industry. The second supported a project to assist 300 indigenous women belonging to 8 indigenous groups in Colombia working as domestic labourers to learn about their rights and to provide them with legal advice.

#### **IV. COUNTRY ENGAGEMENT**

40. Throughout the past year OHCHR has been actively working to support and strengthen activities at the national level with regard to indigenous issues and to enhance inter-agency cooperation for the protection and empowerment of indigenous peoples. OHCHR will continue to identify opportunities to implement recommendations of the Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the treaty bodies at the national level as well as to facilitate dialogue between indigenous peoples, the United Nations and Governments.

41. Through cooperation with UNDP on the indigenous component of the HURIST (Human Rights Strengthening) programme, OHCHR is mainstreaming indigenous rights into key UNDP practice areas and supporting indigenous rights-based development, taking into account the right of indigenous peoples to be fully involved in the planning, implementation and evaluation of activities of relevance to them. Two pilot projects have been born of this initiative in Kenya and Ecuador and funding has been secured to establish two further projects in Bolivia and Guatemala and to carry out follow-up activities in Ecuador in 2006. Support is being sought for continuing the project in Kenya.

42. OHCHR will continue to identify partner United Nations Country Teams in order to pursue project development, implementation and evaluation at the country level in relation to indigenous peoples. Particular attention will be paid to integrating indigenous peoples rights effectively into Common Country Assessment and United Nations Development Assistance Frameworks (CCA/UNDAFs), Consolidated Appeal Processes and Common Humanitarian Action Plans (CAPs/CHAPs), MDGs and Poverty Reduction Strategies (PRSSs). The development of training materials on indigenous peoples for United Nations staff will strengthen capacity to support implementation within countries. In addition, OHCHR will ensure that indigenous issues are adequately addressed in the development of technical cooperation programmes.

### **A. Latin America**

43. In Latin America, two OHCHR programmes contribute to human rights promotion in five countries in which 80 per cent of the region's indigenous peoples live. The Andean project, covering Bolivia, Ecuador and Peru, focuses on mainstreaming indigenous rights at the country level through the implementation of the indigenous component of the HURIST programme in Bolivia and Ecuador, strengthening the capacity of indigenous peoples through human rights training and supporting national human rights institutions dealing with indigenous rights. The project coordinator is supported by the Swiss Development Cooperation.

44. During 2005, the first year of this project, OHCHR identified opportunities to establish partnerships with United Nations agencies, including UNDP, ILO and the United Nations Children's Fund (UNICEF). It also engaged with indigenous organizations and State representatives and held discussions with the Inter-American Development Bank, the Indigenous Fund and the Inter-American Institute for Human Rights. The OHCHR programme coordinator, based at UNDP in Ecuador, undertook country missions to Peru and Bolivia to identify the needs of indigenous organizations and possibilities for further partnerships as well as to follow up on HURIST activities. Support was provided to inter-agency meetings, the elaboration of a policy paper and initiatives related to implementation of MDGs. The mandate of the Special Rapporteur was presented to United Nations colleagues and indigenous organizations and initial work on a publication concerning the mandate was completed. Training was held for indigenous leaders and discussions took place with the Indigenous University of Ecuador on the establishment of a Master's programme on human rights and indigenous peoples.

45. During the year, OHCHR undertook a project in Mexico and Guatemala to support governmental and non-governmental action for the promotion and protection of the human rights of indigenous peoples. The project is supported by the European Commission and implemented in collaboration with field offices in these countries. Activities will focus on strengthening capacity to implement the recommendations of the Special Rapporteur, establishing human rights protection and monitoring standards and providing targeted capacity-building to national human rights groups, local NGOs, civil society organizations and indigenous communities. The focus of the project at present is to recruit national officers, hold consultations with partners and develop a timetable for implementation.

46. The OHCHR office in Guatemala provided support to the subcommission on Access to Justice of the National Commission to develop an action plan to implement the recommendations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, following his earlier visit to the country. An audio-visual presentation of the recommendations of the Special Rapporteur was made on the occasion of the International Day for Indigenous Peoples on 9 August 2005. The Office also coordinated the implementation of the recommendations of the Inter-Agency Support Group on Indigenous Issues made in 2004 and contributed to UNDP's *Human Development Report 2005*.

47. The OHCHR office in Colombia continues to remain active on indigenous issues. The Office participated in the Congress of Indigenous Women of the Amazon with representatives drawn from a region where, according to the Special Rapporteur on indigenous people, several

indigenous communities are at risk of extinction. The Office also participated, as an observer, in the Commission of Human Rights of Indigenous Peoples coordinated by the Ministry of the Interior. Continuous assessment of the situation of indigenous communities that have been the subject of measures taken by the Commission or the Inter-American Court of Human Rights is carried out in relation to violations of human rights, including the Kankuamos in the Sierra Nevada de Santa Marta and the Emberá Katíos de Córdoba.

48. In Colombia, through the ACT (Assisting Communities Together) programme, OHCHR also supported Ebera Katio del Alto Sinu, a local NGO, in organizing and conducting 12 training workshops for 380 women from the Emberá Katíos community in Tierralata, Colombia, on indigenous and general human rights issues. Through the ACT programme, OHCHR supported two projects in Nicaragua during 2005. One, with the Fundación Mejía Godoy, aimed to promote awareness of anti-discrimination and children's rights with particular reference to indigenous children in San Judas, Managua. The second supported Uraccan, the University of the Autonomous Regions of the Caribbean Coast of Nicaragua, in organizing a three-day exchange of views on the rights of indigenous peoples between community lawyers and judges and local human rights NGOs and in developing and publishing a booklet on practices of implementation of indigenous rights.

49. Through the OHCHR Regional Office in Latin America, OHCHR worked with the United Nations, indigenous and government representatives and other organizations in Chile to identify ways to implement the recommendations of the Special Rapporteur on indigenous peoples following his visit to this country in 2003 and to involve indigenous peoples in on-going monitoring of this implementation. To this end OHCHR also participated in a seminar on constitutional recognition of indigenous peoples in Chile.

50. In Mexico, OHCHR worked with the National Commission for the Development of Indigenous People and local authorities in Oaxaca to implement a project to the administration and procurement of justice for indigenous peoples.

## **B. Africa**

51. In Kenya, OHCHR is working with UNDP to implement a second pilot project to develop the indigenous component of the HURIST programme. OHCHR participated in the initial round table and workshops with indigenous representatives that led to the establishment of the United Nations Indigenous Peoples Advisory Committee of Kenya (UNIPACK), a forum for coordinated and continuous dialogue to advise UNDP on indigenous issues. OHCHR participated in cluster workshops held during 2005, which brought together representatives from different indigenous groups to strengthen networks, provide training and seek recommendations on UNDP work. UNDP has invited OHCHR to continue to collaborate in advancing this project, including through jointly supporting a programme officer at the United Nations office in Nairobi to focus on mainstreaming indigenous rights, creating spaces for dialogue with indigenous peoples and supporting civil society human rights activities at the community level under the HURIST and ACT programmes.

52. In the Democratic Republic of the Congo, OHCHR supported activities by civil society with indigenous peoples, including a project to build awareness and capacity for the defence and promotion of the rights of the "pygmy" peoples. The United Nations Sub-Regional Centre for

Human Rights and Democracy in Central Africa, an office of OHCHR, played a key role at the subregional seminar organized in collaboration with the NGO Association pour le développement social et culturel des Mbororo du Cameroun (MBOSCUDA) on the theme "Human rights and indigenous women in Central Africa". The participants were women drawn from Niger, Nigeria, Chad, Kenya and Cameroon. The Centre also organized a subregional workshop and training on the role of civil society in the protection of indigenous rights in Central Africa, with participants from the whole of Central Africa.

### **C. South-East Asia**

53. In Cambodia, OHCHR continued to follow the issue of economic land concessions, which in some areas, particularly in the north-east of the country, impact directly on indigenous peoples. OHCHR held meetings on this issue with the Ministry of the Interior, other United Nations agencies and development agencies. Staff participated in a three-day workshop on strategies to reduce land alienation in indigenous communities. Staff contributed information on the situation of indigenous peoples for the World Bank National Poverty Assessment. The Chief of Office participated in and made a statement on the occasion of the International Day for Indigenous Peoples on 9 August 2005, which was celebrated for the first time in Cambodia.

54. In Cambodia, through the ACT programme, OHCHR also supported the Community Forestry Alliance to organize province-based training sessions for trainers from leading indigenous communities on existing legislations, policies and techniques to support community management of natural resources, and to provide 10 villages with field-based training sessions.

### **V. CONCLUSIONS**

55. **The present report provides an overview of some of the activities being undertaken under the aegis of the Office to promote and protect the rights of indigenous peoples. It also notes that indigenous peoples are disadvantaged in most of the countries in which they live and face innumerable human rights difficulties, in particular high levels of poverty and extreme poverty. Some improvements may be expected as States recognize indigenous peoples' distinct identities and their rights to their lands and resources. This makes it urgent that the Working Group complete its review of the draft declaration on the rights of indigenous peoples so that it can be adopted, as recommended in the September 2005 statement by Heads of State and serve as a framework for the implementation of practical action nationally. The Office will develop its work with States and the United Nations system to assist with the implementation of programmes that directly benefit indigenous communities and improve their human rights situation.**

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