

NOVEMBER 2018
N° 113

INFORMING ABOUT THE RIGHTS OF INDIGENOUS PEOPLES

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It is part of the life of any human organization to see some of its partners leave and to see some ones come in. Docip does not differ from this general rule and the 2018 year has seen a renewal for one part of the team. Thanks to these changes, I was given the opportunity to join this great human adventure.

This year is also the 40th anniversary of Docip's foundation. We like to remind people that Docip was created by indigenous peoples representatives, not only because this fact makes us proud, but also because this element gives us important responsibilities.

First, everyone in Docip's staff knows that the organization exists by and for indigenous peoples. Our main concern is to provide qualitative and professional services to indigenous organizations and representatives in order to give them the opportunity to speak out to defend their rights at the various events and conferences that directly interest them.

Second, the ability to listen to indigenous peoples and their representatives is crucial to our

organization because the work we are doing is to be done upon the request of indigenous peoples. By listening carefully then, we aim at understanding well and having relevant solutions to offer.

Third, some of our main action principles are drawn from this history. The principle of non-interference is one of them. Our goal is not to talk for ourselves, it is to give strengths to indigenous voices, so they can be heard. The principle of neutrality is another one. Docip services are open to any indigenous organization, regardless of its geographical or any other background.

These principles have deep roots within Docip and any new team member knows that he/she needs to voluntarily accept these principles.

Therefore, we expect to maintain and improve our services in the same state of mind that they have always been provided. We face changes, but the spirit of Docip carries on; and this is all what matters.

We hope that this #113 edition of our Update will inform you and will be used as a tool in the continuation of your struggle towards the recognition of your rights.

Yours truly,
Remi Orsier
Director

Update

ESPAÑOL РУССКИЙ — FRANÇAIS — ENGLISH

docip
Indigenous peoples' centre for
documentation, research and information

INCREASING VIOLENCE AND CRIMINALIZATION OF INDIGENOUS PEOPLES' RIGHTS DEFENDERS: THEIR RIGHT TO LIFE AT STAKE

OVERVIEW OF THE CURRENT SITUATION: INCREASING VIOLENCE AGAINST INDIGENOUS RIGHTS DEFENDERS

According to the research conducted by the Non-Governmental Organization (NGO) Global Witness¹, 200 people have been killed in 2016 trying to protect the environment, among which more than 40% were indigenous. These are the documented cases, which assumes that many others have occurred without being documented. Article 7 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) claims the right to life, physical and mental integrity, liberty and security of person of indigenous individuals.

The report edited in 2018², which assessed the situation in 2017, showed that fewer indigenous leaders were killed – 25 % as compared to 40% in 2016, but, the percentage remains too high, and it refers only to the documented cases. Meanwhile, many other crimes are being committed, with total silence about the matter. The lack of data regarding indigenous peoples' situation has always been claimed in the international fora³; this prevents groups from achieving more action for indigenous peoples in-country. Below is a comparison of the list of countries between 2016 and 2017 in which environmental and land defenders were the most at risk:

Position	2016 (country and number of persons killed)	2017 (country and number of persons killed)
1	Brazil – 49	Brazil – 57
2	Colombia – 37	Philippines – 48
3	Philippines – 28	Colombia – 24
4	India – 16	Mexico – 15
5	Honduras – 14	DRC ⁴ – 13
6	Nicaragua – 11	India – 11
7	DRC ⁴ – 10	Peru – 8
8	Bangladesh – 7	Honduras – 5
9	Guatemala – 6	Nicaragua – 4
10	Iran – 3	Guatemala – 3
11	Mexico – 3	Argentina – 2
12	Myanmar – 2	Dominican Rep. – 2
13	South Africa – 2	Kenya – 2
14	Peru – 2	Myanmar – 2
15	Pakistan – 1	Pakistan – 2
16	Malaysia – 1	Spain – 2
17	Ireland – 1	Turkey – 2
18	China – 1	Liberia – 1
19	Thailand – 1	Mozambique – 1
20	Uganda – 1	Tanzania – 1
21	Viet Nam – 1	Venezuela – 1
22	Zimbabwe – 1	Zambia – 1
23	Cameroon – 1	n/a
24	Tanzania – 1	n/a

This table shows us that four countries consistently remain in the leading position of this ranking: Brazil, the Philippines, Colombia and Mexico. These four countries have a certain proportion of their population being indigenous, and many of them struggle to obtain respect for their land rights, and more fundamentally to their right to free, prior and informed consent prior to development projects. According to the same report, the biggest cause of crimes against human rights defenders and more particularly indigenous defenders is from business enterprises – mining, agrobusiness, energy plants, etc. - and development projects that are often cooperative projects between the government and multinationals enterprises.

“1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.”

Article 7, UNDRIP

A close collaboration between the Special Rapporteur on the Rights of Indigenous Peoples (SRRIP), Ms. Victoria Tauli-Corpuz, the Special Rapporteur on Human Rights Defenders (SRHRD), M. Michel Forst, and the Special Rapporteur on Human Rights and the Environment (SRHRE), M. David R. Boyd, has been formed to warn the world about the current situation faced by indigenous peoples, as it clearly affects those three working subjects. As such, the three Special Rapporteurs, along with Ms. Anita Ramasastry, issued the following press release just before the UN Environment Rights Initiative⁵ in Rio de Janeiro – Brazil, at the beginning of September 2018:

“It is time for governments and business to take action on the situation for human rights and environmental defenders globally.

This week sees the launch of the UN Environmental Rights Initiative in Rio, as UN organizations, NGOs and other partners are meeting to address the growing problem of attacks on land and environmental defenders in Brazil.

Unfortunately, such attacks are part of a pattern seen around the world. In our work as independent UN human rights experts, we see that people standing up for human rights and civic freedoms (human rights defenders) are increasingly being targeted. According to a recent report by the UN Secretary General, at least 1019 human rights defenders were killed in 61 countries from 2015 to 2017. A large number of attacks against human rights defenders and civil society organizations happen because they raise concerns about adverse human rights and environmental impacts of business operations.

As documented by the UN Special Rapporteur on human rights defenders, land and environmental defenders face a range of threats, including violent attacks, enforced disappearance, death threats to them and their family, sexual harassment and illegal surveillance. Women defenders and indigenous representatives are disproportionately impacted. The Special Rapporteur on the rights of indigenous peoples is presenting a report to the UN Human Rights Council this September on attacks, criminalisation of and the failure to protect indigenous peoples in the context of development projects.

A report by the NGO Global Witness also highlights that 2017 was the deadliest year on record, with 207 land and environmental defenders murdered – usually after demanding respect for human rights by companies and governments involved in the natural resource sector.

There is no lack of international standards, however. The UN Guiding Principles on Business and Human Rights, the UN Declaration on Human Rights Defenders and the Framework Principles on Human Rights and the Environment clarify that States have a duty to protect human rights defenders, and business a responsibility to respect their rights. The United Nations Declaration on the Rights of Indigenous Peoples affirms

that indigenous peoples have the right to the lands and resources that they have traditionally occupied and also that they shall be consulted and their free and informed consent be obtained prior to the adoption of measures or the approval of any project affecting their lands.

When human rights are violated, defenders must have access to an effective remedy. They also have a right to speak up and seek justice for victims who are often powerless and voiceless.

Nor can governments and businesses say there is no practical guidance. Recent reports by the Special Rapporteur on human rights defenders and the UN Special Rapporteur on human rights and the environment and the UN Special Rapporteur on the rights of indigenous peoples provide recommendations to governments and business. Later this year, the UN Working Group on Business and Human Rights will produce guidance for states and business on protecting and respecting human rights defenders in line with the expectations set forth in the UN Guiding Principles on Business and Human Rights as well as how to improve corporate human rights due diligence overall.

Governments, companies and investors can and must do more to prevent threats to human rights and environmental defenders, by supporting and protecting those at risk, tackling the root causes to prevent attacks, and ensuring accountability where threats, attacks and restrictions occur.

States and business should implement specific policies to support and protect human rights defenders. Governments should enact protection laws and programmes, national action plans on business and human rights that include a focus on defenders, and guidelines for embassies. Businesses operating or with supply chains in countries where risks to defenders are prevalent should exercise heightened human rights due diligence, to prevent and address impacts linked to their business. Emerging business practice shows that action is possible.

1 | Global Witness, 2017, [Defenders of the Earth](#)

2 | Global Witness, 2018, [At What Cost](#)

3 | During the panel held for the 39th of the HRC, Msr. Qapaj Conde made a statement regarding the lack of data in the realm of the 2030 Agenda.

4 | Democratic Republic of Congo

5 | More information on the UN Environment Rights Initiative [here](#)

States must ensure access to effective remedy and accountability for threats and attacks against defenders. Businesses too should establish safe and accessible grievance mechanisms, enabling defenders to bring complaints of threats related to a business project in a safe and secure manner.

As a matter of urgency, we call upon governments, companies and investors to engage with local defenders and implement policies and actions to protect and respect their rights. If companies start talking to defenders and viewing them as key partners in ensuring that business activities respect the rights and dignity of people affected by their operations, we would come a long way.”

INTERNATIONAL DISCUSSIONS HELD ON THIS TOPIC

Following the launching of this initiative, in recognition of the crucial role played by indigenous peoples in the preservation of the environment, the Special Rapporteur on the Rights of Indigenous Peoples presented her annual report⁶ on crimes against indigenous rights defenders to the assembly of the 39th session of the Human Rights Council (HRC). The report made an analysis of, on the one hand, the root causes which lead to such crimes, and on the other hand, the multiple and complex prism which does not allow indigenous peoples to exit existing mechanisms, leading to dramatic situations for their survival and subsistence. States too often do not act efficiently, while there also exists dual discourse from the international community, which wants to protect Human Rights on one hand, but continues to invest in devastating large-scale projects on the other hand. At the forefront of the attacks committed against indigenous rights defenders is the lack of protection and recognition of the traditional collective ownership of land by indigenous peoples and the very poor existing legislation on indigenous peoples' rights to land, territories and natural resources. At the international level, the existing legislation regarding traditional ownership of indigenous peoples' lands, territories and resources can be found in articles 10, 20 and 25 of UNDRIP, and articles 14 to 17 of the International Labor Organization (ILO) Convention N°169.

The lack of implementation of those rights, even though recognized by international instruments, is the primary cause of the violence committed against indigenous communities. Apart from this, the mapping of the causes becomes more evident: indigenous leaders who voice opposition to large projects related to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging are targeted. So are conservation and mitigation measures that are used to fight climate change, when they are not made with prior consultation with indigenous communities. The impacts of such projects on indigenous peoples is devastating, leading to serious damage to their systems of government, livelihoods, environment, health and rights to food and water. While the UN has declared the Sustainable Development Goals (SDGs) and adopted the 'No one left behind' theme, indigenous peoples' rich and particular ways of living have to find a way to adequate such Agenda as they are seen by the societies as 'anti-development' communities. On that note, Ms. Vicky Tauli-Corpuz notes the following:

“38. Indigenous peoples are increasingly challenging such projects through social mobilization and legal avenues. In retaliation for advocating for the protection of their lands, indigenous peoples are being accused of being obstacles to development and acting against national interests. Indigenous leaders and communities seeking to raise their concerns over the negative impacts of projects on their rights, livelihoods and the environment have been targeted in violent attacks. They have been killed, forcibly displaced, threatened and intimidated and subjected to insidious harassment in the form of criminal charges which are often nebulous, grossly inflated or fictitious. The aim of these attacks, whether violent or legal, is to silence any opposition by indigenous peoples to business interests and to prevent indigenous peoples from exercising their rights.”

Through this method of criminalization, State and non-State actors are likely to designate indigenous peoples as the common enemy of the well being of the country as a whole. However, some recent reports dedicated their themes in demonstrating

that it is the other way around; and that indigenous peoples' experience in conservation measures should be largely promoted for a better and more responsible preservation of natural resources^{7,8}.

Regarding the specific role of non-State actors, it is clear that the private sector has a preponderant role in perpetrating such acts against indigenous persons who try to raise their voices to protect their rights and homes. In face, the protective legislation is more favorable to economic markets rather than the protection of fundamental Human Rights for all. Development projects, mining, agribusiness or other activities are at the source of the attacks, killings, crimes, forced eviction, land grabbing, enforced disappearances, judicial harassment, arbitrary arrests and detention, limitations to the freedom of expression and freedom of assembly, stigmatization, discrimination, surveillance, travel bans and sexual harassment suffered by the communities. It is important to note that those projects are part of an international financing mechanism that enforces the logic it is designed for. On that point, the report of the Special Rapporteur remarks:

“35. The escalation of attacks against indigenous peoples is occurring in the context of a skewed power structure whereby private

“131. At least 1,019 human rights defenders, journalists and trade unionists have been killed in 61 countries across the world since 2015.

This is equivalent to one person killed every day while working to inform the public and build a world free from fear and want. Among these victims were environmental defenders, indigenous peoples, community and labour leaders, minority rights advocates, reporters and bloggers”

Report from the Secretary General of the United Nations, Progress towards the SDGs

companies wield significant influence over States and ensure that regulations, policies and investment agreements are tailored to promote the profitability of their business. The complexity of corporate structures in the global economy represents a further challenge

as intricate and opaque layers of ownership obstruct access to information and efforts to hold the private sector accountable for human rights due diligence. (...)

52. The administrative and legal challenges that indigenous peoples face in such situations require specific and targeted support from civil society and the international community that is different from the support they need when they are victims of threats or physical attacks. Criminalization is a sensitive issue for the international community, which does not want to be seen to be interfering in domestic legal processes. However, when supporting companies or Governments that engage in these practices, international actors such as multilateral development banks, international financial institutions or funds such as the Green Climate Fund risk contributing to and exacerbating criminalization”

As the report makes some criticism of the international fora, member States that participated in the presentation of this report took the floor⁹. Most of the statements ensured the protection of indigenous peoples’ rights in their territories, and presented some of the existing measures to further protect indigenous peoples’ rights defenders. In contrast, during the latest session of the United Nations Permanent Forum on Indigenous Issues (UNPFII), the discussions held underlined the lack of protection and the necessary engagement of other international mechanisms such as the Framework of Analysis for the Atrocity Crimes¹⁰ developed by the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect.

During the seventeenth session of UNPFII, a day of discussions addressed the situation of indigenous human rights defenders. The first discussion was an interactive dialogue with the SRRIP and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). During that panel discussion, Ms. Victoria Tauli-Corpuz noted that indigenous peoples are at the forefront of climate change, due to the fact that they are among the most vulnerable communities in the world. She also expressed a concern about the lack of an answer from some States to her communications. There is a need to put greater emphasis on the analysis of the crimes against indigenous peoples’ rights defenders, especially taking into account the spiritual aspect of their lives. Mr. Adama Dieng, Under-Secretary-General and Special Advisor of the Secretary-General on the Prevention of Genocide, also expressed

concerns regarding indigenous peoples’ situation worldwide. The respect of the right to free, prior, and informed consent, as well as full engagement in the decision-making processes are key for indigenous peoples’ development. States have a direct responsibility for the prevention of atrocious crimes, and the strengthening of the institutions is very important for that end.

The Assistant Secretary-General for Human Rights, Mr. Andrew Gilmour, insisted on the importance of having indigenous peoples’ voices heard, and for them to raise their voices when an incident occurs in the field. During that panel, Mexico, Canada, Australia, the Russian Federation, Chile, Guatemala, the United States (US), the Philippines, Spain, Peru, Brazil and the European Union took the floor. Most of the countries expressed their support of the respect of indigenous peoples’ rights and indigenous rights defenders, with exception of the US and the Philippines. The US raised concerns about the SRRIP recommendations following her country visit in 2017. The Philippines expressed that there would be derogations of the right to self-determination in case of climate change emergencies. Answering the State’s presentations, many indigenous organizations from the different regions took the floor to express their own concerns and the lack of protection they suffer at home¹¹.

During the second panel discussion held that day, Mr. Albert Barumé, former EMRIP Chair¹² presented the recent work performed by EMRIP on the good practices linked to UNDRIP and access to financial systems. He further discussed the country visits conducted by EMRIP in Finland and Mexico, and expressed the wish to institutionalize the relationship with States. He made a call for further engagement of those processes from indigenous youth. Mr. Gabor Rona, the Chair- Rapporteur of the Working Group talked of the use of mercenaries as tools for human rights violations and impeding the exercise of the right of peoples to self-determination, noting that the private forces that work for extractive industries committed excesses

and even violence on indigenous peoples. There has been some efforts to identify good practices and a code of conduct. Mr. Binota Moy Dhamai, the Chair of the Voluntary Fund for Indigenous Peoples, explained that the fund helps indigenous delegates who otherwise would not be able to come to the UN. It is also helpful since the beneficiaries of the Fund use the various mechanisms to effectively register their claims and learn from the system. A few States took the floor under this agenda item. Finland (on behalf of the Nordic

“1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.”

Article 26, UNDRIP

countries) expressed the need for States to meet UNDRIP obligations, and encouraged further collaboration between the three mechanisms on indigenous peoples’ rights.

6 | [A/HRC/39/17](#)

7 | [A/71/229](#)

8 | [A/HRC/36/46](#)

9 | It includes: Finland on behalf of a group of countries, European Union, Estonia, Canada, Malaysia, Brazil, Pakistan, Russian Federation, Philippines, Trinidad and Tobago, Fiji, Spain, Paraguay, Colombia, Hungary, Ukraine, Australia, Bolivia (Plurinational State of), Venezuela (Bolivarian Republic of), El Salvador, Iran (Islamic Republic of), Chile, Honduras, Nepal, Greece, South Africa, Côte d’Ivoire, Ecuador, Peru, Vanuatu, Lesotho

10 | [Framework of Analysis for the Atrocity Crimes](#)

11 | For a more precise summary of those discussions, please see [Docip Synthesis N°6](#)

12 | A new Chair has been elected during its eleventh session held in Geneva 2018. The new Chair is Ms. Erika Yamada, from Brazil

Mexico congratulated EMRIP for the theme of its next study and linked it to the policies realized in-country. The Russian Federation, through its Ombudsmen, expressed that among the 193 peoples of Russia, they all have the same access to their rights, independent of where they live. Ukraine gave the floor to a delegate from Crimea who invited the SRRIP to conduct a country visit in Crimea and encouraged her to prepare a report on the situation of this people. The Philippines reiterated the rationale of having the SRRIP tagged as terrorist and left the burden of the proof to her. Japan wanted to react to a statement made by indigenous peoples of Asia and expressed that the government respected the traditions of the Okinawa people. In light of these discussions, it remains clear that the gap in understanding between States and indigenous representatives is only increasing, as are the attacks committed against indigenous rights defenders.

Hopefully, other UN mechanisms will become involved and are raise their voices for more protection of indigenous peoples' rights defenders, along with mechanisms to protect human rights defenders."

SOME USEFUL TOOLS TO RELY ON

As previously analysed, the situation of indigenous rights defenders is largely jeopardized by the complex relationship held between governments, the private sector and other interests. The opposition of collective rights, as defined by indigenous peoples' views, versus a more occidental vision of individual rights, has never

created so many tensions and put so many lives at risk as now. Private interests are dominating in this prism of mixed relationships and degrees of complexity. On the international level, two other mechanisms also raised concerns that should pressure governments to act for the good of indigenous communities worldwide and to raise awareness on the need to shift perspective. These mechanisms are the SRHRD and the SRHRE. In addition to these elements, and in close collaboration with him, the previous Special Rapporteur on Human Rights and the Environment¹³, M. John H. Knox, also issued a report on the situation of environmental rights defenders, and came to the same assessment¹⁴. Furthermore, he is also currently working on Draft Guidelines on Human Rights and the Environment, in which indigenous peoples' rights appear in the current draft text:"

"Every State has obligations to indigenous peoples and local communities, which include:

a) ensuring the legal recognition and protection of their rights to the lands, territories and natural resources that they have traditionally occupied or used;

b) consulting with them and obtaining their free, prior and informed consent before relocating them or approving measures that may affect their lands, territories or natural resources; and

c) ensuring that they receive a fair and equitable share of the benefits from development activities that affect their lands, territories or natural resources."

Facing the numerous threats on the ground, indigenous leaders can appeal to organizations that would help them to provide advice and means of protection.

Among these is ProtectDefenders.eu, which provides 24hr support to Human Rights Defenders facing immediate risk, via the emergency helpline run by Front Line Defenders. They also administer an emergency grant programme for a specific response to support human rights defenders at risk, to ensure that they can access and implement urgent security measures to protect themselves, their family and their work. There are also other organizations that ensure a presence on the ground to secure human rights defenders, such as the program run by Peace Brigades International for environmental and land defenders. This organization provides support to human rights defenders who request it, especially in the area of environmental conflicts. Finally, it is important to note that in addition the importance of what has been gained through the adoption of UNDRIP, another UN Declaration would be really useful to gain greater respect of indigenous peoples' rights.

This Declaration is the United Nations Declaration on Human Rights Defenders, and its anniversary is on the 9th December. In order to promote this Declaration more, its entire content can be found below. Finally, it should be noted that the situation and crimes against indigenous peoples' rights defenders is under the spotlight in the international fora, and this focus may make obvious the great and urgent need for a collaboration from the private sector and the governments towards indigenous communities.

¹³ the current mandate-holder is Mr. David R. Boyd

¹⁴ This report has been edited by the NGO Universal Rights Group and is available on their website: <http://www.universal-rights.org/wp-content/uploads/2017/03/EHRDs.pdf>

FOR MORE INFORMATION

ProtectDefenders.eu website:
www.protectdefenders.eu

Peace Brigades International website:
<https://www.peacebrigades.org/>

Special Rapporteur on the situation of Human Rights Defenders website:
<https://www.ohchr.org/en/issues/srhrdefenders/pages/srhrdefenders-index.aspx>

UNITED NATIONS DECLARATION ON HUMAN RIGHTS DEFENDERS

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass,

flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection

and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal

Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- a) To meet or assemble peacefully;
- b) To form, join and participate in non-governmental organizations, associations or groups;
- c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others,

to have effective access, on a nondiscriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

- a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative

or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

- b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
- c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters on human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with

others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

INDIGENOUS PEOPLES' RIGHTS MUST BE HEARD ON OTHER FRONTS

GENESIS AND DISCUSSIONS ON INDIGENOUS WOMEN'S RIGHTS

Throughout the history of the recognition of indigenous peoples' rights, indigenous women were crucial for a greater acknowledgement of those rights worldwide. They have been there since the World's conference in 1977 and the very principle of the Working Group on Indigenous Populations (WGIP) was developed in the 80s, and the United Declaration on the Rights of Indigenous Peoples saw the light of day thanks to indigenous women fighting for their rights. However, it is clear that to be both indigenous and women represents an everyday challenge, since recognition of women's rights is an entire discussion by itself. In addition, the mere fact of being indigenous only encourages discriminatory acts. In a statement in 1992, presented to the WGIP, Ms. Andrea Flores, from the Aymara Nation, stated the following:

*"Us, women, we carry our (indigenous) cultural identity. We are supportive of the indigenous fight and as women we carry a more important burden within the society"*⁵.

In such a context, and to lobby for their rights, indigenous women from the various regions have established different networks at the local, national and international levels. With the important advocacy work performed during the Fourth Conference on Women held in Beijing in 1995, indigenous women

claimed their role as leaders for greater recognition of indigenous peoples' rights, as indigenous women, in the international fora. As early as 2001, the Durban Declaration, adopted by consensus at the culmination of the World Conference Against Racism, included two articles about indigenous women:

"18. Requests States to adopt public policies and give impetus to programmes on behalf of and in concert with indigenous women and girls, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender and ethnicity; to dealing with urgent problems affecting them in regard to education, their physical and mental health, economic life and in the matter of violence against them, including domestic violence; and to eliminating the situation of aggravated discrimination suffered by indigenous women and girls on multiple grounds of racism and gender discrimination (...)".

50. Urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantaged groups, ensuring their access to the resources of production on - 30 - an equal footing with men,

as a means of promoting their participation in the economic and productive development of their communities.

The text of the Durban Declaration was officially the first one that recognized that special attention should be given to indigenous women and the fight against the multiple discrimination they suffer from. However, as the issue is so central to indigenous peoples' claims, this theme also became a central issue in the international mechanisms on indigenous peoples' rights. In 2004, the

"1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities."

*United Nations Declaration on the Rights of Indigenous Peoples:
Article 21*

Permanent Forum on Indigenous Issues decided to dedicate this session especially to indigenous women. The report of the session makes some recommendations, which are divided into three parts: (1) recommendations to engage with indigenous women at the international level; (2) recommendations to improve national level legislations; and (3) recommendations to be implemented at

the community level. These recommendations can be found in the report of the session¹⁶. Since then, the Permanent Forum always has indigenous women, as well as with indigenous youth and children, as one of the six areas of its mandate. It has had an active and crucial role in the advancement of their rights, as it has permitted greater advocacy for indigenous women with other UN organizations and has also provided a space for indigenous women to network and gather together. UNPFII remains the major place for indigenous women to advocate for their rights; to date, there have been more than 84 recommendations concerning indigenous women¹⁷.

However, it is not the only international space provided for the recognition of the special attention that should be given to this issue. Indeed, the Commission on the Status of Women also took part in the advancement of indigenous women's rights at the global level by adopting two resolutions¹⁸ on this issue. The first resolution, adopted in 2005, reports on the ten years since the adoption of the Beijing Declaration and Platform of Action and states the following:

"Indigenous women: beyond the ten-year review of the Beijing Declaration and Platform for Action.

The Commission on the Status of Women,

Recalling the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,

Reaffirming the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", the Programme of Action of the International Conference on Population and Development, the internationally agreed development goals, including those contained in the Millennium Declaration, General Assembly resolution 59/174 of 20 December 2004 on the Second International Decade of the World's Indigenous People, the relevant provisions of the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and reaffirming the obligation of States to promote and protect the full enjoyment of all human rights by women,

Recognizing that indigenous women are part of the diversity of the women of the world and that they represent a wide variety of cultures with different needs and concerns,

Welcoming the fact that the theme of the third session of the Permanent Forum on Indigenous Issues focused on indigenous women, and taking note of the recommendations, which emphasize equality, non-discrimination, the diversity of cultural identities and social organization of indigenous women and girls,

Recognizing that profound inequalities exist between indigenous women and other groups and that addressing these inequalities through the full implementation of the Beijing Platform for Action and the outcome documents of the twenty-third special session is essential to the achievement of the internationally agreed development goals, including those contained in the Millennium Declaration,

1. Calls upon Governments to take into account the concerns of indigenous women throughout the implementation, follow-up work and monitoring of the Beijing Platform for Action and the internationally agreed development goals, including those contained in the Millennium Declaration;

2. Calls upon Governments, intergovernmental agencies, the private sector and civil society to take measures that ensure the full and effective participation of indigenous women in all aspects of society;

3. Calls for effective international cooperation to improve the situation of indigenous women and girls;

4. Stresses the importance of full consultation and collaboration of Governments with indigenous women, while planning and implementing objectives and activities for the Second International Decade of the World's Indigenous People."

Those important steps in international law provided more visibility to indigenous women. Mention should also be made of ongoing discussions by the Committee on the Elimination of Discrimination Against Women (CEDAW), a Human Rights treaty body. Some indigenous organizations are doing advocacy work with the CEDAW in order to obtain a General Recommendation – a letter signed by various organizations has been sent to the CEDAW in October 2015 from the International Indigenous Women Forum¹⁹. By getting more and more organized at all levels, indigenous women have come a long way in improving their situations on the field. One of the biggest achievements of indigenous women international networks, the World Conference on Indigenous Women, took place as preparation for the World Conference on

Indigenous Peoples; during it, an outcome document, known as the Lima Declaration on the World Conference on Indigenous Women²⁰ was adopted²⁰. The current challenges faced by indigenous women, still today, are well documented in the last paragraph of the Lima Declaration:

"Indigenous women and girls experience multiple forms of discrimination, lack of access to education and health care, high rates of poverty, maternal and child mortality. We are subject to all forms of violence, such as domestic violence and sexual abuse, including in the contexts of trafficking, armed conflict, environmental violence and extractive industries.

As Indigenous women, we recognize the importance of sexual and reproductive health and education for all ages. This includes our associated rights to culturally appropriate health and education services in our communities, and the right to exercise, maintain, and control our own health knowledge and practices.

We call for zero tolerance for all forms of discrimination, and all forms of violence against Indigenous women and girls, which are among the worst and most pervasive forms of human rights violations perpetrated against Indigenous Peoples.

Finally, we affirm that Indigenous women have knowledge, wisdom, and practical experience, which has sustained human societies over generations. We, as mothers, life givers, culture bearers, and economic providers, nurture the linkages across generations and are the active sources of continuity and positive change."

The issue has also drawn the attention of the Special Rapporteur on the Rights of Indigenous Peoples, who issued a report on the subject in 2015²¹.

15| The full statement was in the realm of the 1992 WGIP from the Organización de Mujeres Ayamaras del Kollasuyo and is available in [Docip's documentation centre online](#)

16| The complete report of the 3rd session of UNPFII can be found here: [E/C.19/2004/23](#)

17| The list of the recommendations dedicated to indigenous women made by the Permanent Forum can be found in the [UNPFII's recommendations database](#)

18| Committee on the Situation of Women, respectively resolution 49/7 and resolution 56/4

19| The FIMI's letter is available in [Docip's documentation centre online](#), here

20| The entire text of the Declaration is available [here](#)

21| [A/HRC/30/41](#)

It reiterates and analyses the root causes of such high rates of violence, which can be multi-dimensional – from cultural practices to extractive industries to lack of access to basic services. In the light of this report, it is clear that indigenous women experience extremely high rates of sexual violence, domestic violence, and gender based killings. It has been estimated that one in three indigenous women are raped during their lifetimes. Unfortunately, in some violent contexts, sexual abuse is used as a weapon of war to weaken the indigenous community as a whole, especially in conflicts over land and natural resources. Because women are marginalized in both indigenous and state justice systems, they rarely achieve justice for these violations. Complex jurisdiction issues between indigenous communities and national justice systems can create confusion regarding who is responsible for prosecuting those who violate indigenous women's rights, and this leads to impunity. The abuses of indigenous women's rights entails self-determination, health, justice, food, and the use of traditional lands, as much as civil and political rights.

“1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

Article 22

This is the case in land grabbing for example, for the unfortunate fact is that indigenous women have difficulty in heriting traditional lands due to their gender, under both indigenous and state law. This leads to a greater loss of traditional land and natural resources owned by indigenous peoples, and therefore increases their weakness in that ownership. Another example worth mentioning is the violation of the right to health; as many indigenous women have experienced forced sterilization or other abuses in extremely difficult conditions, since this is sometimes part of an assimilation plan by the dominating culture. With the increasing threats on indigenous territories and conflicts areas, indigenous migration is now at risk regarding the preservation of indigenous traditional knowledge. As holders of this knowledge, indigenous women now have to face new kinds of threats in the route of indigenous migration.

CHALLENGES RELATED TO INDIGENOUS MIGRATION

The densification of development activities and conflicts in indigenous peoples' territories forces them to move away from their ancestral lands. Indigenous peoples, as Nations – as defined by themselves – use to live in areas before the establishment of States, mindless of the borders. Thus, it happens that some indigenous communities are from the same Nation but divided in different countries. Trans-border indigenous communities thus have to deal with difficult access to resources as they locate themselves in another country, which can also be applied to the celebration of cultural practices or restrictions to access to traditional livelihoods. Nomadic or semi-nomadic ways of life is the way of life of some indigenous communities, in search for pastoralism within their ancestral territories. Unfortunately, most of the time, this way of life is highly threatened by armed conflicts or the adverse impact of climate change. On other fronts, climate change also displaces indigenous peoples, since they are at the forefront of its consequences and it jeopardizes their traditional ways of life. Finally, indigenous migration is mainly due to the difficult economic conditions in which indigenous peoples live; representing only 5% of the world's population, they are in fact among the poorest 15%.

The migration to urban areas is in search of work better, and to improve the life of their community.

Today, there is a significant proportion of indigenous peoples living in urban areas. In search of employment opportunities, this indigenous migration has adverse effects on indigenous identity. Since most of them do improve their economic situation, with the aim of adapting to the new life and standards, there is a tendency to alienate themselves from traditional customs with no or few prospects to go back to live in their ancestral lands. Unfortunately, this adaptation to this new way of life is sometimes cruel, as the difference of their understanding of the world severely impacts them and creates a cultural shock. Furthermore, the factors of discrimination committed against indigenous peoples are only increasing in urban areas.

This can also have dramatic impacts, such as suicide among indigenous youth, who face harassment in their new schools. Despite those challenges, indigenous peoples by now know how to revitalize their culture and preserve their specific identities, not only by organizing themselves and interceding for their rights, but also by maintaining and carrying with them, everywhere they go, those strong and special ties with their homeland and their culture. Indigenous identity has been subjected to a higher level of pressure for the last few years, and indigenous migration only reinforces this feeling.

Hopefully, the theme has garnered some interest in international discussions, starting in 2008 with a first study conducted for the International Organization for Migration (IOM), studying the causes and consequences of indigenous migration²². This study addresses the different aspects of indigenous migration, at both the internal (national) and international levels: rural-rural migration, rural-urban migration and urbanization, displacement, forced removal, trafficking and smuggling and return migration, with the study of migration effects, citizenship, and identity. The study concludes that it is urgent to focus on indigenous peoples' migration as a specific theme, with an enhanced collaboration between international agencies, governments and communities.

Such special focus on indigenous migration was already raised in 2008, during the 7th session of the UNPFII. A panel discussion was dedicated to urban indigenous peoples and migration, with some statements made by a few indigenous delegates²³.

One was made by Ms. Lori Johnston, representing the Yamasi People in the United States, who stated the following:

“Because of migration our children are robbed of economic, educational, spiritual, cultural, and natural resources. Because of migration to our lands our people are dispossessed, silenced, and buried in a sea of bureaucracy. Because of migration to our lands our graves are robbed. Because of migration our people are poor, sick, homeless, hungry, and disempowered by colonial structures. Because of migration we have insufficient land for food, little access to land that strengthens and nurtures us, and no land to preserve our tribal traditions. Because of migration we are not safe. Because of migration we are attacked. Because of migration we fight to define ourselves rather than be defined by colonial power. Too often migration means colonization to us”

This powerful statement summarizes the challenges linked to indigenous migration, and it is more than accurate still today. Even though the Permanent Forum has issued 21 recommendations on indigenous migration²⁴; with 3 of them in this year's session report²⁵ alone, so far, there has never been a study from any mechanism at the United Nations level on the issue of indigenous migration. However, this is about to change, as the Expert Mechanism on the Rights of Indigenous Peoples announced in its 11th session this year that it would be the theme

“66. The Permanent Forum urges Member States to pay special attention to indigenous peoples residing in cross-border areas, in accordance with article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, and invites academia, in consultation with the Permanent Forum, to convene a conference on indigenous peoples divided by international borders. The Forum invites the Committee on Economic, Social and Cultural Rights to initiate a general comment on the collective rights of indigenous peoples to lands, territories and natural resources.”

*Permanent Forum on Indigenous Issues,
report of the 17th session, 2018*

of their next study to be presented to the Human Rights Council. Also, it is important to underline that besides being the EMRIP's next theme of annual study, indigenous peoples' migration and movement was also the main theme of the International Day of the World's Indigenous Peoples in 2018.

It examined conditions in the territories of indigenous peoples: causes of migration, trans-border movement and displacement, and how to reinvigorate the identities of indigenous peoples and protect their rights internationally. Through an event orchestrated by the Permanent Forum Secretariat, a meeting took place in New York, which gathered high-level representatives and several indigenous peoples from the various socio-economic regions. One of the panelists that took the floor was Mr. Carlos Yescas, who originated the first international study on indigenous migration for the IOM in 2008. His statement expressed concerns on the backward movement of the recognition of indigenous peoples' rights, especially with regard to the right to self-determination of indigenous peoples. He also expressed surprise regarding the enforcement in States of some laws that separate families. This is the case now between Mexico and the United

States in which families have been separated, with few opportunities for indigenous children to have an interpreter to help to reunite them with their parent, since they were separated at the border²⁶. A joint statement was issued between the Special Rapporteur on the Rights of Indigenous Peoples, EMRIP and UNPFII:

“In many parts of the world, indigenous peoples have become migrants because they are fleeing economic deprivation, forced displacement, environmental disasters including climate change impacts, social and political unrest, and militarization. Indigenous peoples have shown remarkable resilience and determination in these extreme situations. We wish to remind States that all indigenous peoples, whether they migrate or remain, have rights under international instruments, including the UN Declaration on the Rights of Indigenous Peoples.

While States have the sovereign prerogative to manage their borders, they must also recognize international human rights standards and ensure that migrants are not subjected to violence, discrimination, or other treatment that would violate their rights. In addition, states must recognize indigenous peoples' rights to self-determination; lands, territories and resources; to a nationality, as well as rights of family, education, health, culture and language. The Declaration specifically provides that States must ensure indigenous peoples' rights across international borders that may currently divide their traditional territories.

Within countries, government and industry initiatives, including national development, infrastructure, agro-business, natural resource extraction and climate change mitigation, or other matters that affect indigenous peoples, must be undertaken with the free, prior, and informed consent of indigenous peoples, such that they are not made to relocate against their will. States must recognize that relocation of indigenous peoples similarly triggers requirements including free, prior and informed consent, as well as restitution and compensation under the Declaration. We are concerned about human rights violations in the detention, prosecution and deportation practices of States. There is also a dearth of appropriate data on indigenous peoples who are migrants. As a result of this invisibility, those detained at international borders are often denied access to due process, including

interpretation and other services that are essential for fair representation in legal processes. We call on States immediately to reunite children, parents and caregivers who may have been separated in border detentions or deportations.

In addition, States must ensure that indigenous peoples migrating from their territories, including from rural to urban areas within their countries, are guaranteed rights to their identity and adequate living standards, as well as necessary and culturally appropriate social services. States must also ensure that differences among provincial or municipal jurisdictions do not create conditions of inequality, deprivation and discrimination among indigenous peoples. We express particular concern about indigenous women and children who are exposed to human and drug trafficking, and sexual violence, and indigenous persons with disabilities who are denied accessibility services. We look forward to engagement in the implementation of the Global Compact for Safe, Orderly, and Regular Migration regarding indigenous peoples' issues. On this International Day of the World's Indigenous Peoples, we urge States, UN agencies, and others, in the strongest terms possible, to ensure indigenous peoples' rights under the Declaration and other instruments, and to recognize these rights especially in the context of migration, including displacement and other trans-border issues.

This statement clearly calls for States to recognize their responsibilities regarding that issue, and to take additional action to protect indigenous peoples. On the same occasion, Mr. Antonio Guterres, current UN Secretary-General, noted that “some are subject to displacement or relocation without their free, prior and informed consent”, adding that “others are escaping violence and conflict or the ravages of climate change and environmental degradation” and that many migrate in search of better prospects and employment for themselves and their families²⁷.

22] Carlos Yescas, 2008. *Indigenous Routes : A Framework for Understanding Indigenous Migration*, IOM

23] The statements collection realized at the session are available in Docip's online documentation centre, [here](#)

24] The compilation of those recommendations has been realized by the Permanent Forum on Indigenous Issues Secretariat, and can be found [here](#)

25] Permanent Forum on Indigenous Issues, *report of the 17th session, 2018* E/2018/43-E/C.19/2018/11

26] A more detailed summary of such cases is available in the last Docip Synthesis, Side-event summaries, [of the 11th session of the EMRIP](#)

27] The message of the Secretary General is available [here](#)

One of the ways forward is the creation of the Global Compact for Safe, Orderly and Regular Migration by the International Organization of Migration, which should be endorsed during an intergovernmental conference on international migration in December²⁸. The aim of this Global Compact is to improve migration in order to address the current challenges faced by the most vulnerable populations, among which are indigenous peoples. However, even though some discussions are ongoing, everything remains to be done as there is only one mention of indigenous peoples in the World's Migration report 2018 by the IOM, to further describe the term 'vulnerability', after a long list of vulnerable groups²⁹.

TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES OF INDIGENOUS PEOPLES IN THE CURRENT WIPO DISCUSSIONS

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (WIPO IGC) is, in accordance with its mandate, undertaking text-based negotiations with the objective of reaching agreement on text(s) of international legal instrument(s), which will ensure the effective protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs) of indigenous peoples. This process is crucial, as it is the only one currently discussing effectively an international legally binding instrument that would provide some protection to indigenous peoples' rights. Unfortunately, the participation of indigenous delegates to this process is not very successful, and at the IGC36, no more than 5 indigenous delegates represented the Caucus. The WIPO IGC36 focused on the text with regards to Genetic Resources (GR). The issues under discussion include³⁰:

1) prevention of erroneously granted patents: it is generally considered that the granting of patents over inventions based on or developed using GRs (and associated traditional knowledge) which do not fulfill the existing requirements of novelty and inventiveness should be prevented. The proposal is to create databases and information systems related to GRs; or to include a disclosure requirement.

2) ensuring and tracking compliance with access and benefit-sharing frameworks. Disclosure requirements are one of the proposals, which means that patent applicants should disclose several categories of information concerning GRs, such as the source or origin of GRs and evidence of prior informed consent and benefit-sharing, when these GRs are used in developing the innovation claimed in a patent application. The current text under discussion includes so far two mentions of the indigenous rights to the free, prior and informed consent, in the Preamble and Misappropriation article³¹. Unfortunately, the discussions held during WIPO IGC36 were not very fruitful. In the middle of the week, as a distraction measure, the United States (US) published a study which analyzed the negative impacts the text under discussion related to Genetic Resources would have for the US economy³². As the veto from the US and other States such as Switzerland and the European Union prevented any discussion, the Chair, Mr. Ian Goss, called all week long to compromise and tried to find a common ground, with the aim of calling for a diplomatic conference as soon as possible. Unfortunately, at the end of the week of discussions, the US reiterated its disagreement with the ongoing negotiations and the only remaining option has been to go back to the previous text negotiated during IGC 35³³. One of the positive outcomes of IGC36, however, is the presentation of the indigenous panel, which included an expert of the Expert Mechanism on the Rights of Indigenous Peoples³⁴, thus creating a synergy between the WIPO IGC and the EMRIP³⁵. The WIPO Voluntary Fund is in need of new contributions, and could finance only one indigenous representative for the next WIPO IGC37. The WIPO IGC 37 focused on the text related to Traditional Knowledge (TKs) and Traditional Cultural Expressions (TCEs). The issues under discussion include³⁶:

1) definition of TK: in a general sense, embraces the content of knowledge itself as well as traditional cultural expressions, including distinctive signs and symbols associated with TK from a certain community. TK in the narrow sense refers to knowledge as such, in particular the knowledge resulting from intellectual activity in a traditional context, and includes know-how, practices, skills, and innovations. Traditional knowledge can be found in a wide variety of contexts, including agricultural, scientific, technical, ecological and medicinal knowledge as well as biodiversity-related knowledge.

2) TK and intellectual property: innovations based on TK may benefit from patent, trademark, and geographical indication

protection, or be protected as a trade secret or confidential information. However, traditional knowledge as such - knowledge that has ancient roots and is often oral - is not protected by conventional intellectual property systems. There is a defensive protection, which aims at protecting TK from a patent. Some countries and communities are also developing TK databases that may be used as evidence of prior art to defeat a claim to a patent on such TK. The positive protection is referred to in preventing unauthorized use and the active exploitation of TK by the originating community itself.

3) definition of TCEs: they may be considered as the forms in which traditional culture is expressed; they form part of the identity and heritage of a traditional or indigenous community; they are passed down from generation to generation. TCEs are integral to the cultural and social identities of indigenous and local communities; they embody know-how and skills, and they transmit core values and beliefs.

4) ways of protection: their protection is related to the promotion of creativity, enhanced cultural diversity and the preservation of cultural heritage. For many communities, TCEs, traditional knowledge and associated genetic resources form part of a single integrated heritage. Yet, because TCEs raise some particular legal and policy questions in intellectual property, they receive a distinct focus in many national and regional intellectual property laws. TCEs can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin and trademarks. During IGC37, the plenary agreed that the negotiated documents be transmitted to the next session, with an ad hoc expert group meeting prior to it in order to engage with TCEs and TKs and to address legal, policy and other existing gaps in the current revised text³⁷. The Indigenous Caucus counted on more participation, and as positive outcomes of this session, Indonesia and South Africa expressed their support to the Indigenous Caucus during the plenaries. As closing statement of the session, the Caucus declared the following:

"Mr. Chair, Thank you for giving me the floor to deliver this closing statement on behalf of the Indigenous Caucus.

The gap analyses clearly show what Indigenous Peoples have been highlighting with many examples for the last 18 years. Existing intellectual property law is not sufficient to protect the genetic resources, traditional know-

ledge, and traditional cultural expressions of Indigenous Peoples. Clearly a new set of rules which takes account of our collective, cultural rights is required. There are many examples of misappropriation and exploitation of TK and TCEs by non-Indigenous users without permission or consent from Indigenous Peoples. For example in Australia, some 80% of Indigenous-style souvenirs sold are actually made by non-Indigenous producers and the majority are imported from overseas. Such unauthorized uses violate our customary laws, dilute our cultures, and cause spiritual, moral, economic, as well as cultural harm. This is why we need to speed up the process to negotiate international instrument(s) to address these issues.

Indigenous representatives at this meeting continue to be shocked by the detachment of this process from the UN Declaration on the Rights of Indigenous Peoples, in particular Article 31, which specifically deals with Indigenous Peoples' intellectual property rights. The UN Expert Mechanism on the Rights of Indigenous Peoples in its Advice No. 11 issued in July 2018, addressed the IGC directly to recommend that the Committee take into account the UN Declaration on the Rights of Indigenous Peoples in the negotiations undertaken at WIPO, especially the norm of free, prior, and informed consent, with respect to the ownership, use, and protection of indigenous peoples' intellectual property. In addition, Article 11 of the American Declaration on the Rights of Indigenous Peoples also recognizes the intellectual property rights of Indigenous Peoples.

We also remind member states present of the historical context. For centuries, so much has been taken from Indigenous Peoples- our lands, our children, our languages, our way of life. Our TK and TCEs are what make us unique to other cultures in this world, and we cannot allow them to be taken away for the interests of innovations and businesses.

We also want to highlight the narrowing scope of protection in relation to Article 5 and the tiered approach. This approach should only be considered with the free, prior, informed consent of Indigenous Peoples. Furthermore, any limitation on protection based on a temporal requirement is based on a lack of understanding of our way of acquiring traditional knowledge, seems legally illogical and impractical, and is unacceptable to us.

In relation to databases, we see databases, at the most, as complementary measures for TK and TCEs. Databases are no guarantee of protection against erroneous grant of intellectual property rights and further pose risks to Indigenous Peoples' intellectual property rights.

There should be no databases that are designed, populated, maintained, or utilized without Indigenous Peoples' free, prior, informed consent. And databases can be no substitute for positive law norms protecting Indigenous Peoples' intellectual property rights. Any information contained in databases is not evidence of our knowledge being in the public domain; it is evidence of our property rights. Our TK and TCEs are not in the public domain. And we emphasize that there is no international definition of public domain.

We call upon States to recognize that customary laws are fundamental for Indigenous Peoples. Some States may not be aware of the extent of customary laws of Indigenous Peoples that operate in relation to TK and TCEs. This must be considered when drafting these instruments and we encourage States to engage with Indigenous Peoples within their countries to gain a better understanding of customary laws in relation to TK and TCEs.

A rights-based approach is the appropriate approach as opposed to a measures-based approach. We invite the committee to join other international fora who have seen the need to incorporate the rights-based approach. We urge member states to look beyond the purely economic paradigm of intellectual property and see the protections of our genetic resources, traditional cultural expressions and traditional knowledge as our cultural, moral, and spiritual rights. Some of us may wish to use our traditional knowledge and traditional cultural expressions for economic benefit, but that should be our choice. Members are obliged to recognise and respect our right to self-determination.

Again, we also implore member states to consider pledging funds to the Voluntary Fund. The Fund is now depleted and we need further funds for more Indigenous representatives to attend these important IGC meetings. Member States wish to hear and understand the complexities of these issues in relation to customary laws, TK and TCEs. The best way to gain a better understanding is to support the participation of Indigenous representatives at this meeting. We thank the Brazilian, South African, and Nigerian delegates for supporting our proposal to encourage member states to consider an ad hoc contribution to the fund from the WIPO regular budget. We also thank the delegations who reached out to the Indigenous caucus and made time to interact with us to better understand our perspective.

We would kindly like to call for Member States to negotiate in good faith and come to the table to bring forward draft instruments that will prevent further misappropriation of TK and TCEs.

We have concern about the particular delay tactics that some Member States seem to be employing in this process.

We thank the Chair and the facilitators for all of your hard work. We again implore member states to talk with us to better understand these issues and how we can develop strong protection of TK and TCEs.s"

28| Global Compact on Migration by the IOM: more information [here](#)

29| [World Migration Report 2018](#), IOM

30| Information taken from [WIPO official webpage](#)

31| [WIPO/GRTKF/IC/36/4](#)

32| [WIPO/GRTKF/IC/36/10](#), The Economic Impact of Patent Delays and Uncertainty: U.S. Concerns about Proposals for New Patent Disclosure Requirements

33| The related documents are available [here](#)

34| Mr. Alexey Tsykarev made a presentation, available [here](#)

35| A panel discussion has been dedicated to the WIPO IGC process and related indigenous traditional knowledge during the 11th session of the EMRIP. For more information see, [Docip Synthesis n°7](#)

36| Information taken from [WIPO official webpage](#)

37| [WIPO/GRTKF/IC/37/4](#)

FOR MORE INFORMATION

In a report in 2009 presented at the 8th session of UNPFII, "[Analysis of the United Nations Permanent Forum on Indigenous Issues recommendations related to indigenous women](#)" presented by the International Indigenous Women's Forum.

Commission on the Status of Women, Interactive dialogue on the focus area: empowerment of indigenous women, [E/CN.6/2017/12](#)

The official webpage of the event for the International Day of the World's Indigenous Peoples 2018.

The webpage dedicated to the WIPO IGC process and related news.

NEWS ABOUT THE LATEST EMRIP AND UNPFII SESSIONS, REGIONAL NEWS

UNPFII

The 17th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) welcomed some changes in the format as decided by the Secretariat. During the previous years, the UNPFII was held over two weeks, with closed meetings of Permanent Forum members, interactive hearings with United Nations (UN) agencies, plenary sessions and other events. The statements presented by representatives of indigenous peoples' organizations should focus on the recommendations they have for the Permanent Forum members. This year, the Permanent Forum members, along with the Secretariat, decided to dedicate the first week to plenary sessions, including interactive dialogues, in order to provide more room for the delegates to express their situations on the ground. The aim is then for Permanent Forum members to draw on more specific and precise recommendations during the second week, during which Regional Dialogues were held – one dialogue per each indigenous region, the Arctic and the Russian Federation being held together³⁸. The first week was, in general, well-attended. During the first two days, since the conference room was too small to allow all delegates to participate, only two persons per organization were allowed in.

The discussion that raised the most interest was the discussion of agenda item 8 on the collective rights to land, territories and resources. The statements made underlined the numerous times that

indigenous lands have been jeopardized, that the criminalization of indigenous rights defenders have occurred and how many times the dispossession of lands in the name of development have occurred. Some States do not yet recognize indigenous peoples in their countries and criminalize their leaders; international indigenous rights standards cannot be applied there and dialogue with indigenous organizations should be opened.

In terms of the interactive discussion on the follow-up of the World Conference on Indigenous Peoples (WCIP) outcome document on enhancing indigenous peoples' participation at the UN, indigenous peoples' representatives mostly expressed disappointment. They underlined the confusion around the status difference between indigenous representatives and organizations, and underlined the risk it entails in terms of legitimacy. In addition, the representatives who participated in this session asked for another status to be given to indigenous peoples within the UN system, especially during the United Nations General Assembly (UNGA).

EMRIP

This eleventh session of the EMRIP was the second to take place since the adoption by the Human Rights Council (HRC) of resolution 33/25, which amended the mandate. This new mandate provides EMRIP members with new capacities, including the ability to engage with the

private sector, to give States advice on the implementation of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) upon request, to engage with the Universal Periodic Review (UPR) and the treaty bodies process and to establish an enhanced cooperation with the National Human Rights Institutions, to name a few. The EMRIP is now composed of seven expert members that represent the seven socio-cultural regions, as decided by indigenous peoples: Mr. Albert Barumé from the Democratic Republic of the Congo for Africa (2018), Mr. Edtami Mansayagan from the Philippines for Asia (2020), Ms. Erika Yamada from Brazil for Latin America and the Caribbean (2019), Ms. Laila Vars from Norway for the Arctic (2020), Mr. Alexey Tsykarev from the Russian Federation for Russia, Eastern Europe and Transcaucasus (2019), Ms. Kristen Carpenter from the USA for North America (2020) and Ms. Megan Davis from Australia for the Pacific (2019).

Overall, this session brought the new EMRIP mandate to light, with innovative panels on the country visits reports, traditional knowledge and recognition, reconciliation and reparation. The agenda item that received the most reaction was on UNDRIP good practices and lessons learned. Most of the issues raised during this session concerned the preservation of indigenous culture and languages through the International Year of Indigenous Languages, and the protection of human rights defenders. Another topic that was raised many times concerned how to enable greater participation by indigenous peoples' in UN bodies.

MS. ERIKA YAMADA, EMRIP CHAIR, INTRODUCED THE DRAFT REPORT AND THE PROPOSALS TO BE SUBMITTED TO THE HRC

- ▶ **Proposal 1:**
Participation of indigenous peoples in the Human Rights Council.
EMRIP proposes that the HRC hold a technical workshop on modalities for enhanced participation of indigenous peoples in the Council, this being a different proposal than the ongoing process aimed at enhancing indigenous peoples' participation in UN meetings.
- ▶ **Proposal 2:**
Theme of the HRC annual half-day discussion on indigenous peoples.
Protection of human rights defenders with another suggestion to hold a panel on the International Year of Indigenous Languages.
- ▶ **Proposal 3:**
Increased engagement of member states with the EMRIP.
To enhance the collaboration and cooperation between EMRIP and States for treaty bodies and UPR mechanisms.
- ▶ **Proposal 4:**
Promotion of the Expert Mechanism's technical assistance and country engagement mandate.
- ▶ **Proposal 5:**
To increase the protection of Human Rights Defenders.
- ▶ **Proposal 6:**
To edit policies on the right to free, prior, and informed consent in the UN system and international financial institutions.
- ▶ **Proposal 7:**
Creation of a Global compact for safe, orderly and regular migration.
- ▶ **Proposal 8:**
States should cooperate with indigenous peoples for the implementation of national action plans to achieve the goals of the Declaration.
- ▶ **Proposal 9:**
Ask for contributions to the UN Voluntary Fund for Indigenous Peoples.
- ▶ **Proposal 10:**
Collaboration with the UPR process.
- ▶ **Proposal 11:**
Organization of the Expert Mechanism's annual session should be rescheduled to allow better participation of States and indigenous peoples.
- ▶ **Proposal 12:**
Reporting to the General Assembly should be done on a biennial basis.
- ▶ **Proposal 13:**
Financial requirements for the implementation of the Expert Mechanism's mandate under resolution 33/25.

REGIONAL NEWS: THE PACIFIC, NORTH AMERICA AND THE ARCTIC

THE PACIFIC

The 49th Pacific Island Forum (PIF) was held in Yaren, Nauru from 3–6 September, 2018. Nauru was chosen as host to mark the island nation's 50th year of independence. The Pacific Islands Forum is a regional intergovernmental organization, and is held every year between the leaders

of 18 countries from across the Pacific. The smallest member country is Niue, population 1,600, and the largest is Australia at more than 25 million people. PIF was established in 1971 "to work in support of member governments, to enhance the economic and social wellbeing of the people of the South Pacific". The PIF also attracts observers, such as the UN and the World Bank, and dialogue partners, including China, India, the US and UK. The Nauru government has sought to limit bad publicity by both charging exorbitant visa fees to journalists, and by denying entry to journalists likely to be critical – a strategy it also pursued in the lead up to the PIF meeting, when it announced that the ABC would be banned from entering the country.

The Pacific islands are concerned about climate change and this is currently their main issue. The significance of climate change was underlined by its prominent inclusion in the new regional security agreement – the Boe Declaration. Climate change was also at the center of discussions in the Leaders' Communiqué³⁸, which emphasized that "climate change presents the single greatest threat to the livelihood, security and wellbeing of Pacific people", and called on "countries, particularly large

³⁸ For more information on the regional dialogues, please see [here](#)

³⁹ The communiqué of the PIF is available [here](#)

emitters, to fully implement their nationally determined contribution mitigation targets". The Communiqué also singled out the United States, with leaders calling for it to "return to the Paris Agreement."

The Pacific is the region of the world that has produced the least amount of carbon emissions, but its citizens have been the first to feel its effects, and most acutely. Australia's inability to authoritatively deal with emissions reductions has led to significant criticism of it from forum members. The PIF is of great importance for the economic and social wellbeing of the people of the South Pacific. There is still no specific references to indigenous peoples.

NORTH AMERICA

In Canada, there are some attempts to adopt UNDRIP at the national level. A bill of law, namely Bill 262, should be adopted by the Senate that would amend the Constitution of Canada to recognize indigenous peoples and their inherent rights in this country. The process for achieving this Bill has been long and painful, especially regarding the process of the Truth and Reconciliation Committee, which played a role in the recognition of indigenous peoples and their rights in Canada. This new step could be an advancement in the recognition, reconciliation and reparation process which is needed all over the world for all communities. However, there is still a difficult relationship between colonialism and reconciliation, in which the right to FPIC has a crucial role. It is important to reject discovery doctrines to make place for new legislation and jurisprudence on indigenous peoples' rights at all levels.

In the United States, there are still many difficulties, especially with regards to the new bills adopted under the current administration.

Many challenges currently faced due to the current administration, such as the lack of opportunities and access to basic services in Native Americans reservations. One of the biggest challenges remains the legal difference made by the government between recognized federal and non-recognized federal tribes, which creates a clear difference in the enjoyment of rights and increased vulnerability for tribal people.

Another issue to be addressed is the trans-border migration of indigenous peoples between Mexico and the US, where children are being separated from their families, sometimes merely due to a misunderstanding or lack of knowledge of the English language. A joint project between the Native American Rights Fund and the University of Colorado is to seek opportunities for UNDRIP implementation in the US, and how it would be possible to contextualize such international standards and movement in the various tribes.

THE ARCTIC

The Standing Committee of the Parliamentarians of the Arctic Region (SCPAR) convened in Kiruna, Sweden from the 13th to 15th of May. Parliamentarians from Sweden, Finland, Norway, Denmark, Iceland, Russia and Canada discussed the transforming nature of Arctic. As Kiruna itself is relocating the entire city several kilometers eastward to escape erosion caused by decades of iron ore extraction, the importance of this process and the consequences for the indigenous peoples are topics the parliamentarians of

the Arctic must possess. Similar challenges are rising up also elsewhere in the Arctic as permafrost is melting and where the changing climate is forcing people to move.

In the Kiruna meeting, the parliamentarians visited the Esrange Space Center⁴⁰, a rocket range and research center. It is a base for scientific research with high-altitude balloons, investigation of the aurora borealis, sounding rocket launches, and satellite tracking, among other things. Located 200 km north of the Arctic Circle and surrounded by a vast wilderness, its geographic location is ideal for many of these purposes.

Another major topic for the SCPAR meeting was the upcoming Arctic Parliamentary conference in Inari (CPAR), which was held September 16th to 19th, where the parliamentarians are going to discuss the ways they could support the people of the Arctic and how the negative effects of the climate change could be addressed. The aim is was to decide what goals the parliamentarians will should set for their work for the upcoming two year period. The themes of the SCPAR conference CPAR in Inari, Finland were are living conditions social well-being, corporate social responsibility, climate change and digital solutions for the Arctic. The conference, which is held every other year, will adopt a final statement sent to the governments and parliaments of the Arctic cooperation. Participants from the Sámi Parliament in Norway: Aili Keskitalo, Co-President and Political Adviser Eirik Larsen. Participants from the Sámi Parliamentary Council: Per-Olof Nutti (president), Aili Keskitalo and Tiina Sanila-Aikio.

40| Esrange Page Centre [official webpage](#)

DOCIP'S ACTIVITIES

DOCIP OFFICE IN BRUSSELS

To strengthen the collaboration between indigenous peoples and the relevant European institutions, the EU has launched a pilot project to establish a Docip office in Brussels. The Docip office in Brussels aims mainly at facilitating the transfer of information between indigenous peoples and the European institutions. It is at the disposal of indigenous peoples who wish to inform the EU about local issues faced by their communities, and it facilitates contacts with EU institutions in Brussels as well as with the EU delegations around the world.

The Docip office in Brussels is also dedicated to informing indigenous peoples about current EU processes so that they may contribute to the legislative process, participate in civil society consultations and respond to calls for proposals. The Docip office in Brussels focuses mainly on the following main processes :

— Business and human rights : to assist indigenous peoples in informing the EU about cases of human rights violations on the ground that have been perpetrated by companies, in order for the EU (1) to respond to the violations, (2) to adapt its system of Business and Human Rights to the reality on the ground and (3) to create more synergies between the EU and the UN system, notably in processes such as the Working Group on Business and Human Rights and the current negotiations for a legally binding instrument.

— Directorate General TRADE: to take part to EU trade meetings with civil society (organized by the European Commission Directorate General TRADE) in order to increase the possibility of indigenous peoples' participation in the context of Impact Assessments, Sustainability Impact Assessments, Ex-Post Evaluations and Domestic Advisory Groups. There is also the possibility of contributing to the Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) process, in collaboration with the strategic support offered by Docip during the treaty bodies process.

— Indigenous persons with disabilities : the Convention on the Rights of Persons with Disabilities (CRPD) is the only international convention that the EU is part of, and great progress has been made until now. However, the EU lacks information about the multiple and intersectional discrimination faced by indigenous persons with disabilities and therefore does not take them into account. In this context, we will continue working - together with the EU and NGOs of indigenous and non-indigenous persons with disabilities - to include indigenous persons with disabilities in the EU system.

Contacts : *Amalia Rodriguez Fajardo* – amalia.rodriguez@docip.org
Mathias Wuidar – mathias.wuidar@docip.org

TECHNICAL SECRETARIAT

The aim of the technical secretariats of Docip is to support the work of indigenous delegates during the various UN conferences throughout the year, such as the Permanent Forum on Indigenous Issues (UNPFII), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Human Rights Council (HRC), the Forum on Business and Human Rights and the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (WIPO IGC).

The Technical Secretariat is the area where indigenous delegates can seek assistance for any inquiry, and it serves as first contact if you wish to network with others stakeholders throughout the year. It offers interpretation services in our four working languages – English, Spanish, French and Russian – for side-events, bilateral and informal meetings, as well as free translation services for statements or other communications in all four working languages.

Moreover, its back-office offers access to computers, printers and photocopiers. Finally, once a year, Docip organizes a mobile secretariat upon the request of Indigenous Peoples during any conference that is outside its annual agenda.

Contact: *Johanna Massa* – johanna.massa@docip.org

DOCUMENTATION CENTRE

The main duty of Docip's Documentation Centre is to make its documents available through its platform, Greenstone. The central core of the database is its extensive collection of statements made by Indigenous Representatives, as well as NGO's, States and International Organizations at the UN or during other meetings. Therefore, during UN Conferences, Docip collects the statements presented by all of the various stakeholders mentioned and posts them online.

Since October 2017, a part of this collection has been included in the UNESCO's Memory of the World programme, and is stored in the City Archives of Geneva. Furthermore, the Documentation Centre also contains monographs, journal articles, regional documentations, and donated items, which represent over 12,440 documents online.

It also contains 1,448 monographs in hard-copy and over 30 majors files containing regional documentation in hard-copy format. It also stores multimedia materials such as DVDs and CDs, most of them created by Indigenous Peoples themselves. Going forward, Docip will continue adding useful items to its documentation collections, including audio and multimedia material, and these will be made available via the Docip website, as well as in the Documentation Centre.

Docip is looking at ways of making its online and hard-copy documentation more accessible to non-sighted persons in particular, as the rights of disabled Indigenous Peoples are now a key focus for us.

In addition, the Documentation Center also does documentary research when asked by Indigenous Representatives or Docip partners. Finally, since September, 2018 the Summary Notes have been the responsibility of the Documentation Coordinator. They are reports of the most important UN meetings on indigenous rights and are issued twice a year. They are only available in an electronic version and sent by email.

Contact:

Priscilla Saillen – priscilla.saillen@docip.org or documentation@docip.org

STRATEGIC SUPPORT

To assist indigenous delegates who need assistance with the various mechanisms, Docip offers a strategic support service. This service is divided according to the process: one person is available to assist you during the UNPFII and EMRIP processes, while another one assists you in dealing with the treaty bodies and the Universal Periodic Review processes (UPR).

On the one hand, during UNPFII and EMRIP processes, one can request support for documentation research, legal research, funding research, the use of our database, networking – with UN agencies, indigenous experts, indigenous organizations, Permanent Missions –, the preparation of a communication to the Special Rapporteur on the Rights of Indigenous Peoples, etc.

An increasing number of indigenous organizations that participate at the country review sessions of the UN treaty bodies and UPR processes ask for assistance. The assistance is mostly how to network for specific mechanisms. Our approach is based on tailored support, with a strong involvement of other organizations working with the specific human rights mechanisms.

This year we wish to thank the UN Voluntary Fund for Indigenous Peoples, Rainforest Foundation Norway, UPR-info, the International Disability Alliance, the International Movement against All Forms of Discrimination and Racism, as well as other organizations, for supporting this service. In 2019, we are looking forward to continuing this support, which includes a follow-up strategy in line with the EMRIP country engagement mandate on supporting States and indigenous peoples, in the implementation of recommendations made by other human rights mechanisms.

Contacts :

Andrés Del Castillo (for the UPR and treaty bodies)
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 & *Josée Daris (for the UNPFII and EMRIP)*
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MONITORING AND EVALUATION

The Monitoring and Evaluation (M&E) activity is a result of the consultation process on our activities that took place in 2014. In 2016, we set up an M&E activity. Our M&E activity aims to set our vision and mission as an organization. Through this activity, we ensure that we follow our objectives/principles, as well as the recommendations issued by indigenous delegates in 2014, 2016 and 2017, and our commitments to the donors.

This activity allows us to identify how Docip can respond to the needs and requests of the indigenous delegates that come to the international fora, and also to connect at the national and local levels.

It also evaluates the impact of our activities and their outcomes for sustainable results. Furthermore, we work with various tools to improve our M&E working and system methods.

Contact :

Josée Daris – josee.daris@docip.org

CAPACITY-BUILDING PROJECTS

Docip is offering different capacity-building projects :

1 – the *Update*:

it exists in electronic and printed version in our four working languages. It contains the latest discussions held during the year regarding indigenous peoples' rights, either during the different UN mechanisms on indigenous peoples' rights, or by making reference to other processes that concern indigenous peoples. The *Update* provides new and updated information on what is happening at the global level, such as the forthcoming agenda for the following year, Regional News on processes regarding indigenous peoples in the various indigenous regions – two per issue are dealt with – and a new section on the activities provided by Docip.

2 – Docip Training-of-Trainers (ToT) session:

once a year, Docip organizes a Training of Trainers on indigenous peoples' rights at the international level: in collaboration with our partner HURIDOCS, a week-workshop is presented on how to document human rights violations. At the end of the training, the trainees participate in an international conference. It is designed to help people coming from high risk countries; this year, 7 participants from two different countries in Latin America will participate. Each year, new participants from two different countries are selected.

3 – Trainings in the field:

as a direct outcome of the ToT, Docip performs a close follow-up of the trainings that the trainee organized once they return home, in order to attain more advancement in indigenous peoples' rights in their region.

Contact:

Claire Moretto – claire.moretto@docip.org

ORAL HISTORY AND MEMORY PROJECT

In 2013 and 2015, two four-day Symposiums organized by Docip brought together some of the First Indigenous delegates who came before the UN in 1977/1981 and Indigenous youth from the Americas, Asia, Africa, the Arctic and the Pacific. Laying the groundwork for a review of 36 years of the promotion of Indigenous Peoples' rights through inter-generational and interactive dialogue with a formal, symbolic and public component, the Symposiums gave rise to rich discussions and results. During the Symposiums, the elders hoped to pass on a message to indigenous youth, who represent the next generation of indigenous rights defenders, so they can continue the tradition of oral transmission, to relate not only the experience of those who first came to the UN, but also the struggles of their local communities.

A more extensive research project was launched on the transmission of oral memory among Indigenous Peoples to continue this very important work by developing additional training workshops at the local/community level.

The first 4 day Workshop was held in the North America region in South Dakota (USA) in July 2015, bringing together 12 Indigenous Youth from different communities of the USA and Canada and 6 elders. A second Workshop of 5 days was held in Buenos Aires (Argentina) in September 2016, assembling 11 Indigenous Youth from various communities of Central and South America and 6 elders. The last workshop was held in Kenya at the beginning of December 2017.

Contact:

Fabrice Perrin – fabrice.perrin@docip.org

DOCIP'S INFORMATION SERVICE

Docip's timely information service aims to inform Indigenous Peoples around the world about important international and regional meetings and events, and to support their active participation in those events. To achieve this goal, we maintain an extensive network of sources from Indigenous Peoples' organizations, NGOs, UN agencies, and the academic community.

We constantly monitor our own email and social media accounts, as well as our network's mailing lists for important news, and we disseminate relevant information in our four working languages via our information channels:

Mailing lists : <http://bit.ly/docip-subscription>

Website Newsfeed : <https://www.docip.org/en>

On-line agenda : <http://www.docip.org/en/our-services-solutions/agenda/>

Social media channels :

- **Facebook :** <http://bit.ly/docip-fb>
- **Twitter :** <http://bit.ly/docip-tw>
- **LinkedIn :** <http://bit.ly/docip-li>

Every Friday we publish a weekly newsletter to our mailing lists and on our website announcing meetings and events, deadlines and other selected information for Indigenous Peoples. For the UNPFII and EMRIP meetings we publish a daily programme on our website with the agenda of the day, side-events, documentation and other information. We also keep you informed of secretariat announcements and last minute changes to the programme through our social media accounts.

To maintain and improve our information service, we depend on you : please include our address docip@docip.org in your distribution lists, and send us feedback on your information needs.

Contact : *Pascal Angst – pascal.angst@docip.org*

AGENDA FOR 2019

CONFERENCES

► **UNPFII 18th session**

**The United Nations Permanent Forum
on Indigenous Issues**

Location: United Nations Headquarters, New York, USA.

Date: 22 April - 3 May 2019

Theme: Traditional knowledge: Generation, transmission
and protection.

► **EMRIP 12th session**

**The Expert Mechanism of the Rights
of Indigenous Peoples**

Location: Palais des Nations, Geneva, Switzerland.

Date: 17 - 21 June 2019

Theme of the next study: Indigenous peoples
"migration and movement".

► **Forum Business
and Human Rights, 8th session**

Location: Palais des Nations, Geneva, Switzerland.

Date: 25 - 27 November 2019
(to be confirmed)

► **42nd Session of the Human Rights
Council (September session)**

Location: Palais des Nations, Geneva, Switzerland.

Date: 09 - 27 September 2019

(second week with the annual half-day discussion on the rights
of indigenous peoples).

Theme of the next annual half-day panel discussion on the rights
of indigenous peoples : International Year on Indigenous
Languages.

► **COP24**

Location: Katowice, Poland.

Date: 3 - 14 December 2018

WIPO IGC

Location: WIPO Assembly Hall, Geneva, Switzerland.

► **39th session**

Dates: March/April 2019 (tentative)

► **40th session**

Dates: June/July 2019 (tentative)

TREATY BODIES

► UPR sessions

Location: Palais des Nations, Geneva, Switzerland.

► 32nd session

Dates: 21 January - 01 February 2019

Review of New Zealand, Afghanistan, Chile, Viet Nam, Uruguay, Yemen, Vanuatu, The Former Yugoslav Republic of Macedonia, Comoros, Slovakia, Eritrea, Cyprus, Dominican Republic, Cambodia.

► 33rd session

Dates: April - May 2019

Review of Norway, Albania, Democratic Republic of the Congo, Côte d'Ivoire, Portugal, Bhutan, Dominica, Democratic People's Republic of Korea, Brunei Darussalam, Costa Rica, Equatorial Guinea, Ethiopia, Qatar, Nicaragua.

► Committee on the Rights of the Child (CRC)

Location: Palais Wilson, Geneva, Switzerland. (*tentative*)

► 80th session

Dates: 14 January - 01 February 2019

States Parties reports: Bahrain, Belgium, Guinea, Italy, Japan, Syrian Arab Republic, OPSC: Czech Republic.

► 81st session

Dates: 13 - 31 May 2019

States Parties reports: Botswana, Cabo Verde, Côte d'Ivoire, Malta, Singapore, Tonga, OPSC: Sri Lanka.

► 82nd session

Dates: 09 - 27 September 2019

States Parties reports: Australia, Bosnia and Herzegovina, Costa Rica, Portugal, Republic of Korea, OPSC: Georgia
OPAC: Georgia, Panama.

► Committee on the Elimination of Discrimination against Women (CEDAW)

Location: Palais des Nations, Geneva, Switzerland.

► 72nd session

Dates: 18 February - 08 March 2019

States Parties reports: Angola, Botswana, Ethiopia, Antigua and Bermuda, Colombia, Serbia, United Kingdom of Great Britain and Northern Ireland.

State party report under LoIPR: Bulgaria.

► 73rd session

Dates: 01 - 19 July 2019

States Parties reports: Cabo Verde, Côte d'Ivoire, Democratic Republic of the Congo, Mozambique, Guyana, Austria, Bahrain, Qatar.

► 74th session

Dates: 21 October - 08 November 2019

States Parties reports: Seychelles, Cambodia, Andorra, Bosnia and Herzegovina, Kazakhstan, Lithuania, Iraq.

► Committee on the Elimination against all forms of Discrimination (CERD)

Location: Palais Wilson, Geneva, Switzerland.

► 98th session

Dates: 23 April - 10 May 2019

States Parties reports: Zambia, Chile, Guatemala, Andorra, Lithuania, Israel.

► 99th session

Dates: 05 - 29 August 2019

States Parties reports: El Salvador, Mexico, Czech Republic, Iceland, Poland, State of Palestine.

► **International Covenant on Civil and Political Rights (CCPR)**

Location: Palais Wilson, Geneva, Switzerland. *(tentative)*

► **125th session**

Dates: 04 - 29 March 2019

States Parties reports: Angola, Niger, Viet Nam.

Non reporting state: Eritrea, Senegal

(Task Forces for adoption of lists of issues)

List of issues prior to reporting: Finland,

United States of America.

► **Committee on Economic, Social and Cultural Rights (CESCR)**

Location: Palais Wilson, Geneva, Switzerland. *(tentative)*

► **65th session**

Dates: March 2019 *(tentative)*

► **66th session**

Dates: September - October 2019 *(tentative)*

► **Call for applications from the United Nations Voluntary Fund for Indigenous Peoples**

- For treaty bodies and UPR sessions taking place between January and May 2019

Deadline for applications: November - December 2018

(tentative)

- For treaty bodies and the session of the HRC dealing with indigenous issues between July and September 2019

Deadline for applications: May 2019 (tentative)

- For attendance to the 18th session of the UNPFII and the 12th session of the EMRIP between April and July 2019

Deadline for applications: end November 2018 (tentative)

- Call for applications for the Indigenous Fellowship Program of the OHCHR, for participation in 2020:

Call for applications between March and June 2019.

In the Docip website
(www.docip.org)

you can find an exhaustive agenda
of the conferences throughout the year,
updated every week.

A weekly mail is sent to the people
who subscribed on the welcome page
of our website to receive the news
related to the agenda.

LIST OF ABBREVIATIONS

ABC *American Broadcasting Company*

CRC *Committee on the Rights of the Child*

CEDAW *Committee on the Elimination of Discrimination
Against Women*

CERD *Committee on the Elimination of Racial Discrimination*

DRC *Democratic Republic of Congo*

HRC *Human Rights Council*

EMRIP *Expert Mechanism on the Rights of Indigenous Peoples*

FBHR *Forum Business and Human Rights*

GRs *Genetic Resources*

IGC *Intergovernmental Committee*

ILO *International Labor Organization*

IOM *International Organization for Migration*

NGO *Non-Governmental Organization*

PIF *Pacific Islands Forum*

SDGs *Sustainable Development Goals*

SRRIP *Special Rapporteur on the Rights of Indigenous Peoples*

SRHRD *Special Rapporteur on Human Rights Defenders*

SRHRE *Special Rapporteur on Human Rights and the Environment*

TCE *Traditional Cultural Expressions*

TK *Traditional Knowledge*

UN *United Nations*

UNDHRD *United Nations Declaration on Human Rights Defenders*

UNDRIP *United Nations Declaration on the Rights
of Indigenous Peoples*

UNGA *United Nations General Assembly*

UNPFII *United Nations Permanent Forum on Indigenous Issues*

UNVFIP *United Nations Voluntary Fund for Indigenous Peoples*

US *United States*

WIPO *World Intellectual Property Organization*

SUMMARY OF THIS EDITION

Docip is really excited about presenting to you its latest edition of the Update. This year has been another great year working together with indigenous peoples. It has also been the year for some changes, and we were really pleased to welcome Mr. Rémi Orsier, our new Director, to the team. Docip Publications also published two Syntheses ; one on the United Nations Permanent Forum on Indigenous Issues (UNPFII) with a new format, and another one on the 11th session held by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

In this edition of the Update, you can find the summaries of those meetings. And not only that : the Focus section contains an analysis of how the violence committed against indigenous peoples' rights is increasing, what the current international discussions on that issue are ; and what the current and most efficient mechanisms to prevent it are. The Ongoing Processes section provides an insight on selected relevant topics, which for this year are : indigenous women's rights, indigenous migration and the relevant challenges and the ongoing discussions held at the WIPO. Finally, to close this Update, the Regional News completes its round of indigenous socio-cultural regions by presenting some articles on what is going on in the Arctic, the Pacific and North Americas regions. In addition, the Agenda 2019 gives a quick overview of the possible dates on the most important meetings for next year.

I sincerely hope that this new edition will meet your expectations ; and I am at your complete disposal for any suggestions or comments you might have.

Yours sincerely,

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Please be advised that the opinions and positions expressed herein do not necessarily reflect the views of Docip, which is an organization committed to the principle of neutrality and impartiality.

This issue of the *Update* was redacted and compiled by Claire Moretto in SEPTEMBER 2018. Therefore, some of the news and information reported in the issue may have changed or been updated during the time it was being edited and translated before its publication in NOVEMBER 2018. The reproduction and dissemination of information contained in the *Update* is welcome, provided sources are cited.

This issue, originally prepared and edited in English, is also available in Spanish, French and Russian. Online versions in all languages may be found on Docip's website. Additionally, Docip sends printed copies to indigenous organizations and to academic institutions, and copies are made available at the Docip documentation centre in Geneva and at the UN conferences that Docip attends.

This document has been produced with the financial assistance of the European Union. The contents are the sole responsibility of Docip and should under no circumstances be regarded as reflecting the positions of the European Union.

WITH THE SUPPORT OF :

- The European Union
- City of Geneva
- The Sámediggi (The Sámi Parliament) in Norway

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