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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples*

Summary

The present report is submitted pursuant to Human Rights Council resolution 39/13. It contains information on relevant developments relating to human rights bodies and mechanisms and outlines the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion, follow-up and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and of the provisions in relevant international human rights treaties. The report covers the period from 1 May 2018 to 31 May 2019.

* The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B.



I. Introduction

1. In its resolution 39/13 concerning human rights and indigenous peoples, the Human Rights Council requested the High Commissioner for Human Rights to continue to submit to it an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

2. The present report focuses on some illustrative examples of OHCHR activities and initiatives undertaken at country, regional and global levels that contribute to the realization of the rights of indigenous peoples. It also outlines recent developments within United Nations human rights bodies and mechanisms pertaining to indigenous peoples.

II. Overview of the activities of the Office of the United Nations High Commissioner for Human Rights and recent developments in human rights bodies and mechanisms

3. During the period under review, despite major steps taken to advance the rights of indigenous peoples, reports by United Nations human rights mechanisms show that full implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples is far from being achieved. Global trends during this period indicate that in a context of shrinking democratic spaces, indigenous human rights defenders, organizations and movements, particularly those defending their rights to their traditional lands and natural resources face widespread attacks on them and, at times, criminalization. Furthermore, the full and effective participation of indigenous peoples in matters that concern them, including in the elaboration of development priorities, is a human rights responsibility that many States where indigenous peoples live are still failing to meet.

4. In order to address these concerns, OHCHR has continued to provide technical assistance and guidance to Member States, indigenous peoples, civil society organizations and United Nations bodies, strengthening its efforts to involve indigenous peoples in all international initiatives that affect them.

5. During the reporting period, the rights of indigenous peoples were included in the recommendations of a number of human rights treaty bodies and in the reports, communications and other activities of special procedures mandate holders. These mechanisms provided detailed, thematic and country-specific recommendations to implement the rights of indigenous peoples, in order for them to be able to claim those rights and interact on an equal footing with the authorities, the private sector and human rights mechanisms. The need to ensure that all those whose decisions impact the rights of indigenous peoples, from State authorities to business enterprises and international financial institutions, are familiar with the standards set forth in the Declaration was also highlighted.

A. Indigenous peoples and the 2030 Agenda for Sustainable Development

6. The 2030 Agenda for Sustainable Development and its commitment to reduce inequalities and to leave no one behind offers a critical opportunity for indigenous peoples. Founded on principles of universality, human rights, participation, equality and environmental sustainability, the 2030 Agenda, which makes explicit references to the development concerns of indigenous peoples, has the potential to be transformative for them.

7. In that context, the OHCHR office in Colombia provided training to indigenous human rights defenders on the Sustainable Development Goals, the 2030 Agenda for Sustainable Development and the right to a healthy environment in Magdalena Medio. To ensure the participation of indigenous peoples in the self-identification campaigns launched by the Government of Guatemala ahead of the national census, the OHCHR office in Guatemala facilitated meetings between indigenous representatives and the national authorities concerned with the census. Focusing on the relevance of the Sustainable Development Goals to the rights of indigenous peoples, the OHCHR office in Honduras facilitated a workshop in January 2019 on human rights and the implementation of the 2030 Agenda.

8. During the period under review, the OHCHR office in Mexico promoted the Sustainable Development Goals in the technical assistance provided to the authorities and in media communications, emphasizing how the principle of “leave no one behind” applies to indigenous communities.

9. The Special Rapporteur on the rights of indigenous peoples participated in the 2018 high-level political forum on sustainable development, including being the lead discussant during the panel on “leaving no one behind” and engaging in the voluntary national reviews. In her report to the General Assembly in 2018, the Special Rapporteur looked at how the self-governance of indigenous peoples could contribute to achieving sustainable development for them, including an analysis of the linkages between the recommendations of the Special Rapporteurs on indigenous peoples since 2005 and the targets of the Sustainable Development Goals (A/73/176).

10. The Special Rapporteur on the right to development reported that some States considered indigenous peoples as actors engaged in the enhanced implementation of the Sustainable Development Goals, including in the management of natural resources, through participation in and dialogue with the public services (A/HRC/39/51, para 50).

B. Free prior and informed consent and the consultative mechanisms, including in the context of business and the extractive industries

11. The lack of meaningful implementation of the principle of the free, prior and informed consent of indigenous peoples in development projects and plans that may affect them continued to undermine the protection and promotion of their rights during the period under review.

12. In the context of the ongoing work of the OHCHR office in Colombia on supporting the drafting of consultation protocols for indigenous peoples, technical advice and support was provided to 15 indigenous communities of the Putumayo region. As a result, the process of formulating a protocol for the relations of indigenous peoples with third parties moved forward, anchored in the principle of free prior and informed consent. The OHCHR office also offered technical support to different stakeholders on the rights of indigenous peoples and environmental issues, including in the landmark ruling that declared the Amazon subject to rights and orders measures to counter deforestation, recommending that the State guarantee the right of affected communities to participation and consultation. The office also provided technical support and guidance to Nasa indigenous communities in the Putumayo region, to State authorities and to an oil company on international norms and standards on the right to a healthy environment, the right to participation and other human rights affected by environmental damage.

13. The OHCHR office in Guatemala monitored the implementation of three judgments of the Constitutional Court, in which it ordered the State to carry out consultations with indigenous peoples in the Santa Rosa region in view of the negative impacts of the exploitation of natural resources on the rights of indigenous peoples. In October 2018, the OHCHR office supported the organization of meetings between members of the Xinca parliament and international experts regarding measures for implementation of the judgment of the Constitutional Court in the case of the San Rafael mine. In the judgment, the Court had ordered the State to consult with the affected Xinca people. Also in 2018, two draft laws on consultation with indigenous peoples were presented to the Congress in

Guatemala. The country office provided technical support to indigenous authorities, which resulted in a document systematizing international human rights standards on consultation and free, prior and informed consent sent to the President of the Commission on Indigenous Peoples in the Congress.

14. Following a draft consultation law presented to the National Congress in May 2018, the OHCHR office in Honduras met with indigenous representatives who had voiced opposition to the draft law and prepared a legal analysis of the draft law from the standpoint of international standards, which was sent to various institutions, including the Congress, the Ministry of Labour and Social Security, the Ministry of Human Rights, Justice, Governance and Decentralization and the Department for Indigenous and Afro-Honduran Peoples.

15. The OHCHR office in Honduras held several meetings with State institutions in order to discuss and promote standards on consultation and consent for indigenous rights, including with the Ministry of Energy, which requested the country office to provide capacity-building on the issue of prior consultation.

16. During the period under review, the OHCHR office in Mexico monitored several cases of consultation with indigenous communities in the context of large-scale projects, providing technical assistance to all parties involved. The office conducted field missions, meeting with representatives of the relevant authorities, including the Ministry of Energy, the National Commission for Water and the Ministry of Environment and Natural Resources, with the aim of enhancing their knowledge of international human rights standards. The presence of the country office as a trusted actor contributed to a reduction in conflicts and facilitated dialogue between the parties.

17. From July 2018 to April 2019 in Chile, the OHCHR Regional Office for South America participated as an observer, jointly with the United Nations country team, in the consultation process conducted by the Ministry of Education on an educational proposal for school curricula entitled “Language and culture of indigenous peoples”. Prepared by the Ministry of Education, the proposal aims to promote intercultural education and the learning of the languages and culture of the Aymara, Quechua, Licanantai, Colla, Diaguita, Rapa Nui, Mapuche, Kawésqar and Yagan peoples in public schools.

18. During the period under review, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women consistently addressed the issue of the free, prior and informed consent of indigenous peoples regarding exploitation of resources on customary lands, especially by the extractive industries. The committees recommended that States ensure good faith consultation prior to concluding concession agreements. They further noted the need to take into account the traditions and cultural characteristics of the people concerned. They also recommended that States ensure the meaningful participation of indigenous peoples in decision-making and government bodies.¹

19. In addition to addressing the situation of the rights of indigenous peoples to their lands, territories and resources in several communications, as well as her thematic and country visit reports, the Special Rapporteur on the rights of indigenous peoples provided inputs to draft legislation on consultation in Honduras and Guatemala.

20. Human rights abuses in the context of the exploitation of natural resources by national and international companies was a recurring issue during the Forum on Business and Human Rights. Participants highlighted challenges related to the protection and documentation of land rights and the need for companies to ensure that any licences or agreements granted by Governments were based on free, prior and informed consent. Participants stressed that companies were responsible for providing clear and comprehensive information to indigenous communities and that they should understand and respect local decision-making processes.

¹ See, for example, E/C.12/CMR/CO/4, CCPR/C/DZA/CO/4, CERD/C/GTM/CO/16–17 and CEDAW/C/NPL/CO/6.

21. Members of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights met with indigenous representatives affected by business operations during their visit to Kenya in July 2018. Concerns were raised regarding the specific situation of indigenous peoples and the absence of protection measures vis-à-vis their distinctive relationships with land and natural resources. The working group noted that no specific provision existed for consultation with indigenous peoples.

22. In April 2019, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination convened two expert consultations on the gender dimension of the private military and security industry and the extractive industries. Women from indigenous communities and in particular indigenous women human rights defenders were identified as specific at-risk groups during those meetings.

C. Land rights

23. In many States, indigenous land rights are still not recognized or inadequately recognized, hindering the enjoyment of indigenous peoples of their right to development and control over their traditional lands, territories and resources.

24. In February 2019, the OHCHR presence in Kenya attended a meeting of the task force set up by the Government and mandated to implement the landmark ruling of the African Court on Human and Peoples' Rights in the case involving the Ogiek peoples. OHCHR provided the task force with an overview of the specific recommendations from the various human rights mechanisms relevant to the mandate of the task force, including communications from special procedures mandate holders. In May 2018, the OHCHR presence in Kenya also provided support to the Kenya National Commission on Human Rights in drafting a report to the Minister of Environment on the evictions that have taken place in the Embobut forest over the past years, affecting the Sengwer community and other forest dwellers. OHCHR helped to ensure that the report included key recommendations and concluding observations from human rights mechanisms relevant to the protection of the rights of the forest dwellers.

25. In coordination with the United Nations system, the OHCHR office in Guatemala monitored the humanitarian situation of displaced communities, most of whom were indigenous peoples, supporting the Presidential Commission for the Coordination of Human Rights Policy, the Office of the Attorney General, the National Civil Police and the Office of the Ombudsperson in developing protocols on evictions. In addition, it trained members of civil society on strategic litigation related to land, territory and the environment, focusing on the rights of indigenous women. In the context of phase III of the Maya programme, the country office also provided support for the implementation of several judgments of the Constitutional Court related to the collective tenure of rights over land.

26. During the reporting period, the OHCHR office in Colombia concluded a process of reviewing the status of formalizing the ancestral and most recent possession of territories of 15 indigenous Putumayo peoples on the border with Ecuador. There are currently 11 requests for titling and extension of indigenous collective territories that have been pending for more than 15 years. In that context, the country office provided technical assistance to the indigenous peoples of Putumayo concerned on a special protection mechanism entitled "the ethnic protection route". It also supported a formal request for the protection of indigenous peoples through that mechanism to the Ministry of the Interior, the National Land Agency and the Land Restitution Unit in May 2019.

27. In February 2019, the OHCHR office in Mexico held a meeting with the President of the Indigenous Peoples' Commission of the Senate to discuss a legislative agenda for indigenous peoples, stressing the importance of recognizing them as collective rights holders and of consulting with them and guaranteeing their participation in any discussion of legislation related to issues that might affect them, particularly on their rights to land and territory.

28. In November 2018, the Expert Mechanism on the Rights of Indigenous Peoples held an intersessional meeting in Chiang Mai, Thailand, on the theme of the rights of indigenous peoples in the context of borders, migration and displacement. That issue will also be the focus of the next thematic study to be undertaken by the Expert Mechanism, which will be presented to the Council in September 2019.

29. In October 2018, during a visit to Cambodia, the Special Rapporteur on the rights of indigenous peoples had meetings with several ministries, with a particular focus on the simplification of communal land titling processes for indigenous peoples.

30. During the reporting period, the positive measures taken by States on land rights highlighted under the universal periodic review included a draft customary land tenure agreement, a reporting and dispute resolution framework and a moratorium on approving the use of State land for agro-industries.

D. Human rights defenders

31. During the period under review, threats against and attacks on indigenous people and criminalization of them, particularly those defending their lands and resources, continued to escalate in many countries, including in the context of large-scale projects relating to the extractive industries and agribusiness, infrastructure projects and hydroelectric dams.

32. The OHCHR office in Colombia received reliable information, according to which an increased number of indigenous human rights defenders had been killed, a trend that severely undermines the fundamental rights of indigenous peoples.

33. Human rights defenders working on land rights in Guatemala are most often indigenous leaders. The OHCHR office in Guatemala notes that they are, in many cases, criminalized and prosecuted. The country office, together with the Office of the Ombudsperson presented a joint report on the situation of human rights defenders, with a specific focus on the risk factors, patterns of attack, threats and intimidation, and the impact on indigenous defenders covering the period from 1 January 2017 to 30 April 2019. The country office also monitored several emergency cases relating to the protection of indigenous human rights defenders, verifying and cross-checking information with victims, families and State institutions, including the National Civil Police and the Office of the Attorney General. The country office also continued providing assistance in cases of criminalization of indigenous human rights defenders, participating in judiciary hearings and carrying out visits to the jails where they were detained.

34. The OHCHR office in Mexico documented several cases of indigenous human rights defenders killed during the period under review. It provided technical support to communities and defenders at risk and advocated with the authorities regarding their obligations. During the reporting period, the country office issued eight public statements in which it expressed concern over particular cases, urging the authorities to investigate and guarantee the integrity of defenders and their families. One successful case was the release of two renowned human rights defenders and members of an organization of the Me'phaa indigenous peoples, owing to the strong concerns expressed at the national and international level. The country office contributed to the protection of the human rights defenders through continued dialogue with the authorities and a media strategy.

35. The report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council in September 2018 provided a global overview of threats against indigenous human rights defenders, and their space for peaceful mobilization in particular, in the context of extractive and developmental projects (A/HRC/39/17).

36. The Committee on Enforced Disappearances adopted guiding principles for the search for disappeared persons, emphasizing the importance for the authorities in charge of the search to consider and respect the cultural patterns and practices of indigenous communities with respect to the disappearance or death of a member of such a community. In order to ensure that an effective search is conducted, the authorities in charge of the search should provide interpretation into indigenous languages.

E. Early warning mechanisms and monitoring of human rights violations

37. The OHCHR office in Colombia played an active role in supporting the work of the Ethnic Peace Commission, which prepared a workplan for the period 2018–2019 to address the serious human rights situation faced by ethnic peoples, highlighting challenges to the effective implementation of the Peace Agreement, the vulnerability of leaders of indigenous communities and the risks they face.

38. The OHCHR office in Mexico took an active part in the development of a contingency plan in the state of Chihuahua – a mechanism that seeks to prevent future attacks on journalists and human rights defenders. The programme also covers the need to undertake collective protection measures for indigenous communities. In October 2018, the country office carried out a field mission in the state of Chiapas to document several cases of the forced internal displacement of indigenous peoples. Since May 2018, the country office has been monitoring the forced displacement of an indigenous community in Zacatecas State by the operators of a silver mine. The office carried out four field missions and held several meetings with representatives of the community, the company and the State to support dialogue between the company and the community in order to remedy the damage done.

39. During the period under review, the Special Rapporteur on the rights of indigenous peoples issued communications on over 100 cases. An increasing number of communications are also being sent directly to private enterprises involved in alleged human rights abuses and to the countries where such companies are registered.

40. The Committee on the Elimination of Discrimination against Women welcomed prevention and diversion strategies to abolish paperless arrest and mandatory sentencing laws, taking into account the outcomes of consultation processes with indigenous peoples (see CEDAW/C/AUS/CO/8).

F. Access to justice and legal protection of the rights of indigenous peoples

41. The OHCHR office in Cambodia supported mediation processes between indigenous communities in Busra and Mondulkiri and Socfin, an economic land concession producing rubber. In October 2018, members of the communities issued a joint statement announcing that they had come to an agreement and their sacred forests, graveyards and reserved land had been recognized by the company and returned to the communities. The country office provided financial support to the legal aid service of Cambodia to assist indigenous communities participating in the mediation process and with their applications for communal land titling after the mediation.

42. The OHCHR office in Colombia provided technical assistance to the magistrates of the Special Jurisdiction for Peace on the promotion and protection of ethnic rights during the formulation of its internal regulations. As a result, the approved regulations include specific provisions for coordination with indigenous justice systems and the establishment of an Ethnic Commission in charge of monitoring and verifying the application of the ethnic-racial approach in all of its actions.

43. The OHCHR office in Guatemala cooperated with the Indigenous Peoples' Secretariat of the judiciary, organizing four regional meetings to foster coordination between the indigenous and ordinary justice systems, including with regard to violence against indigenous women. Despite the persisting limitations on access to justice for indigenous peoples, in particular because of geographical, cultural and linguistic barriers, they have increasingly turned to the judicial system for the protection of their rights. Strategic litigation cases, with technical assistance from the OHCHR office, showed important advances, for example in the judgment on the legal tenure of land for the community of Samanzana II in Cobán, Alta Verapaz.

44. With regard to transitional justice, historic progress was made during the reporting period in trials for crimes committed during the internal armed conflict in Guatemala. Groundbreaking judgments included the court ruling that indigenous Ixil Mayans had been

victims of genocide and crimes against humanity. The OHCHR office in Guatemala attended all the hearings and played a key role in guaranteeing the protection of the victims, complainants, judges and prosecutors involved.

45. The OHCHR office in Honduras monitored State institutional responses to particular instances of human rights violations by the security forces, for example in the Miskito community of Warunta, where three unarmed Miskito men were killed during a military operation in May 2019. The country office obtained testimonies from the widows and mothers of the victims and accompanied them in their meetings with the State authorities in Tegucigalpa. The country office also monitored the legal prosecution of one member of the military police on trial for the three deaths.

46. The OHCHR office in Mexico took action on access to justice for indigenous peoples in situations of detention. One example concerned an indigenous woman migrant from Guatemala, detained in 2014, who had been obliged to sign a self-incriminating statement without being able to understand the charges against her, since she did not speak Spanish and was not provided with an interpreter. The country office assisted the victim and her family in their interactions with the prison authorities in order to guarantee her physical integrity. As a result, the victim was given access to an interpreter and was able to give her version of events before the public prosecutor.

47. In another emblematic case, the OHCHR office in Mexico received information on possible violations of due process in the case of six indigenous defenders of the Tlanixco community in the State of Mexico, who were criminalized in the context of their defence of their right to water. The mediation facilitated by the country office was decisive in obtaining the liberation of the defenders after between 13 and 15 years of detention. That was achieved by documenting the case, meeting with the relevant authorities, issuing a comprehensive press release and developing a media strategy on social networks, including a video showing interviews with the six defenders. As a result, the federal authorities took an interest in the case, the defenders were released and the charges against them dropped.

48. At the request of Mapuche people deprived of their liberty in the regional detention centre of Temuco, Chile, the OHCHR Regional Office for South America, together with the national human rights institution, provided technical assistance to the penitentiary authorities to ensure that their regulations were culturally relevant for indigenous detainees. In 2019, the Regional Office organized an international seminar on anti-terrorism legislation and human rights standards in Temuco for judges, prosecutors, public defenders and academics.

49. During the period under review, the Subcommittee on Prevention of Torture recommended that (a) States ensure that the rights to defence of indigenous persons were respected and that information concerning their detention and their right to use their own language were duly protected and (b) States take into account the culture and the economic and employment situation of indigenous persons when ordering precautionary measures (CAT/OP/BOL/3, para. 111).

50. In concluding observations, the Committee against Torture expressed concerns over cases of violence against indigenous populations, the high rate of incarceration and overrepresentation in prison and gender-based violence, including forced or coerced sterilization (see CAT/C/CHL/CO/6 and CAT/C/CAN/CO/7).

G. Social and cultural rights of indigenous peoples

51. During the period under review, the OHCHR office in Cambodia supported three Kuoy communities in Kampong Thom province, two Poar villages in Pursat province and one Chong community in Koh Kong province in obtaining recognition of their identity as indigenous peoples from the Ministry of Rural Development, a prerequisite for starting a community land titling process. It also supported two Bunong communities to register as a legal entity with the Ministry of the Interior. The country office also provided assistance to four Charai and Kreung communities to achieve recognition of their indigenous identity by the Ministry of Rural Development.

52. In March 2019, the country office published a manual intended as a teaching tool on collective land titling processes to clarify the current process for national and subnational authorities, for communities of indigenous peoples undergoing the process and for civil society organizations assisting them.

53. In Guatemala, the OHCHR office provided technical assistance to the indigenous authorities in Santa Catarina Ixtahuacán, Sololá Department, and assisted in their dialogue with the Ministry of Education to design a plan for the implementation of bilingual and intercultural education in the community, in line with a 2016 judgment of the Constitutional Court.

54. The OHCHR presence in Kenya provided technical advice to the National Bureau of Statistics for the collection of data on indigenous persons, to be included in the upcoming national census, by compiling a list of treaty body recommendations that required the Government to collect data on indigenous persons to ensure they had the opportunity for self-identification. As a result, the census has a data-collection tool that incorporates indigenous issues.

55. In August 2018, the OHCHR office in Mexico carried out a mission to Chihuahua to participate in the process of a contingency plan where rights holders, civil society organizations and the authorities discussed measures and actions related to economic, social and cultural rights, including access to water and health for various indigenous and rural communities. In February 2019, in the framework of International Mother Language Day, the office published six short audiovisual products in indigenous languages on social networks.

56. In September 2018, the OHCHR office in Uganda joined the Equal Opportunities Commission and representatives of indigenous peoples in handing over a petition to the Speaker of Parliament on the issues affecting the rights of indigenous peoples. The concerns expressed in the petition included the lack of legal tools and statistics to inform appropriate strategic interventions, the limited use of indigenous languages in public places such as schools, and the difficulties in accessing education and health owing to marginalization.

57. The OHCHR Regional Office for South America provided advice to Machi Celestino Córdova, a Mapuche spiritual leader deprived of liberty in Chile, and supported his claim before the penitentiary authorities for his rights to health and freedom of religion. As a result, he was given permission to leave prison in order to carry out a spiritual renewal ceremony in his community of origin. The Regional Office also supported the United Nations country team in Brazil in building a web campaign celebrating the International Day of Indigenous Peoples. In October 2018, the Regional Office organized a training session in Brazil for 30 representatives of indigenous peoples on the international human rights system.

58. The Special Rapporteur on the human rights to safe drinking water and sanitation highlighted the need for targeted policies for the proper inclusion of indigenous peoples in access to water and sanitation services and the need for indigenous peoples to receive appropriate services, compatible with their cultural values. The Special Rapporteur on the rights of persons with disabilities paid dedicated attention to the situation of indigenous persons with disabilities during her visit to Canada in April 2019, drawing attention to the disparities in the enjoyment of rights by indigenous persons with disabilities, including the lack of access to basic services, and encouraging constructive consultations between the federal Government and the indigenous governments concerning the application of federal accessibility legislation, funding and the delivery of services for indigenous persons with disabilities on reserves.

59. The Special Rapporteur on the right of everyone to the enjoyment of the right to the highest standard of attainable physical and mental health observed cross-cutting risk factors that affected the health of indigenous peoples and the need to develop culturally appropriate responses.

60. Recommendations arising from the universal periodic review on the social and cultural rights of indigenous peoples were consistently addressed to the issue of health and

education, including recommendations to step up efforts to promote and preserve the languages of indigenous peoples through the education system, take relevant measures to safeguard intangible cultural heritage and invest in the preservation of endangered languages. Other recommendations included requesting the removal of all discriminatory practices against indigenous peoples in their access to health, educational and social support and services, as well as ensuring the sustainable socioeconomic and cultural development of indigenous peoples.

H. Violence against indigenous women and girls

61. The OHCHR office in Guatemala organized a contest and exhibition, in coordination with the network of Mayan women weavers, to promote the rights to intellectual property and cultural rights relating to textiles, under the title “Que cuenta ese güipil”. The contest promoted the interaction and hands-on capacity-building of 150 university students, who were in direct contact with approximately 200 Mayan weavers, raising awareness of the rich history, tradition and cultural value that textiles have in the context of the celebration of the seventieth anniversary of the Universal Declaration of Human Rights. The country office also provided support to organizations of indigenous weavers that were advocating in Congress for the approval of a law that would protect their intellectual property rights, in line with the provisional injunction granted to them by the Constitutional Court in 2017.

62. In Guatemala, the cultural appropriateness of indigenous midwifery has been recognized by the Constitutional Court, which in a judgment in March 2019 provided national protection to Mayan, Xinkan and Garífuna midwives. The country office provided technical assistance under the Maya programme to the midwives in the case, resulting in a judgment that took on board international human rights standards with regard to maternal and neonatal health and requested the State to respect traditions, customs and practices in line with a cultural perspective and without discrimination.

63. In April 2018, the OHCHR Regional Office for South America, in cooperation with the meeting of the Ministers and High Authorities for Women of MERCOSUR and the Embassy of Spain in Uruguay facilitated a regional workshop for representatives of Afro-descendant and indigenous women’s organizations of MERCOSUR in Montevideo. The training session brought together 40 women from Argentina, Brazil, Paraguay and Uruguay and addressed the international human rights protection system and relevant mechanisms aimed at combating racial and gender discrimination.

64. The Working Group on the issue of human rights and transnational corporations and other business enterprises organized global consultations to inform their report to the Human Rights Council on the gender dimensions of the Guiding Principles on Business and Human Rights (see A/HRC/41/43). During the consultations, the situation of indigenous women and the impacts suffered in the context of business activities were discussed.

I. Rights of indigenous peoples and financial institutions

65. In October 2018, the OHCHR office in Cambodia released a report entitled “Assessment of the credit opportunities for indigenous communities in Cambodia holding a collective land title”. In the report, the Office reviewed the economic conditions of indigenous communities that had obtained a collective land title and made recommendations to the Government of Cambodia, financial institutions, civil society organizations and indigenous communities on issues related to collective land titling processes, credit loan processes and the protection needed by indigenous communities.

66. In February 2019, the OHCHR office in Mexico held a meeting with the French Development Agency, which is collaborating with the Mexican Ministry of Energy on financial loans. The country office explained the importance of consultation with indigenous peoples as a mechanism to guarantee participation and compliance with other fundamental rights.

67. In August 2018, the country office provided inputs for the preparation of the European Union project on the theme of responsible business conduct in Latin America and the Caribbean, to be implemented in collaboration with the International Labour Organization and the Organization for Economic Cooperation and Development.

68. The Committee on the Elimination of Discrimination against Women recommended that States allocate financial resources for increasing access to microcredits, loans and other forms of financial credit for women, in order to promote entrepreneurship and empower them economically, in particular with regard to indigenous women.

69. OHCHR, jointly with the Heinrich Böll Foundation, published a report that identifies human rights violations at many levels in relation to mega-infrastructure development, from the project footprint through macro-level finance and investment policies.² In the publication, the authors seek to contribute towards a more balanced discussion of the rights and duties of Governments, the private sector and the public in connection with the legal framework for mega-infrastructure investment and the role of human rights and environmental law. The publication is dedicated to Berta Cáceres, the indigenous Lenca leader and winner of the Goldman environmental prize, who was killed in Honduras in March 2016 for her opposition to the Agua Zarca dam project. It draws extensively on the experiences of indigenous peoples in relation to major transport, energy and water infrastructure projects.

J. Development of national action plans

70. In June 2018, the OHCHR office in Uganda participated in a workshop organized by the Department of Economic and Social Affairs on the theme of “inclusive development in Uganda in the framework of the United Nations Declaration on the Rights of Indigenous Peoples”, at which indigenous representatives shared the Kisoro Memorandum, outlining their concerns and demands to improve the full enjoyment of their human rights. Participants agreed on the need to develop a national affirmative action programme on indigenous peoples in Uganda. The Ministry of Gender, Labour and Social Development requested that OHCHR be involved in supporting affirmative action measures and capacity-building regarding the rights of indigenous peoples. Furthermore, since November 2018, the country office has been collaborating with the Department of Economic and Social Affairs and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to provide technical assistance to the Ministry of Gender, Labour and Social Development for the development of a national action plan, for which a road map and a timetable have been developed and agreed upon.

71. In March 2019, the OHCHR office in Mexico monitored as observer one of the forums of consultation on the national development plan, led by the National Institute of Indigenous Peoples, providing recommendations from a human rights angle. The office also provided assistance to the ongoing process of elaboration of the new national programme on human rights, including sections relevant to indigenous communities.

72. The OHCHR office in Colombia monitored and followed the prior consultation process of the new national development plan for the period 2018–2022, entitled “Pact for Colombia, Pact for Equity”. Challenges in the negotiations were overcome with the support of the country office and the process concluded with the specific inclusion of a chapter on indigenous issues in the national development plan.

73. The Expert Mechanism on the Rights of Indigenous Peoples under its amended mandate may, upon request, assist Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples. OHCHR supported the Expert Mechanism in this key component of its mandate through a technical cooperation mission to New Zealand in April 2019 at the request of the Independent Monitoring

² See the summary of “The other infrastructure gap: sustainability. Human rights and environmental perspectives” (2018).

Mechanism for the United Nations Declaration on the Rights of Indigenous Peoples in Aotearoa, New Zealand, on behalf of the Iwi Chairs Forum and the New Zealand Human Rights Commission. The Expert Mechanism provided advice on the development of a national plan of action to implement the United Nations Declaration on the Rights of Indigenous Peoples.

74. During a session of the Forum on Business and Human Rights in November 2018, a full meeting was dedicated to indigenous peoples. Key messages from stakeholders included the call made by the caucus of indigenous peoples for all actors to respect their rights and consult with indigenous communities in connection with business projects. The key role of States in complying with their obligations to indigenous peoples was emphasized, including through national action plans and when taking adequate measures against companies that violate the rights of indigenous peoples.

III. Participation of indigenous peoples in United Nations processes

75. The OHCHR office in Colombia provided technical support to indigenous organizations that had made a written submission to the universal periodic review of Colombia in May 2018, in which they pointed out the precarious state of compliance with the commitments subscribed to by the State both in terms of human rights and the ethnic chapter of the Peace Agreement.

76. In December 2018, OHCHR organized a large-scale regional meeting in Cartagena, Colombia, that brought together indigenous representatives from Bolivia, Brazil, Colombia, Costa Rica, Honduras and Mexico. Participants also included State authorities and international experts from the United Nations and the Inter-American Commission on Human Rights. Best practices on how to overcome challenges on the ground and the use of autonomous protocols from various countries were discussed. Participants highlighted the need to start identifying private companies that were genuinely interested in engaging with indigenous communities, in line with international standards and norms. The event contributed to advocating for the use of autonomous protocols and enhancing a regional strategy through a multisectoral network of stakeholders.

77. In November 2018, the OHCHR office in Guatemala provided technical assistance to two indigenous Q'eqchi leaders so that they could participate in the Forum on Business and Human Rights, where they presented cases related to contemporary forms of slavery in the departments of Alta Verapaz and Petén carried out by companies in the palm oil industry. The cases also included violations of the rights of indigenous peoples owing to the expansion of large-scale development projects and the criminalization of various indigenous leaders for their opposition to the implementation of those projects, which were approved without obtaining their free, prior and informed consent.

78. The country office in Guatemala supported 43 groups of indigenous peoples who jointly prepared and submitted a comprehensive alternative report to the Committee on the Elimination of Racial Discrimination. In collaboration with the International Platform against Impunity, the country office also provided technical assistance to the delegation of indigenous peoples that participated in the ninety-eighth session of the Committee in Geneva, representing the Quiché, Kaqchikel, Ixil, Mam and Tzutujil Mayan indigenous peoples.

79. The OHCHR presence in Kenya supported civil society organizations working on indigenous rights to engage with the universal periodic review, providing financial and technical support.

80. During the visit of the High Commissioner for Human Rights to Mexico in April 2019, the OHCHR office ensured the presence of indigenous representatives in her meetings so that they could share with the High Commissioner some of the challenges of indigenous communities, including on issues related to lack of consultation, land rights, right to water and the criminalization of indigenous human rights defenders.

81. During the period under review, the OHCHR Regional Office for South America conducted a training programme on the use of international protection mechanisms in Chile. As a result, several reports presented by civil society organizations in the framework of the third cycle of the universal periodic review of Chile included, for the first time, contributions from indigenous peoples. Furthermore, representatives of two organizations of indigenous peoples presented individual reports.

82. The OHCHR office in Tunisia provided capacity-building support to Amazigh civil society organizations on engaging with the United Nations human rights system. The country office also supported Amazigh civil society organizations in advocacy campaigns with the parliament for the implementation of a law on racial discrimination. The office emphasized that racial discrimination affects indigenous populations in the country, especially in the area of cultural rights, as noted by the Committee on the Elimination of Racial Discrimination in its most recent review of Tunisia (CERD/C/TUN/CO/19).

83. During the period under review, from 18 June to 13 July 2018, the annual OHCHR indigenous fellowship programmes, the most comprehensive Geneva-based training initiative within the United Nations system specifically designed for indigenous peoples, was held in four linguistic components (English, Spanish, French and Russian). Thirty-five fellows (19 women and 16 men) from 29 countries and one senior fellow from Chihuahua, Mexico, participated in the meeting. For the Spanish and Russian linguistic components, the programme started with a preparatory course at Duesto University in Bilbao, Spain, and at the Peoples' Friendship University of Russia in Moscow, respectively.

84. The indigenous fellowship programmes also represent an important opportunity for inter-agency collaboration and help to promote support for indigenous issues within the United Nations system, as they involve the participation of several United Nations agencies and programmes, including the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, UN-Women and the World Intellectual Property Organization.

85. The United Nations Voluntary Fund for Indigenous Peoples continued to be instrumental in ensuring that the voices of indigenous peoples were heard within the United Nations system. During the reporting period, the Fund supported 45 participants in the eighteenth session of the Permanent Forum on Indigenous Issues; 45 participants in the twelfth session of the Expert Mechanism on the Rights of Indigenous Peoples; 40 grants to the sessions of the human rights treaty bodies, the Human Rights Council and the universal periodic review; and 14 grants for participation in a consultation on possible further measures to enhance the participation of representatives and institutions of indigenous peoples in relevant United Nations meetings on issues affecting them. The consultation was organized by the President of the General Assembly during the session of the Permanent Forum on Indigenous Issues in April 2019. In addition to providing financial support for the participation of indigenous peoples in United Nations meetings, the Fund also builds capacity, ensures the constructive engagement of indigenous peoples in United Nations meetings and mechanisms and contributes to strengthening and supporting their work back at home.

IV. Conclusions

86. **During the reporting period, indigenous peoples in many parts of the world continued to face numerous significant challenges in claiming their human rights, as also highlighted by United Nations human rights mechanisms. In that context, OHCHR carried out a range of country, regional and international activities to facilitate constructive dialogue and engagement between indigenous peoples, national authorities, public officials and the private sector.**

87. **OHCHR supported the meaningful participation and empowerment of indigenous peoples, so that they could take an active part in decision-making. It played a key role in facilitating dialogue and bringing indigenous peoples and duty bearers together, promoting confidence-building and the effective participation of indigenous peoples in decisions that directly or indirectly affect their lifestyles,**

traditional lands and territories and their cultural integrity as indigenous peoples with collective rights.

88. Recognizing that the 2030 Agenda for Sustainable Development offers a critical opportunity for indigenous peoples to claim their rights, OHCHR supported its implementation, including the Sustainable Development Goals and their associated targets, which are of immediate relevance for indigenous peoples. Further improving the collection, analysis and dissemination of disaggregated data remains critical for a comprehensive assessment of the extent and range of challenges confronting indigenous peoples today.

89. An alarming increase in attacks on and criminalization of indigenous peoples defending their rights, especially their rights to their traditional lands and natural resources, was registered during the reporting period. The lack of statutory recognition and adequate protection of indigenous land rights remains a reality in many countries. OHCHR continued to support States, national human rights institutions and civil society in empowering individuals and communities to monitor deteriorating situations. It also supported the establishment of systems to prevent and monitor conflicts, particularly in regard to the lands and resources of indigenous peoples, and focused on the way in which the activities of international financial institutions affect the rights of indigenous peoples.

90. OHCHR continued to support States in strengthening their capacity to protect indigenous human rights defenders and to fulfil their duty to consult and cooperate with indigenous peoples to obtain their free, prior and informed consent before adopting and implementing measures that may affect them.

91. Indigenous peoples worldwide are facing numerous challenges in accessing State justice systems. Through its work, OHCHR assisted States in improving the access of indigenous peoples to legal remedies and empowering them to advocate for the recognition of their own justice systems. It further assisted States in strengthening the participation of indigenous peoples in the development and implementation of domestic policies and legislation to protect their rights.

92. Indigenous women and girls are particularly at risk of social exclusion, as they are often exposed to multiple and intersecting forms of discrimination based on gender and ethnicity. OHCHR has therefore put particular emphasis on empowering indigenous woman and girls to fully, equally and effectively participate in political, economic, cultural and social life.

93. As the present report demonstrates, efforts are needed by all stakeholders, and States in particular, to effectively ensure the full and equal enjoyment of rights for all indigenous peoples through legislation, policies and strategies that are sensitive to the issues of importance to indigenous peoples, in line with the United Nations Declaration on the Rights of Indigenous Peoples, relevant human rights obligations and the outcome document of the World Conference on Indigenous Peoples.
