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### Permanent Forum on Indigenous Issues

#### Tenth session

New York, 16-27 May 2011

Item 3 of the provisional agenda\*

#### Follow-up to the recommendations of the Permanent Forum:

##### (a) Economic and Social Development

### **Report of the international technical expert meeting on “Keeping track – indicators, mechanisms and data for assessing the implementation of indigenous peoples’ rights”**

Submitted by the International Labour Organization, the Office of the High Commissioner for Human Rights and the Secretariat of the Permanent Forum on Indigenous Issues

#### *Summary*

At its eighth session, the Permanent Forum on Indigenous Issues recommended that the Inter-agency Support Group on Indigenous Peoples’ convene an international technical expert seminar on indicators of the well-being of indigenous peoples. In response to this recommendation, the International Labour Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR) and the Secretariat of the Permanent Forum on Indigenous Issues (SPFII) organized an international

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\* E/C.19/2011/1.

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expert seminar to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, in Geneva from 20-21 September 2010. This report contains background information and the key conclusions and recommendations of the meeting. A full report of the meeting is contained in CRP.

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## **I. Introduction**

1. Following the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, the efforts of governments, indigenous peoples and the UN system are now oriented towards the implementation of indigenous peoples' rights and the pursuit of positive impacts in the lives of indigenous peoples. A key challenge in this regard is to assess progress in implementation, which can serve to identify gaps, needs and challenges and to inform policies and interventions. In developing a framework for such work, elements to be taken into consideration include:

- The basic assumptions to inform such a framework, including the compatibility of ILO Convention No. 169 and other human rights instruments with the UNDRIP;
- The identification of adequate indicators;
- The availability, generation and disaggregation of data, and;
- The existence and establishment of mechanisms that can sustain such a framework.

2. At its 8<sup>th</sup> Session in 2009, the UN Permanent Forum on Indigenous Issues (UNPFII) issued a recommendation for the Inter-Agency Support Group (IASG) to *“convene an international technical expert seminar on indicators of the well-being of indigenous peoples to discuss indicators that could be used in monitoring the*

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*situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples”.*<sup>1</sup>

3. In response to this recommendation, the International Labour Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR) and the Secretariat of the Permanent Forum on Indigenous Issues (SPFII) jointly organized the Technical Expert Meeting, which took place on 20-21 September 2010 at the ILO headquarters in Geneva.

4. The aim of the Technical Expert Meeting was to take stock of the various efforts to develop indicators and generate data on the situation of indigenous peoples, and discuss the main features of an integrated assessment framework, to assist actors at local, national and international levels in their efforts to assess progress in implementing the UN Declaration on the Rights of Indigenous Peoples. A total of 48 participants attended the workshop from the following areas:

- Members of the IASG, including field staff and experts on data, statistics and human rights monitoring,
- The UN Special Rapporteur on the Rights of Indigenous Peoples, members of the UN Permanent Forum on Indigenous Issues (UNPFII), and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
- Members of UN Treaty Bodies

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<sup>1</sup> E/2009/43, para. 33.

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- Institutions, governments and individual experts with particular experience and/or involvement in the monitoring of indigenous peoples' rights and well-being; and
- Regional indigenous networks.

5. By the end of the Meeting, the participants agreed on a short text, reflecting the *conclusions and recommendations*. The agenda of the Meeting is found in Annex A. The full report of the meeting is available on the web page of the Tenth Session of the Permanent Forum.<sup>2</sup> Ms. Birgitte Feiring was the rapporteur of the Meeting.

## **II. Conclusions and recommendations**

6. During the course of the meeting, the participants were informed about the many valuable initiatives taken by indigenous peoples, governments and UN agencies on indicators and data collection for assessing the implementation of indigenous peoples' rights. Also, experiences generated through monitoring of human rights and labour rights more generally were shared, in order to inspire the specific work on indigenous peoples' rights. The participants acknowledged and valued the importance of these experiences, which were analyzed and discussed in order to draw lessons learned and to inform the way forward.

7. The key conclusions of the discussions were as follows:

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<sup>2</sup> [http://www.un.org/esa/socdev/unpfii/en/session\\_tenth.html](http://www.un.org/esa/socdev/unpfii/en/session_tenth.html)

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## **A. General principles:**

8. The UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 (ratified by 22 countries) are compatible and complementary and provide the common normative framework of indigenous peoples' rights along with key human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

9. There is no single institutionalized mechanism for monitoring the implementation of the UN Declaration on the Rights of Indigenous Peoples. , but many existing mechanisms and processes, undertaken by States, indigenous peoples and the UN-system, contribute to providing quantitative and qualitative information about its progressive application.

10. In order to enhance coordination, complementarity and synergies, a common assessment framework should be outlined, in order to facilitate the assessment of implementation. The framework should not replace but rather strengthen the many existing efforts by outlining a comprehensive and coherent approach, which suggests illustrative indicators and possible data sources and indicate linkages to relevant institutionalized mechanisms.

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11. Such a framework should reflect the full range of rights enshrined in the UNDRIP and Convention No. 169, in addition to the “deficit oriented” approach applied in many countries to document the social, political and economic gaps between the indigenous and non-indigenous sectors of society.

12. The framework should be elaborated in partnership with indigenous peoples, to reflect their visions and to ensure their full participation in the operationalisation and use of the framework, including in community-led assessment processes.

13. The framework should be elaborated with a view to ensuring its operational feasibility, taking into account regional and national differences, the low capacity of many institutions, the need to scale-up promising experiences, and cost implications of suggested approaches.

14. The suggested approach implies the involvement of multiple and diverse actors and institutions who will in most cases have little or limited capacity and knowledge of indigenous peoples rights’ or the technicalities associated with indicators, statistics and data generation. It should thus be acknowledged that substantial capacity-building efforts are needed to ensure that all parties can contribute, including indigenous peoples, government institutions concerned with data generation and statistics as well as UN and donor agencies.

## **B. Indicators**

15. Conceptually, the framework should be inspired by the OHCHR methodology to identify structural, process and outcome indicators, which will allow an assessment of 1) international commitments, domestic legislation, administrative regulations and institutions, 2) efforts undertaken to make rights effective through institutional arrangements, budgetary allocations, projects and programmes, and 3) the actual result of such efforts, e.g. in terms of life expectancy, health, well-being.

16. The framework should provide a list of illustrative indicators that, in a flexible manner, can be further adapted to regional, country and local contexts and to the diversity of indigenous peoples, including the diversity within indigenous communities, particularly related to age and gender. Along with the definition of specific indicators to capture the collective aspects of indigenous peoples' rights, the framework should, to the extent possible, include indicators that can be informed by common data sources, disaggregated to specify the situation of indigenous peoples.

## **C. Data collection**

17. A common framework will allow all parties to progressively contribute data towards the overall assessment process of implementation of indigenous peoples' rights. It should thus enable the accommodation of both qualitative and quantitative data, as well as data generated through censuses, surveys and administrative

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registers along with case studies, and information generated in community-led processes.

18. In parallel to the collection of disaggregated data and data related to specific indigenous peoples-related indicators, existing data collections should also be reviewed to assess whether these could be used in a creative way to inform the assessment of implementation of indigenous peoples' rights.

## **D. Mechanisms**

19. The framework should indicate bridges to the broader human rights framework, and point out links to existing institutionalized supervisory mechanisms (UN treaty monitoring bodies, UN specialized mechanisms, ILO supervisory system as well as other international instruments/processes relevant to indigenous peoples). The contributions of these mechanisms in the monitoring of indigenous peoples' rights are absolutely crucial, as they will provide qualitative assessments and recommendations with direct implications for state parties.

20. For disaggregated demographic and socio-economic statistics, national bureaus of statistics will need to be involved, with the engagement of the UN Statistics Division, particularly with regards to expansion into regions that have not previously included indigenous identifiers in national data gathering processes.

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21. Efforts should be made to encourage and enable indigenous peoples to undertake their own processes of assessing the implementation of their rights at local, national, regional and international levels. Such processes will inform indigenous peoples' own decision-making and also allow them to feed quality information into existing mechanisms, including UN treaty monitoring bodies, ILO supervisory mechanisms and specialized UN mechanisms such as the UN Special Rapporteur on the Rights of Indigenous Peoples, the EMRIP and the UNPFII as well as poverty reduction strategies, PRSPs, CCA-UNDAFs and other national policies and strategies.

22. The ILO, OHCHR and UNPFII, in collaboration with the IASG, are requested to continue the work to further develop an integrated assessment framework for indigenous peoples' rights, based on the key conclusions of this Technical Expert Meeting. Recognizing that further technical work and capacity-building for international and national agencies and indigenous peoples are vital for the development and the adequate application of such a coherent assessment framework, governments and donors are encouraged to support these efforts by making resources available.

23. Finally, the ILO, OHCHR and UNPFII are requested to present the report of the Technical Expert Meeting and an update on the progress with regards to the integrated assessment framework at the forthcoming Session of the UNPFII in 2011.

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## Annex A: Agenda

Monday 20 September 2010	Tuesday 21 September 2010
<p><b>09.30-10.15: Opening remarks:</b></p> <ul style="list-style-type: none"> <li>○ <i>Ms. Cleopatra Doumbia-Henry</i> Director, International Labour Standards Department, ILO</li> <li>○ <i>Mr. Antti Korkeakivi</i>, Chief, Indigenous Peoples and Minorities Section, OHCHR</li> <li>○ <i>Ms. Victoria Tauli-Corpuz</i>, Member of the UN Permanent Forum on Indigenous Issues</li> </ul>	<p><b>09.00-10.00 : Briefing from working groups</b></p>
<p><b>10.15-10.30: Coffee Break</b></p>	<p><b>10.00-10.30: Session 3: Data</b>  <b>Facilitator: Broddi Sigurdarson</b></p> <ul style="list-style-type: none"> <li>○ Data generation in Latin America, <i>Ana Maria Oyarce, ECLAC</i> (10)</li> <li>○ Disaggregation of data in Nepal, <i>Balkrishna Mabuhang CEADS</i>, (10)</li> <li>○ Difficulties with data generation in Africa, <i>Joseph Ole Simel MPIDO</i> (10)</li> </ul>
<p><b>10.30-12.30 : Session 1 : Basic assumptions</b>  <b>Facilitator Lee Swepston</b></p> <ul style="list-style-type: none"> <li>○ The United Nations Declaration on the Rights of Indigenous Peoples and the ILO Convention No. 169 as articulations of universal human rights, <i>Samia Slimane OHCHR</i> (15)</li> <li>○ ILO experience on the process of developing indicators, <i>Karen Curtis ILO</i> (10)</li> <li>○ Introduction to the OHCHR's conceptual and methodological framework on indicators for human rights assessment, <i>Nicolas Fasel OHCHR</i> (40)</li> <li>○ Human rights indicators for indigenous peoples, <i>Nicole Friederichs</i> (20)</li> <li>○ Questions and Answers (25)</li> <li>○ Facilitator's sum-up (10)</li> </ul>	<p><b>10.30-10.45: Coffee Break</b></p> <p><b>10.45-12.00: Session 3: Data - continued</b></p> <ul style="list-style-type: none"> <li>○ Experiences from Ecuador, <i>Silverio Chisaguano INEC</i> (10)</li> <li>○ Experiences from Paraguay, <i>Zulma Sosa de Servin DGEEC</i> (10)</li> <li>○ Experiences from New Zealand, <i>Peter Potaka</i></li> <li>○ Community experiences, <i>Neil Keating, The College at Brockport</i> (10)</li> <li>○ Discussion (30)</li> <li>○ Facilitator's sum-up (15)</li> </ul>
<p><b>12.30-14.00: LUNCH</b></p>	<p><b>12.00-13.30: LUNCH</b></p>
<p><b>14.00-15.45 : Session 2 : Indicators</b>  <b>Facilitator : Joan Carling</b></p> <ul style="list-style-type: none"> <li>○ Indicators on indigenous peoples well-being and CBD, <i>Victoria Tauli-Corpuz, UNPFII</i> (15)</li> <li>○ Implementation of the HR indicators project in Mexico, <i>Marycarmen Color OHCHR</i> (10)</li> <li>○ Experiences in Asia, <i>Ram Gautam, OHCHR</i> (10)</li> <li>○ Specific indigenous indicators in Australia, <i>Lawrence McDonald, Productivity Commission, Government of Australia</i> (15)</li> <li>○ Using traditional occupations as an indicator, <i>David Hunter, ILO</i> (10)</li> <li>○ Indicators and Better Work, <i>ILO</i> (10)</li> <li>○ Questions and Answers (25)</li> <li>○ Facilitator Sum-up (10)</li> </ul>	<p><b>13.30-15.30 : Session 4 : Mechanisms</b>  <b>Facilitator: Tonya Frichner</b></p> <ul style="list-style-type: none"> <li>○ ILO supervisory bodies, <i>Shauna Olney, ILO</i> (15)</li> <li>○ UN Treaty Bodies, <i>Francisco Cali Tzay (CERD)</i> and <i>Virginia Bras Gomez (CESCR)</i> (30)</li> <li>○ Special Rapporteur, <i>James Anaya</i> (20)</li> <li>○ AIPP and experiences with UPR, <i>Joan Carling AIPP</i> (15)</li> <li>○ Discussion (30)</li> <li>○ Facilitator sum-up (10)</li> </ul>

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<b>15.45-16.00: Coffee Break</b>	<b>15.30-15.45: Coffee Break</b>
<b>16.00-17.30: Working Groups:</b> <ul style="list-style-type: none"><li>○ Which are the key criteria for human rights indicators for indigenous peoples</li></ul>	<b>15.45-17.00: Working Group:</b> <ul style="list-style-type: none"><li>○ How can progress on indicators and data collection strengthen the work and complementarity of these mechanisms</li></ul>
	<b>17.00-18.00: Conclusions and recommendations</b> <ul style="list-style-type: none"><li>○ Briefing from Working Groups</li><li>○ Rapporteur summing-up</li><li>○ Concluding remarks by participants</li></ul>