

# THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

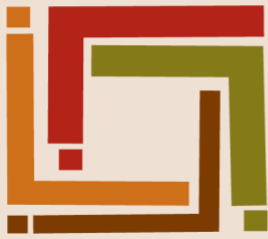
TOGETHER WE ACHIEVE

## International Day of the World's Indigenous Peoples Indigenous Peoples' Migration and Movement Thursday 9 August 2018

### Key messages:

- There is an urgent need to develop policies/agreements/binational plans concerning indigenous peoples in and around international borders and in urban areas. Emphasis should be placed on assistance to indigenous peoples to develop their own solutions.
- The right to self-determination of indigenous peoples should be respected, as it allows individuals and groups that have left, been displaced, or migrated from their ancestral lands to maintain a link to their indigeneity.
- States, in cooperation with indigenous peoples, should establish indigenous peoples' centers in urban areas to address their needs and assistance, including support mechanisms that allow involuntarily displaced indigenous peoples to return to their original communities.
- To combat the adverse effects of migration, States in cooperation with indigenous peoples, should provide employment and economic development opportunities within indigenous territories.
- There is a need for statistical information on indigenous peoples (who, how many, where) to serve as basic input to develop policies and programmes.
- Given the complexity of indigenous mobility, qualitative and ethnographic studies must be conducted, all of which will lead to greater understanding of the social and cultural aspects of indigenous peoples that are moving across borders and urban areas.
- Considering the crucial role that indigenous women play in maintaining sociocultural ties and the cohesion of their homes and communities, States should take all actions necessary to eliminate the violation of their rights by creating conditions that facilitate their access to basic services and opportunities for improving the quality of life for them and their homes.





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## Relevant PFII Recommendations

### Border issues

#### 17<sup>th</sup> Session

**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.

**67.** The Permanent Forum urges the Governments of Colombia and Ecuador to take immediate action to protect the indigenous peoples whose territories are in the border area between the two countries. The Forum encourages the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the rights of indigenous peoples to work with the two Governments to address this situation in close cooperation with the indigenous communities concerned.

**103.** The Permanent Forum welcomes the constructive dialogue between the indigenous peoples and Member States in North America on border-crossing issues (honouring the Jay Treaty, the North American Free Trade Agreement and cross-border pipelines), the designation of 2019 as the International Year of Indigenous Languages and the creation of space for indigenous youth to participate in the processes of the Forum. The Forum notes the recent second meeting of the North American Working Group on Violence Against Indigenous Women and Girls and encourages Canada, Mexico and the United States to develop a trilateral initiative on transboundary issues of concern to indigenous peoples.

#### 12<sup>th</sup> Session

**41.** The Permanent Forum is alarmed by the continuing acts of violence being perpetrated against indigenous peoples by Member States and others. The Forum therefore acknowledges the need for States to establish a monitoring mechanism to address violence against indigenous peoples, including assassinations, assassination attempts and rapes, and intimidation of indigenous peoples in their attempts to safeguard and use their homelands and territories that transcend national borders, including the non-recognition of their membership identification and documents and the criminalization of their related activities. Specific attention must be paid to such actions being perpetrated by State and local police,





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the military, law enforcement institutions, the judiciary and other State-controlled institutions against indigenous peoples.

**16.** Education in the mother tongue and bilingual education, foremost in primary and secondary schools, lead to effective and long-term successful educational outcomes. The Permanent Forum urges States to fund and implement the Programme of Action for the Second International Decade of the World's Indigenous Peoples, specifically in the following education-related objective. The Forum underlines the need for States to respect and promote indigenous peoples' definitions of learning and education, founded on the values and priorities of the relevant indigenous peoples. The right to education is independent of State borders and should be expressed by indigenous peoples' right to freely traverse borders, as supported by articles 9 and 36 of the United Nations Declaration on the Rights of Indigenous Peoples.

## **11<sup>th</sup> Session**

**19.** The Forum expresses its concerns regarding continued violence against women and, owing to the seriousness of these conditions, reiterates its previous recommendations regarding: human and sex trafficking; prostitution and trans-border issues; the disappearance, or murder, of aboriginal women; issues related to identification and birth certificates; environmental violence; intergenerational trauma; youth suicide; peace and security; conflict prevention and resolution; cultural practices such as female genital mutilation or cutting; bride price and promised brides; racism and discrimination; and data disaggregation.

## **9<sup>th</sup> Session**

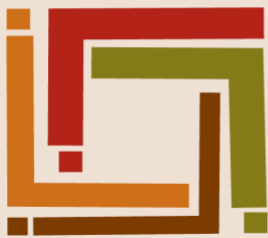
**98.** The Permanent Forum recommends that the Governments of Canada and the United States address the border issues, such as those related to the Mohawk Nation and the Haudenosaunee Confederacy, by taking effective measures to implement article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that indigenous peoples divided by international borders have the right to maintain and develop contacts, relations and cooperation with their own members as well as other peoples across borders.

## **8<sup>th</sup> Session**

**55.** The Permanent Forum urges the Nordic States to ratify, as soon as possible, the Nordic Saami Convention, which could set an example for other indigenous peoples whose traditional territories are divided by international borders.

## **6<sup>th</sup> Session**





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**111.** The Permanent Forum requests that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people undertake a study on the rights of urban indigenous peoples and migration, paying particular attention to their ability to exercise and enjoy their economic and social rights, and that the study be considered at the eighth session of the Permanent Forum. The themes that could be considered in the study include cultural identity, equitable access to essential services, the challenges facing indigenous youth and border issues.

## **3<sup>rd</sup> Session**

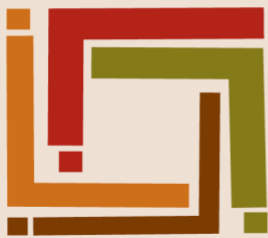
**12.** Given the large number of indigenous migrants within and beyond national borders and the particular vulnerability of indigenous women migrants, as well as the lack of adequate data and attention to their problems, the Forum recommends launching a new initiative involving various stakeholders, including the Inter-Agency Support Group, the United Nations International Research and Training Institute for the Advancement of Women and the International Organization for Migration (IOM), in order to face this urgency. The Forum recommends, as a first step, the convening of a workshop on the theme "Migration of indigenous women" in order to highlight the urgency and scale of the issue, including the alarming trend of trafficking indigenous women within and across national borders, and the development of recommendations and guidelines for addressing the problems faced by indigenous migrant women. Participants to the workshop should be a selected number of members of the Forum, relevant United Nations departments, agencies, funds and programmes, and experts from indigenous organizations, NGOs, intergovernmental organizations, Governments and academia. The objectives of the workshop should be: a. To underscore the urgency and scale of the issue; b. To highlight and address the lack of reliable data on the issue and to promote the systematic collection of data (of both quantitative and qualitative nature) by relevant United Nations and other intergovernmental entities, Governments, NGOs, indigenous organizations, and academia; c. To review and analyze existing data; d. To provide a report, including recommendations, to the Forum.

## **Migration**

### **16<sup>th</sup> Session**

**51.** The Permanent Forum reiterates the need for the implementation of its recommendation, contained in paragraph 12 of its report on its third session E/2004/43-E/C.19/2004/23), relating to the situation of indigenous women migrants. The Forum invites ILO to coordinate with other appropriate agencies, in cooperation with indigenous women's organizations, to





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prepare a report on the situation of indigenous women with regard to informal work, migration and working conditions, for submission to the Forum at its eighteenth session.

## 10<sup>th</sup> Session

72. The Permanent Forum recommends that UNICEF continue to gather data on the issue of children and migration and information on the effects of migration on children, recognizing in particular the situation of indigenous children, the risks of serious exploitation, such as trafficking in human beings for various purposes, and the restoration of rights to victims and vulnerable children, such as street children, through all country-level programmes.

## 8<sup>th</sup> Session

30. The Permanent Forum urges States, with the effective participation of indigenous peoples, to address the concomitant loss of community citizenship and human rights when indigenous peoples are forced to migrate or are displaced by violent conflicts, with a particular emphasis on indigenous women.

## 7<sup>th</sup> Session

47. The Permanent Forum is concerned about the growing impacts of climate change and environmental degradation on the lives and livelihoods of indigenous peoples around the world. The Forum recommends that the International Organization for Migration and other relevant organizations provide technical cooperation and operational assistance to those Governments and communities planning organized migration management solutions for climate change and environmental refugees and migrants, giving priority, according to the principle of free, prior and informed consent, to the assisted voluntary resettlement and reintegration of those indigenous communities whose territories are no longer inhabitable.

108. The Permanent Forum urges the United Nations Population Fund, the Economic Commission for Latin America and the Caribbean, and other regional mechanisms, in collaboration with indigenous peoples, to conduct studies on indigenous peoples, urbanization and migration, with an emphasis on indigenous women and youth.

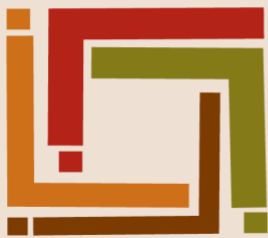
110. The Permanent Forum urges States, United Nations agencies and indigenous peoples' organizations to collaborate with UN-Habitat and other United Nations agencies in their development of policy guidelines for local authorities on urban indigenous issues.

## 6<sup>th</sup> Session

98. The Permanent Forum recommends that Asian States:(a)Adopt the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council







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on 29 June 2006, before the end of the sixty-first session of the General Assembly;(b)Recognize indigenous peoples constitutionally and legally as peoples, promote legal reform, in particular with regard to the recognition of indigenous peoples' collective land rights and their customary laws and institutions, which promote diversity and pluralism;(c)Adopt laws regulating the activities of investors and mitigating the negative impact of economic liberalization on the territories of indigenous peoples;(d) Have national laws in conformity with relevant international norms and standards;(e)Establish land commissions or mechanisms that address violations of indigenous peoples' land rights, facilitate the restitution of alienated land and settle disputes;(f) Establish full transparency regarding projects on indigenous territories by States and corporations, through the implementation of the principles of free, prior and informed consent, in accordance with customary laws and practices of the respective indigenous peoples;(g) Abandon transmigration policies and programmes and prevent illegal migration to indigenous territories.

**111.** The Permanent Forum requests that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people undertake a study on the rights of urban indigenous peoples and migration, paying particular attention to their ability to exercise and enjoy their economic and social rights, and that the study be considered at the eighth session of the Permanent Forum. The themes that could be considered in the study include cultural identity, equitable access to essential services, the challenges facing indigenous youth and border issues.

**113.** Considering the family separations caused by migration, and the psychological impact on men, children and women left behind, the Permanent Forum recommends that UNICEF: (a) Conduct a comprehensive study on the effects of remittances and the psychosocial and cultural impact of migrations; (b) Promote programmes to ensure continuity between countries of origin and destination in order to ensure continuity in indigenous children's relationships with their migrant parents and the protection of migrant children; (c) Support programmes for the protection of the rights of men, children and women left behind.

**118.** The Permanent Forum recommends that States, in order to combat the adverse effects of migration, cooperate with indigenous peoples to provide employment and economic development opportunities within their territories.

## **4<sup>th</sup> Session**

**100.** Youth employment poverty-reduction strategies of States and the intergovernmental system should especially focus on indigenous youth, women and men, who are among the





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most marginalized within the current economic system. Addressing the needs of indigenous youth will also help to achieve Millennium Development Goal 3 and address pressures and problems arising from mass rural-to-urban migration.

