



International
Labour
Organization

**UN Permanent Forum on Indigenous Issues
Seventeenth Session, 16-27 April 2018
UN Headquarters, New York**

Questionnaire to the UN system agencies, funds and programmes and intergovernmental organizations

Reply by the International Labour Organization (ILO)

Geneva, 5 January 2018

A. Recommendations of the Permanent Forum on Indigenous Issues

With respect to the implementation of the recommendations of the Permanent Forum addressed specifically to your agency, fund and/or programme:¹

- i. Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum addressed specifically to your organization.

Recommendation 1: The Permanent Forum encourages ILO to promote the ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) (Indigenous and Tribal Peoples Convention).

Guided by the 2015 ILO strategy for action concerning indigenous and tribal peoples (available at www.ilo.org/indigenous), the ILO continues to promote the ratification and effective implementation of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and is providing related support including facilitating dialogue among ILO constituents and with representative organizations of indigenous and tribal peoples; supporting preliminary assessments; and capacity building for establishing a legal, policy and institutional framework suitable for the Convention's application.

Documenting and sharing existing experiences with Convention No. 169 is a key strategy for building capacity for its better application in countries that have ratified the Convention *and* for promoting and supporting efforts towards ratification in others. See, for example, ILO, *Procedures for consultations with indigenous peoples - Experiences from Norway*, 10 November 2016, available at:

¹ See attached document entitled 'Recommendations addressed to the UN Agencies' to facilitate your responses.

http://www.ilo.org/global/topics/indigenous-tribal/publications/WCMS_534668/lang--en/index.htm

In November 2017, the ILO organized a Regional Forum on Convention No. 169 during which ILO constituents and indigenous peoples' representatives expressed their views and priorities with regard to needed support for promoting and strengthening the application of Convention No. 169 in Latin America (see: http://www.ilo.org/americas/sala-de-prensa/WCMS_603475/lang--es/index.htm). The outcomes will inform the ILO interventions in the region in 2018-19.

In October 2016, the Governing Body, in the context of the ILO Standard Review Mechanism, approved Office follow-up with member States for which the Indigenous and Tribal Population Convention, 1957 (No. 107) is in force, encouraging them to ratify Convention No. 169, as the most up-to-date ILO instrument in this subject area, and collecting information with the aim of better understanding the reasons for their non-ratification of the later.

Recommendation 2: The Permanent Forum recommends to ILO and its Governing Body that a technical expert meeting be organized to consider the drafting of a recommendation to supplement the Indigenous and Tribal Peoples Convention.

The 2015 ILO Strategy for action concerning indigenous and tribal peoples provides for interventions to build national capacity for the application of Convention No. 169, combining various types of action, including promotion of dialogue between the ILO constituents and indigenous and tribal peoples, standards-related technical assistance, and the documentation, assessment and sharing of existing experiences and good practices with the involvement of ILO constituents and indigenous and tribal peoples. Sharing of experiences will be promoted across countries and regions. As noted in the strategy, this could lead to the development of ILO guidelines or a code of practice. Against this background, the recommendation is brought to the attention of ILO constituents for their consideration in due course, as appropriate.

Recommendation 3: 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 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.

Recommendation 4: The Permanent Forum recommends that ILO, in collaboration with UNFPA and other relevant United Nations agencies, prepare a study on access to the labour market by and labour conditions of indigenous women and youth and the challenges, barriers and stereotypes that may affect their professional development, for submission to the Forum at its eighteenth session.

The ILO welcomes the above-mentioned UNPFII Recommendations 3 and 4 and is exploring, together with other UN agencies, possible follow-up. The ILO fully shares the concerns of the UNPFII with regard to the need for a specific focus on access to decent work of indigenous women and youth as key strategy for securing

their rights and economic empowerment. Indeed, the ILO has increasingly been engaging with indigenous peoples' issues through the lens of intersectionality. This includes a specific focus on indigenous women and indigenous persons with disabilities, including in relation to ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

In 2017, the ILO has further expanded its work on economic, social and cultural rights of indigenous women and men, including several studies and deliverables specifically focusing on indigenous women and their economic empowerment. Interventions have focused on both concrete support on the ground as well as action-oriented research and knowledge development. Several of these activities were implemented with the support of the Swedish International Development Agency (SIDA), the Swiss Agency for Development and Cooperation (SDC) and the European Union. In addition to building national capacity to enhance access to decent work opportunities, research and knowledge development has focused on the situation of indigenous women workers with regard to the informal economy (including domestic work, construction sector etc.), rural economy, migration and conditions of work, as well as climate change. These and other on-going or future studies can feed into future reports for submission to the UNPFII as mentioned in Recommendations 3 and 4 above.

A Study on Working Conditions of Tea Plantation Workers in Bangladesh, 13 July 2017, available at:

http://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_563692/lang--en/index.htm

Study Report on Working Conditions of Indigenous and Tribal Workers in Bangladesh's Urban Economy: A Focus on the Garment Industry and Beauty Parlours, 13 July 2017, available at:

http://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_563704/lang--en/index.htm

The labour situation of indigenous women in Peru: A study, 02 March 2017, available at:

http://www.ilo.org/global/publications/WCMS_546285/lang--en/index.htm

Video Documentary: *Empowering indigenous women through decent work*, 19 September 2017, available at:

http://www.ilo.org/global/topics/indigenous-tribal/video/WCMS_575557/lang--en/index.htm

Indigenous Peoples and Climate Change: From Victims to Change Agents through Decent Work, 21 April 2017, available at:

http://www.ilo.org/global/topics/indigenous-tribal/WCMS_551189/lang--en/index.htm

Decent Work for Indigenous and Tribal Peoples in the Rural Economy, 22 November 2017, available at: http://www.ilo.org/global/topics/economic-and-social-development/rural-development/WCMS_601067/lang--en/index.htm

Working conditions of indigenous women and men in Central Africa: an analysis based on available evidence, 13 December 2017, available at: http://www.ilo.org/global/topics/indigenous-tribal/publications/WCMS_613855/lang--en/index.htm

- ii. What are the enabling factors that facilitate your agency's implementation of the Forum's recommendations?

A key enabling factor facilitating ILO follow-up to UNPFII recommendations is the ILO's institutional responsibility for the Indigenous and Tribal Peoples Convention, 1989 (No. 169) which is the only international treaty of the UN system, open for ratification, specifically dedicated to indigenous peoples' issues and rights.

Promoting indigenous peoples' rights and development, through the Decent Work Agenda and based on all relevant ILO Conventions and Recommendations, including Convention No. 169, is an integral part of the ILO's mandate and work. In 2015, the Governing Body of the International Labour Office endorsed, for the first time, an ILO strategy for action concerning indigenous and tribal peoples (available at www.ilo.org/indigenous). This institutional and programmatic context enables the ILO to design and implement interventions in favour of indigenous and tribal peoples in an integrated manner, including action that follows-up to recommendations of the Permanent Forum.

Being an active member of the United Nations Indigenous Peoples Partnership (UNIPP) and the Inter-Agency Support group on Indigenous Peoples Issues (IASG) allows the ILO to partners with other UN agencies in addressing UNPFII recommendations.

- iii. What are some of the obstacles your agency has encountered in implementing the recommendations of the Permanent Forum?

There have been no obstacles in addressing the above-mentioned UNPFII recommendations addressed to the ILO.

B. System Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples

As requested in the Outcome Document of the World Conference on Indigenous Peoples (2014), a system-wide action plan (SWAP) to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples was adopted in November 2015, and launched by the Secretary General at the UN Permanent Forum in May 2016. The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2018 session.² For ease of reference, the questions have been framed under the six key elements of the SWAP-Indigenous Peoples as follows:

1. Raising awareness of the UN Declaration

² See Report of the 15th session of the UN Permanent Forum on Indigenous Issues (E/2016/43) at para. 73.

Please provide information on any activities that raise awareness of the UN Declaration on the Rights of Indigenous Peoples, including key messages, advocacy and other media and outreach initiatives. Please provide information on publications, films, audio material, maps, or other materials that feature or focus on the UN Declaration and on indigenous peoples. Please also provide links to the relevant websites and other sources.

The ILO 2015 Strategy for action concerning indigenous and tribal peoples specifically refers to the UN system-wide action plan to ensure a coherent approach to achieving the ends of the UNDRIP (SWAP), highlighting the promotion of Convention No.169 and joint UN interventions and initiatives as concrete opportunities for the ILO in the context of the SWAP.

UNDRIP is often referred to and highlighted in relevant ILO publications, training and awareness raising efforts, along with the Convention No. 169. UNDRIP is also systematically highlighted in the ILO's statements on the occasion of the International Day of the World's Indigenous Peoples. The 2017 International Day statement focused the tenth anniversary of the adoption of UNDRIP and its relevance to indigenous women (see *Indigenous women's voice and empowerment more important than ever to ensure a better future of work for all*, Statement by ILO Director-General Guy Ryder on the occasion of 2017 International Day of the World's Indigenous Peoples, 9 August 2017, available at http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/WCMS_568556/lang--en/index.htm).

In partnership with indigenous peoples' organizations, NGOs and the EU, the ILO is takes part in the Indigenous Navigator Initiative (2017-2020) which is a global effort to support indigenous peoples' efforts to monitor their rights and development against an integrated framework grounded in UNDRIP, Convention (No. 169) and other international human rights. The initiatives works with local communities across 11 countries. Given its alignment with the Sustainable Development Goals and the outcome document of the 2014 World Conference on Indigenous Peoples, the Indigenous Navigator framework is also used to promote active participation and visibility of indigenous peoples in SDG-related processes and national and international levels as means for ensuring that they are not left behind.

2. Supporting the implementation of the UN Declaration, particularly at the country level

Please provide information on actions taken or planned by your agency, fund, programme, entity on the following:

- i.* Measures taken or planned to support national partners in reform and implementation of legal frameworks, policies, strategies and plans to implement the UN Declaration on the Rights of Indigenous Peoples, including any joint programming initiatives. Please also include information related to include indigenous women in your responses.

During 2017, the ILO is has been implementing targeted interventions to support ILO constituents and indigenous peoples in Bangladesh, the Plurinational State of Bolivia, Costa Rica, Guatemala, Honduras and Peru, and has provided more punctual assistance in several other countries. These activities included capacity building and awareness raising regarding the Convention No. 169; technical advisory services with regard to related laws and public

policies, including with regard to consultation and participation; addressing and preventing forced labour and child labour in indigenous communities; studies and surveys on employment, skills and working conditions of indigenous workers, with a specific focus on indigenous women.

The ILO convened a Regional Forum on the implementation of Convention No. 169 in Lima, Peru, in November 2017. The Forum identified challenges in the implementation of the Convention and identify the way forward for strengthening laws, policies and mechanisms that support consultations, participation and dialogue. It was attended by government, employers' and workers' representatives from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay and Peru, as well as by regional indigenous peoples' organizations. More information on the Forum is available at: http://www.ilo.org/americas/sala-de-prensa/WCMS_603475/lang--es/index.htm

- ii. Support provided to Member States to mainstream the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples in national development plans and in the UN Development Assistance Frameworks and Common Country Assessments (CCA/UNDAFs).

A new regional report on indigenous people's rights in Asia reviews the recognition of these rights in the region. It can serve as a tool for practitioners involved in developing national development plans and in the preparation of CCA/UNDAFFs. See: *The rights of indigenous peoples in Asia: Human rights-based overview of national legal and policy frameworks against the backdrop of country strategies for development and poverty reduction*, 01 March 2017, available at: http://www.ilo.org/global/publications/WCMS_545487/lang--en/index.htm

The Decent Work Country Programmes are the ILO's programmatic framework through which the Organization contributes to UNDAFs and their implementation. Gender equality and non-discrimination, including the elimination of discrimination based on ethnicity or indigenous identity, are a cross-cutting policy driver of all ILO activities and interventions. In this context, indigenous and tribal peoples are highlighted as a group requiring specific attention in ILO programming. See *ILO Decent Work Country Programme: a practical guidebook, version 4*, 2016, available at:

http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/WCMS_561045/lang--en/index.htm

The [Decent Work Country Programme for Cambodia \(2016-2018\)](#), for example, has innovatively mainstreamed indigenous peoples' issues.

- iii. Promote the establishment or strengthening of consultative mechanisms and platforms of dialogue including under the leadership of the Resident Coordinators.

Supporting the establishment of strong and effective national mechanisms for consultation and participation on indigenous and tribal peoples as envisaged in

Convention No. 169 is a key priority for the ILO. During 2017, the ILO contributed to related efforts of UNCTs in number of countries, including in Chile, Guatemala and Honduras.

3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

The Permanent Forum on Indigenous Issues will continue to address indigenous issues in the follow up and review of the 2030 Agenda for Sustainable Development.

- i.* Has your agency/organization taken any measures to incorporate indigenous issues into policy and programming to implement the 2030 Agenda in line with the UN Declaration on the Rights of Indigenous Peoples?

The ILO's strategic plan is designed to ensure that the ILO's work and interventions contribute to the achievement of specific goals and targets of the 2030 Agenda. The promotion and application of ILO Conventions and Recommendations is pursued by the ILO as a specific policy outcome and as a policy driver cutting across all other programmatic outcomes. This includes a range of ILO instruments directly addressing the rights set out in UNDRIP, including, notably, Convention No. 169, but also the instruments concerning discrimination forced labour, child labour, freedom of association and collective bargaining, social protection, working conditions, employment, the informal economy, cooperatives, and other matters.

During the opening week of the 72nd Session of the UN General Assembly, the ILO joined the European Union and the Indigenous Peoples Major Group for Sustainable Development (IPMG) in holding a high-level side event on "Protecting the Rights of Indigenous Peoples: Taking Up the Challenges in the Context of the 2030 Agenda", during which the Indigenous Navigator was launched. The Indigenous Navigator framework is aligned with the Sustainable Development Goals. The data and knowledge generated through the framework aims to inform policies, approaches and programming of diverse stakeholders, with a view to ensuring that no one is left behind, as pledged in the 2030 Agenda for Sustainable Development.

- ii.* Has your agency/organization/entity supported the participation of indigenous peoples in the implementation and review of the 2030 Agenda for Sustainable Development, including at the national level? Please also include information on indigenous women, persons with disabilities, older persons and children and youth in your responses.

Indigenous peoples are participants and beneficiaries of a number of ILO projects and programmes. ILO policies and guidelines require that all projects are gender mainstreamed and as far as possible include specific outcomes and outputs promoting gender equality. Increasing attention is being paid to intersectionality and addressing the rights and needs of women and men, as well as persons with disabilities from groups more vulnerable to discrimination, such as indigenous and tribal peoples. With the support of the European Union, the ILO works with indigenous peoples' organizations to promote their rights and development in the

con context of the Indigenous Navigator Initiative. In 2017, the ILO also organized a side-event during the 36th Session of the UN Human Rights Council focusing on indigenous women. *Indigenous women's rights and empowerment: Catalyst for an inclusive and sustainable economy*, 21 September 2017, more information available at:

http://www.ilo.org/global/topics/indigenous-tribal/news/WCMS_575547/lang-en/index.htm

- iii. Please provide information on any reports or other documents in implementing the 2030 Agenda for indigenous peoples. Also include information on any measures taken or planned for the collection of statistical data on indigenous peoples, in particular as related to the SDG indicators for target 1.4 (secure tenure rights to land), target 2.3 (income of small-scale food producers), target 4.5 (parity in access to education) and target 10.3/16.b (experience of discrimination).

The following ILO publications during 2017 cut-across several SDGs in the context of indigenous peoples:

Indigenous Peoples and Climate Change: From Victims to Change Agents through Decent Work, Report, 21 April 2017, available at:

http://www.ilo.org/global/topics/indigenous-tribal/WCMS_551189/lang-en/index.htm

The rights of indigenous peoples in Asia: Human rights-based overview of national legal and policy frameworks against the backdrop of country strategies for development and poverty reduction, 01 March 2017, available at:

http://www.ilo.org/global/publications/WCMS_545487/lang-en/index.htm

The ILO serves as a custodian for 13 SDG indicators: 1.3.1, 5.2.2, 8.2.1, 8.3.1, 8.5.1., 8.5.2, 8.6.1, 8.7.1, 8.8.1, 8.8.2, 8.b.1, 10.4.1, 10.7.1. However, numerous other indicators are directly related to decent work and therefore of interest to the ILO, including those relating to the above-mentioned targets 1.4, 2.3, 4.5 and 10.3/16.b. In its work to build capacities of national statistical institutions and tools, the ILO pays attention to data disaggregation including regarding income, sex, age, race ethnicity, migratory status, disability, geographic location or other relevant characteristics, as appropriate, as envisaged under the 2030 Agenda.

As a partner in the Indigenous Navigator Initiative (see above), the ILO, along with its partners is implementing the Navigator framework that promotes community-based monitoring of indigenous peoples' rights and development through a framework that is aligned with the SDGs.

4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

- i. Please provide information on any specific standards and guidelines on indigenous peoples adopted or planned by your agency/organization.

The main ILO instrument regarding indigenous peoples is the Indigenous and Tribal Peoples Convention, 1989 (No. 169), which has been ratified by 22 countries so far. The earlier Indigenous and Tribal Populations Convention, 1957 (No. 107) is now considered as outdated and the ILO is following up with member States still bound by Convention No. 107 (a total of 17 countries) with a view to supporting efforts to ratify Convention No. 169.

The 2013 ILO Handbook on Convention No. 169 provides institutional guidance on the Convention for ILO constituents, indigenous peoples, national human rights institutions, UN human rights bodies and mechanisms, including those specifically addressing the rights of indigenous peoples, the private sector as well as other interested stakeholders. The handbook is available at www.ilo.org/indigenous.

Countries that have ratified Convention No. 169 or other relevant ILO Conventions receive guidance regarding the Conventions' application from the ILO supervisory bodies, notably the Committee of Experts on the Application of Convention and Recommendation (CEACR), the Committee on the Application of Standards (CAS) of the International Labour Conference, and, in the case of representation under article 24 of the ILO constitution, from the ILO Governing Body. For updated ratification information regarding all ILO instruments as well as the comments and reports of the ILO supervisory bodies see www.ilo.org/normlex.

In 2018, countries that have ratified Conventions No. 169 or 107 will be requested to submit reports on the measures taken to implement these conventions for examination by the CEACR at its 2018 November-December session.

For the first time, the Convention No. 169 was included in the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) adopted by the ILO Governing Body in March 2017. Its inclusion highlights the relevance of the MNE Declaration for governments, social partners, multinational and national enterprises in addressing indigenous peoples' issues in their policies, strategies and practices /see http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_549433/lang--en/index.htm).

- ii.* Please provide information on any training materials prepared or planned related to the implementation of the UN Declaration.

The ILO has no specific training material on UNDRIP, though the Declaration is mentioned in many ILO publications, materials and courses regarding indigenous and tribal peoples. The ILO is part of the Indigenous Navigator Initiative (see above) which also contribute to better awareness and implementation, including through training material.

- iii.* Please provide information on current resources and funds allocated to effectively implement the UN Declaration. Please also provide information on any joint initiatives with other UN agencies in the implementation of the UN Declaration.

There is currently no methodology allowing for the determination of the level of funds “allocated to effectively implementing the UN Declaration”. The ILO is an active member of the Interagency Support group on Indigenous Peoples’ Issues (IASG) and the UN Indigenous Peoples Partnership (UNIPP).

5. Developing the capacities of States, indigenous peoples, civil society and UN personnel

Please provide information on any capacity development initiatives that your organization is conducting for indigenous peoples, government officials and UN staff. Also include information on the participation of indigenous women, children and youth as well as indigenous persons with disabilities in your response.

The ILO is supporting and implementing capacity building for ILO constituents, indigenous peoples and UN staff through knowledge development, awareness raising and tools for experience sharing and training. For instance, in 2107 information tools were developed to highlight the contribution of the ILO’s strategy on indigenous peoples in the context of the Asia-Pacific region and with regard to climate change and rural economy.

A course on “Decent work for indigenous peoples in the rural economy”, co-facilitated by ILO and FAO, took place from 28-30 November 2017 at the ILO’s International Training Centre in Turin, Italy as part of the inter-regional ILO Rural Development Academy.

A regional training course on Convention No. 169 for Latin America and an inter-regional course are planned for 2018, while work is also on-going, in collaboration with the Spanish Agency for International Cooperation Development Cooperation (AECID), to build an on-line learning platform. Country-based training has been provided upon request, as far as possible. A policy resource package to support implementation of Convention No. 169 is being currently designed for development in 2018-19 to back-up capacity building efforts (including through peer-to-peer learning and experiences sharing) for governments, employers’ and workers’ organizations, indigenous peoples, civil society and UN personnel.

The ILO’s topical web portal on indigenous and tribal peoples is regularly updated and serves as a global hub for sharing of knowledge, tools, best practices and developments on projects and activities (www.ilo.org/indigenous). It features tools and publications published since November 2016 and is populated continuously with more content. A regional virtual platform featuring a variety of publications and materials has been set up in Latin America (<http://libguides.ilo.org/PueblosIndigenasALC/Inicio>).

6. Advancing the participation of indigenous peoples in UN processes

Please provide information on any support provided for the full and effective participation of indigenous peoples at relevant UN bodies, including at the country level. Please also provide

information on any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them.

The ILO has actively contributed to enabling participation of and dialogue with indigenous peoples in the context of UNCTs, for example, in Chile, Peru and Nepal. Certain ILO training activities feature information on the role and functioning of the various United Nations bodies and organs addressing indigenous peoples' issues.